

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:
Overall direction and whole plan submissions**

Type of Evidence: Primary

Witness: Paul Stanley Ryan

Date: 15 February 2019

Summary statement

1. HCC's submission sought amendments to text within the "Background and explanation" section of PPC1 under the sub-heading "Full achievement of the Vision and Strategy will be intergenerational".
2. The Section 42A Report (s.42A Report) is silent on that submission point.
3. This evidence supports HCC's submission point and pursues the amendments it sought, which will make PPC1 clearer and its outcome more certain.

Qualifications and relevant experience

4. My full name is Paul Stanley Ryan. I am representing HCC where I am employed as a Principal Planner in the City Planning Unit. I have worked in this unit since September 2013. Prior to this I held the position of Senior Planner in the City Waters Unit of Hamilton City Council for eight months and, prior to that, the position of Principal Planner and Environmental Engineer for Opus International Consultants for 12 years.
5. I hold the academic qualifications of a Bachelor of Engineering (Agricultural) from the University of Canterbury and both a Certificate in Maori Studies and a Diploma in Applied Science from the University of Waikato. I am a full Member of the New Zealand Planning Institute, a Member of the Institution of Professional Engineers New Zealand and a Chartered Professional Engineer (Registration No. 51592).
6. I have over 25 years' experience in planning in New Zealand under the Resource Management Act 1991 ("the Act"). During this time, I have undertaken policy analysis on behalf of many client organisations and prepared section 42A reports in relation to the *Hamilton City Proposed District Plan*.
7. I prepared Hamilton City Council's submissions and further submission on PPC1.

Endorsement of HCC's Submission

8. I endorse the content of HCC's Submission, except where stated otherwise in my evidence by way of further or other amendments, where this is considered appropriate.

Expert Witness Code of Conduct

9. I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and I agree to comply with it.
10. In that regard I confirm that this evidence is written within my expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Reserved position

11. When I address Block 2 or 3 topics, I may need to revisit and modify the relief my evidence on Block 1 topics seeks. This is because the Section 42A Reports for Blocks 2 and 3 were not available when I prepared this evidence and may affect Block 1 topics. Accordingly, my position with respect to the relief my Block 1 evidence seeks may require review or reconsideration later in the process when Block 2 and 3 topics are considered. In that regard, it follows that HCC will also reserve its position and I understand that this will be set out in legal submissions on behalf of HCC.

Abbreviations

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

Version of PPC1 quoted in this evidence

13. In this evidence references to page numbers in PPC1 are to the page numbering in the following version:

Supporting Document Incorporating Variation 1 Amendments to Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (Waikato Regional Council, 2018).

Scope of evidence

14. My evidence focuses on the relief sought in HCC's Submission and includes:
- (1) A summary statement (above);
 - (2) Identification of, and discussion about, an ambiguous sentence in PPC1; and
 - (3) A conclusion.

Full achievement of the Vision and Strategy will be intergenerational

15. The sixth paragraph under the sub-heading "*Full achievement of the Vision and Strategy will be intergenerational*" states:

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.

16. The intent of this paragraph is that any municipal or industrial point source discharge will be able to continue subject to the conditions of its current consent, and the water quality limits and targets set out in in Table 3.11.1 will apply when the consent is renewed and therefore must be addressed at that point in time.
17. Another PPC1 provision corroborates this interpretation of the intent. Under the heading “Reviewing progress towards achieving the Vision and Strategy” (p.20) it is stated:

*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].

18. However, the second sentence in the PPC1 provision quoted in paragraph 15 above, “*This will happen as the consent terms expire*”, is ambiguous. There is a risk it could be construed as indicating a requirement for the water quality objectives and the sub-catchment limits and targets to be **achieved** when the current consent expires, rather than when the new water quality targets will **apply**.
19. In many cases it may take a long period of time, including up to the full 80-year period, to achieve the water quality targets set out in Table 3.11-1 of PPC1. In some cases, it may not be practicable for a specific discharge to achieve these targets. Constraints may include the significant and high cost associated with upgrading of infrastructure. The policy framework introduced by PPC1, which includes provisions for staging, application of best practicable option and off-setting, provides for this possible situation. I consider this to be an appropriate policy approach to enable holders of existing consents for point source discharges, including municipal discharges, to plan for, and invest in, relevant capital projects which will be necessary to meet the expectations set out in PPC1 and achieve the Vision and Strategy.

HCC’s submission

20. To clarify the meaning and interpretation of PPC1 in this respect, HCC’s submission (74051-PC1-10061) sought the following amendments:

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 new requirement will ~~happen-apply~~ as the current consent terms expire. It may take further time, over the 80 year period, for the 80 year targets specified in Table 3.11-1 to be achieved.

Conclusion

21. In my opinion, accepting these amendments will improve PPC1’s clarity and help achieve more consistent and certain implementation and outcomes.

Paul S Ryan

HCC reference: D-2884155

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.</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.

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.¹

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 # 13383130².

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

Waikato Regional Council. (2018). *Supporting Document Incorporating Variation 1 Amendments to Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments. Waikato Regional Council Policy Series 2018/05*³.

Waikato Regional Council. (2019). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā: Officer’s “Tracked Changes” Version: Hearing Block 1 Recommendations Only*. Document # 13362402.⁴

¹ HCC reference: D-2361677

² HCC reference: D-2862685

³ HCC reference: D-2872745

⁴ HCC reference: D-2867253

Attachment C

Relief Sought

Introduction

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~~.

Relief sought

23. Amendments to the sixth paragraph under the sub-heading "*Full achievement of the Vision and Strategy will be intergenerational*" (p.19):

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 new requirement will happen-apply as the current consent terms expire. It may take further time, over the 80 year period, for the 80 year targets specified in Table 3.11-1 to be achieved.

24. This relief relies on the following submission point for the scope of these changes:

- HCC: 74051-PC1-10061.