

**BEFORE THE HEARING COMMISSIONERS
AT CHRISTCHURCH**

IN THE MATTER of the Resource Management Act
1991 ("**the Act**")

AND

IN THE MATTER of the Resource Management Act 1991
and the Environment Canterbury
(Temporary Commissioners and
Improved Water Management) Act
2010

AND

IN THE MATTER of the hearing of submissions on
Proposed Plan Change 5 to the
Proposed Land and Water Regional Plan

**STATEMENT OF EVIDENCE BY VANCE ANDREW HODGSON
FOR HORTICULTURE NEW ZEALAND**

22 JULY 2016



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QUALIFICATIONS AND EXPERIENCE

1. My full name is Vance Andrew Hodgson. I am a director of Hodgson Planning Consultants Ltd, a resource management consultancy based in Waiuku. I have been employed in resource management related positions in local government and the private sector since 1994 and have been in private practice for 12 years. I hold a Bachelor of Resource and Environmental Planning (Hons) degree from Massey University.
2. I have worked in the public sector, where I was employed in student, assistant and senior policy planning roles by the Franklin District Council. I provided continuous in-house resource management consultancy services to the Papakura District Council from 2004 to 2010. Since 2010, I have provided contract planning services to the Auckland Council. The scope of work for the public sector has been broad, covering plan change processes, submissions to national standards/regulations/policy statements and regulatory matters. Notably I was the project manager and expert witness for rural plan changes in Franklin and Papakura, and provided rural subdivision advice to the Auckland Council for the preparation of the Proposed Auckland Unitary Plan.
3. I have worked in geographic information system positions in the United Kingdom and worked for CKL Surveying and Planning Limited in Hamilton.
4. In private practice I regularly advise a range of private clients on statutory planning documents and prepare land use, subdivision, coastal permit, water permit and discharge permit resource consent applications. I have experience in resource consent applications, hearings and appeals on a range of activities, particularly for activities in the rural environment.
5. Living and working in the rural environment of South Auckland / North Waikato, I have had a continuous association with the rural production sector and in particular the horticultural industry. From 2012 I have been providing resource management advice to Horticulture New Zealand on policy matters across New Zealand.

6. I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

7. This evidence provides a planning assessment of those provisions on which Horticulture New Zealand ("**Horticulture NZ**") submitted, and addresses the Section 42A report prepared by Environment Canterbury and dated July 2016.
8. I am familiar with the Canterbury Land and Water Regional Plan ("**CLWRP**") and have previously given evidence at hearings on Variation 1 (Selwyn Te Waihora), Proposed Plan Change 3 (South Canterbury Coastal Streams) and Proposed Plan Change 4 (Omnibus) to that document.
9. My involvement with Proposed Plan Change 5 (Nutrient Management) ("**PC5**"), to which these proceedings relate, is relatively recent and I was not involved in the preparation of the submission. Horticulture NZ has asked me to review the Council's evidence relative to my experience with the horticultural sector and I focus on matters concerning:
 - The Farm Portal and Cropping Farm Systems; and
 - Recognition of Industry Audited Self-Management Programmes
10. Horticulture NZ also submitted an extensive number of further submissions. I considered any specific relevant further submissions in this evidence but my main response to further submissions will be appropriately considered in my rebuttal evidence if necessary. This is because Horticulture NZ's position will be affected and informed by what submitters are saying about its position in their evidence.
11. Legal submissions will address other matters set out in the Horticulture NZ submission.

THE PLANNING FRAMEWORK

12. The planning framework is well described in both the s32 Report and the s42A Report provided by the Council. In particular, they identify:
 - (a) The relevant planning documents that PC5 must give effect to;¹
 - (b) The relevant planning documents that PC5 must not be inconsistent with;²
 - (c) The relevant planning documents that PC5 must have particular regard to;³
 - (d) The relevant plans and planning documents that PC5 must take into account;⁴ and
 - (e) Other statutory matters.
13. I broadly agree with the analysis set out in these documents by Environment Canterbury.
14. Given the general agreement I do not repeat the analysis of the applicability of those planning instruments or the compliance of PC5 with those instruments. Rather the evidence sets out where I depart from the views expressed in the s32 or s42A Reports, or where I consider that an alternative planning provision would better give effect to, be not inconsistent with, or have regard to (as the case may be) the various relevant documents.

