

BEFORE THE

Canterbury Regional Council

IN THE MATTER OF

the Resource Management Act
1991 and the Environment
Canterbury (Temporary
Commissioners and Improved
Water Management) Act 2010

AND

IN THE MATTER OF

the hearing of submissions on
the Proposed Canterbury Land
and Water Regional Plan

**STATEMENT OF EVIDENCE ON BEHALF OF COMBINED CANTERBURY PROVINCES,
FEDERATED FARMERS OF NEW ZEALAND**

HEARING GROUP 3

Dated 17 June 2013

Introduction

1. My name is Lionel John Hume. I am a Senior Policy Advisor, employed by Federated Farmers, based in Ashburton. I have the qualifications and experience summarised in previous statements of evidence to this hearing panel on behalf of the Combined Canterbury Provinces, Federated Farmers of New Zealand and on behalf of the Canterbury Primary Sector Policy Group (Group 1 and Group 2 hearings).
2. With me is Christopher John Allen. Chris is President of the Mid Canterbury Province of Federated Farmers of New Zealand. His background and experience are also summarised in previous statements of evidence to this hearing panel, as listed above.

Sub-regional Sections General Submissions

3. In its submission, Federated Farmers supported sub-regional sections which had been developed by a collaborative, science-informed, catchment-based process and sought that sub-regional sections developed in this way, and according to statutory requirements, should not be re-litigated in this plan process at the behest of parties who had been, or had the opportunity to be, part of the original plan development process. Therefore, the amendment of such sub-regional sections should be confined to the correction of factual errors or to consequential changes.
4. Federated Farmers supports recommendation RN59 (Section 42A Report – Volume 3, p 7). The recommended amendments clarify the relationship between region-wide policies and rules, and sub-regional policies and rules.
5. In its submission, Aqualinc Research Limited requested that groundwater allocations be based on third order calculations of the size of the groundwater resource, in order for the community to have confidence in the appropriateness of allocation limits and in order to justify prohibited activity status when limits are exceeded. It was recommended (s42A Report, p 9) that Aqualinc's submission be rejected on the basis that "groundwater allocation limits are based upon known limits and CRC's existing knowledge of the aquifers and groundwater allocation zones". However, this is not correct. In Canterbury, groundwater quantity limits have generally been set in an interim manner using first or second order methodology and have not been upgraded using third order methodology, even where information exists to enable this^{1&2}.

¹ Expert evidence of Peter Callander, paragraphs 8.1–8.13.

² Expert evidence of Ian McIndoe, paragraphs 13-47.

6. Therefore, consistent with the expert evidence of Peter Callander and Ian McIndoe, and consistent with our own further submissions and hearing evidence on Rule 5.104, Federated Farmers supports the submission of Aqualinc Research, that groundwater allocations must, where possible, be based on third order calculations, and that first or second order calculations are not a sufficient basis for prohibited activity status.

Sub-regional Sections

7. Federated Farmers supports recommendation R6.4.1, consistent with our support for water user groups elsewhere in the LWRP.
8. It is recommended that Rule 6.5.1 is amended as follows: *The damming of the full flow of the mainstem of the Clarence River is a prohibited activity* (recommendation R6.5.1, p 14). The amended wording would potentially preclude consideration of a structure which did not dam the full flow of the mainstem. This is unduly restrictive given that any such structure would be a non-complying activity under Rule 5.130, by virtue of the Clarence River's High Naturalness status. Therefore, consistent with our submission outlined in paragraph 3, above, Federated Farmers is opposed to recommendation R6.5.1.
9. As stated in paragraph 3, above, Federated Farmers supported sub-regional sections which had been developed by a science-informed, catchment-based, community process and sought that sub-regional sections developed in this way, and according to statutory requirements, should not be re-litigated in this plan process at the behest of parties who had been, or had had the opportunity to be, part of the original plan development process. Therefore, we oppose the recommendation R6.7.1 to amend section 6.7 of the proposed plan.
10. Similarly to Rule 6.5.1, it is recommended that Rule 8.5.1 is amended as follows (s42A Report, p 22): *The damming of the full flow of the mainstem of the Ashley River/Rakahuri upstream from the Ashley Gorge bridge to about 200m downstream of the confluence with the Townshend River at approximate map reference BW22:300-174 is a prohibited activity*. Again, the amended wording would potentially preclude consideration of a structure which did not dam the full flow of the mainstem. This is unduly restrictive given that any such structure would be a non-complying activity under Rule 5.130, by virtue of the Ashley River/Rakahuri's High Naturalness status. The purpose of the upstream map reference and 200 m setback from the confluence with the Townshend River, is to define the length of river to which prohibited activity status

