

Before Hearing Commissioners
at Christchurch

under: the Resource Management Act 1991

in the matter of: Application CRC190445 to discharge stormwater to land
and water

and

in the matter of: **Lyttelton Port Company Limited**
Submitter

TABLED AT HEARING

Application:

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Date: 12 Nov 2018

Summary evidence of Andrew Mark Purves (Planning)

Dated: 12 November 2018

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**CHAPMAN
TRIPP** 

SUMMARY EVIDENCE OF ANDREW MARK PURVES (PLANNING)

Introduction

- 1 My name is Andrew Mark Purves. I am a planning consultant on my own account and provided Evidence on behalf of the Lyttelton Port Company Limited ('LPC').
- 2 I am familiar with Lyttelton Port ('Port') and the Inland Port at Woolston ('CityDepot'), and their surrounding areas, and I have provided planning advice to LPC for many years.

Scope of Evidence

- 3 My evidence:
 - 3.1 Described the Port's operation;
 - 3.2 Outlined the statutory significance of the Port; and
 - 3.3 Recommended changes to those conditions relating to industrial sites.

Lyttelton Port of Christchurch and CityDepot

- 4 Lyttelton Port of Christchurch is the major deep-water Port in the South Island and is at the hub of regional trade. The Port caters to a diverse range of export and import cargo.
- 5 As shown on my Plans attached to my evidence, the Port covers some 149ha, extending from Magazine Bay in the west to Gollans Bay in the east while 'CityDepot', which is located in Woolston, covers some 17ha.
- 6 CityDepot functions as an 'inland port' and is an integral part of the Port's operation and cannot be distinguished in a functional or operational sense from the remainder of Port activities.
- 7 The Port and CityDepot are identified as HAIL sites on the Canterbury Regional Council's ('CRC') Listed Land Use Register ('LLUR'). The stormwater discharges from flat land at the port enters into the Port's own network or enters the CCC network as the last connection point before discharging into the coastal marine area. CityDepot discharges into the CCC network which in turn discharges into the Heathcote River. LPC therefore has a direct interest in this consent. Kim Kelleher¹ and Dr Gareth Taylor² are

¹ LPC's Environmental Manager.

² A consultant adviser to LPC, including on matters relating to the management of port-related stormwater.

here to answer any questions on port-related stormwater discharges.

- 8 As outlined in my evidence the Port and CityDepot are recognised as regionally significant infrastructure and as a consequence there are policies in the Regional Policy Statement, the Regional Coastal Environment Plan and the Christchurch District Plan that address port operations and also recovery of the port post-earthquake.
- 9 A large number of property owners, including LPC, are dependent on this consent and are reliant on conditions that are certain and workable for owners of industrial sites.

Conditions

- 10 I support the use of an adaptive management regime for this consent, accepting that this approach entails more complex conditions with monitoring and feedback loops.
- 11 Nevertheless, as far as possible the conditions should be able to be understood and implemented without having to have knowledge of the consents and wider history that preceded them. In this regard, I found reading the proposed conditions both challenging and lacking sufficient clarity on how industrial sites are to be managed.
- 12 In response, I prepared alternative conditions as a constructive attempt to provide more explicit description of the process to identify high-risk HAIL (or LLUR) and the criteria for any conditioning of the remaining industrial sites. To do this requires teasing out the conditions with clear linkages between each condition.
- 13 I have also recommended that the conditions separate out operational and construction phase stormwater as a means to improve the readability of the conditions. I note this approach is:
- 13.1 Consistent with the approach of the rules in LWRP;
 - 13.2 Consistent with proposed conditions 23 and 39 (July version); and
 - 13.3 Used in most of the evidence I have read.
- 14 For convenience, I attach again the conditions at the end of this summary and provide below a bullet point summary for the rationale.

- 15 Condition 1 was amended:
 - 15.1 On the assumption that a map or maps should be attached given this is normal practice in CRC consents and given there is reference in condition 1 to a spatial term "City Boundary" in any event;
 - 15.2 To remove the undefined term "greenfield development" and define the term "residential sites"; and
 - 15.3 To improve the readability of the condition.
- 16 New conditions 3-5 were inserted to:
 - 16.1 Make it explicit that discharges to the network from industrial sites are provided for in the first instance unless there are specific circumstances which otherwise trigger exclusion;
 - 16.2 Make it clear that high risk sites are not authorised to discharge into the CCC network unless a site was previously authorised by CCC and CRC. I have also introduced a 2025 sunset clause on this condition; and
 - 16.3 Address the failure of owners of low risk HAIL sites to comply with any individual conditions imposed on a discharge.
- 17 New Conditions 5 to 9 were inserted to:
 - 17.1 Define what may qualify as a potential high-risk site;
 - 17.2 Provide at least a basic benchmark against which a site is determined to be a high risk site;
 - 17.3 Incorporate the audit methodology for transparency and clarity;
 - 17.4 Provide a two-step process to determine high risk sites with CRC making a final determination on whether a site should be identified as a high risk site, again for transparency reasons; and
 - 17.5 Make reference to a publicly accessible register outside the consent to list high risk sites and provide a mechanism to remove high risk sites.
- 18 New Condition 10 was inserted to:
 - 18.1 Provide guidance on how conditions (if any) are to be imposed as part of the written permission to discharge into the CCC network.

