

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions (288) and further submissions (480) by **WINSTONE PULP INTERNATIONAL LIMITED** to the **HORIZONS REGIONAL COUNCIL** on Chapter 6 (water), Chapter 13 (discharges to land and water), Chapter 15 (takes, uses and diversions of water and bores) and Schedule D of the Proposed One Plan

EVIDENCE OF CARMEN WENDY TAYLOR

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INTRODUCTION

Qualifications and experience

1. My name is Carmen Wendy Taylor. I am employed by Golder Associates (NZ) Limited (Golder), a ground engineering and environmental consulting firm. I have over fifteen years of professional planning experience in New Zealand.
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.
3. A significant proportion of my professional experience has involved work with a water focus. This experience has included involvement in managing technical investigations and preparing resource consent applications for the Manapouri Hydro-electric Power Scheme as well as involvement in the investigations associated with Manapouri's 2nd Tailrace Tunnel. Other water related experience includes gaining wastewater discharge permits or water permits to take water, and providing planning advice (i.e. the preparation of submissions, the presentation of planning evidence in relation to water conservation orders etc) on water related management mechanisms developed under the Resource Management Act 1991 (RMA), for a range of water users including local authorities and industry.
4. As a result of my experience, I am familiar with the nature of the resource management issues under the RMA, from the perspective of the managers and the users of the resource, as it relates to water.

Scope of evidence

5. I prepared, on behalf of Winstone Pulp International Limited (WPI), submissions and further submissions on the Proposed One Plan. Throughout my evidence, this statutory plan, which has been developed in accordance with the provisions of the RMA, will be referred to as the 'Proposed Plan'.

6. In order to understand the reasons for WPI's submissions on the Proposed Plan, I consider that it is important to understand the nature of WPI's operations and its associated areas of interest in relation to the management of resources under the RMA.
7. WPI is a New Zealand based subsidiary of Ernslaw One Ltd. Within the Manawatu-Wanganui Region, WPI have an integrated forestry operation which includes growing trees, milling timber for a range of end users and the processing of by-products to produce pulp for export to overseas markets. The saw mill and pulp mill are located on State Highway 49 near Ohakune.
8. As users of the region's land, air and water resources, WPI, through their submissions, wished to ensure that the Proposed Plan did not adversely affect their ability to continue to operate their processing facilities (specifically the saw and pulp mill). For this reason, although WPI was in general support of the approach taken in the Proposed Plan in relation to providing a 'one-stop-shop' for the region's resource management policy and associated regulation, it was considered that some specific provisions of the Proposed Plan, particularly those that related to the management of the region's water resources, could be amended in order to address WPI's concerns. This is what WPI's submissions sought to achieve.
9. Following a review of the 'Planning Evidence and Recommendations Report' dated August 2009 (hereafter referred to as the 'Staff Report') outlining the staff recommendations in relation to Chapters 6, 13, 15 and 16 and Schedules B to D of the Proposed Plan, WPI consider that there are a number of the provisions within in the Proposed Plan, in relation to the management of the region's water resources, that still require amendment in order to address WPI's concerns. While also providing for sustainable management of the region's water resource – safeguarding and sustaining the water resource while enabling people and communities to provide for their social, economic and cultural well-being (section 5 of the RMA)).

10. As an aside, WPI did not submit on the provisions of Chapter 16 (Structures and Activities involving Beds of Rivers and Lakes, and Artificial Water courses and Damming) or Schedules B and C. Therefore, I will not comment on these sections of the Proposed Plan any further.
11. The particular provisions of the Proposed Plan, which WPI submitted on, and where the Staff Report generally recommends the rejection of the requested changes, are principally associated with the water quality standards contained in Schedule D and the manner in which these standards underpin associated policy (i.e., Policies 6-1 to 6-5 and 6-8), as well as the monitoring requirements for discharges and water takes (i.e., Policies 13-4 and 15-4) and the need to provide certainty for resource users in relation to core allocation (i.e., Rules 15-5 and 15-6). It is these provisions of the Proposed Plan that I address within my evidence.
12. A key element of WPI's concerns with the water provisions of the Proposed Plan is associated with the water quality standards and their appropriateness in relation to the Water Management Sub-zone (i.e., Upper Whangaehu (Whau_1a)) within which WPI's operations occurs. In his evidence, Mr Kennedy assesses the appropriateness of these standards and I will rely on his technical evidence within my evidence.
13. On the above basis, my evidence addresses the following matters:
 - (a) Section 2 provides an overview of the conclusions of Mr Kennedy's evidence in relation to the water quality standards in Schedule D and outlines the associated changes being sought in relation to Schedule D;
 - (b) Section 3 outlines the changes being sought to the policy framework of Chapter 6 (Water), and the associated reasons, within a planning framework, for the requested change;

