

**305th MEETING OF THE
CANTERBURY REGIONAL COUNCIL**

COUNCIL MEETING

**TO THE CHAIRMAN AND COUNCILLORS OF THE
CANTERBURY REGIONAL COUNCIL**

MEMBERSHIP OF THE COUNCIL

Cr T K Burke (Chairman)

Cr R A Budd	Cr A G Neill
Cr A S Carroll	Cr M E Oldfield
Cr E H Cunningham	Cr J F Slee
Cr R H M Johnston	Cr N J Wagner
Cr R M Kirk	Cr J M Waters
Cr R I R Little	Cr W E Woods
Cr A R McKay	

A meeting of the Council will be held on

Thursday, 11 October 2007 at 8.30 a.m.

VENUE: Council Chamber
First Floor
Environment Canterbury
58 Kilmore Street
Christchurch

BUSINESS: As per Order Paper attached.

Dr Bryan Jenkins
CHIEF EXECUTIVE

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN AS COUNCIL
POLICY UNTIL ADOPTED BY THE COUNCIL**

COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- (a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- (b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

**CANTERBURY REGIONAL COUNCIL
COUNCIL MEETING
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**MINUTES OF 304TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET,
CHRISTCHURCH ON THURSDAY, 27 SEPTEMBER 2007 AT 8.30 A.M.**

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MINUTES OF 30 AUGUST MEETING AND MATTERS ARISING

21. NEXT MEETING – 11 OCTOBER 2007
22. CLOSURE

PRESENT

Crs T K Burke (Chairperson), R A Budd, A S Carroll, E H Cunningham, R H M Johnston, R M Kirk, R I R Little, A R McKay, A G Neill, M E Oldfield, J F Slee, N J Wagner and J M Waters.

MANAGEMENT AND OFFICERS PRESENT

B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat).

W Falconer (Director External Relations), M C Freeman (Director Regulation), W Holton-Jeffreys (Director Operations - Acting), J D Talbot (Director Policy and Planning), K Taylor (Director Investigations and Monitoring – Acting), I W Thomas (Director Finance and Corporate Services), and some report authors were in attendance for part of the meeting.

1. APOLOGIES

Cr W E Woods.

2. MINUTES OF MEETINGS – 30 AUGUST AND 19 SEPTEMBER 2007

Resolved

That the Council minutes of 30 August and 19 September 2007, as circulated, be confirmed as true and correct records, and be adopted.

Cr McKay/Cr Kirk

3. MATTERS ARISING

There were no matters arising.

Crs Oldfield and Budd arrived at 8.37 a.m.

4. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

5. OPERATIONAL PLAN, REGIONAL PEST MANAGEMENT STRATEGY

Brenda Greene (Senior Resource Management Planner) presented this item to adopt the Operational Plan (2007/08) for the Canterbury Regional Pest Management Strategy 2005.

Resolved

That the Operational Plan (2007/08) to implement the Canterbury Regional Pest Management Strategy 2005-2015 be adopted.

Cr Johnston/Cr Waters

6. NRRP CHAPTERS 4 – 8 HEARING COMMITTEES – MEMBERSHIP FOLLOWING THE OCTOBER 2007 LOCAL AUTHORITIES ELECTIONS

John Talbot (Director Policy and Planning) presented this item to ensure the continuation of the membership of the two NRRP hearing committees after the upcoming Council elections.

Resolved

That the Council resolves that the two Hearing Committees (including their current memberships) dealing with Variations 1 and 2 of the Proposed Natural Resources Regional Plan are not discharged on the coming into office of the members of the Council elected at the October 2007 triennial general election.

Cr McKay/Cr Budd

7. VARIATIONS TO THE PROPOSED NRRP CHAPTER 3 (AIR QUALITY) – PARTICULATE MATTER IN RANGIORA AND KAIAPOI

Katherine Wilson (Senior Resource Management Planner) and Jeff Page (Consultant Response Planning) presented this item. An additional paper was tabled outlining amendments to take account of burners that were installed after 1 January 2001 and before 1 June 2002.

Resolved

(a) *That the Council approves Variations 11 and 12 to Chapter 3 of the Proposed National Resources Regional Plan for public notification in accordance with the Resource Management Act, including:*

- (i) *the technical amendments to the planning maps for Rangiora (Variation 11) and Kaiapoi (Variation 12);***
- (ii) *the amendments outlined as ‘changes to proposed new provisions for Rangiora and Kaiapoi’ attached to the agenda item; and***
- (iii) *amendments tabled at the Council Meeting to Policy AQL24 and Rule AQL77 for Variation 11 (Rangiora) and Policy AQL32 and Rule AQL88 for Variation 12 (Kaiapoi).***

(b) *That the Council adopts the Section 32 reports for Variations 11 and 12.*

Cr Budd/Cr Carroll

Cr Little requested that his vote against this recommendation be recorded as he was concerned about the unrealistic timeframe of 2013 for Council to meet the National Environmental Standards for air quality.

Cr Johnston requested that his concerns about the 2013 timeframe for meeting the NES for air quality also be recorded.

Cr Oldfield left the meeting at 9.05 a.m.

8. URBAN DESIGN PROTOCOL

Laurie McCallum, (Energy Transport and the Built Environment Policy Manager) presented this item to allow Council to approve an Action Plan as part of its membership of the Urban Design Protocol.

Resolved

That Council approves the Action Plan for the New Zealand Urban Design Protocol and forward it to the Ministry for the Environment.

Cr Budd/Cr Burke

9. INTERIM REGULATION HEARING COMMITTEE

Mike Freeman (Director Regulation) introduced this item to provide an interim framework to enable specific Resource Management Act regulatory powers to be implemented during the period immediately after the forthcoming elections.

Resolved

(a) *That Council resolve that the Regulation Hearing Committees as standing committees of Council not be discharged on the coming into office of the members of the Council elected or appointed at or following the 2007 local body election.*

(b) *That Council approve the roster of members for one of the Regulation Hearing Committees meeting on the following dates:*

<i>19 October 2007</i>	<i>Councillors McKay, Little, Budd</i>
<i>26 October 2007</i>	<i>Councillors McKay, Little, Budd</i>
<i>2 November 2007</i>	<i>Councillors McKay, Cunningham, Neill</i>
<i>9 November 2007</i>	<i>Councillors McKay, Cunningham, Neill</i>
<i>23 November 2007</i>	<i>Councillors McKay, Little, Neill</i>
<i>30 November 2007</i>	<i>Councillors McKay, Little, Budd</i>
<i>7 December 2007</i>	<i>Councillors McKay, Budd, Cunningham</i>

(c) *That Council appoint Angus McKay as chairperson of this Committee.*

(d) *That in the event of unavailability of any members rostered that member may be replaced by a Councillor rostered on for another meeting.*

Cr Neill/Little

Cr Oldfield returned at 9.15 a.m.

10. CATEGORIES FOR CONTAMINATED SITES – CHANGE TO PROCESS

Mike Freeman (Director Regulation) introduced this item to amend the process of recommending categories for contaminated sites.

There was some discussion about whether the term “Entered in error” was the most appropriate. Dr Freeman said that he would discuss with senior staff and see if there was a more appropriate term that could be used. There was also a question asked about a situation where an initial categorisation was found to have been “Entered in error” whether the costs that may have been incurred by a person would be reimbursed by Environment Canterbury. Dr Freeman said that he considered that each individual situation would have to be looked at on its merits. However, he said that if a serious error had been made by staff it may be appropriate to meet a person's actual and reasonable costs.

Resolved

That the Council approves:

- (a) Replacement of Figures 3.1 and 3.2 in the Contaminated Land Information Management Strategy (ECan 2007) (section 3.3.1) with the proposed new flow charts.***
- (b) Deletion of references to RMOG officers in section 3.2 and 3.3.2 and 3.3.3 of the Strategy.***

Cr Little/Cr Waters

11. COMMITTEE REPORTS

11.1 REPORT OF THE FINANCE AND AUDIT COMMITTEE

Cr Kirk, Chairman of the Finance and Audit Committee presented the report (tabled) of the Committee meeting held on 19 September 2007.

Resolved

- (a) That the report of the Finance and Audit Committee held on 19 September 2007 be received.***
- (b) That the Council adopts the financial information contained in the Annual Report.***

Cr Kirk/Cr Budd

11.2 REPORT OF THE REGIONAL PLANNING COMMITTEE

Cr Budd, Chairman of the Regional Planning Committee presented the report (tabled) of the Committee meeting held on 19 September 2007.

It was moved by Cr Budd, seconded by Cr Waters that the recommendations relating to items 1 and 2 of the report of the RPC be adopted.

A division was called for and the motion was carried, the voting being as follows:

Unconfirmed

For (8)	Against (4)	Abstention (1)	Absent (1)
Cr Budd	Cr Slee	Cr Oldfield	Cr Woods
Cr Cunningham	Cr Little		
Cr Carroll	Cr McKay		
Cr Burke	Cr Johnston		
Cr Kirk			
Cr Wagner			
Cr Neill			
Cr Waters			

Resolved

- (a) *That the report of the Regional Planning Committee held on 19 September 2007 be received.*
- (b) *That the Council adopt the policy directions outlined in the Proposal, as amended, as the basis for further analysis and drafting specific provisions for the Canterbury Regional Policy Statement with respect to Air Quality, Waste, Contaminated Sites and Hazardous Substances.*
- (c) *That the Council adopt and publicly notify, in accordance with Schedule 1 of the Resource Management Act, as a Variation (to amend Schedule WQN1 of Chapter 5 of the Proposed NRRP) to incorporate into the proposed NRRP the minimum flow and allocation regimes recommended for the Conway River/Tutaeputaputa catchment, and including the associated RMA Section 32 Report, and Community Advisory Group Report.*
1. *That the minimum flow site for the Charwell River be maintained at Stag and Spey Road Bridge at or about NZMS 260 O31:3909-6000 for all abstractions on the Charwell River.*
 2. *That a minimum flow of 350 L/s be maintained at Stag and Spey Road Bridge at or about NZMS 260 O31:3909-6000. This recommendation adequately provides for the values set out in Objective WQN1 of the Proposed NRRP.*
 3. *That an allocation regime for the Charwell River be set as follows:*
 - *A allocation block of 190 L/s for the period of October to April with a minimum flow of 350 L/s; and*
 - *No further consents should be granted for surface water takes or groundwater takes with stream depletion effects; and*
 - *No new entrants within the 190 L/s, to protect reliability of supply to downstream users, and*
 - *A allocation block of 190 L/s for the period of May to September with a minimum flow of 350 L/s; and*
 - *B allocation block of 100 L/s for the period of October to April with abstractions ceasing at a flow of 730 L/s.*

Unconfirmed

4. ***That the minimum flow site for the Upper Conway River/Tutae Putaputa be maintained at SH70 Bridge at or about NZMS 260 O31:3263-6044 for all abstractions above the confluence with the Charwell River.***
5. ***That a minimum flow of 550 L/s be maintained at SH70 Bridge at or about NZMS 260 O31:3263-6044. This recommendation adequately provides for the values set out in Objective WQN1 of the Proposed NRRP.***
6. ***That an allocation regime for the Upper Conway River/Tutae Putaputa be set as follows:***
 - ***A allocation block of 60 L/s for the period of October to April with a minimum flow of 550 L/s; and***
 - ***No further consents should be granted for surface water takes or groundwater takes with stream depletion effects; and***
 - ***No new entrants within the 60 L/s, to protect reliability of supply to downstream users; and***
 - ***A allocation block of 60 L/s for the period of May to September with a minimum flow of 550L/s; and***
 - ***B allocation block of 100 L/s for the period of October to April with abstractions ceasing at a flow of 670 L/s.***
7. ***That the minimum flow site for the middle reach of the Conway River/Tutae Putaputa be located at SH1 Bridge at or about NZMS 260 O32:446-451 for all abstractions between the confluence of the Charwell River and Conway Flat Road Bridge.***
8. ***That a minimum flow of 1060 L/s be set at SH1 Bridge at or about NZMS 260 O32:446-451. This recommendation adequately provides for the values set out in Objective WQN1 of the proposed NRRP.***
9. ***That an allocation regime for the middle reach of the Conway River/Tutae Putaputa be set as follows:***
 - ***A allocation block of 83 L/s for the period of October to April with a minimum flow of 1060 L/s; and***
 - ***No further consents should be granted for surface water takes or groundwater takes with stream depletion effects; and***
 - ***No new entrants within the 83 L/s, to protect reliability of supply to downstream users; and***
 - ***A allocation block of 83 L/s for the period of May to September with a minimum flow of 1060 L/s; and***
 - ***B allocation block of 100 L/s for the period of October to April with abstractions ceasing at flow of 1226 L/s.***
10. ***That the minimum flow site for the lower reach of the Conway River/Tutae Putaputa, between Conway Flat Bridge and the coast, be located at SH1 Bridge at or about NZMS 260 O32:4424-4530.***
11. ***That a variable minimum flow be set as follows:***
 - ***May to September: 1060 L/s at or about NZMS 260 O32:4424 -4530.***

- **October to December: a residual flow greater than or equal to the rate of take measured immediately downstream of the point of take.**
- **January and February: 0 L/s**
- **March and April: a residual flow greater than or equal to the rate of take measured immediately downstream of the point of take.**

12. That an allocation regime for the lower reach of the Conway River/Tutae Putaputa, from Conway Flat Bridge to the coast be set as follows:

- **A allocation block of 250 L/s for the period of October to April with a variable minimum flow set as follows:**
 - a) October to December: a residual flow greater than or equal to the rate of take immediately downstream of the point of take.**
 - b) January and February: 0 L/s (no minimum flow)**
 - c) March and April: a residual flow greater than or equal to the rate of take immediately downstream of the point of take; and**
- **No further consents should be granted for surface water takes of groundwater takes with stream depletion effects; and**
- **A allocation block of 250 L/s for the period of May to September with a minimum flow of 1060 L/s; and**
- **B allocation block of 100 L/s for the period of October to April with abstractions ceasing at a flow of 1560 L/s.**

Cr Budd/Cr Waters

11.3 REPORT OF THE REGIONAL LAND TRANSPORT COMMITTEE

Cr Waters, Chairperson of the Regional Land Transport Committee presented the report of the Committee meeting held on 25 September 2007. It was commented that the Minister of Transport joined Committee members for lunch, followed by informal discussions and a helicopter flight to see issues first hand.

There was discussion on the significance of the Canterbury Regional Land Transport Strategy review item and the major achievements for Canterbury local authorities to have a totally integrated financial package going to Central Government.

Resolved

- (a) That the report of the Canterbury Regional Land Transport Committee held on 25 September 2007 be received.**
- (b) That the Annual Monitoring Report for 2006/07, as amended, be adopted.**
- (c) That, subject to due consideration being given to the issues raised by the Committee, the Council:**

1. *receives and endorses the Canterbury Transport Regional Implementation Plan 2007, subject to the Chairperson of the Transport Officers Group approving any further minor technical amendments, and*
2. *adopts the draft Canterbury Regional Land Transport Strategy and the draft Canterbury Regional Travel Demand Management Strategy, including any amendments arising from discussion of this item, for public consultation under the Land Transport Act 1998, and*
3. *provides for the Chairperson of the Transport Officers Group to approve any further minor technical amendments to the draft Canterbury Regional Land Transport Strategy and the draft Canterbury Regional Travel Demand Management Strategy, prior to its release to the public, and*
4. *endorses the dRLTS and dTDM hearing process (above) and agrees to form a sub-committee at the first RLTC meeting in 2008 to hear and make recommendations on submissions, and*
5. *endorses Environment Canterbury approaching government for a transport funding assistance package, with the aim of enabling delivery of the full ten-year programme as outlined in the TRIP, and for R funding to be reallocated should the request be successful, and*
6. *supports the Chairperson of Environment Canterbury to present a funding assistance package request to Government in October, prepared with input from approved organisations' chief executives and based on the analysis contained within the TRIP, the dRLTS and chief executive briefings.*

Cr Waters/Cr Little

Item 13 was taken at this time.

13. MINUTES OF MEETING FOR INFORMATION

Cr Cunningham presented the report of the Canterbury Civil Defence and Emergency Management Group Joint Committee meeting held on 27 August 2007. There was discussion on the inability of the meeting to commence as there were insufficient members present to make a quorum within ten minutes of the scheduled start time (Standing Orders 3.5.1).

Resolved

That the record of the Canterbury Civil Defence and Emergency Management Group Joint Committee be received.

Cr Cunningham/Cr McKay

Morning tea was taken from 10.30 a.m. until 10.55 a.m.

12. ANNUAL REPORT 2006/2007

Wayne Thomas (Director Finance and Corporate Services) presented this item to adopt the Annual Report 2006/07 and Annual Report Summary 2006/07.

