

**IN THE MATTER OF**            the Resource Management Act 1991

**AND**

**IN THE MATTER OF**            various applications by the Central  
Plains Water Trust to the Canterbury  
Regional Council.

#### **S42A REPORTING OFFICER'S SUMMARY OF CONDITIONS**

1. This report summaries the main points of difference between the conditions recommended by the Canterbury Regional Council and those supported by the applicant. This report also summaries the reasons behind those positions.
2. A further report detailing any difference in position will be submitted on 5 March 2010.

#### **CHANGES TO CONSENT NUMBERS**

3. During the development of conditions, both the applicant and I identified consent applications which could be combined with consent applications for the same activity in different locations.
4. We also recognised that would be more appropriate to separate the consent applications to discharge contaminants to land, water and air according to whether or not the discharge was related to construction activities or during the operation and maintenance of the scheme infrastructure.
5. The applicant, in consultation with Canterbury Regional Council staff, developed a list of "final" consent applications required, which resulted in the amalgamation, withdrawal and division of a number of applications. It was agreed that the generation of new consent numbers would be most appropriate to avoid any confusion as to whether or not the combined consent activities are within the scope of any "original" consent number associated with the consent applications.
6. The changes to the consent numbers are detailed in the table attached to this report as Appendix 1. I also note that a number of consent applications including those related to the dam and upper Waimakariri Intake have been withdrawn as they are no longer required by the applicant.

#### **CONDITIONS**

7. Recommended conditions are attached as Appendix 2. I note that the conditions refer to a number of location plans, which are yet to be created. However it is my understanding that the location plans submitted as part of the original applications have not varied significantly. These plans can be found on the

Canterbury Regional Council website (<http://ecan.govt.nz/get-involved/consent-projects/central-plains-water/Pages/Default.aspx>).

8. I have also attached a summary of the agreement and differences in opinion between the Canterbury Regional Council and CPW regarding specific consent conditions. The summary is attached as Appendix 3.
9. The applicant advises that they will provide more appropriate wording for the condition related to safety at the intake structures (CRC061972 condition 7 and CRC021091 condition 8) once they have feedback from White Water New Zealand.

## DAMMING AND DIVERSION OF WATER

10. Consent applications CRC061940 and CRC061943 to divert water from the Rakaia River and the Waimakariri River do not currently authorise the applicant to divert water along the headrace canal or distribution network. I also note that the irrigation canals meet the definition of a dam as specified in the Building Act 2004 and in the Proposed Natural Resources Regional Plan (PNRRP).

11. Section 7 (Interpretation) of the Building Act 2004 states:

*“dam” -*

*means an artificial barrier, and its appurtenant structures, that—*

*(i) is constructed to hold back water or other fluid under constant pressure so as to form a reservoir; and*

*(ii) is used for the storage, control, or diversion of water or other fluid; and*

*(iii) retains 3 or more metres depth, and holds 20 000 or more cubic metres volume, of water or other fluid; and*

*(b) includes—*

*(i) a flood control dam; and*

*(ii) a natural feature that has been significantly modified to function as a dam;*

*and*

*(iii) a canal; but*

*(c) does not include a stopbank designed to control floodwaters*

12. Therefore I consider that the applicant will require a building permit under the Building Act 2004, and a water permit to dam and divert water under rule WQN41 of the PNRRP.

13. In the event that the Commissioners consider that applications CRC061940 and CRC061943 may also authorise the damming and diversion of water along the distribution network and headrace canal, then I recommend that the following list of standard conditions are adapted to form part of the consent conditions.

	SCOPE
1)	Water shall only be dammed on land parcel [lot number], located on [street name and locality], at or about map reference NZMS 260 [map reference], as shown on Plan CRCXXXXXX, which forms part of this consent.
2)	The volume of water dammed shall not exceed [XXXXXX] cubic metres.
3)	The depth of water in the dam shall not exceed [XXXXXX] metres.

4)	The consent holder shall ensure that the freeboard is a minimum of [XXXXXX] metres.
5)	The height of the crest shall not exceed [XXXXXX] metres above natural ground level, as measured from the centre of the crest.
<b>CONSTRUCTION</b>	
6)	Prior to the commencement of construction a copy of this resource consent shall be given to every person involved in the construction.
8)	A construction report shall be prepared by the [person responsible for the design and construction of the dam], and a copy of which shall be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of the construction of the dam.
9)	Upon completion of the dam, and before first filling, the [person responsible for the design and construction of the dam] shall certify the dam as safe and ready for operation. A copy of the certification document shall be forwarded to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager.
10)	<p>(a) The [person responsible for the design and construction of the dam] shall be present during first filling and shall record any faults observed.</p> <p>(b) The consent holder shall immediately remedy any faults recorded during first filling.</p> <p>(c) A report shall be prepared detailing any faults observed and the remedial action taken, a copy of which shall be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of first filing.</p>
11)	The dam shall have rip rap placed around the entire inside perimeter.
12)	<p>(a) The crest and outside embankments of the dam shall be sown with grass within one month of the completion of the dam.</p> <p>(b) The crest and embankments of the dam shall have a good, even grass cover.</p>
<b>OPERATION AND MAINTENANCE</b>	
13)	A copy of this resource consent shall be given to every person involved in the operation and maintenance of the dam.
14)	<p>(a) The consent holder shall ensure that a chartered professional engineer inspects the dam within five days of first filling.</p> <p>(b) The chartered professional engineer shall record any faults or findings that could potentially lead to dam failure, and recommend the appropriate remedial works. A report of these findings and recommended remedial actions shall be prepared and a copy of which shall be provided to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of the inspection.</p> <p>(c) The consent holder shall immediately undertake any remedial works or corrective action recommended by the engineer and notify the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one week of completion.</p>
15)	<p>(a) The consent holder shall undertake routine inspections and maintenance works on the dam.</p> <p>(b) The details and findings of any inspections and maintenance works shall be recorded in a logbook kept for that purpose. A copy of the logbook shall be forwarded to Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, by 30 June each year.</p>

16)	The consent holder shall ensure that the dam is inspected comprehensively by, or under the supervision of, a chartered professional engineer, yearly for the first [XXXXX] years and then once every [XXXXX] years after that. A copy of the inspection report shall be forwarded to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of the inspection.
17)	<p>In the event of any evidence of erosion, seepage, cracking, settlement, slipping or other embankment deformation the consent holder shall, immediately:</p> <p>(a) Report the event to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager; and</p> <p>(b) Consult a chartered professional engineer who shall be requested to take responsibility for:</p> <ul style="list-style-type: none"> <li>(i) the inspection of the dam;</li> <li>(ii) the identification of remedial action required;</li> <li>(iii) the recording of the details of the inspection, reasons for the fault and remedial action required, in a report, a copy of which shall be forwarded to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of the inspection.</li> </ul> <p>(c) Undertake any remedial works or corrective action recommended by the engineer, and notify the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one week of completion.</p>
18)	In the event of dam failure, the consent holder shall immediately contact a chartered professional engineer who shall complete a report detailing the cause of failure and the action taken. A copy of this report shall be forwarded to the Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, within one month of the event.
ADMINISTRATION	
19)	The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
20)	The lapsing date for the purposes of section 125 shall be [between 5 years and 5 years three months, date set for each quarter].

\_\_\_\_\_  
Angela Dean  
Consents Investigating Officer

Date: 17 February 2010