

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of appeals lodged against proposed Plan Change 2
to the Manawatu-Whanganui One Plan

JOINT WITNESS STATEMENT OF PLANNING EXPERTS

24 February 2023

INTRODUCTION

1. This joint expert witness statement relates to the appeals lodged against proposed Plan Change 2 (**PC2**) of the Manawatu-Whanganui One Plan which focuses on existing intensive farming land use activities within targeted water catchments in the region.
2. At mediation held on 12 December 2022 it was agreed that a risk framework approach should be initially explored further between the experts, with a view to reporting back to parties at a further mediation in early 2023. The matters agreed to, along with agreed next steps, are within a Mediation Agreement dated 12 December 2022.
3. The Mediation Agreement includes a range of questions for experts (farm system advisors and planners) to consider regarding the (then) proposed risk framework. A particular focus is on the range of biophysical characteristics in any risk framework, however the issues for discussion between the experts were also to include the extent of reduction required by any risk framework, and whether Table 14.2 can be amended to reflect risk. The questions posed by the parties to the planners are at para [16] of the Mediation Agreement, but for ease of reference, are also set out below at paragraph [7] for completeness.
4. Since mediation, the farm system advisors have met at conferencing sessions on 3 February and 10 February 2023 for pastoral and commercial vegetable growing, respectively. The planning witnesses have had the benefit of reviewing the joint witness statements resulting from those sessions in advance of the planning conferencing today and note that the farm systems experts are still considering alternative approaches to the risk assessment matrices and the way risk should be expressed in those. The risk assessment matrices have not been finalised at the time of planners conferencing.
5. Planning experts attending the conference were:
 - (a) Christine Foster (**CF**) for Manawatu-Whanganui Regional Council (**Horizons**) (via AVL);
 - (b) Gerard Willis (**GW**) for Federated Farmers (via AVL);
 - (c) Greg Carlyon (**GC**) for Ngāti Turanga and Wellington Fish and Game Council (via AVL); and
 - (d) Sue Ruston (**SR**) for Horticulture New Zealand (via AVL).

Agreed Questions

6. The questions set out at para [16] of the Mediation Agreement and additional questions addressed by the planners, are set out below in **Annexure A**.

CODE OF CONDUCT

7. This joint witness statement is prepared in accordance with section 9.5 of the Environment Court Practice Note 2023.
8. We confirm that we have read and complied with the Code of Conduct for Expert Witnesses.

PURPOSE AND SCOPE OF CONFERENCING

9. Refer paragraphs [2] – [4] above.
10. This conferencing session builds on earlier discussions between the experts as part of a suite of workshops, with expert conferencing statements dated 28 June 2022, 25 August 2022, and 7 October 2022 being acknowledged as having previously been agreed to by the participating experts.
11. As noted above, the joint witness statement of the pastoral farm system advisors, dated 3 February 2023, and commercial vegetable experts, dated 10 February 2023, have been considered in advance by the planners.
12. The scope of the issues covered at the conference included:
 - (a) Overview of risk assessment matrices developed by the commercial vegetable and pastoral experts.
 - (b) Revisiting the PC2 plan provisions in light of the alternative approaches, and other issues raised on appeal by the Appellant and others.
 - (c) The questions at para [16] of the Mediation Agreement.
 - (d) Further work required.

KEY FACTS AND ASSUMPTIONS

13. Discussions around the alternative proposals were based on the farm systems joint witness statements dated 3 February and 10 February 2023.

AGREED ISSUES

14. Refer to Annexure A.

DISAGREEMENT AND REASONS

15. All matters were agreed upon. There were no matters of disagreement.

NEXT STEPS

16. All planners have agreed some amendments to the policies in principle and will further consider these once the risk assessment matrices are settled. Planners did not consider detailed amendments to the PC2 rule framework and will do so when the risk assessment matrices are settled.
17. Ms Foster to create a clean version of the proposed objectives and policies to be distributed to other planners by end of 24 February 2023.
18. Planners to circulate their comments on clean copy of objectives and policies by 5pm, 1 March 2023.

Date: 24 February 2023



Christine Foster



Sue Ruston



Greg Carlyon



Gerard Willis

ANNEXURE A

In the matter of Proposed Plan Change 2

Expert conferencing – Intensive Farming Risk Scorecard Continuation (Planning Experts – CF, SR, GW, GC)

