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***Appendix 7***

***Protocol Implementation  
Agreement***

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A JOINT CHRISTCHURCH CITY COUNCIL & ENVIRONMENT CANTERBURY

# Planning & Consents Protocol for Surface Water Management Catchment-wide Consents for Stormwater Discharges





**A JOINT  
CHRISTCHURCH CITY COUNCIL  
AND ENVIRONMENT CANTERBURY  
PLANNING AND CONSENTS PROTOCOL  
FOR SURFACE WATER MANAGEMENT**

**CATCHMENT-WIDE CONSENTS FOR STORMWATER DISCHARGES**

MARCH 2006  
REVISED SEPTEMBER 2008

on behalf of

Christchurch City Council and Environment Canterbury

prepared by

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# The Protocol for Surface Water Management

Water is one of Christchurch's most valuable resources. To safeguard our water for future generations, the Christchurch City Council and Environment Canterbury have agreed to work together to manage surface water in a more integrated and effective way. This Protocol for Surface Water Management (Protocol) sets out how we have agreed to do this. The Protocol has been revised to include the Protocol Implementation Agreement which further builds on how the implementation of the protocol will be carried out.

The Protocol provides agreed processes to guide the development of Integrated Catchment Management Plans (ICMPs) throughout Christchurch. These form an integral part of the area plans being drawn up for some of the city's high-growth areas. ICMPs will form the basis for catchment-wide consent applications, with South West Christchurch being the first test area.

Integrated Catchment Management Plans, and their associated consents, will help meet the requirements of the Proposed Natural Resources Regional Plan (PRNRRP). They will promote the integrated management of land and water resources throughout the region.

This new approach is supported by the City Council and ECan to move away from the current situation where the City Council holds over 100 separate resource consents, incorporating over 800 conditions, for the operation and maintenance of the City's land drainage system. To improve surface water quality, a change in focus from individual sites to a catchment-wide approach is needed. Although the Protocol has not specifically included Banks Peninsula, the principles and practices can readily be applied there.

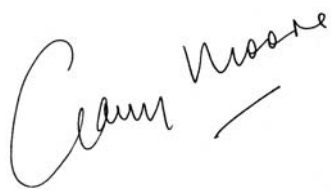
We the partners therefore agree to uphold the key principles of the Protocol for:

- Integrated land use planning
- Interim consenting
- Interim arrangements for integrating discharge permits and subdivision consents
- Meeting PRNRRP requirements
- Meeting Rule WQL7, which concerns the discharge of stormwater within areas covered by an ICMP.

We the partners agree to the following **practices**:

- Ensuring that actions governed by the Protocol are consistent with the PNRRP
  - Prioritising catchments within Christchurch for preparation of ICMPs and applications for catchment-wide consents
  - Continuing to process applications for individual discharges until catchment-wide consents are obtained
-

- CCC and ECan focus on catchment-wide management rather than individual non-compliances
- Taking sewer outflows into account when preparing ICMPs
- Surrendering relevant existing discharge permits once catchment-wide consents have been obtained
- Using a pilot area for preparation of an ICMP and catchment-wide consent
- Authorisation by CCC of discharges into the stormwater network system where catchment-wide consents have been obtained.



Mayor Christchurch City Council



Chairman Environment Canterbury



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# **PART 1 - Introduction**



# 1. Introduction

## 1.1 Origins

Environment Canterbury (“ECan”) and the Christchurch City Council (“CCC”) have the responsibility of managing the effects of discharges on ecology, water quality and flooding within the City under the Resource Management Act 1991 (“RMA”) and the Local Government Act 2002 (“LGA”). Regional and City policies, plans and guidelines have been developed to help achieve this. Stormwater is one of the major contributors to the waterway system.

This document is known as the **Planning and Consents Protocol for Surface Water Management (“The Protocol”)**. The Protocol describes a joint process between the CCC and ECan aimed at establishing broader and more integrated catchment wide surface water management in Christchurch City. The Protocol is supported by the Proposed Natural Resources Regional Plan (“PNRRP”) which states in Chapter 4 – Water Quality Method WQL (d) “Resource Consents” that ECan will work with the Territorial Authorities (“TAs”) to co-ordinate decision making, in relation to surface water management.

The concept of this Protocol was developed by the CCC and ECan. The Protocol was prepared jointly by the CCC and ECan and will be jointly implemented by the two councils. The Protocol has been revised to include the Protocol Implementation Agreement (Appendix 1) which further builds on how the implementation of the protocol will be carried out.

Surface water management is now the preferred term for describing the CCC's responsibilities in relation to waterways, wetlands and drainage. The term reflects a holistic approach that takes account of ecology, landscape, recreation, culture, heritage and drainage and has been adopted for the purposes of this Protocol. This is also in accordance with the principles of the RMA and the PNRRP.

## 1.2 Purpose

At present under the Transitional Regional Plan (“TRP”) there are no catchment wide consents that have been granted by ECan for the discharge of stormwater into surface water bodies to the CCC or other TAs in Canterbury.

As a result there are currently over one hundred existing resource consents within Christchurch City that are related to the construction, operation and maintenance of specific parts of its land drainage system. They are accompanied by over 800 conditions.

It would be a very long time before the current ad-hoc project-by-project approach would achieve a catchment-wide improvement in water quality and quantity effects. A more targeted approach is needed if all

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stormwater issues within a catchment are to be addressed. This Protocol will assist to achieve this through promoting resource consents based on the comprehensive management of a significant catchment.

There is also a concern about continuing to transport information and practices from other regions e.g. Auckland. The Councils here appreciate this concern and this is one of the reasons for the Protocol.

The Protocol will facilitate the programming of area/catchment based consent applications that will progressively cover the whole of the Christchurch district. The areas covered will involve specific catchments discharging to specific receiving waters.

The CCC has undertaken a major shift in philosophy from the former single focus approach of drainage utility to one that demands a much greater knowledge and awareness of the interrelationship between land and water. The current ad hoc approach to consenting stormwater discharges is not consistent with the new approach.

To help achieve integrated planning in 1999-2000 the city was divided into project areas according to land use, community characteristics and the relationship between land and water environments. Long term visions were developed for each area in consultation with local communities. Area Plans, which provide a framework for future land use change and Integrated Catchment Management Plans ("ICMPs") are to be prepared for each area to achieve these long term visions.

Such an integrated approach requires the CCC and ECan to work closely together and to understand and respect each others views, roles and responsibilities. The purpose of this Protocol is to clarify the roles and facilitate the relationships required to achieve integrated land and water management.

This Protocol will be used by the CCC and ECan and will also provide guidance to others such as contributors to the CCC's stormwater system and the wider community. The Protocol acts as a precursor of the requirements contained in the PNRRP. The CCC has made submissions on the PNRRP and the support for the PNRRP signalled through the Protocol is without prejudice to the CCC's rights to argue its submissions.

PNRRP is not operative and as such policies and rules included in it could be subject to change. This includes Rule WQL7 which is fundamental to the reason why the Protocol has been written. However, the Protocol does not provide another level of legislative process which could become out-of-step with the PNRRP. The protocol is flexible and is intended to always be in line with the policies and rules of the PNRRP.

The general approach taken by the Protocol will apply to the Banks Peninsula District area following amalgamation with the CCC. However, given the different nature of this area, it is recognised that in some situations an alternative approach may be appropriate.

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It is envisaged that this Protocol may be used by other District and City Councils in the region and that ECan can help drive the Protocol process with them.

### 1.3 Objectives

The overall objective of the Protocol is to enable the CCC and ECan to efficiently and effectively achieve the surface water management objectives and policies set out in the City Plan and the PNRRP.

Supporting objectives are:

- To ensure that ECan and the CCC develop proposed approaches for surface water management, assessment and ICMP development together.
- To establish a process for the preparation of consent applications for the implementation of measures identified in Integrated Catchment Management Plans (“ICMP”), defined later.
- To demonstrate that the CCC is a responsible system operator with a good understanding of surface water management.
- To ensure that investments in water quality and quantity controls are targeted to ensure the best returns for the environment.
- To ensure areas of future urban intensification and expansion can be anticipated and provided for, resulting in greater efficiency in the processing of land use and water consent applications.
- To enable work on water quality and ecology to be achieved at a catchment level where both Councils better address cumulative effects and issues and to enable catchment level research which will help with on-going work on the PNRRP.
- To provide a sound effects-basis for negotiating with/coordinating landowners, developers & consultants to identify areas where land needs to be acquired (and costs proportioned out to users) for surface water management purposes. These processes will be fully participatory and transparent.
- To apply integrated catchment management as a means of translating resource management objectives into practical measures that are incorporated into surface water and land use management proposals.
- To ensure that the Protocol and the CCC's Area Planning Protocol (relating to the implementation of land use management measures) are complementary.
- Although recognising that there will be transitional arrangements until ICMPs are approved, to ensure that no significant new greenfield zoning<sup>1</sup> is proposed by the CCC without first having a

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<sup>1</sup> This will not apply to areas where the new zoning is expected to result in similar discharges to the previous zoning.

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surface water management scheme/plan that is covered by a cost share scheme and/or budget provision, and for which all necessary RMA authorisation has been applied for.

This Protocol provides certainty for a number of issues, but this will only evolve as each Council puts the Protocol into practice. The document must therefore remain flexible for long term implementation in both greenfield and built city environments and will be modified by agreement between the Councils as progress is made with ICMP preparation and implementation. It has been written to try and avoid detailing specifics for an individual catchment but concentrates on the general issues for the City.

## **1.4 Planning Framework**

### **1.4.1 Introduction**

This section provides commentary about the legal and planning frameworks and philosophies within which this Protocol fits. This is important to show that the Protocol does not stand on its own but rather fits with an established broader framework and is consistent with such. It also provides a brief discussion about the current planning and consents process to highlight concerns involved.

Fig. 1.1 provides a diagram of how the Protocol fits with other legal and planning documents and processes.

### **1.4.2 The current planning and consents process**

There are some existing concerns about the planning and consents process within and between the CCC and ECan. The solutions for avoiding or remedying some of these concerns revolve around better communication and relationships. The Protocol is intended to remedy these concerns.

#### **Rezoning process**

The development of an area begins with the City Plan process. An area is either already set down for zoning to a higher density or is being rezoned via the City Plan process. It is at this stage that all issues of the development should be considered via the assessment process.

There is a school of thought that undertaking an assessment of the effects of a proposed development (particularly cumulative effects) at subdivision stage is too late in the process. The risk is that land, inappropriate for development because of surface water management issues, could be developed without adequate assessment and a discharge permit obtained later as a mere formality.

Improved co-ordination is being achieved within the CCC via the Area Planning Protocol and the Green Print process (See Appendix 2 for

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definition). The South-West Area Plan is the first example of this, which is also resulting in improved consultation between the CCC and ECan and with other agencies and the community.

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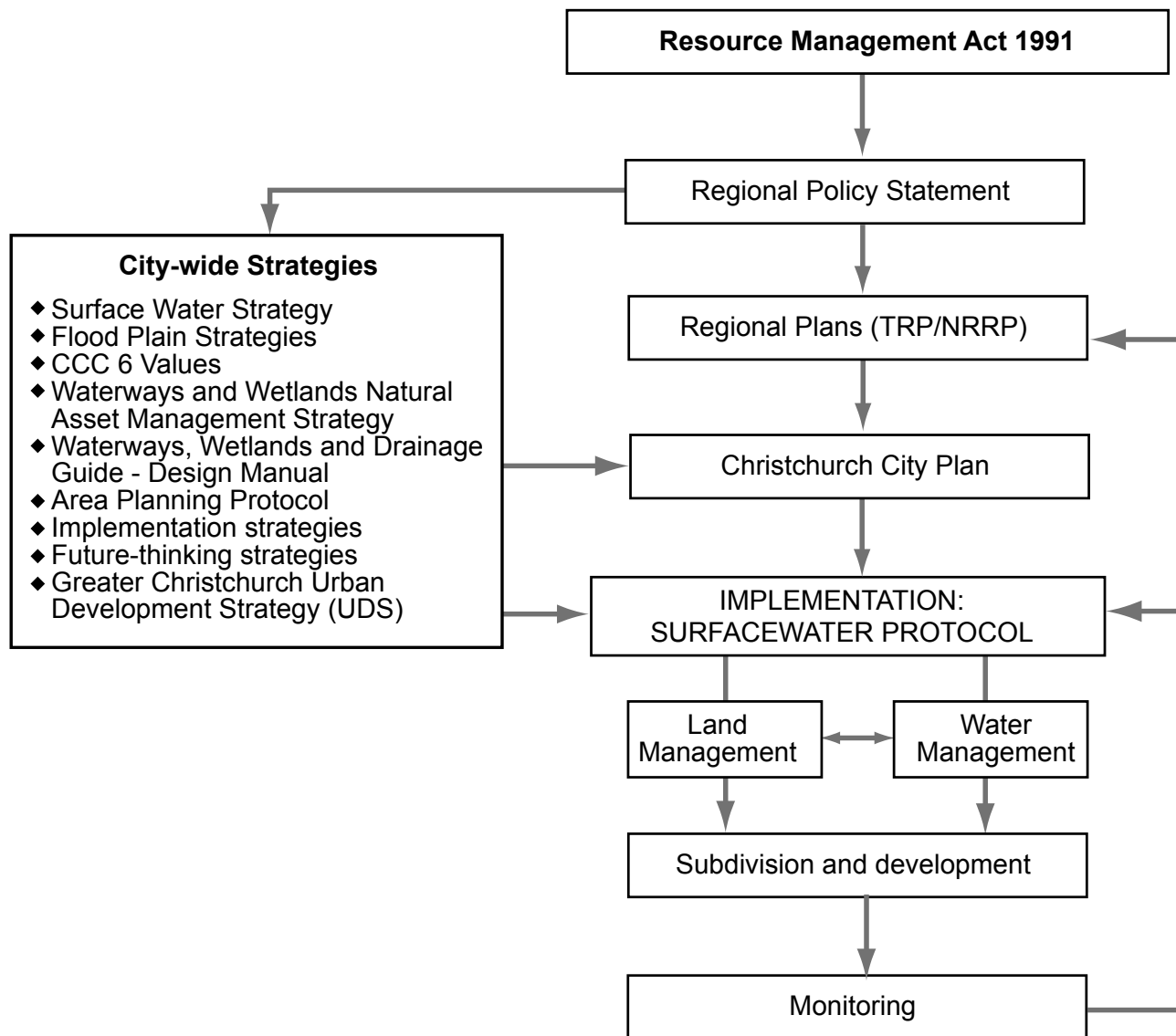


Figure 1.1 **FLOW CHART SHOWING RELATIONSHIPS OF PLANNING AND CONSENTS PROTOCOL TO PLANNING AND POLICY STRUCTURE FOR LAND AND WATER**

This Protocol will help set out the requirements for ICMPs that are being prepared in line with the Area Plans and are intended to encourage improved co-ordination.

