

**BEFORE THE INDEPENDENT HEARINGS PANEL**

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

Plan Change 1 to the  
Operative Waikato  
Regional Plan

**STATEMENT OF EVIDENCE OF MURRAY KIVELL**

**FOR THE SOUTH WAIKATO DISTRICT COUNCIL**

**AND**

**THE MATAMATA – PIAKO DISTRICT COUNCIL**

**BLOCK 3 HEARINGS**

**PARTS C7-C9**

**Submitter Number: 72892**

**Submitter Number: 73419**

Dated: 5 July 2019

## **A. INTRODUCTION**

1. My name is Murray Spencer Kivell. I am providing planning evidence on the Block 3 Topics of Plan Change 1 to the Operative Waikato Regional Plan. I provided and presented a statement of evidence dated 15 February 2019 on Block 1 matters and a statement of evidence on Block 2 matters dated 5 May 2019. My experience and qualifications are set out in section C of my first statement of evidence for Block 1.
  
2. In this evidence I consider the relevant South Waikato District Council (SWDC), and Matamata-Piako District Council (MPDC) submission points on four of the topics included in Block 3 of the hearings from a planning/resource management perspective; namely:
  - C7. Commercial vegetable production;
  - C8. Alternative approaches including sub-catchment planning;
  - C9. Farm Environment Plans (Schedule 1); and
  - C4. Miscellaneous: Implementation Methods, Policy 7 (Future Allocation), and Policy 17 (Considering the wider context of the Vision and Strategy).
  
3. In doing so, I remind the Panel of the evidence of Mrs Jenny Shattock, the Mayor of South Waikato District and Mr James Thomas, the Deputy Mayor of Matamata-Piako District who presented in the Block 1 hearings, and Councillor Gray Baldwin who presented on Block 2 matters concerning his family farming operation on a 713 hectare property in Lichfield in South Waikato District. Their evidence underpins and therefore remains relevant to my planning commentary that follows. Specifically, this Plan Change is about the applied and not the theoretical application of the concept of sustainability and that includes community wellbeing, and needing to provide an effective role for land managers particularly in relation to the development and implementation of Farm Environment Plans (FEPs).
  
4. I preface my executive summary by restating that it is challenging to present informed responses to matters raised in the s42A Block 3 Officers' report given the potentially extensive changes already promoted in the previous Officer reports to the building blocks of the Plan Change itself – the objectives, policies and rules (while noting that the methods of implementation now are suggested to be deleted in their entirety). The Panel's guidance on its 'interim' or provisional thinking and plan drafting would have, in my opinion greatly benefitted the submitters and make for more meaningful contributions to this process.

## **B. EXECUTIVE SUMMARY**

5. FEPs remain central to implementing provisions that meaningfully have the capacity to achieve the Vision and Strategy for the two catchments. I support the drafting refinements proposed to the scope and content of FEPs, the Controlled activity consenting process that land managers will be required to complete, the audit responsibilities for certified planners and the prioritised monitoring measures required of the regulator to establish whether the stated measures are capable of delivering reduced contaminant levels for the respective sub-catchments.
6. The changes proposed go some way to:
  - Providing sensible, certain, fair and simpler implementation;
  - Taking into account land management methods that are affordable; and
  - Acknowledging output-based provisions/performance that can accommodate land use change and multiple land use opportunities where supported by sustainable land management practices.
7. Policy 9 (Sub-catchment mitigation planning) should be retained because it acknowledges the multi-dimensional face of the environmental issue. Focusing on sub-catchment planning is important because it will enable customised approaches to water quality enhancement such as contaminant management relevant to each sub-catchment, collective mitigation works, adaptive management and group action plans for example. These reflect approaches based on collective responsibility which I suggest will be the key to bringing sustained improvement to the environmental quality of the catchments.
8. I can support the stand alone Policy 3 (Diffuse discharges from commercial vegetable production systems) as amended as many of the changes seem to support the sector's requested changes for commercial vegetable production (CVP). Further, the region's capacity for food production should not be un-necessarily hindered by regulation given the demand of a growing national population for locally grown, fresh food/produce.
9. I do not support the Officers' conclusions to recommend the deletion of the Implementation Methods, and suggest a more forensic consideration is required because this Plan Change has, if it has done nothing else, pointed to the need for

collaboration and multi-sector/multi-agency approaches to deliver on environmental enhancement in a sustainable manner. The need to identify the 'reasonably practicable options' remains an obligation under section 32 (1)(b)(i) to be satisfied.

