

IN THE MATTER the Resource Management Act 1991
AND
IN THE MATTER of appeals under clause 14(1) of the First
Schedule of the Resource Management Act 1991
in relation to the Proposed Southland Water and
Land Plan

BETWEEN **SOUTHLAND FISH AND GAME COUNCIL**
Appellant (ENV-2018-CHC-000037)

BETWEEN **ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND**
Appellant (ENV-2018-CHC-000050)

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**STATEMENT OF EVIDENCE OF CARMEN WENDY TAYLOR
FOR RAVENSDOWN LIMITED - A SECTION 274 PARTY
15 MARCH 2019**

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EXECUTIVE SUMMARY

- A. Ravensdown Limited (**Ravensdown**) joined the Southland Fish and Game Council's (**Fish & Game**) and the Royal Forest and Bird Protection Society of New Zealand Incorporated's (**Forest & Bird**) appeals as a section 274 party as the amendments being sought by these appellants was not consistent with the outcomes sought by Ravensdown, or which it had decided it was comfortable with in the context of the purpose of the RMA and its area of interest. I provided advice to Ravensdown during its assessment of these appeals.
- B. In my opinion, the decisions versions of the Topic A provisions (subject to amendments to Objectives 13, 13A and 13B – refer to **Appendix 2** of my evidence), in conjunction with all of the Proposed Southland Water and Land Plan (**pSWLP**) provisions, establishes a framework for the management of the region's land and water resources that aims to achieve the sustainable management of these resources and which gives effect to relevant provisions of the National Policy Statement for Fresh Water Management (**NPSFM**) and the Southland Regional Policy Statement 2017. An important component of this framework includes the Freshwater Management Unit (**FMU**) process, which the pSWLP describes but which is yet to be implemented. I therefore do not support the amendments to Objectives 7, 13, 13A, 13B and 18 and Policies 4 to 12, 45 and 47 sought by Fish & Game and Forest & Bird.
- C. In relation to **Objective 7** and **Policies 45 and 47**, the pSWLP clearly articulates the manner in which a FMU process, in accordance with the requirements of the NPSFM, will be implemented. In my opinion, the amendments requested by Fish & Game and Forest & Bird in relation to these specific provisions are not appropriate, as it is important that the pSWLP provisions recognise that more localised FMU provisions (including water quality limits) may take a different approach to those provided for in the region-wide provisions given that they will reflect local values and uses. In this context, FMU provisions should not be unduly constrained by region-wide provisions and/or the need to seek a change to region-wide provisions to remove any conflict that may arise.
- D. In my opinion, **Objective 13, 13A and 13B** should be amended to reflect the notified version, subject to minor amendments (refer to **Appendix 2** of my evidence), to clearly articulate that the use of the land and soil resource is enabled, while ensuring the region's soil resource is protected, adverse effects on human health are avoided and on other relevant values are avoided, remedied or mitigated. In relation to the other amendments requested by Fish & Game and Forest & Bird, they are not necessary for the reasons outlined in **paragraph 3.6** of my evidence.
- E. Good Management Practice (**GMP**), a resource management tool identified in **Objective 18** and the **physiographic zone policies**, should be retained as it can be used by all resource users, not just the farming sector, as a means of providing for continued environmental awareness and responsibility.
- F. In my opinion, the other requested amendments to **Policies 4 to 12 (physiographic zone policies)** requested by Fish & Game and Forest & Bird, as discussed in **paragraph**

5.3 of my evidence, are not necessary and are not consistent with the purpose and intent of these policies.

1. INTRODUCTION

Qualifications and Experience

- 1.1 My full name is Carmen Wendy Taylor.
- 1.2 I hold the qualifications of Bachelor of Science (Geography) and Masters of Regional and Resource Planning from the University of Otago. I am a full member of the New Zealand Planning Institute.
- 1.3 I have over 25 years of professional planning and resource management experience in New Zealand. Since September 2017 I have been employed by Planz Consultants Limited (**Planz**), a planning and resource management consultancy. Prior to joining Planz, I was employed by Golder Associates (NZ) Limited, and before that MWH New Zealand Limited and the Electricity Corporation of New Zealand (**ECNZ**).
- 1.4 Throughout my professional experience, I have been involved in complex projects, initially for ECNZ and then for a range of clients, which have required detailed assessments of the implications and interrelationships associated with utilising a range of resources, such as land, water (surface water and groundwater), air and the coastal marine area. These projects have generally involved technical and scientific input, which I have understood and then utilised when assessing the planning implications (both planning policy implications and resource consent requirements), of projects under the Resource Management Act 1991 (**RMA**).
- 1.5 I have provided an overview of my relevant experience in **Appendix A** of my evidence.

