



May 2014

MANUHERIKIA CATCHMENT WATER STRATEGY GROUP

Consent Strategy

Submitted to:
MCWSG



Report Number: 137810270_201 (Rev 1)

REPORT





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1.0 BACKGROUND AND PURPOSE

The Manuherikia Catchment Water Strategy Group (MCWSG) was established with the aim of developing and implementing cost effective, efficient and sustainable irrigation options for water users within the Manuherikia catchment¹. Golder Associates (NZ) Limited (Golder) has been engaged by MCWSG to undertake a Feasibility Study which is due for completion in October 2014. This study includes:

- Geotechnical, engineering and cost assessments for dam options and water distribution systems.
- Environmental and potential effects assessments for proposed irrigation options.
- Water allocation and planning assessments.
- Economic and Commercial assessments of potential irrigation options.

It is anticipated that the completed Feasibility Study will form the technical 'backbone' for subsequent resource consent applications under the Resource Management Act 1991 (RMA) and an irrigation prospectus document for landowners.

The ultimate purpose of this document, at the completion of the Feasibility Study, is therefore to outline a proposed strategy for the future resource consent approach for the construction and operation of irrigation option(s) in the catchment.

Consultation with stakeholders is seen as a collaborative tool for the development of the final Consent Strategy. Therefore, in order to develop a Consent Strategy for the preferred option(s) identified as part of the Feasibility Study, a Working Party approach is proposed. Through a Working Party process it is hoped that a Consent Strategy can be developed that increases the likelihood of mutually acceptable outcomes in relation to future resource consenting.

This document is a living document that will be updated as the Consent Strategy continues to be developed.

2.0 STRATEGY CONSIDERATIONS

Matters that require consideration in the development of the Consent Strategy include, but are not limited to:

- MCWSG is committed to community consultation in a manner that is meaningful and constructive.
- There are 240 permitted water takes (mostly irrigation) within the catchment.
- A significant number of water takes are authorised by mining privileges that collectively expire on 1 October 2021.
- Irrigation within the catchment includes six irrigation schemes and numerous private takes.
- Under the RMA, and related statutory plans, the catchment is classified as over-allocated, although the existing permitted water takes (including the mining privileges) fall within the primary allocation for the catchment.
- Any successful resource consent application will need to ensure that the application for new water takes 'utilises' water from within the primary allocation.

¹ The storage options being considered by Golder as part of the Feasibility Study include raising the Falls Dam (by 5 m, 5 to 12 m or 27 m) and consideration of possible options on the Ida Burn and Hopes Creek. The other components of the irrigation scheme being considered include the nature of the distribution system and whether any additional takes, besides those required for the storage option, will be required.



- Somewhat counter-intuitively, a larger scheme(s) may potentially be less complex in terms of where and how water is taken, and the effects of these takes.
- Multiple irrigation options may have greater risk and complexity issues from a resource consent perspective.

Additional strategy considerations and issues identified at the first Working Party meeting held on 28 January 2014 include:

- Resource management issues:
 - The nature and responsibilities of any future water management group.
 - Potential land use change.
 - Data limitations in relation to actual volume of water taken and used within the catchment.
- Consenting issues:
 - 27 m option at the Falls Dam may be 'easier' to consent, provided it relies on transferred primary allocation water takes, as it may minimise the need for additional water takes elsewhere in the catchment, although this also depends on the extent and effects of the reservoir.
 - Potential complexity associated with transferring primary allocation water takes, particularly as it is dependent on the willingness of the existing permit holders.
 - Land use change, specifically in relation to demonstrating compliance, in relation to nutrients, with Proposed Plan Change 6A of the Regional Plan: Water for Otago.
 - Public interest including in relation to land use change, water quality and landscape considerations.
 - Proving, on a collective basis within the catchment, evidence of water use.

3.0 WORKING PARTY

3.1 Introduction

The following summarises the Working Party's purpose, membership, principles and anticipated outcomes.

3.2 Purpose

The Working Party is effectively a **collaborative advisory panel**. It recognises that all members have something at stake regarding water allocation within the Manuherikia catchment. For example:

- MCWSG members are looking for optimal water use option(s) to develop where the environmental, economic and social (community buy-in) matters stack up.
- Councils are Regulators whose role is to ensure that catchment-wide water allocation meets the purpose of the RMA while also recognising the pending deadline for the expiry of the mining privileges.
- Golder (and subcontractors) are technical advisors.



The common goal of Working Party members is to seek mutually acceptable outcomes in relation to water allocation and future resource consenting within the Manuherikia catchment. In addition, in the interests of providing for open and effective communication, Golder and MCWSG also undertake to make themselves available for discussions with Working Party members outside of scheduled meetings.

