

BANKS PENINSULA WATER MANAGEMENT ZONE COMMITTEE AGENDA

TUESDAY 16 FEBRUARY 2016

AT 4PM

AT LIVING SPRINGS, ALLANDALE

Committee: Ian Lloyd, Community Representative
Donald Couch, Commissioner Environment Canterbury
Andrew Turner, Christchurch City Council
Steve Lowndes, Community Representative
Pam Richardson, Community Representative
Kevin Simcock, Community Representative
Iaeen Cranwell, Te Rūnanga o Wairewa
June Swindells, Te Hapu o Ngāti Wheke/Rapaki
Riki Lewis, Te Rūnanga o Koukourarata
Pere Tainui, Te Rūnanga o Ōnuku
Claire Findlay, Community Representative
Paula Smith, Community Representative
Thomas Kulpe, Community Representative

Principal Adviser
Peter Kingsbury
Tel: 027 599 4615
Christchurch City Council

Zone Facilitator
Lesley Woudberg
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Environment Canterbury

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INDEX

	PAGE NO
1. WELCOME AND APOLOGIES	3
2. CONFIRMATION OF MINUTES	3
3. MATTERS ARISING	3
4. ELECTIONS Chair, Deputy Chair and Regional Committee representative	9
5. MEETING LOCATIONS 2016	9
6. UPDATES - Wairewa Plan Change 6	11
7. WHAKARAUPŌ	17
• Stocktake	
- Policy/legislation	
- Research	
- Story maps	
• Governance	
• Timetable	

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8.	ROUND TABLE	-
	DINNER BREAK	
9.	PRONUNCIATION PRACTICE	-
8.	ROUND TABLE (Cont'd)	-
	· Catch up	
	· What's hot for 2016	
10.	BANKS PENINSULA ANNUAL REPORT	19
11.	SUMMARY AND KARAKIA	-

1. APOLOGIES

2. CONFIRMATION OF MINUTES – 17 NOVEMBER 2015

The minutes of the Committee's meeting held on 17 November 2015 are **attached**.

The Committee is asked to approve these minutes as a true and accurate record of the meeting.

3. MATTERS ARISING

ATTACHMENT TO CLAUSE 2

**BANKS PENINSULA WATER MANAGEMENT ZONE COMMITTEE
17 NOVEMBER 2015**

A meeting of the Banks Peninsula Water Management Zone Committee was held in the Rugby Club Rooms, Little River, on Tuesday 17 November 2015.

PRESENT: Richard Simpson, Chairman
Steve Lowndes, Community Member
Pam Richardson, Community Member
Kevin Simcock, Community Member
Riki Lewis, Te Rūnanga o Koukourarata
Claire Findlay, Community Representative
Andrew Turner, Christchurch City Council
Iaeen Cranwell, Te Rūnanga o Wairewa
Père Tainui - Te Runanga o Onuku
Thomas Kulpe, Community Representative
Paula Smith (from 4.45pm) Community Representative

Principal Adviser	Zone Facilitator	Committee Adviser
Peter Kingsbury Tel: 027 599 4615 Christchurch City Council	Lesley Woudberg Tel: 027 706 4273 Environment Canterbury	Warren Brixton Tel: 941 8181 Christchurch City Council

KARAKIA:

Peter Ramsden opened the meeting with a Karakia.

1. APOLOGIES

The apologies of Elizabeth Cunningham and Pam Richardson were accepted and Paula Smith for lateness.

2. CONFIRMATION OF MINUTES – 20 OCTOBER 2015

It was **decided** that the minutes of 20 October 2015 be approved as a true and accurate record, subject to:
Matters Arising 4.2 Wairewa Rating District – The word 'landowners' being changed to 'landowner'

3. MATTERS ARISING

3.1 Ecological Update

Kevin advised there had been a delay in circulating the meeting minutes, but this would be attended too.

3.2 Plant Species Inanga Prefer

The report provided detailed several plants Inanga prefer. It was suggested that there were other plants also favoured

3.3 Closed Rubbish Dump – Onuku

The information was provided in response to a request on what was happening. While the closure plans were available, those of Allendale have yet to be tracked down.

Claire mentioned the further site at the entrance to Akaroa Township. Tim advised that the data on this would be held by Ecan.

3.4 Storm-water Consent

Catherine Challies Consents Team Leader commented that the issue was not a black or white one. The stormwater consent application is currently focusing on CCCs reticulated network – the discharges from the urban/reticulated network. These are point sources that can be monitored and managed. The current consent application has not addressed general stormwater coming off hillslopes or roads. There were still questions as to whether a consent was required for the road corridor and whether requiring a consent would be an effective way of driving improvements – Ecan was unlikely to have the resources to ensure compliance. Steve suggested that the drain running alongside the SH75 at Lake Forsyth could be a good trial area to determine the quantity of sediment road corridors contribute to. Andrew commented that it was not known whether sediment was the result of discharge from sediment flowing into the reticulated system or whether the bulk of sediment was from the reticulated area itself. Sediment also get re-suspended once in the harbour by wind and wave action.

Kevin considered that this issue that needed a higher priority given its effect on the ecology of the harbours.

