

## Tamina Roberts

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**From:** Jane Whyte <jane@responseplanning.co.nz>  
**Sent:** Friday, 21 March 2014 4:26 p.m.  
**To:** Mailroom Mailbox  
**Subject:** TRIM: Submission - Variation 1 Proposed Land and Water Regional Plan  
**Attachments:** Selwyn District Council - Variation 1 Submission Final 210314.pdf; Selwyn District Council signed cover page.pdf

**HP TRIM Record Number:** C14C/43483

Please find attached the submission from Selwyn District Council to Variation 1 of the Proposed Land and Water Regional Plan. Please note the two documents are provided as the signature of the authorised submitter is on a separate document.

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ADVANCE WITH ATTITUDE

**SUBMISSION ON PROPOSED VARIATION 1 TO THE PROPOSED  
CANTERBURY LAND AND WATER REGIONAL PLAN UNDER CLAUSE SIX  
OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

**To:** Environment Canterbury  
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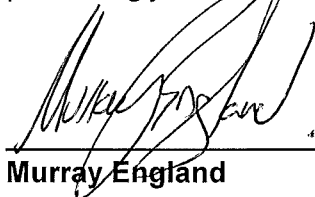
Attention: Murray England, Asset Manager – Water Services  
Phone: (03) 347 2800  
Email: murray.england@selwyn.govt.nz

Selwyn District Council (the Council) makes the general and specific submissions on the Proposed Variation 1 to the Proposed Canterbury Land and Water Regional Plan (Variation 1) set out in the **attached** document.

The Council confirms its submission does not relate to trade competition or the effects of trade competition.

The Council would like to be heard in support of its submission

If other persons make a similar submission then the Council would consider presenting joint evidence at the time of the hearing.



**Murray England**

For and behalf of Selwyn District Council

Dated this 21<sup>st</sup> day of March 2014

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**Murray England**  
For and behalf of Selwyn District Council

Dated this 21<sup>st</sup> day of March 2014

## OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

**Part One: Overview and Background – Reasons for Submission**

**Part Two: Specific Submissions to Variation 1 provisions**

<b>1</b>	<b>General Submission</b>	<b>4</b>
<b>2</b>	<b>Introduction</b>	<b>4</b>
<b>3</b>	<b>Policy 9.4.8</b>	<b>5</b>
<b>4</b>	<b>Policy 9.4.9</b>	<b>5</b>
<b>5</b>	<b>Groundwater Level Restrictions in the West Melton Special Zone</b>	<b>6</b>
<b>6</b>	<b>Introduction</b>	<b>7</b>
<b>7</b>	<b>Introduction</b>	<b>7</b>
<b>8</b>	<b>Policy 11.4.1</b>	<b>8</b>
<b>9</b>	<b>Policies 11.4.3 and 11.4.4</b>	<b>9</b>
<b>10</b>	<b>Policies 11.4.7</b>	<b>9</b>
<b>11</b>	<b>Policies 11.4.8</b>	<b>10</b>
<b>12</b>	<b>Policies 11.4.9</b>	<b>10</b>
<b>13</b>	<b>Policies 11.4.22</b>	<b>11</b>
<b>14</b>	<b>Policy 11.4.30</b>	<b>11</b>
<b>15</b>	<b>Policy 11.4.33</b>	<b>12</b>
<b>16</b>	<b>Policy 11.4.34</b>	<b>13</b>
<b>17</b>	<b>New Policy</b>	<b>13</b>
<b>18</b>	<b>Rule 11.5.1</b>	<b>14</b>
<b>19</b>	<b>Rule 11.5.21</b>	<b>14</b>
<b>20</b>	<b>Rule 11.5.22</b>	<b>15</b>
<b>21</b>	<b>Rule 11.5.25</b>	<b>15</b>
<b>22</b>	<b>Rule 11.5.32, 11.5.35 and 11.5.36</b>	<b>16</b>
<b>23</b>	<b>Rule 11.5.38</b>	<b>17</b>
<b>24</b>	<b>Rule 11.5.42</b>	<b>17</b>
<b>25</b>	<b>Table 11.6 Fresh Water Outcomes</b>	<b>18</b>
<b>26</b>	<b>Siltation Indicator – Fine Sediment</b>	<b>18</b>
<b>27</b>	<b>Freshwater Outcomes – Tables 11(a) and (b)</b>	<b>19</b>
<b>28</b>	<b>Table 11(h) – reference to community water supplies</b>	<b>19</b>
<b>29</b>	<b>Table 11(i) – loading for community sewerage systems</b>	<b>20</b>
<b>30</b>	<b>Table 11(l) – Lake limits</b>	<b>20</b>
<b>31</b>	<b>Understanding of “source” in relation to a water body</b>	<b>21</b>

