

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

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

**REBUTTAL EVIDENCE OF SRI SAMANTHA DEWI HALL ON BEHALF OF
ASHBURTON DISTRICT COUNCIL**

Dated 22 MAY 2013

Qualifications and Experience

1. My full name is Sri Samantha Dewi Hall. I have over 16 years' experience in planning and resource management.
2. I hold a Master of Science (Hons.) in Geography from the University of Canterbury and a Diploma in Business in Human Resources Management from the Christchurch Polytechnic, Institute of Technology.
3. I am a Principal Environmental Consultant with Opus International Consultants Ltd and have held this role since February 2012. In my current role, I am predominantly involved in the resource management of water related projects.
4. Prior to this, I worked for the London Borough of Lambeth, United Kingdom, as a Senior Planner between 2006 and 2011, and in various planning roles for Environment Canterbury between 1996 and 2006.
5. In my role as a Consents Team Leader for Environment Canterbury, I had delegated authority to decide resource consent applications, particularly for water permits and land use consents.

Expert Witnesses Code of Conduct

6. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

7. In this evidence I respond to the evidence of the following parties relevant to Chapter 13 of the proposed Canterbury Land and Water Regional Plan (LWRP):
 - Benedict Rodney Curry for Rangitata Diversion Race Management Limited (RDRML)
 - Richard Trevor de Joux for RDRML
 - Nigel Roland Bryce for RDRML
 - Andrew Webster MacFarlane for RDRML
 - Richard Trevor de Joux for Greenstreet Irrigation Society Limited
8. I understand that a key concern for RDRML is a potential loss of the reliability of water supply under the proposed minimum flows for the Ashburton River and in particular, the South Branch from 2.3m³/s to 3.2m³/s, if not offset by an equivalent decrease in Ashburton District Council's (the District Council) stockwater take.

Evidence of Benedict Rodney Curry for RDRML

9. Mr Curry states that a key concern for RDRML is that the proposed LWRP does not have any rules that require a reduction in stockwater abstraction by the District Council to enable the increase in the minimum flow for the South Branch, thereby creating significant uncertainty for future reliability for RDRML.

Paragraph 4.6

10. Mr Curry states that RDRML believe it was the intention of the Canterbury Regional Council (the Regional Council) officers to decrease the District Council's stockwater

abstraction to provide for an increase on the South Branch minimum flow by requiring a more efficient abstraction and conveyance of the stockwater. Therefore, RDRML seek a rule that the proposed 900 L/s increase in residual flow on the South Branch is derived from an associated reduction in the District Council's stockwater abstraction.

11. The District Council accepts that a reduction in stockwater abstraction forms part of a wider package with contributions from all users to support increases in minimum flow for the Ashburton River for environmental reasons. However, the District Council disagrees that the intent to increase the minimum flows on the South Branch should be compensated by an equivalent decrease in the stockwater abstraction by the District Council.
12. Firstly, I note that in the Regional Council's section 32 Report (page 172) and as reflected in Table 12 of the proposed LWRP, the increase in the residual flow for RDRML on the South Branch is only during the irrigation season from October and April inclusive and not a year round increase in the residual flow.
13. Secondly, I refer to the report of Horrell (2012)¹ prepared for Environment Canterbury and in particular, Table 4-2 (page 15) which sets out proposed reductions in the District Council stockwater abstractions. It states that '*the largest reduction to ADC takes is on the mainstem and tributaries of the North Branch*'. Only a 30% reduction is proposed on the South Branch or an equivalent rate of 544 L/s. The Table does not state nor seek a reduction of 900 L/s in stockwater from the South Branch.
14. Any suggestion that the District Council should be subject to a rule requiring a 900 L/s reduction in stockwater is not contiguous with the proposed reductions set out in Table 4-2 of Horrell's (2012) report. To do so, would also impact on the operation of the current open race stockwater network and its customers.
15. Further, I refer back to my evidence of 13 May 2013 which sets out the amended wording for Policy 13.4.1 as supported by the Ashburton Zone Committee.

