

To: Canterbury Regional Council

Name of submitter: Christchurch City Council

This is a submission on the following proposed variation to a plan:

Variation 4 to the Land and Water Regional Plan

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

Section 2.9 Definitions, Policy 4.13 Discharge of contaminants to land or to water, Policies 4.86A & 4.86B Activities in the beds of lakes and rivers, Policy 4.16A Stormwater and community wastewater systems and associated Rules 5.93, 5.94, 5.94A, 5.94B, 5.94C, 5.95, 5.95A, 5.96 & 5.97.

I wish to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date:

Address for service of submitter:

Telephone: 027 599 4615

Email: peter.kingsbury@ccc.govt.nz

Contact person: Peter Kingsbury (Principal Advisor Natural Resources)

Part of plan	Page number	Submission	Relief sought
Section 2 2.9 Definitions, Translations and Abbreviations	p. 2-4	The Council seeks a modification to the definition of reticulated stormwater system, which would help clarify the definition of what is excluded from the system.	<p><i>Oppose.</i></p> <p>Amend to read "means a network of pipes, swales, kerbs ... It excludes any drainage system that has been constructed for the primary purpose of collection, conveyance or discharge of drainage water <u>originating from soil or groundwater.</u>" or similar.</p>
Section 4: Activity and Resource Policies. 4.13 Discharge of contaminants to land or to water	p. 4-5	<p>The Council has been supportive of the intent of this policy through the development of the LWRP, as it provides a clear link to <i>Schedule 5 Mixing Zones and Receiving Water Standards</i>. It also identified the desired outcome of eventually at best, meeting these water quality standards, at minimum seeking an improvement in existing water quality in degraded receiving waterbodies.</p> <p>It is recognised by the Council that it is unlikely that all discharges of contaminants would meet the standards and consequently a significant gap exists between the present situation and the desired outcome.</p> <p>The policy is ambiguous. It could be interpreted as meaning that a discharge can be of worse quality if the receiving waterbody's water quality standard is met. The Council assumes that this is not what was intended.</p>	<p><i>Oppose.</i></p> <p>Amend Policy 4.13(i) to read:</p> <p>"Meets the receiving water standard as a first priority <u>while also not resulting in a degradation in water quality</u>" or similar wording.</p>

		<p>The terms (<i>first and second priority</i>) are unclear and uncertain as used in this policy. Is this simply a choice left to the discharger, or does the applicant have to show that they cannot achieve the standard?</p> <p>[Please note: There is a value missing in Table 5B of Schedule 5 (Mixing Zones and Receiving Water Standards) - total ammonia for 90% species protection. The Council propose that this value be 1430 ug/L as per the ANZECC guidelines, or that Table 5C is used to calculate a value based on pH.]</p>	
<p><i>Section 4: Policies. Activity and Resource Policies</i> <i>Activities in the Beds of lakes and Rivers 4.86A and 4.86B</i></p>	p. 4-7	<p>The stronger provisions with regards to both inanga spawning and inanga habitat site provisions are supported by the Council.</p> <p>The Council has collated survey work on inanga and trout spawning sites as part of the Council's global consent works within waterways, consent CRC146620. The Council has noted that there may be anomalies between Council data and the data in Schedule 17 which lists significant inanga spawning sites within Christchurch. It is important that there is consistency between Council and Environment Canterbury with regard to significant sites, and therefore more analysis and discussion between the two councils is required.</p>	<p><i>Oppose.</i></p> <p>If further investigations identify anomalies, amend Schedule 17 to ensure that all significant inanga spawning sites within Christchurch and Banks Peninsula are identified correctly and consistently.</p>