A supplementary paper was tabled detailing adjustments made to the Annual Report and Summary since circulation of the Council agenda. Neil Pilbrow (Portfolio Manager Finance and Corporate Services) talked to the non-financial adjustments in the supplementary paper. Helen Sellwood (Finance Manager) presented the minor adjustments made to the financial information and tabled an additional paper, page 83, detailing a positional change to figures relating to the minority interest of AgriQuality shares. She drew attention to the recommendation in the supplementary paper requesting exemption for the Council Controlled Organisation Living Canterbury Limited, which was omitted from previous papers.

Resolved

(a) That the Council exempts Living Canterbury Limited from inclusion in the Annual Report.

(b) That the Annual Report and Annual Report Summary for the year ended 30 June 2007 be adopted, subject to the receipt of a clear audit opinion.

Cr Kirk/Cr Budd

Julian Tan and Richard Ng, Audit NZ, were in attendance and following the Council acceptance of the minor changes presented in a supplementary paper to the agenda documents, issued an unqualified audit report.

(c) That audit certificates for the Annual Report and Annual Report Summary for the year ended 30 June 2007 be received.

Cr Kirk/Cr Budd

(d) That the audited Annual Report and Annual Report Summary for the year ended 30 June 2007 be adopted.

Cr Johnston/Cr Budd

14. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Helen Sellwood (Finance Manager) presented the financial summary of the Council's activities for the two months ended 31 August 2007.

Resolved

That the information on the financial reports for the period ending 31 August 2007 be received.

Cr McKay/Cr Kirk

15. CHIEF EXECUTIVE'S ITEMS

Bryan Jenkins (Chief Executive) presented the Chief Executive's items.

Resolved

That the Chief Executive's items be received.

Cr Budd/Cr Waters

**16. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/
SEMINARS**

Cr Johnston and Budd talked of their attendance at the recent Zone 5 meeting held in Blenheim.

Cr Burke briefed the meeting on his attendance at the Regional Affairs Committee held on 24 August.

Cr Waters talked about her attendance at the Sustainable Business Network Awards and advised that she was given by the Sustainable Business Network an appreciation award thanking her on her role as Environment Canterbury's liaison person and for attending meetings.

Cr McKay advised that Lake Pukaki levels were down considerably.

Cr Little reported on his attendance at the Varroa Agency AGM. The Agency have recommended to the Minister that following the discovery of Varroa in the South Island and the decision not to attempt eradication, that the Varroa Pest Management Strategy be revoked. The existing Board has been re-elected to oversee the disestablishment of the Agency.

Cr Cunningham briefed the meeting on the recent Ihutai Avon-Heathcote Estuary Trust AGM. She advised that Alex Drysdale was elected Chair of the Trust.

Cr Slee commented on the Waitaki Allocation Plan hearing process.

Cr Burke – Thanked Cr Wagner for her contribution as a Canterbury Regional Council councillor.

As it was Cr Wagner's final meeting, she took the opportunity to provide a valedictory speech.

Resolved

That the Councillor reports be received.

Cr Burke/Cr Johnston

17. NOTICES OF MOTION

There were no notices of motion.

18. QUESTIONS

There were no questions.

19. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary and urgent business.

20. MEETING WITH PUBLIC EXCLUDED

Resolved

That the public be excluded from the following part of the proceedings of this meeting, namely:

Minutes of 30 August 2007 Meeting and Matters Arising

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>Minutes of 30 August 2007 Meeting and Matters Arising</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	<i>Section 48(1)(a)</i>

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Maintain legal professional privilege 7(2)(g).

Cr Burke/Cr McKay

The meeting moved into public excluded session from 11.58 a.m. to 12.20 p.m.

21. NEXT MEETING – 11 OCTOBER 2007

22. CLOSURE

Prior to the meeting closure at 12.29 p.m. Councillors took the opportunity of expressing thanks to Cr Wagner for her considerable contribution in her role as a regional councillor, particularly as the former Chair of Finance and Audit and spokesperson for Public Passenger Transport.

CONFIRMED

DATE _____ CHAIRPERSON

AGENDA ITEM NO: 5	SUBJECT MATTER: DOMESTIC SEWAGE EFFLUENT – PROPOSAL TO VARY RULES WQL8 AND WQL9 IN THE PROPOSED NATURAL RESOURCES REGIONAL PLAN
REPORT: Council	DATE OF MEETING: 11 October 2007
FILE REFERENCES: CO9C/5	PORTFOLIO: Water PROJECT: OUTPUT:
REPORT BY: Philippa Lynch, Senior Consents Investigations Officer and Leo Fietje, Principal Consents Advisor	ENDORSED BY: Mike Freeman Director Regulation

PURPOSE

The purpose of this agenda item is to request approval from Council for Variation 14 of the Proposed Natural Resources Regional Plan (NRRP). Proposed Variation 14 involves amendments to Rules WQL8 and WQL9 in Chapter 4 (Water Quality) of the NRRP.

ATTACHMENTS

Copy of the proposed Variation 14 including the proposed amendments to Rule WQL8 and WQL9 of Chapter 4 in the NRRP, other related amendments and a supplementary section 32 analysis.

Resourcing and funding effects for proposed variation to WQL8 and WQL9

THE PROPOSAL

It is proposed that Rules WQL8 and Rules WQL9 of the NRRP be amended by way of a variation. The amendments to Rules WQL8 and WQL 9 are set out in the attached section 32 report.

The amendments will result in more discharges of domestic sewage effluent to land becoming permitted activities when drip irrigation land application systems are proposed. Variation 14 will achieve this by reducing the separation distances to groundwater, other discharge systems, and property boundaries if drip irrigation land application systems are proposed.

BACKGROUND

In the three years preceding the notification of Chapter 4 of the NRRP, approximately 300 resource consents were issued for the discharge of domestic sewage effluent into land. In the first three years since Chapter 4 in Variation 1 was notified, approximately 2,300 resource consents have been issued for the discharge of domestic sewage effluent into land. The significant increase in the number of on-site wastewater systems requiring resource consent has been largely due to their inability to meet the minimum separation distance from groundwater as specified in Condition 10(a) of Rule WQL8 and the minimum separation distance from property boundaries as specified in condition 12 of Rule WQL8.

The amendments to Rules WQL8 and Rule WQL9 are being proposed based on the following:

- The original analysis of these matters placed unnecessarily precautionary conditions on the discharges given more recent developments in wastewater treatment technology.
- There is scientific evidence that treatment levels achieved with drip irrigation systems are such that conditions on separation distances can be relaxed
- The relevant NRRP water quality objectives can still be achieved with a lesser level of separation distance.
- Shifting the onus on applying for consents for some activities to meeting a suite of permitted activity conditions is also more cost effective for the community and Environment Canterbury as the regulatory authority.

THE OUTCOME

Environment Canterbury would be able to prioritise the management of domestic sewage effluent discharges to those that are most likely to cause adverse effects on the environment.

OTHER OPTIONS

DO NOTHING

Environment Canterbury will continue to receive an increasing number of domestic sewage effluent discharge consent applications with minor adverse effects that will continue to result in extended delays to applicants and negligible environmental benefit.

CREATE A CONTROLLED ACTIVITY RULE

This approach would ensure that the costs associated with assessing these activities can be fully recovered from the applicant, rather than the community. This approach was discounted because it would continue to result in Environment Canterbury receiving an increasing number of domestic sewage effluent discharge consent applications with minor adverse effects that will result in extended delays to applicants and negligible environmental benefit. The overall costs would also be greater because of the administrative requirements associated with the consent process.

VIEWS OF AFFECTED AND INTERESTED PARTIES

All statutory consultation, as per Clause 3 of Schedule 1 of the RMA, has been undertaken.

When undertaking this consultation, all territorial authorities present at the meetings were supportive of the proposed amendments to reduce the separation distances to groundwater, other discharge systems and property boundaries if drip irrigation systems were used. They were also supportive of the other related amendments.

The amendments may provoke an adverse reaction from those applicants who have paid for resource consents since Chapter 4 of Variation 1 of the NRRP was notified and who may not have needed consent if they had applied after notification of the proposed Variation 14.

FINANCIAL AND TIMING

There will be costs to the general ratepayer associated with Variation 14 being notified. These costs are summarised in the second attachment.

If Council approve proposed Variation 14, it would be notified on 20 October 2007.

RECOMMENDATION

That the Council:

- (a) *Approves and publicly notifies, in accordance with Schedule 1 of the Resource Management Act, the attached Variation 14 to the Proposed Natural Resources Regional Plan (PNRRP) (to amend Rule WQL8 and WQL9 of Chapter 4 in the PNRRP and other related amendments) to incorporate into the PNRRP the reduced separation distances for drip irrigation land application systems, to amend the reference to the Building Act, to amend the reference to the media to be used in treatment trenches and to amend the reference to wastewater treatment via in-situ soils.*
- (b) *Adopts the Supplementary Section 32 Report.*
- (c) *Requests the Chief Executive to identify potential sources of funding for the estimated \$50,000 needed for the 2007/08 financial year for the increased determinations required to assess compliance with Rule WQL8.*

Proposed Natural Resources Regional Plan

Variation 14 (on-site wastewater treatment systems)

October 2007

Part 1: Background Proposed Natural Resources Regional Plan (NRRP) Variation 14

Introduction and summary of amendments to Rule WQL8 and Rule WQL9 of Chapter 4 in the NRRP, and other related amendments.

(NB. This background section is not part of Variation 14 to Chapter 4 and submissions need not be made on this section.)

1.1 Introduction of Variation 14

The purpose of Rule WQL8, as stated in Variation 1 of Chapter 4 of the NRRP, is to ensure that domestic sewage effluent, or effluent from commercial dog kennels or catteries, discharged from systems installed after the rule is notified, produce effluent that is adequately treated before it is discharged into land. In addition the purpose of Rule WQL8 is also to ensure appropriate safe-guards are in place to prevent the discharges contaminating water supplies used for drinking.

The following pages set out the proposed amendments to Rule WQL8 and Rule WQL9 in Chapter 4 and other related amendments. The amendments are being proposed because of the following:

- The original analysis of this matter placed unnecessarily stringent conditions on the discharges given more recent developments in treatment technology.
- There is scientific evidence that treatment levels achieved with drip irrigation systems are such that conditions on separation distances can be relaxed
- That relevant NRRP water quality objectives can still be achieved with a lesser level of separation distance.
- Shifting the onus on applying for consents for some activities to meeting a suite of permitted activity conditions is also more cost effective for the community and Environment Canterbury as the regulatory authority.

The amendments are to be incorporated by way of a Variation pursuant to the Resource Management Act 1991 (RMA) Schedule 1, section 16A.

1.2 Summary of amendments

- (a) Amend Figure WQL6 due to the subsequent amendments
- (b) Amend Rule WQL8 Condition 7(a) so that it refers to the most recent Building Act amendment.
- (c) Amend Rule WQL8 Condition 10 to reduce the separation distance between the discharge and groundwater if a drip irrigation land application system is installed.
- (d) Amend Rule WQL8 Condition 11 to reduce the separation distance between discharge systems if drip irrigation land application systems are installed.
- (e) Amend Rule WQL8 Condition 12 to reduce the separation distance between the discharge and property boundaries if a drip irrigation land application system is installed.
- (f) Amend Rule WQL8 Condition 14 to replace the grade of media referred to with a grade that is available in the Canterbury region, and to remove the option for wastewater to be treated using in-situ soils.

- (g) Amend Rule WQL8 Condition 15 to remove a reference to a sub-condition which has been deleted due to the above amendment.
- (h) Amend the explanation for Rule WQL8 as a consequence of the above changes.
- (i) Amend Table WQL7 to delete reference to Rule WQL9 due to subsequent amendment.
- (j) Deletion of Rule WQL9.
- (k) Delete the explanation for Rule WQL9 as a consequence of the above amendment.

1.3 How amendments are shown

Changes to the text are identified as follows:

Additions arising from Variation 14 are in *italics*.

Deletions arising from Variation 14 are shown as ~~striketrough~~.

[Please note that submissions should only be made in relation to the matters that are set out in Part 2].

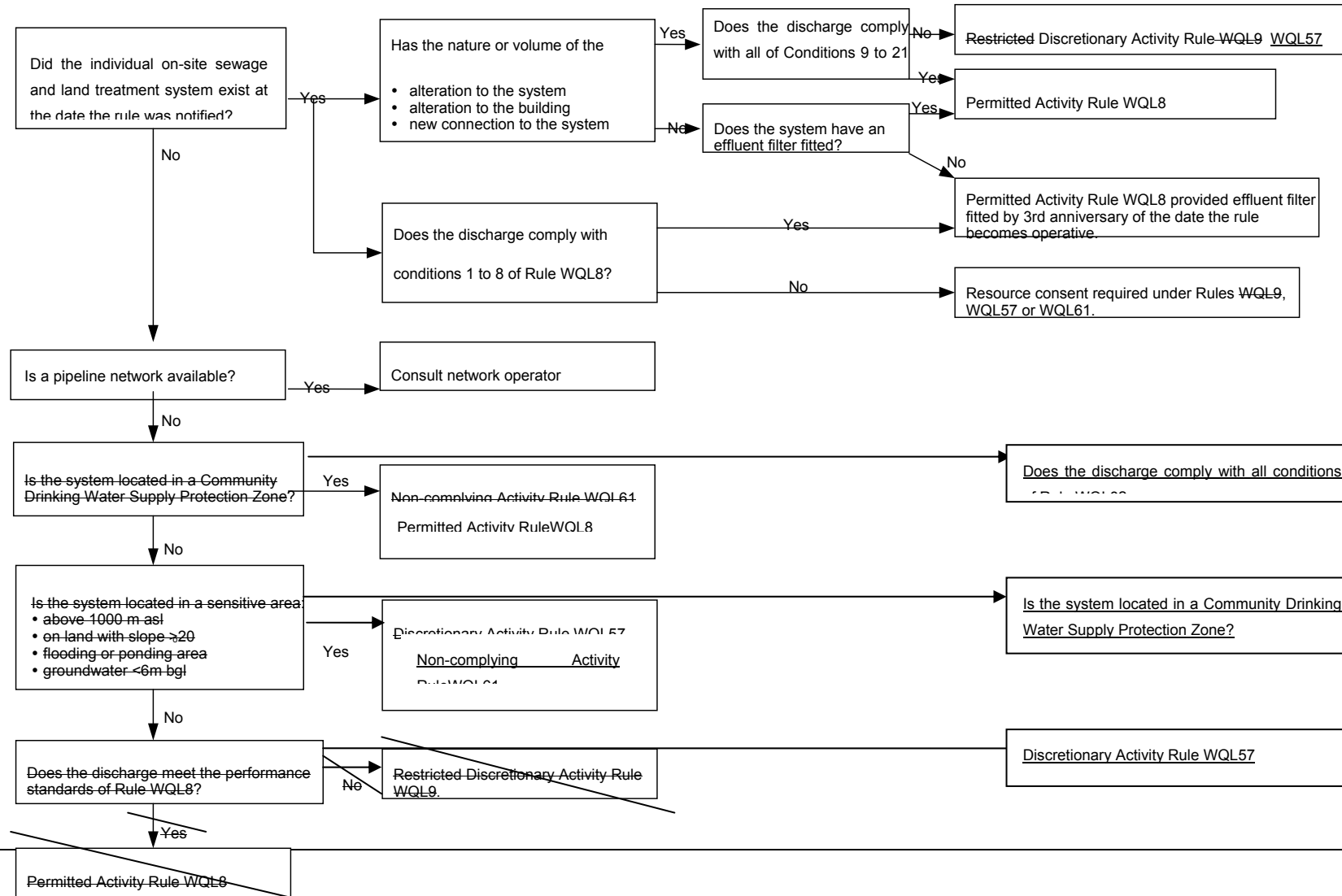
Part 2: NRRP Variation 14 Amendments to Rule WQL8

2.1 Amend Rule WQL8

2.1.1 Amend Figure WQL6 (page 4 – 106) to read as follows:

Figure WQL6 Flow Diagram for Discharges from Individual On-site Sewage and Wastewater Treatment Systems (This diagram is for information only and does not comprise part of a regional rule)

Where the discharge of sewage effluent from a site occurs to a network operated by a network utility operator, usually the district council, there is no requirement for that discharge to be authorised under this plan, but permission may be required from the network utility operator.



