

**BEFORE COMMISSIONERS APPOINTED  
BY THE WAIKATO REGIONAL COUNCIL**

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

**AND**

**IN THE MATTER** of the First Schedule to the Act

**AND**

**IN THE MATTER** of Waikato Regional Plan Change 1- Waikato  
and Waipā River Catchments and Variation 1  
to Plan Change 1

**AND**

**IN THE MATTER** of submissions under clause 6 First Schedule

**BY** **BEEF + LAMB NEW ZEALAND LIMITED**  
**Submitter**

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**MEMORANDUM OF COUNSEL FOR BEEF + LAMB NEW ZEALAND  
LIMITED AS TO FRESHWATER SCIENCE EXPERT CONFERENCING  
6 March 2019**

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## **MAY IT PLEASE THE COMMISSIONERS:**

1. In a minute of 27 February 2019, the Hearing Panel has sought the parties' views on its intention to direct expert conferencing for the freshwater science experts. The Panel has sought the parties' advice on four questions.
2. Beef + Lamb New Zealand Limited (**B+LNZ**) agree it is desirable for expert conferencing to be undertaken. It notes that in addition to the freshwater science experts, further expert conferencing would benefit the process. Particularly, conferencing between the expert modellers is likely to assist the parties and the Hearing Panel.

*Which submitter's expert freshwater science expert(s) are willing to participate in expert conferencing?*

3. B+LNZ propose that Dr Hannah Mueller, Dr Chris Dada and Dr Gerry Kessels attend. If instream and catchment loads, and / or modelling are to be addressed then Dr Tim Cox should attend.

*What the brief for the Expert Conferencing should be, including the questions to be posed to the experts.*

4. Given unanticipated delays in preparing this memorandum B+LNZ were unable to discuss its questions with other parties in any meaningful way. It has had the benefit of seeing several parties' draft memoranda.
5. B+LNZ consider the experts ought to focus on the relevant values identified in PC1, and as set out in the NPSFM, and the parameters including water quality, which provide for these values. The experts should not be asked to comment on PC1's objectives and policies because, amongst other things, they are under challenge by numerous parties, and would be matters for expert planning consideration.
6. B+LNZ's position is that the following key issues at least should be addressed:
  - (a) What changes need to be made to Table 3.11-1 to provide for the values including ecosystem processes and human health?  
The question could be answered by:

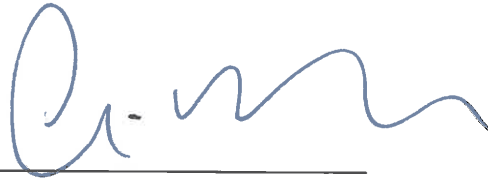
- (i) Reviewing existing parameters / attributes and water quality outcomes in Table 3.11-1;
- (ii) Providing the current state of macroinvertebrate health, algal biomass, and water quality in the Waikato and Waipā Rivers and their tributaries;
- (iii) Identifying any missing parameters that should be included to better provide for ecosystem processes and human health, for example dissolved oxygen, the Macroinvertebrate Community Index, habitat characteristics, deposited sediment and fish indicators, have been suggested in expert evidence;
- (iv) Review and comment on the 10 year and 80 year outcomes/ attributes robustness for the provision of the values;
- (v) Potential changes to the freshwater numerical parameters arising from any discrepancies in current state assessments;
- (vi) Potential changes to the freshwater numerical parameters arising from detection limit issues (e.g. ammonia; chlorophyll a);
- (vii) Potential changes to the freshwater numerical parameters arising from consideration of the range of values, while providing for ecosystem health and processes (e.g. lower or higher outcomes);
- (viii) The potential addition of new time bound medium term freshwater ecological outcomes;
- (ix) When the numerical parameters should apply (compliance parameters such as flow conditions or seasonality) and the implications of any inconsistent requirements regarding sampling in all flow conditions, versus sampling at baseflow only.

- (b) What are the appropriate numerical representations of nitrogen, phosphorus and their derivatives to provide for ecosystem health and processes, including algal biomass?
  - (c) Are any key sub-catchment sites not included in Table 3.11-1? If so, what are they?
  - (d) Are any additional water quality attributes needed to provide for lake and wetland habitats (e.g. Whangamarino Wetland)?
  - (e) Where should the parameters including water quality outcomes/ attributes apply in the Waikato-Waipā sub-catchments?
  - (f) If load limits/ targets can be set, and, if so, what should they be, and where should they apply?
  - (g) Is E.coli appropriate as a measure of pathogenic risk?
7. B+LNZ have had the benefit of seeing a draft memorandum of counsel for Wairakei Pastoral Limited. It agrees with the process suggested by counsel for Wairakei Pastoral at 7.1 - 7.8.
  8. B+LNZ estimate 2-3 consecutive days to undertake conferencing and suggest 10 working days for the preparation of a joint conferencing statement.
  9. It would B+LNZ's preference for conferencing to be undertaken and concluded after the Regional Council opens its case and before the rest of the evidence and submitters are heard. However, given the timing and the current hearing schedule that may be unrealistic. Therefore B+LNZ consider conferencing should be undertaken and completed as soon as possible and over consecutive days to give the parties the benefit of the joint statement as soon as possible.

*What opportunity (if any) should be provided to all parties to the PC1 hearings to review and comment on the outcome of the expert conferencing?*

10. B+LNZ consider it is necessary for the parties to be given the opportunity to make submissions and call supplementary evidence following the

expert conferencing. It may also be necessary to have the experts reappear to answer questions arising out of the supplementary evidence.

A handwritten signature in blue ink, consisting of a large initial 'C' followed by a series of loops and a long horizontal stroke.

C P Thomsen

Counsel for Beef + Lamb New Zealand Limited

6 March 2019