

IN THE MATTER OF the 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

**SUBMISSIONS ON BEHALF OF
TE RŪNANGA O NGĀI TAHU
To
COMMISSIONER'S MINUTE 1 APRIL 2009**

Counsel M J Wallace
Level 5 ABN AMRO Craigs House
90 Armagh Street
PO Box 13254 Armagh
Christchurch 8141
Ph 03 3796 976
Fax 03 365 2592
malcolmwallace@bridgesidechambers.co.nz

Introduction

1. It is the position of Te Rūnanga o Ngāi Tahu that, in the absence of the proposed water storage component of the CPW scheme, the commissioners must now close the hearing and issue a final decision on the basis of the applications and Notice of Requirement before them. In other words, a decision to decline the consents associated with the Waianiwaniwa Storage Dam, must necessarily also lead to the decline of the consents for the remainder of the CPW scheme. It is simply not appropriate or valid at this stage of the process to begin the complex and contentious task of redesigning the proposal to cater for the absence of a water storage reservoir.
2. No further evidence should be called for.
3. The Applicants have presented the Central Plains Enhancement Scheme (their words to describe the suite of applications) as an integrated whole, the very strength of which is said to be its comprehensive nature with ensuing benefits to the wider community, rather than those that they say would be limited to individual stakeholders who might otherwise apply to make use of the water that is available in the rivers.

Applicant's evidence

4. In this section of my submissions, I want to draw your attention to various statements made by a number of the applicant's expert witnesses to the effect that the water storage component of the scheme is an integral feature of the reliability of the scheme and the economic benefits that are forecast to result from CPW.

5. Douglas George Marsh.

- a. Paragraph 25 *Storage is the key difference between this application and other Canterbury community water schemes. With storage, it will be possible when drought conditions coincide with low river flows, to irrigate from the reservoir. The size of the reservoir has been set to achieve high levels of reliability. This reliability will give farmers confidence to invest in high return land use options.*
- b. Paragraph 28. *If the Scheme is allowed to proceed, the problem of dry wells and at-risk aquifers could be reversed, lowland streams restored, and economic growth afforded to the region as a consequence of land use change. It would open up opportunities for vertically integrated, value-add processing for export growth leveraging off Canterbury's clean green image.*

6. John William Donkers.

- a. Paragraph 37 *Smaller on-farm storage reservoirs are becoming a common feature on existing irrigated farms, usually being supplied by a scheme (not from groundwater). Installation of a reservoir provides the farm with a small enhancement in reliability of supply e.g. a 3-4 ha reservoir might provide enough water for one irrigation of a 100ha farm. On-farm storage is relatively expensive at \$1-2/m³ of storage to construct and double this if the value of the land is included.*
- b. *In comparison, the large central storage reservoir proposed by CPW will, when full, hold enough water to allow 60,000ha to be effectively irrigated for 3 months. The cost per cubic metre of storage is expected to be less than \$1. The reliability of supply of irrigation water for the CPW scheme will be higher than most existing schemes. The high reliability of supply is made possible by the storage reservoir even though the water supply from the*

rivers to the scheme, for which resource consent is being sought, is of lower reliability than the supply to other existing schemes.

7. Walter James Lewthwaite 31/1/08

- a. Paragraph 14(i) *On-farm storage. On-farm storage ponds are becoming popular in parts of Canterbury. The concept is that individual farmers, or a small group of farmers, would build ponds on their own land to buffer their own irrigation needs against times of reduced water availability. These ponds would be filled from groundwater, or more commonly from a community supply system such as the Rangitata Diversion Race. These on-farm ponds are expensive, typically about 3 to 5 times the cost (per m³ of water stored) of the proposed Waianiwaniwa reservoir in the Central Plains. In addition, for Central Plains, taking into account the rules for availability of water from the rivers to replenish the ponds, the reliability of supply from the ponds typical of mid Canterbury would be low, leaving the land without a source of water for a number of weeks in most summers.*

8. Daniel James Murray

- a. Paragraph 174 *Mr Tipler has in his evidence described why the volume of water proposed to be taken to serve the CPWES is no more than that necessary to meet the reasonable needs of the Scheme. Mr Tipler also notes that the water storage component of the CPWES will allow a high reliability of supply and therefore the maximum economic benefit to be gained, while using the resource efficiently.*

9. It is submitted that this evidence adduced by the Applicants makes it clear that the scheme (namely the applications taken together as a whole as they are presented by the Applicants) without the dam is fundamentally

different. This is not just a difference of scale (such as fewer wind turbines) but is a change in the nature of the applications. This is the evidence for the applicants when they extol the virtues of the scheme with large reservoir storage, even compared to on-farm storage.

