

BEFORE THE MANAWATU WANGANUI REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER the hearing of submissions to the Proposed One Plan (June 2009 Hearing)

STATEMENT OF EVIDENCE BY

**RICHARD KIRBY
ASSETS GROUP MANAGER - MANAWATU & RANGITIKEI DISTRICT COUNCILS**

DATED 17 APRIL 2009

INTRODUCTION

1. My name is Richard Kirby and I have been employed by the Manawatu District Council (MDC) as Assets Group Manager since 1996 and since March 2008 I have been Assets Group Manager for both Manawatu and Rangitikei District Councils.
2. I hold a Bachelor of Engineering (Civil) Degree from Canterbury University and I am a Fellow of the Institute of Professional Engineers NZ and am a Chartered Professional Engineer. I have 28 years engineering experience in contracting (2 years), private engineering consultancy (7 years) and in local government (19 years).
3. I was chair of the Water Information Management Steering (WIMS) Group from 2007 to 2009 and previously held the position of President of Ingenium from 2005 to 2007 and chair of the National Asset Management Steering Group (NAMS) from 1999 to 2005.
4. My evidence today is on behalf of the Territorial Authority collective (comprising Manawatu, Rangitikei, Taranaki, Horowhenua, Wanganui and Ruapehu District Councils) and concerns the provisions of the Proposed One Plan relating to Common Catchment Expiry Dates.
5. The territorial authorities submitted against the introduction of common catchment expiry dates for reasons of lack of long term certainty and the costs associated with application preparation and consequential litigation of issues.

COMMON CATCHMENT EXPIRY / REVIEW DATES

6. The concern the territorial authorities have with the common catchment expiry provisions is that;

- it will place unnecessary pressure on council resources and external expertise;
 - create an overly litigious process causing the territorial authorities to potentially become involved in competing with and submitting against their own ratepayers; and
 - not provide any certainty to the Councils' ability to meet their legislative responsibilities.
7. With respect to the first bullet point, the implications for resourcing for some councils are significant.
- Rangitikei District will have all 13 of its systems which take or discharge to surface waters expiring in the same year (2017, Rangitikei River Water Management Zones). This comprises 5 water takes and 8 wastewater discharges
 - Manawatu District will have all 9 of its systems which take or discharge to surface waters expiring in the same year (2019, Oroua River Water Management Zone). This comprises four water takes and five wastewater discharges
 - Tararua District will have eight schemes expiring within a two year period (2010-2011, Water Management Zones within the upper Manawatu Catchment). This comprises three water takes and five wastewater discharges.
8. Reconsenting schemes often involves significant investment in investigation, design and capital upgrades. This presents a major drain on technical expertise in addition to the resources required to prepare, lodge and process a resource consent application. Even with the smaller schemes, this workload is significant. For example, the recent consent renewal for Kimbolton STP cost the Manawatu District Council in the order of \$100,000 excluding Regional Council costs of \$32,000. This cost is solely internal staff and consultant costs, giving an estimated time input of 1,000 - 1,500 hours. The capital upgrade is estimated at \$300,000 so 25% of the total costs relate to consenting and this was in an environment of no 'common catchment expiry dates'.
9. The resources needed in consenting numerous takes/discharges concurrently may not be available for the territorial authorities involved. The scale of work required in preparing concurrent consents by all territorial authorities would place significant pressure on internal and external expertise. It would require either employment of contract staff for short term periods and/or outsourcing of the majority of consenting work to external consultants. It is uncertain as to whether or not there is, or would be, sufficient capacity in the local consultancy market to meet this need. There may be some economies of scale with concurrent investigations, however it is considered that this would be minimal and that each take/consent would still require specific attention.
10. It is not uncommon for the outcome of a wastewater discharge consent to require a capital upgrade within 1-2 years of consent being granted. If all consents in an area are to be issued at the same time, this creates a short duration peak workload for the contracting industry which also may not be achievable and could lead to elevated costs for upgrade works.
11. With respect to the second and third bullet points, the Proposed One Plan does not include any provisions which accord priority to essential services owned and operated by territorial authorities in relation to water allocation or discharge permits (stormwater or wastewater). This is despite the territorial authorities having a statutory obligation to continue to provide services (refer s130, Local Government Act 2002).

12. In water management zones which are near capacity, or over allocated, the logical outcome of the common catchment expiry provisions is that applications will need to be declined or granted subject to a reduced take or discharge. To maintain the necessary resource consents to provide water services, Councils will need to submit on all applications within a water management zone. This will involve the need to review all applications and determine implications for the Councils' water services, prepare and lodge submissions, present submissions at hearings and, if necessary, appeal the decisions. Historically, Councils have not become involved in submitting on third party applications, however, the common catchment expiry date policy will force this to occur in order to protect the community interest in maintaining an acceptable level of service. Such involvement is not considered a prudent use of limited ratepayer funds. It would exacerbate the resourcing issues discussed above and is likely to be detrimental to the relationship between Councils and their ratepayers.
13. The territorial authorities consider that the statutory obligations of the Local Government Act are such that the consents for public services should not be involved in a process where all consents in an area are determined at a common time. The litigious nature of the process that will result in zones which are over-allocated (whether in relation to their capacity to assimilate contaminants or make available freshwater for consumptive use) means there will be little certainty of outcome for the territorial authorities. The involvement of Councils in this process will reduce the available funding for system improvements and upgrades.

RELIEF SOUGHT

14. In relation to the notified Proposed One Plan, the relief sought is:

- delete Policy 2-2 and Policy 11-4; OR
- amend policy 11-4 to read:

"Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2, unless any of the circumstances described in Policy 2.2 apply, or unless the activity is for infrastructure provided for under Policy 3-1. ..."

15. In relation to the track changes version of Chapter 11A included in Ms Barton's evidence, the relief sought is:

- delete Policy 11A-5 and Policy 11A-6(c); OR
- amend Policy 11A-5(b) to read:

"Resource consent terms shall be set to the closest common catchment expiry or review date to the date identified in (a) unless the activity is for infrastructure provided for under Policy 3-1. ..."

- amend Policy 11A-6(c) to read:

"reviewing the conditions of a consent at the same time as review of other consents within the same water management zone - for example, at a common catchment expiry or review date, unless the consent is for infrastructure provided for under Policy 3-1."

16. Policy 3-1 referred to above is as per the notified Proposed One Plan. It relates to the Benefits of Infrastructure and identifies community wastewater and water treatment plants managed by Territorial Authorities as being infrastructure of regional and national importance.