BEFORE THE INDEPENDENT HEARINGS PANEL FOR PROPOSED WAIKATO REGIONAL PLAN CHANGE 1

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 1 to the Waikato Regional Plan, Parts C1-C6: Policies, Rules and Schedules (most)

REBUTTAL EVIDENCE BY RICHARD MATTHEWS

10 MAY 2019

FOR GENESIS ENERGY LIMITED SUBMITTER #74052

Executive Summary

1. In this evidence I respond to specific matters raised in the evidence of both Ms Marr and Ms Kissick. The evidence in chief of both Ms Marr and Ms Kissick is contrary to mine and my opinions remain unchanged from those expressed in my evidence in chief dated 3 May 2019.

2. In paragraphs 5.1 – 5.5, of her evidence in chief Ms Marr discusses allocation and her view that the approach within PC1 leaves allocation decisions entirely to later decisions on consent applications. I do not agree with the analysis presented by Ms Marr, primarily given that the provisions of PC1 are the first step within an 80- year journey to achieve the requirements of the Vision and Strategy. Any consent decision made will also have to consider cumulative effects, the Vision and Strategy and the objectives and policies of PC1. In my opinion, there is simply not enough information at this point in time to be able to implement an efficient, effective and equitable allocation framework.

3. In paragraph 5.8 of her evidence, Ms Marr states that Policy 10 sets an unqualified direction to decision makers to 'provide for' regionally significant infrastructure and regionally significant industry when deciding resource consents for point source discharges and recommends the deletion of Policy 10 in its entirety. I do not agree with this statement or the recommendation of Ms Marr to delete Policy 10. Decisions on resource consents must be made in accordance with the provisions of Section 104 of the Resource Management Act, requiring consideration of the effects of the activity (including cumulative effects) along with a raft of other objectives, policies and other provisions in the operative Waikato Regional Plan, the Waikato Regional Policy Statement, the Vision and Strategy and the Resource Management Act 1991 itself. Policy 10 would not provide “unqualified” direction to decision makers.

4. Activities requiring point source discharges to water have been required to obtain resource consent for decades and conditions of those consents have discharge limits and substantial monitoring, reporting and review requirements to ensure that the consent authority has

sufficient oversight of the discharge and its effects. Diffuse discharges, on the other hand, have been largely unregulated until now. When read together and in conjunction with the provisions of all other statutory documents (including the Vision and Strategy which requires "betterment"), Policies 10 – 13 require point source dischargers to undertake actions to reduce their effects on the environment (proportional to the effects of that activity) and demonstrate that they are meeting the requirements of PC1.

5. I do not agree with the changes to Policy 11 Ms Marr recommends (paragraphs 5.20 to 5.30) in terms of enshrining an effects hierarchy which includes an explicit requirement to offset residual effects for the reasons outlined in my evidence in chief. The setting up of an effects hierarchy within Policy 11 contrasts with the PC1 approach for diffuse discharges where there is no presumption that all effects from each farming activity must first be avoided.

6. Ms Marr has also provided an amended definition for an "offset" extending the meaning of "offset" beyond that which was assessed for PC1. It is my view that the definition should remain that which was notified, with the word being defined changing from "offset" to "environmental compensation" for the reasons set out in my evidence in chief.

7. Ms Marr has also recommended changes to Policy 13 in respect of consent duration, including a new clause regarding the “risks of a longer consent duration”. I do not agree with these recommended changes and I do not consider they are necessary from a risk perspective.

8. In paragraph 33, Ms Kissick refers to her Block 1 evidence where she considers that the Plan Change needs to focus on more than the “four contaminants” (nitrogen, phosphorus, sediment and microbial pathogens) and on that basis, recommends removing reference to the four contaminants in the policy and rule framework. I do not agree that reference to the four PC1 contaminants (nitrogen, phosphorus, sediment and microbial pathogens) should be removed from the PC1

policies. These are the four contaminants that have been considered in the Section 32 analysis carried out for PC1 and are the basis of the plan change.

9. There is no analysis of what the effects of removing reference to the four contaminants from the policies is and what the implications are for the wide range of contaminants (or attributes) that would be covered by the policy should the changes Director-General's experts proposes to Table 3.11-1 proceed (for example, including all of the metals and toxicants listed within the ANZECC guidelines). I do not agree that the PC1 policies should have reference to nitrogen, phosphorus, sediment and microbial pathogens removed and to these being replaced solely by reference to Table 3.11-1.

