

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr A G Neill (Chairperson)
Cr J M Waters
Cr R I R Little

A meeting of the Committee will be held on
Friday, 4 May 2007 at 9.00 a.m.

VENUE: Opihi Room
First Floor
Pegasus Building
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 COUNCIL**

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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.

ENVIRONMENT CANTERBURY

REGULATION HEARING COMMITTEE

ORDER PAPER

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3. MATTERS ARISING
4. DEPUTATION AND PETITIONS

MATTERS FOR DECISION BY THE COMMITTEE

5. RESOURCE CONSENT APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
6. APPOINTMENT OF COMMISSIONERS TO DECIDE RESOURCE CONSENT APPLICATION

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9. NEXT MEETING – to be confirmed
10. CLOSURE

REGULATION HEARING COMMITTEE

MINUTES OF THE MEETING HELD IN THE WAIMAKARIRI ROOM, GROUND FLOOR,
PEGASUS BUILDING, ENVIRONMENT CANTERBURY, 58 KILMORE STREET,
CHRISTCHURCH ON 30 MARCH 2007 AT 9.00 A.M.

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PRESENT

Councillors A G Neill (Chairperson), E H Cunningham and R I R Little.

IN ATTENDANCE

Humphrey Tapper (Goodman Tavendale Steven Reid).

MANAGEMENT AND STAFF PRESENT

Donald Fraser (Consents Hearings Officer).

1. APOLOGIES

Nil.

2. MINUTES OF PREVIOUS MEETING

The minutes of the previous meetings were confirmed as a true and accurate record.

3. MATTERS ARISING

Nil.

4. DEPUTATIONS AND PETITIONS

The Committee received a deputation from Mr Humphrey Tapper, a solicitor with Goodman Tavendale Steven Reid. The application had been received and approved in accordance with Section 3.19.1 of the Council's Standing Orders.

Mr Tapper tabled a submission for presentation to the Committee. The Chairperson disallowed one section (being a file note) of the submission from being tabled which contained a reference to a private conversation that took place between two lawyers who had discussed the preliminary decision by the three Commissioners deciding the Rakaia Selwyn Groundwater Zone applications. The Chairperson ruled that it was inappropriate for the file note to be received by the Committee and in his view considered it to be hearsay.

Mr Tapper advised that his firm was acting as legal counsel for the majority of resource consent applicants (the applicant group) who will be subject to a hearing to take and use groundwater in the Selwyn Waimakariri Groundwater Zone.

Mr Tapper said the reason for the deputation was that the Committee would be considering and deciding the appointment of Commissioners to hear and decide the applications in the Selwyn Waimakariri Groundwater Zone at the meeting.

As background, Mr Tapper said that the applicant group had always assumed that the three Commissioners deciding the Rakaia Selwyn Groundwater Zone were to be appointed to decide the Selwyn Waimakariri Groundwater Zone, and had referred to correspondence from Environment Canterbury staff which suggested that this would be the case.

Mr Tapper said that, in the applicant group's view, the reason for appointing the same three Commissioners was to save costs and ensure consistency between decisions. Mr Tapper considered that many of the issues between the Rakaia Selwyn and Selwyn Waimakariri groundwater systems were similar, and the same Commissioners would streamline the process, thereby ensuring a more cost effective process.

Mr Tapper said that the applicant group were now concerned that there appeared to be some doubt being expressed as to the appointment of the same three Commissioners following the issue of the preliminary decision on Rakaia Selwyn and the subsequent statements made by senior Environment Canterbury staff about the interim decision. Mr Tapper referred to an article that had appeared in The Press by the Council's Chief Executive about the preliminary decision.

The applicant group considered that the effect of that media statement had been to express dissatisfaction with the conclusions reached by the Commissioners in their preliminary decision. The applicant group had considered such statements being

made to be most irregular, especially as the Commissioners were carrying out the statutory powers of Environment Canterbury as a consent authority.

Mr Tapper concluded that the concern of the applicant group was that if different Commissioners were now appointed to decide the Selwyn Waimakariri Groundwater Zone applications than those deciding the Rakaia Selwyn Groundwater Zone, there would be a clear implication that different appointments were being made to ensure a different result.

The Chairperson thanked Mr Tapper for his presentation to the Committee.

MATTERS FOR DECISION BY THE COMMITTEE

5. APPOINTMENT OF COMMISSIONERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS

5.1 WAIMAKARIRI SELWYN GROUNDWATER ZONE – VARIOUS APPLICATIONS TO TAKE AND USE GROUNDWATER

The Committee was advised that a combined hearing to decide resource consent applications to take and use groundwater in the Waimakariri Selwyn Groundwater Zone was tentatively scheduled for mid May 2007.

Mr Fraser commented on the criteria used to recommend the appointment of decision-makers which included technical ability availability cost-effectiveness and RMA Accreditation Certification.

Mr Fraser considered that the panel of decision-makers should include a legally trained person, a geohydrologist and a third person to deal with other issues such as ecology/stream issues.

Mr Fraser commented on the appointment of Philip Milne, Wayne Russell and Dr Greg Ryder by the Regulation Hearing Committee, at its 25 October 2005 meeting to hear the Rakaia/Selwyn groundwater application. The Committee noted that those Commissioners had recently issued a preliminary decision on the applications in the Rakaia Selwyn Groundwater Zone and would reconvene the hearing on 3-4 May 2007 to consider submissions from parties on proposed conditions. Mr Fraser advised that a final decision on those applications would then not be expected until late May 2007 or early June 2007.

Mr Fraser said that due to the diversity of the issues and complexities involved, it was recommended that at least three persons be appointed to decide the applications in the Selwyn Waimakariri Groundwater Zone.

Mr Fraser provided a list of persons as options who could be appointed in the areas of legal expertise, geohydrology and ecology to decide the applications. Mr Fraser pointed out that the charge out rates for the various candidates was very similar.

Mr Fraser advised that staff were making a recommendation as to which persons should be appointed to decide the applications.

The Committee considered the possible appointment of decision-makers by considering each area of expertise as set out in the report.

Legal Expert/Chair

Mr Fraser provided details of the professional backgrounds of the two candidates; experience as Commissioner; the types of hearings they had been previously made decisions on, and their current workloads with Environment Canterbury as Commissioners.

The Committee noted that Mr Milne, in terms of workloads, was currently set to resume the Rakaia Selwyn hearing and then to complete the final decision. The Committee further noted that Mr Milne was a Commissioner appointed by Environment Canterbury to hear and decide the resource consent applications by Central Plains Water Trust at a hearing possibly commencing mid June for a period of at least four weeks.

The Committee noted that Mr Rogers had no current workloads as a Commissioner with Environment Canterbury.

Geohydrology

The Committee noted that both Mr Russell and Mr Heller had been appointed previously by Environment Canterbury to decide consent applications relating to groundwater takes with Mr Russell part of the panel deciding the Rakaia Selwyn Groundwater Zone and Mr Heller part of a panel which had deciding groundwater takes in the Rangitata Orton Zone.

The Committee noted that neither of the candidates had completed the RMA Accreditation Certification Course.

The Committee noted that Mr Fenemor had not previously been appointed as a commissioner by Environment Canterbury.

Ecology

The Committee noted that Dr Ryder had considerable experience as a Commissioner with Environment Canterbury and was currently part of the panel deciding the Rakaia Selwyn Groundwater Zone. Dr Ryder had gained the RMA Certification Accreditation.

The Committee noted that Dr Roper Lindsay had not been appointed previously by Environment Canterbury as a Commissioner and did not have RMA Accreditation Certification.

The Committee was satisfied that the list of candidates met the criteria of technical ability and had noted that they were all available should the combined hearing proceed on the 14 May 2007 which was the tentative commencement date. The Committee was also satisfied that the charge out rates for the various candidates were similar in nature.

Mr Fraser advised the Committee that there were no legal impediments to the appointment of any of the candidates

However, the Committee did give regard to the current workloads of both Mr Milne and Mr Rogers and noted the possible impacts on a possible starting date by Mr Milne given his requirement to complete the hearing and finalise the decision on Rakaia Selwyn Groundwater Zone, and also the forthcoming

lengthy hearing on Central Plains Water Trust, where he will chair the joint hearing, resulting in an anticipated workload over the next few months.

The Committee commented on the need for a continuity of knowledge with deciding groundwater take applications and the knowledge that had been gained from the hearings on the Rakaia Selwyn Groundwater Zone.

Resolved

- (a) *That the Committee appoint Paul Rogers, Wayne Russell and Dr Greg Ryder to hear and decide resource consent applications CRC030614 Cropmark Seeds Limited; CRC042619 P J Pankhurst; CRC042798 G R and H J Wilson; CRC050062 The Gammack Estate; CRC050388 Craufurd Farm Limited; CRC050407 P J and D J Anderson & Hurst; CRC050463 White Gold Limited; CRC050474 R K Jowett; CRC050608 S G and D J Lill; CRC050653 B W A Lee; CRC050653 Meadow Mushrooms Limited; CRC050789 P J and L J Pankhurst; CRC050835 The Bridge Farm Limited; CRC050933 R D and L J Potts; CRC051108 M G and K H Hyslop; CRC051156 R T and L L Chalmers; CRC051341 L G and E J Ellis; CRC051631 Fitzallan Park Limited; CRC051812 by D and J S Murdoch; CRC052212 B D Cullen; CRC052320 Canterbury Chicken Limited; CRC052361 R H Simpson; CRC052658 G J Marshall and Trust Limited; CRC052869 Malvern meat Processors Limited; CRC054069 G J H and K White; CRC054596 Caniwi Trust; CRC060051 K B Grimwood; CRC060192 K T Opie; CRC060214 J E Korostchuk; CRC060250 John Arbuckle Standardbreds Limited; CRC060458 P H Morrison; CRC061004 D Love; CRC061232 A G and J R Redmond; CRC061458 Manaroa Farm Limited; CRC061902 P E Streeter; CRC061905 P E Streeter; CRC062220 Tavistock Estate Limited; CRC062512 Selwyn Plantation Board Limited; CRC062513 Selwyn Plantation Board Limited; CRC062823 Selwyn Plantation Board Limited; CRC062824 Selwyn Plantation Board Limited; CRC062825 Selwyn Plantation Board Limited; CRC063744 E J and K A Croy; CRC070606 C T Fairbairn and L B Hill and CRC071440 W A and J T Scarlett with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Paul Rogers, Wayne Russell and Dr Greg Ryder to deal with any preliminary issues associated with (a) with the full powers of the Council as a consent authority.*

Cr Neill/Cr Little

6. QUESTIONS

Nil.

7. EXTRAORDINARY AND URGENT BUSINESS

Resolved

That the appointment of Commissioners to hear and decide resource consent applications be considered extraordinary and urgent business.

Cr Cunningham/Cr Little

7.1 STONEHURST ESTATE LIMITED – CRC051570

The Committee was advised that a hearing was scheduled for 20 April 2007.

The Commissioners recommended had satisfied Council staff they had the necessary criteria, including technical ability and RMA Accreditation Certification, to carry out the duties required.

Resolved

- (a) *That the Committee appoint Robert Nixon and Tom Heller as Commissioners to hear and decide resource consent application CRC051579 by Stonehurst Estate Limited with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Robert Nixon and Tom Heller to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

Cr Neill/Cr Cunningham

7.2 P & E LIMITED – CRC060217, CRC054098, CRC060223 AND CRC060221

The Committee was advised that a hearing was scheduled for 17 April 2007.

The Commissioner recommended had satisfied Council staff he had the necessary criteria, including technical ability and RMA Accreditation Certification, to carry out the duties required.

Resolved

- (a) *That the Committee appoint Dr Brent Cowie as Commissioner to hear and decide resource consent applications CRC060217, CRC054098, CRC060223 and CRC060221 by P & E Limited with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Dr Brent Cowie to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

Cr Cunningham/Cr Little

7.3 DB & J G HAYES – CRC052748

The Committee was advised that a hearing was scheduled for 24 April 2007. to hear and decide the application.

The Commissioners recommended had satisfied Council staff they had the necessary criteria, including technical ability and RMA Accreditation Certification, to carry out the duties required.

Recommended

- (a) *That the Committee appoint Angus McKay and Sharon McGarry as Commissioners to hear and decide resource consent application*

CRC052748 by D B and J G Hayes with the full powers of the Council as a consent authority.

- (b) *That the Committee appoint Angus McKay and Sharon McGarry to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

Cr Neill/Cr Cunningham

8. NEXT MEETING

To be confirmed.

9. CLOSURE

The Chairperson closed the meeting at 10.10 a.m.

CONFIRMED

DATE

13-04-07



CHAIRMAN

4. RESOURCE CONSENT APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The following resource consent applications are submitted for consideration and decision by the Committee without formal hearing.

Applications	Permit No.	Page No.
C J Redmond Limited	CRC070462	
Christchurch Readymix Concrete	CRC052911, CRC050679	

Recommended

That the Committee acting pursuant to a delegation of the Council of 22 October 2004, having had regard to the requirements of Section 104 of the Resource Management Act 1991, grants consent, pursuant to Section 105 of the said Act, to the applications subject to the conditions and durations, and for the reasons stated.

**Before the Commissioner / Hearing Panel appointed
by Canterbury Regional Council**

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Application CRC070462 by CJ
Redmond Ltd for a Discharge
permit to discharge contaminants
from roofs, car parking and
hardstanding areas onto land at
Kermode Street, Ashburton.

Section 42A Officer's Report

Date of Hearing: 4th May 2007

Report of *Simon Smith/Yvette Rodrigo*

1. My name is Yvette Rodrigo and I am currently employed by MWH New Zealand Limited as an Environmental Scientist. Until recently, I was employed by Environment Canterbury as a Senior Investigating Officer. My qualifications include a Master of Science degree (with Honours) from the University of Canterbury in Environmental Science, specialising in Applied and Environmental Microbiology.
2. This application was also audited by Simon Smith, who also contributed to the preparation of this report. Simon is currently employed by MWH New Zealand Ltd as an Environmental Scientist. He is a recent Bachelor of Science graduate (with Honours) from the University of Aston (Birmingham, UK) in Combined Honours Environmental Science and Geographical Information Systems.
3. This report is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA). This section allows a Council officer to provide a report to the decision-maker on a resource consent made to the Council, and allows the decision-maker to consider the report at the hearing. Section 41(4) of the RMA allows the decision-maker to request and receive from any person who makes a report under Section 42A "*any information or advice that is relevant and reasonably necessary to determine the application*". This report will provide the decision-maker with information and advice related to:
 - The background to the application;
 - Details of the notification of the application and any submissions received;
 - An outline of the relevant legal and planning provisions;
 - Comments on the assessment of environmental effects provided;
 - Details of Council policy relevant to the application;

- Comments in relation to the matters specified in Part II of the RMA; and
 - Comments on the decision to be made by the decision-maker including comments on whether the application can be granted or should be declined; if the application is to be granted what measures are required to avoid, remedy or mitigate any adverse effects; what monitoring should be undertaken and the duration of consent.
4. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the decision-maker. It should not be assumed that the decision-maker will reach the same conclusion or decision having considered all the evidence to be brought before it by the applicant and submitters.

INTRODUCTION

5. The applicant, CJ Redmond Ltd seeks consent to discharge stormwater from roofs, carparking and hard-standing areas onto land and ultimately into the Ashburton River from a proposed commercial development at Kermode Street, Ashburton.
6. The site currently consists of two established commercial buildings used by The Ashburton Guardian Press and a sock factory. It is proposed to develop the remainder of the site into The Warehouse retail facility and another commercial tenant. Since lodging this application, PDP have confirmed that the other part of the site has been leased and will be used as a Harvey Norman Distribution Centre.
7. David Smith Surveying Ltd, developers acting on behalf of the applicant have engaged Pattle Delamore Partners Ltd (PDP) to prepare the resource consent application and supporting Assessment of Environmental Effects (AEE). The application states that consent is required from the Ashburton District Council (ADC) and has been applied for.
8. Figure 1 and Plan CRC070462 show the location and layout of the site.

Notification

9. Pursuant of section 93 of the RMA the application was publicly notified in the Ashburton Guardian on Saturday, 7 October 2006. The application was notified as follows:

<p>Applicant: CJ Redmond Ltd Address: c/- Pattle Delamore Partners Ltd, PO Box 389, Christchurch Attn: Ms Fiona Cox</p>
<p>CRC070462 - to discharge stormwater that may contain contaminants onto and into land in circumstances which may result in these contaminants (or others emanating as a result of natural processes from these contaminants) entering ground water and/or the Ashburton River. Contaminants in the discharge of stormwater may originate from roofing, hard-standing and car parking areas associated with a proposed 'Warehouse' retail facility and a tenanted commercial facility at Kermode Street, Ashburton. The site is located at or about map reference NZMS 260 K37: 0882-9965.</p> <p>Roof stormwater will be discharged to land directly via two soakholes. Stormwater from hard-standing areas will be directed to a sedimentation system ('Humeceptor' or 'Hynds Downstream Defender') via a sump, before discharging to the Ashburton River via a swale. The discharges may include contaminants such as suspended sediment, nutrients, heavy metals, hydrocarbons and micro-</p>

organisms.

