

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the Proposed Freshwater Planning Instrument
Part of the Proposed Otago Regional Policy
Statement 2021

AND

IN THE MATTER

of submissions by Ravensdown Limited
(Submitter ID. FPI017)

STATEMENT OF CARMEN WENDY TAYLOR

28 JUNE 2023

1. INTRODUCTION

Background - My Role for Ravensdown Limited

- 1.1 My name is Carmen Wendy Taylor. I am a Consultant Planner, and Partner, at Planz Consultants Limited (**Planz**).
- 1.2 Ravensdown Limited (**Ravensdown**) lodged submissions (Submitter ID. FPI017) on the Proposed Freshwater Planning Instrument (**FPI**) parts of the Proposed Otago Regional Policy Statement 2021 (**PORPS-FPI 2021**¹). I prepared the submissions on behalf of Ravensdown in conjunction with Ms Anna Wilkes, Ravensdown's Chief Environment and Sustainability Officer. Ravensdown did not prepare any further submission/s on the PORPS-FPI 2021.
- 1.3 I also note that Ravensdown lodged submissions on the Proposed Otago Regional Policy Statement 2021 (**PORPS 2021**), as a whole, when it was originally notified in June 2021 as a FPI (i.e., prior to the release of the High Court decision which required the re-notification of the FPI parts of the PORPS 2021). In relation to the non-freshwater provisions of the PORPS 2021, Ravensdown has prepared and presented evidence to the Hearing Panel.
- 1.4 An overview of my qualifications and experience was attached to my evidence presented to the Hearing Panel for the non-freshwater parts of the PORPS 2021. As the Hearing Panel consists of the same Commissioners who have heard the non-freshwater parts of the PORPS 2021, I have not provided this information within this statement.

Code of Conduct

- 1.5 Whilst this is a Council Hearing, 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's updated Practice Note 2023, and agree to comply with it. I confirm that the issues addressed in this written statement 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.
- 1.6 I note that one of my colleagues at Planz, Ms Susannah Tait, is presenting evidence on the PORPS-FPI 2021 on behalf of Fonterra Limited. While Ms Tait's evidence addresses a number of the PORPS-FPI 2021 provisions that are also traversed in this statement, and while different solutions or approaches may have been put forward, in my opinion, having reviewed Ms Tait's draft evidence, I do not consider these differences are in conflict or contrary to each other.

Statement Scope

- 1.7 As an overview, Ravensdown submission:
- (a) Supported, and supported in part while requesting amendments, the PORPS-FPI 2021. In preparing its submission, Ravensdown sought to ensure that the Ravensdown's Dunedin Works and its Otago stores, its shareholders and the

¹ It is noted that within Ravensdown's submission, the abbreviation 'PORPS-FW 2021' was used.

users of its products are able to continue to use and develop resources in the region in a manner that continues to provide for the sustainable management of the region's resources, while also ensuring that adverse effects on the environment are avoided, remedied or mitigated.

- (b) Stated that, in preparing the submission, Ravensdown had considered the recommendations contained in the section 42A Reports, as well as relevant outcomes of prehearing meetings (where Ravensdown was a participant), that were available prior to the re-notification of the PORPS-FPI 2021. Where these recommendations or outcomes were supported, Ravensdown's submission sought to align its requested amendments with these recommendations and/or outcomes.
- (c) Also stated that it would have been helpful if the PORPS-FPI 2021 had been amended, prior to the re-notification of the FPI provisions, to reflect the recommendations to the previous section 42A Reports and the outcomes of the prehearing meetings.

1.8 The section 42A Report, where relevant to Ravensdown's submissions, have been reviewed by Ms Wilkes of Ravensdown and myself to ascertain the acceptance or otherwise of Ravensdown's submission points.

1.9 As a result of our review, Ravensdown has decided to not attend the PORPS-FPI 2021 hearing as Ravensdown is comfortable, and therefore is willing to accept, the recommendations of the section 42A Report in relation to the provisions that Ravensdown submitted on. However, I have prepared this written statement for the Hearing Panel to consider as it deliberates on the matters covered by this hearing.