3.3 Membership

For the Working Party to be effective, based on past experience, six to eight people is an ideal number, with no organisation having more than two attendees at each meeting. For this reason, the membership of the Working Party is proposed to include the parties identified in Table 1.

Table 1: Working Party membership.

Organisation	Primary contact person	Role	Contact details
MCWSG	Kate Scott	MCWSG Project Manager <i>Optional: MCWSG Chair or Representative</i>	kate@btwsouth.co.nz Ph (03) 445 9905 Mbl (027) 495 7486
Golder	Richard Little	Golder Project Manager Working Party Chairperson	rlittle@golder.co.nz Ph (03) 903 2458 Mbl (021) 676 047
	Carmen Taylor	Golder Planner Working Party Administrator	ctaylor@golder.co.nz Ph (03) 474 6080 Mbl (029) 707 0979
ORC	Peter Christophers	Regulators' Representative – principally water use activities. Also, ORC's first point of contact	peter.chistophers@orc.govt.nz Ph (03) 474 0827
	Marian Weaver	Regulators' Representative – principally water use activities.	marian.weaver@orc.govt.nz Ph (03) 474 0827
CODC	Ann Rodgers	Regulators' Representative – land use activities	ann.rodgers@codc.govt.nz Ph (03) 440 0627
Others	Other experts or stakeholders may also be invited to attend Working Party meetings e.g., Kai Tahu, Otago Fish and Game Council, the Department of Conservation, Historic Places Trust and/or other independent scientific experts.		

3.4 Principles

The following are the proposed Working Party principles:

- 1) The common goal of members is to seek mutually acceptable outcomes in relation to water allocation and/or management and future resource consenting within the Manuherikia Catchment and project area.
- 2) Members commit to open and effective two-way communication to ensure that risks and issues associated with the project are recognised, considered and where possible, addressed.



- 3) Members understand and respect the different perspectives within the Working Party i.e., project advocates (MCWSG), advisors (Golder), and regulators (Councils).
- 4) MCWSG and Golder commit to providing all relevant draft technical reports which will provide information to support the development of the Consent Strategy, and future resource consent applications, for consideration by the Working Party.
- 5) MCWSG and Golder also commit to make available all final reports to the public.
- 6) The Working Party does not have a mandate to make decisions on behalf of any individual group represented within the Party. Specifically, regulatory decisions remain those of the Council(s), and project scope and cost decisions remain with the MCWSG.
- 7) Members recognise that no one is empowered to speak on behalf of the Working Party. The individual groups in attendance represent themselves individually to stakeholders (or media).

3.5 Anticipated Outcomes

If successful, the Working Party has the following Anticipated Outcomes:

- Contribution to the project's Consent Strategy.
- An agreed Consent Strategy for irrigation options that emerge from the Feasibility Study.
- Consideration of technical reports before public release.
- Issue raising and, where possible, resolution.
- A bridge to farmers and landowners (many likely to be irrigators or potential irrigators) via the MCWSG.

4.0 OTHER ADVISORS

Other groups and expertise are also available, and are called upon by MCWSG, when required to discuss matters associated with the broader project. This includes matters related to the Working Party assisting with the development of the Consent Strategy.

5.0 CONSENT STRATEGY

5.1 Introduction

This section attempts to capture the key elements of a strategy for any future resource consent application(s) for an irrigation scheme(s) within the Manuherikia catchment. It is acknowledged that the project is at the Feasibility Study phase, and that various investigations and stakeholder input could materially affect the overall strategy, so this should be considered as a 'live' document (i.e., changes are likely as the options take shape).

At this stage, six key components of a strategy have been considered: project scope, regulatory matters, technical reports, scheme options, the concept of a single consent holding entity (CHE) and, communications. All are discussed below.



5.2 Project Scope

The proposed strategy is to stick to the scope of the investigation. Project scope will therefore be controlled solely by the MCWSG.

In the first instance, all technical writers will use the contracted scope upon which the project is based and tailor work to fit that scope. It is reiterated that this is a Feasibility Study and that some uncertainty may be inevitable. However, provided the project scope continues to be met, the information requirements prescribed by the RMA and associated statutory planning documents will be recognised and accommodated (refer to the following section). Matters outside the contracted scope require variations to be sought (and therefore require a cost-benefit analysis and MCWSG approval).

All investigations and reporting (other than statements of context) occur within project boundaries.

5.3 Regulatory Matters

The strategy therefore is to seek consents via standard methods (i.e., applying for approvals to the Council(s) and not applying for plan change(s) or lodging an application with the Environmental Protection Authority). Decisions regarding staggered consenting (e.g., one area first) or staged consenting (water permits first and other resource consents later) as strategic approaches have not yet been made. MCSWG intend to seek the maximum consent term of 35 years.

