



Response to Memorandum of Philip Maw, Counsel for the Canterbury Regional Council, on Questions Raised by the Hearing Commissioners on Variation 1 to the Proposed Land and Water Regional Plan, dated 19 September 2014

1. Mr Maw has provided us the Memorandum and we have been asked to comment, if desired, on the paragraphs 24 – 27 dealing with the Scope of our submission on Schedule 13.
2. In essence, we understand that there is a view that the changes we seek to Schedule 13 of Variation 1 may not be within the scope of the Variation. I leave the legal interpretation of “scope” to the lawyers. However, I make the following comments on our submission to Variation 1.
3. Variation 1, amongst other things, proposes specific requirements for the water allocation regime within the Selwyn-Waihora catchment. Because the Proposed Land and Water Regional Plan (PLWRP) is formatted with a general section and specific catchment sections, with the catchment sections prevailing over the general section, my understanding is that the proposed specific requirements would only apply to the Selwyn-Waihora catchment and those requirements would prevail over the general section.
4. Our submission seeks to amend the proposed specific Schedule 13 requirements for the Selwyn-Waihora catchment section. The Memorandum identifies one of several particular aspects that we seek for the Selwyn-Waihora Schedule 13, i.e. inserting an “85% effective allocation” provision to replace the total consented volume as the indicator of allocation to be compared to the allocation limit. I believe I described my reasoning for this at the Hearing.
5. I would understand that our submission, if accepted (in part or in whole), would only apply to the Selwyn-Waihora catchment allocation regime and not to the wider Canterbury region, even if the Commissioners considered that there were grounds for consequential changes for consistency reasons.
6. In Mr Maw’s paragraph 27, he suggests that our submission seeks to change the existing parts of Schedule 13 (as opposed to those parts of the Schedule which Variation 1 seeks to insert). I don’t see it this way. Our submission is solely on the words contained in the Variation 1 paragraph headed “Schedule 13 – Requirements for implementation of water allocation regimes” and which are then described as the requirement for the regime for the Selwyn-Waihora catchment. This specific requirement is for this catchment and will prevail over the general Schedule 13 of the PLWRP. It is in fact the Variation 1 that seeks to change the existing parts of Schedule 13, and our submission is on those proposed changes and seeks to make further changes.
7. I am not sure whether I have interpreted the issue correctly or fully, and would be happy to answer any further questions to clarify our submission and its ambit.

Yours sincerely
John D Talbot
30 September 2014