

CANTERBURY REGIONAL COUNCIL  
*Kaunihera Taiao ki Waitaha*

# AGENDA|2019

## **Regulation Hearing Committee**

Thursday, 23 May 2019

.....

Time: 8.00am

Venue: Council Chamber,  
200 Tuam Street, Christchurch



# Regulation Hearing Committee

## Membership

### Chair

Cr Peter Skelton

### Members:

Cr Claire McKay  
Cr Elizabeth Cunningham  
Cr Lan Pham  
Cr Peter Scott  
Cr Tom Lambie

**ENVIRONMENT CANTERBURY**  
**REGULATION HEARING COMMITTEE**

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- 1. Apologies**
- 2. Conflict of Interest**
- 3. Deputations and Petitions**

## **4. Minutes**

### **4.1. Minutes from 16 May 2019**

Refer to attachment on following page.

## REGULATION HEARING COMMITTEE

Minutes of the meeting held in the  
Council Chamber, 200 Tuam Street, Christchurch, on  
Thursday, 16 May 2019 at 8.30am

### CONTENTS

- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Minutes of Meeting – 9 May 2019
- 4.0 Matters Arising
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- 6.0 Item for Discussion
  - 6.1 Appointment of Hearing Commissioners – Plan Hearing
- 7.0 Extraordinary and Urgent Business
- 8.0 Other Business
- 9.0 Next Meeting
- 10.0 Closure

### PRESENT

Councillors Peter Skelton, Elizabeth Cunningham, Peter Scott, Tom Lambie, Lan Pham and Claire McKay

### IN ATTENDANCE

Alison Cooper (Consents Hearings Officer)

### 1. APOLOGIES

There were no apologies

### 2. CONFLICT OF INTEREST

No conflicts of interest were declared.

### 3. MINUTES OF MEETING – 9 MAY 2019

**Resolved:**

**The Regulation Hearing Committee:**

**Confirms the minutes of the meeting held on 9 May 2019 as a true and correct record.**

Cr Scott / Cr Cunningham  
CARRIED

**4. MATTERS ARISING**

There were no matters arising.

**5. DEPUTATIONS AND PETITIONS**

There were no deputations or petitions.

**6. ITEMS FOR DISCUSSION**

**6.1 Appointment of Hearing Commissioners – Plan Hearing**

Agreed:

That the appointment of Hearing Commissioners to hear Plan Change 1 to the Hurunui Waiau River Regional Plan be adjourned to the meeting of 23 May 2019 to enable further information on the number of recommended panel members be sought.

Cr Cunningham / Cr Scott  
CARRIED

**7. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary or urgent business.

**8. OTHER BUSINESS**

There was no other business.

**9. NEXT MEETING - Thursday 23 May 2019 at 8.00am**

**10. CLOSURE - The Chairperson declared the meeting closed at 8.48 am**

**CONFIRMED**

Date: \_\_\_\_\_

Chairperson: \_\_\_\_\_

## **5. Matters Arising**



## 6. Items for discussion

### 6.1. Resource Consent Application for Consideration

#### Regulation Hearing Committee paper

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<b>Date of meeting</b>	23 May 2019
<b>Agenda item</b>	6.1
<b>Consents Manager</b>	Virginia Loughnan
<b>Author</b>	Alison Cooper

#### Purpose

1. For the Regulation Hearing Committee to consider and decide resource consent application CRC180266 made by BP Oil New Zealand Limited.

#### Recommendations

**That the Regulation Hearing Committee acting pursuant to a delegation of the Council dated 25 August 2016:**

1. **having considered all relevant provisions of the Resource Management Act 1991; and**
2. **for the reasons set out in the s42A report which is adopted;**

**Grants consent to application CRC180266 to discharge contaminants to groundwater at 47 Manchester Street, Christchurch for a period of 15 years**

**Subject to the conditions attached as Appendix 1.**

#### Background

2. BP Oil New Zealand Limited has applied for resource consent for the passive discharge of petroleum-based contaminants to groundwater at 47 Manchester Street, Christchurch.
3. The proposal is to allow for the ongoing passive discharge of petroleum-based contaminants remaining in subsurface soils and groundwater following the removal of an underground storage tank.
4. The passive discharge has potential to effect groundwater quality and future use of the site.

5. A long-term management and monitoring plan is proposed to assist in managing any risk arising from the remaining hydrocarbon -based products in groundwater on and offsite.
6. The application was limited notified to two parties. No submissions were received.
7. There is no reason for a hearing to be held.
8. A report on the application has been prepared by the Consent Planner in accordance with section 42A of the Resource Management Act 1991.

## **Legal compliance**

9. Canterbury Regional Council has delegated the authority to the Regulation Hearing Committee to decide resource consent applications to which no submissions have been received and where the applicant has not requested to be heard.

## **Attachments**

S42A Report prepared by Rubie McLintock

<b>Peer reviewers</b>	Virginia Loughnan
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**Before the Commissioner / Hearing Panel  
appointed by Canterbury Regional Council**

**IN THE MATTER OF** The Resource  
Management Act 1991

**AND**  
**IN THE MATTER OF** Application CRC180266  
by BP Oil New Zealand  
Limited for a discharge  
permit to passively  
discharge contaminants  
to groundwater.

