

SUMMARY STATEMENT OF BIANCA SULLIVAN FOR WAIMAKARIRI IRRIGATION LIMITED

1. My name is Bianca Sullivan. I am an environmental planner and Director at Enviser Limited. I have previously provided a written brief of evidence for Waimakariri Irrigation Limited dated 17 July 2020 and rebuttal evidence dated 18 September 2020. My qualifications and experience are provided in my evidence in chief.
2. My hearing statement focuses on the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020), which was gazetted after I prepared my evidence in chief, and whether the key amendments suggested in my evidence are consistent with this document. I consider that the Panel should place substantial weight on the objective and policies of this document, including the fundamental concept of Te Mana o Te Wai, where such consideration is within the scope of submissions.
3. The key points from my evidence in chief and rebuttal evidence are that:
 - 3.1 WIL is making considerable gains in reducing nutrient losses and is committed to continuing to do so through its solutions package. This is broader than the Overseer nutrient reductions that are the focus of PC7 and, based on the evidence of Mr Paul Reese, Mr Jeremy Sanson and Mr Neil Thomas, are likely to achieve the PC7 water quality targets faster and with less economic impact than the proposed provisions (refer to the evidence of Mr Stuart Ford and Mr Michael Copeland). I suggested amendments to the PC7 provisions in my evidence in chief to link the staged reductions proposed in Table 8-9 to the achievement of water quality outcomes.
 - 3.2 The evidence of Mr Sanson and Mr Thomas discusses the considerable uncertainty with the groundwater monitoring which underpins the nutrient reductions proposed by PC7, with the observed groundwater data not backing up the modelling

results. This throws into question the validity of the proposed nutrient reductions and supports WIL's proposal for reductions until 2040 (if required). Further reductions could then be implemented through the next plan review when more comprehensive monitoring data would be available and when the effects of moving to GMP and beyond would be visible.

- 3.3 Based on the evidence of Mr Thomas and Dr David Black respectively, the modelling that supports a connection to Christchurch's drinking water aquifers is tenuous and there is no basis for the Christchurch City Council's proposed 1 mg/L nitrate nitrogen limit.

EVALUATION AGAINST THE NPSFM 2020

Te Mana o te Wai

4. The NPSFM 2020 came into effect 3 September 2020 and replaces the NPSFM 2014 (amended 2017). As such, I considered it when preparing my rebuttal evidence but not when I prepared my evidence in chief.
5. A central component of the NPSFM 2020 is Te Mana o te Wai. This concept was part of the previous NPSFM, although the NPSFM 2020 provides considerably more detail on the concept and how it must be implemented.
6. Through the Canterbury Water Management Strategy (CWMS), much of what is expected to occur under the NPSFM 2020 has already been occurring in Canterbury for some time. That said, Te Mana o te Wai establishes a hierarchy that is different from the hierarchy established in the Primary Principles in the CWMS¹. The CWMS priorities are one of a number of Primary Principles and are replicated below:

The planning of natural water use is guided by the following:

- *first order priority considerations: the environment, customary uses, community supplies and stock water*

¹ Annex B of the CWMS.

- *second order priority considerations: irrigation, renewable electricity generation, recreation, tourism and amenity*
7. The hierarchy of obligations under 1.3(5) of the NPSFM 2020 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.*
 8. This hierarchy is recognised through the Objective of the NPSFM 2020, and Policy I requires that “*Freshwater is managed in a way that gives effect to Te Mana o te Wai*”.
 9. As Te Rūnanga o Ngāi Tahu and Ngā Rūnanga are yet to present, I have not been able to review whether they have a position on the extent to which PC7 gives effect to Te Mana o te Wai, or whether they have considered what constitutes a healthy water body in Waimakariri. Their views are critical to determining the extent to which PC7 implements Te Mana o te Wai.
 10. While I consider that PC7 and the process to prepare it are unlikely to have been inconsistent with Te Mana o te Wai, the NPSFM 2020 requires that regional councils “*engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and fresh water ecosystems in the region*”². This process is yet to occur and it is possible that PC7 would have been different if the planning process had been undertaken under the NPSFM 2020.
 11. With this in mind, I consider that considerable weight should be placed on the objective and policies of the NPSFM2020, which include the hierarchy of obligations replicated in paragraph 7 above. However, I consider that it is for the next plan iteration to implement Te Mana o te Wai in the manner required by the NPSFM 2020. Under section 80A(4) of

² NPSFW 2020, Subpart 1, Clause 3.2.

the Resource Management Act 1991 (RMA), a plan to implement the NPS-FM is required to be publicly notified by 31 December 2024.

Relief sought by WIL

12. I have considered the relief sought in my evidence in chief against the objective and policies of the NPSFM 2020, which are replicated in **Attachment 1**. I consider that the relief sought is consistent with the relevant provisions, being the Objective and Policies 1, 3, 4, 8, 9, 10, 11, 12, 13, 14 and 15 and in this respect I agree with the assessment against these policies set out in the Schedule to the legal submissions.

13. This is based on the following assumptions:
 - 13.1 WIL's Solutions Package will contribute to achieving the water quality outcomes over time in a manner that is consistent with the priorities of Te Mana o te Wai, and potentially faster than that proposed in PC7. Moving the focus solely from nutrient reductions using Overseer will provide for investment in additional measures such as targeted stream augmentation (TSA), managed aquifer recharge (MAR), storage, and waterway enhancement.

 - 13.2 Requiring the nutrient reductions proposed at 2030 and 2040 (if water quality outcomes are not met or on the pathway to being met) will continue to drive on-farm improvement, however reductions beyond this will grind progress to a halt through an inability to invest³ in initiatives to improve water quality.

 - 13.3 WIL's proposed monitoring programme, outlined by Mr Sanson, will complement Environment Canterbury's monitoring and provide a more complete picture of the catchment's water quality. However, the investment required may not be feasible with the economic uncertainty of nutrient reductions beyond 2040.

³ Refer to the evidence of Mr Ford.

14. In conclusion, I consider that the relief sought in my evidence is appropriate and consistent with the relevant provisions of the NPSFM 2020.

Dated 11 November 2020

Bianca Sullivan

Attachment 1

Objective and Policies of the NPSFM 2020

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.

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 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

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

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

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 well-being in a way that is consistent with this National Policy Statement.