

Proposed Natural Resources Plan for the Wellington Region

Supplementary Right of Reply

For Hearing Stream 1

Report date: 24 January 2018

Topic: Overall Plan Framework

Report prepared by: Yvonne Legarth

Table of Contents

Table 1: List of abbreviations	i
1. Executive Summary	2
2. Introduction and scope	2
3. Summary of recommendations	2
4. Policy P3 (precautionary approach)	3
5. Background: Overall policy framework: Policy P3 and P6	3
6. Matters raised by the Panel	5
Appendix 1: Red line as Recommended	15
Appendix 2: Clean version as Recommended	16

Table 1: List of abbreviations

List of Abbreviations	
Coastal Marine Area	CMA
Hutt City Council	HCC
Kāpiti Coast District Council	KCDC
National Policy Statement for Freshwater Management	NPS-FM
New Zealand Coastal Policy Statement 2014	NZCPS
Operative Regional Coastal Plan for the Wellington Region	RCP
Operative Freshwater Plan for the Wellington Region	RFP
Porirua City Council	PCC
Proposed Natural Resources Plan	proposed Plan
Regional Policy Statement	RPS
Resource Management Act	RMA
Upper Hutt City Council	UHCC
Wellington Regional Council	WRC, the Council
Wellington City Council	WCC

1. Executive Summary

1.1 This report responds to questions asked by the Hearing Panel in respect of Hearing Stream 1 matters.

2. Introduction and scope

2.1 My name is Yvonne Legarth. My qualifications and experience are set out in the RMA s42A report Natural Form and Function dated 7 August 2017.

2.2 I confirm that I continue to comply with the Code of Conduct for Expert Witness contained in the Environment Court Practice Note, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2.3 I did not prepare the RMA section 42A Officer's Report: Overall policy framework for the proposed plan (Part A and Part B), and have not evaluated the changes sought in submissions on the topic covered in that report.

2.4 I have read and relied on information in the RMA section 42A Officer's Report: Overall policy framework that was prepared by Ms Emily Greenberg dated April 2017, and released in advance of Hearing Stream 1.

2.5 This supplementary Right of Reply: Overall policy framework responds to matters raised by the Panel on Policy P3 and P6 addressed in the RMA section 42A report: Overall policy framework and forms part of the Right of Reply for the Overall policy framework topic.

3. Summary of recommendations

3.1 The recommendations made by Ms Greenberg in her RMA section 42A report are shown in red text that is underlined or ~~struck-out~~. Where I include recommendations in this Right of Reply, they replace the recommendations made in the RMA section 42A Officer's Report, and are shown in the red line version of the proposed plan in blue text.

3.2 I recommend the following:

- a. that Policy P3 be retained as notified
- b. that an evaluation of Policy P6 is undertaken once the report, submissions and evidence on the biodiversity (Hearing stream 5) and coast (Hearing stream 6) topics have been heard.

4. Policy P3 (precautionary approach)

4.1 When applied in decisions on consent applications, Policy P3 (precautionary approach) contributes to the implementation of all of the objectives in the proposed Plan, and in particular those that form part of the integrated management of natural and physical resources. Policy P3 applies generally, and has particular application when there is limited or little information about potential effects of activities. This being the case, I consider that it assists plan users to be aware of the intended approach, and my preliminary view is that the policy should be retained as notified.

4.2 I consider that while the notified version of Policy P3 has much broader reach, Policy P3 does contribute to the proposed plan giving effect to the NZCPS and those matters such as natural hazards and climate change that are to be heard in Hearing Stream 6. I consider that Policy P3 also contributes to the proposed Plan giving effect to the RPS provisions managing indigenous ecosystems and habitats with significant indigenous biodiversity values that are to be heard in Hearing Stream 5.