**Section 42A Officer's Report – Rubie McLintock**

**Date: May 2019**

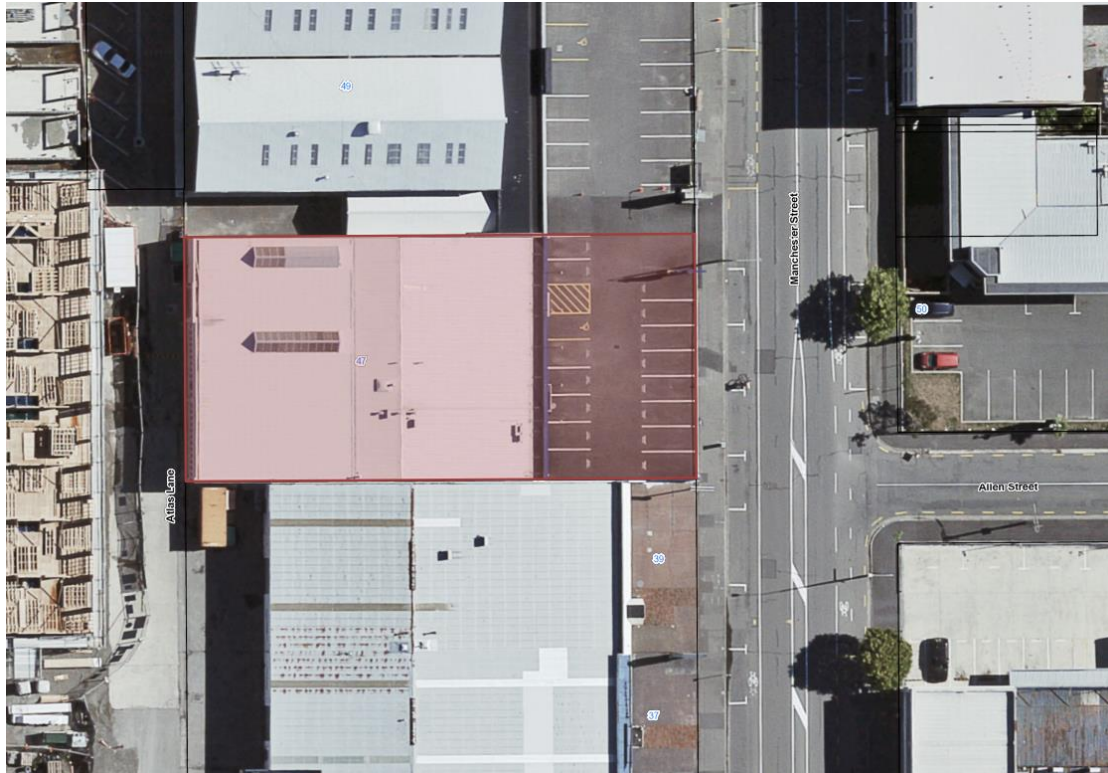
**Report of Rubie McLintock**

1. My name is Rubie McLintock and I have been employed as a Consents Planner by the Canterbury Regional Council (CRC) since February 2018. I hold a Bachelor of Science of Geography and Environmental Studies from Victoria University of Wellington, Wellington, New Zealand and a Master of Science of Environmental Science from the University of Canterbury, Christchurch, New Zealand. I have processed a range of resource consents for discharge permits within the Canterbury region.
2. This report is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA). This section allows a Council officer to provide a report to the decision-maker on a resource consent made to the Council and allow the decision-maker to consider the report at the hearing. Section 41(4) of the RMA allows the decision-maker to request and receive from any person who makes a report under Section 42A "any information or advice that is relevant and reasonably necessary to determine the application".
3. This report will provide the decision-maker with information and advice related to:
  - a. An introduction to the application;
  - b. Details of the notification and submissions received;
  - c. The background to the application;
  - d. An outline of the relevant legal and planning provisions;
  - e. Comments on the assessment of environmental effects provided;
  - f. Details of Council policy relevant to the applications;
  - g. Comments in relation to the matters specified in Part II of the RMA; and
  - h. Comments on the decision to be made by the decision-maker including comments on whether the application can be granted, what measures are required to avoid, remedy or mitigate any adverse effects, monitoring requirements and the duration of the consent.
4. It should be emphasised that any conclusions reached, or recommendations made in this report are not binding on the decision-maker. It should not be assumed that the decision-maker will reach the same conclusion or decision

having considered all the evidence to be brought before it by the applicant and submitters.

## INTRODUCTION

5. BP Oil New Zealand Limited (the Applicant) has applied for a resource consent for the passive discharge of contaminants to groundwater at 47 Manchester Street, legally described as Lot 1 DP 43750. The site area is shown on Figure 1. The site is currently used by George Henry & Co Limited as a tools supplier.



*Figure 1. Site location*

6. The application and associated assessment of effects on the environment (AEE) has been submitted by Josh Girvin of AECOM New Zealand Limited (the consultant).
7. A site visit was not undertaken during the processing of this consent application.
8. The application was lodged on the 13 July 2017.
9. The series of environmental investigations undertaken on site have identified petroleum hydrocarbon impacted soil and groundwater beneath the site and immediately to the north of the site. Given the discharge has arisen due to historic activities on site, the discharge is categorised as 'passive' and a consent is required to authorise the passive discharge of contaminants.

## NOTIFICATION

10. This application was limited notified in accordance with Section 95B of the Resource Management Act 1991 (RMA) due to the potential adverse effects on future development and land disturbance. The proposal was assessed as

having the potential to impact the landowner to the north and west of the site, where it is likely the contaminant plume extended in to.

11. A decision to limited notify was made on 13 March 2019.
12. The application was limited notified on 14 March 2019 with the following wording:

**Resource consent application: CRC180266**

**Applicant:** BP Oil New Zealand Limited

**Address for service:** C/ - Josh Girvin, AECOM New Zealand Limited,  
Level 2, 2 Hazeldean Road, Addington,  
Christchurch 8024 or email:  
josh.girvin@aecom.com

Canterbury Regional Council has received an application from BP Oil New Zealand Limited for a resource consent for the passive discharge of contaminants to groundwater at 47 Manchester Street, Christchurch (Lot 1 DP 4370).

BP Oil New Zealand Limited is proposing to allow for the ongoing passive discharge of petroleum-based contaminants remaining in subsurface soils and groundwater following the removal of an underground storage tank (UST) in 1991.

Groundwater monitoring has shown concentrations of light non-aqueous phase liquid and one or more benzene, toluene, ethylbenzene and xylene (BTEX) compound in excess of 50% of the maximum acceptable value of the New Zealand Drinking Water Standards. These results show that a passive discharge is occurring at the site and the contaminant plume may extend to the north and west of the location of the former UST into 36 Welles Street (Lot 1 DP 492896) and 49 Manchester Street (Part Lot 1 DP 1560). The passive discharge of non-aqueous phase liquid and hydrocarbons into land has the potential to effect groundwater quality and the future use of the site.

In addition to natural attenuation, the Applicant has proposed to utilise a Long-Term Management and Monitoring Plan regime to assist in managing any risk arising with the remaining hydrocarbon-based products in groundwater on and offsite.

A duration of 35 years has been requested for this passive discharge of contaminants into groundwater.

13. The following parties were served a copy of the notification:
  - a. Yuanda Southwark Limited (owner of 49 Manchester Street); and
  - b. Fletchers Residential Limited (owner of 36 Welles Street)

**Submissions**

14. The submission period closed on 12 April 2019. No submissions were received.

## BACKGROUND

### Site History

15. The site was formerly a vehicle retail and repair facility, operated by Manchester Fiat.
16. A BP-owned 13,600 litre leaded petrol underground storage tank (UST) was installed in 1980 close to the western boundary of the site. The UST and associated dispenser were decommissioned and removed in 1991. It is not known if hydrocarbon impacted soil was removed at the time of the UST decommissioning.
17. In 2003, two USTs were removed under the supervision of Golder Associates NZ Ltd (Golders) on behalf of Electrolux Limited from the neighbouring property to the west of the site (Lot 1 DP 15601). The USTs removed included a 22,000 litre UST containing light fuel (heating) oil and a 5,100-litre diesel UST. In addition to the USTs, 80m<sup>3</sup> of hydrocarbon-contaminated soil was removed from the site (URS, 2005; and URS, 2009).
18. Golders undertook an environmental investigation on site on behalf of Electrolux Ltd. This investigation encountered light non-aqueous phase liquid (LNAPL) on the shallow groundwater. Subsequently, this was identified as degraded leaded petrol that had been in the environment for 12 years (+/- 6 years) (URS, 2005).
19. Combined with the information about the installation and removal of the BP-owned leaded petrol UST, the most likely date for a release of product to ground is between 1987 to 1991. Therefore, due to the nature of the hydrocarbon impact, subsequent investigations have focused on historical impacts to soil and groundwater from the BP-owned UST formerly located on the site.
20. Since 2005, a series of environmental investigations have been completed on site, including the installation of a groundwater monitoring well network, indoor vapour monitoring, a groundwater remediation trial using multi-phase extraction in 2010 and subsequent, groundwater monitoring events. The groundwater monitoring well network is visible in Figure 2.



