

IN THE MATTER

of Resource Management Act 1991

AND

IN THE MATTER

of applications for resource Consent by the Central Plains Water Trust
and a notice of requirement for the designation of land by Central
Plains Water Limited associated with the construction and operation of
the Central Plains Water Scheme

BRIEF STATEMENT of GARTH BROOKLAND

6/8/08

INTRODUCTION

1. My name is Garth Brookland.
2. I was born in Timaru and at an early age the local rivers became a big part of my life. Family Bach's at the mouth of the Rangitata, on the banks of the Opihi and Pareora were part of life. All these once magnificent rivers I have seen progressively raped of their natural character by over extraction, questionable in-stream works in an attempt to control them and un-controlled farming practices.
3. I moved to Christchurch 33 years ago. I have been a very frequent river user by way of jet boating, salmon, trout fishing and family picnics. My family and I have probably spent 70% of our recreational time enjoying them particularly the upper catchments of the Rakaia and Waimakariri rivers via jetboating. Sadly, once often visited lowland streams like the Lower Selwyn, Irwell River, L11 and Ashley River, I now never visit to fish. I can only describe their demise as criminal. They were once prolific fisheries, outstanding. Although trout and salmon being introduced their condition and numbers were a measure of the quality of these waters.
4. For the past nine years I have been a Commercial Jet boat Driver on the Waimakariri River. Five of those years were on the lower Waimakariri. The last four years on the upper Waimakariri.
5. I have gained an intimate knowledge of these two rivers. A great respect for and an enduring feeling for their moods, an immeasurable understanding of their unique characteristics.

SCOPE OF EVIDENCE

6. My original submission against CPWs Proposed Scheme was based on my practical knowledge of the rivers and belief that the large water takes proposed, in conjunction with particular in-stream components in unstable river beds would be a "threat to, or destruction of"
 - Sustainable river flows
 - Down stream aquifers
 - Drinking water
 - Natural landscapes, scenic beauty particularly west of the proposed intakes
 - Untold recreational enjoyment
7. As a layman my evidence is simply by way of thousands of hours of observation and on-river experience. My main concerns lie with the proposed large in-stream diversions proposed by CPW and the adverse and cumulative effects to landscape and amenity values. The adverse effects on the stability of land, riverbed and river banks and as I see it, the destruction of the natural character and braids around and down stream of.

General observations.....

8. With regard to the rivers in general, I concur with, and support the excellent evidence produced by Fish and Game, DOC, Lucas, Malvern Hills Protection Society, Taege, Jetboating NZ, Kayak and Canoe groups.

9. I would like to add, that it is my observation that over the last ten years (particularly since the commissioning of the Waimakariri Irrigation Company's (WIL) take at Browns Rock, 1999) it has become a noticeable fact that the actual mean/medium flows in the Waimakariri have decreased. The frequency of longer durations of low flow (flat-lining), clearer and warmer water, reduced and shorter opportunities for great fishing are apparent and already upon us.

Reading evidence from the Applicant it is my understanding that CPW Flow Modeling refers to time-line data 1967-2001. A time-line of rather less demand on water resources?

The last 8-10 years have been different. Information from E-cans Hydrological Archives.

River Flow information from

1 Jan 1993 to 31 Dec 1999	Mean 134.929	Medium 94.450
1 Jan 2000 to 31 Dec 2007	Mean 107.608	Medium 78.847

This equates to a 25% drop in mean flows and a 20% drop in medium flows since the commissioning of WIL and their 12.5 m³/s take. This may seem small. I believe this to be significant, and confirm what I am seeing in real terms on the river. It does not take one to be a Rocket Scientist to see what the effects of a further proposed take from the Waimakariri of 40+ m³/s will be at times.

I can not understand why up to date flow recording technology was not installed at the Waimakariri Gorge Bridge (De Joux 5.3) and the latest at the OHB, out of tidal influence, upon the commissioning of WIL. If it had we may now have more accurate information as to the current state of the Waimakariri.



8-3-2001
37 m³/s



The above picture is representative of what one is actually already experiencing on the river for 70% of the time these days. Flat lining below 40m³/s. Longer periods of low flow. Some evidence suggests that these flows, particularly around 30m³/s, are “fun and exciting” and somehow acceptable for jet boaters. I dispute this.