It was decided that CCC/Ecan be requested to prepare a plan to investigate the seriousness or otherwise of the storm-water discharge from roads into Whakaraupo and Akaroa harbours.

4. CORRESPONDENCE

4.1 RE Menzies – Menzies Bay Stream – Minimum Flow

Progress on setting minimum flows, particularly for Menzies Bay Stream was discussed. The letter raised many issues the committee has been grappling with. There were a number of issues raised related to this matter:

- The Low Flows/Biodiversity subgroup is developing some ideas of a way forward
- With or without permitted takes streams can go dry and we are going to see more of the happening as the effect of climate change become more obvious and summer populations grow
- Need to check to see if water may be being taken outside our catchment – is this allowed under the LWRP

Geoff is to meet with Mr. Menzies and report back

5. LITTLE RIVER COMMUNITY

5.1 Wairewa Rating District

Lesley reported that Geoff Marks the Rating Committee spokesperson had advised that steady progress is being made.

5.2 Living Streams Community Nursery

Annelies Pekalharing was present to inform members of the Nursery's history, its location and range of plants for sale.

She also referred to the Okana River just above SH75 Bridge where willows had been cleared as part of the work of the Drainage Rating District.

6. LAND AND WATER REGIONAL PLANS

6.1 Plan Change 6 – (Wairewa) Submissions

Further to his report, Nick Regnault advised 9 submissions have been received on the Plan Change, which will be available online from the 28th November 2015. He will provide the Committee with an update next year.

Mike Herlihy Little River resident had made a submission to the Plan Change and was given the opportunity to express his views questioning the need for fences to keep stock out of

waterways. His main concern is how to contain stock. In some cases there are no occupiers to some land, so how would fencing be done and how will noxious weeds be managed. In essence he sought an equitable solution to the Valley Floor area.

6.2 Plan Change 5

Devon Christensen provided a PowerPoint presentation of aspects of the Plan Change Kevin asked how PC 5 and PC 6 will be integrated. [Link to presentation on the committee's website](#)

7. WATER QUALITY AND ECOSYSTEM HEALTH MONITORING 2014-15

An explanation was provided of the latest monitoring results, including possible reasons for dramatic changes between one year and the next.

The Committee **decided** to:

- Receive the Banks Peninsula Zone Monitoring Results 2014-15
- Recommend the monitoring results be part of the knowledge base that informs decisions or any intervention projects to improve water quality and/or ecosystem health.

8. PRONUNCIATION PRACTICE

Iaeen Cranwell led committee members in a Pronunciation Practice session

9. REFLECTIONS FROM THE CHAIR

Richard Simpson retiring Chair provided members with his reflections of his term as Chair of the Committee. [Link to paper on the committee's website](#)

He spoke of:

- The complexities of water management
- The ongoing learning curve
- The collaborative way the Committee had worked
- The ZIP being a "living document"
- The success of the Immediate Steps programme of work
- The need for more on the ground action to improve the quality of water running into Lyttelton Harbour
- The damage sediment run-off does to the environment
- The need to plan for limited water supply on the Peninsula
- His appreciation of member support

10. TRACKING SHEET

Peter Kingsbury sought feedback from members on the Table by mid December 2015. He would update the 1.7 Mahinga Kai project information.

11. UPDATES

11.1 Consent Stocktake – Whakaraupo

Catherine Challies with the aid of maps demonstrated the information available through Canterbury maps on current consents held by ECan.

Lesley noted the Minister has yet to make a decision on the Draft Lyttelton Port Recovery Plan

June stressed the importance of needing to know what was going into the harbour.

18. 10. 2011

- 7 -

11.2 Wairewa

Geoff Thompson advised that work is underway in the preparation of Information Sheets for landowners. Once these are available a Draft would be sent to members.

11.3 Integrated Three Waters Strategy

The Minutes of a Community Board Workshop held on 27th October 2015 were attached to the Agenda for member's information. Kevin noted that the Strategy is looking out 100 Years, not just 5 years, which he saw as encouraging.

11.4 Zone Committee Chairs/Vice Chairs Meeting

Steve spoke of the meeting addressed by Dame Margaret Bazley which would see four Committee Chairs step down from their respective committees

12. NEXT MEETING

A Xmas Social is being arranged on the 9th December 2015, 4.00pm start at Kevin Simcock's residence 31 Quail Crescent Takamatua

13. SUMMARY AND CLOSURE

The meeting closed with a Karakia at 8.05pm

CONFIRMED THIS 16TH DAY OF FEBRUARY 2016

**RICHARD SIMPSON
CHAIRPERSON**

AGENDA ITEM NO: 4	SUBJECT MATTER: ELECTIONS – CHAIR, DEPUTY CHAIR AND REGIONAL CMTT REPRESENTATIVE MEETING LOCATIONS 2016
REPORT: Banks Peninsula Zone Committee	DATE OF MEETING: 16 February 2016
REPORT BY: Lesley Woudberg Facilitator (ECAN)	ACTION: For Discussion and Action

Purpose

Provide an opportunity to elect a Chair, Deputy Chair and Regional Committee representative.

Report

Elections

The Banks Peninsula Zone Committee is established under the auspices of the Local government Act 2002 to implement the Canterbury Water Management Strategy on Banks Peninsula.

