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**Subject:** Plan Change 4 to the Canterbury Land & Water Regional Plan - Selwyn District Council  
**Date:** Monday, 12 October 2015 4:09:56 p.m.  
**Attachments:** [201510121541.pdf](#)

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To Environment Canterbury,

Please receive attached Selwyn District Council submission on Plan Change 4 to the Canterbury Land & Water Regional Plan.

Kind regards

Murray England

Asset Manager – Water Services  
DDI 347 2972

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**SELWYN DISTRICT COUNCIL**

**SUBMISSION ON PROPOSED PLAN CHANGE 4 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  
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Selwyn District Council (the Council) makes the general and specific submissions on the Proposed Plan Change 4 to the Proposed Canterbury Land and Water Regional Plan (PC4) 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.



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

Dated this 12<sup>th</sup> day of October 2015

## **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 PC4. These reasons inform all of the outcomes sought in the specific submissions.

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

The Council is a territorial local authority and undertakes a range of community, asset management and environmental functions affected by PC4. 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.

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.*

The Council has developed this submission in a manner consistent with its functions and responsibilities.

The Council operates a large number of assets affected by PC4. This includes utility services including water, wastewater and stormwater systems. It also operates a number of drainage and water race schemes.

Selwyn is the fastest growing local authority within New Zealand. Ensuring effective and appropriate outcomes from PC4 is of key importance to enabling the social, economic and cultural wellbeing of the people and communities within the Selwyn District.

The Council's interest in PC4 relates to two main areas. Firstly the implications of PC4 on the asset management functions of the Council. Secondly the implication of PC4 on the economic and social wellbeing of the people and communities within the Selwyn District.

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## **PART TWO: SUBMISSIONS PROPOSED PLAN CHANGE 4**

### **Definitions**

**1 Submission: Definition “Available reticulated stormwater system” (p. 2–2)**

**Reason for submission:**

The definition is supported.

Council wishes to stress the importance of retaining in particularly clause 3 of the definition being “the network operator will accept the stormwater from the property”.

**Decision requested:**

The wording “the network operator will accept the stormwater from the property” remain.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**2 Submission: Definition “community drinking-water supply” (p. 2–2)**

**Reason for submission:**

The definition is supported in part.

This change means that it will no longer be necessary to distinguish between small scale community drinking-water supplies and those serving populations of greater than 500.

However, there is a concern that not all community water supplies will now be protected. Consideration should be given to providing for protection of the sources of all council-operated community water supplies irrespective of the number of people taking water from the supply.

**Decision requested:**

Amend the definition of Community drinking-water supply to provide for protection for the source of water for all Council-operate community drinking-water supplies as follows:

**Community drinking-water supply:**

*means a drinking-water supply that is recorded in the drinking-water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides no fewer than 504 25 people with drinking-water for not less than 60 days each*

*calendar year, or is a drinking water supply operated by a local authority irrespective of the number of people it serves.*

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

### **3 Submission: Definition “Drainage System” (p. 2–2)**

#### **Reason for submission:**

The definition is supported in part.

The change to the definition does assist in clarifying what is meant by the drainage system. However, to provide further clarification of the distinction, consideration should be given to adding “rural” to the definition.

#### **Decision requested:**

Amend the definition of “Drainage system” to read “Rural drainage system”.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

### **4 Submission: Definition Drainage water (p. 2–3)**

#### **Reason for submission:**

The definition is supported in part.

Linked to the submission point above in order to provide further clarify of what constitutes drainage water and drainage system – consideration should be given to adding “rural” to the definition so that it reads “rural drainage water and rural drainage system”.

#### **Decision requested:**

Amend the definition of “Drainage system” to read “Rural drainage water and rural drainage system”.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**5 Submission: Definition “Floodwaters” (p. 2–3)**

**Reason for submission:**

The definition is supported in part.

The Council supports the use of the words ‘breaching and overtopping’ within the definition.

However, as proposed the definition is too limited and it is not clear that it will enable consideration of ‘surface run-off water’ as previously allowed in rule 5.142 that has not resulted in breaching and overtopping.

**Decision requested:**

Amend the definition of Floodwaters to read:

means surface water that has inundated a property as a result of the breaching or over-topping of the banks of a surface water body or that has inundated a property as a result of surface run-off water.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**6 Submission: Definition “Reticulated stormwater system (p. 2–4)**

**Reason for submission:**

The change in the definition is supported in part. That part not supported is the removal of reference to “drains” and insertion of the word “kerb” and the lack of clarify around what is an urban area.

The word “drains” should be reinstated as drains form an important part of reticulated stormwater system. Term kerb is not necessary.

