

**BEFORE THE HEARING COMMISSIONERS APPOINTED BY WAIKATO
REGIONAL COUNCIL**

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

AND

IN THE MATTER of the hearing of submissions on the
Proposed Waikato Regional Plan Change 1 –
Waikato and Waipa River Catchments

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

15 FEBRUARY 2019

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SUMMARY STATEMENT

1. This planning evidence addresses the Horticulture New Zealand (“**HortNZ**”) submission, further submissions and the Waikato Regional Council’s (“**WRC**”) Section 42A Report responses to the submissions on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (“**PC1**”).
2. The submission and this planning evidence address how HortNZ considers that alternative planning provisions would better give effect to, be not inconsistent with, or have regard to (as the case may be) the various relevant planning documents and further support a robust regional plan.
3. The HortNZ evidence emphasises and clarifies the regional and national significance of the horticultural sector in the Waikato for food production, the area of activity, number of operators and the relative contaminant contribution.
4. In my opinion, PC1 (as notified) rightly provides a tailored planning response to ensure domestic food supply is secured for current and future generations. This is reflected in the controlled activity status for existing commercial vegetable production that protects the existing footprint of activity and guarantees consent approval.
5. Notwithstanding this, I consider the framework of PC1 could be improved by explicitly recognising the food production values associated with horticulture and other methods could be provided that enable the continuation of existing horticultural activity and provide for growth.
6. In regard to the proposed methods, it is my opinion that there are significant constraints for horticulture where a nitrogen reference point is tied to land and the current hybrid of Section 9 (land use) and Section 15 (discharge) approach provides no certainty for rotational horticultural systems.
7. I consider that there is a place in PC1 for an alternative sub-catchment planning response that utilises a catchment load limit as proposed by HortNZ. This would continue and extend the collaborate approach to freshwater management in the Waikato Region.
8. I am also of the opinion that there is ability to provide for growth in horticulture while achieving the necessary freshwater quality outcomes.
9. The policy and method framework will be addressed in separate block hearings. In terms of the Block 1 matters. Because of this, I have not been able to provide particularly detailed or cogent

recommendations to the Hearings Panel at this time. Any recommendations are tempered by what might come next in this process including the outcomes of pre-hearing discussions, expert conferencing on commercial vegetable production and sub-catchment planning, and future Section 42A Reports on key matters for horticulture.

10. What will need to be established are clear linkages between the objectives, policies and methods for rural production activities that the proposed plan has already identified as requiring a specific planning response.
11. At this stage the only specific changes recommended, and set out in **Appendix 1**, are to the Values section of PC1.

QUALIFICATIONS AND EXPERIENCE

12. My full name is Vance Andrew Hodgson. I am a director of Hodgson Planning Consultants Ltd, a resource management consultancy based in Waiuku. I have been employed in resource management related positions in local government and the private sector since 1994 and have been in private practice for 14 years. I hold a Bachelor of Resource and Environmental Planning (Hons) degree from Massey University.
13. I have worked in the public sector, where I was employed in student, assistant and senior policy planning roles by the Franklin District Council. I have provided resource management consultancy services to various district and regional councils. The scope of work for the public sector has been broad, covering plan change processes, submissions to national standards/regulations/policy statements and regulatory matters, mediation and appeals.
14. I have worked in geographic information system positions in the United Kingdom and worked for CKL Surveying and Planning Limited in Hamilton.
15. In private practice I regularly advise a range of private clients on statutory planning documents and prepare land use, subdivision, coastal permit, water permit and discharge permit resource consent applications. I have experience in resource consent applications, hearings and appeals on a range of activities, particularly for activities in the rural environment.

Code of Conduct

16. I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this

brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Experience in Freshwater Management

17. Living and working in the rural environment of South Auckland / North Waikato, I have had a continuous association with the rural production sector and in particular the horticultural industry. From 2012 I have been providing resource management advice to HortNZ on policy matters across New Zealand.
18. That experience has included involvement in freshwater quantity and quality management plan change processes across New Zealand. My most recent experience is ongoing participation in a working group comprised of staff from the Canterbury Regional Council, HortNZ and growers who are investigating and testing a proposed method to resolve rotational horticulture regulatory constraints that have become apparent through implementation of sub-catchment plans under the Canterbury Land and Water Regional Plan.

