

22 February 2019

Environment Canterbury  
Attn. Hearings Officer  
PO Box 345  
Christchurch 8140

**By email:** [hearings@ecan.govt.nz](mailto:hearings@ecan.govt.nz)

Dear Sir / Madam

**Re.: CRC190445: Christchurch Comprehensive Stormwater Resource Consent Application  
by the Christchurch City Council**

Please find attached comments from LPC on the draft conditions that were circulated by CCC on 8 February 2019.

Comments from the Lyttelton Port Company are set out in **Annexure 1** in order of the proposed conditions and schedules.

Yours sincerely



**PHIL DE JOUX**  
Strategic Engagement Manager

## Annexure 1

### Conditions 1, 2, 3 and 41

- 1 Conditions 1, 2 and 3 are presumably to be read as a package. It is important because Condition 1, when considered on its own, appears to be an authorisation rather than a condition, noting that condition (1) (b) is open-ended.
- 2 Condition 2 (c) refers to any “*new activity on a site*” as well as re-development of a site or a development area. LPC has previously submitted on the confusing nature of these terms.
- 3 There is no obvious rationale for the term “*new activity on a site*” because the definition of “*re-development*” already references a change in activity which has the potential to increase the scale, intensity or contaminant content of the discharge.<sup>1</sup>
- 4 If the term is adopted by the Commissioners for reasons we are unaware of, then at the very least the term should be defined as to what constitutes a new activity.
- 5 As an aside, the conditions should be capitalising the defined terms so it is clear when a term used in the conditions has been defined in the consent.
- 6 Condition (2) (f) continues to enable Schedule 1 to be amended as a result of Condition 3 or Condition 41. Putting aside the issue of whether it is appropriate to change the schedules without community input under section 127 of the RMA, we suggest further work is required to improve the coherence of these conditions and the linkages between them.<sup>2</sup>
- 7 Condition 3, for example, addresses a range of topics in a seemingly disjointed manner i.e.
  - 7.1 Details on how to handle Environment Canterbury consents;
  - 7.2 Requirements on how to prepare a matrix;
  - 7.3 Details when sites are to remain excluded; and
  - 7.4 Requirement to prepare a transition plan.
- 8 At the very least some re-ordering of the conditions with better linkages is necessary to improve coherence i.e. Conditions (3) (a) and (e) should presumably be listed together as should Conditions (3) (b) and (d).
- 9 There also needs to be some better linkage from Condition 41 (d) back into the requirements of Condition (3).
- 10 We are also concerned that Condition 3 (e) is opened-ended as to what constitutes “*better*” environment outcomes. Logically, the outcomes should be consistent with the objectives and attribute targets set out in the schedules.
- 11 That said, we support the establishment of the Industry Liaison Group and its role in the preparation of the matrix under Condition 3 (b). LPC would like to be a member of the Industry Liaison Group.

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<sup>1</sup> Re-development means a change to a developed site or a site activity that results in a stormwater discharge that has the potential to increase the scale, intensity or contaminant content of the discharge

<sup>2</sup> These issues, amongst others, were identified in the evidence of Mr Andrew Purves on behalf of LPC but CCC representatives together with Environment Canterbury Officers have decided to persist with existing condition framework

### **Conditions 45, 46 and 47**

- 12 We remain concerned that condition 46 and 47 allow for open-ended changes to the schedules without community input. Such changes should be in accordance with section 127 of the RMA. The same applies to the hardness modified values that can be changed under Condition 45 (c) without community input.

### **Schedule 5**

- 13 The applicant includes a column in the Schedule 5 titled 'Basis for Target'. The basis for the total suspended solids target in Schedule 5 erroneously refers to freshwater environments as evidenced by the references cited. We suggest this should be rewritten and apply to the Christchurch's marine environments, as relevant.
- 14 Schedule 5 also sets out the attribute target levels for copper, lead and zinc. We support that no limits should apply to the Port Operational Area, which is consistent with the operative Regional Coastal Environment Plan. The Port Operational Area is a modified environment due to historical discharges from port-related and urban sources and prescribed limits are inappropriate.
- 15 Conversely, however, we consider that there should not be any statistically significant increase in copper, lead and zinc concentrations from stormwater being discharged into the Port Operational Area. An increase in the concentration of these contaminants in stormwater has the potential to further contaminate the sediments, which in-turn could impact on the ability of LPC to remove these sediments in the inner harbour during maintenance dredging. LPC is required to monitor these sediments prior to dredging to confirm their suitability for sea disposal.
- 16 Therefore we seek that the new words added in red at end of the Attribute Target Level "*(except within Operational Area of the Port of Lyttelton)*" be deleted.
- 17 Outside the Port Operational Area, the Attribute Target Level refer to limits which are in accordance with ANZECC (2000) guidelines for 95% protection of species. We simply observe that these limits are more stringent than the operative Regional Coastal Environment Plan. This implies that the Regional Coastal Environment Plan standards will be amended, after Review, to follow the ANZECC (2000) guidelines which may not necessarily be the case. We think the limits should reflect those of the operative Regional Coastal Environment Plan.<sup>3</sup>

### **Attribute Target Levels**

- 18 Attribute target levels are identified in various schedules but there does not appear to be any parameters set out in the conditions on how these target levels are to be measured and monitored. For example, it is unclear whether the target levels are to be measured during wet weather or dry weather conditions. Further work is required in this regard.

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<sup>3</sup> Again refer to the evidence of Mr Andrew Purves