

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

**MEMORANDUM OF THE APPLICANTS ON FURTHER ASPECTS OF
CONDITIONS**

Dated 23 March 2010

BUDDLEFINDLAY
Barristers and Solicitors
Christchurch

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Bond

1. In the table provided by Central Plains Water ("CPW") on the proposed conditions of consent from Selwyn District Council, it was indicated that an amended bond condition would be provided.
2. The amended condition is **attached**.
3. CPW considers it better reflects the wording of section 109 of the RMA, but still addresses the concerns of submitters if works are commenced, but for any reason, not completed.

Priority on the Rakaia River

4. The issue of whether Synlait Limited or Central Plains Water Trust has priority to the water on the Rakaia River is still unresolved, with Synlait having filed an application for leave to appeal the Court of Appeal's decision to the Supreme Court. As a consequence, it was thought prudent to redraft the terms of CRC021091 to take water from the Rakaia River, in order to provide for this possibility. An amended version of the relevant provisions in this take consent are **attached**.

Environmental Management Fund

5. Schedule 2 of the administrative conditions applying to the Canterbury Regional Council consents provide for the establishment of an Environmental Management Fund.
6. At clause 3 of Schedule 2, the level of levy remains stated at "*at least \$2 per hectare of irrigated land per annum*". CPW considers there is uncertainty in referring to hectares of irrigated land, as the extent of irrigated land on any farm will depend on a number of on-farm decisions. It considers a fairer way of setting the levy is to refer to a levy payable per share. At present there are 375,000 shares in Central Plains Water Limited. The current levy of \$2 per hectare translates to approximately 32 cents per share.
7. Central Plains Water Trust has reviewed this levy and believes it is appropriate that the initial levy be increased by 25% to 40 cents a share which is payable when the water allocation is utilised by the shareholding farming. This increase in levy is significant given that, with the proposed run of river scheme, the increases in production to be expected from irrigation will be significantly less than with a reliable storage scheme.

8. Clause 3(b) of schedule 2: administrative conditions should therefore be amended to read:

“(b) The level of levy (initially at least 40 cents per share in Central Plains Water Limited), payable when the shareholder commences using that shareholder’s water allocation.”



Matthew Casey QC / Rachel Dunningham
Counsel for first respondent