10. I support the reporting team's request to delete Policy 7 in its entirety. However, if retained, I think that the policy needs to be explicit in the scope of the 'other opportunities' that may be considered by applicants and the Council. Otherwise, the assistance afforded decision makers is unclear because of this open endedness.

## **C CODE OF PRACTICE**

11. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with that practice note in preparation of this report. I agree to comply with it in presenting this report and any evidence at the hearing. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me that might alter or detract from the opinions I express in this evidence.

## **D SCOPE OF MY EVIDENCE**

12. In this statement I address four matters:
  1. Farm Environment Plans (FEPs), Schedule 1 – with reference to section C3 of the S42A report;
  2. Sub-catchment Planning – with reference to section C2 of the S42A report;
  3. Commercial Vegetable Production – with reference to section C1 of the S42A report; and
  4. Miscellaneous:
    - Implementation Methods including Policy 9 – with reference to section C4.2 of the S42A report;
    - Policy 7 (Future allocation) - with reference to section C4.3 of the S42A report; and
    - Policy 17 (Considering the wider context of the Vision and Strategy) - with reference to section C4.5 of the S42A report.

13. The commentary is prefaced with the record of the Councils' original submission point on the topic. My focus on these four principal issues is because the two District Councils' interests remain in ensuring that there is a workable (implementable) set of planning provisions that can satisfy the themes repeatedly stated in the Block 1 and Block 2 evidence – people, businesses and communities must be empowered/enabled to face up to, cope with and deliver change towards meeting the aspirations of the Vision and Strategy while sustaining their three well beings. Where relevant, the original submission point is restated for ease of reference.

## **E FARM ENVIRONMENT PLANS (FEPs) – SCHEDULE 1**

SPECIFIC PROVISIONS THAT COUNCIL SUBMISSION RELATES TO SCHEDULE A	COUNCIL SUBMISSION Support/Oppose and with reasons	DECISION THAT SOUTH WAIKATO DISTRICT COUNCIL WOULD LIKE THE WAIKATO REGIONAL COUNCIL TO MAKE
All Schedules (Schedules 1, 2, A, B, and C)	Oppose in part The section 32 evaluation has not demonstrated that the methods, limits/standards/conditions have been robustly set, can be understood and applied by the landowner/manager and are able to be enforced by the regulator.	Review provisions and amend as appropriate, as set out below.

14. FEPs remain central to implementing provisions that are meaningful and have the capacity to achieve the Vision and Strategy for the two catchments. I therefore support the drafting refinements proposed to the scope and content of FEPs, the Controlled activity consenting process that land managers will be required to complete, the audit responsibilities for certified planners and the prioritised monitoring measures required of the regulator to establish whether the stated measures are capable of delivering reduced contaminant levels for the respective sub-catchments.
15. I support the approach acknowledging that the sciences have not established agreed environmental baselines and so, FEPs are the only pragmatic response to establishing in verifiable ways the localised level of contaminants and how these contaminants can be reduced. While procedurally bureaucratic, this approach at least gives the land manager the opportunity to 'manage their own destiny', and to be accountable for the delivery of management measures and mitigation works where affordable and achievable. This is far preferable to the alternative that is land management by regulation – the 'thou shalt approach'.
16. Councillor Baldwin clearly stated this in his Block 2 statement of evidence; for example:
- Change and flexibility must be recognised in farming systems (paragraph 25);

