

14. **VARIATION 6 (CHRISTCHURCH GROUNDWATER PROTECTION ZONES) TO THE PROPOSED NATURAL RESOURCES REGIONAL PLAN**

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PURPOSE OF REPORT

1. The purpose of this report is to seek adoption by the Council of the attached submission on Variation 6 (Christchurch Groundwater Protection Zones) to the Proposed Natural Resources Regional Plan (PNRRP) - Chapter 4: Water Quality. Environment Canterbury's submission period for this Variation closes on 31 October 2007.

EXECUTIVE SUMMARY

2. This Variation aims to clarify and reinforce the water quality objective in relation to the Christchurch Groundwater System and to better align the Christchurch groundwater zone boundaries with areas of "intrinsic hydrogeological vulnerability" ie areas where groundwater is vulnerable to contamination from land-use activities.
3. The submission supports the intention of the Variation, in particular the key Objective (WQL4) which was reworded following discussions with ECan officers. The overall direction is consistent with a need to protect Christchurch groundwater resources and maintain its high quality into the future. The Council's concerns are matters of detail and reflect concerns that the provisions should be targeted appropriately to achieve the overall objective, and that in protecting the resource ECan does not excessively constrain the ability for well designed development to continue.
4. The key impacts for urban development in Christchurch are policies that, for all established activities, require that "all practical management measures" are implemented to minimise adverse effects on groundwater, and that for activities yet to establish, "best practice measures" are implemented. This will particularly impact on Council activities associated with the design, construction and maintenance of stormwater and sewerage systems for new urban development. A business as usual approach may not be sufficient to meet these policies.
5. Environment Canterbury notified Variation 6 to the PNRRP on Saturday 28 July 2007. This Variation affects PNRRP Chapter 4: Water Quality, and includes provisions to protect the high quality of Christchurch groundwater. The Council made submissions on Chapters 4-8 of the PNRRP in December 2004. Hearings began last year and are expected to continue until the end of 2008. The first set of hearings on Chapter 4 policies were held in August this year.
6. The Variation divides the Christchurch Groundwater area (Attachment 1) into three different zones depending on the vulnerability of the underlying groundwater to contamination from land-use activities ie:
 - Zone 1 (high vulnerability)
 - Zone 2 (transitional)
 - Zone 3 (low vulnerability)

Four Sub-Zones are recognised within Zone 1 (situated over the shallow soils and stony gravels of the unconfined aquifer):

- Sub-Zone 1A – areas currently zoned, or planned to be zoned, for urban purposes;
 - Sub-Zone 1B – areas zoned Rural Quarry in the City Plan;
 - Sub-Zone 1C – areas associated with Christchurch International Airport; and
 - Sub-Zone 1D – designated areas associated with regionally significant activities including the State Highway network, Papanui Prison, and Ministry of Defence land.
7. Variation 6 replaces part of a previous policy on which CCC had originally submitted, and includes a new Objective (WQL4) which reads:

