

Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

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

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

SubForm	PC12016	COVER SHEET	
FOR OFFICE USE ONLY			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

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 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details. We also request you send us a signed original by post or courier.</i>
Online at	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

NAME AND CONTACT DETAILS OF SUBMITTER		
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Email: as above	Phone: as above	Fax: as above

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
<input type="checkbox"/> I could / <input type="checkbox"/> could not gain an advantage in trade competition through this submission.
<input type="checkbox"/> I am / <input type="checkbox"/> am not directly affected by an effect of the subject matter of the submission that: (a) adversely effects the environment, and (b) 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.

THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO

*Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1
(continue on separate sheet(s) if necessary.)*

The entire Plan Change

See below and attached sheets

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

(select as appropriate and continue on separate sheet(s) if necessary.)

- Support the above provisions)
- Support the above provision with amendments) Partly supported and partly opposed - see below and attached sheets
- Oppose the above provisions)

MY SUBMISSION IS THAT

*Tell us the reasons why you support or oppose or wish to have the specific provisions amended.
(Please continue on separate sheet(s) if necessary.)*

Plan Change considerations

1. The purpose of Proposed Plan Change 1 (PC1), as modified 3 December 2016, is to meet the changes required by the New Zealand Government National Policy Statement for Fresh Water Management 2014, Gazetted on 4 July 2014 (NPS). Minister Nick Smith and Minister Nathan Guy have just proposed a change to the NPS with a consultation document for "Next steps for fresh water" proposing "a target of 90% of rivers and lakes swimmable by 2040".
2. PC1, intended to meet the NPS objectives, and is subject to the Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato
3. Every reasonable thinking New Zealander will support objectives and aspirations that we, as a country, have a focus on "restoring and protecting the health and wellbeing of our rivers for current and future generations" and the Vision and Strategy that "the Waikato and Waipa rivers and their tributaries be swimmable and safe for food collection".
4. PC1 seeks to "help restore and protect the health of the Waikato and Waipa rivers" by introducing extensive rules to manage and reduce:
 - a. Nitrogen,
 - b. Phosphorus,
 - c. Sediment, and
 - d. Microbial pathogens;in the areas which affect the Waikato River and the Waipa River with water runoff or tributaries.

Submitters interest in PC1

5. We are the owner of a 212.9479 ha dairy farm in the Upper Waikato River catchment (sub-catchment 67, priority 2) which has been farmed by the family since 1968 – some 49 years.
6. We have the opportunity to grow our farming business, by buying the neighbouring farm, but it is detrimentally affected by PC1, making it a potential liability to economic farming going forward.
7. We know and understand our land very well, which has benefited significantly from years of investment and good management to make the soil better and more productive.
8. My submission is made with the expertise that follows from an in-depth knowledge of our farm and farm system.
9. Our farm is approx. 5-6 kms from the Waikato River at Lake Whakamaru.

10. According to the Ministry for the Environment Lake Whakamaru and the Waikato River (from Lake Taupo down to Lake Waipapa) is "excellent" for swimming quality.
11. No overland runoff or tributary water originates from our farm. Everything is contained within the boundaries.
12. Our voluntary Sustainable Milk Plan, developed in 2014 and updated since, provides for proper consideration of the environment and how we responsibly farm our property.

Alternatives and balance – the whole community, not just farming

13. The PC1 focus on farmland has unbalanced the approach and options for addressing the Vision and Strategy.
14. The Vision and Strategy is a whole community focus so needs to include the towns, cities, roads and rail infrastructure, together with the non-farming industry and commercial activities in the same zones (identified as freshwater management units).
15. PC1 is a complex set of ideological rules. These will end badly for our country and farming if not modified.
16. The Waikato Regional Council (WRC) is the rule maker, the interpreter of those rules and the enforcer. Inevitably the rules will become the 'raison d' être' for the WRC and common sense will have no place in the true objectives and aspirations that we, as a country, have for our water. Often rules and common sense are strangers.
17. Micro-management, using rules without the proper science, based on assumptions, models and theories will destroy our agricultural economy almost as fast as 'foot and mouth disease' and I object to this approach, which is the foundation of PC1.

