

8. SUBMISSION: CENTRAL PLAINS WATER TRUST (CPWT) APPLICATIONS TO SELWYN DISTRICT COUNCIL

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
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PURPOSE OF REPORT

1. The purpose of this report is to:
 - Inform the Council of the submission made in relation to the CPWT Notice of Requirement and a range of land use consent applications submitted to the Selwyn District Council.
 - Request the Council to either endorse or withdraw the submission.

EXECUTIVE SUMMARY

2. CPWT has submitted to the Selwyn District Council (SDC) a Notice of Requirement for the designation of land for the Central Plains Water Enhancement Scheme for dam and canal construction and resource consent applications for the water construction, use and maintenance of the associated water distribution network.
3. A review of the CPWT applications and supporting reports by Pattle Delamore Partners (PDP) has raised concerns associated with increased groundwater levels potentially impacting on land use activities and potential contamination of groundwater.
4. Submissions closed on 29 January 2007. However this did not align with a Council meeting date to permit Council consideration of a submission. There was little likelihood of an extension of the submission date being granted. Therefore, a meeting was held on 24 January 2007 with the Central Plains Working Party, comprising Councillors Sally Buck, Helen Broughton and Norm Withers, and staff comprising Mike Theelen, General Manager Strategy and Planning, John McEwing and consultant, Peter Callander (PDP).
5. The Working Party agreed the draft submitted conditions to accompany a submission with an additional general remediation condition in the event of adverse effects arising as a consequence of the scheme causing high groundwater levels. The other submitted conditions relate to water race management, additional conditions to the proposed Remediation Action Plan and a general review condition.
6. A submission has been lodged with the SDC to meet the submission closing date and has been aligned to the outcomes sought in the previous submission which the Council submitted to Environment Canterbury on 17 August 2006. The submission is attached to this report.

FINANCIAL AND LEGAL CONSIDERATIONS

7. Financial - The submission is to help protect the Council's position in terms of:
 - (a) Protection of resources and infrastructure, associated with potential increased groundwater levels and contaminant levels adversely impacting on key services, such as drinking water supply, infrastructure, land use activities and property.
 - (b) A worst case scenario of the Christchurch City Council potentially being an "environmental underwriter" after the life of the scheme.
7. Direct costs relate to the cost of review and future hearings attendance.
8. Legal – The draft submission has been reviewed by Aidan Prebble on behalf of the Legal Services Unit.

STAFF RECOMMENDATION

It is recommended that the Council receive this report and endorse the submission to SDC as set out in the attachment.

BACKGROUND ON SUBMISSION: CENTRAL PLAINS WATER TRUST (CPWT) APPLICATIONS TO SELWYN DISTRICT COUNCIL

9. CPWT has submitted to the Selwyn District Council:
 - (a) A Notice of Requirement for the designation of land for the Central Plains Water Enhancement Scheme for dam and canal construction.
 - (b) Resource consent applications for the construction, use and maintenance of pipelines, open channels or waterways to convey water in each of the six geographical areas across the Central Plains area, being Windwhistle, Te Pirita, Springfield, Sheffield, Darfield and Central.
10. A review of the CPWT applications and supporting reports by Pattle Delamore Partners (PDP) has raised concerns associated with:
 - water losses from the water distribution network raising groundwater levels with a consequent potential impact on land use activities, such as quarry pit operations.
 - potential contamination of groundwater as a result of construction and other activities within the Central Plains scheme area.
11. Submissions closed on 29 January 2007. As this did not align with a Council meeting date to permit Council consideration of a submission a formal request was made, under section 37 of the RMA, to the Selwyn District Council (SDC) for an extension of the submission date. The SDC response was to confirm that an extension to the submission date was previously done and SDC "... cannot lawfully grant a further extension at this time." The response also set out a process where, in terms of the RMA, the agreement of the applicant would be required and, on the basis of an Environment Court decision, the SDC view was that a further extension would apply to all applicants and that Central Plains Water would need to consent to an extension of time for all submitters and to quote, *"In the light of the applicant's opposition to the initial extension it may be that such consent will not be forthcoming."*
12. With the likelihood of an extension not being granted a meeting was held on 24 January 2007 with the Central Plains Working Party, comprising Councillors Sally Buck, Helen Broughton and Norm Withers, and staff comprising Michael Theelen, General Manager Strategy and Planning, John McEwing and consultant, Peter Callander (PDP).
13. The Working Party agreed a set of draft conditions to accompany a submission to SDC with an additional general remediation condition in the event of adverse effects arising as a consequence of the scheme.
14. The submission has been lodged with the SDC to meet the submission closing date of 29 January 2007 and is consistent with, and aligned to, the outcomes sought in the previous submission which the Council submitted to Environment Canterbury on 17 August 2006.