SCOPE OF EVIDENCE

19. This evidence provides a planning assessment of those provisions on which HortNZ submitted, and addresses the Section 42A Report prepared by WRC.
20. The planning framework is well described in both the Section 32 Report and the Section 42A Report provided by the WRC. I generally agree with the analysis.
21. Given the general agreement I do not repeat the analysis of the applicability of those planning instruments or the compliance of PC1 with those instruments. Rather this evidence sets out where I depart from the views expressed in the Section 32 or Section 42A Reports, or where I consider that an alternative planning provision would better give effect to, be not inconsistent with, or have regard to (as the case may be), the various relevant documents.
22. The Section 42A Report provides a format within which submissions have been analysed. The topics cover:
 - a) Part B1 Overall Direction of PC1 Analysis And Recommendations
 - b) Part B2 Values And Uses
 - c) Part B4 Objectives

23. To assist the Hearings Panel, I have adopted the same format to address the HortNZ submissions.

THE HORTNZ SUBMISSION

24. Before progressing with an analysis of the HortNZ submission points relative to the Section 42A report, it is useful to set out my understanding of the HortNZ submission.
25. The submission is informed by HortNZ's involvement in the PC1 Collaborative Stakeholders Group ("**CSG**"); developing freshwater management regulation; and its work with growers to improve environmental practice and achieve environmental and business sustainability. Mr Chris Keenan addresses this in his evidence.

Background

26. Firstly, the submission provides a description of horticulture in the Waikato catchment. That description details the significant changes that have occurred in the commercial vegetable production sector. Small scale, typically family run businesses, have been replaced by approximately 10 growers who make up approximately 90% of production by volume and planted area. For my detail I refer to the evidence of Mr Keenan.
27. In my opinion, developing a freshwater management framework with this small number of operators is a significant advantage. This is because, more focused and tailored planning approaches can be explored with fewer players, and the region can have more confidence in achieving required environmental outcomes. This is particularly the case, as here, where that small number of operators is so well supported by an industry body.

Business Nature

28. As the horticultural activity has consolidated into large businesses, they now incorporate the full range of activities from growing to marketing (as also noted by Mr Keenan and Mr Ford). There has been significant investment in land and infrastructure. Traditional packhouses have become extensive post-harvest facilities in Waikato and Auckland given proximity to market, ports and labour.
29. I have been exposed to the scale of these facilities through consenting requirements. The investment, growth and changes in post-harvest facilities, reflects the ever-increasing demand for produce to feed the growing domestic population and to meet export opportunities.

The Nature of the Land Required

30. As a planner living and working in North Waikato/ South Auckland and having learnt my trade with the former Franklin District Council, the issue of land use capability has been at the forefront of my career. The unique rural production advantages the land in this region provides and the critical part this plays in the domestic food supply network is unequalled anywhere else in New Zealand. In my opinion this fact cannot be separated from decision on land use and contaminant management in a regional plan.

The Food Access Issue

31. This food access issue is further clarified in the industry statement of HortNZ. The bottom line is that the commercial vegetable production sector in the Waikato provides an essential service to the country by supplying vegetables to our predominantly urban population throughout the year at an affordable cost. The alternatives are expensive and likely unaffordable, particularly for the lower socio-economic demographic.