The applicant has requested a consent duration of 35 years.

10. ECan also notified a number of parties and persons considered to be adversely affected by the application. These parties included adjacent landowners, local Runanga, the Ashburton District Council and local environment groups.

Submissions

11. The following submissions were received on the application within the 20 day submission period:

- **Save the Rivers Mid-Canterbury** – Opposed the application and wished to be heard in support of their submission. Their concerns related to the further discharge of contaminants into the Ashburton River, which they consider to be already significantly degraded by historical discharges and land-use practices within the catchment. They requested that alternative forms of disposal be considered for the discharges from the site.

In addition they opposed the 35 year duration requested by the applicant. They considered that a shorter duration was warranted in order to develop more sophisticated methods of stormwater treatment and disposal.

- **Central South Island Fish and Game** – Opposed the application and wished to be heard in support of their submission. They too were concerned about impacts any additional contaminants from the site would have on the already degraded river.
 - **Ashburton District Council** – provided conditional support of the application in their submission, on the proviso that the applicant provide evidence to support the level of treatment proposed (ie. 75% removal of suspended solids) and include conditions restricting the flow from the site to 57 litres per second (a flow from a 100 year 10 minute event. They stated that they wished to be heard in support of their submission.
12. After submissions were received, further information was requested from the applicant relating to the treatment efficiency of the stormwater system and the capacity of the system to restrict flows. The applicant submitted this information and requested that the application then be placed on hold under section 37 of the RMA to allow time for consultation with the submitters regarding their concerns. This consultation related to the development of conditions and resulted in the list of conditions attached to this report. It is understood that on the strength of these conditions, all parties have subsequently withdrawn their rights to be heard.

DESCRIPTION OF THE PROPOSED ACTIVITY

13. The applicant proposes to discharge stormwater to land and to water in the following manner:

Location of the discharge

- (i) The discharge will be stormwater from approximately 6,302 m² of roof and approximately 6,200 m² of car parking and hard-standing areas associated with a commercial facility at Kermode Street, Ashburton.
- (ii) The site will consist of approximately 180 carparks and hard-stand areas used for vehicle manoeuvring and storage of outdoor garden supplies and transport materials such as wooden pallets.
- (iii) Stormwater from hard-standing and carparking areas of the site will discharge into a swale located at the western boundary of the site. The swale is managed and maintained by ADC and receives stormwater from the surrounding residential and commercial catchment.

Stormwater system

- (iv) Roof stormwater will be discharged on-site via soakpits that exclude all other runoff. These soakpits will be designed in accordance with guidelines recommended by the Christchurch City Council (Waterways and Wetlands Drainage Guide, 2003) to provide 1m³ of storage for every 40 m² of roof. This equates to runoff from a 1 in 20 year, 1 hour storm event.
- (v) Stormwater from car parks and hard-standing areas will be collected in sumps, fitted with submerged outlets and piped to an in ground sedimentation system (such as a Humeceptor or an equivalent proprietary device) prior to discharging into the ADC swale. The discharge into the swale will be restricted to 57 l/sec by the design of the outlet structure. This rate corresponds to the flow from the undeveloped site during a 100 year 10 minute rainfall event.
- (vi) The proprietary stormwater treatment device will have sufficient capacity to treat the first flush volume before discharging into the stormwater swale and contain at least 350 litres of floating contaminants. The first-flush volume proposed is based on treating stormwater generated from the first 25 millimetres of rainfall, which is consistent with the CCC guidelines for first-flush treatment.
- (vii) A certificate signed by the person responsible for designing the stormwater treatment and disposal system or a competent person shall be submitted to the Canterbury Regional Council, within one month of construction, to certify that the stormwater treatment and disposal system is constructed in accordance with conditions.

Maintenance and Management

- (viii) The stormwater collection sumps shall be inspected at least once every three months. Any visible hydrocarbons and sediment found in the sumps shall be removed immediately for disposal.
- (ix) In the event of a spillage of fuel or any other contaminant, emergency response procedures shall be undertaken to prevent the contaminants entering the stormwater treatment and disposal system. The consent holder shall provide to the Canterbury Regional Council within 24 hours, details as to

the time, date and duration of the spillage, the emergency procedures undertaken to clean up the spillage and any potential effects of the spill.

- (x) After an oil spillage, affected sumps and sediment trap shall be cleaned immediately by a licensed liquid waste management company.
- (xi) The stormwater systems shall be managed and maintained in accordance with the Stormwater Operations Manual to be prepared for the site.
- (xii) The applicant has requested a duration of 35 years.

LEGAL AND PLANNING MATTERS

The Resource Management Act 1991 (RMA)

14. Section 15 (1)(b) of the RMA states that:

“No person may discharge any contaminant or water onto or into land... unless the discharge is especially allowed by a rule in a regional plan and in any relevant proposed plan, a resource consent or regulations.”

15. The proposed discharge involves the discharge of stormwater and contaminants onto land in circumstances, which may result in those contaminants entering groundwater and/or the Ashburton River and therefore must be authorised by a regional plan or a resource consent.

Regional Plans

Transitional Regional Plan (TRP)

16. The TRP contains rules (General Authorisations (GA)) permitting the discharge of stormwater under certain conditions. The proposed discharge of roof stormwater to land complies with Rule (1) of the GA, as the discharge will occur via a sealed system that excludes all other runoff.
17. Stormwater from other hard-standing areas of the site will discharge to a land via a swale prior to discharging into the Ashburton River. The application states that during smaller rainfall events, the discharge will infiltrate through the base of the swale and during larger events when the capacity of the swale is exceeded, stormwater from the swale will flow into the Ashburton River. The GA does not permit the discharge of stormwater to land from hard-standing areas, neither does it permit the discharge of stormwater to water from any new buildings or hard-standing surfaces, therefore both the discharges of stormwater to land and to water require consent as **discretionary** activities.

Proposed Natural Resources Regional Plan (PNRRP)

18. Chapter 4 of the PNRRP was notified in July 2004 and contains rules pertaining to the discharge of stormwater. Rule 6 permits the discharge of stormwater onto land that may enter a river, lake or artificial watercourse providing **all** the conditions of the rule are met.

19. Condition 7 of this rule relates to the compliance of water quality standards after mixing of the discharge with river water. The Ashburton River is designated under the 'Hill Class' in the PNRRP and is subject to the water quality standards under schedule WQL1 2.2. It is unclear whether the discharge will meet the standards in the plan. The discharge into the swale combines with contaminants in stormwater from other commercial and industrial sites prior to discharging into the Ashburton River. In addition, the water quality standards in the Ashburton River are expected to be already exceeded during rainfall events, therefore it is unlikely that Condition 7 will be met. On this basis, the discharge would be considered as a **discretionary activity** under WQL56.
20. Under WQL6 the discharge of roof stormwater is consistent with the requirements of Condition 9, which requires roof stormwater to be discharged via a system that prevents the entry of surface water into the stormwater system. The roof system however is not linked to the stormwater system for the rest of the site, therefore it may be more appropriate to consider this discharge under WQL5 (Discharge of stormwater to land). The discharge of roof stormwater does not meet the requirements of this rule due to the size of the total roof catchment area and the design of the soakpit, which does not involve discharging stormwater to land through a "subsurface drainage system in the soil layer".

CONSULTATION

21. PDP stated in their original AEE (prior to public notification) that limited consultation had been undertaken in relation to the application because they believed that the activity would not result on any effects on groundwater or neighbouring properties, as all stormwater would be treated on the site.
22. PDP initially reported that the ADC would accept the stormwater from the proposed site as long as it is pre-treated. ADC was subsequently notified of the application and submitted requesting evidence of pre-treatment and restriction of flows into their swale, as detailed in paragraph 11 of this report. PDP also consulted further with other submitters who submitted on the application, including Fish and Game, Save the Rivers Mid-Canterbury.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

23. The 1.29 hectare site is located in an industrial/commercial (B3a - Business 3a Zone) area of Ashburton, on Kermode Street. Similar land uses bound the site to the east and south, with open grassland and trees to the north, zoned as RA (Rural A Zone).

The ADC swale

24. The ADC swale that will receive the discharge from the site is a natural grassed swale. The application states that this swale has been used to convey and dispose of stormwater from the catchment for a number of years. In small events, stormwater soaks through the base of the swale into underlying gravels and groundwater that flows towards the Ashburton River. In events that exceed the infiltrative capacity of the soils within the swale, stormwater is conveyed to the Ashburton River via surface flow.
25. The point of discharge from the applicant's site is approximately 500m to the river. The swale at this point has a bottom width of 1.5 – 2.0 metres and a top width of 6.3

metres. The swale flows under Dobson Street via a 900 millimetre culvert located about 5 – 10 metres downstream of the applicant's site. There is another culvert with a diameter of 750 millimetre culvert approximately 350 from the site.

Hydrogeology

26. The site is situated over an unconfined aquifer, consisting of coarse and sandy gravels. A search of the Environment Canterbury (ECan) GIS database indicates that groundwater beneath the site flows in a general south to south-easterly direction, towards the Ashburton River. A bore search within 500m of the proposed development showed groundwater levels ranging between 2.3 and 2.7m/bgl and no identified potable users within this search area. Most of the bores are used for water quality monitoring purposes, with the remainder listed, used to provide water for commercial and irrigation purposes.

Ashburton River

27. The Ashburton River consists of a braided channel. The water quality is particularly degraded in the lower reaches of the river, however, the river and its surrounds are still used for recreational purposes, such as fishing, walking, picknicking and swimming.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

28. The audit below is based on both the AEE submitted when the application was lodged with ECan in 2006, a response to the section 92 request for further information and the latest amendments to conditions proposed by the applicant to address the concerns of the parties who submitted on the application.
29. I have used a checklist developed from similar activities and the direction provided by the objectives and policies of the PNRRP to determine whether all relevant effects associated with the activity have been assessed. The following list of effects are considered relevant to this activity:

Adverse effects of the discharge of contaminants on groundwater quality.
Adverse effects on surface water quality (the Ashburton River).
Cumulative adverse effects on soil quality.
Adverse effects on land from slow entry of stormwater to land.
Adverse effects of the discharge on the flood-carrying capacity of the swale

Adverse effects of the discharge of contaminants on groundwater quality.

30. Contaminants entrained in stormwater from urban sources (rooftops, car parks etc) can contaminate groundwater and effects are particularly significant when this water is used for human consumption. Nutrients, such as nitrogen dissolve readily in water, move rapidly through soil and can cause illness when ingested in excessive amounts. A number of pathogenic micro-organisms present in animals and birds can cause

disease in humans, while contaminants such as hydrocarbons make drinking water unpalatable, even at low concentrations.

31. The proposed activity will include the discharge of roof stormwater directly to soakholes within the site and the discharge of treated stormwater to land via the ADC swale.
32. PDP have stated that the discharges from the site are unlikely to have more than a minimal impact on groundwater quality. This prediction is largely based on the following assumptions:
 - Stormwater from roofs is effectively “clean” and can therefore be discharged directly to ground without treatment
 - The proposed Humeceptor treatment system will be effective in removing contaminants from stormwater prior to discharge into the swale;
 - Groundwater in the vicinity of the site is not currently used extensively or to provide water for drinking, and is unlikely to be used for this purpose in the future.

Quality of the discharge

33. PDP have characterised the potential stormwater quality for the site using data from other commercial and industrial sites. This data includes contaminant concentrations for a number of typical urban contaminants found in stormwater such as hydrocarbons, heavy metals and suspended sediments. The data used provides an indication of the types and concentrations that may occur in stormwater from the site.
34. PDP’s predictions relating to the quality of the discharge prior to its release into the environment, however, is based on applying reported and assumed contaminant removal rates to this data to determine the concentrations of contaminants expected after treatment through the Humeceptor. For example, PDP predict that the Humeceptor chosen for the site will remove at least 75% - 80% of all contaminants from stormwater before the discharge enters the ADC swale. Residual concentrations, after treatment, were then compared to recommended drinking water guidelines (New Zealand Drinking Water Standards (NZDWS)) and indicated that only lead concentrations would exceed the standards after treatment.
35. This may not provide an accurate assessment of the final discharge quality, as the method used by PDP is based on applying contaminant removal rates to “event mean concentrations” and in some instances the median of these means. This means that the highest concentrations (usually found within the first flush of a storm event) have not been taken into account and therefore predicted concentrations in the discharge after treatment may be lower than what may actually occur.
36. In addition it should be noted that the Humeceptor and similar devices are relatively new and their performance has not been field validated in Canterbury, therefore the treatment efficiencies assumed in the PDP assessment may not be achieved under local conditions.
37. Mr Paul May of Kingett Mitchell Golder (a consultant with Humeceptor experience in New Zealand) was asked to comment on the efficiency of these systems. He too questioned the ability of the Humeceptor to consistently guarantee the expected 75% contaminant removal rate given the lack of validation of these types of systems in New Zealand. He stated that the Humeceptor system “can only remove metals

adsorbed to sediment and as the system does not remove all sediment and not all metals adsorb to sediment, the overall removal rate for this contaminant is likely to be lower and less than 50%" (pers. Comm. Paul May, 2006).

38. The applicant has subsequently proposed conditions to monitor the quality of discharges from the site and take measures to reduce the concentrations of any contaminant in the discharge that exceeds the trigger levels proposed. The trigger levels appear to be based on the predicted performance of the system rather than on protecting groundwater quality. The data however, will provide an indication of the concentration of contaminants discharged into the ADC swale.
39. Notwithstanding the treatment of stormwater at the site, stormwater discharging into groundwater through the swale will be further treated by filtration and adsorption of contaminants to soil particles within the swale. Swales are commonly used throughout Canterbury to treat stormwater discharges, even in areas where groundwater is highly vulnerable to contamination.
40. On this basis and given that a search of ECan's GIS database confirms that groundwater in the vicinity of the site is not used for drinking water supply, the effects of the discharge of stormwater into land and groundwater via the ADC swale is considered to be no more than minor.

Roof stormwater

41. In relation to roof stormwater, research has indicated that it is not as "clean" as previously thought and roof runoff can include high concentrations of zinc (from roofing materials), micro-organisms and suspended sediment. The PNRRP now requires roof stormwater to be discharged to ground via soakage systems consisting of a layer of soil, where previously stormwater from roofs could be discharged to soakpits.
42. The applicant is proposing to use Coloursteel or an equivalent material for the roofs of the new buildings on-site, which are reported to produce lower concentrations of zinc in runoff. Given the limited use of groundwater in the area, the discharge of roof stormwater is not considered to result in more than a minor effect on groundwater quality.

Adverse effects on surface water quality (the Ashburton River)

43. Contaminants typically entrained in stormwater can persist in receiving environments for a long period of time and can result in a range of effects on surface water ecosystems.
44. PDP predict that during smaller events, when stormwater infiltrates through the swale and into groundwater hydraulically connected to the Ashburton River, the impacts of contaminants in the discharge will be minimal due to attenuation of contaminants within the soil and after dilution with groundwater.
45. In larger events, the stormwater from the site will mix with discharges of stormwater from other sites that use the swale for disposal and this combined discharge will enter the Ashburton River.
46. The following table illustrates PDP's assessment of the discharge into the swale in relation to ANZECC surface water quality guidelines and concentrations listed in the

PNRRP for the 99% species protection. The concentrations from the PNRRP have been attributed to Class 'HILL' waterways such as the Ashburton River, which are waterways managed for their natural character, amenity and recreation values, Ngai Tahu values, stockwater and aquatic ecosystems.

Contaminant	Influent (mg/l)	Treatment efficiency (%)	Discharge concentration (mg/l)	99% species protection concentrations (mg/l)	ANZECC Guidelines (2000)
Suspended Solids	300	75	75	-	-
TPH	5	80	1.0	-	-
Lead	0.100	75	0.025	0.001	0.0056
Copper	0.045	75	0.011	0.001	0.0018
Zinc	0.300	75	0.300	0.0024	0.0015

47. Notwithstanding that influent concentrations used in the assessment above may not reflect first-flush concentrations and the high percentages of contaminant removal applied to all contaminants in the discharge have not been field validated in New Zealand, the assessment above still indicates that concentrations of heavy metals after treatment, will not meet either the ANZECC guidelines or the standards required by the PNRRP.
48. PDP predict that the effects of the discharge both by itself and in combination with other stormwater discharges into the swale are unlikely to have more than a minor impact on the water quality of the Ashburton River or result in a breach of the standards assigned to it. PDP have not provided any evidence to support their prediction and due to a number of uncertainties, I can not concur with the assessment by PDP. These uncertainties include:
- Water quality information is available for the Ashburton River but stormwater contaminants have not been measured to indicate ambient concentrations of these contaminants in the river. I understand that the deterioration of water quality in the Ashburton River is due to a number of existing and historical point-source discharges, combined with low summer baseflows limiting dilution and mixing. There are also a number of drains (such as those flowing through Ashburton and Tinwald) that may discharge stormwater into the river. For these reasons ambient water quality within the Ashburton River may already be exceeding standards set for contaminants found in stormwater and therefore stormwater from the site and the ADC swale would not be diluted when mixed with water from the river.
 - The size and land-uses within the catchment discharging into the swale and ultimately into the Ashburton River are relatively unknown.
 - The quality of stormwater discharging into the Ashburton River from the ADC swale is unknown.