2.1.2 Amend Rule WQL8 (commencing page 4 – 107) to read as follows:

Rule WQL8 Discharge of contaminants onto or into land from an individual on-site sewage and wastewater treatment and land application system - permitted activity

Activity	Conditions	Cross reference
<p>The discharge of contaminants onto or into land from an individual on-site sewage and wastewater treatment and land application system including effluent from a commercial dog kennel or cattery:</p> <p>(a) which exists at the date of notification of this rule, or</p> <p>(b) for which consent under the Building Act 1991 has been issued or an application has been accepted; or</p> <p>(c) for which consent under the Building Act 1991 is applied for and issued after the date of notification of this rule;</p> <p>is –</p> <p>1. a permitted activity if the discharge:</p> <p>(a) exists at the date of notification of this rule and the discharge complies with Conditions 1 to 8 of this Rule, or</p> <p>(b) for which consent under the Building Act 1991 has been issued or an application has been accepted and the discharge complies with Conditions 1 to 8 of this Rule; or</p> <p>(c) is from a building for which consent under the Building Act 1991 is applied for and issued after the date of</p>	<ol style="list-style-type: none"> 1. The discharge shall only comprise: <ol style="list-style-type: none"> (a) domestic sewage effluent; or (b) animal effluent or washdown water from a commercial dog kennel or a cattery. 2. The maximum volume of the discharge from an individual system shall not exceed two cubic metres per day. 3. The sum of all the discharges on a property shall not exceed: <ol style="list-style-type: none"> (a) three cubic metres per day on a property of up to eight hectares; or (b) four cubic metres per day on a property of between eight and forty hectares; or (c) six cubic metres per day on a property of between forty and 200 hectares; or (d) ten cubic metres per day on a property of more than 200 hectares. 4. The discharge shall not result in effluent or washdown water flowing, seeping, or ponding on the surface of the ground. 5. There is no sewerage pipeline network available to collect the discharge. A connection shall be made to a sewerage pipeline network within six months of a network becoming available. For the purpose of this condition, “available” means: <ol style="list-style-type: none"> (a) a sewerage pipeline network system passes within 30 metres of the property boundary; and (b) the network operator will accept the discharge. 6. A discharge that existed prior to notification of this rule is authorised under this rule provided an effluent filter shall be fitted in accordance with Condition 16 by the third anniversary of the date this rule becomes operative. 	<p>Policies</p> <p>WQL 2</p> <p>WQL6</p> <p>WQL7</p> <p>WQL8</p> <p>WQL12</p>

<p>notification of this rule and the discharge complies with all of the conditions of this rule.</p> <p>2. a restricted discretionary activity if the discharge does not comply with any one or more of Conditions 2, 3, 6, 7, 14 to 21, or 23 of this Rule, in which case a resource consent under Rule WQL 9 is required;</p> <p>3. a discretionary activity if the discharge does not comply with any one or more of Conditions 1, 5, and 9 to 12, 14 to 21 or 23 of this Rule, in which case a resource consent under Rule WQL 57 is required;</p> <p>4. a non-complying activity if the discharge does not comply with any one or more of Conditions 4, 8 or 22 of this Rule, in which case a resource consent under Rule WQL 61 is required;</p> <p>5. a prohibited activity if the discharge does not comply with Condition 13 of this Rule, in which case no resource consent will be granted under Rule WQL15.</p>	<p>7. When there is a change to the nature or volume of the discharge, or any modification to the system, as a result of:</p> <p>(a) an alteration of a building that requires authorisation under the Building Act 19912004; or</p> <p>(b) the connection to the system of a new or replacement building, or relocated building; or</p> <p>(c) any alteration to the existing system, excluding routine maintenance of the system or fitting an effluent filter in accordance with Condition 6;</p> <p>(b) the discharge shall comply with Conditions 9 to 21 inclusive of this rule.</p> <p>8. Where the discharge occurs in a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2, or within the Christchurch Groundwater Protection Zone 1, or Sub-Zones 1A, 1B, 1C or 1D, or Zone 2 the discharge shall comply with Conditions 10 to 21 of this rule:</p> <p>(a) by the fifth anniversary of the date this rule becomes operative; or</p> <p>(b) when there is a change to the nature or volume of the discharge or any modification to the system under Condition 7.</p> <p>9. The discharge shall not occur:</p> <p>(a) within 20 metres of a river, lake, artificial watercourse, or the Coastal marine area; or</p> <p>(b) at an elevation higher than 1000 metres above sea level; or</p> <p>(c) on land with an average slope greater than 20 degrees; or</p> <p>(d) on land:</p> <p>(i) that is likely to be flooded from a river or lake in an event with an Annual Exceedance Probability of two percent (1 in 50 year event) or more; or</p> <p>(ii) where water is likely to pond in a rainfall event with an Annual Exceedance Probability of two percent (1 in 50 year event) or more; or</p> <p>(e) within 20 metres of the boundary of a wetland;</p>	
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	<ul style="list-style-type: none"> (i) listed in <i>Schedule WTL 1: Moderate and higher significance wetlands</i>; or (ii) any other wetland unless the taking, use, damming or diversion of water is permitted under Rule WTL2 or Rule WTL3. 	
<p style="text-align: center;">Where rule applies</p> <p>This rule does not apply to all areas/ situations in the Canterbury region – see Table WQL 7: Index of rules</p>	<p>10. The discharge shall not occur where the land is located over:</p> <ul style="list-style-type: none"> (a) an unconfined or semi-confined aquifer, where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data is; is less than six metres from the ground surface; or: <ul style="list-style-type: none"> (i) <u>less than two metres from the ground surface; or</u> (ii) <u>less than six metres but at least two metres from the ground surface unless the land application consists of a drip irrigation system as described in Condition 14(b); or</u> (iii) <u>six metres or more from the ground surface unless the land application system consists of a treatment trench, bed or mound as described in Condition 14(a) or a drip irrigation system as described in Condition 14(b); or</u> (b) the Coastal Confined Gravel Aquifer System, and there is: <ul style="list-style-type: none"> (i) less than two metres of undisturbed material between the point of discharge and the Aquifer 1; or (i) less than two metres of unsaturated sediment above any water table overlying Aquifer 1. 	
	<p>11. Separation distances shall be maintained:</p> <ul style="list-style-type: none"> (a) between a well and a discharge system that occurs outside of a Community Drinking Water Supply Protection Zone, as specified in Part A of Schedule WQL6 ; or <u>and</u> (b) between discharge systems, as specified in Part B of Schedule WQL6 <u>unless the land application system consists of a drip irrigation system as described in Condition 14(b) and the site in addition to all adjacent properties are either on a reticulated water supply and/or are one</u> 	

	<p><u>hectare or more in size.</u></p> <p>12. The minimum separation distance between the discharge and a property boundary shall be:</p> <p>(a) 50 metres to the down gradient boundary in the direction of groundwater flow at the site; and</p> <p>(b) 30 metres to any other property boundary.</p> <p>(a) <u>50 metres to the down gradient boundary in the direction of groundwater flow at the site and 30 metres to any other property boundary; or</u></p> <p>(b) <u>two metres to any property boundary if the land application system consists of a drip irrigation system as described in Condition 14(b).</u></p> <p>13. There shall be no discharge of sewage effluent directly to surface water or directly into groundwater.</p> <p>14. The land application system shall consist of either:</p> <p>(a) a treatment trench, bed or mound; bed or beds:</p> <p>(i) with media of at least 600 millimetres thick; and,</p> <p>(ii) of which the media shall be <u>of a grade that fits within the 2A envelope on the diagram in Schedule WQL8</u> sand with a grain size between 0.3 millimetres and 1.0 millimetre with a uniformity coefficient of 4, and at the time of construction, contain no clay, limestone or organic material; and</p> <p>(iii) to which the discharge is pumped, or is dosed in fixed quantities, so that the effluent is applied to the treatment <u>trench, bed or mound</u> beds evenly at a rate of not more than 50 millimetres per day; or</p> <p>(b) a pressure compensating drip irrigation system through which the discharge is applied evenly, and at a rate of not more than five millimetres per day <u>which shall not exceed the value in Table 4.2A4 in the Australian/New Zealand Standard 1547:2000 On-site domestic wastewater management for the soil type at the site.</u>; or</p> <p>(c) insitu soil to which the discharge is applied evenly and at a rate which shall not exceed the value for the type of discharge system and soil type</p>	
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	<p>in Table 4.2A1, Table 4.2A2, Table 4.2A3, or Table 4.2A4 in the Australian/New Zealand Standard 1547:2000 <i>On-site domestic wastewater management</i>.</p> <ol style="list-style-type: none"> 15. Where the land application system consists of a treatment <u>trench</u>, bed or <u>mound</u>, beds or insitu soil, as specified in Condition 14(a) or 14(c), there shall be sufficient additional land available on the property to allow a replacement land application system to be installed. 16. The effluent shall pass through a proprietary effluent filter before discharge to the land application system. 17. A copy of the design plan of the treatment and land application system or soakage hole shall be submitted to Environment Canterbury at least twenty working days prior to the installation of the system. 18. When the construction of the treatment and land application system or soakage hole is completed: <ol style="list-style-type: none"> (a) the work shall be certified by a suitably qualified and competent person as having been carried out in accordance with the design plan; and (b) a copy of the certificate shall be forwarded to Environment Canterbury within twenty working days following completion of the work. 19. The treatment and land application system shall be operated and maintained in accordance with the system's design specification for maintenance. 20. The primary treatment tank or chamber shall: <ol style="list-style-type: none"> (a) have an access point or points for inspecting and maintaining the effluent filter, monitoring the accumulation of sludge and desludging the tank or chamber. The access point or points shall be accessible for these purposes at all times; and (b) be inspected at least once a year and the depth of accumulated sludge in the primary treatment tank or chamber measured; and (c) be desludged when the accumulated scum and sludge occupy more than two thirds of the volume of the tank or chamber. 	
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	<p>21. The following information shall be recorded, and a copy of these records made available to Environment Canterbury upon request:</p> <ul style="list-style-type: none">(a) maintenance of the treatment and land application system, including inspection, desludging or remedial work; and(b) date works are undertaken and the name of the company and person undertaking the work. <p>22. The discharge shall not occur within a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2.</p> <p>23. The discharge may occur via a soakage hole provided:</p> <ul style="list-style-type: none">(a) the discharge is from a system for which Building Consent was issued after the date of notification of this rule; and(b) the discharge is located within Zone SM as shown on Map Volume Part 1- Planning Maps; and(c) the discharge also complies with Conditions 1 to 5, 9, 11, 13, 17, 18, 20, 21, and 22, of this rule but does not need to comply any other condition of this rule;(d) the effluent shall pass through a proprietary effluent filter before discharge; and(e) the depth of the soakage hole does not exceed three metres.	
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2.1.3 Amend 4.8.9 Rule WQL8 (commencing page 4 – 203) to read as follows:

Rule WQL8 Discharge of contaminants onto or into land from an individual on-site sewage and wastewater treatment and land application system

This rule authorises as a permitted activity discharges into land from individual sewage effluent treatment disposal systems, including commercial catteries and kennels, that exist at the date the rule is publicly notified, provided these meet Conditions 1 to 8 of the rule. Discharges commencing for the first time after the date of notification are a permitted activity, provided the activity meets all of the conditions of the rule.

The purpose of the rule is to ensure that domestic sewage effluent, or effluent from commercial dog kennels or catteries, discharged from systems installed after the rule is notified produce effluent that is adequately treated before it is discharged into land, and that appropriate safe-guards are in place to ensure that the discharges will not threaten water supplies used for drinking. The conditions of the rule reflect the minimum requirements set out in the current Australian/New Zealand Standards for on-site domestic-wastewater systems and management. Effluent from commercial dog kennels or catteries is of a similar nature to domestic effluent, and therefore can and must be treated in the same way as domestic sewage, before discharge into land.

The preferred method of domestic sewage effluent treatment and discharge is through a reticulated pipeline network and community treatment system (Condition 5). Where a sewerage network runs within 30 metres of the boundary of the property and the operator of the network will accept the sewage effluent it is expected that the household will connect to the network. However, many buildings in rural Canterbury are not able to be connected to a municipal or community reticulated sewerage system. There are estimated to be about 30,000 individual domestic on-site sewage effluent treatment and discharge systems in the region. Discharges of sewage effluent into land can have significant adverse effects on groundwater quality, particularly if the effluent has not been adequately treated before discharge and the unconfined groundwater is close to the ground surface. Once in the groundwater contaminants in the sewage, particularly micro-organisms, can travel extensive distances and threaten the quality of groundwater used for drinking.

The effect of discharges on the environment depends on the amount of effluent from any point discharge and the spatial distribution of the discharges. As land becomes more intensively subdivided the concentration of sewage tank discharges increases and the cumulative contamination of unconfined aquifers increases. Where groundwater is in a confined aquifer and/or the soils are not free-draining, the cumulative contamination of surface water bodies increases as a result of runoff from poorly performing sewage tanks and discharge systems. The volume of the discharge from any single system authorised under this rule is limited to two cubic metres per day (Condition 2). This volume could be expected to be produced from a large household (10+ persons). The maximum volume discharged from a property is also limited, but allows for several systems to be installed on larger properties (Condition 3).

The effluent needs to stay beneath the ground to avoid contact with humans, animals or insects who or which may contract or spread disease-causing organisms in the effluent (Condition 4).

In areas where existing sewage effluent discharges may pose a risk to groundwater quality the rule requires that, over the next ten years, improvements to increase the

effectiveness of the effluent treatment systems are implemented. Priority areas for these improvements have been identified, with the highest priority being discharges in Community Drinking Water Supply Protection Zones.

Anecdotal evidence suggests that waste treatment systems are not always adequately maintained. It is not practical to require all existing discharges in the region to be upgraded to meet the current national treatment standards. Therefore, all existing discharges are authorised, but there is a requirement for an effluent filter to be fitted to existing sewage tanks within three years of the rule becoming operative. (Condition 6). Filters can readily be fitted to septic tanks and are a simple and cost effective way of improving the effectiveness and increasing the life of the treatment and disposal systems by preventing solids passing from the sewage tank into the treatment and disposal system (Conditions 6 and 18).

Because of the high risk to human health from the transmission of pathogenic organisms through water which has been contaminated with sewage effluent, existing discharges which are located in a Community Drinking Water Supply Protection Zone will be expected to meet the provisions of the rule as they apply to newly installed systems within 5 years of the rule becoming operative (Condition 8). In other areas the risk of disease transmission from sewage discharges is less, but remains a significant potential threat to human health, if the effluent is not effectively treated and discharged.

When a dwelling or building is constructed, treatment systems are designed and installed to treat a certain volume of discharges. If there is a change to the nature or volume of an existing discharge, such as a result of a building upgrade, or the installation of additional toilets, or showers, it is important that the existing treatment system is also modified and upgraded so that the additional volume of wastewater and contaminant load is adequately treated before discharge (Condition 7)

By maintaining minimum separation distances between discharge systems and property boundaries, ~~particularly down gradient in the groundwater flow direction,~~ then property owners should be able to prevent contamination by pathogens of neighbours' water supplies from shallow wells (Condition 11 and 12). If those minimum distances cannot be met, then the effects on water quality need to be assessed on an individual basis. The separation distances to boundaries is to ensure that the discharge is not likely to contaminate groundwater to the extent that the discharge would prevent neighbouring landowners from being able to access potable water at their boundary.

The separation distance between the discharge and groundwater is a fundamental requirement to prevent degradation of water quality. In situations where the groundwater is in an unconfined or semi-confined aquifer there is no natural barrier to prevent contaminants entering groundwater, however the time that it takes for contaminants to move through the unsaturated subsurface material before entering groundwater does provide time for micro-organisms in the effluent to die-off. In areas of shallow groundwater, there is a significant risk that effluent will enter the groundwater. Therefore, new discharges in these areas where groundwater is shallow ~~closer than 6 metres to the ground surface~~ will require resource consent so that the adverse effects of the activity can be assessed, and appropriate conditions imposed on the discharge permit to ensure adverse effects are acceptable (Condition 10(a)).

Where the groundwater beneath the site is in the Coastal Confined Gravel Aquifer Zone at least two metres of the undisturbed low permeability sediment must remain undisturbed beneath the discharge (Condition 10(b)). This material will provide

adequate filtering and absorption to minimise the risk of contaminants entering the groundwater.

~~The separation distances to the down gradient property boundary, and other property boundaries, (Condition 11) means that the discharge should not significantly impact on the quality of groundwater beneath a neighbouring property. Requiring this separation distance means that when land is subdivided the potential effects of individual sewage effluent discharges, and the cumulative effects of a number of discharges can be avoided.~~

Sewage effluent, once discharged into land can move laterally as well as vertically. Floodwater can also remove the contents of domestic sewage system and deposit the contaminants on the land or buildings creating a risk to public health. Therefore, it is necessary to set the disposal system back from surface water bodies. The installation of sewage discharge systems on land which is steeply sloping, or where the land is likely to be flooded by river or rainfall events, or at high altitudes where air or ground temperatures reduce the efficiency of treatment systems, will have specialised design requirements and the effects on the environment of the discharge will need to be assessed on a site-by-site basis. Therefore, the discharge of sewage effluent in these areas is not a permitted activity and will be considered as a discretionary activity (Condition 9).

Maximum use needs to be made of the ability of the land application system to break down contaminants and prevent the contamination of groundwater. There are options for the type of land application system which can be used to treat and discharge the effluent (Condition 14). These options are consistent with the Australian/New Zealand Standard *On-site domestic-wastewater management AS/NZS 1547:2000*. A requirement of the Standard is that sufficient land needs to be made available on a site to install a replacement system should the original land application system fail (Condition 15).