- (1) *The quality of Christchurch groundwater is maintained or enhanced in its overall high quality state in the long term*
 - (2) *Christchurch groundwater subject to existing localised contamination will be improved to achieve the maintenance and enhancement of its overall high quality state.*
8. The policies that follow from this Objective allow for existing urban development and existing activities, provided the potential for groundwater contamination is mitigated by the implementation of all practicable management measures, while retaining the viability of the activity.
9. Within Zone 1 and Sub-Zones 1A, 1B, 1C and 1D those activities that are provided for in the City Plan, but are yet to establish, are allowed for only if the activity is consistent with protecting groundwater and all best management practice measures are put in place, regardless of the implications for the financial viability of the proposed activity.
10. The plan allows for future urban development within Sub-Zone 1A (i.e. areas located over the unconfined aquifer and currently zoned, or planned to be, for urban purposes) as long as they are within the Urban Limits identified in the Canterbury Regional Policy Statement (Change 1).
11. Policies WQL17 and WQL19 control the intensity of activities in Zones 1 & 2 including existing and future urban development. These policies require sewerage and stormwater systems for new development to be designed, constructed and maintained in accordance with best management practices. In addition, Policy WQL19 requires that all hard surfaces and vehicle standing areas (in Zones 1A & 2) be designed, constructed and maintained so as to avoid hazardous substances and contaminants entering groundwater.
12. Other policies relate to various activities that have the potential to impact on groundwater quality including: hazardous facilities (WQL15); rural production (WQL16); mineral extraction (WQL18); Christchurch International Airport activities in Sub-Zone 1C (WQL20); and designated activities in Sub-Zone 1D (WQL21).
13. The amended rules place significant restrictions on a variety of activities that might adversely affect groundwater quality, including prohibition of new municipal solid or hazardous waste landfills within all of Zone 1 and Zone 2. In general, amendments to the rules are supported. Exceptions include rules that severely restrict the Council's ability to: provide new cemeteries in a large part of the City (all of Zones 1 and 2); and to excavate to, or below, highest groundwater levels, as required when developing stormwater detention and treatment basins, excavating infiltration galleries, building wet ponds or excavating artificial lakes. These activities would be non-complying.
14. In summary, the main points of the submission are:
 - Support the aim of protecting the quality of the Christchurch's groundwater resource.
 - Support the detailed mapping work that has gone into the preparation.
 - Seek an amendment to better target contaminants which persist in groundwater (Policy WQL13).
 - Seek an amendment to delete the requirement to avoid or mitigate adverse effects at the property boundary, as this is difficult to measure and not always practical, and instead focus on best practice (Policy WQL14).
 - Oppose the requirement for all hard surfaces and vehicle standing areas to be designed, constructed and maintained so as to avoid hazardous substances and contaminants entering groundwater (Policy WQL19(5)), as the effects are covered by other provisions in the NRRP.
 - Oppose Method WQL13(f) which allows for financial contributions. This method fails to provide certainty on how the level of contributions will be determined and therefore is ultra vires as it does not meet the requirements of Sec. 108(10) of the RMA.
 - Support Rules that provide greater protection for Christchurch groundwater quality.
 - Seek restricted discretionary status (currently non-complying) for rules impacting on Council's ability to provide cemeteries, stormwater management facilities, and artificial lakes (Rules WQL40 & WQL48).
 - Oppose Rule WQL64 which relates to new activities on new sites, as it does not target activities that impact on groundwater quality.

FINANCIAL IMPLICATIONS

15. The Council supports the intention of the Variation which has significant cost implications for the Council. Maintaining high quality groundwater, which requires no treatment, has cost advantages. Also, while there is no guarantee that the submissions will be accepted, if successful the amendments sought would reduce the cost of preparing resource consent applications to manage stormwater and provide for cemeteries. On the other hand, policies requiring best management practice for the design, construction and maintenance of stormwater and sewerage systems in new urban developments, may mean that costs increase for some of these activities. These cost implications will need to be assessed as part of the LTCCP.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

16. The cost of preparing and presenting submissions is covered by existing unit budgets.

LEGAL CONSIDERATIONS

17. The RMA 1991 (First Schedule, Part 1 (6)) allows Council to make submissions on a variation to a regional plan.

Have you considered the legal implications of the issue under consideration?

18. A legal review of the submission has been carried out. The key recommendations were to seek better recognition of the balance required by Section 5 of the RMA which allows for a three-pronged approach of: "avoiding, remedying, or mitigating any adverse effects of activities on the environment."

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. The submission seeks to make the Variation more practical and effective and is consistent with achieving the LTCCP objective "To conserve and protect the long-term availability and quality of the city's water." (p. 166).

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

20. By providing a planning framework to protect the quality of Christchurch groundwater, Variation 6 helps to achieve a number of measures associated with the Council's water supply including: achievement of the highest Ministry of Health water supply grade possible without treatment of the water; and 90% customer satisfaction with water quality and taste, as set out on page 167 of the LTCCP.

ALIGNMENT WITH STRATEGIES

21. This submission supports work being done in preparation of Council Strategies on Surface Water and Water Supply. In particular, maintaining the high quality of the Christchurch municipal water supply, so that treatment remains unnecessary, supports the goals of the Water Supply Strategy (in development).

Do the recommendations align with the Council's strategies?

22. As above.

CONSULTATION FULFILMENT

23. A presentation on Variation 6 was made to the Joint Council/Community Board seminar on Monday 17 September 2007.

STAFF RECOMMENDATION

It is recommended that the Council endorse the attached submission on Variation 6 to the PNRRP Chapter 4: Water Quality.