

**Before the Canterbury Regional Council
Hearing Commissioners**

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 on proposed plan change 4 (omnibus) to the partly operative Canterbury Land and Water Regional Plan

**STATEMENT OF REBUTTAL EVIDENCE OF JEANINE GESINE KELLER FOR THE
CHRISTCHURCH CITY COUNCIL**

19 February 2016

INTRODUCTION

Qualifications and Role

1. My full name is Jeanine Gesine Keller. I have been requested by the Christchurch City Council (the Council) to give evidence in relation planning issues. My qualifications and experience are set out in my evidence-in-chief dated 29 January 2016.
2. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.

Scope of Evidence

3. My rebuttal evidence is provided in response to the evidence of Ms Deborah Bartlett (TRNT; C16C/11538), dated 29 January 2016, and specifically paragraphs 24 and 27.

Evidence

4. Ms Bartlett has identified in paragraph 24 (Stormwater) of her evidence, her support for Rule 5.93. She also notes that Te Runanga o Ngai Tahu opposed the submission point of the Council which seeks to retain the existing Land and Water Regional Plan (the Plan) framework for the management of reticulated stormwater.
5. In my evidence-in-chief, (paragraph 41), I have specifically identified Rule 5.93 as one of three rules (9.93, 5.94 and 5.94A), which I consider have merit as they are not directly related to the implementation of Policy 4.16A. The Council strongly opposes Policy 4.16A.
6. Ms Bartlett's evidence from paragraph 27 onwards gives her opinion on the Te Runanga o Ngai Tahu requested relief in relation to Rule 5.94A and Rule 5.94B. The changes that she supports would make stand-alone construction phase stormwater discharges to surface water, and to reticulated systems, a restricted discretionary activity under Rule 54C.
7. Ms Bartlett's evidence paragraph 25. states that:

"From the iwi perspective, the quality of discharge entering surface water is what matters."

I consider that the existing provisions in the Plan would provide greater protection for water quality from construction stormwater discharges to surface waters, than the provisions proposed in Plan Change 4 to the LWRP.

8. Under the existing provisions in the operative LWRP the discharge of construction phase stormwater into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter a river, lake, wetland, or artificial watercourse, is covered under Rule 5.95. Additional standards not present in the proposed rules in Plan Change 4, but included in the existing Rule 5.95, relates to the discharge of construction and operational stormwater to surface waterbodies include:

"2. The discharge is not into a reticulated stormwater system, and

(b) The discharge is not into:

(i) a water race, as defined in Section 5 of the Local Government Act 2002; or

(ii) a wetland, unless the wetland is part of a lawfully established stormwater or wastewater treatment system; or

(iii) a waterbody that is Natural State, unless the discharge was lawfully established before 1 November 2013; and ... "

and

"(d) The discharge meets the water quality standards in Schedule 5 after reasonable mixing with the receiving waters, in accordance with Schedule 5; and ... "

9. Although the existing provisions in the operative Plan do not lead to every stormwater discharge to surface water being a restricted discretionary activity, Rule 5.95 has much stronger standards than those in rules 5.94A and 5.94B. These standards would potentially reduce the cumulative effects of TSS levels entering surface water bodies as a permitted activity. If these standards cannot be met then a proposed activity would be either a discretionary activity, or within the boundaries of Christchurch City, a non-complying status.

10. I consider that requiring every stormwater discharge to surface water to be a restricted discretionary activity as sought under Ms Bartlett's evidence would impose an onerous and inefficient economic burden and not be the most efficient way of ensuring the environmental outcomes desired by Te Runanga o Ngai Tahu. Permitted activity standards

for construction phase stormwater discharge more closely resembling those in the existing Rule 5.95 may be a more appropriate method to deal with the most significant discharges.

A handwritten signature in blue ink that reads "J.G. Keller". The signature is written in a cursive style with a large initial "J" and "G".

Jeanine Gesine Keller

Environmental Planner