Concerns were raised that there would be no new rezoning of land until an ICMP for an area has been undertaken. This will not be the case as such a stance could result in development within the City ceasing for a considerable period of time.

### **Subdivision and discharge permits**

ECan has expressed concern over the failure to run an integrated consents process at the time of subdivision when ECan consents are also required.

It has also been noted that the CCC is not always considered to be adversely affected (formally) and consulted with during the ECan consent process for a discharge permit for a private stormwater discharge. Ultimately the CCC will take over nearly all stormwater systems once consented and for this reason consultation with the CCC is imperative (on an informal basis even if not required under the RMA). This has resulted in the CCC placing subdivision consent applications formally on hold until any discharge and other permits are applied for and processed by ECan.

More co-ordination with ECan during the planning and consents process is proving appropriate as an interim measure whilst separate discharge permits are still being applied for in the absence of ICMPs and the associated catchment consents.

### **Monitoring**

Monitoring can be said to fall into the following categories:

- Environmental monitoring of the receiving waters undertaken by the CCC and ECan.
- Compliance monitoring of consent conditions. These generally relate to the source of stormwater and the treatment system. Monitoring of discharge quality and the receiving environment is sometimes undertaken, but this is problematic given the highly variable nature of the discharge and the waterway following rainfall.

Integrated Catchment Management (“ICM”) is intended to rectify this lack of monitoring information. For example, a desk top analysis of existing data combined with ecological, water quality and sediment sampling has been undertaken in the South-West catchment to provide data on the existing receiving environments to incorporate into the ICMP. This will form the basis for designing on-going monitoring to be incorporated into a catchment consent.

Resources will be committed by the CCC to undertake thorough investigations and assessments that will be required by WQL7 of the

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PNRRP. ECan's environmental short and long term monitoring programme could also be discussed with the CCC to see whether the work they are doing could benefit from the work the CCC are doing in their ICMP assessment. This could minimize overlap and reduce costs.

One major issue for this Protocol is the requirements for monitoring required by the PNRRP. With water quality parameters/standards set for different waterway types and the need to consider zones of non-compliance, agreement must be reached on what level of in stream and end of pipe monitoring ECan will require of the CCC and other District Councils. These monitoring requirements will be included as consent conditions.

## **1.5 Other Related Legislation, Plans and Strategies**

This Protocol describes a process that will be undertaken under the provisions of the RMA and LGA. There are also a number of other relevant planning and strategic documents which will influence the Protocol. These need to be taken into account by those preparing ICMPs and as such they are listed below and summarised in Appendix 3.

They are listed as follows:

- The Canterbury Regional Policy Statement
  - Regional Plans
    - The Waimakariri River Regional Plan
    - The PNRRP
    - Regional Coastal Environment Plan
  - The CCC City Plan
  - City Wide Strategies
    - CCC Six Values
    - Specific Catchment Strategies
      - Vision 2000 – 2040 The Styx
      - Ihutai Management Plan 2004
    - Flood Plain Management Strategies
      - Heathcote River Floodplain Management Strategy. Issues and Options for Managing the Avon River Floodplain
      - Waterways and Wetlands Natural Asset Management Strategy
      - Waterways, Wetlands and Drainage Guide – Design Manual Parts A and B.
      - The Greater Christchurch Urban Development Strategy (UDS)
  - Area Planning Protocol.
-

The proposed CCC Surface Water Strategy will take this Protocol into account.





## **PART 2: Statement of Principles and Agreed Practices**



## **2. Statement of Principles and Agreed Practices**

### **2.1 Introduction**

Through the adoption of this Protocol, ECan and the CCC have adopted the following set of principles. Agreed practices are also included to assist practitioners involved in catchment wide management and consenting within the city boundaries to implement the principles.

### **2.2 Land Use Planning Principles**

#### **2.2.1 Introduction**

Land is sometimes zoned without adequate attention to the water management of the site and its role within a catchment. Only later does it become apparent that stormwater and surface water management (as one issue) could be a limiting factor in that development and that it should have been dealt with earlier and in a more integrated way in reference to the surrounding area.

There is an on-going need to establish the relationship between land use planning/area planning and surface water management planning in advance of changes to land use occurring through City Plan processes. This is already occurring within the CCC via the Area Planning Protocol and the Green Print process which is being used for the planning of South West Christchurch (the pilot area for the Area Planning Process and ICM). This Protocol will formalise this relationship.

Wherever appropriate area planning and surface water management investigation should be bought together (as with all issues associated with land management), so that water and land use consent hearings can be heard jointly. This Protocol requires that this occurs where practicable, but recognises that this will not always be possible. The Protocol also outlines the steps to follow when such synchronicity does not occur so that staff know how to proceed.

This Protocol establishes the initial principles, policies and procedures accepting that modifications will be developed and agreed. The intention is to achieve an initial level of certainty whilst allowing the evolution of the document to occur.

The following principles formalise the intent of this Protocol and have been adopted by both Councils as an efficient means of meeting their statutory responsibilities.

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## 2.2.2 Principles

### **Principle 1: Integrated Land Use Planning**

This approach to planning involves considering stormwater management impacts across an entire catchment, rather than on a site-by-site basis.

Wherever possible, Environment Canterbury and Christchurch City Council will support an approach where area planning and integrated catchment investigations are undertaken at the same time.

As far as practicable integrated catchment management investigations shall be undertaken before any decision is made on a variation/change to the City Plan.

#### **Note**

Chapter 4 of the PNRRP Method WQL (f) Territorial Authorities states that:

*“TLAs in the preparation, variation, change or review of their district plan or the exercise of their functions shall:*

- (a) not allow more than 30% of the area of any catchment to be used or proposed for use as industrial, commercial or residential activities unless a management plan has been prepared that identifies how stormwater discharges are to be managed to meet the requirements of this chapter, and*
- (b) take into account adverse effects of land use change and implement measures to avoid these effects, on surface water quality of rivers and lakes in hill and high country areas and inland basins from:
  - (i) increases in the area or density of existing settlements; or*
  - (ii) subdivision and subsequent use of land for residential, rural residential or industrial land uses.”**

**Principle 2: Interim Consenting for Stormwater System in Absence of ICMP**

Until an Integrated Catchment Management Plan is prepared for a catchment and the Christchurch City Council obtains authorisation to discharge stormwater from this catchment, Environment Canterbury will continue to receipt and process applications for discharge permits (and associated consents) for the discharge from any single site into the Christchurch City Council's stormwater system, or directly into receiving waters. The applicant for such separate discharges would be developers (private parties) or the Christchurch City Council on behalf of developers as is occurring at present. Where a party gains such a consent, in consultation with the Christchurch City Council they should demonstrate that their system could be integrated into the wider catchment and ICMP for the area if work has started on the ICMP.

Action relating to existing unauthorised discharges shall be undertaken in consultation with the Christchurch City Council to establish a priority list for such discharges whether from an industrial site or other areas around the City. This is the approach currently being taken.

**Principle 3: Interim Principle for further Integration between the Councils when consenting Discharge Permits and Subdivision Consents.**

Where there is no Integrated Catchment Management Plan for a catchment and subdivision consent is applied for within this area from the Christchurch City Council any necessary discharge permit for stormwater and related consents required from Environment Canterbury shall be applied for at the same time and where appropriate joint hearings shall be held. This is provided for in sections 91 and 406 of the RMA.

**Note:**

Chapter 4 of the PNRRP Method WQL (d) Resource Consents states that:

*“Environment Canterbury will work with TLAs to:*

- (a) establish administrative arrangements to co-ordinate the requirements for resource consents between the regional and local authorities, and to improve the efficiency of consent processing where authorisation is required from each authority for the same activity.*
- (b) Co-ordinate where appropriate, decision making on resource consent applications to avoid inconsistencies between the consent authorities and to achieve integrated management of the natural and physical resources.”*

## 2.3 ICM and Consenting Principles

### 2.3.1 Introduction

There is also a need to confirm the process to be followed when preparing ICMPs and applications for resource consents.

A principle is needed for those undertaking the work on an ICMP and associated AEE/consent application and those who will review the catchment management plans and audit and process the consent applications.

The following principles formalise the intent of this Protocol. These principles have been adopted by both Councils as an efficient means of meeting their statutory responsibilities.

Fig. 2.1 below is a flow chart “Implementation of the Planning and Consents Protocol for Surface Water Management” showing how the Protocol should be implemented in relation to the CCC and ECan interaction as part of the consenting process. This should be read alongside Parts 2 and 3 of this Protocol.

### 2.3.2 Principles

#### **Principle 4: The Requirements of the PNRRP**

The Christchurch City Council and Environment Canterbury acknowledge the concepts envisaged by the Proposed Natural Resources Regional Plan (“PNRRP”) Catchment Wide Management rule (Rule WQL7) and related policies and agree to implement the Planning and Consents Protocol for Surface Water Management (the Protocol) to mirror these requirements prior to the PNRRP becoming operative.

Commitment has been given by Environment Canterbury that their staff will be allowed to provide thorough pre-application advice and meetings to and with the Christchurch City Council (who will be the applicant for the ICMP consents).

Resourcing of this process with staff time at both Councils will be managed carefully Project teams could be established so that closer links are established between the Councils. The pilot ICM area of South West Christchurch will begin this process.

The Christchurch City Council has made submissions on the PNRRP and the support for the PNRRP signalled through the Protocol is without prejudice to the Council’s rights to argue its submissions.

The Protocol can be amended during the life of the PNRRP and once the PNRRP is operative the Protocol will continue to be used, depending on the PNRRP outcomes.

**Principle 5: ICMP Preparation and Prioritisation**

Christchurch City Council staff and those parties working on their behalf that are involved in preparing Integrated Catchment Management Plans and associated resource consent applications shall adhere to the Flow Chart (Figure 2.1) and be guided by Table 2.1. This Flow chart can be amended in consultation with both Councils.

