

**IN THE MATTER OF**

the Resource Management Act  
1991

**AND**

**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 and  
Rakaia Rivers and for all associated  
consents required for the  
construction and operation of the  
Central Plains Water Enhancement  
Scheme

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

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**MEMORANDUM OF COUNSEL FOR CENTRAL PLAINS WATER TRUST AND  
CENTRAL PLAINS WATER LIMITED  
14 APRIL 2008**

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**BUDDLE FINDLAY**  
Barristers and Solicitors  
Christchurch

Solicitor Acting: **Rachel Dunningham**  
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## **Introduction**

1. As a consequence of the decision in *Synlait Limited v Central Plains Water Trust and Another* (unreported CIV-2007-409-1157, 11 March 2008, Chisholm J), the Commissioners asked for the applicants to explain the consequences of that decision for the hydrological regimes of the two rivers (the Rakaia and the Waimakariri) and, more generally, for the viability of the proposed Central Plains Water Scheme.
2. More specifically, in a Minute dated March 31 2008, the Commissioners identified a number of questions to be answered in relation to the impact of the Synlait decision, along with a number of other questions about the applications. Those are answered in the accompanying briefs of evidence from:
  - (a) Cliff Maxwell Tipler;
  - (b) Walter James Lewthwaite;
  - (c) Terrence David Heiler;
  - (d) John William Donkers;
  - (e) Andrew Ferguson Curtis; and
  - (f) Stephen Gordon Chiles.

## **Impact of Synlait priority decision**

3. In summary, the main effect of Synlait having priority over Central Plains Water, as outlined in Mr Tipler's further evidence, is that it would decrease the reliability of the Central Plains scheme by 0.4%, but that decreased reliability can be compensated for by an increase in storage of storage MCM at the cost of approximately \$8 million. This is still well within the scope of the applications related to the proposed dam and reservoir.
4. It is noteworthy that this loss in reliability is more than compensated for by the effects of the Court of Appeal decision giving Central Plains Water priority over Ngai Tahu on the Waimakariri River.
5. Mr Tipler's evidence explains that cumulative effects in the Rakaia River are not altered, as the take in the Rakaia River is constrained by the provisions of

the National Water Conservation Order, regardless of which entity is granted the remaining water available for allocation.

6. His evidence also discusses the impact of Synlait having priority on the water take from the Waimakariri River exercised by Central Plains Water and concludes that there is no material difference in the flow regimes in the Waimakariri River, in the scenario where Synlait has priority.
7. There is one request for further information from the Commissioners which has not been able to be satisfied in the timeframe given. That is the evidence as to the likely effect of the proposed take regime on the recreational boating amenity of the Waimakariri and Rakaia Rivers (in particular jet boating and kayaking). It is anticipated that this evidence will be available by 30 April 2008. Central Plains Water hereby seeks leave to introduce that evidence no later than that date.

Dated this 14th day of April 2008



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R M Dunningham

TO: Canterbury Regional Council  
Christchurch

AND TO: Malvern Hills Protection Society Inc  
C/- BurnsFraser Environment Law  
Auckland

AND TO: Department of Conservation  
C/- Anderson Lloyd Lawyers  
Christchurch

AND TO: North Canterbury Fish and Game Council  
C/- Anderson Lloyd Lawyers  
Christchurch

AND TO: Te Runanga O Ngai Tahu  
Christchurch

AND TO Ashburton Community Water trust  
c/-Chapman Tripp  
Lawyers  
Christchurch