

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF a joint application by Central Plains Water Trust and Ashburton Community Water Trust to:

Canterbury Regional Council for resource consents to take water from the Rakaia River for use by the Central Water Plains Enhancement Scheme and the Rakaia Terrace Hydro Scheme

IN THE MATTER OF applications by Central Plains Water Trust to:

Canterbury Regional Council for resource consents to take and use water from the Waimakariri River and to use water from the Rakaia River for the Central Plains Water Enhancement Scheme and for associated consents required for the construction and operation of the Central Plains Water Enhancement Scheme; and to

Selwyn District Council for resource consents to construct and operate the Central Plains Water Enhancement Scheme

AND

IN THE MATTER OF applications by Ashburton Community Water Trust to:

Canterbury Regional Council for resource consents to use and divert water from the Rakaia River for the purposes of hydro electricity generation and associated consents required for the construction and operation of the Rakaia Terrace Hydro Scheme

AND

IN THE MATTER OF various submissions by the Selwyn Plantation Board Limited in respect of the above applications

**MEMORANDUM OF COUNSEL ON BEHALF OF
SELWYN PLANTATION BOARD LIMITED**

12 October 2009

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- 1 This memorandum relates to submissions by Selwyn Plantation Board Limited ("SPBL") on the notices of requirement and consent applications lodged by Central Plains Water Limited ("CPWL") and Central Plains Water Trust respectively. Its purpose is to clarify the position of SPBL in light of the recent changes to the proposed scheme.
- 2 On 13 August 2008, SPBL made a presentation to the hearings panel with evidence by Mr Kerry Ellem. In summary, SPBL's position was that it supported the scheme, subject to the imposition of a range of conditions that had been agreed with CPWL.
- 3 The agreed conditions addressed the potential adverse effects associated with the reservoir and dam and provided for matters such as alternative access, coal mines, sedimentation, wetlands and an associated bond to ensure compliance. It was agreed that these conditions would most appropriately attach to the notice of requirement relating to the reservoir and dam.
- 4 By minute dated 10 July 2009, the Commissioners issued a preliminary recommendation in relation to the proposed reservoir and dam. This confirms that the Commissioners will not be recommending the confirmation of that part of the principal notice of requirement relating to the reservoir and dam nor granting the associated resource consents for those components.
- 5 By letter dated 20 August 2009, CPWL confirmed that it has resolved to withdraw the notice of requirement over the land required for the storage elements of the scheme, including the reservoir and dam. Since this time, CPWL has filed additional evidence relating to amended scheme that does not include these components.
- 6 On the basis that scheme no longer includes the notice of requirement for the reservoir and dam, the conditions earlier outlined by SPBL will no longer be required. As such, SPBL confirms its support for the revised scheme without the proposed conditions.



Chris Fowler

Counsel for Selwyn Plantation Board Limited

12 October 2009