Direct discharges of sewage into groundwater or surface water are not acceptable for a range of reasons including adverse effects on water quality, public health, Ngāi Tahu values and cultural values (Condition 13). These discharges are prohibited under Rule WQL 15.

The design of the sewage effluent treatment and discharge system must be suitable for the site and environment in which it is to be located. Therefore, the design plan for the system is to be assessed by Environment Canterbury prior to construction, and following construction the system certified to ensure it meets the design requirements (Conditions 17 and 18).

The correct operation and maintenance of the system is critical to ensure that the system continues to perform effectively throughout its lifetime. Ensuring there is adequate volume in the tank to allow sufficient retention time in the sewage tank to effectively treat the effluent is an important aspect of the operation and maintenance of sewage tanks. This maintenance includes assessing the accumulation of sludge in the sewage tank, and removing the sludge when it occupies more than two thirds the volume of the tank. Records of the maintenance are to be retained to verify that maintenance has been undertaken (Conditions 19, 20 and 21).

Where new sewage tank treatment and discharge systems are to be installed within a Community Drinking Water Supply Protection Zone, the effects of the discharge on the groundwater quality, and particularly those effects on the quality of the source water for the community supply, need to be assessed on a case-by-case basis (Condition 22). A discharge of sewage effluent in such areas will be considered as a non-complying activity.

Discharges of sewage tank effluent into soak-holes in unconfined groundwater are a significant source of contamination of unconfined groundwater. Where the unconfined groundwater is greater than 50 metres below the ground surface however, there is sufficient thickness of material to filter out contaminants and allow microbiological contaminants to die-off. Therefore, soakage holes can be used to dispose of septic tank effluent with an acceptably low risk in certain specified areas, identified as Zone SM on the planning maps (Condition 23).

2.2 Delete Rule WQL9

2.2.1 Amend Table WQL7: Index of Rules

Amend Table WQL7: Index of Rules as follows:

Table WQL7 Index of Rules

Each rule in the Index table below applies everywhere in the region landward of the Coastal marine area unless the area covered by the rule is specifically limited to the area identified in the left hand column of the Index adjacent to a rule.

If a discharge or land use fails to comply with one or more conditions in a rule, then the activity will be considered under the most restrictive type of rule activity specified for any of the conditions that cannot be complied with.

Where rule applies	Rule No.	Activity type	Description	Activity Status	Page No.
Anywhere in the Canterbury region, except where a discharge to surface water is controlled by the Opihi River Regional Plan, or the Proposed Waimakariri River Regional Plan.	WQL1	Discharge	Point source discharge of water or a contaminant into a surface water body, or onto land which may result in water or a contaminant entering a surface water body.	Permitted	93
	WQL2	Discharge	Point source discharge of a contaminant onto or into land where the contaminant may enter groundwater	Permitted	95
	WQL3	Discharge	Discharge of pool water or filter backwash water containing contaminants into a river or artificial water course, or pool water containing contaminants onto or into land.	Permitted	96
	WQL4	Discharge	Discharge of a water tracer to groundwater or surface water	Controlled	98
	WQL5	Discharge	Discharge of stormwater containing contaminants onto or into land	Permitted	100
Anywhere in the	WQL6	Discharge	Discharge of stormwater containing contaminants into a	Permitted	102

Where rule applies	Rule No.	Activity type	Description	Activity Status	Page No.
Canterbury region, except where a discharge to surface water is controlled by the Opihi River Regional Plan, or the Proposed Waimakariri River Regional Plan.			river, lake or artificial water course		
	WQL7	Discharge	Discharge of stormwater containing contaminants onto or into land or into a river, lake or artificial water course from a stormwater management area	Controlled	104
	WQL8	Discharge	Discharge of contaminants onto or into land from an individual on-site sewage and waste water treatment and land application system.	Permitted	107
	WQL9	Discharge	Discharge of contaminants onto or into land from an individual on-site sewage and waste water treatment and land application system that does not meet certain conditions of Rule WQL8	Restricted Discretionary	410
	WQL10	Discharge	Discharge of grey water from a dwelling house into land	Permitted	112
	WQL11	Discharge	Discharge of pit toilet effluent into land	Permitted	113
	WQL12	Discharge	Discharge of domestic sewage sludge into land	Controlled	114
	WQL13	Discharge	Discharge of aerobically composted domestic sewage onto or into land	Permitted	115

...

2.2.2 Delete Rule WQL9 in its entirety as follows:

Rule WQL 9 – Discharge of contaminants onto or into land from an individual on-site sewage and wastewater treatment and land application system that does not meet certain conditions of Regional Rule WQL8 – restricted discretionary activity

Activity	Conditions	Restriction of Discretion	Cross reference
<p>The discharge of contaminants onto or into land from an individual on-site sewage and wastewater treatment and land application system including effluent from a commercial dog kennel or cattery; is—</p> <ol style="list-style-type: none"> 1. a restricted discretionary activity if the discharge does not comply with any one or more of Conditions 2, 3, 6, 7, 14 to 21, or 23 of Rule WQL 8, but does comply with all of the conditions of Rule WQL9; 2. a discretionary activity if the discharge does not comply with any one or more of Conditions 1, 5, and 9 to 12 of Rule WQL8, any one or more of Conditions 1 to 3 of Rule WQL 9 in which case a resource consent under Rule WQL 57 is required; 3. a non-complying activity if the discharge does not comply with any one or more of Conditions 4, 8 or 22 of Rule WQL8, or any one or more of Condition 4 of Rule WQL 9, in which case a resource consent 	<ol style="list-style-type: none"> (1) The discharge shall not occur: <ol style="list-style-type: none"> (a) within 20 metres of a river, lake, artificial watercourse, or the Coastal marine area; or (b) at an elevation higher than 1000 metres above sea level; or (c) on land with an average slope greater than 20 degrees; or (d) on land: <ol style="list-style-type: none"> (i) that is likely to be flooded from a river or lake in an event with an Annual Exceedance Probability of two percent (1 in 50 year event) or more; or (ii) where water is likely to pond in a rainfall event with an Annual Exceedance Probability of two percent (1 in 50 year event) or more. (2) Separation distances shall be maintained as follows: 	<p>Environment Canterbury has restricted its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. adverse effects including cumulative adverse effects of the discharge and other discharges on groundwater quality and emerging surface water; 2. adverse effects on human and stock health; 3. design, installation and maintenance of the treatment system, including effluent filters and land disposal system, including the availability of reserve areas of land for land disposal; 4. the monitoring of the activity and its effects; 5. duration of consent; 	<p>Policies WQL2 WQL6 WQL8 WQL12</p>

<p>under Rule WQL 61 is required; 4. a prohibited activity if the discharge does not comply with the discharge does not comply with Condition 13 of Rule WQL8 or Condition 5 of Rule WQL 9, in which case no resource consent will be granted under Rule WQL15.</p>	<p>(a) between a well and a discharge system that occurs outside of a Community Drinking Water Supply Protection Zone, as specified in Part A of Schedule WQL6; or (b) between discharge systems, as specified in Part B of Schedule WQL6. (c) The minimum separation distance between the discharge and a property boundary shall be: (i) 50 metres to the down gradient boundary in the direction of groundwater flow at the site; and (ii) 30 metres to any other property boundary.</p>	<p>6. review of resource consent conditions; 7. The requirement for financial contributions or bonds.</p>	
<p style="text-align: center;">Where rule applies</p> <p>This rule does not apply to all areas/ situations in the Canterbury region — see Table WQL 7: Index of rules</p>		<p style="text-align: center;">Notification and service</p> <p>In accordance with section 94D(2) RMA 1991, an application for resource consent required by this rule does not need to be notified, and in accordance with Section 94(3) RMA 1991, notice of such an application does not need to be served on those persons identified under Section 94(1) of that Act.</p>	
<p style="text-align: center;">Information to be provided</p> <p>An application for a resource consent under this rule must meet the information requirements set out in Section 1.3.4 and Section 4.7.</p>	<p>(3) The discharge shall not occur where the land is located over: (a) an unconfined or semi-confined aquifer, where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data, is less than six metres from the ground surface; or (b) the Coastal Confined Gravel Aquifer System, and there is: (i) less than two metres of undisturbed material between the point of discharge and Aquifer 1; or (ii) less than two metres of unsaturated</p>		

	<p>sediment above any water table overlying Aquifer 1.</p> <p>(4) The discharge shall not occur within a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2.</p> <p>(5) There shall be no discharge of sewage effluent directly to surface water or directly into groundwater.</p>		
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2.2.3 Delete 4.8.9 Rule WQL9 (page 4 – 204) in its entirety as follows:

~~Rule WQL9 — Discharge of contaminants onto or into land from an individual on-site sewage and wastewater treatment system and land application system that does not meet certain conditions of Regional Rule WQL8~~

~~This rule provides for variations to the ‘technical’ aspects of a sewage effluent discharge if the conditions in Rule WQL8 cannot be achieved. Where a discharge of sewage effluent is unable to meet any of Conditions 2, 3, 6, 7, 14 to 21, or 23 of Rule WQL8, then the activity will be considered as a restricted discretionary activity. However, a discharge considered under this rule must still comply with standards and terms which identify the requirement for separation distances from surface water bodies, wells, property boundaries and groundwater (see Rule WQL8 reasons).~~

Part 3: Supplementary Section 32

3.1 Introduction

The purpose of Rule WQL8 as stated in Chapter 4 of Variation 1 of the NRRP is to ensure that domestic sewage effluent, or effluent from commercial dog kennels or catteries, discharged from systems installed after the rule is notified produce effluent that is adequately treated before it is discharged into land. In addition, the purpose of Rule WQL8 is to ensure that appropriate safeguards are in place to prevent the discharges from contaminating water supplies used for drinking.

Chapter 4 in Variation 1 of the NRRP has a substantial companion Section 32 report (Report No. R04/16/4) that fully evaluates the objectives, policies, rules and other methods contained within Chapter 4.

This supplementary Section 32 report is Environment Canterbury's evaluation of whether, taking into account efficiency and effectiveness, the three proposed key amendments to Rule WQL8, which relate to the reduction in separation distances from groundwater, from other discharge systems, and from property boundaries, if drip irrigation systems are used, are the most appropriate ways to achieve the purpose of Rule WQL8. This evaluation takes into account the benefits and costs, and the risk of acting or not acting if there is uncertain or insufficient information.

In addition to the three key proposed changes listed in the paragraph above, four other minor changes have been proposed. These minor changes are:

- Removing the option of using in-situ soil to treat wastewater from Rule WQL8 Condition 14(c). Given the highly variable nature of soils in Canterbury and the risk of wastewater bypassing the treatment capacity of the soil via macropores, this option is considered unsafe without a rigorous review via the consenting process;
- A correction to the reference to the grade of media used in the treatment trenches in Rule WQL8 Condition 14(a)(ii). The reference refers to a criteria set out in the Australian/New Zealand Standard 1547:2000 *On-site domestic-wastewater management* and this grade of media is unavailable in Canterbury;
- A modification to Rule WQL8 condition 7(a) to reference the latest version of the Building Act; and
- Deletion of Rule WQL9, given it is seldom used. The consenting process has issued only one consent under this rule since Chapter 4 in Variation 1 of the NRRP was notified. The deletion of the rule would mean that such activities would change from being restricted discretionary activities under Rule WQL9 to discretionary activities under Rule WQL57.

Given that these four changes are relatively minor they will not be further evaluated.

3.2 Evaluation of the Three Key Amendments

3.2.1 Alternatives discounted

The following alternatives were considered and discarded:

1. Retain existing wording of Rule WQL8 – This approach will continue to result in hundreds of resource consents being issued each year which have consent conditions that are less restrictive than the conditions specified in Rule WQL8 for permitted activities. The reasons for consent conditions being less restrictive are explained further in section 3.4. This alternative was not considered appropriate to achieve the purpose of Rule WQL8.
2. Creating a Controlled Activity Rule – This approach would ensure that the costs associated with assessing and monitoring this activity can be fully recovered from the applicant, rather than from the community. This approach was discounted because it would continue to result in hundreds of resource consents being processed each year with negligible environmental benefits when the appropriate conditions are known in advance. The overall cost to the community would also be significantly greater with a resource consent process than a permitted activity process.

3.3 Background

In the three years preceding the notification of Chapter 4 of the NRRP, approximately 300 resource consents were issued for the discharge of domestic sewage effluent into land. In the first three years since Chapter 4 in Variation 1 was notified, approximately 2,300 resource consents have been issued for the discharge of domestic sewage effluent into land. The significant increase in the number of on-site wastewater systems requiring resource consent has been largely due to their inability to meet the minimum separation distance from groundwater as specified in Condition 10(a) of Rule WQL8 and the minimum separation distance from property boundaries as specified in condition 12 of Rule WQL8. However, the technical evidence strongly supports significantly reduced separation distances where properly designed and constructed drip irrigation land application systems are used.

The three most common land application systems installed in the Canterbury region are drip irrigation land application systems, sand trench land application systems and soakage hole (boulder hole) disposal systems. Drip irrigation and sand trench land application systems are commonly installed in areas where groundwater is shallower than 50 metres below ground level and soakage holes are commonly installed in areas where groundwater is deeper than 50 metres below ground level.

Since the NRRP was notified, there has been an increase in the number of drip irrigation land application systems installed in areas where groundwater is shallower than 50 metres below ground level, and fewer of the more traditional sand trench land application systems. Approximately 60% of land application systems that have been consented in the last three years have been for drip irrigation systems.

The drip irrigation systems usually discharge the wastewater 100-150 millimetres below the ground surface. Sand trench systems usually discharge the wastewater 800-1000 millimetres below the ground surface.

Two of the main advantages of drip irrigation systems over the more traditional sand trench systems are:

- Drip irrigation systems usually result in a greater reduction in the number of wastewater micro-organisms entering groundwater. The reason for this is because the wastewater from drip irrigation systems is discharged into the top soil layer, unlike the wastewater from sand trench systems. It is in this

top soil layer that the greatest reduction in micro-organism numbers occurs due to this layer being the most biologically active soil layer. The application rate from a drip irrigation system is also approximately ten times lower than the application rate from a sand trench system.

- Drip irrigation systems result in a reduction in the amount of nitrate entering groundwater. The reason for this reduction is because the wastewater is discharged into the plant root zone, hence plants can uptake some of the nutrients in the wastewater. This uptake does not occur when sand trench systems are used because the discharge occurs below the plant root zone.

3.4 Effectiveness

The Section 32 report (Report No. R04/16/4) that accompanies Chapter 4 in Variation 1 of the NRRP states on page 4-84 that “*an activity should be permitted by a regional rule if the adverse effects are likely to be no more than minor or the same set of conditions would be applied to the same type of activity if it was authorised by a resource consent*”.

Since Chapter 4 of Variation 1 of the NRRP was notified, hundreds of resource consents have been issued for the discharge of contaminants into land from individual on-site wastewater systems with drip irrigation systems with consent conditions that could be considered less restrictive than the conditions specified in Rule WQL8 for permitted activities and without the need for further mitigation measures or written approvals from potentially affected parties. For example, under Rule WQL8 to be a permitted activity, groundwater must be greater than six metres below the site, and the land application system must be located further than 30 metres or 50 metres (depending on the direction of groundwater flow) from property boundaries. However, when resource consent applications are received, provided the highest groundwater is greater than one metre below the ground surface and the drip irrigation land application is further than five metres from all property boundaries, resource consents are often granted without the need for further mitigation measures or written approvals provided certain other provisos can be met. These provisos usually include:

- ensuring that all neighbouring properties have an on-site well for domestic drinking water purposes and the proposed discharge will occur outside the well protection zone for these existing wells; or
- confirming that all surrounding properties are on a reticulated water supply; or
- ensuring that all surrounding properties are of such a size that if a well was to be sunk on neighbouring properties in future, the proposed discharge would not occur within the protection zone for these wells, as specified in Rule WQL8.

Given the limited groundwater level data available in some parts of the Canterbury region and the variability in groundwater depth, Environment Canterbury considered a rigorous review of consent applications via the consenting process is needed where groundwater level is between one metre and two metres below the ground surface. Hence the proposed amendment refers to drip irrigation systems located on sites where groundwater is deeper than two metres below the ground surface. As a consequence of this, Environment Canterbury considered it is appropriate to reduce the separation distance to property boundaries to two metres, given the extra metre of unsaturated soil that the wastewater will be discharged through and

because the installation of a drip irrigation land application system will only be a permitted activity under Rule WQL8 if the system is located on a site where all adjacent properties are either on a reticulated water supply, have an existing on-site well that is further than 30 metres or 50 metres (depending on the direction of groundwater flow) from the proposed land application system and/or the site where the land application system will be installed and all properties surrounding that site are one hectare or more in size.

It is based on the above information that Environment Canterbury concludes that the proposed amendments will be more effective than the current wording in Rule WQL8.

3.5 Benefits

Applicants would be encouraged to use drip irrigation systems which would provide a higher level of reliable treatment for a range of contaminants including nitrate nitrogen.

