

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

1 May 2024

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. Planning experts attending the conference were:
 - (a) Christine Foster (**CF**) for Manawatū-Whanganui Regional Council;
 - (b) Dr Charlotte Drury (**CD**) for Horticulture NZ;
 - (c) Michael Scott (**MS**) for Andrew Day.

AGREED QUESTIONS

3. The questions for discussion are set out below in Annexure A.

CODE OF CONDUCT

4. This joint witness statement is prepared in accordance with section 9 of the Environment Court Practice Note 2023.
5. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

PURPOSE AND SCOPE OF CONFERENCING

6. This conference was arranged to discuss the planning issues relevant to PC2 that have arisen since the exchange of primary evidence in this proceeding.
7. The parties agreed that this earlier conference would exclusively focus on the planning issues related to commercial vegetable growing activities affected by PC2, and that all remaining planning matters would be addressed at the conferencing session scheduled for 27 May 2024.

AGREED ISSUES

8. Refer to Annexure A.

DISAGREEMENT AND REASONS

9. Refer to Annexure A.

Date: 1 May 2024

A handwritten signature in black ink, appearing to read "Christine Foster".

Christine Foster

A handwritten signature in blue ink, appearing to read "Dr Charlotte Drury".

Dr Charlotte Drury

A handwritten signature in black ink, appearing to read "Michael Scott".

Michael Scott

ANNEXURE A

In the matter of Proposed Plan Change 2

Expert conferencing – Planning Experts – CF, CD, MS

Issue	Agreed Position	Disagreements
1. What version of PC2 should be used as the base for any amendments proposed by the planners.	All agree it should be the decisions version PC2 (because the dispute is about the decisions version). Though MS has used the operative plan version in the past, he agrees that it is most useful to the court for one base version to be used, and accepts that the decisions version is appropriate at this point.	
2. The attendee's views on the definition of 'crop rotation'.	All agree the following wording: Crop Rotation is the systematic planting of different crops in sequence over multiple years within the same growing space, or across changing <i>land</i>[^] parcels, which can include a pasture phase or fallow period. This process helps maintain soil structure and nutrients in the soil, reduces soil erosion, and reduces plant diseases and pests.	While the wording of this definition is agreed: - CF considers this definition does not override the pre-requisite requirement of policy 14(5)(b) that land proposed to be used for CVG that does not meet the defined requirements to qualify as 'existing' IFLU at the date specified 14(5)(b) requires consent as new IFLU. MS agrees with this view. - CD has an alternate view and believes that the decisions version of the definition of baseline commercial growing area enables rotation across changing parcels of land but limits the area used for CVG within a targeted WMSZ to the area utilised in the 2012-13 growing season i.e if it was 20 hectares and remains 20 hectares then that is existing not new irrespective of the particular land parcels in which it occurs. - CF accepts that the amendments proposed to PC2 do not completely resolve the 'crop rotation' issues CD raises and that these need to be more comprehensively addressed in the One Plan but considers this falls outside the limited scope of PC2. MS agrees with this view.

3. The attendee's views on the definition of 'Productive Area' in Schedule Y.	All agree the following wording: Productive Area: The area denominator in Part A 1 (a) and 1 (b) is an operation's total productive vegetable growing area. This include both owned and leased <i>land</i>[^]. Productive area is all the area within the boundaries of the productive vegetable growing area. This includes the total area where the crop is grown, including wheel tracks and beds that are not cropped, as well as headlands and races. Productive area does not include the land occupied by buildings. Productive vegetable growing area does not include areas that cannot be cropped such as bush blocks, nor does it include pasture grown for longer than 2 years.	
4. The attendee's views on the policy framework for recognising and addressing CVG, including whether to provide for the following in the policy framework, taking into account Mr Scott's recommended provisions:		
(a) Recognising crop rotations needs;	The policy 14-6 consideration: 'The operational crop rotation requirements of commercial vegetable growing* necessary to avoid soil-borne diseases and maintain crop health'. All agree this is a valid consideration for CVG applications. The version of Policy 14-6 discussed at mediation split policy 14-6 into matters to be given particular regard and matters to be given regard. This was a suggestion of Mr Carlyon at expert conferencing prior to mediation and was endorsed by expert planners at that time. This 'crop rotation' consideration was included in the list of matters to be given regard (not particular regard) in that version. CF considers it should remain a matter to be given regard. CD & MS agree with this view.	
(b) Food security;	The policy 14-6 consideration: 'The importance of maintaining food security for New Zealanders to support community well-being.'	MS agrees that food security deserves attention in the policy framework. However, the reference here comes without any policy framework for food security and how it should be considered and MS believes that this should be the topic of attention in a future plan change that would have a much broader scope than this reference.