THE FARM PORTAL AND CROPPING FARMING SYSTEMS

The Farm Portal

15. The Farm Portal is a digital platform into which farmers can enter data to geo-spatially located their farm and calculate the nutrient limit for their property. The nutrient limit is individualised to reflect climate, soil profile and farm type.
16. The Farm Portal is proposed as a key instrument to deliver on Policy 4.11 of the CLWRP which states as follows:

¹ In accordance with Section 67 (3) of the RMA.

² In accordance with Section 67 (4) of the RMA.

³ In accordance with Section 63 of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010.

⁴ In accordance with Section 66 (2A) (a) of the RMA.

4.11 Acknowledging the pivotal role of good management practices in the sustainable management of the Region's water bodies, good management practice will be codified and introduced into this Plan by way of a plan change on or before 30 October 2016.

17. To do this the Farm Portal adjusts each individual farmer's OVERSEER® file following modelling proxies reflective of the Industry agreed Good Management Practices, to estimate nutrient losses that can reasonably be expected from the implementation of GMP. These calculations and limits can be compared with the property's estimated actual losses in their original OVERSEER® file.
18. PC5 requires all farming activities on land greater than 10 hectares to register with the Farm Portal. All farming activities requiring resource consent are required to generate Baseline GMP Loss Rates (Farm Portal loss rate over 2009-2013 if at GMP) and GMP Loss Rates (Farm Portal loss rate over recent 4-year average if at GMP) using the Farm Portal.
19. As stated in the s42 report, Council see the Farm Portal as an instrument to assist with giving effect to the freshwater quality accounting system requirements under the NPSFM. I support this.

What is the Issue for Horticulture New Zealand?

20. In its current format the Farm Portal relies on the input of OVERSEER® files for farming systems to generate a nutrient limit around which a regulatory regime is established. The concern of Horticulture NZ is the workability of this methodology for cropping activities with Horticulture NZ suggesting a solution to the problems it outlines in evidence.
21. The core argument of Horticulture NZ is that it is practically very difficult to get any degree of accuracy into estimates of N leaching from a horticultural property using OVERSEER®. This core argument is set out in the evidence of Mr Stuart Ford. Mr Ford also identifies that Horticulture NZ is a member of the OVERSEER® Technical Advisory Group that is working to address the issue.
22. Mr Ford provides extensive evidence on the effectiveness of modelling a horticultural property in OVERSEER®, and states that the accuracy of the result is severely compromised by:

- (a) Technical issues that create challenges to the way that properties can be accurately described in the OVERSEER® model;
 - (b) The unknown reliability of the results which are currently modelled by OVERSEER® compared with the real losses; and
 - (c) The current requirement by ECan to model annual predictions which are compromised by the way that OVERSEER® models the climate data and the unknown reliability of the results.
23. The CLWRP provides for alternative models (via approval of the Chief Executive of ECAN) to be used to determine the discharge of N through the definitions of Nitrogen Baseline and Nitrogen Loss Calculation. The Section 42A report notes that the pork industry has done this and the poultry industry could do the same⁵.
24. In the absence of a more suitable model, the current format requires the Farm Portal to rely on OVERSEER® and Horticulture NZ supports this with some modifications.

What is Horticulture New Zealand seeking?

25. Horticulture NZ proposes that the Farm Portal be provisioned with an option for horticulturalists to choose a representative farming system, where a particular farming system cannot be adequately represented through OVERSEER®.
26. Ten base farming systems are suggested, developed through the MGM project, which represent cropping rotations in Canterbury. In the Farm Portal, the horticulturalist would select the best fit to their activity and then overlay their own soil type and climate data. These 10 base farming systems already have GMP built in.
27. This would only be a viable option for properties entirely in cropping activity. Where mixed cropping and pastoral activities occur on a property, the farmer would input standard OVERSEER® files and the various workarounds for cropping.

⁵ Section 42A Report; Appendix E – Robson M. – *Farm Portal and Schedule 28*,

What will the alternative achieve?

Cost effective

28. It is the opinion of Mr Ford that the cost for a horticulturalist to prepare a nutrient budget using OVERSEER® is considerable - in the order of ten thousand dollars. Mr Ford considers that given the level of accuracy that it is possible to get with modelling in OVERSEER® at present, this level of expenditure is not justified when an alternative is available.