The resource management framework provided by the RMA and associated planning documents are of significance to any preferred scheme and that will need to be recognised when considering options and preparing an application for approvals under the RMA. These policy drivers principally revolve around ensuring that any resource utilisation activity takes place within a sustainable management framework (as outlined in section 5 of the RMA), whereby:

- The values associated with the resource are recognised and provided for.
- Significant and outstanding values and attributes are protected from inappropriate use and development.
- Other values and attributes are maintained and enhanced while the adverse effects are avoided, remedied or mitigated.
- In relation to some activities, avoiding adverse effects is a priority, rather than remedying or mitigating them.

The construction and operation of the irrigation option(s) will require a number of resource consents and/or designations for district level land use activities (in accordance the rules in the relevant statutory plans).

The construction and operation of the preferred irrigation option(s) may require approvals from the manager of Crown or Council land.

5.4 Technical Reports

The reporting strategy, in fact the strategy for all communications, is to provide balanced and readable reports. Balanced means objectively presented, while considering the adverse and positive effects of the proposal in light of the values and attributes present within the project area.

Readable is a commitment to be concise and to avoid the excessive use of jargon.

Technical work will give near-equal weighting (time and cost) for the two main parts of the investigation:

- Investigate (literature review, fieldwork, mapping etc.).
- Assess and report (assess effects, significance, Avoid-Remedy-Mitigate, reporting).



This approach ensures the technical reports answer the question “*How significant is it and what should we do about it?*”

For potentially adverse effects, technical report writers will apply the principles of avoid, remedy and mitigate as a hierarchy (i.e., avoidance will be the first goal of the project, then remediation and mitigation as appropriate). Avoidance of adverse effects may be possible on a tributary-by-tributary basis. In making this statement, it is acknowledged that the RMA and statutory plans may provide additional guidance or direction (i.e., protection of outstanding values).

5.5 Scheme Options

While the Feasibility Study has a scope to investigate several potential irrigation options within the catchment, the Consent Strategy is to only seek resource consents for those schemes that the MCSWG (as the agents for landowners) intend to build.

For absolute clarification, the strategy is not to consent several options and allow the consenting process to refine the ‘blueprints’. Multiple options add complexity and risk to the consenting process and will therefore be avoided.

5.6 A Single Consent Holding Entity (CHE)

MCWSG’s strategic intent is to establish an irrigation company (sometimes abbreviated to a working name of ‘NewCo’) that will hold all the resource consents for the construction and operation of the selected irrigation option for all of the sub-catchments associated with the scheme. This will include all of the irrigation related water permits in the sub-catchment associated with the scheme as a whole, not just those associated with the command area.

MCSWG’s aim is to achieve 100% uptake for all the resource consents in the relevant sub-catchment i.e., both the existing irrigation schemes and existing private water uses. If this is achieved then the irrigation company will be in a position to ensure full allocation of irrigation water within the command area for the selected option.

With the sub-catchments associated with the selected option, the irrigation company will be responsible for:

- Water allocation (1 share = 1 irrigated ha).
- Water management, including management of the seasonal restrictions or rationing where applicable.
- Monitoring and reporting on actual water use and efficiency.
- Management of environmental impacts and associated mitigation measures, including minimum/residual flows, nutrient inputs through farm plans etc.
- Other compliance requirements.

Under this consenting holding approach, the irrigation company will not be responsible for: water related resource consents outside of the named sub-catchments (i.e., that is, the sub-catchments not included in the irrigation scheme) or, for any private water uses within the named sub-catchments where the water user has opted-out of joining the irrigation company.



5.7 Communications

The communications strategy is underpinned by the expression early, open and honest. Stakeholders will therefore have access to reports and information as soon as practical i.e., early. Consultants in the field are also empowered to respond to stakeholder questions within their area of expertise should they choose to in a manner which is 'straight' and factual i.e. *open* and *honest*. Commercially sensitive and/or personal information are the only legitimate exemptions.

The strategy with regard to the media is reactive. The MCWSG (and its advisors) will not use the media as a project advocacy tool. The strategy is to respond only to factually inaccurate claims made by any stakeholder (or reporter). The spokesperson for all media releases for the Project will be the MCWSG Chairman.

At Golder Associates we strive to be the most respected global company providing consulting, design, and construction services in earth, environment, and related areas of energy. Employee owned since our formation in 1960, our focus, unique culture and operating environment offer opportunities and the freedom to excel, which attracts the leading specialists in our fields. Golder professionals take the time to build an understanding of client needs and of the specific environments in which they operate. We continue to expand our technical capabilities and have experienced steady growth with employees who operate from offices located throughout Africa, Asia, Australasia, Europe, North America, and South America.

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