

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

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the First Schedule to the Act

AND

IN THE MATTER of Waikato Regional Plan Change 1- Waikato
and Waipā River Catchments and Variation 1
to Plan Change 1

AND

IN THE MATTER of submissions under clause 6 First Schedule

BY **FARMERS 4 POSITIVE CHANGE**
Submitter

HEARING STATEMENT OF KIMBER RICHMOND BURKE
4 March 2019

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BACKGROUND AND EXPERIENCE

1. My full name is Kimber Richmond Burke.
2. I have been farming beef cattle, dairy grazers and sheep in Lund Road, Katikati for 35 years.
3. In 1996, I was approached by the Bay of Plenty Regional Council (BOPRC) to carry out a Farm Environment Plan (FEP) based on Land Use Capability. At the time our farm in particular and catchment were regarded high risk in terms of sediment loss. We have worked through our plan, carrying out the necessary environmental protection work which also involved redesigning our farm and its systems. This has been one of the most rewarding experiences in my life. It has taken a lot of sweat but after 23 years of working through our FEP, I'm am very proud to tell our story hence my involvement with F4PC. More to come on this in Block 3.
4. More Recently 2018 - I have been part of a working group under the Red Meat Profit Partnership (RMPP) developing the Sustainable Ethical New Zealand Farm Assurance Programme (SENZFAP), I talk about this approach and its possible benefits to Regional Council initiatives later in this hearing statement.
5. 2017/19 - I have also been part of an initiative to bring environmental farmer champions together across NZ to lead change through a bottom up approach focussing on sub-catchments. This initiative has been led by myself, F4PC colleague Graeme Gleeson and Tracy Brown who is recognised as an environmental leader in the dairy industry. This initiative is supported by MFE, MPI, land care Trust, and the NZ Farm Environment Trust, and is ongoing.
6. 2009/19 - I am a member of the Beef + Lamb Mid Northern North Island Farmer Council, of which I was Chairman for 3 years. I have actively promoted farmers carrying out Farm Environment Plans and other environmental initiatives whilst on the Farmer Council.
7. 2014 - Our farm Pukekauri Farms won the BOP Ballance Farm Environment Awards.

8. 2000/03 - I was involved as a farmer in the 'Green Tick' project which was an initiative developed by Richmond Meats involving farmers across the North Island. At the conclusion of the project a set of standards had been developed around the environment, animal welfare and community. This was aimed at raising the bar in the market place to add value and returns to farmers. Unfortunately, this initiative was scuttled by Federated Farmers in 2003 who believed we didn't need such standards.
9. 1984/95 - I was involved in the kiwifruit industry and was a company director of Coolstore Management Services. My involvement included the project management of the construction of packhouses and coolstores then the operational management of staff. This included the development of leading edge production information systems still used today.
10. My passion has always been to get the very best out of people that I work with, by developing a positive 'Team Culture'. I have coached many successful rugby teams spanning 20years at all levels. My belief is that policy and regulation must always be crafted to empower individuals and communities to work together. This is no different than working with team members or staff in the work place.

FARMERS 4 POSITIVE CHANGE

11. Farmers 4 Positive Change (F4PC) has the mandate to represent in excess of 1,000 farmers from the sheep and beef, deer and dairy sectors.
12. The F4PC Executive is made up of predominantly farmers who are environmental award winners and profitable environmental champions within their communities. We believe that as farmers we are central to achieving the vision and strategy in the Waipa and Waikato river catchments.
13. F4PC has been formed because farmers want to develop positive solutions that work for their farms and their communities. Farmers care about their future and they care about their farms. They care about impact and making investments that work.

14. Farmers are deeply concerned that the plan as it is, does not support farmers to change or to respond to our water quality challenges but in fact divides our communities.
15. Within this submission we have aimed to comment constructively, suggesting amendments to PC1 that we believe to be flawed, inequitable or simply misguided. We will provide proven practical alternative solutions based on our experience, which will more effectively achieve the vision and strategy of Wai Ora Waipa Waikato.
16. The following members make up the Farmers for Positive Change Executive:
 - a. Rick Burke - 021 828587
 - b. Rob Macnab - 027 320 3185
 - c. Robyn Williamson - 07 8710809
 - d. Graeme Gleeson - 027 7273720
 - e. James Bailey - 0274 412014
 - f. Leveson Gower - 027 2445737
 - g. Heather Gilbert - 021 979459
 - h. Bill Garland - 027 444 6175
 - i. David Gow - 07 8285746
 - j. Steve Borland - 078710117
 - k. Leith Chick - 07 8725551
 - l. Andrew Jolly - 0275627740
 - m. Neil Aitken - 0272710558
 - n. Reon Verry - 0272788678
 - o. Bob Thompson - 0274500809

