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Chief Executive Officer  
Waikato Regional Council  
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Dear Sir

**Submission on the Healthy Rivers Proposed Plan Change 1**

The following is our submission on the Waikato Regional Council's Proposed Plan Change 1:

We could not gain an advantage in trade competition through this submission.

**GENERAL**

We submit that Plan Change 1 is flawed, inefficient, unworkable, and goes well beyond that envisaged and required by the National Policy Statement for Fresh Water Management. Furthermore, it appeases the interest of intensive farms and prejudices low intensity or well managed farms that have limited to no adverse effects on water quality. In particular the Plan prejudices low intensity hill country drystock farms.

It fails to distinguish between different farming operations and attempts to use the 'one shoe fits all' approach which is disastrous as it will not only fail to address water contamination but will also place a unsustainable burden on many farms with low levels of contaminant discharge to water bodies, in particular, low intensity drystock hill farms – the very farms that have minimal effects on water contamination and are an important factor to the economy, identity and heritage of New Zealand.

It is inequitable and unjust as it rewards intensive farming practices (with high contaminant discharges) by providing for a Nitrogen Reference Point system based on 2015 & 2016 usage to set the standard for those farms. This flawed process will not only fail to meet the National Policy Statement for Fresh Water Management but also fails to meet the Objectives and Policies of Plan Change 1. It will unjustifiably penalises those farms that had little or no fertiliser usage in the 2015-2016 years. This prevents them from continue their low intensity farming practices thereby preventing them to be able to provide for their social, economic and cultural wellbeing. It is not effects based and will not address discharge of contaminants into water.

We oppose all parts of Proposed Plan Change 1 that are unworkable, bias, not effects based, and discriminatory. The Plan Change fails to meet part 2 of the Resource Management Act and the National Policy Statement for Fresh Water Management, and even fails to meet its own objectives and policies and as such **needs to be withdrawn**.

WRC has chosen the wrong path with this heavy handed, unworkable, regulatory approach. As anticipated by the National Policy Statement for Fresh Water Management, WRC needs to consult with land owners, test the quality of fresh water on farms and if there is an issue require it to be addressed (and if there is no issue, the farm should not be subjected to any unnecessary, costly, bureaucratic, processes). Not impose these draconian, broad, inflexible, untargeted, sweeping array of regulatory measurements on all properties with animals on them when most of these animal owners will be having little to no adverse effects on water quality.

## **SPECIFIC**

### **Part A**

#### **3.11.2 Objectives**

##### **Objective 2**

Objective 2 identifies water as the only factor that enables people and communities to provide for their social, economic and cultural wellbeing. Although water quality is important, it is not the only factor. It is essential for communities and farming families that small or low intensity drystock farms, irrespective of whether the farm happens to be in more than one title, are manageable, streamlined and financially viable. This requires them to not be subjected to onerous, time consuming, expensive, and unnecessary bureaucratic processes (such as: registering the property with WRC; certified professionals to prepare a Farm Environment Plan; verification from a Certified Farm Environment Planner; annual requirement for providing information to WRC; etc) as proposed by Plan Change 1.

##### *Relief sought*

Introduce a new Objective 2a that recognises the social, economic & cultural importance of low intensity farms (that have limited to no effect on water quality) bring to people and communities and their need to be exempt from these unnecessary bureaucratic requirements. Also consequential changes to the policies and rules to give effect to the new objective.

##### **Objective 4**

A stage approach is supported, however the staging needs to set to enable people and communities to provide for their social, economic and cultural wellbeing into the long term, not just the short term.

*Relief sought*

Amend objective 4 by deleting ~~in the short term~~ and adding into the future.

### **3.11.3 Policies**

#### **Policy 1**

We fully support this Policy 1a & 1b and request they are retained unchanged.

#### **Policy 2**

We oppose Policy 2 as it lumps all farming into the same requirements and does not recognise farms with a low level of contaminant discharge to water, in particular low intensity drystock farms, have minimal effects on water quality.

*Relief sought*

Identify that Policy 2 is for properties that have moderate to high discharges of contaminants into water and is not relevant to farms with a low level of contaminant discharge to water bodies in particular low intensity drystock farms.

#### **Policy 4**

We support providing for activities with lower discharges to be recognised and to be able to continue without being subjected to costly and time consuming bureaucratic processes.

*Relief sought*

Amend policy to provide and encourage low discharge activities to continue without interference from Regional Council.

#### **Policy 5**

Support staged approach for moderate and high discharge activities. Low discharge activities need to be encouraged.

*Relief sought*

Amend policy as requested above.

#### **Policy 7**

Oppose Policy 7 as it does not relate to Proposed Plan Change 1.

*Relief sought*

Delete Policy 7.

#### **Policy 17**

Oppose Policy 17 as it does not relate to managing contaminants to water and is not related to Proposed Plan Change 1.

