

VARIATION 1 TO THE PROPOSED CANTERBURY LAND & WATER REGIONAL PLAN

EVIDENCE OF JEANINE KELLER FOR THE CHRISTCHURCH CITY COUNCIL

**Proposed Variation to the
Proposed Canterbury Land &
Water Regional Plan:** Policy 9.4.9,
Policy 11.4.34, Rules 5.69, 11.5.18 - 20
& 11.4.18, and Policies 11.4.7 - 9.

1.0 Introduction

- 1.1 My name is Jeanine Gesine Keller. I have over 20 years experience in Resource Management. I am a self-employed Environmental Planner. I hold an Honours Degree in Animal and Plant Ecology from Victoria University and a Master Degree in Resource Management from Canterbury University.
- 1.2 I worked for the Christchurch City Council (the Council) as a planner for three years before working as a Policy Analyst for the Norwegian Ministry for the Environment and the World Wildlife Fund (Arctic Programme). Following that I was a senior planner for seven years in the Christchurch Office of URS New Zealand Limited, before starting my own planning business eight years ago.
- 1.3 I am giving planning evidence on the submissions by the Council on the proposed Land & Water Regional Plan (LWRP). I confirm that I have read and agreed to comply with the Code of Conduct for expert witnesses. This evidence is within my area of expertise, except where I state that I am relying on facts or information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.4 Table 1 summarises the Council's submissions on Variation 1 to the Proposed Land and Water Regional Plan.

Table 1: Summary of the Council submissions on Variation 1 to the Proposed Land & Water Regional Plan

Paragraph number in this evidence where occurs	Point ID	Plan provision number	Page(s) in S42A report	S42A report recommendation (accept/reject)	Council position on S42A report recommendation (support/oppose)
3.0	V1pLWRP-972	11.4.34	304, 368, 362	reject	oppose
4.0	V1pLWRP-953	11.5.18	186	reject	support
4.0	V1pLWRP-954	11.5.19	222, 223	accept	support
4.0	V1pLWRP-955	11.5.20	222, 223	accept	support
	V1pLWRP-956	11.5.22	198, 199, 200, 204	reject	support
	V1pLWRP-957	11.5.23	198, 199, 200, 204	reject	support
	V1pLWRP-958	11.5.27	218, 219, 222	reject	support
	V1pLWRP-959	11.5.29	363, 364	accept	support
	V1pLWRP-960	11.5.30	262, 263, 264	accept	support
	V1pLWRP-961	11.5.31	264, 265	accept	support
	V1pLWRP-962	11.5.36	266, 267, 280, 281, 182, 183, 185	reject	support
3.0	V1pLWRP-963	11.5.43	223, 224	reject	oppose
	V1pLWRP-964	11.5.44	183,184, 185, 186, 187	accept	support

4.0	V1pLWRP-934	5.69	337, 339, 340	reject	support
	V1pLWRP-935	5.164	209,210, 343	accept	support
	V1pLWRP-936	9.4.9	359, 360	accept	support
	V1pLWRP-937	9.5.10	269, 351	reject	support
	V1pLWRP-938	9.5.12	360, 361, 362	accept	support
	V1pLWRP-939	9.6.2	353	accept	support
	V1pLWRP-940	11.4.1	136, 137	reject	support
	V1pLWRP-941	11.4.3	215, 216, 217	accept	support
	V1pLWRP-942	11.4.4	215, 216, 217	accept	support
5.0	V1pLWRP-943	11.4.7	198, 199, 200, 203	reject	support
5.0	V1pLWRP-944	11.4.8	198, 200	reject	support
5.0	V1pLWRP-945	11.4.9	198, 199, 200, 215, 216, 217, 218	accept	support
4.0	V1pLWRP-946	11.4.18	183,185,186	reject	support
	V1pLWRP-947	11.4.19	183,184,185,186	accept	support
	V1pLWRP-948	11.4.20	234, 235, 236, 237, 278, 279, 287,392, 393, 185	reject	support
	V1pLWRP-949	11.4.33	269, 355	reject	support
	V1pLWRP-950	11.5.1	218, 219, 221	accept	support

	V1pLWRP-951	11.5.2	179, 185	accept	support
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2.0 Key issues addressed in evidence