- (c) Section 4 addresses other matters, namely the changes being sought, and the reasons for the requested changes, to Policies 13-4 and 15-4 as well as Rules 15-5 and 15-6; and
 - (d) Section 5 provides my concluding statements.
14. Except for the above provisions, my evidence does not cover all of WPI's submissions or further submissions which relate to the water provisions of the Proposed Plan. If a provision of the Proposed Plan which WPI opposed in their submissions is not discussed in my evidence, it can be assumed that although WPI may not be totally comfortable with the recommendations outlined in the Staff Report, they are willing to work within the planning framework that will be established once the provision becomes operative. That is, provided that the operative provisions are not significantly different to that contained in the Staff Report.
15. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses (July 2006). This evidence is within my area of expertise, except where I state that I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from opinions that I express.

SCHEDULE D AND THE WATER QUALITY STANDARDS

16. Schedule D of the Proposed Plan contains proposed water quality standards that apply, either on a region wide basis, or which are specific to Water Management Sub-zones and to different types of water bodies (i.e., streams, rivers, lakes etc). These standards then underpin, via the policy framework (i.e., objectives and policies) contained in Chapter 6 (Water), the Proposed Plan's approach to the future management of the region's water quality (i.e., namely the requirement to enhance or maintain water quality in order to meet the water quality standards).
17. In their submission, WPI opposed these water quality standards for two reasons. One reason was that, in some situations, the standards appear to

reflect a desire to improve water quality above that which currently exists, (even if there are no significant adverse effects on the values of the water body) and which, in some circumstances, will not be able to be achieved. That is, even if the water body was pristine and totally in its natural state, the standards still may not be complied with because of the nature of the catchment or the water body. The other reason that the WPI submission opposed the standards is that there were specific concerns about some of the specific standards themselves, some of which were listed in the submission.

18. The Staff Report (Ref. 4.210) rejects the request to delete Schedule D. However, in relation to the specific concerns about the standards, the Staff Report states that *“I will however, discuss with the submitter whether the recommended alterations meet their concerns”*. To date, as I understand it, this discussion has not occurred.
19. In his evidence, Mr Kennedy undertakes a more detailed analysis of the appropriateness of the proposed water quality standards, as contained in the Proposed Plan. This analysis has focused on the standards that apply to the Water Management Sub-zone of interest to WPI, namely the Upper Whangaehu.
20. In his evidence Mr Kennedy concludes that a number of the standards are unlikely to be complied with even if no resource utilisation activities were occurring within the catchment and therefore it is not appropriate to utilise these standards as the basis of a resource management tool. Also, on occasion, some standards have been applied out of the context of the use for which they were developed for, which is not appropriate.
21. Given these issues, I reiterate the request contained in WPI’s submission. That is, that the water quality standards contained in Schedule D should be deleted from the Proposed Plan or, alternatively, the water quality standards are amended such that the matters raised in Mr Kennedy’s evidence are addressed.