Each year, the Committee is required to appoint the Chair and Deputy Chair from the membership by simple majority. There is no limit on how long a person can be in either of these positions.

This is also an opportunity to review the position of representative on the regional committee.

Meeting Locations 2016

March – Akaroa

April – Wairewa

May – Whakaraupō

June – Akaroa

July – Wairewa

August – Whakaraupō

September – Koukourarata

October - Akaroa

November - Wairewa

Process to Elect of Chair and Deputy Chair (ref. Christchurch City Council standing Orders)

A local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

- (a) [System A]; or
- (b) [System B].

System A

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in the round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot."

[cl. 25, Schedule 7, LGA]

AGENDA ITEM NO: 6	SUBJECT MATTER: Plan Change 6 (Wairewa): Officers Report of Submissions (section 42A Report)
REPORT TO: BANKS PENINSULA ZONE COMMITTEE	DATE OF MEETING: 16 February 2016
PREPARED BY: Nick Regnault and Alastair Picken	ACTION: For Information

PURPOSE

To update the Banks Peninsula Zone Committee on the Officers Report on submissions received to Plan Change 6 (known as the section 42A Report).

REPORT

1. Plan Change 6 (the 'Change' or 'PC6') amends Section 10 of the Land and Water Regional Plan (the 'LWRP'). The proposed Change, which was notified on 6 October 2015, addresses water quality and quantity issues in the Lake Forsyth/Wairewa catchment and implements the recommendations of the Banks Peninsula Zone Committee.¹
2. Council has appointed an independent Hearing Panel of Gordon Whiting (chair), and Andrew Fenemor. A third person will be appointed in March. The Panel issued directions on 22 January, setting out preparation for the hearing of submissions. Part of the direction is that all evidence from submitters is to be pre-circulated. The Hearing will be held at the Lincoln Events Centre, commencing on 19 April 2016.
3. Council evaluates submissions and makes written recommendations (known as a section 42A Report) to the Hearing Panel. The Section 42A Report will be available on the web from 12 February 2016 at: <http://ecan.govt.nz/our-responsibilities/regional-plans/regional-plans-under-development/wairewa/Pages/default.aspx>
4. In addition to the analysis of submissions, the report contains contextual information on the water issues in the catchment, role of the zone committee in the process, the science approach and an update on the progress of actions that sit outside of the plan.
5. It is important to emphasise that the Section 42A report recommendations are not binding on the hearing commissioners. They will reach their own conclusions having considered the submissions and evidence to be brought before them by submitters.
6. The recommendations contained in the Section 42A Report largely retain Plan Change 6 as notified with the exception of:
 - a new aquatic plant indicator is added to the outcomes for Lake Forsyth/Te Roto o Wairewa
 - Policy 11.4.1 includes a new clause on maintaining low levels of nitrogen in rivers
 - Policy 11.4.3 is broadened so that any activities in the bed and margins of the Ōkana, Ōkuri and Takiritawai Rivers that significantly reduces flood carrying capacity are avoided.
 - New policy added to recognise the cultural importance of Lake Forsyth/Te Roto o Wairewa.

¹ Refer Banks Peninsula Zone Implementation Addendum dated November 2014

AGENDA ITEM NO: 6A MATTER:	SUBJECT WAIREWA
REPORT: Banks Peninsula Zone Committee	DATE OF MEETING: 16 February 2016
REPORT BY: Lesley Woudberg Facilitator (ECAN)	ACTION: For information

Purpose

Provide an update on Wairewa.

Recent Monitoring of Te Roto o Wairewa

2015-2016

Status	Action	Date	Reason
Wairewa/Lake Forsyth			
Action trigger first exceeded		8/10/2015*	Anabaena > 1.8 mm ³ /L
Consecutive results below Action mode		1/12/2015*	Aphanizomenon sp. AND Nodularia < 1.8 mm ³ /L
	CDHB media release	9/12/2015	
Action trigger first exceeded		19/01/2016*	Anabaena AND Nodularia > 1.8 mm ³ /L
Consecutive results below Action mode			Still in action mode 09/02/16

- Anabaena bloom from early October to early December
- Current Anabaena and Nodularia bloom from mid-January

From: Brixton, Warren [<mailto:warren.brixton@ccc.govt.nz>]
Sent: Monday, 25 January 2016 12:38 p.m.
To: Hart, Amy
Cc: Lesley Woudberg; warren.brixton@gmail.com
Subject: RE: Variation 4 to the Land and Water Regional Plan

Good afternoon Amy

Thank you for the excerpt of the Council's submission which I will pass on to the Zone Committee at its next meeting

Regards

WARren Brixton

From: Hart, Amy
Sent: Wednesday, 13 January 2016 9:28 a.m.
To: Brixton, Warren
Subject: Variation 4 to the Land and Water Regional Plan

Good Morning Warren

At its December 2015 meeting, the Lyttelton/Mt Herbert Community Board requested that an excerpt of the Council's submission on Variation 4 to the Land and Water Regional Plan (below) be forwarded to the Banks Peninsula Water Management Zone Committee for your information.