Background

- 1.6 In March 2018, Planz was engaged by Ravensdown Limited (**Ravensdown**) to provide assistance with policy development processes under the RMA throughout New Zealand. In accordance with this role, in April 2018, following the release of the decisions on the Proposed Southland Water and Land Plan (**pSWLP**), I reviewed the decisions on Ravensdown's submissions and further submission and provided advise to Ravensdown on whether they should consider appealing the decisions. Ravensdown decided not to appeal on the basis that decisions either generally reflected the outcomes sought in submissions or because Ravensdown were comfortable with the resultant pSWLP provisions.
- 1.7 Given this decision, Ravensdown joined the Southland Fish and Game Council's (**Fish & Game**) and the Royal Forest and Bird Protection Society of New Zealand Incorporated's (**Forest & Bird**) appeals as a section 274 party¹. The reasons for joining these appeals, as outlined in the section 274 Notices, were that the amendments

¹ Ravensdown are also a section 274 Party to the Horticulture New Zealand (**Hort NZ**) appeal (ENV-2018-CHC-000028). The pSWLP provisions addressed in Hort NZ's appeal and to which Ravensdown became a party to, including the definitions for wetlands, are not part of this Topic A hearing.

being sought by Fish & Game and Forest & Bird were not consistent with the outcomes sought by Ravensdown or which it had decided it was comfortable with in the context of the purpose of the RMA and its area of interest. I provided advice to Ravensdown during its assessment of these appeals and prepared the section 274 Notices.

Code of Conduct

- 1.8 I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court updated Practice Note 2014, and agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Evidence Scope

- 1.9 My evidence addresses the pSWLP provisions which have been included in this Topic A hearing which have been appealed by Fish & Game and/or Forest & Bird and where Ravensdown has joined the appeal. Therefore, the pSWLP provisions covered in my evidence are:

- (a) Objective 7.
- (b) Objectives 13, 13A and 13B.
- (c) Objective 18.
- (d) Policies 4 to 12 – Physiographic Zone Policies.
- (e) Policies 45 and 47.

- 1.10 In preparing my evidence, I have read and considered the following documents as they pertain to the above provisions:

- (a) The pSWLP (Decisions version with tracked changes) (April 2018).
- (b) Report and Recommendations of the Hearing Commissioners (29 January 2018).
- (c) The Fish & Game and Forest & Bird appeals.
- (d) The Initial Planning Statement (**IPS**) (19 October 2018).
- (e) The planning evidence prepared for Southland Regional Council (**Council**) by Mr McCallum-Clark, and for the purpose of context the technical evidence prepared by Dr Snelder, Mr Rodway and Mr Hodson.
- (f) The planning evidence prepared for Fish & Game and Forest & Bird by Mr Farrell, and for the purpose of context the technical evidence prepared Dr Death for Fish & Game and Ms McArthur for Forest & Bird.

- 1.11 Given that the Initial Planning Statement and Mr McCallum-Clark's evidence assesses the relevant provisions of the higher-level planning documents, namely the National Policy Statement for Freshwater Management 2014 (as amended 2017) (**NPSFM**) and the Southland Regional Policy Statement 2017 (**RPS**), my evidence does not contain a

reassessment of these matters. This is because I am in general agreement with the assessment contained within the IPS and Mr McCallum-Clark's evidence. While taking this approach, I confirm that I am familiar with the NPSFM and RPS provisions relevant to the pSWLP.

2. **OBJECTIVE 7**

2.1 Objective 7 establishes, in accordance with the NPSFM (Objective B2), the need to ensure further water quality and quantity over-allocation is avoided and that existing over-allocation is phased out. The objective also identifies that the establishing of freshwater objectives, limits and associated timeframes will be established as part of the yet to be carried Freshwater Management Unit (**FMU**) process.

2.2 Fish & Game, in its appeal, while supporting the objective (in part), sought amendments that would identify the need to phase out existing over-allocation when considering resource consent applications that will affect water quality. Mr Farrell discusses this further in his evidence². As I understand Mr Farrell's evidence, he considers, based on the evidence of Dr Death and Ms McArthur, that lowland water quality is over-allocated (as well as other waterbody classes) and therefore Mr Farrell considers it is appropriate to direct, through this objective, that over-allocation is to also be phased out when considering resource consent applications. Mr Farrell also states that other objectives and policies do not provide the direction required when considering such resource consent applications and, based on the evidence of Dr Death, Mr Farrell considers that region-wide numerical outcomes should be specified in the pSWLP that define over-allocation in the region until such time as the FMU process is completed. On this basis, Mr Farrell recommends the following amendments (in tracked changes mode) to Objective 7:

... established under Freshwater Management Unit processes, or earlier where the resource is being used to a point where a region-wide freshwater numeric outcome(s) are longer being met.

