ADDENDUM TO ANDREW COLLINS' STATEMENT OF EVIDENCE

1. Following the completion of my primary evidence, Clare Barton (on behalf of the Regional Council) has prepared a supplementary report for the Water Hearing, together with amended "track change" recommendations for Chapters 6 and 15. I have reviewed this material and wish to make the following additional points.

2. Clare Barton, in her Appendix 3 *"Summary of matters raised by submitters and areas of agreement or disagreement"*, has summarised Mighty River Power's submissions into six topic areas, four of which are addressed in my evidence (and the other two largely by Richard Peterson in his evidence). In relation to the four topics addressed in my evidence, Ms Barton states that we disagree on all of them. The four topics (as summarised by Ms Barton) are used as sub-headings, in bold italics, for the purpose of this supplementary evidence.

"Various changes to Chapter 6 to specifically reference the take and use of water for power generation and recognition of the benefits of this activity".

3. Ms Barton's stated reason for disagreement is that *"if such references were included then there would be the need to recognise the effects, including benefits, of other activities eg. water takes for public water supplies".*

4. In aggregating the "various changes" requested, and then dismissing them with the above single statement, Ms Barton has (in my opinion) missed many of the key points made in my evidence. I would respectfully ask the Hearings Panel to refer to the following, and if time, allow me to read the relevant extracts from my primary evidence.

Plan section	**Paragraph references from my primary evidence**
Chapter 6	
Section 6.1.3 Water quantity (Scope and background section)	Refer to my para 5.8
Issue 6-2 Water quantity and allocation	Refer to my para 5.11

Objective 6-3 Water quantity and allocation	Refer to my para 5.17
Schedule Ba (referred to in Policy 6-1)	Refer to my para 5.24
Policy 6.15 Overall approach for surface water allocation	Refer to my paras. 5.33 to 5.35
Policy 6.16 Core water allocation and minimum flows	Refer to my paras. 5.41 and 5.42
Policy 6.17 Approach to setting minimum flows and core allocations	Refer to my paras. 5.45 to 5.47
Chapter 15	
Policy 15.1 Consent decision-making for takes and uses of surface water and groundwater	Refer to my paras. 6.5 and 6.6
Policy 15.2 Consent decision-making for diversions and drainage	Refer to my paras. 6.10 and 6.11
Policy 15.5 Consent review and expiry	Refer to my paras. 6.13 to 6.17
Policy 15.9 Consideration of alternative water sources *(previously was Policy 6.14)*	Refer to my paras. 5.28 and 5.30
Policy 15.11 Apportioning, restricting and suspending takes in times of low flow *(previously was Policy 6.19)*	Refer to my paras. 5.52 to 5.55
Rule 15.5 Takes and uses of surface water complying with core allocations	Refer to my paras. 6.25 to 6.27

5. In particular, Ms Barton's brief statement of disagreement in her Appendix 3 does not acknowledge the national policy context and statutory framework that I discussed in Section 3 of my evidence nor, more specifically, the relevance of Section 7(j) of the Resource Management Act 1991 (RMA), i.e. the need to *"have particular regard to ... the benefits to be derived from the use and development of renewable energy".*

6. The Council's approach appears to be one of relying heavily on Chapter 3 of the Proposed One Plan (Infrastructure, Energy) to address hydro-electricity generation activities. However, the energy infrastructure that is (by and large) well-provided for

by Chapter 3 is not able to be separately considered from the water resource on which it relies to operate (i.e. its natural "fuel"). To deal with one aspect (ie. infrastructure) but not the other (i.e. resource use), is effectively to not deal with the issue of renewable energy generation at all.

Table 6.2a (now proposed to be Table 15.1 in Policy 15-16) and Rule 15-2 to include additional wording to cover catchments containing downstream hydro-electricity generation storage reservoirs.

7. Ms Barton's stated reason for disagreement is that *"this would not occur given the particular hydro geology of the Region".*

8. I would respectfully ask the Hearings Panel to refer to the following, and if time, allow me to read the relevant extracts from my primary evidence.