17. Our Vision is:

"Vibrant provincial communities underpinned by resilient pastoral farm businesses utilising the natural resources in a sustainable manner"

Background to why F4PC formed

18. In the past the sheep and beef sector was always well served and represented by Federated Farmers (FF) who advocated on their behalf, being the voice at the table when policy and regulation was being crafted relating to the farming industry.

19. Since the formation of Fonterra and the rapid growth of the dairy industry Federated Farmers have become more dairy centric, their vision of success has been more about the dairy industries ambitions. This ultimately had an effect on the outcome of the Collaborative Stakeholders Group (CSG) process.

20. It's a well-known fact that for collaboration to be successful there must be balanced representation at the table and any party with a hidden agenda or conflict of interest and not willing to accommodate the needs of others should be removed from the process. It is our opinion that in relation to the Collaborative Stakeholders Group (CSG) process, this failed to happen. We believe that the CSG and the Technical Leaders Group (TLG) were over represented by the dairy industry, ultimately engineering policy to protect 'big business dairy'.

21. This was obvious for all see when PC1 was notified, with the Waikato Feds initially supporting a grandparenting approach to manage Nitrogen (N), which F4PC regards as a dairy protection, hold the line type policy.

22. When it came to a WRC vote to notify the plan, the vote was spilt and relied on a casting vote from the then Chair Paula Southgate. F4PC believe this was a fundamental error of the process, believing something of this magnitude and importance, should have depended on at least a 70% majority before PC1 was notified.

23. Waikato drystock farmers had woken up to the fact that a grandparenting approach to manage N in Canterbury had had a devastating effect on the drystock communities and on farming family businesses, with no

improvement in water quality and in fact water quality in some sub-catchments of Canterbury getting worse.

24. The net reaction from all of this has been a revolt by the drystock, horticultural and forestry sectors with the formation of F4PC and a number of likeminded groups across the Waikato namely King Country River Care, Primary Land Users Group, Hill Country Farmers Group and Iwi consortium Central NI Forests who oppose grandparenting, the groups combined represent an estimated 3000 farmers.
25. This has resulted in over 1,000 submissions, mainly from drystock farmers, being received by the WRC voicing their concerns around aspects of PC1.
26. It's interesting to note that prior to the notification of Waikato Regional Council PC1, Beef + Lamb NZ also relied on FF to advocate for the drystock/ sheep and beef sector.
27. B+LNZ reaction to the lack of support by FF has been to employ an Environmental policy team to ensure that policy frameworks ensure the sustainable and integrated management of natural resources.
28. To Waikato FF credit, following the formation of the 'groups' across the Waikato, FF have tried to find common ground with the groups particularly around N allocation, but FF continue to be at odds with the drystock sector about who should take responsibility for nitrogen loss!

F4PC recognised by Central Government and its Agencies.

29. F4PC has been very vocal in its outright disapproval of the 'one size fits rule' that being a grandparenting approach to manage Nitrogen in the Waikato Regional Council PC1. (Please see links below.)

https://www.nzherald.co.nz/the-country/news/article.cfm?c_id=16&objectid=11850058

https://www.nzherald.co.nz/the-country/news/article.cfm?c_id=16&objectid=11918934

https://www.nzherald.co.nz/the-country/news/article.cfm?c_id=16&objectid=12152792

30. At a Government level our concerns have been recognised, but more importantly the focus on alternative solutions offered by F4PC which have also been recognised.

31. This has had a cumulative effect of F4PC working with MFE, Land Care Trust and the NZ Farm Environment Trust, to bring together a pan-sector agricultural group of 'Farmer Champions' from across NZ to a workshop in June of 2018 named 'Farming Sustainable for Profit' with the following Vision and Purpose:

'Farmers to set a long-term vision for and steps towards a sustainable agriculture sector¹ that is environmentally and economically robust and support and improve rural communities' resilience'.

