

From: [Benjamin Rhodes](#)
To: [Mailroom Mailbox](#)
Cc: [Murray England](#); [Jesse Burgess](#)
Subject: Plan Change 7 to the LWRP Submission
Date: Thursday, 12 September 2019 4:18:06 PM

Kia ora,

Please find attached Selwyn District Councils submission on the above.

Any questions please contact me

Nga mihi

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To Environment Canterbury

Submission from

Selwyn District Council

**In the matter of the proposed Plan Change 7 to the
Canterbury Land and Water Regional Plan**

11 September 2019

Person for Contact: Ben Rhodes or Murray England

Part A – Canterbury Land and Water Regional Plan

General comments

The Selwyn District Council is broadly in support of the proposed Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan as notified. Selwyn District Council has recommended some amendments below that would assist with the effective operation of the Regional Plan.

Section 4 Policies

Habitat of Indigenous Freshwater Species

Policy 4.101

There are two points of concern with regard to this policy:

- The policy relates to the “Surface Water Bodies” which is defined to include artificial water courses. In the Selwyn context the changes made by PC7 to Section 5 in relation to Indigenous Freshwater Species Habitat relate to lakes, rivers or wetlands, which capture modified water course but not artificial water courses. The direction of the policy does not cascade down into the rules. Referring to “Surface Water Bodies” in this Policy is too broad and has the consequence of subjecting all resource consents for works in and around artificial watercourses to having considering Indigenous Freshwater Species Habitat even where no habitats have identified for protection in artificial water courses.
- The policy would seem to be unfairly restrictive to Territorial Authorities to require the creation of new habitat in the same surface water catchment and with the same or improved habitat characteristics. The definition of “surface water body” is too wide for determining any off-setting requirements. The requirement to offset “in same surface water catchment” may not be possible. It is suggested that such requirements for offsetting be limited to rivers, wetlands or lakes.

Relief Sought: The definition of “surface water body” is replaced with “river, wetland or lake”, to ensure the policy direction links to the rule wording, avoids unintended consequences for works artificial water courses and. with regard to offsetting habitat loss, to avoid the unfairly restrictive “in same surface water catchment”.

Section 5 Region-Wide Rules

Vegetation Clearance and Earthworks

Rules 5.167 and 5.168

- Both these rules have both been amended to reference and protect Indigenous Freshwater Species Habitat. Although PC7 links the outcomes to water quality there is still a potential problem of duplication arising because the Resource Management Act 1991 empowers Territorial Authorities with controls in this area, as does the Regional Policy Statement. Clarity on roles with regard to indigenous vegetation clearance and habitat protection need to outlined by the Regional Council and the Regional Policy Statement amended to avoid duplication of process.
- The proposed additions to Section 5 to protect Indigenous Freshwater Species Habitat is noted, however there is potential for unintended consequences. For example, preventing biodiversity improvements as a permitted activity in areas of Indigenous Freshwater Species Habitat. Such improvements, which may involve earthworks and vegetation clearance (e.g. exotics), should be supported and provided for

- A number of the areas identified as Indigenous Freshwater Species Habitat are located in Selwyn Council's Land Drainage and Water Race Network. Although the protection of Indigenous Freshwater Species Habitat is supported Council would like some flexibility in the rules to allow for the management of the network in line with Council's responsibilities.

Relief Sought: Amend the wording of the condition 5 of Rule 5.167 and condition 3 of Rule 5.168 to include an exemption:

"... except that where works are undertaken by the territorial authority in accordance with an adopted a Management Plan developed under the Local Government Act."

Mapping

Mapping of the Indigenous Freshwater Species Habitat locations appears to include areas that are not rivers (including modified Water Courses) but rather artificial water courses that should not be captured. Some of these areas are no longer operational and have been closed and as such are unlikely to support Indigenous Freshwater Species Habitat.

Relief Sought: Discuss and compare GIS maps with Council staff to provide greater mapping accuracy before PC7 becomes operative.