1.10 Given the above background, this statement, while supporting the recommendations of the section 42A Report and not requesting any further amendments, aims to provide some contextual comment, in relation to the matters raised in Ravensdown's submissions, around the following PORPS-FPI 2021 provisions:

- (a) Proposed new and amended '**LF-FW – Fresh water**' provisions, including notified '**LF-VM – Vision and management**' provisions, specifically Objectives LF-FW-01A, LF-VM-O2 to LF-VM-O6 and Policy LF-FW-P7A;
- (b) Policy '**LF-FW-P7 – Fresh water**'; and
- (c) Policies '**LF-FW-P15 – Stormwater discharges**' and '**LF-FW-P16 – Discharges containing animal effluent, sewage and industrial and trade waste**'.

1.11 For completeness, in relation to the matters not specifically addressed within **Section 2** of this statement, I have not made any specific comment on these submission points where:

- (a) A provision of the PORPS-FPI 2021 was supported by Ravensdown and no

significant amendment has been recommended in the section 42A Report:

- Method LF-LS-M11 – Regional plans².
- (b) Amendments sought by Ravensdown through its submissions have been effectively supported in the section 42A Report:
- Policy LF-LS-P21 – Land use and fresh water³.
- (c) I consider that the proposed amendments to the PORPS-FPI 2021 provisions recommended in the section 42A Report, while not necessarily the specific amendments sought by Ravensdown, either are generally consistent with the amendments requested and/or have limited implications for Ravensdown and/or will achieve the purpose of the Resource Management Act 1991 (**RMA**), and therefore no further amendments are being sought via this statement:
- Policy LF-WAI-P1 – Prioritisation⁴;
 - Method LF-FW-M7 – District plans⁵; and
 - Policy LF-LS-P18 – Soil erosion⁶.

2. ADDITIONAL MATTERS / CONTEXTUAL COMMENTS

Objectives LF-FW-01A, LF-VM-O2 to LF-VM-O6 and Policy LF-FW-P7A

- 2.1 The PORPS-FPI 2021, as notified, contained Objectives LF-VM-O2 to LF-VM-O6 which set freshwater visions for each of Otago’s freshwater management units (**FMU**). These objectives identified the concepts that would underpin resource management activities in each FMU. The FMUs, which the objectives relate to, are Clutha Mata-au, North Otago, Taiari, Dunedin & Coast and Catlins.
- 2.2 As a broad overview, included as a component of the overarching vision within these objectives (as notified), with the exception of the Dunedin & Coast FMU objective

² Section 8.6.6 (paragraph 1767 and 1797 in relation to Ravensdown’s submission) of the section 42A Report.

³ Section 8.6.5 (paragraphs 1735, 1739, 1745, 1750, 1754, 1761 and 1765 in relation to Ravensdown’s submission) of the section 42A Report.

⁴ Ravensdown’s submission (FPI017.004) supported, in part, this policy, as it generally reflected the fundamental concept of Te Mana o te Wai. Amendments were requested to: clarify in the chapeau that the policy applies to all decision-making that affects Otago’s freshwater; and, Clauses (1) to (2) to address issues raised by Kai Tahu in its original 2021 submission on the PORPS 2021. The section 42A Report’s recommended changes, as outlined in Section 8.3.5 of the s42A Report, are generally consistent with the amendments requested by Ravensdown.

⁵ Ravensdown’s submission (FPI017.012) supported this policy, particularly the best practice approaches to stormwater management outlined in Clause (4) of the policy, although an amendment, to reflect the recommendation of the PORPS 2021 section 42A Report and prehearing meeting outcomes, was requested in relation to Clause (4)(c). However, Ravensdown agree with the recommendation of the section 42A Report (Section 8.5.12 - paras 1618, 1633, 1638 and 1640 in relation to Ravensdown’s submission) that the policy’s aim to ‘encourage’ detention of peak stormwater flows is not mandatory and therefore adding ‘where appropriate’ is not necessary.

