

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments, and Variation 1 to proposed Plan Change 1

AND

IN THE MATTER of submissions under clause 6 First Schedule

ON BEHALF OF **BEEF + LAMB NEW ZEALAND**
Submitter

EXECUTIVE SUMMARY OF CORINA JODI JORDAN

2 JULY 2019

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INTRODUCTION

1. My full name is Corina Jodi Jordan.
2. I am the Environment Policy Manager, North Island, for Beef + Lamb New Zealand (B+LNZ), and have been employed in that capacity since 2016. I have a Bachelor of Science degree (specialising in ecology and zoology), 1st Class Honour's degree in Natural Resource Management, and a Master's in environmental management. I have over 15 years' experience in natural resource management planning, and freshwater ecology. My particular areas of expertise are in policy and plan development, natural resource management, particularly issues relating to the sustainable management of agricultural land uses, and setting and managing to freshwater objectives.
3. I am a member of the Government's Essential Freshwater Leaders Group (FLG) which has been tasked with providing advice to the Government on its "*Essential Freshwater: Healthy water, fairly allocated program*". This program promotes national statutory reform to address the health of freshwater ecosystems and to provide for primary contact recreation. Reforms intended include changes to the RMA and amendments to the NPS-FM, along with development of a national environmental standard for agricultural land uses.
4. I have been engaged by Beef + Lamb New Zealand to provide planning evidence for the hearing on Proposed Plan Change 1 for the Waikato and Waipa Rivers, and Variation 1 to this plan change (PC1).
5. I provided a Statement of Evidence in Chief on behalf of Beef + Lamb New Zealand dated 15 February 2019, and 9 May 2019.
6. I confirm the qualifications and experience set out in my Statement of Evidence in Chief.
7. As set out in my Evidence in Chief, I have read the Code of Conduct for Expert Witnesses in the Environment Court's 2014 Practice Note and I have complied and continue to comply with it. I confirm that the opinions I have expressed represent my true and complete professional opinions. The matters addressed by my evidence are within my field of professional

expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

EXECUTIVE SUMMARY

8. Plan change 1 and Variation 1 are intended to give effect to the Vision and Strategy for the Waikato River and to implement the NPS-FM. I considered this as part of my evidence for hearing stream 1. Briefly, my position remains as follows.
9. The Vision and Strategy applies to the Waikato River and its tributaries. As recorded in the Settlement Act (2010)¹ the overarching purpose of this settlement has been to “*restore and protect the health and wellbeing of the Waikato River for future generations*”. The Vision and Strategy establishes its vision for a “*future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come*”. Where conflict with other higher level policy instruments exist the Vision and Strategy prevails.
10. It is important to note that PC1 as proposed takes a narrow view of ‘health’ focussing essentially on water quality. This is inconsistent with the Vision and Strategy and the NPS-FWM, which require that along with *te Mana o te Wai*, that the life supporting capacity and processes of freshwater ecosystems are safeguarded. As set out in my EiC for HS1 ‘health’ is not synonymous with water quality. Water quality is a part of ‘health’, but the level of quality (numerical outcome) and the parameters chosen are dependent on what the values are that are being provided for. As such concepts of ‘restoration and protection’ are book ended by that end goal.
11. In my opinion the Vision and Strategy recognises and is consistent with the definition of sustainable management in s5 RMA. It prioritises the restoration and protection of the Waikato River, but recognises in the vision that the Waikato River has a role in sustaining prosperous communities too. This is recorded in the objectives and is also consistent with the approach in the NPS-FM.

¹ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

12. In giving effect to the NPS -FM PC1 must:
 - a. Consider and recognise Te Mana o te Wai in the management of freshwater;
 - b. Safeguard life supporting capacity, ecosystem processes and indigenous species and their associated ecosystems, along with the health of people and communities as affected by contact with freshwater;
 - c. Enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality;
 - d. Maintain and where degraded improve overall water quality within a freshwater management unit;
 - e. Set freshwater objectives for values in accordance with policies CA1 – CA47; which includes:
 - a. Considering at all relevant points in the process how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits;
 - b. set water quality limits and targets to achieve the freshwater objectives,
 - c. phase out existing over allocation, and
 - d. Improve and maximise the efficient allocation and efficient use of water.
13. The key issues to be resolved in these proceedings, and which hearing 2 is to be focussed, are the appropriate linkages between the policies and methods including rules in PC1 in relation to achieving the plans Objectives and Freshwater Objectives. In particular HS2 focusses on the management of land uses and associated discharges to freshwater bodies.

