

**BEFORE THE COMMISSIONERS APPOINTED BY
THE CANTERBURY REGIONAL COUNCIL**

IN THE MATTER of Proposed Plan Change 7 to the
Canterbury Land and Water
Regional Plan

SUBMITTER **MULLIGAN, M E & KERSE, I J &
KINGSTON N S**

Submitter 384

**MEMORANDUM OF COUNSEL ON BEHALF OF MULLIGAN, M E &
KERSE, I J & KINGSTON N S PROVIDING RESPONSE TO QUESTIONS
AT THE HEARING**

**GALLAWAY COOK ALLAN
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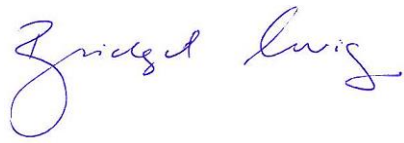
**MEMORANDUM OF COUNSEL ON BEHALF OF MULLIGAN, M E &
KERSE, I J & KINGSTON N S**

May it please the Commissioners:

1. During the hearing Commissioner van Voorthuyzen requested that an updated version of table 14(h) be provided for consideration.
2. The proposed amendments to the table were included in appendix 2 to Ms Johnston's evidence. Although it retained options associated with the final minimum flow. Attached to this memorandum are revised tables that present the two independent options discussed in the evidence.
3. A question was also asked in relation to the imposition of pro rata restrictions. This matter was canvassed in the evidence of Mr McIndoe at paragraphs [76]-[79] and [94]-[95]. Table 5 demonstrates the impact of the pro rata restrictions. The effect of those restrictions on water availability are clear even when compared with a 50l/s minimum flow without pro rata restrictions in place.
4. As stated by Ms Johnston in answer to questions the effect of the pro rata restrictions is significant even under a 10l/s minimum flow because they effectively begin to bite at flows of 341l/s. Figure 5 of Mr McIndoe's evidence shows that flows above 341l/s can occur infrequently for extended periods exacerbating the significant effect of the minimum flow regime.
5. As set out in the evidence of Mr McIndoe and Mr Hickey such restrictions are not considered necessary to ensure that the ecological values of Coopers Creek are provided for. Further the pro rata restrictions would be of little consequence in maintaining higher flows in the stream as the modelling demonstrates only a minor depletion effect arises from the water takes.¹

¹ Statement of Evidence of Mr McIndoe at [30]-[33] and [56], [60]-[62].

Dated this 12th day of November 2020

A handwritten signature in blue ink, appearing to read "Bridget Irving". The signature is written in a cursive style with a large initial 'B'.

Bridget Irving / Simon Peirce

Counsel for Mulligan, M E & Kerse, I J & Kingston N S

TABLE 14(h) OPTIONS

1. No minimum flow

River or stream (see Planning Maps)	Location of recorder site, or site where flow is measured	Topo 50 NZTM Map Reference	Minimum flow for A permits (L/s)			Allocation limit for A permits (L/s)			Minimum flow for B permits (L/s)			Allocation limit for B permits (L/s)			Allocation volume limit for A permits (Million m3/yr)
			Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	
				<u>Current</u>			<u>Current</u>			<u>Current</u>			<u>Current</u>		
Coopers Creek	<u>Coopers Creek at SH 72</u>	<u>5124896N 1462096E</u>	50l/s (pro rata restrictions)			18.94			-			-			-
<u>Upper Coopers Creek Sub Catchment</u>	<u>Coopers Creek at SH 72</u>	<u>5124896N 1462096E</u>	0l/s			218			-			-			<u>1.78</u>

2. Reduced Minimum flow

River or stream (see Planning Maps)	Location of recorder site, or site where flow is measured	Topo 50 NZTM Map Reference	Minimum flow for A permits (L/s)			Allocation limit for A permits (L/s)			Minimum flow for B permits (L/s)			Allocation limit for B permits (L/s)			Allocation volume limit for A permits (Million m3/yr)
			Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	Current	3yrs from Operative Plan	2040	
				Current			Current			Current			Current		
Coopers Creek	<u>Coopers Creek at SH 72</u>	<u>5124896N 1462096E</u>	50/s (pro rata restrictions)			18.94									
<u>Upper Coopers Creek Sub Catchment</u>	<u>Coopers Creek at SH 72</u>	<u>5124896N 1462096E</u>	10/s			199.48			-			-			1.78