

BEFORE THE CANTERBURY REGIONAL COUNCIL

Under the Resource Management Act 1991

and

In the matter of resource consent applications by various parties to take
and use water in the Upper Waitaki Catchment

MEMORANDUM TO COMMISSIONERS - UWAG RESPONSE

We refer to the Commissioners' 25th Minute dated 8 October 2010 and respond as follows:

Introduction

1. We note that of the 61 consent applications and 51 associated discharge and land use consent applications in the Upper Waitaki catchment that UWAG is responsible for 70 applications. These applications have involved common conditions but with permutations to deal with:
 - 1.1 The renewal applications and in particular the conversion condition for spray or other more efficient forms of irrigation.
 - 1.2 Conditions pertaining to ongoing requirements for continuity of irrigation from the date of grant.
 - 1.3 Conditions dealing with compliance with NDA levels during conversion regimes.
2. UWAG has had ongoing discussions with Dr Freeman. Reporting officers, other applicant advisors, and technical advisors with respect to consent conditions. Where possible, this had led to alignment of common consent conditions and a consistent framework for trigger response conditions pertaining to Lake Benmore monitoring and trigger response conditions.
3. There have been ongoing discussions with respect to those consents in the Lake Tekapo region and those below Lake Benmore as to the appropriateness of Lake Benmore water quality monitoring conditions and trigger response conditions.
4. It is UWAG's position (generally agreed by Dr Freeman) that neither consents in these localities should be subject to Lake Benmore water quality monitoring and trigger response conditions.

5. There have been discussions with respect to Lake Tekapo consents as to whether it is appropriate for a single monitoring point with trigger response in Lake Tekapo for all three consents. It will be UWAG's position in the consent conditions that there are better mechanisms for monitoring the effect of consent through the FEMP process and this will be set out in conditions – noting Dr Freeman's position that a common monitoring and trigger response point for Lake Tekapo is appropriate. This will be a matter for the Commissioners to decide.
6. In order to provide consistency with the consent applications new derogation approvals have been obtained from Meridian for the applications for Haldon and Hope (Grampian Station). These are attached. A separate Memorandum will report on those changes.
7. Separate issues arise where applications straddle catchment boundaries – such as the suite of applications for Otematata which discharge both into Benmore and Aviemore and Waitaki.

Position to Date

8. As a result of the above UWAG has forwarded all associated discharge and land use consent applications for all of its applicants to ECan. In addition it has developed two templates based on Hope and Anderson/Bog Roy.
 - 8.1 The Anderson/Bog Roy suite of conditions relates to a renewal consent and as such has formulated conditions dealing with the matters listed above.
 - 8.2 The Hope consent is a new consent falling into the northern catchment of Lake Benmore.
9. These consent conditions have been forwarded to Dr Freeman and Meridian and comments have been received back, changes incorporated as a result of those discussions and forwarded to consultants and the applicants for approval prior to being forwarded to ECan.

10. In addition, Meridian has provided its comments in relation to the Anderson template and it is confirmed that subject to the MIC conditions being inserted in full into the new suite of conditions (which UWAG does not oppose) its preference will not be to comment on every individual application – but rather deal with it in template form with comments.
11. It is UWAG's position that the caucusing amongst all applicants, Meridian and ECan's consultants has been productive and will result in a more developed suite of conditions being forwarded for the Commissioners' perusal. It will also note those elements where there is continued divergence of opinion between UWAG's position and/or Meridian and ECan's advisors. In some cases this relates to the wording adopted and in other cases it relates to more fundamental concerns with proposed conditions.

Resolution of Conditions Suites

12. Those applications for Hope and Anderson (the template applications) will be forwarded in final form within seven days of the date of this Memorandum.
13. The balance of the take and use applications applying the templates above will be forwarded within a further seven days.
14. The departure of Ms Begley and the redistribution of her applicant clients amongst the balance has caused some delay but this has now been overcome with the exception of Dunstan Peaks which is the subject of a separate report.
15. We accept that there have been delays beyond that signalled at the conclusion of the hearing but also accept that the specific wording of consent conditions has been more time consuming than originally forecast.
16. We are happy to deal with any further issues which the Commissioners wish to raise with respect to completion of this process.

Dated 15 October 2010

A handwritten signature in blue ink, appearing to be 'Ewan Chapman', written in a cursive style.

Ewan Chapman