3.6 Costs

The amendments may provoke an adverse reaction from those applicants who have paid for resource consents since Chapter 4 of Variation 1 of the NRRP was notified and who may not have needed consent if they had applied after notification of this proposed Variation 14.

In addition, monitoring of permitted activities is funded from general rates. The costs of processing of resource consent applications are recovered from consent applicants. An analysis of the overall costs indicates an overall community cost saving of between \$80,000 - \$125,000 per year. However, the proposal would result in an initial shift of funding from consent applicants to general ratepayers. The cost shift is estimated to be \$50,000 for the 2007/08 financial year. In subsequent financial years charges could be introduced to recover costs.

3.7 Efficiency

Following consideration of the benefits and costs of the amendments in Variation 14, it is Environment Canterbury's judgement that these provisions are of moderate efficiency.

3.8 Insufficient Information

Environment Canterbury considers that the information available is sufficient to provide a sound basis for its decision. However, it recognises that there is some uncertainty associated with the judged level of risk of contamination of groundwater associated with the reduction of separation distances to groundwater and property boundaries. Environment Canterbury is aware there is uncertainty about the amount of treatment subsoils will provide to wastewater before it enters groundwater, and this consequently could affect the quality of groundwater. In addition, Environment Canterbury recognises there are uncertainties associated with the life expectancy of drip irrigation systems given they are a relatively new technology. The gradual failing of the systems could lead to overloading in certain areas which may result in wastewater ponding on the surface if the soils cannot accept the increased application rate. The reduction in separation distances to

property boundaries could result in more neighbouring properties being adversely affected by failing systems. Alternatively, if the soils can accept the increased application rate, this could result in more contaminants entering groundwater, given the reduced unsaturated soil layer that the wastewater would travel through before it entered groundwater.

It is Environment Canterbury's view that the potential consequences on groundwater quality and neighbouring property owners of failing systems is not outweighed by the benefits of encouraging the use of drip irrigation systems in areas of high groundwater.

3.9 Appropriateness

Having regard to the evaluation of the effectiveness and efficiency of the proposed amendments, and taking into account the benefits and costs and the risk of acting with insufficient information, it is Environment Canterbury's judgement that the amendments proposed in Variation 14 are the most appropriate to achieve the purpose of Rule WQL8.

**RESOURCING AND FUNDING EFFECTS FOR PROPOSED VARIATION
TO RULES WQL8 & WQL9**

The following sets out a preliminary analysis of the effect on resourcing and funding that would occur from the proposed change to the permitted activity rules WQL8 and WQL9.

Assumptions

- The rule changes would reduce the number of consent applications to the Consents Section (CON) by 500 and increase the number of submissions to the Compliance Monitoring & Enforcement Section (ENF) for P.A. confirmations by 500
- The rule would be notified by late October 2007 and take immediate effect.

Effect of Rule Change on Resourcing - CON

Consents Section	Est. Hours p.a.	Per Applctn	Est. FTEs
Investigating Officers – Chargable	-2,800	5.60	- 2.05
Operations Officers	-875	1.75	- 0.65
Decision Makers/Team Leaders	-125	0.25	- 0.10
	-3,800	7.60	- 2.80

- Staff resource of 2.8 FTE's would be diverted to work on other consent processing activities.

Effect of Rule Change on Resourcing – ENF

Officer	Est. Hours p.a.	Per Applctn	Est. FTEs
Environmental Protection Officers	+1375	2.75	+1.0

- Staff resource for Permitted Activity monitoring would need to increase by 1 FTE immediately this rule is notified.

Summary Resource Changes – CON & ENF Combined

Section	Est. Hours p.a.	Per Applctn	Est. FTEs
CON	-3,800	-7.60	-2.8
ENF	+1,375	+2.75	+1.0
Net	-2,425	-4.85	-1.8

- This shows that there would be an immediate reduction in resource required by the Council to manage the wastewater activities that would be subject to the variation.

Change of Funding

- Consent applications are funded by “user pays” charges. There would be no effect on funding for consent processing projects.
- Processing and monitoring of Permitted Activities is general rate funded, except for compliance monitoring of dairy shed or piggery discharges. Increased resourcing for this project would require funding in the current financial year.
- Retaining current funding policy would require an increase in rate funding in future years, however there is potential to make ‘user pays’ charges for certain permitted activities from 2008/09 onwards

Immediate Funding Requirement

- Funding would be required for a new ENF resource until the end of the financial year.
- Based on actual costs for the past two years the funding requirement for 8 months to 30 June 2008 would be approximately \$50,000.

Long Term Additional Funding Requirement

ENF have identified the following tasks required for effective long term processing and management of on-site wastewater discharges etc

- Increase in field inspections to assess compliance (particularly sensitive/restrictive environments) – est. 250 hours p.a.
- Increase in liaison with Territorial Authorities to improve enforcement and management of activity – est. 100 hours p.a.
- Assuming improvements in cooperation of TAs in notifying us of potential PA activities, there is a strong likelihood that there would be a material increase in the number of PA confirmations being sought over and above those due to the rule change – est. 500 hours p.a.

Summary Estimated Funding Requirements

Project	07/08	08/09 on
068901 Septic Tank Permitted Activities	+50,000	+91,250
071301 Septage Project	0	+6,650
0652 Consent Processing	0	0
From User Pays	0	0
From existing funds	+50,000	0
From Rates (but potentially ‘user pays’)	0	+97,900

AGENDA ITEM NO: 6	SUBJECT MATTER: STORMWATER – PROPOSAL TO CHANGE THE TRANSITIONAL REGIONAL PLAN AND TO NOT ENFORCE RULES WQL5 AND WQL6 IN THE PROPOSED NATURAL RESOURCES REGIONAL PLAN
REPORT: Council	DATE OF MEETING: 11 October 2007
FILE REFERENCES: CO9C/5	PORTFOLIO: Water PROJECT: OUTPUT:
REPORT BY: Ivan Holland Team Leader Consents Investigations Discharges	ENDORSED BY: Mike Freeman Director Regulation

PURPOSE

To provide an opportunity to address implementation issues associated with the stormwater rules in the Transitional Regional Plan (TRP) and the proposed Natural Resource Regional Plan Chapter 4: Water Quality (pNRRP).

ATTACHMENTS

Copy of the stormwater discharge rule in the TRP.
Copy of Rules WQL5 and WQL6 in the pNRRP.

BACKGROUND

Very few residential (or other) stormwater discharges¹ to land or water are permitted by the current combination of rules (TRP and pNRRP). Many individual roof stormwater discharges even require a resource consent in Canterbury.

The Christchurch City Council estimates that up to 4,000 resource consents could be required for stormwater discharges in Christchurch each year under the current regional rules (up to 800 subdivisions, 1,100 commercial/industrial buildings, 1,400 residential dwellings of which about 250 are for two or more dwellings and 400 garages). Environment Canterbury staff consider these estimates to be reasonable. Based on the Christchurch figures, the number of resource consents required for stormwater discharges throughout Canterbury would be unmanageable.

This issue has arisen over the past 15 months as Environment Canterbury and the Christchurch City Council rigorously apply the rules of the TRP, pNRRP and Resource Management Act subdivision requirements to ensure that sediment discharges are properly managed.

Based on figures over the past few months, Environment Canterbury has been processing approximately 150 stormwater discharge consent applications at any one time resulting in significant delays for applicants.

¹ Stormwater discharges must have a resource consent under section 15(1) of Resource Management Act unless they are permitted by the TRP and/or pNRRP.

Consents processing staff estimate that up to 40% of current stormwater consent applications could be authorised as permitted activities with conditions that are predictable well in advance with no significant risk of adverse environmental effects.

In summary, the current TRP rules require consent applications for many stormwater discharges that could adequately be controlled via permitted activity conditions. The increase in consent applications combined with limited human resources (both internal and external) available to process consents, means that those limited resources should be applied to consent processes where they can add value to the consent process. In the long-run the final form of the pNRRP would provide a comprehensive policy and regulatory framework.

A number of short and long-term “urban settlement” stormwater discharge applications are expected² from territorial local authorities. However, the timeframe for such applications is uncertain and such applications will not address the issue outside “urban settlements”.

THE PROPOSAL

It is proposed that the TRP rule (formerly known as a General Authorisation) relating to the discharge of stormwater be changed and that a non-enforcement approach be taken in specified circumstances to Rules WQL5 and WQL6 (pNRRP).

(i) **Change to the TRP**

The change recommended is a condition that permits, subject to conditions, the discharge of stormwater from residential and rural-residential subdivisions, involving fewer than 30 allotments, to land. This additional condition would be similar to existing condition (3) that permits the same but into surface waters.

(ii) **Selective non-enforcement of Rules WQL5 and WQL6 of the pNRRP**

It is also proposed that Environment Canterbury not enforce the requirement to obtain consent to discharge stormwater from residential developments provided the proposed stormwater discharges do not contravene the existing or proposed changed TRP rule. The non-enforcement would not include stormwater discharges within the Christchurch Groundwater Recharge Zone or within Community Drinking Water Supply Protection Zones (as set out in Conditions 9 and 10 of Rule WQL5). This selective non-enforcement will provide maximum benefit following the change to the TRP described above.

It is envisaged that the proposed change to the TRP and the non-enforcement approach will be temporary and remain only until the pNRRP stormwater rules become operative.

THE OUTCOME

Environment Canterbury would be able to prioritise managing the stormwater discharges that are most likely to cause adverse effects on the environment such as:

- Subdivisions within sensitive/vulnerable groundwater zones;
- Industrial sites;
- Construction – erosion and sediment control; and
- Working pro-actively with territorial authorities on “urban settlement” stormwater consents.

² Rule WQL7 of pNRRP Chapter 4.

There will also be a significant reduction in the number of minor stormwater discharge consent applications allowing processing timeframes to be reduced.

OTHER OPTIONS

DO NOTHING

Environment Canterbury will continue to receive an increasing number of stormwater discharge consent applications for minor developments that will result in extended delays to applicants and negligible environmental benefit.

NON-ENFORCEMENT OF TRP

This is not recommended as it would be contrary to the Regional Council's duty to enforce the provisions of operative plans³.

INTERIM MEASURES

The following measures have/will be implemented to minimise delays to stormwater discharge consent applications until the plan change takes effect:

- A consent application form for roof stormwater discharges – complete and available on Environment Canterbury's website;
- An interim measure to not enforce current rules for stormwater discharges in Christchurch provided (where the Christchurch City Council has indicated that it will be applying for a catchment-wide discharge permit) a resource consent application has been made and existing environmental guidelines and infrastructure standards are fully complied with; and
- A consent application form for residential stormwater discharges into land –complete and available on Environment Canterbury's website.

VIEWS OF AFFECTED AND INTERESTED PARTIES

Although, external consultation on this proposal has not been undertaken, territorial authorities and developers are expected to welcome the recommended approach.

The option of further non-enforcement of pNRRP rules in relation to roof stormwater discharges has been suggested. This will be investigated and an update will be provided to Council at the next available opportunity.

FINANCIAL AND TIMING

The financial implications of the non-enforcement policy are expected to be minimal. The pNRRP non-enforcement approach could take effect immediately.

Some cost will be associated with the change to the TRP. An accurate estimate of such costs has not been prepared however it is likely to take at least four weeks of full-time work. The plan change process is predicted to take between six and nine months depending on the number and depth of submissions.

³ Section 84 of the Resource Management Act

RECOMMENDATION

That the Council approve:

- (a) The drafting (including initial consultation) of a change to the Transitional Regional Plan to permit, subject to conditions, the discharge of stormwater to land from residential and rural-residential subdivisions, involving fewer than 30 allotments; and*
- (b) The non-enforcement of rules WQL5 and WQL6 in the Proposed Natural Resources Regional Plan for residential developments provided the proposed stormwater discharges do not contravene the provisions of the Transitional Regional Plan or any Proposed Change to the Transitional Regional Plan. This non-enforcement shall not apply to discharges to land within Community Drinking Water Supply Protection Zones or within the Christchurch Groundwater Recharge Zone as defined in conditions 9 and 10 of Rule WQL5 in the Proposed Natural Resources Regional Plan.*

GENERAL AUTHORISATION FOR THE DISCHARGE OF STORMWATER

Under Section 22 of the Water and Soil Conservation Act 1967 the Canterbury Regional Council authorises the following specified discharges of stormwater into natural water, within its region, subject to the specified conditions:

- (1) The discharge of roof stormwater from buildings and structures either into the ground or directly into groundwater provided it is via a sealed system that excludes all other stormwater; except in the following areas:
 - (a) that part of the Christchurch urban area where the Christchurch City Council stormwater system is available;
 - (b) that part of the Christchurch City Council area south of the Avon-Heathcote Estuary and the Heathcote River;
 - (c) that part of the Kaiapoi urban area where the Waimakariri District Council stormwater system is available;
 - (d) the Banks Peninsula District Council area;
 - (e) that part of the Selwyn District Council area east of the Halswell River; and
 - (f) that part of the Timaru urban area where the Timaru District Council stormwater system is available;
- (2) The discharge of stormwater to surface waters, except stock water races and irrigation races, from all existing buildings, structures, hard-standing surfaces and roading.
- (3) The discharge of stormwater to surface waters, except stock water races, irrigation races and lakes, from residential or rural-residential subdivisions made after 28 September 1991, involving fewer than 30 allotments.
- (4) The discharge of stormwater from roading into the ground, outside of the Christchurch City Council urban area.

CONDITIONS

The above authorisations are subject to the following conditions:

- (1) Where the discharge is into natural water in a territorial authority stormwater drainage system, prior written consent to discharge must be obtained from that territorial authority.
- (2) Any territorial authority making use of this general authorisation shall:
 - (a) provide the Regulations and Consents Manager, Canterbury Regional Council with a list by 1 August of each year which outlines the work undertaken in the preceding financial year under this general authorisation;
 - (b) ensure that all industrial and commercial facilities that discharge stormwater into the stormwater system under the control of the territorial authority, undertake all reasonable precautions to minimise the quantities of silt, and the risk of accidental spillages of hazardous or polluting substances, entering the stormwater system;
 - (c) when modifying or upgrading existing stormwater disposal systems, consider incorporating measures that would:

- (i) reduce the amount of contaminants, including silt, entering natural water; and
 - (ii) reduce the risk of flooding in any surface receiving waters; and
 - (d) provide the Regulations and Consents Manager, Canterbury Regional Council, with an annual report by 1 August each year, outlining the measures taken to meet conditions 6 (b) and (c).
- (3) Any discharge made under this authorisation shall not cause erosion to the banks or bed of the receiving waterway.
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This authorisation is effective from 28 September 1991.

Explanatory Notes:

- (1) This authorisation does not authorise the discharge of any substances that would constitute an offence under Section 34 of the Water and Soil Conservation Act 1967 (Section 338 of the Resource Management Act 1991).
- (2) Any existing or proposed discharge of stormwater that does not meet the above conditions is not covered by this general authorisation and must be authorised by a discharge permit, under the Resource Management Act 1991. Before this Act came into effect on 1 October 1991, a water right would have been required under the Water & Soil Conservation Act 1967.
- (3) This general authorisation does not relieve any person or organisation from any other legal requirements under any other act, bylaw or regulation.
- (4) This general authorisation does not preclude the territorial authority from using the requirements of Section 459 of the Local Government Act to eliminate a nuisance created by an uncontrolled stormwater discharge.
- (5) This general authorisation can be changed in whole or part, if the public interest so requires.
- (6) Under the Resource Management Act 1991, the discharges specified in this general authorisation are Permitted Activities. Proposed discharges that do not meet the conditions of this general authorisation are Discretionary Activities, and specific discharge permits are required.

