

In the Matter of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 and the Resource Management Act 1991

And

In the Matter of submissions and further submissions by the Christchurch City Council on the proposed Land and Water Regional Plan

**Rebuttal Evidence of Roy Ernest Eastman
for the Christchurch City Council**

1. My full name is Roy Ernest Eastman. The Christchurch City Council has lodged my principal evidence this proceeding. My evidence is on stormwater matters. I here reply to one key matter of concern which has been raised in evidence lodged for other submitters. This concerns the activity status for resource consent applications for stormwater discharges, in proposed rules 5.71, 5.72 and 5.73.

2. Rule 5.73 in the proposed Land and Water Regional Plan (pLWRP) provides that stormwater discharge that is not in a community system is a non-complying activity. The officers' report has recommended changing that activity status to discretionary. My principal evidence explained my opinion regarding the need to retain the activity status of Rules 5.71, 5.72 and 5.73 as they appeared in the pLWRP, rather than being a discretionary activity.

3. Other evidence has supported a further change in the activity status for rule 5.73 to restricted discretionary. This is the evidence of:
 - 3.1 Katherine McKenzie (paragraphs 26 - 30) C13C/13010
Lincoln and Plant and Food
 - 3.2 Penelope Lemon (paragraphs 35 - 40) C13C/13542
Mainpower
 - 3.3 T. O'Neill (paragraphs 16 - 21) C13C/12618 Meadow
Mushrooms and Ruby Views.
 - 3.4 Amy Miriam Kearse (paragraphs 22 - 40) C13C/13029 NZTA
 - 3.5 David McMahon (paragraphs 27 - 33) C13C/13673 Telecom
and Chorus.
 - 3.6 Jane West (paragraphs 2.4 - 2.6, and 7.0 – 7.13) C13C/12951
Transpower
4. An argument requesting that the discretionary activity status be amended further to a restricted discretionary activity status suggests that stormwater discharges are inevitable and consideration of any application for discharge should only be limited to the effects which the permitted standard seeks to control (ref C13C/13010, Lincoln and Plant and Food, Pages 8-9, sections 26-30). The same argument suggests a restricted discretionary status would make it clear to plan users the matters over which council can exercise its discretion, while retaining the ability to decline an application if warranted.
5. Understandably the pLWRP is somewhat of a 'blunt instrument' as it attempts to 'catch all' discharge types/ situations. To limit consideration to a few matters would, in my opinion, potentially overlook, or miss matters of significance with some discharges and potentially be over inclusive in others. I consider putting together a comprehensive, fully inclusive list of matters for discretion would require careful consideration and need considerable further consultation which would be unwarranted. What may be important to the CCC in considering discharges may well be less significant to NZTA or Mainpower in their activities/ situations.
6. It is my opinion that, unless the matters of discretion could be wide ranging enough to consider matters such as catchment integration/ rationalisation

along with the usual water quality/ quantity issues, restricted discretionary activity status (if adopted) would be based on the flawed assumptions that:

- all stormwater discharges other than those that are identified as a permitted activity under Rule 5.72 are relatively minor in their potential adverse environmental effects; and
- no situation is unique and there is sufficient certainty and knowledge as to the issues associated with any particular discharge and the receiving environment such that discretion can be restricted in all cases; and
- there is no need for a wider catchment view or the integration of drainage systems with any specific discharge.

7. I have no concerns about the conditions contained within Rule 5.72 with regard to stormwater discharges which can be permitted activities. However, I consider that there will be a wide variety of stormwater discharges which will not be permitted under the pLWRP, including some significant discharges into potential sensitive receiving environments. I am concerned that restricted discretionary activity status under Rule 5.73 will not provide the authority with the means to efficiently manage potential discharges.

8. If the activity status of Rule 5.73 is restricted discretionary, the rule framework would be:

Rule 5.71 would provide that the discharge of stormwater from a community or network utility operator stormwater system is a restricted discretionary activity.

Rule 5.72 would provide for discharges of stormwater into or onto land and water as a permitted activity if the listed conditions are met.

Rule 5.73 would permit all other discharges of stormwater to be restricted discretionary activity.

9. If discharges under rule 5.73 are provided for as a restricted discretionary activity, then (subject to the matters to which discretion is restricted) Rule 5.71– which currently incentivises people to discharge into community

systems –would be superfluous, as all stormwater discharges would be either permitted or restricted discretionary. There would also be little incentive to undertake any stormwater management plans, or applying for any Area Wide consents.

10. As stated in my original evidence, the Christchurch City Council is committed to continuing to develop stormwater management plans, as it considers they can be a powerful and useful tool to ensure better quality, integrated stormwater treatment and discharge. I consider that stormwater management plans and the accompanying Area Wide Consents will in time produce better environmental outcomes. However, restricted discretionary activity status for both Rule 5.71 and 5.73 may put into question the incentive for the City to continue to invest very significant time and money on the production of SMPs and Area Wide Consents, as it may be less costly and far simpler for the City to apply for individual consents for each discharge.

11. It has also been my understanding that the arguments I have given above form, or are at least part of the reason why Canterbury Regional Council has placed such a focus on the development and use of SMPs. The pLWRP contains a rule which specifically aims to encourage the development of stormwater management plans (Rule 5.71), and underlying that, policies as listed below which provide the framework to further encourage their development.
 - Strategic policies 4.1 and 4.2
 - Discharges of contaminants 4.10, 4.11
 - Stormwater and community wastewater systems 4.12 and 4.13(c), and 4.14

12. Reducing the activity status of Rule 5.73 from non-complying to discretionary has the potential, in my opinion, to encourage dischargers to opt out of any community stormwater system. Reducing the activity status further undermines the rationale for having SMPs at all as there will be little or no incentive for many dischargers to join the community system.

13. A potential result of having numerous developments all discharging with individual treatment systems and discharge points will be the loss of planned and integrated management of the water resource.
14. It is therefore my opinion that the activity status of Rule 5.73 should be retained as a non-complying activity and not amended to either discretionary or restricted discretionary.

Date 13 February 2013

Roy Eastman.