

DRAFT CONSENT CONDITIONS PROPOSED BY CHRISTCHURCH CITY
COUNCIL

Regarding consent CRC061972, CCC is concerned that the applicants proposed conditions 2, 3 and 4 allocate too much water from the river. The water allocation conditions should be worded to include the following:

2. Abstraction must cease whenever the flow in the Waimakariri River, as estimated by the Canterbury Regional Council from measurements at the Old Highway Bridge, at or about map reference NZMS260 M35: 818-547, is less than 64.24 m³/s.
3. The maximum abstraction rate shall not exceed 25 m³/s. The abstraction shall not adversely affect the reliability of supply for any other prior abstractive consent holder from the Waimakariri River. For every 1 m³/s that is abstracted, 1 m³/s must be left in the river above the minimum flow of 64.24 m³/s.
4. The abstraction of water from the Waimakariri River must only occur when the water requirements for the CPW scheme cannot be met by abstraction of water from the Rakaia River authorised by consent CRC021091.

Furthermore condition 18 should be reworded to state the following:

“If as a result of groundwater quality monitoring, or a complaint from a bore user, the water supply to any residential dwelling does not meet the Drinking-Water Standards for New Zealand 2005, the consent holder shall provide at it’s own cost a potable water supply which meets these standards for domestic use, unless the consent holder can demonstrate that their activities have not contributed to the failure to comply with the Drinking-Water Standards for New Zealand 2005.” This same wording also needs to be altered on condition 6 of consent CRC061973. Similarly worded conditions are also required for all potential adverse effects related to raised groundwater levels or reduced river seepage

and the potential impacts on groundwater levels and groundwater quality.

Regarding the General Conditions:

- Condition 2 should require the consent holder to “*minimise and mitigate adverse effects*”
- Condition 3 should require that “... *the effects of the construction activities are minimised and mitigated to the greatest extent possible.*”
- Condition 4 should replace the second occurrence of the word ~~or~~ with the word “and”. This is to ensure that any change to the Environmental Construction Management Plan must be an improvement in the avoidance, mitigation or remedying of adverse effects.

Regarding the Administrative conditions:

- CCC supports conditions 2 . 19 with the following amendments:
- Condition 2 should commence with the words “Prior to the exercise of this consent, the consent holder...”
- Condition 6 should delete the word ~~average~~ wherever it occurs
- Conditions 16 . 19 refers to the Drainage Technical Review Panel. CCC would prefer this to be replaced with the “Environmental Technical Review Panel” which is described in the additional conditions proposed below.
- In condition 17 it is proposed that the panel should comprise an odd number (perhaps 5) and in condition 19 the last sentence should replace the word ~~consensus~~ with the word majority
- If the ETRP conditions presented below are accepted then the Applicants proposed conditions 20 and 21 become unnecessary
- Condition 22 is supported, although in clause (a) the words ~~may arise from~~ should be replaced with are contributed to by. Also, clause (e) should be deleted and replaced with “implementing a regional plan”. A new clause (f) should be added which reads, altering the rate of abstraction from the Waimakariri River to protect

the recharge into the Christchurch-West Melton and Kaiapoi aquifer systems.

In addition to the conditions proposed by the Applicant, CCC would like to see the following conditions included, or something similar to them.

A. *Prior to the first exercise of this consent, the consent holder shall develop a clearly defined monitoring and mitigation strategy outlining the specific measures to address potential adverse effects that might arise in regard to the following issues:*

- *adverse effects due to loss of Waimakariri River seepage on the Christchurch-West Melton and Kaiapoi aquifer systems;*
- *adverse effects arising from raised groundwater levels;*
- *adverse effects arising from deteriorating groundwater quality, either as a result of contaminants from scheme activities or due to raised groundwater levels. This will include a scheme wide nutrient management strategy that considers both soil drainage and clean water infiltration to avoid as far as practicable any increase in the concentration of nitrogen and phosphorous draining into groundwater.*

This strategy shall be called the Groundwater Protection Plan and must include the following components:

- *the specific monitoring points for assessing the environmental effects of the scheme activities on groundwater levels, groundwater quality, surface water flow and surface water quality. As a minimum the water quality analyses shall include E.coli, pH, electrical conductivity, alkalinity, chloride, nitrate-N, nitrite-N, ammonia-N, total-N, dissolved reactive phosphorous and total phosphorous;*
- *the frequency of monitoring to be undertaken at the points listed above. This must include some locations where groundwater levels and surface flow is measured daily, some locations where levels, flow*

and water quality are measured monthly and some locations where levels, flow and water quality are measured at three monthly intervals;

