

2 May 2018

MEMORANDUM

FROM: Olivia Cook

TO: Andrew Parrish

SUBJECT: Recommended amendments to Section 13 of the operative Land and Water Regional Plan (LWRP), and proposed Plan Change 2 (Hinds/Hekeao) to the Land and Water Regional Plan.

SCHEDULE OF CHANGES

Independent hearing commissioners were appointed to hear submissions and make recommendations on proposed Plan Change 2 (Hinds/Hekeao) to the LWRP. In response to those submissions the hearing commissioners prepared a Report and Recommendation for the Council which recommended insertions, deletions and amendments to the notified plan change.

The Report and Recommendations of the independent hearing commissioners was adopted and approved as the Council's decision on Plan Change 2 at a Council meeting on 4 February 2016.

Plan Change 2 is now at a stage in the planning process where it may be made operative by way of Council resolution. A number of minor alterations are required prior to making the plan change operative. These amendments renumber provisions (to enable a seamless integration of the PC2 provisions into the LWRP), and correct minor typographical and grammatical errors.

The authority to correct minor errors or make alterations of minor effect to a proposed plan change, without using the process described in Schedule 1 to the Resource Management Act (1991), is provided in Clause 16(2) of Schedule 1.

Clause 16(2) of Schedule 1 of the 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"

Table 1 sets out proposed alterations to provisions in the Council's decisions on Plan Change 2. Column 1 of Table 1 identifies the relevant provision in proposed Plan Change 2 that is to be amended. Proposed alterations are shown in column 3 of the table with additions shown in underline and omissions shown in strikethrough.

Table 1 – Recommended amendments to Section 13 of the Canterbury Land and Water Regional Plan

Location	Type of correction / alteration	Correction	Reason
Section 13 introduction, paragraph 13	Grammatical	Water resources are now showing signs of stress. Nitrogen concentrations in <u>the</u> 2013/14 year average...	Minor alteration to improve grammar
Section 13 introduction, paragraph 14	Grammatical	During 2013 and 2014 the Ashburton... gather mahinga kai safely, maintaining water quality... and improveing water quality and quantity...	
Section 13 introduction, paragraph 16	Grammatical	In conjunction with managed aquifer recharge, on-farm mitigation is anticipated to reduce the concentrations of nitrogen in shallow groundwater in <u>the</u> Lower Hinds/Hekeao Plains Area to 6.9...for aquatic species in the lowland spring-fed streams and...	
13.1A Definitions	Renumbering	13.1A Definitions <u>13.1A Hinds/Hekeao Definitions</u> (delete table title) Definitions	New heading inserted to clarify that definitions introduced by apply only within the Hinds/Hekeao Plains area, and not within the wider Ashburton sub-region.
13.1A Definitions	Grammatical	Definition of Baseline Land Use: ...determine the property's 'nitrogen baseline' as defined in this Section 13 of the <u>this Plan</u> .	Minor alteration to improve grammar.
13.1 Other Regional Plans that apply to the Ashburton Sub-region	Renumbering New Heading	Insert a new heading as follows <u>13.2 Other Plans and Instruments that apply to the Ashburton Sub-region</u> 13.2.1 Other Regional Plans that apply to the Ashburton Sub-region	New headings inserted to distinguish provisions that apply only within the Hinds / Hekeao Plains. Consequential renumbering as appropriate.
13.2 Water Conservation Orders that apply to the Ashburton Sub-region	Renumbering	13.2.2 Water Conservation Orders that apply to the Ashburton Sub-region	
13.3 Iwi Management Plans that apply to the Hinds Plains Area	Renumbering	13.2.3 Iwi Management Plans that Apply to the Hinds Plains Area <u>Ashburton Sub-region</u> <u>Hinds/Hekeao Plains Area</u>	
13.3 Freshwater Outcomes	Typographical	<u>13.3 Freshwater Outcomes</u> <u>For the Hinds/Hekeao Plains area see Objectives in Section 3, and freshwater outcomes in Table 13(a).</u>	Heading reinstated to clarify that the freshwater outcomes in Tables 1a and 1b of the LWRP apply throughout the Ashburton sub-