2.3 I agree with Mr McCallum-Clark that the decisions version of Objective 7 should be retained³ and not amended as proposed by Mr Farrell. The reasons outlined by Mr McCallum-Clark, which I agree with, are that other pSWLP objectives and policies provide the necessary direction when considering resource consent applications in the interim. I also note that Mr McCallum-Clark, in his evidence, identifies that the only waterbody that has been confirmed as being over-allocated in the region is Cromel Stream and Rule 49(e) of the pSWLP prohibits new takes, diversions and use of water from this stream.

² Paragraphs 84 to 96 and 183 of Mr Farrell's evidence in chief.

³ Paragraph 69 of Mr McCallum-Clark's evidence in chief.

- 2.4 In relation to the policy framework of the pSWLP that already provide for consideration of relevant water quality considerations for activities, I consider that the following are specifically relevant⁴:
- (a) Objective 6 states that there is to be no overall reduction in freshwater quality, with water quality to be maintained where it is not degraded and improved where it is.
 - (b) Policy guidance, in support of Objective 7, includes:
 - a. Managing land use activities and discharges (Policy 13) by maintaining existing water quality where standards are met or where freshwater objectives are met in the future, or requiring water quality to be improved where these standards/objectives are not met (Policies 15A to 15C).
 - b. Managing specific activities that have the potential to affect water quality, in the context of whether or not specific standards or freshwater objectives are met, including farming (Policy 16).
- 2.5 In addition, Policy 40 provides guidance for determining the term of consents, including under part (7) that consideration of the timing of FMU sections of the pSWLP are to be considered if shorter or longer-term consents will better enable implementation of the revised frameworks (i.e., arising from the FMU process).
- 2.6 The pSWLP clearly articulates that a FMU process in accordance with the requirements of the NPSFM is to be undertaken in the future, and prior to the outcomes of that process coming into force, the region's water resources are to be managed in a manner that improves degraded water quality or otherwise maintains existing water quality. On this basis, I consider that the amendments to Objective 7 sought by Fish & Game are not appropriate as they pre-judge the outcomes of the FMU process. In my opinion, the decisions version of Objective 7 is appropriate and will achieve the purpose of the RMA (and the NPSFM) and should be retained (refer to **Appendix 2** of my evidence).

3. **OBJECTIVES 13, 13A AND 13B**

- 3.1 The purpose of these objectives (decisions version) is to recognise the importance of land and soils to the people and communities of Southland, in terms of economic, social and cultural outcomes, while ensuring that the region's soil resource is appropriately managed and protected and that discharges to land do not adversely affect human health. The notified version of the objective also sought to ensure that adverse effects on the values associated with the region's land and soils are avoided, remedied or mitigated.

⁴ Policy WQUAL.2 of the RPS will be relevant to some land use and discharge activities. The policy seeks to maintain or improve water quality having particular regard to four identified contaminants (nitrogen, phosphorus, sediment and microbiological contaminants).

- 3.2 Forest & Bird appealed these objectives as they considered that they no longer sought to maintain or enhance ecosystems and amenity, cultural and historic heritage values, nor did they ensure sustainable management or the achievement of freshwater objectives. Fish & Game also appealed these objectives as they considered it provided for the use and development of land and soil without providing the qualification that adverse effects on important values are to be avoided, remedied or mitigated.
- 3.3 In considering the appeals on these objectives, Mr McCallum-Clark advised that the splitting of Objective 13, into three separate objectives, lost the balance of enabling activities, but within the limits originally outlined in parts (a) to (c). Mr McCallum-Clark also outlines that the deletion of part (c) of the objective removes a level of protection for land-based ecosystems, amenity values and cultural values from the adverse effects of land and soil development activities. For this reason, Mr McCallum-Clark suggests that the objectives should be recombined into one objective, and that consideration should be given to reinstating part (c) of the objective⁵.
- 3.4 Mr Farrell, in his evidence on behalf of Fish & Game and Forest & Bird, agrees with Mr McCallum-Clark's evidence, and recommends the reinstatement of the notified version of Objective 13, subject to further amendments as follows (amendments to notified version shown in tracked changes)⁶:

Enable the use and development of land and soil, provided:

- a) *the quantity, quality and structure of soil resources are maintained and managed to avoid irreversible degradation ~~not irreversibly degraded through~~ from land use activities and discharges to land;*
- b) *the discharge of contaminants to land or water that have significant or cumulative effects on human health are avoided; and*
- c) *adverse effects on ecosystems (including indigenous biological diversity and integrity of habitats), amenity values, recreation and cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are safeguarded ~~maintained or enhanced~~.*

