

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Plan Change 7 to the Canterbury
Land and Water Regional Plan

AND

IN THE MATTER of the Proposed Plan Change 2 to the Waimakariri
River Regional Plan

AND

IN THE MATTER of submissions by Ravensdown Limited
(Submitter ID. 114 for PC7 / Submitter ID. 9 for
PC2)

UPDATE FOR THE HEARING - STATEMENT OF EVIDENCE OF CARMEN WENDY TAYLOR

ON BEHALF OF RAVENSDOWN LIMITED

27 NOVEMBER 2020

1. INTRODUCTION

- 1.1 My full name is Carmen Wendy Taylor. My experience and qualifications are set out in my evidence in chief, prepared on behalf of Ravensdown Limited (**Ravensdown**), dated 17 July 2020.
- 1.2 This ‘update for the hearing’ addresses material that became available after I prepared my evidence in chief and, in the context of my evidence, that is relevant to this hearing. The matters addressed below are:
- (a) In **Section 2**, I consider the implications of the National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**) in the context of the main amendments to Proposed Plan Change 7 (**PC7**) provisions that I requested within my evidence in chief.
 - (b) In **Section 3**, I comment on the proposed further amendments to provisions, which Ravensdown submitted on, where Officers have recommended further amendments in response to the Panel’s questions on Day 1 of the hearing. The relevant provisions are Rules 8.5.26 to 8.5.28 and Policy 14.4.16.
 - (c) Finally, in **Section 4**, I respond to rebuttal evidence comments on my evidence in chief from Mr Vance Hodgson (for Horticulture New Zealand (**HortNZ**)) and Mr Murray Brass (For the Director-General of Conservation (**DOC**)).
- 1.3 I also wish to advise that, unless specifically stated otherwise below, the conclusions, summary and requested amendments to PC7 provisions (as contained in **Appendix B** of my evidence in chief) remain unchanged.

2. NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020

- 2.1 The NPS-FM 2020 came into effect on 3 September 2020 after I had completed my evidence in chief.
- 2.2 Given that the NPS-FM 2020 is now in force, I consider that it is appropriate for me to assess the key amendments being sought in my evidence in chief, as discussed in **Section 3** of my evidence in chief, against the objective and relevant policies contained in Part 2 of the NPS-FM 2020.
- 2.3 The key amendment to PC7, sought within my evidence in chief, is the requested deletion of Tables 8-9 and 14(zc) requiring farming activities to implement staged nitrogen loss reductions in the Orari-Temuka-Opihi-Pareora (**OTOP**) sub-region’s High Nitrogen Concentration Areas (**HCNA**) and the Waimakariri sub-region’s Nitrate Priority Area (**NPA**). While I have requested the deletion of these tables (and associated amendments to related PC7 provisions), I have proposed amendments to PC7 whereby nitrogen loss reductions of 15% for dairy farming and 5% for other farming activities, by 2030, in these specific areas are required. My requested amendments also identify that these nitrogen loss reductions are required to contribute to the achievement of the relevant water targets, thus ensuring, that during the time period that PC7 is operative, that required nitrogen loss reductions will assist, where it is required, in improving degraded water quality.
- 2.4 Given the context of the amendments I have overviewed in the above paragraph, I consider that the NPS-FM 2020 Te Mana o te Wai objective, and Policies 1 to 3, 11, 13

to 15 are relevant. These provisions are contained in **Attachment 1** of this update to my evidence.

