

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER OF the Resource Management Act
1991

AND

IN THE MATTER OF 35 applications (21 applicants)
to take and use groundwater
from the Waitaki River
Catchment

**BRIEF OF EVIDENCE
SANDY CAMERON**
Draft

1. My full name is **SANDRA PATRICIA CAMERON** (known as Sandy). I am a Farmer living at Wainui Station, Waitaki Valley.
2. I have appeared and given evidence in respect of the North Bank Tunnel Concept and the Hunter Downs irrigation application. I set out my background and relevant qualifications and experience in that evidence.

Applications for Resource Consent

3. I have applied for three Resource Consents including:
 - CRC041002 - an application to take groundwater. This is an application to renew an expired consent and increase the rate of take of that expired consent³ from 38 litres per second to 53 litres per second.
 - CRC041003 - an application to take surface water from either the Waitaki River or Wainui network of streams. This is also an

³ The consent expired in June 2007.

application to renew an expired consent.⁴ A lesser rate of take is sought, now 30 litres per second.

- CRC051795 - an application to divert and discharge surface water. This application is associated with an existing consent CRC960030.1 which authorises the taking of surface water from the Waitaki River of up to 570 litres per second at the property boundary. The additional divert and discharge of 150 litres per second is required for delivery via a race system to drive an existing border dyke system on Wainui Station. Land associated with this application and CRC 041002 is held in a separate title and is known as the Corrie block.

4. The applications are more fully described in the evidence of Mr Ian McIndoe, Aqualinc Research Limited.

Application CRC041002

5. Wainui Station has held rights to take 38 L/s of surface water for 35 years. The groundwater consent is used to irrigate 103 hectares of land. The irrigation infrastructure associated with this take has been substantially upgraded over the last five years. The infrastructure now comprises a lateral spray system. The cost of the lateral irrigation system, inclusive of the physical upgrade associated with the installation of the same (being fencing, earthworks and land grading), was in excess of \$250,000.00.⁵

Application CRC041003

6. Wainui Station has held rights to take 38 L/s (now proposed to be 30L/s) surface water for 50 years. The irrigation system associated with this application is a gun. That gun is used for starting and finishing crops. The gun itself is an upgrade from a manual movable pipe sprinkler

⁴ Consent expired June 2007

⁵ In 2004 the course of the braid which supplied water for this take was changed as a consequence of river scouring and control works by the Canterbury Regional Council. To allow WTK to be exercised Ecan granted a de minimus approval to abstract from bore consented bore CRC050614 and to amend our application while awaiting replacement process.

system. While the gun is not as efficient as a lateral or other spray systems, our options are constrained by the presence of waterways, shelter belts, transmission lines and State Highway 1 which runs through the property. That upgrade in 1995 cost in excess of \$45,000.00

7. If these applications for renewal are not granted, then the land will revert to dry land. Losses associated with the infrastructure upgrade will be significant, as will also be the losses in production stock health and pastures.

Submissions to the WAB

8. I was a submitter in my own right to the Water Allocation Board. I was also a contributor to the submissions made on behalf of the North Bank Landowners Inc and Federated Farmers. I gave evidence at the Board hearing. The common message in all submissions was that the reliability of supply for existing users had to be protected. That is also my submission today.

Hunter Downs Application

9. The basis on which I want you to consider these applications is set out by my legal counsel. I have not, and do not, propose the consent conditions outlined at the Hunter Downs hearing. I will not repeat what I said at the Hunter Downs hearing. Nothing has happened since that hearing that has caused me to change my view of those proposed conditions.

Reliability of Supply

10. Subsequent to the HDI hearing in a joint letter from Stephen Douglas and Ian Fraser, URS, dated 1 May 2008 wrote to clarify aspects of the proposed HDI ramping conditions, advising:
 - a. that the purpose of the ramping conditions were to ensure that a minimum flow of 100³/s from the dam to the sea was maintained;

