

**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 Plains Water Enhancement Scheme and by Ashburton Community Water Trust

**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** a notice of requirement by Central Plains Water Limited to:

Selwyn District Council for the designation of land for works associated with the construction and operation of the Central Plains Water Enhancement Scheme

**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.

**Minute of Commissioners (Number 4)  
6 June 2008**

1. During the course of the hearing we have identified a number of areas where we would like clarification from CPWT/CIAL ("the Applicant"). Some of these matters can be addressed by pointing us in the direction of the relevant report or statement of evidence. On other matters we require further information from the Applicant. In some cases we seek responses from the Applicant to issues which have arisen during the course of the hearing. On those matters we ask the Applicant to indicate whether it intends to modify its proposal or proposed conditions to address the issue in question.
2. Some of this information can be left to the Applicant's reply, however the sooner it can be provided the better. (The Applicant may of course also respond in its reply, to evidence which has arisen during the course of the hearing and which it could not reasonably have addressed in its pre filed evidence.)
3. New information and amended proposals or conditions will need to be provided early enough for relevant submitter experts or counsel to have sufficient time to respond prior to the Applicant's reply.
4. In the case of points of clarification (those not involving new information) that can be left to reply.
5. Clearly it is up the Applicant whether it modifies any aspects of its proposal, including proposed conditions, in response to evidence to date. We do however signal, that the issues outlined below, are in our view particularly significant and deserving of further attention.
6. We also indicate that we have reservations about the Applicant's reliance on management plans. Certainly in the case of instream values and section 6 matters, management plans alone will be insufficient. In respect of at least these key issues, we will need to be satisfied that adequate mitigation can and will be provided and that this will be backed up with enforceable conditions including adequate review conditions.
7. We note that these requests are not intended to limit the applicant's ability to address evidence by way of reply. We may well request further clarification on some points to be presented at that time. If after the applicant's reply, there is other information which we feel we need in order to make a final decision, we may issue an interim decision, to allow opportunity for that. In particular if we were to reach that point we are likely to need further assistance in terms of conditions. Nevertheless, we would like as much information as possible before we adjourn to deliberate.
8. So far as practicable, information or modifications of the type described in paragraph 3 above should be filed by June 26 and ideally (timetable permitting) should be presented to us on June 27. (The Applicant may decide whether or not relevant witnesses will be recalled at this stage and/or later.)
9. Other relevant expert witnesses and Counsel may respond during the week commencing 12 August or immediately prior to the presentation of the officers' reports whichever is later.

10. We appreciate that this is a tight time frame and accordingly, if necessary there will be some latitude. However, we note that we have orally signalled the need for much of this information during April and May. We also note that there will need to be adequate time between this information becoming available and any responses by officers and other parties
11. We emphasise that we are not directing that the information set out below be required to us, but rather, are providing the Applicant with the option of providing further information in respect of matters of particular interest to us. These are as follows:

## 12. Landscape, natural character and visual amenity

- Photo simulations of the proposed river works, intakes, sediment ponds, fish screens etc to illustrate the likely visual effects of these works from the perspective of a river user (e.g. kayaker on the Waimakariri river) and from popular vantage points (e.g. the 2 gorge bridges and the café/shop on the Tague property).
- Photo simulations of the 2 proposed terrace canals from the river bed and gorge bridges and in the case of the Rakaia, perhaps from Highbank. (The Rakaia simulation could include both intake works and terrace canal from the bridge and should ideally include the ACWT take, so as to portray cumulative effects)
- Ideally, there should be at least one simulation of the proposed CPIL Rakaia terrace canal and intake/fish screen structures from the perspective of a boating user
- Photo simulations of proposed headrace canal from relevant viewpoints including the nearest Colgate residences and/or public places.
- A photo simulation of the proposed dam from the Colgate hotel.

It is up to the Applicant to decide what information to provide to us, sufficient to satisfy us that effects on natural character, landscape and visual amenity will be acceptable if the proposal proceeds. We do however observe that currently we do not have sufficient information for that purpose.

## 13. Canterbury Mudfish and other section 6 matters

- The Applicants proposals to address the requirement to **protect significant habitats** of indigenous fauna and in particular Canterbury mud fish, and threatened bird species. (we do not regard the Mud Fish management plan as proposed as being sufficient for that purpose)
- Proposals for enforceable and certain consent conditions dealing with this issue. (protection)
- A clear statement as to the objectives of the management plan.
- Submissions as to the interpretation and application of section 6 (c) and in particular: What does protection mean in this context? Protection of the significant habitats which will be affected by the proposal or protection of the overall habitat of the relevant species? Does mitigation or offset

achieve protection, where existing significant habitats will be destroyed or significantly reduced in size and/or quality? If so, does the offset need to provide an equivalent quantity and quality of habitat?