- New and innovative farmer-led and farm/sub-catchment based solutions to sustainable management must be encouraged (paragraph 28);
  - Outcomes can be better achieved through flexibility in the regulatory framework and be more outcome focused (paragraph 343); and critically
  - Farms need to be viable and have the opportunity to plan their mitigations, have flexibility in land use so they can afford to pay, and given a reasonable timeframe to implement these measures (paragraph 74).
17. In essence Mr Baldwin has summarised the attributes of a workable FEP approach to land (and environmental) management. I endorse these general attributes which in many respects are similar to those opinions of Mr Dragten relied on by the reporting team.
18. Schedule 1 - Requirements for Farm Environment Plans, proposed by the s42A reporting team promotes in totality the framework offered by Mr Dragten in his paper *“Proposed Revisions to Schedule 1 to incorporate Good Farming Practice into Farm Environment Plans”*. I support the approach because it promotes an outcomes focus from a regulator’s perspective but more importantly, accepts and reflects that pragmatism must be associated with the ways and means to deliver improved environmental performance. This again is Councillor Baldwin’s and South Waikato District’s plea.
19. My understanding is that an FEP once certified would be referenced as a condition of resource consent that will include a section 128 review condition and initially will be subject to review within twelve months. Thereafter, FEPs would be reviewable by a Certified Farm Environment Planner (CFEP) and graded with a LOC (Level of Confidence) rating from A to D (3 years to 6 months respectively).
20. Good Farming Practice albeit broadly defined/described in the ‘Principles’ is the initial benchmark/baseline with the intention being that local land management practices established across the whole catchment collectively can provide the lens against which improved management can be based over the long term. Learnings can be recognised, practices changed and improved and the monitoring of water quality programmes and modelling strengthened through this ‘bottom up’ approach.

21. This is not to downplay the challenge for example, for Certified Farm Environment Planners (CFEPs) of assessing:
- with respect to Part A, the *“performance measures that are capable of being reviewed....”* (clause 2a)ii));
  - with respect to Part B, *“An assessment of whether farming practices are consistent with each of the following objectives and principles...”* (clause 3); and
  - with respect to 3a-3f, the interpretation and application of the term *“minimise”*, *“reduce”* or *“not result in farm nitrogen losses exceeding the farm’s NRP”*
22. This places an obvious burden on a CFEP to critically evaluate an FEP while understanding each land manager’s circumstances, but this is the reality of this Plan Change - it is a starting point, a first step, and common sense and collaboration must underpin and not be downplayed to making a successful start. I note that the Council may prepare a ‘Guidance manual’ (paragraph 209) and establish a compliance audit process to assist CFEPs.
23. Returning to Councillor Baldwin’s experience, the FEP is the ‘cornerstone document’ (paragraph 89), and along with reference to the two Councils’ submissions and previous evidence, the changes proposed go some way to providing:
- Sensible, certain, fair and simpler implementation;
  - Methods that are affordable; and
  - Output-based provisions that accommodate land use change, and multiple land use opportunities where supported by sustainable land management practices.
24. So, on balance, with the content of an FEP now more clearly codified in a Schedule with discretion afforded to a CFEP to assess a land manager’s FEPs capacity to deliver improved environmental performance, coupled and a consent review condition ‘back stop’ that will enable review and possibly enforcement where ‘poor’ performance is determined to be the case, this will hopefully lead to sustained environmental enhancement over the period of this first-step Plan Change.

## F SUB-CATCHMENT PLANNING

SPECIFIC PROVISIONS THAT COUNCIL SUBMISSION RELATES TO POLICIES (3.11.3)	COUNCIL SUBMISSION SUPPORT/OPOSE AND WITH REASONS	DECISION THAT SOUTH WAIKATO DISTRICT COUNCIL WOULD LIKE THE WAIKATO REGIONAL COUNCIL TO MAKE
Policy 9: sub-catchment mitigation planning, co-ordination and funding	support in part include reference to local authorities as part of sub-catchment planning in sub-clause a. as councils are a recognised voice for their local communities.	amend 'a' to read: "engaging early with local authorities, tangata whenua and with land owners, communities..."