10. I also attribute the observed medium flow drop and effects I’m seeing to the fact that when the powers that be decided on 37 to 41 m³/s as being minimum flow regimes for the Waimakariri they set them to low and did not consider a buffer of say 20 to 30 m³/s to allow the river to “catch its breath” as it were. With climatic changes, including less of the big westerly storms and unprecedented take I believe the rivers really need this buffer. I would like to see minimum flow regimes revisited before the approval of any future water takes.
11. In my opinion we are already way behind the eight ball. Councils and various authorities spend thousands producing statements, plans, policies, objectives and rules, under their obligations to the RMA, but in reality I see an ever increasing degradation rather than a regard to protecting, preserving or even enhancing rivers like the Waimakariri or Rakaia.
12. I believe the hangman’s noose has already tightened around the neck of these two nationally important braided rivers and one of Jen Crawford’s opening statements for Fish and Game; “CPW’s proposed water take will be the straw that breaks the Camels back” will ring true, especially for the Waimakariri.

DIVERSION WORKS

13. Resource consent applications;

Upper Waimakariri	CRC061842, CRC061941
Rakaia	CRC061822, CRC061940

14. The above consents are critical and fundamental to the scheme as Robson describes; (Robson, Scope of Evidence 2.1 Page 3)

15. Robson 6.4 Conclusions, Effects on the Environment.
‘Here the key elements of the scheme are also the greatest adverse effects on the environment’.

16. Robson suggests the Commissioners should focus on the effects of only “taking water” from the Waimakariri and Rakaia rivers and the effects of the dam and reservoir in the Waianiwi Valley.

17. Robson 6.5 The Rakaia and Waimakariri water takes.
‘The effects on the in-stream values of the rivers are among the most important considerations of the proposed scheme...’

18. Robson 6.7
‘I acknowledge however that there are some largely unknown effects of the proposed earthworks in the intake areas (especially for the Upper Waimakariri intake)’

Section 88(c) RMA provides that an application for resource consent must include an assessment of environmental effects in “such detail as corresponds with the scale and significance of the effects that the activity may have on the environment”.

The WRRP comments; ‘In other words, If the environmental effects are likely to be minor less detail will be required than if the effects could be significant or their extent is not known’.

19. I whole heartily agree with Robson’s conclusions 6.4 and 6.5. As for 6.7, I find all this rather interesting if not confusing. These in-stream areas are the very foundations of the proposed scheme. I am assuming the Applicant is asking for the consents and designations but to sort the detail out later. I guess this would explain the lack of knowledge and required detail, and changing scenarios from the Applicant.

20. I question if this meets certain requirements under the RMA?

21. It is my opinion that the in-stream excavation and diversion works proposed associated with the above consents will destroy the very nature and natural characteristics of the Waimakariri and Rakaia rivers. The archaic practice proposed; pushing these rivers around with bulldozers and heavy equipment (Appendix A. fig 2) will destroy their wonderful amenity values re navigation, unimpeded right of passage for jet boating, kayaking, passive rafting, fishing and other recreational pursuits. The effects, potential and cumulative have the potential to be equal to, or even greater than the total adverse effects of the “over all water take” itself.

UPPER WAIMAKARIRI

22. Two distinctive flood patterns affect the Waimakariri. One from north-west rain in the Alps. The other from cyclonic conditions from the east and south east. The severity of both is directly related to the amount of rain and the intensity. Generally a moderate north-west fresh will peak at (Woodstock) 12 hours after rain in the Alps. An easterly fresh 4-6 hours after.
23. Generally in a north-west fresh, around the 8-10th hour the water, if low and clear, changes to a milky, glacial turquoise colour, thereafter quickly discoloring and rising. It gains velocity, depth and height very quickly with massive bed movement and debris from the upper catchments. I emphasize it is not a gradual, gentle build up over a 12 hour period. The river builds quickly and spews from the confines of the upper gorge trying to find the path of least resistance. Taking anything and everything in its path with it. These events are what I describe as normal freshs, 300-500m³/s. You can set your clock by them as to the way they build. Higher rainfall with greater intensity, all bets are off! (Appendix A. fig 3)
24. Initially the river drops in this area (Woodstock) just as quickly and dramatically. Bar anymore rain in the Alps it can lose 100m³/s plus in the following 12hrs. It then stabilizes somewhat with a slower rate of drop, but stays very dirty with strong flows for a couple of days. (Appendix A fig 4) From my experience any previous in-stream work in this unstable environment will be severely damaged, if not completely obliterated during these freshs. They will not get equipment safely into the river until it drops to around 150m³/s or below, at least a couple of days. Massive repair and diversion work will be hurriedly on going when the river is reaching the Applicants anticipated time for full take, around 100m³/s, just losing its dirty colour. A prime time for recreational users is between 80-100m³/s. Generally around 90-100m³/s it has a slight greener tinge (as I call it) as it goes from dirty brown to turquoise. Around 80m³/s it is taking on its renowned glacial/turquoise colour, prime fishing clarity usually. From 80-60 the river drops and clears very quickly. (Appendix A fig 5.) So much so, that it can be great clarity for fishing one day and the next, too clear. There will be days of fine tuning around this time as the river continues to drop, creating dirty disturbed water down stream for kms. As full take begins at around this 100m³/s as evidence suggests, it will be akin to pulling the plug out of a bath, decimating the natural character, ebbs and flows, that are unique to these two iconic snow-fed rivers.

