

Memorandum of Understanding for Process for Exclusion from Stormwater Discharge Consent CRC184601 in Waimakariri District

Memorandum dated

April 2023

BETWEEN

The Reticulated Network Operator (Waimakariri District Council)

AND

Canterbury Regional Council (Environment Canterbury)

Purpose

1. The purpose of this Memorandum of Understanding (MoU) is to record the Parties' agreement **about the process through which the risk to surface water and groundwater quality from discharges from sites or activities described in condition 4 (specific exclusions) can be assessed and accepted under the reticulated network operator's stormwater network discharge consent from 1 January 2025.**

Background

2. Policy 4.16A of the Canterbury Land and Water Regional Plan (LWRP) requires network operators to manage the quality of all stormwater discharges into and out of their network by 1 January 2025, however the network operator (Waimakariri District Council, (WDC)) proposed to develop a process in collaboration with Environment Canterbury (ECan) to continue excluding sites that pose an unacceptably high environmental risk after this date.
3. This exclusion should occur only in exceptional circumstances i.e., when all other means available to WDC to ensure that site owners reduce the risk (e.g., by improving site management practices) have been exhausted, and is subject to the confirmation from the Canterbury Regional Council that the process outlined in Condition 6 has been followed.
4. Under the WDC resource consent, exclusions from the Rangiora reticulated stormwater network consent from 1 January 2025 are subject to the process for exclusions set out in conditions (5) to (7). Condition (5) states Waimakariri District Council (the network operator), in agreement with Canterbury Regional Council is required to develop a process for the assessment of risk to surface water and groundwater quality.

Specific Exclusions

5. Condition 4 allows for sites which **may be** excluded from the Rangiora reticulated stormwater network consent if the site or activity has been identified by WDC as posing an unacceptable risk to the receiving environment (subject to condition 6). Condition 4(b) states 'Any site listed on the Canterbury Regional Council Listed Land-Use Register or where a HAIL Activity described in Schedule 3 of the Canterbury Land and Water Regional Plan has historically occurred, where the discharge of stormwater from that site or activity is considered by WDC to pose an unacceptably high risk of surface water or groundwater contamination.

6. In the interest of managing efficiency in risk assessment related to LLUR and HAIL sites and activities, a process is agreed which will allow sites which are not explicitly excluded from the Rangiora reticulated stormwater network consent and are listed on the LLUR or where a HAIL activity has historically or is currently occurring, to be accepted by WDC under their resource consent. This process will assist in reducing the need for consultation with ECan or the need for specialist advice.

Proposed Process

7. The following process to be agreed to:
 - i. Stormwater discharges from sites flagged on Environment Canterbury's LLUR and sites not flagged on the LLUR but which have been identified as having had HAIL activities in accordance with Schedule 1 of the Stormwater Drainage and Watercourse Protection Bylaw will be assessed by the network operator against the criteria for definition of medium or high risk sites in Schedule 1 of the Bylaw to determine whether the level of risk posed by the discharge is deemed acceptable.
 - ii. Those discharges which are explicitly prohibited for coverage under the reticulated network operator's consent shall be referred to Environment Canterbury for separate resource consent.
 - iii. Those discharges from medium or high risk sites which are not explicitly prohibited for coverage will be assessed by the reticulated network operator against the criteria outlined in the attachment 'Assessment Criteria for HAIL Sites'.
 - iv. Those discharges (either construction phase, operational phase, or both) assessed by the reticulated network operator as having a risk to the environment that is deemed to be acceptable in accordance with the attachment 'Assessment Criteria for HAIL Sites' **will be** accepted by the reticulated network operator under the stormwater discharge consent. At its discretion, the network operator may consult with Environment Canterbury to seek agreement that the level of risk is able to be effectively managed by the operator and to ensure suitable conditions of discharge are provided through the approval.
 - v. Those discharges (either construction phase, operational phase or both) assessed by the reticulated network operator as generating an unacceptable risk to the receiving environment in accordance with the attachment 'Assessment Criteria for HAIL Sites' will be referred to Environment Canterbury for consideration. Environment Canterbury will assess these and either:
 - a. Require a resource consent for stormwater discharge from Environment Canterbury; or
 - b. Judge them to of an acceptable risk and refer them back to the network operator.

Execution

Jason Recker

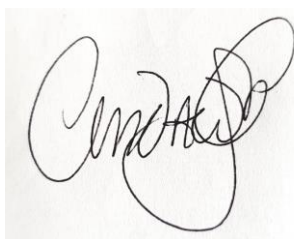
21/09/23

Signature

Date

Name

Position, Reticulated Network Operator (Waimakariri District Council)

A handwritten signature in black ink, appearing to read 'Andrew Arps', written on a light-colored background.

Name: Andrew Arps

Date 4th July 4, 2023

Position: Northern Zones Manger - Environment Canterbury