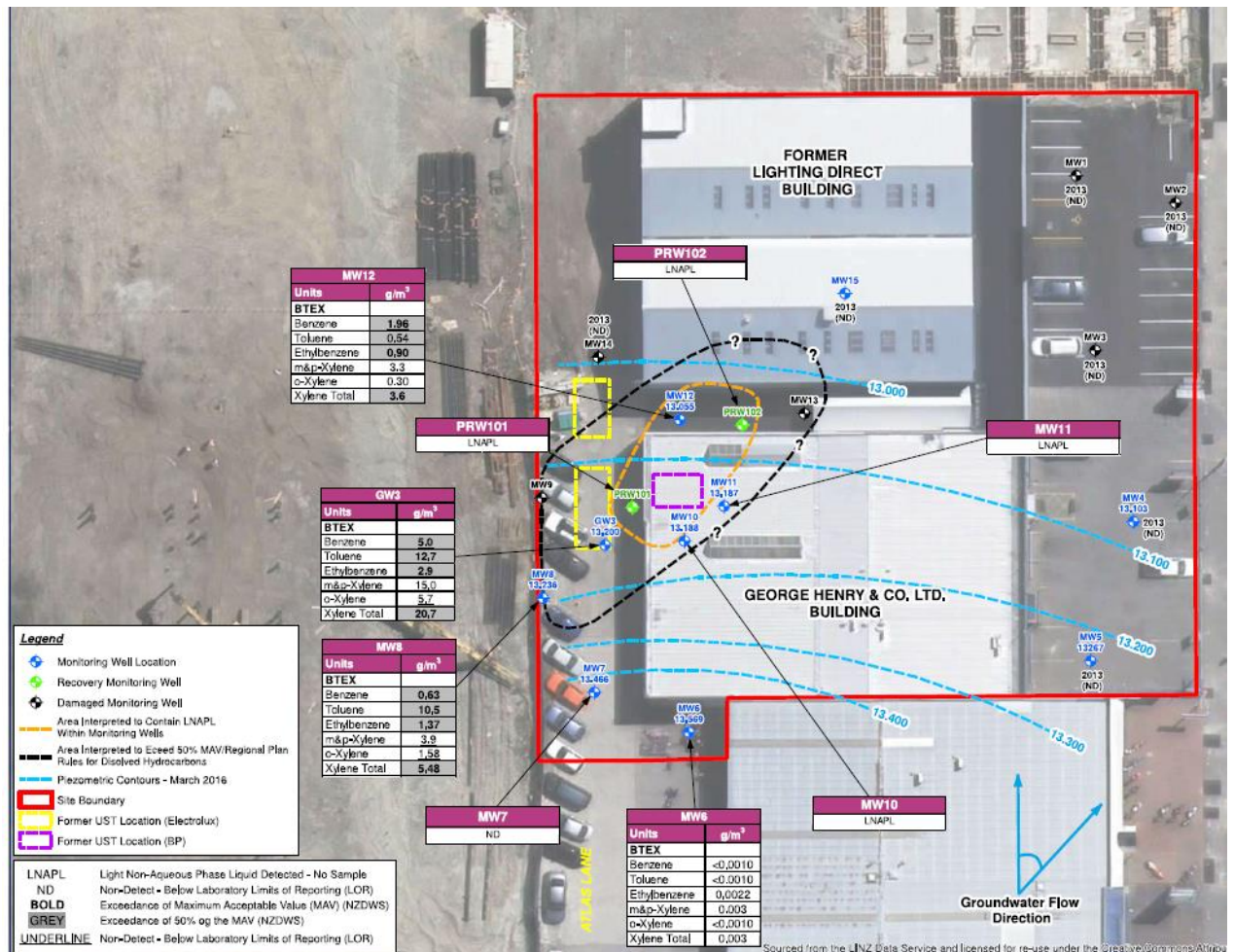
Figure 2. Groundwater monitoring well network

21. Following discussions with Environment Canterbury in 2016, an application for a passive discharge consent has been applied for to detail a monitoring regime to monitor the residual hydrocarbon impact to groundwater as it continues to attenuate.

### Summary of Investigations

22. The Applicant considers the investigations have defined the lateral and vertical extent of the dissolved phase contaminant plume, with the impact relatively confined to within the vicinity of the former UST location and immediately to the north/northeast underneath the George Henry and former Lighting Direct buildings. The approximate extent of the contaminant plume as identified by the Applicant is visible in Figure 3.





23. The Applicant considers the key conclusions from the investigative work are as follows:

- Total Petroleum Hydrocarbons (TPH) and benzene, toluene, ethylbenzene and xylene (BTEX) compound concentrations in soil indicate residual hydrocarbon impact within the vicinity of the former UST location;
- LNAPL and dissolved phase hydrocarbons are present in groundwater monitoring wells in the vicinity of the former UST location. The dissolved phase plume does not appear to have advanced significantly ahead of the LNAPL plume;
- TPH and BTEX compound concentrations have been detected in groundwater collected from monitoring wells in the vicinity of the former UST.
- BTEX compound concentrations exceeded the 50% of the maximum acceptable value (MAV) of the New Zealand Drinking Water Standards (NZDWS) in MW8, MW12 and GW3 in the monitoring round in March 2016. In the 2018 sampling round BTEX also exceeded 50% of the MAV of the NZDWS in G3, MW10 and MW12.



- e. Wells in the eastern part of the site (MW4 and MW5) and off-site to the east (MW1 and MW3) have not shown signs of hydrocarbon impact.
- f. Dissolved phase impacts are not likely to extend beyond the buildings to the east, as indicated by the absence of dissolved phase hydrocarbon impact in monitoring wells (MW1, MW3, MW4 and MW5) located in the eastern portion of the site; and
- g. Indoor air monitoring indicates that vapours generated from soil, groundwater and LNAPL do not present an unacceptable risk to current site users.

### **Long-Term Monitoring Management Plan**

- 24. The Applicant has provided a draft Long-Term Monitoring Management Plan in Appendix D of the application. The Applicant considers the discharge will naturally attenuate over time and is not expected to spread further, and ongoing management and monitoring will be undertaken to ensure this occurs.
- 25. The Long-Term Monitoring Management Plan details:
  - a. The groundwater monitoring regime including the proposed sampling frequency, analytes, trigger values, methodology and reporting requirements;
  - b. Contingency actions that should be taken if a trigger value is exceeded which indicates a potential change in risk profile for the site;
  - c. Protocols for ground disturbance activities; and
  - d. Responsibilities of certain parties.

### **Duration**

- 26. The Applicant has sought a consent duration of 35 years.

## **LEGAL AND PLANNING MATTERS**

### **The Resource Management Act (RMA) 1991**

- 27. Section 15 of the Resource Management Act 1991 (RMA) states that:
  - (1) *No person may discharge any—*
    - (a) *Contaminant or water into water; or*
    - (b) *Contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or [...]*
    - (d) *Contaminant from any industrial or trade premises onto or into land— unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.*
  - ....
- 28. There is no National Environmental Standard permitting the passive discharge of contaminants. Therefore, a resource consent (discharge permit) is required if the passive discharge cannot comply with the relevant regional rules.

## Canterbury Land and Water Regional Plan (LWRP)

29. Rule 5.187 of the LWRP relates to the passive discharge of contaminants from contaminated land onto or into land in circumstances where these contaminants may enter water. The Applicant has specified that based on site investigations and samples taken to date, the observed concentration of benzene in groundwater beyond the property boundary exceed the limit of 50% of the MAV. Therefore, the activity does not comply with Condition 2(a). Therefore, a resource consent is sought as a **discretionary** activity pursuant to Rule 5.188 of the LWRP.
30. I concur with the Applicant's above assessment.

### Summary

31. The passive discharge of contaminants at this property is to be classified as a discretionary activity.
32. No other consents are required for this application.

## CONSULTATION

33. The Applicant discussed their proposal with several parties. Refer to Section 5.6 of the AEE, (Page 17), for details of the consultation.
34. The Applicant has undertaken consultation with the CCC and the landowner. The Applicant has provided written approval from Paul Brown on behalf of George Henry and Company Limited as the owner and occupier of the site. Written approval was also sought from the adjacent landowners, Yuanda Southwark Limited (owner of 49 Manchester Street) and Fletchers Residential Limited (owner of 36 Welles Street) due to the contaminant plume extending onto the adjacent properties. However, this was not successfully obtained.
35. I agree that the Applicant has identified all potentially adversely affected people. Written approval has been provided by Mr Brown and as such we must not consider them as potentially adversely affected.
36. The Canterbury Regional Council contacted the following parties, as potentially interested parties, in relation to the proposal on 13 July 2017:
- a. Christchurch City Council (CCC); and
  - b. Te Ngāi Tūāhuriri Rūnanga.
37. Mr Mike Bourke and Mr Craig McCauley responded on behalf of the CCC. Mr Bourke and Mr McCauley expressed concerns relating to:
- a. The potential for hydrocarbon contamination affected potable supply;
  - b. The potential for reduction of pipe asset life on Manchester Street due to contact with contamination including vapours.
38. Since then, further discussions have occurred between the Applicant, the CCC and CRC experts. These details are discussed in the 'Assessment of Effects' section of this report.
39. No other responses were received in relation to this application.

