

BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER The Resource Management Act 1991 (**Act**)

AND

IN THE MATTER OF Application CRC190445 by the Christchurch City Council for a comprehensive resource consent to discharge stormwater from within the Christchurch City area and Banks Peninsula settlements on or into land, into water and into coastal environments

**FIFTH MINUTE OF HEARING COMMISSIONERS ADDRESSING SUSPENSION
OF HEARING PURSUANT TO S91A AND PROPOSED TIMETABLING**

Introduction

- 1 This Minute addresses matters raised in the memorandum of Counsel for the applicant dated 26 November 2018.¹
- 2 That memorandum addressed the provision of further information or evidence and related timetable steps. It recorded that the applicant had engaged with CRC in proposing the timetable. It identified the looming Christmas period and requested suspension under s91A of the Resource Management Act 1991 until Thursday 7 February 2019.

Proposed Suspension

- 3 S91A (in summary) provides that a consent authority must suspend the processing of a notified application when a request is received in accordance with that section. S91A(3) provides the circumstances where such a request cannot be made. S91A(3)(c) provides that a request must not be made if a total of 130 or more working days have been excluded from the time limits under s88B. We understand a total of 130 working days remains available to the applicant.
- 4 We confirm that the processing has been suspended, with the suspension commencing on 27 November 2018.

Proposed Timetable

- 5 The applicant has proposed the following timetable:
 - (a) Friday 8 February 2019: the applicant provides answers to the commissioner's questions and any related joint statements of the experts;
 - (b) Friday 15 February 2019: last day for any written responses by submitters;
 - (c) Friday 22 February 2019: the applicant files its right of reply, final proposed consent conditions and the Environmental Monitoring Programme.
- 6 We are generally happy with that proposal but consider, to enable adequate time for submitters to consider and lodge any written response, an additional week should be provided. The last day for any

¹ Memorandum of Counsel for the Christchurch City Council in response to Minute 4, 26 November 2018

written response by the submitters to be provided is set as 22 February 2019. As a consequential amendment, the date for the applicant to file its right of reply and final proposed conditions shall be 1 March 2019.

- 7 In addition to the provision of answers to our requests and any related joint statements of experts on 8 February 2019, we direct the applicant provide a draft set of proposed conditions on that day. This will enable submitters to consider the conditions and provide written comments if they wish. It will also provide the opportunity for the applicant to consider such comments before its final set of proposed conditions is provided.
- 8 We record that the directions, particularly those relating to conditions, are not to be taken as in any way indicating that we have formed a view on the granting or otherwise of consent. The information and conditions will simply form part of the material we will consider in reaching our decision.
- 9 We also record that any responses from submitters are to only address matters arising from the materials provided by the applicant on 8 February 2019.

Applicant's Further Explanation for the Proposed Timetable

- 10 Mr Pizzey's memorandum provided what we take to be preliminary views on our request for further information.
- 11 In relation to our request at 7(a) of our fourth Minute, we note that information will be provided. The applicant has heard discussions in relation to the baseline years, particularly those with Mr Law. We expect that will be addressed either in the response on 8 February or in the reply.
- 12 In terms of the response to 7(b) of our fourth Minute – the volume limit – the memorandum provides a brief explanation of the applicant's view and references a proposed condition. Again, the applicant has heard discussions on this issue, particularly discussions with Mr Law, and we expect this issue will be addressed more fully by the applicant in accordance with the proposed timetable.
- 13 In terms of the response to our 7(c), we will await the further information. We agree with the applicant's comment that we will be assisted by further information regarding potential drainage impacts of

fill at Brooklands. We would also benefit from advice as to whether such fill was consented or otherwise authorised.

- 14 In terms of 7(d), we direct the applicant to propose an appropriate level and attribute. If that is to be on the basis of a 1 in 10 year event then the applicant can expand on its explanation as to why that is so. This is particularly relevant to our consideration of the issues in the Styx, given the evidence in relation to apparent flooding during what we understand was a 1 in 8 year event. We have made no findings in relation to that evidence at this stage, but we consider we would benefit from the further information requested.
- 15 In terms of paragraph 8 of our fourth Minute and paragraph 22 of Mr Pizzey's memorandum, what we are seeking is further information on the effect of channel maintenance, or any lack thereof, in the smaller rainfall events, such as 1 in 10. We are particularly interested in receiving information relating to the effects on those parts of the catchment which have been subject to flooding in 1 in 8 events, rather than at the Harbour Road site.
- 16 We therefore look forward to receiving the further information on the relationship between stormwater discharge operation and river management, and particularly the matters identified in paragraph 15 of this Minute.
- 17 Mr Pizzey has advised that he is available for a teleconference with the Chair of the Panel. We do not consider that such is necessary. At this point in the process, we consider we are better assisted by any issues being addressed by way of memoranda.



David Caldwell

Chair

Dated: 29 November 2018