

**Before the Waikato Regional Council
Hearings Panel**

UNDER the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF Proposed Plan Change 1 to the Waikato Regional Plan
(Waikato and Waipā River Catchments)

**MEMORANDUM OF COUNSEL ON BEHALF OF FISH AND GAME
RESPONDING TO PANEL QUERIES
Submitter # 74085**

Block 2

Dated: 24 July 2019

Counsel instructed

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1. This Memorandum responds to the Panel's questions to Fish & Game at the 'Block 2' hearings.
2. The Panel requested quantification of additional land areas to be removed from production, should the Panel accept the evidence of Fish & Game recommending stock exclusion from water bodies (Schedule C) as follows:¹
 - 2.1. at least 5 metres, potentially with larger setbacks for some waterbodies as recommended by DOC evidence;
 - 2.2. a 1 metre setback for intermittent artificial watercourses with a channel width of ≤ 1 m.
3. The section 42A Report for Block 2 recommended setbacks of 1-3 metres. Fish & Game's case is that these are too narrow to provide an effective riparian buffer, or for the majority of the benefits of vegetative riparian margins that may result from fencing to accrue.²
4. Although this was a matter considered in Block 2, Federated Farmers of New Zealand has filed evidence in Block 3, from of Mr P le Miere, that addresses the question of the cost of taking riparian land out of production and the cost of fencing. Mr le Miere states that his understanding is this matter would be addressed as part of the Block 3 hearing.³ Fish & Game understood that it was a follow-up matter from Block 2 hearings and therefore Dr Eivers answers are **attached**, filed as a response from Fish & Game to Hearings Panel Block 2.
5. This Memorandum does not address the benefits of either greater setbacks for stock exclusion or riparian planting, those benefits were discussed in the evidence of Dr Eivers, Dr Daniel and Ms Marr at the Block 2 hearings.

DATED this 24th day of July 2019


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SJ Ongley Counsel for the Auckland/Waikato and
Eastern Region Fish and Game Council

¹ Eivers primary evidence Block 2 at [2.3] – [2.4]. At [5.12] Dr Eivers states that, in relation to the definition of "intermittent streams", she does not agree with the "Option to add" in Officer's Recommended Schedule C that would state "...where the bed is predominantly unvegetated and comprises exposed fine sediment, sand, gravel, boulders or similar material or aquatic vegetation" as this may not encapsulate all watercourses that require management.

² Primary evidence of H Marr Block 2 at [7.32].

³ Le Miere primary evidence Block 3 at [3], [5] and [9].