

## 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

**Submission Number:** 74051

**Hearing Topic:** **Part B – Outcomes Values and uses**

**Type of Evidence:** Rebuttal

**Witness:** Paul Stanley Ryan

**Date:** 26 February 2019

### Summary statement

1. This evidence responds to the Evidence in Chief of Deborah Helen Kissick for the Director-General of Conservation on Topics A & B which seeks the addition of references to “wetlands” in some value and use statements.
2. If the Hearing Panel were to recommend the addition of any of these references, HCC seeks that the reference be to “natural wetlands”, not “wetlands”.
3. If a distinction were not made between “natural wetlands” and “constructed wetlands”, then the operation, maintenance, efficiency or effectiveness of constructed wetlands might be severely inhibited. It is expected that constructed wetlands will be used extensively throughout the Waikato or Waipā River catchments to treat stormwater prior to its discharge to the River or one of the Rivers’ tributaries.
4. Failure to make this distinction could add unnecessary cost to actions and responses required of HCC (and other consent holders) to achieve the Vision and Strategy for the Waikato River.

### Personal statements

5. 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

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

### Scope of evidence

7. My evidence focuses on the Evidence in Chief of Deborah Helen Kissick for the Director-General of Conservation which seeks the addition of references to “wetlands” in some value and use statements.

### Inclusion of references to “wetlands” in multiple value and use statements

8. My primary evidence raised concerns about the inclusion of references to “wetlands” in multiple value and use statements<sup>1</sup>. Variation 1 inserted some of those references and the s.42A Report recommended others.
9. The Evidence in Chief of Deborah Helen Kissick for the Director-General of Conservation on Topics A & B (15 February 2019) seeks the addition of more references to “wetlands” to the following value and use statements:
  - (1) Identity and sense of place through the interconnections of land with water<sup>2</sup>;
  - (2) Ecosystem health<sup>3</sup>;
  - (3) Human health for recreation<sup>4</sup>; and
  - (4) Commercial, municipal and industrial use<sup>5</sup>.
10. As explained in my primary evidence<sup>6</sup>, the inclusion of references to “wetlands” creates a problem because the definition of “wetland” in the Waikato Regional Plan does not distinguish between natural and constructed wetlands.
11. Because of this, there is a risk that constructed wetlands could be subject to PPC1 provisions which are intended to apply to natural wetlands only.
12. HCC expects that extensive use will be made of constructed wetlands in the future to treat stormwater runoff from urban and rural development and land use prior to the treated stormwater being discharged from the constructed wetland to the Waikato or Waipā Rivers or one of their tributaries. Constructed wetlands will be an important method for reducing contaminants discharged to the rivers and helping achieve the Vision and Strategy for the Waikato River.
13. A wetland constructed to treat stormwater or wastewater and remove contaminants is a piece of infrastructure that will need to be managed and maintained. This may include total reconstruction of the wetland.
14. The ongoing maintenance of constructed wetlands for treating stormwater is ordinarily required through conditions of resource consent for stormwater discharge,

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<sup>1</sup> See paragraphs 16 to 30, 32, 33, 45, 46, 49, 50 of Paul Ryan’s primary evidence on Part B – Outcomes – Values and uses (15 February 2019).

<sup>2</sup> See three additional references to “wetlands” in blue underlined text on page 10 of Appendix 1 to Ms Kissick’s evidence.

<sup>3</sup> See one additional references to “wetlands” in blue underlined text on page 11 of Appendix 1 to Ms Kissick’s evidence.

<sup>4</sup> See two additional references to “wetlands” in blue underlined text on page 12 of Appendix 1 to Ms Kissick’s evidence.

<sup>5</sup> See one additional references to “wetlands” in blue underlined text on page 14 of Appendix 1 to Ms Kissick’s evidence.

<sup>6</sup> See paragraphs 16 to 25 of Paul Ryan’s primary evidence on Part B – Outcomes – Values and uses (15 February 2019).

- issued by Waikato Regional Council (WRC), or are controlled by permitted activity standards in the Waikato Regional Plan<sup>7</sup>.
15. As stated by the Officers<sup>8</sup>, WRC may have regard to the values and uses as “other matters” under s.104(1)(c) of the RMA when determining an application to renew discharge consents or to carry out maintenance works within a constructed wetland.
  16. If PPC1 does not distinguish appropriately between natural and constructed wetlands, then it might severely inhibit the operation, maintenance, efficiency or effectiveness of constructed wetlands. Alternatively, it might impose unnecessary regulatory barriers and processes that add unnecessary cost to actions and responses required of HCC (and other consent holders) to achieve the Vision and Strategy for the Waikato River.
  17. If the Hearing Panel were to recommend the inclusion of any additional references to “wetlands” in values and use statements, as sought by Ms Kissick’s evidence<sup>9</sup>, then HCC seeks for those additional references to be to “natural wetlands”, not “wetlands”.
  18. This relief relies on the following submission points for the scope of these changes:<sup>10</sup>
    - (1) HCC’s submission (74051-PC1) paragraphs 4.2 and 9.1.
  19. In addition, the relief with respect to addition of “wetlands” to the “Ecosystem health” intrinsic value relies upon HCC’s further submission that opposed DoC Submission 71759-PC1-8139 in its entirety. The DoC submission point sought to amend the value notified in PPC1. The reasons for opposing the submission point include HCC’s concern that PPC1 distinguishes between natural and constructed wetlands.
  20. As set out in my Primary Evidence<sup>11</sup>, alternative relief would be to exclude constructed wetlands from the definition of “wetlands” for Chapter 3.11 as follows:

