

## STATEMENT OF EVIDENCE

**In the matter of** the Resource Management Act 1991

**And** a submission and further submissions on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (PPC1)

**Submitter's Name:** Hamilton City Council (HCC)

**Submission Number:** 74051

**Hearing Topic:** **Part B – Outcomes: Objectives**

**Type of Evidence:** Rebuttal

**Witness:** Paul Stanley Ryan

**Date:** 26 February 2019

### Summary statement

1. This evidence seeks rejection of relief Christopher James Scrafton seeks in his Block 1 Primary Evidence for Watercare Services Limited, namely, amendments to Objective 3.

### Personal statements

2. My full name is Paul Stanley Ryan. Please refer to my Rebuttal Evidence on “Part B – Outcomes: Overall direction and whole plan submissions” for my:
  - (1) Qualifications and experience;
  - (2) Endorsement of the content of HCC’s submissions and further submissions, except where stated otherwise in my evidence;
  - (3) Agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014; and
  - (4) Reserved position with respect to the relief my Block 1 evidence seeks.

### Abbreviations

3. Abbreviations and terms used in my evidence are explained in **Attachment A**.

### Scope of evidence

4. My evidence focuses on relief Mr Scrafton seeks for Watercare Services Limited in his primary evidence on Block 1 topics, namely amendments to Objective 3 that would require diffuse and point source discharges of contaminants to be reduced progressively to meet the short-term water quality attribute states in Table 3.11-1 by 2026.

### The relief Mr Scrafton seeks

5. Mr Scrafton seeks for Objective 3 as recommended in the s.42A Report to be deleted and replaced with the following:

*Diffuse and Point Source discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water are progressively reduced, so that the short-term water quality attribute states in Table 3.11-1 are met by 2026 as measured at the identified state of the environment monitoring sites.*

6. I oppose the following elements of this relief - the requirements that:
- (1) The short-term water quality and attribute states in Table 3.11-1 are met by 2026; and
  - (2) Diffuse and point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water are **progressively reduced** to achieve the outcome in (1) above. [Emphasis added].
7. I am opposed to the requirement that the short-term water quality and attribute states in Table 3.11-1 are met by 2026 because this ignores:
- (1) That the notified version of PPC1 recognises “there are time lags between contaminants discharged from land uses and the effect in the water”<sup>1</sup> and time lags for actions taken to address contaminants to be effective, for example, tree planting for erosion control<sup>2</sup> or actions to reduce nitrogen<sup>3</sup>, and “the effort required to make the first step may not be fully reflected in water quality improvements that are measurable in the water in 10 years”<sup>4</sup>; and
  - (2) The Collaborative Stakeholder Group and the notified version of PPC1 did not intend to require existing consented point-source discharges to be upgraded by 2026 to achieve the short-term water quality in Table 3.11-1. Provisions in the notified version of PPC1 corroborating this include:
    - (a) The sixth paragraph under the heading “Full achievement of the Vision and Strategy will be intergenerational” includes (p.15):
 

*Municipal and industrial point source dischargers will also be required to revise their discharges in light of the Vision and Strategy and the water quality objectives, and sub-catchment limits^ and targets^ that have been set. **This will happen as the current consent terms expire.*** [Emphasis added].
    - (b) Under the heading “Reviewing progress towards achieving the Vision and Strategy” (p.16) it states:
 

*The overall intent of Chapter 3.11 is to require resource users to make a start on reducing discharges of contaminants as the first stage of achieving the Vision and Strategy, with on-farm actions carried out **and point source discharges reviewed as existing resource consents come up for renewal.*** [Emphasis added].
    - (c) The third paragraph under the heading “Reasons for adopting Objective 3” (p.29) states:

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<sup>1</sup> PPC1 (p.56) the final paragraph in the Explanatory note to Table 3.11-1.

