

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** Plan Change 1 – (Waikato and  
Waipa Catchments) to the  
Waikato Regional Plan.

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**REBUTTAL EVIDENCE OF GILLIAN MARY CROWCROFT,  
ON BEHALF OF MERCURY NZ LIMITED (SUBMITTER NUMBER 73182)**

**HEARING BLOCK 2**

**10 May 2019**

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## 1. INTRODUCTION

### Qualifications and experience

- 1.1 My full name is Gillian Mary Crowcroft. I have the qualifications and experience as set out in paragraphs 2.1 to 2.5 of my primary statement of evidence.
- 1.2 I have been engaged by Mercury NZ Limited (**Mercury**) to provide planning evidence in relation to its submissions on Plan Change 1 (**PC1**) to the Waikato Regional Plan (**WRP**).
- 1.3 As stated in my primary statement of evidence, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it.
- 1.4 In this statement of rebuttal evidence, I respond to matters in the primary statement of evidence of Ms Helen Marr for Fish and Game.

### Point source discharges of regionally significant infrastructure

- 1.5 Ms Marr seeks deletion of Policy 10 and a change to Policy 12 to include a new clause regarding regionally significant industry and regionally significant infrastructure. Ms Marr suggests that Policy 10 sets an “unqualified direction to decisions makers to provide for those point source discharges of regional significance to continue in the future and the presumption that they are appropriate”.
- 1.6 I disagree with Ms Marr’s assessment. In my experience point source discharge consent applications for regionally significant infrastructure are often scrutinised more closely than similar applications of the same scale.
- 1.7 In my opinion, Policy 10 reflects the Waikato Regional Policy Statement (RPS) direction relating to regionally significant infrastructure found in Objective 3.12 and gives effect to RPS Policy 6.6 and implementation method 6.6.1.
- 1.8 Policy 10 is also consistent with the National Policy Statement on Urban Development Capacity 2016, and the National Policy Statement for Renewable Electricity Generation 2011 (specifically the Objective and Policy E2). For these reasons, I oppose the deletion of Policy 10 and support the Officers’ recommendation to retain the policy as notified.

## Offset of effects to point source discharges

- 1.9 Ms Marr seeks amendments to Policy 11 that I oppose. The amendments and reasons for disagreement are below.
- 1.10 Ms Marr proposes that offset measures “should be provided for” in preference to the notified version’s reference to “may be proposed”. While I agree that offset measures should be encouraged they are not always available and/or cannot always meaningfully be provided. In my opinion, the Policy should retain the option to propose offset measures rather than on obligation to provide it as proposed by Ms Marr.
- 1.11 This encouragement, as opposed to obligation, is consistent with section 104(1)(ab) of the Resource Management Act 1991. Pursuant to that section, parties are not obliged to offset or compensate the adverse effects of an activity but rather consent authorities are required to take such measures into account if proposed or agreed by an applicant.
- 1.12 In light of the above, I support the Officers’ recommended changes to Policy 11 being:
- “Where it is not practicable to avoid or mitigate all any adverse effects, cannot be reasonably avoided, they should be mitigated, and where they cannot be reasonably mitigated, it is encouraged that an offset measure may be proposed in an alternative location or locations to the point source discharge, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s).....*
- In my opinion, the Officers’ recommended changes are appropriate.
- 1.13 Ms Marr proposes a new clause in policy 11, clause (e).
- (e) Offset measures provides for a net decrease in the amount of relevant contaminant in the receiving environment.*
- 1.14 As discussed above, offsetting is to be encouraged where adverse effects of point source discharges cannot be reasonably avoided or mitigated. In my opinion, Ms Marr’s proposed clause pertains to mitigation, not offsetting. I do not agree with inclusion of clause (e) since it reflects mitigation principles rather than providing guidance on how offset measures can meaningfully be provided

in the context of PC1. In addition, the policy as notified, already clearly states that its purpose is ensuring positive effects on the environment to lessen any residual adverse effects of the discharge and the inclusion of clause (e) is not consistent with this stated purpose. I therefore support the retention of Policy 11 with the Officers' recommended changes.

**Gillian Mary Crowcroft**

**10 May 2019**