

APPENDIX 2

Consent number	Consent description	Agree/ disagree	Comments
Land Use Consents			
CRC061814	To excavate and deposit material over an unconfined aquifer	Agree	
CRC102326	Disturb, excavate, deposit material, remove and plant vegetation in riparian margins: operate and maintain supply works	Agree	
CRC102325	Disturb, excavate, deposit material, remove and plant vegetation in riparian margins: construct supply works	Agree	
CRC061822	Disturb, excavate, deposit material, remove and plant vegetation in riparian margins	Agree	
CRC102328	To disturb and excavate the bed of a river to place structures	Agree except condition 17	In the event the applicant would like to enter flowing water, then I consider that condition (15) of CRC072648 granted to ACWT would be appropriate.
CRC102329	To disturb and excavate the bed of a river to operate, repair and maintain structures	Agree except condition 17	In the event the applicant would like to enter flowing water, then I consider that condition (15) of CRC072648 granted to ACWT would be appropriate.
CRC102330	To disturb, excavate and deposit material, and to remove and plant vegetation within the bed and	Agree except conditions 26 and 27	Condition (26) drafted to satisfy concerns held by the Regional Engineer regarding their ability to access the river bed. I recommend that this condition is retained as it will require

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	riparian margins of a river for the construction of intake structures		<p>the applicant to maintain access across the diversion channels to the bed of the river to allow the Regional Engineer to carry out river protection works.</p> <p>Condition (27) was drafted to ensure that the vegetation introduced to the river bed and banks do not spread further into the bed of the river. I will need to confirm how frequent the survey should be undertaken once the plants reach seeding maturity. Dr Philip Grove from Environment Canterbury to advise.</p>
CRC102331	To disturb, excavate and deposit, and to remove and plant vegetation within the bed and riparian margins of a river for the operation and maintenance of intake structures	Agree except conditions 14, 24, 25.	<p>In the event the applicant would like to enter flowing water, then I consider that condition (15) of CRC072648 granted to ACWT would be appropriate to replace condition (14) of this consent.</p> <p>Condition (24) drafted to satisfy concerns held by the Regional Engineer regarding their ability to access the river bed. I recommend that this condition is retained as it will require the applicant to maintain access across the diversion channels to the bed of the river to allow the Regional Engineer to carry out river protection works.</p> <p>Condition (25) was drafted to ensure that the vegetation introduced to the river bed and banks do not spread further into the bed of the river. I will need to confirm how frequent the survey should be undertaken once the plants reach seeding maturity. Dr Philip Grove from Environment Canterbury to advise.</p>
Water Consents			
CRC061768	Dam and divert water during construction	Agree	
CRC061940	Divert water from the Rakaia River for irrigation, sediment sluicing and fish passage	Agree	

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CRC061943	Divert water from the Waimakariri River for irrigation, sediment sluicing and fish passage	Agree	
CRC061925	Take water for dewatering	Agree	
CRC061972	Take water from the Waimakariri River at a maximum rate of 24m ³ /s	Agree except conditions 1, 3 (v), 5 (a) (ii) (fish screen size)	<p>Condition (1) refers to the location of the intake structure/tunnel. I consider that the location should be specified more accurately in the consent document, however the applicant advises that they are unable to be more precise until final investigations are done</p> <p>Condition (3) (v) refers to the 10 cumec gap during peak recreational use on the Waimakariri River.</p> <p>Mr Cliff Tipler (for the applicant) has modelled the effects of these restrictions, and has advised me that there will be no change to the number of days that the river is within the preferred flow bands.</p> <p>I have asked Maurice Duncan to audit this assessment. At the time this report was written, Mr Duncan had not completed the audit. As such, I have included the proposed condition (3)(a)(v) that will address the scenario discussed in Minute 12.</p> <p>Condition (5) specifies the requirements for fish screening. This condition is in-line with the decision for ACWT (with some minor changes in consultation with Dr Adrian Meredith (Environment Canterbury)).</p>
CRC061973	Use water from the Rakaia River and Waimakariri River at maximum rate of 65m ³ /s	Agree	

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CRC021091	Take water from the Rakaia River at a maximum rate of 40m ³ /s	Agree except conditions 4 and 7	<p>Condition (4) is worded to address the relationship between other abstractors and resource consents to take water from the Rakaia River, and to make explicit the maximum rate at which water can be abstracted between the consent holders. I do not think that this condition is necessary as agreement between water users is addressed in condition (5).</p> <p>Condition (7) specifies the requirements for fish screening. This condition is in-line with the decision for ACWT (with some minor changes in consultation with Dr Adrian Meredith (Environment Canterbury)).</p>
Discharge Permits			
CRC102332	Discharge contaminants and water during construction	<p>Philosophical disagreement regarding what should be included in management plans and what should be set down in conditions.</p> <p>Also disagreement on Scoping conditions, conditions 14, 24</p>	<p>In Minute 14 the Commissioners indicated that they were satisfied that the effects of the discharges could be mitigated using management plans. We agree that management plans are a good tool, particularly for large scale projects such as this. However for management plans to be effective there must be bottom line conditions in the consent which the management plan must comply with. See Conditions (17), (19), (31), (32).</p> <p>In addition we do not agree with conditions that permit "general" compliance with best practice guidelines. This is unenforceable as it is not clear which parts of the guidelines must be complied with and which can be adjusted, and how much deviation from the specifications in the guidelines is allowed. The exception to this is where those parts of a best practice guideline that must be complied with to ensure environmental outcomes are achieved (such as critical design parameters for treatment devices) are pulled out and specified in the consent conditions. In this case pulling out all the critical details would result in an extremely long consent document as it is not known which devices and measures will be used. Therefore we do not</p>

