

6. **SUBMISSION: CENTRAL PLAINS WATER TRUST RESOURCE CONSENT APPLICATIONS TO SELWYN DISTRICT COUNCIL**

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| General Manager responsible: | Strategy and Planning General Manager, DDI 941 8177 |
| Officer responsible: | Programme Manager, Strategy and Planning |
| Author: | John McEwing, Programme Manager, Strategy and Planning |

PURPOSE OF REPORT

1. To inform the Council of the submission made to Selwyn District Council (SDC) in relation to the additional resource consent applications by Central Plains Water Trust (CPWT) for activities associated with a new tunnel proposal and associated new by-wash discharges.
2. For the Council to decide to either endorse or withdraw the submission.

EXECUTIVE SUMMARY

3. CPWT has submitted additional resource consent applications to SDC in respect of the Central Plains Water Enhancement Scheme. These applications were publicly notified on 5 May 2007 and relate to a new tunnel proposal and associated by-wash discharges and a Notice of Requirement to allow the construction of the tunnel. Refer to Background (the issue) section for specific details.
4. New Tunnel Proposal - this application relates to the proposed construction, operation and maintenance of an approximately 10 kilometre long tunnel of approximately 4 metres diameter, and a minimum depth below ground level of 30 metres. The tunnel proposal replaces the original 15 kilometre open canal and three kilometre tunnel proposal. This proposal has been indicated in the related "Assessment of Effects on the Environment for Long Tunnel" to *"...eliminate all the above-ground environmental effects of a canal cut into the river terrace and traversing the plains."* 6.1 of the AEE states that, *"...the withdrawal of the canal and the shorter tunnel option will eliminate a significant area of actual and potential effects on the environment that could have otherwise been anticipated, including:*
 - All those construction related effects (noise, dust, landscape, ecology) relating to the bulk earthworks required to grade the canal over ~7km up to the 80m high Waimakariri River terrace, cut through the Plains at Gorge Hill, and traverse the Canterbury Plains over 5km.
 - Social and economic impacts stemming from displacement and dissection of farms and other property.
 - Social and economic impacts stemming from construction effects associated with crossings of State Highway 73, and the West Coast railway line, and several other local roads.
 - Instream effects associated with establishing embankments and a siphon in the bed of the Hawkins River."
5. New By-Wash Discharges - this application relates to the proposed discharge of by-wash water into the upstream reaches of the Hawkins and Selwyn Rivers as a consequence of changes to the scheme layout. The by-wash activity is described under 2.2 of the related "Assessment of Effects on the Environment: Additional Bywashes (Selwyn District Council Land Use Consent)" as being, *"Under normal operations it is necessary to discharge small volumes of surplus water at the end of the network branches. This is necessary to maintain flow past the last farmer taking Scheme water on each race. This bywash is minimised and discharged through ground soakage via constructed wetlands."*
6. A review of the CPWT applications was carried out by Pattle Delamore Partners (PDP). The review is set out in the PDP memorandum, dated 18 May 2007 and attached to this report.
7. The Central Plains Working Party, comprising Councillors Sally Buck, Helen Broughton and Norm Withers, subsequently met with John McEwing and the consultant, Peter Callender (PDP) to discuss the CPWT's applications and PDP's review.

8. The Working Party agreed that a submission be made to reflect the points raised in the PDP memorandum, dated 18 May 2007 and also decided that the legal opinion be sought on the submission. The legal review was done by Aidan Prebble, Goodman Steven Tavendall and Reid (GST&R).
9. A draft submission was then completed and forwarded to the Working Party members who approved the submission. Because of the time constraint to meet the submission closing date of 1 June 2007 the submission was made directly to SDC, for subsequent consideration by the Council after the submission date. In considering this report and the recommendation the Council has the option to either endorse or withdraw the submission.
10. The submission is aligned and consistent with the previous Council submissions related to CPWT applications. These submissions were respectively made on 17 August 2006 and 29 January 2007. The latest submission, dated 1 June 2007, is attached to this report.

FINANCIAL IMPLICATIONS

11. Direct costs relate to the cost of review of CPWT applications and future hearings attendance, these costs will be absorbed through existing budget.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

12. The 2006/07 financial year contains no budget for CPWL. A modest budget that will enable the Council to participate in the submission hearings has been provided for in 2007.

LEGAL CONSIDERATIONS

13. The draft submission has been reviewed by Aidan Prebble (GST&R) on behalf of the Legal Services Unit.

Have you considered the legal implications of the issue under consideration?

14. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. N/A.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

16. N/A.

ALIGNMENT WITH STRATEGIES

17. The submission would not be inconsistent with Council's strategies.

Do the recommendations align with the Council's strategies?

18. Yes.

CONSULTATION FULFILMENT

19. N/A.

STAFF RECOMMENDATION

It is recommended that the Council confirm and endorse the submission to made by the Chief Executive on behalf of the Christchurch City Council to the Selwyn District Council in respect of the application to construct a tunnel and bywash facility by Central Plains Water Ltd, as set out in the attachment.

