

I MUA I TE KOOTI TAIAO

I ŌTAUTAHI ROHE

IN THE MATTER of the Resource Management Act 1991
(the Act)

A N D

IN THE MATTER of appeals pursuant to clause 14 of the First
Schedule to the Act

BETWEEN **SOUTHLAND FISH AND GAME COUNCIL**

(ENV-2018-CHC-37)

**ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND**

(ENV-2018-CHC-50)

Appellants

A N D

SOUTHLAND REGIONAL COUNCIL

Respondent

SUPPLEMENTARY STATEMENT OF EVIDENCE OF CARMEN WENDY TAYLOR

IN RESPONSE TO THE COURT'S MINUTE OF 2 MAY 2022

FOR RAVENSDOWN LIMITED – A SECTION 274 PARTY

(TOPIC B, TRANCHE 1)

20 MAY 2022

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INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

1. My full name is Carmen Wendy Taylor. My qualifications and experience are set out in full in my statement of evidence dated 4 February 2022.
2. This supplementary statement of evidence responds to the Court's directions at paragraph 14(a) of the Minute dated 2 May 2022.
3. In this evidence, I respond to the changes proposed by Mr McCallum-Clark, to Policy 15B, in his supplementary evidence dated 6 April 2022. As Ravensdown Limited (**Ravensdown**) has stated that it supports (opening legal submissions dated 11 April 2022) Mr McCallum-Clark's proposed amendments to Policy 15A contained in his supplementary evidence, I do not comment further on this matter.
4. Also, in response to Ms Wilkes' suggestion¹ that the Proposed Southland Water and Land Plan's (**pSWLP**) Interpretation Statement could be added to Farm Environmental Management Plans (**FEMP**), my evidence discusses a more fully developed approach.

CODE OF CONDUCT

5. 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 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.

POLICY 15B – IMPROVE WATER QUALITY WHERE STANDARDS ARE NOT MET

6. Mr McCallum-Clark, in his supplementary evidence² (dated 6 April 2022), proposed changes to Policy 15B in response to the Court's questions. In my opinion, some of the amendments proposed are not helpful and are not needed.

¹ Ms Wilkes' oral evidence (Thursday 14 April 2022).

² Paragraphs 14 to 17 and 22 to 26 of Mr McCallum-Clark's supplementary evidence.

7. Policies 15A and 15B are higher level policies that establish part of the framework for the management of all discharge activities throughout the Southland region. Consistent with Objective 6, these policies require, where the standards/guidelines in Appendix C and E are met, that water quality is maintained, but where they are not, then water quality must be improved. Policies 15A and 15B are then supported by a number of activity specific policies, including Policy 16, which provide more direct and specific guidance on the resource management framework that applies to these specified activities.
8. The overall aim of Policy 15B, as reflected in the policy attached to the JWS Planning³, is to improve water quality where the Appendix C and E standards and guidelines are not met. In my opinion, the retention of this overall aim, as reflected in the chapeau to the policy, is important, with clauses (1), (1)(a) and (2) then providing additional guidance, through identified constraints, on the various approaches to ensuring that the driver of water quality improvement is achieved. I consider that clauses (1), (1)(a) and (2) need to be read as whole, not as separate clauses.
9. In addition, I agree that existing activities, will, in effect, be required to do the 'heavy lifting' in relation to water quality improvement. However, I also consider that new discharges to surface water, or other new discharges (including for existing activities where the new discharge results in an overall reduction of contaminant losses), have a role to play in improving water quality (in the manner outlined in clauses (1) and (1)(a)).
10. The amendments proposed by Mr McCallum-Clark which I do not think are needed:
 - 10.1 The removal of 'improve water quality' from the policy chapeau and the inclusion of the word 'maintain' at the front of clauses (1) and (1)(a).
 - 10.2 The expanded description of the new discharges in clause (1)(a) is unnecessary as 'other new discharge' relates to any discharge not covered by clause (1) (i.e., point source discharges to surface water).

³ Dated 10 December 2021.

