

Minute from the Hearing Panel – regarding:

The questions and requests the Hearing Panel has put to the Council's Section 42A Authors – Advance notice of a timeline and evidence/hearing process.

The Hearing Panel (Panel) received a Memo from Mr McCallum-Clark (dated 31 May 2019) requesting the Panel confirm that the outstanding questions and requests from the Panel put to Waikato Regional Council (WRC) s42A officers is correct and complete¹.

The Panel has reviewed the list of questions, and agrees that with one exception, the list is complete. The Panel notes some questions have been deleted (having been answered by other evidence). The Panel's list of questions and requests is set out below.

The Panel understands that the s42A officers will respond in writing by the **5 July 2019** in a memoranda format, similar to previous responses. The Panel accepts this.

To ensure 'natural justice' to all submitters the Panel will issue a Minute once it has received the responses, enabling any submitter to file 'supplementary' evidence in relation to the s42A officers responses; to be heard at the Block 3 hearings. That Minute will specify that supplementary evidence will need to be filed by the **19 July 2019**; coinciding with the closing date for filing any Block 3 rebuttal evidence.

List of questions received during Block 1 and Block 2 hearings

Date	Question
Block 1 Hearing	
12 th March	What is the extent of Waikato Regional Council's current Water Quality Monitoring programme and any proposed amendments to it that are relevant to the Waikato and Waipa river catchments?
12 th March	What provisions of any relevant Iwi Management Plans need to be considered in relation to PC1? Please ensure commentary of the Hauraki Iwi Environmental Management Plan is included in this analysis.
Block 2 Hearing	
20 th May	How did the CSG arrive at the 75 th percentile and why was another number not used?
20 th May	Was change of land use such as large-scale conversion to cropping considered for the Non-complying Activity Status? If so, where were they considered, is there 'typical' N loss rates for these kinds of activities? The Panel questioned whether other activities should be captured by this rule but are not specifically mentioned within the non-complying activity rule.
20 th May	How can slope actually be established for the purposes of the rules? Is there a need, in order to provide guidance, to start providing information such as what distance the slope is measured? Is it an average slope? Is it a maximum slope? Is it a minimum slope?

¹ A list of the questions was attached to Mr McCallum-Clark's memo.

	<p>Regarding the definition of slope – WRP definition insufficient – does it need a ‘start-point’, plus a distance etc?</p> <p>Is a different test needed for different rules e.g. for erosion management than for stock exclusion?</p>
20 th May	<p>Appropriateness of s70 –Whether a Permitted Activity discharge Rule can satisfy Section 70 in this catchment given section 70 clearly includes cumulative effects? If the panel come to the view that they agree that cumulatively, agricultural discharges have an effect on aquatic ecosystems – should it be written into the rule ‘thou shalt not have a cumulative adverse effect on aquatic life’ as a precondition to the PA rule even though it is understood no one can satisfy that?</p>
20 th May	<p>Is there an intermediate position where a forestry block is converted to a low intensity sheep and beef farm within 3.11.5.2 where there might be an increase but clearly at a smaller scale? Are the standard ‘land use intensification non-complying activities’ missing from Rule 3.11.5.2?</p>
20 th May	<p>Is it an omission that there are no policies on groundwater quality and does something need to be done to fill that gap? Is scope to do so provided by submissions?</p>
20 th May	<p>How would stocking rate be defined? The Panel would find it helpful if there was a definition of stocking rate or amendment in each rule to determine per hectare of what? Are different tests required for different purposes (eg erosion protection cf to stock exclusion)?</p>
20 th May	<p>How are non-point source discharges dealt with such as road-runoff, in PC1?</p>
20 th May	<p>Does the notified consequential change to Rule 3.5.5.1 work given that the performance standards refer to volume per hectare?</p>
20 th May	<p>Where does the Upper Waipa River fit in the categorisation of water quality monitoring showing sediment levels? It is noted in the S42A report that monitoring of sediment levels are low to moderate in the Upper Waikato River?</p>
20 th May	<p>What is the evidence base for there being an E. coli problem in hill country streams? Please specify any relevant technical reports or references to this issue and in particular any evidence of monitoring data exceeding national bottom lines for E. coli. Hill country farmers make the point that almost all monitoring points are in effect down on flats and aren’t actually measuring hill country water quality.</p>
20 th May	<p>Are Inanga spawning maps, held by WRC, able to be used in PC1? (In response to Kathryn McArthur’s evidence)?</p>
20 th May	<p>What is the percentage of land in PC1 that is Maori owned land? What percentage of that is undeveloped?</p>
20 th May	<p>What is the approximate relationship in terms of relativity of the area of undeveloped Maori land and underdeveloped non-Maori land?</p>
20 th May	<p>Does the modelling show an ‘over-shoot’ if Tangata Whenua ancestral land can be developed so that the outcomes of Scenario 1 can still be achieved? Does it follow that the policy package in PC1 is more restrictive than necessary to achieve the Table 3.11.1 numerical values?</p>
20 th May	<p>Is there an issue with the PC1 definition of Tangata Whenua ancestral lands in relation to ‘returned’? And does it apply to Wairarapa Moana? The Panel noted they received land through settlement in the catchment however it is arguably not ancestral land returned as they are an iwi from Wairarapa.</p>
20 th May	<p>Can Policy 10 be read as a Controlled Activity Rule policy? If that’s not the intention, can clarification of the correct intention be provided?</p>
20 th May	<p>At what point in time would the information be able to be made available to derive</p>

	the number for the 75 th percentile? How do the dates for the 75 th percentile, the NRP and the staging of the priority sub-catchments align?
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As a further Minute will be issued in due course on this matter, this Minute is for information purposes only at this point.



Greg Hill

Chairman of the Hearing Panel.

7 June 2019