⁶ Ravensdown’s submission (FPI017.013) supported this policy as the approaches identified in the policy reflect the nature of controls that can be put in place to avoid or minimise the potential for soil erosion. Although two minor amendments, to reflect the recommendation of the PORPS 2021 section 42A Report were requested by Ravensdown, Ravensdown agrees that these amendments are not now needed in the context of the recommendations of the PORPS-FPI 2021 section 42A Report (Section 8.6.4 – paras 1716, 1723, 1724 and 1732 in relation to Ravensdown’s submission).

(Objective LF-VM-05), was the aim to:

- (a) provide for innovative and sustainable land and water management practices which support food production and improve resilience to the effects of climate change; and
- (b) that land management practices also reduce the discharge of nutrients and other contaminants to water so that water is safe for human contact.

2.3 In providing the above overview, I acknowledge that the actual wording included in each of the objectives often differed and/or not all of the concepts outlined above were included in each of the FMU objectives. Objective LF-VM-05, for the Dunedin & Coast FMU, made no reference to innovative and sustainable land and water management practices that support food production.

2.4 Ravensdown's submissions, supported, in part, LF-VM-02 to LF-VM-06⁷, while making two specific 'comments' which were as follows:

- (a) The first was that while the objective was generally supported, Ravensdown noted the National Objectives Framework (**NOF**) process, which will be reflected in the proposed new 'Land and Water Regional Plan', may identify a different set of environmental outcomes for each FMU, or rohe. No specific relief was sought in relation to this matter.
- (b) The second comment, for which various different amendments to the objective were sought, was to ensure that the objectives generally used consistent language when referring to innovative and sustainable land and water practices which support food production, while ensuring that the discharges of nutrients and other discharges to water bodies are reduced so water is safe for human contact. Ravensdown's requested amendments, depending on the FMU, also incorporated some other environmental outcomes, including, providing for the safe consumption of mahika kai species, recognising the dryland nature of some of the FMUs, and improving resilience to the effects of climate change, including flooding.

2.5 Ravensdown's submission on the Dunedin & Coast FMU (Objective LS-VM-05), given the presence of large tracts of rural land which are used for food production within the FMU, requested the inclusion of the following new clause:

(6) food production in the area is supported by innovative and sustainable land and water management practices that improve resilience to the effects of climate change.⁸

2.6 The 'Vision and management' provisions of the PORPS-FPI 2021 are assessed, in the context of submissions received, in Section 8.4 of the section 42A Report. The key

⁷ The submission numbers on Ravensdown's submissions on the FMU visions objectives are as follows: Objective LF-VM-02 (FPI017.005); Objective LF-VM-03 (FPI017.006); Objective LF-VM-04 (FPI017.007); Objective LF-VM-05 (FPI017.008); and, Objective LF-VM-06 (FPI017.009).

⁸ Submission No. FPI017.008.

recommendations in the section 42A Report, relevant to Ravensdown’s submissions, are as follows:

