

IN THE MATTER

of the Resource Management Act
1991 ("**the Act**")

AND

IN THE MATTER

of the Resource Management Act
1991 and the Environment
Canterbury (Temporary
Commissioners and Improved Water
Management) Act 2010

AND

IN THE MATTER

of the hearing of submissions on the
Proposed Land and Water Regional
Plan

**STATEMENT OF REBUTTAL EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND**

15 FEBRUARY 2013

1. INTRODUCTION

- 1.1 My name is Lynette Pearl Wharfe. I hold the qualifications and have the experience set out in my primary Statement of Evidence provided to the Council in relation to the Group 1 hearing on 4 February 2013.
- 1.2 The purpose of this Statement of Evidence is to respond to evidence lodged with the Council by the Fonterra Co-operative Ltd, Director-General of Conservation and Nelson/Marlborough, North Canterbury and Central South Island Fish & Game Councils. In particular, I have comments in response to the evidence of Messrs Willis (for Fonterra), Familton (for the Director-General of Conservation) and Percy (for the Fish & Game Councils).

2. EVIDENCE OF GERARD WILLIS

- 2.1 Mr Willis, for Fonterra, has set out in sections 3.9 – 3.35 his understanding of the National Policy Statement for Freshwater Management (“**NPSFM**”). I agree with his analysis, in particular 3.28 – 3.35 regarding setting freshwater objectives and the relevance of the national values listed in the preamble to the NPSFM.
- 2.2 For the pLWRP to give effect to the NPSFM such values need to be established prior to the setting of the freshwater objectives and limits.
- 2.3 As stated in my Evidence in Chief (para 30) the outcomes in Table 1 have not been informed by a process as anticipated in the NPSFM and so should only be used in the interim until such time that a NPSFM process is undertaken to for the basis of the limits to be set.

3. EVIDENCE OF PHILIP PERCY

- 3.1 Mr Percy, for the Nelson/Marlborough, North Canterbury and Central South Island Fish and Game Councils proposes substantive changes throughout the plan, in particular Policy 4.1 and Table 1 a-c.
- 3.2 Mr Percy seeks that Tables 1 a- c become limits as required by the NPSFM.
- 3.3 My Evidence in Chief addressed the state of the Table 1 figures and how they were derived. At Paragraph 31 I sought that the Table 1 figures become 'interim targets' until such time that the sub regional plans have been developed. This position is substantially different to that proposed by Mr Percy, which I do not support.
- 3.4 I particularly sought the use of the term 'interim target' to ensure that the Table 1 figures were not interpreted as 'limits' because the use of the term 'water quality outcomes' that they were such 'limits'.
- 3.5 Mr Percy also seeks a new Schedule of values which does not include the range of values anticipated in the NPSFM. Such an approach is inconsistent with that anticipated in the NPSFM.
- 3.6 I am not aware of a substantive s32 analysis that supports the approach proposed by Mr Percy.

4. EVIDENCE OF HERBERT FAMILTON

- 4.1 Mr Familton, for the Director-General of Conservation, seeks substantive changes to the Plan, particularly in the relationships between the sub-regional and region-wide chapters of the Plan.

- 4.2 In particular Mr Familton seeks that sub-regional sections be subservient to the region-wide sections of the Plan and in particular the freshwater objectives and limits, including Table 1.
- 4.3 As stated above my Evidence in Chief seeks that Policy 4.1 be amended so that Table 1 become 'interim targets. The approach sought by Mr Familton is contrary to the approach that I have proposed.
- 4.4 In particular I do not support the approach of Mr Familton as the development of the sub-regional plans are important to the implementation of the CWMS. While the Strategy was prepared under the Local Government Act 2002 the commissioners on the pLWRP are required to give particular regard to the vision and principles of the CWMS when making decisions on the Plan.
- 4.5 The sub-regional plans and the work of the Zone Implementation Committees are part of the implementation of the vision and principles of the CWMS. They cannot be separated from the fundamental principles of the CWMS.
- 4.6 The ZIP's will be incorporated into the pLWRP through a First Schedule process.
- 4.7 My Evidence in Chief (Para 22-28) set out the recognition of the sub-regional plans in the Strategic Policies in Chapter 4. These policies do not imply a hierarchy anticipated by Mr Familton.
- 4.8 I support the use of Table 1 a- c) as interim targets until the sub-regional plans are developed.
- 4.9 Such an approach enables the sub-regional plans to reflect the area specific issues, which is anticipated in Policy 7.3.9 and Method of the RPS, where the plan is to address the issues relevant to each catchment. A region-wide approach will not implement or give effect to the RPS.

Lynette Wharfe

15 February 2012