Rule WQL5 Discharge of stormwater containing contaminants onto or into land - permitted activity

Activity	Conditions	Cross reference
<p>The discharge of stormwater containing contaminants onto or into land where contaminants may enter groundwater;</p> <p>is -</p> <ul style="list-style-type: none"> (a) a permitted activity if a discharge complies with all of the conditions of this Rule; (b) a discretionary activity if a discharge does not comply with any one or more of the conditions of this Rule, in which case a resource consent under Rule WQL 57 is required. <p>For the purposes of this rule:</p> <ol style="list-style-type: none"> 1. "stormwater management area" means: <ul style="list-style-type: none"> (a) a settlement; or (b) a watershed catchment of a river named on New Zealand Map Series 260 1:50,000 scale, or a tributary of that river upstream of the confluence of the tributary and any other river where 30 percent or more of the catchment is identified in a district plan for residential, commercial or industrial activities, or any combination of these activities; 2. "settlement" means an existing or proposed collection of residences or workplaces, or any combination of these activities, with a population of 200 or more people. This includes any proposed settlement or extension to an existing settlement. 	<ol style="list-style-type: none"> 1. There is no pipeline network available for the collection of stormwater. For the purpose of this condition, "available" means: <ul style="list-style-type: none"> (a) a stormwater network system passes within 30 metres of the property boundary; and (b) the stormwater can flow into the network under gravity; and (c) the network operator will accept the discharge. 2. The stormwater from a roof may be discharged onto or into land via a subsurface drainage system located in the soil layer provided: <ul style="list-style-type: none"> (a) the system is designed to prevent the entry of surface runoff into the stormwater system; (b) there is no runoff or percolation of water onto any neighbouring property except where the written approval of the current landowner of that property has been obtained; (c) the total roof area of the building does not exceed 400 square metres and the building is not located in a stormwater management area; or (d) the total roof area of the building does not exceed 50 square metres and the building is located in a stormwater management area. 3. The discharge shall not be from a site where an activity listed in Schedule WQL3 is occurring. 4. There shall be no discharge from a network servicing a stormwater management area after Regional Rule WQL 7 becomes operative. 5. The discharge shall not be from a stormwater collection system established after the date of notification of this rule which collects stormwater from: <ul style="list-style-type: none"> (a) an area greater than 500 square metres within Zone BP in Map Volume Part 1 Planning Maps. (b) an area greater than two hectares elsewhere in the region. 6. Except where the discharge meets Condition (2), the discharge shall not occur over an unconfined or semi-confined aquifer where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data, is less than two metres below the land surface. 7. The discharge of stormwater from a road, vehicle parking areas, any impermeable surfaces, or a stormwater collection system, onto or into land over an unconfined or semi-confined aquifer, where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data, is deeper than two metres but less than 30 metres from the ground surface, shall be via an infiltration system: <ul style="list-style-type: none"> (a) with a minimum thickness of infiltration media calculated using the following formula: $D = \frac{240}{A \times R}$ 	<p>Policies WQL7 WQL8 WQL12</p>
<p>Where rule applies</p> <p>This rule applies everywhere in the Canterbury region, excluding the Coastal marine area</p>		

Rule WQ65 continued

	<p>Where: A = infiltration surface area (square metres), D = depth of infiltration media (metres), and R = oil retention capacity of the media (litres per cubic metre); and</p> <p>(b) with a minimum separation distance of one metre between the base of the infiltration media (D) and the highest groundwater level expected at that site.</p> <p>8. A stormwater collection system which collects runoff from a road in a drain or swale before the stormwater is discharged down a soak hole that is:</p> <p>(a) installed or replaced after this rule becomes operative; and (b) the soak hole is located over an unconfined or semi-confined aquifer, where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data, is less than 30 metres from the ground surface; shall have a grassed section at least 20 metres in length with a minimum topsoil depth of 150 millimetres immediately before each soak hole.</p> <p>9. Except where the discharge meets Condition (2), the discharge shall not occur in a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2.</p>
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For information only: For the purposes of Condition 7, typical values of R:

stone/coarse gravel	5
gravel/coarse sand	8
coarse/medium sand	15
medium/fine sand	25
fine sand/silt	40

Rule WQL6 Discharge of stormwater containing contaminants into a river, lake or artificial watercourse - permitted activity

Activity	Conditions	Cross reference
<p>The discharge of stormwater containing contaminants into:</p> <p>(a) a river, lake or artificial watercourse; or</p> <p>(b) onto land where it may enter a river, lake or artificial watercourse;</p> <p>is –</p> <ol style="list-style-type: none"> a permitted activity if the discharge complies with all of the conditions of this Rule; a controlled activity if the discharge does not comply with Condition 3 of this Rule, in which case a resource consent under Rule WQL 7 is required; a discretionary activity if the discharge does not comply with any one or more of Conditions 1, 2, or 4 to 10 of this Rule, in which case a resource consent under Rule WQL 56 is required; a non-complying activity if the discharge does not comply with Condition 11 of this Rule, in which case a resource consent under Rule WQL 60 is required. <p>For the purposes of this rule:</p> <p>(i) "stormwater management area" means:</p> <ol style="list-style-type: none"> a settlement; or a watershed catchment of a river named on New Zealand Map Series 260 1:50,000 scale, or a tributary of that river upstream of the confluence of the tributary and any other river where 30 percent or more of the catchment is identified in a district plan for residential, commercial or industrial activities, or any combination of these activities; <p>(ii) "settlement" means an existing or proposed collection of residences or workplaces, or any combination of these activities, with a population of 200 or more people. This includes any proposed settlement or extension to an existing settlement.</p>	<ol style="list-style-type: none"> There is no pipeline network available for the collection of the stormwater. For the purpose of this condition, "available" means: <ol style="list-style-type: none"> a stormwater network system passes within 30 metres of the property boundary; and the stormwater can flow into the network under gravity; and the network operator will accept the discharge. The discharge shall not be from a site where an activity listed in Schedule WQL3 is occurring. The discharge shall not be from a site in a stormwater management area or from a network servicing a stormwater management area after the date Regional Rule WQL 7 becomes operative. There shall be no discharge into: <ol style="list-style-type: none"> a water race, as defined in Section 5 of the Local Government Act 2002; or a wetland; <ol style="list-style-type: none"> listed in Schedule WTL1: Moderate and higher significance wetlands; or a wetland unless the taking, use, damming or diversion of water is permitted under Rule WTL2 or Rule WTL3. The discharge shall be via a treatment system that removes at least 75 percent of total suspended solids where the discharge is from: <ol style="list-style-type: none"> a new or proposed stormwater collection system with a collection area of between 500 square metres and two hectares in Zone BP in Map Volume – Part 1 Planning Maps; or an area disturbed for construction activities and the bare ground is not revegetated or protected from soil erosion within three months from commencement of the works exceeding: <ol style="list-style-type: none"> 1000 square metres located in Zone BP in Map Volume – Part 1 Planning Maps; or 5,000 square metres elsewhere in the region; or a new or proposed stormwater collection system with a collection area of between two and four hectares in all other areas of the region. The treatment system for any discharge authorised under Condition (5), shall be certified by a person suitably qualified and competent in treatment systems, that the system is capable of meeting the treatment standard specified in Condition (5), and a copy of the certificate forwarded to Environment Canterbury within thirty working days following the installation of the treatment system. Except for areas specified in Condition (11); a discharge into a river or lake shall, outside of the Zone of Non-Compliance, meet the water quality standards for the receiving water as set out in Schedule WQL1. For the purposes of this Condition, the Zone of Non-Compliance means the receiving water: <ol style="list-style-type: none"> in a reach of a river or an artificial water course measured from the point of discharge for a distance L (length in metres) calculated using the following formula: 	<p>Policies WQL3 WQL12</p>

RDM

rule WQL6 continued

<p style="text-align: center;">$L = (\sqrt{W}) \times 25$</p> <p>where <i>W</i> is the width of the flow measured in metres at the point of discharge; or</p> <p>(b) 20 metres from the point of discharge into a lake.</p> <p>The discharge shall not result in:</p> <p>(a) an increase in the embeddedness of the riverbed substrate by more than 20 percent; or</p> <p>(b) an increase in the flow in the receiving water body at the point of discharge of more than one percent of a flood event with an Annual Exceedance Probability of 20 percent (one in five year event).</p> <p>9. The discharge from a roof shall be via a system that prevents the entry of surface runoff into the stormwater system.</p> <p>10. The discharge of stormwater from an electricity substation area, where oil filled equipment is located, shall only be made to surface water, where:</p> <p>(a) a connection to a sewerage network is not available, and</p> <p>(b) the electricity substation area is enclosed within an impervious bounded area, or designed to contain all spillages, or is encircled by interceptor drains, and drains to an oil interceptor of a type and size which gives a concentration of oil and grease not exceeding 15 grams per cubic metre in the discharge as measured by American Society for Testing and Materials (ASTM) Method D4281, or American Public Health Association (APHA) 5520B, and can retain the capacity of the largest container of oil on the site plus 10 percent of that volume; and</p> <p>(c) a copy of all maintenance records for the stormwater and oil containment systems shall be made available to Environment Canterbury upon request.</p> <p>11. Where the discharge is to a river, lake, or artificial water course within any of the following areas, the discharge shall meet the water quality standards for the receiving water as set out in Schedule WQL1 at the point of discharge and there shall be no Zone of Non-Compliance:</p> <p>(a) within one kilometre upstream on a river, or within one kilometre on a lake, from an intake for a community drinking water supply listed in Schedule WQL2; or</p> <p>(b) a significant spawning reach for salmon listed in Schedule WQN14;</p>	<p style="text-align: center;">Where rule applies</p> <p>This rule does not apply to all areas/ situations in the Canterbury region – see Table WQL 7: Index of rules</p>
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2.12 Amend 4.6 Regional Rules

Rule WQL5 Discharge of stormwater containing contaminants onto or into land - permitted activity

Activity	Conditions	Cross reference
<p>The discharge of stormwater containing contaminants onto or into land where contaminants may enter groundwater; is -</p> <p>(a) a permitted activity if a discharge complies with all of the conditions of this Rule;</p> <p>(b) a discretionary activity if a discharge does not comply with any of one or more of the conditions <u>1 to 9</u> of this Rule, in which case a resource consent under Rule WQL 57 is required.</p> <p>(c) <u>a discretionary activity if a discharge does not comply with condition 10 of this Rule, in which case a resource consent under Rule WQL 55 or Rule WQL57 is required.</u></p> <p>For the purposes of this rule:</p> <p>1. "stormwater management area" means:</p> <p>(a) a settlement; or</p> <p>(b) a watershed catchment of a river named on New Zealand Map Series 260 1:50,000 scale, or a tributary of that river upstream of the confluence of the tributary and any other river where 30 percent or more of the catchment is identified in a district plan for residential, commercial or industrial activities, or any combination of these activities;</p> <p>2. "settlement" means an existing or proposed collection of residences or workplaces, or any combination of these activities, with a population of 200 or more people. This includes any proposed settlement or extension to an existing settlement.</p>	<ol style="list-style-type: none"> 1. There is no pipeline network available for the collection of stormwater. For the purpose of this condition, "available" means: <ol style="list-style-type: none"> (a) a stormwater network system passes within 30 metres of the property boundary; and (b) the stormwater can flow into the network under gravity; and (c) the network operator will accept the discharge. 2. The stormwater from a roof may be discharged onto or into land via a subsurface drainage system located in the soil layer provided: <ol style="list-style-type: none"> (a) the system is designed to prevent the entry of surface runoff into the stormwater system; (b) there is no runoff or percolation of water onto any neighbouring property except where the written approval of the current landowner of that property has been obtained; (c) the total roof area of the building does not exceed 400 square metres and the building is not located in a stormwater management area; or (d) the total roof area of the building does not exceed 50 square metres and the building is located in a stormwater management area. 3. The discharge shall not be from a site where an activity listed in Schedule WQL3 is occurring. 4. There shall be no discharge from a network servicing a stormwater management area after Regional Rule WQL 7 becomes operative. 5. The discharge shall not be from a stormwater collection system established after the date of notification of this rule which collects stormwater from: <ol style="list-style-type: none"> (a) an area greater than 500 square metres within Zone BP in Map Volume Part 1 Planning Maps. (b) an area greater than two hectares elsewhere in the region. 6. Except where the discharge meets Condition (2), the discharge shall not occur over an unconfined or semi-confined aquifer where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data, is less than two metres below the land surface. 7. The discharge of stormwater from a road, vehicle parking areas, any impermeable surfaces, or a stormwater collection system, onto or into land over an unconfined or semi-confined aquifer, where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data, is deeper than two metres but less than 30 metres from the ground surface, shall be via an infiltration system: <ol style="list-style-type: none"> (a) with a minimum thickness of infiltration media calculated using the following formula; 	<p>Policies</p> <p>WQL7</p> <p>WQL8</p> <p>WQL12</p> <p><u>WQL13</u></p> <p><u>WQL14</u></p> <p><u>WQL15</u></p> <p><u>WQL16</u></p> <p><u>WQL17</u></p> <p><u>WQL18</u></p> <p><u>WQL21</u></p>
<p>Where rule applies</p> <p>This rule applies everywhere in the Canterbury region,</p>		

<p>excluding the Coastal marine area</p>	$D = \frac{240}{A \times R}$ <p>Where: A = infiltration surface area (square metres), D = depth of infiltration media (metres), and R = oil retention capacity of the media (litres per cubic metre); and</p> <p>(b) with a minimum separation distance of one metre between the base of the infiltration media (D) and the highest groundwater level expected at that site.</p> <p>8. A stormwater collection system which collects runoff from a road in a drain or swale before the stormwater is discharged down a soak hole that is:</p> <p>(b) installed or replaced after this rule becomes operative; and</p> <p>(c) the soak hole is located over in an unconfined or semi-confined aquifer, where the highest groundwater level, which can reasonably be expected at the point of discharge based upon relevant and available groundwater data, is less than 30 metres from the ground surface; shall have a grassed section at least 20 metres in length with a minimum topsoil depth of 150 millimetres immediately before each soak hole.</p> <p>9. Except where the discharge meets Condition (2), the discharge shall not occur in a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2.</p> <p><u>10. Except as provided for in Condition 2, there shall be no discharge in the area identified as Christchurch Groundwater Protection Zone 1, or Sub-Zones 1B or 1D as shown on Map Volume-Part 1 Planning Maps.</u></p>	
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For information only: For the purposes of Condition 7, typical values of R:

stone/coarse gravel	5
gravel/coarse sand	8
coarse/medium sand	15
medium/fine sand	25
fine sand/silt	40

Rule WQL6 Discharge of stormwater containing contaminants into a river, lake or artificial watercourse - permitted activity

Activity	Conditions	Cross reference
<p>The discharge of stormwater containing contaminants into:</p> <ul style="list-style-type: none"> (a) a river, lake or artificial watercourse; or (b) onto land where it may enter a river, lake or artificial watercourse; <p>is –</p> <ol style="list-style-type: none"> 1. a permitted activity if the discharge complies with all of the conditions of this Rule; 2. a controlled activity if the discharge does not comply with Condition 3 of this Rule, in which case a resource consent under Rule WQL 7 is required; 3. a discretionary activity if the discharge does not comply with any one or more of Conditions 1, 2, or 4 to 10 of this Rule, in which case a resource consent under Rule WQL 56 is required; 4. a non-complying activity if the discharge does not comply with Condition 11 of this Rule, in which case a resource consent under Rule WQL 60 is required. <p>For the purposes of this rule:</p> <ol style="list-style-type: none"> (i) "stormwater management area" means: <ul style="list-style-type: none"> (1) a settlement; or (2) a watershed catchment of a river named on New Zealand Map Series 260 1:50,000 scale, or a tributary of that river upstream of the confluence of the tributary and any other river where 30 percent or more of the catchment is identified in a district plan for residential, commercial or industrial activities, or any combination of these activities; (ii) "settlement" means an existing or proposed collection of residences or workplaces, or any combination of these activities, with a population of 200 or more people. This includes any proposed settlement or extension to an existing settlement. 	<ol style="list-style-type: none"> 1. There is no pipeline network available for the collection of the stormwater. For the purpose of this condition, "available" means: <ul style="list-style-type: none"> (a) a stormwater network system passes within 30 metres of the property boundary; and (b) the stormwater can flow into the network under gravity; and (c) the network operator will accept the discharge. 2. The discharge shall not be from a site where an activity listed in Schedule WQL3 is occurring. 3. The discharge shall not be from a site in a stormwater management area or from a network servicing a stormwater management area after the date Regional Rule WQL 7 becomes operative. 4. There shall be no discharge into: <ul style="list-style-type: none"> (a) a water race, as defined in Section 5 of the Local Government Act 2002; or (b) a wetland; <ul style="list-style-type: none"> (i) listed in <i>Schedule WTL1: Moderate and higher significance wetlands</i>; or (ii) a wetland unless the taking, use, damming or diversion of water is permitted under Rule WTL2 or Rule WTL3. 5. The discharge shall be via a treatment system that removes at least 75 percent of total suspended solids where the discharge is from: <ul style="list-style-type: none"> (a) a new or proposed stormwater collection system with a collection area of between 500 square metres and two hectares in Zone BP in Map Volume – Part 1 Planning Maps; or (b) an area disturbed for construction activities and the bare ground is not revegetated or protected from soil erosion within three months from commencement of the works exceeding: <ul style="list-style-type: none"> (i) 1000 square metres located in Zone BP in Map Volume – Part 1 Planning Maps; or (ii) 5,000 square metres elsewhere in the region; or (c) a new or proposed stormwater collection system with a collection area of between two and four hectares in all other areas of the region. 6. The treatment system for any discharge authorised under Condition (5), shall be certified by a person suitably qualified and competent in treatment systems, that the system is capable of meeting the treatment standard specified in Condition (5), and a copy of the certificate forwarded to Environment Canterbury within thirty working days following the installation of the treatment system. 7. Except for areas specified in Condition (11), a discharge into a river or lake shall, outside of the Zone of Non-Compliance, meet the water quality standards for the receiving water as set out in Schedule WQL1. For the purposes of this Condition, the Zone of Non-Compliance means the receiving water: <ul style="list-style-type: none"> (a) in a reach of a river or an artificial water course measured from the point of discharge for a distance <i>L</i> (length in metres) calculated using the following formula: 	<p>Policies</p> <p>WQL3 WQL12</p>