25. The Councils' continued focus on the merits of sub-catchment planning is because it enables approaches to water quality enhancement as those cited in paragraph 124 of the s42A report; such as contaminant management relevant to each sub-catchment, collective mitigation works, adaptive management and group action plans for example. These reflect approaches based on collective responsibility taken by land managers, sector groups, businesses and communities which I suggest will over time result in enduring improvement to environmental qualities in the sub-catchments and therefore the two catchments.
26. Currently, the policy framework is not reflective of these approaches if Policy 9 is deleted, as recommended by the reporting team. This seems to counter logic in my opinion, and is inconsistent with the relief sought by the two Councils for the inclusion of local authorities within the ambit of the Policy 9. The issue faced by the Region is not one that rests with the farming community but with the community as a whole and Policy 9 therefore should be retained because it acknowledges the multi-dimensional face of the environmental issue and the multiplicity of parties who must commit to finding long term solutions.
27. In my view the link between farm management of 'pollutant sources' and the environmental consequences on the two catchments can be better understood and measures assessed and implemented at the sub-catchment level because solutions can be determined and owned at this community/collaborative level.
28. The s42A report seems to send mixed messages from support in principle (paragraphs 163) along with reservations regarding the approach (paragraphs 156, 157, 159, 160, 161) to sub-catchment planning. My assessment is that Policy 9 should be retained as it recognises the scope for sub-catchment management and planning and offers scope for legitimate and practical multi-party approaches to improving water quality in the long term.

## **G COMMERCIAL VEGETABLE PRODUCTION (CVP)**

29. This matter remains of keen interest to the long-term future of the Matamata-Piako District who, as has already been acknowledged, has only about 1% of its land area in the catchment but increasingly is the recipient of substantial commercial vegetable production activity. This is bringing diversity into the District's rural production sector, employment opportunities and social and economic benefits generally.
30. I participated in two workshops with interest groups regarding commercial vegetable production to try and understand the resource management issues and the approaches available to manage these activities long term, knowing that it is more than likely that such approaches adopted in this Plan Change will be proposed for the neighbouring Waihou catchment as part of a future plan change.
31. Clearly, I cannot provide a technical appraisal on the merits of the preferred approaches (for example, from a s42A reporting perspective or from a Horticulture NZ perspective). But I can make the following comments in the context of a district that has some 70% of its land in class 1-3 soils, a nationally important natural resource with food production capability, and now is the recipient of a sector group's need to re-establish/diversify its food growing activities away from south Auckland. Deputy Mayor James Thomas also noted that some 3-4,000 hectares of flat arable land is now used or proposed for horticulture activities (Block 1 Statement, paragraphs 2.1.-2.4) hence the District's acute interest in these proceedings.
32. My observations are:
- There are local, regional and national benefits in enabling the production of locally grown, affordable vegetables/produce to serve neighbouring urban communities – in this case, the 'golden triangle' anchored between Auckland, Tauranga and Hamilton;
  - CVP does not recognise district, regional and catchment boundaries in this instance, so any regulatory framework should recognise this – crop rotation is a key characteristic of this type of production system and is necessary to maintain the natural capacity of the soil resource;