Without a definition, the term urban creates some difficulties if it is applied to smaller settlements that would not otherwise be regarded as “urban”. Consideration could be given to referring to an area in a district plan with a residential, commercial or business type zoning.

**Decision requested:**

Amend the definition of “reticulated stormwater system” to reinstate the word “drains” and delete the word “kerbs” and replace the phrase “within urban areas” to “areas with a residential, commercial or business zoning in a district plan”.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;

b) Consequential or ancillary changes to the above

**7 Submission: Definition “Stormwater” (p. 2–4)**

**Reason for submission:**

The change in the definition is supported.

**Decision requested:**

Retain the definition of stormwater in PC4.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

Policies

**8 Submission: Policy 4.13 “Discharge of contaminants to land or to water: (p. 4–5)**

**Reason for submission:**

There needs to be mechanism to provide for a more appropriate environmental balance in this policy for example a discharge may result in a small exceedance in one contaminant while at the same time result in a large benefit for a number of other contaminants which provides for an overall environmental benefit. These matters should be able to be considered under this Policy. More balance is necessary within the policy.

The change in Policy 4.13(e) to add points (i) and (ii) are supported in part.

It is important to include point (ii). However, there is an issue in the drafting of these two subclauses. The term “and” is used between points (i) and (ii) this indicates that it is conjunctive. It is not possible for this policy to be drafted in this way and be meaningful. Item (ii) is intended to apply at times when (i) has not been met. This means that both clauses cannot be applied in a conjunctive matter.

**Decision requested:**

Amend Policy 4.13 to read:

- 4.13 For other discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater (excluding those passive discharges to which Policy 4.26 applies), the effects of any discharge are minimised by the use of measures that:
- (a) first, avoid the production of the contaminant;
  - (b) secondly, reuse, recover or recycle the contaminant;
  - (c) thirdly, minimise the volume or amount of the discharge; or

- (d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and
- e) in the case of surface water, results in a discharge that after reasonable mixing:
  - (i) meets the receiving water standards in Schedule 5 as a first priority .; and or
  - (ii) as a second priority, does not result in any further degradation in overall water quality in any receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**9 Submission: Policy 4.15 Stormwater and community wastewater systems” (p. 4–5)**

**Reason for submission:**

The policy is not supported.

Policy 4.15 adding stormwater into this policy will be unnecessarily limiting. It is a feasible approach to discharge stormwater to ground in some areas, rather than it go into a reticulated system. If stormwater is to remain then a qualifier of ‘unless discharged to ground’ should be added to recognise that the discharge to ground from roof water is an appropriate means of disposing Stormwater. The policy is not necessary, effective nor efficient.

**Decision requested:**

Delete reference to ‘stormwater’ from the policy.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**10 Submission: Policy 4.16A “Stormwater and community wastewater systems” (p. 4–5)**

**Reason for submission:**

The policy is opposed.

The policy seeks to change the way responsibilities lie with respect to reticulated stormwater in a manner that is not appropriate.



A key concern relates to the requirement for the operator of reticulated stormwater systems to be responsible for the stormwater discharges from the high risk sites such as contaminated sites, construction-phase stormwater and dewatering operations, which are currently consented by Ecan.

It is not appropriate, nor effective or efficient for Council to be held responsible for all stormwater discharges. Global consents held by local authorities often exclude certain activities – it is not appropriate for this policy to shift the responsibility of discharges from all activities onto territorial authorities.

In addition if the focus of the policy is to remain on 'manage' then a qualifier should be added so that the quality and quantity is managed, as appropriate. Not all locations and discharges will require active management.

It is not effective or efficient to change the approach to managing stormwater as expressed in this redrafted policy.

**Decision requested:**

Delete Policy 4.16A.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

Rules

**11 Submission: Rule 5.75 to 5.78 (p. 5-5 to 5-6)**

**Reason for submission:**

The changes to the rules are supported in part.

In considering the application of these rules it is considered appropriate to include a specific reference that if the receiving artificial watercourse or constructed wetland is managed by a local authority then written approval from that authority is required before any discharge can be made into that system. This will ensure that the integrity of the system can be maintained and the operator of the watercourse or wetland can appropriately managed any discharge into or from the scheme.

**Decision requested:**

Add an additional permitted activity condition into Rules 5.75 and 5.77 to read:

- (x) "A written permission has been obtained from the network operator that that allows the entry of discharge into the network"

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**12 Submission: Rule 5.95 (p. 5-11)**

**Reason for submission:**

Similar to the submission lodged to rules 5.75-5.78 specific reference should be added to if the receiving network is managed by a local authority then written approval from that authority is required before any discharge can be made into that system. This will ensure that the integrity of the system can be maintained and the operator of the watercourse or wetland can appropriately managed any discharge into or from the scheme.