Plan section	**Paragraph references from my primary evidence**
Chapter 15	
Policy 15.16 Effects of groundwater takes on surface water bodies *(previously was Policy 6.25)*	Refer to my para 5.61
Rule 15-2 Minor takes and uses of groundwater	Refer to my para. 6.24

9. In my primary evidence, specific wording suggestions have been provided to address scenarios where groundwater abstractions may be sought from catchments containing downstream hydro-electricity generation storage reservoirs. It may well be that groundwater abstractions are unlikely above any *existing* hydro storage reservoirs in the region (for various geological and topographical reasons) however in principle it is still appropriate to address the issue having regard to potential future developments during the life of the plan. For example, investigations into other potential hydro-generation schemes in the region are being undertaken by Mighty River Power and presumably (or at least potentially) by other parties as well. So, it is conceivable that during the life of the Proposed One Plan there *could* (subject to the outcome of rigorous consent processes) be another new hydro scheme in the

region. A very significant investment in a hydro-scheme and associated water storage would represent an interest that should be taken into account in the event that any upstream water abstraction (surface or groundwater) is proposed. So, in my opinion it is appropriate to have a rule ("consent trigger") to allow the effects of any such abstraction in this scenario to be considered. The additional wording that I have suggested in my primary evidence for Policy 15-16 (previously Policy 6-25) and Rule 15-2 will address this matter.

Provision for new takes for hydro-electricity generation not meeting core allocation as a discretionary activity.

10. Ms Barton's stated reason for disagreement is that *"the effects of a new hydro electricity scheme where core water allocations are not met need to be considered carefully, just as for other takes, eg. for a public water supply"*.

11. I would respectfully ask the Hearings Panel to refer to the following, and if time, allow me to read the relevant extracts from my primary evidence.

Plan section	**Paragraph references from my primary evidence**
Chapter 6	
Policy 6.15 Overall approach for surface water allocation	Refer to my paras 5.33 to 5.35
Policy 6.16 Core water allocation and minimum flows	Refer to my paras. 5.41 and 5.42
Chapter 15	
Rule 15.6 Takes of surface water not complying with core allocations	Refer to my para. 6.29

12. Ms Barton does not not disagree with my comments in para. 5.34 of my evidence that *any* new hydro-electricity generation proposal will be consigned to "non-complying activity" due to the fact that core allocation limits (by the very nature of hydro-generation) will be exceeded. She states that the effects of a hydro-generation proposal will need to be considered which is, of course, correct. My point is that discretionary activity status (just like non-complying activity status) will still

ensure that all proposals are subject to a robust Assessment of Environmental Effects process, public scrutiny, comprehensive consideration of all effects and assessment against all relevant objectives and policies and, ultimately, should the consent authority in its discretion so decide, they may be declined.

13. However, on the positive side, discretionary activity status (*unlike* non-complying activity status) conveys a message that hydro-electricity generation proposals will be considered on their merit in the region, rather than regarded as "non complying". The recently passed Phase 1 amendments to the RMA *initially* included a proposal that "non-complying activity" status be removed as an activity status that could be used in plans. After hearing nationwide submissions, the Select Committee did not recommend this change in the end, because it was deemed important for Councils to be able to *differentiate* in their plans between those activities which may be generally suitable in the district or region but not necessarily on every site or in every instance (i.e. discretionary activities which need site-specific and proposal-specific assessment) and those activities which are generally unsuitable or not to be encouraged in the district or region (i.e non-complying activities). Both categories of activity can either be approved or declined depending on the merits of the situation, but there are additional statutory hurdles and a negative perception from the outset (at least from the public's perspective) for non-complying activities. I consider that with all the existing national policy support and statutory provisions, i.e. s 7(j), regarding renewable electricity generation (not to mention a pending national policy statement in this regard), that discretionary activity status is more appropriate.

Delete clause (a) within Rule 15-9 which does not allow the diversion or discharge to occur within different sub-zones.

14. Ms Barton's stated reason for disagreement is that *"as a permitted activity condition, it is appropriate that any diversion or discharge from a lawfully established diversion not be within a different sub-zone. This gives effect to the changes in Chapter 4 which specifically identifies diversion between zones as an area of cultural concern which needs to be managed carefully"*.

Plan section	Paragraph references from my primary evidence
Chapter 15	
Rule 15.9 Lawfully established diversions	Refer to my para. 6.34

15. I do not wish to add anything further to my evidence.

New Objective 15.1

16. Finally, this is a new objective which Ms Barton is recommending and which she considers is within the scope of various submissions made by territorial authorities. I consider it appropriate that the various provisions (policies and rules) in Chapter 15 are linked back to an overall objective in the chapter, in the interest of having a consistent plan structure and clear policy linkages. However, I consider that clause (b) should be amended so that it reads:

Takes, uses and diversions of water are controlled in a manner that:

(a) ...
(b) *recognises and provides for the objectives and policies of Chapters 2, 3, 4 and 6 as they relate to surface water and groundwater use and allocation including the construction and management of bores.*

17. In conclusion, it is my opinion that Ms Barton's supplementary evidence "overly summarises" the points being made by Mighty River Power in its submission, and by myself in evidence. I would be pleased to highlight key points further (with reference to specific track change suggestions) should the Panel so wish.

Andrew Collins

24 February 2010