

Submitter No: 750

Submitter Name: SDC

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Summary of evidence of Courtney Ellison

- 1 My name is Courtney Ellison. I am currently employed by Southland District Council (SDC) as a Senior Policy Planner in the Resource Management team.
- 2 SDC recognises that there is a need to maintain and improve overall water quality and that this will require some improvements in the way SDC delivers its infrastructure. However there remain some concerns with how the Proposed Southland Water and Land Plan (pSWLP) proposes to achieve this.
- 3 My evidence outlines concerns with the policy and regulatory framework in the pSWLP. In particular the four key areas of concern are, that the pSWLP does not:
 - (a) Provide an appropriate balance in the policy framework when considered against the higher order policy documents;
 - (b) Provide adequate recognition of the critical nature of SDC's infrastructure;
 - (c) Provide an appropriate level of regulation for infrastructure; and
 - (d) The section 32 analysis does not adequately consider the costs of the proposed rules.
- 4 Looking first at the balance within the policy framework, our submission and my evidence highlights concerns in how the pSWLP gives effect to both the NPS for Freshwater Management and the Proposed Regional Policy Statement.
- 5 It is worth noting that there have been some recent changes to the NPS for freshwater management which came into effect on 6 September. As outlined in my evidence the NPS provides for the overall water quality to be maintained or improved. Whilst there has been some uncertainty around what overall means, greater clarity has been provided through the recent changes to the NPS. The preamble to the NPS states that "this NPS allows some variability in terms of freshwater quality, as long as the overall freshwater quality is maintained within a freshwater management unit". This has also been reflected within Objective A2 of the NPS.
- 6 Changes to Policy CA.2 of the NPS also provide some clarity around the context for maintenance or improvement in water quality, by stating in relation to the maintenance of water quality "where an attribute is listed in Appendix 2, that freshwater objectives are set at least within the same attribute state as existing freshwater quality". This suggests some movement within the attribute band is acceptable but should not shift into a different attribute band or state if water quality is to be considered as 'maintained'. These provisions all provide some guidance and flexibility in how maintenance or improvement of water quality is to be achieved, however the pSWLP requires the absolute maintenance or improvement of water quality.
- 7 Similarly, the RPS provides some context to how the maintenance and improvement of water quality is to be achieved, referring back to the freshwater objectives to be formulated under the NPS. The management of water quality is also placed in the context of meeting the social, economic and cultural needs of future generations.
- 8 SDC accepts that there is a need to manage water quality and that SDC's activities will need to contribute to any improvements, but the absolute wording in the pSWLP provides no flexibility to enable these outcomes to be achieved in a way that is practical and affordable for the Southland communities.
- 9 This brings me to the second key concern which is the lack of recognition of the critical nature of SDC's infrastructure. The pSWLP is required to give effect to the Regional Policy Statement. The RPS contains a number of provisions which recognise the critical nature and importance of providing for infrastructure, which have been highlighted in my evidence. This recognition has not followed through into either the objectives, policies or rules of the pSWLP.

- 10 The third area of concern is with the non-complying activity status that would apply to many of SDC's activities. A non-complying activity status is typically applied to activities that are not anticipated. When applying for a consent for a non-complying activity the case has to be made that the particular activity can pass one of the gateway tests to even be considered on its merits. This is not consistent with the essential and ongoing nature of wastewater and stormwater infrastructure. A discretionary activity status is considered more appropriate for council infrastructure activities and still provides the regional council with sufficient discretion to consider all effects and impose any necessary conditions.
- 11 The fourth area of concern is with the section 32 report and the lack of consideration of the costs, in particular to territorial authorities providing essential infrastructure and therefore our communities who fund these essential services. The argument in the section 32 report appears to be that management of water quality will remain largely unchanged until the completion of the FMU processes, however this does not match up with the reality of the policies and rules which suggest improvements will be required immediately. Therefore it is considered the policies and rules are not the most efficient way of achieving the objectives.
- 12 In summary, SDC appreciates the importance of managing water quality and understands the central government direction the regional council is having to implement. However changes are required to the policy and rule framework to ensure the investment in improvements to the provision of council infrastructure can be prioritised around those areas where the best gains in water quality can be achieved, and the improvements can be implemented over practical and affordable timeframes. The key changes that the Territorial Local Authorities (TLAs) are requesting that would satisfy these concerns outlined today and in my evidence, are outlined in the appendix to Mr Dunning's evidence.