- 3.5 I agree with both Mr McCallum-Clark and Mr Farrell, that the three objectives should be amalgamated, effectively as notified, to ensure that the aim of the objective is to enable land and soil development activities while ensuring that the region's soil resource is protected, effects on human health are avoided and that adverse effects on values associated with the land and soil resource are avoided, remedied or mitigated.
- 3.6 In relation to the further amendments requested by Mr Farrell, in my opinion they are inappropriate as:
- (a) Ensuring that the region's soil resources do not become irreversibly damaged should be the resource management aim. The means of achieving this aim, for

⁵ Paragraphs 153 and 156 of the Mr McCallum-Clark's evidence in chief.

⁶ Paragraph 113 of Mr Farrell's evidence in chief.

example through management or maintenance approaches, should be outlined within subsequent policies and rules.

- (b) Habitat diversity, not just indigenous biological habitats, contribute to ecosystem values.
- (c) Recreation values, or use, arise out of the range of values associated with an area's land resource (i.e., ecosystem, amenity, cultural and heritage) and therefore it is not necessary to refer to recreation values in part (c) of this objective.
- (d) The maintenance and enhancement of the values identified in part (c) of this objective, by ensuring that adverse effects are avoided, remedied or mitigated, is an appropriate resource management approach. Safeguarding, in context of the purpose of the RMA, relates to the life-supporting capacity of resources and ecosystems, not specific values associated with an area's land resource or associated ecosystem values.

3.7 In summary, I recommend that the notified version of Objective 13 will better give effect to the RPS⁷ and therefore should be retained. However, I also recommend the retention of minor amendments to the notified version of the objective, as provided in **Appendix 2** of my evidence, that were contained in the decisions version of the objectives to provide additional clarity.

4. **OBJECTIVE 18**

4.1 Objective 18 aims to encourage good management practice (**GMP**) by all users of the region's water and land resources.

4.2 I understand and am advised, given the assistance that Planz and myself provide to Ravensdown throughout New Zealand, that Ravensdown participates in regional planning processes nationally and seeks to achieve consistency where it can in relation to provisions that relate to farming practices. Its position is that GMP is a term that is becoming synonymous with changes to farming practices that will reduce losses of the four key contaminants (nitrogen, phosphorus, *E. coli* and sediment) to water and ultimately result in improvements in water quality. The term is reflected in the Industry-agreed Good Management Practices relating to water quality (September 2015) that were initially intended for use in Canterbury but were developed to be applicable across all regions in New Zealand. Ravensdown's view is that consistency in terminology goes some way to meeting the challenge of implementing regulation for farming and achieving catchment scale improvements in water quality.

4.3 Operative plans that include reference to GMP (or the Industry Good Practice) in relation to farming include the Canterbury Land and Water Regional Plan and the Hawkes Bay Regional Council's Resource Management Plan chapter for the Tukituki Catchment. Proposed regional plans that include the concept of GMP include Waikato Regional Council's Proposed Waikato Regional Plan Change 1: Waikato and Waipa

⁷ Particularly Objective RURAL.2 and Policies RURAL.4 and RURAL.5 of the RPS.

Catchments, Proposed Gisborne Regional Freshwater Plan and Greater Wellington Regional Council's Proposed Natural Resources Plan with this latter plan seeking to apply GMP to a range activities, not just farming practices.

- 4.4 I understand that Ravensdown is not concerned at a broader application of the term GMP, so long as its use in relation to on farm mitigation practices is retained. For this reason, Ravensdown did not appeal the decisions version of Objective 18. As discussed below, I also consider that the broader application of GMP beyond the farming sector is appropriate.
- 4.5 Fish & Game, in its appeal, sought to replace Objective 18 with an objective that aimed to ensure that all activities implement the 'best practicable option' (**BPO**) rather than GMP. Mr Farrell⁸, in his evidence, does not support the replacement of the objective as requested in Fish & Game's appeal, but rather outlines that while GMP should be encouraged (and therefore this requirement should be retained within the objective), the objective should also require all activities to implement BPO. Accordingly, Mr Farrell recommends that the decisions version of Objective 18 be amended (in tracked changes mode) as follows:

All activities operate in accordance with "good environmental management practice" or better to optimise efficient resource use, safeguard the life supporting capacity of the region's land and soils, and maintain or improve the quality and quantity of the region's water resources.