Kind Regards

Amy

Amy Hart

Governance Support Officer - Rural

Community Support, Governance & Partnerships Unit

DDI: 03 941 5640

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Web: www.ccc.govt.nz<<http://www.ccc.govt.nz>>/>

Christchurch City Council

Lyttelton Service Centre, 15 London Street, Lyttelton PO Box 73027, Christchurch, 8154

Submission on Variation 4 to the Land and Water Regional Plan The Board was invited to provide input on the Council's public submission on Variation 4 to the Land and Water Regional Plan, which the Council approved in October 2015.

The Board provided input on Policy 4.16A - Stormwater and community wastewater systems. An excerpt from the Council's submission regarding Policy 4.16A is below.

Stormwater and community wastewater systems.

Policy 4.16A

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.

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.

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.

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.

The Council strongly opposes Policy 4.16A as it places the responsibility of reducing sediment load and other contaminant levels on the Council and ultimately all ratepayers, rather than on owners of properties highly vulnerable to erosion or contaminated by Hazardous Activities and Industries (HAIL).

Oppose.

Oppose the stormwater policy and rules proposed in Variation 4 to the LWRP.

Delete Policy 4.16A.

Seek retention of stormwater policies and rules as in the LWRP.

AGENDA ITEM NO: 7	SUBJECT MATTER: WHAKARAUPŌ CATCHMENT PLAN - STOCKTAKE
REPORT: Banks Peninsula Zone Committee	DATE OF MEETING: 16 February 2016
REPORT BY: Lesley Woudberg Facilitator (ECAN)	ACTION: For Discussion

Purpose

Provide an update on the progress, particularly the stock take, that has been made over summer.

Report

An action from the *Lyttelton Port Recovery Plan* was to develop a catchment management plan for Whakaraupō/Lyttelton Harbour.

“The key objective of the Whakaraupō/Lyttelton Harbour Catchment Management is to restore the ecological and cultural health of Whakaraupō/Lyttelton Harbour as mahinga kai. It will also address other environmental, cultural and social concerns, including the needs of recreational users, as well as the needs of a working port.”

A number of tasks and dates for completion are set out in in Port Recovery Plan.

This agenda item is an opportunity for Julia Fettes, who has been working as a summer student, to present to the committee her work on the stocktake, seek feedback and discuss next steps.

Task	Deadline	Progress
Agreement on the organisational and governance structure including funding	Dec 2015	Discussions continuing between Rapaki, TRONT, LPC, CCC and ECan
Stocktake of existing traditional and scientific knowledge	June 2016	Good progress <ul style="list-style-type: none"> Legislation stocktake completed - <u>need review</u> Historical and scientific data base largely completed - <u>need review</u>, gaps identified and filled - <u>need guidance</u> on what and how traditional knowledge is/is not added to the stocktake

		<ul style="list-style-type: none"> • Draft story maps completed for two themes <ul style="list-style-type: none"> - <u>do they work?</u> • Making information accessible <ul style="list-style-type: none"> - <u>use of ZC website?</u>
Management Plan developed	Dec 2016	Draft work programme developed <ul style="list-style-type: none"> -What is the product we are producing? -

AGENDA ITEM NO: 10 MATTER:	SUBJECT WAIREWA
REPORT: Banks Peninsula Zone Committee	DATE OF MEETING: 16 February 2016
REPORT BY: Lesley Woudberg Facilitator (ECAN)	ACTION: For edit and approval

Action Required

- Approve the Banks Peninsula annual Report (attached) subject to amendments
- Note in diaries that the Annual Report will be presented, by the Zone committee Chair (if available) on the following dates
 - Environment Canterbury Commissioners
 - Christchurch City Council

Background

An Annual Report is being produced for each zone committee.

This Annual Report has three audiences:

1. Environment Canterbury Commissioners as part of meeting requirements in the Long-term Plan (see below);
2. Christchurch City Council;
3. Community (i.e. interested public)

The Annual Report for 2015 is the first report so it covers 2010 – 2015.

The Canterbury Regional Council Long Term Plan requires an annual:

- a. *“Report received from each committee on its progress with implementation of its Zone Implementation Programme and the ten target areas”*
- b. *“[reports that] demonstrate progress on:*
 - ☐ *Environmental restoration*
 - ☐ *Improved water quality*
 - ☐ *Improved water use efficiency and land management*
 - ☐ *Infrastructure for reliable water supply”.*

The Zone Facilitator prepared a draft of the Annual Report for Banks Peninsula Zone. This was given to Steve Lowndes for comment. His comments have been incorporated into the Annual Report attached.

At the meeting the zone committee will approve the Annual Report (subject to any changes requested at the meeting).

The Annual Reports will be presented, by the Chair (if available), to Environment Canterbury (Commissioners), and Christchurch City Council.

Annual Report for the Community 2015

Working with the community to deliver their aspirations for freshwater

The Banks Peninsula Zone is made up of eroded volcanic domes that have been breached by the sea. Catchments are short and steep and prone to flash flooding. The Peninsula is reliant on rainfall to keep the creeks running and storage tanks and ponds full. Groundwater resources are limited and every summer settlements such as Akaroa are on water restrictions.

