

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Proposed Canterbury Land
and Water Regional Plan

**HEARING GROUP 1 FISH AND GAME QUESTIONS OF CLARIFICATION
TO ENVIRONMENT CANTERBURY**

26 FEBRUARY 2013

ANDERSON LLOYD
LAWYERS
DUNEDIN

Solicitor: Maree Baker-Galloway

Level 10, Otago House
Cnr Moray & Princes Street,
Private Bag 1959,
DUNEDIN 9054
Tel 03 477 3973
Fax 03 477 3184

1. Leave is respectfully sought for questions of clarification to be put to Matthew McCallum-Clark and Dr Adrian Meredith, both of whom contributed to the Section 42A report.
2. As clarified by the Chair during questions of clarification of Environment Canterbury's ("ECan") section 42A report writers, where practicable the panel's preference is for questions of clarification to be provided in writing to the hearing manager and the party concerned prior to appearance at the hearing. Depending on the nature of the response required, the witness has the option of preparing a written response.
3. Fish and Game agree that this approach will be helpful, and note that this does not preclude the ability to seek leave to have additional questions put to the witness should they arise during the presentation of evidence and/or responses to questions from the panel.
4. Fish and Game respectfully requests that where a written response is deemed appropriate, that this be provided in advance of Fish and Game's own presentation. Fish and Game's presentation in Hearing Group 1 commences on **8 April**. Fish and Game request that ECan's officers provide responses to the questions below by **2 April**.
5. Counsel is happy to answer any questions in respect of the below.

QUESTIONS FOR MATTHEW McCALLUM-CLARK

Question 1

6. This question relates to the difference between the role of Table 1 (a – c)¹ in the proposed Canterbury Land and Water Regional Plan ("pCLWRP") compared to its equivalent, Table WQL5, in the NRRP.²

¹ Proposed Canterbury Land and Water Regional Plan page 4-2 to 4-4

² Canterbury Natural Resources Regional Plan (NRRP) page 4-27

By way of background it is noted that the two tables are very similar, the main difference being that Table WQL5 has a column entitled "Purposes of Management" and Table 1 (a – c) does not. Examples of the role of Table WQL5 in the NRRP include Objective WQL1.1 Rivers, Policy WQL 1 and Policy WQL 2. Objective WQL1.1 states:

(1) To maintain in a natural state, the water quality and the bed of rivers within land administered for conservation purposes by the Department of Conservation.

(2) (a) In rivers where the outcomes in Table WQL5 are being achieved, manage the quality of the water and the bed to at least achieve the outcomes in Table WQL5; and

(b) In rivers where one or more of the outcomes in Table WQL5 are not being achieved, progressively improve the existing quality of the water and the bed.³

7. Policy WQL1 (2) (b) (i) 2 in respect of point sources discharges requires that there not be adverse effects on purposes of management or outcomes in Table WQL5⁴. Policy WQL 2 in respect of the effects of changes in flow on water quality has the same requirement.⁵
8. **The question of clarification is, what is the difference between the role of Table 1 (a – c) in the pCLWRP and Table WQL5 in the NRRP?**

Question 2

9. Page 13 of the Section 42A report notes that much of the scientific input and assessment undertaken is still relevant, and that there is *"often no additional technical information available beyond that drawn together for the NRRP."*
10. The *"Review of proposed NRRP water quality objectives and standards for rivers and lakes in the Canterbury Region"* (Hayward, Meredith and Stevenson) formed the basis of Table WQL5 in the

³ NRRP page 4-26

⁴ NRRP page 4-37

⁵ NRRP page 4-41

NRRP, an amended form of which is included in the pCLWRP as Table 1 (a – c).⁶ The Hayward report also formed the basis of water quality standards⁷ in Table WQL16 in Schedule WQL 1 Water Quality Classes and Mixing Zones⁸, an amended form of which is included in the pCLWRP in Schedule 5 Mixing Zones and Receiving Water Standards.⁹

11. **The question of clarification is, were any additional technical reports relied upon to set water quality objectives and standards in the pCLWRP other than what was prepared for the NRRP?**

Question 3

12. Pages 40 - 41 of the pCLWRP Section 32 Report states:

The NRRP, which was made operative in 2011, addresses water quality outcomes and its provisions were subject to extensive consultation processes, and subsequently the submission, hearing and appeal process. A substantial section 32 report was prepared for Chapter 4 Water Quality when it was notified in 2004 for submissions, and another section 32 report was prepared when decisions were released. A section 32 report was also prepared for Chapter 5 around the freshwater outcomes sought to be achieved for water quantity. Since June 2011 when NRRP became operative there have been no material changes in the causes of the issues, the nature of the contaminants, the receiving environments, or the type of plan provisions required to best address those issues. The PLWRP provisions while not identical to NRRP provisions are sufficiently similar in effect that the NRRP section 32 assessments are applicable here...

13. **The question of clarification is, which water quality related provisions are assessed by previous section 32 assessments and which provisions are assessed by the section 32 report prepared for the pCLWRP? Which section 32 reports are specifically relevant to which provisions in the pCLWRP?**

⁶ Review of proposed NRRP water quality objectives and standards for rivers and lakes in the Canterbury Region, Hayward, Meredith and Stevenson, March 2009, see Conclusions section pages 109 – 114, including Tables 7.1 and 7.2

⁷ Ibid pages 109 – 117 tables 7.5 and 7.6

⁸ NRRP pages 4-270 to 4-275

⁹ pCLWRP page 16-9

QUESTIONS FOR ADRIAN MEREDITH

Question 4

14. On page 2 of your memorandum dated 7 January 2013 (Appendix 12 in the Section 42A report) you state:

the inclusion of indicators such as POM, CBOD5, pH, Ecoli, Ammoniacal-N, SIN, DRP, Clarity and Turbidity ...are not supported in Table 1 (a,b) because they are not appropriate outcomes to measure plan achievement against. They rest more comfortably in a water quality standards or guidelines table, to be used for consent compliance purposes.

15. Schedule 5 in the pCLWRP¹⁰ sets water quality standards that are cross referenced in Policy 4.10 (e) and rules 5.72 and 5.77 and applies only to point source discharges. The table in Schedule 5 entitled "Water quality standards for waters not classified as Natural" contains standards for pH, E.coli, DIN, DRP and clarity. These parameters are affected by non-point source discharges as well, and can be the result of cumulative effects.
16. **The question of clarification is, if ECan is to measure cumulative effects of non point source discharges against a target or objective for that river, don't those types of parameters need to be in Table 1a rather than just in Schedule 5? Is there any other provision in the plan that includes these parameters for the measuring of cumulative effects of non point source discharges? If not, how could plan achievement in respect of these cumulative effects be measured?**

Question 5

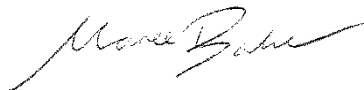
17. **If algal biomass and cover are outcomes in Table 1a, how will these outcomes be met if there isn't associated nutrient limits set to meet these outcomes?**

¹⁰ pCLWRP page 16-9

Question 6

18. At page 2 of the same memorandum in respect of Table 1a you state that *"the proposed changes to the QMCI indicator are not unreasonable because they convert a range figure (ie 5 – 6) into a single figure that is simple and more understandable"* However the section 42A report at page 112 states that you recommend no changes to Table 1a.
19. **The question of clarification is, can you clarify whether you support changing the QMCI indicator in Table 1 to a single figure?**

DATED this 26th day of February 2013



Maree Baker-Galloway

Counsel for Fish and Game