

# PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS



Submission form on publicly notified – Proposed  
Waikato Regional Plan Change 1 – Waikato and  
Waipā River Catchments.

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FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

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## SUBMISSIONS CAN BE

Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <b>2 PAGES</b> <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyrivers@walkatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details.</i>
Online at	www.walkatoregion.govt.nz/healthyrivers

**We need to receive your submission by 5pm, 8 March 2017.**

## YOUR NAME AND CONTACT DETAILS

Full name: BRUCE HORNER (EST JC HORNER)

Full address: 100 SWAYNE ROAD R01 CAMBRIDGE 3493

Email: \_\_\_\_\_

Phone: 07 823 1200 Fax: 07 8230266

## ADDRESS FOR SERVICE OF SUBMITTER

Full name: BRUCE HORNER (EST JC HORNER)

Address for service of person making submission: 100 SWAYNE ROAD R01 CAMBRIDGE 3493

Email: \_\_\_\_\_

Phone: 07 8231200 Fax: 07 8230266

## TRADE COMPETITION AND ADVERSE EFFECTS (select appropriate)

- I could /  could not gain an advantage in trade competition through this submission.
- I am /  am not directly affected by an effect of the subject matter of the submission that:
- adversely effects the environment, and
  - does not relate to the trade competition or the effects of trade competition.

Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

I am particularly concerned about the following aspects of Plan Change 1. They will have implications all this will have for my property, my current farm business and the economic wellbeing of the Waikato region.

- The significant negative effect on rural communities,
- The broad brush approach which doesn't differentiate between sub-catchments with low levels of environmental damage and those with high,
- The lack of science and monitoring at a sub-catchment level, to identify areas of priority for environmental improvement,
- The cost and practicality of implementing the rules,
- The rules around land change which will restrict the ability to take up market opportunities and restrict the region's economy,
- The cost and practicality of developing a nitrogen reference point,
- The timeframes for complying with the nitrogen reference point rules which are too short, given that OVERSEER is still being developed for the cropping sector,
- The effect that the nitrogen reference point will have on my business, the value of my land and my economic well-being,
- The costs, both cash and loss of opportunity, and the practicality of the rules for stock exclusion, cultivation and setback width,
- The cost of developing and implementing a farm environment plan, leading to the unnecessary and the costly regulation of my farm business,
- The specificity of the rules around cultivation and set-back widths

I set out my concerns more specifically in the table below.

Page No.	Reference (e.g Policy or Rule number)	Support or Oppose	Decision sought Say what changes to Plan Change 1 you would like.	Reasons
40	Rule 3.11.5.2 Permitted Activity Rule  Point 4. b, ii	<b>OPPOSE in part</b>	I submit that Point (4. b, ii) is reworded to read: ii. 15kg nitrogen/hectare /year.	The rule must enable farmers to have the flexibility to change their land uses and possibly increase their nitrogen loss up to a limit of 15kg/ha/year and still be a permitted activity.