- There is no information regarding when, how often and at what rate stormwater discharges into the Ashburton River.
49. Without this information, it is difficult to determine the significance of the cumulative impacts of the discharge on the Ashburton River or to determine compliance with the standards in the PNRRP.
 50. If the treatment system performs as predicted by PDP however, the discharge from the site will be treated to a much higher level than other discharges into the swale. While it is acknowledged that the Ashburton River is already degraded and the discharges of untreated stormwater from the ADC swale may be contributing to this degradation, the contribution from the applicant's site will not significantly increase the concentration of contaminants discharged from the swale, provided the level of treatment proposed by PDP is achieved.
 51. Should the committee consider that this is an acceptable approach to managing stormwater at the site the conditions proposed by PDP should ensure that contaminants in the discharge into the swale do not occur at concentrations over and above the concentrations predicted in the AEE.

Cumulative adverse effects on soil quality

52. Stormwater contains contaminants such as heavy metals, which persist in the environment and can accumulate in filtration treatment systems, such as swales and infiltration basins. Over time, this may lead to concentrations of these contaminants exceeding guideline values designed to protect human and ecosystem health. This is particularly important in areas where the public have access to these stormwater treatment systems, while effects on soil-organisms or plants in swales and infiltration basins can affect their treatment efficiency.
53. PDP predict that the effects on the ADC swale resulting from the discharges of stormwater from the site will be no more than minor due to the level of treatment provided by the stormwater system.
54. The discharge from the site will contribute to the contaminant load discharging into the swale. It is noted that the AEE states that ponding was observed to occur intermittently along the length of the swale (48 hours after a rainfall event), which PDP attributed to the settling and accumulation of sediment. They stated correctly though that the management and performance of the swale was the responsibility of ADC and beyond the scope of this current application.
55. The discharge from the site will contribute contaminants that may result in impacts on the swale. Unlike discharges from other sites that use the swale however, the proposed discharge from the applicant's site will be treated to remove suspended sediments prior to discharge into the swale. ADC operate and maintain the swale and have generally supported the application subject to assurances from the applicant that stormwater from the site would be treated prior to discharge. They have now withdrawn their rights to be heard in relation to this application and it may therefore be concluded that their concerns about the quality of the discharge have been addressed.
56. In addition, the applicant has proposed to monitor the quality of the discharges into the swale and has set trigger levels for a range of contaminants, such as suspended solids, hydrocarbons and heavy metals that can accumulate in swales.

57. The discharges from the site are likely to include stormwater generated during the construction period of the site. During this stage it is important to ensure that all practicable measures are implemented to ensure that sediment runoff is managed and prevented from entering the swale system. Standard conditions used on other similar consents have been proposed to deal with these discharges.
58. The recommended conditions therefore include mitigation measures designed to minimise the amount of contaminants discharged into the ADC swale from the applicant's site for discharges from the construction period and long-term operation of the site. After asking for further evidence from the applicant about the treatment efficiency of the stormwater system in relation to suspended solid removal in their submission, ADC now appears to be satisfied with the drafted conditions and have withdrawn their right to be heard.

Adverse effects on land from slow entry of stormwater to land

59. Interception of rainfall and the subsequent discharge at a different location will affect natural groundwater levels. Duration of such changes depends on the distance between interception and discharge, as well as the permeability of the aquifer and groundwater levels affecting the slope. Localised increases in groundwater levels can cause adverse effects resulting from the saturation of soil supporting structures, plant health and nuisance effects resulting from unwanted seepage or high groundwater levels.
60. PDP predict that the discharge of stormwater (in particular roof stormwater) to ground may result in minor increases of groundwater levels beneath the point of discharge. While no boreholes have been drilled on-site, PDP state that the geological maps of the area indicate that the post-glacial deposits of river gravel and finer alluvium on the lower reaches of the rivers within the Ashburton-Rakaia River system tend to have a higher permeability than glacial outwash. PDP also state that borelogs drilled within 1 kilometre of the site indicate an unconfined layer beneath the site consisting of coarse gravels and sandy clays to a depth of at least 6 metres below ground level.
61. In addition, PDP report that ADC have indicated that they are not aware of any drainage or ponding issues from sites in the area that discharge stormwater to land via soakpits or the swale in the vicinity of the applicant's site.
62. The size of the roof stormwater soakpit is based on a return rainfall event of 20 years. Given the capacity of the soakpit and the information provided by the applicant indicating the free-draining nature of soils at the site, I consider this effect to be minor. Any changes in groundwater levels or ponding in events that exceed the capacity of the soakpit system should only be localised, occur temporarily and not cause nuisance effects beyond the boundaries of the property.

Adverse effects of the discharge on the flood-carrying capacity of the swale

63. Rainfall intercepted by a hard surface and reticulated into the swale if not detained, can increase peak flow rate, which may cause the swale to overflow its banks and flood surrounding land.
64. ADC engaged OPUS to review the stormwater flow rates into the swale after the site was developed and to advise them of whether there were any issues associated with the capacity of the swale to receive the discharges from the site. OPUS stated that

without a full catchment analysis it would be difficult to give a definitive answer as to the increased flow into the swale.

65. While the swale appeared to have sufficient capacity, the 750 millimetre culvert downstream of the site could be a limiting factor. They advised ADC that as there was no historical evidence that the discharge from the undeveloped site was causing problems, limiting the flows from the site to pre-development rates for events up to a 100 year event with a 10 minute duration, would ensure that the discharges from the site did not affect the capacity of the swale.
66. The flow rate for a 100 year, 10 minute event equates to 57 litres per second, which has been accepted by the applicant and proposed as a limit in the recommended conditions attached to this report. I am satisfied that this condition should ensure that the effects resulting from post-development discharges from the site will be mitigated.

ADDITIONAL MITIGATION MEASURES

67. A full list of conditions has been attached to this report. These conditions have been developed in consultation with PDP, using the measures proposed by the applicant. The applicant has seen the full set of conditions and is happy to accept them as conditions of consent, should the Committee decide to grant the consent.

CONSIDERATION OF ALTERNATIVES

68. Section 104(3) of the RMA requires decision-makers when considering applications for discharge permits, to have regard to:

“The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects: and any possible alternative methods of discharge including discharge into any other receiving environment.”
69. In addition the Fourth Schedule refers to the need for applicants to include in their AEE a description of any possible alternative locations or methods for undertaking the activity, where it is likely that an activity will result in any significant adverse effect on the environment. However, the Schedule is not mandatory.
70. The applicant included a section in their AEE regarding alternative methods of stormwater disposal for the proposed development.
 - (i) The existence of a reticulated stormwater system in the area was considered as a means of disposal, but the location of the site in relation to where this system currently lies did not make connection practical.
 - (ii) Lower maintenance treatment methods were considered (e.g on site infiltration basins and infiltration swales) as additions to the in-ground sedimentation system. However, the area required for such systems was not available on the proposed development site.

POLICIES AND OBJECTIVES

Regional Policy Statement (RPS)

71. The RPS, which became operative on 26 June 1998, sets out a number of policies designed to guide decision-makers in the resolution of issues and the meeting of objectives. A number of methods are also outlined which state how the Council will seek to implement these policies.
72. The following policies are considered relevant to this application:

Chapter 5: Tangata Whenua

In chapter 5, section 5.7, each Runanga in Canterbury has been given the opportunity to state which matters of resource significance are important to them. The discharge lies within the rohe of Arowhenua Runanga. They were informed of the application by Environment Canterbury when the application was lodged and when it was notified. They did not respond to either the initial notification by ECan or submit on the application.

Chapter 7 – Soils and Land Use

73. Issue 3 deals with “Land use activities, which result in soil contamination and consequent adverse environmental effects”.
74. Policy 7 states that:
- “Any use or activity that has the potential to result in contamination of land should not be established or continued unless effective precautions have been taken to avoid significant adverse effects on the environment”.*
75. ADC is responsible for maintaining and managing the swale that receives the discharge of stormwater from the applicant’s site and has indicated that they are happy to accept the discharge.

Chapter 9: Water

76. Issue 3 of Chapter 9, dealing with water, sets out the concerns related to the effects of point source discharges of contaminants onto land and into water.
- Objective 3 aims to “Enable present and future generations to gain cultural, social, recreational, economic, health and other benefits from the water quality in Canterbury’s water bodies and coastal waters, while:*
- (i) safeguarding the existing value of water bodies for efficiently providing sources of drinking water for people;*
 - (ii) safeguarding the life-supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna and area of significant indigenous vegetation; ...”.*
77. Policy 9 aims
- “to manage point and non-point source discharges and set water quality conditions and standards and terms in plans, and conditions on resource consents that achieve ... Objective*

3. *Adverse effects of discharges on existing water quality should be avoided, remedied or mitigated and, where appropriate, degraded water should be enhanced*".

78. While there are some uncertainties relating to the cumulative impacts of the discharges from the swale to meet water quality standards in the Ashburton River, the discharge from the applicant's site will be treated to a much higher level than other existing discharges in the swale system. The resulting contribution of contaminants from the applicant's site will result in a minor increase to contaminant loads from the catchment.

Proposed Natural Resources Regional Plan (PNRRP)

Chapter 4 – Water Quality

79. Issue 1 of this chapter of the PNRRP deals with the quality of water in rivers and lakes, their in-stream values and their use by present and future generations. Objective WQL1.1 Rivers sets out the desired water quality outcomes in relation to the physical, ecological, aesthetic and cultural values of water bodies in the Canterbury region.

80. Policy WQL1 states that:

(1) Before allowing a point source discharge of:

(a) a contaminant, excluding those contaminants specified in Policy WQL 2, into surface water or onto land where a contaminant may enter surface water, ensure that:

(i) measures are or will be applied to avoid the production of the contaminant, or to reuse, recover, or recycle materials to minimize the volume and concentration of the contaminant in the discharge, and

(ii) the discharge to an existing treatment and discharge system or network is not a practical alternative, and a discharge into or onto land cannot be undertaken in accordance with Policy WQL6.

(b) water, including water from one catchment being discharged into another part of the same catchment or into another catchment, ensure that:

(i) the mixing of the waters as a result of the discharge avoids significant adverse effects on Ngai Tahu cultural values; and

(ii) the discharge of water will not facilitate the movement of pest plant or animal species, or other exotic species, between catchments; and

(iii) the discharge of water will not result in the introduction of plant and animal species that do not naturally occur in the receiving catchment, and

(iv) the discharge of water will not significantly alter the water quality, or characteristics of the bed substrate, aquatic ecosystems or values of the receiving water body, and the water of the river or lake continues to meet the relevant outcomes in Objective WQL1.

81. WQL(1)(a) is particularly relevant to this proposal as it requires mitigation measures to be undertaken in order to reduce the concentrations of contaminants at its source prior to discharge into a surface waterway.

82. If the Committee decides that the adverse effects on the receiving water body are acceptable and a discharge to water is necessary, then the extent of the effects on the receiving water body in the vicinity of the discharge needs to be considered under Policy WQL 1(2).

(2) If the requirements of Policy WQL1(1) are satisfied and a discharge of a contaminant or water into water in a river or lake is necessary:

(a) the following matters shall apply when determining the size of a Zone of Non-Compliance, where the water quality standards for the river or lake may not be achieved:

(i) the discharge of a contaminant shall be into water and the Zone shall be as small as practicable, and either alone, or in combination with other Zones of Non-Compliance shall not occupy a significant proportion of the receiving water body; and

(ii) take into account the assimilative capacity of the receiving water under low flow conditions for the river, or low levels for a lake, or the equivalent flow or level where

(iii) the flow has been modified by any take, use, dam, diversion or discharge; and the Zone shall not create a barrier to fish migration or limit contact recreation in areas which support high levels of use; and

(iv) the Zone shall not result in a significant impact on Ngai Tahu cultural values; and

(v) the discharge shall not result in the accumulation of persistent compounds in aquatic ecosystem or in sediment within the Zone of Non-Compliance; and

(b) the water quality, outside of the Zone of Non-Compliance in a river or lake shall meet the standards specified for that river or lake either in Schedule WQL1 or in a relevant water conservation order.

(3) Where the existing surface water quality does (not) meet the water quality standard for the water body specified in Schedule WQL1, the discharge shall not be allowed unless it can be demonstrated that the adverse effects of the discharge on the receiving water quality, outside of the Zone of Non-Compliance, are not likely to result in water quality which is less than the water quality standard set for the receiving water.

(4) Where the discharge occurs within the following areas, the water quality standard for that river or lake shall be met at the point of discharge:

(a) within one kilometre upstream in a river, or within a one kilometre radius on a lake, from an intake for a community drinking water supply;

(b) in a river where the flow is to be maintained in a natural state;

(c) an area identified as a significant spawning reach for salmon.

83. Policy WQL1(3) is particularly relevant to this application and deals with discharges into already degraded water bodies. The explanation in Chapter 4 of the PNRRP for this section of the policy states that its purpose is to “*require that the resource consent conditions on a discharge permit ensure that the water quality standard for the receiving water body will be achieved. Other complementary measures will also be needed to improve the background water quality so that it meets the water quality standard.*”

84. For the reasons discussed in paragraphs 43-51 above, the discharge in combination with other discharges into the ADC swale may result in standards set by the PNRRP

for the Ashburton River being exceeded. This is primarily due to the degraded nature of the river and other untreated discharges of stormwater currently discharging via the ADC swale.

PART 2 MATTERS

Purpose of the RMA (s5)

85. Under Section 104, the consent authority must consider applications "subject to part II" of the RMA. The Purpose of the RMA (section 5) is to:

"promote the sustainable management of natural and physical resources."

86. Section 5(2) states that:

In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."

87. It may be considered that the proposal represents a sustainable approach to managing stormwater by providing a higher level of treatment than is currently used for discharges of stormwater entering the Ashburton River and therefore in itself is consistent with this section of the RMA.

Matters of National Importance (s6)

88. The matters of national importance are set out in Section 6 of the RMA as follows:

"The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(a) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(b) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(c) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(d) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga."

89. These matters should not be compromised by the proposed activity, provided the recommended conditions are adhered to. The discharge is into an existing

stormwater swale that has been discharging stormwater into the Ashburton River for a number of years. Section (e) is dealt with more specifically under the section on the Treaty of Waitangi.

Other Matters (s7)

90. In achieving the purpose of the RMA, the consent authority is directed to have particular regard to—

(a) Kaitiakitanga:

[(aa):The ethic of stewardship:]

(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values:

(d) Intrinsic values of ecosystems:

(e) Recognition and protection of the heritage values of sites, buildings, places, or areas:

(f) Maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:

(h) The protection of the habitat of trout and salmon.

91. Sections (d), (f) and (g) above are specifically relevant to this application and should be considered when deciding the acceptability of effects resulting from the proposed discharge.

Principles of the Treaty of Waitangi (s8)

92. Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. The site lies within the rohe of Arowhenua Runanga. Runanga were informed separately when ECan received the application and later when the application was limited notified. They did not submit on the application.

OTHER RELEVANT MATTERS

Decisions of the Environment Court

93. I am not aware of any decisions of the Environment Court that would preclude the granting of this consent.

Previous Council Decisions

94. ECan has granted stormwater consents over the last few years for discharges of stormwater into water ways that are already degraded and not meeting the standards assigned to them in the PNRRP. In general these consents require a higher level of treatment of stormwater before discharge into the receiving water body. This

proposal therefore and the conditions recommended are consistent with other consents granted in the area and in other parts of Canterbury, where stormwater is discharged into sensitive receiving environments that may be already degraded.

RECOMMENDATION

95. One of the objectives of Chapter 4 of the PNRRP is to improve the water quality in degraded waterways such as the Ashburton River. Poor water quality in the Ashburton River is caused by a number of reasons including low base flow due to abstraction and point and non-point source discharges of contaminants from urban, industrial and rural land-use practices.
96. The discharge from the applicant's site will combine with an unknown mix of stormwater contaminants in the ADC swale prior to discharging to the river. While the cumulative impacts of the discharge may result in the breach of water quality standards in the Ashburton River, the discharge of stormwater from the applicant's site will receive a much higher level of treatment than other existing discharges into the river.
97. It is unclear whether the ADC has a resource consent for the discharge of stormwater into the Ashburton River from their swale or whether ADC is exercising its rights under the TRP, which authorises the discharge of stormwater into surface water from all existing hard-standing areas. Regardless, once the PNRRP becomes operative and assuming that the rules pertaining to catchment stormwater consents are not modified, ADC will be required to obtain a resource consent under WQL7 for the discharges into the Ashburton River from the swale. This will provide an opportunity to address the cumulative impacts of the discharge from the entire catchment.
98. On this basis, the Committee may consider that in the meantime, the effects on the Ashburton River resulting from the contribution of contaminants from the applicant's discharge will be acceptable, provided that the relatively high level of treatment proposed, is achieved. If the Committee agrees, the following list of recommended conditions will ensure that this is achieved.

