

<b>In the matter of</b>	the Resource Management Act 1991
<b>And</b>	a submission and further submissions on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (PPC1)
<b>Submitters' Names:</b>	Theland Farm Group Limited (“Theland”) Ata Rangi (2015) Limited Partnership (“Ata Rangi”) Southern Pastures Limited Partnership (“Southern Pastures”)
<b>Submission Numbers:</b>	Theland submitter number: 82022 Ata Rangi submitter number: 74045 Southern Pastures submitter number: 74062
<b>Hearing Topics:</b>	<b>Block 3</b> C4.6: Enterprises
<b>Type of Evidence:</b>	Primary
<b>Witness:</b>	Mark Bulpitt Chrisp
<b>Date:</b>	5 July 2019

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**STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP**

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## **EXECUTIVE SUMMARY**

1. The authors of the Block 3 s42A report have formed a view that the complexities created by the use of the 'enterprise' approach (as currently drafted) are such that the whole concept should be deleted from Plan Change 1 to the Waikato Regional Plan ("PC1").
2. I would recommend that the merit of the concept should first be determined and, if accepted, then effort can be directed at resolving the mechanical issues (solutions to which have been proffered in the submissions of other parties and are not addressed further in my evidence).
3. For the reasons set out in my evidence, I am of the opinion that the enterprise approach has significant merit and should be retained.

## **INTRODUCTION**

4. My full name is Mark Bulpitt Chrisp.
5. My qualifications and experience are set out in my Statement of Evidence dated 8 May 2018 prepared in relation to Block 2 of the hearings for PC1.

## **Code of Conduct**

6. Although this is a Council hearing, I have read the Environment Court's Expert Code of Conduct in its 2014 Practice Note and agree to comply with it. My qualifications as an expert are set out above (by reference to my previous Statement of Evidence relating to PC1). I confirm that the issues addressed in this statement of evidence are within my area of expertise.

### Scope of Evidence

7. I have been engaged by Theland Tahī Farming Group Limited (“**Theland Tahī**”), Southern Pastures Limited Partnership (“**Southern Pastures**”) and Ata Rangi 2015 Limited Partnership (“**Ata Rangi**”) to present planning evidence in relation to the proposed deletion of all references to ‘enterprises’ in PC1 as recommended in the s42A report for Block 3. Except where I am discussing one of these parties in particular, I will refer them collectively in my evidence as “my clients”.

### ENTERPRISE APPROACH

8. On pages 116 – 120, the s42A report discusses the term ‘enterprise’ and its use within PC1. It correctly notes<sup>1</sup> that enterprise is referenced throughout PC1 in numerous policies, implementation methods, rules, schedules, tables and other definitions.
9. The s42A report identifies a range of issues associated with the definition of the term “enterprise” and its use within PC1. In my opinion, most of these issues identified by the authors of the s42A report appear to be ‘mechanical’ in nature and capable of resolution.
10. For example, based on the submissions received, I agree that some refinement to the definition of enterprise needs to occur. In that regard, I agree with the amendment sought by the Waikato Regional Council in its submission.<sup>2</sup>
11. However, in the absence of any evaluation under s32 of the RMA, it appears that the authors of the s42A report have formed a view that the complexities created by the use of the enterprise approach (as

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<sup>1</sup> At para 543.

<sup>2</sup> As set out in para 548 of the s42A report.

currently drafted) are such that the whole concept should be deleted. The s42A report states:

“Officers consider that there is limited value or benefit in the concept of “enterprises” and distinguishing these operations from “properties” for the implementation of the policies and rules. Therefore, Officers recommend that all references to the term “enterprise” are removed from PC1.”

