

IN THE ENVIRONMENT COURT AT WELLINGTON

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

AND

IN THE MATTER of clause 14 of the First Schedule of
the Act

BETWEEN **MIGHTY RIVER POWER LIMITED**

ENV-2010-WLG-000139

AND **TRUSTPOWER LTD**

ENV-2010-WLG-000145

AND **FEDERATED FARMERS OF NEW
ZEALAND**

ENV-2010-WLG-000148

AND **MERIDIAN ENERGY LTD**

ENV-2010-WLG-000149

AND **MINISTER OF CONSERVATION**

ENV-2010-WLG-000150

AND **PROPERTY RIGHTS IN NEW ZEALAND**

ENV-2010-WLG-000152

AND **NEW ZEALAND TRANSPORT AGENCY**

ENV-2010-WLG-000153

AND **HORTICULTURE NEW ZEALAND**

ENV-2010-WLG-000155

AND **WELLINGTON FISH & GAME COUNCIL**

ENV-2010-WLG-000157

AND **A DAY**

ENV-2010-WLG-000158

AND **GENESIS POWER LTD**

ENV-2010-WLG-000159

AND

**WATER & ENVIRONMENTAL CARE
ASSOCIATION INC.**

ENV-2010-WLG-000160

Appellants

AND

**MANAWATU-WANGANUI REGIONAL
COUNCIL**

Respondent

**STATEMENT OF EVIDENCE BY STUAR JOHN FORD FOR
HORTICULTURE NEW ZEALAND IN RELATION TO THE APPEALS ON
THE PROPOSED ONE PLAN FOR MANAWATU WANGANUI
REGIONAL COUNCIL ON SUSTAINABLE LAND USE/ACCELERATED
EROSION**

(17 FEBRUARY 2012)



ATKINS | HOLM | MAJUREY

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QUALIFICATIONS AND EXPERIENCE

1. My full name is Stuart John Ford.
2. I am a Director of The AgriBusiness Group and work as an agricultural and resource economist based in Christchurch. I have a Diploma in Agriculture and Bachelor of Agricultural Commerce from Lincoln University and have undertaken post graduate studies in Agricultural and Resource Economics at Massey University.
3. I am a member of the New Zealand Agriculture and Resource Economics Society and the Australian Agriculture and Resource Economics Society. I am also a member of the New Zealand Institute of Primary Industry Management.
4. I have spent over twenty five years as a consultant in the agricultural industry, with the last twelve years specialising in agricultural and resource economics and business analysis
5. I have undertaken a wide range of economic impact and cost benefit assessments of proposed statutory planning proposals.
6. I have prepared evidence and presented it to Regional Council Hearings Panels as well as the District and Environment Courts and Special Hearing Panels on Conservation Orders.
7. I have been asked by Horticulture NZ to provide this evidence.
8. I have read the Environment Court's practice note 'Expert Witnesses – Code of Conduct' and agree to comply with it.

SCOPE OF MY EVIDENCE – THE PROPOSED VERSION OF RULE 12-3 IN THE EVIDENCE OF MR HINDRUP

9. My evidence is in relation to the Provisions for sediment control measures and the changes that have been proposed as the result of evidence provided by Mr P Hindrup on behalf of the Council.
10. The Decisions Version of Rule 12-3 provided for the following as part of the cultivation rule:

Except as regulated by Rule 12-6, any cultivation pursuant to s9(2) RMA within 5m of:

- a) the bed of a river that is permanently flowing or has an active bed width greater than 2m, or
- b) the bed of a lake or
- c) a wetland

and any ancillary:

- d) diversion of water pursuant to s14(1) RMA on the land where the cultivation is undertaken, or
- e) discharge of sediment into water pursuant to s15(1) RMA resulting from the cultivation or the use of bunding, silt traps, interception drains or other alternative methods to minimise sediment run-off into water.