	$L = (\sqrt{W}) \times 25$ <p>where <i>W</i> is the width of the flow measured in metres at the point of discharge; or (b) 20 metres from the point of discharge into a lake.</p>	
<p>Where rule applies</p> <p>This rule does not apply to all areas/ situations in the Canterbury region – see Table WQL 7: Index of rules</p>		
	<p>8. The discharge shall not result in:</p> <ul style="list-style-type: none"> (a) an increase in the embeddedness of the riverbed substrate by more than 20 percent; or (b) an increase in the flow in the receiving water body at the point of discharge of more than one percent of a flood event with an Annual Exceedance Probability of 20 percent (one in five year event). <p>9. The discharge from a roof shall be via a system that prevents the entry of surface runoff into the stormwater system.</p> <p>10. The discharge of stormwater from an electricity substation area, where oil filled equipment is located, shall only be made to surface water, where:</p> <ul style="list-style-type: none"> (a) a connection to a sewerage network is not available, and (b) the electricity substation area is enclosed within an impervious bunded area, or designed to contain all spillages, or is encircled by interceptor drains, and drains to an oil interceptor of a type and size which gives a concentration of oil and grease not exceeding 15 grams per cubic metre in the discharge as measured by American Society for Testing and Materials (ASTM) Method D4281, or American Public Health Association (APHA) 5520B, and can retain the capacity of the largest container of oil on the site plus 10 percent of that volume; and (c) a copy of all maintenance records for the stormwater and oil containment systems shall be made available to Environment Canterbury upon request. <p>11. Where the discharge is to a river, lake, or artificial water course within any of the following areas, the discharge shall meet the water quality standards for the receiving water as set out in Schedule WQL1 at the point of discharge and there shall be no Zone of Non-Compliance:</p> <ul style="list-style-type: none"> (a) within one kilometre upstream on a river, or within one kilometre on a lake, from an intake for a community drinking water supply listed in Schedule WQL2; or (b) a significant spawning reach for salmon listed in Schedule WQN14.; 	

AGENDA ITEM NO: 7	SUBJECT MATTER: NRRP CHAPTER 3 (AIR QUALITY) WORK PROGRAMME AND AGRICULTURAL PLASTICS
REPORT: Council	DATE OF MEETING: 11 October 2007
FILE REFERENCES: NRRP/2002/1_3/NOT/HEA/200C	PORTFOLIO: Air PROJECT: NRRP – Chapters 1-3 OUTPUT: Response to Councillor Question
REPORT BY: Katherine Wilson Senior Resource Management Planner	ENDORSED BY: John Talbot Director Policy and Planning

PURPOSE

At a Special Council Meeting on 19 September 2007, the Council adopted the Commissioners' Recommendations on Chapters 1-3 of the proposed Natural Resources Regional Plan as its own decisions. Amongst the changes made by the Commissioners was the deletion of Permitted Activity Rules AQL30, AQL31 and AQL68. During the meeting on the 19 September, Cr McKay requested that staff report back to Council to specify when the implications of these changes will be assessed.

DISCUSSION

Clarification of the effect of the changes to the amended plan

The Council deleted Permitted Activity Rules AQL30 and AQL31, relating to the burning of polyethylene agricultural wrap and polyethylene agricultural and animal remedy containers. These activities will be prohibited under Rule AQL36, which prohibits the burning of plastics, once the rules are beyond challenge and can be treated as though they are operative. Until then, resource consent may be sought for these activities as a discretionary activity.

The Council also deleted Permitted Activity Rule AQL68, relating to composting established after the date of notification of the Proposed NRRP or not lawfully established before the date of notification of the Proposed NRRP. This means that industrial or trade related discharges to air from composting established after 1 June 2002 require resource consent in accordance with Rule AQL69. Discharges to air from composting from activities that are not industrial or trade related do not need to obtain resource consent, for example, discharges from domestic composting or occurring on production land as part of that production activity.

The basis for the differentiation between discharges from composting on industrial or trade premises or part of industrial or trade processes is found in section 15 of the Resource Management Act 1991.

Timescales for considering the proposed changes

There are a number of work streams resulting from the Council Decisions on Chapters 1-3 of the NRRP. These are:

- Evaluation of the impacts of changes to the plan made by the Commissioners (including deletion of Permitted Activity Rules AQL30, AQL31 and AQL68);
- Consideration of the variations to Chapters 1-3 recommended by the Commissioners;
- Consideration of variations to Chapters 1-3 identified separately (e.g. highlighted by staff); and
- Processing of appeals to the Environment Court – evaluation, negotiation, hearings.

The Decisions were publicly notified on 29 September 2007. Submitters have 30 working days to appeal the Decisions to the Environment Court. Appeals close on Monday 12 November 2007.

Some of the Council's decisions, including issues to be considered for variations, may be appealed. After the appeals close, staff will re-evaluate the process options the Council has before it, including the potential to resolve the issues that need to be dealt with either through the appeals process, or through variations to the Plan.

If the deletion of Permitted Activity Rules AQL30, AQL31 and AQL68 are appealed, the issues that Councillor McKay identified will likely also be a focus of that appeal. As a consequence, the Council will need to consider whether to advance any variation work in front of the resolution of any appeal on this matter.

If the changes to Permitted Activity Rules AQL30, AQL31 and AQL68 are not appealed, their implications will be evaluated and Council will need to further consider whether a variation is required. If this is the case, these issues would be incorporated into a wider work programme including incorporating both the set of variations recommended by the Commissioners, as well as other variations identified separately. It is the intention to report to the Council on this matter by February/March 2008.

Information to present to the public in the meantime regarding the deletion of Permitted Activity Rules AQL30 and AQL31

There are currently a number of options available for the disposal of agricultural wrap, and agrichemical and animal remedy containers that do not involve burning. The Council Decision identifies some of these during consideration of Policy AQL1(k) (pages 207-209 of the Chapter 3 Recommendations). In addition, the following schemes have been established recently.

Agrichemical containers can be recycled at a number of locations through the *Agrecovery Rural Recycling Programme* (www.agrecovery.org.nz). This is a nationwide collection and processing scheme, which began in April 2007. It will be financed by a levy collected by participating brand owners and paid to the *Agrecovery* Foundation. Farmers can return all plastic containers that are *Agrecovery* branded and are triple rinsed HDPE plastic, less than 60 litres in size. If the containers are not a brand/product that support the *Agrecovery* programme, they can still be recycled, but farmers will need to buy stickers through the website and place them on their containers. The cost is \$2.25 (including GST) per sticker. One sticker is required per 10 litre size of container. For example a 20 litre container will require two stickers to be accepted at *Agrecovery* collection points. *Agrecovery* collection sites will be located at a number of local authority transfer stations. The *Agrecovery* South Island collection points are as follows:

- Kaikoura
- Culverden
- Amberley

- Christchurch
- Rolleston
- Ashburton
- Timaru

Agricultural wrap can be recycled through a scheme established by *Agpac* (www.agpac.co.nz/recycling). The company provides a bin and liner system, available to any farmer regardless of whether they buy bale wrap from *Agpac*. Although farmers may use their own bins, they must use the liners provided. They do not require the plastic to be washed, but do request that farmers should place their waste wrap into the bin straight away, so that the plastic is cleaner and more useful for recyclers. The bin costs \$480 plus GST, each new liner is \$10 plus GST and the collection of each liner is \$40 plus GST (150 wraps can be put into each liner). Based on average use of 200 bales per farm the cost per farm will be between \$50 to \$100 per year.

RECOMMENDATION

That the Council receives the report on the work programme for NRRP Chapter 3 Air Quality, and polyethylene agricultural wraps and agrichemical containers.

AGENDA ITEM NO: 8	SUBJECT MATTER: END OF TRIENNIUM MATTERS
REPORT: Council	DATE OF MEETING: 11 October 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

PURPOSE

The purpose of this report is to brief Council on matters relating to the end of this triennium and to seek approval for emergency arrangements to be established for the “interregnum” period. The following matters are discussed in this report:

- Minutes of the Last Meeting before Election
- Vacation of Office
- Remuneration
- Discharge of Committees
- Continuation of the Civil Defence Emergency Management Group
- Emergency Arrangements
- First Council meeting following the Election

BACKGROUND

The Local Authority Elections are being conducted by postal vote with Election Day being Saturday, 13 October 2007. At this stage it is anticipated that the Electoral Officer will make her official declaration on Wednesday, 17 October 2007.

The Canterbury community will vote for 14 members of the Canterbury Regional Council from eight constituencies. The conduct of local body elections is regulated by legislation, namely: Local Electoral Act 2001, Local Electoral Regulations 2001 and Local Government Act 2002.

Aligned with this legislation, there is an “interregnum” period (from the day after the Electoral Officer’s declaration, until the new Council is sworn in) when urgent decisions cannot be made by the Council or its Committees.

MINUTES OF THE LAST MEETING BEFORE ELECTION

Standing Order No. 3.18.2 provides:

“The chairperson and the chief executive shall authenticate the minutes of the last meeting of the Council prior to the next election of members.”

Minutes of the final meeting on 11 October will be circulated to Councillors as soon as possible following the meeting. Any comments from Councillors will need to be given to the Manager Secretariat to enable the minutes to be signed prior to members vacating office. A similar process will be undertaken for Council Committees.

VACATION OF OFFICE

In accordance with the Local Electoral Act 2001:

- (a) Any Councillor who is elected unopposed (Cr McKay) goes out of office on 13 October and comes into office the same day. However, a Councillor elected unopposed cannot act as a member until they make their declaration at the first meeting of the new Council, tentatively scheduled for 24 October.
- (b) Councillors who face an election vacate office when the members of the new Council come into office. Members of the new council come into office on the day after the date of the Electoral Officer's declaration, which is expected to be made between 17 and 20 October. However, a Councillor cannot act as a member until they make their declaration at the first meeting of the new Council.
- (c) The current Chairman will vacate the office of Council Chairman the day after the date of the Electoral Officer's declaration. Council will elect a Chairman for the new Council at the first meeting of the Council, tentatively scheduled for 24 October.
- (d) Councillors not standing for election (Councillors Johnston, Slee, Wagner and Waters) vacate office on the day after the date of the Electoral Officer's declaration.

REMUNERATION

Following the election, Councillors will be remunerated in accordance with the Local Government Elected Members (Interim) Determination 2007. The Determination comes into force on the day that the members of the new council come into office and continues until a new remuneration regime is recommended by the Council and approved by the Remuneration Authority.

The Interim Determination for the Canterbury Regional Council is as follows:

Office	Annual Salary (\$)
Chair	128,448
Councillor	34,500

Chair Car – Full private use

Expenses and allowances, including vehicle mileage, will be paid during the interim period in accordance with Council's approved policy

The Remuneration Authority has advised that the interim determination expires on 30 November 2007, but will continue in force until the Canterbury Regional Council has decided on its new structure and recommended to the Remuneration Authority how its remuneration pool should be divided. The Remuneration Authority will then make a new determination for the final salaries, meeting fees (if applicable) and schedules of expenses and allowances.

NRRP HEARING COMMITTEES – At present Councillors appointed to the Proposed Natural Resources Regional Plan (NRRP) Hearing Committees are paid a monthly allowance (from the Annual remuneration pool) for their roles on the NRRP Hearing Committees. This allowance will cease when the Councillors vacate office. The Council will need to consider payment to NRRP Hearing Committee members when it considers how its remuneration pool should be divided and make recommendations to the Remuneration Authority. Continuity of membership of the NRRP Hearing Committees was the subject of a separate report to the 27 September Council meeting.

DISCHARGE OF COMMITTEES

Unless Council resolves otherwise, all committees, subcommittees or other subordinate decision-making bodies are deemed to be discharged on the coming into office of the new Council.

The Council at its meeting on 27 September 2007 resolved that the two Hearing Committees dealing with Variations 1 and 2 of the NRRP not be discharged on the coming into office of the members of the Council elected at the October 2007 triennial general election.

Council further resolved on 27 September that the Regulation Hearing Committee chaired by Cr McKay not be discharged on the coming into office of the members of the Council elected or appointed at or following the 2007 local authority elections. Provision was made for this interim Regulation Hearing Committee until 7 December, by which time the new committee structure and membership will be confirmed.

CONTINUANCE OF THE CANTERBURY CIVIL DEFENCE EMERGENCY MANAGEMENT (CDEM) GROUP

The Civil Defence Emergency Management Act requires that there shall be at all times a CDEM group in existence. This is to ensure that political oversight can be provided should an emergency occur between the time councils go out of office and the subsequent appointment of local authority members to their respective CDEM groups.

To implement this requirement, the CDEM Group is not deemed to be discharged or reconstituted on the coming into office of the members of the Council elected at any triennial local election.

EMERGENCY ARRANGEMENTS

As there will be a period between the election and the first meeting of the new Council when Councillors are unable to act, there is a need for delegation of authority to deal with emergency and some other matters in the "interregnum". It is proposed that the Chief Executive be authorised to act in any emergency matters. Any such matters will be reported to the incoming Council as soon as practicable.

Also, normal delegations to committees, or any delegation involving particular political office holders, e.g. committee chairs, cannot resume until the committee structure is confirmed and members appointed. However, once the members of the new Council have made their declarations, a meeting of the full Council can be convened to deal with any significant matters.

The Resource Management Act 1991 provides tight statutory timeframes for the consideration of resource consent applications and it may be necessary to commence arrangements for hearings in the period between the two Councils. To exercise the powers currently delegated to the Regulation Hearing Committee, Council resolved to not discharge the Regulation Hearing Committee chaired by Cr McKay who has been re-elected unopposed to the Rakaia Constituency.

FIRST COUNCIL MEETING

The first meeting of a local authority following a triennial general election of members must be called by the Chief Executive as soon as practicable after the official results of the election are known. The Chief Executive must give the persons elected not less than seven days' notice of the election. Presuming that the Electoral Officer's Declaration will be made on 17 October, it is proposed the first Council meeting will occur on Wednesday, 24 October.

The business that must be conducted at this meeting includes the following:

- The making and attestation of the members' declarations.
- The election of the Chairperson and Deputy Chairperson.
- A general explanation of the Local Government Official Information and Meetings Act 1987.
- A general explanation of other laws affecting members including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968.
- Fixing the date and time of the first ordinary meeting.

The first ordinary Council meeting cannot be pre-notified and must be set at the swearing-in meeting, following which 14 days must pass.

The date for this first ordinary meeting is tentatively set for Wednesday 7 November 2007.

RECOMMENDATIONS

That the Council:

- Receives the report of end of triennium matters.*
- Authorises the Chief Executive to act on any emergency matters arising from the time the present Council and its committees are discharged until the members of the new Council make their declarations.*
- Instructs the Chief Executive to report any such matters to the incoming Council at the first appropriate opportunity.*
- Notes that the Canterbury Civil Defence Emergency Management Group and any subcommittee established by that group shall not be deemed to be discharged on the coming into office of the members elected at the 2007 triennial general election of the Council.*

AGENDA ITEM NO: 9	SUBJECT MATTER: MINUTES OF MEETING FOR INFORMATION
REPORT: Council	DATE OF MEETING: 11 October 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

CANTERBURY MAYORAL FORUM

The minutes of the meeting of the Canterbury Mayoral Forum held on 1 October 2007 are attached for information.

RECOMMENDATION

That the minutes of the Canterbury Mayoral Forum be received.

CANTERBURY MAYORAL FORUM

MINUTES OF THE CANTERBURY MAYORAL FORUM MEETING HELD ON MONDAY, 1 OCTOBER 2007 AT 9.00 A.M. AT ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH

PRESENT

Mayor Bede O'Malley	Ashburton District Council
Brian Lester	Ashburton District Council
Mayor Garry Moore (<i>until 11.10 a.m. and from 11.50 a.m.</i>)	Christchurch City Council
Tony Marryatt (<i>until 10.35 a.m.</i>)	Christchurch City Council
Chairman Sir Kerry Burke	Environment Canterbury
Dr Bryan Jenkins	Environment Canterbury
Mayor Garry Jackson	Hurunui District Council
Mayor John O'Neill	Mackenzie District Council
Glen Innes	Mackenzie District Council
Mayor Michael McEvedy (Chairman)	Selwyn District Council
Paul Davey	Selwyn District Council
Mayor Janie Annear	Timaru District Council
Warwick Isaacs	Timaru District Council
Mayor John Coles	Waimate District Council
Tony Arden	Waimate District Council
Jude Pani	Environment Canterbury
Robyn Pay	Secretary, Environment Canterbury

In attendance for Item 3 Update on Regional Economic Development – Governance for Canterbury

Irvine Paulin NZTE

In attendance for Item 3 Update on Transport

Michael Blyleven Transit NZ
Laurie McCallum Environment Canterbury
Stuart Woods Christchurch City Council

1. APOLOGIES

Tony Marratt (<i>for early departure</i>)	Christchurch City Council
Mayor Kevin Heays	Kaikoura District Council
Stuart Grant	Kaikoura District Council
Mayor Jim Gerard	Waimakariri District Council
Jim Palmer	Waimakariri District Council
Mayor Alan McLay	Waitaki District Council
Michael Ross	Waitaki District Council

In opening the meeting, Mayor McEvedy welcomed members to the final meeting of the Canterbury Mayoral Forum (CMF) for this triennium. He congratulated Mayors Bede O'Malley, Garry Jackson and John O'Neill for being re-elected unopposed; noted that both he and Mayor Garry Moore were not seeking re-election; and wished success to those currently engaged in the election process.