				<p>Changes in land use that might be considered are:</p> <p>Change in stock type</p> <p>Change in stocking rate</p> <p>Change in cropping activity.</p>
42	<p><b>Rule 3.11.5.4</b></p> <p>Controlled Activity Rule</p> <p>Farming activities with a Farm Environment plan not under a certified industry Scheme</p>			<p>This proposal will impose significant costs on my farming activities because:</p>
45	<p><b>Rule 3.11.5.7</b></p> <p><b>Non-complying activity rule – land Use change</b></p>	<b>OPPOSE</b>	<p>Remove this rule:</p> <p>Replace it with a rule that enables land-use change to occur with reference to established sub-catchment limits.</p> <p>Land-use change for farming activities with contaminant losses below the catchment limit is a permitted activity so long as contaminant losses do not exceed the sub-catchment limit.</p> <p>Land-use changes for farming activities with contaminant losses above the sub-catchment limit is a consented activity.</p>	<p>I am concerned that this rule is not practical because:</p> <ol style="list-style-type: none"> <li>1. It is too heavy-handed to apply a land-change rule to the whole region. A more flexible approach which acknowledges differences between sub-catchments will prevent unnecessary cost and aggravation for both farmers and the council</li> <li>2. The rule as it is written prevents farmers from being able to capitalise on market opportunities in a timely manner. Opportunities could be lost because of consent paper work. Farm profitability will be constrained by the consent processes and the economic resilience of the region will decrease.</li> <li>3. The rule disregards the fact that many farmers lease land, some on a short term basis. As the leases change, so will the land-use and it will be difficult to establish whether land use intensification has occurred.</li> </ol>
47	<p><b>Schedule B</b></p> <p><b>Nitrogen Reference Point</b></p>	<b>OPPOSE in part</b>	<p>I submit that the time frames for the development of NRPs for mixed arable systems is extended until the development work for the OVERSEER crop module is completed.</p> <p>I propose a fairer approach is for Waikato Regional Council to develop sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways.:</p> <p>Farms within the catchment with NRPs greater than the sub-</p>	<p>I am concerned about the level of accuracy in the calculation of NRP because:</p> <ol style="list-style-type: none"> <li>1. OVERSEER is not routinely used by the cropping sector. Most arable farmers have had no prior experience with OVERSEER budgets and many certified nutrient managers have had limited experience with modelling arable systems with both crops and stock.</li> <li>2. Attempts to model cropping systems in OVERSEER often deliver error messages preventing the nutrient reports from running. A number of “work-arounds” have been recommended by</li> </ol>

			<p>catchment limit must endeavour to reduce their contaminant losses over time.</p> <p>Farms within the catchment with NRPs below the sub-catchment limit may continue any farming activity as long as their contaminant losses do not exceed the set limit as measured by annual nutrient budgets.</p>	<p>OVERSEER Ltd to manage these error messages. This moves the modelled data away from the actual farm data, increases the time and cost to prepare an OVERSEER budget and reduces the level of confidence that the farmer has in the nutrient budget.</p> <p>3. Nitrogen loss numbers from OVERSEER with a low level of confidence are good to provide a rough estimation of the farm nitrogen loss but they should not be used to develop NRPs for compliance.</p> <p>I am also concerned that a low NRP number will impact on the land-value of my farm, the so-called "grandparenting" effect.</p> <p>I propose a fairer approach is for Waikato Regional Council to develop sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways.:</p> <p>Farms within the catchment with NRPs greater than the sub-catchment limit must endeavour to reduce their contaminant losses over time.</p> <p>Farms within the catchment with NRPs below the sub-catchment limit may continue any farming activity as long as their contaminant losses do not exceed the set limit as measured by annual nutrient budgets.</p> <p>This is a more equitable approach. It has the added advantage that efforts of farmers and the community can be focussed on those catchments with bigger contaminant loads, with less attention on catchments where the loads are below a level of concern.</p>
50	Schedule C Stock Exclusion	<b>OPPOSE</b>	Amend Schedule C as requested by Federated Farmers in their submission	
51	Schedule 1 Requirements for farm environment plans	<b>OPPOSE in part</b>	Amend Schedule 1	<p>I support the requirement that a Farm Environment Plan shall be certified as meeting the requirements of Schedule A, however I submit that I should be able to develop my own plan, either on my own accord or as a participant in a workshop process.</p> <p>Following this development I can certify my plan by having it reviewed</p>