- CVP should be a consentable activity while recognising its comparatively ‘small’ footprint, so a customised regulatory framework should reflect this in the way contaminant discharges are managed on a sub-catchment or catchment basis;
- There is however, no rationale for requiring new CVP activities to require consent as a non-complying activity – this sends the wrong message to the sector and could stifle innovation and flexibility in sector responses to seeking more sustainable production systems whether at a sub-catchment or FMU scale;
- A consenting pathway is required that is sensible, certain and affordable to growers to follow, and this appears to be for a restricted discretionary (as now proposed by the reporting team) rather than controlled activity as first mooted – the s32 rationale for this change needs to be articulated if the restricted discretionary activity status is to be settled on;
- A consenting framework should recognise the existing scale of CVP activity is across regions (in this case Auckland and Waikato Regions and not just the Waikato and Waipa River catchments) and the sector should have the capacity to satisfy demand of a growing population for locally grown food;
- CVP developed ‘good farming’ practices should be given similar prominence in the development of FEPs as would apply to the other primary sector groups;
- A maximum area cap is incongruous to me to manage CVP activities, and alternative management approaches should be considered – the purpose of any cap is unclear and I question how this is desirable in responding to the increasing demand for produce from a growing national population and a burgeoning global population;
- A proxy for the use of Overseer is not settled on between the sector and agreed to by the regulator but this seems critical to achieve as part of this Change rather than being addressed in any subsequent change to the Regional Plan;
- A 10% reduction target for nitrogen loss (referred to in Policy 3) has been advocated to be replaced by a pragmatic consideration to rely on sector driven good management practices to achieve this outcome; and
- A district planning framework can play a part safeguarding high quality soils for these activities now and during the first-step Plan Change; this is hardly a novel approach, and with respect to the Matamata-Piako Operative District Plan, there are several directly relevant provisions that point to compatible resource management objectives and policies already in place that will enable CVP to

continue to expand its presence in the district reliant on the use of these high quality soils. Attachment 1 refers. The ‘South Auckland’ or ‘Pukekohe experience’ where pressure from urbanisation and reverse sensitivity issues is forcing out food production activities should not be replicated under either planning regimes.

33. I can support the stand alone Policy 3 as amended by the reporting team that provides a tailored response to managing CVP, but suggest the policy should be enabling of future opportunities for sector growth. The region’s capacity for food production should not be un-necessarily hindered by regulation and in this regard *sub-clause a.* does provide this safeguard albeit indirectly. An overtly regulatory approach is in my opinion a challenge to the purpose of sustainable management itself.
34. This because PC1 is intended as a first-step, a transitional phase based around information gathering, data collection, monitoring and modelling water quality states and any regulation may well result in un-intended consequences for the CVP sector and on people and businesses in that sector, and the dependent communities of the two regions if pragmatism is not to the fore.

## H IMPLEMENTATION METHODS

SPECIFIC PROVISIONS THAT COUNCIL SUBMISSION RELATES TO 3.11.4 IMPLEMENTATION METHODS	COUNCIL SUBMISSION Support/Oppose and with reasons	DECISION THAT SOUTH WAIKATO DISTRICT COUNCIL WOULD LIKE THE WAIKATO REGIONAL COUNCIL TO MAKE
3.11.4.1 Working with others	Support Acknowledges that territorial authorities are an important stakeholder in the process of developing and implementing the provisions of this Plan Change.	Retain.
3.11.4.6 Funding and Implementation	Support in part. Acknowledge that for a district such as South Waikato that is most negatively affected by these changes there are opportunities to: <ul style="list-style-type: none"> <li>• Consider the deferment or staged implementation of environmental standards for upgrades to 3 Waters infrastructure services;</li> <li>• Consider cost sharing associated with the review of the District Plan to ensure its provisions are not inconsistent with operative regional policy.</li> </ul>	Add two new clauses as follows: <ol style="list-style-type: none"> <li>a. <i>Work with territorial authorities to examine options for and to implement contaminant reduction measures associated with point source discharge consents for infrastructure services that are affordable to local communities.</i></li> <li>b. <i>Provide financial support for the reviews of District Plans that aim to achieve the alignment of district and regional planning provisions that give effect to the Vision and Strategy.</i></li> </ol>

