

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

**SUBMISSIONS OF COUNSEL ON BEHALF OF MAINPOWER NEW ZEALAND
LIMITED**

26 JULY 2008

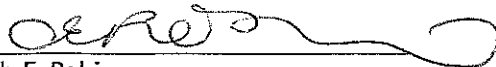
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1. MainPower New Zealand Limited (“MainPower”) provides and maintains the electricity distribution network throughout North Canterbury. MainPower is owned by its local customers and profits are returned to the community through a monthly rebate in power bills.
2. MainPower’s vision is to increase the energy self-sufficiency of North Canterbury by generating electricity locally from renewable resources. MainPower has investigated and evaluated a variety of sites and sources for electricity generation and has had various discussions with Waimakariri Irrigation Limited (“WIL”) regarding the potential use of the WIL intake structure and associated water race system at Browns Rock to enable hydro electricity generation.
3. To that end MainPower has been working closely with WIL, Ngai Tahu and Waimakariri District Council and others regarding potential opportunities for hydro electricity generation in North Canterbury. Like WIL, Ngai Tahu and Waimakariri District Council, MainPower wishes to make it clear that it is not opposed to Central Plains’ proposal in an absolute sense. MainPower is supportive of sustainable irrigation development in Canterbury. MainPower however, not only shares the concerns of others regarding the potential impact of the proposed take from the Waimakariri River both in terms of the location of that take and discharge and its effect on the WIL infrastructure, but also the potential locking up of water resources which may disenable opportunities for the people and community of North Canterbury provide for their wellbeing through sustainable hydro electricity generation.
4. MainPower is concerned about the need for the Committee to critically evaluate the proposed use of water by CPW and whether or not the proposed use is reasonable, efficient and sustainable in the long term.
5. MainPowers written submission raised concern about the lack of information which is available to assess this application that remains a concern. One of the matters you are required to consider when exercising your discretion, in the case of the take from the Waimakariri River, is whether the take is reasonable for the intended purpose (Rule 26 WRRP). It is submitted that what is reasonable must also be guided by what meets the overall purpose of the Resource Management Act – “sustainable management”.

6. In the initial evidence of Cliff Tipler, dated 1 February 2008, Mr Tipler describes at paragraph 26 that the “design for storage and reservoir is the largest foreseeable”. Later in his evidence he describes the take of 40cumecs as being the maximum. Mr Tipler has invited the commissioners to consider granting the maximum or “something less”. Much of the Assessment is based on a scenario of a take of 25cumecs from the Waimakariri, and discusses the variance in reliability, and the relative cost to the farmers within the scheme of the balance between take and storage.
7. It is submitted that the maximum foreseeable scenario in the case of the Waimakariri river resource may not equate to being “reasonable” for the intended purpose. Nor does it necessarily equate to sustainable management. The purpose of the Act is intended to be enabling of “people and communities” generally, not simply enabling of one sector or part of the community. There is a clear need to balance the needs of the “Central Plains” community with those of the wider region.
8. As stated in the evidence of Peter Callander, the Waimakariri River resource may well be approaching a practical maximum allocation. In such circumstances there is a real risk that granting a consent on the basis of the maximum foreseeable needs for Central Plains, risks disabling the wider community from achieving its reasonably foreseeable social, economic and cultural needs.
9. MainPower shares the concerns expressed by Mr Callander about the intention of proposed condition 22 which may be intended to capture any future water that may become available, without treating increases in take as a fresh application. MainPower is concerned that there is a lack of information in the application and in the evidence that justifies such an approach.
10. MainPower shares the concerns of others that the Committee must exercise their decision making powers cautiously so that any water that is not reasonably needed by the scheme remains available for other uses.

Dated 26 June 2008



Cindy E. Robinson

Solicitor for the MainPower New Zealand Limited