Overseer

18. The WRC s.32 Report contains 75 references to Overseer.
19. Overseer has been developed and funded by the two largest fertiliser companies in New Zealand, Balance Agri-Nutrients Limited and Ravensdown Limited, in conjunction with Agresearch Limited a CRI (under the Crown Entities Act 2004) controlled by the Government Ministers of Finance and Science and Innovation.
20. Overseer "is a strategic management tool that supports optimal nutrient use on farm for increased profitability and managing within environmental limits" using a complex computer model with many formula and assumptions. It is a credit to those who had the vision to develop it and a very useful tool for farmers and others, within its acknowledged limitations and errors.
21. But, the Councils suggested use of Overseer is akin to engaging the 'fox to protect the chickens in the hen house'.
22. Balance Agri-Nutrients Limited and Ravensdown Limited have been predominantly responsible for the supply of nitrogen and phosphates to farmers, as that is how they make money and profit. The leaching of that nitrogen and phosphate is what PC1 seeks to control or restrict.
23. So, Overseer is funded and controlled by the fertilizer industry (the fox) and WRC seeks to use it for significant controls and reporting (protecting the chickens) for the leaching of nitrogen and phosphates into the environment (the hen house). I object to this and propose that all reference to Overseer be removed from PC1 replacing it instead with 'any recognized scientific means for determining the possible the leaching of nitrogen and phosphates' (which may include modeling with Overseer in the interim).
24. Modelling, theories and guesswork have resulted in assumptions which suggest sources of contamination of our waterways, but there is a hope that the science will 'catch-up' and provide more accurate information from which more appropriate approaches and solutions can be developed.
25. As a model Overseer has not correctly addressed the effects of soil saturation (movement of leachates) and is not effective in deriving outcomes during drought or extended dry conditions (movement of leachates).

Nitrogen cap and Land Use restrictions

26. The proposed Nitrogen cap, based on the last 2 seasons use, is unfair and unjust. It penalises farmers who have been responsible in their use of N and provides a free pass to the abusers who are high users of N (they are required to reduce to the 75 percentile). Therefore, I object to the setting of N levels at a property level and propose that the N levels be regional or sub-catchment.

27. Farmers have made major changes to their farming methods, most with a focus on environmental improvement, over the last decade and this will continue.
28. Introducing rules to control what happens on farm land (control and reduction of Nitrogen, Phosphorus, Sediment, and Microbial pathogens) does not mean that it is also necessary to regulate land use in the manner proposed by PC1 because this is a redundant provision.
29. The Council only needs to be notified of land use change and the farm environment plan for that new land use so that WRC can see matters relating to control and reduction of Nitrogen, Phosphorus, Sediment, and Microbial pathogens have been addressed and comply with the relevant rules for the reduction or control of those elements on the land.
30. I object to the proposed Land Use change provisions in PC1 as being unnecessary and economically burdensome on farmer owners.
31. PC1 does not provide for compensation for lost economic value arising from the imposition of Land Use change restrictions, so unfairly creates a burden on one sector of society. This is objectionable.
32. Currently the Waikato is a food bowl for New Zealand and other parts of the world, freely growing fruit, vegetables and protein (meat and milk). Looking forward, to 80 years from now, will that still be the case under PC1? The PC1 Land Use Rules will destroy our farming and market garden economies and leave the land down graded to growing trees for timber. This is objectionable.

I SEEK THE FOLLOWING DECISION BY COUNCIL

(select as appropriate and continue on separate sheet(s) if necessary.)

- | | | |
|--|---|-------------------------------|
| <input type="checkbox"/> Accept the above provision |) | |
| <input type="checkbox"/> Accept the above provision with amendments as outlined below |) | See above and attached sheets |
| <input type="checkbox"/> Decline the above provision |) | |
| <input type="checkbox"/> If not declined, then amend the above provision as outlined below |) | |

Amend as follows:

Sheet above and attached.

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Yes, I have attached extra pages. | <input type="checkbox"/> No, I have not attached extra sheets. |
|---|---|

SIGNATURE OF SUBMITTER

(or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature:



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.