10. Ms Kissick considers that it is appropriate to include specific industries in the definition of Regionally Significant Industry if sufficient information is provided through this process. Should the panel decide to include a specific definition of Regionally Significant Industry in PC1, then that definition should not exclude assets such as the Huntly Power Station. In my opinion, the Huntly Power Station fits within the ambit of the definition of Regionally Significant Industry in the Regional Policy Statement and is identified in the Operative Waikato District Plan as being of national and regional importance.

11. Ms Kissick recommends changes to Policy 10 for the focus on the policy to provide for the values of the Freshwater Management Unit and Water Quality targets in Table 3.11 – 1. I do not agree with that change in focus. The whole thrust of PC1 is to achieve water quality improvements and Policy 10 must be read in conjunction with Polices 11 and 12 (and the Objectives in PC1) which clearly demonstrate that discharges should be provided for if they are consistent with the direction of PC1.

12. Ms Kissick has recommended amendments to Policy 11 to remove the ability for offsetting to be considered in relation to point source discharges based on the evidence of Ms McArthur. In my evidence in chief I also provide my view that the concept to which Policy 11 relates

is not "offsetting" – the resource management concept that Policy 11 provides for as an additional effects management method or option is environmental compensation (as provided for by way of s.104 of the RMA). I consider that the ability for a point source discharge to utilise a measure to compensate for the effects of a discharge should form part of PC1.

13. At her paragraphs 117-223, Ms Kissick considers the duration of resource consents for point source discharges and recommends use of a common catchment expiry date. I consider that having common catchment expiry dates would be difficult to achieve in practice and that it is more efficient, effective and equitable to focus on the outcomes required so that when each replacement consent is considered the relevant matters can be considered. The common catchment expiry date concept does not reflect or provide for the significant investment companies make to achieve contaminant reductions in their discharges.

Introduction

14. My name is Richard John Matthews. A full description of my qualifications and experience is contained in my statement of evidence dated 3 May 2019 for Proposed Plan Change 1 to the Waikato Regional Plan, Parts C1-C6: Policies, Rules and Schedules.

15. This statement of evidence in rebuttal contains my response to the evidence in chief filed on 3 May 2019 by:

    - Helen Marr for the Auckland/Waikato & Eastern Region Fish and Game Councils ("**Fish & Game**"); and

    - Deborah Kissick and Kate McArthur for the Director-General of Conservation ("**DOC**").

16. I am responding to matters raised in the submission on behalf of Genesis Energy Limited ("**Genesis**").

17. In this evidence I respond to specific matters raised in the evidence of both Ms Marr and Ms Kissick. Failure to respond, in this statement, to any particular point in their evidence should not be seen as me agreeing with that point.

18. The evidence in chief of both Ms Marr and Ms Kissick is contrary to mine and my opinions remain unchanged from those expressed in my evidence in chief dated 3 May 2019.

19. Nothing in these statements, nor other evidence in chief I have reviewed, causes me to change the conclusions I reached in my evidence in chief.

Evidence of Helen Marr

Point Source Discharge Allocations

20. In paragraphs 5.1 – 5.5, of her evidence in chief Ms Marr discusses allocation and her view that the approach within PC1 leaves allocation

decisions entirely to later decisions on consent applications, which in turn, will lead to a situation that will result in over allocation, with the allocation regime "locked in" through the granting of long duration consents.

21. I do not agree with the analysis presented by Ms Marr, primarily given that the provisions of PC1 make it explicit that PC1 is the first step (and first generation of RMA plan) within an 80- year journey to achieve the requirements of the Vision and Strategy and objectives of PC1. Any consent decision made will also have to consider cumulative effects, the Vision and Strategy and the objectives and policies of PC1.

22. My interpretation of PC1 is that the next ten years (the life of the plan) provides that framework for a future nutrient allocation regime. Once this first step has gathered the necessary information, an equitable allocation regime can be contemplated and, if necessary, enshrined through a further plan change process. If PC1 were to include an allocation regime immediately, in my opinion the result would be a situation where all existing discharges (diffuse and point source) would have their existing "allocation" enshrined in the plan (and hence would be effectively grand-parented).

23. As I discuss subsequently in my rebuttal evidence in relation to Ms Marr's analysis and recommendations on Policy 10, I do not consider that the farming sector is being asked to do more than their fair share (in relation to the regulated vs un-regulated nature of point source and diffuse discharges).