2. MINUTES OF 6 AUGUST 2007 MEETING

Confirmed.

Sir Kerry Burke/Mayor Bede O'Malley

COAST FARM PUBLIC USE PROPOSAL

Mayor McEvedy confirmed a letter was sent from the Forum. No acknowledgement/reply has been received.

PADDY CLIFFORD

A letter was sent to Paddy Clifford thanking him for his support of the CMF, and wishing him well for the future.

3. UPDATES ON PRIORITIES

REGIONAL ECONOMIC DEVELOPMENT – GOVERNANCE FOR CANTERBURY

A paper titled “Government Regional Strategy Fund” prepared by Tony Marryatt was distributed with the meeting papers. Mayor McEvedy thanked Mr Marryatt for his leadership of the group of chief executives who had looked at this matter following the last CMF meeting.

Mr Marryatt presented the paper which provided background to the issue and detail on the proposed Regional Governance Group (RGG). Several options had been considered by the chief executives’ group – establishment of a Council Controlled Organisation, establishment of a joint committee of councils, establishment of a committee under the aegis of one council, and establishment of a Council Organisation.

The underlying principles in the formation of the RGG were that it be controlled by and be responsible to local government in the region, and that the complying structure have minimal administration costs.

The proposal is to establish a Council Controlled Organisation (CCO), considered the best model to ensure that an appropriate and well-balanced RGG is established. This will require a Special Consultative Process to be established and it was considered that this process would best be undertaken jointly as part of the 2008/09 Annual Plan round.

It is proposed that the CCO would be owned by the ten local authorities in the region in equal shares. Membership would be 5 local government appointees, four industry appointees, and one Ngai Tahu representative.

Mr Marryatt undertook that his council would prepare the Statement of Proposal and consultation documents on behalf of and for adoption by each council. He confirmed that Canterbury would not lose out on any funding opportunities by taking the proposed path.

Irvine Paulin from NZTE confirmed that the proposal meets the necessary criteria.

Cr Burke asked about funding implications for councils. Mr Marryatt said that Christchurch City Council would provide any assistance necessary to get the CCO to its first meeting, and that after that time an administrative agent would be appointed (eg a firm of accountants). It was proposed that the CCO would hold two meetings per year. Any administration costs would be met from the fund. It would be cost-neutral for councils.

It was noted that in making the industry appointments, endeavours would be made to ensure geographical and sectoral spread of skills and expertise.

Resolved

- (i) *That the Canterbury Regional Governance Group be established as a company wholly owned in equal share by the territorial authorities of Canterbury and Environment Canterbury (100 shares, 10 shares each).*
- (ii) *That the membership of the Governance Group be established as follows to meet the requirement of NZTE/MED for regional cross representation:*

Local Government Representatives

<i>North Canterbury -Hurunui, Waimakariri, Kaikoura</i>	<i>1 representative</i>
<i>City - Christchurch</i>	<i>1 representative</i>
<i>Mid Canterbury - Ashburton, Selwyn</i>	<i>1 representative</i>
<i>South Canterbury – Waimate, Timaru, Mackenzie</i>	<i>1 representative</i>
<i>Environment Canterbury</i>	<i><u>1</u> representative</i>
	<i>5</i>

Maori and Industry

<i>Ngai Tahu</i>	<i>1 representative</i>
<i>Industry</i>	<i><u>4</u> representatives</i>

Regional Governance Group 10 representatives

- (iii) *That Local Government appointees be limited to Elected Members/Council staff members, or independent persons, (ie. not members of any EDA).*
- (iv) *That the four Territory Authorities groupings each appoint one of the four industry representatives to the Group, with a view to achieving collectively a geographical and sectorial spread of skills and expertise.*
- (v) *That the Regional Governance Group meet twice annually in accordance with the funding application round to NZTE/MED.*
- (vi) *That the Regional Governance Group appoint the Administrative Agent to act as the interface between NZTE/MED and fund recipients.*
- (vii) *That the Regional Governance Group not be remunerated.*
- (viii) *That the Statement of Proposal and consultation documents for the establishment of the CCO and exemption from normal Local Government Act reporting requirements. be prepared by the Christchurch City Council on behalf of and for adoption by each Council and that the proposal be consulted on as part of the 2008/09 Annual Plan.*
- (ix) *That Christchurch City Council facilitate the CCO Board appointment process and the initial meeting of the CCO.*
- (x) *That the Regional Governance Group appoint an administrative agent to provide administrative support and act as a conduit between government, EDAs and other agencies who may be applicants for RSF and EPD funds.*

Mayor Garry Moore – Mayor Garry Jackson

CANTERBURY STRATEGIC WATER STUDY

In presenting his papers, Dr Jenkins apologised that they were not included with the agenda as he had been away on annual leave. Two papers were tabled at the meeting:

- Water quality constraints on land use intensification in Canterbury: a strategic assessment of the impacts of N leaching on groundwater quality as a consequence of irrigation development
- Community engagement through “Open Strategy”

Dr Jenkins spoke to the water quality paper first which addressed the issue of the effects of land use intensification on water quality. The paper outlined the objectives, methodology, project design and management, and cost.

The methodology aimed to estimate the amount of land use intensification that could occur with nitrate levels remaining at acceptable levels.

The proposal requires the appointment of a project manager, and an initial estimate of cost was of the order of \$200,000 to cover the 19 groundwater zones in Canterbury. It is proposed that central government be approached for financial assistance for this project. Initial discussions with MAF staff have indicated that this proposal would fit the criteria for central government funding to assist with water storage proposals.

The proposal in the paper was endorsed and it was agreed that this issue should be discussed with Jim Anderton at a meeting planned for later this week.

Dr Jenkins then went on to present the paper on the “Open Strategy” community engagement proposal. The issue was discussed by the Steering Group following the last CMF meeting and the paper before the CMF was prepared following these discussions.

The paper outlined progress to date and detailed a brief that has been prepared for community consultation. This brief included the following components:

- Comparison of broad strategies
- Incorporation of substrategies to address stakeholder concerns
- Substrategies for each storage option
- Substrategies for different combinations of storages
- Identification of the actions required for implication

A proposed programme was detailed in the report. This included a 9 November workshop (trial of the open strategy approach), facilitator training, translation of material to the Open Strategy framework, local stakeholder workshops, substrategy refinement, review workshop (Steering Group and CMF), further substrategy refinement, public engagement, sign-off of Canterbury Water Management Open Strategy, and decisionmaking on substrategies.

The work would take approximately 18 months (modelling 6-12 months, community consultation 18 months) at an estimated cost of \$141,500. It was proposed that financial assistance would be sought from central government.

Points raised during discussion of this paper included:

- The need to maintain continuity of the Steering Group with the departure of Mayor McEvedy.
- The possible need to broaden the membership of the Steering Group.
- Reference was made to a stakeholder meeting held 3-4 weeks ago which was expertly chaired by Dr Andy Pearce and brought a very diverse range of stakeholders together to

discuss these issues. The importance of being able to keep all groups together to move forward was stressed.

- There was wide discussion about the views of “town versus country” on the issue of water in many areas of the region; this was currently a high profile election issue. Everyone agreed on the need for a plain English (not science) education/communications strategy to ensure that correct information was disseminated and informed debate took place. It was noted that MFE is currently working on the wider issue of public education on water issues, and it was also noted that there are a lot of models in Australia that could be used here.
- Mayor O’Neill said that water and development were issues that had to be considered in tandem – not isolation.
- Every opportunity needs to be taken to raise the water issue with cabinet ministers, Canterbury Members of Parliament, and political parties.

It was agreed to endorse the proposal contained in Dr Jenkins proposal, and that Tony Marryatt and Bryan Jenkins work together on the issue of public education and communication.

Resolved

- (a) *That the proposals contained in Dr Jenkins reports be endorsed as the view of the Canterbury Mayoral Forum, and that financial assistance be sought from central government.*

Mayor Garry Moore – Mayor Garry Jackson

- (b) *That Mayor Bede O’Malley replace retiring Mayor Michael McEvedy on the Canterbury Strategic Water Study Steering Group.*

Mayor Michael McEvedy – Mayor Janie Annear

CANTERBURY REGIONAL ENERGY STRATEGY FORUM

A paper prepared by Dr Bryan Jenkins updating progress on this project was circulated at the meeting. The paper provided updates on the three stages of work previously identified:

Stage 1 – to develop a better understanding of national and regional energy supply characteristics and future local issues and opportunities. Stage 1 has been completed with a broad range of energy issues of particular importance in Canterbury being identified, and three key areas of development potential emerging.

Stage 2 – to determine, within an agreed planning framework, how future regional energy initiatives can best contribute to the regional economy.

Stage 3 – To demonstrate, through agreed action plans, how preferred regional energy opportunities can be initiated.

The next steps were seen as:

- The scoping of the tasks to prepare a Regional Statement of Local Opportunities
- The broadening of the membership of the Canterbury Regional Energy Forum to include energy and industry interests covering the Canterbury region
- The commencement of community engagement with the regional energy strategy.

Resolved

That the Canterbury Mayoral Forum:

- *Endorses the Canterbury Regional Energy Strategy proceeding to Stage 2*
- *Notes that a scoping document for the Regional Statement of Local Opportunities will be referred to the next meeting of the Canterbury Mayoral Forum*
- *Suggests members from energy companies and industry who would participate in the Canterbury Regional Energy Forum*
- *Notes that a strategy for community engagement will be referred to the next meeting of the Canterbury Mayoral Forum*

Mayor Garry Jackson – Mayor Bede O'Malley

Morning tea was taken from 10.35 a.m. until 11.05 a.m.
Tony Marryatt departed the meeting during this break.

TRANSPORT

Mayor McEvedy welcomed Michael Blyleven, Laurie McCallum and Stuart Woods to the meeting, and invited them to sit at the table with the CMF.

Mayor Garry Moore left the meeting, citing a possible conflict of interest between the transport discussion and his roles on the boards of Transit NZ and Land Transport NZ. He took no part in the discussion, and left the room.

Dr Jenkins lead the discussion on this matter, and noted the hard work and attention given to this issue by all councils, enabling endorsement of the proposed overall approach at the recent meeting of the Canterbury Regional Land Transport Committee (RLTC).

The RLTC recommended adoption of the Canterbury Transport Regional Implementation Plan 2007, and adoption of the draft Canterbury Regional Land Transport Strategy and the draft Canterbury Regional Travel Demand Management Strategy for public consultation. The committee also:

- endorsed Environment Canterbury approaching government for a transport funding assistance package, with the aim of enabling delivery of the full ten-year programme as outlined in the TRIP, and for R funding to be reallocated should the request be successful, and
- supported the Chairperson of Environment Canterbury to present a funding assistance package request to Government in October, prepared with input from approved organisations' chief executives and based on the analysis contained within the TRIP, the dRLTS and chief executive briefings.

It was reported that the recommendations of the RLTC were adopted by Environment Canterbury at its meeting on 27 September.

Dr Jenkins reported that the Minister of Transport had met with the RLTC on 25 September. Presentations were made to the Minister on transport issues in Canterbury, and she was shown some of the issues on a helicopter flight after the meeting. She indicated that the total gap would need to be met partially by the region and partially by central government.

The next step is presentation of the funding assistance package to central government in the third week of October. The documentation is being prepared by Ken Tremaine and the Technical Officers Group (TOG), with all councils working very well together.

Mayor McEvedy spoke of recent visits by the boards of both Transit NZ and Land Transport NZ. He said both boards had been very interested in Canterbury's issues, and the work that has been done.

Both Dr Jenkins and Mayor McEvedy commented on the significance of the work that has been done, and the tremendous co-operation from the entire region. They noted that regional ownership of the issue is critical.

The Transit NZ, Environment Canterbury and Christchurch City Council staff present for this item all reiterated that this is just the start of the process, and a lot more work will be required yet. However all agreed that the process is moving forward well, in no small part due to the co-operation around the region. They also noted the valuable experience of Ken Tremaine in this area, and the advantages to Canterbury of this.

There was some discussion about the desirability of briefing MP Jim Anderton on progress on this issue, particularly bearing in mind his earlier agreement to be the regional champion for this process. There was also some thought that it would be useful to brief all Canterbury MPs. It was noted that other Cabinet Ministers are expected to visit Canterbury in the next few weeks, and every opportunity should be taken to raise the profile of Canterbury transport issues. It was agreed however that the approach should remain low key.

Brian Lester raised an issue about a specific project in Ashburton. It was noted that amendments would be able to be made to the projects in the package (including the order) as time passed. Staff reminded the CMF that the project list needed to be realistic – there must be sufficient capacity available for all stages of the projects (eg, planning, design).

In closing the discussion, Mayor McEvedy particularly paid tribute to the staff team who had put the package together. This was the first time something of this magnitude had been achieved in the transport area in Canterbury, or even in the South Island.

4. CANTERBURY MAYORAL FORUM 2004-2007

A report was included with the agenda papers outlining the many issues that had been brought before the CMF in the current triennium. The report also noted the changes in membership of the CMF that had occurred.

Mayor Garry Moore returned to the meeting at 11.50 a.m., during discussion of this item.

Particular issues raised during discussion of the report included:

- Mayor McEvedy considered that emergency management had come of age in terms of regional commitment, and he acknowledge the role Environment Canterbury has taken to provide the "horsepower" in this area.
- The Chairman expressed disappointment at the lack of significant progress in the area of Broadband, particularly for Canterbury's rural areas.
- The considerable progress made in the areas of the Canterbury Strategic Water Study, Civil Defence, and Regional Economic Development were particularly noted.
- Disappointment at the lack of progress by central government in the area of waste minimisation.
- The possible backing down by the Minister in the area of changes to the Fire Regulations and legislation following concerns raised particularly in the rural areas of New Zealand.

During discussion on this item, Cr Burke raised the issue of the frequency of meetings of the Canterbury Civil Defence and Emergency Management Group Joint Committee, noting particularly the abandonment of the most recent meeting because of a lack of quorum. Warwick Isaacs, interim Chairperson of the CDEMG CEG, noted that this issue will be looked at after the election.

Mayor McEvedy acknowledged the co-operation and goodwill around the table at CMF meetings. He thanked Environment Canterbury for provision of the meeting venue, and support staff. He particularly thanked Jude Pani for her excellent secretarial support in organising the agenda and speakers, etc. He also thanked Robyn Pay for her support in taking the minutes.

The Chairman thanked Dr Bryan Jenkins for the considerable role he has assumed for the CMF, ensuring issues are progressed; and that good, well-researched, unbiased information and recommendations with a degree of acceptability to all are presented.

He thanked all the Chief Executives for willingly doing any work required of them by the CMF. He thanked the mayors for their regional vision, trust and co-operation. He considered that the CMF is the best mayoral forum in the country, with everyone around the table being friends. He expressed a hope that this spirit of goodwill and co-operation would carry on in future forums.

Mayor McEvedy said it had been his privilege and pleasure to lead the CMF. While the larger councils had often been better placed to provide the capacity to assist the CMF, the smaller councils have all played their part too. He wished those returning for another term all the best for the next three years.

Mayor Garry Moore thanked the Chairman on behalf of all those present. He noted that Mayor McEvedy's "wise head at the helm" had been of great value to the CMF. The way that the CMF has so successfully dealt with issues was due in no small part to its leadership. Mayor Moore wished Michael McEvedy well for the future.

5. GENERAL BUSINESS

There were no items of general business.

6. NEXT MEETING

To be advised.

7. CLOSURE

The meeting concluded at 12.07 p.m.

AGENDA ITEM NO: 14	SUBJECT MATTER: PUBLIC EXCLUDED
REPORT: Council	DATE OF MEETING: 11 October 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

MEETING WITH PUBLIC EXCLUDED

The Chairman will move:

That the public be excluded from the following part of the proceedings of this meeting, namely:

- 14.1 Minutes of 27 September 2007 Meeting and Matters Arising
- 14.2 Report of the Chief Executive Performance Review Committee (Verbal)

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
14.1 Minutes of the 27 September 2007 Meeting and Matters Arising	That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.	Section 48(1)(a)
14.2 Report of the Chief Executive Performance Review Committee		

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

- 14.1 Maintain legal professional privilege – Section 7(2)(g).
- 14.2 Protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a).