

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of a submission and further submissions by
TrustPower Limited on Variation One to the
Proposed Canterbury Land and Water Regional
Plan

**STATEMENT OF EVIDENCE OF RICHARD JONATHON TURNER
ON BEHALF OF TRUSTPOWER LIMITED**

1. INTRODUCTION

- 1.1 My full name is Richard Jonathon Turner. I hold the degree of Bachelor of Planning (Hons) from the University of Auckland, which I obtained in 2000. I am a Senior Resource Management Consultant with Mitchell Partnerships Limited, which practises as a planning and environmental consultancy throughout New Zealand and has offices in Auckland, Tauranga and Dunedin. I manage the Tauranga office.
- 1.2 I am a full member of the New Zealand Planning Institute and also a member of the Resource Management Law Association of New Zealand.
- 1.3 I have been engaged in the field of resource management planning for 14 years. My experience includes a mix of 'in-house' and consultancy resource management work. In recent years this experience has included a particular emphasis on providing consultancy advice with respect to regional and district planning processes and the preparation of resource consent applications and Assessments of Environmental Effects.
- 1.4 With respect to my experience in the Canterbury Region, I assisted Trustpower Limited ("**Trustpower**") with its application to amend the National Water Conservation (*Rakaia River*) Order 1988 ("**Rakaia WCO**") and presented planning evidence on its behalf on the Proposed Canterbury Regional Policy Statement in 2012 and the Proposed Canterbury Land and Water Regional Plan ("**PLWRP**") in 2013.
- 1.5 I have read, and agree to comply with, the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2011. I confirm that the issues addressed in this statement of evidence are within my area of expertise (unless I state otherwise). I also confirm that I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express in this evidence.

2. SCOPE OF EVIDENCE

- 2.1 In this statement of evidence I canvas and discuss only one matter relevant to Trustpower's submission and further submissions on Variation One to the

PLWRP. Specifically, this evidence considers the application of the policies and rules of Variation One to the taking and use of surface water from the mainstem of the Rakaia River.

2.2 In preparing this evidence I have reviewed the following material:

- Variation One;
- The PLWRP;
- The Section 32 Report;
- The Section 42A Report; and
- The submission and further submissions of Trustpower on Variation One.

3. VARIATION ONE AND THE RAKAIA RIVER

3.1 Trustpower's submission on Variation One sought alterations to the boundaries of the Little Rakaia Combined Surface and Groundwater Allocation Zone ("**Little Rakaia Zone**") so as to exclude the mainstem of the Rakaia River, as well as the deletion of any rules and allocation limits applying to surface water takes from the Rakaia River. In particular, Trustpower's submission stated that it did not consider Variation One to be the appropriate planning mechanism for managing surface water takes from the mainstem of the Rakaia River. Trustpower's submission stated that the Rakaia River should be managed as an integrated resource via Section 12 of the PLWRP.

3.2 I understand¹ that it is not the Canterbury Regional Council's ("**CRC**") intention for Variation One to include provisions that manage surface water takes from the mainstem of the Rakaia River. Likewise, I acknowledge that the Section 42A Report has clarified² that only four surface water takes were included in the calculation of the allocation limit for the Little Rakaia Zone in Table 11(e). That said, it is my view that the policies and rules of Variation One remain somewhat ambiguous about this matter.

¹ Pers comms Alastair Pickens of the Canterbury Regional Council (7 August 2014).
² Para 13.378 of Page 298 of the Section 42A Report (July 2014).

- 3.3 The introduction to Variation One states³ that Section 11 of the PLWRP does not set flow and allocation regimes for the Rakaia River (because these are already set in the Rakaia WCO). However, it is not completely clear whether the variation applies to surface water takes from the Rakaia River. In my opinion, it would be beneficial for the introduction to Variation One to clearly state that it does not apply to surface water takes from the mainstem of the Rakaia River.
- 3.4 The lack of clarity over the application of Variation One to the mainstem of the Rakaia River is compounded by the fact that the Little Rakaia Zone appears to overlay the mainstem of the Rakaia River (below the Rakaia Gorge). In addition Rule 11.5.32 specifies that it applies to the taking of surface water from all areas within the Little Rakaia Zone. The advisory notes above Rule 11.5.32 is also somewhat unhelpful in this regard. It states:
- “The taking and using of surface water from the Rakaia River or the Waimakariri River and groundwater with a hydraulic connection to the Rakaia River or the Waimakariri must comply with the National Water Conservation (Rakaia River) Order 1998 or the relevant provisions in the Waimakariri River Regional Plan 2004.”*
- 3.5 In my view, the intent of this advisory note is uncertain. It does not clarify that Rule 11.5.32 does not apply to resource consent applications to take surface water from the mainstem of the Rakaia River. The recommendation⁴ by the Reporting Officers to delete the advisory note also does not assist, in my opinion, in clarifying the intended scope of Rule 11.5.32.
- 3.6 I consider that it is important that the application of Variation One to the Selwyn-Te Waihora Catchment and the Rakaia River is explicitly defined and clarified. I accept the advice of the Reporting Officers that moving the boundary of the Little Rakaia Zone to the north bank of the Rakaia River (and the boundary of the Selwyn – Te Waihora Catchment) would create a management ‘gap’ for groundwater takes on Rakaia Island and Fereday Island. I would, however, recommend that the first paragraph of Section 11 be amended as follows:

³ Page 4-1 of Variation One.

⁴ Para 13.226 of Page 268 of the Section 42A Report (July 2014).

“The area covered by this section is shown on the map below. It includes the foothills catchment of the Waikirikiri/Selwyn River and its tributaries, the plains between the Waimakariri and Rakaia Rivers, the Halswell River/Huritini, and a number of other lowland streams and ephemeral waterways of Banks Peninsula that flow into Te Waihora/Lake Ellesmere. This section does not set flow and allocation regimes for the Rakaia and Waimakariri Rivers. These are contained in the National Water Conservation ~~Order~~ (Rakaia River) Order 1988 and the Waimakariri River Regional Plan. This section also does not apply to the taking and use of surface water from any section of the Rakaia River that is within the Little Rakaia Combined Surface and Groundwater Allocation Zone.”

- 3.7 I also recommend that the advisory note above Rule 11.5.32 be retained, but amended as follows:

“~~Note: The taking and using of surface water from the Rakaia River or the Waimakariri River and groundwater with a hydraulic connection to the Rakaia River or the Waimakariri River is to be managed via the Regional Rules and Section 12 and must also comply with the National Water Conservation (Rakaia River) Order 1988 or the relevant provisions in the Waimakariri River Regional Plan 2004.~~”

- 3.8 In my opinion, the inclusion of these amendments would clarify the CRC’s intended application of Variation One to those parts of the Rakaia River that are overlaid by the Little Rakaia Zone. Such clarification is important so as to ensure administrative certainty that the allocation limit for the Little Rakaia Zone in Table 11(e) is not incorrectly applied to surface water takes from the mainstem of the Rakaia River in the future.

R J Turner

26 August 2014