

BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER THE Resource Management Act 1991

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.

**MEMORANDUM OF COUNSEL FOR THE CHRISTCHURCH CITY COUNCIL IN
RESPONSE TO MINUTE 4**

26 November 2018

CHRISTCHURCH CITY COUNCIL
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INTRODUCTION

1. This memorandum is in response to the Commissioners' Fourth Minute dated 21 November 2018 (the Minute). The Minute requested specific further information or evidence and directed that counsel for the applicant, in consultation with the CRC, provide to the Commissioners a proposed timetable for their consideration concerning provisions of that further information or evidence.
2. This memorandum addresses the provision of that further information or evidence and related timetabled steps. The applicant has engaged with the CRC in proposing this timetable.
3. Counsel is available for a teleconference with the Chair of the Panel at his convenience, to discuss the timetable proposed in this memorandum and the reasons for it.

THE PROPOSED TIMETABLE

4. The applicant wishes to give the experts for the parties a reasonable opportunity to consider the matters raised by the Minute and, if they wish, to produce a joint statement addressing some of those matters. Following that step, the other parties may wish to provide information or make a submission, and the applicant then complete its right of reply before the hearing is closed.
5. As a result of there being other time demands and absences for leave over this Christmas period, that process cannot be complete before the 17 December 2018 statutory deadline for the hearing to be closed.
6. Accordingly, the applicant hereby requests, under section 91A of the Resource Management Act 1991, the consent authority to suspend the processing of the application until Thursday 7 February 2019 to enable reasonable time for the experts to engage on provision of the requested information and for the applicant to engage with the CRC and possibly with other parties on the final conditions to be proposed by the applicant in the right of reply.

7. The applicant proposes the following timetable:
 - 6.1 Friday 8 February 2019: The applicant provides answers to the Commissioners questions and any related joint statements of the experts;
 - 6.2 Friday 15 February 2019: Last date for any written responses by submitters;
 - 6.3 Friday 22 February 2019: The applicant files its right of reply and final proposed consent conditions and Environmental Monitoring Programme.

FURTHER EXPLANATION FOR THE PROPOSED TIMETABLE

8. The applicant here provides further detail of the information that it will be providing by Friday 8 February 2019 in response to the Minute with respect to each of the questions raised within the Minute.

7(a): A concise explanation of why the various baseline years, ranging from 1991 to 2016, were selected.

9. This information can be provided within days but for the sake of efficiency will be provided with the other information referred to below.

7(b): The reasons for not specifying a volume limit in Schedule 7: Receiving Environment Attribute Target Levels for Water Quantity and what the effects of such a limit may be...

10. The Council's position on this is that any volume can be alternatively described as a level at a strategic point in the waterway network. A level is much more easily understood by everyone than a specified volume in a specified event. For example: the present target water level at Harbour Road indirectly describes the volume of water that is able to be stored on the Lower Styx floodplain. A similar strategic level could undoubtedly be found for the Halswell catchment either within or outside the Christchurch territorial limits.
11. Further, volumetric limits set at the individual property level would not be practicable to measure or manage.

12. The Council has proposed a condition as follows:

	<p><u>6 g. Identification of key locations in addition to those identified in Schedule 7 where modelled assessments of water levels shall be made for the critical 2% AEP event and any other relevant return interval. For each additional key location, appropriate water level reductions or tolerances for increases shall be set according to the SMP objectives and shall be reported with the model update results required under Condition 48;</u></p>
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13. This condition puts a requirement into the SMP process to examine the key strategic requirements for modelled water quantity targets and enables those choices in the SMP process to be open to scrutiny from stakeholders and final certification by the CRC.

7(b): ...If we are to conclude that volume limits are appropriate, what the limit or limits should be.

14. The answer to this question requires extensive interrogation of existing modelling and expert value judgement on the appropriate volume values to establish limits. To do this for the Styx and Halswell would take approximately 3 months. To do this for all rivers would take approximately 6 months. Should further modelling be required to support setting limits the timeframe would likely double.

15. The water quantity experts for the applicant and CRC wish to have the opportunity to consider a proposal to the Commissioners that this be addressed through conditions for the SMP development process rather than set now or set following those 3-6 month modelling processes. They will invite the water quantity expert for the Rodrigues', Mr Potts, to take part in those discussions. They would produce a joint statement on these matters.

7(c): The assumptions in the water quantity model, particularly in relation to the Styx River channel.

16. Those assumptions are recorded in documents that are referred to in the Styx River Stormwater Management Plan. This will be summarised,

expanded upon and submitted with the other information developed in response to Minute 4.

17. Submitters at the hearing raised concerns regarding the impact of fill at Brooklands. The applicant considers that the Commissioners will be assisted by further information regarding potential drainage impacts of that fill. The process for the applicant to gather that information will take approximately 3 weeks but for the sake of efficiency will be submitted with the other information developed in response to Minute 4.

7(d): Should we decide that it is appropriate to include receiving environment attribute target levels for a 1 in 5 year event, what are the appropriate levels and attributes?

18. The view of the applicant's experts is that there is no benefit in modelling the 1:5 year event. That is because the stormwater system is generally of a size to carry the 1:5 event so it does not often result in an adverse water quantity effect at such frequent events. If they do occur it is likely to be as a result of a blocked drain or water inlet or some other operational failure. The hydraulic models are not likely to represent the specific features or environmental factors, such as blockage, that will be influential in such a small storm event. Models are also not normally calibrated to such small events. The applicant's experts consider that, for the above reasons, if another event is to be modelled there is no point that being anything less than a 1:10 year event.
19. The applicant considers that there may be a case for modelling events of higher frequency than 1:50 years for some SMP areas, but that the place and time to determine that is when preparing the SMP. The applicant will be proposing a consent condition to that effect as foreshadowed in paragraph 12.
20. If the Commissioners direct the applicant to propose an appropriate higher frequency level and attribute, doing that requires modelling followed by expert judgement and this would take up to two months.
21. The joint experts' statement may address the experts' opinions on this matter.

8: ...*[T]he relationship between the stormwater discharge operation and river management:*

22. The Commissioners are here seeking information, principally for the Styx, as to whether the assumptions used in the modelling can be relied on. The modelling to date has assumed that the particular level of operational maintenance of the river (i.e. weed and bank vegetation condition) that was evident at the time of the calibration event (August 2008) is applicable in the design storm scenarios. If that level of maintenance is not reflective of the general condition of the river then the flood frequency and/or adverse effect of the flooding may alter from what was modelled. Quantification of this requires sensitivity testing of the model. This information would take approximately 2 months to develop. This modelling will provide some insight into the effect of weed on model behaviour in large storm events but not in low flow or normal conditions.
23. It is anticipated that the sensitivity study will show a minor effect on the level at Harbour Road because that location has ponded water rather than flowing water and so is not directly affected by weed growth.

DRAFT CONDITIONS

24. The applicant will be engaging as required with the reporting officers and possibly with submitters in preparing a final set of proposed conditions while the above information is being gathered.

BK Pizzey

26 November 2018