

In The Matter of the Resource Management Act 1991 ("the Act")

And

In The Matter Variation 1 to the Proposed Land and Water Regional
Plan – Submission of Selwyn District Council

BRIEF OF EVIDENCE OF MURRAY ENGLAND

Introduction

1. My name is **MURRAY RUSSELL ENGLAND**. My qualifications are BE (Environmental) and NZCE (Civil).
2. I am the Asset Manager – Water Services for the Selwyn District Council (“the Council”) and I am authorised to present this statement on its behalf. I have been employed by the Council since March 2009 initially holding the position of Stormwater Engineer and since May 2012 the position of Asset Manager Water Services.
3. I have the responsibility of managing Councils 5 waters which include Potable Water, Wastewater, Stormwater, Land Drainage and Water Races.
4. Today I am presenting evidence on behalf of the Council. Council lodged a submission on Variation 1 to the Proposed Land and Water Regional Plan.
5. 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 and water race schemes within the area.

Background

6. 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.
7. The Council also has responsibility to implement the Land Use Recovery Plan that was developed post the Canterbury Earthquakes. This plan directs that significant future growth will occur within the Selwyn District in the area covered by Variation 1. For the Council to effectively implement this plan it is necessary that any unnecessary impediments to providing appropriate services to communities where growth will occur are removed.
8. The Council has invested significantly in participating in the development of the regional policy statements and plans developed by the Canterbury Regional Council addressing land and water matters. This has included involvement through lodging submissions and presenting evidence on the development of the Natural Resources Regional Plan, the Canterbury Regional Policy Statement, the Land and Water Regional Plan and Variation One. The continued involvement of the Council in the preparation of these statutory

documents illustrates how important the issues addressed within these Plans are to the Council.

9. The Council has two key areas of interest in Variation 1. Firstly are 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.
10. The PLWRP and Variation 1 have a significant influence on the way the Council fulfils its functions under the Local Government Act. Key impacts are on the provisions that affect the provision of community water supplies, wastewater and stormwater systems and land drainage and water race activities. These essential services are critical to provide for the social and economic wellbeing and the health and safety of people and communities within the Selwyn District.
11. In its submission the Council considered that insufficient recognition had been provided to the need for 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. Having read the Section 42A report recommendations this concern remains.
12. Within this evidence under the topic of "other matters" I have listed Council submissions where the recommendations in the Section 42A report are specifically supported.

Growth in Selwyn District

13. As identified in the background section of my evidence the Selwyn District is the fastest growing district in New Zealand. This section of my evidence provides an overview of the level of growth that the Council needs to manage. As will be evident Variation 1 could have a significant impact on the ability for the Council to manage this growth.
14. The Council is taking a proactive approach is managing the growth within its communities from both a social and asset management perspective. The Council has developed "Selwyn 2031" which is the District Development Strategy. This is currently in a draft form and is undergoing consultation and a submission process under the Local Government Act. Paragraphs 15 – 24 is taken from the District Development Strategy and describes the key District Development issue the Council is managing, most of the growth is within the areas addressed by Variation 1. This provides the context for the Councils submission on Variation 1.

