


## 10. INTERIM GLOBAL STORMWATER RESOURCE CONSENT



<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
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### PURPOSE OF REPORT

1. An application for an interim seven-year global consent from Environment Canterbury to approve certain stormwater discharges within the Christchurch City Council Stormwater Management Area will be lodged. This is a reasonable interim solution to addressing stormwater discharges within the city to prescribed limits while Integrated Catchment Management Plans (ICMPs) are prepared.

### EXECUTIVE SUMMARY

2. The proposed Natural Resources Regional Plan prepared by Environment Canterbury (ECan) was publicly notified in July 2004 and rule WQL7 requires that all territorial authorities prepare Integrated Catchment Management Plans (ICMPs) and obtain resource consents to authorise the discharges of stormwater from their stormwater management networks. The Christchurch City Council Stormwater Management Area will have 10 ICMP's based on the main physical surface water catchment areas in the city (refer attachment). These are Avon, Estuary, Halswell, Heathcote, Otukaikino, Styx, Akaroa, Lyttelton, Northern Bays and Southern Bays. A report on the pilot ICMP for south-west Christchurch will be brought to the Council in May 2008.
3. The discharges of stormwater into land or receiving water within the Christchurch City Stormwater Management Area require authorisation under section 15 of the Resource Management Act 1991. In March 2006 the Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City.
4. Developed in consultation with ECan the application for an interim seven-year global consent will authorise the Council to assess and be the approving authority for stormwater discharges as delegated and allowed by the consent granted by ECan for small to medium sized development. This will improve the efficiency of the consenting process by reducing time delays and inconsistencies that currently occur for new developments within Christchurch City. Thousands of various building and subdivision consents received annually within the rules for stormwater discharges as contained in the Proposed Natural Resources Regional Plan (PNRRP) will be processed in a timely and consistent manner within the parameters as set by the global consent. As Integrated Catchment Management Plans (ICMPs) are prepared, global consent areas will be replaced by the ICMP's. Consent conditions for the discharge of stormwater to land and water have been discussed with ECan and it is envisaged that they will be approved as requested with conditions that can be achieved.

### FINANCIAL IMPLICATIONS

5. The duration for this consent is seven years as it is considered that this duration is appropriate to allow for the preparation of each ICMP required for the Council territorial authority area. It is intended that as ICMP's for a particular area are consented, these areas will be surrendered from this global interim consent.

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

6. Under the interim global consent the Council will be the approving authority as delegated by ECan for residential development of under 4 hectares on the flat and under 2 hectares on the hills. Non residential larger developments will still require an ECan consent to discharge stormwater on the hills and for larger hard standing areas on the flat.

7. As one of the approving authorities the Council will need experienced professional staff to set the conditions for discharge consents and monitor the effects as provided for under the PNRRP for water quality and quantity. The Council intends to ensure that those resources are in place as the ICMP's programme is rolled out. The adoption of this interim global consent will assist the Council in identifying the exact resource requirements that will be needed for the future monitoring and consenting processes. Initially it is considered that additional resources may be required as the Council takes on a more active role as a consenting authority, a role currently with ECan. Until the work commences it is unclear if the existing resources currently involved in the subdivision consent process and the environmental monitoring will be able to fully support the transition provided by the global consent. Resources to support the implementation of interim global consent and the introduction of ICMP's (the first at the end of 2008) will be reviewed once some experience in the processing of consents and the impact on monitoring has been established. This would flow through into the 09/29 LTCCP programme.
8. Currently ECan have a charging system in place to process consent applications, it would be prudent for the Council to review its current consent charges to ensure that any additional funding required to support the global consent process and the future ICMP's is put in place. Officers can currently charge their time to process an application.

#### **LEGAL CONSIDERATIONS**

9. The discharges of stormwater into land or water within the Christchurch City Stormwater Management Area require authorisation under section 15 of the RMA 1991 unless the discharges are expressly allowed by a rule in a regional plan or resource consent. There are four regional plans that are relevant when considering whether discharges of stormwater require consent in the Canterbury region.

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

10. There are four regional plans that are relevant when considering whether discharges of stormwater require consent in the Canterbury region. These are the Transitional Regional Plan, the Proposed Canterbury Natural Resources Regional Plan, the Regional Coastal Environment Plan, and the Waimakariri River Regional Plan. The proposed Natural Resources Regional Plan prepared by Environment Canterbury (ECan) was publicly notified in July 2004 and rule WQL7 requires that all territorial authorities prepare Integrated Catchment Management Plans (ICMP's) and obtain resource consents to authorise the discharges of stormwater from their stormwater management networks.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. Activity Management Plans and the LTCCP state the Council provides and operates the city's stormwater system, manages the waterways into which it discharges, and protects and enhances the life supporting capacity of the city's waterways and wetlands.