The Footprint of the Sector

32. Having set out the importance of the horticultural sector to the region and national food supply network, the submission sets out some key facts about the footprint of the horticultural sector and the related contaminant outputs.
33. The technical data identifies that horticultural land occupies 0.6% of the total area of the Waikato and Waipa River catchments. The small area reflects the limited land resource that supports horticultural activity. The high value outputs from this small contributing area are set out in the industry evidence.
34. The defined land area and the small number of operators further supports my opinion that it is then possible to develop more focused and tailored planning approaches to achieve the outcomes sought through PC1.
35. Based on the Jacobs 2017 Report '*Healthy Rivers Plan Change Technical Support for Horticulture New Zealand's Submission*', the submission goes on to describe the contribution of the contaminant discharges from the horticultural activity on the 0.6% regional land area. This is stated as follows:
- 2.5% of the Total Nitrogen load
 - 0.9% of the Total Phosphorous load
 - Low contribution of Sediment load

- Minimal impact on E.coli loads.
36. It is noted that the majority of the horticultural activity in the Waikato is in the lower Waikato Catchment, meaning the impact of nitrogen leaching and phosphorous runoff covers a small proportion of the overall catchment.
37. The thrust of the HortNZ submission is set out here. Being:
- a) That land use change to commercial vegetable production should be provided where it can be demonstrated there is an overall reduction across all four contaminants considered in PC1.
 - b) That an assessment of land use change to commercial vegetable production should allow recognition of any reductions in bacterial contamination.
 - c) That in some cases, where it can be demonstrated that land use change to commercial vegetable production results in a similar or lesser effect on core values protected by the Vision and Strategy, an increase in discharges in nitrogen should be provided for.
38. The submission links this outcome to Policy 3g, which is the policy in PC1 that focuses a tailored planning response for commercial vegetable production.

Fruit Production

39. This section of the submission introduces the extent and crop characteristics of the Waikato fruit production system. The submission highlights that permanent fruit cropping is a low intensity farming system, enabled under PC1.

PART B1 OVERALL DIRECTION OF PC1 ANALYSIS AND RECOMMENDATIONS

40. The HortNZ submission raised a number of issues on Chapter 3.11 Background and Explanation section that would appear to generally sit within the Section 42A report chapter B1 covering the overall direction of PC1.
41. The submission identifies HortNZ was a party in the collaborative stakeholder process and sets out the limitations of the process for Horticultural interest. Mr Chris Keenan for HortNZ addresses this in his evidence and also addresses the issues raised in the submission on the Background and Explanation section and the changes that, in his opinion, will provide better context to PC1.

PART B2 VALUES AND USES

3.11.1 Values and Uses for the Waikato and Waipa Rivers

42. In my opinion the nationally significant status of primary production activity in the Waikato is well established and not disputed. That being the case, PC1 rightly recognises the NPS-FM defined National Value (Other) of 'Irrigation, Cultivation and Food Production' as Mana Tangata value of 'Cultivation and Primary Production'.
43. While supporting this value, HortNZ sought amendments to PC1 to specifically recognise the importance of the Pukekohe and Pukekawa commercial vegetable production systems in the national domestic food chain. The officers' express an opinion that the submitters' concern is better addressed via the objectives, policies and rules and that no amendments are necessary to the value provisions.
44. No changes to objectives are recommended in the Section 42A Report and not having a Section 42A Report that addresses the policies and rules (and any recommended amendments to provisions managing commercial vegetable production) make it difficult to provide informed comment.
45. The reason stated for not accepting the submission is that the primary production value already states that the rivers are regionally and nationally significant for horticultural purposes¹. The point being the value of horticulture is not emphasised rather the value of the river for horticulture is.
46. I agree but this is broad and does not then flow well into the tailored planning response for commercial vegetable production already contained in PC1. All other farming activities are managed through the same set of provisions. Commercial vegetable production is not specifically referred to and, it is my opinion, that it needs to be better recognised in the proposed plan change.
47. I note that the refinement of the particular production values associated with Pukekohe and Pukekawa would likely sit better had values been identified for each Freshwater Management Unit ("FMU"). PC1 does not do this with the officers clarifying that the values and uses were developed by the CSG through consultation considering the entire catchment and therefore apply to all FMU's².
48. In my opinion the amendment suggested by HortNZ to 3.11.1 'Cultivation and Primary Production' can sit comfortably within the

¹ Para 230 s42A Report

² Para 166 s42A Report

existing PC1 format. The particular food production values for these areas having been further clarified by the HortNZ evidence of Chris Keenan and Lucy Deverall.