RECOMMENDED CONDITIONS

- (1) The discharge shall be only stormwater generated during the construction period of the site and stormwater from the roofs, car parking and hard-standing areas of Lot 1 DP74835 and Lot 2 DP 320941 at Kermod Street, Ashburton, labelled as "Applicant's Site" on Plan CRC070462 attached to this consent.
- (2) Stormwater shall be discharged onto and into land at or about map reference NZMS 260 K37:0882-9965 as shown on Plan CRC070462A attached to this consent.
- (3) Stormwater from the site shall be discharged in the following manner:
 - (a) Roof stormwater shall be collected and discharged directly to the soak pits shown on Plan CRC070462A attached to this consent;
 - (b) Stormwater from car parks and hard-standing areas shall discharge via sumps, a proprietary treatment device and stormwater swale as shown in Plan CRC070462A attached to this consent.
- (4) The soak pits for roof stormwater shall be designed in general accordance with Plan CRC070462B and shall have sufficient capacity to dispose of stormwater for all rainfall up to and including the 1 in 20 year, 1 hour storm event.
- (5) The proprietary treatment device shall be designed to:
 - (a) Remove not less than 75 percent of total suspended solids from the discharge;
 - (b) Contain up to 350 litres of hydrocarbons.
- (6) Flow to the stormwater swale from the proprietary treatment device shall be restricted to 57 litres per second using an orifice plate located in the sump outlet prior to the proprietary treatment device.
- (7) All sumps shall be fitted with submerged outlets capable of containing up to 140 litres of floating contaminants.
- (8) A certificate signed by the person responsible for designing the stormwater system or a competent person shall be submitted to the Canterbury Regional Council (Attention: RMA Compliance and Enforcement Manager), to certify that the stormwater treatment and disposal system is constructed in accordance with Conditions 1 – 7.
- (9) Construction of the site and the stormwater system shall be undertaken in accordance with best management practices to reduce sediment discharges from construction activities. These practices may include but not be limited to:
 - (a) Carrying out earthworks clear of any waterway in order to prevent direct discharges of sediment into the waterway;
 - (b) Using on-site silt trapping devices such as silt fences or hay bale weirs, if and when required;
 - (c) Wetting down of surfaces to control dust generation; and
 - (d) Minimising exposed surfaces.

- (10) A management plan for the stormwater system shall be submitted to the Canterbury Regional Council prior to the use of the system. This plan shall set out how the system will be operated and maintained and how Conditions 12 – 19 will be complied with. A copy shall also be held by the consent holder along with a copy of the consent.
- (11) The Consent Holder shall keep records of the inspection and maintenance of the stormwater system and provide a copy of these records to the Canterbury Regional Council (Attention: RMA Compliance and Enforcement Manager) upon request.
- (12) The sumps and proprietary treatment device shall be inspected and maintained to ensure that:
 - (a) No more than 3 millimetres of hydrocarbons shall be present in the sumps and/or proprietary treatment device;
 - (b) The level of sediment in the sumps shall not occupy more than one quarter of the storage volume below the lowest point of the outlet.
 - (c) The depth of sediment in the proprietary treatment device shall not be greater than 200 millimetres from the base of the device.
- (13) In the event of a spill of a hazardous substance within the site, the consent holder shall:
 - (a) Take all practicable measures to prevent the hazardous substance being discharged into land via the stormwater system;
 - (b) Remove the hazardous substance from the stormwater system immediately; and
 - (c) Determine if the hazardous substance has entered the proprietary treatment device or the stormwater swale.
- (14) In the event of a spill of a hazardous substance entering the proprietary treatment device or the stormwater swale, the consent holder shall record and provide to the Canterbury Regional Council (Attention: RMA Compliance and Enforcement Manager) and the Ashburton District Council within 24 hours of the spill:
 - (a) The date, time, location and volume of the spill;
 - (b) The substance spilt;
 - (c) Measures taken to prevent the spilt substance being discharged into land or water via the stormwater swale; and
 - (d) The cause of the spill and measures that will be taken to prevent a reoccurrence and the timeframes for such measures.
- (15) Any material removed from the stormwater system under Conditions 12 or 13 shall be disposed of at an appropriate facility and the consent holder shall provide the Canterbury Regional Council with written confirmation of such disposal within 10 working days of the disposal.
- (16) The discharge from the proprietary treatment device shall be sampled four times during the first 12 months of operation and annually thereafter for the duration of this

consent. The sampling results, including interpretation of the results, shall be reported to the Canterbury Regional Council (Attention: RMA Compliance and Enforcement Manager) annually.

- (17) Samples collected under Condition 16 shall be analysed for the following parameters: Total Petroleum Hydrocarbons, Total Suspended Solids, Total Copper, Total Zinc, Total Lead.
- (18) The concentration of contaminants in the samples collected under Condition 16 shall be compared to the following trigger values:

Contaminants	Trigger Values (mg/l)
Total Petroleum Hydrocarbons	15
Total Suspended Solids	75
Total Copper	0.011
Total Zinc	0.075
Total Lead	0.025

- (19) If any of the concentrations specified in Condition 18 is exceeded, the following steps shall be taken:
 - (a) Improvements to site management and/or treatment performance shall be made to reduce the concentration of the parameter(s) that exceeded the concentration(s) stated in Condition 18 to a concentration below the value(s) in Condition 18;
 - (b) Monitoring of the treatment system in accordance with Condition 16 shall be carried out four times within the 12 months following the exceedence(s);
 - (c) A report summarising the results of the improvements made shall be sent to the Canterbury Regional Council (Attention: RMA Compliance and Enforcement Manager) within one month of the end of this 12 month period.
- (20) The duration of this consent shall be 35 years.
- (21) The lapsing date for the purposes of section 125 shall be 31 July 2012.
- (22) The Canterbury Regional Council may, once per year, on any of the last five working days of June, serve notice of its intention to review the conditions of this consent for the purposes of:
 - (a) Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage; or
 - (b) Requiring the adoption of the best option to remove or reduce any adverse effect on the environment.
 - (c) Requiring monitoring instead of or in addition to that required by this consent.

Signed: _____

Date: _____

Yvette Rodrigo
Consents Investigating Officer / Consultant

Reviewer's comments:

Signed: _____

Date: _____

Name of Reviewer
Team Leader / Principal Investigations Officer

REFERENCES

Canterbury Regional Council 2004. Proposed Natural Resources Regional Plan – Chapter 4.

Canterbury Regional Council 1998. Regional Policy Statement. Report No R98/4. ISBN 1-86937-337-5.

Canterbury Regional Council 1991. Transitional Regional Plan. October 1991.

The Resource Management Act 1991. Consolidated version including the Resource Management Amendment Act 1995. August 2005.

**Before the Commissioner / Hearing Panel appointed
by Canterbury Regional Council**

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Application CRC052911 by
Christchurch Readymix Concrete
Ltd for a land use consent to
extract gravel, sand and other
natural material from the bed of
the Waimakariri River.

Section 42A Officer's Report

Date of Hearing: 4 May 2007

Report of *Claire Penman/Yvette Rodrigo*

1. My name is Claire Penman and I am currently employed by MWH New Zealand Limited as an Environmental Scientist. I am a recent graduate and my qualifications are a Bachelor of Applied Science (with Honours) from the University of Otago, majoring in Environmental Management.
2. This application was also audited by Yvette Rodrigo, who also contributed to the preparation of this report. Yvette is currently employed by MWH New Zealand Limited as an Environmental Scientist. Until recently, she was employed by Environment Canterbury as a Senior Investigating Officer. Her qualifications include a Master of Science degree (with Honours) from the University of Canterbury in Environmental Science, specialising in Applied and Environmental Microbiology.
3. This report is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA). This section allows a Council officer to provide a report to the decision-maker on a resource consent made to the Council, and allows the decision-maker to consider the report at the hearing. Section 41(4) of the RMA allows the decision-maker to request and receive from any person who makes a report under Section 42A "*any information or advice that is relevant and reasonably necessary to determine the application*". This report will provide the decision-maker with information and advice related to:
 - The background to the application;
 - Details of the notification of the application and any submissions received;
 - An outline of the relevant legal and planning provisions;
 - Comments on the assessment of environmental effects provided;
 - Details of Council policy relevant to the application;
 - Comments in relation to the matters specified in Part II of the RMA; and

- Comments on the decision to be made by the decision-maker including comments on whether the application can be granted or should be declined; if the application is to be granted what measures are required to avoid, remedy or mitigate any adverse effects; what monitoring should be undertaken and the duration of consent.
4. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the decision-maker. It should not be assumed that the decision-maker will reach the same conclusion or decision having considered all the evidence to be brought before it by the applicant and submitters.

INTRODUCTION

5. Christchurch ReadyMix Concrete Ltd (the applicant) is applying for consent to extract gravel from a site in the bed of the Waimakariri River. The site is located between 19.03km and 25.75km upstream of the river mouth, between map references NZMS 260 M35:6866-5142 and M35:6183-5030.
6. The applicant also holds consent CRC962059 to extract 150,000 cubic metres of gravel from sites downstream of the current application. This consent expires in 2011. The applicant is also currently applying for a new consent (CRC050679) for a further 30,000 cubic metres per year for 10 years from a site near the existing area authorised by consent CRC962059.
7. The applicant has engaged Mr Peter Thomson (Beca) and Ms Sarah Thornton (Duncan Cotterill) to prepare this application on their behalf.
8. During the audit of this application numerous discussions and correspondence between other consent applicants seeking gravel from the Waimakariri River, myself and Yvette Rodrigo of Montgomery Watson Harza who were engaged to process this application, other Consents Section personnel and with staff in the River Engineering Section at Environment Canterbury, were undertaken. These have included discussions on appropriate volumes and locations for extraction across the entire Waimakariri River, as well as suitable conditions regarding minimum bed levels, distances from banks, structures and flood protection works and potential cumulative effects of this extraction.

Notification

9. The application was limited notified to the following parties considered to be directly affected by the extraction of gravel from the site:
- ECan Parks and Forests section

The following wording describing the proposed extraction was sent to the party listed above:

Applicant:	Christchurch Readymix Concrete Ltd
Address:	C/- Duncan Cotterill Lawyers, PO Box 5, Christchurch
Attention:	Ms Sarah Thornton

CRC052911 - The applicant Christchurch ReadyMix Concrete Ltd has applied for a land use consent from Environment Canterbury to:

- a) excavate 200,000 cubic metres per year of gravel, sand and other natural material from the bed of the Waimakariri River;
- b) deposit excavated gravel, sand and other natural material in stockpiles on the bed;
- c) disturb the bed by operating vehicles and machinery associated with the works;
- d) place culverts temporarily in the bed of the Waimakariri River for fish passage associated with the works.

The works will be located from the Mcleans Stop bank to below Weedons Ross Road in the bed of the Waimakariri River between grid references NZMS 260 M35:686-514 to M35:618-503.

The applicant has requested a consent duration of 8 years. This is an application for a new activity.

Submissions

10. ECan Parks and Forests section did not submit on the application, opting instead to provide their written approval of the application within the 20 day submission period.

DESCRIPTION OF THE PROPOSED ACTIVITY

11. The applicant has applied for a land use consent to extract gravel from the Waimakariri River as follows:
 - The quantity of gravel, sand and other natural material excavated from the bed of the Waimakariri River between map references M35:6866-5142 and M35:6183-5030, shall not exceed 200,000 cubic metres in any period of 12 consecutive months.
 - Minimum bed levels shall be adhered to.
 - Appropriate distances will be maintained from structures and flood protection works.
 - Stockpiles of up to 2000 cubic metres will be stored in the active channel, parallel to the flow for up to 3 weeks.
 - Work shall not be carried out in flowing water.
 - Work shall not be carried out on weekends or public holidays and shall only be between the hours of 6am and 7pm.
 - Work shall be at least 100m from nesting birds.
 - All other standard conditions for gravel consents will be adopted.

LEGAL AND PLANNING MATTERS

The Resource Management Act 1991 (RMA)

12. Section 13(1) states that no person may, in relation to the bed of any lake or river:

“(b) Excavate, drill, tunnel, or otherwise disturb the bed;

(d) Deposit any substance in, on, or under any bed.”

unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent.”

13. Section 13(2) states that no person may:

“(a) Enter or pass across the bed of any river or lake; or

(b) Disturb, remove, damage, or destroy any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on or under the bed of any lake or river -

in a manner which contravenes a rule in a regional plan unless the activity is allowed by a resource consent or as allowed under s.20A of the Act.”

14. The Act defines the bed of a river as:

“the space of land which the waters of a river cover at its fullest flow without overtopping its banks.”

15. The RMA therefore requires resource consent for this activity.

Regional Plans

Transitional Regional Plan (TRP)

16. Part V of the former North Canterbury Catchment Board By-laws, which is deemed part of the TRP by the Act, deals with regulations relating to watercourses in the South Canterbury Area.

17. **Clause 29** states that:

“No person shall without the written license of the Board remove shingle, sand or other material from any watercourse under the control of the Board or cut and remove any trees from any watercourse specified in Schedule I of this by-law and any such license may be revocable at the will of the Board or on breach of the conditions thereof or otherwise and may be given subject to such conditions and to payment of such license fee as the Board thinks fit to impose.”

18. This clause, and therefore the TRP, classifies this activity as **discretionary**, hence requiring a resource consent under s.13(1) of the Act.

Proposed Natural Resources Regional Plan (PNRRP)

19. The PNRRP is prevented from dealing with the extraction of gravel within the Waimakariri catchment. Rules in the Waimakariri River Regional Plan relating to excavation, drilling, tunnelling or other disturbance of the bed deal with the extraction of gravel in the Waimakariri River. The rules in the PNRRP can therefore not apply.

Waimakariri River Regional Plan (WRRP)

20. Rules 7.1 to 7.5 contained in Chapter 7 of the WRRP set out those activities which are either permitted, discretionary or prohibited in relation to the bed of any river or lake in the Waimakariri River Catchment. In the WRRP disturbance of the bed is defined so as to include, *“excavation, drilling, tunnelling, or other disturbance of the bed”*, and the term excavation includes *“removal of gravel from the bed”*.
21. Rule 7.1 permits the disturbance of bed material so long as it is *“less than 10 cubic metres per week and less than 50 cubic metres per annum per person”*. Rule 7.4 states that any disturbance of bed material greater than that allowed by Rule 7.1 is considered to be a discretionary activity.
22. The amount of gravel applied for in this application (200,000 cubic metres per year) clearly exceeds the limit in Rule 7.1. Therefore Rule 7.4 applies, and the proposed excavation is deemed a **discretionary activity**.

CONSULTATION

23. The applicant has undertaken consultation with the following parties:
 - Fish and Game Council
 - Department of Conservation
 - ECan Parks and Forests section
 - Transpower
 - Tuahuriri Runanga
 - Isaac Construction Co. Ltd
 - Frews Contracting
 - Road Metals

DESCRIPTION OF THE AFFECTED ENVIRONMENT

24. The site is located within the bed of the Waimakariri River. The Waimakariri River is a wide braided river which flows west to east across the Canterbury Plains and is sourced from the Southern Alps.
25. The Waimakariri River possesses distinctive natural character, namely the natural braided pattern and open gravels of the mainstem; distinctive wildlife including the endangered wrybill plover and black-fronted tern; indigenous and sports fisheries; and relatively unmodified flow characteristics and aquatic ecosystems.
26. The Waimakariri River is heavily used for recreational purposes given its proximity to Christchurch. The river in this reach is sought after for jet boating, off-road vehicle users, salmon and trout fishers, picknickers, swimmers and a range of other outdoor activities.

27. The bed of the Waimakariri River identified in this application is approximately 200 metres wide and contains one main braid with numerous smaller braids that change after each fresh or flood event.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

28. The audit below is based on both the AEE submitted when the application was lodged with ECan in April 2005 and amendments to the application submitted in October 2005, April 2006 and December 2006.
29. The applicant has assessed the potential adverse environmental effects of extracting the proposed volume of gravel in their application. This assessment has been further refined through consultation with affected parties, meetings with ECan River Engineers and Consents staff and by proposing further mitigation measures to reduce the effects of the proposed extraction.
30. I have used a checklist developed from similar activities and published on the Council's web site to determine if all relevant effects have been considered. The following list of effects are considered relevant to this activity:

- Availability of gravel at the requested location;
- Effects on instream values;
- Effects on other gravel excavators;
- Effects on the wider gravel excavation industry;
- Cumulative effects of excavation;
- Effects on amenity and recreation values; and
- Effects on infrastructure.