25. I concur with Mr. J. Robinson's and Mr. & Mrs. Taege's evidence that trying to tame or control the Waimakariri (or the Rakaia) in unstable river-bed will be ludicrous. These rivers have a complete mind of their own. It will require ongoing major work considering the size of this proposal; the applicant will be continuously fighting an ever changing river. It will be rather more than "minor works" or a need to "from time to time". It is my opinion that CPW have grossly underestimated the amount of in-stream work required, the damage and the adverse effects on the rivers.
26. It has long been a contention of mine (since first getting a whiff of this scheme) that to harness the proposed takes, from unstable river-bed and within the small windows of opportunity available, the whole river will have to be diverted in readiness to capture any anticipated rising flows. I believe this is CPW's intention once designations and consents are granted. (At the hearing 11 June 2008. Lewthwaite said during discussions on the Taege evidence relevant to this area that "at times the whole river could be diverted".)
27. Lewthwaite Brief of Evidence Para 70. ("Diversions will carry up to 40 cumecs or more." "May attract kayakers who travel down stream thinking this was a main stream channel. ")
28. Lewthwaite Brief of Evidence Para 39. ("that the intention is depending on the configurations of braids, the flow maybe diverted from anywhere within about 1.5km length of the designated area. ")
29. Para 71. ("The length of these diversions is likely to be in the hundreds of metres. ")
30. Lewthwaite evidence certainly gives written description of the "scale and significance" of these diversions.
31. Glasson Graphic Supplement, 11.7 (Appendix "A" fig 1) I believe down plays all this. It shows an anticipated intake channel in unstable river bed below Riverside.
32. My experience suggests that the river is running at about 95m³/s, receding from a small fresh. Still discoloured by what I suspect is foothill run off from a preceding easterly flood.
33. The channel I estimate big enough to carry only about 10cumecs of water at most. It conveniently shows no change to the flow in the remaining braids. This suggests, to the ill-informed, that this is what water extraction would typically look like with "no" or only "minor effects" on the natural braided channels.
34. In my opinion this photo has been photo shopped to allay fears as to the effects to the amenity value and natural character. I believe this is what Di Lucas's evidence referred to as somewhat "camouflaging".

35. I note Commissioners have been quite perceptive and in a directive asked for more detail and info to be supplied re these areas. The latest response and photos do not allay my fears. They still show the natural braids and river flows unaffected by diversion on both rivers. My experience is that this will not be the case. These diversions will not allow unimpeded navigation for jet boaters, kayakers and passive rafters. Mitigation offered? Re Jetboating, Glasson offers that the diversion channels will be wide enough for jet boats to turn around and exit. Re kayakers, the intended weir on the upper Waimakariri now becomes a grade 2 chute with a min 5 m³/s.
36. The Waimakariri at riverside only becomes very stable at flows below 50 m³/s. Above this it is changing by the hour (I believe the Rakaia would be much the same at around 120 m³/s) If it is not the applicants intention to fully divert the rivers all I can say is that they must be able to employ exceptionally good bulldozer drivers to sit in the river all day drafting water as per the various scenarios produced in the latest evidence.

Flood Bearing Capacity.