applies, while also allowing for the possibility of a Lees Valley dam as part of regional water infrastructure development³. Deletion of the words *about 200m* was recommended in order to provide more “specificity” and “certainty”. That being the case, the location of the upstream limit for prohibited activity status should be the confluence of Keats Stream with the Ashley River (about 1.3 km downstream from the head of the gorge, approximate map reference L34:402-778), because the ideal site for a dam is a short distance upstream from this confluence⁴. This location for the upstream limit of prohibited activity status is consistent with the purpose of the rule because the landscape above the confluence with Keats Stream is heavily modified by earthworks and the predominance of exotic vegetation. Therefore, Rule 8.5.1 should be amended as follows:

The damming of the full flow of the mainstem of the Ashley River/Rakahuri upstream from Ashley Gorge bridge to ~~about 200m downstream of the confluence with the Townshend River~~ Keats Stream at approximate map reference ~~BW22:300-174~~ L34:402-778 is a prohibited activity.

Ashburton (Section 13)

11. Policy 13.4.1 states that the taking of water for community stock water supplies will not exceed 2,900 L/s in total from 1 July 2015. The effectiveness of this reduction for maintaining river flows and reliability for other water users will depend on whether it is a genuine reduction in take (and not merely a reduction in consented volume) and at what time(s) and location(s) the reduction in take occurs. In its submission on Policy 13.4.1, Federated Farmers sought to clarify the nature of the reduction in take, whether it is a reduction in consented volume/flow or a reduction in the actual take. In response, in the s42A Report (p 44), it is stated that the “policy seeks a reduction in the volume of existing abstractions, which in turn will result in increased flows in the Ashburton River”. We appreciate this assurance, and particularly the statement that “it is anticipated that the increase in minimum flow for other users will not occur until there are increased flows in the Ashburton River resulting from a reduction in the ADC stockwater abstraction”. The recommended amendment of the policy to state that the purpose of reducing the community stockwater take is *to increase minimum flows in the river* goes some way towards addressing our concerns, although it would be more accurate to say

³ Whitehouse, I.; Pearce, A. and Mc Fadden, G. 2006: *Canterbury Strategic Water Study (CSWS) Stage 3 – Multi-stakeholder evaluation of water storage options*.

⁴ Forbes, B. & Foster, P. 2010: Report of a meeting and site reconnaissance visit by Brian Forbes (GHD) and Peter Foster (MWH) to look at the potential for a dam on the Ashley River to create a storage at Lees Valley for the purpose of irrigating a potential 140,000 ha of the Canterbury Plains. MWH Ref: Z14118M1.

that the purpose of the reduction in take is to *increase the amount of water in the river to support increased minimum flows*. We recommend the use of this wording.