24. In my view, there is simply not enough information at this point in time to be able to implement an efficient, effective and equitable allocation framework for point and non-point source discharges.

Policy 10

25. In paragraph 5.8 of her evidence, Ms Marr states that:

> Policy 10 sets an unqualified direction to decision makers to 'provide for' regionally significant infrastructure and regionally

> significant industry ('RSI&I') when deciding resource consents for point source discharges.

26. Ms Marr, on this basis, has recommended the deletion of Policy 10 in its entirety.

27. I do not agree with this statement or the recommendation of Ms Marr to delete Policy 10. Decisions on resource consents are not unqualified because of the use of "provide for" in this policy. Such decisions must be made in accordance with the provisions of Section 104 of the Resource Management Act. This requires consideration of a raft of other objectives, policies and other provisions in the operative Waikato Regional Plan, the Waikato Regional Policy Statement, the Vision and Strategy[1] and the Resource Management Act 1991 itself. The effects of the activity must also be considered in any decision reached – including cumulative effects.

28. Most of the relevant provisions in the other existing statutory documents I listed above relate to the management of environmental effects and provide no specific direction as to how a consent application for the point source discharge should be assessed. The point source discharge policies of PC1 provide this assessment guidance (and require them to show consistency with the direction of PC1).

29. The direction of Policy 10 is to "provide for" the discharges from regionally significant infrastructure and industry, not "permit" those discharges.

30. In paragraph 5.10 Ms Marr states that, in her opinion, Policy 10 and Policy 11 create a presumption that a point source discharge from regionally significant industry and regionally significant infrastructure will be granted consent provided they utilise the Best Practicable Option ("**BPO**"). Again, I do not consider that Policies 10 and 11 create

[1] Section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires that a consent authority must have particular regard to the Vision and Strategy when considering an application that relates to the Waikato River or activities in the catchment that affect the Waikato River.

this presumption. They are simply a direction that these regionally significant activities must be provided for as is recognised in the Waikato Regional Policy Statement (particularly Objective 3.2 and Policy 4.4). These activities will need to show consistency with PC1 and demonstrate, as is required by the RMA, how the effects of each activity are being avoided, remedied and / or mitigated (or potentially compensated for).

31. I do agree with Ms Marr that the provisions of the Waikato Regional Policy Statement direction are different in respect of the management of Regionally Significant Infrastructure and regionally significant industry. However, Objective 3.2 also provides a differentiation for electricity generation and for electricity generation activities. For example, water, both in terms of the ability to take water for cooling purposes and to assimilate discharges from the Huntly Power Station are a vital energy resource in the context of Objective 3.2. In my view, while the definition of Regionally Significant Infrastructure includes electricity generation infrastructure, assets such as the Huntly Power Station also falls within the definition of Regionally Significant Industry – which clearly shows that for some activities there should be no differentiation as to how Regionally Significant Industry and Regionally Significant Infrastructure should be separated from a discharge management context in PC1. I discuss this further below in response to the evidence of Ms Kissick.

32. A consent application for a point source discharge whether or not it is from a Regionally Significant Industry / Infrastructure or non-regionally significant industry / infrastructure will be assessed against all provisions of the Vision and Strategy (particular regard being specifically had to the Vision and Strategy and the “betterment” that it requires), Waikato Regional Policy Statement and Waikato Regional Plan – most of which set the direction for the management of environmental effects and the ability to sustain the life supporting capacity of the environment. One enabling (“provide for”) policy amongst directive effects management and environmental bottom line provisions will not presume an outcome that enables a point source

discharge to be inconsistent with the direction of travel required by PC1.

33. The policies of PC1 do not give Regionally Significant Industry or Infrastructure primacy over primary production or other environmental goals – they provide guidance as to how consent applications should be considered (and in my view, provide quite a degree of incentive through the potential for long term consent durations to explicitly show in a consent application how the requirements of PC1 will be met throughout the consent life).

34. All discharges from Regionally Significant Industries and Infrastructure will require resource consent – PC1 is providing a framework where those discharges from primary production activities can be permitted activities.