32. This initiative is ongoing with further workshops planned.

33. F4PC has also been recognised by Hon David Parker - Minister for the Environment, with F4PC Executive Member Graeme Gleeson being included as a member of the Fresh Water Leaders Group announced by the David Parker on the 8th of October 2018.

34. The Fresh Water Leaders group brings together expertise and input from leaders across the primary sector and agribusiness, environmental non-government organisations and other voices from the community. The Freshwater Leaders Group is intended to provide a sounding board for policy, input ideas, challenge analysis and lead discussions across various sectors. See Freshwater Leaders Group Terms of Reference. <http://www.mfe.govt.nz/fresh-water/freshwater-leaders-group>

F4PC CONCERNS WITH PC1

35. PC1 has been designed around an 'offsetting' concept, where one sector offsets the impacts of another namely sheep and beef and forestry being used to offset intensive farming systems such as dairy farming, along with a 'one size fits rule top down approach' via the principle of grandparenting to manage nitrogen, and stock exclusion through fencing irrespective of the risk pathway.

36. This has created a culture of 'winners and losers' thus creating tensions between sectors across the Waikato.
37. This offsetting concept is entrenched in both the WRC and Waikato River Authority (WRA) with long term plans of afforestation of large areas of hill country across the Waipa /Waikato which would have the effect of destroying many hillcountry communities. Refer <https://www.restorationstrategy.nz/waipal/>.
38. While we commend the WRA for the development of a restoration strategy, some of the concepts and approaches, in our opinion, have been prepared with little consultation with the hill country stakeholders, and apparently a predetermined mind-set to afforestation of the hill country. This has created an environment of miss trust where hill country farmers feel they are being targeted to offset dairy's N and Green House Gases (GHG). Note the restoration strategy is a partnership between the WRC, WRA & Dairy NZ. There's no drystock sector representation at the table.
39. The WRC describes PC1 as a 'hold the line' approach to manage water quality. F4PC believe that PC1 in its current form will not achieve improvements in water quality, in fact we see water quality getting worse particularly N (refer to N trends WRC Technical Report 2018/30). F4PC believes a 'hold the line' approach is not good enough, if the WRC channelled their energy and resources into supporting and empowering sub catchment collective type approaches along with ensuring that policy is targeted at intensive farm systems and practices, quick easy gains could be made to improve water quality. This is elaborated further below.
40. F4PC believes responsibility for nitrogen (N) pollution in our waterways squarely sits with those farmers who breach their limits and ultimately those who benefit from receiving the majority of the pollution allowances such as Big Business dairy.
41. The outcomes from the (CSG) process has resulted in a Plan Change which finds 'Common Ground' with big business dairy rather than acting for the 'Common Good' of our farming sectors, their communities and the environment.

42. PC1 relies on modelling that is incomplete (refer B+NZ evidence by Tim Cox sections 14-54). F4PC believe modelling is just a guide, PC1 has put too much emphasis on modelling at a huge cost to the rate payers rather than prioritising \$ spent on environmental forensics in sub-catchment hot spots.
43. PC1 ignores draft national level stock exclusion recommendations, instead creating draconian fencing rules that could put farmers out of business. Fencing rules should be equal to the draft national recommendations. They should be adaptive, flexible and innovative to create awareness and educate farmers around understanding their Critical Source Areas (CSA), wetland restoration and creation of sediment buns as an integral part of farmers developing their tailored Farm Environment Plans (FEP).
44. F4PC believe the protection of CSA and the matching of right stock class to land class, can be done at a fraction of the cost of fencing streams in steep hill country which could ultimately have negative environmental outcomes such as erosion and sediment loss.
45. The focus on CSA will be far more effective in controlling sediment and *E. coli* runoff in to waterways, there is plenty of recent literature to support this approach including (B+NZ evidence by Richard Parkes on CSA page 12).
46. PC1 Vision and Strategy (V&S) focusses on an 80 year time frame. F4PC believe this too aspirational and doesn't provide certainty for the future of many farming communities particularly drystock.
47. F4PC believes a time frame or a vision to 2050 is far more realistic and fits with Central Government aspirations to become carbon neutral and predator free. 2050 or 30+ years is something we can visualise (ie a pine tree rotation), farmers and their communities can then set themselves realistic goals, future proofing themselves both environmentally and economically as per F4PC vision - *"Vibrant provincial communities underpinned by resilient pastoral farm businesses utilising the natural resources in a sustainable manner"*.
48. F4PC are seeking outcomes from the hearing process which are fair and equitable and most importantly balanced around the environment, economics and ultimately our communities.