- 2.5 Te Mana o te Wai, as articulated in the NPS-FM 2020 objective, seeks to ensure that natural and physical resources are managed in a manner that prioritises the health and well-being of water bodies and freshwater ecosystems first, the health needs of people second (including drinking water) and third, the ability of people and communities to provide for their social, economic and cultural well-being now and into the future. Policy 1 requires freshwater to be managed in a way that gives effect to Te Mana o te Wai. Policy 15 reflects the third priority of Te Mana o te Wai.
- 2.6 PC7 contains quality limits and targets, that I understand are intended to provide for the health and well-being of the sub-region's water bodies, and the drinking water supply needs of people. PC7 also provides a policy and regulatory framework that seeks to achieve these water quality limits and targets, including (but not limited to) requiring farming activities in the OTOP and Waimakariri sub-regions to implement Good Management Practices (**GMP**), prepare and implement FEPs and either comply with permitted activity rules, or resource consent conditions, as a means of reducing diffuse nutrient discharges. In addition, in the HCNA and NPA, in accordance with my proposed amendments, dairy farming activities are required to reduce nitrogen losses by 15%, and other farming activities are required to reduced nitrogen losses by 5%, by 2030, in order to contribute to the achieving the relevant water quality limits and targets.
- 2.7 As the achievement of the relevant water quality limits and targets continue to underpin my proposed amendments to the nitrogen loss reduction requirements from farming activities, I consider that the first two priorities of Te Mana o te Wai should be achieved in time. In addition, the third priority of enabling people and communities to provide for their social and economic well-being is also provided for, albeit in the context of the changes to farming activities required by PC7.
- 2.8 In relation to the remaining relevant policies, I make the following observations:
- (a) **Policy 2** seeks to ensure that tangata whenua are actively involved in freshwater management processes. Nga Rūnanga are involved in this PC7 hearing as submitters.
 - (b) **Policy 3** aims to manage freshwater in an integrated way which includes considering the effects of land use activities on a catchment wide basis. **Policy 11** seeks to ensure that freshwater is allocated and used efficiently and that existing over-allocation, which includes water quality 'over-allocation', is phased out and avoided. My requested amendments to PC7 still continue to place obligations on land use activities in order to reduce nitrogen losses to freshwater in the OTOP and Waimakariri sub-regions.
 - (c) **Policies 13 and 14** relate to water body and freshwater ecosystem monitoring and reporting of information. **Policy 13** includes a requirement to undertake action where monitoring shows freshwater is degraded to reverse deteriorating trends. As I have stated in my evidence in chief¹, going forward, it is important that Council undertakes monitoring to determine the state of the environment,

¹ At paragraph 3.27.

the effectiveness of PC7's regulatory approach and the need, or otherwise, for appropriately targeted further regulatory control (i.e., targeted to the identified activity and/or effect).

- 2.9 In summary, I consider that my proposed amendments to the nitrogen loss reduction provisions for farming activities in the HCNA and NPA are consistent with Te Mana o te Wai and the relevant policies of the NPS-FM 2020. I also acknowledge that further plan changes (or a new regional plan) will be notified in the future to give full effect to the NPS-FM 2020.

3. OFFICERS' RESPONSES TO DAY 1 QUESTIONS – PROPOSED AMENDMENTS TO RULES 8.5.26 TO 8.5.28 AND POLICY 14.4.16

Rules 8.5.26 to 8.5.28

- 3.1 Rules 8.5.26 to 8.5.28 provide for farming activities in the Waimakariri sub-region as restricted discretionary, discretionary and non-complying activities. Ravensdown submitted on these rules.
- 3.2 In my evidence in chief (**Appendix B**), except for the matters of discretion attached to Rule 8.5.26, I requested the retention of these rules as notified. In relation to Rule 8.5.26, due to my requested deletion of Table 8-9 (for the reasons outlined in **Section 3** of my evidence in chief) I requested amendments to two matters of discretion (i.e., Matters of Discretion 7 and 8)².
- 3.3 The Officers, in response to a request for suggested wording that refers to the requirements of Table 8-9 in Rule 8.5.26, have suggested that the following new condition could be added to Rules 8.5.26 and 8.5.27³:

2A. The Farm Environment Plan submitted with the application for resource consent identifies how reductions required by Table 8-9 will be achieved for any land within the Nitrate Priority Area; and ...

- 3.4 If this condition is incorporated into these two rules, the Officers also recommend that reference to Condition 2A should be included in Rule 8.5.28.
- 3.5 I agree with Officers that given the Schedule 7 Farm Environment Plan requirements, it is not necessary to include a specific nitrogen loss condition in these rules. However, if the Panel are of a mind to include such a condition in Rules 8.5.26 and 8.5.27, given my requested deletion of Table 8-9 from PC7, the following amendment to the proposed rule condition is necessary:

2A. The Farm Environment Plan submitted with the application for resource consent identifies how ~~nitrogen loss reductions required by Table 8-9~~ will be achieved for any land within the Nitrate Priority Area; and ...

² The amendments are shown in Appendix B of my evidence in chief. The requested amendments remove all references to Table 8-9, while identifying that in the Nitrate Priority Area nitrogen loss reductions of 15% from dairy farming activities and 5% from all other farming activities are required, by 2030, in order to contribute to the achievement of the relevant water quality targets in Tables 8-5, 8-6 and 8-8.

³ The Officers' response on this matter is contained on pp. 7 to 9 of the 'Second set of Response to Hearing Commissioners from the First Hearing Day' which is dated 13 October 2020.

