

BEFORE THE BAY OF PLENTY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Lake Rotorua Nutrient Management - Proposed Plan Change 10 to the Bay of Plenty Regional Water and Land Plan under clause 8B of Schedule 1 to the Act

BETWEEN **ROTORUA LAKES COUNCIL**

Submitter

AND **BAY OF PLENTY REGIONAL COUNCIL**

Plan Change 10 Proponent

**SUMMARY OF EVIDENCE OF GRANT ROBERT ECCLES
(PLANNING)**

Dated 6 March 2017

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INTRODUCTION

1. My full name is Grant Robert Eccles. I hold the qualification of a Bachelor of Resource and Environmental Planning from Massey University and I am a Technical Director of Planning for AECOM New Zealand Ltd (“AECOM”) based in Hamilton. I have 22 years’ professional planning experience. I was admitted as a Member of the New Zealand Planning Institute in 2001.
2. My evidence is given in support of submissions by Rotorua Lakes Council (RLC) to Proposed Plan Change 10 (PC10) to the Bay of Plenty Regional Water and Land Plan (RWLP). I was not the author of those submissions but I have reviewed them and agree with their intent. I have also reviewed the s42A report prepared by BOPRC officers, and a range of supporting information. I have had no other involvement with the development of PC10.
3. My evidence focuses on whether the PC10 provisions as notified achieve the purpose of the RMA, and the degree to which they give effect to the key Bay of Plenty Regional Policy Statement (RPS) provisions as listed in PC10.
4. I also propose some amendments to PC10 that would, in my view, more appropriately address the issue of reducing nitrogen discharges to Lake Rotorua when all the constituent parts of the environment that contribute to the lake are considered.
5. PC 10 is a change that is proposed to the RWLP prepared under the RMA. Section 63 of the RMA sets out that the purpose of the preparation, implementation, and administration of regional plans is to assist a regional council to carry out its functions in order to achieve the purpose of the RMA. A regional plan also must give effect to a Regional Policy Statement (s65 RMA). In this case the genesis of PC10 is the need for the RWLP to give effect to specific policy provisions in the RPS around nitrogen discharges to Lake Rotorua.
6. The purpose of the RMA is to promote the sustainable management of natural and physical resources. In turn, the definition of environment in section 2 of the RMA is set out as follows:

environment includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

7. By virtue of this definition, the RMA recognises that ecosystems are made up of a number of constituent parts. Specific reference is made in both the purpose of the RMA and the definition of environment to people and communities (eg in this case the urban and semi-urban communities in the Rotorua District), physical resources (eg in this case the Rotorua WWTP), and the social and economic conditions which affect those matters.
8. Relying on the evidence of Mr Fuller, Mr Banks, and Mr Osborne and in light of the stated purpose of the RMA in Section 5 and the Act's definition of environment, my view is that the holistic nature of the environment as defined by the RMA has not been sufficiently recognised thus far in the development of PC10.
9. The PC10 focus on nitrogen reduction and the trading scheme as a method to achieve the necessary reduction has been developed in a manner that focuses heavily on agricultural land use, or in other words, only one constituent part of the Lake Rotorua environment.
10. The result is that the significant limitations that the approach places on other constituent parts of the Lake Rotorua environment, and the economic and social consequences of those limitations (eg inability to adequately cater for projected urban growth, disincentives to reticulating smaller settlements, restrictions on the use of land returned to Maori as a result of Treaty settlements) do not appear to have been adequately weighed up in the decisions made by BOPRC and some stakeholders thus far in the development of PC10.

11. In considering resource use, development, and protection, the purpose of the RMA directs us to consider the reasonably foreseeable needs of future generations, and whether the potential for natural and physical resources to meet those needs will be sustained.
12. In this case it is reasonably foreseeable through existing credible economic forecasting¹ that the Rotorua District will experience future growth and development. The Rotorua Wastewater Treatment Plant (WWTP) will need to be able to adequately cater for the rates of growth and development that are foreseen.
13. Given the evidence of Mr Banks and Mr Osborne, it is apparent that under the current PC10 provisions the potential of the WWTP as an important physical resource to meet the reasonably foreseeable future needs of the wider Rotorua community will be thwarted. The costs of upgrades to the WWTP in order to achieve only modest improvements to its performance will be significant.
14. Notwithstanding the positive aspects of PC10 (eg protection of Lake Rotorua as a natural resource, and safeguarding the life supporting capacity of the Lake), my view is that the purpose of the RMA (and the degree to which PC10 gives effect to the RPS) would be better achieved through amendments to PC10 now in order to better recognise the role that the WWTP plays in managing nitrogen discharge to the lake from urban areas, coupled with continued work by BOPRC and stakeholders to facilitate a transition to a different nitrogen allocation approach at an appropriate time in the future, in order to produce a more balanced outcome for all the constituent parts of the Lake Rotorua environment.

Amendments Sought

15. The s42A report (at section 5.3.12) attempts to address the issues raised in RLC's submission on the WWTP matter. It recommends the inclusion of the following new or amended provisions:
 - a. Policies LR P16 and LR P17;

¹ As referred to in the evidence of Mr Osborne

- b. Clause (c) to Method LR M1; and
 - c. New bullet under Clause E to Schedule LR 1.
16. I generally support the inclusion of these new or amended provisions, subject to the further amendments discussed and set out in Appendix 2 to my evidence in chief.
17. However in my view there are three key issues which are still not addressed:
- i. The policies do not recognise the benefits of wastewater reticulation and treatment to all the Rotorua Lakes, and to the health and wellbeing of the community.
 - ii. There are no subsequent, specific methods which give effect to recommended Policies LR P16 and LR P17.
 - iii. The recommended amendment to Schedule LR 1 does not provide sufficient detail around how nitrogen will be allocated from a parent Nitrogen Discharge Allowance to new lots.
18. Finally, under the PC10 rules as currently proposed, a situation could potentially arise whereby a rural landowner on the edge of the existing urban area sells their nitrogen allocation, and then sometime later subdivides their land for urban use. This would mean that there would be little or no nitrogen allocation attached to that land, and available to transfer to the Rotorua WWTP. This is despite the increased wastewater flows arising from the urban use of the land and requiring treatment through the WWTP, which would then increase the nitrogen from the WWTP. I have suggested a rule in my evidence in chief to address this situation.

Grant Eccles

6 March 2017