Additional pages attached and forming part of this submission

Issue	Page #	Provision for Plan Change	Support or Oppose	Comment/Submission	Decision sought
Plan change – 3.11.2 Objectives					
1	27	Objective 1	Support part Oppose part	Accept that an 80 time frame will enable the Vision and Strategy to be achieved. Recognition is required that for some places and attributes restoration is not necessary as the current state of the attribute remains in the target range.	Amend Objective 1 to read: By 2096, discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water result in the achievement of the restoration and protection and, where necessary, restoration of the 80-year water quality to achieve the 80 year attribute targets in Table 3.11-1.
2	27	Objective 2	Oppose part	Our current economies, especially farming, currently rely on the free use of water and this should be recognised.	Amend Objective 2 to read: Waikato and Waipa communities and their economy benefit from existing water use and will further benefit from the restoration and protection of water quality in the Waikato River catchment, which enables enabling the people and communities to continue to provide for their social, economic and cultural wellbeing.
3	27	Objective 4	Oppose part	No recognition of the economic costs or influences to change, which are a practical reality going forward. As science focuses on the objectives of PC1, solutions are likely to emerge which may not require the need for future contaminant reductions to be the only option. Locking in a program for further intervention in management is a process not an objective.	Amend Objective 2 to read: A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while: a. considering economic costs , the values and uses when taking action to achieve the attribute [^] targets [^] for the Waikato and Waipa Rivers in Table 3.11-1; and b. recognising that further contaminant reductions will may be required by subsequent regional plans and signalling anticipated future management
Fletcher Trust					Page 6

					approaches that will be needed to meet Objective 1.
Plan Change – 3.11.3 Policies					
4	30	Policy 1	Oppose part	Is there a potential inconsistency between Policy 1a and Policy 4 with regard to the approach taken to activities with a low level of contaminant discharge?	Review Policy 1 for consistency with Policy 4 as it relates to the policy test that applies to the enablement of low discharging activities.
5	30	Policy 2	Oppose part	This policy does not relate effectively with the rules that seek to implement it; i.e. part d of the policy. That implies that those preparing farm environment plans (FEPs) will make discretionary judgements about the degree of reduction of nitrogen, phosphorus, sediment and E.coli each farm is to achieve, proportionate to current discharge and the scale of water quality improvement required in the catchment. This is not how the rules can or should work.	Replace part d of Policy 2 so that it reads: Requiring farm environment plans to identify the areas and activities representing diffuse discharge risks and the most effective way of managing those risks on the particular property.
6	31	Policy 3	Oppose	As very little information is available on the environmental performance of commercial vegetable production it is difficult to understand a Policy or Rules which seek to regulate this activity in this manner. Without clarity as to effects and outcomes it is not possible to have the Policy or Rules. If retained, the policy needs to confirm that the maximum area being referred to in part b is the footprint that represents the largest footprint used in a single year over the 2006-2016 period rather than the aggregate of all areas used for	Remove Policy 3 entirely. Alternatively amend Policy 3 as follows: b. The maximum area in production for a property or enterprise in any single year is established and capped at the largest area in production for that property or enterprise in any single year over the 10 year period ending 1 January 2016 as determined by utilising commercial vegetation production data from the 10 years up to 2016; and ... d A 10% decrease by 2026 in the rate of diffuse discharge of nitrogen relative to the nitrogen reference point and a

				<p>commercial vegetation production over the period 2006-2016.</p> <p>The policy also needs to make clear that the 10% reduction in nitrogen loss across the sector is relative to the cumulative nitrogen reference points of all commercial vegetable growers (i.e. the 10 year average nitrogen discharge). It also needs to be made clear that the 10% reduction is to be achieved by 2026.</p> <p>The point made in relation to Policy 2 in submission 5 above, also applies to Policy 3.</p>	<p>tailored reduction in the diffuse discharge of phosphorus, sediment and microbial pathogens is achieved across the sector through the implementation of Best or Good Management practices; and</p> <p>Delete part g and replace with the following</p> <p>g. Requiring farm environment plans to identify the areas and activities representing diffuse discharge risks and the most effective way of managing those risks on the particular property.</p>
7	31	Policy 4	Oppose	<p>Activities with low discharges should be allowed to continue and for new ones to establish.</p> <p>This policy is complex and unclear. In particular, the policy appears inconsistent with Policy 1 as it appears to apply a different policy test as to when low discharging farming activities should be enabled.</p> <p>It is also not clear whether Policy 4 is intended as the foundation policy for Rule 3.11.5.3 or just for Rules 3.11.5.1 and 3.11.5.2.</p> <p>Perhaps the policy foundation for Rule 3.11.5.3 should be addressed by a separate policy given the different policy justification for that rule.</p> <p>Finally, the second sentence of the policy would be more appropriate as an advisory note.</p>	<p>Amend Policy 4 to read:</p> <p>Enable existing farming activities or new activities that make a small contribution to contaminant loads and/or that pose a low risk of contaminant discharge because they:</p> <ul style="list-style-type: none"> (a) occupy a small land area; and/or (b) have a low nitrogen discharge per hectare (and/or the land is not used for an intensive farming use); <p>provided that high diffuse discharge risk practices are avoided.</p> <p>Advisory note:</p> <p>Activities and uses defined as low dischargers may in the future need to take mitigation actions that will reduce diffuse discharges or nitrogen, phosphorus, sediment and microbial pathogens in order for Objective 1 to be met.</p> <p>Add a new Policy 4A</p> <p>Enable existing farming activities that have a low risk of contaminant discharge for their</p>