Policy P6 (synchronised expiry and review dates)

4.3 Policy P6 (synchronised expiry and review dates) as notified has application to water quality, quantity and habitats. The policy applies in the Whaitua catchments. The reference to 'sub-catchments' applies in the Ruamahanga catchment. As drafted, it is not clear whether the catchment includes the CMA. The Whaitua chapters in the proposed plan manage freshwater (minimum flows, minimum water levels and core allocation). Given the drafting of Policy P6, this could be interpreted as being limited to freshwater catchments. The evidence of Mr Smaill is that the coast will be included in the Whaitua work, and as I understand it the catchment would include the CMA. I consider that Policy P6 would be more effective if it was able to be applied to all consents (freshwater and coastal consenting).

4.4 It is not possible at this stage to evaluate the extent of the issue being managed by Policy P6 (synchronised expiry and review dates) and whether retaining, amending or deleting Policy P6 would be the most effective option for implementing the objectives in the plan until the reports and evidence on the biodiversity and coastal provisions have been heard.

5. Background: Overall policy framework: Policy P3 and P6

5.1 The RMA section 42A report: Overall policy framework deals with Policy P3 (Precautionary approach) in the proposed Plan in Issue 4.4 at paragraph 333 to 361; and

Policy P6 (Synchronised expiry and review dates) in the proposed Plan in Issue 4.6 at paragraphs 367 to 384.

- 5.2 The RMA section 32 report deals with Policy P3 in section 6.3 on pages 18 and 19; and Policy P6 in section 6.5 on pages 20 and 21, and describes the operative regional coastal plan Policy 4.2.5 as addressing the precautionary approach; and describes the operative freshwater plan as addressing the precautionary approach in Policy 4.2.22 (that directs the use of the precautionary approach to flood management), Policy 4.2.25 (that directs the use of the precautionary approach to the management of fresh water) and Policy 6.2.3 (that addresses the use of the precautionary approach for water allocation).
- 5.3 The Right of Reply dated 11 August 2017 (which I prepared) responds to questions asked by the Panel and discusses Policy P3 in section 10.7 at pages 18 to 20.
- 5.4 The Hearing Panel has asked for legal advice on the precautionary principle. A response to questions raised on the precautionary principle and how it is implemented through the proposed Plan was provided to the Hearing Panel on 26 May 2017¹.
- 5.5 The precautionary approach, and synchronised expiry and review dates are planning tools that assist with the implementation of all of the objectives and policies in the proposed plan. The two policies (P3 and P6) are intended to assist the council with performing its functions, and to promote integrated management of the natural and physical resources managed by the proposed Plan. Integrated management, which is the subject of Objectives O1 to O5, is about ensuring ecosystems, streams, rivers, wetlands, and the coast are not managed in isolation, recognising that these systems are connected and the connections are not always well understood.
- 5.6 The natural resources and activities enabled or controlled by the proposed Plan are to be managed over an entire catchment. Policies P3 (precautionary approach) and P6 (Synchronised expiry and review dates) in the proposed Plan sit together with Policy P1 (Ki uta ki tai and integrated catchment management); Policy P2 (cross boundary matters); Policy P4 (Minimising adverse effects), and Policy P5 (Review of existing consents).

¹ Supplementary responses from legal advisers and section 42A authors addressing questions arising during Council's opening session on 22/23 May 2017 Dated 26 May 2017 at Paragraphs 8 to 12(pages 3 to 7) and Ms Greenberg at paragraphs 1 to 10 on pages 25 to 27
<http://pnrp.gw.govt.nz/assets/Uploads/GW-response-to-questions-raised-232-and-23May-2017.pdf>

6. Matters raised by the Panel

6.1 The following questions arise out of the reports, submissions, and evidence provided to the Panel at the hearing:

Policy P3 (precautionary approach)

6.2 The matters addressed by Policy P3 in the proposed Plan are not limited to those addressed in the NZCPS (or the RPS). Policy P3 is a general policy that applies to all matters and is region wide. As notified Policy P3 is:

Policy P3: Precautionary approach: Use and development shall be managed with a precautionary approach where there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.