- *a reporting process for the monitoring results which must occur on at least an annual basis to the Canterbury Regional Council and to the Environmental Technical Review Panel (ETRP). These reports shall include all the monitoring data and an interpretation of background conditions and impacts arising from the consented activities;*
- *A description of the mitigation measures that can be implemented to address all the potential adverse effects related to groundwater level, groundwater quality and surface water flow and quality issues;*
- *A description of the specific triggers related both to the monitoring regime and in response to land owners' concerns that will initiate the implementation of the mitigation measures;*
- *The strategy for monitoring and reporting on the effectiveness of the mitigation measures to the Canterbury Regional Council, the ETRP and the affected land owners.*

Written confirmation of compliance with this condition must be obtained from the Canterbury Regional Council prior to undertaking any of the activities authorised by this consent.

B. The regular monitoring described in condition A must commence at least 2 years before the commencement of the irrigation activities authorised by this consent.

C. Environmental Technical Review Panel

Prior to the commencement of any activities authorised by these consents (including the finalisation of the Groundwater Protection Plan listed in condition A), the Consent Holder shall request the consent authority to appoint an Environmental Technical Review Panel, comprising five

people. One member of the panel shall be a nominated representative of the consent authority. The remaining panel members shall be persons with expertise or knowledge in the following areas:

- *Lowland drainage network operations*
- *Groundwater hydrogeology*
- *Land drainage*
- *Freshwater ecology*

The role of the ETRP shall be to :

- *Meet at no less than annual intervals*
- *To review and approve the Groundwater Protection Plan described in condition A*
- *To receive and review reports on the environmental monitoring and mitigation undertaken by the consent holder*
- *To resolve complaints as detailed in condition D.*

All meetings of the ETRP shall be attended by a representative of the consent holder who is familiar with the operation of the Central Plains Water Enhancement Scheme. However the consent holders representative shall not be involved in any decision making of the ETRP.

The ETRP shall make recommendations to the Consent Holder and to the Monitoring and Compliance section of the consent authority regarding the suitability of the interpretation of monitoring data and the implementation of mitigation measures undertaken by the Consent Holder.

The Consent Holder shall be required to comply with the recommendations made by the ETRP.

The operation of the ETRP will be funded by the consent holder.

D. Response to Groundwater Complaints

If the consent authority is notified by a “claimant” of an adverse environmental effect, which the consent authority considers, on reasonable grounds, may be the result of the exercise of this consent,

or a result of failing to undertake any work required by this consent, then:

(a) Within 10 working days of receipt of the complaint, the consent authority (or a suitably qualified nominee) and the Consent Holder (or a suitably qualified nominee) shall undertake a joint inspection of the affected site.

(b) If the consent authority remains of the view that there are reasonable grounds for the claim, the Consent Holder shall formally notify the claimant within 5 working days of the site inspection that the Consent Holder will either remedy the adverse effect or invite the claimant to refer the claim to the Environmental Technical Review Panel (ETRP).

(c) Any invitation extended under clause (b) from the Consent Holder to the claimant to refer the matter to the ETRP shall include the following information:

(i) A description of the assessment process that the Consent Holder has undertaken regarding the issue raised by the claimant;

(ii) Provide the contact details for the ETRP;

(iii) An offer to remedy the breach or exceedance subject to the claimant agreeing to reimburse the Consent Holder for the cost of any such remedy in the event that the ETRP determines that the Consent Holder did not contribute to the adverse effect. Such reimbursement does not extend to the costs of the assessment of the complaint or the ETRP review of the complaint.

(iv) The offer set out in (iii) shall lapse and be of no effect unless the claimant refers their claim to the ETRP within 15 working days of the date of the invitation by the Consent Holder under (b).

(d) If the ETRP concludes that the claimed breach or exceedance was contributed to by the scheme activities then the Consent Holder shall as soon as practicable take steps to remedy the breach or exceedance at its own cost.

- (e) For the purpose of this condition the findings of the ETRP shall be binding to both parties.*
- (f) The Consent Holder may, instead of undertaking any remedial work or completing the assessment process, chose to negotiate with the claimant to undertake or pay the cost of those remedial works directly to the claimant, or otherwise reach agreement with the claimant in respect of any damage.*
- (g) For the purpose of this condition, remedy shall include mitigation to a level that matches the environmental conditions that occurred prior to the first exercise of this consent.*