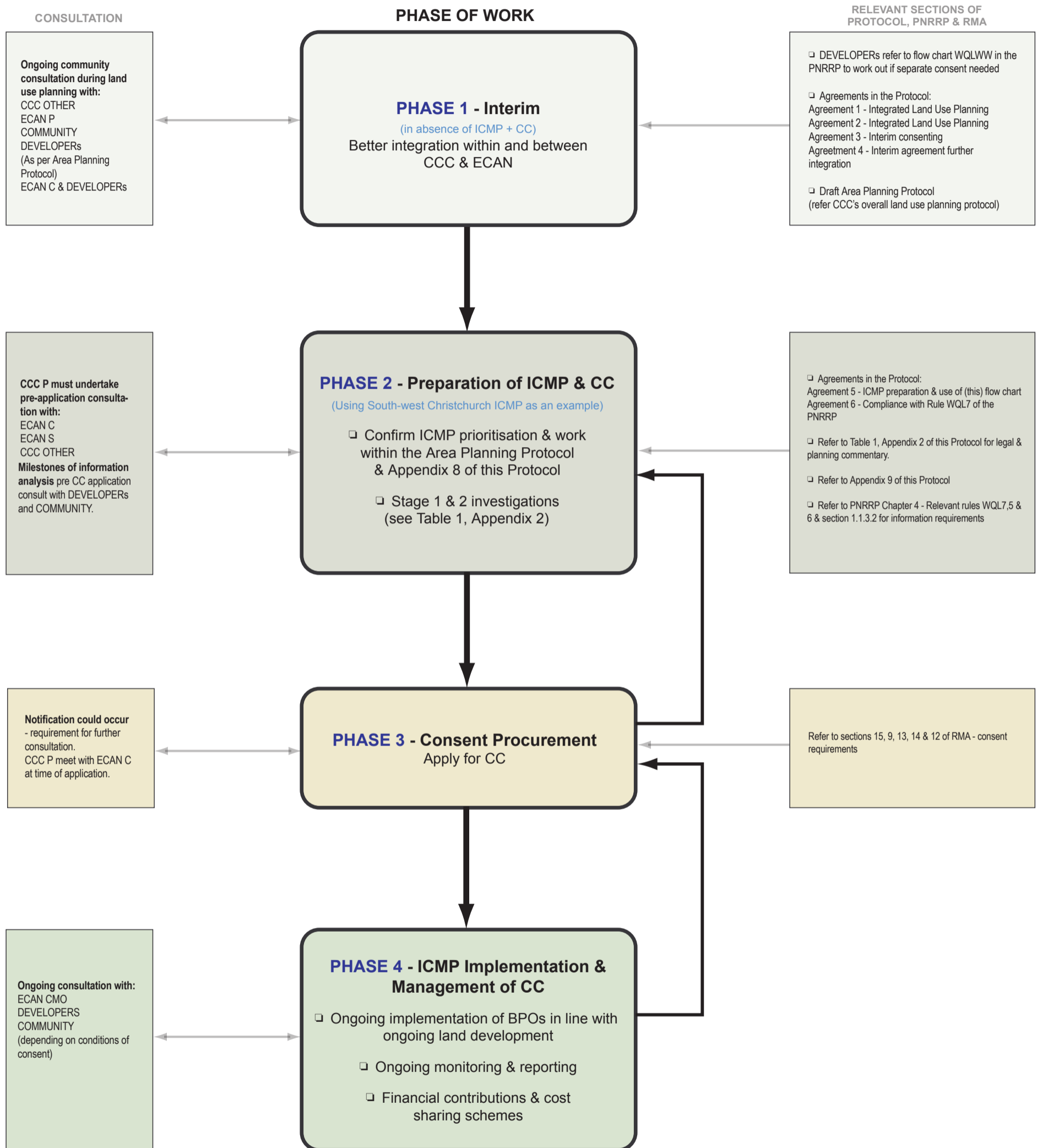
**Principle 6: Compliance with Rule WQL7 of the PNRRP**

Rule WQL7 and associated policies and schedules of the Proposed Natural Resource Regional Plan concern the discharge of stormwater within areas covered by an ICMP. Resource consents will be applied for by the Christchurch City Council to discharge contaminants and water into water and into and onto land as a controlled or discretionary activity for each catchment within the City for which an ICMP is prepared.

Environment Canterbury and the Christchurch City Council will work closely together to co-ordinate pre-application advice and, during application processing, to ensure the appropriate scale of assessment is provided in relation to Rule WQL7.

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**Figure 2.1  
IMPLEMENTATION OF THE PLANNING AND CONSENTS PROTOCOL  
FOR SURFACE WATER MANAGEMENT**



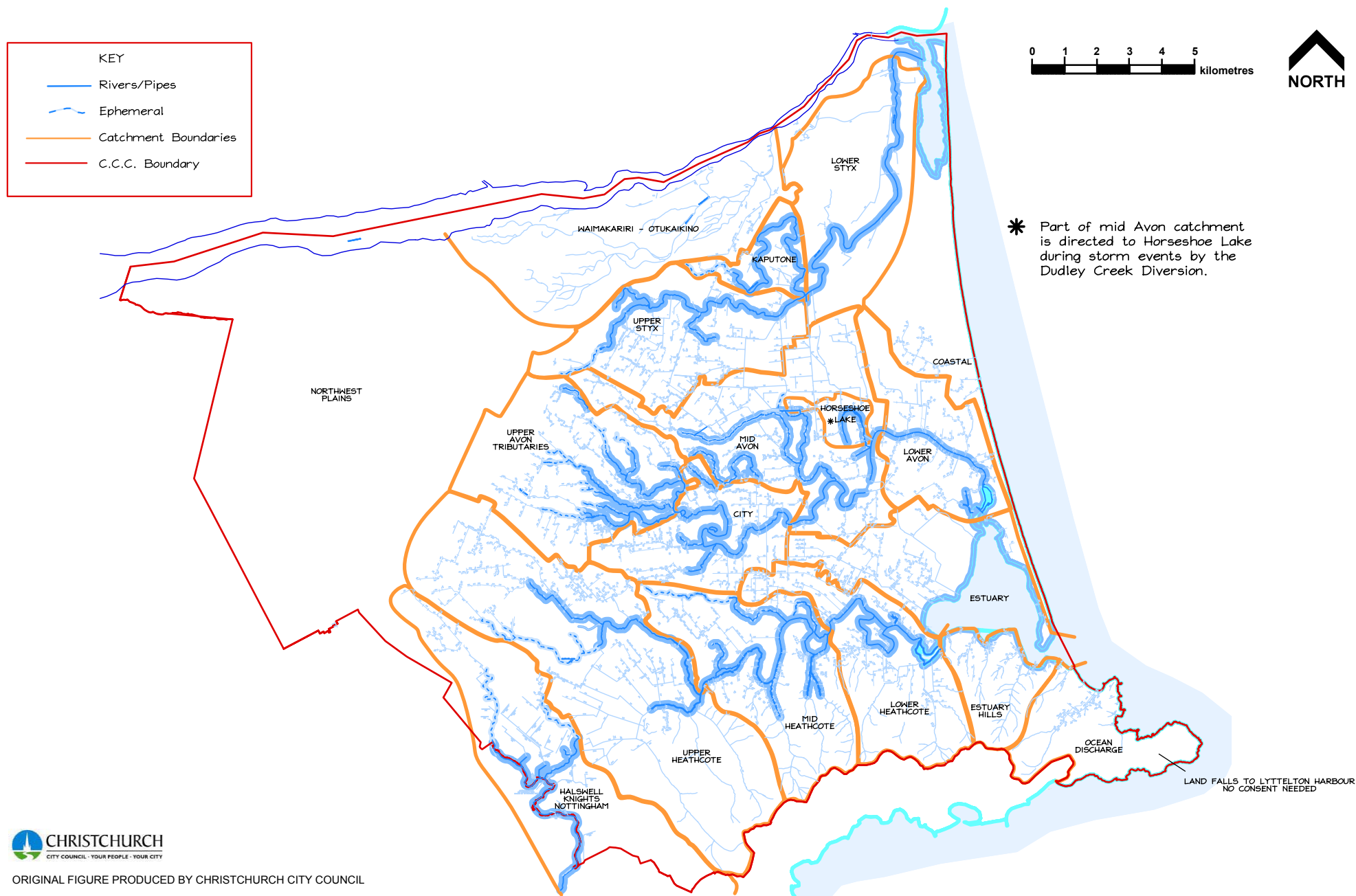
DEFINITIONS	
<b>ICMP</b> - Integrated Catchment Management Plan	<b>ECAN</b> - Environment Canterbury
<b>CC</b> - Catchment wide consent	<b>ECAN CMO</b> - Compliance Monitoring
<b>BPOs</b> - Best Practicable Options	<b>ECAN P</b> - Environment Canterbury Planners
<b>PNRRP</b> - Proposed Natural Resources Regional Plan	<b>ECAN C</b> - Environment Canterbury Consents
<b>CCC</b> - Christchurch City Council	<b>ECAN S</b> - Environment Canterbury Scientists
<b>CCC P</b> - Parties preparing ICMPs	<b>COMMUNITY</b> - Includes all interested parties; residents, Ngai Tahu, Fish & Game, DOC, and wider community
<b>CCC OTHER</b> - Other CCC units	
<b>DEVELOPERS</b> - Any party developing land	

**Table 2.1: List of ICMP preparation and corresponding Area Plans**

<b>River Catchments/Areas</b>	<b>ICMP Area</b>		<b>Corresponding Area Plan(s)</b>
		<b>Sub-Catchments</b>	
Avon River		Upper Avon Tributaries Mid Avon	<b>Russley</b> Mairehau/Cranford Burwood
		Lower Avon City Horseshoe Lake Estuary	
<b>Styx River</b>		Upper Styx	<b>Upper Styx/Harewood</b> <b>Belfast</b> Mairehau/Cranford
		Lower Styx Kaputone	<b>Belfast</b>
<b>Heathcote River</b>		Mid Heathcote Lower Heathcote Upper Heathcote	Heathcote Valley <b>South West Christchurch</b>
Halswell River Coastal		Halswell Knights Nottingham Estuary Ocean Discharge Estuary Hills Coastal	<b>South West Christchurch</b>
Outer Christchurch		Northwest Plains Waimakariri-Otukaikino	Brooklands Clearwater <b>Belfast</b>

**Priority Areas:** the following areas will be given priority, beginning with South West Christchurch, and followed by areas in the north west of the City.

Area Plans: South West Christchurch, Belfast, Russley, and Upper Styx/Harewood  
Catchments: Heathcote River and Styx River



**Figure 2.2 SURFACE RECEIVING WATERS AND SYSTEM BOUNDARY PLAN**

### 2.3.3 Introduction

Alongside the Principles listed in this Protocol the following Agreed Practices provide guidance for those involved in ICM. Footnotes have been provided for further description and understanding.

### 2.3.4 The provisions of the PNRRP

#### Introduction

Chapters 4 to 8 of the PNRRP were notified on the 3 July 2004.

This plan will govern all discharges of water and contaminants into land and water.

#### Agreed Practice:

Actions taken under the governance of this Protocol shall as far as possible reflect the rules and related policies of the PNRRP (in accordance with Principle 5 of this protocol).

#### Summary of the relevant sections of the PNRRP

The PNRRP has three rules for the management of stormwater discharges as follows:

WQL5 “Discharge of stormwater onto land.”

WQL6 “Discharge of stormwater into surface water.”

WQL7 “Discharge of stormwater into land or into surface water from “Stormwater Management Areas”.”

Rule WQL7 rule allows for the discharge of stormwater from a stormwater network (stormwater management area<sup>2</sup>) into land or water to be a controlled activity if all the standards and terms of the rule are complied with.<sup>3</sup>

The conditions of Rule WQL7 require that an ICMP be prepared (detailed in section 3 of this Protocol). As such the PNRRP, in its current form, now directs the CCC and others TLAs in how they manage their stormwater systems.

<sup>2</sup> ECan have defined an urban area/stormwater management area as a settlement (further defined) or having 30% or more of the land area being used or identified in a district plan for residential, commercial or industrial activities.

<sup>3</sup> It then becomes discretionary if it does not comply with these standards and terms and non-complying if the discharge occurs in more sensitive areas defined in condition (5) of the rule. As a result of this **Rules WQL54, 55, 53 and 58** are relevant.

## River types – classification of receiving environments

The PNRRP classifies waterways according to their physical and biological characteristics (see Chapter 4, Tables WQL1 and 15). Waterways in Christchurch City are classified as either urban, lowland or, in the case of some Port Hills streams, volcanic.

Lakes are also classified according to their physical and biological characteristics however all lakes within Christchurch City are unclassified.

## Water quality standards in the PNRRP

Policy WQL 1 for point source discharges (and referred to in Rule WQL7) states that the discharge of a point source discharge (including stormwater) into surface water must meet the water quality standards<sup>4</sup> set out in Schedule WQL1 (Water Quality Standards and Zones of Non Compliance<sup>5</sup>). Water quality standards, including physical, biological and chemical standards, are assigned to water quality classes. The water quality classes in Christchurch City are:

Class LOWLAND - (being lowland rivers managed for natural character, amenity and Ngai Tahu values, stock water and aquatic ecosystems).

Class VOLC - (being volcanic sourced rivers managed for natural character, amenity, Ngai Tahu values, stock water and aquatic ecosystems).

Class URBAN - (being urban rivers managed for amenity and aquatic ecosystems).

## Groundwater

The PNRRP also requires that groundwater be protected and Policy WQL6 outlines this in relation to point source discharges.<sup>6</sup>

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<sup>4</sup> Along with the conditions (3 a and b) in Rule WQL7, about sediment loading and increase in flows into the receiving environment, the standards in Schedule WQL 1 apply to discharges of water or contaminants into water or onto land where they may enter surface water, immediately after mixing of the discharge and the receiving water in the specified Zone of Non-Compliance calculated in accordance with Part 2 of Schedule WQL 1.

<sup>5</sup> These standards apply outside the zone of non-compliance (for most discharges in a stormwater management area under Rule WQL7 and at the point of discharge (under condition 5 of WQL7 – more sensitive areas within a catchment). The zone of non-compliance varies depending on the two types of contaminants considered (Type 1 – acute and Type 2 – chronic) and is calculated with Table WQL18 in Part 2 of Schedule WQL1.

<sup>6</sup> This policy is referred to in Rule WQL7 and the assessment matters require an ICMP to include assessment of the mitigation measures to be implemented to avoid, remedy or mitigate effects on groundwater. Policy WQL8 deals with avoiding the discharge of hazardous contaminants into groundwater and hotspots of potential sites within a catchment would need to be identified and addressed as the catchment wide consent to be held by the CCC will include discharges to water and land.

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### 2.3.5 The catchment area/plan basis

Identification of the type of ICMP area definition which would be acceptable to ECan and CCC is necessary.

Options identified in discussions were:

- One or more interim global consents to cover the city with 24 System Operation Development Plans (“SODs”) or ICMPs as part of conditions of consent; or
- No interim consent and only report to ECan if required under the TRP and continue on applying for the catchment consents/SODs one by one under the PNRRP (Rule WQL7).