## **PART ONE: OVERVIEW AND BACKGROUND (REASONS FOR SUBMISSION)**

This section of the submission provides the background and overriding reasons for the submissions that are lodged on Variation 1. These reasons inform all of the outcomes sought in the specific submissions.

### **OVERVIEW OF SELWYN DISTRICT COUNCIL'S INTEREST**

1. The Council is the territorial local authority in the area affected by Variation 1. The Council undertakes a range of community, asset management and environmental functions in the area affected by Variation 1. The Council undertakes its activities and functions in accordance with the Local Government Act. It also has and performs a range of functions and has duties under other legislation, including the Resource Management Act 1991.
2. The purpose of local government under the Local Government Act 2002 is :
  - 10 Purpose of local government
  - (1) *The purpose of local government is—*
    - (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
    - (b) *to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*
  - (2) *In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—*
    - (a) *efficient; and*
    - (b) *effective; and*
    - (c) *appropriate to present and anticipated future circumstances.*
3. The Council has developed this submission in a manner consistent with its functions and responsibilities.
4. The Council operates a large number of assets within the area affected by Variation 1. This includes utility services associated with a number of townships (water, wastewater and stormwater systems). It also operates a number of drainage schemes within the area.
5. Selwyn is the fastest growing local authority within New Zealand. Ensuring effective and appropriate outcomes from Variation 1 is of key importance to enabling the social, economic and cultural wellbeing of the people and communities within the Selwyn District.
6. The Council's interest in Variation 1 relates to two main areas. Firstly the implications of Variation 1 on the asset management functions of the Council. Secondly the implication of Variation 1 on the economic and social wellbeing of the people and communities within the Selwyn District.

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## **PART TWO: SUBMISSIONS PROPOSED VARIATION 1**

### **1 General Submission**

1. The Council is generally supportive of a number of the provisions that have been included within Variation 1. The Council is supportive of the work undertaken by the Zone Committee and it is considered appropriate for these matters to be addressed in Variation 1.
2. However, the Council considers that there are some changes that should be made to the provisions. These changes will improve the ability to consistently administer the provisions while achieving sound environmental, social and cultural outcomes. A key concern with the current provisions is that as proposed they fail to recognise and suitably provide for the needs of existing communities, and existing infrastructure within the area of Variation 1. The result of this is that the full range of important matters within Part II of the Resource Management Act (RMA) and within the National Policy Statement for Freshwater Management (NPSFM) has not been appropriately provided for.
3. As it stands Variation 1 only addresses some of the important values within the Selwyn Waihora area. It is considered that Variation 1 does not give effect to the Regional Policy Statement and only achieves some of the relevant objectives in the Proposed Land and Water Plan. In particular insufficient recognition is provided for within Variation 1 in recognising the need and provision of regionally significant infrastructure in the townships and settlements such as community water supplies, stormwater and wastewater systems. In addition the provisions relating to existing land drainage activities do not appropriately recognise the importance of these activities.
4. The Council's requests for specific relief outlined below should not be taken as limiting the general submissions set out in this section.

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## **SPECIFIC SUBMISSIONS**

### **Section 9 – Christchurch-West Melton**

#### **2 Introduction**

*(Page 3-1 Paragraph 2)*

1. The recognition within the paragraph that restrictions not apply to takes for community water supplies is supported. This outcome is consistent with the way community water supplies are addressed within the Canterbury Regional Policy Statement and the Proposed Land and Water Regional Plan (LWRP).
2. The current recognition is supported.
3. The Council seeks the following **relief**:

- a) Retain paragraph 2 on page 3-1 particularly with respect to restrictions not applying to community water supplies;
- b) In addition to the above, the following relief is also sought:
  - i. Any additional or alternative relief that achieves the same or similar outcome;
  - ii. Consequential or ancillary changes to the above.