Policy 14.4.16

- 3.6 Ravensdown submitted on this policy which relates to excluding stock from waterbodies in the OTOP sub-region. In my evidence in chief (**Appendix B**), I supported the section 42A Report's recommendations to this policy.
- 3.7 The Panel, during Day 1 of the hearing, asked Council Officers to provide an example of improvements in the drafting of this policy. In response⁴, the Officers agreed that there was an opportunity to improve the draft to aid clarity and improve implementation. To that end, the Officers have put forward two options, while noting a preference for Option 1.
- 3.8 I agree that the wording of this policy could be improved, and I am comfortable that either of the two options proposed could provide the clarity required.

4. REBUTTAL EVIDENCE RESPONSE

Mr Hodgson's Rebuttal Evidence – Policy 4.36A

- 4.1 Mr Hodgson⁵ discusses the issues I raised in my evidence in chief in relation to Policy 4.36A⁶. The issues I identified relate to the use of the word 'avoid' in part (b) of the policy and the requirement, in part (d), to constrain commercial vegetable growing operations to a Nutrient Management Area.
- 4.2 In his rebuttal evidence, Mr Hodgson agrees with me in relation to part (b) of the policy and supports my request to replace 'avoid' with 'restrict' (refer to **Appendix B** of my evidence in chief).
- 4.3 In relation to part (d) of this policy, I requested that part(d) be deleted as it was not necessary for the reasons I discussed in my evidence in chief. Mr Hodgson, in his rebuttal evidence, suggests that rather than deleting part (d), it could be replaced with the following:
- Require commercial vegetable growing activities operating over multiple Nutrient Management Areas to have a clear method for accounting for nutrient losses which will ensure that any relevant nutrient load or limit are not exceeded.*
- 4.4 I consider that the proposed replacement wording for part (d) of Policy 4.36A addresses the issue raised in my evidence. In my opinion, the amendment provides appropriate policy direction when considering resource consent applications that traverse more than one Nutrient Management Area. I therefore support the amendment to part (d) proposed by Mr Hodgson.
- 4.5 My requested consequential amendments to Rules 5.42CB and 5.42CC, as contained in **Appendix B** of my evidence in chief, are not affected by Mr Hodgson's proposed amendment to part (d) of Policy 4.36A. Therefore, I continue to request the amendments to these rules for the reasons outlined in **Section 4** of my evidence in chief.

⁴ The Officers' response is contained on pp. 5 and 6 of the 'Second set of Response to Hearing Commissioners from the First Hearing Day' which is dated 13 October 2020.

⁵ Paragraphs 11 to 16 of Mr Hodgson's Rebuttal Evidence dated 15 September 2020.

⁶ As traversed in Section 4 of my evidence in chief.

Mr Brass' Rebuttal Evidence

- 4.6 Mr Brass, in his rebuttal evidence, states that in my planning evidence I seek:
- "... to delay requirements for nutrient reductions and/or remove future requirements for reductions, and to instead make further plan changes in the future if targets are not being met."*⁷
- 4.7 Mr Brass then states he disagrees with me as he considers that a proactive approach to managing nutrients is required⁸. He also states that the proposed approach, namely delaying a nutrient management response, would be inconsistent with Te Mana o te Wai in that it risks further degradation of water quality so as to provide for human use activities⁹.
- 4.8 I agree with Mr Brass, as I outlined in my evidence in chief, that it is appropriate for PC7 to take a proactive approach to managing nutrients. For this reason, my evidence supported the requirement for farming activities to implement GMP, prepare and implement FEPs and either comply with permitted activity rules, or resource consent conditions, as a means of reducing diffuse nutrient discharges.
- 4.9 In my evidence, I have requested amendments to PC7 provisions requiring nitrogen loss reductions of 15% for dairy farming and 5% for other farming activities by 2030 in the OTOP subregion's HNCA (as well as reductions by industrial and trade waste discharges) and the Waimakariri sub-region's NPA in order to achieve the relevant water quality targets. On this basis, I did not request the nutrient reduction delays, as associated further water degradation, as suggested by Mr Brass.



Carmen Taylor
27 November 2020

⁷ Paragraph 19 of Mr Brass' Rebuttal Evidence dated 17 September 2020.

⁸ Paragraph 20 of Mr Brass' Rebuttal Evidence.

⁹ Paragraphs 21 and 22 of Mr Brass' Rebuttal Evidence.

ATTACHMENT 1 – NPS-FM 2020 – OBJECTIVE AND RELEVANT POLICIES

Objective

- (1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
- (a) *first, the health and well-being of water bodies and freshwater ecosystems*
 - (b) *second, the health needs of people (such as drinking water)*
 - (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Relevant Policies

Policy 1: *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

Policy 2: *Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*

Policy 3: *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

Policy 11: *Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.*

Policy 13: *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*

Policy 14: *Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.*

Policy 15: *Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*