Availability of Gravel at the Requested Location

31. The information provided by the applicant has been assessed and advice from Mr Matt Surman, ECans' Asset Management Engineer for the Waimakariri River indicates that the volume of gravel requested is likely to be available, after taking into account consents already granted and the need to maintain minimum bed levels.

Effects on Instream Values

32. The applicant has proposed a condition to ensure extraction will not occur in flowing water. Adherence to this condition will ensure that effects on instream values are less than minor and effects on other parties are considered negligible.

Effects on Other Gravel Excavators

33. In the situation where the gravel supply rate is less than the average supply rate for a significant period, the minimum bed level is more likely to be triggered, so any existing consent holders with minimum bed level conditions in the same area may be affected by this consent. In this case there are no consent holders in the immediate area with minimum bed level conditions on their consent.

Effects on the Wider Gravel Excavation Industry

34. While ordinarily this would not be an effect considered for such applications, this application is somewhat unique in that it has been made at a time when, together

with other applications, it has been recognised that demand exceeds supply and storage for effectively the first time in the history of gravel excavation from the Waimakariri River. There is potential therefore to cause significant disruption to the gravel industry, given that until now they have not faced restrictions on total supply available. Now that limits to sustainable supply have been reached, the industry will need to make adjustments to past practices whereby for example many applicants did not apply for replacement consents until close to expiry of existing consents, on the basis that replacement consents were routinely granted for whatever volume was sought. Some excavators have invested in major infrastructure or sites close to their traditional source of gravel, and need time to adjust to the new regime.

35. To address this effect Consents staff have consulted with the industry through a number of open meetings to provide information on gravel availability and seek feedback. The industry has also met on several occasions without ECan staff and as a result of those meetings, I was advised by their nominated representatives Ms Cathy Begley and Mr Rob Uffindell that total volume applied for by all applicants within the lower Waimakariri had been reduced to the total volume available, as calculated by Mr Surman. Since this agreement between excavators was reached, several applicants have reverted back to their original application volumes and new applications have been lodged. This means that the total volume applied for by all applicants is now greater than that available in the Waimakariri River.
36. However, the volume applied for by Christchurch Readymix is not more than 50% of the total available gravel in this reach (proposed volume is 1.6 million cubic metres and a further 2.6 million cubic metres remains). The trigger value of 50% of remaining gravel in a stretch of the river was agreed by Mr Leo Fietje (ECan Principal Consents Advisor) to be an appropriate percentage of available gravel to excavate. This ensures that those at the front of the queue retain priority over access to the resource but in doing so do not exclude other excavators from having access to the remaining gravel resource.
37. Therefore, I am satisfied therefore that disruption to the wider gravel excavation industry is within acceptable limits.

Cumulative Effects of Excavation

38. Mr Surman has completed a gravel budget for the lower Waimakariri River and advises that the volume sought under this application is likely to be available for the duration sought, having considered availability and volumes authorised to be excavated by existing consents.

Effects on Amenity and Recreation Values

39. The effects on recreational users has been assessed. This area of the Waimakariri River is less utilised for recreation than areas further downstream towards the SH1 bridge. However, jet boaters and kayakers will still use the river to some degree. The proposed condition to not extract from flowing water will mitigate the effects on recreation users of the river so that effects are negligible.
40. The reach of the Waimakariri River relevant to this application has not been widely used for gravel extraction in the past. However, as stated above, it can be concluded that the effects of this activity are not likely to be more than minor. This is because appropriate mitigation measures have been proposed, the lack of significant infrastructure, limited public access to the riverbed and lack of extensive recreational use of the area. All affected parties have been considered. They have either provided

their written approval for the application or through the provision of conditions, effects on them have been assessed as being negligible.

Effects on Infrastructure

41. Concerns have been raised by Ontrack, Transpower and Transit regarding the adverse effects of excavation on their permanent infrastructure in the bed of the Waimakariri River. These structures may be affected by excavation occurring too close to foundations which may undermine their stability, or the location of machinery and equipment close to the structures may prevent access for maintenance by the owners.
42. A minimum bed level condition is proposed by Mr Matt Surman, as well as a condition ensuring excavation does not occur closer to the structures than the distances suggested by ECan Engineers, myself and the owners. This addresses the concerns held by the owners and ensures effects on the existing infrastructure are negligible.

MITIGATION MEASURES

43. A full list of conditions has been attached to this report. These conditions have been developed in consultation with the applicant and ECan Engineers, using the measures proposed by the applicant, standard measures imposed on all gravel extraction consents, and measures specific to this application. The applicant has seen the full set of conditions and is happy to accept them as conditions of consent, should the Committee decide to grant the consent.

CONSIDERATION OF ALTERNATIVES

80. The applicant has considered alternative locations for gravel extraction. This current area was amended from the original application as there was a gravel deficit identified in the original area applied for.

POLICIES AND OBJECTIVES

Regional Policy Statement (RPS)

81. The RPS, which became operative on 26 June 1998, sets out a number of policies designed to guide decision-makers in the resolution of issues and the meeting of objectives. A number of methods are also outlined which state how the Council will seek to implement these policies.
82. The following policies are considered relevant to this application:

Chapter 5: Tangata Whenua

83. In chapter 5, section 5.7, each Runanga in Canterbury has been given the opportunity to state which matters of resource significance are important to them. The extraction lies within the rohe of Tuahuriri Runanga. They were informed of the application by Environment Canterbury, no objection to the application on historical or cultural grounds was received, and a follow up phone call confirmed the Runanga have no objections to this application.

Chapter 8 - Landscapes, ecology and heritage.

84. Policy 3 states that:

“Natural features and landscapes that meet the relevant criteria of sub-chapter 20.4 (1) should be protected from adverse effects of the use, development, or protection of natural and physical resources, and their enhancement should be promoted. Activities that may have adverse effects include those involving the clearing or modification of areas of indigenous vegetation (particularly tall tussock), earthworks, alteration of landforms, tree planting, or the erection of structures.

The particular sensitivity of these natural features and landscapes to regionally significant adverse effects in term of sub-chapter 20.4(2) should be reflected in the provisions of the district plans of the regions.

Assessment of the effects should be made by considering:

- (i) Aesthetic values;*
- (ii) Expressiveness;*
- (iii) Transitory value;*
- (iv) Natural science factors.”*

85. This extraction of gravel within the bed of the river is not likely to significantly adversely affect the Nationally Outstanding Natural Landscape of the river, given the proposed and recommended mitigation.

Chapter 10 - Beds of rivers and their margins.

86. A range of policies are provided to address these issues and to outline how the objectives will be achieved.

The following policies are relevant to this application.

87. Policy 1 states that areas within beds of rivers and their margins containing important conservation values are to be identified. Land use should avoid causing significant adverse effects on the conservation values contained in identified areas and that measures be taken to mitigate any adverse effects.

88. The proposed works have been audited as not having significant adverse effects on any of the identified values.

89. Policy 4 states:

“Land use within beds and margins of rivers should be undertaken in such a way that any adverse effects on the following values are avoided or mitigated:

- (i) the free passage of floodwaters within the beds; and*
- (ii) the contribution of vegetation or structures to the control of flood flows or the control of erosion.”*

The proposed works have been audited as not having significant adverse effects on any of the identified values.

90. Policy 6 states:

“Land use activities within the beds and margins of rivers should be undertaken in such a way that any adverse effects on the stability or performance of essential structures are avoided”

Matthew Surman (Environment Canterbury River Engineer) has reviewed the application and has no concerns.

91. To summarise, the proposal is consistent with the policies of the Regional Policy Statement.

Waimakariri River Regional Plan (WRRP)

92. The Waimakariri River Regional Plan (WRRP) aims to:

- Promote the sustainable management of rivers, lakes, hydraulically connected groundwater, rivers and lake beds in the Waimakariri River catchment;
- To maintain and enhance the environment;
- To achieve integrated management of these resources.

93. The Plan sets out issues, objectives, policies and methods for achieving the aims described above. One of the key issues identified in the WRRP is land use activities in the beds of rivers and lakes which may have an effect upon, the natural character of rivers, cultural and social values and the flood carrying capacity of rivers. These issues are addressed by policies contained in Chapter 7 of the WRRP.

94. Policy 7.1 relates to the control of a number of activities in the bed of any river or lake in the Waimakariri River Catchment. Activities covered include the excavation, disturbance and deposition of material in the riverbed. The Canterbury Regional Council regulates all activities contained in Policy 7.1.

95. Policy 7.2 aims to promote measures to be used in river beds in the Waimakariri River Catchment that restore or enhance values listed in Policy 7.1. Policy 7.2 is necessary because some riverbeds have been changed substantially as a result of river works, plant and animal pests and development. If granted, the conditions of this consent will promote the aims of this policy.

96. The proposed works are considered consistent with the objectives of the above-mentioned policies.

PART 2 MATTERS

Purpose of the RMA (s5)

97. Under s104 the consent authority must consider applications subject to part II of the Act.

The purpose of the Act (s5) is to promote sustainable management of natural and physical resources. Based on the information available, the proposed works are considered to be consistent with the sustainable management of the Waimakariri

River provided that the proposed conditions that seek to mitigate any adverse effects of the activity on the environment are adhered to.

98. It is my opinion that the proposal as it stands should not compromise the objectives of this section of the RMA provided the conditions of consent are adhered to.

Matters of National Importance (s6)

99. Section 6 of the Act requires the consenting authority to recognise and provide for a number of matters of national importance. I consider the following sub-sections of s6 to be relevant with regard to this application:

“(a) The preservation of the natural character of rivers and their margins, and the protection of them from inappropriate subdivision, use and development;

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”

100. I do not consider that the proposal will adversely affect the above values.

Other Matters (s7)

101. Section 7 requires the consent authority to have particular regard to a number of other matters.
102. I consider that the granting of this consent will not compromise any of the matters contained within s7 of the Act.

Principles of the Treaty of Waitangi (s8)

103. Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi when making a decision on an application. The Court of Appeal has identified four major principles: partnership; active protection of Maori people in the use of their resources and other guaranteed taonga; Maori to retain chieftainship rangatiratanga over their resources and taonga; and cessation by Maori of sovereignty in exchange by the Crown of Maori rangatiratanga.
104. Tuahuriri Runanga were informed of the application on 20 April 2005. No response was received from the runanga regarding this application. A follow-up phone call on 19 April 2007 confirmed the runanga have no objections to this application.
105. A search of the Environment Canterbury GIS database did not identify any silent files in the vicinity of the proposed activity.
106. Given the nature and scale of the proposed activity, and the mitigation measures proposed, I consider that the potential adverse effects on mahinga kai, wahi tapu, or wahi taonga are no more than minor. Therefore, the potential adverse effects on tangata whenua values are considered to be *de minimis*.

OTHER RELEVANT MATTERS

Decisions of the Environment Court

107. Action has been taken against gravel excavation without a resource consent by the Environment Court in the past. In the case *Canterbury Regional Council versus Peter Kealey Contracting* the court found Mr Kealey liable for repeatedly taking gravel without resource consent from the Te Moana River. The Court stated that Regional Council had the right to regulate gravel excavation through the resource consents process.

Previous Council Decisions

108. This proposal and the conditions recommended are consistent with other consents granted in the area and in other parts of Canterbury, where gravel is extracted from river beds of similar character.

RECOMMENDATION

Grant or Decline

109. Based on the audit of the applicant's information, and having considered all relevant matters under s104, I consider that the application for a consent can be granted subject to the additional mitigation measures and those proposed by the applicant.

Duration

110. Given the reasons discussed above, it is my opinion that the consent can be granted for the term of 8 years, as requested by the applicant subject to the conditions set out below.

RECOMMENDED CONDITIONS

CRC052911 – Christchurch Readymix Concrete Ltd. To extract gravel, sand and other natural material from the bed of the Waimakariri River.

- 1) The quantity of gravel, sand and other natural material excavated from the bed of the Waimakariri River between map references M35:6866-5142 and M35:6183-5030, shall not exceed 200,000 cubic metres in any period of 12 consecutive months.
- 2) Excavation and deposition shall only be carried out within the area shown on the attached plan, CRC052911A.
- 3) (a) The cross-sections in Table A shall be surveyed at least annually over the width shown below (and reported to Canterbury Regional Council).

Cross-section (km)	Minumum mean bed level (above mean sea level, m)	Survey width (m)	2002 surveyed level (m)
19.03	49.13	1229	49.32
19.93	53.61	1291	54.03

21.13	59.10	1225	59.58
22.27	64.68	964	65.05
23.65	71.44	965	71.90
24.43	75.14	997	75.69
25.75	82.42	877	82.66

Table A

- (b) Excavation in the vicinity of a cross-section (i.e. to the midpoint between cross-sections) described in Table A may not occur when the mean bed level is below the specified minimum level, unless authorised under condition 3(d).
- (c) If the mean bed level falls below the specified minimum level then there shall be no further excavation until a subsequent survey shows bed levels are 0.1m or more above the minimum mean bed level, unless authorised under condition 3(d).
- (d) The consent holder may be authorised in writing by the Regional Engineer to carry out works for the purposes of protecting assets at risk from erosion or to reshape the river bed so as to provide a particular environmental enhancement e.g. improving habitat for certain species of fish or nesting birds, or creating swimming holes.
- 4) Extraction shall be at least 250 metres from flood protection works (including planted or maintained trees, wire rope work, rockwork, groyne etc) unless working under condition 3(d), where extraction shall be at least 100 metres from flood protection works.
- 5) The Canterbury Regional Council, Attn: RMA Compliance and Enforcement Manager, shall be notified at least 2 working days prior to commencement of excavation. Where excavation is to be undertaken having been discontinued for more than seven consecutive working days the Canterbury Regional Council shall be re-notified.
- 6) Prior to commencing excavation, a copy of this resource consent shall be given to all persons undertaking activities authorised by this consent.
- 7) All vehicles and machinery operating in the bed of the river shall be clearly identified with the name or Logo of the operator of the vehicle, to ensure that the name is capable of being read at a distance of five metres.
- 8) (a) Access to the site shall be only via the existing access points across the stopbanks as indicated on the attached plan CRC052911A.
(b) The consent holder shall ensure that whenever the access is used there is at least 200 millimetres of gravel on top of the crest of the stopbank, as indicated by plan CRC052911B.
- Note: This consent does not grant access to the extraction area. This must be arranged with the landowner.
- 9) Excavation shall not exceed:
(a) A depth of 3 metre(s) below the natural riverbed prior to excavation; and
(b) A level of 300 millimetres above the level of the flowing water contained in any channel within 20 metres of the work site.
- 10) All stockpiling of gravel, sand and other natural material, including reject material, shall occur as follows:
(a) The quantity stockpiled at the site between the Crossbank and Weedons Ross Road shall not exceed 2,000 cubic metres at any one time.
(b) Stockpiling shall occur in the active channel shown on attached plan CRC052911A.
(c) Stockpiles shall not be deposited closer than 250 metres to any stopbank, flood protection works, or structure.
(d) Stockpiles shall be aligned parallel to the average direction of river flow.
(e) Stockpiles shall be removed by 3 weeks after the date of deposition, or by three months prior to the expiry date of this resource consent, whichever date comes first.

- 11) Machinery shall be free of plants and plant seeds prior to use in the riverbed.
- 12) To prevent the spread of Didymo or any other aquatic pest, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Canterbury Regional Councils "Didymo Hygiene Protocols".
- 13) Gravel, sand and other natural material shall not be excavated from river channels containing flowing water.
- 14)
 - (a) As far as practicable, vehicles and machinery shall not enter river channels containing flowing water.
 - (b) In the event that it is necessary to cross river channels containing flowing water to access the work sites then temporary culverts shall be installed. Temporary culverts shall not prevent the passage of fish.
- 15) In the event of any damage to the culverts the consent holder shall maintain the flood carrying capacity of the channel and take all practicable measures to minimise erosion.
- 16) All practicable measures shall be undertaken to minimise the discharge of sediment to the Waimakariri River arising from the works.
- 17) Works shall not cause erosion of the bed and banks of the Waimakariri River.
- 18) Excavation shall not occur within 100 metres of birds, which are nesting or rearing their young in the bed of the river.
- 19) Prior to any mechanical works being carried out in the period 1 September to 1 February, the consent holder shall ensure that:
 - (a) a suitably qualified and independent person inspects the proposed area of works, no earlier than eight working days prior to any works being carried out, and locates any bird breeding sites of birds listed in Appendix A; and
 - (b) the person carrying out the inspection prepares a written report that identifies all the located bird breeding or nesting sites and provides copies of that report to the consent holder and the Canterbury Regional Council; and
 - (c) the name and qualifications of the person carrying out the inspection are provided to the Canterbury Regional Council with the report; and
 - (d) any person carrying out works authorised by this consent are informed of any bird breeding or nesting sites.
- 20) There shall be no storage of fuel or refuelling of vehicles and machinery anywhere on the bed of a river.
- 21) The activity shall not cause odour or deposited particulate material, which is offensive or objectionable beyond the boundary of the site on which the consent is exercised.
- 22)
 - (a) Works shall not be carried out on weekends or public holidays.
 - (b) Works shall only occur between the hours of 6am and 7pm inclusive.
- 23) If further excavation at the site in the active riverbed is not to occur within seven days following the last working at the site, then the following shall occur:
 - (a) All deposits excluding stockpiles of gravel, sand and other natural material including reject material shall be levelled to the natural bed level; and
 - (b) The excavation area shall be reshaped and formed to a state consistent with the surrounding natural river bed; and
 - (c) Any temporary culverts as referred to in Condition (14)(b) shall be removed.
- 24) On the completion of works, the site shall be restored to its original condition as far as

practicable.