All activities implement the best practicable option to optimise efficient resource use and achieve the following:

- (a) Soil conservation;*
- (b) Maintain and improve water quality;*
- (c) Maintain or improve water quantity; and*
- (d) Maintain and improve ecosystems in freshwater.*

- 4.6 I agree with Mr McCallum-Clark that the decisions version of Objective 18 should be retained and not amended as proposed by Mr Farrell. The reasons outlined by Mr McCallum-Clark⁹, which I agree with, is that the objective clearly relates to all activities, not just farming, and that it articulates an on-going requirement for resource users to operate in accordance with GMP. In addition, use of GMP provides flexibility in terms of methods that can be implemented and also provides for GMP evolving over time.
- 4.7 While GMP as a resource management tool may have evolved from the farming sector, I consider that GMP as a continual improvement practice for all resource users can, and should, be applied to all activities as a means of providing for continued environmental awareness and responsibility¹⁰. Under the pSWLP, GMP is defined as

⁸ Paragraphs 125 to 134 and 185 of Mr Farrell's evidence in chief.

⁹ Paragraphs 181 to 196 of Mr McCallum-Clark's evidence in chief.

¹⁰ In this context, the Proposed Natural Resources Plan for the Wellington Region, defines GMP as - *Practices, procedures or tools (including rules) that are effective at achieving the desired performance while providing for desired environmental outcomes. Good management practice evolves through time and results in continuous improvement as new information,*

including (but not limited to) the practices set out in the GMP factsheets available on Council's webpage. At the time of preparing my evidence, over 25 factsheets were provided on Council's webpage and while the majority of these do relate to farming practices, some are applicable to other activities (examples include, but are not limited to – Weed and Sediment Removal for Drainage Maintenance – Information for Contractors, Creating Riparian Zones, Riparian Plants for Southland).

- 4.8 Also, the use of GMP as provided for under this objective, does not remove any obligation under the RMA for parties to adopt or consider BPO. In the context of the pSWLP, this includes when seeking resource consents to discharge contaminants and, in the future as part of the FMU process when developing regional discharge rules¹¹.
- 4.9 For the above reasons, I consider that the decisions version of Objective 18 should be retained (**Appendix 2** of my evidence) as it will better give effect to Objectives WQUAL.1, WQUAL.2 and BRL.6 of the RPS¹².

5. **POLICIES 4 TO 12 – PHYSIOGRAPHIC ZONE POLICIES**

- 5.1 The physiographic zone policies reflect, at a broad level, the landscape-scale attributes that have the potential to influence water quality risks arising from land uses. The different zones represent areas within the region with common attributes (climate, topography, geology and soils) where water quality influences differ in terms of how sediments, microbes and nutrients are likely to be transferred through soils and groundwater and into surface water. Based on the characterisation of the broad water quality risks in each zone, these policies outline a resource management approach that will apply until relevant provisions arising out of the FMU process are established. As a broad overview, these measures include: the implementation of GMP in relation to specified activities; the need to have regard to specific effects when assessing resource consent application and preparing or considering Farm Environmental Management Plans (**FEMP**); and, prohibiting or generally not granting resource consents for specific farming activities.
- 5.2 Fish & Game and Forest & Bird appealed these policies seeking a number of amendments. These appellants, as outlined in the evidence of Mr Farrell¹³, are now seeking the same amendments to these policies which as an overview entail: including the physiographic zone maps; separating Policy 6 back into three separate policies; directing land uses to avoid, as far as practical, contaminants entering water by promoting BPO; and, directing decision-makers to not grant resource consents for activities known to pose a high risk to water quality.

technology and awareness of particular issues are developed and disseminated. Good management practice guidelines can be found on the Wellington Regional Council's website <http://www.gw.govt.nz/good-management-practice/>

¹¹ In accordance with section 70(2) of the RMA.

¹² Implementation of GMP is identified as one of the tools to be used to achieve the outcomes sought by Objectives WQUAL.1, WQUAL.2 and BRL.1 of the RPS (refer to Methods WQUAL.5, WQUAL.12 and WQUAL.14 and Method BRL.6)

¹³ Mr Farrell discusses the physiographic zone policies in paragraphs 134 to 155 of his evidence in chief, with the amendments requested outlined in paragraphs 156, 157 and 189.