49. The amendment need only be an additional bullet point within the *Use values – Primary production*, along the following lines:
- *Unique and discrete biophysical environments support nationally and regionally significant commercial vegetable production systems particularly around Pukekohe and Pukekawa.*³
50. PC1 has sought to develop a regulatory framework for these areas that ensures domestic food supply is secured for current and future generations. This is reflected in the controlled activity status for existing commercial vegetable production that protects the existing footprint of activity and guarantees consent approval.

PART B4 OBJECTIVES

51. As notified, the objective format in PC1 is, in my opinion, confusing. This has been picked up in the Section 42A Report where officers' note that the objectives are structured in a form where the text in bold is the heading and the text that follows is the actual wording of the objective⁴.
52. The submission of HortNZ on Objective 1 interpreted the 'heading' as the objective and the following text as the explanation. I understand other submitters have also struggled with the format.
53. The officers' recommendation is to delete the 'heading' for each objective on the grounds that there is confusion because the 'headings' differ from the actual wording of the objective that follows. I support redrafting but note that simply deleting the 'heading' will have an effect on the interpretation of the objectives. Any redrafting must be mindful of this.
54. The difficulty is how to craft recommended changes. This is exacerbated by the absence of an analysis in the Section 42A Report of the other provisions of PC1.
55. I have attempted to review the objectives in this vacuum. Stripping the objectives back I consider there are 4 key elements:
- (i) A long-term objective to restore and protect the water quality of the Waikato and Waipa Rivers. (Objective 1)

³ See this in a track change version to the s42A Report amendments - **Appendix 1**

⁴ Para 343 s42A Report

- (ii) An objective to enable people and communities to continue to provide for their social, economic and cultural wellbeing in the long and short term. (Objectives 2 and 4)
 - (iii) An objective to achieve short term improvements in water quality at sub catchment and FMU level. (Objective 3)
 - (iv) An objective to protect and restore tangata whenua values. (Objective 5).
56. In addition, and for completeness, it is not clear to me why a separate objective to the Whangamarino Wetland (Objective 6) would be required when as proposed this is covered by the existing objective suite (Objective 1 and 3). The Section 42A Report comes to the same conclusion⁵.
57. I discuss the objectives further below but note I have not been able to provide particularly strong recommendations to the hearings panel at this time. Any recommendations are tempered by what might come next in this process including the outcomes of pre-hearing discussions and future Section 42A Reports.

Reasons for Objectives

58. It is the officers' recommendation that the reasons for objectives are deleted, noting that this is not a mandatory requirement of Section 67(1) of the RMA⁶. I agree in principle with the deletion of the reasons, but I consider the recommendation is rather hasty in that officers' need to consider the implications of the deletion in the context of the plan change as a whole.
59. In my opinion the reasons provide useful context for PC1 and in the absence of issue statements help describe the reasoning for the planning framework.
60. Section 67(2)(c) enables a regional plan to state the principal reasons for policies and methods. PC1 does not and it may assist interpretation of the plan to do so if the decision is made to delete the principal reasons for adopting objectives.

Objective 1

61. HortNZ had identified that Objective 1 should be about restoring and protecting the health and wellbeing of the Waikato River – not the restoration and protection of the 80-year water quality attribute targets in Table 3.11.1.

⁵ Para 452 s42A Report

⁶ Para 313 s42A Report

62. Specifically, regarding Objective 1, the officers' recommend making a change to relate the restoration and protection to the rivers; and to reclassify the long-term water quality targets as "water quality states" recognising that some sub-catchments already meet water quality targets (and therefore do not meet the NPSFM definition of a "target").
63. Irrespective of whether the 'heading' was a heading or in fact formed part of the proposed Objective 1, as above, I support the redrafting of the 'long-term' objective suggested by officers. In my opinion the objective should relate to restoration and protection of the Waikato and Waipa Rivers water quality, achieved through restoration and protection of water quality for each sub-catchment and FMU supported by a suit of methods.