<p><i>Stormwater and community wastewater systems.</i> <i>Policy 4.16A</i></p>	<p>p. 4-5</p>	<p>The Council has very significant concerns with some of the proposed changes to the policy and rules in relation to the stormwater provisions. These issues are described in the following sections.</p> <p>Soil of the predominantly deforested hills around Lyttelton Harbour and Port Levy is highly vulnerable to erosion generally and specifically tunnel gully erosion. This enables sediment in both rural and urban areas to wash into waterways and the harbour harming aquatic life.</p> <p>The LWRP enables the Council to require property owners wishing to discharge stormwater into the Council-owned stormwater network to apply for a consent from Environment Canterbury conditional on the property owner reducing the sediment load or other contaminant level to an appropriate standard prior to discharge into the Council network.</p> <p>Proposed Policy 4.16A directs that from 2025 Environment Canterbury will not issue consents for property owners to discharge stormwater into the Council-owned network, and the Council will be responsible for managing quantity and quality of stormwater discharged into its network.</p> <p>The Council strongly opposes Policy 4.16A as it places the responsibility of reducing sediment load and other contaminant levels on the Council and</p>	<p><i>Oppose.</i></p> <p>Oppose the stormwater policy and rules proposed in Variation 4 to the LWRP.</p> <p>Delete Policy 4.16A.</p> <p>Seek retention of stormwater policies and rules as in the LWRP.</p>
--	---------------	--	---

<p><i>Reticulated Stormwater Systems Rules 5.93, 5.94, 5.94A, 5.94B, 5.94C, 5.95A, 5.95, 5.96, 5.97</i></p>	<p>p. 5-9, 5-10, 5-11 & 5-12</p>	<p>ultimately all ratepayers, rather than on owners of properties highly vulnerable to erosion or contaminated by Hazardous Activities and Industries (HAIL).</p> <p>Stormwater management plans</p> <p>The proposed provisions are inconsistent with the general direction of the Council's stormwater management plans (SMPs). The SMPs are catchment based plans to manage stormwater, however they recognise that there are stormwater discharges which may not be accepted into the Council's stormwater network because of the high risk nature of the site or site activities.</p> <p>The Council's operative interim global stormwater consent, the South West and Styx catchments global consents, and the recently lodged comprehensive global consent have specific exclusions/limits when it comes to potentially or actually contaminated sites. These conditions are the outcome of close collaboration with Environment Canterbury Consents Advisors and are attached as Appendix A to this submission.</p> <p>Further, there is a Memorandum of Understanding between the Council and Environment Canterbury which defines a decision matrix used to identify and include low risk stormwater discharges</p>	
---	--------------------------------------	---	--

		<p>from sites identified on the Listed Land Use Register which would normally have been excluded from the consent pursuant to the conditions as given in Appendix A. The decision matrix requires in some instances that Environment Canterbury's expert contaminated sites advisors determine whether the sites are low risk or high risk. If they are determined to be low risk the Council will generally accept the discharge into the system. The Council generally accepts 90-95% of the requests it gets under our consents. The rest are either very large sites (e.g. subdivisions that need construction stage consents) or are significantly contaminated sites or sites which engage in highly hazardous activities.</p> <p>Council resources</p> <p>Another significant concern following from the above discussion is that the Council does not have the resources in staff, expertise or budget currently to manage the sites which it presently excludes.</p> <p>It is extremely unlikely that the Council would have the resources to undertake such work (either assessing and/or monitoring significantly contaminated and other high risk sites) by the 2020 deadline as proposed in the proposed provisions.</p>	
--	--	--	--

		<p>Water Supply, Wastewater and Stormwater Bylaw 2014</p> <p>The Council has a Water Supply, Wastewater and Stormwater Bylaw 2014. The Council's experience is that this bylaw is not the most useful approach for implementing stormwater contamination controls. There is no scope for imposing infringement fines under the bylaw, and to do so would require a regulation under the Local Government Act 2002.</p> <p>Under the proposed changes to the stormwater provisions the only mechanism that the Council will have to prevent contaminated stormwater from entering the system would be to use the bylaw or ignore the issue. While the Council's preference would be to manage and set conditions on stormwater discharges into the Council's stormwater system using their network discharge consents, the bylaw would be required to enforce such conditions. However, legal prosecution for breach of the bylaw is the only avenue of enforcement and this is not as efficient a means to manage breaches as the abatement notices and enforcement orders that are available to the CRC under the RMA.</p>	
--	--	--	--