- 5.3 Mr McCallum-Clark¹⁴ considers these appeals (in conjunction with others) in his evidence in chief and concludes that the decisions versions of the physiographic zone policies, including Policy 12A, should be retained. I agree with Mr McCallum-Clark as:
- (a) There is no need to separate Policy 6 as the resource management response for the three zones included in this policy is the same.
 - (b) For the reasons outlined above in relation to Objective 18 (**Section 5** of my evidence) and given that the pSWLP objectives require the implementation of GMP, not BPO, I consider that continued use of GMP within these policies is appropriate.
 - (c) I do not support the recommended amendments outlined by Mr Farrell where he requests that “*manage adverse effects on water quality*” and “*having particular regard to*” are replaced with “*avoid, as far as practicable*”. These provisions of the policies specifically relate to GMP implementation and the purpose of FEMP, and the role they are to play in managing adverse effects on water quality. Therefore, in my opinion, the proposed amendments are not consistent with the intent of these provisions.
- 5.4 Therefore, I consider that the decisions version of the physiographic zone policies should be retained (**Appendix 2** of my evidence). I consider that these policies represent an efficient and effective means of delivering on the pSWLP’s objectives until more specific provisions arising out of the FMU process are established.

6. **POLICIES 45 AND 47**

- 6.1 Policies 45 and 47, which support Objective 7, provide guidance on the FMU process. The intent of Policy 45 (Priority of FMU values, objectives, policies and rules), is to identify that catchment-specific values, objectives, policies and rules will be developed as part of an FMU process (which is to be undertaken in accordance with the NPSFM) and that any future FMU future provisions will prevail over region-wide objectives and policies, unless stated otherwise. Policy 47 (FMU processes) outlines the nature of provisions to be included in FMU sections of the pSWLP.
- 6.2 Fish & Game, through its appeal, seeks to amend these policies to clarify that FMU specific provisions cannot be more lenient or less protective than region-wide provisions (Policy 45) and that they are to be developed to support the implementation of region-wide objectives (Policy 47).
- 6.3 Mr Farrell outlines in his evidence¹⁵, based on the evidence of Dr Death, that region-wide numerical outcomes should be applied now to ensure that the region’s water quality is improved in order to provide for ecosystem health bottom lines. In Mr Farrell’s opinion, the establishment of numerical outcomes will prevent further water quality degradation while providing scope, through the FMU process, to refine and prioritise freshwater objectives within specific geographic areas. On this basis, and

¹⁴ Paragraphs 215 to 235 of Mr McCallum-Clark’s evidence in chief.

¹⁵ Paragraphs 158 to 176 and 190 of Mr Farrells’ evidence in chief.

based on my understanding of Mr Farrell's evidence, he seeks to amend these policies to state that FMU sections of the plan are to provide for the implementation of the region-wide objectives (Policy 47). Therefore, based on this approach, he also seeks to clarify that FMU sections of the pSWLP cannot be more lenient than region-wide objectives and policies (Policy 45).

- 6.4 I agree with the evidence of Mr McCallum-Clark¹⁶, in that, as Council has not yet undertaken the FMU process in accordance with the NPSFM, it is important that the pSWLP provisions recognise that more localised FMU provisions (including water quality limits) may take a different approach to those provided for in the region-wide provisions given that they will reflect local values and uses. In this context, FMU provisions should prevail over region-wide provisions, unless stated otherwise (as provided for by the decisions version of Policy 45). FMU provisions, which will still need to deliver on the objectives and policies of higher order planning documents including the NPSFM (and the relevant objectives of the pSWLP), should not be unduly constrained by region-wide provisions and/or the need to seek a change to region-wide provisions to remove any conflict that may arise. For these reasons, in my opinion, the decisions version of Policies 45 and 47 are an effective and efficient in terms of achieving the objectives of the pSWLP.
- 6.5 Therefore, in my opinion, the decisions version of Policies 45 and 47 should be retained without amendment (**Appendix 2** of my evidence).

7. CONCLUSION

- 7.1 In my opinion, the decisions version of the Topic A provisions discussed above in my evidence (subject to amendments to Objectives 13, 13A and 13B), in conjunction with the pSWLP provisions as a whole, establishes a framework for the management of the region's land and water resources that aims to achieve the sustainable management of these resources and which gives effect to relevant provisions of the NPSFM and RPS. An important component of this framework includes the FMU process, which the pSWLP describes but which is yet to be carried out.
- 7.2 On this basis, I do not support the amendments sought by Fish & Game and Forest & Bird as:
- (a) The FMU process, in the context of Objective 7 and Policies 45 and 46, is clearly articulated within the pSWLP and it is not appropriate to prejudice or inappropriately constrain that process and its outcomes. Also, the pSWLP clearly articulates that the region's water resources are to be managed whereby degraded water quality is improved.
 - (b) While I agree that Objective 13, 13A and 13B should be amended to reflect the notified version, subject to minor amendments (refer to **Appendix 2** of my evidence), I do not consider that the additional amendments to the objective are necessary for the reasons outlined in **paragraph 3.6** of my evidence.

¹⁶ Paragraphs 236 to 244 and 252 to 262 of Mr McCallum-Clark's evidence in chief.

