

BEFORE THE MANAWATU-WANGANUI REGIONAL COUNCIL

UNDER Resource Management Act 1991

IN THE MATTER of submissions on the Manawatu-Wanganui Consolidated Regional Policy Statement, Regional Plan, and Regional Coastal Plan for the Horowhenua, Manawatu, Rangitikei, Ruapehu, Tararua, and Wanganui District Councils

AND

IN THE MATTER of hearings by the Manawatu-Wanganui Regional Council regarding the Manawatu-Wanganui Consolidated Regional Policy Statement, Regional Plan, and Regional Coastal Plan – Water

EVIDENCE OF BRADEN AUSTIN

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LAWYERS**

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INTRODUCTION

1. My full name is Braden Hugh Austin. I hold the position of Manager (Community Assets) at the Horowhenua District Council ("the Council"). I hold the degrees of BE (Civil) University of Canterbury, New Zealand and MBA (Technology Management) La Trobe University, Australia. I am a Chartered Professional Engineer, a Registered International Engineer and a Member of IPENZ.
2. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all of the material facts that I am aware of that might alter or detract from the opinions expressed here.
3. The evidence I am about to give is within my area of expertise and represents my best knowledge about this matter. To my knowledge, I have not omitted any material facts that might alter or detract from the opinion expressed here.

SCOPE OF EVIDENCE

4. This evidence is in support of the Territorial Authorities' ("TAs") submission in respect of Rules 13-15, 13-16, and 13-17, relating to the discharge of stormwater to land and/or water and Policies 6-6 and 6-10. I will address these issues also in the context of a recent case study, namely the Levin Stormwater Scheme.

STORMWATER

Rule 13-15 – Discharge of stormwater to surface water and land

Rule 13-16 – Discharges of stormwater to land not complying with Rule 13-15

Rule 13-17 – Discharge of stormwater to surface water not complying with Rule 13-16

5. The TAs' submission generally supported the above rule framework. The TAs are also strongly supportive of the proposal (made by Horizons' officers) to delete Rule 13-15(b), which had the effect of requiring consents for all discharges of stormwater from any urban area across the Region. This would have consumed considerable resources but provided little gain. Its removal allows those resources to be focussed on areas of genuine concern.

6. However, the TAs consider that an appropriate and reasonable timeframe is still required for the achievement of acceptable water quality standards through improvements to stormwater networks and to allow for progressive installation of interceptors.
7. Councils will need to identify the premises requiring improvements, and the property owners will need to commission the necessary works. Councils are not generally resourced with personnel trained to carry out the systematic inspections required. The provision of funding for such inspectors requires a formal Annual Plan process.
8. Also, those councils that do not have the regulatory mechanisms to require the installation of interceptors will need to make the necessary variations to their district plans and bylaws. I expect that it will be at least two years before the identification of relevant premises, and notification of their owners, can be completed. The owners will then need time to commission their interceptors, which will include a funding, design construction, and commissioning processes. In those circumstances, a two year period seems inevitable.
9. In addition, the TAs note that Schedule D (which contains the water quality standards) applies to the receiving water of stormwater discharges. This is problematic as the TAs have only limited control the quality of stormwater discharges. Therefore, it is considered necessary for Schedule D to apply only as a guide to achieving acceptable water quality standards. The TAs' submission has sought such an amendment. This will be discussed further below in relation to the Levin case study.

Policy 6 – 6

10. Policy 6-6(a) states that "Discharges and land use activities shall be managed in a manner which maintains the existing groundwater quality." As stated in the TAs' submission, this policy is inconsistent with the Regional Council's objective of removing discharges to water and promoting discharges to land, and fails to recognise that any discharge to land has the potential to have a localised effect on the existing groundwater quality.

Policy 6-10 – Options for discharges to surface water and land

11. The TAs generally support this policy. However, it is unclear as to whether it intends that two separate treatment systems are expected. There are significant cost implications across the region if that is the intention and we would be opposed to the policy on that basis.