## DESCRIPTION OF THE AFFECTED ENVIRONMENT

40. The Applicant has provided a description of the affected environment in Section 2.4 of the AEE.
41. In summary, the Applicant states:
- a. The topography of the site is relatively flat. The geology underlying the site consists of sandy silt between 0 and 2 metres below ground level (bgl). Sandy silt and silty gravel are present from 2 to 3.5 metres bgl. At depths greater than 3.5 metres bgl sand with some gravel exists.
  - b. The Avon River is the nearest surface water body and is located 700 metres to the northwest of the site.
  - c. Groundwater is typically encountered at 2 to 2.5 metres bgl. Groundwater typically flows in a north-easterly direction, although contouring of groundwater data indicates localised mounding associated with former UST locations.
42. In addition, I note the following:
- i. A 115-residential lot apartment is located to the west of the site and commercial/industrial uses are located to the north and south. Manchester Street is located to the east of the property.
  - ii. There are 56 active wells within a 500-metre radius of the site. Of importance I note the following:
    - a. Two are used for domestic supply (M35/4315 and M35/4385). M35/4315 is located 225 metres to the north-east of the site and is 123.5 metres deep. M35/4385 is situated 475 metres to the north-west of the site and is 63 metres deep.
    - b. Two are used for commercial/industrial purposes and three ground source heat pumps. The depth of these wells is greater than 19 metres bgl.
    - c. 11 wells are used for geological/geotechnical investigations and 36 for water level observation. One well does not have a classified use (BX24/1161, depth 33.77 metres bgl).
    - d. 17 of the wells used for water level observation are owned by the Applicant and have been used for investigative purposes.
  - iii. There are no Community-Drinking Water Supply Zones located within 1000-metres of the site.
  - iv. The site is located over the Coastal Confined Gravel Aquifer System.
  - v. The closest surface waterbody is the Avon River, located 680 metres to the north-west of the site.
  - vi. The site is within the rohe of Ngai Tūāhuriri Rūnanga. According to CRC GIS, the site is not located within a Silent File or Statutory Acknowledgement Area.
  - vii. There are no New Zealand Archaeological Association (NZAA) Sites registered on the property. The closest NZAA Site is located 63 metres to the north-west of the site.
  - viii. The site is registered on the Listed Land Use Register (LLUR) as A17 – Storage tanks or drums for fuel, chemicals or liquid waste. The site is categorised as ‘Significant Adverse Environmental Effects’.

## **ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS**

### **Overview**

43. Refer to Section 5 (page 14) of the AEE and the additional information provided by the Applicant for the assessment of effects that may arise from this proposal.
44. In auditing this application, I have relied on expert advice, my experience auditing consents for similar activities and direction from the relevant objectives and policies in the relevant plans and provisions.
45. Expert advice was sought from:
  - a. Mr Rowan Freeman, Principal Science Advisor – Contaminated Land;
  - b. Mr Conor Parker, Senior Contaminated Land Scientist;
  - c. Ms Maureen Whalen, Groundwater Team Leader.
46. The following list of effects are considered relevant to this activity:
  - a. Potential adverse effect on groundwater quality and users;
  - b. Potential adverse effect on future development and ground disturbance;
  - c. Potential adverse effect on Tangata Whenua values.

### **Potential Adverse Effect on Groundwater Quality and Users**

47. Petroleum products can have an adverse effect on the quality of potable groundwater and human health.
48. TPH and BTEX compounds have been detected in groundwater collected from monitoring wells within the vicinity of the former BP UST. The Applicant considers the lateral and vertical extent of the contamination to be well-defined by previous environmental investigations and considers:
  - a. The vertical extent of the contamination is limited to the shallow soil and groundwater, approximately 2.0 to 2.5 metres bgl; and
  - b. The lateral extent is relatively localised and contained on site, with concentrations of analytes complying with the relevant acceptance criteria at the boundaries of the site.
49. The Applicant considers that the concentrations of contaminants are expected to reduce over time relative to natural attenuation and considers that the monitoring programme will enable continued assessment of the groundwater direction and concentrations of analytes in the groundwater.
50. In addition to the information regarding the current state of the contaminant plume beneath the site, the Applicant has described that groundwater beneath the site is classified as not sensitive because:
  - a. The aquifer is not artesian or confined;
  - b. The aquifer is less than 10 metres below the potential suspected source of contamination;
  - c. The shallow aquifer is considered unlikely to yield groundwater of sufficient quality and quantity for use as it is likely to produce poorer quality groundwater; and
  - d. The source of contamination is greater than 100 metres from a surface waterbody.

51. As such, that future use of shallow groundwater as a potable supply is unlikely and therefore, considers any potential risk arising can be managed by the implementation of a monitoring plan.
52. Mr Rowan Freeman, Principal Science Advisor Contaminated Land provided advice on this application. Mr Freeman suggested amendments to the proposed monitoring regime including adding additional parameters to the suite of analytes and changes to the frequency of the proposed monitoring. Overall, Mr Freeman was satisfied with the application. Ms Maureen Whalen, Groundwater Science Team Leader, agreed with the conclusions made by Mr Freeman.
53. In verbal communications, Mr Freeman stated that the inferred boundary of concentrations of contaminants of concern at 50% of the MAV may be inaccurate. In advice received from Mr Conor Parker, Senior Contaminated Land Scientist, he stated that it is unlikely that the plume would stop at the western property boundary of 47 Manchester Street without a physical barrier being present. It is more likely than not that hydrocarbons in groundwater exceed 50% of the MAV across the western boundary of the site.
54. I generally agree with the above assessment relative to the sensitivity of groundwater and note that there are no shallow domestic wells within proximity to the site. I consider that the two wells used for domestic supply (M35/4315 and M35/4385) within 500 metres of the site are separated sufficiently (vertically and laterally) from the site to ensure that the passive discharge will not have an adverse effect on these supplies. Additionally, I note water is supplied via the CCC reticulated network and as such, I consider it unlikely shallow groundwater would be taken for drinking water or domestic purposes.
55. Therefore, I note that there are unlikely to be receptors near to the site which could result in groundwater users being adversely affected as a result of the contaminant plume. I consider that the most likely interaction between the plume and surrounding residents would be through future development and ground disturbance activities as discussed below.
56. In addition to the reasons above, the site is currently sealed with impervious hardstand and this will prevent stormwater from percolating to ground. If unsealed, the percolation of stormwater may have mobilised contaminants further. There was no mention in the application of the further development of the site. However, I note that the site is not owned by the Applicant.
57. The requirements of the monitoring programme have been defined within the recommended conditions of this resource consent and the conditions have been reviewed by Mr Freeman.
58. As noted in the 'Consultation' section of this report, the CCC expressed concerns regarding the potential for the hydrocarbon plume to impact on the water supply pipeline. Mr Parker noted that the nearest CCC network (water supply) is approximately 50 metres to the east of the former UST location and bores 40 metres north-east did not detect hydrocarbons in samples collected in 2006. Mr Parker considered the risk to CCC networks to be moderate at worst. Mr Freeman considered the plume had been adequately delineated down-gradient and thus an effect on the CCC network was unlikely.
59. I also note that based on the concerns expressed by the CCC, the Applicant undertook further investigations and discussions with the CCC. In summary, the Applicant considered it unlikely for the passive discharge to affect potable supply and the water supply pipeline based on the separation distance from the contaminated soil and groundwater and any supply pipeline. In response to

this, Mr McCauley expressed further concerns as he considered the extent of the plume had not been well delineated and it may be spreading hydraulically down-gradient.

60. The Applicant responded to these concerns and considered the plume had been well characterised given the practicality and the monitoring of MW13 is consistent with the overall reducing trend. The Applicant also considered that additional monitoring data was unlikely to change the risk profile or conceptual site model.
61. Further monitoring was undertaken in 2018 based on conditions proposed to be added to the Long-Term Monitoring and Management Plan by the CCC. This demonstrated that no hydrocarbons were detected in the water supply at 47 Manchester Street and the results of the groundwater monitoring report from 2018 were consistent with a continued stable-to-reducing trend in concentrations of hydrocarbons in groundwater.
62. Mr McCauley responded to this information and did not express further concerns. However, did question whether a potable water supply was collected from 49 Manchester Street. I note that the report noted this did not happen as 49 Manchester Street was vacant at the time of sampling. No other correspondence has occurred between the CCC and the Applicant since this.
63. I consider that the effects on the CCC infrastructure will be less than minor based on the results of the groundwater monitoring undertaken to-date, the expert advice received and the separation distance between the contamination and the water supply pipes. The requirement for tap sampling has not been included within the recommended conditions for the passive discharge based on the above.
64. Given the advice received from experts, the above discussion, the requirement for continued groundwater monitoring and the low sensitivity of groundwater in the area, I consider the effect on groundwater resources arising from the passive discharge at the site will not be more than minor.