49. In our opinion PC1 in its current form fails to promote the sustainable and integrated management of natural resources, is not effects based, and does not ensure that the financial implications of meeting environmental limits for land owners are commensurate with their level of effect. PC1 interferes with the right of land owners to use their land, which goes beyond the effects on freshwater resources.

The Gross injustice within PC1

50. Through the principle of grandparenting, the high leachers - intensive farming systems - are allowed to carry on in an unsustainable manner, business as usual, with the exception of the very highest of emitters which are required to reduce to the 75th percentile within the 10yr life of PC1.

51. Drystock farmers, low nitrogen leachers and organic dairy farmers on the other hand have their N-leaching capped at low levels. This locks them into a situation which gives no flexibility for system development or land-use change.

Hence the Gross Injustice, F4PC see this as confiscation or transfer of 'Natural Capital' to the high leachers of N ie the polluters.

52. F4PC prefer that any nitrogen limits be determined by the farms land class and soil type, and should be based on a Natural Capital approach similar to Horizons One Plan and Hawkes Bay Tukituki Plan (PC6). Any head room they have between their current N calculation and their N limit should rightfully be theirs.

53. The transfer of natural capital via grandparenting, will severely limit the less intensive farms' ability to redesign their farms to work within ecosystem health limits, improve water quality and biodiversity and most importantly limit their opportunity to become more profitable.

54. Grandparenting incentivises everything that is perverse. Not only does the high leacher of nitrogen receive pollution rights but also receives an increase of wealth \$, in terms of increased property values through the transfer of 'Natural Capital'.

55. In the Waikato we estimate that approximately \$1 billion will be transferred from the low leacher to the high leacher of nitrogen through a

grandparenting approach. In Canterbury the transfer of wealth is estimated to be in the billions, which has had devastating effect on the sheep and beef sector and their communities. This calculation is based on \$400/ kg 'N' (Note Taupo 'N' was valued at approx \$450/kg 'N').

56. These calculations do not include the external cleanup cost associated with the pollution effects of nitrogen in our waterways.

57. In the Waikato, low N leaching farmers have now woken up to the devastating effects grandparenting will have on their farming business, and communities, along with the negative environmental outcomes. F4PC oppose the grandparenting of pollution rights to high emitting land uses. We will provide further evidence on this through hearing stream 2.

F4PC PROPOSED SOLUTIONS TO ACHIEVE MEANINGFUL IMPROVEMENT IN WATER QUALITY ACROSS THE WAIKATO AND WAIPA RIVER CATCHMENTS

58. Most farmers are now well aware of some of the drivers behind policy changes taking place across NZ. These include not only impacts on freshwater ecosystems as a result of farming, but also growing public and political concerns around farming and the environment, and changing consumer attitudes toward food production systems both in NZ and internationally.

59. In this country, there is growing public concern about farming and its impact on freshwater resources and while initially the finger was pointed at the dairy sector, recent media attention has drawn the red meat sector into the spotlight with concerns over winter grazing practices and feedlots.

60. It is important that our farming sectors respond. Losing a social licence to operate will seriously impact on the resilience of a farming business. It's really important that social licence is enhanced not eroded.

61. Consumers in New Zealand and globally are increasingly concerned about how their food is produced. If this country wants to sell products for a premium, producers need to ensure they are meeting consumer needs particularly on the environment and animal welfare fronts.