Objective 3

64. Objective 3 is the 'short-term objective'. As described in the Section 42A Report, it provides, with certainty, what water quality improvements are required within the next ten years. The objective does this by referring to achieving short-term water quality limits and targets.
65. HortNZ suggested a reference could be introduced here to achievement of catchment load reduction targets. I understand that achieving these targets would achieve the short-term attribute states. A matter addressed in the evidence of Gilliam Holmes and also addressed by Chris Keenan.
66. No recommendation has been made by officers on the sub-catchment approach and I agree with the Section 42A Report that it may be that adopting the method requires no change to Objective 3 (with contaminant load targets achieving the water quality attribute states) but this remains to be resolved.
67. As I understand it, the catchment collective approach is not easy but there would appear to be significant advantages in managing collectives working together to achieve outcomes. Use of collectives may require significantly less resource consent applications and a greater consistency and coordination in the farm planning approach. It also provides for combined action in a way that edge of field mitigations within individualised farm plans does not.
68. Ultimately this is another method in this first stage plan to achieve the restoration and protection of the Waikato and Waipa rivers water quality. HortNZ will produce evidence at subsequent hearings to further outline how the method could achieve the outcomes sought.
69. What is needed, in my opinion, is an objective structure that encourages achievement of ongoing collaborative approaches.

This would ensure buy in and ongoing commitment by the Council and community to managing discharges through a range of methods. No amendment proposed at this stage

Objective 4

70. Objective 2 and Objective 4 effectively seek the same thing. That is to enable people and communities to continue to provide for their social, economic and cultural wellbeing through the restoration and protection of the Waikato and Waipa Rivers. Objective 2 addresses this as a long-term objective and Objective 4 as a short-term objective.
71. I agree with the officers' view that Objective 4 as notified does not describe an outcome or future state, but rather outlines implementation methods and a programme for future intervention, which are typically contained in policies and rules. The officers provide options to delete the objective or retain with minor amendments⁷.
72. It is not clear to me that deleting Objective 4 is the right response. Without the objective the purpose of PC1 is unclear and the values and uses undermined.
73. There may be an opportunity to combine Objective 2 and 4 to address this matter. The final form will be dictated by where the policy and methods land but, in my opinion, there is a need for objectives that reflect the two staged planning process and transitional nature of PC1 to enable people and communities to continue to provide for their social, economic, and cultural wellbeing.

Vance Hodgson
15 February 2019

⁷ Para 417 S42A

APPENDIX 1

DECISIONS SOUGHT BY HORTNZ

DECISION SOUGHT ON USE VALUE – PRIMARY PRODUCTION

Decision sought – amend value to insert new bullet point recognising the local and national significance of environments in supporting commercial vegetable production/domestic food security.

Use values - Primary production

Ko ngā mahi māra me ngā mahi ahū matua / Cultivation and primary production

Primary production

<p>The rivers support regionally and nationally significant primary production in the catchment (agricultural, horticultural, forestry). These industries contribute to the economic, social and cultural wellbeing of people and communities, and are the major component of wealth creation within the region. These industries and associated primary production also support other industries and communities within rural and urban settings.</p>	<ul style="list-style-type: none">• The rivers support a wide variety of primary production in the catchment, including dairy, meat, wool, horticulture and forestry.• <u>Unique and discrete biophysical environments support nationally and regionally significant commercial vegetable production systems particularly around Pukekohe and Pukekawa.</u>• Due to the economies of scale of these industries, other service sectors, such as agritech, aviation and manufacturing, are able to operate.• These industries combined contribute significantly to regional and national GDP, exports, food production and employment.• The rivers and the surrounding land offer unique opportunities for many communities and industries to operate, contributing to the lifestyle and sense of community, pride and culture in rural Waikato
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DECISION SOUGHT ON OBJECTIVES

As identified in the evidence of Vance Hodgson (to which this Appendix is attached) the objectives section (including the relationship between the headings, the text that follows the headings and the reasons) will need to be carefully considered following the Forums on Commercial Vegetable Production and Alternatives to the Sub-Catchment Planning Approach and the Block 2 hearings process to ensure cohesion of the planning framework as a whole.