- 19 New Conditions 14 to 16 were inserted to separate operational and construction phase stormwater for the reasons described earlier. I note clause (b) referring to the TSS standard could be replaced with the latest proposal to development a Sediment Discharge Management Plan.
- 20 An amendment to Condition 19 was introduced so that it removes a direct obligation on a third party.
- 21 An amendment to Condition 41 was introduced to delete Schedule 1.
- 22 Amendments to Condition 46 were introduced so that the Attribute Target Levels are consistent with the pre-conditions or standards attached to the rules in the regional plans and any changes to the values in this consent be only changed if a regional plan is updated after a change or review.

Dated: 12 November 2018

Andrew Mark Purves

APPENDIX A

Location and Scope

- 1 The discharges shall only be from Stormwater generated from land or structures that enter the CCC Network located the boundaries shown on Map X, and then discharge into or onto land or into surface water.
- 2 The discharge of Stormwater onto or into land in urban Christchurch shown on Map X provided that the Stormwater is generated:
 - (a) from a roof that is discharged within the same site containing the roof; or
 - (b) from Hardstand, provided the Hardstand:
 - (i) forms part of a site containing a Residential Activity; or
 - (ii) is constructed after the grant date of this consent.

Advice Note: For avoidance of doubt, the discharge to land for existing Hardstand from a site, other than a site containing only a Residential Activity, is not within the scope of this condition and therefore a resource consent from CRC may be required. In addition, no other stormwater reticulated system that is not controlled by the consent holder and which is located within Map X, and which discharges to land, is not within the scope of this condition and therefore a resource consent from CRC may be required.

Sites containing Hazardous Industries and Activities (HAIL)

- 3 The discharge of Operational Phase Stormwater generated from land or structures from a HAIL Site, and which enters the CCC Network is authorised under condition 1, except for those circumstances set out condition 4 (until 2025) or condition 5.
- 4 The discharge of Operational Phase Stormwater generated from land or structures from a HAIL Site, and is deemed a high risk HAIL Site in accordance with condition 6, is not authorised to enter the CCC Network under condition 1 unless the discharge was existing at the commencement date of this consent and was expressly authorised by Canterbury Regional Council and Christchurch City Council; or
- 4A Condition 4 ceases to have effect after 2025 after which any Site deemed a high risk HAIL Site in accordance with conditions 7 and 8, shall be authorised under condition 1.

5 The discharge of Operational Phase Stormwater generated from land or structures from a HAIL Site is not authorised to enter the CCC Network under condition 1 if the site was the subject of an audit carried out in accordance with conditions 10 and 11, and if any conditions imposed as a result of the audit are not complied with.

Determination of a High Risk HAIL Site

6 The consent holder shall carry out an ongoing review of the risk status of HAIL Sites located within the CCC Network area shown on Map x., and shall include assessments or reassessments involving:

- (a) Proposed redevelopments of HAIL Sites;
- (b) Proposed new HAIL activities on a Site; or
- (c) Existing Sites on the CRC LLUR.

7 If the consent holder, after carrying out an audit in accordance with Condition 10, determines the Stormwater discharge that enters CCC network may pose an unacceptably high risk of compromising the receiving environment objectives and attribute target levels contained in the relevant schedule attached to this consent then the consent holder shall forward the details of the audit to CRC. CRC shall make a final written determination of whether the Site is deemed a high risk HAIL Site. A copy of the written determination shall be provided to the consent holder and the owner of the Site.

8 If the Site is determined to be a high risk HAIL Site then the Site shall be entered into the CCC High Risk HAIL Site register.

9 If the consent holder, after carrying out an audit in accordance with Condition 10, determines an existing high risk HAIL Site is no longer of high risk, it shall forward the details of the audit to CRC. CRC shall make a final written determination of whether the high risk status can be revoked and the notation removed from the High Risk HAIL register immediately. A copy of the written determination shall be provided to the consent holder and the owner of the Site.

