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# Your submission

If you wish, you can present your submission at a hearing. If that is the case, please tick the appropriate box below. The hearings will be held from 11 May 2009 to 18 May 2009. Five to ten minutes will be allocated for speaking to your submission, including time for questions from the Councillors. The Council will confirm the date and time of your hearing in writing, by email or by telephone call.

Tick  I do NOT wish to discuss my submission at the hearing, and ask that this written submission be considered OR

one  I wish to discuss the main points in my written submission at the hearings to be held between Monday 11 May 2009 and Monday 18 May 2009. NB available on 11, 12, 13 May NOT other days

Are you completing this submission: For yourself  On behalf of a group or organisation

If you are representing a group or organisation, how many people do you represent? 200

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Signature [Signature] Date 2-4-09

## **SUBMISSION BY THE CHARTERIS BAY RESIDENTS ASSOCIATION**

The Charteris Bay Residents Association (“CBRA”) is extremely concerned that the Charteris Bay Water and Wastewater Scheme (“CBW&WS”), which was timetabled for completion in 2010, has been put on hold indefinitely and only features in the CCC’s draft Long Term Community Plan for 2009-2019 (“LTCCP”) as an unfunded capital project.

Set out below are the reasons why the CBRA believes that the CCC should **reinstate the CBW&WS for development and completion in 2009-2010** as promised in its 2006-2009 plan.

### **1 Recognised need for the scheme**

#### **1.1 CCC staff and councillors have recognised the need for a scheme**

- Both the Banks Peninsula District Council (“BPDC”) and the Christchurch City Council (“CCC”) have acknowledged both verbally and in writing that the CBW&WS is needed.
- In a circular letter dated 27 August 2008, Mike Sheffield (Project Manager) advised residents that the CCC will extend the Diamond Harbour/Church Bay water and wastewater system to Charteris Bay. He noted that  
*A new wastewater system is necessary in Charteris Bay due to the area’s growing population, deteriorating septic tanks, and the desire to improve water quality in the harbour.*

#### **1.2 Present sewerage disposal is inadequate**

- Most residences have older style septic tanks or chemical systems, designed for holiday use only, which are inadequate, unhygienic and in need of replacing.
- The soils in the area are not suitable for septic tanks. Refer to attached letter from Mark Yetton, an engineering geologist, who recognises that:  
*The nature of our loess soils, the limitations of many of the original effluent disposal designs, and the frequently limited extent of areas flat enough for proper disposal are all reasons why so many systems fail.*
- Because of the topography and soils of Charteris Bay there tends to be seepage and runoff from septic tanks into, as Mark Yetton puts it,  
*driveway surface drains, road water-tables and stream courses.*
- The inadequacy of many septic tanks is being exacerbated by the growing numbers of people coming to live in Charteris Bay on a permanent basis.
- With the increase in permanent residents, the risk to health increases as does the damage to the marine environment.

#### **1.3 Present water supply is inadequate.**

- Charteris Bay has serious water shortages in summer.
- Lyttelton Harbour is on the dry side of Banks Peninsula. Within that harbour Charteris Bay tends to be in a rain shadow area.
- The very low rainfall makes it hard to collect sufficient water to last through the dry summer months.

- Water can be bought from a local transport firm but not all properties can be accessed by their truck.
- There is insufficient water for fire fighting purposes, particularly in summer when water tanks are not regularly replenished by rain.
- With climate change the rainfall is likely to decrease further making it almost impossible to store sufficient water to last through the dry months.

#### 1.4 Risk of polluting the marine environment

- The houses in Charteris Bay follow the coastline and are all close to the sea.
- Charteris Bay has
  - a popular swimming beach,
  - is a popular boating area with a much used public boat ramp,
  - has an active yacht club for both senior and junior members.
- With more permanent residents the risk of polluting this marine environment increases because, as Mark Yetton puts it,
 

*the shallow tidal marine conditions into which the effluent flows in Charteris Bay are far less conducive to proper dilution and dispersion*

#### 1.5 Increasing number of permanent residents

- Charteris Bay is only 35 minutes from the city centre and is increasingly seen as a desirable place to live.
- The more permanent residents the greater the risk to their health because
  - their water supply is inadequate and erratic and
  - there is a dominance of older style septic tanks from which effluent discharges into road water tables, etc and ultimately into the shallow coastal waters.
  - Because the Church Bay water and sewerage comes to the edge of Charteris Bay (top of Bayview Road and to Hays Bay) residents see it as inevitable that Charteris Bay will have to have a reticulated scheme.
  - The CBRA is aware that a significant number of older style septic tanks are not only nearing the end of their lives but are not working properly.
  - With the current economic climate, residents are reluctant to replace old septic tanks when a reticulated scheme has been promised.