**Decision requested:**

Add an additional permitted activity condition into Rules 5.95 to read:

- (x) "A written permission has been obtained from the network operator that that allows the entry of discharge into the network"

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**13 Submission: Rule 5.96 (p. 5-11)**

**Reason for submission:**

The change to the Rule 5.96 is generally supported, except in relation to matter 2. (f).

The change in clause 2.(a) to the Annual Exceedance Probability event is more appropriate than the previous value and is supported.

Matter 2.(f) is not supported as it is not considered necessary, effective nor efficient to limit the application of this provision to only 5 houses.

**Decision requested:**

Amend Rule 5.96 as follows:

- i) Retain Rule 5.96 2.(a)
- ii) Delete Rule 5.96 2.(f)
- iii) Delete Rule 5.96 (e) or clarify that to be available the network operator must accept the discharge.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;

- b) Consequential or ancillary changes to the above

**14 Submission: Rule 5.115 (p. 5-16)**

**Reason for submission:**

The reference in the rule to a Water Supply Schedule prepared in accordance with Schedule 25 is supported.

Other additions for matters of discretion are not necessary nor appropriate with respect to the objectives and policies relating to protection of community drinking water.

**Decision requested:**

Amend Rule 5.115 as follows:

- iv) Retain Rule 5.115 1.
- v) Delete Rule 5.115 – Matters of discretion 8 and 9.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**15 Submission: Rule 5.133 (p 5-19)**

**Reason for submission:**

The rule should make it clear that this rule provides to the transfer of a take and use water permit to a territorial authority.

A specific reference should be made to add a reference to “community supply” to the first part of rule so that this covers a transfer to either a new owner of the site, or to a territorial authority. This is necessary to address the situations where private developers of a property secure the consent to provide water supply and then that permit is transferred to a territorial authority. This should be provided for as a permitted activity.

**Decision requested:**

Amend Rule 5.133 to provide a new Rule 5.133a.

5.133a The temporary or permanent transfer, in whole or in part, (~~other than to the new owner of the site to which the take and use of the water relates and where the location of the take and use of water does not change~~) of a water permit to take or use surface water or groundwater, is a ~~restricted discretionary~~ permitted activity, provided the following conditions are met:

- 1. The transfer is to a territorial authority for the purpose of providing a community water supply. ~~reliability of supply for any other lawfully established water take is not~~ ~~Include a permitted activity rule~~

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above.

**16 Submission: Rules 5.142 and 5.142A (p. 5-23 & 5-24)**

**Reason for submission:**

The amendment to Rules 5.142 and 5.142 are opposed.

The original Rule 5.142 provided for work related to the diversion surface run-off caused by flooding to be done by or on behalf of local authorities in accordance with a protection plan consistent with the Regional Council's technical manual.

The new rule, while not specifying who may undertake the work, requires that to be a permitted activity, the time allowed for any diversion of floodwater is 48 hours plus a range of other conditions. Rule 5.142A makes any activity that cannot comply with these conditions a discretionary activity.

The previous permitted activity rule is more appropriate to achieve the objectives and policies than the proposed more restrictive permitted activity rule and associated discretionary activity rule.

**Decision Requested:**

Delete proposed rules 5.142 and Rule 5.142A and retain the rules in the Land and Water Regional Plan.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above

**17 Submission: Rule 5.146A and B (p. 5-24 & 5-25)**

**Reason for submission:**

The new rule is generally supported.

However, while the intent of the rule is supported the proposed wording is too restrictive. And is not necessary in order to appropriately manage adverse effects or achieve the objectives and policies.

The words 'for the sole purpose of' be removed and replaced with 'where there are benefits for'

**Decision requested:**

Amend Rules 5.146A and 5.146B as follows:

5.146A Despite any other rule in this Plan, the disturbance of the bed and banks of a river to remove fine sediment less than 2 mm in diameter ~~for the sole purpose of~~ where there are benefits for habitat restoration, and the consequential damming, take, use and discharge of water in circumstances where contaminants may enter water is a restricted discretionary activity, provided the following conditions are met:

5.146B The disturbance of the bed and banks of a river to remove fine sediment less than 2 mm in diameter ~~for the sole purpose of~~ where there are benefits for habitat restoration, and the consequential damming, take, use and discharge of water in circumstances where contaminants may enter water that does not meet one or more conditions of Rule 5.146A is a discretionary activity.

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

- a) Any additional or alternative relief that achieves the same or similar outcome;
- b) Consequential or ancillary changes to the above