**Agreed Practice:**

- a) Establish a better consent processing relationship between ECan and the CCC as an interim measure. (See principles above).
  - b) Continue to receipt individual consent applications (from private parties and the CCC) for discharges of stormwater into water and land including those through the reticulated system where necessary.
  - c) Alongside preparation of ICMPs, continue to focus on discharges causing significant adverse effects.
  - d) Do not attempt to have an interim ICMP and resource consent for the whole city.
  - e) Prioritise the catchments and then obtain a catchment wide consent for each identified catchment in accordance with Table 2.1 and as required by Rule WQL7.
  - f) The holder of the consents from ECan and the CCC (as consent authorities) will be the Christchurch City Council and the consents will be administered by the Greenspace Unit with co-ordination with other units.
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### 2.3.6 The point of discharge and receiving water definition

For the purposes of this Protocol the point of discharge for a stormwater/surface water network operated by the CCC is defined by the PNRRP in its planning maps (which describe the “Waterway Types and Quality Classes”).<sup>7</sup>

#### Agreed Practice:

- a) The authorisation of individual discharges from sites into the CCC network system and prior to discharge to the receiving environment will be authorised by the CCC provided it holds a global consent for the catchment area in question.
- b) The maps in the PNRRP define the “River types” and “Water Quality Classes – Rivers” on separate maps. Many waterways (smaller tributaries and network drains) appear not to be categorised and fall outside the PNRRP definitions, but water quality standards will have to be met where these ‘uncategorised’ tributaries or drains discharge into a ‘categorised’ water body.
- c) As part of the ICMP process determination of the categories for waterways and the points of discharge will occur. The best time to do this is when each ICMP is being prepared in consultation with ECan.

<sup>7</sup>. Under case law the point of discharge has been defined where the discharger normally loses control of the discharge.

The philosophy, which is coming through the PNRRP and via the ICM process around New Zealand, is that the network operator is the most appropriate party to hold consent and then authorise discharges into their system. The point of discharge then becomes where the network enters the ground or a waterway. The “Water Class” maps in the PNRRP identify which waterways require protection and must meet water quality parameters as set out in the PNRRP. As discussed above, the PNRRP includes water quality standards for the different classes of water, which will need to be met in order to protect the waterways identified by their different instream values.

The PNRRP will drive this discussion about water quality expectations. Confirmation is then needed on network/utility waterways verses the receiving environments. The new maps in the PNRRP will need to be viewed and discussed.

Several submissions during the consultation process on the Protocol raised the issue of where the point of discharge is and how the various waterways are classified in the PNRRP. This is very important in terms of what level of treatment and mitigation will be required for each waterway (e.g. whether a waterway is classified as a utility drain and part of the CCC network, or a waterway with higher instream values). It is acknowledged that across the city each catchment will be unique and each ICMP will be slightly different from the next (e.g. in scale and types of waterways). A robust agreement now on the point of discharge could not be resolved. Using the ICMP for South West Christchurch to confirm the point of discharge will be the best time to have this discussion.

### 2.3.7 The programme of consent and area planning and investigations

Fig. 2.2 prepared by the CCC shows the catchment boundaries for the preparation of the ICMPs. This relates to Table 2.1 which shows the priority that the CCC has given to each ICM area and its relationship to the Area Plan process. Prioritization of greenfield developments verses existing catchments may require further discussion to decide which areas should be given priority (based on effects).

#### **Agreed Practice:**

- a) The CCC will prioritise the preparation of ICMPs in accordance with Table 2.1 and Fig 2.2 of this Protocol and be required to obtain ECan's agreement before making changes.
- b) More detailed maps for each catchment will be prepared by the CCC in each ICMP with respect to the original Black Maps of the City. The CCC have undertaken a lot of mapping to date and when each catchment is investigated this can be discussed with ECan more specifically.
- c) In accordance with Chapter 4 of the PNRRP Section 4.7.3.2 - Management Plan for Stormwater Discharges, ECan will allow any programme beyond three years to be indicative. A resource consent under Rule WQL7 of the PNRRP will likely indicate how such programmes shall be reviewed as the consent progresses

### 2.3.8 Inclusion of other discharges in an ICMP

This agreed practice resolves the question of the extent to which ICMPs should include discharges other than stormwater. In many new areas of Christchurch, industrial and commercial zoning is proposed. The situation in Auckland is that discharges such as industrial discharges and sewage (overflows) are included in the Comprehensive Catchment Discharge Consents ("CCDCs"). Also in many new areas of Christchurch, industrial and commercial zoning is proposed and industrial discharges may be sought.

The CCC already has two consents - a discharge permit CRC991222 and the coastal permit CRC991223 to discharge sewage overflows at specific points in "severe weather events". There is an argument that such discharges are already consented and do not require re consenting under each ICMP consent.

**Agreed Practice:**

Although overflow sewage is already consented under separate consents in Christchurch, the overflows and their occurrences and compliance monitoring results of the permits will be taken into account in the investigations for ICMPs. The effects on water quality from these overflows (which occur in existing urban areas) cannot be separated out and disregarded and will therefore be considered in the preparation of any ICMP and consent application made.

**2.3.9 Existing development within a catchment**

Questions arise about whether ICMPs should be restricted to Greenfield Developments, i.e. new urban areas, or cover both new and existing areas.

The PNRRP in its rules and policies including water quality standards makes no distinction between the two, other than to state that consent must be obtained when a catchment "Stormwater Management Area" is more than 30% developed. Therefore, in its best interests the CCC should obtain catchment wide consents to achieve controlled activity status for all parts of the city, new and existing.

**Agreed Practice:**

CCC will obtain catchment wide consents for all parts of the city (in accordance with Table 2.1) aiming to comply with the standards in the receiving waters whether the catchment is predominantly built or greenfield.

**2.3.10 Existing consents within an ICMP area**

Should the CCC surrender any existing site specific consents for discharges and those consents which have already been granted in the past, once catchment wide consent is granted?

Many consents, granted to private consent holders, have now been transferred to the CCC (once Section 224 certificates are granted etc). Currently the CCC holds over 100 such consents with over 800 attached conditions to comply with.

The Protocol aims to surrender all existing consents once an ICMP has been implemented and consent gained for that catchment. Issues were raised about this in submissions to the Protocol.

Concern was raised that existing on-site systems will have a number of conditions that may need to be incorporated into any new consent gained.

Where the various conditions of consent are complementary there will be no issues. However, where consent conditions are in conflict there could be significant issues with their integration.

ICMPs are living documents with a certain amount of flexibility in how they meet outcomes and it is sincerely hoped that pre-application advice and on-going consultation between all parties will minimise this conflict. This will also assist in the careful management and timing of the implementation of ICMPs and associated stormwater consents in relation to developers own consents being applied for and immediately superseded. All these matters will benefit from good resourcing of staff time.

**Agreed Practice:**

An appropriate exercise when preparing an ICMP is to ascertain all the existing discharge permits the CCC hold for stormwater and any other relevant consents and once a catchment consent is granted that these existing consents be surrendered. In this way the CCC can concentrate on the more holistic monitoring and management that will be required.

### 2.3.11 A pilot ICMP and consent application

**Agreed Practice:**

The protocol and the policies and rules of the PNRRP will be tested by the preparation of a pilot ICMP and consent application. The area chosen (due to urgency with variations to the City Plan for Awatea and Wigram) will be South-West Christchurch. The South West Christchurch project has been developed as a pilot study to provide a standard approach for all future ICMPs for Christchurch although there may of course be differences depending on the catchment (e.g. the Lower Heathcote will require more work on coastal studies).

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## **PART 3: Methodology**



## 3. Methodology

### 3.1 Introduction

Another objective of this Protocol is to provide those working on catchment wide consenting with guidance on methodological issues. The following section provides a summary of the work required. It includes some background on terminology and the relationship between area planning and ICM. Again, where necessary, footnotes provide further descriptions and discussion.

The Protocol does not provide commentary on catchment specific issues but rather answers general process questions that are relevant citywide.

While the methods may vary for each catchment, the guidance included will ensure a uniformity of approach and introduce a process that will assist in meeting the global consenting objectives.

### 3.2 Integrated Catchment Management Process

As quoted in the Planning Quarterly – Journal of the NZ Planning Institute Inc, December 2003 (Page 9):

*“Integrated Catchment Management (ICM) sees the environment we manage as a complex assemblage of interacting ecosystems that operate within a landscape (Bowden 2002), which in this case is a catchment. Effective ICM depends on a comprehensive understanding of the components of the catchment and their interactions (Remold 1998). ICM allows physical hydrology to be linked with research and management of, for example water vegetation dynamics, and land use (Bowden 2002). ICM enables professionals, local authorities and communities to work together to address common biophysical and social issues that may result from the cumulative effects of successive and often minor decisions made over a long time horizon within a single catchment.”*

The ARC state in their Guidelines for Comprehensive Discharge Permits that:

*“Comprehensive catchment planning provides a framework for integrating the management of resources – land, ecological, biological, water, infrastructure, human, economic – for an entire catchment. Human activities need to be managed so as to minimise the risk to public health and safety and disruption to our natural systems and native flora and fauna. The crucial factor in managing a catchment is integrating land use, stormwater, and infrastructure management. Catchment management planning can include numerous facets – planning, education, regulation, implementation, monitoring, and enforcement. These facets should be accomplished on a holistic catchment wide basis and involve a diverse set of stakeholders in the process.*

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*Historically CCDCs have focussed on flooding issues. More recently, stormwater quality issues have been incorporated to varying extents. The ARC considers that CCDCs need to determine the relevant issues for a catchment and then develop appropriate tools to plan and manage the variety of stormwater management issues present. These include Water Quantity, Water Quality and may include Aquatic Resource protection issues.”*

It is envisaged that ICM would be provided through ICMPs which are the key background document for area based consent applications.

The purpose of an ICMP is to say how a surface water catchment is to be managed and protected, and if possible enhanced, in the face of anticipated future development and land use change.

The ICMP will focus on more than just surface water, giving full consideration to other natural resource issues such as groundwater, soils, ecology (in-stream, riparian and terrestrial), landscape (including the vegetation cover and type, the amount of impervious surface – a critical indicator for both water quality and water quantity, and the inputs and outputs of water in the catchment.

It will consider the effects of surface water management upon these various natural resources, and upon other values such as cultural, heritage and recreation. An ICMP will form the foundation of an application to ECan for a consent under Rule WQL7 but the AEE that is required will be more specific to the effects of the discharge and activities and as such will be different from the ICMP. An ICMP would stand alone and can be said to be influenced by the full extent of land use planning. An ICMP provides the foundation of good land use planning.

### **3.3 Definition and Priority of ICM Areas**

The CCC has provided a preliminary prioritisation list for ICMP preparation and corresponding Area Planning prioritisation which is shown in Table 2.1. This provides a programme of which such work will commence for each area. A corresponding map (Fig. 2.2) shows the separate areas.

For many cases, such as the Christchurch CBD, where development of the catchment exists an ICMP may not have a corresponding Area Plan. The Area Planning process has been established for the new proposed greenfields developments around the City. As can be seen from Table 2.1 the ICMPs which have been given higher priority tend to be those where development is imminent and future strategic area and ICM planning is required more urgently. However, retrofitting the CBD area where effects may require mitigation will also need to be considered and this will be discussed with ECan.

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## 3.4 Information Requirements when Preparing an ICMP

### 3.4.1 Introduction

When preparing an ICMP there are various stages of planning and investigations that are required. This section briefly outlines the information requirements and methods needed to prepare an ICMP and its associated AEE and consent application.

### 3.4.2 Base information

There is critical area planning information which will be incorporated into an ICMP and should be collected and investigated initially. The ICM process will not duplicate the Area Planning process, however surface water management within a catchment cannot occur in isolation of all other land use issues and requirements. It is also considered that given the policies of both the City Plan and the PNRRP in terms of water quality, ICM forms a very important part of any area planning process.

The following list provides guidance on what base information gathering should be undertaken and included in an ICMP<sup>8</sup>:

Stage 1 – Identification and summary of existing information, data and knowledge including a gap analysis and a preliminary assessment of catchment data.

- Land use planning influences.
- Planning requirements in the City Plan and the PNRRP (especially in terms of water quality and quantity objectives.)
- Flood Plain Management Strategies and other CCC strategies.
- Infrastructure requirements for the catchment (such as services, traffic links etc).
- Existing resource consent requirements from both the CCC and ECan.
- Ecological (water and terrestrial), sediment and water quality information gathering<sup>9</sup>.

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<sup>8</sup> Also Rule WQL7 of the PNRRP has conditions which require that an **Integrated Catchment Management Plan (ICMP)** be prepared in accordance with Section 4.7.3.2 of the PNRRP. This outlines in a) to f) the water quality and quantity issues, mitigation measures and programme of works in implementing the best practicable options within a catchment. Rule WQL7 also states that ECan will reserve control over certain matters in imposing conditions and this information would also be required in any discharge permit application for a catchment (These are numbered 1 to 9 in the Rule).

However, the base line work required in principle citywide or for each catchment needs to be discussed. In particular, discussion is needed on whether ECan will expect baseline surveys for the whole city in general, or a proportion, or a specific site to represent the city, or work on a catchment basis.

<sup>9</sup> As part of the pilot ICM process for South West Christchurch it will need to be decided whether all existing discharge points and systems (including treatment and retention methods) need to be identified. This point will be discussed with ECan to assess the amount of information the CCC will need to provide.