### 3 Policy 9.4.8

*(Page 3-1 Policy 9.4.8)*

1. The Council generally supports Policy 9.4.8 in seeking to protect the reliability of groundwater takes for domestic, stock water and community water supply. This policy is consistent with the way community water supplies are addressed within the Canterbury Regional Policy Statement and the Land and Water Regional Plan (LWRP).
2. While the intent of the policy appears to be clear in that the reliability of groundwater for community supplies is to be protected the specific wording of the policy needs some clarification. The way the second part of the policy is worded "by requiring groundwater abstractions greater than 10m<sup>3</sup> per day to comply with the groundwater level restrictions in section 9.6.2" could be read as applying to community water supplies. This is not appropriate and as worded is inconsistent with the intent of the way Variation 1 seeks to treat community water supplies.
3. A wording amendment is sought so that it is clear that the second part of the policy does not apply to community water supplies. This is consistent with the proposed rule to be inserted in section 9.6.2. Changing the policy would assist the integration with the rule.
4. The Council seeks the following **relief**:
  - a) Amend policy 9.4.8 to read:
 

..... By requiring groundwater abstractions, greater than 10m<sup>3</sup> per day, other than community supplies, to comply with the groundwater level restrictions in section 9.6.2.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

### 4 Policy 9.4.9

*(Page 3-1 Policy 9.4.9)*

1. The Council generally supports Policy 9.4.9. The Council in its submission is seeking clarification that the reference to "consented stormwater management plan" in the policy is not limiting in only applying to stormwater management plans that are

currently consented. It is important that this policy also has the ability to be applied to stormwater management plans which will be consented in the future. With the current wording it appears that this is the case in that the policy can apply to any consented stormwater management plan, but confirmation that this is the case is sought.

2. The Council seeks the following **relief**:
  - a) Retain policy 9.4.9 unless, the reference to "consented stormwater management plan" does not apply to both current and future consented plans. In which case a change is sought to ensure it includes all consented stormwater management plans current and future.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## 5 Groundwater Level Restrictions in the West Melton Special Zone

*(Page 3-2 Paragraph above the table)*

1. The specific recognition given to community water supplies is supported. However, the wording in the last sentence of the paragraph refers to community water supply permitted under this Plan. The Council does not support the reference to "permitted under this Plan". This because the terminology of permitted could be confused with only applying to takes that are a permitted activity, rather than takes that are allowed for under the Plan.
2. It is likely that community water supply takes will require resource consent and therefore will not be permitted. It is considered that it is likely to wording issue is an unintended consequence of the way the provision has been drafted. A change to the existing wording is sought to ensure the efficient and effective implementation of the provision in a manner consistent with plan provisions and the Regional Policy Statement.
3. The Council seeks the following **relief**:
  - a) Amend the paragraph to read:

When groundwater levels fall below the specified water levels in the nominated monitoring bores the following reductions in the volume of water available for abstraction are to be applied to groundwater abstractions in the West Melton Special Zone. The restrictions do not apply to takes less than 10 m<sup>3</sup> permitted under this Plan and to takes for community water supply permitted under this Plan.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;



- ii. Consequential or ancillary changes to the above.

## **Section 11 – Selwyn - Waihora**

### **6 Introduction**

*(Page 4-1 New paragraph)*

1. The Council considers that as it stands the introduction to this section of the plan does not appropriately reflect the range of activities and values that occur within the Selwyn – Waihora area. The introduction is very focussed on the outcomes for Te Waihora Lake Ellesmere. While this is a very important feature within the area covered by this section of the plan there is a large area that the provisions apply to beyond this.
2. In particular there are a number of existing towns and communities located within the area covered by the sub-regional chapter yet there is no mention of any of these within the introduction. The ongoing viability of these communities is very important in achieving the sustainable management of the natural and physical resources.
3. It is considered that introduction should be amended to include consideration of the existence of the communities and other activities existing in the area. This would be more consistent with the balanced approach within Chapter 7 freshwater in the Canterbury Regional Policy Statement.
4. The Council seeks the following **relief**:

- a) Amend the introduction to Section 11 by including a new paragraph to read as follows.

Freshwater is an essential natural resource having a range of values. Water and the associated infrastructure are essential to provide for economic, social, cultural and environmental wellbeing. Within the Selwyn – Waihora area there are a number of existing towns and communities. The continuing functioning of these areas are important to ensuring the overall social and economic wellbeing of the area.

In addition within the area there are a range of primary production and other business activities where their continued operation is important in ensuring the sustainable management of natural and physical resources.