10. The removal at this late stage of the process of the water storage component of the scheme will dramatically reduce the high level of efficiency with which CPW has asserted it will be able to utilise the resource. Therefore, the asserted positive effects of the proposal upon which the applicant has placed so much emphasis and upon which members of the public based their submissions will no longer be present to anything like the same degree.
11. The amended proposal also raises the issue as to how and by what means the applicant will seek to address the significant reduction in reliability of supply of water that will necessarily result from the loss of the water storage dam. In other words, how will CPW make up for the loss of reliability? It is the submission of Te Rūnanga o Ngāi Tahu that the only realistic way to compensate for the reduction in reliability will be to place greater pressure on the rivers from which the water is being abstracted. Run of river takes will become the order of the day and the flat-lining of the river will be the inevitable result. This is a vastly different and less sustainable outcome than that which has been sold to the public by the proponents of the so called “water storage” scheme.
12. The reduction in reliability will also significantly increase the likelihood that farmers will seek to supplement their supply of surface water (from the CPW scheme) with ongoing takes of groundwater. Once again, one of the asserted advantages of the CPW scheme that the applicants have continued to emphasise throughout the process is the benefits to the aquifers (and indeed the lowland catchment as a whole) that will result

from there being less requirement by farmers to continue abstracting groundwater. If the commissioners were to proceed to consider the proposal without the reservoir, then the scale of such an advantage would be significantly reduced.

13. In these circumstances it is submitted that such a wholesale change offends against allowing this different proposal to now be considered within this hearing process.

Economic evidence

14. One potential evidential issue that you have identified that might require to be revisited if you adopt a procedure that considers a *revised application* (my words), is the extent to which you would need to revisit the economics and efficiency of a truncated scheme.

15. Susan Robson at paragraph 6.2 states *The positive effects of the additional water provided for irrigation will be the increase in soil life supporting capacity and hence agricultural productivity, together with the economic flow-on effects that will result from irrigation...Mr Morrison makes the valid point that a proportion of the increased irrigation may occur anyway if the central Plains Scheme does not go ahead, either from groundwater or from other run of the river schemes. These will not have the same economies of scale however, or any storage, so will not be as efficient as the proposed Scheme.*

16. It is Ms Robson's evidence that firstly the economic benefits flow from the land use, rather than the taking of the water. Ms Robson stated in answer to a question from Mr. Nixon, Ms. Robson said that the economic evidence as to positive effects of the scheme was fundamental to the overall balancing exercise of positive effects vs. adverse effects. This

was particularly so (said Ms. Robson) because the positive economic effects would be region wide whereas the adverse effects were more limited in effect.

17. Clearly the extent of any economic effect from a different scheme (i.e. water large reservoir storage) will in all probability be reduced, so if evidence of that is required and obtained there will necessarily be a need for witnesses such as Ms Robson to reassess her evidence (although I accept that her evidence might not in particular be relevant without the dam).
18. To return to Ms Robson's evidence that the economic benefit flows from the land use, this is important to a consideration of the appropriateness of taking an holistic approach to the various applications.
19. Mr. Casey QC submitted at paragraphs 163 and 164 of his submissions in reply that *it could be argued in this case that the effects of the take, storage and distribution do not include the effects of the irrigation on the land to which the water will be delivered. And that what is outside the scope of the activities for which consent is sought, and consequently beyond the range of adverse effects to be considered, is the predicted intensification of farming (dairy or otherwise) as the result of the availability of the water. The potential effects of the use of the land which is irrigated are not effects of the activities for which consent is sought, and not do they flow "inevitably" from the granting of the consents.*
20. It would seem that the goose and the gander are at play here. If Mr. Casey's argument is followed through then the positive economic effects of the intensified land use is not a positive effect that can be taken into account.

S.88 RMA-AEE

21. In my submission the *amended application* that the commissioners might invite from the Applicant involves such a change that a there would be resultant change in any AEE in support of such an application.
22. Perhaps that is a touchstone for whether such an amendment can properly be considered within the current process.

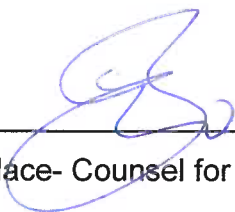
S274 RMA Representation at proceedings

23. If the amended application was allowed to proceed, and a decision made in respect of that, then if the Applicants appeal, the scope of evidence that may be presented by any submitter is constrained by s.274(4B)(b).
24. This has the potential to cause real prejudice to submitters.

Unknown implications of an amended scheme

25. It is quite unclear to TRONT what the nature and extent of any amended proposal will be. What is known is that there will be run-of river takes, to be used for irrigation, probably with on-farm storage. Such an amended proposal is likely to raise real issues in respect of such issues as discharges of water to water, effect on wetlands, mixing of waters. Speculation is required in respect of these issues which might lead to different issues being raised by TRONT, or by others who have not become involved in the process to date.

Dated at Christchurch this 8th day of May 2009



M J Wallace- Counsel for Te Rūnanga o Ngāi Tahu