

Before Independent Commissioners Appointed by the Canterbury Regional Council and Selwyn District Council

In the matter of The Resource Management Act 1991

And

In the matter of Applications by **Fulton Hogan Limited** for all resource consents necessary to establish, operate, maintain and close an aggregate quarry (**Roydon Quarry**) between Curraghs, Dawsons, Maddisons and Jones Roads, Templeton

JOINT WITNESS STATEMENT BETWEEN:

- (1) **DAVID JUST;**
(2) **ERIC VAN NIEUWKERK; AND**
(3) **VICTOR MTHAMO**

GROUNDWATER TAKE (ANNUAL VOLUME)

DATED: 13 NOVEMBER 2019

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Introduction

1. This Joint Witness Statement (**JWS**):
 - (a) Relates to a groundwater take and particularly, the annual volume that should apply to a new permit allowing the use of water for purposes associated with Fulton Hogan Limited's proposal to establish, maintain and close the Roydon Quarry; and
 - (b) Reports on the outcome of expert conferencing between the three water take experts¹ who have filed evidence in this matter.
2. The experts did not formally conference on this issue. Prior to a conference being convened, Fulton Hogan was advised that Mr Just had altered his position after considering the evidence filed by Fulton Hogan. Instead, the witnesses involved in this particular issue have finalised this JWS to update the Commissioners and parties.
3. The experts involved have read Appendix 3 of the Environment Court Practice Note and confirm compliance with it.
4. In particular (and as set out in paragraphs 1(a) and (b) of Appendix 3) the witnesses understand:
 - (a) that the role of a JWS is to clearly record the issues agreed and not agreed, between them. Succinct reasons are to be captured in the JWS. This will assist all parties and the decision-makers in focussing on the matters that remain in dispute and the significance of them;
 - (b) expert conferencing is not a forum in which compromise or a mediated outcome between the experts is anticipated. Unlike mediation, the "aim" is not resolution. Rather, the aim is clear identification of and narrowing of points of difference.

Annual Volume

5. Fulton Hogan intends to use the on-site water supply well M36/0257 for water supply needed for quarry operations. Fulton Hogan holds current resource

¹ David Just (witness for S42a officer), Eric van Nieuwkerk (witness for Fulton Hogan LTD) and Victor Mthamo (witness for Fulton Hogan LTD).

consent CRC182422. Details of this consent are included in paragraph 18 to 26 of Mr Eric van Nieuwkerk's evidence in chief.

6. No maximum annual volume is included as a condition on current consent CRC182422 and Canterbury Regional Council (CRC) has asked Fulton Hogan to assess what the annual volume would have been for the current use of pasture irrigation for livestock grazing, based on a 'reasonable use test' specified in In Schedule 10 of CRC's Land and Water Regional Plan (LWRP).
7. Mr van Nieuwkerk sets out his Schedule 10 of LWRP annual volume analysis in paragraph 18 to 26 of his evidence in chief and concludes that applying method 3 of Schedule 10 would result in an annual volume of 170,483 m³.
8. Mr van Nieuwkerk sought advice from Mr Victor Mthamo, a water resources and irrigation expert, who confirmed that in his opinion Schedule 10 was applied appropriately by Mr van Nieuwkerk.
9. Mr van Nieuwkerk assessed the proposed quarry's water demand as described in paragraph 27 to 36 of his evidence in chief and recommends that a minimum annual volume of annual volume of at least **112,375 m³** is included in the groundwater use resource consent for Roydon Quarry. This is based on reasonable use and is less than the annual volume that would be available on the current consent CRC182422.
10. Appendix 6 of the S42a officer's report includes a memorandum from David Just, Team Leader Consents Planning at CRC, which describes what according to Mr Just would have been the annual volume for consent CRC182422. Mr Just assessed the volume he considered reasonable and efficient use for the current consent, CRC182422, which is for irrigation purposes, as being 96,489 m³.
11. The evidence provided by Mr Just does not address the groundwater use (water demand) for the quarry operations proposed under CRC192414, as establishing the water requirements for this purpose are outside Mr Just's area of expertise.
12. Subsequent to the evidence provided by Mr van Nieuwkerk, Mr Just has revisited the volume proposed using Method 2 of Schedule 10 which in Mr Just's view is equally valid to determine the annual volume for irrigation. Using Method 2 of Schedule 10 Mr Just considers that that an annual volume of **119,920 m³** can reasonably be taken for irrigation under CRC182422.

Points of disagreement

13. The different approaches adopted by Mr Just and Mr van Nieuwkerk yielded different annual volumes as per paragraphs 7 and 12 above.

Points of agreement

14. As the annual volume recommended by Mr Just is within the quantum sought by the applicant for the quarrying activities, the volume proposed by Mr Just has been accepted and the difference in opinion as to how Schedule 10 assessments should be applied is therefore immaterial.

Conclusion

15. Groundwater will be sourced from the existing water supply well M36/0257 on site for quarry processes and will be subject to the same conditions as current groundwater take resource consent CRC182422. No change in rate of take is sought. Mr Just, Mr van Nieuwkerk and Mr Mthamo all agree the proposed annual volume (112,375 m³) will be less than what would have been able to be taken under the current consent. As such the cumulative effects on groundwater from the proposed groundwater take are no more than already able to occur under the existing consent, CRC182422.
16. All experts agree that there is a degree of uncertainty in the assumptions on which the water requirements estimation is based. Therefore, if application CRC192414 was granted with a maximum volume of 119,920 m³, the cumulative effects of this would be within those already able to occur under CRC182422.



David Just



Eric van Nieuwkerk



Victor Mthamo

13 November 2019