					<p>farming type and/or a likelihood of diffuse discharge reductions over time because:</p> <p>(a) they are part of an industry scheme designed to manage diffuse discharge risk; and</p> <p>(b) the industry scheme includes a commitment to reduce the diffuse nitrogen discharge of the highest discharging 25% of farming activities within its scheme to a diffuse nitrogen loss rate that does not exceed the 75th percentile of all farming activities within the industry scheme.</p>
8	31	Policy 5	Oppose part	<p>The 80 year staged approach is supported as is the recognition of social and economic costs of an unstaged approach to achieving the Vision and Strategy's ultimate goals.</p> <p>Some minor wording changes would assisting with clarity.</p>	<p>Amend Policy 5 to read:</p> <p>Recognise that achieving the water quality attribute^ targets^ set out in Table 11-1 will need to be staged over 80 years, to minimise adverse social and economic effects disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens, to achieve Objective 3 and preparing for further reductions that will be required in subsequent regional plans.</p>
9	32	Policy 6	Oppose	<p>Regulating land use is an Orwellian provision, which is an unnecessary addition to the Policies and Rules regulating the targeted control and reduction of Nitrogen, Phosphorus, Sediment, and Microbial pathogens.</p> <p>Land use regulation impacts on the economic value of the land and is improper use of a power by the Council.</p>	<p>Delete Policy 6 and all associated Rules</p>



10	32	Policy 7	Oppose	<p>The policy appears to address three indirectly related points:</p> <ul style="list-style-type: none"> • a need/intent to get better information about contaminant discharges and their effects • in future there will be “allocation” (i.e. a (re)distribution of the right to discharge amongst competing land uses) • when council does allocate certain principles will be applied. <p>It is premature and unnecessary to include reference to the second and third matters in the Policy.</p>	<p>Redraft Policy 7 as follows:</p> <p>Gather information and undertake scientific research about discharges and contaminant loads in the Waikato and Waipa catchments to support future policy making which will most effectively and efficiently achieve reductions in nitrogen, phosphorus sediment and E.coli beyond those identified in Objective 3.</p>
11	32	Policy 8	Oppose	<p>As all sub-catchments contribute to the water quality of the Waikato and Waipa rivers there seems to be no environmental rationale for this provision</p>	<p>Delete Policy 8 and all associated Rules</p>
12	33	Policy 9	Oppose	<p>Sub-catchment planning and edge of field mitigation, as means of improving water quality outcomes, is useful but inappropriate if used as a justification for farming activities not adopting appropriate measures on-farm.</p> <p>The intent of Policy 9 applies to obligations required by other policies and should be incorporated in those policies.</p>	<p>Delete Policy 9, modify Policy 2 as required and all associated Rules</p>
13	33	Policy 10	Oppose part	<p>As farming operations involve a substantial capital investment this Policy should also consider their continued operation and economic benefit to the region.</p>	<p>Add sub-paragraph c. to Policy 10 as follows:</p> <p>c. Continued operation of associated farming operations and their economic benefit to the region/sub-catchment.</p>