35. Activities requiring point source discharges to water have been required to obtain resource consent for decades (including undertaking comprehensive assessments of environmental effects for each consent process), with each successive consenting "round" requiring (often significant) reductions in the concentration and load of contaminants discharged to be demonstrated before consent can be granted. Conditions of those consents have discharge limits and substantial monitoring, reporting and review requirements to ensure that the consent authority has sufficient oversight of the discharge and its effects. Diffuse discharges, on the other hand, have been largely unregulated until now.

36. I do not see how, on this basis, that point source discharges from Regionally Significant Industries and Infrastructure take primacy given the lack of regulatory oversight of diffuse discharge management.

37. In terms of point source discharges taking primacy over environmental aspirations, again I reiterate that Policies 10 – 13, when read together and in conjunction with the provisions of all other statutory documents (including the Vision and Strategy which requires "betterment") require point source dischargers to undertake actions to reduce their effects on

the environment (proportional to the effects of that activity) and demonstrate that they are meeting the requirements of PC1. Point source discharges will need to be consistent with the PC1 targets, which are there to achieve environmental goals.

38. Finally, in relation to the use of "provide for" in Policy 10, I note that other policies in Regional Plans and Policy Statements often use the terminology "provide for", without conveying a presumption of granting consent or that any decision process is unqualified.

Policy 11

39. I do not agree with the changes to Policy 11 Ms Marr recommends (paragraphs 5.20 to 5.30) in terms of enshrining an effects hierarchy which includes an explicit requirement to offset residual effects. This is for the reasons outlined in my evidence in chief regarding an effects hierarchy being inappropriate in Policy 11. The setting up of an effects hierarchy within Policy 11 contrasts with the PC1 approach for diffuse discharges where there is no presumption that all effects from each farming activity must first be avoided.

40. Ms Marr has also provided an amended definition for an "offset". This amended definition extends the meaning of "offset" beyond that which was assessed for PC1 (as indicated by the definition provided for "offset" in PC1) in relation to the effects PC1 set out to manage.

41. My evidence in chief describes my view that Policy 11 relates to the concept of environmental compensation. For that reason, it is my view that the definition should remain that which was notified, with the word being defined changing from "offset" to "environmental compensation". Achieving conservation outcomes above and beyond that which would have been achieved if the offset had not taken place was not a concept anticipated in PC1, and hence why Policy 11 should refer to environmental compensation.

In my opinion, the focus of Policy 11 should be about providing meaningful options for point source discharge activities (rather than

including an effects hierarchy) to occur while also achieving the overarching objective of improving the water quality of the Waikato and Waipa Rivers in terms of Nitrogen, Phosphorus, Sediment and Microbial Pathogens. One such option Policy 11 is providing for is environmental compensation.

Policy 13

42. Ms Marr has also recommended changes to Policy 13 in respect of consent duration, including a new clause ab:

> the risk of a longer consent duration where the discharge is not consistent with achieving the water quality attribute states set out in Table 3.11-1 or where future regional plan changes or regional plans are likely to provide a comprehensive approach to allocation of both point and nonpoint source discharges.

43. I do not agree with these recommended changes and I do not consider they are necessary from a risk perspective. The thrust of Policy 11 (as notified) is that if the point source discharge is consistent with the PC1 targets (and other matters set out in Policies 10, 11 and 12), then the consent should be granted for a long term. If the activity is not consistent with PC1 targets, then it should be granted for a shorter term, or not at all if the environmental effects or degree of inconsistency with the PC1 targets warrants the consent application to be declined.

44. I also note that for the vast majority of point source discharge consent processes that I have been involved in, all consents that have been obtained have review clauses that enable the consent authority to review a consent following new or amended regional plans becoming operative (or to address additional or unexpected environmental effects that have arisen since the consent was granted).

45. The secondary aspect of Ms Marrs amendment to Policy 13 is as follows:

> or where future regional plan changes or regional plans are likely to provide a comprehensive approach to allocation of both point and nonpoint source discharges

46. I consider that this is largely redundant because of existing consent conditions and the powers of a consent authority under s.128 of the RMA.

47. In my opinion, it is inappropriate for a policy to speculate about "future plan changes or regional plans". If there are future regional plan changes or regional plans that provide a comprehensive approach to allocation of both point source and diffuse discharges, then these plan changes should include any consequential amendments to the policies in PC1.

48. Ms Marr provides no reasoning for why this change is recommended and the suggested change does not provide any guidance as to what the intention of the proposed provision is. If a discharge is not consistent with achieving the water quality objectives for PC1, then the Council already has the option of either declining an application or granting for only a short duration. The amendments proposed therefore are not necessary.

