BEFORE THE CANTERBURY REGIONAL COUNCIL


AND

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

HEARING GROUP 3

MEMORANDUM OF COUNSEL REGARDING—

• REPLY TO QUESTIONS PUT TO THE DIRECTOR-GENERAL OF CONSERVATION BY THE HEARING COMMISSIONERS ON 11 JUNE 2013
• WITHDRAWAL OF 2 SUBMISSION POINTS

13 June 2013

Director-General of Conservation
Private Bag 4715,
Christchurch 8140
Tel: (03) 371 3700
Solicitor acting: Tara Allardyce
1. Counsel is advised that the Commissioners have excused the Director-General’s witnesses from attending the hearing on 17 June. However, the Commissioners have asked that Dr Dunn provide colour copies of the maps attached to his rebuttal evidence prepared for Hearing Group 3 which is dated 22 May 2013. Colour copies of Dr Dunn’s maps appear as Annexure A to this memorandum.

2. In addition, the Commissioners asked Mr Familton to provide a written explanation in relation to comments made in paragraph 33 of his written evidence for Hearing Group 3. Specifically, whether details of surface and hydraulically connected groundwater consents are made publicly available by other regional councils, and if so, by which Councils. Mr Familton’s written reply is located in Annexure B.

3. In the course of Mr Familton preparing his Hearing Group 3 evidence he had cause to revisit two points made in the Director-General’s original submission dated 5 October 2012. The two points are as follows:

➢ On page 51 (bottom of page) the Director-General made an overarching request in relation to the sub-regional chapters of the Proposed Plan. He sought that all Areas of Significant Conservation Value identified in the current Canterbury Regional Coastal Plan be included as high naturalness waterbodies in the relevant sub-regional chapters.

➢ On page 56 of his submission the Director-General sought to amend section 11.1 of the sub-regional chapter dealing with Selwyn-Waihora. Specifically he sought that Te Waihora’s status as a RAMSAR site be referred to.

4. Mr Familton’s evidence concludes, firstly, that there are no Areas of Significant Conservation Value that affect this plan. At paragraphs 26 and 28 of his Hearing Group 3 evidence he makes this clear. Similarly, Mr Familton concludes that Te
Waihora/Lake Ellesmere is not a RAMSAR site. He deals with this in paragraph 93 of his Hearing Group 3 evidence.

5. In light of Mr Hamilton's conclusions the Director-General wishes to formally withdraw his submissions on these two matters.

Tara Allardyce

13 June 2013
ANNEXURE A

Colour copies of Dr Nicholas Dunn’s maps
Map 1. Distribution of Canterbury mudfish habitats and records in the Hinds – Ashburton area.
Map 2. Predicted distribution of Canterbury mudfish in the Hinds – Ashburton area. Red coloured areas there is the highest probability of occurrence.
ANNEXURE B

Letter from Mr Herbert Hamilton
13 June 2013

The Hearing Commissioners
Land and Water Regional Plan

[Deliver by Hand]

Dear Sirs

**Canterbury Land and Water Regional Plan - Details of Surface and Hydraulically connected Groundwater consents publically available**

I have produced written evidence in this matter on behalf of the Director-General of Conservation regarding sub-regional chapters 6-15. My evidence was lodged in written form on 13th May 2013.

Commissioner Sheppard has requested that I send a written message on if the details of surface and hydraulically connected groundwater consents are available in Regional Plans, and their general public availability by other regional councils.

I have rung around a selection of Regional Councils focusing on those Councils on the East Coast of New Zealand that allocate most of the allocated water and have come up with the following table to address the Hearing Commissioner’s question:
<table>
<thead>
<tr>
<th>Council Name</th>
<th>Surface water consents identified in plan</th>
<th>Hydraulically Connected Groundwater consents identified in plan</th>
<th>Consent availability on internet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canterbury</td>
<td>No</td>
<td>No</td>
<td>Details of individual consents are available. Details on consents that are linked to various minimum flow sites are available online. Groundwater allocation status by groundwater allocation zone (red, orange, green) is available online.</td>
</tr>
<tr>
<td>Otago</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Southland</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Marlborough</td>
<td>No</td>
<td>No</td>
<td>Individual Consents available on line, and not currently available aggregated by catchment. Staff are looking at this as part of plan review in future</td>
</tr>
<tr>
<td>Hawkes Bay</td>
<td>No Plan change 6 (Tukituki catchment) includes surface water consents in schedule to derive allocation status.</td>
<td>No Plan change 6 (Tukituki catchment) includes hydraulically connected groundwater consents in schedule to derive allocation status.</td>
<td>Not on line at present but looking to have some details on consents accessible online.</td>
</tr>
<tr>
<td>Horizons</td>
<td>No</td>
<td>No</td>
<td>Not available on line to the public</td>
</tr>
<tr>
<td>Auckland</td>
<td>No</td>
<td>No</td>
<td>Not available for public available on internal GIS/database.</td>
</tr>
<tr>
<td>Bay of Plenty</td>
<td>No</td>
<td>No</td>
<td>Not available on line Staff report looking at current status and making water allocation status information more available going to Council this month.</td>
</tr>
<tr>
<td>Waikato</td>
<td>No</td>
<td>No</td>
<td>Publically available on website on GIS maps. (Consents and consent applications.)</td>
</tr>
</tbody>
</table>
I trust this information is of assistance to the Commissioners.

Yours faithfully

Herb Hamilton
RMA Planner, RMA Shared Services South Island, Policy and Planning
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