- 25) Excavation shall cease by at least three months prior to the expiry date of this resource consent.
- 26) Where the consent is to be exercised by any person other than the consent holder, the consent holder shall:
 - (a) Provide in writing, the name, address and contact phone number of the person to be exercising the consent, and the period that this will occur, to the Canterbury Regional Council, Attn: RMA Compliance and Enforcement Manager, not less than two working days prior to the consent being exercised in the specified period; and
 - (b) Provide a copy of this resource consent to that person and explain how to comply with the consent conditions.
- 27) The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager, shall be notified within seven working days after the completion of excavation.
- 28) The volume of gravel removed from the riverbed shall be measured by the loader operator and recorded in a logbook. The logbook shall detail any calculations used to determine the volume and record the name of the operator, date, time and identification details of trucks used to remove the gravel out of the riverbed. A copy of the logbook entries shall be made available to the Canterbury Regional Council upon request. A "Gravel Excavation Return" form, for completion at the end of each quarter, shall be submitted to The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager by the 20th of January, April, July and October each year.
- 29) In the event of any disturbance of Koiwi Tangata (human bones) or taonga (treasured artefacts), the consent holder shall immediately:
 - (a) Advise the Canterbury Regional Council of the disturbance;
 - (b) Advise the Upoko Runanga of Te Ngai Tuhauriri Runanga, or their representative, of the disturbance.
 - (c) Cease earthmoving operations in the affected area until the area containing the Koiwi Tangata or taonga has been clearly demarcated, and Kaumatua and archaeologists have certified that it is appropriate for earthmoving to recommence.
- 30) The Canterbury Regional Council may, once per year, on any of the last five working days of February or July, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
- 31) The lapsing date for the purposes of section 125 shall be 30 June 2012.

Signed: _____

Date: _____

*Name: Claire Penman
Consents Investigating Officer / Consultant*

Reviewer's comments:

Signed: _____

Date: _____

Robert Budd
Consents Investigating Officer/II

REFERENCES

Canterbury Regional Council 2004. Proposed Natural Resources Regional Plan – Chapter 1, 2 and 3.

Canterbury Regional Council 1998. Regional Policy Statement. Report No R98/4. ISBN 1-86937-337-5.

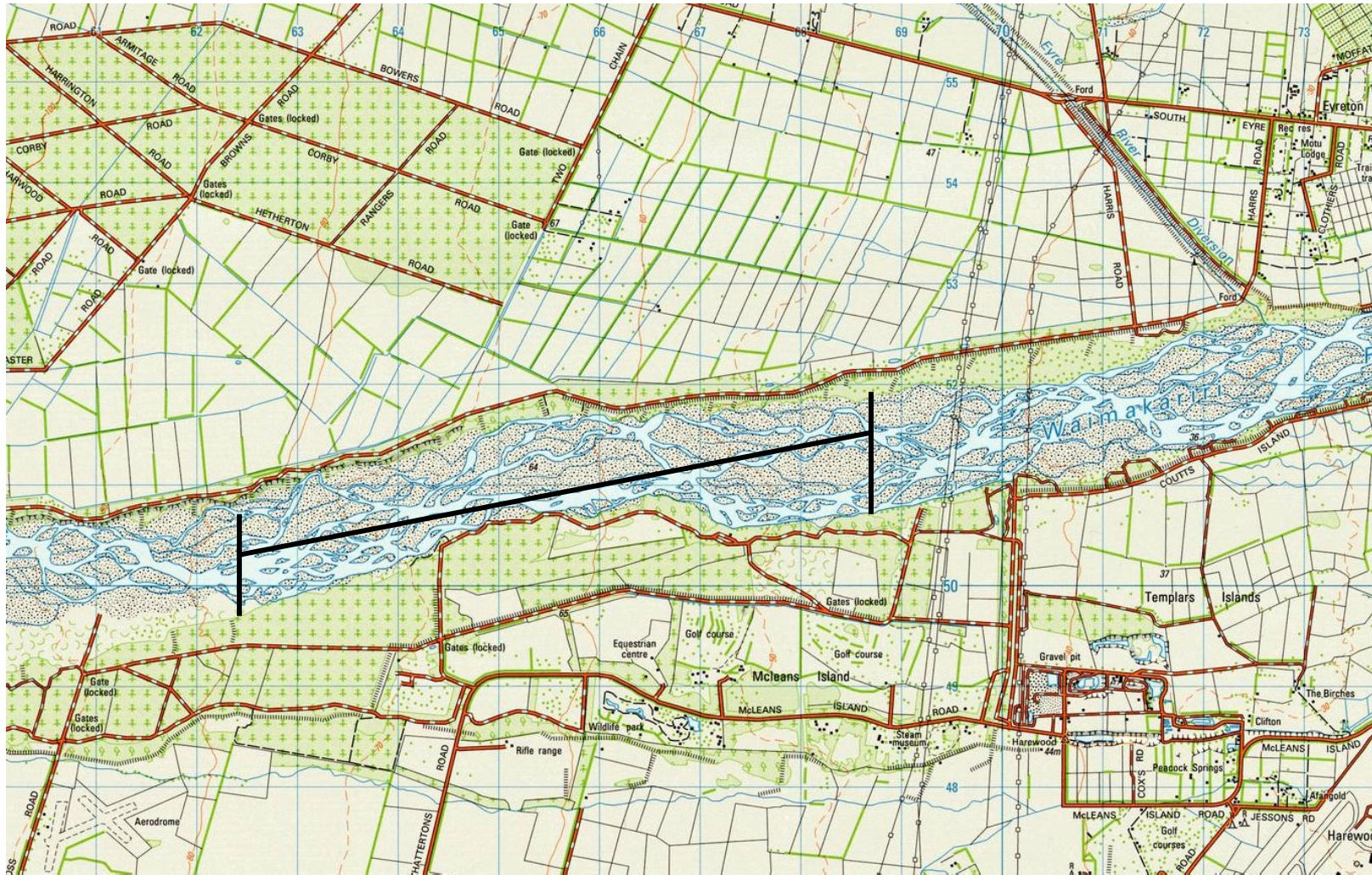
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The Resource Management Act 1991. Consolidated version including the Resource Management Amendment Act 1995. August 2005.

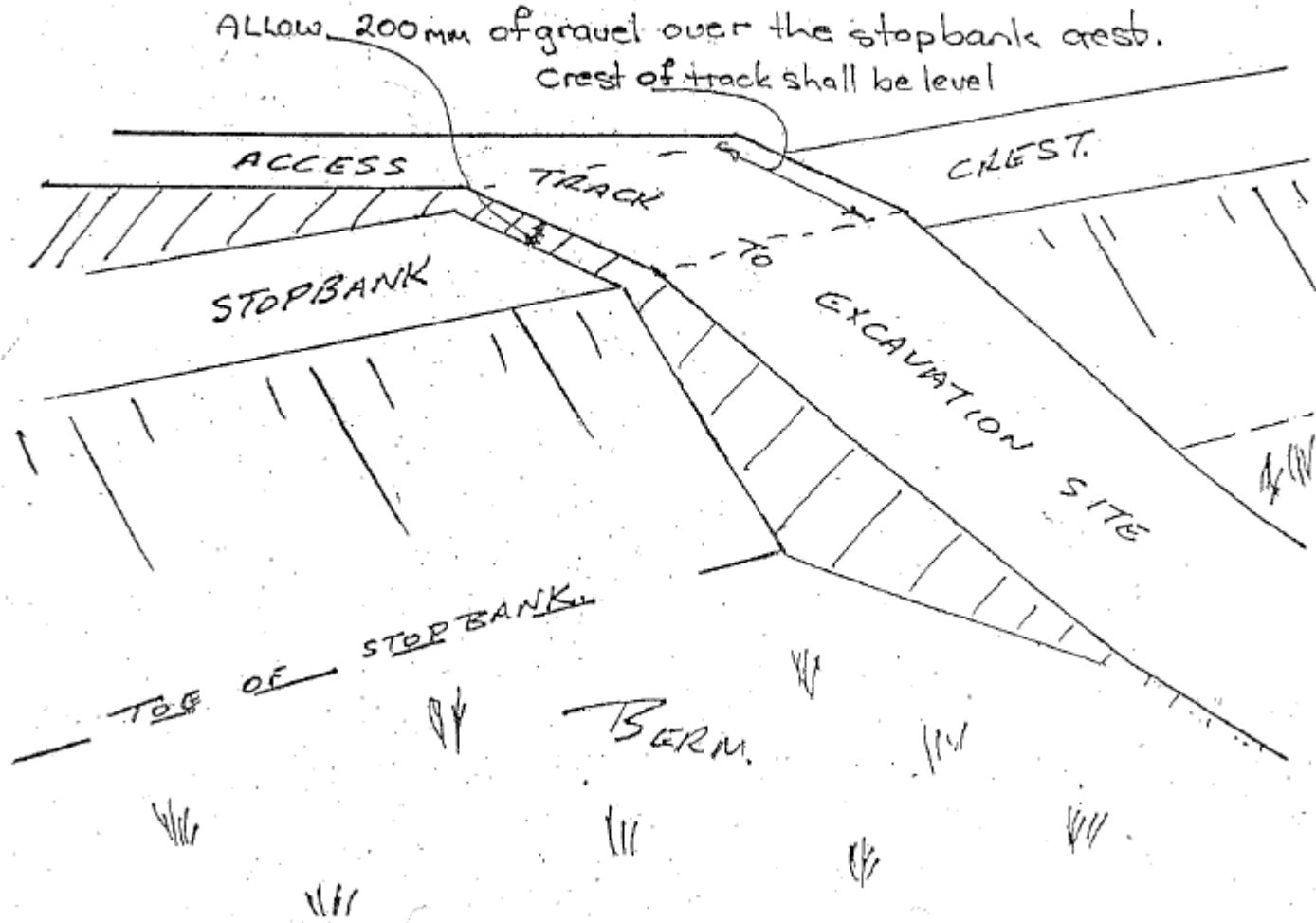
Canterbury Regional Council 2004. Waimakariri River Regional Plan. Report R04/7. ISBN 1-86937-502-5.

ATTACHMENTS

- 1) Location Map
 - CRC052911A
- 2) Stopbank Protection Plan
 - CRC052911B
- 3) Appendix A – List of bird species.



CRC052911A – Approximate location of gravel extraction. Access on the south side of the site will be via Weedons Ross Road and Chattertons Road, while access from the north side of the site will be along suitably established access points in accordance with CRC052911B.



Appendix A - list of bird species referred to in Condition (19)

South Island Pied Oystercatcher
Black Stilt
Pied Stilt
Wrybill
Banded Dotterel
Black-fronted Dotterel
Spur-winged Plover
Paradise Shelduck
Grey Duck
NZ Shoveler
Grey Teal
NZ Scaup
Black-billed Gull
Red-billed Gull
Caspian Tern
White-fronted Tern
Black-fronted Tern
White-winged Black Tern
Australasian Bittern
Marsh Crake
Spotless Crake
Cormorant/shag colonies

**Before the Commissioner / Hearing Panel appointed
by Canterbury Regional Council**

IN THE MATTER OF The Resource Management Act
1991

AND

IN THE MATTER OF Application CRC050679 by
Christchurch Readymix Concrete
Ltd for a land use consent to
extract gravel, sand and other
natural material from the bed of
the Waimakariri River.

Section 42A Officer's Report

Date of Hearing: 4 May 2007

Report of *Claire Penman/Yvette Rodrigo*

1. My name is Claire Penman and I am currently employed by MWH New Zealand Limited as an Environmental Scientist. I am a recent graduate and my qualifications are a Bachelor of Applied Science (with Honours) from the University of Otago, majoring in Environmental Management.
2. This application was also audited by Yvette Rodrigo, who also contributed to the preparation of this report. Yvette is currently employed by MWH New Zealand Limited as an Environmental Scientist. Until recently, she was employed by Environment Canterbury as a Senior Investigating Officer. Her qualifications include a Master of Science degree (with Honours) from the University of Canterbury in Environmental Science, specialising in Applied and Environmental Microbiology.
3. This report is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA). This section allows a Council officer to provide a report to the decision-maker on a resource consent made to the Council, and allows the decision-maker to consider the report at the hearing. Section 41(4) of the RMA allows the decision-maker to request and receive from any person who makes a report under Section 42A "*any information or advice that is relevant and reasonably necessary to determine the application*". This report will provide the decision-maker with information and advice related to:
 - The background to the application;
 - Details of the notification of the application and any submissions received;
 - An outline of the relevant legal and planning provisions;
 - Comments on the assessment of environmental effects provided;
 - Details of Council policy relevant to the application;
 - Comments in relation to the matters specified in Part II of the RMA; and

- Comments on the decision to be made by the decision-maker including comments on whether the application can be granted or should be declined; if the application is to be granted what measures are required to avoid, remedy or mitigate any adverse effects; what monitoring should be undertaken and the duration of consent.
4. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the decision-maker. It should not be assumed that the decision-maker will reach the same conclusion or decision having considered all the evidence to be brought before it by the applicant and submitters.

INTRODUCTION

5. Christchurch ReadyMix Concrete Ltd (the applicant) is applying for consent to extract gravel from a site in the bed of the Waimakariri River. The site is located between 5.6km and 6.8km upstream of the river mouth, between map references NZMS 260 M35:8042-5410 and M35:8123-5454.
6. The applicant also holds consent(s) CRC962059 to extract up to 150,000 cubic metres of gravel per year from sites directly upstream and downstream of the current application. This consent expires in 2011.
7. The applicant has engaged Mr Peter Thomson (Beca) and Ms Sarah Thornton (Duncan Cotterill) to prepare this application on their behalf.
8. During the audit of this application numerous discussions and correspondence between other consent applicants seeking gravel from the Waimakariri River, myself and Yvette Rodrigo of MWH NZ Ltd who were engaged to process this application, other Consents Section personnel and with staff in the River Engineering Section at Environment Canterbury, were undertaken. These have included discussions on appropriate volumes and locations for extraction across the entire Waimakariri River, as well as suitable conditions regarding minimum bed levels, distances from banks, structures and flood protection works and potential cumulative effects of this extraction.

Notification

9. The application was limited notified to the following parties considered to be directly affected by the extraction of gravel from the site:
- B Foster
 - Brooklands Properties 2000 Ltd
 - ECan Parks and Forests section

The following wording describing the proposed extraction was sent to the parties listed above:

Applicant:	<i>Christchurch Readymix Concrete Ltd</i>
Address:	C/- Duncan Cotterill Lawyers, PO Box 5, Christchurch
Attention:	Ms Sarah Thornton
CRC050679 - The applicant Christchurch ReadyMix Concrete Ltd has applied for a land use consent from Environment Canterbury to:	

- a) excavate 30,000 cubic metres per year of gravel, sand and other natural material from the bed of the Waimakariri River;
- b) deposit excavated gravel, sand and other natural material in stockpiles on the bed;
- c) disturb the bed by operating vehicles and machinery associated with the works;
- d) place culverts temporarily in the bed of the Waimakariri River for fish passage associated with the works.

The works will be located upstream of State Highway One Road Bridge in the bed of the Waimakariri River between grid references NZMS 260 M35:8042-5410 to M35:8123-5454.

The applicant has requested a consent duration of 10 years. This is an application for a new activity.

Submissions

10. ECan received the written approval of ECan Parks and Forests section during the 20 working day period.
11. ECan did not receive any submissions on the application during the 20 working day submission period from the other parties notified.

DESCRIPTION OF THE PROPOSED ACTIVITY

12. The applicant has applied for a land use consent to extract gravel from the Waimakariri River as follows:
 - The quantity of gravel, sand and other natural material excavated from the bed of the Waimakariri River between map references M35:8123-5454 and M35:8042-5410, shall not exceed 30,000 cubic metres in any period of 12 consecutive months.
 - Minimum bed levels shall be adhered to.
 - Appropriate distances will be maintained from structures, flood protection works and the jet boat ramp.
 - Stockpiles of up to 1000 cubic metres will be stored on the berm, parallel to the flow for up to 2 weeks.
 - Work shall not be carried out in flowing water.
 - Work shall not be carried out on weekends or public holidays and shall only be between the hours of 6am and 7pm.
 - Work shall be at least 100m from nesting birds.
 - All other standard conditions for gravel consents will be adopted.