- (a) There is inconsistency in the structure and content of the visions and a region-wide objective, as contained in the recommended Objective LF-FW-O1A, for freshwater would assist with solving this issue⁹.
- (b) While recommending a region-wide ‘vision and management’ objective, the section 42A Report also recommends retaining FMU and/or rohe specific freshwater visions¹⁰.
- (c) Moving all of the freshwater ‘vision and management’ provisions of the PORPS-FPI 2021 into the ‘LF-FW’ section so as to provide a cohesive suite of provisions that relate to freshwater¹¹. This recommended change condenses the ‘LF chapter’ of the PORPS 2021, as a whole, to three sections (i.e., LF-WAI, LF-FW and LF-LS).
- (d) The recommended region-wide objective (Objective LF-FW-O1A) identifies the outcomes to be sought for all FMUs and rohe, within the timeframes specified in the recommended FMU specific objectives (Objectives LF-VM-O2 to LF-VM-O6¹²).
- (e) A recommended consequential amendment arising from the proposed region-wide objective, is the recommended deletion of clauses from Objectives LF-VM-O2 to LF-VM-O6 where the clause (or outcome sought) is included in Objective LF-FW-O1A¹³. The section 42A Report also recommends deleting Objective LF-FW-O8 as most of its content is recommended to be incorporated into Objective LF-FW-O1A¹⁴.
- (f) The section 42A Report, in recommending the new region-wide objective (Objective LF-FW-O1A), states that the ‘management of specific activities or methods’ (i.e., primary production activities) are matters to be addressed in policies and methods, not in the vision objectives themselves¹⁵.
- (g) In the context of Ravensdown’s submission, as outlined in **paragraphs 2.4 and 2.5** above, the section 42A Report recommends that the following clause is included in the recommended region-wide objective (Objective LF-FW-O1A):

(7) innovative and sustainable land and water management practices provide for the health and well-being of water bodies and freshwater ecosystems and improve resilience to the effects of climate change, and

⁹ Paragraph 877 (Section 8.4.2.2) of the section 42A Report.

¹⁰ Also, paragraph 877 (Section 8.4.2.2) of the section 42A Report.

¹¹ Paragraph 893(a) (Section 8.4.2.2) of the section 42A Report.

¹² Paragraph 905 (Section 8.4.2.2) of the section 42A Report.

¹³ Paragraph 906 (Section 8.4.2.2) of the section 42A Report.

¹⁴ Paragraphs 1284 and 1306 (Section 8.5.4) of the section 42A Report.

¹⁵ Paragraph 901 (Section 8.4.2.2) of the section 42A Report.

- (h) As outlined in the section 42A Report, the above clause is similar to the notified clauses contained in the various FMU objectives (Objectives LF-VM-O2 to LF-VM-O6)¹⁶.
- (i) In the context of Ravensdown’s submissions, and other more general submissions in relation to importance of water to the rural sector (amongst other considerations), the section 42A Report also recommends a new policy, ‘Policy LF-FW-P7A – Water allocation and use’¹⁷ which states:

LF-FW-P7A – Water allocation and use

Within limits and in accordance with any relevant environmental flows and levels, the benefits of using fresh water are recognised and over-allocation is either phased out or avoided by:

- (1) allocating fresh water efficiently to support the social, economic, and cultural well-being of people and communities to the extent possible within limits, including for:
 - (a) community drinking water supplies,
 - (b) renewable electricity generation, and
 - (c) land-based primary production, ...

2.7 Ravensdown supports the recommendations of the section 42A Report in relation to the new region-wide objective for freshwater (Objective LF-FW-O1A), the consequential amendments to the FMU objectives (Objectives LF-VM-O2 to LF-VM-O6) and the new Policy LF-FW-P7A(1). Ravensdown considers that recommendations of the section 42A Report represent an elegant solution to the issues raised by many submitters, including Ravensdown’s submission which sought a consistent approach within the FMU ‘vision and management’ objectives for the need for innovative and sustainable land and water management practices which support food production (while also improving resilience to the effects of climate change). Accordingly, Ravensdown requests the acceptance of the recommendations of the section 42A Report in relation to these provisions of the PORPS-FPI 2021.

2.8 I note, that in its submissions on the FMU objectives, Ravensdown sought to include reference to ‘food production’ activities. Now, in stating that Ravensdown supports the section 42A Report’s recommendations in relation to Objective LF-FW-O1A and LF-VM-O2 to LF-VM-O6, Ravensdown acknowledges that while Clause (7) of Objective LF-FW-O1A refers to ‘innovative and sustainable land and water management practices’, it does not specifically refer to ‘food production’ or ‘land-based primary production’. Ravensdown is comfortable with this approach, for the reasons outlined in the section 42A Report (as noted above in **paragraph 2.6(f)**) and because the recommended new Policy LF-FW-P7A which aims to support land-based primary production where freshwater is allocated efficiently and within limits.