BACKGROUND (THE ISSUES)

20. **New Tunnel** - the new CPWT resource consent applications relate to activities associated with the proposed construction, operation and maintenance of an approximately 10 kilometre long tunnel of approximately 4 metres diameter, and a minimum depth below ground level of 30 metres. The tunnel would carry water from the proposed upper intake on the Waimakariri River to the proposed Waianiwaniwa Reservoir, as part of the proposed Central Plains Water Enhancement Scheme.
21. The tunnel would incorporate two construction staging areas, each consisting of temporary buildings and construction facilities, at the Waimakariri portal and Waianiwaniwa portal. Approximately 130,000 cubic metres (solid measure) of material would be excavated from the tunnel, via a tunnel boring machine and drill and blasting methods, and disposed of in the Waianiwaniwa Valley. Construction is expected to take approximately three years.
22. The 10 kilometre tunnel proposal replaces the original 15 kilometre open canal and three kilometre tunnel proposal leading from the proposed upper intake on the Waimakariri River to the Waianiwaniwa Reservoir, via the Waimakariri River terrace and Canterbury Plains near Sheffield, as notified in the original applications in June 2006. The 15 kilometre open canal and 3 kilometre tunnel option is no longer being pursued by Central Plains Water Trust and has been eliminated from further consideration in the current resource consent process.
23. There is also a Notice of Requirement to designate land for the construction and operation of this new tunnel and part withdrawal of a previous Notice of Requirement.
24. **New By-wash** - an additional new application is to construct, operate and maintain a bywash discharge point consisting of a constructed wetland and discharge structures, and all associated excavation and disturbance of land, and removal and planting of vegetation at two locations:
 - the Selwyn River, 4 km east of Hororata, near Hawkins Road, and
 - the Hawkins River, 2 km upstream from Sheffield, near Bluff Road.
25. **Issues** - these include:
 - (a) The tunnel construction process will involve dewatering which could affect flows in the Waimakariri River, which is the major source of recharge to the Christchurch City aquifers.
 - (b) The use of hazardous substances and the generation of solid waste during the construction process.
 - (c) The tunnel construction may cause increased turbidity in the river.
 - (d) The discharge of by-wash, while recharging the underlying groundwater, may cause high water table problems for some land owners.

THE OBJECTIVES

26. To maintain a consistent position in relation to:
 - (a) Protection of the city's groundwater resources for drinking water supply and the associated infrastructure.
 - (b) Avoiding a worst case scenario of Christchurch City Council potentially being an "environmental underwriter" after the life of the Central Plains Water Enhancement Scheme.

THE OPTIONS

27. The Council can either endorse or withdraw the submission to the SDC.

THE PREFERRED OPTION

28. To endorse the submission to SDC, as set out in the attachment.

ASSESSMENT OF OPTIONS

The Preferred Option

29. To endorse the submission to SDC, as set out in the attachment.

| | Benefits (current and future) | Costs (current and future) |
|--|--|---|
| Social | Helping protect the city's drinking water supply sources. | Associated cost of submission review of CPWT applications and future hearings attendance. |
| Cultural | Cultural benefits not identified. | |
| Environmental | Prevention of potential adverse impacts on the environment and surface and groundwater resources. | As above |
| Economic | Avoiding any costs associated with mitigation and provision of alternative drinking water supply costs that could result from contamination of drinking water sources. | As above |
| Extent to which community outcomes are achieved: "A Well-Governed City" - helping plan for a sustainable Christchurch. "A Healthy City" - helping ensure that the city's drinking water supply is protected to support the health of the community. | | |
| Impact on the Council's capacity and responsibilities: Capacity - potential impact on the Council's capacity is minimised by maintaining a consistent submission position of protecting the city's groundwater resources for drinking water supply and from potentially being an "environmental underwriter." Responsibilities - The Council's responsibilities include avoiding potential adverse impacts on the environment and protecting the city's drinking water sources - Resource Management Act, Health Act and Drinking Water Standard New Zealand. The submission is consistent with these responsibilities. | | |
| Effects on Maori: The submission will help ensure the proposals do not create adverse effects. | | |
| Consistency with existing Council policies: No inconsistency with existing policies and the option is consistent with two previous submissions made in respect of CPWT applications - respectively submitted 17 August 2006 and 29 January 2007. | | |
| Views and preferences of persons affected or likely to have an interest: Mainly of Christchurch community-wide interest. | | |
| Other relevant matters: N/A. | | |

Maintain the Status Quo (if not preferred option)

30. Not to submit - in short, to withdraw the submission

| | Benefits (current and future) | Costs (current and future) |
|---|--|-----------------------------------|
| Social | No identified benefits with status quo option. | |
| Cultural | As above | |
| Environmental | As above | |
| Economic | As above | |
| Extent to which community outcomes are achieved: Status quo is unlikely to contribute to the community outcomes. | | |
| Impact on the Council's capacity and responsibilities: Status quo position would not likely be aligned to: - The Council's present capacity position related to protecting the city's groundwater resources or - The Council's statutory responsibilities related to protecting the city's drinking water sources. | | |
| Effects on Maori: Status quo unlikely to provide certainty in terms of minimising effects. | | |
| Consistency with existing Council policies: Status quo may be interpreted as being inconsistent with previous submissions on CPWT applications. | | |
| Views and preferences of persons affected or likely to have an interest: The Central Plains Working Party has recommended the submission option, not the status quo option. The status quo option may signal to the community that the Council has shifted its position from that indicated in the two previous submissions. | | |
| Other relevant matters: N/A. | | |