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

12. Mitigating the risk of flooding within the city through network design and response during rainfall events. Levels of service are that the proportion of properties with no nuisance flooding during a normal rain event is 99%.

#### **ALIGNMENT WITH STRATEGIES**

13. As part of the Surface Water Strategy currently under development, a main part will be to prioritise the preparation and consent of Integrated Catchment Management Plans. These plans will focus on areas of the city, and as already agreed by the Council and ECan, joint protocol to guide the development of ICMP's for Christchurch City. The first ICMP's will be southwest Christchurch and Belfast to meet the needs of area plans.

**Do the recommendations align with the Council's strategies?**

14. Prior to the completion of area plans and the development of ICMP's as required by the PNRRP, the global consent will ensure the following actions are undertaken during the term of the consent.
- Continue the existing environmental monitoring programme and develop it further to meet the needs of the future ICMP requirements.
  - Continue to work with Environment Canterbury to progress the implementation of ICMP's.
  - Apply the rules of the global consent to all development proposals submitted to the Council within the parameters of developments generally under 4 hectares on the flat and under 2 hectares on the hills.

**CONSULTATION FULFILMENT**

15. The Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City. The requirement for ICMP's is contained within the ECan Proposed Natural Resources Regional Plan which has been consulted on. Environment Canterbury is the consenting authority under the RMA 1991. The interim global consent gives the Council certain powers with a similarity to those contained in the Transitional Regional Plan to approve certain residential developments within parameters set by the consent. Larger non-residential developments will still require a discharge consent from ECan. Notification of the interim global consent rests with ECan.

**STAFF RECOMMENDATION**

It is recommended:

- (a) That the Council approve the process of applying for an interim global stormwater consent from Environment Canterbury for seven years while Integrated Catchment Management Plans are developed for the 10 natural surface water catchments in the Christchurch City Council Stormwater Management Area.
- (b) That the Council be the approving authority for stormwater discharges as delegated and allowed by the consent granted by ECan for small to medium sized development.
- (c) That Council charges for processing subdivision requests are reviewed.

## **BACKGROUND (THE ISSUES)**

16. The Proposed Natural Resources Regional Plan for Canterbury requires that territorial authorities prepare Integrated Catchment Management Plans and obtain resource consents to authorise the discharge of stormwater from their stormwater management networks. Stormwater management in Canterbury in the past has been managed in a fragmented manner. Each development is generally assessed individually and this can result in the development of isolated stormwater systems with varying requirements for treatment, maintenance and monitoring.
17. In March 2006 the Council and ECan agreed to a joint protocol to guide the development of ICMP's for Christchurch City. The Planning and Consents Protocol for Surface Water Management established the initial principles, policies, and procedures, for the development and consenting of the various ICMP catchments identified within the city. The catchment boundaries for each ICMP catchment are determined on the basis of the relationships between land and water environments. Area plans which provide a framework for future land use change and ICMP's are being prepared concurrently. The ICMP's form an integral part of the area plans especially those being developed for the city's high growth areas. Table 2.1 of the Protocol sets out the ICMP catchments for Christchurch and their corresponding area plans. Southwest Christchurch will be the first ICMP to be initiated.
18. Work involved for preparing the first ICMP for the southwest area plan has been extensive and time-consuming and it is expected that coverage of the whole Council territorial area through ICMP's will be a lengthy process. In the meantime development continues and there are inconsistencies in the way stormwater discharge consents are dealt with in terms of both the consenting process and with respect to consent requirements for each individual development.

## **THE OBJECTIVES**

19. The interim global consent will allow the Council to manage stormwater discharges into and out of their system in an integrated way. The Council currently holds over 40 separate consents incorporating over 400 conditions for the operation and maintenance of the city's land drainage system. This interim global consent if granted would replace these consents and will provide the Council with the opportunity to implement integrated solutions to managing, maintaining and monitoring the effectiveness of the systems in place and the resulting effects on the environment. The consent would authorise discharges from the Council stormwater reticulated network and discharges into the system provided certain conditions were met. Obviously this would drastically reduce the number of smaller and medium range applications referred to ECan for stormwater discharge consents. By setting resource consent conditions for the interim global consent developers and Council staff can ensure that a consistent and integrated approach to stormwater management is achieved. The interim global consent will set conditions that are not at a level required by a full ICMP. It will also allow time to prepare ICMP's as required by the Proposed Natural Resources Regional Plan.