*Relief sought*

Delete Policy 17.

### **3.11.4 Implementation Methods**

#### **General**

We generally oppose any implementation method that imposes any additional cost or time burden on farms with a low level of contaminant discharge to water bodies, in particular, low intensity dry stock farms, as these have little to no unsustainable or inappropriate discharges to water. This includes, but not limited to, the following specific implementation methods.

#### **3.11.4.3 Farm Environment Plans**

We oppose the requirement for a compulsory Farm Environment Plan for farms with a low level of contaminant discharge to water bodies, in particular, low intensity dry stock farms. These farms have little to no contaminants to water and therefore do not require time consuming and costly Environment Plans.

#### *Relief sought*

Clarify that Farm Environment Plans are not required for farms with a low level of contaminant discharge to water bodies, in particular, low intensity dry stock farms.

#### **3.11.4.6 Funding**

Support WRC funding the requirements within Plan Change 1.

### **3.11.5 Rules**

#### **3.11.5.1 – Small and Low Intensity Activities**

We support the attempt to recognise and provide for small and low intensity farming activities. However, the threshold for small and low intensity farms is ridiculously low and conservative.

The requirement for less than 4.1ha area to be a small farm is unreasonable. It does not take into account the different types of farming practices (pig farming compared with drystock). A very small drystock hill farm would be 80ha whereas a pig farm could be less than 4.1ha.

The low intensity standard of less than 6 stock units per hectare is unrealistically low. A conservative dairy farm in NZ will run about 18 SU/ha (the classic cow to the acre) and the more intensive ones (still grazing cows predominantly outdoors) about 32 or more.

For drystock hill farms we consider a low intensity farm would carry 10-12 stock units per hectare.

The requirement for the farm to not be on more than one property is unrealistic and not effects based. There is no difference between a farm being in one or several Titles in relation to water contamination! Many farms are in several titles and we are not aware of any resource management reason to preclude them from being a small or low intensity

activity. The standard relates to the intensity of the farming activity, not the Title of the land.

We can see no reason, resource management or other, why small and low intensity farms that have minimal effects on water quality need to be registered with the WRC.

#### *Relief sought*

Amend Rule I to provide a realistic threshold for small and low intensity farms. For small farms set size limit for the different farm categories (dairy on flat land, dairy of hill country, drystock on flat, drystock on hilly, etc) to provide a tailored and realistic threshold for a small farm. Amend the low intensity threshold to 10-12 stock units per hectare.

Delete the requirement to register the property with WRC (Rule 3.11.5.1).

Delete the requirement for the property to not be an enterprise and not be on more than one Title (Rules 3.11.5.1.4 & 3.11.5.1.7).

### **3.11.5.2 – Other Farming Activities**

We request Rule 2 be deleted in its entirety and rewritten as it contains too many flaws to be amended. These include:

- The areas of the property needs to be tailored to the type of farming activity (one shoe does not fit all) (Rules 3.11.5.2.3 & 3.11.5.2.4).
- The requirement for the farming activity to be on one Title and not an enterprise is not effects based and is irrelevant to water contamination (Rules 3.11.5.2..3,a)
- Setting the stocking rate and discharges to that what was undertaken at 22 October 2016 does not address water contamination, rewards high water contaminating activities and punishes low water contaminating activities, is not effects based, is not based on a scientific determination of acceptable and sustainable contamination levels and fails to meet the provisions of Part 2 of the Resource Management Act, the National Policy Statement for Fresh Water Management, and its own objectives and policies (Rules 3.11.5.2.3.b.i & b.ii).
- Setting the permitted activity standard to a Nitrogen Referencing Point does not address water contamination, rewards high water contaminating activities and punishes low water contaminating activities, is not effects based, is not based on a scientific determination of acceptable and sustainable contamination levels and fails to meet the provisions of the meet part 2 of the Resource Management Act, the National Policy Statement for Fresh Water Management, and its own objectives and policies (Rule 3.11.5.2.4.a & 4.ab.i).
- To remove grazing from properties over 15 degree effectively closes down all hill country farms, irrespective of the effects, if any, the farming activity is having on water quality. It is not effects based and again is not tailored to the different types of farming activities. It does not enable people and communities to provide for

their social, economic and cultural wellbeing and does not provide for the reasonable use of land (Rule 3.11.5.2.4.c)

- Is invasive and draconian (Rules 3.11.5.2.3.c & 3.d, & 3.11.5.2.5).

**3.11.5.3 – Farm Environment Plan Under a Certified Industry Scheme; 3.11.5.4 Controlled Activities; 3.11.5.5 Existing Commercial Vegetable Production; 3.11.5.6 Restricted Discretionary Activity.**

We oppose these rules as they refer to a Nitrogen Referencing Point or other grandfathering provision for the same reasons as included for Rule 2 above.