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			<p>consider it to be practical. See Conditions (10), (20), (23).</p> <p>Scoping conditions</p> <p>The environmental effects of discharging sediment laden water onto or into land are much less than those of discharging into surface water. Conditions (2) to (4) require land discharge to be the first option considered. The management plan can be used to justify whether discharging onto land is practicable in particular situations.</p> <p>Condition 14</p> <p>The applicant proposed the following: "(b) for the purpose of relaxing erosion and sediment control requirements where these have been found to be unnecessarily stringent provided the performance standards outlined in conditions (performance standards) are still met;"</p> <p>I do not consider the proposed clause (b) to be enforceable.</p> <p>Condition 24</p> <p>I suggest that the method for calculating the zone of non-compliance be taken from Rule WQL6 of the PNRRP as opposed to that stated in Schedule 1 of the PNRRP as proposed by the applicant. I consider this to be less ambiguous than the method in Schedule 1 of the PNRRP because the units of measurement are specified.</p> <p>Condition 26</p> <p>The applicant proposed to observe clarity of the receiving water, and measure turbidity if a change in clarity was observed. If measuring clarity were required in the consent conditions we would recommend that the condition require that</p>

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			measurement be made using a clarity tube by a qualified person, rather than simply by observation. Therefore we consider there to be no advantage to measuring clarity and turbidity as it would double the measurements required.
CRC102333	Discharge contaminants and water during scheme operation and maintenance	Same concerns as CRC102332	Same comments as per CRC102332 as the conditions are largely identical, only the duration of the consent is different.
CRC102334	Discharge stormwater which may contain contaminants onto or into land and into water	Philosophical disagreement regarding what should be included in management plans and what should be set down in conditions.	<p>In Minute 14 the Commissioners indicated that they were satisfied that the effects of the discharges could be mitigated using management plans. We agree that management plans are a good tool, particularly for large scale projects such as this. However for management plans to be effective there must be bottom line conditions in the consent which the management plan must comply with.</p> <p>In addition we do not agree with conditions that permit "general" compliance with best practice guidelines. This is unenforceable as it is not clear which parts of the guidelines must be complied with and which can be adjusted, and how much deviation from the specifications in the guidelines is allowed. The exception to this is where those parts of a best practice guideline that must be complied with to ensure environmental outcomes are achieved (such as critical design parameters for treatment devices) are pulled out and specified in the consent conditions.</p> <p>Because the applicant has proposed which stormwater treatment devices will be used we would prefer that the critical design specifications and maintenance provisions be included in the consent to provide these bottom lines. These specifications are general enough to allow adjustment for different sites as required, but will ensure that environmental outcomes are achieved.</p>

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CRC061928	Discharge water for dewatering purposes during construction	Agree except condition (6)	Condition 6 refers to the dewatering management plan, and whether or not it can be reviewed in the event that it is considered to be too stringent. I have sought to address this concern by drafting 6(a).
CRC061949	Discharge water and contaminants as seepage from canals and distribution races to land where it may enter water	Agree	
CRC102335	Discharge surplus water and contaminants from canals and distribution network to water and to land	Agree except condition 2 (c)	Condition 2 specifies where surplus water may be discharged. The applicant seeks to discharge water to the water bodies in the listed watercourses. I note that this would mean that water sourced from the Waimakariri and Rakaia Rivers will be discharged into other waterbodies.
CRC061980	Discharge diverted water into the Rakaia River	Agree except condition 11(a)	Condition 11 (a) was drafted to reflect the restrictions specified in the Rakaia River Water Conservation Order.
CRC061982	Discharge diverted water into the Waimakariri River	Agree	
CRC102336	Discharge contaminants and dust to air during scheme construction	Agree	
CRC102337	Discharge contaminants and dust to air during scheme operation and maintenance	Agree	
Schedule 1: General Conditions			

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	General Conditions	Agree except condition 1	Not certain
	Accidental Discovery	Agree	
Schedule 2: Administrative Conditions			
	Community fund	Agree	
	Sustainability Protocol	Agree	
	Community Liaison	Agree	
	Groundwater and Lowland Drainage	Agree except conditions 25 (e) and (i)	Frequency of sampling – the frequencies recommended stem from advice from Dr Howard Williams and Mr Carl Hanson (Groundwater scientists at Environment Canterbury).
	Review	Agree, however may need to extend.	
Schedules A to C	Descriptions of locations of proposed works	Agree	
Bonding Provisions		Disagree	Advice from Kristy Rusher (Solicitor at Environment Canterbury) is that the current bonding proposal is not legal, and requires further drafting by the applicant.