Issue	Statements	Agreed Position
Topic 1 – Progress on risk matrices		
CF gave an overview of the pastoral January 2023 matrix and update from pastoral expert conferencing held on 3 February 2023	In the pastoral scorecard, under “3. Effluent”, we should be assuming that all effluent systems are compliant to begin with.	All planners have agreed some amendments to the policies in principle and will further consider these once the risk assessment matrices are settled. Based on the work of the farm system (pastoral and commercial vegetable) experts to date, the planners have a level of confidence that a rule framework can be developed to replace the percentage reduction pathways with a framework that requires achievement of a specified risk rating that approximates the percentage reductions in the decisions version of PC2. There is no expectation that all intensive farming land uses have to achieve the same absolute nitrogen leaching risk. There is an expectation that those with higher nitrogen leaching risk will adopt mitigations that achieve greater reductions in nitrogen leaching risk (when compared to those with a lower nitrogen leaching risk).
	CF noted that Professor David Horne’s advice is that inclusion of “6. Irrigation” is still up for discussion.	
	GW raised a concern about calibration and ensuring that the distribution is appropriate for farmers having to implement practice changes. This is something that Paul Le Miere is working on before mediation.	
CF gave an overview of the commercial vegetable January 2023 matrix and update from commercial vegetable expert conferencing held on 10 February 2023	Noted that this scorecard is also being tested by Andrew Barber with the scores to be adjusted in collaboration with Dr Anne-Maree Jolly and Stuart Ford.	
	SR noted that Stuart Ford has expressed concerns with the biophysical factors in the commercial vegetable scorecard.	
GW discussed an alternative approach. Paul Le Miere has raised concerns that he has been unable to adequately analyse the effect of DH’s matrix because his data does not provide him with where each farm was (only which catchments they are in). Paul was provided a version of Professor Dave Horne’s table with numbers, rather than risk ratings. Paul has been considering an alternative approach using averages instead of Dave’s data but this remains at a conceptual level only at this stage.		The planners did not have sufficient information about this alternative table approach to discuss it in depth. Paul Le Miere is undertaking further work on this proposal in discussions with Dave Horne.

Issue	Statements	Agreed Position
Topic 2 – Review of PC2 provisions		
(a) Where in the One Plan framework biophysical factors need to be accounted for;	GW noted a benefit of the January 2023 approach is that it takes the biophysical factors out of the scorecard and puts them into a separate table. This avoids mixing practice management risk with the biophysical factors (as Overseer tried to do). The content of a risk assessment matrix has not been settled between the experts which means that the planners cannot develop the rule framework any further at this time.	All agree that biophysical factors are already considered in the PC2 policies to a degree. Planners agree that risk has two components: underlying soil and rainfall circumstances, and land management practices. Biophysical factors are relevant considerations for assessing the risk for controlled and discretionary activities, and also relevant for understanding the limitations of what is achievable in a N leaching reduction sense. All support a consideration of biophysical factors in the controlled activity gateway assessment of risk of N leaching using a consent assessment table/matrix because doing so: 1. is consistent with the Overseer approach that we are trying to replace; 2. is transparent and can be applied consistently; and 3. provides sufficient certainty required for a controlled activity pathway.
(b) Whether the current 20% and 35% reductions and the 'dairy' reduction consent pathways (and Table 14.2A) should be amended to incorporate a risk assessment approach, rather than rely on stipulated N loss reductions;		If an all-risk matrix approach is adopted, it could remove the need for percentage reductions to be explicitly referenced in the rule. The quantum of reduction required by the decisions version of PC2 could be reflected in the calibration of the matrices/tables. All agree that an all-risk matrix approach needs to achieve at least the percentage reductions overall as intended by the decisions version of PC2.
(c) How the risk assessment matrices could be included in the One Plan;		Planners note that it would be premature to answer this question without near-final matrix approaches from the farm systems experts. The planners recommend a combined expert conference with the farm systems experts to try and land risk assessment matrices. Questions for the farm systems experts: 1. How does the distribution of mitigation/reduction obligations fall across the farming population for each of the target water management subzones under each option?

Issue	Statements	Agreed Position
		2. How likely is it that farmers are going to be able to make changes (positive or negative) that are not acknowledged by a change in risk category? 3. In a design sense, how do we minimise the potential for farmers to make change (positive or negative) and not see a change in risk category?
(d) The wording of any new definitions and whether any existing definitions should be deleted;		Planners note that it would be premature to answer this question without near-final matrix approaches from the farm systems experts.
(e) The key objectives of the One Plan that any s. 32 / s. 32AA assessment should consider (for the purposes of 2(c) and (d) above).		All agree this would be relatively quickly done to support a draft consent order if necessary.
Topic 3 – Policies not addressed in the 17 January meeting between planning experts		
Discussing new PC2 provisions		All planners have agreed some amendments to the policies in principle and will consider specific amendments to the rules once the risk assessment matrices/tables are settled.
Further work		CF to create a clean version of the proposed objectives and policies to be distributed to other planners by end of 24 February 2023. Planners to circulate their comments on clean copy of objectives and policies by 5pm, 1 March 2023.
Topic 4 – Questions set out at [16] of Mediation Agreement		
(a) What is the planning mechanism that can be used to ensure low leaching farms do not need to decrease N loss?		The answer to this depends on the answers to our questions above to the farm systems experts at Topic 2 (c) and the clarity around what “low” means. All planners agree that, while it will require some analysis, it may be that “low” risk activity will meet Table 14.2 using Overseer (therefore, there would already be a pathway available).

Issue	Statements	Agreed Position
(b) Does including biophysical factors in the risk scorecard change what a farmer needs to do to on-farm to meet the targets?		If biophysical factors are to be included, they should result in farmers making change on-farm that is different from what they would do if those factors were not included. The planners consider that calibration will need to ensure that the ranges of required mitigations provide the right incentives and recognise the limitations of what is achievable in a N leaching reduction sense. We are aware that the farm systems experts are undertaking further work on this.
(c) In terms of s 32, what are the merits (or not) of including biophysical factors in the risk scorecard?		Planners note that it would be premature to answer this question without near-final matrix approaches from the farm systems experts.
(d) In terms of s 32, what are the merits (or not) of including biophysical factors as minimum standards in the consenting assessment?		Planners note that it would be premature to answer this question without near-final matrix approaches from the farm systems experts.