		<p><u>For the Ashburton sub-region except for Hinds/Hekeao Plains Area see Objectives in Section 3 and Policies 4.1, 4.2, 4.3 and 4.4.</u></p>	<p>region, except for within the Hinds / Hekeao Plains area.</p>
Policies, Rules and Tables	Renumbering	<p>Renumber provisions and references to provisions as follows:</p> <p> <u>Policy 13.4.5A6</u> <u>Policy 13.4.910</u> <u>Policy 13.4.1011</u> <u>Policy 13.4.10(aa)11(b)</u> <u>Policy 13.4.10(ab)11(c)</u> <u>Policy 13.4.10(b)11(e)</u> <u>Policy 13.4.10(c)11(e)</u> <u>Policy 13.4.10A12</u> <u>Policy 13.4.1113</u> <u>Policy 13.4.1214</u> <u>Policy 13.4.1315</u> <u>Policy 13.4.13(aa)15(b)</u> <u>Policy 13.4.13(ab)15(c)</u> <u>Policy 13.4.13(b)15(d)</u> <u>Policy 13.4.13(bb)15(e)</u> <u>Policy 13.4.13(ca)15(f)</u> <u>Policy 13.4.13A16</u> <u>Policy 13.4.13B17</u> <u>Policy 13.4.1418</u> <u>Policy 13.4.1519</u> <u>Policy 13.4.1620</u> <u>Policy 13.4.1721</u> <u>Policy 13.4.1822</u> <u>Policy 13.4.1923</u> <u>Rule 13.5.9A10</u> <u>Rule 13.5.1011</u> <u>Rule 13.5.1112</u> <u>Rule 13.5.1213</u> <u>Rule 13.5.1314</u> <u>Rule 13.5.15, condition 2-1.</u> <u>Rule 13.5.15A16</u> <u>Rule 13.5.17, condition 3-2.</u> <u>Rule 13.5.17, matter of discretion 5-3.</u> <u>Rule 13.5.17, matter of discretion 6-4.</u> <u>Rule 13.5.22, condition 3-2.</u> <u>Rule 13.5.22, condition 4-3.</u> <u>Rule 13.5.3130</u> <u>Rule 13.5.3231</u> <u>Rule 13.5.33A32</u> <u>Rule 13.5.33B33</u> <u>Table 13(f)(g)</u> <u>Table 13(fa)(h)</u> <u>Table 13(k)(i)</u> <u>Table 1413(j)</u> </p>	<p>Renumbering of provisions is required for a seamless integration of PC2 into Section 13 of the operative LWRP.</p>
Policy 13.4.14	Typographical	<p>...spring-fed waterbodies and groundwater in the Lower Hinds/Hekeao Plains Area by enabling managed aquifer...</p>	<p>Correction to spelling.</p>

Rule 13.5.7	Renumbering	Condition: 1. For discharges... (i)(a) (ii)(b) (ii)(a)(b)(i) (ii)(b)(b)(ii) (ii)(c)(b)(iii)	Renumbering.
Rule 13.5.9A	Grammatical	... not meet conditions 1 or 2... Condition 2 ...in accordance with Schedule 7 Part A of Schedule 7.	Minor grammatical amendments to improve consistency with regionwide provisions.
Rule 13.5.10	Grammatical	Condition 3 ...in accordance with Schedule 7 Part A of Schedule 7.	
Rule 13.5.15A	Grammatical	Condition 1: ...in accordance with Schedule 7 Part A of Schedule 7.	
Rule 13.5.17	Grammatical	Conditions: 1. (a) ...does not exceed 20 kg/ha/yr per hectare per year , and the nitrogen...more than 5 kg/ha/yr per hectare per year (b) exceeds 20 kg/ha/yr per hectare per year but does... 3-2. ...prepared in accordance with Schedule 7 Part A of Schedule 7.	
Rule 13.5.24	Grammatical	Condition 1: ...under Rules 13.5.8 to 13.5.12 and or 13.5.14 to 13.5.19.	
Rules – Stock Exclusion	Amend note	Amend note for Stock Exclusion rules (above Rule 13.5.26) as follows: Rules 5.68, 5.68A , 5.68B , 5.69, 5.70 and 5.71 (Stock Exclusion) apply...	Minor change for the purposes of clarifying which region-wide rules apply within the Hinds/Hekeao Plains area.
Rule 13.5.27	Grammatical	Condition 6 ...Protection Zone as listed set out in Schedule...	Minor alteration to improve grammar.
Rules – Small and Community Water Takes	Amend note	Amend note for Small and Community Water Takes rules (above Rule 13.5.29) as follows: Rules 5.1112, 5.1113, 5.1114, 5.1114A and 5.1115 apply...	Minor change for the purposes of clarifying which region-wide rules apply within the Hinds/Hekeao Plains area
Rules – Take and Use of Ground and Surface Water	Grammatical	Amend Note 2 as follows: Nothing in this plan affects an individual's <u>person's</u> right to take...	Minor change made to reflect changes made to s14(3)(b) of the RMA.
Rule 13.5.31	Grammatical	...restricted discretionary activity provided that the following...	Minor alterations to improve grammar
Rule 13.5.36	Grammatical	...where it may enter water, and the where that water may	

