

BEFORE THE CANTERBURY REGIONAL COUNCIL

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 HERBERT ROSS FAMILTON
FOR DIRECTOR-GENERAL OF CONSERVATION**

Dated 22 May 2013

Director General of Conservation

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REBUTTAL EVIDENCE OF HERBERT ROSS FAMILTON

1. Introduction

1. My full name is Herbert Ross Familton. I have prepared a brief of evidence on behalf of the Director-General of Conservation in this matter.
2. In this rebuttal evidence I rebut matters raised in the evidence of Dr Ryder and Mr Bryce.

1.1 Approach to Rebuttal evidence

3. The following issues remain in contention in the Ashburton Catchment:
 - 1.2 Flow requirements to open the Ashburton River Mouth;

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4. I have read the evidence of Mr Bryce and Dr Ryder on the flow requirements to open the Ashburton river mouth. I have also further discussed the flow requirements to open the mouth with Mr John Waugh.
5. I particularly note the points in Dr Ryder's evidence in paragraph 4.10 and 6.3 of his evidence and paragraphs 7.11 and 7.12 in Mr Bryce's evidence. I also note that their recommended minimum flow is an improvement on the status quo minimum flow.

6. It is now my opinion, having read their evidence, I agree with Mr Bryce and Dr Ryder that setting a flow of 6000 L/s at the State Highway 1 bridge for the Ashburton River is an adequate minimum flow for the purposes of the NPS (FW), RPS, and the pCLWRP.

1.3 Ashburton District Council stockwater race allocations

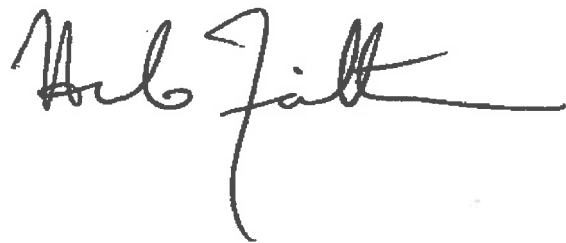
7. I have read the evidence of Mr Bryce and Ms Hall on the management of the Ashburton District Council stock race system. I have also further discussed the implications of this approach with Dr Dunn, who has rebutted the evidence of Mr Bryce.
8. I particularly note the paragraphs 8.1-8.13 of Mr Bryce's evidence. I note Dr Dunn's particular concerns with the proposed rule 13.5.5 and Policy 13.4.1 and their implications for the populations of Canterbury Mudfish (*Neochanna Burrowsis*) in the Ashburton stock water network.
9. I agree with elements of both Ms Hall's approach and with Mr Bryce's approach to this issue. Both seek to reduce the ADC allocations in what is a very inefficient stockwater race system. I note Ms Hall states that only 9% actually ends up for stock and domestic uses in her paragraph 30, which is very inefficient.
10. I agree catchment is heavily allocated and that the water can be used more effectively both for the sorts of instream uses and out of stream uses as outlined by Ms Hall in paragraph 40 of her evidence.
11. Their major area of disagreement is the timing of such an allocation reduction, with Mr Bryce seeking for this all to occur by 2015. This is consistent with p CLWRP Policy 13.4.1. However, Ms Hall prefers a three stepped approach over ten years. She notes the practical difficulties of a two year timetable by outlining the general work programme in her paragraph 67, and the practical issues associated with this in paragraphs 68- 73 of her evidence.
12. Dr Dunn notes his concerns about the timing of the water race closures and their potential effect on populations of threatened Canterbury mudfish. Dr Dunn is of

the view that it will not be possible to identify, salvage, and translocate the relict populations of Canterbury Mudfish by 2015 and prefers a stepped approach as advocated by Ms Hall over a 10 year period. I consider this a better approach that is a timing that enables the Council to programme its changes to the network while enabling the protection of the threatened the Canterbury mudfish, which are a section 5 and 6 (c) matter as the race network is safeguarding their life supporting capacity and they are a threatened native species as outlined by Dr Dunn..

13. Having regard to the above, I suggest the following planning approach:
14. Amended Policy 13.4.1 to as follows:
15. *"To reduce the taking from Ashburton District Councils's community stock water supplies from the Hakatere/ Ashburton River so that they do not exceed 5355 L/s by 2013, 4100 L/s no later than 2018, and 2900 L/s no later than 2023".*
16. I use the word "no later than" as they allow an earlier achievement date if possible which is consistent with the Zone Committees approach of "as soon as possible" if this is indeed possible. This may enable the Bryce review proposal for the Brothers abstraction. It does however, provide milestone events to provide certainty and incentivise a staged reduction programme.
17. Amend Policy 13.4.5 to
18. *To address over allocation of surface water in the Hakatere/Ashburton catchment, enable an applicant to take ground water provided the applicant held a lawfully established surface water take or stream depleting ground water take on 2 August 2013 for an equal or greater rate and volume of groundwater sought if the surface water take is surrendered or reviewed under section 128 (1) b.*
19. This revised Policy would ensure that applicants who held legal surface and stream depleting water consents that were reviewed under section 128 (1) b would be eligible to swap their surface takes to deep groundwater under this Policy as well. It also specifies that this only applies to legally established takes at the date of plan notification. I note that Council were only recently granted this

take and consider bearing in mind the infrastructure involved that this is fit for purpose in this situation.

20. New Rule 13.5.5 (a). Delete Mr Bryce's proposed rule and replace it with the following:
21. *"The total combined rate of abstraction for all water takes to service the Ashburton District Councils's stock water supply scheme above the South Branch RDR intake shall not exceed the following: 5355 L/s by 2013, 4100 L/s no later than 2018, and 2900 L/s no later than 2023"*.
22. I agree with Mr Bryce that ADC stockwater takes should be subject to minimum flows and flow restrictions for the reasons outlined in paragraphs 8.7-8.13 of his evidence. However this should in my view, not come at the expense of the water allocation reductions proposed in my revised Policy 13.4.1



Herb Familton
Resource Management Planner
22 May 2013