Paragraph 4.7

16. Mr Curry refers to the Regional Council's section 32 Report identifying economic benefits of the proposed new provisions stating that minimum flows will not be raised until 2017 and that this is not reflected in Table 12 which states August 2012.
17. In my evidence of 13 May 2013, I noted that the proposed LWRP sought changes over time so that there will be minimal impact on existing activities. To this extent, I agree there is a disconnect between the section 32 Report, the introduction to Chapter 13 and Table 12. I also note that the 2017 date referred to in the section 32 Report is more aligned with the stepped reductions in stockwater that the District Council put forward to the Ashburton Zone Committee and set out in my evidence dated 13 May 2013.

Paragraph 4.8

18. Mr Curry advises that RDRML supports the Regional Council Officer's recommendation to reject the Council's submission seeking deletion of Policy 13.4.1.
19. I refer to the section 42A Report (page 45) which does not state that the District Council's submission is rejected by the Regional Council, but that rather, the District

¹ Horrell, G.A; 2012: Ashburton/Hakaterere River flow and allocation regimes: Update of modelling results. NIWA Client Report No. CHC2012-140 prepared for Environment Canterbury, November 2012

Council 'has been in discussion with the Canterbury Regional Council and the Ashburton Zone Committee in respect of an alternative implementation timeframe' and that 'it is likely to be presented at evidence to the hearing by ADC'. The alternative timeframe is set out in my evidence of 13 May 2013 as supported by the Ashburton Zone Committee.

Evidence of Richard Trevor de Joux for RDRML

Paragraphs 27-43

20. Mr de Joux is concerned in Paragraph 31 that although a reduction in total stock water supply is sought in Policy 13.4.1, there is no rule or provision within Table 12 that provides certainty for RDRML. It is suggested in Paragraph 32 that in order to maintain RDRML's existing reliability, the District Council's abstraction above the RDRML intake would need to be reduced by 900 L/s. Mr de Joux emphasises in Paragraph 43 that it is essential that any increase in minimum or residual flow for RDRML occurs at the same time as a comparable reduction in take in stockwater to ensure there is minimal impact on existing activities.
21. I refer to my comments in Paragraphs 12 to 15 above.
22. To require such a reduction would in turn impact on the District Council stockwater service as an existing activity. It is my understanding that the Regional Council is seeking all existing users to contribute to achieving the environmental objective of the proposed minimum flow regime for the Ashburton River and that this will assist to offset reduced reliability, but not for the District Council to fully compensate for the loss of reliability of another user.
23. As stated in my evidence of 13 May 2013, a significant body of work is required to establish the need for stockwater and to carry out the work to make the water available, and ultimately achieve a number of environmental objectives.

Paragraph 48

24. Mr de Joux refers to the possible use of the RDR network to distribute stockwater.
25. The District Council identified the possible option of combining stockwater with the RDRML network as set out in Paragraph 67 of my evidence dated 13 May 2013 and the District Council has committed to explore this option by December 2013.

Paragraph 50.2

26. Mr de Joux states that a rule is required to ensure the District Council reduces their abstraction by 900 L/s upstream of the RDRML uptake.
27. The District Council rebuts this suggestion for reasons set out above. In addition, the District Council has worked with the Ashburton Zone Committee since lodgement of their submission to agree a wording for reduction in stockwater that the Committee could support and this was presented as a reworded Policy 13.4.1 in my evidence dated 13 May 2013.

Evidence of Nigel Roland Bryce for RDRML

Paragraphs 4.18-4.19

28. Mr Bryce refers to a lack of rules and methods to support and underpin the policy framework. Specifically, Mr Bryce seeks a number of amendments to the existing

rules to ensure the District Council abstractions above the RDR intake are reduced by 900 L/s to address the impact on RDRML from reduced reliability of supply from an increase in residual flows.