Evidence of Deborah Kissick and Kate McArthur

Policy reference to nitrogen, phosphorus, sediment and microbial pathogens

49. In paragraph 33, Ms Kissick states that:

> As discussed in my Block 1 evidence, I consider that the Plan Change needs to focus on more than the 'four contaminants' (nitrogen, phosphorus, sediment and microbial pathogens) to achieve the water quality improvements required to achieve the Vision and Strategy. As a result, I have removed reference to the four contaminants in the policy and rule framework attached as Appendix 1.

50. In her Block 1 evidence, Ms Kissick confirms that the scope of PC1 was refined to the "management of the discharge of four contaminants: nitrogen, phosphorus, sediment and microbial pathogens, and not addressing water quality (and freshwater values) more generally" (although I emphasise that she disagrees with that scope).

51. Given that the scope of PC1 is restoring the water quality of the Waikato and Waipā Rivers so that it is "safe for people to swim in and take food from over its entire length" (Chapter 3.11 Background and Explanation) in respect of the management of four key contaminants that affect the ability to achieve this objective, I do not agree that reference to the four PC1 contaminants (nitrogen, phosphorus, sediment and microbial pathogens) should be removed from the PC1 policies. These are the four contaminants that have been considered in the Section 32 analysis carried out for PC1 and are the basis of the plan change.

52. There is no analysis of what the effects of removing reference to the four contaminants from the policies is and what the implications are for the wide range of contaminants (or attributes) that would be covered by the policy should the changes recommended by the Director-General's experts in the Block 1 hearings to Table 3.11-1 proceed. This wide range of attributes would, for example, include all of the metals and toxicants listed within the ANZECC guidelines – increasing the number of contaminants to be controlled by PC1 significantly (there are approximately 30 metals and metalloids with guideline values within the ANZECC (2000) guidelines – there are also a vast number of other toxicants with guideline values).

53. This includes, for example, a range of temperature effects that can arise from a variety of activities, not just through the particular diffuse and point source discharges controlled by the PC1 (e.g. riparian vegetation removal is not a land use activity contemplated in the notified PC1) or metal discharges associated with roads, fertiliser use or point source discharges. Similarly, the addition of the metalloids from the ANZECC guidelines would be of note to activities such as

stormwater discharges, for which no analysis of the implications of changing the policies to refer to a wider range of contaminants has been provided.

54. The Waikato Regional Plan already regulates point source discharges including these additional, non PC1 contaminants, to water through the need to obtain resource consent (normally as discretionary activities and more often than not in notified or limited notified processes). For point source discharges, the existing resource consent process allows for the interconnected nature of effects to be considered on an activity / discharge specific basis as well as cumulative effects. This will include consideration of the PC1 provisions for the four PC1 contaminants, and the existing statutory framework and guidance for the "other" contaminants in a discharge.

55. I do not agree that the PC1 policies can be used to set water quality targets for these additional attributes – this should either come through as a Variation to PC1 or change to the Operative Waikato Regional Plan (as provided for by the review I referred to in my evidence in chief). In the interim, resource consent applications for point source discharges will still need to address the effects of all contaminants in the discharge (while in addition, specifically meeting the PC1 requirements in respect of nitrogen, phosphorus, sediment and microbial pathogens).

56. In my view, Table 3.11-1 will be the primary method for showing what the achievement of the Objectives of PC1 (particularly Objective 1) looks like from an in-river water quality perspective. Those objectives, as notified and as developed by the Collaborative Stakeholder Group and assessed in a s.32 context, are all specific to nitrogen, phosphorus, sediment and microbial pathogens. Table 3.11-1 should show what the achievement of the objectives "looks like", rather than the objectives and policies being developed and based on the contents of Table 3.11-1. In other words, objectives come first in the plan development cascade, followed by the policies.

57. The purpose of policies, including Policies 10 – 13, are to implement those objectives. The policies detail how the reduction in the discharge of **nitrogen, phosphorus sediment and microbial pathogens** to land and water results in achievement of the restoration and protection of the Waikato and Waipā Rivers, such that the 80-year water quality objectives will be met.

58. The point source discharge policies, detail how Objective 1 will be implemented, while also implementing Objective 2 and Objective 4 (enabling people and communities to continue to provide for their social, economic and cultural wellbeing). The policies do so through providing for point source discharges that demonstrate the ability to achieve the PC1 requirements.

