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*in the matter of:* the Resource Management Act 1991

*and*

*in the matter of:* an application for resource consent CRC071029 by the South Canterbury Irrigation Trust and Meridian Energy Limited to take and use water from the Waitaki River

## Supplementary brief of evidence of Brian Neil Ellwood

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Dated: 23 February 2010

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## SUPPLEMENTARY BRIEF OF EVIDENCE OF BRIAN NEIL ELLWOOD

- 1 My full name is Brian Neil Ellwood.
- 2 I am a Water Infrastructure Project Manager – Irrigation Specialist at Meridian Energy Limited (*Meridian*) and have the role of Project Manager for the Hunter Downs Irrigation proposal (*HDI*).
- 3 My qualifications and wider experience are set out in the brief of evidence I provided to the Hearing Panel in October 2007.

### Scope of evidence

- 4 I have been asked by the applicants for the HDI project to provide further evidence on:
  - 4.1 lapsing and the likely timeframes for completion, construction and operation of the HDI scheme; and
  - 4.2 the inclusion of the Timaru area within the HDI scheme.

- 5 I also note that paragraph 46 of my previous brief of evidence included a chronology headed a '*Possible timeframe of the Development Stages for HDI*'. This was primarily focused on the various management plans that will need to be developed by individual irrigators and the HDI scheme – however, as this is also relevant to the issue of lapsing I have included it as **Annexure 1**.

### Lapsing

- 6 The last version of HDI conditions presented to the Hearing Panel provided that the lapsing provisions of the Resource Management Act 1991 (*the ACT*) would not apply until "*after the expiry of 10 years from the date of grant of all consents necessary for the construction and use of the intake, diversion channel and irrigation delivery system, and for the use and discharge of the water necessary for the operation of the Hunter Downs Irrigation Scheme.*"<sup>1</sup>
- 7 This is a different approach to that originally proposed by Meridian for the 'water consents' for the NBTC scheme (which was simply 12 years from the grant of consent), and it is also different from the lapsing conditions proposed for NBTC by the Environment Court (12 years from the grant of consent but with specific performance 'milestones' that have to be fulfilled within the first 6 years of the consent taking effect).
- 8 In light of the Commissioners' request for an approach to lapsing that better aligns with the Environment Court in the NBTC matter, the applicant for the HDI project has:

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<sup>1</sup> Reconvened hearing, 16 April 2009.

- 8.1 amended the 'starting point' for the lapsing condition to be that when the 'water consent' takes effect; and
  - 8.2 has undertaken a review of the provisional development programme for the project.
- 9 Following that review I believe that 10 years is the practical minimum time period that should be allowed for this condition. A 10 year lapsing period allows for:
- 9.1 2 years to complete a detailed Engineering Feasibility study and determine the preferred scheme layout and design.
  - 9.2 2 years to prepare, lodge and for the Regional and District Councils to hear the land-use and other associated 'stage II' consents and issue final decisions.
  - 9.3 1 year for any further appeals to the Environment Court and associated hearing and final decisions.
  - 9.4 2 years for detailed design and selection of a constructor for the project.
  - 9.5 3 years for construction and commissioning. This is primarily a large earth works project which will be very weather dependant. A three year construction duration could be prolonged by an unseasonably wet period.
- 10 As can be seen from Annexure 1, it will also be necessary for the applicant to begin and finalise the various individual and scheme management plans during the preparation of the applications for the land-use and other associated 'stage II' consents (para 9.2 above). This will ensure there is the requisite 4 to 7 years lead time for the creation and implementation of all necessary management plans and water user agreements.
- 11 It may be possible that stages of the process take less time or are truncated, for example if there was no appeal of any land-use/stage II consent decision(s), however we cannot assume this will occur and there is still a high degree of uncertainty over whether such circumstance might arise and whether time frames could in fact be longer. Given the scale of the proposal and the foregoing, 10 years really is the shortest prudent minimum lapsing period.
- 12 In line with the most recently Environment Court conditions for NBTC it is also now proposed that the lapsing condition be 'split' so that the consent will lapse after 5 years should the applicant have failed to make the necessary further landuse and 'stage II' applications to the Regional and District Councils.

13 From the above it can be seen that any minor delays at any stage could have a significant effect on already tight timeframes and therefore the applicant considers that 10 years is the shortest prudent minimum lapsing period.

**Timaru District**

14 As has been outlined by **Mr Potts**, the Pareora, Makikihi, and Hook groundwater zones are considered to be over-allocated or at their allocation limit. Similarly, all surface water bodies in the Timaru area are either at or over their allocation limit and could not be supplemented by storage.

15 The only alternative 'non-local' water source to the HDI scheme would be Lake Tekapo. As set out in the evidence of **Ms Moss** and **Mr Robertson** this cannot be accessed while Meridian continues to hold consents for the Waitaki Power Scheme.

16 For this reason, the only viable and realistic water supply for the Timaru area will be the HDI scheme.

17 There is strong demand from the Timaru area. One example illustrating the support and demand for irrigation north of the Pareora River has already been presented to the Commissioners in the evidence given by **Mr George Steven** who farms near Timaru.

18 On this basis the applicant seeks that the Timaru area be included in any consent.

Dated: 15 January 2010

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Brian Neil Ellwood

## Annexure 1 (from para 46 of previous brief of evidence)

### Possible timeline of the Development Stages for HDI

Stage 1: Consenting for Water take and Use

Stage 2: Consenting for Construction

- Development of Individual Farm Management Plan Template
  - Finalise Scheme Management Plan
  - Develop specific Surface and Groundwater Monitoring Plans
- } 2-3 Years

Stage 3: Pre-Construction/Post-Consenting

- Develop Water User Agreements
    - Including a process for assessing non-compliance
  - Contract with Water Users
- } 1-2 Years

Stage 4: Construction

- Finalise Individual Farm Management Plan (on-farm)
  - Water users undertake on farm irrigation design by accredited professionals.
  - On farm Scheme Plan requirements undertaken e.g. stream fencing, nutrient budget development, etc
- } 1-2 Years

Stage 5: Commissioning

- On farm irrigation equipment audited within 12 months
- Connection checklist completed

Stage 6: Scheme operation

- Farm plan audits

4-7 Years

To develop/  
finalise farm  
management  
plans

- Scheme Environmental Management Fund projects undertaken
- On farm irrigation equipment audited 5 yearly
- Environmental monitoring and reporting