BEFORE THE INDEPENDENT HEARING PANEL APPOINTED BY WAIKATO REGIONAL COUNCIL

IN THE MATTER	of the Resource Management Act 1991 (the Act)
AND	
IN THE MATTER	Submissions made on Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments: Block 3

STATEMENT OF REBUTTAL EVIDENCE OF ANDREW BARBER FOR HORTICULTURE NEW ZEALAND

19 July 2019

QUALIFICATIONS AND EXPERIENCE

1. My full name is Andrew John Barber. I have the qualifications and experience set out in my Statements of Evidence for Blocks 1 and 2.

2. In relation to this rebuttal statement of evidence I reiterate and confirm my compliance with the Code of Conduct for Expert Witnesses as set out in my primary evidence.

CONTEXT AND SCOPE OF REBUTTAL EVIDNECE

3. In preparing my rebuttal evidence, I have reviewed the statements of evidence of numerous parties regarding Plan Change 1 appeals in Block 3. My rebuttal evidence focuses on the matters of disagreement and agreement.

4. The key issue covered in my rebuttal evidence is the points raised by the evidence of Mr Edlin for Waikato Regional Council regarding commercial vegetable production and setting minimum standards.

MINIMUM STANDARDS

5. I agree with Mr Edlin that a tailored approach to mitigations on farm is central to producing good Farm Environment Plans (**FEPs**).[1] I also agree with Mr Edlin that identifying minimum standards is not straightforward.[2] To illustrate this point, Mr Edlin states that there are very few minimum standards, naming just two: stock exclusion and cultivation restrictions.[3] For "cultivation restrictions", read a 5m setback from any waterway when cultivating adjacent land. Unfortunately, one of those two minimum standards is seriously flawed, possibly illustrating, even better than Mr Edlin intended, just how difficult it is to set minimum standards.

6. My evidence for Block 3[4] clearly demonstrated that an imposed 5m setback (minimum standard) in most situations will result in a worse environmental outcome than had other mitigation tools been selected in an FEP. In a cultivated situation, bunds and sediment retention ponds will always outperform even the best vegetated buffer. Yet there is a fixation on making the less effective tool compulsory. While a 5m buffer may be the best solution in some cultivated situations, applying this to all will result in a worse environmental outcome.

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1 Statement of Evidence of Joseph Scott Edlin on Behalf of Waikato Regional Council as Submitter (5 July 2019), at 56.

2 At 59.

3 At 58.

4 Evidence in Chief - Andrew Barber for Horticulture New Zealand (9 July 2019).

7. Mr Edlin illustrates the high-risk nature of cultivated production in his Appendix 1 as justification for minimum standards. I am not familiar with the first situation (Figures 1 & 2), but I was extensively involved in the second example (Figure 3). There was already a more than 50m grass and bush buffer between the point where this photo was taken and the waterway. A buffer that was ten times the minimum standard had no effect whatsoever once the water was channelised.

8. What occurred after this drain blew out illustrates the best path forward that Horticulture NZ is advocating for, albeit once rolled out the discharge would have been proactively avoided in the first place. A comprehensive Erosion & Sediment Control Plan (part of an FEP) was prepared for the whole property. The discharge issues were addressed back at the source of the problem, with a series of sediment retention ponds. The plan was implemented on the highest risk paddocks, with other mitigation measures to be installed over a 2-year period. The plan is now part of this property's Environmental Management System that is audited through NZ GAP.

Andrew Barber for Horticulture New Zealand
19 July 2019