29. To avoid repetition, I refer to the points made in my response to the evidence of Mr Curry and Mr de Joux, and to my evidence of 13 May 2013 outlining the work the District Council has committed to with the Ashburton Zone Committee and the reworded Policy 13.4.1 supported by the Committee.

Paragraphs 4.23-4.34

30. In Paragraph 4.23, Mr Bryce states that there is no policy or methods supporting the Regional Council's proposal to implement the proposed flow and allocation regime via changes to consent conditions, re-consenting and reviews of existing consents. With respect to the District Council resource consents, Mr Bryce is concerned that the Regional Council may be constrained in its ability to initiate a review of a condition of the consents.
31. I consider the review condition of the District Council's consents sufficient for the Regional Council to initiate a review, on the basis that increased minimum flows are to address environmental outcomes and the review conditions refer to the need to deal with any adverse effect. This is evidenced in the Regional Council's section 32 Report which identifies (p174) that minimum flows are below recommended levels for protection of ecological values with negative effects until the long term minimum flow is implemented. In addition, to not work towards addressing the over allocation of the Ashburton Catchment by way of the proposed flow and allocation regime, there would be ecological, economic, social and cultural impacts (p186).
32. As the state of the environment changes over time, so does the planning regime, and the review condition allows for such issues to be addressed. It is noted that the proposed LWRP did not exist at the time of the hearing of the stockwater resource consent applications.

Paragraph 8.8

33. Mr Bryce states that retaining the District Council's existing rate of abstraction would not give effect to national and regional policies that seek to avoid further over allocation.
34. It is for this reason, that the Regional Council has introduced policies to ensure that no new water permits are granted until the long term minimum flows are implemented (Policy 13.4.2) and that the District Council reduces their abstraction (Policy 13.4.1). It is because of Policy 13.4.1, that the District Council has committed to work with the Ashburton Zone Committee towards a work programme to achieve water savings, despite the 20 year term of their existing resource consents. The work required and the timeframes to deliver this are set out in my evidence dated 13 May 2013.

Paragraph 8.9

35. Mr Bryce refers to the Regional Council's rejection to the District Council's submission to Policy 13.4.1 in the section 42A report.
36. In response to this, I refer to Paragraph 19 above.

Paragraphs 8.10-8.13

37. Mr Bryce proposes the inclusion of group and community water supply schemes to comply with Table 12.
38. I refer to Paragraphs 11 and 12 in my evidence dated 13 May 2013 and note the Regional Council's comments in the section 42A report which states that *'it is not considered reasonable or feasible to require the Ashburton District Council to cease all abstractions'* (p44).

Evidence of Andrew Webster MacFarlane for RDRML

39. In Mr MacFarlane's conclusion, he states that *'a win win solution is obvious with a reduction in the now severely underutilised Ashburton District Council stock water take able to substitute for the lower RDR cut off point'*.
40. The District Council disagrees with this statement for the reasons set out above in response to the evidence of Mr Curry, Mr de Joux and Mr Bryce.

Evidence of Richard Trevor de Joux for Greenstreet Irrigation Society Limited

41. In Paragraphs 37 and 39.5 Mr de Joux suggests the possible use of the RDRML network to distribute stock drinking water. Mr de Joux states that this would have the dual result of a reduction in District Council abstractions while also improving residual flows.
42. The District Council identified the possible option of combining stockwater with the RDRML network as set out in Paragraph 67 of my evidence dated 13 May 2013 and the District Council has committed to explore this option by December 2013.

Conclusions

43. The District Council has worked with the Ashburton Zone Committee which includes irrigation infrastructure representatives and Regional Council Commissioners to support a rewording of Policy 13.4.1 based on delivering a number of tasks and which recognises the significant body of work required to deliver water savings to meet environmental objectives.
44. The District Council is currently focussed on identifying the need for stockwater and has committed to a survey of its customers. This is the first step in exploring the conveyance and delivery of stockwater in a more efficient manner.
45. To this point I refer back to my evidence of 13 May 2013.



Sri Samantha Dewi Hall
22 May 2013