2.1 This evidence covers matters identified in the Christchurch City Council's (the Council) submission and further submission on Variation 1 to the pLWRP. Table 1 summarises the Council submissions and further submissions. This evidence addresses submissions of most significance to the Council, these being:

- (1) Policy 9.4.9 (sub. no. V1plwrp-936) and Policy 11.4.34 (sub. no. V1plwrp-972) - inundation of land from stormwater discharge.
- (2) Rules 5.69, (sub. no. V1plwrp-934) 11.5.18 (sub. no. V1plwrp-953), 11.5.19 (sub. no. V1plwrp-954), 11.5.20 (sub. no. V1plwrp-955) and 11.4.18 (sub. no. V1plwrp-946) - stock access to watercourses.
- (3) Policy 11.4.7 (sub. no. V1plwrp-944), Policy 11.4.8 (sub. no. V1plwrp-944), and Policy 11.4.9 (sub. no. V1plwrp-945) - community sewerage systems and industrial trade processes.

3.0 Policies 9.4.9 and 11.4.34 - inundation of land from stormwater discharge

Submissions nos. V1plwrp-936 and V1plwrp-972

3.1 Submission no. V1plwrp-972 sought amendment to Policy 11.4.34.

11.4.34 To prevent any increase in inundation of land in the Halswell River/Huritini catchment, the discharge to surface water of any stormwater in the Halswell River/Huritini catchment that is not within an area covered by a consented stormwater management plan will require specific evaluation, including of downstream flooding potential, through a resource consent process. (S42A.pt. 20.21 p.362)

3.2 The Council's submission is on ensuring that any inundation of land identified in the policies excludes inundation relating to stormwater treatment facilities; such as retention and detention basins and wetlands. The Council's requested amendment is:

"To prevent any increase in inundation (excluding inundation related to stormwater treatment) of land in the Halswell River/Huritini catchment"

3.3 The S42A Report p.362 (pt. 20.25) states that the "need for 'inundation' in stormwater treatment

and detention systems seems sufficiently obvious that specific provision in the policy is not necessary”.

- 3.4 I consider that although this may seem “sufficiently obvious”, particularly with regard to the more conventional treatment facilities such as detention basins, there are other treatment facilities which may not ‘appear’ to be treatment systems or may have multi-use values, such as swales and forest wetlands. Both of these forms of treatment systems are being used in the Council’s Southwest Stormwater Management Plan which includes part of the Halswell/Huritini Catchment.
- 3.5 I do not support the S42A Report reasoning that a specific provision is not necessary and consider the Council’s suggested amendment should be accepted.
- 3.6 The S42A Report does however recommend an amendment to Policy 9.4.9 (Rule 9.4.9) which seeks to include “drainage water”. I support the S42A Report in regard to this amendment with it being included in addition to the amendment sought by the Council.

**4.0 Rules 5.69, 11.5.18, 11.5.19, 11.5.20 and 11.4.18 - stock access to waterways
Submission nos. V1plwrp-934, V1plwrp-953 V1plwrp-954, V1plwrp-955 and V1plwrp-946**

- 4.1 The Council’s submission supports the proposed changes to Rules 5.69, 11.5.18 and 11.5.19. The Council recognises the importance of excluding stock from waterways where their impacts can reduce surface water quality and cause damage to riparian margins.
- 4.2 As stated in the S42A Report the Variation 1 stock exclusion policy and rules have two main themes in addition to those of the region-wide rules.
- (1) The exclusion of stock from drains; and
 - (2) The total exclusion of stock from all waterbodies and wetlands in the Cultural Landscape/Values Management Area. (pt.17.2 p.337)

The S42A Report recommends that Rule 11.5.18 be amended to create consistency between Policy 11.4.12(d) and Rule 11.5.18., by amending the rule to refer to “drains” as does Policy 11.4.12(d), but providing for the exclusion of some types of “drains” from the rule (pt 17.22 p.339).

wetland in Rules 5.68, 5.69, 5.70 and 5.71 also includes a drain, but does not include any sub-surface drain, stormwater swale or other artificial watercourse which is ephemeral in nature, an artificial watercourse (excluding an irrigation canal, water supply race or canal for the supply of water for electricity power generation). 238"R11.5.18