12. The second assurance, “that the increase in minimum flow for other users will not occur until there are increased flows in the Ashburton River resulting from a reduction in the ADC stockwater abstraction”, should be explicitly stated in Section 13. Federated Farmers is sceptical about the impact of a reduced stockwater take on flows in the Ashburton River and doubts whether it will be sufficient to offset the effects of increased minimum flows on the reliability of both surface water and shallow groundwater takes. In this context, it should be noted that a large number of existing, previously 100% reliable, shallow groundwater takes will, under this proposed plan, be subject to minimum flow restrictions. Therefore, it needs to be explicitly stated that the increased minimum flows will only come into effect after it has been demonstrated that reduction in the stockwater take is sufficient to offset the effects of those increased minimum flows.
13. The location, timing and quantity of reductions in the community stockwater take are critical. For example, minimum flows in Taylors Stream have been raised to increase flows in the Ashburton River (rather than to protect the ecology in Taylors Stream) (s42A Report, p 55). If a reduced stockwater take is going to maintain reliability for Taylors Stream water users, stockwater takes from Taylors Stream will need to be reduced at times when the water is needed by abstractive users. To further complicate matters, the times of greatest need for irrigators are likely to coincide with the times of greatest need for the stockwater system.
14. Policy 13.4.5 states that, to address over-allocation of surface water, applicants will be enabled to take deep groundwater in exchange for surface water or hydraulically connected ground water. It needs to be acknowledged that there are difficulties finding deep groundwater at some locations in the upper parts of the catchment, so this is a partial solution at best. In our submission, we sought acknowledgement that the opportunity to exchange surface water or hydraulically connected ground water for deep groundwater is limited and will be costly. It was recommended that Federated Farmers’ and another similar submission be rejected because the policy, whose stated purpose is to provide an alternative water supply, would lose its focus (s42A Report, p 47-48).
15. In addition, it is unclear to what extent an *applicant* would be enabled to take deep groundwater. Presumably a consent would have to be applied for, with no guarantee of success.

16. The s42A recommendation, and the reason for it, would be appropriate if the policy was addressing a situation where there was completely free choice. However, this is not the case. As stated in our submission on Table 12, and as highlighted in the evidence statements of Bryan Lawn on behalf of Greenstreet Irrigation Society Limited and Bas Veendrick on behalf of Dairy Holdings Limited, there is considerable uncertainty around impacts of the plan on flows in the river and about the reliability of water supply to irrigators. This is a pressure on water users to seek alternative supplies. Therefore, it is reasonable to expect that the policy will have due regard for the technical feasibility and cost of alternatives. An additional sentence should be added to the policy as follows: *It is recognised that accessing deep groundwater will be costly and may not be technically feasible.*
17. Policy 13.4.6 states that any surrendered surface water or stream-depleting groundwater in the Hakatere/Ashburton River catchment will not be re-allocated and will be left in the river. Federated Farmers submitted that the policy should be qualified so that it only applies while the catchment is over-allocated. It was recommended that our submission be rejected on the basis that the request was “self-evident” and that “a plan change may be required to adjust the flow regime if water becomes available for allocation” (s42A Report, p 48). If our request is self evident, as we agree that it is, then the policy should be amended as requested in order to make its purpose clear. Therefore, we seek an amended policy as follows: *The water resulting from any surrendered surface water and stream depleting groundwater takes in the Hakatere/Ashburton River catchment will not be re-allocated and will be left in the river, until such time as the catchment is no longer over allocated.*
18. Table 12 generally sets increased minimum flows or establishes them where previously the only constraint was the flow at SH 1. Included in this is a 1,000 L/s minimum flow in the North Branch of the Ashburton River (which has historically been dry for long periods).
19. It is stated in paragraph 4, page 13-1 of the LWRP, that in achieving the outcomes stated (via the amended flow and allocation regime in Table 12) there will be *minimal impact on existing activities*. This statement is in conflict with figures presented in Table 2 on p 175 of the Section 32 Report, which shows that days on 50% restriction during the irrigation season will increase from 16 to 65, while days on full restriction will decrease from 26 to 5. Given the impact of the large increase of time on 50% restriction, it is highly likely that the impact on existing activities will be more than minimal. This view is supported by the expert evidence statement of Bas Veendrick on

behalf of Dairy Holdings Limited. The effect of increased days on restriction will be amplified by a large number of shallow groundwater takes which were not previously subject to minimum flows but will become so under the proposed plan.


