

REPORT

TO: Chief Executive
FOR: Council Meeting 10 March 2010
FROM: Asset Manager Utilities
DATE: 02 March 2010
SUBJECT: **Central Plains Water Trust Conditions – 5Waters Approach**

1. RECOMMENDATION

That Council endorse the staff submission to the Central Plains Water Trust consent application

2. PURPOSE

- 2.1 This report is provided to inform Council regarding:
- i) Central Plains Water Trust (CPWT) draft conditions
 - ii) The route taken to address consent issues identified by staff

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

- 3.1 The issues and decisions in relation to the recommendation have been assessed against the Significant Policy. The CPWT consents while regarded as having a significant potential effect; are currently of minor significance.
- 3.2 The current assessment of a minor significance has been determined with the view that:
- a) A decision on consent conditions will be addressed through a separate Resource Management process.
 - b) Council staff intend to reserve the opportunity to engage with CPWT in this process to protect existing use rights as far as reasonably possible.

4. HISTORY/BACKGROUND

- 4.1 The Asset Manager Utilities has clearly stated his concerns with the Central Plains Scheme as it affects applicable 5Waters schemes. Evidence was presented to the CPWT hearings in May 2008 on this matter – Table 1.
- 4.2 CPWT have amended their proposal, however the issues raised in May 2008 still largely remain. CPWT state that groundwater levels will return to 1990 conditions.

Table 1: 5Waters Issues Summary

SCHEME TYPE	5WATERS ISSUES
Stockwater <ul style="list-style-type: none"> ▪ Malvern & Ellesmere 	<ul style="list-style-type: none"> ▪ Significant capital required by SDC to be invested for consent compliance where a CPWT scheme is expected to replace this. ▪ Incompatibility/inefficiency of dual CPWT/SDC systems operating adjacent to one another ▪ CPWT construction works expected to significantly disrupt waterrace scheme with impact on level of service and race environment
SCHEME TYPE	5WATERS ISSUES
Wastewater schemes <ul style="list-style-type: none"> ▪ Leeston & Rolleston 	<ul style="list-style-type: none"> ▪ Groundwater monitoring and longer duration inflows will result in additional treatment costs and reduced treatment time through soil. Consent non-compliance may result
Water Supplies <ul style="list-style-type: none"> ▪ Groundwater Takes 	<ul style="list-style-type: none"> ▪ Potential for water nitrogen level increase even with CPWT farm nutrient management ▪ Severe contamination would require alternative source/more treatment
Land Drainage	<ul style="list-style-type: none"> ▪ Water flows will be more common and of longer duration. Increase in scheme maintenance will be necessary. ▪ Lake Ellesmere/Te Waihora frequency openings may increase due to CPWT discharge into Lake and groundwater inflows.
Stormwater	<ul style="list-style-type: none"> ▪ Stormwater systems in lowland areas may intercept groundwater with reduced capacity during events, resulting in more common surface flooding

4.3 CPWT have proposed conditions for identification of an issues root cause e.g. high groundwater naturally occurring versus a result of CPWT activities. They have also proposed a claimant/consent holder process where remediation or mitigation measure are necessary.

4.4 These conditions are considered to be very problematic if not impossible to use based on a dearth of relevant existing information with resulting uncertainties. The emphasis on claimants to prove effects with no stated resolution timeframes is not considered appropriate.

5. PROPOSAL

5.1 The Asset Manager Utilities provided a submission to the CPWT commissioners on 28 February 2010. The submission – attached referred to specific conditions proposed by CPWT.

5.2 In broad terms the submission identified that proof of effects resulting from CPWT activities should not be a responsibility or cost on Selwyn District Council targeted rate schemes.

5.3 The Asset Manager Utilities was subsequently invited by the hearing commissioners to provide a detailed response to applicable consent conditions.

5.4 Council staff should reserve the ability to appeal conditions via s274 – Representation at Proceedings.

6. OPTIONS

6.1 The following options were considered:

Table 2: Options

	BENEFITS	DIS-BENEFITS
Option 1 -Do nothing	<ul style="list-style-type: none">▪ No further staff resources utilised	<ul style="list-style-type: none">▪ No ability to represent communities of interest relevant concerns
Option 2 -Engage in submission process	<ul style="list-style-type: none">▪ Council represents relevant community of interest concerns▪ Amendments to consent conditions may result	<ul style="list-style-type: none">▪ Cost in staff time and specialist advice where applicable

6.2 Option 2 is considered to be the most appropriate in this matter.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected

Council staff are acting in this matter as the scheme Asset Managers.

b) Consultation

Consultation with the Land Drainage and Waterrace subcommittees has been undertaken. Their views will be taken into consideration.

c) Maori implications

No issue relating to Maori have been considered

8. RELEVANT POLICY/PLANS

8.1 Council has adopted a 5Waters Strategy and Sustainability Principles. While adopted under the Local Government Act these community focussed documents generally reflect the approach the wider 5Waters community wants Council to take.

9. COMMUNITY OUTCOMES

9.1 Council has outcomes relating to air and water which seek to provide clean, safe to drink and efficient and cost effective systems.

10. NEGATIVE IMPACTS

Not Applicable

11. LEGAL IMPLICATIONS

Not Applicable

12. FUNDING IMPLICATIONS

Not Applicable

13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?

13.1 This report has not been reviewed by other departments.

H Blake-Manson
ASSET MANAGER UTILITIES

ENDORSED FOR AGENDA

R J Anderson
ASSET DELIVERY MANAGER

APPENDIX 1 SUBMISSION