

**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,<sup>1</sup> the avoidance of adverse effects,<sup>2</sup> and the recognition of infrastructure as part of the existing environment<sup>3</sup> 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<sup>4</sup> 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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<sup>1</sup> Paragraphs 6.1 to 6.7.

<sup>2</sup> Paragraphs 10.1 to 10.11.

<sup>3</sup> Paragraphs 11.1 to 11.7.

<sup>4</sup> 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.<sup>5</sup> 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<sup>6</sup> 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<sup>7</sup> the need for the weight to be given to the CWMS (including its vision and principles) to be determined in a manner mindful of 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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<sup>5</sup> Paragraphs 3.3 to 3.7 and 12.1 to 12.7.

<sup>6</sup> Paragraphs 15.1 to 15.13.

<sup>7</sup> 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 Familton (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<sup>8</sup> 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<sup>9</sup> 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<sup>10</sup> the weight to be given to the CWMS in response to a recommendation by Mr Familton 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<sup>11</sup> 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**

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<sup>8</sup> Paragraphs 3.1 to 3.4.

<sup>9</sup> Paragraphs 3.5 to 3.8.

<sup>10</sup> Paragraphs 4.1 to 4.4.

<sup>11</sup> Paragraphs 5.1 to 5.5.