#### **Potential Adverse Effect on Future Development and Ground Disturbance**

65. Ground disturbance activities on contaminated sites have the potential to expose contaminants which may allow humans to have direct contact with contaminants or contaminants may become mobilised and conveyed beyond the boundary of the site.
66. Future site development works and ground disturbance activities within the impacted area may expose workers to contaminants.
67. The Applicant has described the following protocols to be implemented in the event of ground disturbance activities on site:
  - a. General health and safety procedures;
  - b. Soil will be disposed of at an appropriate facility;
  - c. Decontamination of equipment following ground disturbance activities;
  - d. Ceasing earthworks and utilising a suitably qualified environmental professional during the event of the discovery of contaminated material.
68. The Applicant also notes that prior to any ground disturbance works it is likely that the CRC will be consulted with and the activity may be subject to the relevant CRC planning provisions.
69. I agree with this assessment and note that as the site is on the CRC LLUR, a consent would be required from the CCC under the National Environmental

Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011). A consent may also be required from the CRC to discharge construction-phase stormwater from the site.

70. I consider during process to obtain these additional consents to authorise the proposed works (if any), additional and specific mitigation measures will be imposed to protect human health and the environment.
71. I note there is still the potential for land owners to be affected in the case that the plume is migrating further offsite and during ground disturbance activities that intercept groundwater where the plume currently extends to. Current monitoring of the plume has shown it is relatively stable and is unlikely to migrate significantly. Additionally, the monitoring has shown that the eastern part of the site is unlikely to be impacted by hydrocarbons.
72. The landowners of where the plume currently extends to were notified and no submissions were received, therefore, it could be inferred that they have no concerns with the proposal. Irrespective of this, I have recommended conditions requiring monitoring, reporting and contingency actions to be undertaken if there are any exceedances against any trigger values. These trigger values have been discussed with Mr Freeman. I consider this is appropriate to ensure that any change in groundwater quality and risk is appropriately managed.
73. I also note that the adjoining properties where the plume currently extends to are predominantly covered in impervious surfaces and are identified on the LLUR as being contaminated, and as such they may be subject to the relevant CCC and CRC planning provisions as discussed above which would seek to appropriately manage any ground disturbance activities that intersected groundwater and contamination.
74. Based on the above discussion and provided that the Applicant adheres to the recommended conditions, I consider that the potential effect on future development and ground disturbance will be appropriately managed and thus, less than minor.

### **Potential Effects on Tangata Whenua Values**

75. The proposed activity has the potential to effect Tangata Whenua values through the contamination of groundwater.
76. I note that the site is within the rohe of Ngai Tuahuriri Runanga. According to CRC GIS, the site is not located within a Silent File or Statutory Acknowledgement Area.
77. An assessment on the Mahaanui Iwi Management Plan has been provided below in the 'Objectives and Policies' discussion of this report.
78. Overall, I consider that adherence with the recommended conditions that the potential effect on groundwater resources will be adequately managed. Given the proposal is unlikely to give rise to adverse effects on surface water quality and aquatic ecology, I consider that the mauri of water and mahinga kai will be adequately protected

## OBJECTIVES AND POLICIES

### Relevant Statutory Provisions

79. In accordance with Section 104(1)(b) of the RMA, I have had regard to all relevant objectives and policies for the application. Overall, I am satisfied that the proposal is not inconsistent with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC), the National Environmental Standard for Human Drinking Water (NES-HDW), the Canterbury Regional Policy Statement (CRPS) and the LWRP.
80. The key objectives and policies are discussed below.

#### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC)**

81. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC) came into effect on 1 January 2012. The NES provides a nationally consistent set of planning controls and soil contaminant values to ensure land affected by contaminants in soil is appropriately identified and assessed before it is developed and if necessary the land is remediated, or the contaminants contained to make the land safe for human use.
82. This application is to discharge contaminants existing within soils to groundwater and is not associated with land disturbance activities. Due to this, the NES is not applicable to this application. However, if soil disturbance and the redevelopment of land were proposed at the site in the future the NES would be applicable and enforced by the territorial authority.

#### **National Environmental Standard for Human Drinking Water (NES-HDW)**

83. The NES for Human Drinking Water came into effect on June 2008 and seeks to reduce the risk of human drinking water sources becoming contaminated. It also sets out the NZDWS.
84. I consider that based on the discussions above in this report that it has been adequately demonstrated that the passive discharge will not have an effect on the CCC reticulated water supply and the Applicant has adopted adequate mitigation measures to address the concerns expressed by CCC. Therefore, I consider the proposal to not be contrary to the NES for Human Drinking Water.
85. Additionally, as per the advice received from experts, the vertical and lateral separation from the passive discharge location to any wells used for domestic supply is sufficient to ensure the water does not become contaminated as a result of this passive discharge continuing.

#### **Canterbury Regional Policy Statement (CRPS)**

86. The CRPS provides an overview of significant resource management issues for the Canterbury Region and sets a range of objectives and policies aimed at resolving these issues and achieving the integrated management of resources. Of particular relevance to this application are the objectives and policies contained within Chapter 7, 17 and 18.
87. Chapter 7 includes objectives and policies relating to the management of freshwater. I consider the following provisions relevant to this application:
- a. **Objective 7.2.3** which seeks to provide for the maintenance or improvement of freshwater quality, and the protection of the life-



supporting capacity of freshwater, ecosystem processes and indigenous species and their freshwater ecosystems. While the effect on groundwater resources has been assessed as minor or less, the continued passive discharge of hydrocarbons to groundwater will not maintain or improve water quality. As such, the application is not entirely consistent with this objective.

- b. **Policy 7.3.6** seeks to manage activities that may affect water quality to maintain the quality of water at or above the minimum standards set for the specific waterbody. It also seeks to avoid any additional discharge of contaminants to a waterbody with water quality that is below those minimum standards. Although the scale and effect of the discharge will reduce with time, the continued discharge of hydrocarbons has the potential to result in further effects on water quality. However, I note that current environmental investigations have shown that the plume is relatively stable and not migrating further off-site.
88. Chapter 17 contains objectives and policies relating to contaminated land. I consider the following provisions relevant to this application:
- a. **Objective 17.2.1** aims to protect people and the environment from the adverse effects of contaminated land. I consider the proposal will be appropriately managed through the implementation of the monitoring programme, such that people and the environment will be protected from the adverse effects of contamination.
  - b. **Policy 17.3.1** relates to the identification of potentially contaminated land. I consider that as the site has been identified as 'contaminated' and is recorded on the CRC LLUR with all information about contaminants at the site and how the site was contaminated, I do not consider the proposal to be contrary to this policy.
  - c. **Policy 17.3.3** provides for contaminants to remain in the ground if discharges of contaminants beyond the site will not result in significant risk to human health or the environment. I consider the application is consistent with this policy as the resultant adverse effects on human health and the environment have been assessed as no more than minor.
89. Chapter 18 has objectives and policies relating to the management of hazardous substances. The following provisions are relevant:
- a. **Objective 18.2.1** seeks to avoid, remedy or mitigate adverse effects on the environment from the storage, use, disposal and transportation of hazardous substances. I consider the continued passive discharge of contaminants from the site will be appropriately managed and monitored.
90. Overall, the proposal is not entirely consistent with the objectives and policies relating to the CRPS relating to water quality. However, it is consistent with the objectives and policies relating to contaminated land and hazardous substances. Given that the soil and groundwater on site and in the vicinity of the site is already contaminated, I consider that the application is consistent with the overall intent of the CRPS.