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- Hydrology, drainage and groundwater.
- Cultural, landscape and recreational resources.
- Discharges including stormwater sources and issues.
- Contaminated sites and landfills.

From the gathering of this baseline information the following is then analysed and further detailed investigations and assessments can be undertaken. Consideration commensurate with the scale and significance of the effects should be given to:

- Urban growth scenarios (the extent development can occur taking into account all issues and environment requirements) such as the existing zoning and future zoning, neighbourhoods, transport, green print<sup>10</sup>, open space requirements, and water quality issues.
- Groundwater (base flow and springs, soakage studies and effects assessments).
- Contaminated site assessments.
- Land use and Hazardous Activities Industries List (“HAIL”) mapping.
- Aquatic ecology survey and assessment (existing baseline for the catchment).
- Sediment quality survey and assessment.
- Contaminant load modeling for development scenarios and assessment of water quality mitigation measures.
- Water quality modeling for development scenarios and assessment of water quantity mitigation measures.
- Cultural consultation and assessment.
- An analysis of the key issues for the catchment.

Short, medium and long term planning for the catchment can then occur.

Possible GIS layers of this information gathered through the ICM process would benefit the whole community. The CCC will be overlaying the discharge points and catchment areas as they are investigated and collaboration between all organisations and the Councils to share information would be good. The NZERN (NZ Ecological Restoration Network) with over 200 conservation group members are developing a GIS system which could incorporate this information,

### **3.4.3 System design for water quality and quantity**

Once the base line information is gathered the CCC can determine and design appropriate systems to treat and retain the stormwater and other potential point source discharges into the system. This part of the process is guided by the City’s Code of Practice for Land and Asset

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<sup>10</sup> See Appendix 2: Summary of the Area Planning Process for the definition of “green print”.

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Management. The CCC's Waterways, Wetlands and Drainage Guide was developed as part of the implementation of this code and also provides direction on preferred options.

Determination of appropriate designs for stormwater treatment systems will require modelling and other predictive tools which will:

- Simulate the status quo and calibrate the model.
- Simulate land use change and quantify effects.
- Simulate mitigation including a description of potential works for the short, medium and long term development of a catchment.

The PNRRP, through Rule WQL7, associated policies and water quality standards and classes, is clear about the required targets for water quality and quantity and shall be used as a guide for water management requirements.

This step involved decisions on how to manage a catchment to handle the critical storm events and what level of retention/treatment is required to remove the contaminants before discharge to meet the receiving water standards in the waterways.

#### **3.4.4 Consent application requirements**

Rule WQL7 of the PNRRP requires that a discharge permit pursuant to Section 15 (1) (a) and (b) of the RMA be applied for, for a Stormwater Management Area, as either a controlled, discretionary or non-complying activity depending on the degree of compliance with the associated conditions of the rule. The Consent Holder would be the CCC.<sup>11</sup>

However, there are other consents that could be required for a catchment and for developments within it such as:

- Section 9 – Land use consents for works in waterways not defined as rivers under Section 13 of the RMA – from the CCC and ECan.
- Section 13 – Land use consents for works in rivers from ECan. Note the CCC already has a global consent to undertake enhancement and protection works, which is being varied to include boardwalks and other such structures.

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<sup>11</sup> Rule WQL7 will discourage multiple discharges within the same sub-catchment. However individuals cannot be prohibited from seeking consent to discharge within sub-catchments and these applications will need to be considered on a case-by-case basis.

There is an issue concerning the adverse effects of sediment release at the time of construction and how this will be dealt with in a larger ICM area. As is the case now these effects will be taken into account under the long term discharge permit. However, if higher levels of sediment release are proposed (which is usually the case) an interim consent may be needed to allow this (whether for separate subdividers is not confirmed yet). It should be noted that the CCC have their own guidelines on such matters and ECan are also currently preparing guidelines.

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- Section 14 – Diversion, take and use of water. Along with discharges, diversion and use of water may occur.

With these consents listed above the CCC will need to decide whether they obtain them at the time of the ICMP being prepared and lodged or later (by CCC or separate developers). It appears that the ARC take the view that the CCDC (equivalent of an ICMP) is only for the discharge and any other consents are applied for on a needs must basis when they are required. Global consents may be appropriate for these other activities within a catchment when further details are established.

In the meantime (until ICMP consents are granted) discharges into the network system will continue to be processed by ECan. Where resource consents are required from the CCC and ECan, joint hearings will be held where appropriate (see Principle 4).

### 3.4.5 Assessment of environmental effects

The scale of assessment to accompany an application to ECan under Rule WQL7 of the PNRRP for a catchment wide consent like any resource consent needs to carefully mirror the scale and significance of effects.

In summary the following will be required<sup>12</sup>:

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<sup>12</sup> As stated earlier Rule WQL7 conditions require that an **Integrated Catchment Management Plan (ICMP)** is prepared in accordance with Section 4.7.3.2 of the PNRRP. This outlines in a) to g) the water quality and quantity issues, mitigation measure and programme of works in implementing the best practicable options within a catchment to be provided in the ICMP for a consent application. Rule WQL7 also states that ECan will reserve control over certain matters in imposing conditions and this information would also be required in any discharge permit application for a catchment (These are numbered 1 to 6 in the Rule).

Therefore the PNRRP does state (between the two requirements above) the type of information needed in an AEE. What scale it should be in terms of the scale and significance of effects is something unknown at this stage given that no one has gone through this process in this region to date. ARC have worked with each TLA in their region to work this out and many Councils are still in the process of providing responses to Section 92 requests for further information once the applications are lodged in that region. It would be ideal to minimise this as much as possible pre-application.

Issues will vary from catchment to catchment but South-West Christchurch forms the pilot for this Protocol and this can be used to discuss the general AEE requirements pre-application.

Also how much input will the ECan Consents section have in the management of the network? The following issues will be discussed with ECan pre-application: If the CCC provides modelling of flows and contaminants and a monitoring regime to show on-going compliance how will the ECan Consents Section audit it? To what degree will they peer review it before granting of consent? If ECan do require "up the pipe" discussions then these should be had before application is made to manage the consenting process appropriately.

Does ECan want complete certainty before they grant consent or will the CCC be given flexibility to undertake on-going monitoring of the effects and mitigation?

The CCC endorses any pre-application process with regular meetings and co-ordination between the two Councils to achieve this, rather than wait for Section 92 requests for further information. The ARC in its Guidelines for CCDCs (equivalent to ICMPs) provides guidelines on the information required but has undertaken a high level of consultation with all the TLAs around the region to work out specific catchment requirements for information gathering.

Also the long term community planning required under the LGA 2002 will require the resourcing of the ICM implementation to be provided by the CCC. However, this will not be an issue for ECan.

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- A description of the receiving environment.
- Water quality and flooding issues analysis.
- Catchment's values, the likely degree of effects (properly analysed and assessed) and the relationship of these effects to the mitigation measures.
- The adverse effects to be assessed.
- The identification of the mitigation measures (treatment and retention) and the rationale behind the choices.
- The on going monitoring and reporting required.

#### **3.4.6 The methods of achieving the ICMP and an associated area plan**

Once the consent process is completed and the ICMP requires implementation, methods to achieve the ICMP and associated Area Plan (where there is one) will begin.

Methods will include:

- Physical works – Greenfields (new systems) and existing areas remediation and retrofitting.
- Bylaws
- Plan rules
- Education and promotion.
- Operation and maintenance methods.
- Cost sharing/strategic property purchases.
- Land use change zoning and designations and reserve contributions.
- On-going monitoring and reporting.

#### **3.4.7 Monitoring**

In accordance with the PNRRP and sound resource management practices the CCC as applicant shall include a monitoring system (water quality assessment monitoring plan) to provide the on-going information including whether or not the objectives of the global consent are being achieved.

The CCC in discussions to date have already stated that it would be too costly to rate payers to expect monitoring of water quality parameters at each end of pipe zone of non-compliance in terms of the PNRRP and a more targeted choice of locations and indicators may be necessary.

A monitoring regime for each ICMP will be required pre application and once application is granted. This will also need to be thoroughly discussed as there could be a concern about the flexibility for what and

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where to monitor and whether each stormwater mitigation device would need to be field validated.

Monitoring is likely to include the effectiveness of mitigation measures (i.e., to field-validate the treatment efficiencies and performance of treatment and retention devices); and the effects (e.g., on water quality, sediment quality and instream values). Any monitoring will be in line with WQL7 of the PNRRP but will require further discussions with consent staff at the time.

The broader social assessment will be undertaken under the Area Planning process which the Protocol works within. Any development of an area will take into account all environmental issues.

### **3.4.8 Consultation requirements**

Under the RMA and the LGA consultation with the community and local agencies is a significant requirement. The planning and implementation of an Area Plan and an ICMP has far reaching consequences to a community.

When preparing an ICMP and associated consent application(s) the degree of consultation and at what stage the consultation should occur will need to be confirmed to meet statutory requirements. Duplication of consultation should be avoided.<sup>13</sup>

How formal the consultation is and at what times it takes place will be a matter to consider for each catchment when separate consultation plans are prepared. Those involved with the consultation (and it is likely there will be more than one person/party) should discuss and co-ordinate a strategy.

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<sup>13</sup> Note: Rule WQL7 of the PNRRP has the global consent as a controlled activity provided certain conditions are met. As a result under the RMA a consent could be granted without public notification.

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## **Part 4: Conclusion**



## 4. Conclusion

The Protocol is a living document and has been prepared to smooth the process for staff and the community with the new approach of integrated catchment management. Staff at both councils have been consulted thoroughly on this Protocol and the community have been given the opportunity to comment.

Workshops or seminars for developers and community groups could be considered in future to discuss the new system of ICMPs and the PNRRP Rule WQL7.

Any concerns with the document as the process continues can be dealt with and the document changed where appropriate. It is not a formal statutory document and it will always be in line with the policies and rules of the PNRRP.

It is hoped that this Protocol can provide assistance to Council staff, regulators and the community in producing and processing ICMPs. This more global view of catchment management will allow effects to be better understood and dealt with and this can only benefit our city's valuable surface water resource.

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## 5. References

Auckland Regional Council, January 2001, Guidelines for Comprehensive Discharge Permits.

Avon-Heathcote Estuary Ihutai Trust , 2004: Ihutai Management Plan, Draft for Feedback.

Canterbury Regional Council, 1991: The Transitional Regional Plan.

Canterbury Regional Council and the CCC, April 1997: Avon River – Issues and Options for managing the Avon River floodplain.

Canterbury Regional Council, 1998: The Canterbury Regional Policy Statement.

Canterbury Regional Council and the CCC, 1998:Heathcote River Floodplain Management Strategy.

CCC, 1999 and amendments: The Christchurch City Proposed District Plan.

CCC, 1999: Waterways and Wetlands Natural Asset Management Strategy.

CCC, 2000: Waterways & Wetlands Vision 2000 –2040 The Styx.

CCC, February 2003: Waterways, Wetlands and Drainage Guide Part A and B.

CCC, April 2003: Draft City Development Group, Area Planning Protocol.

Environment Canterbury, 3 July 2004: The Proposed Natural Resources Regional Plan.

New Zealand Planning Quarterly Number 151, December 2003.

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***Appendices***

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***Appendix 1***

***Protocol Implementation  
Agreement***

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# Protocol Implementation Agreement

## 1. Objective

The objective of the Protocol Implementation Agreement (PIA) is:

*"to provide operational detail to assist with implementing the Joint Christchurch City Council & Environment Canterbury (March 2006) "Planning & Consents Protocol for Surface Water Management".*

## 2. Background

This PIA records the understanding of each party on the operational aspects of the Protocol but it does not create any legal obligations that are enforceable by either party.

None of the matters in the PIA limit or restrict:

- a. the requirements of the Transitional Regional Plan, the proposed Natural Resources Regional Plan or any other relevant Regional Plan;
- b. the agreements expressed in the "Record of Meeting of Mediation" dated 10 August 2005<sup>1</sup>;
- c. the Christchurch City Council's involvement in the submissions process for the Proposed Natural Resources Regional Plan;
- d. the intent and application of the Protocol;
- e. Environment Canterbury's ability to decline, grant, or grant with conditions any resource consent applied for;
- f. the monitoring of any resource consent conditions imposed;
- g. the enforcement powers of Environment Canterbury; and
- h. the Christchurch City Council's role and powers under the Local Government Act 2002.

## 3. Development of Integrated Catchment Management Plans and Subsequent Resource Consent Applications

### 3.1 Priority

Environment Canterbury acknowledges that Christchurch City Council is developing a Christchurch City surface water strategy to be adopted by 30 June 2009 which will establish priorities for the development of integrated catchment management plans within Christchurch. Until that

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<sup>1</sup> Christchurch City Council/Environment Canterbury Record of Meeting of Mediation – 10 August 2005

strategy is prepared, priority areas remain as defined in Table 2.1 of the Planning and Consents Protocol for Surface Water Management.

Christchurch City Council acknowledges that when a rule in the Canterbury Natural Resources Regional Plan becomes operative requiring that a resource consent be obtained for the discharge of stormwater, any discharge of stormwater will need to either be authorised by resource consent(s), or within six months after the date of the rule becoming operative the Christchurch City Council will need to apply for the necessary resource consent(s).