2.9 As an aside, Ravensdown notes that while the recommendation of the section 42A Report is that reference to specific activities should not occur within objectives, some

¹⁶ Paragraphs 932 to 937 (Section 8.4.2.2) of the section 42A Report.

¹⁷ Section 8.5.6, particularly paragraphs 1407 to 1409 and 1417, of the section 42A Report.

of the FMU objectives do refer to specific activities (i.e., the national significance of hydroelectricity generation in LF-VM-O2(6) and LF-VM-O3(1B); outdoor recreational opportunities in LF-VM-O2(6A); providing for land-based primary production, within limits, in LF-VM-O4(5A); and, recreation and sustainable food production in LF-VM-O6(6)). While noting this potential inconsistency, Ravensdown does not oppose the recognition of these specific activities within the FMU objectives.

Policy LF-FW-P7 – Fresh water

2.10 Policy LF-FW-P6, as notified, identified that environmental outcomes, attribute states and limits are to be established to ensure that the matters outlined in Clauses (1) to (6) of the policy are provided for. The matters identified, and the environmental outcome process articulated in the policy, reflect the NOF process required to be undertaken in accordance with the National Policy Statement for Freshwater Management (**NPS-FM 2020**).

2.11 Ravensdown’s submissions supported in part Policy LF-FW-P7¹⁸, on the basis that the policy reflected the NOF process that is to be carried out in the region. However, there were two exceptions to Ravensdown’s support of the policy:

(a) The first matter, which was the key issue for Ravensdown, related to Clause (3) which specifies percentages for achieving suitable river and lake water quality for primary contact by 2030 and 2040. Ravensdown opposed the percentages included in the policy on the basis that they were higher, or more restrictive, than those contained in Appendix 3 of the NPS-FM 2020. Also, Ravensdown’s submission identified that while the percentages may have been developed in 2018, in response to the previous national policy statement, Ravensdown considered that it was not appropriate for the PORPS-FPI 2021 to specify these percentages in the absence of community involvement through the NOF process. Given these concerns, Ravensdown requested amendments to Clause (3), which reflect the overall national targets specified in Appendix 3 of the NPS-FM, as follows:

(3) *specified rivers and lakes are suitable for primary contact within the following timeframes:*

(a) *by 2030, ~~98%~~ 980% of rivers and ~~98%~~ of lakes, and*

(b) *by 2040, ~~100%~~ 990% of rivers and ~~100%~~ of lakes, and*

(b) The second matter related to the chapeau of the policy. Ravensdown requested an amendment which was the same as that recommended in the section 42A Report that was available prior to the re-notification of the PORPS-FPI 2021. The requested amendment, as provided below, sought to ensure that ‘environmental flows and levels’ were also appropriately identified within the policy given that they are also a matter that can be set to achieve environmental outcomes under the NOF process:

Environmental outcomes, attribute states (including target attribute states), environmental flows and levels, and limits ensure that: ...

¹⁸ Submission No. FPI017.010.

- 2.12 In relation to Ravensdown’s submission, the section 42A Report recommends:
- (a) In relation to Clause (3), the rejection¹⁹ of Ravensdown’s submission, and other submitters, as the submitters, including Ravensdown, have not provided sufficient evidence to support the amendment of the targets. The section 42A Report, in making this recommendation, identifies that the ‘swimmability’ targets were introduced in the 2017 version of the freshwater management national policy statement. Otago’s targets were then developed based on modelling carried out by NIWA that predicted likely water quality improvements arising from work that was already underway or planned in the region, and the outcomes of an online survey carried out by the Otago Regional Council. The section 42A Report²⁰ states that the final targets were recommended based on what the analysis showed was achievable and practicable.
 - (b) In relation to the amendment sought to the chapeau of the policy, the section 42A Report recommends accepting Ravensdown’s submission²¹.
- 2.13 While Ravensdown still has reservations about including the ‘swimmability’ targets in Policy LF-FW-P7(3), particularly in the absence of community input through the NOF process, given that Ravensdown has no additional evidence to bring to the table, Ravensdown has decided to no longer pursue the amendments sought to Clause (3) through its submission.