NZ Coastal Policy Statement 2014

6.3 The NZCPS requires that a precautionary approach be adopted, where effects are unknown and may be significant.

NZCPS Policy 3 is:

1. Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

2. In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

a. avoidable social and economic loss and harm to communities does not occur;

b. natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and

c. the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

Regional Policy Statement for the Wellington Region 2013

6.4 RMA section 6(c); and RPS Objectives 3 and 16 deal with significant indigenous biodiversity values; and the RPS refers to the precautionary approach in RPS Policy 47 (Effects on indigenous ecosystems and habitats with significant indigenous biodiversity values) and in RPS Policy 51 (natural hazards).

6.5 RPS Policy 47 is:

Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

...

(h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.

6.6 The explanation to RPS Policy 51 (natural hazards) states “This policy reflects a need to employ a precautionary, risk based approach, taking into consideration the likelihood of the hazard and the vulnerability of the development.” RPS Policy 51 is more about managing risk to people and properties than addressing situations where there is a lack of information.

6.7 RPS Policy 51 is: Minimising the risks and consequences of natural hazards – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

(a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;

(b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;

(c) whether the location of the development will foreseeably require hazard mitigation works in the future;

(d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;

(e) any risks and consequences beyond the development site;

(f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;

(g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;

(h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and

(i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard area.

Clarify Policy P3 - Precautionary Approach

- 6.8 Policy P3 in the proposed Plan applies generally, is not limited to the coastal environment, it applies to the region as a whole. The coastal icon does not mean the policy (or objective) is exclusive to the CMA². The coastal icon identifies those provisions that are part of the regional coastal plan, being those parts of the plan where the Minister of Conservation has a role in approving the coastal portion of a regional plan under Schedule 1 clause 19.
- 6.9 Policy P3 in the proposed plan implements those objectives in the proposed Plan that form part of the integrated management of natural and physical resources.
- 6.10 The RMA section 42A report recommends that Policy P3 be amended in order to give better effect to the NZCPS. Ms Greenberg agrees with the submitters that the precautionary approach be limited to where there is both an absence of information and the potential for significant adverse effects, and that Policy P3 could be amended to be more consistent with the approach in Policy 3 of the NZCPS³.
- 6.11 As notified, the focus of Policy P3 was on limited information and ‘adverse effects’. The focus of the NZCPS is on effects that are ‘potentially significantly adverse’; and ‘...resources are potentially vulnerable to effects from climate change’. As I understand it, the recommendation was to focus the policy on limited information and effects that are significant (rather than just adverse), because that is what the NZCPS does.
- 6.12 The matters addressed by Policy P3 in the proposed Plan are not limited to those addressed in the NZCPS (or the RPS). In the RPS, the precautionary approach is specifically mentioned when managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values and addressing natural hazards (both in the coastal environment and elsewhere), applying region wide. The RPS requires consideration of whether there is a need to apply the precautionary approach when assessing the potential for ‘adverse effects’ on indigenous ecosystems and habitats. This is unsurprising given the approach in RMA section 6(c).
- 6.13 While Policy P3 as notified applies a different (arguably more stringent) test to that in the NZCPS, it nevertheless does give effect to the NZCPS at the same time as giving effect to the RPS. This is because ‘significant’ adverse effects’ may be considered to be a subset of ‘adverse effects’.

² RMA section 42A report Overall plan framework Part B: Issue 1.2 pages 22 to 24

³ RMA section 42A report Overall plan framework Part B at paragraph 342; Recommended amendment at paragraph 360/361.

The precautionary approach – general policy, and in policies specific to particular values

- 6.14 Policy P3 is a general policy about using the precautionary approach, and together with other policies in the proposed Plan is intended to give effect to the NZCPS, and when managing effects on significant indigenous biodiversity values, RPS Objectives 3 and 16 and RPS Policy 47(h). There are other objectives and policies in the RPS that apply a precautionary approach to natural hazards.
- 6.15 In addition to Policy P3 in the proposed plan, RPS Policy 47 is also given effect to by proposed Policies P40 - P43 in the proposed plan, which deal more specifically with significant indigenous biodiversity values. There are also other more specific policies in the proposed Plan that deal with natural hazards and climate change; and the CMA.
- 6.16 Both coastal and significant indigenous biodiversity values have the added benefit of Policy P3, which does not deal solely with the coastal environment, but also to the management of the coastal environment, river and lake beds, water and discharges, pursuant to RMA sections 12 to 15; as well as applying to certain land uses within the jurisdiction of the regional council.