The Banks Peninsula Zone Committee has been working with the community, rūnanga and councils since September 2011 to develop water management recommendations to deliver the vision of the Canterbury Water Management Strategy (CWMS).

Its first goal was to develop a Zone Implementation Programme (ZIP), which was finalised March 2013.

Since then, the committee has led the development of a ZIP Addendum for the Wairewa catchment which built on existing work and investigated the causes and dynamics of Te Roto o Wairewa/Lake Forsyth's poor water quality and flood risks.

CWMS VISION:

“To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework.”



Key achievements

September 2011 – December 2015

The CWMS is not just about words, programmes or plans – the committee is driving on-the-ground actions to deliver sustainable benefits for water.

- More than \$335,000 funding to 14 community-led biodiversity projects. The total value of these projects is estimated at over half a million dollars.
- Worked with Koukourārata rūnanga to host a four day water youth (aged between 14 – 25) hui in 2014.
- Contributed to the community's understanding of the causes of water quality issues and flood risk in the Wairewa catchment.
- Worked with the Akaroa-Wairewa Community Board to run a community process resulting in the introduction of the Wairewa Drainage Rating District (June 2015) and subsequent work programme.
- Worked with Federated Farmers to host workshops on Farm Environment Plans and soil conservation issues.
- Facilitated community discussions at Okains Bay to discuss improving the security and quality of the community drinking water supply.

Banks Peninsula Zone

The Banks Peninsula Zone falls under the Christchurch City Council boundary and abuts two other zones; the Selwyn – Waihora and Christchurch - West Melton zones. It is a joint committee of the Christchurch City Council and Environment Canterbury.

The zone has been broken the zone up into five catchments; Lyttelton, Outer Bays, Akaroa catchment, Wairewa catchment, and Southern Bays catchment.

Banks Peninsula has always been an important place and food basket for Ngai Tahu. Four rūnanga are present on the Peninsula – Te Hapu ō Ngāti Wheke/Rāpaki, Te Rūnanga o Koukourārata, Te Rūnanga o Ōnuku, and Te Rūnanga o Wairewa.

Delivering community water aspirations - selected highlights

Youth whet appetite for Water Management

In March 2014 a youth hui was held at Koukourārata marae. 17 young people were involved in various hands on activities followed by discussions on water issues and management.

Participant Moses Bygate Smith said at the time; “I wasn’t really that aware of the challenges facing the local government and how challenging it is to balance biodiversity considerations with economic and cultural ones so the experience was a real eye-opener.

“I’m keen to play a more active role in local water management and think more young people should be involved in these kinds of events. I will definitely be telling my friends and classmates about what I have learnt over the past few days and how they can get involved.”

A key part of the committee’s job is to work with local people to make effective water management decisions. Young people are an important part of the community so it is vital their views are captured.



In March 2014 a youth hui was held at Koukourārata marae.



The Living Springs Trust received Immediate Steps funding from the zone committee

Zone committee springs for fencing and planting costs

The Living Springs Trust received funding from the zone committee to help fence off waterways, retire land from grazing, and undertake native planting along stream banks.

The Trust has been retiring and planting areas at the 450 ha property to help protect and enhance water quality for some time.

Chief Executive, Denis Aldrige said farming remains an important part of the picture and introduces the thousands of mostly city children who visit each year to farming along with conservation.

“Children’s visits to the camp begin with a walk from the beach through plantings alongside Allandale Stream then up a bush track passing an 800-year-old kahikatea tree. I want to believe that one day these kids will bring their grandkids for a walk through the great forests at Living Springs,” he said.

Each of Canterbury’s ten zone committees receives \$500,000 over five years to support on-the-ground work to protect and restore freshwater biodiversity values.

Since forming in 2011, the Banks Peninsula Zone Committee has allocated more than \$335,000 of Immediate Steps funding to 14 community-led biodiversity projects.

Koukourārata/Port Levy

Te Rūnanga o Koukourārata has been working for some time with local farmer Tim Coop and various agencies to protect and restore the mauri to the catchments and waters that run into the Bay.

The zone committee has contributed funding for fencing and riparian planting. Zone committee chair Richard Simpson said; “It was satisfying to work with the rūnanga and a neighbouring farmer towards shared conservation goals.”

“It is the legacy that you leave as a community for the future generations.”

- Peter Ramsden Koukourārata



Work is ongoing to protect the mauri of the water at Koukourārata

Progress towards achieving CWMS Targets

Ecosystem Health and Biodiversity	\$335,000 invested in biodiversity projects. Wairewa and Whakaraupō have been identified as priority wetland areas. Wairewa has a work programme underway and Whakaraupō is under development.
Natural Character of Braided Rivers	Not applicable
Kaitiakitanga	Participation of manawhenua in the zone has increased understanding and influences all aspects of the committee's work.
Drinking Water	Work with the CDHB and the local community of Okains Bay has been undertaken to improve the security and quality of their community water supply. The committee has celebrated with the Akaroa – Wairewa Community Board the City Council's infrastructure improvements to the Akaroa/Takamatua, Little River and Birdlings Flat water supplies.
Recreational and Amenity Opportunities	Recommendations for the Wairewa catchment provide the framework to improve the water quality of Te Roto o Wairewa/ Lake Forsyth and make it more attractive for water based activities. Biodiversity projects are making a number of locations more appealing for passive recreation.
Water Use Efficiency	The committee has taken every opportunity (ie. newspaper articles) to raise awareness of the limited nature of water resources on Banks Peninsula and actions that can be taken.
Irrigated Land Area	Not applicable
Energy Security and Efficiency	No specific action to date
Regional and National Economies	The committee has taken the approach that by improving the health of the water resources it will enable the continued development of a healthy, resilient community and economy.
Environmental Limits	The committee has completed recommendations for water quality and quantity limits for the Wairewa catchment. These form the basis for Plan Change 6 to the Land and Water Regional Plan.