35. The Officer report notes quite reasonably that Implementation Methods “set out primarily non-regulatory ways in which the WRC seeks to achieve the objectives and policies of PC1 alongside the rules within PC1” (paragraph 320). Following their analysis, the Officers then conclude at paragraph 333, “Overall, Officers question the value of these implementation methods and whether they will remain relevant and helpful throughout the 10 year life of the plan Change....Overall, Officers recommend that the implementation methods, in their entirety, be deleted”.
36. My opinion is not as clear cut on this matter. Section 32 requires the Regional Council fully integrate its evaluation into its decision making and part of this responsibility is to consider methods other than rules to achieve integrated management. I therefore suggest that the detailing of other actions is not something that can be diminished in the manner presented by the reporting of the Officers.
37. One of the challenges faced by this Plan Change is the role played by regulation and non-regulatory methods to promote the overarching purpose of the Plan Change. I have referred to the need to provide a balance between the use of ‘the carrot’ and ‘the stick’ in my previous statements of evidence (Block 2, paragraphs 6 and 7) because both elements can find support under a section 32 evaluation depending on the circumstances. This is the fundamental point of any section 32 evaluation.
38. To strike out all implementation methods and therefore a section of the Plan Change titled as such has not in my opinion been demonstrated as necessary or supported by evidence. For example, I refer to supporting Policy 9 as amended, in my paragraph 26. I state the reasons for this. What is appropriate to retain under a header of Methods of Implementation are real or realistic expectations of the parties including the Councils and sector groups where collaboration and a range of approaches will be ‘committed to’ as part of this interim or first step Plan Change.
39. To be judged as succeeding on the journey in 10 years time will require non-regulatory approaches to be developed, funded, monitored, and reviewed hopefully based around multi-party initiatives. I think it therefore is reasonable, where commitments are required, that these be sought and recorded under Methods of Implementation, accepting that these approaches should not be ‘a bundle of wish lists’ from submitters and the Council.

40. In summary, I do not support the Officers' conclusions and suggest a more forensic consideration is required because this Plan Change has, if it has done nothing else, pointed to the need for collaboration and multi-sector approaches to deliver on environmental enhancement in a sustainable manner. The need to identify the 'reasonably practicable options' remains an obligation under section 32 (1)(b)(i) to be satisfied.

## I FUTURE ALLOCATION (POLICY 7)

SPECIFIC PROVISIONS THAT COUNCIL SUBMISSION RELATES TO POLICIES (3.11.3)	COUNCIL SUBMISSION Support/Oppose and with reasons	DECISION THAT SOUTH WAIKATO DISTRICT COUNCIL WOULD LIKE THE WAIKATO REGIONAL COUNCIL TO MAKE
Policy 7: Preparing for allocation in the future	Oppose in part. Delete first paragraph as this provides an explanation of the broad range of methods proposed to contribute to an allocation model for nutrient management. Retain the description of the principles to be adopted when determining future allocation. It is inappropriate to provide the footnote; and if the criteria are appropriate then they should form part of the policy or a further policy be drafted on the allocation principles. Retain clause 'c'.	Redraft to: Delete first paragraph; and Amend the sentence commencing "Any future allocation should consider..." to incorporate the footnote. Retain clause 'c' that reads: <i>Minimise social disruption and costs in the transition to the 'land suitability' approach</i>

41. The Councils' original submissions both oppose in part elements of the policy and question its general appropriateness. The general uncertainty of the language used and the fact that the future circumstances the regional community will find itself in ten years time is completely unknown and offers no basis for stating policy preferences now. Further, it adds nothing to a statutory process set out under the Act.
42. On balance, I therefore support the reporting team's sentiments recorded in paragraphs 479 and 482, and the recommendation at paragraph 483 to request the deletion of Policy 7 in its entirety.

## J CONSIDERING THE WIDER CONTEXT OF THE VISION & STRATEGY (POLICY 17)

SPECIFIC PROVISIONS THAT COUNCIL SUBMISSION RELATES TO POLICIES (3.11.3)	COUNCIL SUBMISSION Support/Oppose and with reasons	DECISION THAT SOUTH WAIKATO DISTRICT COUNCIL WOULD LIKE THE WAIKATO REGIONAL COUNCIL TO MAKE
Policy 17: Considering the wider context of the Vision and Strategy	Oppose in part. This is a wide ranging, pro-active 'catch all' policy which could, if adopted, provide unreserved scope to influence decisions on resource consents. Therefore, if adopting measures that also achieve environmental outcomes noted in clauses a. and b. then these measures should be recognised and the policy amended to reflect this.	Redraft to make the intention and scope of the policy clear.

