

BEFORE THE WAIKATO REGIONAL COUNCIL HEARINGS PANEL

UNDER the Resource Management Act 1991

IN THE MATTER OF Proposed Plan Change 1 to the
Waikato Regional Plan and Variation
1 to that Proposed Plan Change:
Waikato and Waipā River
Catchments

HELEN MARIE MARR

Rebuttal Evidence on behalf of **THE AUCKLAND/WAIKATO & EASTERN REGION FISH
AND GAME COUNCILS (“FISH & GAME”)**

**SUBMITTER ID: 74985
HEARING BLOCK 1**

Dated: 26 February 2019

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INTRODUCTION

Qualifications and experience

1. My name is Helen Marie Marr. I am a planning consultant at Perception Planning Limited, of which I am also a Director. My qualifications and experience are set out in my primary evidence.

Code of Conduct for Expert Witnesses

2. As set out in my primary evidence, I have read and comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note.

Scope of rebuttal evidence

3. This evidence responds to the planning evidence of Christopher James Scrafton for hearing stream 1 on behalf of Watercare Services Limited.

REBUTTAL EVIDENCE

4. Mr Scrafton sets out his view (in 4.2) that values are not *required* to be included in the regional plan based on his analysis of Policy CA2 of the NPSFM. While it is true that there is no *requirement* to include values in PC1, I disagree with Mr Scrafton's analysis of the importance of values in the NPSFM and plan. In my evidence in chief I have set out my opinion that the NPSFM is a values driven policy statement, and that values have utility beyond the development of freshwater objectives, and are also vital components of monitoring and in the measuring success of policies and methods.
5. I agree that values may be taken into account in resource consent decision making as stated by Mr Scrafton (at 4.5) and I agree that the current place or status of values in PC 1 is unclear. However, I disagree with the conclusion by Mr Scrafton that the most appropriate response is to delete the values altogether. In my opinion, set out in my primary evidence, is that the values should be made more central to the objectives by including reference to providing for them within the objectives.
6. As noted by Mr Scrafton (at 7.4), the values of PC1 do acknowledge the importance of the assimilative capacity of rivers. Deleting all values, and adding one objective recognising

the assimilative capacity of rivers as recommended by Mr Scrafton (at 4.8) will, in my opinion, inappropriately 'skew the pitch' for consideration of values in the objectives. Intrinsic values (other than tangata whenua values) are currently not recognised at all in the objectives of PC1. Recognising assimilative capacity specifically and not recognising other values will likely result in the 'waste disposal' value of rivers being given greater recognition than other values. This is inappropriate and not consistent with the NPSFM, Vision and Strategy and RMA.

7. Mr Scrafton is of the opinion that, despite statements to the contrary in the plan, the attributes, limits and targets in Table 3.11-1 will be applied as absolute standards when considering discharge consent applications (5.2 – 5.6).
8. Mr Scrafton's recommendation to address this anxiety is to make changes to the plan to make the water quality attributes 'aspirational'. While I acknowledge that setting a water quality goal to be achieved 80 years in the future does have an element of uncertainty, that uncertainty is around *how* it will be achieved (future technology) rather than *what* should be achieved. The attributes at the levels in Table 3.11-1 are required to achieve ecosystem health and in doing so give effect to the NPSFM and Vision and Strategy. Achievement of them is required, not aspired to.
9. Mr Scrafton notes that the council is required to give effect to the NPS-UDC. The NPS-UDC requires all council to have given effect to it by 31 December 2018 at the latest. The WRPS does contain objectives and policies identifying growth areas and setting out policies to provide for them in district plans and this includes provision of infrastructure, and efficient use of that infrastructure (through Policies implementing the Coromandel Peninsula Blueprint, Taupo District 2050, Franklin District Growth Strategy and Future Proof area policies). Presumably the council has assessed the WRPS and WRP and concluded that it gives effect to the NPS-UDC in its current form.
10. However, that doesn't remove the council's responsibility to give effect to the NPS-UDC on an ongoing basis. The NPSF-UDC requires infrastructure needs be identified, funded or provided (for long, medium and short term demand) (Policy PA1). That provision does not happen in isolation however. In addition to the council having to give effect to the NPSFM when providing for infrastructure, the NPS-UDC also requires a more holistic decision making process. Policy PA3 requires that in making decisions about development capacity (including the infrastructure to service it) decision makers must provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations.

11. While I accept that provision of a discharge point for wastewater infrastructure is necessary to service that infrastructure, I consider it would be a considerable stretch to make the assumption at this time, that that discharge point must be the river, and that that discharge should take primacy over all other discharges to that river. Consideration of volume demand management, alternative treatment, and alternative disposal options, including land based disposal, should inform the decision about appropriateness of future discharges of wastewater to the river.
12. Provision of a direct river discharge point for increased wastewater discharges may be an appropriate outcome of the broad consideration of wellbeing, required by the RMA, NPS-UDC and NPSFM, but I am not of the opinion at this time that it is necessary or appropriate to provide for that in an unrestricted way through PC1.
13. The integration of infrastructure and land use is also required by policy C2 of the NPSFM. As discussed in my primary evidence, WRC has prepared a 'progressive implementation programme' (PIP) for the NPSFM.
14. Following the three catchment based plan reviews there is scheduled to be a review of the plan as a whole to address matters that are outstanding, for example "...Policy C2 regarding integrated management of the effects from use and development, encouraging co-ordination and sequencing of growth, land use and development and infrastructure."
15. In relation to PC1 I think that this assurance of a future plan change should adequately address concerns about whether or not the future integration of infrastructure with land use and water quality has been addressed appropriately. A future plan change would be more appropriate than addressing the issue now in a broad brush way, without adequate consideration of environmental, social and cultural wellbeing and effects.

Helen Marr

26 February 2019