37. It was interesting to note during the presentation of Taege evidence 11 June 08, there was some discussion re the shown channels on the Waimakariri. I noted that Commissioners could not get their head around why or how the proposed channels would affect the “flood bearing capacity” of the river. CPW did not have concise answers to questions asked in regard to this.
38. These channels will change the “flood bearing capacity” of the river in this area. As a fresh builds quickly, initially these channels will scour and deepen directing large forceful flows towards the intake structures. Until it can breach the shingle banks it will threaten Taege and Merhten farm land. The current photos produced by Glasson in the eleventh hour show no protection other than mounded loose shingle berms. They will be gone within minutes. I understand Mehrten’s and Taege’s concerns in this area.
39. Under schedule 1. General Conditions, the applicant has said that;

The diversions shall not obstruct or alter the passage of water in a manor that;

- (a) Any increase in the risk of or potential for flooding of surrounding lands
- (b) Any increase in erosion of riverbed or banks

I believe their proposals will cause exactly the opposite. Their knowledge of the river and flood dynamics in this area is seriously lacking.

40. Considering the “scale and significance” of these diversions in the Waimakariri and Rakaia why is there still no specific details or engineered plans in-stream? It is my understanding that

previous evidence has suggested their will be large rock groynes and stop banks, should they not be shown in detail by now? This has been a re-occurring theme in these areas. Not knowing exactly what is going to be the finished product and thus the unknown effects has made it extremely difficult to submit on.

Other matters Waimakariri and Rakaia

41. I have concerns about the latest flow scenarios produced for the Upper Waimakariri Intake in-stream. It is the applicant's assumption that the channel at right angles to the flow, and to a lesser extent the widening of the mouth of the channel on the true right, will be extended to the true left bank to gain water. I question this under the current resource consent and designation applications applied for. It is my understanding that the designation applied for only extends to the centre of the river. There seems no concern for current consent holders on the true left bank.
42. I urge the Commissioners to look seriously at the whole question of these "diversions" in both rivers. Various plans seem to be vague in this respect. The word diversion or specific reference to it is noticeably absent. I don't believe it has been addressed by plan makers or that such large diversions have been envisaged. It is my understanding that only small diversion work for flood repair or protection work, or small diversions with takes and returns to be within the boundary of one property has been addressed in plans. (Ref Page 92 WRRP) These proposed large diversions will impact severely on the whole river system, at and below for kms.

CONCLUSIONS

43. I believe the applicant has been hoping these critical/crucial consents and designations will be granted with-out too much fuss or scrutiny and it has been an intentional strategy to provide little detail. If not intentional their evidence shows little understanding of, or in-stream knowledge. It's obvious to me they want to sort the detail out later. In my opinion this is unacceptable and contrary to the "Purpose and Definitions" of the RMA.
44. Mr. Newey and Mr. Holland, in their conclusions have expressed a view that the application is contrary to a large number of objectives and policies in the RPS, WRRP, PNRRP and District Plans. Also that proposed activities are inconsistent with a large number of such and does not meet tests set out in certain sections. I agree with there conclusions.
45. I see this as particularly true in regard these in-stream consents for excavation within the bed, structures within the bed and diversions. I believe these are quite separate from the land based consents.
46. The PCNRRP requires certain information for these activities, plus additional specific information for certain activities.

47. The WRRP requires certain information, and in addition particular information. It is my view that many sub-section requirements under these in regard to "Making an Application" have not been met or even addressed, particularly in regard to the Upper Waimakariri. In my opinion the Applicant's evidence can not meet WRRP 7.4 Environmental Results Anticipated.
48. Under Section 6. Matters of National Importance (a) & (b). I request the Commissioners decline all in-stream consent applications and associated designations.

Other Matters

49. Like many others against this current proposal I am not against the concept of irrigation. I understand the needs and wants of farmers to grow their businesses. However I believe this proposed scheme defies common-sense. There are alternatives that could be revisited, as a community.
50. I am not a property holder within the schemes boundary. However, I find the way the promoters of this scheme have gone about the whole process from day one unacceptable. I admire their entrepreneurial spirit but believe they have miss-used the Public Works Act to ultimately take private property by Stalinist means. I believe that if this proposal was to go ahead the social consequences will be far reaching and are potentially too great, considering the direct benefit for a few private shareholders.
51. I request that the Commissioners recommend the withdrawal of the Notice of Requirement.
52. I request that the Commissioners decline in there entirety, all land use consents and designations associated with these applications.

Garth Brookland

6 August 2008