POLICY FRAMEWORK OF CHAPTER 6 (WATER)

Objectives

22. Objectives 6-1 to 6-4 of the Proposed Plan establish the future water management direction for the region.
23. Objective 6-1 (Water Management Values) outlines that water bodies will be managed in order to safeguard the values associated with them. Objective 6-2 (Water Quality) outlines the management approaches which are to be followed in order to ensure that water quality is maintained or enhanced in order to ensure that a specific water body's values are being supported.
24. WPI's submission supported Objective 6-1 and requested its retention. Objective 6-2 was also supported, but the submission requested some amendments (i.e., namely in relation to the inferred link to the 'inappropriate' water quality standards).
25. The Staff Report (Ref. 4.16 and 4.17) accepted, and accepted in part, WPI's submissions on these two objectives. For this reason, I do not propose to discuss these objectives any further.
26. However, I have taken this opportunity to mention these two objectives as they provide the framework within which the subsequent Proposed Plan policies must sit. For this reason, I consider that it is important to recognise that both Objectives 6-1 and 6-2 focus on the values associated with water bodies. Water quality, which is covered by Objective 6-2, is largely only of relevance because of the role it plays in supporting those values.

Policies 6-1 to 6-5

27. Policy 6-1 of the Proposed Plan, as notified, identified that for the purposes of the management of the region's water resources, these resources will be divided into Water Management Zones and managed in

a manner that recognises and provides for the water bodies' values. WPI did not submit on this provision of the Proposed Plan. However, the current version of this policy, following the staff recommendations, has changed significantly such that it now identifies that the life-supporting capacity of water bodies and the avoidance, remediation or mitigation of the adverse effects of activities shall be managed in accordance with a framework which consists of: defining water management zones; identifying recognised values (i.e., Schedule Ba); defining water quality standards which provide for the values (Schedule D); and the allocation regime.

28. Given these proposed changes, and recognising the nature of WPI's submissions, I have included comment on the appropriateness of this policy within this section of my evidence. The reasons for this are outlined below.
29. Policy 6-2 (Water quality standards) identifies that the water quality standards in Schedule D will be used to manage surface water quality, in accordance with the methods outlined in Policies 6-3 to 6-5. WPI's submission opposed this policy on the basis that the water quality standards are inappropriate (as discussed previously in my evidence). Accordingly, WPI requested the deletion of this policy. The Staff Report (Ref. 4.24) accepted this request but on the basis that it was considered that the policy did not reflect a policy intent. However, while staff recommends that Policy 6-2 be deleted, I consider that the key components of this policy, namely the utilisation of the water quality standards in Schedule D as a management tool, have now been inappropriately transferred into Policy 6-1. It is for this reason that I have included Policy 6-1 in my evidence.
30. Policy 6-3 (Ongoing compliance where water standards are met) identifies that where the water quality standards are met, water bodies shall be managed to ensure that this continues to be the case. Policy 6-4 (Enhancement where water quality standards are not met), following staff recommendations, identifies that in circumstances where the existing

water quality does not meet the standards in Schedule D then activities will be managed to ensure existing water quality is maintained or enhanced. Policy 6-5 (Management of activities in areas where existing water quality is unknown) identifies that if insufficient data exists to determine compliance with the water quality standards then a range of management approaches are to be used including: maintaining or enhancing water quality; have regard to the effects on values of the water body; and, having regard to any water quality data that is available.

31. WPI's submissions supported the intent of Policies 6-3 to 6-5 but requested amendments that recognised that the water quality standards in Schedule D were considered to be inappropriate. The Staff Report (Refs 4.25 to 4.27), in my opinion, did not recognise the key element of WPI's submission – that is, that the water quality standards in Schedule D are inappropriate and therefore all references to them should be removed.
32. Mr Kennedy's evidence reconfirms the initial assessment contained in WPI's submissions, namely that the reliance on the water quality standards in Schedule D as a resource management tool is not entirely appropriate. On this basis, I consider that all references to the water quality standards in the policy framework of Chapter 6 (Water) of the Proposed Plan should be removed. This can be achieved by:
 - Amending Policy 6-1 as follows: *"For the purposes of managing water quality, water quantity, and activities in the beds of rivers and lakes, the rivers and lakes in the Manawatu-Wanganui Region have been divided into water management zones shown in Schedule D Ba Part Ba1. The rivers and lakes shall be managed in a manner which ensures that their life-supporting capacity is safeguarded, and that the adverse effects of activities which use these rivers and lakes are avoided, remedied or mitigated, such that the values ~~which recognises and provides for the values identified in Schedule D Ba Part Ba2 for each water management zone are recognised and provided for. ~~The values and their associated purposes are set out in Table 6-2.~~"~~*