14	35	Policy 17	Oppose part	Farming practices will benefit from new science, methods and ideas going forward and these should be incorporated in this policy.	Add sub-paragraph c. to Policy 17 as follows: c. new science, methods and farming concepts to enhance farming in the region.
Plan Change – 3.11.4 Implimentation methods (Rules)					
15	36	3.11.4.2 and 3.11.4.3	Oppose part	<p>Application of the proposed Certified Industry Scheme (with formal agreements between parties) is another Orwellian provision that will add substantial cost to the farmer.</p> <p>There needs to be provision for farmers and competent persons, not being “professionals” or “certified”, to compile Farm Environment Plans where the farming activities are not intensive and not in need of “oversight, and monitoring” (e.g. because the farm has minimal potential to affect the waterways, lakes or rivers due to zero or low use/outputs of Nitrogen, Phosphorus, Sediment, and Microbial pathogens).</p> <p>The requirements associated with Rule 3.11.5.4 should be the same as those applicable under Rule 3.11.5.3.</p> <p>In particular, FEPs should be required by 1 July 2020 and discharges should not exceed the reference point from that date.</p> <p>It would also be preferable to split the rule into a permitted rule (until 30 June 2020) and a controlled rule (applying from 1 July 2002)</p>	<p>Add provision for discretion to allow the adoption of Farm Environment Plans that meets the criteria for information required by the Council without being prepared or monitored by a “Certified” professional.</p> <p>In addition amend Rules to ensure the following conditions apply to a controlled activity (after 1 July 2020):</p> <ol style="list-style-type: none"> 1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and 2. A Nitrogen Reference Point is calculated for the property or enterprise in conformance with Schedule B and was provided to the Waikato Regional Council within the period 1 September 2018 to 31 March 2019; and 3. The five year rolling average does not exceed the Nitrogen Reference Point calculated in accordance with condition 2 from the date on which the nitrogen reference point is provided to the Waikato Regional Council; and 4. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C. <p>Remove the reference to priority catchments and associated dates from the Matters of Control.</p>
16	37	3.11.4.5	Oppose part	In developing sub-catchment scale plans provision should be made to review and include new science and methodology.	Modify Rule 3.11.4.5 to read: Waikato Regional Council will work with others to develop sub-catchment scale plans (where a catchment plan does not

					<p>already exist) where it has been shown to be required. Sub-catchment scale planning, considering ongoing scientific developments and new methodologies, will:</p> <p>a.</p>
17	37	3.11.4.7	Oppose part	<p>The grouping of properties in a sub-catchment will provide a more effective focus on the outcomes the Rules seeks to achieve, therefore this Rule should reflect this.</p>	<p>Amend Rule 3.11.4.7 by adding the words:</p> <p>sub-catchment or, where necessary, individual property or enterprise-level</p> <p>...</p> <p>to subclause a. and b. iii.</p>
18	38	3.11.4.9	Oppose part	<p>The urban areas, the road network and rail network all contribute to the Nitrogen, Phosphorus, Sediment, and Microbial pathogens levels.</p> <p>This is not just a farming problem.</p>	<p>Amend Rule 3.11.4.9 by adding a sub-clause c. to read:</p> <p>c. Consider the effects of Nitrogen, Phosphorus, Sediment, and Microbial pathogens levels in water discharged from urban areas and the road and rail networks when assessing those levels in lakes, rivers and tributaries impacting on the Waikato River and the Waipa River.</p>
19	39 and following	3.11.5.1 3.11.5.2 3.11.5.3 3.11.5.4 3.11.5.5 3.11.5.6 3.11.5.7 and associated schedules	Oppose all	<p>Introducing Land Use Consent terms and conditions is unnecessary and an abuse of power due to the nature of the Orwellian rules required to regulate such provisions that do nothing to enhance the rules already proposed for the control and reduction of Nitrogen, Phosphorus, Sediment, and Microbial pathogens.</p>	<p>Delete all of these rules and schedules as appropriate to remove provisions for Land Use Consent terms and conditions.</p> <p>Instead utilise rules for the control and reduction of Nitrogen, Phosphorus, Sediment, and Microbial pathogens.</p>
20	57 to 67	Attributes table	Oppose part	<p>The objective of PC1 is to restore and protect the health and wellbeing of the Waikato and Waipa rivers for the benefit of current and future generations so that water quality within the Waikato River is safe for people to swim in and take food from over its</p>	<p>Ensure that the attributes are consistent with objectively determined world standards, not local standards subjectively determined.</p>

				<p>entire length.</p> <p>The World Health Organization has published guidelines for drinking water quality standards, etc. Objectively WRC should be considering and setting attributes which are consistent with attributes recognized world wide, not a subjective view on what those attributes should be locally.</p>	
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