15. The purpose of "Selwyn 2031" is to provide an overarching strategic framework for achieving sustainable growth across the district to 2031. The Strategy emphasises the importance of adopting and implementing a strategic approach to managing urban growth as a means of strengthening the district's self-sufficiency and to ensure that it continues to be a great place to live, work and play. In doing so, the Strategy seeks to provide higher quality living environments; innovative business opportunities; maintain the district's iconic rural character; explore opportunities to enhance our social and cultural wellbeing and better manage our natural resources.
16. Selwyn has consistently been the fastest growing district in New Zealand over recent years, with a population of 44,595 in March 2013. Between July 2012 and June 2013, the Selwyn District grew at a growth rate of 4.5%. Selwyn District Council projects further growth could increase Selwyn's population up to an additional 11,000 households (total population of approximately 75,000 people) by 2031.
17. The projections indicate that up to 80% of the urban population growth will occur within the metropolitan Greater Christchurch area, comprising Rolleston, Lincoln, Prebbleton and West Melton townships. It is also apparent that up to 80% of the total population growth throughout the district will occur within urban boundaries, as opposed to the rural area.
18. "Selwyn 2031" builds on the Council's 'community-led' approach, which was first initiated through Council's involvement in the Greater Christchurch Urban Development Strategy (UDS). The UDS established a 35 year settlement pattern for residential, commercial, business and rural residential growth for the metropolitan Greater Christchurch area to 2041. The UDS was then followed by the preparation of Structure Plans for Lincoln and Rolleston Townships, which were in turn implemented through a comprehensive suite of strategic planning provisions to the District Plan affecting the metropolitan Greater Christchurch area, known as Plan Change 7 (PC7).
19. Following the upheaval and damage caused by the Canterbury earthquakes, the Council is now even more focused on implementing a strategic planning framework across all parts of the Council and all parts of the district. Establishing clear strategic directions and methods to achieve these outcomes will ensure a proactive response to earthquake recovery, including the provision of a variety of housing and business options to address a range of needs in a post-earthquake environment. It will also ensure that the projected household and business growth occurs in an integrated and sustainable manner within both a local and regional context.
20. "Selwyn 2031" recognises Te Taumutu Runanga and Te Runanga o Ngai Tahu as tangata whenua and Treaty Partners. It supports the ability of Te Taumutu Runanga to meet their

social, health and community needs into the future, and supporting their continued active role in the community in appropriate ways.

21. "Selwyn 2031" will also be used to give effect to higher level regional strategic planning documents, including the Recovery Strategy for Greater Christchurch, the Land Use Recovery Plan (LURP) for the metropolitan Greater Christchurch area, the Canterbury Regional Policy Statement (RPS) and the Urban Development Strategy (UDS). The Recovery Strategy prepared by the Canterbury Earthquake Recovery Authority (CERA) under the Canterbury Earthquake Recovery Act (CER Act) became operative on 1 June 2012 and applies to Selwyn District. It is a statutory document that must be "read together with, and forms part of" other relevant legislation. The District Plan (and other statutory documents) must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy. The Recovery Strategy aims to provide an overall direction and coordination of recovery activities, while facilitating opportunities to restore, renew and revitalise and enhance Greater Christchurch.
22. One of the key documents emerging from the Recovery Strategy to date is the Land Use Recovery Plan (LURP). The LURP was approved by the Minister for Canterbury Earthquake Recovery and was gazetted on 6 December 2013. Both the LURP and (resultant changes made to) the RPS and the District Plan contain clear directions as to where residential and business growth is to occur within the metropolitan Greater Christchurch area for the next 15 years. While the overarching vision of the Recovery Strategy and the LURP is focussed on earthquake recovery, the documents provide a sound basis for "Selwyn 2031" to build upon. Similarly, the principles of the UDS also remain relevant to the managing the effects of urban growth, particularly in terms of integrating land use planning and infrastructure provision.
23. "Selwyn 2031" reinforces the need to ensure that sufficient and appropriately zoned land is available to facilitate residential and business recovery in accordance with the 'priority' areas identified in the LURP, and by focussing on the integration of land use and infrastructure across the district.
24. In addition the Council has already prepared a number of strategic planning documents that have informed "Selwyn 2031", including the Rolleston, Lincoln and Prebbleton Structure Plans and the Rolleston Town Centre Master Plan. These documents will continue to serve as a useful blueprint and reference point for development within these townships, with "Selwyn 2031" providing an updated overview of relevant growth issues.
25. The integration of land use and infrastructure is a key action to implement the Strategy. Variation 1 could have significant implications for the provision of essential community services needed to accommodate the identified growth in the Selwyn District.

26. It is within the context of the above that the Council submission was drafted. When reading Variation 1 the Council was concerned that the key issues affecting townships had not been given sufficient prominence and consideration. It is for these reasons that changes were sought to the introduction and the insertion of a new policy was sought that recognised the importance of the existing towns and communities within the Variation 1 area.
27. The Council still seeks the relief sought in Points 4 and 17 of its submission being that the introduction to Section 11 by including a new wording and by inserting new policies to read as follows.

Section 11 introduction

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.

New Policies

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.