62. F4PC believe most farmers are ready for this change they see it more as an opportunity rather than a challenge. Therefore, councils and industry, as never before, have the opportunity to take a bottom up approach and support, incentivise and stimulate environmental initiatives both at a farm and at a sub- catchment scale.
63. When we look around NZ and see the different approaches taken by Regional Councils to improve water quality, one thing is for certain, there is no silver bullet among any of the approaches but certainly some are achieving considerably far better outcomes than others in terms of cost effectiveness and meaningful improvement in ecosystem health. If we want to look at an approach that's failed to empower the community and has cost the community millions of dollars, then you don't have to look any further than my own BOP region. (Note: Rotorua PC10 have taken a grandparenting approach to manage N). Rotorua PC10 has cost well in excess of \$200 million and the environmental court battle still continues. If you talk to BOPRC councillors and staff many of them will tell you that the Rotorua Plan Change has been an absolute failure.
64. **A Fresh new approach:** There's always been a bit of competition between the BOP and Waikato, just think about the rugby, although we are all mates when it comes to the Chiefs. The BOPRC have been closely watching the negative response along with the farming community angst to Waikatos PC1. They are now very keen to outperform the WRC in terms of empowering their communities to improve ecosystem health. To their credit following the learnings from Rotorua, the BOPRC are taking a whole new bottom up approach focussing on empowering and supporting sub-catchment initiatives.
65. I am proud to be part of a leading sub-catchment project in the Western BOP at the foothills of the Kaimai Range called the **Parore Project** in the Te Mania catchment. This project takes a team approach (bottom up) with B+LNZ, DNZ, Zespri and Avocado industries working together supported by the BOPRC, empowering the local community to improve water quality, biodiversity and address GHG. The BOPRC aims to replicate this model throughout the Tauranga Moana sub-catchments. We will present more about this project and others like it in block 3. F4PC will demonstrate what

we believe success looks like in block 3, creating a culture of *'Farmers wanting to, not having to'*.

66. Action on the ground vs litigation: Like Rotorua I am fearful Waikato's PC1 will end up in a slug fest in the courts which will chew up millions of dollars of public money. The lawyers being the only ones that will benefit. When in fact our industries should be working as a team with our farming communities getting action on the ground. We all should, as first priority, be putting our mental energy and resources into a 'bottom up approach' targeting the high priority catchments first, doing the environmental forensics, employing the science to get action on the ground. Once farmers know what the contaminant issues are in their local tributaries and streams, they will take responsibility to mitigate contaminant loss through tailored Farm Environment Plans (FEPs).

67. Most farmers have an empathy with their rivers and streams. They understand the history of their local landscapes and they will take pride in restoring water quality biodiversity and overall ecosystem health. F4PC believe that creating the right culture among farmers and their communities is number one. After all it's the farmers and their communities who will be doing the work to make improvements to water quality, not the lawyers or consultants. Too often we get bogged down in *'too much hui and not enough dooey'*.

68. Allocation alternatives: In Waikato PC1 the elephant in the room is grandparenting N allocation and as mentioned throughout my statement will fail to galvanise the industry sectors and the farming communities into a culture of working together to tackle water quality issues as it creates winners and losers, and asks some land uses to offset the impacts of others, and runs contrary to the polluter pays principal. It needs to be kicked to touch. F4PC believe the alternative approach to grandparenting is an allocation mechanism which is fair, equitable, science based and provides land users with certainty about their rights and responsibilities in relation to an output parameter. It needs to link to the natural character of their farm, and the freshwater objectives of their community. This is based around an N limit to the land class, soil type and proximity to sensitive waterways. This enables farmers to have a target as a guide to transition to ecosystem health limits over a time frame that will not cripple farmers, and where

required will incentivise farming systems and land uses which fit the land. F4PC will present more detail of our alternative proposal in Block 2.

69. **Responsible Procurement:** The practice of “Responsible Procurement” applied by many industries around the world, needs to be embraced by Regional Councils, NZ farming sectors and by Central Government transferring primary responsibility for overseeing on farm environmental compliance from local government to the companies procuring products from those farms i.e. Fonterra, Silver Fern Farms, Zespri etc.
70. F4PC believe the current regime where local government is required to police environmental standards is ineffective, cumbersome and expensive. Negative perceptions regarding government bureaucracy means that there is also a strong apathy by a lot of farmers to any government involvement in how they manage their farms. Procurement companies are in a much better position to drive improvement to environmental farming practice through extension, pricing signals, incentives and supply acceptance (Zespri’s kiwigreen program is a good example). Central & local Government should still set the bottom line standards and play a back-up compliance role but delegate the primary role and responsibility to those companies as a legal requirement of supply.
71. Elevating responsibility and consequences to the directors of those companies (as has happened with H&S in the workplace) will ensure cultural change is driven at the highest level within those organisations. Over the last 12 months I personally and members of F4PC have been working with the Red Meat Profit Partnership (RMPP) to help develop the Sustainable & Ethical Farm Assurance Programme (SENFAP). If adopted by the Red Meat Sector SENFAP will be the first comprehensive set of standards covering environment, animal welfare and community that takes a Responsible Procurement approach to the market place to underpin the Red Meat Story (<http://www.tastepurenaturenz.co.nz/>). F4PC will present more detail on this alternative proposal in Block 2.
72. **Effective regulation:** F4PC are prescribing, the carrot first ie regulation crafted to incentivise and stimulate a ‘bottom up approach’ with achievable targets. Creating a positive culture of friendly rivalry between sub catchment communities in regards to meeting ecosystem health limits. This