Accounting

29. All farming activities on land greater than 10 hectares remain registered through the Farm Portal to assist Council with giving effect to the freshwater quality accounting system requirements under the NPSFM.
30. Loss estimates are obtained from horticultural activities using generic rather than actual farm files, which raises the question of accuracy in the nutrient loss estimation and usefulness in the accounting and regulatory framework.
31. The Section 42A report at Appendix E – Robson M. – *Farm Portal and Schedule 28*, notes that substituting actual or historic OVERSEER® files with the generic files is a policy issue, not a technical one. The report also notes that the estimate of nutrient loss will have greater uncertainty where there is a greater difference between the generic farm and the actual farm (e.g. crops grown and specific management of these crops). However, relying on the evidence of Mr Ford, this appears an acceptable method given the limitation of OVERSEER® to represent horticultural activity and the ability of the Farm Portal to still deliver a representative loss estimate.
32. As noted in the Section 42A report at Appendix E – Robson M. – *Farm Portal and Schedule 28*, “*if these farms were deemed as lower risk, then it might be a pragmatic way to get loss estimates and give that industry more time to come up generate actual losses.*”
33. The above is what Horticulture NZ proposes which, as Mr Ford states, “*is a pragmatic way to meet the Councils need to calculate a Total Catchment Load while at the same time avoiding putting their members to the considerable cost of*

providing individual Overseer results which are of highly questionable accuracy.”

Farms operating at Good Management Practice

34. As noted above, these 10 base farming systems already have GMP built in. In choosing this option to represent a farming system the farmer is committed to GMP with ongoing compliance set out through the required Farm Environment Plan.

What changes are need to the CLWRP?

35. Horticulture NZ's submission suggested changes were needed to the following parts of the CLWRP to codify an option for horticulturalists to choose a representative farming system through the Farm Portal:

- The definitions of:
 - Baseline GMP Loss Rate;
 - GMP Loss Rate; and
 - Nitrogen Baseline;to refer to the alternative method to calculate the loss rate.
- Policies:
 - 4.36;
 - 4.37;
 - 4.38; and
 - 4.38A.
- Schedule 7 Farm Environment Plan.
- Content of a Farm Environment Plan.

36. Since the lodgement of the submission, and as set out in the evidence of Angela Halliday, Horticulture NZ has been working with ECAN on Plan implementation in Selwyn Waihora. I understand that through this work, and in discussions around Farm Portal implementation, there is agreement that the Farm Portal can include the Horticulture NZ request for representative farming systems.

37. On review I think the changes to the plan suggested by Horticulture NZ to address this may be overcomplicated. This is an implementation matter and if ECAN agree that the Farm Portal can include representative farming systems as a choice for users, then no significant changes to the plan are necessary.

RECOGNITION OF INDUSTRY AUDITED SELF-MANAGEMENT PROGRAMMES

38. The submission notes that Horticulture NZ is focused on ensuring that growers can practically meet the CLWRP requirements whilst minimising duplication of effort for growers in farming planning and auditing.
39. To achieve this, Angela Halliday for Horticulture NZ has outlined in her evidence the work they have been doing with ECAN to enable the quality assurance scheme NZGAP to be recognised in delivering, managing and auditing grower's environmental requirements and Good Management Practices under the CLWRP.
40. The submission of Horticulture NZ suggested changes to the CLWRP to provide for Industry Audited Self-Management Schemes to work in conjunction with Council to enable growers to gain and prove compliance with the CLWRP. These changes included:
- The definition of a Certified Farm Environment Plan Auditor
 - Schedule 7 Farm Environment Plan
41. The s42A Report (8.110) has clarified that the changes suggested are not needed. The proposed definition of Certified Farm Environment Plan Auditor in Section 2 of the CLWRP provides the "means" by which the CRC Chief Executive can approve an ISO accredited audit programmes where the audit criteria are at least equivalent to that set out in Part C of Schedule 7.
42. As suggested in 8.78 of the s42A Report, a useful minor change to the definition of a Certified Farm Environment Plan Auditor can be made to clarify that auditors operating under an ISO accredited audit scheme, such as NZGAP, are managed under the scheme and not as individuals by ECAN.

Vance Hodgson

22 July 2016