**Rule 3.11.5.7 Non-Complying – Land Use Change**

We oppose this rule as it can be interpreted that any changes to live stock grazing other than dairy to dairy (which is not a change) requires a consent for a non-complying activity. This rule needs to be clarified as it could be interpreted that any change in the use of livestock grazed land is a non-complying activity. This would include retiring areas of grazed land, any subdivision or residential development of grazed land, etc is a non-complying activity.

*Relief sought*

Delete this rule as it is unclear and requires any change in livestock grazing is a non-complying activity or other change to the rule to address these concerns.

**Schedule A – Registration with WRC**

We oppose Schedule A as this is draconian, big brother at its worst. Again, WRC needs to test farm streams and determine if there is an issue with contamination from the farming activity (which there could be with moderate to high intensive farms) not impose a broad invasive requirement on all property owners, including farms with a low level of contaminant discharge to water bodies, in particular, low intensity dry stock farms, under the guise of contamination control. 2ha is not a farm! Even a small rural lot with a pony or two would be subjected to the burden imposed by WRC regulatory methods.

*Relief sought*

Remove the requirement for registration with WRC for farms with a low level of contaminant discharge to water bodies, in particular, low intensity dry stock farms, that WRC have tested and are not resulting in unsustainable and unacceptable rates of water contamination.

**Schedule B – Nitrogen Reference Point**

We oppose Schedule B and the Nitrogen Reference Point process as setting the permitted activity standard to a Nitrogen Referencing Point does not address water contamination, rewards high water contaminating activities and punishes low water contaminating activities (and threatens their survivability), is not effects based, is not based on a

scientific determination of acceptable and sustainable contamination levels and fails to meet the provisions of the meet part 2 of the Resource Management Act, the National Policy Statement for Fresh Water Management, and its own objectives and policies.

*Relief sought*

Delete the Nitrogen Reference Point methodology.

**Schedule C – Stock Exclusion**

We oppose the stock exclusion areas for small and low intensity drystock hilly farms. We also oppose the inclusion of any farm drain requiring stock exclusion. These exclusion areas are unnecessary, unworkable extremely costly, weed producing & inefficient – all for little to no gain if the farming activity has a low level of contaminant discharge to water bodies.

**Schedule 1 – Farm plans**

We oppose the requirement for farm plans for small and low intensity farms and/or farms with a low level of contaminant discharge to water bodies, (determined realistically rather than as stated in Rule 3.11.5.1) for all the reasons previously outlined within this submission.

*Relief sought*

Remove the requirement for farms with a low level of contaminant discharge to water bodies, in particular, low intensity dry stock farms, realistically determined, from the requirement for a farm plan.

**Schedule 2 – Certification of industry Scheme.**

We oppose these rules as they refer to a Nitrogen Referencing Point or other grandfathering provision for the same reasons as previously outlined within this submission.

*Relief sought*

Remove the Certification of Industry Scheme

**Definitions**

The definition of farming within Proposed Plan Change 1 is as follows:

*Definition - Farming activities*

*Farming activities: For the purposes of Chapter 3.11, the grazing of animals or the growing of produce, including crops, commercial vegetable production and*

*orchard produce but not does not include planted production forest or the growing of crops on land irrigated by consented municipal wastewater discharges.*

We oppose this definition as it goes well beyond what is reasonably and generally considered to be farming activities. It includes ALL land where animals are grazed or produce is grown. This captures hobbyists/lifestylists and all non-commercial land owners. These owners may have one or more horses, or a few sheep or goats, or a house cow or a number of cattle for grass control purely for hobby or recreation reasons. They are not farmers and their properties are not farms. The definition of farming activities needs to exclude animals kept for recreation purposes. The definition needs to be limited to what is generally understood to be a farming activity, that is, the commercial grazing of animals, producing crops etc.

The definition of a farm in ‘dictionary.com’ is useful as it includes this commercial aspect as follows:

*“a tract of land, usually with a house, barn, silo, etc., on which crops and often livestock are raised for livelihood.”*

#### *Relief sought*

Amend the definition of farming activities to not include hobbyists and recreational keepers of animals and confine the definition to actual farms that are a commercial activity.

#### **Other Matters – Further Relief Sought**

Introduce new, or amend existing, provisions to support farming activities that are not adversely affecting water quality and allow them to continue without imposing costly, time consuming, unnecessary, bureaucratic provisions onto them. This rewards good farm practices or low intensity farming activities and ensures they are sustainable into the future. WRC resources can then be best utilised in addressing those farms or activities that are adversely impacting on water quality (and not allow them to be exempt simply because they were impacting on water quality in 2015 – 2016).

Introduce new, or amend existing, provisions to tailor them to the different types of farming activities. Rather than trying the ‘one shoe fits all’ approach which is unworkable.

Introduce new or amend any existing provision to give consequential changes to provide for the matters raised within this submission.

Dean Glen  
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