- Deleting Policy 6-2 as requested in the WPI submission and accepted in the Staff Report.
- Either delete Policies 6-3 to 6-5 as Policy 6-1, in the absence of any water quality standards (i.e., as requested by WPI), effectively provides for the matters covered by these policies. Or, alternatively, amalgamate these policies such that they identify that existing water quality is maintained in circumstances where the values of the water body are provided for, or maintained and enhanced where this is not the case.

Policy 6-8 (Point source discharges to water)

33. Policy 6-8 provides guidance on the matters that will be considered when making decisions on point source discharges to water. WPI's submission supported the broad intent of this policy but was concerned about the appropriateness of some of the identified matters, including, amongst other things, reference to the water quality standards in Schedule D of the Proposed Plan. As a result of these concerns, the submission requested, amongst other things, the deletion of part (a)(ii) of the policy as it refers to breaching of the water quality standards in Schedule D.
34. The Staff Report (Ref 4.30) rejected the WPI submission largely on the basis that the proposed changes would make the policy unwieldy. In making this recommendation, it does not appear that the concerns associated with the reliance on the water quality standards were recognised.
35. As I have outlined before in my evidence, it is still considered that the water quality standards, as currently proposed, are largely not appropriate for use as a resource management tool in the manner proposed within the Proposed Plan. On this basis, throughout my evidence I have requested that all specific references to these standards within the policy framework of Chapter 6 (Water) be deleted. Therefore, I also reiterate that request in relation to part (a)(ii) of Policy 6-8 by continuing to request its deletion.

OTHER MATTERS

Policies 13-4 and 15-4 (Monitoring Requirements for Consent Holders)

36. Policy 13-4 identifies that the discharge of contaminants will be subject to monitoring requirements, with parts (a) to (c) of the policy specifying the type of equipment and frequency of monitoring, dependent on the volume of the discharge.
37. While acknowledging that it is important for Horizons Regional Council, as a resource manager, to have access to specific resource data, this policy was opposed as it was considered that the policy was highly prescriptive and thus inappropriate. WPI submitted that the type and frequency of such monitoring should be decided on a case by case basis following consideration of a range of matters including the appropriateness, practicality and need for such monitoring. For these reasons WPI opposed this policy. WPI's submission then requested either the deletion of Policy 13-4, or its amendment as follows (changes are identified with tracked changes):

"Discharges of contaminants to water shall generally be subject to the following monitoring requirements:

- (a) ~~the regular monitoring, and associated reporting, of discharge volumes utilising monitoring equipment suitable for, and at a frequency appropriate for, the volume of the discharge. on discharges smaller than 100 m³/day and making the records available to the regional council on request~~*
- (b) ~~the installation of a pulse count capable meter in order to monitor the volume discharged for discharges of a volume greater than 100 m³/day~~*
- (c) ~~the installation of Horizons Regional Council compatible conductivity meters on discharges of volumes greater than 300 m³/day, with telemetry of conductivity and discharge volume on an hourly basis.~~*
- (d) Monitoring and reporting"*

38. Policy 15-4 is similar to Policy 13-4 except that it provides for the monitoring of water takes rather than discharges. WPI opposed this policy for the same reasons that they opposed Policy 13-4. WPI also requested the deletion of Policy 15-4 or alternatively the amendment of the policy as outlined below:

“Water takes shall generally be subject to the following monitoring and reporting requirements utilising monitoring equipment suitable for, and at a frequency appropriate for, the volume of the take.