### **3.2 Approach to Integrated Catchment Management Plan and Subsequent Resource Consent Application Development**

Integrated catchment management plans (ICMP)<sup>2</sup>, and any subsequent resource consent applications<sup>3</sup>, should be prepared on the following basis:

- a. using adaptive management approaches and techniques;
- b. identifying and classifying the values of receiving environments (waterways and groundwater);
- c. establishing management objectives for the different receiving environments (waterways and groundwater);
- d. managing stormwater discharges in accordance with those management objectives using adaptive management approaches and techniques, including by;
  - i. specifying trigger levels for the purposes of determining the need for further investigation;
  - ii. if the trigger for further investigation are exceeded, requiring the Christchurch City Council to undertake further investigations to understand the cause and effect of these exceedences within an appropriate timeframe;
  - iii. Environment Canterbury will provide advice as to the identified cause and effect, particularly if the cause is likely to be the result of a discharge not authorised by the resource consent(s) held by the Christchurch City Council; and
  - iv. requiring the Christchurch City Council to implement the appropriate management responses within agreed timeframes. If requested by Christchurch City Council, Environment Canterbury will provide advice as to appropriate management responses.

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<sup>2</sup> Prepared in accordance with Section 4.7.3.2 of Chapter 4 of the proposed Natural Resources Regional Plan.

<sup>3</sup> Made in accordance with Rule WQL7 of Chapter 4 of the proposed Natural Resources Regional Plan.

### 3.3 Point of Discharge

ICMP's, and any associated resource consent applications, should be prepared on the basis that:

- a. All legal points of discharge controlled by the Christchurch City Council will be authorised by any resource consent which is granted.
- b. The resource consent applications should identify appropriate locations within the catchment where resource consent triggers and monitoring controls should apply. The final locations for resource consent triggers and monitoring requirements will be determined in the conditions of any resource consent which is granted (see "Determining consent conditions").

### 3.4 Acceptable Quality and Quantity of Discharge

Integrated catchment management plans, and any subsequent resource consent applications, should be prepared on the following basis:

- a. The objective of maintaining the existing values of the receiving environment is to be achieved by the Christchurch City Council:
  - i. managing the discharges from existing land uses, and the anticipated changes to those land uses, as part of the current stormwater system; and
  - ii. ensuring significant land use changes from greenfield subdivisions manage stormwater to maintain the values of the receiving environment that are present pre-development by implementing the best practicable option<sup>4</sup> to prevent or minimise the adverse effect on the environment.
- b. Water quantity is to be managed in accord with the Christchurch City Council "Waterways, Wetlands and Drainage Guide" which generally means that any:
  - i. 1 in 5 year storm event is managed within the primary stormwater system; and
  - ii. 1 in 50 year storm event is managed to protect private property.
- c. The objective of enhancing the values of the receiving environment is to be achieved by prioritising the implementation of stormwater management measures in accordance with the following criteria:

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<sup>4</sup> Best practicable option in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

- (a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- (b) The financial implications, and the effects on the environment, of that option when compared with other options; and
- (c) The current state of technical knowledge and the likelihood that the option can be successfully applied:

- i. by focusing on high-value receiving environments where those values are significantly influenced by the discharge of stormwater;
- ii. making changes to the stormwater management system that provides the greatest net benefit;
- iii. recognising opportunities that may arise to retrofit stormwater management measures into the existing stormwater management system; and
- iv. ensuring that the measures are practical and affordable.

### 3.5 Monitoring

- a. Integrated catchment management plans, and any subsequent resource consent applications, should be prepared on the following basis:
  - i. monitoring is directed at the quality of the receiving environment and the effect of the discharge of stormwater on the receiving environment;
  - ii. ecological monitoring of the identified receiving environments will occur using adaptive management approaches and techniques, including by:
    - undertaking the appropriate amount of monitoring of the identified receiving environments necessary to determine unanticipated adverse effects on those environments,
    - increasing the amount of monitoring when unanticipated adverse effects on the identified receiving environments arise for the purpose of informing the appropriate management response, and demonstrating the ultimate success of that response; and
  - iii. the type and frequency of compliance monitoring should be proposed in any resource consent application made by the Christchurch City Council, but will ultimately be determined through any resource consent conditions (see "Determining consent conditions").
- b. Following the grant of any resource consent that has resulted from this Protocol to Christchurch City Council:
  - i. representatives of Environment Canterbury and Christchurch City Council will meet and agree on how to make operational the monitoring requirements of that consent; and
  - ii. if there are significant differences between the representatives of Environment Canterbury and Christchurch City Council then either or both parties can seek that the matters of difference be considered by the "Joint Stormwater Management Issues Working Party" (see "Ongoing Communication" below).

### 3.6 Determining Consent Conditions

Environment Canterbury and Christchurch City Council agree that:

- a. Following the lodgement of any resource consent application by the Christchurch City Council, and prior to the finalisation of any report prepared by Environment Canterbury:
  - iii. in accordance with section 42A of the Resource Management Act 1991, Environment Canterbury and Christchurch City Council will instruct their relevant experts to confer and identify those resource consent conditions the experts agree upon and those which they do not. For the purposes of the avoidance of doubt, this shall be undertaken in general accordance with the Environment Court Practice Note - Expect Witnesses - Code of Conduct, Section 5.4 Directions to confer (or any document substituted by the Environment Court for this Practice Note); and
  - iv. if significant differences between experts exist then either or both parties can seek that the matters of difference are considered by the "Joint Stormwater Management Issues Working Party" (see "Ongoing Communication" below); and/or
  - v. if significant differences between experts exist / remain then those matters are to be brought to the attention of the person(s) delegated to decide the resource consent.
- b. The South West Area ICMP may be considered a collective learning exercise, with future integrated stormwater catchment plans being prepared based on the strengths of it.

## 4. Non-compliance

### 4.1 Christchurch City Council's Liability for Discharge Quality

- a. Christchurch City Council can reduce liability relating to its discharge of stormwater by:
  - i. demonstrating, and maintaining a record of, compliance with any resource consent conditions;
  - ii. allowing existing and new land uses to utilise the services of the stormwater system when these pose a low risk to the achievement of the receiving environment objectives;
  - iii. managing stormwater from existing land uses utilising the services of the stormwater system which Christchurch City Council, with co-operation from Environment Canterbury, identify as posing a high risk to the achievement of the receiving environment objectives;
  - iv. where possible, requiring the removal of stormwater from existing land uses utilising the services of the stormwater system which Christchurch City Council considers to be of an

- unacceptably high risk to the achievement of the receiving environment objectives unless resource consent is obtained from Environment Canterbury;
- v. actively managing stormwater from new land uses proposing to utilise the services of the stormwater system which Christchurch City Council considers to be of a medium risk to the achievement of the receiving environment objectives;
  - vi. refusing to allow stormwater from new land uses to utilise the services of the stormwater system which it considers to be of a high risk to the achievement of the receiving environment objectives unless resource consent is obtained from Environment Canterbury;
  - vii. documenting connection agreements with individual land owners/occupiers utilising the services of the stormwater system considered to be of a moderate or high risk to the achievement of the receiving environment objectives;
  - viii. ensuring it can act to take all reasonable steps to remedy any unforeseen adverse effect on the environment (see "Pollution response"); and
  - ix. ensuring that the necessary level of expertise and resources are available to undertake the above, including any necessary compliance monitoring.
- b. Environment Canterbury acknowledge that in undertaking any of the initiatives in 4.1 a(i)-(ix) above, Christchurch City Council must act within its statutory powers and duties, including by having regard to the practicality, cost effectiveness, and timeliness of any action.
  - c. Christchurch City Council, while preparing ICMP's, will consider the appropriate mechanisms to achieve 4.1 a(i)-(ix) above. When considering appropriate mechanisms, the Christchurch City Council will consult with Environment Canterbury. Once any resource consent associated with the integrated catchment management plan is granted, Christchurch City Council will implement those mechanisms.
  - d. Once an ICMP is prepared, and the subsequent resource consent granted, the Christchurch City Council will prepare non-statutory guidelines outlining appropriate stormwater control measures to be implemented by third parties prior to stormwater being placed within the Christchurch City Council's system. Environment Canterbury will cooperate with, share ideas, and provide information to the Christchurch City Council in the preparation of such guidelines.
  - e. Environment Canterbury and Christchurch City Council agree that Christchurch City Council can mitigate its liability for adverse effects on the receiving environment caused by a third-party by ensuring parties connecting to the Christchurch City Council stormwater system are aware of their obligations, including those imposed by Environment Canterbury through any resource consent.
  - f. Where a third party holds a stormwater discharge consent and breaches that consent, any potential liability of the Christchurch City Council associated with the breach may be reduced by ensuring it has

performed its regulatory and asset management functions with due diligence. When determining the appropriate course of enforcement action, Environment Canterbury will also consider any measures taken by Christchurch City Council to require the third party to achieve compliance with Christchurch City Council non-statutory guidelines.

At any time that an investigation into a breach of the Resource Management Act, in association with a stormwater discharge, identifies Christchurch City Council as having potential liability, Environment Canterbury will advise Christchurch City Council immediately (at General Manager level).

## **4.2 Enforcement**

Environment Canterbury and Christchurch City Council agree that:

- a. Environment Canterbury and Christchurch City Council will cooperate on enforcement matters in relation to third parties within the legislative constraints.
- b. Environment Canterbury will implement its Compliance, Monitoring and Enforcement Policy 2006 (or any subsequent version of this Policy), including by:
  - i. implementing C(1) of the mediated agreement dated 10 August 2005;
  - ii. operate in accordance with Enforcement Communication Procedure set out in Appendix 2 of the Policy; and
  - iii. if requested by Christchurch City Council in a timely manner, provide an opportunity for senior management of both organisations to meet and discuss a pending enforcement issue.

## **4.3 Pollution Response**

Environment Canterbury and Christchurch City Council agree that:

- a. Environment Canterbury will provide the primary pollution response capability in the event of an acute (e.g. one-off) discharge into the receiving environment. Christchurch City Council will cooperate and coordinate with Environment Canterbury by:
  - i. developing joint systems to enable Christchurch City Council to make available to Environment Canterbury stormwater network infrastructure information; and
  - ii. ensuring Environment Canterbury is able to access staff of Christchurch City Council with expert knowledge in its stormwater network to assist it in responding to pollution incidences.

- b. Christchurch City Council will provide the primary pollution response capability within its stormwater network unless the discharge is from a site subject to separate third party stormwater discharge consent.
- c. Notwithstanding 4.3 a and b above, both Environment Canterbury and the Christchurch City Council will provide back up support as required and requested by the other, and as resources permit.
- d. The responsibilities for, and operation of, pollution response will be regularly reviewed by the “Joint Stormwater Management Issues Working Party”.

## 5. Communication

### 5.1 Individuals who wish to operate outside the ICMP and any Subsequent Resource Consent

Environment Canterbury and Christchurch City Council agree that:

- a. If Environment Canterbury receives an application for discharge consent for stormwater within an area subject to an ICMP, and any subsequent resource consent, it will advise Christchurch City Council.
- b. Once an ICMP is prepared, and the subsequent resource consent granted, Environment Canterbury will consider Christchurch City Council as an affected party for any resource consent application for the discharge of stormwater in the area of the ICMP.
- c. Environment Canterbury and Christchurch City Council will consider the implications of, and either or both may oppose, any third party resource consent application which will undermine the achievement of an integrated catchment management plan and requirements of any subsequent resource consent.

### 5.2 Ongoing Communication

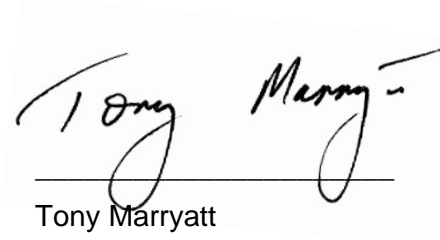
Environment Canterbury and Christchurch City Council agree that:

- a. Ongoing communication is to occur between the two organisations so that the two way principle of “no surprises” is achieved.
- b. Environment Canterbury and Christchurch City Council will establish a ‘Joint Stormwater Management Issues Working Party’ consisting of senior management<sup>5</sup> (including practitioners as required) from both organisations to meet a minimum of twice yearly for the purposes of identifying, discussing and resolving stormwater management issues of strategic importance to both organisations.
- c. The Joint Stormwater Management Issues Working Party will establish forums to:

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<sup>5</sup> the equivalent to “General Manager” within Christchurch City Council and “Director” within the Environment Canterbury

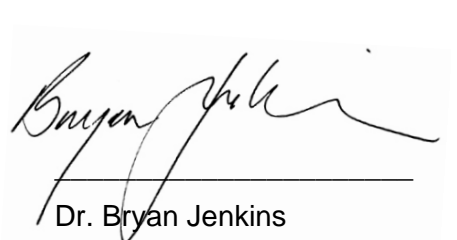
- i. Consider what constitutes “Best Practicable Option”;
- ii. Develop and promote non regulatory mechanisms which will improve stormwater management; and
- iii. Develop detailed plans to respond to likely stormwater management scenarios which require a high level of cooperation between Environment Canterbury and Christchurch City Council.