Other Specific Matters

28. I now address the other specific changes sought to Variation 1.

Policy 11.4.1 Recommendation R11.4.1 (page 137)

29. The Council sought wording changes to Policy 11.4.1 as notified to ensure that it incorporated an appropriate balance of all of the important matters that contribute to the promotion of sustainable management of natural physical resources. The policy focused only on avoiding cumulative effects and this was not appropriate. This has been recognised in the Section 42A report. The recommendation while not fully accepting the specific words set out in the Council submission does, through the inclusion of being able to avoid, remedy or mitigate adverse cumulative effects, assist in being able to implement that policy. This is an improvement over the provision as notified.

30. While the Council would prefer to see the wording set out in point 8 of its original submission the recommendation is accepted as being an improvement over the provision as notified.

Policy 11.4.3 and 11.4.4 Recommendation R11.4.1 (page 216)

31. The Council sought changes to Policies 11.4.3 and 11.4.4. These policies address the establishment of the Cultural Landscape/Values Management Area. The submission sought that the policies include recognition of the full range of values that occur within the proposed management area. This included communities and significant infrastructure.

32. The reasoning in the Section 42A report for rejecting the submissions of the Council is that the suggested amendment is not consistent with the intent of the Cultural Landscape/Values Management Area and is not a justification or reasoning for the establishment and maintenance of a Cultural Landscape/Values Management Area, which is the focus of these policies. Region-wide policies are considered to adequately cover the management of infrastructure, discharges and even areas.

33. With respect this reasoning is not accepted. As set out in the submission of the Council 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.

34. The purposes of policies within this Regional Plan are broader than just describing the reason for establishing various management areas. There are a number of rules that apply to the proposed Cultural Landscape/Values Management area including rules that will affect existing communities and infrastructure resources occurring within this area. The policies will be a very important consideration during any consent process. It is therefore important that the policies address the range of important values.

35. It is not considered appropriate to establish these areas without providing a focus on the range of important values that occur within this management area. It is considered that only relying on the general objectives and policies of the Land and Water Regional Plan to address infrastructure matters will not enable appropriate consideration and balance of the range of values that will occur when a consent is sought within this management area.

36. The Council seeks that the amendment sought in Section 9 of its original submission be accepted and changes be made to both policies 11.4.3 and 11.4.4 to recognise the existing communities and infrastructure resources occurring within the area. The wording sought is:

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.*

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.*

Sewerage Provisions - Policy 11.4.7 Recommendation R11.4.7 (page 203) and Rules 11.5.22-11.5.25 (page 218)

37. The Council in point 10 of its submission seeks the retention of Policy 11.4.7, particularly the reference to "best practicable option". In the Section 42A report the recommendation is that the specific reference to "best practicable option" is maintained however there are recommended amendments to the proposed policy by inserting new items (b) and (c).

38. The relationship within the policy as recommended in the Section 42A report. Further clarification is needed when a discharge is being transferred from another community wastewater scheme. For example if there were a transfer of nutrients from one consent to another such as if the Council was to accept sewage from the Burnham Military camp to the Pines (Eastern Selwyn Sewer Scheme Treatment Plant). It would make sense for the policy to allow for another consented allowance to be transferred. The proposed redrafting below would address the Council's concerns.

39. The policy would read:

- 11.4.7 Require any person discharging sewage sludge, bio-solids or treated sewage effluent into or onto land from a community wastewater system to:*
- (a) adopt the best practicable option to manage the treatment and discharge of contaminants; and*
 - (b) comply with the terms of any discharge permit that existed as at 13 February 2014, for the term of that discharge permit;*
- or*
- (c) To enable*

- (i) additional discharges where the nitrogen loss from the discharge is less than the lawfully permissible nitrogen loss from the farming activity that is replaced or*
- (ii) new discharges less than the nitrogen load contribution from the aggregation of on-site domestic wastewater treatment systems that would be replaced by the community wastewater system or*
- (iii) discharges which are a transfer of another lawfully established community wastewater scheme meet the nitrogen load limit for community sewerage systems in Table 11(i) unless Policy 11.4.8 applies. and*

40. This policy is important and it is recognised and paragraph 11.2.92 of the Section 42A report that “the community sewerage system limit includes an allowance for growth of the various communities. This has attracted submissions in opposition and in support, and is a difficult issue. On the one hand it is reasonable to enable the growth of communities, indeed if the nutrient discharges from effluent systems were not able to occur, then population growth could be substantially affected, which may well be against the express outcomes of the Land Use Recovery Plan. On the other hand, there is a general policy position to reduce the amount of nutrients being discharged into the catchment, and the setting of a limit that enables some growth is potentially contrary to this overall policy position. ”