- (c) GMP, or Good (Environmental) Management Practice (Objective 18 and Physiographic zone policies) is a tool that can be used by all resource users, not just the farming sector, as a means of providing for continued environmental awareness and responsibility.
- (d) The other requested physiographic zone policies (Policies 4 to 12), discussed in **paragraph 5.3** of my evidence, are not necessary and are not consistent with the purpose and intent of these policies.



Carmen Taylor

Dated: 15 March 2019

APPENDIX A - CARMEN WENDY TAYLOR – EXPERIENCE OVERVIEW

- A1.1 In relation to policy development work since 2006, I have been involved in the following plan development processes: Environment Southland's Variation No. 4 (Water Quality) to the Proposed Fresh Water Plan; Environment Waikato's Proposed Variation No. 6 (Water Allocation); the Proposed One Plan for the Manawatu-Wanganui Region; Central Otago District Council's Proposed Plan Changes 5A to 5W; Proposed Hauraki District Plan; Bay of Plenty's Proposed Regional Policy Statement; Environment Waikato's Proposed Regional Policy Statement; Taupo District Council's Proposed Plan Change 29; the Proposed Auckland Unitary Plan; the Canterbury Air Regional Plan; and, Clutha District Council's Proposed Plan Change 40 (Stirling rezoning). The nature of my involvement varied, but included preparation of submissions, further submissions, review and advice on the recommendations of the section 42A Reports, preparation and presentation of planning evidence, review of decisions and participation in appeal processes.
- A1.2 More recently I have been assisting Ravensdown with policy development processes throughout New Zealand, including but not limited to: Plan Change 1 (Waikato and Waipa River Catchments (Healthy Rivers), and Variation 1 to this plan change, to the Waikato Regional Plan; Proposed Regional Plan for Northland; Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan for the Bay of Plenty Region; Proposed Natural Resources Plan for the Wellington Region; Proposed Marlborough Environment Plan; and, the Proposed Second Generation Dunedin City District Plan.
- A1.3 Examples of complex projects where I have prepared applications under the RMA and/or other legislation include:
- (a) Consent for the continued operation of the Manapouri Hydro-electric Power Scheme and the approvals required for the construction of the second tailrace at Manapouri.
 - (b) Resource consents and designations for municipal wastewater treatment and disposal facilities at Dunedin, Queenstown and Wanaka.
 - (c) Resource consents and designations for Queenstown's sanitary landfill and waste management facilities (landfills and transfer stations) in Invercargill City and Southland District.
 - (d) Resource consents for the construction and operation of Trustpower's Mahinerangi Wind Farm in Otago.
 - (e) Discharge permits for discharges to air, land and water, water permits to take groundwater and resource consents, including land use consents, for development activities at a number of dairy manufacturing facilities.
 - (f) Discharge permits for discharges to air and coastal waters from a fertiliser manufacturing site.
 - (g) Marine consent to mine phosphorite on the Chatham Rise for Chatham Rock Phosphate Limited.

- (h) Discharge permits, water permits and land use consents for alluvial gold mining in Central Otago.

APPENDIX B – SUMMARY OF RECOMMENDATIONS

Objective / Policy	Recommendation
<p>Objective 7</p>	<p>Retain decisions version:</p> <p><i>Any further over-allocation of freshwater (water quality and quantity) is avoided and any existing over-allocation is phased out in accordance with freshwater objectives, freshwater quality limits and timeframes established under Freshwater Management Unit processes.</i></p>
<p>Objective 13, 13A and 13B</p>	<p>Reinstate notified version of Objective 13 with minor amendments, as shown in tracked changes mode, contained in the decisions version to provide additional clarity as to intent.</p> <p><i>Enable the use and development of land and soils provided:</i></p> <ul style="list-style-type: none"> <i>(a) the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities <u>and</u> or discharges to land.;</i> <i>(b) the discharges of contaminants to land or water that have significant or cumulative <u>adverse</u> effects on human health are avoided.;</i> and <i>(c) adverse effects on ecosystems (including diversity and integrity of habitats), amenity values, cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are maintained or enhanced.</i>
<p>Objective 18</p>	<p>Retain decisions version:</p> <p><i>All activities operate in accordance with “good management practice” or better to optimise efficient resource use, safeguard the life supporting capacity of the region’s land and soils, and maintain or improve the quality and quantity of the region’s water resources.</i></p> <p>The replacement of ‘good management practice’ with ‘good <u>(environmental)</u> management practice’ is also supported.</p>