***Wetland\****: *Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Where used in Chapter 3.11 excludes constructed wetlands.*
  21. This relief relies on the following submission points for the scope of these changes. Paragraph 4.2 of HCC’s primary submission states that HCC has an interest in PPC1 in its entirety, and that there are several proposed provisions which are inappropriate and require amendments, and/or otherwise require additional policies and rules (page 2 of 38).<sup>12</sup>

Paul S Ryan  
HCC reference: D-2901355

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<sup>7</sup> Rules 3.2.4.2 and 4.2.5.1

<sup>8</sup> Paragraph 176 in the s.42A report

<sup>9</sup> See paragraph 9 above.

<sup>10</sup> Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

<sup>11</sup> Paragraph 42 of Paul Ryan’s primary evidence on Part B – Outcomes – Values and Uses (15 February 2019).

<sup>12</sup> This relief relied upon for the scope of these changes is addressed in legal submissions.

**Attachments**

Attachment A: Abbreviations and Glossary

Attachment B: References

Attachment C: Relief Sought

**Attachment A****Abbreviations and Glossary**

DoC	Department of Conservation
HCC	Hamilton City Council
PPC1	<i>Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments</i>
RMA	Resource Management Act 1991
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.</i> 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.
WRC	Waikato Regional Council

**Attachment B****References**

- Deborah Helen Kissick. (15 February 2019). Evidence in Chief for the Director-General of Conservation on Topics A & B.
- Hamilton City Council. (2 March 2017). Submission by Hamilton City Council on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā Catchments.<sup>13</sup>
- Hamilton City Council. (17 September 2018). Further Submissions by Hamilton City Council on Proposed Waikato Regional Plan Change 1: Waikato and *Waipā River Catchments* and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and *Waipā River Catchments*.<sup>14</sup>
- Paul Stanley Ryan. (15 February 2019). Primary Evidence on Part B – Outcomes – Values and uses.<sup>15</sup>
- Paul Stanley Ryan. (26 February 2019). Rebuttal Evidence on Part B – Outcomes: Overall direction and whole plan submissions.<sup>16</sup>
- Waikato Regional Council. (2016). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments*.
- 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>17</sup>.

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<sup>13</sup> HCC reference: D-2361677

<sup>14</sup> HCC reference: D-2782719

<sup>15</sup> HCC reference: D-2884166

<sup>16</sup> HCC reference: D-2900623

<sup>17</sup> HCC reference: D-2862685

## Attachment C

## Relief Sought

22. For clarity, the text which follows reflects any Variation 1 amendments and the Officers' recommended amendments, and the relief sought is shown in tracked changes as follows:

- Additions: underlined; and
- Deletions: ~~strikethrough~~.

**Definition of Wetland**

23. Amendments to the definition of "Wetland":

**Wetland\***: *Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Where used in Chapter 3.11 excludes constructed wetlands.*

24. This relief relies on the following submission points for the scope of these changes. Paragraph 4.2 of HCC's primary submission states that HCC has an interest in PPC1 in its entirety, and that there are several proposed provisions which are inappropriate and require amendments, and/or otherwise require additional policies and rules (page 2 of 38).<sup>18</sup>

**References to "wetlands"**

25. If the Hearing Panel were to recommend the inclusion of any additional references to "wetlands" in the following values and use statements as sought by the Evidence in Chief of Deborah Helen Kissick for the Director-General of Conservation on Topics A & B (15 February 2019), then HCC seeks for those additional references to be to "natural wetlands", not "wetlands":

- (1) Identity and sense of place through the interconnections of land with water<sup>19</sup>;
- (2) Ecosystem health<sup>20</sup>;
- (3) Human health for recreation<sup>21</sup>; and
- (4) Commercial, municipal and industrial use<sup>22</sup>.

26. This relief relies on the following submission points for the scope of these changes:<sup>23</sup>

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<sup>18</sup> This relief relied upon for the scope of these changes is addressed in legal submissions.

<sup>19</sup> See three additional references to "wetlands" in blue underlined text on page 10 of Appendix 1 to Ms Kissick's evidence.

<sup>20</sup> See one additional references to "wetlands" in blue underlined text on page 11 of Appendix 1 to Ms Kissick's evidence.

<sup>21</sup> See two additional references to "wetlands" in blue underlined text on page 12 of Appendix 1 to Ms Kissick's evidence.

<sup>22</sup> See one additional references to "wetlands" in blue underlined text on page 14 of Appendix 1 to Ms Kissick's evidence.

<sup>23</sup> Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

- (5) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1.
- 27. In addition, the relief with respect to addition of "wetlands" to the "Ecosystem health" intrinsic value relies upon HCC's further submission that opposed DoC Submission 71759-PC1-8139 in its entirety. The DoC submission point sought to amend the value notified in PPC1. The reasons for opposing the submission point include HCC's concern that PPC1 distinguishes between natural and constructed wetlands.