
in the matter of: the Resource Management Act 1991

and: submissions and further submissions in relation to
proposed Variation 1 to the proposed Canterbury Land
and Water Regional Plan

and: **Fonterra Co-operative Group Limited**
Submitter

and: **DairyNZ**
Submitter

Supplementary statement of evidence of Gerard Matthew Willis (planning)

Dated: 11 November 2014

REFERENCE: JM Appleyard (jo.appleyard@chapmantripp.com)
BG Williams (ben.williams@chapmantripp.com)

Chapman Tripp
T: +64 3 353 4130
F: +64 3 365 4587

245 Blenheim Road
PO Box 2510, Christchurch 8140
New Zealand

www.chapmantripp.com
Auckland, Wellington,
Christchurch



SUPPLEMENTARY STATEMENT OF EVIDENCE OF GERARD MATTHEW WILLIS (PLANNING)

INTRODUCTION

- 1 My name is Gerard Matthew Willis.
- 2 My qualifications and experience are set out in my statement of evidence dated 29 August 2014.

SCOPE OF EVIDENCE

- 3 At the hearing into Variation 1 to the Canterbury Land and Water Regional Plan (*the Variation*), held on 15 October 2014, I was asked three questions relating to the clarity of provisions included in my statement of evidence or in the submission of DairyNZ.
- 4 This note responds to those questions.
- 5 As with my evidence in chief and rebuttal evidence, I confirm that I read the Environment Court practice note and have complied with it in preparing this supplementary evidence.

QUESTION 1 OF COMMISSIONER VAN VOORTHUYSEN

- 6 Commissioner van Voorthuysen asked for clarity in relation to my proposed wording of Policy 11.4.13. This referred to achieving:

“a rate of nitrogen and phosphorus loss that is consistent with good management practice for the farming activity taking into account the individual circumstances applicable to each property”.
- 7 I understand that Commissioner van Voorthuysen’s comment referred to whether specific wording could be provided setting out exactly what the relevant “individual circumstances” might be.

Response to question 1 (Policy 11.4.13)

- 8 My proposed Policy 11.4.13 could be expanded to provide greater guidance and clarity for decision makers by adopting the following wording. (Note additional wording proposed in response to Commissioner van Voorthuysen’s request is shown in red font).

11.4.13 From 1 January 2017, further reduce discharges of nitrogen, phosphorus, sediment and microbial contaminants from farming activities in the catchment by requiring farming activities to:

- (a) Implement a Farm Environment Plan prepared in accordance with Schedule 7 Part A, where a property is greater than 50 hectares;

and

- (b) Where a property's nitrogen loss calculation is greater than 15kg of nitrogen per hectare per annum achieve a rate of nitrogen and phosphorus loss that is consistent with good management practice for the farming activity taking into account the circumstances applicable to each property meet the Good Management Practice Nitrogen and Phosphorus Loss Rates for the property's baseline land use, including:

- (i) The type of farming activity; and

- (ii) The drainage characteristics of the soil; and

- (iii) The physical characteristics of the property including climate, topography and presence of surface water bodies; and

- (iv) The type of irrigation system used (if any); and

- (v) The nature of the existing farm production system; and

- (vi) Whether the practices set out in Schedule 24 have been fully adopted; and

- (vii) The nitrogen baseline for the property and the level of any reductions achieved from that baseline.

QUESTION 2 OF COMMISSIONER VAN VOORTHUYSEN

- 9 Commissioner van Voorthuysen also asked for clarification of the proposed wording of my Policy 11.4.28. That referred to minimum flows and partial restrictions set out in Table 11 (c) and (d) applying from 2025:

“unless surface water flows have not increased as expected by that time”.

- 10 I understand that Commissioner van Voorthuysen's comment referred to whether specific wording could be provided setting out exactly what the relevant “expected” surface water flows might be.

Response to question 2 (Policy 11.4.28)

- 11 My proposed Policy 11.4.28 could be amended to provide greater clarity to decision-makers by adopting the following wording.

11.4.28 Protect the ecological and cultural health of the Waikirikiri/Selwyn River and lowland streams by including the minimum flow and partial restrictions in Tables 11(c) and (d) on new and replacement resource consents from 2025 unless surface water flows have not increased-as expected-by that time to allow consent holders to maintain the same or similar level of reliability of supply as they experienced prior to 13 February 2014.

**MATTER RAISED BY COMMISSIONER PANEL CHAIRMAN
DAVID SHEPPARD**

- 12 A final matter raised by Commissioner Sheppard relates to Policy 11.4.32. This matter was not addressed in my evidence but was included within the Fonterra and DairyNZ submissions.
- 13 Those submission both sought the words "*where appropriate*" be added to qualify the suggestions that the use of groundwater should be reduced (in favour of stored surface water).

11.4.32 Enable the storage of water from the Rakaia River and Waimakariri River to improve the reliability of supply for irrigation Scheme water and support a reduction in the use of groundwater (where appropriate) provided

Response to question 2 (Policy 11.4.32)

- 14 I understand that the additional words were proposed in the submission to recognise that there may be situations where reducing the use of groundwater in favour of stored surface water might not be appropriate. This may be, for example occur::
- 14.1 Where a property does not have access to stored surface water;
- 14.2 Where stored surface water cannot provide adequate reliability of supply;
- 14.3 Where groundwater levels are not stressed; or
- 14.4 Where storage is only connected to existing surface water consents (such that there is no groundwater allocation to be 'reduced' for the purposes of the policy).
- 15 I have not proposed any further relief to deal with what might be "*(where appropriate)*" in a given case. Although the matters raised in paragraph 14.1 to 14.4 provide some examples of situations

where a reduction in groundwater may not be appropriate, I consider that expansion of this policy would have the unintended effect of reducing the main focus of this policy (in short, supporting storage).

- 16 More specific regard to groundwater could be incorporated within the wider groundwater policy regime although I do not consider it necessary – I consider Policy 11.4.32 (with the amendment proposed) to be effective in light of the wider policy framework set out in the Variation.

Dated: 11 November 2014

A handwritten signature in black ink, appearing to read 'G. Willis', written over a horizontal line.

Gerard Matthew Willis