## 2 Legitimate expectation

### 2.1 The CCC published the following timetable for the CBW&WS which was available on its website and on a noticeboard in Traffic Cops Bay:

June 2008	Start Survey
July 2008	Start pre-design
July 2009	Tender construction
June 2010	Commissioning

- 2.2 A press release by Jessica Maddock, from the CCC Communication Unit, released 1 September 2008, indicated that
- We need a new system because most of the septic tanks are old and many aren't working well. Old leaking tanks can reduce the quality of the water in*

*the harbour..... The main goals of the projects are to prevent discharge of wastewater in the local area, avoid water shortages during summer and to increase public health.*

The article confirmed that more information was available from a noticeboard in Traffic Cop's Bay and from the Council's website. It concluded by saying that the Council expected to complete the new systems **in late 2010** (highlight added).

### 2.3 **Residents and Council staff have acted in reliance on the published timetable**

Residents have acted in reliance on the published timetable, and on the assurances of elected members, and Council staff.

The CCC has allowed building work to be completed without modern treatment systems installed, and has authorised and advised on the installation of connection points for sewerage that was to be installed.

- In one case a new water front house, as an interim measure, has been allowed to use an old septic tank system which is only metres from the foreshore.
- In another case, an old cottage has been demolished and a new house is being built. The owner has relied on the CCC's assurances that water and sewerage connections would be available in 2010 and so the old water tanks and septic tank have been removed. Because of the nature of the topography and site of the house it would now be almost impossible to install water tanks and an oasis sewerage system.
- In many cases people have deferred septic tank replacement as the reticulated scheme was only a year or two away.

## 3 **Core function of Council to provide water and sewerage**

3.1 It is a core function of a council to provide water and sewerage.

*As stated in the LTCCP providing a clean and reliable water supply is one of the Council's key responsibilities (highlight added)*

3.2 A sound water and sewerage system promotes a healthy community.

This is acknowledged in the LTCCP:

*The Council manages the water supply in order to protect the health of the community.... and further on*

*The Council collects and treats wastewater to safeguard public health and protect the environment.*

## 4 **CBW&WS was part of the agreement at amalgamation**

### 4.1 **Amalgamation Agreement**

- In the "Memorandum of understanding between the Banks Peninsula District Council and the Christchurch City Council" dated February 2006 recognition was given to the high priority the BPDC gave to the CBW&WS.
- Schedule A to the Memorandum lists those "high priority capital items supported by the communities and elected representations of Banks

Peninsula (2006-2016)” and includes bringing forward plans to provide reticulated sewerage disposal and water provision for Charteris Bay.

- Sewerage was ranked 10<sup>th</sup> in priority and water 7<sup>th</sup>. A number of those items accorded a higher priority have now been completed.

#### **4.2 Reason for high priority for water and sewerage**

- In 2004 a petition requesting the provision of water and sewerage was presented to the Banks Peninsula District Council. It was signed by over half the residents.
- The Minutes of the BPDC dated 9 June 2004 record the points made by those presenting the petition and, in particular, cite directly from the report of Dr Mark Yetton referred to in 1.2 above and attached to this submission..
- Submissions to the Long Term Community Plan were presented to the BPDC in 2004 and to the CCC in 2006.

#### **4.3 Charteris Bay pays rates based on CCC valuations.**

- Rates in this area have tended to increase since amalgamation
- However, city standards in respect of roading, channelling and curbing, the provision of footpaths and street lighting do not pertain. The roads are of poor quality. There is very little channelling and curbing and footpaths are virtually non-existent.
- Nor does Charteris Bay have a safe and healthy water and sewerage system.

