

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER resource consent applications by Rangitata Diversion Race Management Limited to the Canterbury Regional Council and Ashburton District Council for resource consents for the construction, operation and maintenance of the Klondyke Water Storage Facility, its associated water takes from and discharges to the Rangitata River, and all associated activities

APPLICATION

JOINT WITNESS STATEMENT OF NATALIA FORD, NICK BOYES, HELEN MARR AND DAVID GREAVES PLANNING

INTRODUCTION

1. This Joint Witness Statement is prepared in accordance with section 7 and Appendix 3 of the Environment Court's Practice Note 2014.
2. This Joint Witness Statement relates to expert conferencing on the topic of planning.
3. The conference was conducted over the period of 23 March 2018 to 23 April 2018.
4. Participants were:
 - (a) Natalia Ford (Canterbury Regional Council ('CRC'));
 - (b) Nick Boyes (for Ashburton District Council ('ADC'));
 - (c) Helen Marr (for Central South Island Fish and Game Council ('CSIFG')); and
 - (d) David Greaves (for Rangitata Diversion Race Management Limited ('RDRML')).

PURPOSE

5. The parties agree that the purpose of this brief is to identify the planning issues relevant to the Proposal where agreement between the participants can not be reached. It is noted that the 'Planning Joint Statement of Evidence' submitted as Annexure B to the Evidence in Chief of

David Greaves records the participant's agreement as to the planning instruments that are relevant to the consideration of the Proposal.

OUTCOMES

6. With regard to the matters within the jurisdiction of the Ashburton District Council, the parties agree that there are no substantive matters in dispute that are directly relevant to the consideration of the resource consent applications sought. The parties agree that any remaining matters are able to be addressed through the further development of consent conditions in conjunction with advice from the relevant technical experts.
7. The following are the issues which the experts cannot agree and the reasons for their disagreement:

River Ecology and Hydrology

- (a) The ability of the Proposal to be consistent with the relevant planning instruments is reliant on the conclusions of the technical experts. With regard to ecological effects, Dr Ryder has concluded that the proposal will not result in adverse effects on the ecology of the Rangitata River, while Dr Meredith, and Mr Webb have identified that there is either not enough information to reach that conclusion or more than minor effects and subsequently the erosion of the recognised values of the river will result. As such, should the technical assessment of Dr Meredith and Mr Webb be relied upon, it could be concluded that the Proposal may be unable to meet the objectives and policies of the relevant documents that require adverse ecological effects on the river to be avoided, remedied or mitigated (such as objective 3.8 and policy 4.3 of the Canterbury Land and Water Regional Plan and clauses 10 and 11 of the Rangitata Water Conservation Order). Alternatively, should the technical assessment of Dr Ryder be relied upon, it could be concluded that the Proposal is consistent with these statutory planning instruments as the potential adverse ecological effects on the river will be avoided, remedied or mitigated and therefore the values protected. It is noted that the potential ecological effects on river ecology relate solely to the proposed 10m³/s water take and the emergency/dam safety test discharges, given the proposed sluicing discharge is no longer to be advanced.
- (b) There is a question as to whether the discharges from the storage pond to the river as part of planned testing of the emergency discharge regime are required to meet the water quality standards of the WCO. Mr Greaves and Ms Ford are of the opinion that the testing discharges are exempt from the requirements by cl13 of the WCO which provides for exceptional, temporary or construction/maintenance discharges to be exempt from the standards set in the WCO provided they will not compromise the preservation and protection of the outstanding characteristics and features of the Rangitata. Ms Marr is of the view that cl 13 does not apply to the planned and scheduled test discharges, as they are not exceptional (being planned), not temporary (as they are regular) and are not related to construction. Ms Marr is of the opinion that the discharges should comply with the water quality standards in the WCO.

- (c) With regard to the exclusion of fish from the RDR, the Proposal's consistency with the relevant Planning instruments is reliant on the effectiveness of the proposed Fish Screen. As noted in the Ecology JWS, there was disagreement between the experts regarding the maximum approach velocity and the magnitude of the sweep velocity; the applicability of conditions regarding fish exclusion performance targets; and the maximum exposure time for fish passing the screen. Again it is agreed that consistency with the statutory planning documents is reliant on the particular technical evidence adopted by the decision makers, specifically, the ability of the fish screen to safely return fish from the RDR. We note that none of the experts have identified that the proposed rotary screen is unable to exclude fish from the RDR, the outstanding technical matters essentially relate to the efficiency of their removal and return to the river.
- (d) The consideration of hydrological matters results in the same conclusion as to the Proposal's consistency with the relevant statutory planning instruments being reliant on the deductions of the various technical experts. To this end, Mr Keane is of the opinion that the proposed 10m³/s water abstraction will result in further decreases in FRE statistics and further extensions of periods of minimum flow 'flat line' downstream of the take. Mr Webb and Dr Meredith are concerned that this increased flat lining and reduction in FRE statistics has the potential to cause, particular in combination with the existing takes from the river, adverse effects on the ecology of the river, and of fish passage in particular. Mr Veendrick and Dr Ryder do not agree with these conclusions.
- (e) In relation to sediment, Dr Hicks is of the opinion that the proposed 10 m³/s water abstraction may result in increased concentrations of sediment being left in the river, in particular if discharges from the sand trap are undertaken at the same time as the abstraction. The result of this may be an adverse effect of increased visible sediment in the river. Dr Hicks is also of the opinion that the proposed 10m³/s abstraction will reduce the sediment carrying capacity of the river, leading to increases in fine deposited sediment (<2mm). Mr Webb and Dr Meredith are of the opinion that increased deposited sediment may have adverse effects on the ecology of the river, including the amount and quality of trout and salmon habitat. Mr Veendrick and Mr Cope do not agree that there may be an increase in sediment left in the river. As identified in (a) above, we agree that the structure of the relevant planning documents is such that the ability of the Proposal to meet the relevant planning instruments is reliant on the conclusions of the technical experts.
- (f) In relation to bedload transport and channel morphology, Dr Hicks is of the view that existing water extractions during freshes and floods results in a significant reduction in the rivers gravel transport capacity, which he expects should result in a gradual reduction in the average size of riverbed surface material and lower relative relief of channels and braids. Dr Hicks is of the opinion that taking another 10m³/s will contribute to this morphological change. This morphological change could have effects on the outstanding values of the river, such as its braided river value, and its amenity for water-based recreation. Mr Veendrick and Mr Cope are not of this view. Ms Marr is of the view that this effect is not consistent with the WCO, and is inconsistent with freshwater objectives and policies of the CLWRP and RPS, including those which seek to preserve natural character.

Reasonable use of water/volume of water

- (g) With regard to the proposed 10m³/s water take, there is disagreement regarding the Proposal being required to justify the volume of water proposed to be extracted and the applicability of a 'reasonable use test', such identified in policy 4.53 pertaining to irrigation efficiency application rates. Ms Marr is of the view that the application should demonstrate that the total volume of water abstracted is allocated to a specific use and that the application of that water (eg for irrigation) meets the efficiency requirements. Ms Ford and Mr Greaves are of the view that the application is required to demonstrate that there is a use for the water, in other words, that it has an authorised use and will not just be spilled, and that the efficient application of the water taken is governed by additional resource consents, such as RDRML's existing landuse consents that enable the irrigation and farming of land and subsequently require the efficient application of water.

CODE OF CONDUCT

7. We confirm that in producing this Joint Witness Statement, we have all complied with the Code of Conduct for Expert Witnesses.



Natalia Ford



Nick Boyes



Helen Marr



David Greaves

23 April 2018