- b) In addition to the above, the following relief is also sought:
  - i. Any additional or alternative relief that achieves the same or similar outcome;
  - ii. Consequential or ancillary changes to the above.

### **7 Introduction**

*(Page 4-3 Paragraph 5 – bullet point 3)*

1. The Council seeks that the reference to new takes in over-allocated water management zones being prohibited be changed in relation to community supplies. This change will

be consistent with the approach taken to community supplies in the Regional Policy Statement, the LWRP and will be more consistent with the Zone Implementation Programme for Selwyn Waihora.

2. The Council seeks the following **relief**:
  - a) Amend bullet point 3 to read:
    - New takes in over-allocated water management zones other than related to community water supplies are prohibited and the volume of water allocation is reduced.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## **Policies**

### **8 Policy 11.4.1**

*(Page 4-5 policy 11.4.1)*

1. The Council submits that some wording changes are required to Policy 11.4.1 to ensure that it incorporates an appropriate balance of the important matters that contribute to the promotion of sustainable management of natural and physical resources.
2. There are two key issues with the policy. Firstly the use of the term 'avoid' in relation to cumulative effects is not appropriate. The policy would be more appropriately worded to relate to managing, and where appropriate avoiding adverse effects.
3. The current wording will not promote sustainable management of natural and physical resources. As worded the policy effectively seeks to avoid cumulative effects that may be positive.
4. The policy as worded is not appropriate and will not promote the achievement of the purpose of the Act; it will not give effect to the Regional Policy Statement and is not appropriate in the context of the existing policies in Section 4 of the Plan.
5. The Council seeks the following **relief**:
  - a) Amend Policy 11.4.1 to read:  
..... catchment to manage, and if practicable avoid adverse cumulative effects on water quality .....
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## 9 Policies 11.4.3 and 11.4.4

*(Page 4-5 policies 11.4.3 and 11.4.4)*

1. The Council understands the desire to establish the Cultural landscape/Values Management Area. However, it is considered necessary for some recognition to also be given within that management area to the range of existing and appropriate activities that also occur. This includes existing communities, such as Upper Selwyn Huts and existing and established infrastructure such as land drainage schemes.
2. The current provisions do not appropriately address a number of existing activities in a manner that would promote the sustainable management of natural and physical resources.
3. The Council seeks the following **relief**:
  - a) Amend Policy 11.4.3 to read:
    - (b) ..... relationship of Ngai Tahu with Te Waihora/Lake Ellesmere and
    - (c) recognises the existing communities and infrastructure resources occurring within the area.
  - b) Amend Policy 11.4.4 to read:
    - (d) ..... and the taking and use of fresh water and
    - (e) while recognising that there are existing communities and infrastructure located within the area.
  - c) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## 10 Policies 11.4.7

*(Page 4-6 policy 11.4.7)*

1. The Council supports the use of the term 'best practicable option' within the policy. This term is well used and understood in a RMA context. This will enable the policy to be appropriately applied and understood.
2. The Council seeks the following **relief**:
  - a) Retain Policy 11.4.7, particularly the reference to "best practicable option"
  - b) In addition to the above, the following relief is also sought:

- i. Any additional or alternative relief that achieves the same or similar outcome;
- ii. Consequential or ancillary changes to the above.

## **11 Policies 11.4.8**

*(Page 4-6 policy 11.4.8)*

1. The Council supports policy 11.4.8. The policy as worded appropriately recognises that there may be situations where the nitrogen load limits may be exceeded, but that the quantum of nitrogen discharged will be an improvement over what constitutes the existing environment.
2. The Council seeks the following **relief**:
  - a) Retain Policy 11.4.8
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## **12 Policies 11.4.9**

*(Page 4-6 Policy 11.4.9)*

1. The Council is supportive of much of policy 11.4.9, however, considers that part of the policy does need to be deleted. The policy does not appropriately recognise the positive community effects that exist with the Upper Selwyn Huts.
2. As it stands it is considered that the policy does not appropriately recognise the range of factors that contribute to promoting the sustainable management of natural and physical resources, particularly for existing communities. There are a number of factors that need to be considered, including the financial impact on communities. Adequate consideration of these matters has not been undertaken. In particular this policy will have a significant financial impact on the Upper Selwyn Huts community in that an alternative waste water treatment facility will be the outcome needed to be consistent with the policy. The Section 32 does not adequately consider the full range of economic and social costs and benefits of this policy.
3. The current provisions do not appropriately address a number of existing activities in a manner that would promote the sustainable management of natural and physical resources.
4. The Council seeks the following **relief**:
  - a) Amend Policy 11.4.9 to read:

..... shall be no direct discharge to surface water or groundwater ~~or any discharge to land in circumstances where contaminants may enter water.~~

Or as an alternative

..... shall be no direct discharge to surface water or groundwater. Any discharge to land from an existing activity in circumstances where contaminants may enter water shall utilise the best practicable option in managing the discharge.

