



Definition of Enterprise, Farm Environment Plans and activity status

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Overview

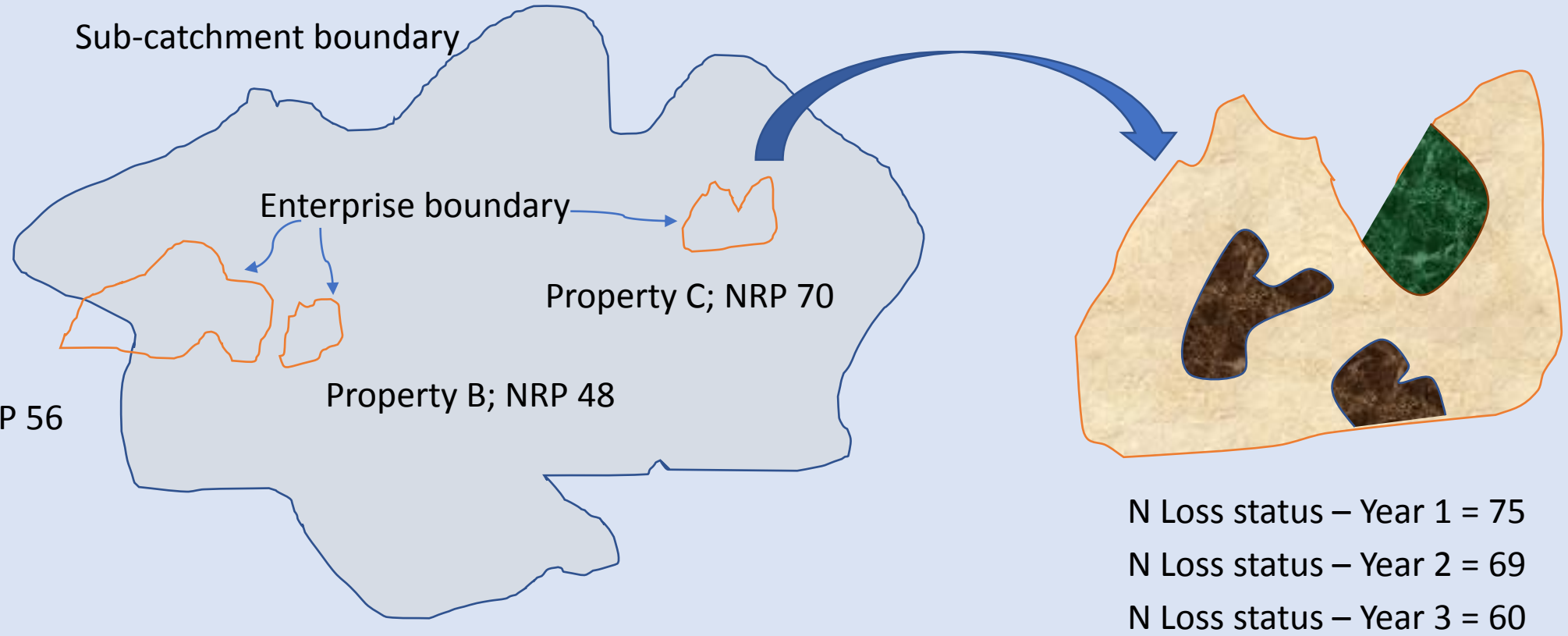
- Miraka supports the use of Farm Environment Plans and Certified Industry Schemes as tools to deliver on Stage 1 Objectives because we believe that the most effective medium for behaviour change is to partner land users.
- Miraka has the experience of having established a Farming Excellence Programme to incentivise the adoption of Good Farming Practices through a partnership framework and achieved considerable gains in a short time.
- Miraka intends to register Te Ara Miraka as a Certified Industry Scheme as long as there is a benefit for doing so.

Definition of Enterprise

- Miraka supports the existing differentiation between the terminologies “enterprise” and “property”, including the existing definition of enterprise as notified.
- Consistently, Miraka seeks a fair and equitable approach to achieve Stage 1 outcomes. This includes the need for flexibility, ability to motivate adoption of GFP’s, deter manipulation for undesired effects and consider past land user contributions or restrictions.
- Miraka supports a framework whereby land use consents and FEP’s are administered across each Enterprise. Nitrogen Reference Points should be held in perpetuity to specific properties, defined as having a continuous boundary and ownership.

Definition of Enterprise

- The key outcome is that land users/enterprises will be incentivised to adopt appropriate contaminant mitigation actions rather than disincentivise them. This highlights the importance to extend the assessment of NRP and ongoing N Loss status over the entire property and not just “farming land” in order to not disincentivise appropriate land use change.
- Stage 1 objectives better achieved by maintaining separate definitions for Enterprise and Property to reflect the complex ownership and management models within the community.
- Assigning a NRP to a property restricts transfer/trading models which Miraka believes undermine the assignment of N Loss risk attributed to land geophysical attributes.
- Attributing a Consent to operate across an Enterprise with potentially multiple properties and NRP’s is a valid way to fairly administer both FEPs and their actions for the achievement of Stage 1 outcomes.



Farm Environment Plans & activity status

- Miraka supports Sect 42a report emphasis that FEPs should be the primary driver of practice change for the benefit of the achievement of Stage 1 objectives.
- Miraka is also supportive of providing a permitted activity status to land users within Certified Industry Schemes on the basis that CIS will facilitate education and support as well as the administration of robust FEP's.
- Ideally, Miraka's approach is to support the principled approach provided by Mr's Eccels (Fed Farmers evidence) and Dragten in the S42a report for land user/CFEP collaborative authoring of a farm specific FEP with discretion provided to the CFEP for subjectivity around the actions deemed appropriate to each situation. Miraka believes this can be accomplished within a Permitted Activity status within a CIS or controlled activity status outside a CIS.

Farm Environment Plans & activity status

- Miraka has also been talking to several other sector parties to find a collaborative position in the event that the panel is concerned about public confidence in this level of discretion. Miraka would support an approach like that suggested by Mr Willis (Fonterra) and Mr Eccels (as Schedule 1a) whereby a land user and CFEP commit to specific mitigation actions from a list sanctioned by WRC. Flexibility would be provided to extend to actions outside of this list through a controlled activity consent process, still within the framework of the CIS.
- Some discretion will still need to be empowered to the CFEP in respect to action timeframes based on considerations for individual enterprise business plans and other social influences. Discretion on the part of a CFEP is essential in our view to establish a partnership approach.
- Farming enterprises are unique in that the boundary between business and lifestyle environments are blurred and are usually one in the same. Consideration must be provided for this nuance.

Farm Environment Plans & activity status

- Miraka believes that for effective partnership between land users, CFEPs and WRC to achieve the desired outcomes, FEPs need to be collaboratively authored and correspondingly annually reviewed by both land users and CFEPs rather than WRC consenting officers. CFEPs will be tasked annually to review actions against progress towards the desired mitigation effect.
- There needs to be a robust framework for the escalating of non-action to WRC officers, including the exiting from within CIS/permitted activity status. This is covered by Ms Hardy's evidence.
- Robust WRC auditing of CFEP performance is essential to establish community confidence in the process and outcome achievement throughout Stage 1.