Options for Policy P3 identified by the Panel:

Option 1 - Retain with no change

- 6.17 I recommend that the proposed Plan does contain a specific policy that ensures the application of the precautionary approach where there is limited information on values present and effects on those values; and where there is a reasonable expectation that there are potential adverse effects.

Option 2 - Amended as per the RMA section 42A report

- 6.18 I consider that the amendment would set the management of adverse effects at a different level than the provisions in the RPS.

Option 3 - Delete P3 and rely on the specific coastal and significant biodiversity values policies to implement the RPS and NZCPS.

- 6.19 I recommend that Policy P3 is retained in some form as it provides an express linkage between the NZCPS and the application of a precautionary approach in the coastal environment when there is limited information, and potential effects may be significant. I consider that Policy P3 should be retained because it also contributes to giving effect to the RPS where there is little information on biodiversity values and information is limited. I also consider that Policy P3 will assist the implementation of the plan in general.

- 6.20 I am not familiar with the submissions made on the coastal provisions or provisions related to biodiversity values that are to be dealt with in future RMA section 42A reports, and I recommend that any decision to delete Policy P3 is made following evidence and consideration of the report on the management of biodiversity and the coast; when a decision may be made on whether amending, retaining or deleting Policy P3 is more effective at implementing the relevant integrated management, biodiversity and coastal objectives.

Does Policy P3 address Policy 47(h) of the RPS?

- 6.21 Policy P3 in the proposed Plan is a general policy that applies across topics, not just Policy P47. Policy P3 in the proposed plan does address RPS Policy 47(h). In addition to Policy P3, there are other policies in the proposed plan that also give effect to RPS Policy 47.
- 6.22 RPS Policy 47 takes a different approach to the management of adverse effects to the NZCPS. RPS Policy 47(h) focuses on an RMA section 6(c) matter, determining whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values and taking a precautionary approach when assessing adverse effects.

How is Policy 47(h) of the RPS given effect to in the PNRP ? If that is by PNRP (Policies P40 to P43) then how does this differ from the coastal policies?

- 6.23 The RMA section 42A report: wetlands and biodiversity to be prepared by Ms Guest and heard in Hearing Stream 5 deals with Policies P40 and P41 in the proposed plan, and the RMA section 42A report: Natural Hazards to be heard in Hearing Stream 6 deals with climate change, natural hazards and natural hazard mitigation.
- 6.24 Policies P40 to P43 in the proposed Plan deal with protecting and restoring areas with significant biodiversity values that have been the subject of an assessment, and have been specified in schedules in the plan. Areas in the coast that have been the subject of an assessment are specified in a schedule in the proposed plan (e.g. significant geological features); other areas that are not site specific (natural character) or areas that are site specific and have not yet been assessed (high/outstanding natural character and outstanding natural features and landscapes) are not specified in schedules in the proposed Plan.
- 6.25 RPS Policy 47 is one of a number of ‘consideration’ policies in the RPS, that applies when considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan. There are other ‘consideration’ policies in the RPS that deal with a range of other matters. Some RPS ‘consideration policies’ remain in effect after areas have been identified, and others do not.

