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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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**FURTHER REBUTTAL EVIDENCE OF DWAYNE CONNELL-MCKAY**  
**Block 2 Hearing Topics**

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*Dated:* 17 May 2019

## REBUTTAL

### Block 2 Hearing Topics

- 1 My name is **Dwayne Connell-McKay**. 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:

Name	Submitter
Ms Jordan	Beef and Lamb
Mr Eccles	Federated Farmers

### Ms Jordan on behalf of Beef and Lamb

#### 75<sup>th</sup> Percentile

- 4 In para's 38(b) Ms Jordan comments on her support for an approach similar to the 75<sup>th</sup> percentile methodology, but instead adjusted to be at the 60<sup>th</sup> percentile as a way to achieve reductions in Nitrogen (**N**) leaching.
  - 4.1 The calculation/s utilise a Nitrogen Reference Point (**NRP**) to derive a catchment wide environmental limit. Given the inaccuracies inherent in OVERSEER, as noted by the Reporting Officer and numerous other submitters, it has generally been agreed that an NRP should only be used to compare on-farm scenarios:
    - (a) The method requires Waikato Regional Council (**WRC**) to obtain all the required NRP's within a sub-catchment or FMU before the limit can be derived. To overcome this difficulty the Reporting Officer has proposed discretionary powers for the CEO of WRC to determine this limit. As discussed in my evidence I do not consider such a solution is an appropriate manner to determine an environmental limit;

- (b) The identification of Vulnerable land, appropriate uses of it, and suitable mitigations as demonstrated via technical evidence on behalf of Wairakei Pastoral Limited (**WPL**) can achieve the required environmental improvements without the use of subjective nutrients models and associated data.

#### **Table 3.11-1**

- 5 I agree with Ms Jordan's evidence in para 73 to include load limits into Table 3.11-1. Dr Neale on behalf of WPL has also proposed the inclusion of load limits relating to Total N and Total P into Table 3.11-1.

#### **Sub-catchment management**

- 6 Ms Jordan in para's 80-81 of her evidence discusses the direction set within the Regional Policy Statement (**RPS**) when managing freshwater. I agree with Ms Jordan's interpretation of Policy 8.1 of the RPS and its relevance to Plan Change 1 (**PC1**).

#### **Mr Eccles on behalf of Federated Farmers NZ**

##### **Priority Dates**

- 7 In paras 152-154 of his evidence Mr Eccles requests that the dates related to priority sub-catchments 1, 2 and 3 be removed and replaced with a requirement to obtain consent within specified time frames after the plan becomes operative. I disagree with this approach because:
- 7.1 Changing the dates would in my view impede WRC's ability to achieve the PC1 Objectives.
- 7.2 I understand that the first step towards the long-term 2096 goal is to be achieved within the short-term (2016-2026) planning cycle of PC1, as noted by Mr Eccles in para 155.
- 7.3 Evidence from Dr Neale and Mr Williamson on behalf of WPL, states that in order to achieve Objective 3 by 2026 action needs to start now to allow for the response delay associated with environmental mitigations and actions.
- 7.4 I agree with the rationale for a Short-Term 10% reduction to be required within the planning cycle of PC1.

##### **Certified Industry/Sector Schemes**

- 8 Retaining the Certified Sector Scheme (**CSS**) is discussed in Mr Eccles evidence (para 49). Mr Eccles is in support of retaining the

provisions that enable the WRC to certify such a scheme, and maintain the 'permitted' status of the rule as notified.

8.1 I agree that such a scheme would have the potential to significantly decrease the workload of the WRC and I have proposed a consenting pathway as a Restricted Discretionary Activity. I consider this enables a CSS to manage the subject properties and enterprises to achieve a similar outcome.

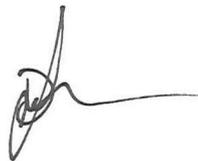
#### **75th Percentile.**

9 In para 39 (c) ( i) Mr Eccles records his support for the use of the 75th percentile. As discussed previously I disagree with the ability to implement the 75th percentile.

#### **Schedule B**

10 In para 160 Mr Eccles discusses the issues in implementing PC1, specifically determining all the NRP's required in order to determine the 75th percentile limit.

10.1 As discussed previously I agree that there is a high likelihood that WRC will not have access to the full NRP data set and will not be able to determine any associated limits. I prefer the adoption of Vulnerable land as a means to achieve reductions in N loss and prioritise mitigation actions.



**Dwayne Connell-McKay**

*Director-Thornton Environmental*

17 May 2019