Tony Marryatt

**Chief Executive  
Christchurch City Council**

Date: 12 September 2008



Dr. Bryan Jenkins

**Chief Executive  
Environment Canterbury**

Date: 12 September 2008

## Attachment 1: Key Organisational Contacts as of July 2008

### Environment Canterbury

Position	Name	Email address	Telephone Number
<b>Compliance and Enforcement Section</b>			
Environmental Protection Manager – Strategy	Brett Aldridge	brett.aldrige@ecan.govt.nz	371 7156
Environmental Protect Manager – Operations	James Tricker	james.tricker@ecan.govt.nz	371 7134
Team Leader Regulation Advisory	Marty Mortiaux	marty.mortiaux@ecan.govt.nz	371 7155
Team Leader Enforcement	Tony Smith	tony.smith@ecan.govt.nz	364 9896
Team Leader Environmental Protection – Human Waste and Marine	Richard Purdon	richard.purdon@ecan.govt.nz	372 7265
Team Leader Environmental Protection - Industrial	Ross Glubb	ross.glubb@ecan.govt.nz	363 9355
Environmental Protection Officer	Duncan Harvest	duncan.harvest@ecan.govt.nz	364 9837
Environmental Protection Officer	Blair Gray	blair.gray@ecan.govt.nz	372 7089
Resource Management Act Compliance and Enforcement Manager	Vikki Wilmore	vikki.wilmore@ecan.govt.nz	363 9317
Director Regulation	Kim Drummond	kim.drummond@ecan.govt.nz	365 3828
Pollution Hotline	Jackie Jones	jackie.jones@ecan.govt.nz	366 4663
Senior Pollution Prevention Officer	Don Chittock	don.chittock@ecan.govt.nz	364 9844
Pollution Prevention Officer	Michael Lester	michael.lester@ecan.govt.nz	364 9865
Pollution Prevention Officer	Neil Walkinshaw	neil.walkinshaw@ecan.govt.nz	364 9864

<b>Resource Consent Processing &amp; Planning Sections</b>			
Team Leader Consent Processing	Peter Savage	peter.savage@ecan.govt.nz	363 9331
Consents Section Manager	John Boraston	john.boraston@ecan.govt.nz	363 9385
Director Planning and Consents	Don Rule	don.rule@ecan.govt.nz	365 3828
Territorial Authority and Coasts Manager	Vin Smith	vincent.smith@ecan.govt.nz	363 9374

### Christchurch City Council

Position	Name	Email address	Telephone Number
<b>Strategy and Planning Group</b>			
General Manager Strategy and Planning	Mike Theelen	michael.theelen@ccc.govt.nz	941 8177
Programme Manager – Healthy Environment	Jenny Ridgen	jenny.ridgen@ccc.govt.nz	941 8407
<b>Regulation and Democracy Services</b>			
General Manager Regulation and Democracy Services	Peter Mitchell	peter.mitchell@ccc.govt.nz	941 8462
<b>Environmental Policy and Approvals Unit</b>			
Unit Manager Environmental Policy & Approvals	Steve McCarthy	steve.mccarthy@ccc.govt.nz	941 8651
Subdivisions Team Leader	Vil Vabulus	vil.vabulis@ccc.govt.nz	941 8650
<b>Inspections and Enforcement Unit</b>			
Unit Manager Inspections & Enforcement	Gary Lennan	gary.lennan@ccc.govt.nz	941 8999

<b>City Environment Group</b>			
General Manager City Environment	Jane Parfitt	jane.parfitt@ccc.govt.nz	941 8608
<b>Transport and Greenspace Unit</b>			
Transport and Greenspace Unit Manager	Alan Beuzenberg	alan.beuzenberg@ccc.govt.nz	941 6287
Maintenance Operations & Contracts Manager	Malcolm Park	malcolm.park@ccc.govt.nz	941 8928
<b>Contract &amp; Operations Team</b>			
Senior Contract Manager (Land Drainage)	Owen Southen	owen.southen@ccc.govt.nz	941 8308
<b>Asset and Network Planning Unit</b>			
Environmental Planning Engineer	Graham Harrington	graham.harrington@ccc.govt.nz	941 6442
<b>City Water and Waste Unit</b>			
Technical Services Team Leader	Gareth Phillips	gareth.phillips@ccc.govt.nz	941 8301

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***Appendix 2***

***Summary of Area Planning  
Protocol***

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## APPENDIX 2

### Area Plans and the Area Planning Process

#### *Introduction*

There will be significant sub-division and development of land for housing around the urban edge of Christchurch over the next ten years and more. A proactive CCC role in planning and co-ordinating this development, in partnership with the private sector, is needed to avoid higher development costs (public and private), inefficient resource management, and poor environmental outcomes. Long term strategic planning helps to achieve outcomes that are positively desirable. It does this by creating a strong vision and a level of planning certainty to which all development plans can be related.

#### *Area Planning*

**Area Planning** is a management tool or process for managing the effects of land use change and development through

- ◆ defining community aspirations,
- ◆ examining technical issues,
- ◆ determining whether land is suitable for development, or has potential for a different use
- ◆ providing a framework for, and co-ordination of, innovative land use, and environmental planning in a defined area
- ◆ ensuring that the development is environmentally sustainable and that asset infrastructure can meet future needs in the area
- ◆ facilitating integration of land use, transport, open space, community facilities, amenity, and infrastructure across Council units.

#### *Area Plans*

The product of an area planning process is an **Area Plan**

Area Plans are documents – maps, drawings and other information – that provide a broad guiding framework for the integrated use, development and protection of natural and physical resources in areas subject to change in and around Christchurch’s urban area. They identify options, and enable the opportunities and constraints for land development and land use change to be assessed. They also enable the key features, issues, costs and other implications of the options to be understood on an area basis.

The information within an Area Plan is the starting point for preparation of subsequent planning, design, and implementation guidance on a number of fronts eg

- ❖ *outline development plans to be included in the City Plan*
- ❖ *integration of planning for council managed services*
- ❖ *anticipating and budgeting for medium term requirements relating to physical and social infrastructure, and natural and built environments*
- ❖ *capital works programs*
- ❖ *land acquisition – identification of needs and follow up action*

- ❖ *structure plans which provide more detail to enable services to be programmed and costed*
- ❖ *landscape design*
- ❖ *surface water treatment*
- ❖ *cost share schemes*
- ❖ *the development of a basis for negotiating with and co-ordinating landowners, developers & consultants*
- ❖ *management of private sector initiatives*
- ❖ *a context for decision-making, including responses to subdivision and land use consent applications*

Area Plans are developed outside the Resource Management Act processes. Through the planning guidance described above they should nevertheless assist the Council to carry out its functions under Section 31 applying to integrated resource management.

Area Plans also contribute to meeting the following Strategic Objectives outlined in the Council's Annual Plan<sup>1</sup>, and reflected in the Natural Step process for assessing Council decisions:

- ◆ A3: Contributing to safe & healthy lifestyles.
- ◆ C2: Ensuring that the development and redevelopment of the built environment enhances the unique qualities of the city, etc.
- ◆ C3: Protecting significant natural features.
- ◆ C4: Promoting efficient use of physical resources.
- ◆ E1: Ensuring high quality utilities meet the reasonable service demands of residents at efficient prices.
- ◆ E2: Developing a network of roads, cycleways, footways & passenger transport to provide for both personal mobility and the needs of commerce & industry.
- ◆ E3: Designing projects to enhance environmental and social sustainability etc.
- ◆ G3: Considering & protecting the aspirations of all people.

### **Status of an Area Plan**

Area Plans themselves will not have statutory status, for example as a matter to be considered under Sections 74, 75 or 104 of the Act. They could, however, form the basis of outline development plans having statutory status through their inclusion in the City Plan and given effect through City Plan rules in a manner yet to be determined. They will gain 'status' through Council approving in principle the key objectives and desired outcomes of the Plan, and taking the necessary decisions to implement it.

It is anticipated that the more detailed structure plan will be given effect through provisions in the Local Government Act, for example through cost share schemes approved by the Council.

Implementation of some aspects of Area Plans will be through the City Plan and therefore may require justification under Section 32 of the RMA.

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<sup>1</sup> Annual Plans have been replaced by Long Term Council Community Plans (LTCCPs)

## ***Contents of an Area Plan***

An Area Plan is expected to cover the following matters:

- ❑ Context
- ❑ Statement of Outcomes
- ❑ Purpose and/or aims and objectives
- ❑ General description of area including demographic information
- ❑ Key issues
- ❑ Results of consultation
- ❑ Issues concerning Treaty of Waitangi
- ❑ Land use options, including preferred option
- ❑ Development potential generated through each option
- ❑ Evaluation of options
- ❑ Statement of Outcomes
- ❑ Purpose and/or aims and objectives
- ❑ Advantages, disadvantages, and costs of preferred land use options
- ❑ Implementation programme, including timing and estimated costs if available
- ❑ Monitoring process
- ❑ Conclusions and recommendations
- ❑ Supplementary information

## ***Attention to Sustainable Development***

Area Plans seek to achieve three key outcomes for their target communities :-

- “liveability”
- competitiveness<sup>2</sup>, and
- global sustainability

Within the planning process areas of activity or foci of attention that will contribute to these achievements are

- community participation
- urban design
- ecological management
- ease of movement for people, and
- pollution control

From such a process there should emerge a community that incorporates sustainable development principles, encompassing all three considerations – social, economic and environmental.

## ***Desired Planning Approach***

**Step 1** The quest for sustainable development supports a planning approach which has as its conceptual framework the analysis and understanding of ecological systems on an area leading to the creation of a “***green print***”. This is particularly

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<sup>2</sup> In this context “competitiveness” relates to the economic prosperity of a city which depends on its ability to attract growth and employment. It therefore needs to offer competitive costs structures in areas such as infrastructure, land development, and the cost of doing business generally. At the same time it needs to offer other competitive advantages such as high quality education opportunities and a safe and healthy environment for its citizens and visitors.

appropriate in the Christchurch context where the surface water and groundwater environment are such an integral part of the City's social, cultural and economic well-being.

A "green print" is defined as the minimum area needed to be kept free from development so that

- ◆ important natural values, landscapes and eco-systems are protected and possibly enhanced
- ◆ important natural barriers or constraints are respected
- ◆ important cultural, spiritual or heritage values are respected
- ◆ natural hazards are avoided
- ◆ the effects of adjacent or up-stream development can be mitigated in ways that are sustainable

A green print should capture features and values that are "non-negotiable" in the face of pressures for development and land use change.

The extent to which network ecosystems (including global imperatives of biodiversity and climate change) will provide a suitable framework for the green print will depend on what potential threats or effects exist from the more intensive land use development, opportunities to re-establish habitat, and opportunities and need for an integrated open space network.

**Step 2** Having established a "green print" the next step is to identify **other constraints**. These could be airport noise contours, hazards, or existing legally established but incompatible uses. Together with existing zoning patterns the generation of potential broad land use options will emerge.

**Step 3** The third stage is to develop and test the emerging options in accordance with the sustainable development principles referred to in the above paragraphs, and covered in more details in the "Area Planning Protocol" document.

## TERMINOLOGY

**Area Plans** provide the broad framework for more detailed structure plans and subsequent guidance such as non statutory development briefs, and design guides; and the statutory outline development plans. Their purpose is to generate land use options and establish for each one, the key design principles, opportunities and constraints, and implications for physical and community infrastructure.

**Structure plans** will contain more detailed and precise information for in-house use to enable cost share schemes and other financial mechanisms to be calculated with more certainty. They will evolve through a process of testing alternative concepts arising out of the preferred land use option of the Area Plan and prepared in consultation with land owners and other stakeholders. The amount of detail and precision will vary from case to case. They will be prepared by the Council, except in cases where there is only one landowner (or consortium). Structure plans will show:

- principal roads, trunk mains, pumping stations, reservoirs, electricity substations
- preferred size, function and location of reserves and other open space
- in the case of the Port Hills, contours.
- Proposed and existing cost share areas

- Relevant information from the Area Plan such as ecological heritage sites, limited access roads, and cycle routes, land use features, air-noise contours.
- Surface water management requirements

The **Development Plan**, which could be either a full or partial version of the area plan, will be given statutory effect through the City Plan. It's form and content, and the rules which will give it effect, will be determined on a case by case basis.

Additional design guidance, including landscape and building design can be included in **Design Briefs** as and when deemed appropriate by the Area Plans Team



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***Appendix 3***

***Other Related Legislation, Plans  
and Strategies***

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## Other Related Legislation, Plans and Strategies

### 1.1 The Resource Management Act (1991) (RMA)

The RMA (which incorporates subsequent amendments) is the core legislation intended to help achieve environmental sustainability in New Zealand. It brings together laws governing land, air and water resources concentrating on the environmental effects of human activities. The RMA's purpose is to promote the sustainable management of natural and physical resources.

Instead of prescribing what activities should or should not be allowed, as was the case under old legislation, the RMA places the emphasis on the effect a proposed activity will or might have on the environment.

The RMA also provides for the community to become involved in making decisions and hence, the need to consult with parties and the local community about a project.

To this end ICM and area planning fits with the philosophy of the RMA. The local community served by the CCC will consider how to manage land use and the effects of stormwater, and the issues of surface water management are best dealt with, with community input.

Consents that will be required for an ICMP come under Section 15(1) (a) and (b) of the RMA and could include Section 9, 12, 13 and 14 consents as well.

### 1.2 The Local Government Act (LGA)

The new Local Government Act 2002 (LGA) introduced a large number of significant changes to local authorities' powers and responsibilities, including the way they plan and consult with their communities.

The new planning and consultation requirements under the LGA, and in particular the new long-term community plans that all councils must produce by 2006 has increased the level of forward planning of infrastructure by local authorities.