#### **Canterbury Land and Water Regional Plan**

91. I consider the following objectives relevant to this application:

- a. **Objective 3.8A** seeks to ensure that high-quality freshwater, is available to meet needs for community drinking water supplies. Given that the CCC concerns have been addressed and it has been assessed that the effects on groundwater quality are less than minor. I consider the application is consistent with this objective.
  - b. **Objective 3.23** seeks to ensure that soils are healthy and productive and human-induced contamination is minimised. Overtime it is expected that natural attenuation processes will reduce the level and extent of residual contamination. Therefore, it is considered that the proposal is consistent with this objective.
  - c. **Objective 3.24** aims to ensure that all activities operate at 'good environmental practice' or better to optimise efficient resource use and protect freshwater resources from quality and quantity degradation. It is considered that the proposed approach for monitoring and managing the passive discharge is at best practice. As such, the proposed activity is consistent with the above objective.
92. The following policy is of particular relevance to this application:
- a. **Policy 4.26** seeks to manage any discharges of hazardous substances from contaminated land to ensure that adverse effects beyond the site boundary, on public health and safety, on human or stock water supplies, and on surface water are avoided. The natural attenuation of the plume will be monitored via the monitoring programme and contingency actions are proposed, to ensure that appropriate actions are taken if the contaminant concentration exceeds the trigger value. As such, I consider the proposal consistent with this policy.

#### **Mahaanui Iwi Management Plan (IMP)**

93. The Mahaanui IMP identifies water quality and quantity as key principles to protect cultural values such as mauri and mahinga kai that are critical to identity, sense of place and cultural well-being.
94. Advice was sought from Mr Brad Thomson via Mahaanui Kurataio Limited. Mr Thomson identified the following objectives and policies of the Mahaanui Iwi Management Plan (IMP) as relevant to this proposal. The policies and objectives of relevance include:
- a. P10.1: relates to the management of contaminated land and providing for specific cultural issues. Mr Thomson noted that although the land is contaminated, there is clear monitoring of this and recommended that the plume should continue to be monitored. Therefore, considered the proposal consistent with this policy.
  - b. WM2.1: relates to consistently and effectively advocating for a change in perception and treatment of freshwater resources. Mr Thompson stated there should be continued strict monitoring to ensure the extent of the plume and groundwater effect is decreasing.
95. Based on this, I consider the proposed activity generally consistent with the IMP.

## PART 2 MATTERS

96. Under section 104(1) of the RMA, the consent authority must consider applications "subject to Part 2" of the Resource Management Act 1991 (RMA), specifically sections 5, 6, 7 and 8.

### Purpose of the RMA (section 5)

97. The purpose of this Act is to "promote the sustainable management of natural and physical resources".
98. The purpose is achieved by the guidance provided by the Principles of the RMA (i.e. s.6, s.7, and s.8).
99. Section 5(2) of the RMA states that:
- "In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment."*
100. I have considered Part 2 of the RMA and consider that this activity will achieve the purpose of the RMA. I consider that although the proposal relates to the passive discharge of hydrocarbons within groundwater that the monitoring undertaken has demonstrated that the plume is relatively stable and unlikely to further degrade groundwater quality. In addition, the monitoring proposed seeks to mitigate and manage any adverse effect on the environment.

### Matters of National Importance (section 6)

101. The matters of national importance are set out in Section 6 of the RMA as follows and all persons exercising functions and powers under the RMA shall recognise and provide for:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
102. The above matters of national importance have been recognised within the application and the advice received from Mahaanui.

### Other Matters (section 7)

103. In achieving the purpose of the RMA, all persons exercising functions and powers under the RMA are directed to have particular regard to –
- "(a) kaitiakitanga:*
  - (aa) the ethic of stewardship:*
  - (b) the efficient use and development of natural and physical resources:*
  - (f) maintenance and enhancement of the quality of the environment:*

104. I consider that the proposal is generally consistent with the above other matters specified in the RMA. I note that although the enhancement of the quality of the environment is not necessarily provided for in this application, the application seeks to maintain the quality of the environment and requires actions if there is any change in risk profile, and as such, if there is any change in the quality of the environment.

### **Principles of the Treaty of Waitangi (section 8)**

105. Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
106. Canterbury Regional Council informed the Te Ngāi Tūāhuriri Rūnanga of the activity on 13 July 2017. Advice was also sought via Mahaanui. I consider the above assessment of effects and assessment of the IMP have taken into account the principles of the Treaty of Waitangi.

## **OTHER RELEVANT MATTERS**

### **Decisions of the Environment Court**

107. I am unaware of any decision of the Environment Court that would preclude the granting of this consent.

### **Previous Council Decisions**

108. Previous council decisions include CRC154707 and CRC169807 which authorise passive discharges from historic contamination from petrol stations.

### **Matters relevant to certain applications (Section 105(1))**

109. In accordance with Section 105 of the RMA, I have had regard to:
- (a) *The nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
  - (b) *The Applicant's reasons for the proposed choice; and*
  - (c) *Any possible alternative methods of discharge including discharge into any other environment.*
110. I consider the above assessment of effects has had regard to the above matters. Alternative methods of discharge have not been provided as the proposal is considered to be most practical based on-site use.

### **Restrictions on grant of certain discharge permits (Section 107(1))**

111. Under Section 107(1) of the RMA a consent authority may not grant a consent for the discharge of a contaminant into water, or onto or into land, if after reasonable mixing the discharge is likely to give rise in the receiving waters, to:
- (d) *The production of conspicuous oil or grease films, scums, foams, floatable or suspended material;*
  - (e) *Any conspicuous change in the colour or visual clarity;*
  - (f) *Any emission of objectionable odour;*
  - (g) *The rendering of fresh water unsuitable for consumption by farm animals;*
  - (h) *Any significant adverse effects on aquatic life.*
112. The granting of this consent allows the extent of the plume to be monitored to ensure there is no further migration off-site.

## RECOMMENDATION

### Duration (Section 123)

113. The Applicant has sought a consent duration of 35 years.
114. In considering an adequate consent duration, I have had regard to the following factors developed through case law that are relevant to the determination of the duration of a resource consent:<sup>1</sup>
- a. The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
  - b. Whether adverse effects would be likely to increase or vary during the term of the consent;
  - c. Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
  - d. Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
  - e. That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
  - f. Whether review conditions are able to control adverse effects (the extent of the review conditions proposed is also relevant bearing in mind that the power to impose them is not unlimited);
  - g. Whether the relevant plan addresses the question of the duration of a consent;
  - h. The life expectancy of the asset for which consents are sought;
  - i. Whether there was/is significant capital investment in the activity/asset; and
  - j. Whether a particular period of duration would better achieve administrative efficiency.
115. I have taken into consider the above matters and discussed the proposed duration with Mr Freeman. Mr Freeman noted that a duration of 15 years is more appropriate as it is unlikely that monitoring results beyond this time period would yield meaningful data. In addition, I note that the results of the monitoring have shown that the plume is relatively stable and unlikely to migrate further off-site. Therefore, based on the above I consider that a duration of **15 years** is more appropriate.

### Grant or decline

116. The assessment of adverse effects undertaken for the purpose of notification determination concluded that adverse effects were no more than minor. I consider that this assessment is also relevant to the assessment required under s104(1)(a).

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<sup>1</sup> *Ngati Rangi Trust v Genesis Power Ltd* [2009] NZRMA 312 (CA); *Genesis Power Ltd v Manawatu-Wanganui Regional Council* (2006) 12 ELRNZ 241, [2006] NZRMA 536 (HC); *Royal Forest and Bird Protection Society of New Zealand Inc v Waikato Regional Council* [2007] NZRMA 439 (EnvC); *Curador Trust v Northland Regional Council* EnvC A069/06.