59. I do not agree that the PC1 policies should have reference removed to nitrogen, phosphorus, sediment and microbial pathogens and replaced solely by reference to Table 3.11-1.

Policy 10

60. Ms Kissick considers that it is appropriate to include specific industries in the definition of Regionally Significant Industry if sufficient information is provided through this process (paragraph 207).

61. Should the panel decide to include a specific definition of Regionally Significant Industry in PC1, then that definition should not exclude assets such as the Huntly Power Station. For the avoidance of doubt, I recommend that Huntly Power Station is explicitly included in any list used in the definition of Regionally Significant Industry.

62. The Waikato Regional Policy Statement defines a Regionally Significant Industry as being "*an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits*". In my opinion, the Huntly Power Station fits within the ambit of this definition. I also note that Genesis has

sought the inclusion of HPS as a Regionally Significant Industry in their recent submission on the Proposed Waikato District Plan.

63. Further, the Operative Waikato District Plan "*recognises the national and regional importance of existing energy resources and infrastructure, which includes coal fields, coal mines, Huntly Power Station, gas, electricity transmission, and coal conveyance facilities, as well as renewable energy*" (Section 1.9 Energy).

64. Ms Kissick recommends changes to Policy 10 for the focus on the policy to:

> "provide for the values of the Freshwater Management Unit and Water Quality targets in Table 3.11 – 1".

65. The proposed amendments Ms Kissick recommends change the focus of Policy 10 when considering applications for regionally significant infrastructure and industry discharges to providing for the values of freshwater management units and the water quality targets of PC1, instead of providing for the Regionally Significant Industry and Infrastructure. These amendments result in the policy not recognising the national and regional importance of Regionally Significant Industry and Infrastructure.

66. I do not agree with these changes. The whole thrust of PC1 is to achieve water quality improvements. Policy 10 must be read in conjunction with Polices 11 and 12 (and the Objectives in PC1) which clearly demonstrate that discharges should be provided for if they are consistent with the direction of PC1 (that direction being providing for the values of FMUs and water quality targets).

Policy 11

67. Ms Kissick has recommended amendments to Policy 11 to remove the ability for offsetting to be considered in relation to point source discharges based on the evidence of Ms McArthur. Ms McArthur recommends (paragraphs 12 – 16) that offsetting should not be an

option because the Policy refers to a concept of "contaminant trading" and does not meet the requirements for an "offset".

68. In my evidence in chief I also provide my view that the concept to which Policy 11 relates is not "offsetting" – the resource management concept that Policy 11 provides for as an additional effects management method or option is environmental compensation (as provided for by way of s.104 of the RMA).

69. I do not agree that the ability for a point source discharge to utilise a measure to compensate for the effects of a discharge should be deleted and not form part of PC1. Such compensatory measures may be the only way in which a new activity (or for example, an increase in municipal discharges or stormwater and wastewater arising from population growth) can be provided for in the context of the Vision and Strategy concept of "betterment".

Policy 13

70. Common catchment expiry dates are also a matter which Ms Kissick considers should be introduced to PC1. At her paragraphs 117-223, she considers the duration of resource consents for point source discharges and states (paragraph 221):

> I agree with the Director-General's submission that point source and diffuse discharges should be managed together to achieve the FMU values and water quality outcomes, given that both forms of discharge contribute to their achievement. I also consider that a common catchment expiry date is an effective way of dealing with cumulative effects of discharges within a sub-catchment.

71. I consider that having common catchment expiry dates would be difficult to achieve in practice and would require an extensive transition period to bring all the consents into a common catchment date. In my opinion, it is more efficient, effective and equitable to focus on the outcomes required so that when each replacement consent is considered the relevant matters can be considered.

72. Policy 13 currently provides a strong incentive to point source dischargers to show conformance with the requirements and direction of PC1 as by doing this, there is a strong likelihood that a long-term consent duration will be secured. This long-term consent duration provides the investment certainty for companies to invest in upgraded water treatment / discharge management technologies. I do not consider that it is equitable for a point source discharge who has invested in the latest treatment technology to meet the PC1 requirements to be given the same or similar consent duration as one who has not invested in the same contaminant reduction measures.

73. The common catchment expiry date concept does not reflect the significant investment companies have made, and will continue to make, to achieve contaminant reductions in their discharges.

Richard Matthews

10 May 2019