43. I maintain the view that this policy provides unreserved scope to influence decisions on consents as is stated above.
44. At paragraph 539 of the analysis in section C4.5.2 the Officers “...*consider that opportunities to recognise co-benefits and other opportunities for enhancement ought to be included. It would seem appropriate to make the most of opportunities to advance the Vision and Strategy in other ways.” (emphasis added)*
45. I consider this policy to be a two-edged sword where outcomes could be promoted by the regulator beyond the scope of the PC while, at the same time, applicants may wish to promote wider /amenity outcomes beyond the consideration of the four contaminants to secure a resource consent. If retained, I think that the policy needs to be explicit in the scope of the ‘other opportunities’ that may be considered by applicants and the Council. Otherwise, the assistance afforded decision makers is unclear because of this open endedness.
46. In summary, the policy should not afford the opportunity when considering a consentable activity to relitigate the Vision and Strategy, when this has/should have been considered when determining the final content and scope of PC1.

## **K CONCLUSION**

47. A two-pronged approach is integral to the first-step or transitional phase to achieve the necessary, sustained and verifiable improvements to the water quality through contaminant reduction in the two catchments. This approach should be based around a structured programme for sub-catchment planning and management, coupled with the development of property or property collective Farm Environment Plans.
48. FEPs can provide a practical method to identify at a property scale the relative contributions of contaminants to local waterways and the appropriate scaled mitigation works on-farm and/or off-farm in those local circumstances. This approach addresses the question of proportionality both in terms of the mitigation measures to achieve water quality improvements and the affordability of those works for a land manager.

49. In South Waikato and Matamata-Piako Districts, the 'directly affected' land owner is principally a primary sector producer and processor (dairy, sheep and beef, and timber) and in the case of Matamata-Piako, increasingly a commercial vegetable producer and processor.
50. Encouraging changing land use practices by land managers towards more sustainable production activities will be instrumental to improving water quality, but the burden during this transition will fall on businesses and communities, and the plea remains:
- Land production units must be viable before and during this transition to pay for the mitigation works adopted in FEPs;
  - Plan rules should not inhibit changes in land manager behaviours to move towards and sustain 'good farm practices';
  - FEPs should on certification avoid the repeated need for resource consent renewal/reviews and be based on achieving improved environmental outcomes; and
  - Timeframes must therefore be reasonable so the goals or targets for this first stage Plan Change should be realistic.
51. To conclude, people, businesses and communities need to be 'enabled' to make behavioural changes to sustain these first-step environmental improvements required under PC1.

**Murray Kivell**

**5 July 2019**

Attachment 1: Excerpts from Matamata-Piako Operative District Plan Addressing High Quality Soils & their Management

## **ATTACHMENT 1: EXCERPTS FROM MATAMATA-PIAKO OPERATIVE DISTRICT PLAN ADDRESSING HIGH QUALITY SOILS & THEIR MANAGEMENT**

### **Section 3.3 Land and development**

#### **3.3.1 Significant resource management issues**

- Water quality degradation (particularly in the middle reaches of the Piako and Waitoa Rivers) as analysed the WRC is a result of some of the community's current and historic land use activities which are compromising the sustainable management of the resource
- In conjunction with the Regional Council it is essential to analyse the degree and nature of unsustainable agricultural practices within the District and to then determine the appropriate actions that both Councils should take within the District Plan and by other mechanisms.

##### **3.3.2.1 Sustainable activities**

**O (Objective) 2:** To manage all activities in a manner that maintains and enhances the District's high quality soils and to ensure that the productive capability of rural land is not compromised.

**O (Objective) 3:** To safeguard the life-supporting capacity of the District's high quality soils by preventing inappropriate further fragmentation of rural land titles.

**P (Policy) 4:** Subdivision, use or development must minimise the coverage of good quality soils.

**P (Policy) 7:** To ensure that the productive potential of high quality soils in the Rural Zone is retained by promoting large lot sizes that provide for a range of productive rural uses.

##### **Anticipated environmental results**

2. A reduction in the number of building permits granted for dwellings on high quality soils where there is no connection with an agricultural activity