LEGAL AND PLANNING MATTERS

The Resource Management Act 1991 (RMA)

13. Section 13(1) states that no person may, in relation to the bed of any lake or river:

“(b) Excavate, drill, tunnel, or otherwise disturb the bed;

(d) Deposit any substance in, on, or under any bed.”

unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent.”

14. Section 13(2) states that no person may:

“(a) Enter or pass across the bed of any river or lake; or

(b) Disturb, remove, damage, or destroy any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on or under the bed of any lake or river -

in a manner which contravenes a rule in a regional plan unless the activity is allowed by a resource consent or as allowed under s.20A of the Act.”

15. The Act defines the bed of a river as:

“the space of land which the waters of a river cover at its fullest flow without overtopping its banks.”

16. The RMA therefore requires resource consent for this activity.

Regional Plans

Transitional Regional Plan (TRP)

17. Part V of the former North Canterbury Catchment Board By-laws, which is deemed part of the TRP by the Act, deals with regulations relating to watercourses in the South Canterbury Area.

18. **Clause 29** states that:

“No person shall without the written license of the Board remove shingle, sand or other material from any watercourse under the control of the Board or cut and remove any trees from any watercourse specified in Schedule I of this by-law and any such license may be revocable at the will of the Board or on breach of the conditions thereof or otherwise and may be given subject to such conditions and to payment of such license fee as the Board thinks fit to impose.”

19. This clause, and therefore the TRP, classifies this activity as **discretionary**, hence requiring a resource consent under s.13(1) of the Act.

Proposed Natural Resources Regional Plan (PNRRP)

20. The PNRRP is prevented from dealing with the extraction of gravel within the Waimakariri catchment. Rules in the Waimakariri River Regional Plan relating to excavation, drilling, tunnelling or other disturbance of the bed deal with the extraction of gravel in the Waimakariri River. The rules in the PNRRP can therefore not apply.

Waimakariri River Regional Plan (WRRP)

21. Rules 7.1 to 7.5 contained in Chapter 7 of the WRRP set out those activities which are either permitted, discretionary or prohibited in relation to the bed of any river or lake in the Waimakariri River Catchment. In the WRRP disturbance of the bed is defined so as to include, *“excavation, drilling, tunnelling, or other disturbance of the bed”*, and the term excavation includes *“removal of gravel from the bed”*.
22. Rule 7.1 permits the disturbance of bed material so long as it is *“less than 10 cubic metres per week and less than 50 cubic metres per annum per person”*. Rule 7.4 states that any disturbance of bed material greater than that allowed by Rule 7.1 is considered to be a discretionary activity.
23. The amount of gravel applied for in this application (30,000 cubic metres per year) clearly exceeds the limit in Rule 7.1. Therefore Rule 7.4 applies, and the proposed excavation is deemed a **discretionary activity**.

CONSULTATION

24. The applicant has undertaken consultation with the following parties:
 - Fish and Game Council
 - Department of Conservation
 - ECan Parks and Forests section
 - Barry Foster
 - Canterbury Branch Jet Boating New Zealand
 - Transit
 - Ontrack

DESCRIPTION OF THE AFFECTED ENVIRONMENT

25. The site is located within the bed of the Waimakariri River. The Waimakariri River is a wide braided river which flows west to east across the Canterbury Plains and is sourced from the Southern Alps.
26. The Waimakariri River possesses distinctive natural character, namely the natural braided pattern and open gravels of the mainstem; distinctive wildlife including the endangered wrybill plover and black-fronted tern; indigenous and sports fisheries; and relatively unmodified flow characteristics and aquatic ecosystems.
27. The Waimakariri River is heavily used for recreational purposes given its proximity to Christchurch. The river in this reach is sought after for jet boating, off-road vehicle users, salmon and trout fishers, picknickers, swimmers and a range of other outdoor activities.
28. The bed of the Waimakariri River identified in this application is approximately 200 metres wide and contains one main braid with numerous smaller braids that change after each fresh or flood event.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

29. The audit below is based on the AEE submitted when the application was lodged with ECan in September 2004.
30. The applicant has assessed the potential adverse environmental effects of extracting the proposed volume of gravel in their application. This assessment has been further refined through consultation with affected parties, meetings with ECan River Engineers and Consents staff and by proposing further mitigation measures to reduce the effects of the proposed extraction.
31. I have used a checklist developed from similar activities and published on the Council's web site to determine if all relevant effects have been considered. The following list of effects are considered relevant to this activity:

- Availability of gravel at the requested location;
- Effects on instream values;
- Effects on other gravel excavators;
- Effects on the wider gravel excavation industry;
- Cumulative effects of excavation;
- Effects on amenity and recreation values; and
- Effects on infrastructure.

Availability of Gravel at the Requested Location

32. The information provided by the applicant has been assessed and advice from Mr Matt Surman, ECans' Asset Management Engineer for the Waimakariri River indicates that the volume of gravel requested is likely to be available, after taking into account consents already granted and the need to maintain minimum bed levels.

Effects on Instream Values

33. I have raised concerns regarding the applicant's initial proposal to extract gravel from flowing water with no assessment of effects on water quality or instream values.
34. These concerns have since been addressed by the applicant through a proposed condition to ensure extraction will not occur in flowing water. Adherence to this condition will ensure that effects on instream values are less than minor and the effects on affected parties that initially raised concerns about this activity are considered negligible.

Effects on Other Gravel Excavators

35. In the situation where the gravel supply rate is less than the average supply rate for a significant period, the minimum bed level is more likely to be triggered, so the existing consent holders may be affected by this consent. For this reason, two downstream consent holders, Brooklands Properties 2000 Ltd and Barry Foster, were notified of this application. No submission was received from either of these parties.

Effects on the Wider Gravel Excavation Industry

36. While ordinarily this would not be an effect considered for such applications, this application is somewhat unique in that it has been made at a time when, together with other applications, it has been recognised that demand exceeds supply and

storage for effectively the first time in the history of gravel excavation from the Waimakariri River. There is potential therefore to cause significant disruption to the gravel industry, given that until now they have not faced restrictions on total supply available. Now that limits to sustainable supply have been reached, the industry will need to make adjustments to past practices whereby for example many applicants did not apply for replacement consents until close to expiry of existing consents, on the basis that replacement consents were routinely granted for whatever volume was sought. Some excavators have invested in major infrastructure or sites close to their traditional source of gravel, and need time to adjust to the new regime.

37. To address this effect Consents staff have consulted with the industry through a number of open meetings to provide information on gravel availability and seek feedback. The industry has also met on several occasions without ECan staff and as a result of those meetings, I was advised by their nominated representatives Ms Cathy Begley and Mr Rob Uffindell that the total volume applied for by all applicants within the lower Waimakariri had been reduced to the total volume available, as calculated by Mr Surman. Since this agreement between excavators was reached, several applicants have reverted back to their original application volumes and new applications have been lodged. This means that the total volume applied for by all applicants is now greater than that available in the Waimakariri River.
38. However, at this particular location all applicants with lower priority than Christchurch ReadyMix will have access to their requested gravel volumes and the proposed volume is not more than 50% of the total available gravel in this reach.
39. I am satisfied therefore that disruption to the wider gravel excavation industry is within acceptable limits.

Cumulative Effects of Excavation

40. Mr Surman has completed a gravel budget for the lower Waimakariri River and advises that the volume sought under this application is likely to be available for the duration sought, having considered availability and volumes authorised to be excavated by existing consents.

Effects on Amenity and Recreation Values

41. The reach of the Waimakariri River relevant to this applicant has been used for gravel excavation for a number of years. Since lodging the application the applicant has assessed the effects on recreational values from excavation at this location in the Waimakariri River. Concerns were raised by users of the river (e.g. Canterbury Branch Jet Boaters New Zealand) about the effect on access to the river from machinery and excavation occurring near the boat ramp. The applicant has agreed to a condition to ensure machinery and excavation is at least 50m from the boat ramp. This will mitigate the effects on recreational users of the river such that effects are negligible. Jet Boaters New Zealand have provided their written approval for the application.

Effects on Infrastructure

42. Concerns have been raised by Ontrack, Transpower and Transit regarding the adverse effects of excavation on their permanent infrastructure in the bed of the Waimakariri River. These structures may be affected by excavation occurring too close to foundations which may undermine their stability, or the location of machinery

and equipment close to the structures may prevent access for maintenance by the owners.

43. A minimum bed level condition is proposed as well as a condition ensuring excavation does not occur closer to the structures than the distances suggested by ECan Engineers, myself and the owners. This addresses the concerns held by the owners and ensures effects on the existing infrastructure are negligible.

MITIGATION MEASURES

44. A full list of conditions has been attached to this report. These conditions have been developed in consultation with the applicant and ECan Engineers, using the measures proposed by the applicant, standard measures imposed on all gravel extraction consents, and measures specific to this application. The applicant has seen the full set of conditions and is happy to accept them as conditions of consent, should the Committee decide to grant the consent.

CONSIDERATION OF ALTERNATIVES

80. The applicant has not stated whether any alternative locations for gravel extraction have been considered.

POLICIES AND OBJECTIVES

Regional Policy Statement (RPS)

81. The RPS, which became operative on 26 June 1998, sets out a number of policies designed to guide decision-makers in the resolution of issues and the meeting of objectives. A number of methods are also outlined which state how the Council will seek to implement these policies.
82. The following policies are considered relevant to this application:

Chapter 5: Tangata Whenua

83. In chapter 5, section 5.7, each Runanga in Canterbury has been given the opportunity to state which matters of resource significance are important to them. The excavation of gravel lies within the rohe of Ngai Tuahuriri Runanga. They were informed of the application by Environment Canterbury, no objection to the application on historical or cultural grounds was received, and a follow up phone call confirmed the Runanga have no objections to this application.

Chapter 8 - Landscapes, ecology and heritage.

84. Policy 3 states that:

“Natural features and landscapes that meet the relevant criteria of sub-chapter 20.4 (1) should be protected from adverse effects of the use, development, or protection of natural and physical resources, and their enhancement should be promoted. Activities that may have adverse effects include those involving the clearing or modification of areas of indigenous

vegetation (particularly tall tussock), earthworks, alteration of landforms, tree planting, or the erection of structures.

The particular sensitivity of these natural features and landscapes to regionally significant adverse effects in term of sub-chapter 20.4(2) should be reflected in the provisions of the district plans of the regions.

Assessment of the effects should be may by considering:

- (i) Aesthetic values;*
- (ii) Expressiveness;*
- (iii) Transitory value;*
- (iv) Natural science factors.”*

85. This extraction of gravel within the bed of the river is not likely to significantly adversely affect the Nationally Outstanding Natural Landscape of the river, given the proposed and recommended mitigation.

Chapter 10 - Beds of rivers and their margins.

86. A range of policies are provided to address these issues and to outline how the objectives will be achieved.

The following policies are relevant to this application.

87. Policy 1 states that areas within beds of rivers and their margins containing important conservation values are to be identified. Land use should avoid causing significant adverse effects on the conservation values contained in identified areas and that measures be taken to mitigate any adverse effects.

88. The proposed works have been audited as not having significant adverse effects on any of the identified values.

89. Policy 4 states:

“Land use within beds and margins of rivers should be undertaken in such a way that any adverse effects on the following values are avoided or mitigated:

- (i) the free passage of floodwaters within the beds; and*
- (ii) the contribution of vegetation or structures to the control of flood flows or the control of erosion.”*

The proposed works have been audited as not having significant adverse effects on any of the identified values.

90. Policy 6 states:

“Land use activities within the beds and margins of rivers should be undertaken in such a way that any adverse effects on the stability or performance of essential structures are avoided”

Matthew Surman (Environment Canterbury River Engineer) has reviewed the application and has no concerns.

91. To summarise, the proposal is consistent with the policies of the Regional Policy Statement.

Waimakariri River Regional Plan (WRRP)

92. The Waimakariri River Regional Plan (WRRP) aims to:
- Promote the sustainable management of rivers, lakes, hydraulically connected groundwater, rivers and lake beds in the Waimakariri River catchment;
 - To maintain and enhance the environment;
 - To achieve integrated management of these resources.
93. The Plan sets out issues, objectives, policies and methods for achieving the aims described above. One of the key issues identified in the WRRP is land use activities in the beds of rivers and lakes which may have an effect upon, the natural character of rivers, cultural and social values and the flood carrying capacity of rivers. These issues are addressed by policies contained in Chapter 7 of the WRRP.
94. Policy 7.1 relates to the control of a number of activities in the bed of any river or lake in the Waimakariri River Catchment. Activities covered include the excavation, disturbance and deposition of material in the riverbed. The Canterbury Regional Council regulates all activities contained in Policy 7.1.
95. Policy 7.2 aims to promote measures to be used in river beds in the Waimakariri River Catchment that restore or enhance values listed in Policy 7.1. Policy 7.2 is necessary because some riverbeds have been changed substantially as a result of river works, plant and animal pests and development. If granted, the conditions of this consent will promote the aims of this policy.
96. The proposed works are considered consistent with the objectives of the above-mentioned policies.

PART 2 MATTERS

Purpose of the RMA (s5)

97. Under s104 the consent authority must consider applications subject to part II of the Act.

The purpose of the Act (s5) is to promote sustainable management of natural and physical resources. Based on the information available, the proposed works are considered to be consistent with the sustainable management of the Waimakariri River provided that the proposed conditions that seek to mitigate any adverse effects of the activity on the environment are adhered to.

98. It is my opinion that the proposal as it stands should not compromise the objectives of this section of the RMA provided the conditions of consent are adhered to.

Matters of National Importance (s6)

99. Section 6 of the Act requires the consenting authority to recognise and provide for a number of matters of national importance. I consider the following sub-sections of s6 to be relevant with regard to this application:

“(a) The preservation of the natural character of rivers and their margins, and the protection of them from inappropriate subdivision, use and development;

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”

100. I do not consider that the proposal will adversely affect the above values.

Other Matters (s7)

101. Section 7 requires the consent authority to have particular regard to a number of other matters.

102. I consider that the granting of this consent will not compromise any of the matters contained within s7 of the Act.

Principles of the Treaty of Waitangi (s8)

103. Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi when making a decision on an application. The Court of Appeal has identified four major principles: partnership; active protection of Maori people in the use of their resources and other guaranteed taonga; Maori to retain chieftainship rangatiratanga over their resources and taonga; and cessation by Maori of sovereignty in exchange by the Crown of Maori rangatiratanga.

104. Tuahuriri Runanga were informed of the application on 13 September 2004. No response was received from the runanga regarding this application. A follow up phone call to the Runanga on 19 April 2007 confirmed they have no objections to the application.

105. A search of the Environment Canterbury GIS database did not identify any silent files in the vicinity of the proposed activity.

106. Given the nature and scale of the proposed activity, and the mitigation measures proposed, I consider that the potential adverse effects on mahinga kai, wahi tapu, or wahi taonga are no more than minor. Therefore, the potential adverse effects on tangata whenua values are considered to be *de minimis*.

OTHER RELEVANT MATTERS

Decisions of the Environment Court

107. Action has been taken against gravel excavation without a resource consent by the Environment Court in the past. In the case *Canterbury Regional Council versus Peter*

Kealey Contracting the court found Mr Kealey liable for repeatedly taking gravel without resource consent from the Te Moana River. The Court stated that Regional Council had the right to regulate gravel excavation through the resource consents process.

Previous Council Decisions

108. Other consents in this stretch of river for similar quantities have been granted.
109. This proposal and the conditions recommended are consistent with other consents granted in the area and in other parts of Canterbury, where gravel is extracted from river beds of similar character.

RECOMMENDATION

Grant or Decline

110. Based on the audit of the applicant's information, and having considered all relevant matters under s104, I consider that the application for a consent can be granted subject to the additional mitigation measures and those proposed by the applicant.

Duration

111. Given the reasons discussed above, it is my opinion that the consent can be granted for the term of 10 years, as requested by the applicant subject to the following conditions.

RECOMMENDED CONDITIONS

CRC050679 – Christchurch Readymix Concrete Ltd. To extract gravel, sand and other natural material from the bed of the Waimakariri River.

- 1) The quantity of gravel, sand and other natural material excavated from the bed of the Waimakariri River between map references M35:8123-5454 and M35:8042-5410, shall not exceed 30,000 cubic metres in any period of 12 consecutive months.
- 2) Excavation and deposition shall only be carried out within the area shown on the attached plan, CRC050679A.
- 3) The excavation of gravel, sand and other natural material shall cease:
 - (a) whenever the lowest recorded bed level of the 5.23 kilometre cross section (Old Highway Bridge) as estimated by the Canterbury Regional Council, is equal to or less than 2.5 metres below Mean Sea Level (-2.5 MSL); or
 - (b) whenever the mean bed level of the 5.23 kilometre cross section (Old Highway Bridge), as estimated by the Canterbury regional Council, is equal to or less than 1.0 metres above Mean Sea Level (+1.0 MSL)
- 4) The Canterbury Regional Council, Attn: RMA Compliance and Enforcement Manager, shall be notified at least 2 working days prior to commencement of excavation. Where excavation is to be undertaken having been discontinued for more than seven consecutive working days the Canterbury Regional Council shall be re-notified.