Key work programmes underway to deliver water management priorities

1. Ecosystem health and biodiversity

- Continue to support willing landowners to take action to enhance and protect indigenous biodiversity on their properties.
- Provide partial funding through the Immediate Steps funding.
- Revisit and evaluate the success of previously funded projects and other biodiversity projects on the peninsula.

2. Waiwera catchment

- Monitor and review the implementation of recommended actions contained in the Wairewa ZIP Addendum.
- Monitor the progress through the Resource Management hearing and decision process of the Wairewa Plan Change.
- Actively facilitate actions such as soil conservation measures, farm environment plans, good management practices, planting of poplars and management of riparian margins.

3. Whakaraupō catchment

- Undertake a stocktake of existing and traditional knowledge and identify gaps
- Work with the community to develop a Whakaraupō catchment plan by December 2017.

4. Community drinking water supplies

- Work alongside small communities such as Okains Bay and Ōnuku rūnanga to improve the security and quality of community water supplies.

5. Knowledge, awareness and education

- Provide the community with regular updates on the state of Te roto o Wairewa and Whakaraupō.
- Engage the community in various ways such as workshops, field visits, planting days, newspaper articles.
- Support a Youth Summit at Rāpaki Marae 26/27 February.

There are challenges but also opportunities

While the committee has achieved a lot since their establishment in September 2011 there is still plenty to do and many challenges ahead.

A key focus of the committee is to ensure the community are fully engaged and that councils and other agencies work together to deliver actions on the ground.

The Christchurch earthquake still has an effect on the ability of Christchurch City Council to deliver infrastructure improvements. This will require the zone committee to continue to explore and trial different ways of achieving the CWMS targets .



Wairewa Rating to help ease flooding pressures

The steep, short creeks of the Ōkana and Ōkuti catchments are compounded by vegetation cover. This means they have limited capacity to hold and slowly release water during intense rainfall events and flooding has been a common occurrence.

Prior to 2012, the catchments experienced a decade of no severe rainfall events, but in August 2012 and March and April 2014 the Okana catchment experienced significant flooding.

Flooding in the Wairewa catchment has long been recognised as a risk and a number of attempts have been made to establish a long term funded flood management regime.

After the April 2014 event, the Akaroa Community Board and zone committee worked with members of the community to determine what needed to be done.

This process resulted in Environment Canterbury striking a special rate across the catchment to generate funds to clear willows and other obstructions from the rivers allowing more effective drainage during high rainfall events.

Zone committee members reflect a diverse range of community views

Each of the Canterbury region's ten zone committees include 4-10 community members whose membership is regularly refreshed to ensure a wide-range of perspectives are reflected.

In 2015 the committee sought new committee members and Ian Lloyd was appointed and Pam Richardson and Steve Lowndes were reappointed.

The full list of members can be found below and for profiles visit www.ecan.govt.nz/canterburywater

Claire Findlay (Community Member)
Ian Lloyd (Community member)
Kevin Simcock (Community member)
Pam Richardson (Community member)
Paula Smith (Community member)
Steve Lowndes (Community member)
Thomas Kulpe (Community Member)
Iaeen Cranwell (Te Rūnanga o Wairewa)
June Swindells (Te Hapu o Ngāti Wheke/Rāpaki)
Pere Tainui (Te Rūnanga o Ōnuku)
Riki Lewis (Te Rūnanga o Koukourarata)
Elizabeth Cunningham (Environment Canterbury Commissioner)
Andrew Turner (Christchurch City Councillor)

Key events for 2016

- 26/27 February Youth Summit, Rāpaki.
- 19 April Hearing for the Wairewa section of the Land and Water Regional Plan (Plan Change 6)

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What happens when values are put to work?

A reflection in one outcome from a Restorative Justice Conference in the criminal division of the District Court: Environment warranted judge jurisdiction

■ Vanessa Sugrue, Solicitor, Environment Canterbury

Nov 2015

Canterbury Regional Council v Interflow (NZ) Ltd

A mistake happened.

It caused a lot of damage to an ecologically and culturally significant stream.

It killed a lot of fish.

The company that caused the mistake held a core value of honesty.

They lived by that value and took full responsibility.

The company met with the community and Local Rūnanga and are making it right.

The stream is recovering and will be better than it was, the fish will return.

Two other streams not affected are being improved.

The company's example is a wero (challenge) to all citizens especially corporates.

Have values; live values.

