

Tabled at Hearing on 18 November 2015

Proposed Plan Change 3 to the Canterbury Land and Water Regional Plan

Response to Hearing Panel's question in relation to Table 15(c) of Plan Change 3 ("PC3") to the Canterbury Land and Water Regional Plan ("LWRP")

At the hearing on 17 November 2015, the Hearing Panel asked the Canterbury Regional Council to provide a response to the Panel on the following question:

What is the link to Table 15(c) in the plan provisions and if there is no link, then what is the purpose of the table?

Table 15(c) contains the water quality limits for rivers in the South Coastal Canterbury Area. Tables 15(d) and 15(e) contain the water quality limits and targets for lakes and groundwater, respectively, in the South Coastal Canterbury Area. Tables 15(c), (d), and (e) are not mentioned explicitly in the policies or rules in PC3. Accordingly, this question has been answered in respect of Tables 15(c), 15(d) and 15(e).

The LWRP contains the objectives, policies and rules (section 3, 4 and 5 respectively) that apply across the region. Where the LWRP contains policies in Section 4 and in the relevant sub-region section on the same subject matter, the more specific sub-region policy will take precedence, except in relation to Strategic Policies 4.2 to 4.9.

Strategic Policies 4.2 and 4.7 of the LWRP state as follows:

4.2 The management of lakes, rivers, wetlands and aquifers will take account of the fresh water outcomes, water quantity limits and the individual and cumulative effects of land uses, discharges and abstractions will meet the water quality limits set in Sections 6 to 15 or Schedule 8 and the individual and cumulative effects of abstractions will meet the water quantity limits in Sections 6 to 15.

4.7 Resource consents for new or existing activities will not be granted if the granting would cause a water quality or quantity limit set in Sections 6 to 15 to be breached or further over allocation (water quality and/or water quantity) to occur or in the absence of any water quality standards in Sections 6 to 15, the limits set in Schedule 8 to be breached. Replacement consents, or new consents for existing activities may be granted to:

- (a) Allow the continuation of existing activities at the same or lesser rate or scale, provided the consent contains conditions that contribute to the phasing out of the over allocation (water quality and/or water quantity) within a specified timeframe; or*

- (b) *Exceed the allocation limit (water quality and/or water quantity) to a minor extent and in the short-term if that exceedance is part of a proposal to phase out the overallocation within a specified timeframe included in Sections 6 to 15 of this Plan.*

Schedule 8 of the LWRP contains water quality limits that apply region-wide. PC3 seeks to insert catchment specific water quality limits and targets for the South Coastal Canterbury Area (set out in Tables 15(c), 15(d) and 15(e)) into Section 15 of the LWRP. These catchment specific water quality limits and targets prevail over those region-wide water quality limits set in Schedule 8.

The proposed catchment specific water quality limits and targets in Section 15 are set to achieve the LWRP's objectives and the in-stream fresh water outcomes described in Table 15(a) and 15(b). Activities within the South Coastal Canterbury Area are controlled by permitting or prohibiting activities as relevant to ensure that the objectives and the in-stream fresh water outcomes sought by the LWRP will be achieved. Where resource consent is required, the consent authority must assess the activity against the objectives and policies in the LWRP. In particular, Strategic Policies 4.2 and 4.7 specifically direct the decision maker to take into account the water quality limits and targets for the South Coastal Canterbury Area (in Tables 15(c), 15(d) and 15(e)) as well as the freshwater outcomes set out in Tables 15(a) and 15(b).

The LWRP is to be read together in its entirety, as such the directions set out in the strategic policies do not need to be repeated within the policies contained within Section 15 of the Plan. In particular, page 21 of the tracked changes version of PC3 states that the policies in Section 15.4 for the South Coastal Canterbury Area apply in addition to those set out in Section 4 of the Plan.