

## SUBMISSION ON VARIATION 1 – PROPOSED CANTERBURY LAND AND WATER REGIONAL PLAN

### Submitter:

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### Issue:

**Proposed requirement for a Resource Consent to discharge stormwater in particular catchments:**

### Background:

1. Our 4HA property is located on the floor of Lansdowne Valley and we have been in residence there for over 40 years. Lansdowne Valley is a large sub-catchment of the Halswell River system.
2. Like many landowners on the valley floor we utilise the land productively and work around and accept periodic flooding as a fact of life. We do not, however, accept that the effects of natural flooding should be aggravated by stormwater discharge from new developments, either individually or cumulatively, with the effect of increasing the frequency, depth or duration of flooding on our land.
3. We were a s.274 party to an Environmental Court (ENV-2009-CHC-34) mediated settlement between Freyberg Developments and Canterbury Regional Council, which traversed all the relevant principles and issues of stormwater management in a river system (Halswell River) running beyond full capacity. **The relevant and critical issues agreed by all parties in this settlement were then effectively over-ridden by Freyberg's resort to the WQL7 procedure where such issues were not required to be adequately considered.**
4. The WQL7 process in particular is not concerned with cumulative effects, which in a river system recognised to be running beyond full capacity, is unacceptable, neither does it require ECan as the issuing Authority to accept any responsibility for damage caused to land or the ability for occupying ratepayers to effectively use it, which is morally indefensible.

### Support for Variation 1:

The shortcomings (outlined in the above background) with the WQL7 process are recognised in Variation 1 by requiring developers to apply for a resource consent to discharge stormwater into the Halswell River catchment area.

We therefore support the amendment.

**Further Request in relation to Variation 1:**

In addition to supporting Variation 1 we would ask that Resource Consents should be required to be **notified to affected parties**. E.g. Any application for a resource consent for discharge of stormwater into the Lansdowne Valley catchment (as one of the Halswell River catchment areas) should be notified to residents in the Lansdowne catchment area, or at the very least those on the valley floor.

**Request to be heard:**

This submission has been kept brief, but derives from extensive evidence produced in the various Freyberg hearings leading to the Environment Court mediated settlement. I believe the background of the Freyberg hearings should be essential reading for the Commissioners.

I wish to be heard and will draw in summarised ways from that evidence.

**Other Matters:**

We could not gain an advantage in trade competition through this submission.

I would be prepared to present this submission in a joint case with others making a similar submission, but at my discretion.

**Decisions Sought:**

- 1. We support the proposal in Variation 1 to require Resource Consents in the Halswell River Catchment area for storm water discharge.**
- 2. We further request that such consent applications should be required to be notified at least to affected parties.**

Donald Foster

A handwritten signature in black ink, appearing to read 'Donald Foster', with a stylized, somewhat abstract flourish at the end.

18<sup>th</sup> March 2014