### **5 To defer the CBW&WS further is false economy**

- 5.1 Low interest rates make it an excellent time to borrow money to complete the CBW&WS now.
- 5.2 Further delays will mean cost increases, especially as inflation is likely to be a feature of the current economic climate.
- 5.3 With the economic downturn, the Council would generate work for those firms putting in the CBW&WS.
- 5.4 Charteris Bay is a developing area. With a growing number of permanent residents, it is inevitable that it will need to have reticulated water and sewerage systems, which should be installed sooner rather than later.
- 5.5 The longer it is deferred the greater the risk to both the environment and to the health of the community.
- 5.6 If the scheme is deferred very much longer it could become a public health issue whereby the CCC would have to act immediately as happened in Governor’s Bay.

### **6 The law**

In terms of section 10(b) of the Local Government Act 2002

*The purpose of local government is to promote the social, economic, environmental and cultural wellbeing of communities, in the present and for the future”*

Section 14 refers to the principles which should govern local authorities and in particular section 14(h) which states that

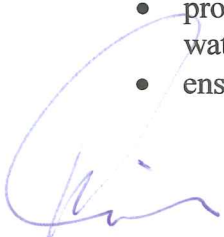
*In taking a sustainable development approach, a local authority should take into account*

- (i) the social, economic, and cultural well-being of people and communities; and*
- (ii) the need to maintain and enhance the quality of the environment; and*
- (iii) the reasonably foreseeable needs of future generations.*

On all counts the CBW&WS would be a scheme that the legislation envisages.

It would

- promote the well-being of the Charteris Bay community both now and in the future;
- greatly assist in maintaining the quality of the environment by avoiding pollution of the marine environment;
- promote cultural wellbeing. The Rapaki rununga is particularly opposed to effluent entering the Lyttelton Harbour on both health and safety grounds as well as from a cultural perspective;
- provide for the foreseeable needs of future generations by providing a healthy water supply and a safe and hygienic sewerage disposal system, and would
- ensure the health and safety of this community both now and in the future.



W P Studholme,  
Secretary,  
Charteris Bay Residents Association,  
29<sup>th</sup> March 2009.

7 June 2004



**GEOTECH**

To: Banks Peninsula District Council

**Re: Provision of reticulated sewer and water to the Charteris Bay area.**

I was one of the signatories in the recent petition of local residents keen to see the provision of reticulated water and sewer to the Charteris Bay area. Unfortunately I will be out of town on geology work during the forthcoming meeting but Jan Studholme has agree to read this letter summarising my reasons for supporting the petition.

As an engineering geologist frequently working on Banks Peninsula I come across many septic tanks that no longer function correctly. The nature of our loess soils, the limitations of many of the original effluent disposal designs, and the frequently limited extent of areas flat enough for proper disposal are all reasons why so many systems fail. We also have increasing use of systems that were originally only intended for intermittent holiday use, which are now being overloaded by permanent occupation. I estimate that approximately 25% of the older systems are currently discharging effluent which is not properly treated into driveway surface drains, road water-tables and stream courses. It does not take much of a nose to find these areas in a walk around my local block.

I accept that new houses can be fitted with better systems, but that does nothing to deal with the problems of the older ones. I am also aware that ~~the~~ many of <sup>the</sup> higher maintenance newer systems have not performed well with intermittent use, and some councils (Marlborough District Council) are no longer encouraging their use for holiday homes in the Sounds.

I suspect the problem with effluent treatment systems may be worse in Charteris Bay than in Church Bay, because so many permanently occupied

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houses are "upgraded" older bachs. However, regardless of the proportion of failed systems, there is no argument that the shallow tidal marine conditions into which the effluent flows in Charteris Bay are far less conducive to proper dilution and dispersion. Furthermore, there is more recreational use made of the shoreline area in Charteris Bay area than in Church Bay. There is the public boat ramp, the very accessible local beaches, and the Orton Bradley recreation area which are all well used in the summer months when the effluent problems are frequently at their worst.

For these reasons I would strongly support a proactive council initiative to upgrade to a reticulated system now, before BPDC is forced to act by some sort of water quality crisis identified by external public health authorities.

Yours faithfully,



Dr Mark D. Yetton (engineering geologist)