Policies LF-FW-P15 and LF-FW-P16

- 2.14 Policy LF-FW-P15, as notified, aims to minimise the adverse effects of stormwater and wastewater discharges (direct and indirect) on freshwater, through implementing the criteria and approaches outlined in Clauses (1) to (3) of the policy.
- 2.15 Ravensdown’s submission²² supported, in part, Policy LF-FW-P15 as notified. However, Ravensdown’s submission sought a number of changes to the policy to reflect the recommendations of the previous section 42A Report, as well as subsequent amendments arising from the outcomes of prehearing meetings, that were developed prior to the re-notification of the PORPS-FPI 2021. Accordingly, the main changes requested by Ravensdown, in its submission, was to split the policy, with Policy LF-FW-15 solely applying to stormwater discharges and a new policy (Policy LF-FW-15A) applying to animal effluent, sewage and other human wastes, and industrial and trade waste.
- 2.16 As outlined in its submission, Ravensdown considered that these proposed amendments reflect appropriate ‘design’ and management approaches for the various discharges to which the policies apply. In addition, Ravensdown’s submission sought an additional change to Clause 2(e) of the policy, and Clause (2)(d) of the proposed new policy, to clarify that the discharges themselves are not required to

¹⁹ Paragraphs 1400 to 1404 and 1416 (Section 8.5.6) of the section 42A Report.

²⁰ At paragraph 1401.

²¹ Paragraph 1379 and 1416 (Section 8.5.6) of the section 42A Report.

²² Submission No’s. FPI017.11 for Policy LF-FW-P15 and FPI017.003 for proposed Policy LF-FW-P15A.

comply with relevant water quality standards, but that the discharges do not prevent water bodies from meeting relevant water quality standards.

- 2.17 Ravensdown's submission, along with the other submissions on this policy, are assessed in Section 8.5.9 of the section 42A Report. The section 42A Report's recommended amendments to this policy generally reflect the amendments sought by Ravensdown, including splitting the policy into two policies (i.e., recommended Policies LF-FW-P15 and LF-FW-P16). Where additional amendments have been made to the policies, Ravensdown considers that the amendments appropriately enhance the policies. Therefore, Ravensdown's submission have been accepted in part.
- 2.18 On the above basis, Ravensdown requests the acceptance of the recommendations of the section 42A Report in relation to recommended Policies LF-FW-P15 and LF-FW-P16.
- 2.19 Ravensdown also specifically wants to confirm its support for the recommended Clause (1) of Policy LF-FW-P16. This aim of this clause is, to the greatest extent possible, to phase out existing discharges containing sewage or industrial and trade waste that discharge directly to water. While Ravensdown supports the aim to remove such discharges from discharging directly to water, Ravensdown also recognises that there are environmental, technical and financial realities that, when taken together, mean that it is not always feasible for all such existing discharges to be discharged into a different receiving environment. For this reason, the retention of the words 'to the greatest extent possible', or similar wording with the same intent, is supported. It is also recognised that this proposed wording, and approach, is consistent with Clause (8) of the recommended region-wide objective for freshwater (Objective LF-FW-O1A).

3. CONCLUSION

- 3.1 The section 42A Report recommendations, for the most part, appropriately address the matters raised in Ravensdown's submissions, or, proposed other amendments which will achieve the purpose of the RMA. For this reason, no further amendments are being sought by Ravensdown to the amendments recommended in the section 42A Report.
- 3.2 This statement is intended to provide additional context on the reasons for Ravensdown's submission and Ravensdown's acceptance of the recommendations of the section 42A Report.



Carmen Taylor
28 June 2023