

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

UNDER	the Resource Management Act 1991
IN THE MATTER	of appeals under sch 1, cl 14(1) against the decision of Manawatū-Whanganui Regional Council on Plan Change 2 to the One Plan
BETWEEN	TE RUNANGA O RAUKAWA ENV-2021-WLG-20 NGĀTI TURANGA ENV-2021-WLG-21 ANDREW DAY ENV-2021-WLG-22 WELLINGTON FISH AND GAME COUNCIL ENV-2021-WLG-23 Appellants
AND	MANAWATŪ-WHANGANUI REGIONAL COUNCIL Respondent

**FURTHER SUPPLEMENTARY STATEMENT OF EVIDENCE OF ANNE-MAREE JOLLY ON
BEHALF OF MANAWATŪ-WHANGANUI REGIONAL COUNCIL**

FARM SYSTEMS - CVG

Dated: 5 February 2024



Cooper Rapley Lawyers
227-231 Broadway Avenue
PO Box 1945
Palmerston North
DX PP80001

S Johnston / A J R Sinclair
06 353 5210
06 356 4345
sjohnston@crlaw.co.nz

FURTHER SUPPLEMENTARY STATEMENT OF EVIDENCE OF ANNE-MAREE JOLLY**A. INTRODUCTION**

- [1] My full name is Anne-Maree Jane Jolly.
- [2] My experience and qualifications are set out in my statement of evidence dated 6 October 2023 (**Evidence**).
- [3] I repeat the confirmation given in my Evidence that I have read and will comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

B. SCOPE

- [4] This supplementary statement addresses two discrete questions posed by the Court in their 25 January 2024 Minute, relating to the specified reduction pathway. I also include a brief comment on the Code of Practice for Fertiliser Nutrient Management.
- [5] I only address the Court's questions as they relate to commercial vegetable growing. Professor Horne's statement addresses pastoral farming.

C. SPECIFIED REDUCTION PATHWAY*Recognised management models*

- [6] The Court has asked whether, in practical terms, Overseer is the only model that would meet the definition of "*recognised management model*" for short duration consent applications under the specified reduction pathway contained in the DV-PC2 provisions.
- [7] Professor Horne discusses alternative models to Overseer (such as APSIM), and his comments apply equally here – that is, commercial vegetable growers are unlikely to have the expertise or data to use those models.
- [8] While commercial vegetable growers have some reservations about Overseer, my view is that it would be the tool most likely to be used for

modelling nitrogen baselines under DV-PC2, as there are limited alternative models (aside from something like the Risk Assessment Tool). Therefore, I consider that Overseer is the management model most likely to be used by growers applying for consent under the specified reduction pathway.

Absence of data

- [9] The Court has also asked whether the specified reduction pathway in DV-PC2 would be available to an applicant if they lacked the data to model their nitrogen leaching from the root zone for the period of 1 July 2012–30 June 2013.
- [10] My understand is that if a grower were not to have a suitable level of information for the 2012/13 season, they would either have to meet Table 14.2 or apply as a discretionary activity.
- [11] The likelihood of growers having Overseer files already prepared to accompany a consent application is almost nil. As has been previously highlighted to the Court, commercial vegetable growers do not currently tend to use Overseer.¹ However, I expect that growers will have some records that can be used to support the generation of the 2012–13 Overseer estimates required for a consent application.
- [12] This could be field notebooks, crop planting schedules, or other sources – all information will be helpful, and could be used to create the relevant Overseer files. Once compiled, Horizons would need to determine whether the input information is adequate to support a consent application under the specified reduction pathway. If not, my point at [10] will apply.

D. CODE OF PRACTICE FOR FERTILISER NUTRIENT MANAGEMENT

- [13] The Court has raised some questions with the Code of Practice for Fertiliser Nutrient Management (**Code of Practice**), which I will briefly comment on.
- [14] First, in relation to the booklets referenced in the Code of Practice, this provides a good base (entry) level of information for fertiliser management

¹ Notes of Evidence, page 358.

in New Zealand. I would expect that any consultant preparing a nutrient management plan would already be familiar with their content.

[15] Second, I highlight that the Code of Practice only deals with 1 element of a nutrient management plan. The PC2 provisions (and in fact the operative One Plan provisions) require several other matters to also be covered by the NMP. Said another way, compliance with the Code of Practice is only one requirement of many when preparing an NMP. The template that an applicant for an IFLU consent would need to fill out is accordingly broader than just the matters covered by the Code of Practice.

[16] The Code provides a starting point only, when considering the requirements of a robust NMP. This is particularly the case in circumstances where under DV-PC2 and AV-PC2 an applicant needs to demonstrate how the specified reduction or risk category is achieved. It was always the intention that the management practices identified in achieving those requirements would be reflected in a NMP for consent auditing and monitoring purposes.

5 February 2024

Dr Anne-Maree Jolly