## **THE OPTIONS**

20. The options are for Environment Canterbury to consent all individual stormwater discharge consents or share the responsibility with the Council as will be the situation when the ICMP's are in place and the Council will be responsible for meeting the stormwater network and quality and quantity environmental discharge consent conditions as set by ECan.
21. In March 2006 the Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City. Developing ICMP's will take time and in the meantime an interim global consent can be put in place and replaced by ICMP's as they are consented.

## THE PREFERRED OPTION

22. The preferred option is to prepare for the introduction of ICMP's and use the interim seven-year global consent from Environment Canterbury to approve stormwater discharges within the Christchurch City Council Stormwater Management Area. In March 2006 the Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City. Developing ICMP's will take time and in the meantime an interim global consent can be put in place and replaced by ICMP's as they are consented. By setting resource consent conditions for the interim global consent, developers and Council staff can ensure that a consistent and integrated approach to stormwater management is achieved. The interim global consent will set conditions that are not at a level required by a full ICMP. It will also allow time to prepare ICMP's as required by the Proposed Natural Resources Regional Plan.

## ASSESSMENT OF OPTIONS

### The Preferred Option

23. An interim seven-year global stormwater discharge consent from Environment Canterbury.

	Benefits (current and future)	Costs (current and future)
<b>Social</b>	Surface water is managed and communities do not experience flooding.	
<b>Cultural</b>	Communities are involved in decisions concerning waterway management.	
<b>Environmental</b>	Integrated catchment management planning. Protection of natural waterway and wetlands and environmental assets.	
<b>Economic</b>	Sustainable management and development of land drainage infrastructure to meet city growth requirements.	
<b>Extent to which community outcomes are achieved:</b>  A safe city where flood hazards are controlled and managed to provide for a healthy residential environment. The natural assets of the waterways and wetlands are protected.		
<b>Impact on the Council's capacity and responsibilities:</b>  The Council has a responsibility under the PNRRP to prepare integrated catchment management plans. The interim global consent allows seven years for these to be consented for the various catchments in the city which will have different consent conditions.		
<b>Effects on Maori:</b>  Protection of natural asset waterways and surface water quality and quantity.		
<b>Consistency with existing Council policies:</b>  The CCC and ECan Protocol for surface water management has set the principles policies and procedures for the development and consenting of the various ICMP catchments identified in the city.		
<b>Views and preferences of persons affected or likely to have an interest:</b>  Under Area Plans the ICMP's will be consulted with the communities. They will reflect the land use and community characteristics and the relationships between land and water environments.		
<b>Other relevant matters:</b>		

**Maintain the Status Quo (if not preferred option)**

24. There is no status quo. The other option is for ECan to approve all individual stormwater consents while the Council accelerates the ICMP programme.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Surface water is managed and communities do not experience flooding.	
<b>Cultural</b>	Communities are involved in decisions concerning waterway management.	
<b>Environmental</b>	Integrated catchment management planning. Protection of natural waterway and wetlands and environmental assets.	
<b>Economic</b>	Sustainable management and development of land drainage infrastructure to meet city growth requirements.	
<b>Extent to which community outcomes are achieved:</b>  A safe city where flood hazards are controlled and managed to provide for a healthy residential environment. The natural assets of the waterways and wetlands are protected.  <b>Impact on the Council's capacity and responsibilities:</b>  To develop 10 ICMP's in a short period would be virtually impossible given the time it has taken (over three years) to understand the south-west Christchurch surface water and ground water systems and develop an ICMP for the southwest area plan.  <b>Effects on Maori:</b>  Non-integrated catchment planning but individual site by site consents do not achieve the overall picture in protecting the waterways and water quality and quantity.  <b>Consistency with existing Council policies:</b>  Would meet the terms of the Protocol with ECan and Council, but would be impossible to deliver in the short time frame.  <b>Views and preferences of persons affected or likely to have an interest:</b>  Views will be sought as part of area plan process or through ICMP's if they are developed outside the area plans. The two are integrated and should be worked together where possible. Accelerating the ICMP's means that only surface water would be considered in isolation of other planning use and asset networks development.  <b>Other relevant matters:</b>		