		contain contaminants, <u>and that</u> is for the purpose of augmenting... Matters of discretion: 5. ...receiving aquifer or rove <u>or</u> significant habitats...	
Rule 13.5.37	Grammatical	...where it may enter the water, and the <u>where that</u> water may contain contaminants and that is for the purpose of augmenting...	
13.6 Freshwater Outcomes	Grammatical	The following table sets out, in combination with Policies 4.3 and 4.4 <u>the freshwater outcomes</u> for the Hinds/Hekeao Plains Area. <u>These freshwater outcomes</u> that are to be maintained where the outcomes <u>they</u> are already <u>being</u> met, or achieved by 2035 where they are not currently met. The achievement of these <u>freshwater outcomes</u> will be through a... For all other areas in <u>within</u> the Ashburton section see <u>sub-region refer to</u> Policies 4.3, 4.4 and Tables 1a or <u>and</u> 1b.	

Table 2 – Recommended amendments to Section 16 (Schedules) of the Canterbury Land and Water Regional Plan

Location	Type of correction / alteration	Correction	Reason
Section 16, Schedule 24a	Grammatical	(e)... (ii) The animal effluent disposal system, application, <u>depth</u> , separation distances, depth , uniformity and... (iii) Records of the application, <u>depth</u> , separation distances, depth , uniformity and...	Minor alterations to improve grammar.

As a consequence of incorporating Plan Change 2 into the Canterbury Land and Water Regional Plan, minor corrections to renumber existing provisions in the Canterbury Land and Water Regional Plan are required.

The authority to correct minor errors in an operative plan, without using the process described in Schedule 1 to the Resource Management Act 1991, is provided in Clause 20A of Schedule 1 to the RMA.

Clause 20A of Schedule 1 states:

“A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.”

Table 3 below identifies minor corrections that are to be made to the Canterbury Land and Water Regional Plan. Recommended insertions are shown with underline and omissions ~~in strike through~~.

Table 3 – Recommended amendments to Section 13 of the Canterbury Land and Water Regional Plan

Location	Type of correction / alteration	Correction	Reason
13.4 Policies and Tables	Renumbering	Amend numbering of and references to the following Policies: Policy 13.4. 67 Policy 13.4. 78 Policy 13.4. 89 Table 4213(b) Table 13(c) Table 4413(f)	Renumbering of operative provisions in Section 13 of the LWRP is required to ensure a seamless integration of the PC2 provisions.
Rule 13.5.1	Renumbering	Conditions: 1. ...to be breached; <u>and</u> 2. ...as set out in Table 4213(b) ; <u>and</u>	
Rule 13.5.2	Renumbering	Amend rule 13.5.2 as follows: Conditions: 1. ...as set out in Table 4413(m) ; <u>and</u> 2. ...as set out in Schedule 12; <u>and</u>	
Rule 13.5.3	Grammatical	...as set out in Table 4413(f) that does not meet one or more conditions 2 and or 3 in of Rule 13.5.2...	Minor correction to improve grammar
Rule 13.5.4	Grammatical	...does not meet conditions 1 in <u>of</u> Rule 13.5.2 is...	Minor correction for consistency with the wording used in other rules throughout the LWRP.
Rule 13.5.6	Grammatical	Amend Rule 13.5.6 as follows: ...catchment that does not meet either of the conditions...	Minor correction to improve grammar

It is considered appropriate to amend the above provisions using the authority provided by Clauses 16(2) and 20A of Schedule 1 to the RMA. The amendments proposed do not materially alter the substance, intent or application of the provisions, or prejudice the rights of any person that made a submission on these provisions.

Recommendation

The changes set out in this memo are:

- (a) approved as alterations of minor effect or minor corrections; and
- (b) the provisions are amended using the authority provided by clauses 16(2) and 20A of Schedule 1 to the RMA; and
- (c) a copy of the 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', with a horizontal line extending to the right.

Date: 2 May 2018