14. In my opinion it is best practice to make the implicit connection between the values, objectives, attributes, and methods to ensure plan clarity and workability. The plan should provide a clear line of sight between what its outcomes are and how it intends to achieve them overtime.
15. From a planning perspective, management frameworks should be effects based, efficient and effective in achieving the objectives of PC1 and other relevant statutory documents, such as the Vision and Strategy and the NPSFM. The framework may comprise both regulatory and non regulatory methods, with the level of regulatory oversight commensurate with the level of environmental risk.
16. The risks from agricultural land uses occur where it is intensified, without sound mitigations, and on vulnerable landscapes. The evidence is that the environmental risk associated with the red meat sector has been declining overtime. The reductions to stocking rate, use of fertiliser, and area farmed, and changes to other land uses have been addressed through the expert evidence of Mr Burt, Dr Chrystal, Dr Cox, Mr Beetham, and Dr Dewes.
17. The s42A officers propose some amendments to PC1 to improve the regulatory cascade, such that it more closely aligns with a risk based framework. I support in part the changes to the regulatory regime proposed by the Officers that seek to improve consenting thresholds, and the level of discretion better related to environmental effects. However, the recommended changes continue to impose a high regulatory burden on low impact land uses, such as sheep and beef farming, and where risk of intensification can be effectively managed or is not foreseeable. The rules framework is, and continues to be, in my view, inefficient and unnecessary in respect of the sheep and beef sector. In response, I propose an alternative methods framework providing for regulatory intervention of primary production activities commensurate with the environmental risk they pose. It takes a risk-based approach to the management of primary production activities and, in summary, is comprised of the following components:

- a. Permitted activity rule for low intensity land uses, and for land use change, subject to stocking limits or nitrogen discharges commensurate with defined Land Use Capability (LUC) classes;
 - b. Controlled activity rule for medium intensity land uses, up to upper thresholds for nitrogen leaching for the FMU, and which adopts the nitrogen risk scorecard approach proposed by Fonterra;
 - c. Restricted discretionary rules for farming activities that present a greater risk of diffuse contaminate losses contributing to loads in the Rivers that will breach limits or fail to assist meeting targets in Table 3.11-1 and where the standards for the permitted or controlled activity rules are not met;
 - d. Default discretionary rule for activities not provided for in (a) to (c) above; and
 - e. Non complying rule for activities which do not meet the permitted activity standards and where land use change is proposed or where the upper threshold nitrogen leaching standards are breached.
18. Utilisation of LUC as a proxy for 'natural capital' enables decision makers to ensure that demands on resources (e.g. land use activities and farming systems) are matched to the natural capital of the land, and that those activities take place within environmental limitations necessary to achieve the objectives of PC1 and give effect to the RMA, NPSFM, Vision and Strategy and regional planning documents.
19. An LUC-based risk threshold enables decision makers to take into account the relative environmental impacts of land use and discharges within the regulatory framework. This is a vital tool, particularly in respect of the implementation of Policy 4.4 of the Waikato RPS, which requires decision makers to 'balance'

competing demands from primary production activities for access to natural and physical resources.

20. Dr Mackay explains that the weighted average stock units/ha provide an indication of the productive potential of a legume-based pasture on each of the LUC Classes within each of the four Freshwater Management Zones. For farms operating below the stock unit number there is opportunity to continue to operate and develop, while operations with production systems beyond a legume-based system would have to over time progressively bring back either production or introduce mitigation to reduce N leaching losses.
21. I consider this to be an efficient and effective approach to establishing a risk threshold for low intensity activities, and a permitted baseline. An LUC-derived threshold is directly related to the productive capacity of land, not existing land uses that may not be maximising the productive potential of the land (for a range of economic, social or cultural reasons) or are operating in such a way that the rate at which the life-supporting capacity of air, water, soil and ecosystems can be safe-guarded (RMA, section 5) is exceeded.
22. The methods I propose are supported by a comprehensive policy framework that links the management of farming to Freshwater Objectives (Table 3.11-1), through in part, N leaching limits and targets and stocking rate limits and targets based on Land Use Capability (LUC).
23. My framework steps through the policies and rules in a deliberate and traditional way. In my opinion the approach set out above is consistent with giving effect to the RMA and the NPSFM effectively and efficiently. It is consistent with ensuring the soil resource is available for a foreseeable range of uses (Objective 3.25, Waikato RPS), that soil versatility is retained (Waikato RPS, Policy 14.1(c)) and enables Policy 4.4(e) of the Waikato RPS to be fairly and efficiently implemented:

The management of natural and physical resources provides for the continued operation and development of [...] primary production activities by:

e) Maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources.

24. The approach more appropriately and effectively gives effect to the Vision and Strategy in that it defines a clear trajectory of land use practice, and where required change, in order to protect and restore the health and wellbeing of the Waikato River, while providing for the health and wellbeing of its communities. Importantly the approach adopts an integrated and holistic framework for managing both land and water resources that are intimately linked and spatially explicit.

DATED this 2th day of July 2019

Corina Jordan