- ~~(a) — installation of a pulse count capable water meter on all water takes that are allowed by way of a resource consent, in order to monitor the amount of water taken~~
- ~~(b) — the installation of a Regional Council compatible telemetry system on surface water takes greater than 750 m³/d, and on groundwater takes greater than 750 m³/d where the groundwater is highly intereconnected with surface water~~
- ~~(c) — the installation of a Regional Council compatible telemetry conductivity system on other groundwater takes greater than 4000 m³/d~~
- ~~(d) — the installation of a Regional Council compatible telemetry conductivity meters on groundwater takes located within 5 km of the coast, or on a nearby monitoring bore~~
- ~~(e) — the installation of a Regional Council compatible telemetry system on consented surface takes where:
 - ~~(i) — the amount of water taken, when assessed in combination with all other water takes upstream, exceeds 15% of the estimated one day mean annual low flow, or~~
 - ~~(ii) — the amount of water taken from a water management sub-zone as identified in Schedule D exceeds 15% of the one day mean annual low flow for that sub-zone”~~~~

39. The Staff Report (Ref. 4.74 and 4.115) recommends the rejection of WPI’s submission on the basis that the proposed changes are too general, uncertain and would render the policy useless. The retention of these policies is recommended in the Staff Report, albeit with some minor amendments, as it assists in setting out monitoring requirements.
40. The concerns expressed in WPI’s submission remain unchanged, especially in light of the national direction outlined in the “*Proposed National Environmental Standard for Measurement of Water Takes*” (Proposed NES).
41. While it is acknowledged that the Proposed NES regulations have not yet been gazetted, the Proposed NES is sufficiently through the process prescribed in the RMA, that considerable weight can be given to its intent.
42. As an aside, I consider that although the Proposed NES only provides for water takes, in terms of intent it can also be applied to the measurement of discharges.

43. The Proposed NES identifies that the standards will establish minimum requirements for water measurement (i.e., able to: continuously monitor; record daily volumes in m³ and to an accuracy of ±5 or 10%; provide data output in a form suitable for electronic storage; be appropriate for the quality of the water; and, be sealed and tamper proof). The Proposed NES notes that it does not specify the type of device and does not specifically specify that meters are required. Rather, all that is required is a system where it can be demonstrated, in an auditable way that the minimum requirements will be met. The Proposed NES then notes that this approach allows for new technologies and types of devices to be used.
44. The Proposed NES also outlines the minimum requirements for the installation and operation of measuring devices and the reporting and transfer of data (i.e. the consent holder is responsible for data recording and transfer of data to councils, daily volumes are to be in m³ and shall be recorded in an auditable manner, and data is to be transferred at least annually).
45. Compared to the Proposed NES, Policy 15-4 requires the installation of 'pulse-count capable water meters' on smaller takes and 'Regional Council compatible telemetry systems' on larger takes. Policy 13-4 takes a similar approach in relation to takes, except that small discharges (<100 m³/day) only require regular monitoring (i.e., the type of monitoring device is not specified).
46. I disagree with the Staff Report recommendations as I continue to have concerns about the prescriptive nature, as well as the inappropriateness and impracticality, of these policies. Although, I recognise that the policies, through the inclusion of the words "*...shall generally be subject to...*", provide processing officers with the ability to impose alternative monitoring requirements, from experience I consider that this discretion will be used infrequently.

47. In relation to the prescriptive nature of the policies, this concern is associated with the identification of specific types of measuring devices. This is largely inconsistent with the approach taken in the Proposed NES whereby it is recognised that any measuring device, or other system (for example, determination of the volume of water take based on pumping rates), is appropriate provided the minimum requirements are met (continuous, accurate, ability to store data electronically and so on).
48. In addition, given the recent amendments to the RMA in relation to the review of planning documents, it is feasible that these policies could remain in force for a reasonable amount of time (at least 10 years). Given the prescriptive nature of these policies this could mean that the measuring devices would continue to be specified as conditions on resource consents even though new technologies or alternative devices may be available that provide for a better resource management outcome.
49. In relation to practicality, there will be occasions where water takes or discharges occur in isolated locations without easy access to power and/or telecommunications facilities (takes and discharges can be based on gravity type systems where power is not required) which are required to provide for the ongoing operation of the measuring devices, and associated telemetry. Such limitations are not recognised within these policies.
50. On the above basis, I continue to request that Policies 13-4 and 15-4 are either deleted or amended as requested in WPI's submission. This approach would then mean that the Proposed NES, once it comes into force, would specify the minimum requirements for the measuring of water takes. As stated previously, the concepts reflected in the Proposed NES could also be utilised for discharges. Above these minimum requirements, it would then be possible to assess the need, and the practicality, for such monitoring during the processing of resource consent applications. This would then provide both the consent authority, and the resource users, with the flexibility to identify the best practicable option for each situation.

