

## Josephine Laing

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**From:** Louise Ford <Louise.Ford@ahmlaw.nz>  
**Sent:** Wednesday, 16 September 2020 10:09 AM  
**To:** Sal Lennon; James Winchester; 'Carmen Taylor'; anna.wilkes@ravensdown.co.nz; Ants.Roberts@ravensdown.co.nz; 'Stephen Christensen'  
**Cc:** Helen Atkins; Nicole Buxeda; Plan Hearings; Rachel McClung  
**Subject:** PC7 rebuttal evidence - HortNZ  
**Attachments:** Rebuttal Evidence - HortNZ - Vance Hodgson - 15 September 2020.pdf

Good morning

By way of service, please see the attached rebuttal evidence of Vance Hodgson on behalf of Horticulture New Zealand.

Ngā mihi  
Louise

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**From:** Louise Ford  
**Sent:** Tuesday, 15 September 2020 2:55 pm  
**To:** planhearings@ecan.govt.nz  
**Cc:** Helen Atkins (helen.atkins@ahmlaw.nz) <helen.atkins@ahmlaw.nz>; Rachel McClung <Rachel.McClung@hortnz.co.nz>; Nicole Buxeda <Nicole.Buxeda@ahmlaw.nz>  
**Subject:** PC7 rebuttal evidence - HortNZ

Good afternoon

Please see the attached rebuttal evidence of Vance Hodgson on behalf of Horticulture New Zealand in relation to Plan Change 7. Please advise whether we are required to serve the evidence to other parties.

Kind regards  
Louise

**Louise Ford**  
Solicitor

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**BEFORE THE HEARING COMMISSIONERS APPOINTED BY ENVIRONMENT  
CANTERBURY**

**IN THE MATTER**

of the Resource Management Act 1991  
(**RMA** or **the Act**)

**AND**

**IN THE MATTER**

of Proposed Plan Change 7 to the  
Canterbury Land and Water Regional  
Plan

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

**15 SEPTEMBER 2020**

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**ATKINS | HOLM | MAJUREY**

Helen Atkins  
PO Box 1585  
Shortland Street  
AUCKLAND 1140

## **QUALIFICATIONS AND EXPERIENCE**

1. My full name is Vance Andrew Hodgson, and my qualifications and experience are set out in my evidence in chief.
2. In relation to this rebuttal statement of evidence, I reiterate and confirm my compliance with the Code of Conduct for Expert Witnesses as set in my evidence in chief.

## **CONTEXT AND SCOPE OF MY REBUTTAL EVIDENCE**

3. The context and scope of my rebuttal evidence is to address matters raised in the evidence in chief of other submitters. In particular I respond to the statements of evidence from:
  - (a) Teenna Davidson and Kylie Susan Hall on behalf of Ngā Rūnanga; and
  - (b) Carmen Taylor on behalf of Ravensdown Limited.

## **EVIDENCE OF TRENNA DAVIDSON AND KYLIE SUSAN HALL**

4. Trenna Davidson provided a statement of evidence on behalf of Ngā Rūnanga noting that:

*“the Ngā Rūnanga submission supports the changes to the Plan Change to provide for commercial vegetables in so far as they provide for nutrient management. The Ngā Rūnanga submission sought assurance that the outcomes of incorporating specific rules for commercial vegetable growing are not affected by the conclusions of the Good Management Practice Technical Working Group, with regard to the reliability of the fertiliser and irrigation proxies of the Farm Portal. The support by Ngā Rūnanga was also predicated on the provisions not be made any more permissive.”*

5. The further submissions of Ngā Rūnanga opposed the extension of the area of land that could be used for commercial vegetable growing (**CVG**) expressing concerns on the impact on the nitrate baselines and therefore water quality outcomes and targets. As can be seen from the evidence produced by Horticulture New Zealand (**HortNZ**) further work has been undertaken whereby the nitrogen discharge related effects of extended the area of land that could be used for CVG has been quantified by the HortNZ experts as de minimus and that those discharges still enable the Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**Plan**) relevant targets, limits and reductions to be met.
6. Ngā Rūnanga also opposed submissions seeking to change the activity status from restricted discretionary activity to controlled activity. As noted in my evidence in chief I agree with the position of Ngā Rūnanga and consider a restricted discretionary activity status appropriate for existing CVG and a provisional area of growth.
7. Ms Davidson expresses concerns that an extension of the area of land that could be used for CVG means the Plan is at risk of not giving effect to Te Mana o te Wai. While noting Ms Davidson's concern the evidenced of HortNZ demonstrates that the regulatory framework proposed around CVG is an appropriate resource management response to ensure that the Plan will give effect to Te Mana o Te Wai. It is my view that a workable regulatory pathway is required for existing CVG together with a pathway for growth within limits that ensures the sustainability of the food production system and addresses domestic supply and maintaining food security needs for New Zealanders.
8. Proposed Restricted Discretionary Activity Rule 5.42XX (provisional growth) of the HortNZ evidence included a

