In the Matter of the Resource Management Act 1991
AND

In the Matter of Hearings into the Provisions of the Proposed Wellington Natural Resources Plan.

Hearing Stream 3 - Water Allocation & Natural Form and Function

SUPPLEMENTARY STATEMENT OF EVIDENCE OF LINDSAY DAYSH FOR WAIRARAPA WATER USERS SOCIETY INCORPORATED, AJ BARTON AND ONGAHA FARMS LTD.

Introduction

1. My name is Lindsay John Daysh. My qualifications and experience are outlined in my evidence in chief for Hearing Stream 3 on behalf of the Wairarapa Water Users Society Incorporated, AJ Barton and Ongaha Farms dated 28 August 2017.

2. I reiterate that I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014), have complied with it, and will follow the Code when presenting evidence.

Scope of Supplementary Evidence

3. This short supplementary statement covers three matters that have resulted since the submission of my evidence in chief and the Joint Witness Conferencing that has been carried out since August. These relate to:-

    a. A revised Schedule P referred to in Ms Hammond's evidence as Table 4.1 which would sit below Policy P115. This results from the two planning Joint Witness Statements dated 13 and 17 November 2017. These statements followed on from the hydrogeological experts Joint Witness Statement dated 7 November 2017.

    b. The lack of agreement on the process for reclassification of the categories which was extensively covered by Mr Williamson in his evidence in chief.

    c. A further point not discussed but has arisen as a result of discussions with members of the WWUS and counsel for Mr Barton is whether there needs to some policy guidance on differentiating between existing users who are seeking renewals and a new user particularly when these takes in an area that is either at or over allocation limits defined in the Plan.

Schedule P (or Table 4.1)

4. The panel will note from the second Joint Witness Statement Planning dated 17 November 2017 that I agreed to a revised Schedule P. This was based on a combined planning/hydrogeologists meeting on 15 November resulting from the planners first Joint Witness Statement where several amendments were made.

5. I observe that the biggest problem with this schedule as notified and has been a continual problem throughout the conferencing is the management approach to Category B that sits between Category A (directly connected groundwater) and Category C groundwater (limited connection).

6. The revised Category B has resulted in a restructuring of the categorisation which is focused on the magnitude of stream depletion effect and groundwater characteristics where there is two sub categories within Category B being High connection (Category B) groundwater and Moderate connection (Category B) groundwater. From the Joint Witness Statement:-

    a. High connection (Category B) groundwater has the following restrictions

        - A stream depletion effect of greater than 60% may be subject to restrictions outlined in Policy P115 and Schedule R.
        - A stream depletion effect of less than 60% but greater than 10L/sec may be subject to restrictions outlined in Policy P115 and Schedule R where the cumulative Category B stream depletion effect of a sub catchment attributed to a local surface water body exceeds 10% of natural 7d MALF

    The management approach for individual takes at a location in High Connection (Category B) groundwater will be derived from hydrogeological information that appropriately characterises the potential effects of taking groundwater on hydraulically connected surface water. Hydrogeological information will be required by a resource consent applicant seeking a new resource consent or by an existing user with an existing resource consent seeking an increased amount of water.

    b. Moderate connection (Category B) groundwater is allocated from the groundwater allocation for the relevant sub catchment management unit and is not subject to restrictions outlined in Policy P115 and schedule R.

    The management approach for individual takes at a location in Moderate connection (Category B) groundwater will be derived from hydrogeological information that appropriately characterises the potential effects of taking groundwater on hydraulically

connected surface water. Hydrogeological information will be required by a resource consent applicant seeking a new resource consent or by an existing user with an existing resource consent seeking an increased amount of water.

7. This has significant implications for users as high connection means that restrictions may be applied whereas category B Moderate connection is not subject to low flow restrictions.

