

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: **Block 3
Parts C7-C10**

Type of Evidence: Rebuttal

Witness: Paul Stanley Ryan

Date: 19 July 2019

Summary statement

1. This rebuttal evidence seeks rejection, in part, of relief Ms Deborah Kissick seeks on behalf of the Director General of Conservation in relation to the definitions of "60th percentile nitrogen leaching value" and "75th percentile nitrogen leaching value".

Introduction

2. My full name is Paul Stanley Ryan. Please refer to my Block 1 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.
3. As for my Block 1 evidence, I reserve my position with respect to the relief my Block 3 evidence seeks.
4. In this evidence, the relief the witnesses seek is shown as amendments to the provisions recommended in the s.42A Report. I have accepted all the Officer's recommended changes and tracked only the additional changes the witnesses seek as follows:
 - Additions: underlined; and
 - Deletions: ~~strikethrough~~.
5. In this evidence emphasis has been added by **shading**.

Abbreviations

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

Scope of evidence

7. My evidence addresses amendments the Director General of Conservation seeks to the Glossary of Terms, namely, addition of a definition of "60th percentile nitrogen leaching value" and amendments to the definition of "75th percentile nitrogen leaching value".

Rebuttal Evidence

Additions to Glossary of Terms: "60th percentile nitrogen leaching value" and "75th percentile nitrogen leaching value"

8. Deborah Kissick¹, on behalf of the Director General of Conservation, seeks the addition of a definition of "60th percentile nitrogen leaching value" and amendments to the definition of the "75th percentile nitrogen leaching value" recommended in the s.42A Report as follows:

60th percentile nitrogen leaching value: *The 60th percentile value (units of kg N/ha/year) of all of the Nitrogen Reference values for properties within each river Freshwater Management Unit (including properties within any lake Freshwater Management Unit wif]thin the relevant river Freshwater Management Unit and which is determined by the Chief Executive of the Waikato Regional Council and published on the Waikato Regional Council website and can be based on aggregated data supplied to the Waikato Regional Council and individual farm data received by the Waikato Regional Council by 30 November 2020. This value is applied as the benchmark value to apply in lake Freshwater Management Unit sub-catchments.*

- a. **75th percentile nitrogen leaching value:** The 75th percentile value (units of kg N/ha/year) of all of the Nitrogen Reference Point values for dairy farming properties within each river (including properties within any lake Freshwater Management Unit within the relevant river Freshwater Management Unit) Freshwater Management Unit^ and which are is determined by the Chief Executive of the Waikato Regional Council and published on the Waikato Regional Council website and can be based on aggregated data supplied to the Waikato Regional Council and individual farm data received by the Waikato Regional Council by **30 November 2020**YYY. **This value is applied as the benchmark value to apply in river Freshwater Management Unit sub-catchments.**

9. The use of the words "benchmark value" in the final sentences of these definitions, which are shaded above, creates uncertainty.
10. There is a risk that the final sentences in both definitions could be interpreted as meaning that the value identified in accordance with the definition is a target value against which the performances of all discharges in the relevant sub-catchment, including point source discharges, are measured. Interpreted in this way, the value could take on a meaning reaching beyond the intended purposes of the percentile nitrogen leaching values and in conflict with the nitrogen targets in Table 3.11-1.
11. Furthermore, the final sentence in each definition is not necessary. The relevant provisions where Ms Kissick's evidence seeks these terms to be used (Policy 1 b1, Policy 8, Rule 3.11.5.1A 1, Rule 3.11.5.4 iv and Schedule 1) make it clear in which circumstances each percentile values should be applied.

¹ Ms Kissick's Block 3 Evidence in Chief, p.102.

12. Accordingly, to avoid the above risk and unnecessary text, I seek for the proposed final sentence in each definition to be rejected.

Paul S Ryan

HCC reference: D-3027556

Attachments

Attachment A: Abbreviations and Glossary

Attachment B: References

Attachment C: Relief this rebuttal evidence seeks

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: Block 3: Parts C7-C9.</i> Prepared for Waikato Regional Council by Matthew McCallum-Clark, Adele Dawson and Liz White (Incite) and Naomi Crawford, Ruth Lourey and Alana Mako (Waikato Regional Council). (Released 14 June 2019.) Document # 14285477.

Attachment B**References**

Ryan, Paul Stanley. (15 February 2019). Rebuttal Evidence on PPC1 - Part B – Outcomes: Overall direction and whole plan submissions².

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

Waikato Regional Council. (Released 14 June 2019). *Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Block 3: Parts C7-C9*. Prepared for Waikato Regional Council by Matthew McCallum-Clark, Adele Dawson and Liz White (Incite) and Naomi Crawford, Ruth Lourey and Alana Mako (Waikato Regional Council). (Released 14 June 2019.) Document # 14285477.³

² HCC reference: D-2900623

³ HCC reference: D-2993222

Attachment C**Relief this rebuttal evidence seeks**

This rebuttal evidence seeks rejection, in whole or part, of relief sought in Block 3 Primary Evidence as summarised in Table 3 below.

Table 3: Summary of the relief this rebuttal evidence seeks

Witness	Submitter	Relief the witness seeks	Relief this rebuttal evidence seeks
Deborah Kissick	Director-General of Conservation	Additions to Glossary of Terms: "60th percentile nitrogen leaching value"	Reject in part. Reject the final sentence, that is: <i>"This value is applied as the benchmark value to apply in lake Freshwater Management Unit sub-catchments."</i>
Deborah Kissick	Director-General of Conservation	Additions to Glossary of Terms: "75th percentile nitrogen leaching value"	Reject in part. Reject the final sentence, that is: <i>"This value is applied as the benchmark value to apply in river Freshwater Management Unit sub-catchments."</i>