Canterbury Regional Council v Interflow (NZ) Ltd [2015] NZDC 3323 (*Interflow*) illustrates what having values and living them can look like. What happened and how that was addressed by the company *Interflow* is an example of how good the landscape can look when and if those who make environmental mistakes go beyond the bare minimum required of them by the law. So much more on so many different levels can be accomplished. There can be an "insidious" and "cumulative" effect on ameliorating the environment (note that in this sense I use environment as defined by s 2 of the Resource Management Act 1991 to include people and communities). So often those words, in the context of offending where the environment is damaged, are used to lament the loss of and degradation to the environment. It is not always so, and this case provides an example where, despite the damage done, something really good was achieved through the application of the criminal legal process.

This case study recounts what happened in one specific situation in Canterbury. Reference is made to the larger impression that this jurisdiction is having on using existing legal frameworks to achieve innovative, creative outcomes for the environment and the people who are part of that environment.

What happened

This situation happened in an urban catchment in Akaroa, a small coastal community in Banks Peninsula. *Interflow* is a company that specialises in relining culverts. They were contracted to reline two culverts running underneath Rue Noyer in Akaroa. They used a structural lining technique called Rotaloc to complete this work.

On 12 February 2014, as part of the process of relining the culverts, the Walnut stream had been diverted into the Eastern culvert to enable work on the Western culvert. *Interflow* staff began injecting grout and its admixtures. Some discoloured water was noticed, which appears to have come from contaminants filtering through the ground beneath the pipes. It was thought this was contained with the use of a substance called intercrete. It was not contained, as in fact the pipes were rusted and the subsoil beneath was porous resulting in the contaminants migrating beneath the stream downstream. The next day staff painted the end of the pipes with a UV paint called Sikalastic-488-AU. The paint was wet, and water was allowed to pass through the pipe and over the wet paint, which resulted in a cloudy discharge. Neither discharge was adequately contained to prevent chemicals discharging to water. (*Interflow* at [4]–[10].)

On 12 February complaints were received by Canterbury Regional Council (CRC) that fish were dying. On attendance on 13 February, CRC staff were met with a chemical or paint smell, numerous dead and dying fish, a dirty scum and sheen in still areas.

This small urban stream was home to eight native fish species. Four of those are listed as declining, longfin eel, kōaro, bluegill bully and inanga. Longfin eel, kōaro and inanga are regarded as culturally

significant as they are also mahinga kai (traditional food species). The existence of such species denotes that the stream was a healthy and abundant environment. The local Rūnanga gather watercress from the stream. Walnut stream is considered to have significant ecological and cultural value (*Interflow* at [16]–[18]).

This was a large, catastrophic “fish kill” and included 79 eels, 12 bullies and 51 inanga located on the day with a further 71 located three days after the event.

The local community and Rūnanga were affected in their use and enjoyment of the stream. The cultural harvesting of watercress had to stop.

Why did it happen?

In this case the discharges into Walnut Stream happened because Interflow did not understand the characteristics of the site and failed to ensure the appropriate site investigations were completed and that the sediment control measures were appropriate for the site (*Interflow* at [23]).

Overall it can be said that what happened here was an unfortunate accident. The main office of Interflow was contacted, and once appraised of the situation, took immediate responsibility and did what they could to assist.

A very quick lesson in the law

The Resource Management Act 1991 (RMA) is legislation enacted to promote the sustainable management of natural and physical resources (s 5(1)). Part 3 sets out the duties and restrictions in relation to resources. When there is a contravention of duties or restrictions, the RMA provides offence creating sections. The RMA also provides for specific statutory categories of liability, which include strict (s 340) and vicarious (s 341).

When a prosecution is initiated under the RMA, the RMA requires that proceedings are presided over by an Environment Warranted Judge (s 309(3)). All other Acts apply, the Criminal Procedure Act 2011 to process, and the Sentencing Act 2002 (particularly ss 7 and 8) sets out the purposes and principles of sentencing.

The RMA does not specify matters to be taken into account in sentencing. The courts look to developed case law to expand the sentencing principles in the Sentencing Act in relation to sentencing environmental offenders. The principles set out

in *Machinery Movers Limited v Auckland Regional Council* [1994] 1 NZLR 492 (HC) [*Machinery Movers*] continue to apply, alongside the provisions of the Sentencing Act 2002, when determining the severity of the offending and hence sentence levels. Those principles are (*Machinery Movers* at 503):

- A. the nature of the environment affected;
- B. the extent of the damage inflicted;
- C. the deliberateness of the offence; and
- D. the attitude of the accused.

In December 2014, s 24A was inserted into the Sentencing Act 2002 to ensure that all *appropriate* sentencing cases were considered and referred to restorative justice processes. This amendment ensures that those affected by offending are given an opportunity to meet with the offender and to engage in this process, which is reported back to the Court. Sentencing principle 8(j) (s 8(j) of the Sentencing Act) requires the sentencing Judge to take “into account any outcomes of restorative justice processes that have occurred, or that the court is satisfied are likely to occur, in relation to the particular case” when sentencing an offender.

