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*In the matter of:* Clauses 6 and 8 of Schedule 1 – Resource Management Act 1991 – Submissions on publicly notified plan change and variation – Proposed Plan Change 1 and Variation 1 to Waikato Regional Plan – Waikato and Waipa River Catchments

*And:* **Wairakei Pastoral Ltd**

Submitter

*And:* **Waikato Regional Council**

Local Authority

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**REBUTTAL EVIDENCE OF STUART JOHN FORD**  
**Block 3 Hearing Topics**

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*Dated:* 19 July 2019

## REBUTTAL

### BLOCK 3 HEARING TOPICS

#### 1. BACKGROUND

- 1 My name is **Stuart John Ford** I have the qualifications and experience recorded in my statement of evidence filed in relation to the Block 1 Hearing Topics.
- 2 My rebuttal evidence has been prepared in accordance with the Code of Conduct for expert witnesses as set out in Section 7 of the Environment Court of New Zealand Practice Note 2014.
- 3 Relevant to my expertise, I wish to rebut the evidence of the following expert witnesses:
  - 3.1 Richard Allen for Fonterra;
  - 3.2 Richard Parkes for Beef + Lamb;
  - 3.3 Joseph Edlin for Waikato Regional Council (**WRC**);
  - 3.4 Robert Dragten for WRC;
  - 3.5 David Gasquoine for WRC;
  - 3.6 Paul le Miere for Federated Farmers.

#### 2. MAKING REDUCTIONS IN DIFFUSE DISCHARGES VIA CATCHMENT WIDE RULES AND THE NRP

##### TOPIC C9. FARM ENVIRONMENT PLANS

- 4 In Mr Allen's evidence at Section 5 he recommends that the Fonterra Nitrogen Risk Scorecard (**NRS**) should be included in all Farm Environment Plans (**FEP**).
- 5 It seems to me that Mr Allen is promoting another of the many decision support tools that can be used by a landowner to calculate their risk of not achieving the fresh water objectives as stated in Table 3.11-1.
- 6 In my Block 3 evidence at para 31 and 32 I restate my view, also made in my Block 2 evidence, that it would be far more appropriate to allow for any decision support tool (**DST**) (in Schedule B) and to

not name a specific DST but just to allow for an appropriate DST based on criteria.

- 7 This latter approach leaves it up to the landowner and their advisors to decide whether the DST that they are using is appropriate and to WRC to verify this during their auditing processes.
- 8 In the evidence of Mr Parkes, Mr Edlin, Mr Dragten and Mr Gasquoine they all traverse the relevant merits of including Good Farming Practice (**GFP**) in a FEP. They go on to recommend how in their individual opinions GFP elements (principles and objectives) could be incorporated in Schedule B.
- 9 However, they fail to incorporate the essential elements of an FEP that I cover in my Block 3 evidence at para 23 in summary and then in para 24 to 37 in more detail. These essential elements are:
  - 9.1 A concentration on achieving the required freshwater objectives specified in Table 3.11-1.
  - 9.2 Having an appropriate requirement for a risk assessment that is based on the concept of Vulnerable Land and an appropriate process for identifying Vulnerable Land.
  - 9.3 That good farming practices and best farming practices are identified and benchmarked.
  - 9.4 Allowing for the use of any appropriate DST in the process of both identifying the areas of Vulnerable Land and testing the effectiveness of various mitigation techniques.
  - 9.5 Including an appropriate adaptive management approach (based on the precautionary principle).
- 10 As I state in my Block 3 evidence, these essential elements of a FEP are the reason why I consider that PC1 as amended by Mr McKay is both more effective and more efficient than that notified or proposed by WRC.
- 11 In his evidence at para 4 to 42 Mr le Miere gives a detailed explanation of his costing of the provision for fencing and setbacks for water bodies.
- 12 At paras 19-21 he provides a costing of \$235 million to comply with PC1 fencing requirements. However, these costs are based on a fencing cost of \$10 per metre (that Mr le Miere accepts will be lower in practice and are likely overstated because most dairy farms will already have fenced off their streams under the Dairy Accord), and justified because other costs (water reticulation, stock crossings and earthworks for dry stock farming) may also be incurred. Mr le

Miere considers that these costs are “conservative” but has not provided any detail to verify these costs, or carried out a cost benefit analysis that takes fully into account the benefits of achieving the Table 3.11-1 freshwater objectives. In my view, this approach does not really assess capital spending on the various mitigations that could be used including de-intensification of farming activities or the full range of environmental benefits that should be derived from implementing FEPs or PC1 Objective 3. In my view, Mr le Miere’s criticisms are not persuasive.

### **3. CONCLUSIONS**

- 13 For the reasons given in my Block 3 evidence and rebuttal, I support the principles that underpin FEPs and PC1 Schedule 1 and the amendments recommended by Mr McKay.

**Stuart John Ford**

19 July 2019