***Rule 15-5 (Takes and uses of surface water complying with core allocations)
and Rule 15-6 (Takes of water not complying with core allocations)***

51. Rule 15-5 provides for the take of water as a controlled activity if the take complies with the core allocation, as specified in Schedule B of the Proposed Plan, while Rule 15-6 provides for takes that do not comply with the core allocation as non-complying activities.
52. WPI opposed these rules for two reasons.
 - (a) First, although it is acknowledged that Schedule B identifies the core allocation available from various water bodies, there is no indication within the Proposed Plan as to how a potential water user will be able to ascertain, as part of publicly available information, the volume of core allocation that is still available. This suggests that the only way to determine whether any core allocation remains, and thus the Rule that applies, will be to ask Horizons Regional Council directly. Given this requirement, there seems little point in assigning an activity status to such takes when it will be necessary to assess the ability to comply with the rules through processes outside of the Proposed Plan itself. This approach does not provide certainty for resource users.
 - (b) Second, given this lack of clarity for resource users, WPI's submission stated that the activity status of Rule 15-6 should be discretionary, rather than non-complying. This approach would maintain a hierarchy between Rules 15-5 and 15-6, while still providing Horizons Regional Council with the ability to grant or decline a resource consent based on the actual effects of the activity (i.e., including consideration of the amount of core allocation that is available, or not). It would also remove the uncertainty for resource users associated with trying to gain a resource consent for a non-complying activity which must pass the higher tests outlined in section 104D of the RMA.

53. Given these issues, WPI's submission requested that Rule 15-6 becomes a discretionary activity, rather than non-complying, and that the Proposed Plan provide more certainty for resource users in relation to the amount of core allocation already allocated, thus identifying the amount of core allocation currently available at any one time. Although possible mechanisms of providing such certainty for resource users was not identified in the submission, possible approaches could include a link to a webpage where the core allocation available to resource users is listed.
54. The Staff Report (Ref 4.124 and 4.125) recommends the rejection of WPI's submission on the basis that "*The provisions of Schedule B account for the current water allocation within the core allocation limits*". In relation to the second component of WPI's submission, namely changing the activity status of Rule 15-6 to discretionary, there is no specific comment in the Staff Report although in the 'Summary of Submissions' contained in Attachment 1 of the Staff Report this submission point is summarised and rejected.
55. It appears that the staff, in making the above recommendation, did not understand or consider the matters raised in WPI's submission. I do not propose to reiterate these matters again as I have already outlined the reasons for the submission and requested changes in my earlier overview of WPI's submissions in relation to Rules 15-5 and 15-6. Rather I continue to request that amendments requested, in relation to these provisions of the Proposed Plan, are considered further by the Panel.

CONCLUSION

56. To summarise, in his evidence Mr Kennedy has concluded that the water quality standards contained in Schedule D of the Proposed Plan, as currently proposed, are not entirely appropriate for use as a resource management tool.
57. On the basis of this technical evidence, I consider that Schedule D should be deleted or, alternatively, amended by addressing the issues raised in Mr Kennedy's evidence

58. As there appears at present to be barriers to being able to rely on these standards as a water resource management tool, I consider that all references to these standards should be removed from Policies 6-1 to 6-5 and 6-8. I have provided guidance, within my evidence, on how this can be achieved while still ensuring that the resultant policy reflects sensible resource management approaches which still aim to achieve sustainable management of the region's water resources.
59. In addition, I have also requested other changes, which are not associated with the water quality standards, in relation to monitoring requirements for consent holders (Policies 13-4 and 15-4) and two core allocation water takes rules (Rules 15-5 and 15-6).

Carmen Taylor

19 October 2009