12. However, the s42A report does not discuss any of the “value or benefit” of the enterprise approach. Instead, it focuses entirely on the mechanical issues and complexities associated with its implementation and, based on those issues, recommends its deletion.
13. In my opinion, the Panel should not delete the use of the enterprise approach because of any complexity which has yet to be resolved. Rather, I would recommend that the merit of the concept should first be determined and, if accepted, then effort can be directed at resolving the mechanical issues (solutions to which have been proffered in the submissions of other parties and are not addressed further in my evidence).
14. In my opinion, the enterprise approach has significant merit and should be retained for the following reasons:
  - a) A key to the successful implementation of PC1 and the ultimate achievement of the Vision and Strategy is the ability for the individuals and the farming community to develop innovative solutions in relation to the management and change / adaptation of land uses and associated discharges.
  - b) The enterprise approach is one of the few aspects of PC1 that provides the flexibility to allow for innovation to occur. This includes situations where more than one non-contiguous land

holding is held by someone and provides the ability to manage those land holdings in an integrated and wholistic manner to produce more optimal outcome (rather than a 'silo' approach to the management of each unit separately within the whole enterprise). Retiring land on steeper areas in exchange for land use change on better suited land (including on a different landholding) is an example of this situation.

- c) In my experience, a 'one size fits all' approach rarely delivers the best outcome, especially when dealing with complex and dynamic situations – which is the case in relation to the management of contaminants (including nitrogen, phosphorus, sediment and microbial pathogens) in the Waikato River catchment.
- d) Attached to my evidence (as **Attachment A**) is a page from the s32 report for PC1 setting out the CSG's Policy Selection Criteria. It provides a useful and comprehensive checklist in relation to the consideration of policy options including whether or not the enterprise approach should be retained. It includes under the heading "Allows for flexibility and intergenerational land use" the following:
- foster innovation?
  - encourage positive actions being taken?
  - allow for change and review as new information and issues arise?
  - provide flexibility of future land use (including Treaty settlements land and multiple Māori owned land)?
  - take account of complexity and difference between farming systems and farm enterprises?

15. Rather than rejecting the enterprise approach due to complexities associated with its implementation (and in the absence of any

evaluation in terms of s32 of the RMA), it is my opinion that the provisions of PC1 need to incorporate the matters listed above, including fostering innovation and providing flexibility which takes account of the complexity of farming systems and enterprises. The enterprise approach provides an opportunity to do things differently so that innovation can occur.



**Mark Chrisp**

**5 July 2019**

# Attachment A

## B.10.2 Appendix 2: The CSG's Policy Selection Criteria

### **Gives effect to Te Ture Whaimana/the Vision and Strategy**

Does the policy give effect to the Vision and Strategy for the restoration and protection of the health and wellbeing of the Waikato and Waipa rivers?

### **RMA (including the NPS Freshwater Management)**

Does the policy:

- comply with the RMA (including the purpose and principles of the Act)?
- take account of existing policy frameworks?
- achieve the range of values identified?

### **Provides for aspirations of River iwi**

Does the policy:

- provide for them to retain and use their taonga in accordance with their tikanga and kawa?
- give effect to their environmental, economic, cultural and social relationships with land and water?

### **Gives positive social and community benefits**

Does the policy:

- minimise social disruption and provide social benefit?
- enhance people's use of the river?
- take account of unique features and benefits?
- result in outcomes people can identify with, own and feel proud of?

### **Acceptable to the wider community**

Does the policy:

- achieve sound principles for allocation?
- recognise efforts already made?
- exhibit proportionality (those contributing to the problem contribute to the solution)?

### **Realistic to implement, monitor and enforce**

Is the policy:

- able to be measured, monitored and reported?
- implementable and technically feasible?
- administratively efficient?

### **Optimises environmental, social and economic outcomes**

Does the policy:

- aim for cost-effective solutions?
- provide confidence and clarity for current and future investment?
- provide realistic timeframes for change?

### **Allows for flexibility and intergenerational land use**

Does the policy:

- foster innovation?
- encourage positive actions being taken?
- allow for change and review as new information and issues arise?
- provide flexibility of future land use (including Treaty settlements land and multiple Māori owned land)?
- take account of complexity and difference between farming systems and farm enterprises?

### **Achieves the restoration and protection of native habitats and biodiversity**

Does the policy:

- support resilient freshwater ecosystems?
- support interconnectedness and connectivity between land and water?
- support healthy populations of indigenous plants and animals?

### **Supported by clear evidence**

Does the policy:

- take an evidence-based and knowledge-based approach (including Mātauranga Māori)?
- transparently show the costs for meeting the outcomes?
- prioritise efforts to achieve catchment solutions?
- set transparent limits and definitions?

*The CSG's Policy Selection Criteria (Source: Collaborative Stakeholder Group 2015. Document# 3183705)*