The Area Planning Protocol (discussed later) and this Protocol will help the CCC meet the requirements under the LGA.

ICM will involve a high degree of long term strategic planning to financially resource the preparation of the ICMPs and their implementation. Therefore the underlying budgetary discussions will be an important aspect to this planning and the CCC's annual budgeting through the LTCCP process.

### 1.3 The Canterbury Regional Policy Statement

The Regional Policy Statement (RPS) has established regional objectives, policies and methods for managing water bodies and land use in Canterbury.

Chapters 5 and 6 regarding Tangata Whenua issues and Chapter 9 regarding water are relevant to the preparation of ICMPs and this Protocol, particularly Chapter 9 – Issue 3, policy 9, policy 10 and policy 13. These policies along side those of the PNRRP provide the planning direction that will drive ICM and consent requirements.

### 1.4 Regional Plans

#### 1.4.1 The Operative Regional Plans (As at June 2004)

At present the only operative Regional Plan relevant to the management of discharges for the Christchurch area is the Transitional Regional Plan (TRP)

The TRP controls the discharge of stormwater into ground and into surface water. It also contains rules regarding the construction of works in or adjacent to a watercourse.

Under the existing regional rules, **no** catchment wide consents have been granted by ECan for the discharge of stormwater into surface water bodies by the CCC or other TLAs in Canterbury.

Examples of “global” consents granted to the CCC:

- A consent was granted in 1999 to cover discharges of stormwater from new developments into groundwater in the Upper Heathcote area. (CRC981968).
- A global consent in the name of the CCC for the discharge of stormwater from individual houses into ground in the absence of catchment wide consents for the CCC’s stormwater system. (CRC000315).
- A global consent held by the CCC for the discharge of wastewater overflows via the stormwater system into waterways throughout the city (at certain identified locations). (CRC991222).
- A global consent held by the CCC to undertake works within riverbeds (Section 13), consent CRC972334 was granted in 1998 for enhancement works in “rivers” throughout the city. Presently this consent does not cover the installation of the crossings but this is being looked into by the CCC.

As discussed earlier ECan have stated that under the TRP the CCC has not complied fully with the requirements of the existing regional rules (the old General Authorisations (GA)) and therefore all discharges of stormwater from the City reticulated system are **unauthorized**.

In summary under the TRP discharge permits to discharge stormwater into surface water are required when:

- Allotments in residential subdivisions number more than 30.
- Existing and new developments – hard standing surfaces newer than 1991.

The result is inconsistent decision-making overtime within a single catchment (different standards of treatment or retention through the use of different conditions of consent). It also results in some discharges not being consented at all (through a CCC pipe or outfall or permitted under the TRP) and in the same catchment another development required to treat and retain to a high level without any reflection of the cumulative effects or benefits of that treatment.

#### **1.4.2 The Proposed Natural Resources Regional Plan (“PNRRP”)**

Chapters 4 to 8 of ECan’s PNRRP that deal with land and water issues were notified on the 3 of July 2004.

Resource consents will be required for stormwater discharges on a catchment-wide basis, and the new classes of water quality could call for, in many cases, an enhancement of water bodies, including urban rivers and streams.

Stormwater management will become a catchment directed issue and contributors to the CCC systems will be managed by the CCC who in order for the consent to be for a controlled activity, will have to prepare Integrated Catchment Management Plans (“ICMPs”) in order to be granted, and comply with any future stormwater resource consents. There are also potential implications for water allocations, works in waterways and District Plan writing within the PNRRP.

Like the Auckland Regional Council (ARC) ECan have taken the approach to write a rule (WQL7) “Discharge of Stormwater containing contaminants onto or into land or into a river, lake or artificial watercourse from a stormwater management area – controlled activity” which requests the CCC to prepare an ICMP and apply for a resource consent for the discharge as a controlled activity provided it meets certain conditions and follows certain assessment criteria.

Although still only at the proposed stage the implications of the PNRRP on the CCC’s responsibilities must be considered in this Protocol and it is intended for the Protocol to mirror the requirements of the PNRRP.

The Protocol is a useful tool to discuss and confirm where possible the requirements under the PNRRP and its implications for the on-going management of the city's stormwater system.

Therefore the relevant rule WQL7 and its associated policies, schedules, explanations and other relevant rules are dealt with in this document in Parts 2 and 3.

## **1.5 The CCC City Plan**

The Christchurch City Proposed District Plan (the "City Plan") prepared under the RMA, provides a framework for the management of land use and subdivision within the City. For example, it defines areas (zones) for residential or industrial activities, each with their own set of rules. It defines areas of urban growth and the Area Planning Protocol and this Protocol will help with the sustainable management of urban growth for Christchurch.

The City Plan is still only a "Proposed Plan" with several outstanding references still to be resolved. There are a number of Variations (Awatea and Wigram for instance), which have been prioritised through the area planning protocol process, and the Area Plan is being prepared with community consultation for South West Christchurch as a priority.

The City Plan also outlines the issues on water use and quality (Volume 1 Chapter 3) and specific policies 2.2.3 and 2.2.4 regarding stormwater disposal and its effects on flooding and pollution. (Volume 2, Chapter 2).

Pursuant to Section 9 of the RMA there could be the requirement for specific land use consents to be applied for (works to divert waterways) that could be required at the time an ICMP is prepared.

Chapter 9 of the City Plan refers to Appendix 1 – Schedule of Waterways with associated maps. In this, the CCC have defined the various waterways within the City as Upstream, Downstream, Lakes and Tributary Waterways (Environmental Asset). This makes a distinction between rivers and asset drains. This list provides guidance for setbacks for building, excavation etc, but provides little guidance for the ICM work to be done, such as classifying the instream values to be protected. However, there is a need to take this list and overlap it with the PNRRP maps on waterway types and classes for water quality and the on-going restoration/protection prioritisation list, which the CCC's Greenspace Unit are currently working on.

## **1.6 City Wide Strategies**

There are a number of City wide strategies which are relevant to the preparation of this Protocol. They provide the overall philosophy and background on which the Protocol has been prepared and this section provides a brief description of each.

### 1.6.1 CCC Six Values

The CCC have implemented the Six Value philosophy for waterway management in the city.

The Six Values are:

- Ecological.
- Recreational.
- Cultural.
- Landscape.
- Heritage.
- Drainage.

This holistic approach to water management provides the philosophy behind the design and implementation of ICM.

### 1.6.2 Specific Catchment Strategies

There are a number of catchment specific strategies which have been prepared in recent years which will provide guidance to those working on ICMPs within each specific catchment.

They are briefly described in this section.

### 1.6.3 Vision 2000 – 2040 The Styx

Specifically for the Styx catchment, which has experienced rapid urban growth in the last five years, the CCC have prepared alongside the community a management document which outlines the Vision for the Styx catchment. With its five visions any catchment management in the Styx catchment in the future will have to take into account the Vision.

### 1.6.4 Ihutai Management Plan 2004 (Draft)

The CCC has prepared the Draft Ihutai Management Plan 2004 in partnership with the Avon- Heathcote Estuary Ihutai Trust, which is a charitable trust, established on the 9 October 2002 and was incorporated on 26 February 2003.

The Trust's vision is *"To have communities working together for, clean water, open space, safe recreation and healthy ecosystems that we can enjoy and respect"*.

Its objectives include: *"To achieve healthy working ecosystems for the Estuary **and its catchments.**"*

The CCC and ECan both supported the formation of the Trust and as with the formulation of this Protocol, have shown their willingness to work and interact with each other to develop a non-statutory management plan for the Estuary: the Ihutai Management Plan. A Draft Memorandum of Understanding between the three parties has been circulated.

The preparation of this Protocol and the provision of ICMP with the CCC boundaries fit with the objectives summarised above and those working on an ICMP should take account of any work being undertaken under the Ihutai Management Plan 2004 and vice versa.

### 1.6.5 Flood Plain Management Strategies

ECan and the CCC in 1998 prepared the **Heathcote River Floodplain Management Strategy**. This strategy states:

*“The Heathcote River is susceptible to flooding. Over time the modification and development of the Heathcote River catchment and floodplain has resulted in the exposure of significant assets to the natural occurrence of flooding and has altered the pattern of flood events. Future development and modification of the floodplain catchment will expose further assets to the effects of flooding and continue to impact on the natural flood process.”*

In response to this ECan and CCC jointly prepared the Heathcote River Floodplain Management Strategy with its purpose being:

*“To achieve an acceptable level of flood damage on the floodplain of the Heathcote River by integrating the management of the use, development and protection of natural and physical resources.”*

The Strategy outlines the management issues as well as possible management measures for flooding risk and damage.

Its holistic view fits with this Protocol and as such this Strategy should be taken into account in the preparation of ICMP and Area Plan documents.

Another joint document was prepared in April 1997 to look at the **“Issues and Options for Managing the Avon River Floodplain”**. This document provides an overview of the issues for the catchment and options for mitigating flood damage on the floodplain. Again any ICMP in the Avon catchment should take into account the issues and options set out in this document.

### 1.6.6 Waterways and Wetlands Natural Asset Management Strategy

The essence of this strategy is to provide a values-based approach to the management of the natural and physical resources that make up Christchurch’s system of waterways, wetlands and drainage. This strategy provides the means for the CCC to deliver on its responsibilities under the RMA, LGA and the Regional and City Plans.

ICM works within this philosophy by providing sound investigations and planning at a catchment level to protect and manage the “Asset” of the waterways of Christchurch.

The strategy divides the city into 14 Project areas/catchments and provides description, vision and strategies for each. The strategy was written in 1999 and these project areas have and will form the basis of the on-going catchment management under this Protocol.

### **1.6.7 Waterways, Wetlands and Drainage Guide – Design Manual Parts A and B**

The Waterways, Wetlands and Drainage Guide – Design Manual is divided into two parts. Both parts integrate a wide range of disciplines, experience and expertise and reflect a multi-disciplinary approach to the protection, restoration, management and design of waterways and wetlands.

Part A Includes:

- Principles and background information for inter-disciplinary planning and management.
- Site assessment, developing visions and a summary of the planning process.
- Procedures for involving the community.
- Best Practice examples of managing waterways.

Part B Includes:

- Information on the impacts of urban and rural development on waterways and wetlands.
- Information on habitat preferences of birds, fish and invertebrates found in the Christchurch area.
- Detailed information for design and management of each component of the waterways, wetlands and drainage system.

The Protocol works alongside this Manual. The pilot study and ICMP for South West Christchurch have been based on the Manual and further work is being undertaken in line with the requirements in this Manual.

## **1.7 Area Planning Protocol**

The Area Planning Protocol has been referred to in the preparation of this Protocol in order to ensure consistency of approach between the two interconnected documents.

The summary states:

*“There will be significant sub-division and development of land for housing around the urban edge of Christchurch over the next ten years and more. A proactive CCC role in planning and co-ordinating this development, in partnership with the private sector, is needed to avoid higher development costs (public and private), inefficient resource management, and poor environmental outcomes. Long term strategic planning helps to achieve outcomes that are positively desirable. It does this by creating a strong vision and a level of planning certainty to which all development plans can be related.”*

These area plans are being prioritised (see the full Area Planning Protocol for this prioritisation list) and developed by the CCC to prepare options for the future use and development of land at the edge of Christchurch. Area plans take into account the local community's preferences on how the area should or should not be developed. Appropriately the prioritisation of the ICMP parallels the prioritisation of the Area Plans. Appendix 1 provides a summary of the Area Planning Protocol.

This new desired overall planning approach has been described as a three-step process. South-West Christchurch is the pilot area for the use of the Area Planning Protocol including the principles behind ICM. This is described in the document in Appendix 1 as follows:

*“**Step 1** - The quest for sustainable development supports a planning approach which has as its conceptual framework the analysis and understanding of ecological systems on an area leading to the creation of a **“Green Print”**. This is particularly appropriate in the Christchurch context where the surface water and groundwater environment are such an integral part of the City’s social, cultural and economic well-being.*

A *“Green Print”* is defined as the minimum area needed to be kept free from development so that

- *Important natural values, landscapes and eco-systems are protected and possibly enhanced.*
- *Important natural barriers or constraints are respected.*
- *Important cultural, spiritual or heritage values are respected.*
- *Natural hazards are avoided.*
- *The effects of adjacent or up-stream development can be mitigated in ways that are sustainable.*

A *“green print”* should capture features and values that are *“non-negotiable”* in the face of pressures for development and land use change.

*The extent to which network ecosystems (including global imperatives of biodiversity and climate change) will provide a suitable framework for the green print, will depend on what potential threats or effects exist from the more intensive land use development, opportunities to re-establish habitat, and opportunities and need for an integrated open space network.*

**Step 2** - *Having established a “green print” the next step is to identify other constraints. These could be airport noise contours, hazards, or existing legally established but incompatible uses.*

*Together with existing zoning patterns the generation of potential broad land use options will emerge.*

**Step 3** *The third stage is to develop and test the emerging options in accordance with the sustainable development principles referred to in the above paragraphs, and covered in more details in the “Area Planning Protocol” document.”*

Therefore, ICM is seen as the preferred method of helping establish a green print for an area. It should be noted that ICM would in due course still be undertaken in existing urban areas where the Area Planning Protocol will not apply to ascertain and manage adverse effects on water quality and quantity in existing areas.

