

9. PROTOCOL FOR SURFACE WATER MANAGEMENT

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PURPOSE OF REPORT

1. The purpose of this report is to seek Council adoption of "A Joint Christchurch City Council and Environment Canterbury Planning and Consents Protocol for Surface Water Management" (the Protocol) between the Christchurch City Council and Environment Canterbury. The Protocol provides principles and agreed practices for the development of an integrated catchment management approach for Christchurch's surface water. A copy of the Protocol has been provided separately to this report.

EXECUTIVE SUMMARY

2. The Protocol has been developed to provide an agreed approach on how the two councils will work together to achieve integrated catchment management. The Protocol is intended to be a "living document" and will act as a guide for Council processes as the first Integrated Catchment Management Plan (ICMP), for South West Christchurch, is developed. The Protocol is a non-statutory document.
3. The Proposed Natural Resources Regional Plan (PNRRP) provides policies and rules that promote integrated catchment management and sets out the requirements for ICMPs. This complements the CCC approach to managing Christchurch's waterways by addressing ecological, landscape, recreation, cultural, heritage, and drainage values. This approach has replaced the traditional one, focused primarily on drainage.
4. A public consultation process has been carried out on the draft Protocol and Councillors have been advised of the Protocol at the Joint ECan/CCC meeting on 28 February 2006 and at the CCC Council seminar on 14 March 2006. The draft document has been amended to incorporate feedback from the public and Councillors.
5. In response to concerns raised at the CCC Council seminar one of the objectives has been amended to read as follows:

"Although recognising that there will be transitional arrangements until ICMPs are approved, to ensure that no significant new greenfield zoning¹ is proposed by the CCC without first having a surface water management scheme/plan that is covered by a cost share scheme and/or budget provision, and for which all necessary RMA authorisation has been applied for."

Footnote: "1. This will not apply to areas where the new zoning is expected to result in similar discharges to the previous zoning."

FINANCIAL AND LEGAL CONSIDERATIONS

6. The Protocol will commit both Councils to providing resources. Each Council will need to ensure that relevant staff are well informed on the agreed principles and practices set out in the Protocol and that they are able to commit time to its implementation.
 - Environment Canterbury staff will be expected to provide pre-application advice, give clear direction to developers, and work with CCC staff in the development of ICMP's (particularly for the pilot ICMP for South West Christchurch).
 - CCC will need to review planning procedures to better co-ordinate land use planning with catchment planning. To improve surface water quality, CCC will also need to commit to significant upgrading of some waterways, including the installation of new infrastructure. Funding for the pilot ICMP (South West Christchurch) has been anticipated through the LTCCP process. It is recognised that considerable funding will be required for CCC to work methodically towards improving surface water quality across the city and that future LTCCP funding requirements will be better informed as the pilot ICMP progresses.

7. In advance of the PNRRP becoming operative, the Protocol encourages interaction and information exchange between the two Councils, and provides detail on where responsibilities lie, and how ICMPs will be developed. This will help to reduce the uncertainty that interim arrangements can bring.
8. The Protocol supports the “no surprises” provision in the Canterbury Local Authorities Triennial Agreement between Councils, by setting out agreed processes for dealing with issues arising from surface water management.

STAFF RECOMMENDATIONS

It is recommended that Council agree to formally adopt the Protocol.

BACKGROUND ON PROTOCOL FOR SURFACE WATER MANAGEMENT

9. The CCC currently holds over 100 resource consents, incorporating over 800 conditions, for the operation and maintenance of the city's land drainage system. A change in focus from individual sites, to a catchment-wide approach, is required to improve in surface water quality. The Protocol sets out a number of key principles and agreed practices that provide the basis for this approach.
10. Key principles outlined in the Protocol include:
 - Integrated Land Use Planning – land use planning will consider catchment-wide impacts and incorporate surface water management into planning decision making.
 - Interim Consenting – Environment Canterbury will continue to process applications on a site-by-site basis until an ICMP is in place.
 - Interim Arrangements for Integrating Discharge Permits and Subdivision Consents – in the absence of an ICMP, subdivision consents and discharge permits shall be applied for at the same time and joint hearings held.
 - PNRRP Requirements – implementation of the Protocol shall reflect Rule WQL7 of the PNRRP, but without prejudicing CCC's right to argue its submissions on PNRRP provisions. It is expected that the Protocol will be amended during the life of the PNRRP and will still be used once the PNRRP is operative.
 - Rule WQL7 – this rule concerns the discharge of stormwater within areas covered by an ICMP. CCC will apply for consents under this rule and the two Councils will work together to co-ordinate pre-application advice and, during processing, to ensure that the appropriate scale of assessment is provided.
11. Agreed practices outlined in the Protocol include:
 - Ensuring that actions governed by the Protocol are consistent with the PNRRP.
 - Prioritising catchments within Christchurch for preparation of ICMPs and applications for catchment wide consents.
 - Continuing to process applications for individual discharges until catchment-wide consents are obtained.
 - CCC and ECan focus on catchment-wide management rather than individual non-compliances.
 - Taking sewer overflows into account when preparing ICMPs.
 - Surrendering relevant existing discharge permits once catchment-wide consents have been obtained.
 - Using a pilot area for preparation of an ICMP and catchment-wide consent process.
 - Authorisation by CCC of discharges into the stormwater network system where catchment-wide consents have been obtained.
12. The Protocol has been developed to encompass the area within the Christchurch City boundary. Banks Peninsula areas have not been prioritised in the Protocol. However, extension of the key principles and agreed practices would be readily applicable to the wider Banks Peninsula area.

A LIVING DOCUMENT

13. It is recognised that the Protocol will need to be a living document that can be updated when necessary e.g. when the pilot ICMP (for South West Christchurch) has been prepared. In its current form the Protocol recognises that a number of issues remain outstanding and cannot be confirmed until they have been worked through during the development of the first ICMP.