- How will protection of the new or enhanced habitat be achieved via consent conditions or otherwise? (this is not a matter for the Applicant's reply).
- The Applicant's position in respect of section 6(c) and whether it is satisfied that **protection** will be achieved by the conditions of the proposed designation or other means.
- Dr Allibone's expert opinion as to whether what is proposed will ensure that the significance of the habitat of Canterbury mudfish within the valley will be "protected"/ kept safe from harm.
- In particular is he satisfied that a viable, high quality (significant) population of Canterbury mudfish would endure in the long term in the valley and/or in the location of other significant habitats? Will such populations be of the same or similar quality and quantity as present? Will overall native fishery biodiversity values be maintained within the valley and/or within the Ecological District and Region?

#### **14. Intake structures and associated works**

- Details of the applicant's consideration of an alternative point of take at the proposed upper Waimakariri intake site, being a tunnel or similar intake a short distance upstream of the proposed site (including any relevant reports)
- The reasons why that alternative was rejected.
- Details of the proposed upper intake arrangements and in particular the nature of river works and intake works and residual flows in the diversion section (between the start and end of any diversion works)
- Details of the likely effects of such works on jet boaters and kayakers at lower flows (the flows just above the proposed commencement of take up to the flows where full take is occurring).
- Equivalent information in relation to the proposed Rakaia take arrangements and in particular whether there is intended to be any diversion out of the river which may infringe the Water Conservation Order (in view of the fact that water in a canal is no longer river water)
- Proposals to address kayaker and other boaters' safety at the various intakes. This should include sufficient detail to satisfy us that boater safety can be adequately provided for, including a proposed condition and plans of possible arrangements to ensure safety (e.g. booms etc).
- To the extent that management plans are relied upon, what back up is proposed by way of conditions, objectives of the management plan and the appointment of expert certifiers?

#### **15. Recreational amenity on the Waimakariri river**

- Details of the relationship between flow and depth in braided sections of the Waimakariri at lower flows, with particular reference to the needs and preferences of jet boaters and kayakers.

- Any amended take regime proposed by the Applicant in relation to the Waimakariri, to address potential effects on boating and fishing amenity or other instream values.
- In particular the Applicant's response to the de Joux proposal.
- Evidence from the relevant witnesses to address the effects of any such modified proposal on instream values and on scheme viability, storage volumes etc.

#### **16. Proposed versus existing and consented irrigation.**

- Clarification of the relative land areas in existing and consented irrigation within the scheme area, versus the areas and volumes proposed to be irrigated by CPWT and in particular the overlap between the two (a map showing existing and consented irrigated land within the CPWT command area would be of assistance)
- How much land would be irrigated by CP if it proceeds, which is not currently irrigated and which will not be irrigated in the reasonably foreseeable future?
- How much land would be irrigated which is already irrigated?
- In estimating economic benefits, ground water mounding effects and nutrient effects what assumptions have been made regarding the replacement of existing and consented ground water takes?
- For example, in estimating economic benefits have the recent ground water consents for Rakaia Selwyn, been discounted in terms of increased production?
- If those consents and the proposed areas covered by the Waimakariri /Selwyn consent applications are included as irrigated land, how much unirrigated production land remains in the command area?
- What area of land within the command area, will be irrigated by the Synlait Rakaia takes if those retain priority?
- Should the land to be irrigated by Ngai Tahu Properties Ltd, be taken into account in the economic analysis? (production from Waimakariri river water displaced by CPWT if it proceeds)

#### **17. Compensation/mitigation/notification**

- Proposals (if any) to compensate or otherwise mitigate the Colgate community, for social and amenity impacts of the scheme.
- Proposals (if any) to compensate those whose businesses may be adversely affected by construction or other impacts.
- Proposals (if any) to compensate affected landowners beyond the Public Works Act compensation. (for dislocation etc)
- What have affected landowners been told regarding whether whole or part of their land will be acquired if the scheme proceeds.
- What information has been provided directly to landowners affected by scheme works, as to the location of such works on their land.
- Were all such landowners made aware that their land was directly affected by the NoR or consent applications, prior to the closure of submissions.

## **18. Necessity of the works and adequacy of consideration of alternatives**

- Reference to where we can find the objectives of the scheme against which to measure necessity of both the works and the designation
- Provision of, and/or reference to the reports which document the consideration of alternative sites routes and methods.
- A summary of consultation carried out to inform consideration of alternatives.

## **19. Adaptive management and any proposed modifications to the proposal or proposed conditions**

- Any proposed modifications to the proposal or proposed modifications to key conditions
- A response to the proposals presented by Christchurch City Council in relation to management plan conditions.
- Any other proposed modifications to the proposed adaptive management regime. (in particular, standards in conditions, management plan objectives and enforceable conditions to address any failures to achieve such objectives)

## **20. Other information**

- There is other information that we have sought during the hearing which the Applicant will have a note of.

**Independent Commissioners  
9 June 2008**