Ecosystems and habitats with significant indigenous biodiversity values

- 6.26 The explanation to Policy 47(h) states that *“Policy P47 provides an interim assessment framework ...prior to the identification of ecosystems and habitats with significant indigenous biodiversity values in accordance with policy 23, and the adoption of plan provisions for protection in accordance with policy 24.....”* and ... *“This policy [RPS Policy 47] shall cease to have effect once policies 23 and 24 are in place in an operative district or regional plan”*.
- 6.27 The proposed Plan gives effect to RPS Policies 23 and 24 by identifying ecosystems and habitats with significant indigenous biodiversity values in Schedule F (and also with outstanding indigenous ecosystem values in Schedule A); and Policies P40-43 specify measures to protect these values and in doing so Ms Guest considers that Policies P40-43 do meet the requirements of RPS 47. Ms Guest (pers com) acknowledges there is a gap in the proposed Plan in terms of requiring the avoidance of adverse effects in aquatic ecosystems and habitats that meet NZCPS Policy 11(a). Ms Guest intends to recommend an amendment to address this in her Section 42A Report: Wetlands and Biodiversity (Hearing stream 5, due for pre-circulation on 26 February 2018).
- 6.28 An assessment has been undertaken of ecosystems and habitats with significant indigenous biodiversity values in the region, and specific policies, rules and schedules have been included in the proposed plan.

Significant geological sites in the CMA

- 6.29 The approach is similar to the significant geological sites (that are located in the CMA) that have been the subject of research, a technical report, and specific objectives, policies, rules and a schedule included in the proposed Plan. However, when the proposed Plan was notified, only ‘significant geological sites’ located in the CMA had been the subject of an assessment against the relevant RPS policies.
- 6.30 Further work is necessary to identify other outstanding natural features and landscapes in the region (including geological sites outside of the CMA, in the beds of lakes and rivers and in wetlands).
- 6.31 In the case of RPS Policy 50 the explanation reads: *“This policy [Policy 50] is to be used where an outstanding natural feature or landscape has already been identified in a district or regional plan prior to policy 25 being given effect to, or where an assessment has not yet been undertaken, but such a landscape or natural feature is present.”*

Outstanding natural features and landscapes

- 6.32 Outstanding natural features and landscapes have not been assessed and scheduled in the proposed Plan. The approach differs from the scheduling of areas that have been assessed, such as ecosystems and habitats with significant indigenous biodiversity values and significant geological sites in the CMA. While an explanation does not carry the same weight as a policy in the RPS, it does assist with interpretation. In this instance, Policy 50 anticipates two matters, one that there are outstanding natural features and landscapes already identified in plans that may not have been the subject of an assessment against the criteria in RPS Policy 25, and also that there may be areas that have not as yet been assessed, but may nevertheless have outstanding values present. RPS Policy 50 applies until such time as a full region wide assessment has been done, and included in an operative plan.

Natural character, and high/outstanding natural character

- 6.33 It is regional plans rather than district plans that manage the CMA, rivers, lakes and wetlands and recognise and provide for the natural character of rivers, lakes, wetlands and their margins in accordance with RMA section 6(a).
- 6.34 Natural character is not site specific, and would be assessed on a case by case basis as applications are made. RPS Policies 35 and 36 continue to apply when considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan.
- 6.35 In addition to managing natural character, the NZCPS goes further and deals with ‘at least high’ and ‘outstanding’ natural character. Areas of High/Outstanding natural character, and Outstanding natural features and landscapes are site specific, but have not been assessed and included in a schedule in the proposed Plan.
- 6.36 RPS Policies 35 and 36 do not contain a reference in the explanation that limits the requirement to apply the natural character ‘consideration’ policies following the specification of specific areas in the plan. Instead the policies ensure that natural character is assessed, effects managed, and a determination made in respect of inappropriate subdivision, use and development. An assessment of the degree of natural character is always required. It is explained that natural character occurs on a continuum from heavily modified to pristine. Where that degree is ‘at least high’ the NZCPS and RPS require further action.

Policy P6 (Synchronised expiry and review dates)

Clarify Policy P6 - Synchronised expiry and review dates

6.37 As notified, Policy P6 is: *Resource consents may be granted with a common expiry or review date within a whitua or sub-catchment, if:*

(a) the affected resource is fully allocated or over-allocated, or

(b) the exercise of the resource consent may impede the ability to implement an integrated solution to manage water quality, quantity or habitat within that whitua or sub-catchment.

