

Memo

Date	3 February 2022
To	Andrew Parrish (Regional Planning Manager)
CC	Lisa Jenkins (Team Leader Planning) Paul Thompson (Principal Planner)
From	Lochiel McKellar (Senior Planner)

Recommended change to Plan Change 7 to the Canterbury Land and Water Regional Plan pursuant to Clause 16(2) of Schedule 1 to the Resource Management Act 1991 (RMA)


Clause 16(2) of Schedule 1 to the RMA states:


“A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors”

The Independent Hearing Panel’s Report and Recommendations on Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (CLWRP) was adopted by the Council as its decision on PC7 on 17 November 2021. Plan Change 7 has not been made operative, so clause 16(2) of Schedule 1 to the RMA is applicable.

At paragraph [24] the Independent Hearing Panel’s Report states: *“To avoid unnecessary duplication and repetition, we affirm that, except to the extent that we expressly address the contents in this report, we adopt the information, advice and reasoning in the s42A Report, and in the answers and replies given to us by its authors.”*

The following amendments are recommended to correct minor errors in PC7 to the CLWRP. Recommended insertions are shown in **bold and underlined**.

Location in PC7	Recommended Correction	Reason for Correction
<p>Map Volume</p> <p>Planning Maps – Critical Habitat</p> <p>Map sheet B-048</p>	<p>Amend the extent of the Critical Habitat in Lake Coleridge (B-048) to include a 40 meter buffer from all hydro-electric power generation infrastructure and the associated maintenance activities as follows:</p>  <p>See attached new map B-048.</p>	<p>The Independent Hearing Panel's Report does not explicitly address the extent of the Critical Habitat map layer, so the recommendations of the Reporting Officers are adopted as the Council's decision.</p> <p>The 'Section 42A Report' (March 2020) recommends (at page 96, para [5.45]) the Critical Habitat layer is amended to provide a 40 meter buffer from all hydro-electric power generation infrastructure and the associated maintenance activities.</p> <p>The recommendation (in Appendix A, Part 1 of the Independent Hearing Panel Recommendation Report) to 'accept in part' submission point PC7-156.15 clearly demonstrates that this change was intended by the Panel.</p> <p>This amendment has been erroneously omitted from the Planning Maps so a correction is necessary.</p>
<p>Map Volume</p> <p>Planning Maps – Critical Habitat</p> <p>Map sheet B-088</p>	<p>Amend the extent of the Critical Habitat in Irishman Creek (B-088) to include a 100 meter buffer upstream and downstream of Tekapo Canal as follows:</p>	<p>The Independent Hearing Panel's Report does not explicitly address the extent of the Critical Habitat map layer, so the recommendations of the Reporting Officers are adopted as the Council's decision.</p> <p>The 'Officers Reply' (February 2021) recommends (at paras [11.23] – [11.25]) an amendment to the Critical Habitat in Irishman Creek to provide a 100 meter buffer upstream and downstream of Tekapo Canal.</p> <p>The recommendation (in Appendix A, Part 1 of the Independent Hearing Panel Recommendation Report) to 'accept' submission point PC7-422.15 clearly demonstrates that this change was intended by the Panel.</p> <p>This amendment has been erroneously omitted from the Planning Maps so a correction is necessary.</p>

	 <p>See attached new map B-088.</p>	
<p>Plan Volume Section 8 Waimakariri Rule 8.5.12A</p>	<p>Rule 8.5.12A The taking and use of groundwater that will substitute an existing surface water permit or groundwater permit that has a direct, high or moderate stream depletion effect that does not comply with condition 4 of Rule 8.5.12 is a non-complying activity.</p>	<p>Appendix A, Part 1 of the Independent Hearing Panel’s Report states, in response to submission point PC7-220.13 that the recommendations “[include] a new non-complying rule (Rule 8.5.12A) for takes with ‘unacceptable’ bore interference effects.”</p> <p>The reason for this recommendation is adopted from the ‘Section 42A Report’ (March 2020) which states “that non-compliance with condition (4) (or interference effects are acceptable in accordance with Schedule 12) is more appropriate at a non-complying activity...”</p> <p>It is clear that the word “not” was erroneously omitted from Rule 8.5.12A so a correction is necessary.</p>

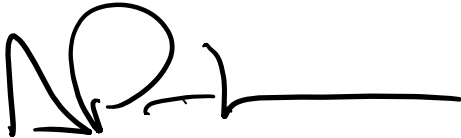
It is considered appropriate to use Clause 16(2) to Schedule 1 to the RMA to amend PC7 to the CLWRP to make these changes as the changes correct minor errors in the plan provisions and planning maps to align with the clear intent expressed in recommendations adopted as the Council’s decision.

Recommendation

The above changes as recommended by Environment Canterbury staff, are approved as corrections of minor errors under Clause 16(2) of Schedule 1 to the RMA, and a copy of these changes is displayed on the Environment Canterbury website.

Delegated Authority: Andrew Parrish, Regional Planning Manager

Signature:

A handwritten signature in black ink, appearing to be 'AP', followed by a long horizontal line extending to the right.

Date: 3 February 2022