- b) In addition to the above, the following relief is also sought:
  - i. Any additional or alternative relief that achieves the same or similar outcome;
  - ii. Consequential or ancillary changes to the above.

### **13 Policies 11.4.22**

*(Page 4-8 Policy 11.4.22)*

1. The Council understands the desire to have some water surrendered when water permits are transferred. In some situations, a reduction of 50% of any transferred water being surrendered is not appropriate. This is particularly the case when the transfer of water relates to all or part of a community water supply. There are a number of situations where existing water permits are transferred from the original developer to the Selwyn District Council who then takes responsibility for the provision of the water supply to the community. It is not appropriate nor efficient or effective to require 50% of this water to be surrendered.
2. An amendment is sought to the policy so that it not apply to community water supplies.
3. The Council seeks the following **relief**:
  - a) Amend Policy 11.4.22 to read:
    - (c) In all other cases other than in relation to a community water supply 50% of any transferred water is surrendered.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

### **14 Policy 11.4.30**

*(Page 4-1 Policy 11.4.30)*

1. A change is sought to Policy 11.4.30 to ensure that it can appropriately be applied to community water supplies. The change sought will give effect to the Regional Policy

Statement and will be consistent with the objectives and policies within the Land and Water Regional Plan in relation to the treatment of community water supplies.

2. The change sought is necessary to promote the sustainable management of natural and physical resources.
3. The Council seeks the following **relief**:
  - a) Amend Policy 11.4.30 as follows:

Enable existing resource consent holders to take groundwater where:

    - (a) It is a community water supply or it will not have a direct or high stream depletion effect on a surface water body; and
    - (b) .....
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## **15 Policy 11.4.33**

*(Page 4-9 Policy 11.4.33)*

1. A change is sought to Policy 11.4.33 to ensure that it can appropriately and consistently be applied to community water supplies. The change sought will give effect to the Regional Policy Statement and will be consistent with the objectives and policies within the Land and Water Regional Plan in relation to the treatment of community water supplies.
2. The change sought is necessary to promote the sustainable management of natural and physical resources.
3. The Council seeks the following **relief**:
  - a) Amend Policy 11.4.33 as follows:

Protect the reliability of groundwater takes for domestic and stock water use and community water supply in the West Melton Special Zone by requiring groundwater abstractions greater than 10 m<sup>3</sup> per day other than for stock water and community water supply use to comply with the groundwater level restrictions in Table 11(h).
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## 16 Policy 11.4.34

*(Page 4-9 Policy 11.4.34)*

1. The Council generally supports Policy 11.4.34. The Council in its submission is seeking clarification that the reference to “consented stormwater management plan” in the policy is not limiting in only applying to stormwater management plans that are currently consented. It is important that this policy also be able to apply to stormwater management plans which will be consented in the future. With the current wording it appears that this is the case in that the policy can apply to any consented stormwater management plan, but confirmation that this is the case is sought.
2. The Council seeks the following **relief**:
  - a) Retain policy 11.4.34 unless, the reference to “consented stormwater management plan” does not apply to both current and future consented plans. In which case a change is sought to ensure it includes all consented stormwater management plans current and future.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## 17 New Policy

*(New Policy)*

3. The Council is seeking a new policy that recognises the importance of the provision of infrastructure activities associated with existing towns, communities and settlements within the area. In addition it is appropriate to recognise the existing land drainage infrastructure within the area. Such policies are necessary to implement all or some of objectives 3.3, 3.5, 3.7, 3.8, 3.11, and 3.24 in the Proposed Land and Water Plan.
4. The Council seeks the following **relief**:
  - a) Add new policies to read:

In managing discharges within the Selwyn Waihora area to recognise the role that the provision of regionally significant infrastructure has in contributing to the economic and social wellbeing of people and communities.