11. The version now being advanced by the Council in the evidence of Phillip Hindrup is as follows:

Except as regulated by Rules 12-5A and 12-6, any cultivation pursuant to s9(2) RMA ~~within 5m of:~~

- ~~a) the bed of a river that is permanently flowing or has an active bed width greater than 2m, or~~
- ~~b) the bed of a lake or~~
- ~~c) a wetland~~

and any ancillary:

- a) diversion of water pursuant to s14(1) RMA on the land where the cultivation is undertaken, or
- b) discharge of sediment into water pursuant to s15(1) RMA resulting from the cultivation. ~~or the use of bunding, silt traps, interception drains or other alternative methods to minimise sediment run-off into water.~~

12. The activities associated with establishing sediment control measures are not included as part of cultivation. The consequence of deleting "the use of bunding, silt traps, interception drains or other alternative methods to minimise sediment run-off into water" from the activity is that the provision of best practice methods for sediment control would not be provided for as part of the cultivation rule and would need to meet the requirements of Recommended Rule 12-1A Small scale land disturbance including earthworks.

13. The provisions in Rule 12-1A provide for the following.

Except as regulated by Rules 12-1, 12-5 and 12-6 any land disturbance pursuant to s9(2) RMA of a total land area less than 2500m² per property per 12 month period and any ancillary:

- a) *diversion of water pursuant to s14(1) RMA on the land where the land disturbance is undertaken, or*
- b) *discharge of sediment into water pursuant to s15(1) RMA resulting from the land disturbance.*
14. Therefore the threshold for a resource consent is where the sediment control measures will exceed 2,500 m² per property in any 12 month period.
15. The default rule if Rule 12-1A cannot be met would be Rule 12-1 Large Scale land disturbance including earthworks which Council is seeking to be a controlled activity. There are a range of conditions including – preparation of an Erosion and Sediment Control Plan prepared by a suitably qualified person.
16. I refer you to the evidence of Mr A Barber where he describes the situations where this rule could come into play.

IMPLICATIONS FOR GROWERS

17. Horticulture NZ has over 380 growers producing a range of vegetable crops over approximately 5,000 ha within the Councils boundaries.
18. Many of these crops such as potatoes and onions are not grown in the same ground year after year. There is a need to keep moving the crops to new ground which necessitates the renting of new ground off the existing land owners. Amongst some Horticultural growers there is a continual movement to new ground.
19. This could mean that there will be need to consent the provisions for sediment control on an ongoing basis. This would necessitate a range of costs for the growers on a continuing basis.

20. Mr Barber informs me that an Erosion and Sediment Control Plan can cost from very little to \$5,000 with an average one costing \$1,000 per consent.
21. If we use an estimate of consent application fees being at the rate of Horizons General application fee of \$920 per consent. This will mean that there will be a cost of approximately \$1,920 per consent.
22. This estimate does not include the applicant's personal costs of preparing the application and filing it with the Council and dealing with any associated queries from the Council.
23. We can then assume ongoing compliance monitoring costs of \$313 / annum. This assumes that this cost accurately portrays the true costs of the Council monitoring these consents. Compliance monitoring costs are set at a standard rate for all consents so the true costs to the Council of monitoring these consents could be much higher. If that were the case the cost of monitoring these consent would be subsidised by other consents.
24. In summary, there appears to be the potential of putting a large number of growers, the Council and the ratepayers to considerable and ongoing expense as a result of adopting the proposed conditions of Mr Hindrup.
25. It is not clear from Mr Hindrup's evidence as to why he thinks that this change is necessary. There is nothing in his statements that would lead one to believe that this change will bring about a superior outcome to the one proposed in the Decision Version.
26. There is certainly no sign of analysis of this approach against any alternative approaches in order to satisfy the requirements of section 32 and to ensure that the approach recommended is the most efficient in terms of achieving the outcomes at the lowest cost to society.
27. It is my opinion that the recommendation in the Decision Version of Rule 12-3 to provide for the provisions for sediment control as part of the cultivation rule are a much more efficient means of achieving what is effectively the same result.

RELIEF SOUGHT

28. I would request that you dismiss the proposed changes to the Provisions for sediment control as proposed by Mr Hindrup and adopt those proposed in the Decisions Version.

S J Ford

17 February 2012