sort of approach will create certainty for farmers, teaming up with their fellow farmers to getting ahead of the game, demonstrating that they are walking the talk to their communities, the NZ public and the market place. Undoubtedly there will be the laggards and there needs to be a stick in terms of regulation to sweep them up, they either 'shape up or ship out'. Environmental non compliance should not be tolerated. Unfortunately PC1 in its current form is a 'top down' approach and obviously has failed to empower farmers even before its even gotten started.

73. **NZ Government paper: Essential Freshwater** - Healthy Water, Fairly allocated. F4PC believe consideration must be given to this document in terms of PC1 in its current form to give effect to, not be inconsistent with, have regard to and take into account. See link <http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/essential-freshwater.pdf>

CONCLUSION

74. A grandparenting approach to manage Nitrogen must be removed from PC1. This would be the first step in enabling industry, farmers and their communities to work together to tackle water quality issues. Remove grandparenting and the tension between sectors will go away.
75. We as farmers must all take responsibility for contaminants leaving our farms, generated from our farming practices.
76. The offsetting concept adopted by the WRC & WRA and integrated into PC1 must be removed to ensure a culture of harmony and togetherness is created to tackle the challenges ahead, around fresh water and GHG.
77. Regulation and policy should be developed in two parts. The first part (A carrot) to incentivise and stimulate, involve WRC staff, industry, Iwi and perhaps NGO's to create a 'Team Approach' to get action on the ground with clear but achievable bottom lines, which is designed to empower farming communities at a sub-catchment scale. The second part (The stick) to sweep up the laggards.
78. Sub-catchment focus, targeting high priority sub-catchments first, carrying out the environmental forensics first. Giving the local farming community

an understanding of the issues, then a graduated transitional approach to reduce contaminants through tailored Farm Environment Plans.

79. Farmers are proud of their industry and never before have they been more ready to make meaningful improvement to ecosystem health. But they need the WRC and industry to provide the support tools to create awareness of the environmental issues in their sub catchments, to give them certainty and confidence to embark on the journey of working through their FEP.
80. F4PC through their own experiences knows that, a well-designed, and tailored, Farm Environment Plan, will unlock the opportunity to make measurable improvement in ecosystem health, and also in most cases, though redesigning the farm system, improve farm profitability which will have significant benefits for local communities through improved ecosystem services and economic growth.
81. F4PC through their own experiences wants the WRC to recognise that, this isn't a sprint it is a marathon, but we need to sprint the first part of this journey as mentioned above by creating the right culture to give certainty to the stakeholders therefore getting positive action on the ground. That means public money being spent in the sub-catchments working with the community, not being spent in the courts and squandered on unreliable and ineffective modelling. In NZ there has been 'too much hui and not enough dooey'.
82. The WRC has the opportunity to lead NZ in the redesign of PC1 to give the Waipa and Waikato rural communities certainty for the future. Certainty comes with farmers and their communities having a vision of what success looks like with aims and objectives that are doable and achievable.
83. F4PC see 2050 as a time frame where we can all look through a lens and see a 'mosaic of land use' where 'Farming Fits the Land', have strong vibrant communities and we have met our targets and are working within ecosystem health limits.

He aha te mea nui o te ao

What is the most important thing in the world?

He tangata, he tangata, he tangata

It is the people, it is the people, it is the people

Dated this 4 day of March 2019

Rick Burke

Chairman Farmers for Positive Change