

**BEFORE 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**

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**MEMORANDUM OF GRANT ROBERT ECCLES**

**Date: 17 March 2017**

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**TOMPKINS | WAKE**

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## **INTRODUCTION**

1. I respond to the Hearing Panel's Memorandum No.9 – Relating to Late Filing of Expert Evidence and the Question of Scope, and in particular Direction 9:

In the event that any witness seeks to amend Proposed Plan Change 10, that witness is to advise by memorandum, if they have not already done so in their evidence, the submission upon which the proposed amendment is based. This is to be filed no later than 12.00 noon on Friday, 17 March 2017.

## **AMENDMENTS SOUGHT BY ROTORUA LAKES COUNCIL TO PC10**

2. Appendix 2 of my Statement of Evidence for Rotorua Lakes Council (RLC) records amendments to PC10 that I have recommended to the Hearing Panel for its consideration above and beyond those amendments that had been recommended, at the time I prepared my Statement of Evidence, by Ms Burton, the s42A Report author.
3. My response to the Hearing Panel's Direction 9, to the extent that their respective expert opinion helped me to formulate the amendments recommended in Appendix 2 of my Statement of Evidence, is also therefore made on behalf of Mr Philip Osborne, Mr Simon Banks and Mr James Fuller.
4. My recommendation to include a new Policy LR P18 (to expressly recognise the environmental benefits for Lake Rotorua achieved through municipal wastewater reticulation) is based on the following RLC submissions:
  - (a) Submission 26.4. I note that further submissions 2-1 and 4-1 responded to this submission.
  - (b) Submission 26.5. I note that further submissions 2-2, 4-2, 8-62 and 12-5 responded to this submission.
  - (c) Submission 26.15. I note that further submissions 2-3 and 4-3 responded to this submission.
  - (d) Submission 26.18. I note that further submissions 2-4, 4-4, 8-63 and 12-6 responded to this submission.

- (e) Submission 26.19. I note that further submissions 2-5, 4-5, 8-61 and 12-4 responded to this submission.
5. My recommendation to include a new Rule LR R14 responds to Ms Burton's recommended new Policies LR P16 and LR P17 as a method through which those two new policies can be given effect. Ms Burton recommended the inclusion of those two new policies in response to the following RLC submissions:
- (a) Submission 26.4. I note that further submissions 2-1 and 4-1 responded to this submission.
  - (b) Submission 26.5. I note that further submissions 2-2, 4-2, 8-62 and 12-5 responded to this submission.
  - (c) Submission 26.15. I note that further submissions 2-3 and 4-3 responded to this submission.
  - (d) Submission 26.18. I note that further submissions 2-4, 3-1, 4-4, 8-63 and 12-6 responded to this submission.
  - (e) Submission 26.6.
  - (f) Submission 26.36.
  - (g) Submission 26.40.
6. My recommendation to include a new section to Schedule LR 1, clause E (to clearly provide for nutrient losses from a property to be transferred to Rotorua's WWTP as changes in land use or the expansion of reticulation occurs) is based on the same RLC submissions outlined in paragraph 5 of my Memorandum. I note that Ms Burton took the same approach in her s42A Report but only went so far as to recommend the inclusion of new Policies LR P16 and LR P17 to address RLC's submissions on this point.<sup>1</sup>

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<sup>1</sup> R Burton, Section 42A Report, para 156 to 182.

7. My recommendation that there is a need to undertake further assessment of economic effects in order to complete the section 32 evaluation underpinning PC10 is based on the following RLC submissions:
- (a) Submission 26.8.
  - (b) Submission 26.9.
  - (c) Submission 26.10. I note that further submissions 7-21 and 8-22 responded to this submission.
  - (d) Submission 26.11. I note that further submission 6-5 responded to this submission.
  - (e) Submission 26.40.
8. I am advised that Counsel for RLC will address the relevant legal aspects of scope in legal submissions to the Hearing Panel on Monday 3 April 2017.

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Grant Eccles

17 March 2017