	This was a matter included in the list of matters to be given regard considered in the mediation version of PC2. CF notes that this consideration was included in response to evidence from submitters at the Council hearing that food security is an important consideration when evaluating the effects of, and potential constraints on, food production activities.	CF & CD consider these issues remain valid and important.
(c) The benefits of off-site mitigation;	The policy 14-6 consideration: 'The potential benefits of off-site mitigation measures to address adverse effects of nutrient leaching and run-off, faecal contamination and sediment losses on <i>water</i>[^] quality in the <i>surface water management sub-zone</i>*.' CF notes that this consideration was included in response to evidence from submitters at the Council hearing. This was a matter included in the list of matters to be given regard considered in the mediation version of PC2. All agree that, for applications for consent for IFLU that exceed the controlled activity limits and which may have difficulty mitigating all adverse effects of nitrogen leaching within their own site, it will be important to have the ability to put forward off-site mitigation measures and have the merits of these considered. All agree the following amendment: 'The <u>extent to which any</u> ~~benefits of~~ off-site mitigation measures ~~to-will~~ address adverse effects of nutrient leaching and run-off, faecal contamination and sediment losses <u>from the land[^] use</u> on <i>water</i>[^] quality in the <i>surface water management sub-zone</i>*.' All agree that it is important to have confidence that the offsite mitigation will actually occur. All therefore propose that there be an additional policy consideration (as one of the matters to be addressed in considering consent conditions for existing IFLU).	

	All agree with the following wording or similar: 'Consent conditions must be imposed that (amongst other matters): - specify the measures or arrangements necessary including the nature, timing and sequencing, of any steps required, to ensure the benefits of offsite mitigation measures are realised.'	
(d) The intention to achieve a 35% reduction in nitrogen leaching; and/or	MS proposed in his supplementary evidence dated 28 March 2024 an additional policy consideration as follows: 'have particular regard where, for <i>commercial vegetable growing</i>*, the growing area does not exceed the base line growing area* and, within 3 years of the granting of the application, the activity will achieve a minimum reduction in cumulative nitrogen leaching loss from the land[^] of 35% relative to the base line growing area*' CF supports a PC2 framework that provides for CVG that makes a minimum 35% reduction in leaching in the first three years following a grant of consent. CD agrees with the concept noting that there will be some CVG leafy green growers who are unable to achieve this (and this will be part of the considerations for discretionary consent) but as a higher level principle, CD supports this.	MS disagrees that 35% reduction for CVG should be provided for as an exception and considers that this be included as a policy consideration that CVG farmers can point to for their application to be regarded more favourably if they can show a 35% reduction (which most will be able to). It is not a gateway and sits alongside other valid policy considerations will also be brought to bear on applications for a discretionary consent. MS considers that in most cases a 35% reduction would be sufficient to be granted consent.
(e) Consent conditions relating to crop rotation.	MS proposed in his supplementary evidence dated 28 March 2024, an additional policy consideration for 14-6(c)(vii) as follows (as a requirement to be imposed through conditions): For commercial vegetation growing operations that cover more than one WMSZ, that projected discharges into different WMSZs remain appropriate after providing for crop rotation. CD clarified that crop rotation is only sought to be enabled within a single targeted WMSZ. On that basis, MS agrees that this clause is not necessary.	