- b. the HDI proposed conditions were an alternative management approach to that under Table 3; and
 - c. If the Commissioners accepted Meridian's position that Rule 7 did not apply and that Meridian was not required under the terms of its existing Waitaki Dam Consents to discharge water to meet the demand of downstream consent holders, then HDI provided a greater reliability of supply than Table 3.
11. In respect of reliability of supply the URS authors also said:
- "In terms of the reliability supply once Rule 2 is implemented, under the HDI flow – Management Regime all users who adopt this regime will have in effect a guaranteed reliability of supply of 5/9 or 56% of their take will always be available. This is due to the minimum flow that the dam operates under (i.e. there will be 150 million³/s discharged from the dam). The remaining 4/9 will have varying reliability and will depend on flow discharged from the dam."*
12. That outcome is unacceptable. But I do not believe it was the outcome intended by the Government by enacting the Resource Management (Waitaki Catchment) Amendment Act or which it understood was the effect of the Plan. It is not what the Minister of Environment, Marion Hobbs, told irrigators would happen with a Regional Plan.
13. In the second reading of the Bill, Marion Hobbs MP told Parliament that:
- "Nothing in the Bill is intended to alter the rights of existing consent holders to operate their existing consents. The water allocation framework, once operative, is simply a Regional Plan and as such is forward looking. In allocating water under the framework, the Board must consider any de facto allocation and may allocate water to whatever uses it considers beneficial. However, as with the development of any Regional Plan where the water may be currently allocated by consents, the allocation will not override existing consents and so will not have effect until those consents expire, except through any review of consent conditions. And any such review is conducted*

*under the existing provisions of the RMA and as a review of conditions for environmental matters only.*⁶

14. In the third reading of the Bill, David Parker MP said:

“In the legislation we do not undermine the existing holders of water rights, be they Farmers or Meridian Energy.”

15. In a media statement dated 12 October 2005 The Ministry for the Environment announced the release of the Operative Plan in the following terms:

“Therefore all currently identified likely additional Lower Waitaki irrigation demand can be satisfied under the provisions of the Water Allocation Plan.”

If MEL position on Rule 7 is correct, the Plan satisfies nothing least of all demand.

16. In respect of reliability of supply, the Board acknowledged that Meridian, as consent holder for the Waitaki Dam, effectively managed releases downstream of the Dam. The Board said that it was persuaded by submissions, representations and expert evidence on the very high level of reliability supply currently experienced by consent holders downstream of the Dam. It accepted the need for the Plan to provide for a high level of certainty of supply to existing consent holders. It said:

“The Board accepted the need for the Plan to provide a high level of certainty of supply to these consent holders, many of whom had made considerable investments based on such a supply regime, and the high level of risk faced by these users in the event that supply reliability is reduced.”

Wainui Station has made considerable investment in infrastructure.

⁶ Legal Advice: relationship between draft water allocation plan rules and the review of existing resource consents, By Simon Berry to the WAB dated 11 January 2005.

The Board also said that supply reliability could be reduced for new consent holders because investment decisions would then be made in full knowledge of the effects of such supply restrictions. Wainui Station's investment decisions have already been made. The Board defined what the effect of the supply restriction was and specifically said that reliability which allows 95% of the peak rate of take to be taken.⁷

Replacement Consents

17. The Board referred to section 124A-C, Resource Management Act, in setting up a process where a new consent is to replace an existing consent. Specifically, to give existing consent holders priority in having their applications determined over new applications where the existing consent holder applies for a new consent to replace an existing consent.⁸ The Board discussed the effectiveness of this provision in its Section 32 Report. In respect of replacement consents, it assessed its relevant policies and rules as being of moderate effectiveness.⁹ In the July 2008 Allocation Table released by the Regional Council officers have assessed the cumulative annual allocation in the Black Point catchment as being in excess of the allocation for the entire catchment.
18. Keri Johnson will give evidence about how those assessments have changed between 2007- 2008. What has not changed is the inclusion of our replacement consent outside of the 150 Mm3 allocation limit for this reach.
19. This is so even though the applications replace existing consents we have held for 35 and 50 year periods respectively. The replacement applications were filed in 2003 prior to the WAB hearings (and well prior to their expiry in 2007). One consent has an annual allocation condition (not a paper allocation based on Potts/Page estimate of actual use). On this consent we are proposing to reduce an existing annual allocation. This allocation was not included within the 150 Mm3 allocation. Despite the proposed reduction the Regional Council officer reporting on this

⁷ Annex page 37, policy 46

⁸ p57, Section 32 Report

⁹ Section 32 Report, Paragraph 8.5 pp 57-59

application was unable to conclude whether the effect of the proposed allocation was 'minor'. The result of the Regional Council's approach means those existing consent holders whose consents come up for renewal first (like ours and others at this hearing) are disadvantaged relative to later in time renewals.

20. Despite the Section 32 report¹⁰, the Regional Council has not maintained the position of our consent in the annual allocation limit. There is no distinction made between our replacement of an existing consent and an application for new water. Under the Regional Council's approach our annual allocation of consents which we continue to exercise has not been accounted for. The Regional Council has not given specific recognition for the value of investment we have made. Its approach undermines the investment security anticipated by the Board in the continuity of water allocation.

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Sandy Cameron

July 2008

¹⁰ Table 49