				<p>number of costs and management problems including:  The lost opportunity cost of land taken out of production.  The requirement to find an alternative productive and efficient use for the land.</p> <p>4. Implementation and enforcement of this rule will require detailed slope information such as LIDAR, for every Waikato farm. Will WRC supply this?</p>
51	Schedule 1- Points 2(b)(iii) and 2.(f)(ii) (d)- Setback Width	OPPOSE	<p>I submit that: points 2(b)(iii) and 2(f)(ii)(d) in Schedule 1 should be re-worded to;</p> <p>2(b)(iii) - The provision of cultivation setbacks is designed to mitigate the environmental risk of contaminant losses.</p> <p>2(f)(ii)(d) - maintaining appropriate buffers between cultivated areas and water bodies.</p>	<p>A defined width for the setback of a minimum 5m is too prescriptive and will lead to a direct cost to my farm from the lost opportunity of land taken out of production and the ongoing maintenance of managing the vegetation in the set-back.</p> <p>Setbacks are important to reduce the risk of contaminants entering waterways but width should not be prescribed in the rules. The design of setbacks to filter contaminants depends on a number of physical characteristics such as slope, soil type, overland flow paths and cultivation frequency and intensity.</p> <p>Environmental consultants developing mitigations in the farm plan process must design setbacks that are acceptable to the farmer. Setback width must be based on proven scientific evidence and must be the minimum width to effectively filter contaminants. Setbacks that are too wide have an ongoing economic loss for the farm relating to the area of land removed from production and costs associated with weed and riparian plant control.</p> <p>Effective setback design draws on proven scientific and engineering information, not regional rules.</p> <p>In the report to Waikato Federated Farmers Farm Environment plan project, with reference to farm 5, the opportunity cost of from lost production to the development and maintenance of a 5-metre buffer zones separating drains from the crops was estimated to be \$100,000.</p> <p>On this farm the topography is flat and the farmer felt the width of setbacks was excessive given that the risk of sediment movement into the drain was low and the drains do not have permanent water</p>

			<p>by a Certified Farm Environment Planner, where the review will include will include a farm visit and an assessment of the identified environmental risks for contaminant losses and the mitigation plan for these risks.</p> <p>The reasons for this additional provision is to:</p> <ol style="list-style-type: none"> <li>1. Reduce the cost of plan development. Consistency in the quality of the plans will be maintained by the review process.</li> <li>2. Reduce the level of dependence and likely pressure on Certified Farm Environmental planners for plan development.</li> </ol>
52	Schedule 1- Point (f)(i) A description of cultivation management.	<p>I submit that Point (f)(i) is removed from Schedule 1.</p> <p>and point f is re-worded to read:</p> <p>(f) A description of cultivation management, including: How the adverse effects of cultivation will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by:</p> <p>Points (a), (b), (c) and (d)</p> <p>Points (e) and (f) do not apply to the risks associated with cultivation. I submit that these are re-numbered.</p>	<p>I accept that sediment movement from cultivated land is an environmental risk which also has a direct economic cost to the farm associated with soil losses, however a rule preventing cultivation on slopes exceeding 15° is impractical because:</p> <ol style="list-style-type: none"> <li>1. The risk of contaminating water ways with sediments is strongly related to the distance between the cultivated land and the receiving waterway as well as the slope of the land. In many instances sediments moving from cultivated land will not directly affect waterways.</li> <li>2. When considering the environmental risks associated with cultivation the farmer and the environmental consultant must consider the following characteristics of the cultivated land: slope, proximity to receiving water bodies, overland flows (point a), measures to divert overland flows (point b) and ways to trap sediment (point c). Only if there is a high risk of contaminants getting into waterways and no practical means of stopping them, should cultivation be avoided. This can be addressed in individual farm environment plans.</li> <li>3. The measurement of slope by farmers and consultants is difficult and slope is not consistent within the landscape. Within a paddock, slope will vary, and if the rule is to be upheld there will parts of the paddock which will need be left uncultivated. This poses a</li> </ol>

				<p>flow.</p> <p>Research shows that 91% of incoming sediment through a grass filter strip was deposited in the first 0.6m. (Parklyn, S. (2004, September). Review of Riparian Buffer Zone (MAF). A 0.6m grass strip at a slope of 10% will reduce soil loss between 63-85% depending on the cultivation programme of the land (Yuan, Bingner, &amp; Locke, 2009). Compared to other vegetation, grasses were found to be the option for trapping sediments.</p>

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

- I wish to speak at the hearing in support of my submissions.
- I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

- Yes, I have attached extra sheets.
- No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

Signature:

*B. Howell*

Date:

*28 FEBRUARY 2017*

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.