- 5) Prior to commencing excavation, a copy of this resource consent shall be given to all persons undertaking activities authorised by this consent.
- 6) All vehicles and machinery operating in the bed of the river shall be clearly identified with the name or Logo of the operator of the vehicle, to ensure that the name is capable of being read at a distance of five metres.
- 7)
 - (a) Access to the site shall be only via the existing access points across the stopbanks as indicated on the attached plan CRC050679A.
 - (b) The consent holder shall ensure that whenever the access is used there is at least 200 millimetres of gravel on top of the crest of the stopbank, as indicated by plan CRC050679B.

Note: This consent does not grant access to the extraction area. This must be arranged with the landowner.

- 8) Gravel, sand and natural material shall not be excavated within 10 metres of the banks of the river or any flood protection works. For the purpose of this consent flood protection works are defined as: areas of vegetation maintained or planted in the beds of rivers; stopbanks; access tracks; rockwork; anchored trees; wire rope; and structures erected for the purpose of flood protection.
- 9) Gravel, sand and other natural material shall not be excavated within:
 - (a) 50 metres of the State Highway 1 Bridge;
 - (b) 50 metres of the jet boat ramp; and
 - (c) 50 metres of any other structure.
- 10) Excavation shall not exceed:
 - (a) A depth of 2 metre(s) below the natural riverbed prior to excavation; and
 - (b) A level of 300 millimetres above the level of the flowing water contained in any channel within 20 metres of the work site.
- 11) All stockpiling of gravel, sand and other natural material, including reject material, shall occur as follows:
 - (a) The quantity stockpiled at the site above the State Highway 1 bridge shall not exceed 1,000 cubic metres at any one time.
 - (b) Stockpiling shall occur on the berm shown on attached plan CRC050679A.
 - (c) Stockpiles shall not be deposited closer than 10 metres to any stopbank, flood protection works, or structure.
 - (d) Stockpiles shall be aligned parallel to the average direction of river flow.
 - (e) Stockpiles shall be removed by 2 weeks after the date of deposition, or by three months prior to the expiry date of this resource consent, whichever date comes first.
- 12) Machinery shall be free of plants and plant seeds prior to use in the riverbed.
- 13) To prevent the spread of Didymo or any other aquatic pest, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Canterbury Regional Councils "Didymo Hygiene Protocols".
- 14) Gravel, sand and other natural material shall not be excavated from river channels containing flowing water.
- 15)
 - (a) As far as practicable, vehicles and machinery shall not enter river channels containing flowing water.
 - (b) In the event that it is necessary to cross river channels containing flowing water to access the work sites then temporary culverts shall be installed. Temporary culverts shall not prevent the passage of fish.
- 16) In the event of any damage to the culverts the consent holder shall maintain the flood

carrying capacity of the channel and take all practicable measures to minimise erosion.

- 17) All practicable measures shall be undertaken to minimise the discharge of sediment to the Waimakariri River arising from the works.
- 18) Works shall not cause erosion of the bed and banks of the Waimakariri River.
- 19) Excavation shall not occur within 100 metres of birds, which are nesting or rearing their young in the bed of the river.
- 20) Prior to any mechanical works being carried out in the period 1 September to 1 February, the consent holder shall ensure that:
 - (a) a suitably qualified and independent person inspects the proposed area of works, no earlier than eight working days prior to any works being carried out, and locates any bird breeding sites of birds listed in Appendix A; and
 - (b) the person carrying out the inspection prepares a written report that identifies all the located bird breeding or nesting sites and provides copies of that report to the consent holder and the Canterbury Regional Council; and
 - (c) the name and qualifications of the person carrying out the inspection are provided to the Canterbury Regional Council with the report; and
 - (d) any person carrying out works authorised by this consent are informed of any bird breeding or nesting sites.
- 21) There shall be no storage of fuel or refuelling of vehicles and machinery anywhere on the bed of a river.
- 22) The activity shall not cause odour or deposited particulate material, which is offensive or objectionable beyond the boundary of the site on which the consent is exercised.
- 23)
 - (a) Works shall not be carried out on weekends or public holidays.
 - (b) Works shall only occur between the hours of 7am and 5pm inclusive.
- 24) If further excavation at the site in the active riverbed is not to occur within seven days following the last working at the site, then the following shall occur:
 - (a) All deposits excluding stockpiles of gravel, sand and other natural material including reject material shall be levelled to the natural bed level; and
 - (b) The excavation area shall be reshaped and formed to a state consistent with the surrounding natural river bed; and
 - (c) Any temporary culverts as referred to in Condition (15)(b) shall be removed.
- 25) On the completion of works, the site shall be restored to its original condition as far as practicable.
- 26) Excavation shall cease by at least three months prior to the expiry date of this resource consent.
- 27) Where the consent is to be exercised by any person other than the consent holder, the consent holder shall:
 - (a) Provide in writing, the name, address and contact phone number of the person to be exercising the consent, and the period that this will occur, to the Canterbury Regional Council, Attn: RMA Compliance and Enforcement Manager, not less than two working days prior to the consent being exercised in the specified period; and
 - (b) Provide a copy of this resource consent to that person and explain how to comply with the consent conditions.
- 28) The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager,

shall be notified within seven working days after the completion of excavation.

- 29) The volume of gravel removed from the riverbed shall be measured by the loader operator and recorded in a logbook. The logbook shall detail any calculations used to determine the volume and record the name of the operator, date, time and identification details of trucks used to remove the gravel out of the riverbed. A copy of the logbook entries shall be made available to the Canterbury Regional Council upon request. A "Gravel Excavation Return" form, for completion at the end of each quarter, shall be submitted to The Canterbury Regional Council, Attention: RMA Compliance and Enforcement Manager by the 20th of January, April, July and October each year.
- 30) In the event of any disturbance of Koiwi Tangata (human bones) or taonga (treasured artefacts), the consent holder shall immediately:
- (a) Advise the Canterbury Regional Council of the disturbance;
 - (b) Advise the Upoko Runanga of Te Ngai Tuhauriri Runanga, or their representative, of the disturbance.
 - (c) Cease earthmoving operations in the affected area until the area containing the Koiwi Tangata or taonga has been clearly demarcated, and Kaumatua and archaeologists have certified that it is appropriate for earthmoving to recommence.
- 31) The Canterbury Regional Council may, once per year, on any of the last five working days of February or July, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
- 32) The lapsing date for the purposes of section 125 shall be 30 June 2012.

Signed: _____

Date: _____

*Name: Claire Penman
Consents Investigating Officer / Consultant*

Reviewer's comments:

Signed: _____

Date: _____

*Robert Budd
Consents Investigating Officer II*

REFERENCES

Canterbury Regional Council 2004. Proposed Natural Resources Regional Plan – Chapter 1, 2 and 3.

Canterbury Regional Council 1998. Regional Policy Statement. Report No R98/4. ISBN 1-86937-337-5.

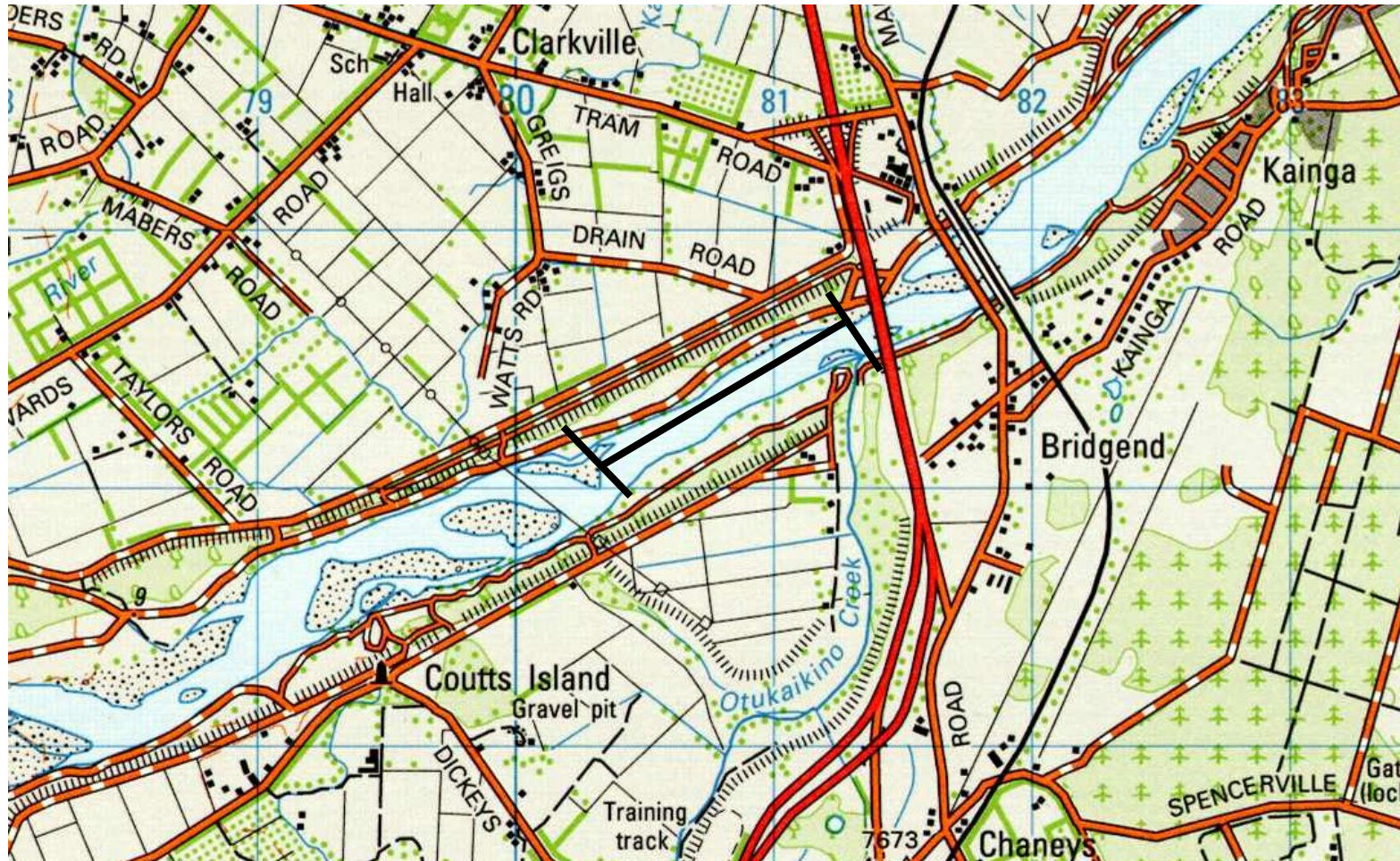
Canterbury Regional Council 1991. Transitional Regional Plan. October 1991.

The Resource Management Act 1991. Consolidated version including the Resource Management Amendment Act 1995. August 2005.

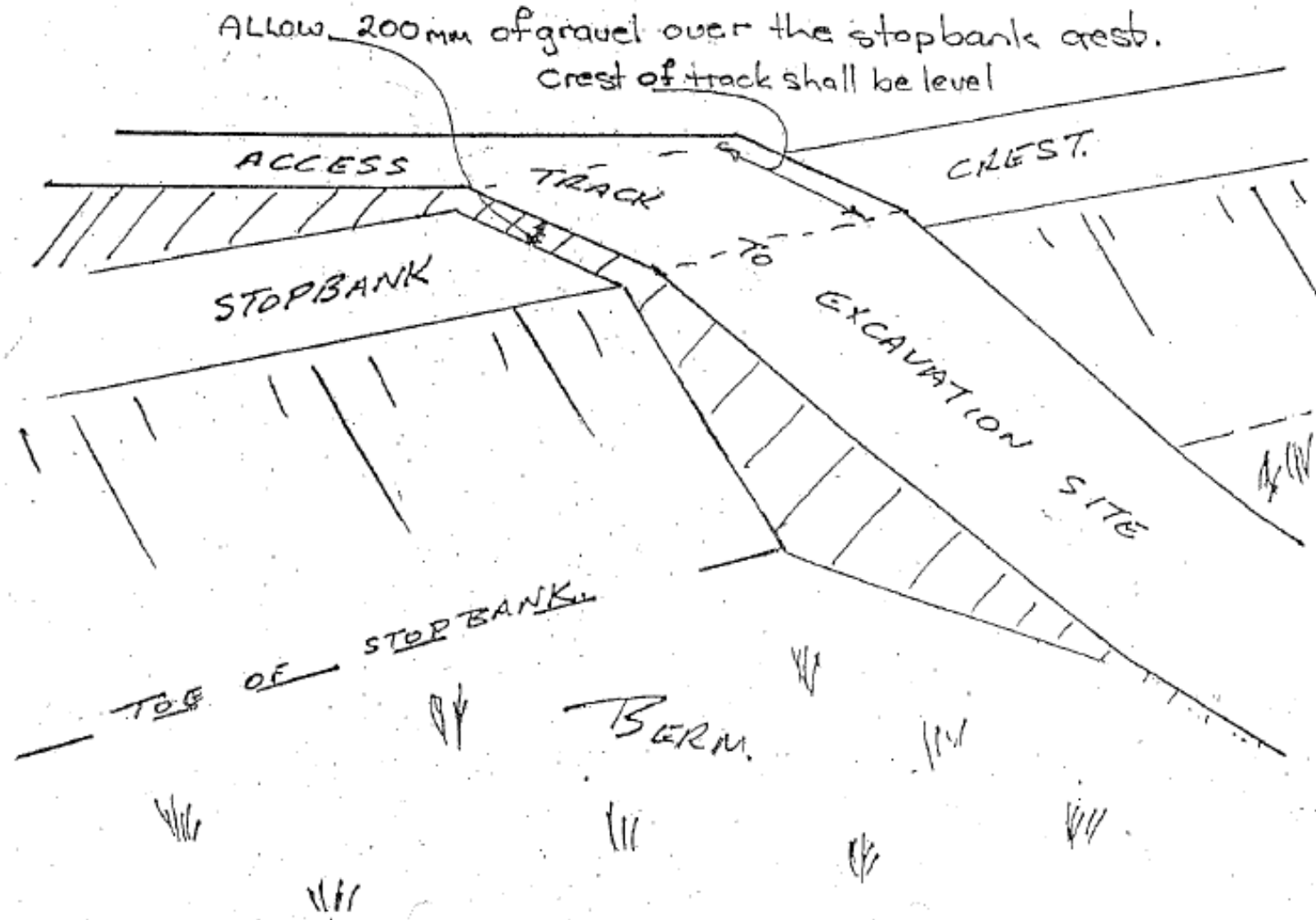
Canterbury Regional Council 2004. Waimakariri River Regional Plan. Report R04/7. ISBN 1-86937-502-5.

ATTACHMENTS

- 1) Location Map
 - CRC050679A
- 2) Stopbank Protection Plan
 - CRC050679B
- 3) Appendix A – List of bird species.



CRC050679A - Approximate location of gravel extraction. Access from the south side of the site will be via the existing track off the end of Dickeys Road, while access from the north side of the site will be from Watts Road.



Appendix A - list of bird species referred to in Condition (20)

South Island Pied Oystercatcher
Black Stilt
Pied Stilt
Wrybill
Banded Dotterel
Black-fronted Dotterel
Spur-winged Plover
Paradise Shelduck
Grey Duck
NZ Shoveler
Grey Teal
NZ Scaup
Black-billed Gull
Red-billed Gull
Caspian Tern
White-fronted Tern
Black-fronted Tern
White-winged Black Tern
Australasian Bittern
Marsh Crake
Spotless Crake
Cormorant/shag colonies

5. APPOINTMENT OF COMMISSIONER TO HEAR AND DECIDE RESOURCE CONSENT APPLICATION

KANUKA SYNDICATE LIMITED – CRC073045

Application

To install one bore for domestic and stock purposes at 45 Tindalls Road, Westerfield.

It is Council policy to appoint a Commissioner when consent applications are lodged by a person/party associated with the Council (in this case Councillor Angus McKay).

The Commissioner recommended has satisfied Council staff he has the necessary criteria including technical ability and RMA Accreditation Certification to carry out the duties required.

Recommended

That the Committee appoint Barry Loe as a Commissioner in respect of resource consent application CRC073045 by Kanuka Syndicate Limited to:

- (a) decide whether the resource consent application shall be processed with or without notification;*
- (b) determine any preliminary matters associated with the resource consent application; and*
- (c) decide the resource consent application with or without a hearing.*