LEVIN CASE STUDY

Point of Discharge

12. One question that arises is “What is the point of discharge?” Levin’s Queen Street drain is a case in point. The drain is piped for 4 kilometres and water from the rural area above the town flows into it from an open water course. Over that 4 kilometres there are dozens of connections into the drain from side roads. At the end of the pipeline it emerges from the concrete pipe into an open waterway which flows through our debris trap into Lake Horowhenua, 450 metres away.
13. For practical purposes it will be sensible to set the point of discharge at the point where the Council ceases to intervene – ie at the debris rack. This is the point at which access for monitoring is available and any treatment facility can be installed. It is much more difficult if the discharge point is at the Lake where land ownership issues are fraught. It would be even more difficult if the drain is itself deemed to be ‘surface water’ and each of the side drains is a point of discharge.
14. By way of comparison, the next water course north of the Queen Street Drain similarly receives water from farmland east of the town at the head of the drain and from roads through the town.
15. However it becomes an open water course some 350 metres before it receives the last piped contribution from the urban area. It then flows as a natural stream through 150 metres of the grounds of some extensive residential properties. For 400 metres it passes through farm land. Its final stretch is through the Lake Domain, part of which is natural and part piped.
16. In this case, if the point of discharge is at the Lake, it is the Crown that will hold the permit – but can they be responsible for what is in the water as it enters their section of

the water course? It would make sense in this instance for there to be a point of discharge where the last of the potential industrial discharges might appear.

17. If a permit is required, it is important that the point of discharge is established in each case on a pragmatic basis so that the permit holder is the person or authority who has the best opportunity to manage the quality of the discharge.

Control of input

18. In the Levin system (and other towns in the Horowhenua District) we require stormwater to be disposed on site. This is not necessarily the case elsewhere in the Region. Downpipes are directed into soak pits. This greatly reduces the amount of run-off entering the stormwater system. It also means that spillages on site will go into the ground and be attenuated by natural processes before entering the groundwater and eventually discharging into the Lake after a considerable distance of travel.
19. This greatly reduces the risk to surface water and to the stormwater reticulation. However it is inevitable that some spillages will occur on entrance driveways and these will flow into the road and enter the stormwater system. Similarly spillages on the roading network will enter the system. These spillages can sometimes be controlled and usually, after a clean-up, their environmental impact is not permanent.
20. The input into the stormwater system that occurs regularly on a daily or weekly basis is the material that will have the ongoing effect. HDC had the discharge from the Queen Street drain sampled on 9 occasions between 2001 and 2003. There was a wide range of results : BOD between 0.3 and 3.7 mg/L; Suspended solids 0.02 to 21.7 mg/L; Faecal coliforms 10 to 2970 per 100mls, Nitrate nitrogen between 400 and 8100 mg/m³.
21. Despite being the authority best able to manage the quality of the discharge, it needs to be recognised that TAs do not have control over what enters the stormwater drainage system. For example, the Queen Street drain receives at its upper end pollutants from the farming and horticultural catchments east of the town or from the state highway (in the event of a highway spillage). Horticultural operations, in particular, can provide a source of nutrient loading that could lead to a breach of the Lake Horowhenua Management Zone Water Quality Standards - as found in table D. 20 of Proposed One Plan. In particular the Total Nitrogen loading would be in breach of the Table D. 20 water quality standards.

22. Where TAs are unable to enforce the provision of interceptors for removal of contaminants or in scenarios such as the Queen Street Drain with horticultural runoff, discharge permits will be required under rule 13-15 (a). I do not believe that the Council has sufficient control to be able to ensure the discharge will meet the table D. 20 standards for the Lake Horowhenua Management Zone and therefore Schedule D should apply only as a guide.

Braden Austin
Manager - Community Assets
Horowhenua District Council

19 October 2009