What happened next – Court and the Restorative Justice Conference

Once the case entered the Court process Interflow requested referral to a restorative justice process. (Note as a point of interest Canterbury Regional Council implemented an Alternative Environmental Justice Scheme, which operates as a hybrid between diversion and restorative justice. This scheme won the inaugural IPANZ award in 2013 for Regulatory Excellence. This offending did not qualify for entry to the Scheme so after pleas were entered the restorative justice route was taken.) They had already commissioned an ecological report on the stream.

The local provider of restorative justice services organised a Conference. Members of the community were invited to attend or to write a letter that would be read. Representatives of the local Rūnanga from Ōnuku Marae were invited and attended. It is not usual for the prosecutor to be invited to a Restorative Justice Conference as they are not really a “victim” of the offending. However in the environmental arena the Council, and in this case CRC, usually hold expert evidence around what happened and have the expertise to understand

whether any offer made at the Conference is capable of implementation. It was helpful to have that information and personnel available to the Conference.

While the actual discussions within the Conference are confidential, a report was produced for the Court containing the outcomes. That was filed in Court (*Interflow* at [19]).

In this case, something extraordinary happened. *Interflow* tabled the ecological report and, after listening and hearing the voices of those attending, offered the sum of \$80,000 towards the betterment of not only Walnut stream but the true right and left bank of the nearby Grehan stream. A plan was proposed in the ecological report to create inanga spawning habitats which would improve all three streams. (*Interflow* at [43].)

I describe this as extraordinary as the offer was made in light of direct knowledge that the prosecutor was seeking a fine lower than \$80,000. In fact *Interflow* knew that the end point fine would be substantially lower than \$80,000. Despite knowing that position, they apologised, described how they had learned from what happened and changed their processes to ensure it would never happen again. They wished to make amends by implementation of the ecological plan.

What happened after that – The judgment

Back in Court for sentencing, with submissions filed by CRC, *Interflow*, and the Restorative Justice Report, there was an agreed submission. The submission was that the final outcome should be a conviction and discharge on the payment of an \$80,000 donation to implement the plan in the ecological report. The case was adjourned to enable an appropriate neutral agency to be located to implement the plan. The Banks Peninsula Conservation Trust, already well established in the area, stepped in. Christchurch City Council also leaned in with an agreement to lend the Trust their consent which would allow them to do the work without seeking and incurring the costs of the consenting process. In layman's terms the \$80,000 would go a lot further. (*Interflow* at [46].)

On return to Court, the Court as it is required to do, went through the exercise of sentencing, which is a well set out process. After addressing the purposes and principles of sentencing, the *Machinery Movers* factors were addressed and an outcome reached. In considering the outcomes of the Conference and the

fact that the commissioning of the ecological report was valuable as well as the \$80,000 donation, the final decision was to convict and discharge *Interflow* with no further penalty.

What about the stream now?

Banks Peninsula Conservation Trust has advised that work towards forming the inanga spawning habitats is well on its way. The Trust is working with the Christchurch City Council staff in relation to their Consent and all expectations are that the work will commence shortly. They are hopeful work will be completed before the end of the year. Things are looking good.

Mirror, Mirror

Mirror, mirror on the wall, what reflection do I see looking back at me.

The environment is not a faceless victim. The RMA definition of environment (s 2) is more encompassing than the particular environment affected, for example in this case the stream. "Environment" is extended to include people and its communities.

As we look into the environment we see all our faces reflecting back. Environmental damage or pollution affects a myriad of people, organisations and institutions. The effects of damage and pollution are often not localised and can be ongoing. Often the courts refer to effects as "cumulative" and "insidious" as they may not be apparent on the day or indeed for some time. Those affected by environmental damage range immensely from neighbours bordering damage, in the case of water-downstream neighbours, those who fish and hike and enjoy the outdoors, to local Rūnanga, who may not be able to gather mahinga kai.

There are many categories of offenders. They range from individuals to small and large corporations. They include those who pollute on purpose for private economic gain to those who make small mistakes resulting in great environmental harm. Ultimately it is the community who shoulder the lasting effects of environmental harm and pollution.

We are all part of this; we are all connected to the problem and the solution. When it comes to the earth, air and water, there is no end point. The environment continues to exist and to be subject to the protections and consequences offered by the law. In this case *Interflow* went beyond the minimum levels required by the law. It sought out an ecological

report on the affected Walnut Stream that not only looked at remediation of that stream but others. It chose to go with the option to remediate three in stream habitats. So much more was achieved for the stream itself and the Akaroa community than would have been achieved by leaving their involvement at paying a monetary fine and walking away from the damage done.

Interflow as a company held a value, were genuinely remorseful and they made it right. They also set a platform where others could lend a hand – and they did.

Conclusion

The Environment Warranted Judge jurisdiction of the District Court, in sentencing those who breach

their responsibilities under the RMA and damage the environment, is moving quickly and with agility to consider restorative and creative contributions to dealing with those who appear before it. The *Machinery Movers* factors provide the framework to put the environment at the forefront of sentencing. Restorative justice processes are adding a platform for the voice and views of the community to be heard. This is also a platform that an offender can use to apologise and offer amends to that community directly.

Each case is unique and very fact-specific but there are numerous examples where the court is reaching for unique solutions, providing tailored sentences to achieve the best overall outcome. All this is done within the current legal framework. This is just one case but there are many more.
