

**BEFORE THE HEARING COMMISSIONERS
AT HAMILTON**

IN THE MATTER of the Resource Management Act 1991
(**"the Act"**)

AND

IN THE MATTER of the hearing of submissions on The
Proposed Waikato Regional Plan Change 1 –
Waikato and Waipa River Catchments: Block
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**STATEMENT OF REBUTTAL EVIDENCE BY CHRISTOPHER MARTIN
KEENAN FOR HORTICULTURE NEW ZEALAND**

10 MAY 2019

QUALIFICATIONS AND EXPERIENCE

1. My full name is Christopher Martin Keenan. I have the qualifications and experience set out in my evidence in chief and I reiterate my compliance with the Code of Conduct.

PURPOSE AND SCOPE OF REBUTTAL EVIDENCE

2. I have read the evidence provided by Beef + Lamb New Zealand (**B+LNZ**), in particular the briefs of Alison Dewes, Alec Mackay, Richard Parkes and Simon Stokes. All provide support for a land based natural capital approach focussed on the allocation of nitrogen by LUC Class. I note that none of the evidence directly reflects a view on how this approach would work for commercial vegetable production.
3. The evidence of Deborah Kissick for the Director-General of Conservation (**DoC**) also recommends this natural-capital based approach and many other expert briefs call for it. Again, there is little comment on how such an approach would work for commercial vegetable production.
4. I have also noted the strong aversion to grandparenting based on existing use as an approach to the allocation of nitrogen and to an extent other contaminant load.
5. Having read this evidence, I have the following observations to make:
 - (a) The plan as notified adopted an approach of transitioning the Waikato community to a more formal allocation-based system based on better decision support tools and greater understanding of the effects across individual enterprises within the Waikato River Catchment. I remain supportive of this transitional approach and consider the focus of the current plan should be on achieving the ten-year transitional targets and freshwater objectives through the implementation of farm planning and the consequential collection of information about the effectiveness of the approach. This information should be used to develop better decision support tools on the future approaches.
 - (b) In my view the appropriate decision support tools have not been developed to provide a platform for natural based capital allocation. The usefulness of the decision support tools is illustrated well by the evidence of Nic Conland for Wairakei Pastoral. Such tools in general are absent across other parts of the catchment and should be encouraged by the plan in my view.

- (c) I note that the approaches suggested by those favouring allocation approaches to be adopted now tend to have a singular focus on the allocation of nitrogen. I agree with Bridget Robson in her evidence for CNI Iwi Holdings Limited (**CNI**) that this is a potentially problematic approach. Ms Robson also supports an approach based on natural capital allocation based to land. I concur with her view but like her, I consider the focus cannot be based on nitrogen but must be relevant across all of the contaminant contributors to the discharge profile. In my view it is currently impractical to do so given the lack of holistic accounting approaches available to describe the fate of all contaminants.
- (d) Janeen Kydd-Smith for Waikato and Waipa River Iwi appears to agree with this approach in her evidence (paragraph [80] first sentence). Her evidence supports the idea of PC1 as being transitional.
6. I do not support the approach of allocating contaminants to individual enterprises within the course of this Plan Change for the reasons stated in the paragraph above. Should a decision be made to adopt this approach, I am still of the view that it will not provide appropriately for commercial vegetable production in particular. I do not consider this to be an appropriate outcome. I note the further submissions of HortNZ suggest some alternative values for allocation of nitrogen in the case of commercial vegetable production and suggest these be considered if that approach was preferred in decisions on the notified plan.

REMOVAL OF THE DATE IN THE NON COMPLYING ACTIVITY RULE 3.11.5.7

7. Janeen Kydd Smith has noted in her evidence that it is proposed by Officers to remove the date from the non-complying activity rule. She opposes the removal and provides comment on the section 32 analysis in paragraph [68] of her evidence. I agree with her conclusions about proposals to remove the date and do not support the removal for the same reasons.

EXEMPTIONS FOR PARTICULAR ACTIVITIES FROM COMPLIANCE WITH THE PLAN PROVISIONS

8. There are many exemptions sought for activities considered to be in the national and regional interest. In making this statement I refer to the following evidence:

- (a) Ian Mayhew for Waikato Regional Council (flood protection activities)
 - (b) Paul Ryan for Hamilton City Council (new urban growth and point source discharges)
 - (c) Peter Clough for Winstone Aggregates and Fulton Hogan Limited (aggregates)
 - (d) Richard Matthews for Genesis Energy Limited (energy generation)
 - (e) Garrett Hall for Watercare Services Limited (new urban growth and point source discharges).
9. I make no comment on the validity of the exceptions proposed, but would note that provision for commercial vegetable production is a relevant consideration alongside these activities, and I still support the statements made in my primary evidence to this hearing block.

Chris Keenan
for Horticulture New Zealand

10 May 2019