117. The Applicant has not identified any positive effects as a result of the proposal. I note that the application will provide an understanding of the risk of the contaminant plume and any changes to this risk that might arise, and I consider this a positive effect.
118. In summary, in accordance with Section 5 of the RMA I consider that any adverse effects will be acceptable and are able to be avoided, remedied or mitigated subject to an appropriate set of conditions.
119. Section 104(1)(ab) of the RMA requires a decision maker to have regard to:  
*Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.*
120. The Applicant has not explicitly addressed Section 104(1)(ab) of the RMA.
121. In accordance with section 104(1)(b) of the RMA, I have had regard to the all relevant objectives and policies for this application. The relevant objectives and policies are identified above. The discussion above also includes a list of the purpose and principles of the RMA which I have taken into consideration when making my recommendation. I consider this application is generally consistent with the objectives and policies of the relevant planning provisions.
122. In accordance with section 104(1)(c) I have had regard to any other matters relevant to this application including:
- a. Canterbury Water Management Strategy  
 The proposal is located within the area managed by the Christchurch West Melton Zone Committee. The committee have generated a Zone Implementation Programme (ZIPs) for this zone. ZIPs are non-statutory documents that are being completed by each of the Zone Committees within the Canterbury region. ZIPs contain zone-specific recommendations for water management to achieve the CWMS targets. I do not consider the proposal contrary to the zip outcomes and consider that freshwater will be adequately managed.
  - b. Mahaanui Iwi Management Plan  
 As discussed above this proposal is located within the rohe of Te Ngāi Tūāhuriri Rūnanga. The relevant objectives and policies are identified above.
123. In considering the application, the above assessment of effects and the advice received, I consider that the proposed monitoring programme will appropriately manage the activity. The recommended conditions will ensure that the effects are no more than minor and will provide adequate mitigation.
124. Given the assessment undertaken above, the consultation, that no submissions were received during the notification of the proposal, and that the assessment against the relevant objectives and policies has determined that the effects are to be no more than minor. I recommended that the proposal should be granted, subject to the recommended conditions.

## RECOMMENDED CONDITIONS

125. If the Commissioner/Committee is of a mind to grant this application, I have recommended conditions for the Commissioner's/Committee's consideration. Given that I have recommended grant, these draft conditions are simply to provide direction for conditions and are a starting point but not a complete set

of conditions. These conditions have been discussed with Mr Freeman and the Applicant has reviewed the draft conditions and has agreed to adopted these as mitigation measures for the proposal. These are attached in Appendix 1.



Signed:

Date: 15/05/2019

Name:

Rubie McIntock  
Consents Planner

**Reviewer's comments:**

Signed:



Date:

15/05/2019

Name:

Deepani Seneviratna  
Team Leader Consents  
Planning

## REFERENCES

Canterbury Regional Council, 2015. Land and Water Regional Plan.

Canterbury Regional Council, 2013. Canterbury Regional Policy Statement.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

Mahaanui Kurataiao Ltd. Mahaanui Iwi Management Plan 2013

The Resource Management Act 1991. Consolidated version incorporating all the amendments to that Act including the Resource Management Amendment Act 2013.



## APPENDIX 1 – RECOMMENDED CONDITIONS

**Application: To discharge contaminants to groundwater**

**Applicant: BP Oil New Zealand**

**Recommended duration: 15 years**

	<b>LIMITS</b>
1	The discharge shall be limited to petroleum hydrocarbons and associated contaminants arising from the historical storage of fuel at 47 Manchester Street, legally described as Lot 1 DP 43750 as shown on Plan CRC180266A, attached to and forming part of this resource consent.
	<b>MONITORING AND MANAGEMENT PLAN</b>
2	<p>Monitoring of the natural attenuation of petroleum hydrocarbons at the site defined in Condition (1) shall occur in accordance with a Monitoring and Management Plan (MMP) prepared in accordance with the Ministry for the Environment Guidelines for Assessing and Managing Petroleum Hydrocarbon Sites in New Zealand 1999 (revised 2011) and any subsequent variations thereafter. The MMP shall include:</p> <ol style="list-style-type: none"> <li>Details of the site and responsible parties, including the owner, occupier and party undertaking the monitoring, including their contact details;</li> <li>Procedures for groundwater inspections, gauging and sample collection from each monitoring well included in the monitoring programme;</li> <li>Identification of the groundwater monitoring wells to be used for monitoring the petroleum hydrocarbon plume(s) including: <ol style="list-style-type: none"> <li>Source wells; and</li> <li>Non-source wells.</li> </ol> </li> <li>The monitoring programme shall include the following analytes: <ol style="list-style-type: none"> <li>Benzene;</li> <li>Toluene;</li> <li>Ethylbenzene; and</li> <li>Xylenes.</li> </ol> </li> <li>Groundwater sampling and gauging required under Condition (2)(b) shall be undertaken using the following sampling frequencies: <ol style="list-style-type: none"> <li>At least once per year; <ol style="list-style-type: none"> <li>For the first two years following the commencement of the consent;</li> <li>For two years following any exceedance of the trigger values specified in Condition (7);</li> </ol> </li> <li>At least once every two years for the remainder of the consent, unless the criteria in Condition (2)(e)(i)(b) apply.</li> </ol> </li> <li>The methods to be employed to ensure compliance with the conditions of this resource consent;</li> </ol>

	<p>g. Procedures for the mitigation and management of potential risks during ground disturbance activities, potential groundwater use and the redevelopment of the site and adjacent properties.</p> <p>A copy of the MMP and any revised MMP shall be provided to the owners and occupiers of the site.</p> <p><b>Advice note.</b> For the purpose of this resource consent the following definitions shall apply unless otherwise agreed with the Canterbury Regional Council through a revised MMP under Condition 5:  Source well: M35/10854, M35/10847, GW3  Non-source well: M35/11008, M35/11005, M35/11004  As shown on Plan CRC180266B, attached to and forming part of this resource consent.</p>
3	<p>Within three months of the commencement of this resource consent, the MMP shall be submitted to the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance and the Canterbury Regional Council, Attention: Contaminated Sites Team Leader for certification. The groundwater monitoring as required by the MMP shall not commence until certification has been received from the Canterbury Regional Council.</p>
4	<p>The consent holder shall review the MMP at least:</p> <ul style="list-style-type: none"> <li>a. Once every year, when samples are taken annually; or</li> <li>b. Once every two years when sampling frequencies are at two-year intervals</li> </ul> <p>To ensure that the document remains relevant and applicable to the site conditions and operations.</p>
5	<p>The consent holder may request amendments to the MMP required by Condition (2) of this resource consent by submitting amendments in writing to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance and the Canterbury Regional Council, Attention: Contaminated Sites Team Leader.</p> <p>Any amendments to the MMP shall be such that the MMP will continue to achieve its intended objectives to the satisfaction of the Regional Leader – Monitoring and Compliance. No changes may take effect until certification has been received from the Regional Leader – Monitoring and Compliance and the Canterbury Regional Council, Attention: Contaminated Sites Team Leader.</p>
<b>INSPECTIONS, SAMPLING AND GAUGING</b>	
6	<p>The groundwater inspections shall include:</p> <ul style="list-style-type: none"> <li>a. A measurement of the depth to groundwater;</li> <li>b. A record of any odour detected in the well;</li> <li>c. Headspace reading with photo-ionisation detector;</li> <li>d. A check for light non-aqueous phase liquid (LNAPL);</li> <li>e. If LNAPL is detected in accordance with Condition (6)(d):</li> </ul>

	<ul style="list-style-type: none"> <li>i. The thickness of any LNAPL on the surface of the water shall be measured; and</li> <li>ii. Any LNAPL greater than five millimetres in thickness shall be removed.</li> </ul>										
7	<p>If the results of the inspections and sampling indicate that any of the following criteria is not met:</p> <ul style="list-style-type: none"> <li>a. LNAPL is detected in a bore where it has previously not been detected;</li> <li>b. Benzene, toluene, ethylbenzene or xylene is detected in a bore where it had not been detected in the previous sampling round;</li> <li>c. A two-fold increase in the contaminant concentration in a source well from the previous sampling round; or</li> <li>d. An exceedance of the following trigger values in a non-source well:</li> </ul> <table border="1"> <thead> <tr> <th>Contaminant</th><th>Trigger Value</th></tr> </thead> <tbody> <tr> <td>Benzene</td><td>0.01</td></tr> <tr> <td>Toluene</td><td>0.8</td></tr> <tr> <td>Ethylbenzene</td><td>0.3</td></tr> <tr> <td>Xylenes</td><td>0.6</td></tr> </tbody> </table> <p><b>Note.</b> Trigger values are the Maximum Acceptable Values of Contaminants in the New Zealand Drinking Water Standards (Revised 2018).</p> <p>The following actions shall be taken:</p> <ul style="list-style-type: none"> <li>a. The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance shall be notified within ten working days of the receipt of the sampling results;</li> <li>b. The report required under Condition (13) shall also include: <ul style="list-style-type: none"> <li>i. An assessment of the effects (qualitative risk assessment) of the environmental exceedances;</li> <li>ii. Details of any additional investigation required; and</li> <li>iii. Any measures taken to reduce the contaminant concentrations.</li> </ul> </li> <li>c. The additional requirements of Condition (7) shall not be required if the trigger value exceedances reported are continued from the previous sampling event and an assessment has already been done for the relevant location.</li> </ul>	Contaminant	Trigger Value	Benzene	0.01	Toluene	0.8	Ethylbenzene	0.3	Xylenes	0.6
Contaminant	Trigger Value										
Benzene	0.01										
Toluene	0.8										
Ethylbenzene	0.3										
Xylenes	0.6										
8	Any additional investigative work required under Condition (7) shall be undertaken within 180 days following the receipt of the sampling results.										
9	All analysis shall be undertaken by a laboratory that holds International Accreditation New Zealand (IANZ) for the analysis method or otherwise specifically approved by the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance.										
10	<p>All sampling shall be undertaken by a person who has:</p> <ul style="list-style-type: none"> <li>a. At least a tertiary science or engineering qualification that required the equivalent of at least one-year full time study; and</li> <li>b. At least five years of applicable field experience; or</li> <li>c. Been trained and overseen by a competent third party whose qualification meet the criteria set out in Condition (10)(a) and (10)(b).</li> </ul>										