Discharges from regionally significant infrastructure activities should be managed so that the quality of the discharge occurs in accordance with the best practicable option.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;

- ii. Consequential or ancillary changes to the above.

## Rules

### 18 Rule 11.5.1

*(Page 4-11 Rule 11.5.1)*

1. The Council supports this rule only applying to new on-site wastewater treatment systems. It is important that existing activities are recognised and that if necessary or desirable existing on-site domestic wastewater treatment systems are able to be maintained and upgraded.
2. The Council seeks the following **relief**:
  - a) Retain Rule 11.5.1 only limiting new systems within the Cultural Landscape/Values Management Area.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

### 19 Rule 11.5.21

*(Page 4-14 Rule 11.5.21)*

1. The Council is not supportive of this change to the rule. The current provisions in the Land and Water Regional Plan are efficient and effective and promote the sustainable management of natural and physical resources. The additional condition does not appropriately recognise the existing situation and is not needed to manage actual or potential effects on the environment.
2. Through the Land and Water Regional Plan process the hearings committee specifically considered the appropriate management of land drainage activities and determined that the permitted activity conditions were appropriate. There has been no change in the environment that would warrant a change in activity status. The current provisions, including the definition of rivers including a 20 metre setback fail to recognise and provide for regionally significant infrastructure of the land drainage network. The provisions as proposed are not considered to give effect to the Regional Policy Statement for Canterbury, particularly those provisions relating to regionally significant infrastructure.
3. It is appropriate that if a resource consent is required because the permitted activity conditions cannot be met then the values within the Lake Area in the Cultural Landscape/Values Management Area be a matter that should be considered.
4. The Council seeks the following **relief**:
  - a) Delete Rule 11.5.21 or



- b) Delete Rule 11.5.21 and add a new matter for discretion for resource consents being consideration of the effects of the discharge within the Lake Area in the Cultural Landscape/Values Management Area.
- c) In addition to the above, the following relief is also sought:
  - i. Any additional or alternative relief that achieves the same or similar outcome;
  - ii. Consequential or ancillary changes to the above.

## **20 Rule 11.5.22**

*(Page 4-14 Rule 11.5.22)*

1. The Council supports the intent of the rule by recognising discharges in accordance with the load limits in Table 11(i). The Council considers that specific recognition of the best practicable option being used for treatment and discharge is important to enable the promotion of sustainable management.
2. One minor point of clarification is sought to ensure that proposed condition 1 is able to be efficiently and consistently implemented. It is understood that the intent of the condition is that the proposed discharge, in addition to all lawfully established existing discharges for community sewerage systems meet the limits in the table. However the current wording could be taken to read that it is all lawfully established existing discharges that need to be considered not only those within the community sewerage system category.
3. The Council seeks the following **relief**:
  - a) Retain rule 11.5.22 particularly the rule itself and condition 2.
  - b) Clarify the wording within condition 1 by amending as follows:
 

The discharge in addition to all lawfully established existing community sewerage system discharges does not exceed the nitrogen load limit in Table 11(i) for community sewerage systems; and
  - c) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## **21 Rule 11.5.25**

*(Page 4-15 Rule 11.5.25)*

1. The Council seeks clarification in the wording of the rule to make it clear that this rule does not apply to community or trade wastes discharged as part of a community

sewerage system. It is understood that this is the intent of the rule but the wording could be improved to ensure effective and consistent administration of this rule.

2. The Council seeks the following **relief**:

a) Amend Rule 11.5.25 read:

Within the Selwyn Waihora catchment the discharge of any wastewater, liquid waste or sludge waste from an industrial or trade process, including livestock processing, excluding from a community sewerage system, into or onto land, or into or onto land in circumstances where a contaminant may enter water is a discretionary activity where the following conditions are met:

b) In addition to the above, the following relief is also sought:

- i. Any additional or alternative relief that achieves the same or similar outcome;
- ii. Consequential or ancillary changes to the above.

**22 Rule 11.5.32, 11.5.35 and 11.5.36**

*(Pages 4-16 and 4-17 Rules 11.5.32, 11.5.35 and Rule 11.5.36)*

1. The Council seeks clarification of the relationship of these rules with Rule 5.115 in the Proposed Canterbury Land and Water Regional Plan. It should be clarified that the key rule relating to community water supply from groundwater or surface water is Rule 5.115 in the Proposed Canterbury Land and Water Regional Plan.

