IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission and further submissions by TrustPower Limited on the Proposed Canterbury Land and Water Regional Plan

EXECUTIVE SUMMARY OF EVIDENCE IN CHIEF AND REBUTTAL EVIDENCE OF RICHARD TURNER ON BEHALF OF TRUSTPOWER LIMITED

1. EVIDENCE IN CHIEF – 4 FEBRUARY 2013

1.1 My evidence in chief discusses thirteen topics related to matters raised in TrustPower Limited’s ("TrustPower") submission on the Proposed Canterbury Land and Water Regional Plan ("Proposed Plan"). In response to each of these topics, and to assist deliberations, I have recommended track change amendments to the Proposed Plan in Annexure A to my evidence.

1.2 One of the key themes in my evidence relates to how the Proposed Plan seeks to give effect to the objectives and policies of the Canterbury Regional Policy Statement 2013 ("RPS") and the National Policy Statement for Renewable Electricity Generation 2011 ("NPSREG"). With respect to the RPS, my evidence on the management of the natural character of fresh water bodies, the avoidance of adverse effects, and the recognition of infrastructure as part of the existing environment details my concerns with how the objectives, policies and methods of the RPS have been implemented, or failed to be implemented, in the drafting of the Proposed Plan.

1.3 By way of one example, I have concluded that a number of the policies in the Proposed Plan are inconsistent with the explicit approach to the management of adverse effects

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1 Paragraphs 6.1 to 6.7.
2 Paragraphs 10.1 to 10.11.
3 Paragraphs 11.1 to 11.7.
4 Paragraph 10.6.
detailed in the RPS – which proposes a hierarchical and tiered approach to the
management of adverse effects on natural and physical resources (rather than seeking
an outcome of ‘negligible’ or no adverse effects on a broad range of values).

1.4 I also discuss concerns with how the Proposed Plan seeks to give effect to the NPSREG
and the relevant provisions of the RPS concerning infrastructure and the management of
renewable electricity generation activities. In particular, I have concluded that the
Proposed Plan does not currently provide for the sustainable management of new or
existing regionally significant infrastructure. Nor does it attempt to respond to the
direction provided via the methods in Chapter 16 of the RPS. In light of this, I have
recommended the inclusion of two new policies in Annexure A to my evidence that relate
to the consideration of resource consent applications involving renewable electricity
generation activities and the management of reverse sensitivity effects on such activities.

1.5 Likewise, I have recommended that Rule 5.132 be amended and reclassified as a
controlled activity rule for the re-consenting of lawfully established hydro-electricity
generation schemes partly in response to the direction provided by the NPSREG and the
RPS.

1.6 Another key theme in my evidence is the relationship between the Proposed Plan and
the Canterbury Water Management Strategy (“CWMS”). In particular, my evidence
discusses the need for the weight to be given to the CWMS (including its vision and
principles) to be determined in a manner mindful or other statutory considerations –
particularly Part 2 of the Resource Management Act 1991, national policy statements,
and the RPS.

1.7 A key concern relates to Policy 4.4 of the Proposed Plan which, in my opinion, fails to
consider all relevant policies in the RPS concerning fresh water management and
prioritises certain values without an analysis of the potential costs or benefits. In
addition, Policy 4.8 introduces a requirement that hydro generation and irrigation
schemes ‘not frustrate’ the attainment of ‘priority outcomes’ in Zone Implementation
Programmes (“ZIP”). This is despite ZIPs being non-statutory documents under the
CWMS and the RPS only specifying that Canterbury Regional Council should have
‘particular regard’ to the recommendations of Zone Water Management Committees.

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5 Paragraphs 3.3 to 3.7 and 12.1 to 12.7.
6 Paragraphs 15.1 to 15.13.
7 Paragraphs 3.8 to 3.11.
2. REBUTTAL EVIDENCE – 13 FEBRUARY 2013

2.1 My rebuttal evidence provides a response to the evidence of Ms McIntyre (Ngāi Tahu), Mr Hamilton (Department of Conservation) and Mr Percy (Fish and Game). For the most part my rebuttal evidence draws attention to a number of additional provisions in national policy statements and the RPS that I consider are relevant to the drafting (and intent) of individual objectives and policies in the Proposed Plan. For example, in relation to Objective 3.9 I have noted\(^8\) that there are additional objectives and policies in the RPS, which are not acknowledged in the evidence of Ms McIntyre, that recognise that modifications to natural character values may be appropriate or necessary. In my opinion, these provisions are relevant to how Objective 3.9 is framed.

2.2 Likewise, I have concluded\(^9\) that Ms McIntyre’s recommendation to redraft Objective 3.16 so that it solely applies to existing infrastructure would be inconsistent with a number of provisions in the NPSREG and the RPS.

2.3 My rebuttal evidence also discusses\(^10\) the weight to be given to the CWMS in response to a recommendation by Mr Hamilton that explanatory text be added to the explanatory paragraph above the objectives in Section 3 of the Proposed Plan. In particular, I have concluded that it would be inappropriate to promote one part of the principles of the CWMS ahead of all other relevant statutory matters.

2.4 Finally, my rebuttal evidence concludes\(^11\) that Mr Percy’s suggested fresh water objectives would not promote the sustainable management of fresh water. I have concluded that any freshwater objective established in accordance with the National Policy Statement on Fresh Water Management 2011 ("NPSFM") should consider both natural and physical resources. In this regard, the fresh water objectives recommended by Mr Percy solely relate to the biophysical, amenity or cultural values of waterbodies.

R J Turner

14 March 2013

\(^8\) Paragraphs 3.1 to 3.4.
\(^9\) Paragraphs 3.5 to 3.8.
\(^10\) Paragraphs 4.1 to 4.4.
\(^11\) Paragraphs 5.1 to 5.5.