11	Any material removed in accordance with Condition (6) shall be disposed of at a facility authorised to receive such material.										
12	<p>Should any wells required for groundwater sampling be damaged, destroyed or lost the consent holder shall:</p> <ul style="list-style-type: none"> <li>a. Notify the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance within 30 days of the discovery; and</li> <li>b. Within 180 days following the notification of the Canterbury Regional Council complete any works as agreed to with the Canterbury Regional Council, Attention: Regional Leader Monitoring and Compliance. Works may include: <ul style="list-style-type: none"> <li>i. The installation of replacement well(s); or</li> <li>ii. Further groundwater contamination characterisation.</li> </ul> </li> </ul> <p>Any new monitoring wells installed under this condition shall:</p> <ul style="list-style-type: none"> <li>a. Have a location certified by the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance</li> <li>b. Have a secure well-head to prevent the ingress of rainwater or surface runoff; and</li> <li>c. All records, including bore-logs and installation methodology, shall be provided to the Canterbury Regional Council (CRC) Regional Leader – Monitoring and Compliance</li> </ul>										
	<b>REPORTING</b>										
13	<p>A report shall be provided to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance at an interval of:</p> <ul style="list-style-type: none"> <li>a. Once per year when samples are being taken annually; or</li> <li>b. Once per every two years when samples are being taken at two-year intervals;</li> </ul>										
14	<p>Reports prepared in accordance with Condition (13) above shall be certified by a professional who meets the definition of a 'Suitably Qualified and Experienced Practitioner' (SQEP) as defined in <i>Section 2.1.1 of the Users' Guide: NES for Assessing and Managing Contaminants in Soil to Protect Human Health (Ministry for the Environment, April 2012)</i> and include:</p> <ul style="list-style-type: none"> <li>a. The method of sampling or measurement and any variation to previous monitoring rounds;</li> <li>b. Date of the inspections, sampling and gauging;</li> <li>c. Groundwater levels, LNAPL elevations (where present) and piezometric contour plans;</li> <li>d. A comparison of the results with previous sampling and gauging results;</li> <li>e. Interpretation of data trends, evaluation of natural attenuation of the petroleum hydrocarbon impacts and assessment against values identified below:</li> </ul> <table border="1"> <thead> <tr> <th>Contaminant</th><th>Comparison Value</th></tr> </thead> <tbody> <tr> <td>Benzene</td><td>0.005</td></tr> <tr> <td>Toluene</td><td>0.4</td></tr> <tr> <td>Ethylbenzene</td><td>0.15</td></tr> <tr> <td>Xylenes</td><td>0.3</td></tr> </tbody> </table>	Contaminant	Comparison Value	Benzene	0.005	Toluene	0.4	Ethylbenzene	0.15	Xylenes	0.3
Contaminant	Comparison Value										
Benzene	0.005										
Toluene	0.4										
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Xylenes	0.3										

	<p><b>Note.</b> Comparison values are 50% of the Maximum Acceptable Values of Contaminants in the New Zealand Drinking Water Standards (Revised 2018).</p> <ul style="list-style-type: none"> <li>f. Records of any material removed in accordance with Condition (13);</li> <li>g. Any changes in site activities/land-use that may affect the levels of contaminants in the soil or groundwater; and</li> <li>h. Any measures that have been taken to reduce the contaminant plume;</li> <li>i. Recommendations for changes to the monitoring programme defined in the MMP on the basis of the results.</li> </ul>
	<b>ADMINISTRATION</b>
15	<p>The Canterbury Regional Council may, annually, on the last five working day of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <ul style="list-style-type: none"> <li>a. Dealing with any adverse effects on the environment which may arise from the exercise of this consent; or</li> <li>b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.</li> </ul>
16	<p>If this resource consent is not exercised before 31 June 2024, it will lapse in accordance with Section 125 of the Resource Management Act 1991.</p>



**Site:**  
47 Manchester Street,  
Christchurch Central  
**Legal description:** Lot  
1 DP 43750





## 6.2. Appointment of Hearing Commissioners - Plan Hearing

### Regulation Hearing Committee paper

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<b>Date of meeting</b>	23 May 2019
<b>Agenda item</b>	6.2
<b>Planning Manager</b>	Andrew Parrish
<b>Author</b>	Tavisha Fernando

#### Purpose

1. To appoint Hearing Commissioners to hear and make recommendations on submissions in relation to Plan Change 1 to the Hurunui and Waiau River Regional Plan (HWRRP).

#### Recommendation:

**That the Regulation Hearing Committee in regard to Plan Change 1 to the Hurunui and Waiau River Regional Plan (HWRRP):**

1. **Appoints Sharon McGarry as the Chairperson of the Hearing Panel under s34A of the Resource Management Act 1991; and**
2. **Appoints Yvette Couch-Lewis as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
3. **Delegates to the Hearing Panel power to conduct a Hearing under Part 1 of Schedule 1 pursuant to s34A(1) Resource Management Act 1991. This includes the function, powers and duties required to: deal with any preliminary matters; hear; and make recommendations in relation to Plan Change 1 to the HWRRP;**
4. **Delegates the casting vote to the Chair of the hearing panel should the hearings panel find it is unable to agree on any recommendation.**

#### Background

2. Plan Change 1 to the HWRRP was notified on 4 May, submissions close on 31 May and we would expect a Hearing to take place in the final quarter of 2019.
3. A two person panel is recommended. This is unusual for plan hearings as since Environment Canterbury started appointing independent hearing panels for plan hearings, we have always used three person panels. The reasons a two person panel is recommended for Plan Change 1 to the HWRRP are:



- a. Plan Change 1 is limited in scope and the issues it addresses are not particularly complex.
- b. The members recommended for the panel together possess the particular technical skill set (planning, understanding of nutrient management in the Hurunui Waiau Uwha context and understanding of the Ngāi Tahu / papatipu rūnanga context) and background necessary to be able to understand and make recommendations on the proposed Plan Change.
- c. A smaller panel will be able to complete deliberations and make recommendations more quickly because scheduling deliberations will be logistically easier. Time saved at this point in the plan change process will significantly reduce hearing costs and resourcing.
- d. A smaller panel will significantly reduce the cost of the hearing and the resourcing required to support the panel.

## Proposed Commissioners

4. Sharon McGarry and Yvette Couch-Lewis have satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required as Hearing Panel members.

## Legal compliance

5. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
6. At the Council Meeting on 11 April 2019 the Council Resolved to delegate the appointment of a Hearings Panel for Plan Change 1 to the Regulation Hearing Committee.

<b>Peer reviewers</b>	Lisa Jenkins, Andrew Parrish
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**7. Extraordinary and Urgent Business**

**8. Other Business**

**9. Next Meeting - to be confirmed**

**10. Closure**