comment that the matters of discretion may need to be expanded to exclude certain locations. I have considered this in the context of the evidence of Ms Hall in regard to the Rock Art Management Areas and the Mātaitai Protection Zone.

9. The Section 42A recommendations version, *Schedule 7 Farm Environment Plan Orari-Temuka-Opihi-Pareora – Additional Requirements* sets out the management area Objectives and Targets for these areas as follows:

*Management Area: (Rock Art sites)*

*Objective: To protect (rock art) sites and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings*

*Targets:*

*1. For any property that has all or part of the property within the Rock Art Management Area, irrigation is managed to avoid any adverse effects on (rock art) sites and the historical, ecological and Ngāi Tahu values associated with these sites and their surroundings; and*

*2. Stock are excluded from any (rock art) site so as to avoid damage to the artwork and surrounding area;*

*3. Manage farming practices to protect (rock art) sites by avoiding adverse effects that may modify, damage or destroy these sites and the values associated with these sites.*

*Management Area: Mātaitai and waipuna (Mātaitai Protection Zone)*

*Objective: To protect mātaihai and waipuna sites and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.*

*Target:*

*1. For any property that has all or part of the property within the Mātaihai Protection Zone, farming practices are managed to avoid any adverse effects on mātaihai and waipuna sites, and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.*

10. In my opinion it would be appropriate to elevate those targets that seek to avoid adverse effects on these sites and areas to matters of discretion in Rule 5.42XX (provisional growth). To read as follows:

*The exercise of discretion is restricted to the following matters:...*

*7. Methods to avoid any adverse effects that may modify, damage or destroy rock art sites and the values associated with these sites.*

*8. Methods to avoid any adverse effects on mātaihai and waipuna sites, and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.*

#### **EVIDENCE OF CARMEN TAYLOR**

11. Carmen Taylor (for Ravensdown Limited) provides evidence addressing concerns with parts (b) and (d) of Policy 4.36A. Those concerns relating to the policy direction, as contained in Policy 4.36A (and associated Rules 5.42CB and 5.42CC) to

'avoid' CVG area expansion and to constrain such activities to a 'Nutrient Management Area' (**NMA**).

12. The evidence of HortNZ further clarifies the need for a limited area of CVG growth and further explains the nature of CVG rotations and that these activities do occur across NMAs.
13. In regard to Part (b) of Policy 4.36A, I agree with Ms Taylor that replacing the word 'avoid' with 'restrict' resolves a potential disconnect between rules that provide a consent pathway for new or growth in CVG. This would support the rule changes sought in the HortNZ evidence. As Ms Taylor states, the use of the word 'avoid' in planning policy frameworks can be problematic in that it directs a prohibition on such activities which is not what the proposed discretionary pathway or the pathway proposed by HortNZ provides.
14. Part (d) of Policy 4.36 provides structure around which to consider a CVG activity that might operate across more than one NMA. These are discretionary activities under Rule 5.42CC and activity must not exceed the lawful nitrogen loss rate applicable to the proposed location or where no nitrogen loss rate is applicable, the Baseline Good Management Practice Loss Rate.
15. I agree with Ms Taylor that *"if the activity traverses more than one NMA, then the application and associated consideration by the decision-maker, will need to consider the requirements within each of the NMAs, including meeting the relevant nitrogen loss reductions in the context of the relevant water quality targets or limits"*.
16. Rather than deleting Part (d) of Policy 4.36 I suggest it could be amended to:

Require commercial vegetable growing activities operating over multiple Nutrient Management Areas to

have a clear method for accounting for nutrient losses  
which will ensure that any relevant nutrient load or limit  
are not exceeded.

**Vance Andrew Hodgson**

**15 September 2020**