- 4.3 The Council supports these rules because they recognise the value of excluding stock from waterbodies and their margins, as a means to protect and enhance water quality and ecological values of these waterways. The Council also recognises the importance of the watercourses which feed into Te Waihora. I consider that the amendments recommended in the S42A Report improve consistency between the policy and rule by ensuring certainty in terms of which watercourses will require stock exclusion. I consider that the recommended amendment will achieve the intended outcomes of both the policy and rule.
- 4.4 I support the S42A recommendation for the amendments to Rule 11.5.18.
- 4.5 The S42A Report recommends no changes to Rule 5.69, Rule 11.5.19, and Rule 11.5.20. The Council also supported retaining these rules.

5.0 Policies 11.4.7 and 11.4.8 - community sewerage systems
Submissions nos. V1plwrp-934 and V1plwrp-944

- 5.1 The provisions for community sewerage systems and industrial and trade waste discharges comprise four related policies, three rules and a table of limits.
- 5.2 The Council submitted on Policies 11.4.7 and 11.4.8. The Council submission supported the policies as they will contribute to the management and reduction in potential adverse environmental effects of sewage sludge, bio-solids or treated sewage effluent on the environment. Policy 11.4.7 requires that persons discharging will adopt the best practicable option to manage the treatment and discharge, as well as meeting the nitrogen load limit for community sewerage systems identified in Table 11(i). Policy 11.4.8 would allow discharges to exceed the Table 11(i) limits only if the exceedance is less than nitrogen load contribution from the aggregation of the on-site domestic wastewater treatment systems that would be replaced by the community wastewater system.
- 5.3 The S42A Report recommends a simplification of these two policies based on;
- (1) Removing the reliance on the Table 11(i) due to inherent difficulties in clearly identifying when the

targets or limits in Table 11(i) are met. (pt.11.297 p. 202)

(2) Acknowledging that existing discharges are considered to be part of the environment (pt 11.302 p.303); and

(3) The requirement to use the best practicable option for minimising discharges and for new discharges to create no net increase in nitrogen discharge appears to be a simpler framework (pt. 11.303 p.303)

The S42A Report recommended the following amendment;

11.4.7 Require any person discharging sewage sludge, bio-solids or treated sewage effluent into or onto land from a community wastewater system to:

(a) adopt the best practicable option to manage the treatment and discharge of contaminants; and

(b) comply with the terms of any discharge permit that existed as at 13 February 2014, for the term of that discharge permit; and

(c) enable new discharges only where the nitrogen loss from the discharge is less than the lawfully permissible nitrogen loss from the farming activity that is replaced or less than the nitrogen load contribution from the aggregation of on-site domestic wastewater treatment systems that would be replaced by the community wastewater system.

~~meet the nitrogen load limit for community sewerage systems in Table 11(i) unless Policy 11.4.8 applies.~~

~~11.4.8 Allow the discharge of sewage sludge, bio-solids and treated sewage effluent into or onto land from a community wastewater system that will cumulatively result in the exceedance of the nitrogen load limit for community sewerage systems in Table 11(i) only if the exceedance is less than the nitrogen load contribution from the aggregation of on-site domestic wastewater treatment systems that would be replaced by the community wastewater system."~~

5.4 I support the recommended amendment proposed, as the combined new policy 11.4.7 still achieves the outcomes which the Council supported in its submission to Policies 11.4.7 and 11.4.8.

5.5 The Council also supported Policy 11.4.9 on the treatment and discharge sewage sludge, bio-solids or treated sewage effluent within the Cultural Landscape/Values Management Area. The S42A Report discusses this Policy in Section 12, Cultural Landscape/Values Management Area (page 213).

5.6 The Council submission supported this policy without any amendment as it recognised the importance of Ngai Tahu as Kaitiaki of the Selwyn Te Waihora catchment, and established management techniques to protect and enhance the catchment. While doing so it still recognises that emergency events, for example equipment failure resulting in untreated sewage discharge, may occur as acknowledged in the pLWRP Rules 5.87 and 5.88.

5.7 The S42A Report recommends retaining Policy 11.4.9 without amendment.

5.8 I support the S42A recommendation.

A handwritten signature in blue ink, appearing to read 'Jeanine Keller', is written above the printed name.

Jeanine Keller

29 August 2014