Objective / Policy	Recommendation
<p>Policies 4 to 12 – Physiographic Zone Policies</p>	<p>Retain decisions versions:</p> <p>Policy 4 – Alpine <i>In the Alpine physiographic zone, avoid, remedy, or mitigate erosion and adverse effects on water quality from contaminants, by:</i></p> <ol style="list-style-type: none"> 1. <i>requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow;</i> 2. <i>having particular regard to adverse effects of contaminants transported via overland flow when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</i> 3. <i>prohibiting dairy farming and intensive winter grazing, and decision makers generally not granting resource consents for cultivation.</i> <p>Policy 5 – Central Plains <i>In the Central Plains physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</i></p> <ol style="list-style-type: none"> 1. <i>requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage and deep drainage;</i> 2. <i>having particular regard to adverse effects on water quality from contaminants transported via artificial drainage and deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</i> 3. <i>decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.</i> <p>Policy 6 – Gleyed, Bedrock/Hill Country and Lignite-Marine Terraces <i>In the Gleyed, Bedrock/Hill Country and Lignite-Marine Terraces physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</i></p>

Objective / Policy	Recommendation
	<ol style="list-style-type: none"> 1. <i>requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and</i> 2. <i>having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans.</i> <p>Policy 9 – Old Mataura <i>In the Old Mataura physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</i></p> <ol style="list-style-type: none"> 1. <i>requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage;</i> 2. <i>having particular regard to adverse effects on water quality from contaminants transported via deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</i> 3. <i>decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.</i> <p>Policy 10 – Oxidising <i>In the Oxidising physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</i></p> <ol style="list-style-type: none"> 1. <i>requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant;</i> 2. <i>having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</i>

Objective / Policy	Recommendation
	<p data-bbox="734 256 1989 368">3. <i>decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.</i></p> <p data-bbox="734 395 1055 427">Policy 11 – Peat Wetlands</p> <p data-bbox="734 437 1989 512"><i>In the Peat Wetlands physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</i></p> <ol data-bbox="734 521 1989 842" style="list-style-type: none"> <li data-bbox="734 521 1989 596">1. <i>requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage;</i> <li data-bbox="734 604 1989 719">2. <i>having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</i> <li data-bbox="734 727 1989 842">3. <i>decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.</i> <p data-bbox="734 868 976 900">Policy 12 – Riverine</p> <p data-bbox="734 909 1989 984"><i>In the Riverine physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</i></p> <ol data-bbox="734 994 1989 1315" style="list-style-type: none"> <li data-bbox="734 994 1989 1069">1. <i>requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant;</i> <li data-bbox="734 1077 1989 1192">2. <i>having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</i> <li data-bbox="734 1200 1989 1315">3. <i>decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.</i>

Objective / Policy	Recommendation
	<p>Policy 12A – Improved physiographic zone information</p> <p><i>Where site specific information is available that better identifies or delineates the relevant physiographic zones or contaminant loss pathways for a landholding or site, that information must be taken into account when undertaking activities, preparing Farm Environmental Management Plans or when determining resource consent applications for that landholding or site.</i></p>
<p>Policy 45 – Priority of FMU Values, Objectives, Policies and Rules</p>	<p>Retain decisions version:</p> <p><i>In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include additional catchment-specific values, objectives, policies, attributes, rules and limits which will be read and considered together with the Region-wide Objectives and Region-wide Policies. Any provision on the same subject matter in the relevant FMU section of this Plan prevails over the relevant provision within the Region-wide Objectives and Region-wide Policy sections, unless it is explicitly stated to the contrary.</i></p> <p><i>As the FMU sections of this Plan are developed in a specific geographical area, FMU sections will not make any changes to the Region-wide Objectives or Region-wide Policies.</i></p> <p>Note: <i>It would be unfair if changes are made to Region-wide objectives and policies, which apply in other parts of Southland, without the involvement of those wider communities.</i></p>
<p>Policy 47 – FMU Processes</p>	<p>Retain decisions version:</p> <p><i>The FMU sections will:</i></p> <ol style="list-style-type: none"> <i>1. identify values and establish freshwater objectives for each Freshwater Management Unit, including where appropriate at a catchment or sub-catchment level, having particular regard to the national significance of Te Mana o te Wai, and any other values developed in accordance with Policies CA1-CA4 and Policy D1 of the National Policy Statement for Freshwater Management 2014 (as amended in 2017); and</i> <i>2. set water quality and water quantity limits and targets to achieve the freshwater objectives; and</i> <i>3. set methods to phase out any over-allocation, within a specified timeframe; and</i>

Objective / Policy	Recommendation
	4. <i>assess water quality and quantity taking into account Ngāi Tahu indicators of health.</i>