Auditing and Assessment of HAIL Sites

10 The consent holder when carrying out any audit or assessment of any HAIL Site, shall use the audit and assessment methodology attached in Appendix X. An audit report is to be prepared and a copy of the report shall be provided to CRC and to the owner of the Site.

Advice Note: The audit and assessment methodology will be applied to an existing HAIL Site identified on the LLUR and also be used as the basis for assessment for the redevelopment of a HAIL Site or any other site containing a new HAIL referred to in Appendix X.

- CCC Conditions on a Stormwater Discharge from a HAIL Site**
The consent holder in determining whether conditions (if any) are to be imposed on a HAIL Site shall consider:
- 11
 - (a) Whether the Site has developed and audited environmental management system and/or processes;
 - (b) Evidence of trained and competent Site staff;
 - (c) Any previous monitoring of the Stormwater discharging into the CCC Network from the Site; and
 - (d) Compliance history.
 - 12 If any conditions involve the requirement to retrofit Stormwater treatment devices on a Site, the consent holder shall have particular regard to the catchment benefits of retrofitting against the ability of Site to be used in an efficient manner.
 - 13 The consent holder may amend the conditions if there are changes in the management of a HAIL Site or changes in nature of the stormwater discharge that enters the CCC Network.
- Construction Phase Stormwater**
- 14 The discharge of Construction Phase Stormwater that enters the CCC Network is authorised under condition 1, except for those circumstances set out condition 15, and provided that:
 - (a) An ESCP is be prepared and implemented in general accordance with Canterbury Regional Council's Erosion and Sediment Control Guidelines for the Canterbury Region, 2007 (Report R06/23 or successor document);
 - (b) The TSS limits do not exceed 100g/m³ except that the Consent Holder, with written approval from CRC, may allow a higher limit if all practicable measures to reduce the suspended sediment has been undertaken.
 - 15 The discharge of Construction Phase Stormwater generated from a stage development that exceed five hectares on the flat and one hectare on the hill is not authorised to enter the CCC Network under condition 1(a). This condition ceases to have effect after 2025 after which any Construction Phase Stormwater 4, shall be authorised under condition 1 (a).
 - 16 The discharge of Construction Phase Stormwater is not authorised to enter the CCC Network under condition 1(a) if the following conditions set out in conditions 14 a. and 14 b. are not complied with.

Replacement Condition 19 (July Version)
Water Quality and Quantity Standards

- 19 As a means to achieve the standards and terms specified in Schedule 3, the consent holder may impose conditions on Construction Phase Stormwater or Operational Phase Stormwater after redevelopment of a Site located within a catchment that does not have a certified SMP.

Amendment to Condition 41 (July Version)
Industrial Site Management

- 41 The consent holder shall, in collaboration with the CRC:
- a. Audit LLUR Sites in accordance with Condition 10, with priority given to **auditing** industrial sites that pose the highest risk;
 - b. Audit a rolling list of at least 10 of the highest risk sites in the city and report progress on an annual basis.

Amendment to Condition 46 (July Version)

- 46 The Attribute Target Levels in Schedules 3 to 5 are derived from conditions attached to the rules contained in the Canterbury Land and Water Regional Plan and the Regional Coastal Environment Plan. Should the levels be changed after a Review or Variation of these Plans or new levels introduced by a National Policy Statement or a National Environmental Standard then the Attribute Target Levels contained in Schedules 3 to 5 shall be updated to reflect the new conditions or standards contained in these statutory documents. Updated values will also be incorporated into the EMP as an amendment, certified in accordance with Condition 43.

Definitions

Construction Phase Stormwater means stormwater runoff that contains sediment and entrained contaminants resulting from precipitation on a site that has not been stabilised and which arises from construction or demolition activities, or the development of a building site but excludes sealed pavement repair where base course is not exposed.

CCC Network means the Christchurch City Council stormwater system located within the boundaries shown on Map X.

development site means any individual area within a site or sites that is undergoing construction and/or earthworks activities but excludes sealed pavement repair where base course is not exposed.

HAIL means a Hazardous Industry and Activity List listed in Appendix X.

Residential activity means the use of land and/or buildings for the purpose of living accommodation.

Operational Phase Stormwater means Stormwater discharges that enter the CCC Network from an Existing Site, or Stormwater discharges that enter the CCC Network after Redevelopment of a Site.

Redevelopment of a Site means a change in land use on a Site or part of a Site which is likely to change the quality or quantity of stormwater that enters the CCC Network.

Stormwater means runoff from rainfall that has been collected, channelled, diverted, intensified or accelerated by human modification of the land surface or runoff from the external surface of any structure as a result of precipitation and may contain contaminants. This definition excludes discharges of spilled or deliberately released hazardous substances and/or washdown activities. Stormwater includes Construction Phase and Operational Phase Stormwater.