2. The current rules could potentially be seen as applying to community water supplies, yet any community water would have difficulty meeting the matters specified particularly in Rule 11.5.32. Consent requirements for community water supplies are appropriately addressed in the Proposed Land and Water Regional Plan and further changes to this consenting regime through Variation 1 is not efficient, effective or necessary.

3. The Council seeks the following **relief**:

a) Amend Rule *11.5.32, Rule 11.5.35 and Rule 11.5.36* so that they do not apply to community water supplies.

b) In addition to the above, the following relief is also sought:

- i. Any additional or alternative relief that achieves the same or similar outcome;
- ii. Consequential or ancillary changes to the above.

### **23 Rule 11.5.38**

*(Page 4-20 Rule 11.5.38)*

1. The Council seeks that the activity status for Rule 11.5.38 be amended from discretionary to permitted. There are a number of situations where existing water permits are transferred directly from the original developer of land or a subdivider to the Selwyn District Council who then takes responsibility for the provision of the water supply to the community. It is not appropriate nor efficient or effective to require a resource consent as a discretionary activity for such a transfer to occur.
2. An amendment is sought to the rule to enable the transfer of water for a community supply as a permitted activity.
3. The Council seeks the following **relief**:
  - a) Amend Rule *11.5.38* to read:

Despite Rule 11.5.37, the permanent transfer, in whole or in part, of a water permit to take or use surface water or groundwater in the Selwyn Waihora catchment, is a ~~discretionary~~ permitted activity provided the following condition is met:

    1. The take is to be transferred to a local authority and is to be used for community water supply.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

### **24 Rule 11.5.42**

*(Page 4-21 Rule 11.5.42)*

1. It is important to ensure that the definition of what constitutes damming is applied consistently within the Regional Policy Statement, the Proposed Land and Water Regional Plan and this subchapter. In particular it is important to ensure that culverts and fords also with water intake structures, such as that on the Selwyn River are not captured within the definition of damming.
2. The Council seeks the following **relief**:
  - a) Delete the rule or
  - b) Add a definition of damming that excludes culverts, fords and water intake structures for community supplies and stock water on the Selwyn River.
  - c) In addition to the above, the following relief is also sought:

- i. Any additional or alternative relief that achieves the same or similar outcome;
- ii. Consequential or ancillary changes to the above.

## 25 Table 11.6 Fresh Water Outcomes

*(Page 4-27 Table 11.6)*

1. It should be recognised that within the Catchment some of the specified values within the table are aspirational in nature. In many cases it will take some time to work towards the freshwater outcomes set for the catchment rivers. A note recognising this should be provided along with Table 11(a).
2. The Council seeks the following **relief**:
  - a) Add a footnote or explanation to Table 11(a) to read:

The following tables set out the fresh water outcomes to be achieved in the Selwyn Waihora catchment. The achievement of these outcomes will be through a combination of implementation of this Plan along with the implementation of the recommendations of the Selwyn Waihora Zone Implementation Plan. A number of the outcomes are aspirational and will only result through improvements to the current water quality being made over time and will likely take beyond the life of this plan to achieve.

- (b) In addition to the above, the following relief is also sought:
  - i. Any additional or alternative relief that achieves the same or similar outcome;
  - ii. Consequential or ancillary changes to the above.

## 26 Siltation Indicator – Fine Sediment

*(Page 4-28 Siltation Indicator)*

1. The current indicator set for fine sediment <2mm diameter % coverage of the bed is not appropriate for a number of existing land drainage drains. The natural base of some of these water bodies is silty and the current indicator does not appropriately recognise this naturally occurring situation. The deposition of sediment at the mouths of rivers is a natural process.
2. The Council seeks the following **relief**:
  - a) Delete the Siltation indicator for Fine Sediment from Table 11(a) or alternatively exclude the application of this indicator to water bodies used for land drainage activities and on water bodies where the deposition of sediment at the mouths of rivers is a natural process.
  - b) In addition to the above, the following relief is also sought:

- i. Any additional or alternative relief that achieves the same or similar outcome;
- ii. Consequential or ancillary changes to the above.