<sup>2</sup> Ibid

<sup>3</sup> PPC1 (p.15) the third paragraph under the heading “Full achievement of the Vision and Strategy will be intergenerational”.

<sup>4</sup> PPC1 (p.29) the second paragraph under the heading “Reasons for adopting Objective 3”.

*Point source discharges are currently managed through existing resource consents, and further action required to improve the quality of these discharges will occur on a case-by-case basis at the time of consent renewal, guided by the targets and limits set in Objective 1.*

8. I am opposed to the requirement that diffuse and point source discharges of contaminants are **progressively reduced** to meet by 2026 the short-term water quality and attribute states in Table 3.11-1 because this could be construed as requiring a contaminant discharger to implement two or more staged reductions in contaminant discharge over the next 7 years. An action to achieve a single step reduction, despite the magnitude of the reduction, may not be perceived as achieving the objective.
9. I am not opposed to Objective 3 being amended to identify that achievement of the objective will be measured at the state of the environment monitoring sites, provided that these sites are sufficiently downstream of any consented point source discharge to allow for reasonable mixing.
10. I remain of the opinion that Objective 3, as recommended in the s.42A Report, should be further amended as set out in my Primary Evidence on Part B – Outcomes: Objectives (15 February 2019), namely as follows:

*Actions ~~put in place and implemented taken~~ by 2026 to reduce diffuse and unconsented point source discharges of nitrogen, phosphorus, sediment and microbial pathogens, are sufficient to achieve the short-term water quality attribute states in Table 3.11-1, while recognising that, because there is a lag between taking the actions and the receiving water quality improving, the short-term water quality attribute states in Table 3.11-1 may not necessarily be achieved by 2026.*

11. A clean version of this is:

*Actions taken by 2026 to reduce diffuse and unconsented point source discharges of nitrogen, phosphorus, sediment and microbial pathogens are sufficient to achieve the short-term water quality attribute states in Table 3.11-1, while recognising that, because there is a lag between taking the actions and the receiving water quality improving, the short-term water quality attribute states in Table 3.11-1 may not necessarily be achieved by 2026.*

Paul S Ryan

HCC reference: D-2901599

### **Attachments**

Attachment A: Abbreviations and Glossary

Attachment B: References

Attachment C: Relief Sought

**Attachment A**

**Abbreviations and Glossary**

HCC	Hamilton City Council
PPC1	<i>Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments</i>
s.42A Report	<i>Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Part A: Overview and Context. Part B: Overall Direction, Values and Uses, Science and Economics, Objectives, Limits and Targets. Prepared for Waikato Regional Council by Matthew McCallum-Clark, Angela Fenemore, Adele Dawson (Incite) and Naomi Crawford and Alana Mako (Waikato Regional Council). (21 December 2018). Document # 13383130.</i>

**Attachment B**

**References**

Hamilton City Council. (2 March 2017). Submission by Hamilton City Council on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā Catchments.<sup>5</sup>

Ryan, Paul Stanley. (15 February 2019). Primary Evidence on PPC1 - Part B – Outcomes: Objectives.

Scrafton, Christopher James. (15 February 2019). Statement of Evidence for Proposed Plan Change 1 to the Waikato Regional Plan – hearing of Block 1 topics.

Waikato Regional Council. (21 December 2018). *Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Part A: Overview and Context. Part B: Overall Direction, Values and Uses, Science and Economics, Objectives, Limits and Targets*. Prepared for Waikato Regional Council by Matthew McCallum-Clark, Angela Fenemore, Adele Dawson (Incite) and Naomi Crawford and Alana Mako. Document # 13383130<sup>6</sup>.

Waikato Regional Council. (2016). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments*.

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<sup>5</sup> HCC reference: D-2361677

<sup>6</sup> HCC reference: D-2862685

**Attachment C**

**Relief Sought**

12. The amendments to Objective 3 Mr Scrafton seeks for Watercare Services Limited in his Block 1 Primary Evidence be rejected.