What resources are being referred to in Policy P6?

- **Is it just water? (as suggested by S32 Report Ki Uta Ki Tai - Page 20, Section 6.5)**
- **If it is just water, is it quantity or quality or both?**
- **If not - what other resources (e.g. air, gravel, etc) and is there scope to make that clear in the policy.**

6.38 The short answer is that as notified, Policy P6 could be interpreted as applying to the freshwater resources in a Whitua catchment and in the Ruamāhanga catchment and sub-catchments. As I understand it, the intention is that Policy P6 applies to the whole catchment (including the CMA). Policy P6 as notified focuses on those resources being managed in the Whitua or a 'sub-catchment'. The definition of 'Sub-catchment' in the proposed Plan is "*In the context of provisions in the Ruamāhanga Whitua (Chapter 8) sub-catchments are: the area of the Upper Ruamāhanga River catchment identified in Figure 8.2; the middle Ruamāhanga River catchment identified in Figure 8.5; and Lake Wairarapa and the Lower Ruamāhanga River catchment in Figure 8.8.*"

6.39 There are difficulties with the above approach in the proposed Plan, and I consider that Policy P6 as notified is unclear. It is also unhelpful that the wording infers that Policy P6 only applies to the Whitua and to freshwater and habitats; and the Ruamahanga sub-catchments. It would be consistent to at least apply Policy P6 to all catchments, however I consider that there is merit in applying the approach in Policy P6 to all consents. In other regional plans, synchronising expiry dates and review dates is an administrative policy that can be readily applied to the management of any consented activity including gravel takes and discharges to air, where the approach can assist with implementing changes to the management approach; but is most often applied to the management of water takes and discharges, and the occupation of space in the CMA where aligning expiry dates is an effective way of implementing a change in management.

6.40 I recommend that a decision on Policy P6 be deferred until the submissions and evidence on wetlands and indigenous biodiversity, and the coast have been heard. I have not reviewed all of the submissions in detail, however based on the summary in the RMA section 42A report: Part B Overall plan framework, there is no direct scope in submissions on Policy P6 to extend it to apply to natural resource management generally. There may be scope as a consequential change where submissions seek amendments to promote integrated management. Sub-clause (b) of Policy P6 is intended to apply to water (fresh and coastal) quality, quantity and habitat (fresh and coastal). Therefore I recommend that any decision to delete or amend Policy P6 to clarify the intent is not made until the hearings on wetlands and indigenous biodiversity and coast have been completed, and the efficiency and effectiveness can be evaluated in light of the submissions and provisions in those Topics.

Appendix 1: Red line as Recommended

Alternative Policy P3:

Use and development shall be managed with a precautionary approach where there is limited information regarding the ~~receiving environment and the effects and any adverse effects are potentially significant effects the activity may have on the environment.~~⁴

Retain Policy P3 as notified: Precautionary approach Use and development shall be managed with a precautionary approach where there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.

Alternative Policy P6:

Resource consents may be granted with a common expiry or review date within a whitua or sub-catchment, if:

- (a) the affected resources is fully allocated or over-allocated, or
- (b) the exercise of the resource consent may impede the ability to implement an integrated ~~approach solution~~ to water quality, quantity or habitat within that whitua or sub-catchment.⁵

⁴ RMA section 42A report Recommendation at paragraph 360

⁵ RMA section 42A report Recommendation at paragraph 383

Appendix 2: Clean version as Recommended

Notified Policy P3: Precautionary approach: Use and development shall be managed with a precautionary approach where there is limited information regarding the receiving environment and the adverse effects the activity may have on this environment.

Alternative Policy P6:

Resource consents may be granted with a common expiry or review date within a whitua or sub-catchment, if:

- (a) the affected resources is fully allocated or over-allocated, or
- (b) the exercise of the resource consent may impede the ability to implement an integrated approach to water quality, quantity or habitat within that whitua or sub-catchment.'