20. It is proposed that the increased minimum flows will be compensated for by a range of measures including a re-configuration of Greenstreet Irrigation Society takes, a decrease in the community stockwater take and by greater access to deep groundwater. There is considerable uncertainty as to whether the measures to be undertaken will result in maintaining reliability of supply for existing water users. For example, will additional water put into the North Branch stay in the river and pass under the SH1 bridge or will it disappear under the bed? In addition, as discussed above, access to deep groundwater will be costly and may not be technically feasible.
21. Because there is such uncertainty about the flow and allocation regime in Table 12, Federated Farmers requested that, if reliability to existing water users is not maintained, the current status quo must be restored and another review must be done in a timely fashion.
22. Our submissions were not supported (s42A Report, p 54-56) on the basis that the report by Graeme Horrell (Appendix 2) states that the reliability of supply will either be maintained or improved for the 6,000 L/sec minimum flow. However, there remains considerable doubt about whether this is true, as outlined in our submission (summarised above), and as highlighted in the evidence statements of Bryan Lawn on behalf of Greenstreet Irrigation Society Limited and Bas Veendrick on behalf of Dairy Holdings Limited to this hearing.
23. Concerns include:
 - A significant decrease in reliability of supply in the short to medium term (pre 2022).
 - Disproportionate effects at particular locations e.g. Taylors Stream.
 - Disproportionate effects for those reliant on shallow groundwater takes.
 - Water put into the North Branch may simply disappear and not contribute to the flow measured at the SH 1 bridge.
 - The uncertain effect of reduction in community stockwater take (depending on a variety of factors including the location and timing of the reduction, and whether the reduction is a reduction in consented volume or a reduction in actual take).
24. Therefore, we continue to request that reliability to existing water users be maintained. If it is not, the current status quo must be restored and another review must be done in a

timely fashion. This approach would demonstrate good faith and would be consistent with the parallel development approach articulated in the Canterbury Water Management Strategy (CWMS). If, as implied in the s42A Report (p 54), there is confidence the modelling as summarised in Appendix 2 then there should be no problem with giving such an assurance.

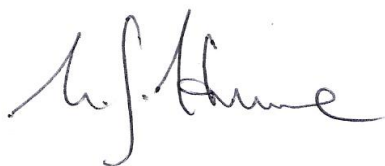
25. Resolving the conflict between community aspirations for greater minimum flows in the Ashburton River, while safeguarding reliability of supply for existing irrigators adjacent to the river is difficult when the Ashburton River catchment is considered in isolation. The ideal would be to resolve these issues as part of a regional solution. This would involve the development and management of regional water infrastructure (including storage of alpine river water) in a way that supports community aspirations for greater minimum flows in the river, while safeguarding the reliability of supply for existing irrigators adjacent to the river. Such an approach would be consistent with a regional vision for water infrastructure development⁵, with the parallel development philosophy of the CWMS (whereby water infrastructure development will take place alongside environmental protection and restoration) and with achievement of the broad range of CWMS targets in 10 target areas, including a range of environmental/ecological targets, water use efficiency, increase in irrigated land area (including maintenance or increase in reliability) and improvement in regional and national economies.
26. Therefore, Federated Farmers asks that the flow and allocation issues in the Ashburton catchment are resolved as part of a regional solution, consistent with a regional vision for water infrastructure development, so that environmental, social, economic and cultural issues can genuinely be resolved in parallel, consistent with the CWMS and Part 2 of the RMA.

⁵ Whitehouse, I.; Pearce, A. and Mc Fadden, G. 2006: *Canterbury Strategic Water Study (CSWS) Stage 3 – Multi-stakeholder evaluation of water storage options.*

On behalf of Federated Farmers, we thank you for the opportunity to present these submissions.

A handwritten signature in black ink, appearing to read 'C. Allen', with a long horizontal stroke extending to the right.

Chris Allen
Mid Canterbury President
Federated Farmers of New Zealand

A handwritten signature in black ink, appearing to read 'L. Hume', with a long horizontal stroke extending to the right.

Lionel Hume
Senior Policy Advisor
Federated Farmers of New Zealand