10.3 The reference to discharge permit ‘variations’ in clause (2). I have read the draft supplementary evidence of Mr Willis and Ms Ruston on this issue and I agree with the reasons set out in their evidence opposing this reference.

11. For the above reasons, I support the following amendments (which I agreed in discussions with other planners⁴), shown in red text, to the Planning JWS version of Policy 15B:

*Where existing water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines, improve water quality **including** by:*

1. *avoiding ~~where practicable and otherwise remedying or mitigating~~ any adverse effects of new point source discharges to surface water on water quality or sediment quality that would exacerbate the exceedance of those standards or sediment guidelines beyond the zone of reasonable mixing; and*

*1a. avoiding where reasonably practicable **and or otherwise remedying or mitigating** ensuring no net increase in any adverse effects of other new discharges on water quality or sediment quality so that **would exacerbate** the exceedance of those standards or sediment guidelines is not, as a minimum, exacerbated; and*

2. *requiring any application for replacement of an expiring discharge permit, **or seeking a discharge permit for an existing but previously unconsented discharge,** to demonstrate how and by when adverse effects will be avoided where reasonably practicable and otherwise remedied or mitigated, so that ~~beyond the zone of reasonable mixing~~ water quality will be improved to assist with meeting those standards or sediment guidelines (beyond the zone of reasonable mixing for point source discharges).*

⁴ The amendments to this policy were discussed with Ms Ruston, Mr Willis and Mr Wilson.

PROPOSED FARM ENVIRONMENTAL MANAGEMENT PLAN 'PURPOSE STATEMENT'

12. Mr Farrell, in his evidence, has proposed that a 'hauora and ki uta ki tai' objective be included in Part B(5) of Appendix N.
13. As traversed in my primary evidence, I remain of the opinion that the objective is unnecessary as other components of the appendix and/or rules of the pSWLP provide for these concepts. Also, each Part B(5) objective drives the process outlined in Part B(6) of the appendix, and that is the identification of effects, risk assessment and identification of mitigations. For this reason, each objective in the FEMP (whether it is those listed in the appendix or additional objectives which must be developed in accordance with Part B(5)), must be clear in the outcomes to be sought.
14. While the pSWLP has been developed to embody ki uta ki tai and uphold Te Mana o te Wai, as stated in the 'Interpretation Statement', I agree with Ms Wilkes that this could be more clearly articulated, in terms of being an overarching requirement, for those parties who have a responsibility to develop and give effect to FEMPs.
15. In my opinion, this overarching requirement can be achieved through a FEMP 'Purpose Statement', to be placed at the front of Appendix N. I also propose, given Ms Wilkes' suggestion in oral evidence, that the Purpose Statement must be included in all FEMPs. The proposed statement reflects the pSWLP's Interpretation Statement and includes both Objectives 1 and 2 of the pSWLP.
16. The proposed FEMP Purpose Statement⁵, with amendments from the JWS Planning Appendix N provisions shown in red text, is as follows:

Part A – Farm Environmental Management Plans

1. The following Farm Environmental Management Plans (FEMP) Purpose Statement must be included in all FEMPs prepared in accordance with

⁵ This proposed Purpose Statement was developed in conjunction with other planners, namely Ms Ruston, Mr Willis, Ms Foster and Mr Wilson.

this appendix and FEMPs must contribute to giving effect to this Purpose Statement.

FEMP Purpose Statement

This FEMP contributes to the management of Southland's water and land resources under the Southland Water and Land Plan (the SWLP) which embodies ki uta ki tai and upholds Te Mana o Te Wai. These concepts are to be at the forefront of water and land management in the FEMP.

The SWLP, and therefore this FEMP, must give effect to the Objectives of the SWLP, including Objectives 1 and 2 which are fundamental to the SWLP. These objectives are:

Objective 1 (of the SWLP) - Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.

Objective 2 (of the SWLP) - The mauri of water provides for te hauora o te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the waterbody) and te hauora o te tangata (health and mauri of the people).

2. A ~~Farm Environmental Management Plan (FEMP)~~ can be based on either of:

1(a). the ~~material~~ default content set out in Part B below; or ...

DATE: 20 May 2022



Ms Carmen Taylor