## **27 Freshwater Outcomes – Tables 11(a) and (b)**

*(Page 4-27 and 4.28)*

1. The Council is concerned that the water quality outcomes set for river and lakes are not achievable and do not appropriately recognise existing water quality and existing activities occurring.
2. It is essential that all of the outcomes within the tables are appropriately set. The submission seeks that the indicators in the tables have values that appropriately recognise the existing activities occurring in the catchment.
3. The Council seeks the following **relief**:
  - a) Review the indicators in Table 11(a) and Table 11(b) so that the appropriately recognise the existing water quality values and existing activities occurring in the catchment.
  - b) In addition to the above, the following relief is also sought:
    - iii. Any additional or alternative relief that achieves the same or similar outcome;
    - iv. Consequential or ancillary changes to the above.

## **28 Table 11(h) – reference to community water supplies**

*(Page 4-34 Paragraph 1)*

4. The specific recognition given to community water supplies is supported under this table. However, the wording in the last sentence of the first paragraph refers to community water supply permitted under this Plan. The Council does not support the reference to “permitted under this Plan”. This because the terminology of permitted could be confused with only applying to takes that are a permitted activity, rather than takes that are allowed for under the Plan.
5. It is likely that community water supply takes will require resource consent and therefore will not be permitted. It is considered that it is likely to wording issue is an unintended consequence of the way the provision has been drafted. A change to the existing wording is sought to ensure the efficient and effective implementation of the provision in a manner consistent with plan provisions and the Regional Policy Statement.
6. The Council seeks the following **relief**:
  - c) Amend the first paragraph to read:

The following reductions in the volume of water taken are to be applied to consented groundwater abstractions in the West Melton Special Zone as shown on the Planning Maps when groundwater levels fall below the specified water levels in the nominated monitoring bores. The restrictions do not apply to takes less than 10m<sup>3</sup> permitted under this Plan and to takes for community water supply ~~permitted under this Plan~~.

- d) In addition to the above, the following relief is also sought:
  - iii. Any additional or alternative relief that achieves the same or similar outcome;
  - iv. Consequential or ancillary changes to the above.

## **29 Table 11(i) – loading for community sewerage systems**

*(Page 4-34 Table 11(i))*

- 1. The specific recognition in Table 11(i) given to community sewerage systems is supported. These are essential community schemes and it is important that they be appropriately recognised and provided for.
- 2. The Council seeks the following **relief**:
  - a) Retain Table 11(i) particularly the targets relating to Community sewerage systems.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## **30 Table 11(l) – Lake limits**

*(Page 4-35 Table 11(l))*

- 1. The specific limits set for Te Waihora/Lake Ellesmere are supported and are appropriate to promote the sustainable management of natural and physical resources.
- 2. The Council seeks the following **relief**:
  - a) Retain Table 11(l) particularly the limits for Te Waihora/Lake Ellesmere.
  - b) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.

## Definition and Terminology

### 31 Understanding of "source" in relation to a water body

*(Page 4-36 Table 11(n))*

1. Within the Te Waihora Cultural Landscape/Values Area the extent of the river zone is described as being from "their source through to the lake, unless otherwise specified). It is considered that for some water bodies it is not clear where the source actually is. This will not lead to the consistent administration or understanding as to how the provisions apply. Given the regulatory regime that applies to areas within the River Zone it is essential that this area be clearly identified and not be open to various interpretation. This is particularly a concern with rivers that do not run all year round.
2. In order for the provisions to be effectively understood it is essential for the 'source' to be physically defined within the Regional Plan, either on the planning maps or by inclusion of a geographical reference that will be capable of consistently being applied by a range of people. In addition the inclusion of a 20 metre setback does not appropriately consider the specific nature and characteristics of the water body. A more appropriate way of addressing the impact of a water course would be within the farm plans. This would enable the particular sensitivity of the water body to be addressed in a more appropriate manner. In addition the current definitions do not appropriately provide for the current offsets in the Land and Water Regional Plan relating to waterways and farming activities.
3. The current definitions are not specific enough to enable consistent administration and understanding of whether provisions apply to a party or not.
4. The Council seeks the following **relief**:
  - a) For the River Zone – physically identify the 'source' of the specified water bodies on the planning maps, or include a map reference identifying where the source of the water body is.
  - b) Delete the reference to 20 metres from the River Zone.
  - c) In addition to the above, the following relief is also sought:
    - i. Any additional or alternative relief that achieves the same or similar outcome;
    - ii. Consequential or ancillary changes to the above.