41. From the perspective of the Council it is essential that future growth that clearly signalled in, and required by, the Land Use Recovery Plan is accommodated within Variation 1. This is in addition to the normal growth that the Selwyn District Council plans for. This is of critical importance particularly for community sewerage systems. It is noted that changes to planning documents must not be inconsistent with the Land Use Recovery Plan. Given this, the changes sought by the Council are appropriate and necessary.

42. The recognition in the Section 42A report that “Overall, the industrial and community sewerage system limit calculation does have a degree of uncertainty, possibly the most significant being that the leaching takes no account of the underlying land use. In other words, if the industrial or community discharge is being applied to land where there are already relatively intense agricultural activities, the additional nitrogen may have a higher leaching potential than an industrial or community discharge to a low leaching land use, such as forestry.” The Council acknowledges these concerns and the concerns expressed by other submitters.

43. With respect to the rules, the Council supported the intent of Rule 11.5.22 by recognising the appropriateness of discharges within the load limits in Table 11(i). In particular, the Council considered that specific recognition of best practicable option being used for

treatment and discharge was important to enable the promotion of sustainable management. Only a minor change was sought to the current wording notified as Rule 11.5.22.

44. In reading the Section 42A report recommended provisions it appears that the rules relating to community wastewater are recommended to be managed under the main provisions of the Land and Water Regional Plan being rules 5.84 to 5.88. This would leave the policy considerations specific to the Variation 1 area being relevant but the rules and activity status would remain the same as other community wastewater systems in the Region. If this is the case then this approach is supported.
45. While my understanding is that this is the case – in reading the reasoning in the Section 42A report it is not entirely clear that this is the case. The reasoning still refers to community wastewater systems and it does not explicitly state that they are to be managed under the general Land and Water Regional Plan rules, rather than the Variation 1 rules. I provide the following comments in case I have misinterpreted the outcome of the Section 42A report and the intent is still to manage community wastewater discharges under Variation 1 rules.
46. If these activities are to be managed under Variation 1 rules then a change needs to be made to the rules either by reinserting rule 11.5.22 or by ensuring that community wastewater treatment systems are appropriately addressed with in rule 11.5.25. Further, in whatever form the rule is provided is appropriate that any discharge for a community wastewater system is a discretionary activity rather than non-complying. This would be consistent with how other community wastewater is managed within the region.
47. If the Land and Water Plan rules are not utilised then we have provided possible alternatives for redrafting the rules to address community wastewater systems below:

11.5.22 Within the Selwyn Waihora catchment the use of land for a community wastewater treatment system and the discharge of sewerage sludge, bio-solids and treated sewerage effluent from a community wastewater treatment system and the discharge of sewerage sludge and bio-solids from a domestic on-site waste water treatment 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 condition are met:

- 1. 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*
- 2. The best practicable option is used for the treatment and discharge.*

OR

11.5.25 *Despite Rules 11.5.6 to 11.5.15, w*Within the Selwyn Te Waihora catchment the discharge of any wastewater, liquid waste or sludge waste from an industrial or trade process, including livestock processing, excluding sewerage;* **or from a community wastewater treatment system and the discharge of sewage sludge, bio solids and treated sewage effluent from a community wastewater treatment system and the discharge of sewage sludge and bio solids from a domestic on-site wastewater treatment 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**

for other than community systems:

1. *The discharge was lawfully established prior to 13 February 2014 ~~in addition to all lawfully established existing discharges does not exceed the nitrogen load limit in Table 11(i) for industrial or trade processes;~~
or*
2. *Where the nitrogen loss from the discharge is less than the lawfully permissible nitrogen loss from the farming activity that is replaced ~~The activity is replacing an existing farming activity and the discharge does not exceed 15 kg nitrogen per hectare per annum;~~ and*
3. *For all discharges, the best practicable option is used for the treatment and discharge.*

for community systems:

1. ***the best practicable option is used for the treatment and discharge.***

48. To be clear the Councils favoured outcome is that the Land and Water Regional Plan rules apply. However, in the event that they do not then the rules in Variation 1 would need to be amended as the current drafting does not appropriately accommodate the matters that were previously addressed by rule 11.5.22.

