

Memorandum

TO: Commissioners for the Central Plains Water Consent Hearing

FROM: Peter Callander, Pattle Delamore Partners

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DATE: 1 October 2009

Central Plains Water Trust: Revised scheme effects on Waimakariri Irrigation Limited and Waimakariri District Council

Introduction

1. As you are aware, Waimakariri Irrigation Limited (WIL) and Waimakariri District Council (WDC) have lodged submissions and presented evidence opposing the original consent application by Central Plains Water (CPW).
2. This memorandum sets out the position of WIL and WDC based on the changes that CPW have made to their proposed scheme. As the changes are relatively minor in effect it was thought more appropriate to deal with this via a short memorandum rather than requiring the Commissioners to hear for a second time from WIL/WDC.
3. This approach also allows WIL/WDC to update the Commissioners with their progress in discussing, with CPW, the proposed Waimakariri take conditions. At the time WIL/WDC originally presented, the parties advised that they would try to discuss appropriate conditions for the Waimakariri take with a view to putting an agreed set of conditions to the Commissioners.

Outline of WIL/WDC position

4. The revised CPW scheme no longer has an upper Waimakariri River intake, which avoids effects on the Waimakariri District Council water scheme intake at Rockford Road.
5. However, CPW's lower Waimakariri River intake remains and accordingly there is still the potential for adverse effects on the combined WIL and WDC intake at Browns Rock. Therefore, conditions are still required to protect that combined intake from activities that CPW undertake, including training the river across to the south side and away from Browns Rock.
6. WIL/WDC's original concerns around flow sharing also remain. The availability of water to many current abstraction consents from the Waimakariri River is based on the measured flow at the Old Highway Bridge and the Class A and B1 consents that have been granted start to be restricted at or below flows of 64.24 m³/s. Therefore, it would be appropriate for any CPW abstraction to only occur above that flow.
7. In this context the revised CPW proposal now includes a 1:1 sharing regime for the Waimakariri River abstraction, a 25 m³/s peak abstraction rate, and a commitment to use Rakaia River water as the first priority. All those changes mean that more water is left in the Waimakariri River. These

changes help to lessen the concerns of WIL and WDC, although those constraints need to be detailed in the conditions of any consent that is granted.

Conditions

8. As noted previously, WIL and WDC's concerns can be largely addressed by consent conditions.
9. Discussions regarding consent conditions were proposed on a number of occasions by WIL and WDC following its earlier appearance, however CPW advised that it did not wish to discuss conditions until the priority issues with Ngai Tahu Property Limited were resolved. Other than that described below, no further discussion has occurred since that time.
10. A proposed set of conditions to be incorporated into any CPW consents is therefore attached to this memorandum. These conditions were provided to CPW for their consideration in late September, although, at the time of preparing this memorandum, no response had been received.
11. In the absence of any agreement from CPW, WIL and WDC request that the Commissioners incorporate these conditions into any consent that is granted.

Further questions

12. If the Commissioners have any questions regarding these matters, a presentation could be made by any of the WIL/WDC representatives listed below:
 - ii Ms Jo Appelyard/Mr Ben Williams – Chapman Tripp;
 - ii Mr Peter Callander - Pattle Delamore Partners Limited;
 - ii Mr Richard Allison – Waimakariri Irrigation Limited;
 - ii Mr Simon Markham – Waimakariri District Council.