		<p>Issuing of permits</p> <p>Under the proposed provision the policy states that after 2020 Environment</p> <p>Canterbury will not issue any permits to discharge stormwater into the reticulated stormwater system. The relationship between that policy and the proposed rules is unclear. There is no prohibited activity rule proposed with a start date in 2020. Is it intended that there be a rule to give effect to the policy introduced in a subsequent plan change? The Council strongly opposes the policy and any rules to implement it.</p>	
--	--	--	--

Appendix A: Global Stormwater Consent Conditions relating to exclusions

CRC131249 Styx Global Stormwater Consent

"3	<p>There shall be no discharge to surface water from the following unless expressly authorised by Canterbury Regional Council and Christchurch City Council:</p> <ol style="list-style-type: none"> a. Any development area or facility on a site that the Canterbury Regional Council has identified as being contaminated. b. Any development area or facility on a site on the Canterbury Regional Council's Listed Land Use Register, unless the soil has been analysed for the appropriate contaminants as determined by Canterbury Regional Council and has been shown to be 'At or below background concentrations' or 'Below guideline values for residential' and accepted by Canterbury Regional Council as 'At or below background concentrations' or 'Below guideline values for residential'. c. Any industrial site discharge that bypasses the Christchurch City Council stormwater network. d. Any site listed on the attached Schedule 1 'Sites excluded from the Styx SMP Area consent.' <p><i>Advisory note: The purpose of conditions (2) and (3) is to identify sites where stormwater quality may compromise the outcomes that this consent seeks to achieve and, where feasible, discourage such discharges. If such discharges cannot be avoided and consent is sought, the consent process provides applicants with the opportunity to demonstrate that their discharge will not compromise the outcomes specified in the conditions of this consent.</i></p>
----	--

South west Global Stormwater consent CRC120223

3	<p>There shall be no discharge to land or surface water from the following unless expressly authorised by Canterbury Regional Council and Christchurch City Council:</p> <ol style="list-style-type: none"> a. Any development area or SWMS on a site that the Canterbury Regional Council has identified as being contaminated or having a high risk of being contaminated. b. Any development area or SWMS on a site on the Canterbury Regional Council's Listed Land Use Register, unless the soil has been analysed for the appropriate contaminants as determined by Canterbury Regional Council and has been shown to be 'At or below background concentrations' or 'Below guideline values for residential' and accepted as such by Canterbury Regional Council. c. Any industrial site discharge that bypasses the Christchurch City Council network. d. Any site listed on the attached Schedule 1 'Sites excluded from the South-West SMP consent.'
---	---

Interim Global Consent CRC090292

2 Notwithstanding Condition 1 the consent excludes discharges:

- a. Authorised by resource consent CRC000315, CRC041098 and CRC981968.1, or any variations to these consents.
- b. From any new development sites or re-development of an existing site:
 - i. into land, on Hill Land as shown on Plan CRC090292A, that has a slope greater than five degrees;
 - ii. with activities or industries listed in Schedule WQL3 attached, which forms part of this consent;
 - iii. that has been registered by the Canterbury Regional Council on its Listed Land Use Register (LLUR) as a 'verified', 'contaminated for', 'significant adverse environmental effects', or 'managed for' site; and
 - iv. that is located on, or bounded by, land that has been historically used as a landfill.

Lodged Comprehensive Stormwater Consent CRC160056

Exclusions

3. There shall be no discharge to land or surface water from the following unless expressly authorised by Canterbury Regional Council and Christchurch City Council
- a) Any site or development area on the Canterbury Regional Council's Listed Land Use Register that is considered by Christchurch City Council to pose an unacceptably high risk of surface or groundwater contamination;
 - b) Any stages of development with a total area of disturbance exceeding 5 hectares of flat land or 1 hectare on hill land; and
 - c) Any site listed on the attached Schedule 1 "Sites excluded from the Christchurch City Council Comprehensive Stormwater Network Discharge Consent.