Policy 11.4.9 Recommendation R11.4.9 (page 218)

49. This policy is addressed in the provisions relating to the Cultural Landscape/Values Management Area. The recommendation R11.4.9 is that no changes be made to the policy.

50. The Council lodged a submission opposing part of Policy 11.4.9. The key issue is that the policy fails to recognise the positive community effects that exist in existing community being the Upper Selwyn Huts. The full range of values that contribute to a determination of whether sustainable management of natural and physical resources is being promoted has not been considered. This should include amongst other things the financial impact

on communities. The policy if unchanged will have a significant financial impact on the Upper Huts Community. To be consistent with the policy the only outcome would be that an alternative waste water treatment facility for this community will be needed.

51. The current policy fails to consider the full impacts of the policy and certainly does not adequately consider timing and funding matters that would need to be addressed in implementing alternative systems. There is concern that the policy is impractical for example where a discharge to ground occurs it is likely to enter water generally 'ground water' which will again likely reach surface water. Contaminant is a very broad term and the level of contamination may be very low. This policy is impractical to achieve in its current form

52. The policy wording from the Council will still achieve the plan objectives but through recognising the utilisation of the best practicable option in managing a discharge enables appropriate consideration of the full range of values in making a decision on any discharge. The change of wording sought by the Council in its submission point 12 is appropriate. The policy would read:

Policy 11.4.9:

..... 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.

Rule 11.5.42

53. The Council submitted on this rule to ensure that its water intake structures such as that on the Selwyn River is not captured within the definition of damming. The consequences are significant as the activity status would be a prohibited activity and this may affect the future ability to provide community water supplies and would have immediate effects on the ability to supply stock water.

54. Attached as Appendix 1 of this evidence is a photograph of an existing structure on the River. This Structure relates to the Glentunnel Water Race intake which is one of the intakes supplying the Malvern Water Race scheme. Constructed mid 1880's the gravel and bolder weir is approximately 1.5m high. This intake supplies the area between the Hawkins, Selwyn and Waireka Rivers as well as joining the Kowai system to supply the Greendale area of the scheme.

55. We note that the application documentation submitted to Environment Canterbury showed the intake structure. The link to this consent is: <http://ecan.govt.nz/services/online-services/Pages/consent-detail.aspx?Tab=0&ConsentNo=CRC012002>

Selwyn District Council - Summary of Stockwater Intakes and Discharges

Quantities (L/s) current/proposed: (take not currently consented)/500

Previous Consent Number: (take not currently consented)

The Blacks Creek Springs Booster involves the water from a spring flowing across a paddock and into the stockwater race. The flow from this spring is substantial, however is also very intermittent (only during periods of high rainfall).

There is a tip-out point located just downstream of this intake that discharges any excess water back to Blacks Creek.

Glentunnel Intake

Intake Reference: IS5

Water taken from: Selwyn River

Location (NZMS 260): L35: 243-463

Quantities (L/s) current/proposed: 156/250

Previous Consent Number: NCY800922 (surface water take)



Photo 1

Photo 2

The Glentunnel Intake takes water from the Selwyn River using an intake structure (flow controlled by a sluice gate) (photo 1). The river is headed up adjacent to the intake structure where a headrace dam which crosses the middle of the river (photo 2).

56. The concern of the Council is addressed in Recommendations R11.4.31 and R11.1.42. The change in wording removing the reference to the full flow and identifying the main stem has not fully alleviated the concerns of the Council. For clarity the outcome sought is that the existing water intake structures on Selwyn River do not become a prohibited activity. This could be addressed by changing the definition or to provide a specific exclusion for existing intake structures. Alternatively the rule could be amended or a new rule inserted to make the activity status 'discretionary' for community or stock water.
57. It is noted that community and stockwater is of importance and is considered a priority under both the Regional Policy Statement and is a first order priority under the Canterbury Water Management Strategy.

