

# Kim Hardy – Planning Witness

- Within the statutory planning framework of the RMA and the overarching policy framework of the Vision and Strategy for the Waikato River:
  - My approach to assessing PC1 takes into account not only the principles and statutory requirements of these documents but also considers ‘how can’ the PC1 statutory planning framework support continuation of dairy farming in the Waikato and Waipa catchments
  - I consider it appropriate as a statutory and policy planner to take this approach given the long standing history of dairy farming in the Waikato Region and it’s influence throughout the rural and urban communities of the region and nationally.
  - This is primarily reflected in my approach to the rule framework and preference for a robust permitted activity framework.
  - I consider that it is important continuation of dairy farming (particularly existing farms) be enabled through a permitted activity framework with robust criteria used to bring individual activities into a consent process as necessary in the individual circumstances.

I focus on my recommended track changes and the reasons for them. My track changes are prepared on the basis that the legality concerns under s70 have been adequately addressed in Miraka's opening legal submissions:

- **Policy 1** – amended to include reference to Nitrogen Surplus; deliberately require promotion of good farming practice to reduce discharge of all four contaminants.
- **Policy 3A** – amended to require specification of independent auditor qualifications; require regular reporting; be explicit that certification can be revoked.
- **Policy 8** – minor amendment to include reference to prioritisation being implemented through the requirements of FEPs.

- **Rule 3.11.5.1A Interim Permitted Activity Rule** – support purpose of the rule; minor change to include Nitrogen Surplus; change to support Fonterra approach that Nitrogen Surplus Level should not be exceeded; deleted reference to 75<sup>th</sup> percentile.
- **Rule 3.11.5.2 Permitted Activity Rule Low Intensity Farming** – support purpose of the rule;
- **Rule 3.11.5.2A Controlled Activity** – support controlled activity only as an alternative if permitted status is considered untenable;
- **Rule 3.11.5.3 Permitted Activity Rule with Farm Environment Plan** – support purpose of the rule; changes proposed to include reference to nitrogen surplus and require compliance with obligations under Certified Sector Scheme.

In addition to the track changes version of PC1 will briefly outline my planning position on the following key management principles:

1. Farm Environment Plans and Good Farming Practice
2. Removal of 75<sup>th</sup> Percentile Approach
3. Nitrogen Reference Point
4. Certified Industry Schemes

# 1. Farm Environment Plans and Good Farming Practice

- Critical planning tool in PC 1 to manage discharges across a wide variety of farms – strongly supported by Miraka.
- A useful and effective planning tool for combining consistency; with ability to tailor to specific circumstances; and achieve farmer practice change.
- Support proposed amendments to policy to improve clarity and clearly reference and define GFPs.

## 2. Removal of 75<sup>th</sup> Percentile Approach

- Miraka's position is that the 75<sup>th</sup> percentile should be removed and an alternative approach adopted such as GFP.
- I have drafted amendments to the Plan Change to reflect the changes necessary should the evidence of Dr Sheath and Dr Shepard be accepted that Miraka's approach can achieve similar reductions in nitrogen loss:
  - Delete reference to the 75<sup>th</sup> percentile and requirements to reduce to that level.
  - Specifically reference requirements to measure and monitor reduction actions and change;
  - Remove targeted focus on properties that fall within the 50<sup>th</sup>-75<sup>th</sup> percentiles of nitrogen leached.

### 3. Nitrogen Reference Point

- Risk management approach applied to all contaminants.
- Benefits in having a quantities tool for identifying and tracking a baseline.
- Other tools may work but consistency across catchments is important.
- Change to reference Nitrogen surplus rather than Nitrogen leaching.

## 4. Certified Industry Schemes

- Miraka supports CIS (CSS) and support permitted activity status of farming carried out under a Certified industry Scheme (CIS).
- Essential for the plan to be clear as to the purpose of the CIS and how they would be evaluated through the planning process. Schedule 2 is a very good starting point but could be improved (will be addressed in Block 3).
- Council needs to establish and control the certification process for each certifier.