8. While there was agreement on Friday I note that Mr Williamson has reflected on matters further over the weekend and has suggested some refinements to the Schedule P to improve workability and to remove ambiguity. Mr Williamson states:-

> *In my opinion, the modelling work has demonstrated from an effects perspective that Schedule P could be simplified as follows and as shown in the table below:*
>
> a. *Removing the plus and minus divisions within in Category B;*
>
> b. *High Connection (Category B) Groundwater be redefined as groundwater takes with >60% river depletion effect;*
>
> c. *Relabelling Moderate Connection (Category B) Groundwater as Moderate Connection (Category C) Groundwater and by adding the following wording with regards to restrictions as per the Panning JWS for those takes that exceed the 10 L/s river depletion threshold:*
>
> > *A bore with a stream depletion effect of less than 60% but greater than 10 L/sec may be subject to restrictions outlined in Policy P115 and Schedule R where the cumulative Category C stream depletion effect attributed to the local surface water body exceeds 10% of natural 7d MALF;*
>
> d. *Relabelling Category C Groundwater as Category D Groundwater.*

9. I replicate Mr Williamsons suggested table below.

Groundwater Category	Stream Depletion effect	Allocation	Restrictions at Minimum Flow
Direct connection (Category A) groundwater	Direct	Surface water	50% restriction at minimum flow
High connection (Category B) groundwater	Greater than 60%	Surface water and groundwater	0-50% restriction at minimum flow
Moderate connection (Category C) groundwater	Less than 60%	Surface water and groundwater	No restrictions generally, except for those takes where the river depletion effect is greater than 10 L/s and where the cumulative Category B and C groundwater stream depletion effect attributed to the local surface water body exceeds 10% of natural 7d MALF. To those bores where restrictions

			apply, the level of restriction may be between 0-50%.
Category D	Low	Groundwater	No restrictions

10. These additional suggestions are not in my view a change of substance to the revised schedule P but are in fact making the categorisation definitions and the management approach that applies to them clearer not only for water users but also to the Regional Council in terms of administration of the Plan. I endorse this approach from Mr Williamson and as this improvement was not shared with Ms Hammond or her hydrogeological advisers I would welcome their views.

11. These classifications are not just a planning matter, they are a hydrogeological matter and of significant importance to users that rely upon clear unambiguous provisions that will dictate when they can and cannot use water at times of low flow. They also need to apply on a regional basis.

Category Recategorisation Process

12. In Mr Williamsons evidence in chief (paras 84 to 89 and table 5) he strongly supports a clear process where an assessment of the groundwater take category can be considered. For example if there was a groundwater zone that was category A after a due process this could be recategorised to Category B after conclusive scientific investigations. In essence this is what has happened to Mr Barton's scenario at Ongaha Farm that was outlined in the evidence of Mr Williamson.

13. In my evidence in chief I supported this approach as I considered it to be clear, unambiguous and able to be applied regionally. Importantly it was based upon an assessment of various factors with weighting to be applied depending on how important a factor was (i.e. geology has a higher weighting).

14. Ms Hammond and I did not reach agreement on this partly I suspect due to the time available to have the water experts conference on this matter. As was stated in my evidence in chief I consider that Mr Williamsons approach is compelling and this remains the case. A clear process would provide certainty to potential applicants but also provide a clear and defensible approach to consent decision makers and avoid some of the expense and time that has been undertaken by Mr Barton that has resulted in the recategorisation of the Ongaha Farms bores.

15. I would suggest that further meetings on this is necessary as I am firmly of the view that clarity in the plan about process issues can assist with certainty for applicants and in plan administration.

Renewals v new users

16. In an area which is at or over allocation there seems to be a need for differentiation between existing takes and new takes. I note and I agree with Ms Hammond's view that there is problem in

areas of over allocation but we don't want to unnecessarily penalise those that rely on water takes if there is an application for a new take that would be considered on the same basis as if there is a renewal.

17. This is because a renewal in terms of the Act would be treated the same as a new take. In thinking about this I consider that an advice note to Policy 115 would assist. This could read:-

> *In considering water takes in areas identified as being over allocated priority will be given to renewals of existing water permits over new water permits.*

18. This would enable more certainty to existing water users and also would align to the new provisions in the National Policy statement for Freshwater Management 2017 that has a focus on considering economic investment matters within limits. This matter was outlined in my evidence in chief.

Lindsay Daysh
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20 November 2017