Siltation Indicator Fine Sediment (page 140)

58. The Council in its submission identified concerns with the current fine sediment indicator been set at 2mm diameter % coverage of the bed of rivers. There was concern particularly in relation to existing land drainage network where the base of some water bodies is naturally bedded with fine soils and the indicator proposed does not adequately recognise this naturally occurring situation. In particular, it is recognised that the

deposition of sediment at the mouths of rivers is a natural process and that the inclusion of this indicator will result in a number of unnecessary resource consents being required.

59. Further, it is considered that having the siltation indicator set at a level that cannot be achieved will not assist in the effective implementation of the Plan. This will create uncertainty for any resource consents for land drainage activities, or silt removal on these water bodies.

60. The Section 42A report identifies this submission but does not specifically address the concern with a recommendation. The Council considers that this is a significant issue and that the relief sought in its submission in point 26 should be accepted. The relief sought is to:

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.

Understanding "Source" in relation to Waterbodies (Recommendation R Table(n) page 227)

61. The Council sought that changes be made to what constituted the source in relation to a water body. While the key concerns of Council have not been addressed in the recommendations. The specific exclusion of all ephemeral waterbodies is supported. However, this does not address all of the Council's concerns. The Council considers that tributaries to the identified waterbodies should also be excluded.

Other Matters

62. The submissions of the Council addressed a range of matters not all of which I have addressed in my evidence. The reasons for the submission and the changes sought are set out in the original submissions and further submissions.

63. In some cases the submissions are recommended to be accepted in the Section 42A report. I have reviewed the officer report and provide support for the following recommendations:

63.1. Recommendation R11 (pages 129-131 Section 42A Report). The amendment to bullet point three 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.

- 63.2. Recommendation R11.4.22 (page 309-310 Section 42A Report). The amendment to policy 11.4.22 (c) to read:
- (c) In all other cases other than in relation to a community water supply 50% of any transferred water is surrendered.
- 63.3. Recommendation R11.4.33 (page 355 Section 42A Report). The amendment to policy 11.4.33 to include community water supplies.
- 63.4. Recommendation Rule 11.5.21 (page 345 Section 42A report). The recommendation is that Rule 11.5.21 be deleted. The reason is that this rule cannot be reasonably recommended. The recommendation and the reasons given for the recommendations are strongly supported. The reasons given in the submission of the Council in submission point 19 provide further justification for the deletion of this rule.
- 63.5. Rules 11.5.32, 11.5.35 and 11.5.36 – (paragraph 13.226 - page 268 Section 42A report). The clarification sought in the submission by the Council that the relationship between these rules and Rule 5.115 in the Proposed Canterbury Land and Water Regional Plan has been appropriately addressed.
- 63.6. Rule 11.5.38 (Recommendation R11.5.38 Page 322 Section 42A report). The Council sought changes to Rule 11.5.38 to ensure that when the take is being transferred to a local authority and used for community water supply that there is no requirement to effectively “give up” water. The recommendation is supported. While the specific wording sought in the submission has not been adopted the recommendation is an alternative way to achieve the same outcome.
- 63.7. Table 11.6 Freshwater Outcomes. The Council submission in point 25 sought recognition that the achievement of the water quality outcomes were aspirational and will only occur through improvements being made over time. Recommendation R Table 11(a) (page 142 Section 42A report) is to introduce a statement similar to that sought by the Council and is supported.
- 63.8. Table 11(h) reference to community water supplies (Recommendation R Table 11(h) page 357). The Concern was with the use of the word “permitted under this plan” with in the introduction to the table. The recommendation is that the changes sought in the submission of the Council at point 28 be accepted. This is supported.
- 63.9. Table 11(l) Lake Limits (Recommendation R Table 11(l) page 164). The recommendation is that no changes be made to the table and this is supported.

64. In addition, there were some submissions by Council where changes in relation to other submissions or greater clarity has been provided within the Section 42A report which means that the concern in the submission has been addressed by alternative means. The following recommendation is supported for the above reasons:

64.1. Recommendation R11.4.30 (page 260) – Policy 11.4.30. The recommendation is that the policy be reworded. The revised wording means that the concern of the Council has been removed.

64.2. Recommendation 11.4.34 (page 363 Section 42A report). Clarification has been provided that both current and future plans are included.

Murray England

29 August 2014

Appendix 1

Photo of Selwyn Intake Structure

