WAIKATO REGIONAL COUNCIL PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 - WAIKATO AND WAIPA RIVER CATCHMENTS

Submission Form

Submission on a publically notified proposed Regional Plan prepared under the Resource Management Act 1991.

On: The Waikato Regional Councils proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments

To: Waikato Regional Council
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I am not a trade competitor for the purposes of the submission but the proposed plan has a direct impact on my ability to farm. If changes sought in the plan are adopted they may impact on others but I am not in direct trade competition with them.

I wish to be heard in support of this submission. ✓

If others make similar submissions, I would consider presenting a joint case with them at the hearing.

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7 March 2017

Signature **date**

Signature **date**

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INTRODUCTION

Thank you for the opportunity to submit on the Waikato Regional Councils proposed Plan Change 1.

"THE SPECIFIC PROVISIONS OF THE PROPOSAL THAT THIS SUBMISSION RELATES TO AND THE DECISIONS IT SEEKS FROM COUNCIL ARE AS DETAILED IN THE FOLLOWING TABLE. THE OUTCOMES SOUGHT AND THE WORDING USED IS AS A SUGGESTION ONLY, WHERE A SUGGESTION IS PROPOSED IT IS WITH THE INTENTION OF 'OR WORDS TO THAT EFFECT.' THE OUTCOMES SOUGHT MAY REQUIRE CONSEQUENTIAL CHANGES TO THE PLAN, INCLUDING OBJECTIVES, POLICIES, OR OTHER RULES, OR RESTRUCTURING OF THE PLAN, OR PARTS THEREOF, TO GIVE EFFECT TO THE RELIEF SOUGHT."

WE SUPPORT THE VISION AND STRATEGY OF THIS PLAN CHANGE.

SUBMISSION POINTS

I own a Company that owns and farms 51HA of which over 10% is retired with fencing of drains and trees.

I run bull-beef and breeding-bulls also grazing and lucerne-crops, maize-silage for sale.

In the future, I plan to maybe go back to Dairy or sell to other dairy farmers.

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 hat 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.

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The specific provisions my submission relates to are:	My submission is that:		The decision I would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
OBJECTIVE 1 TO 4	SUPPORT	INVOLVES COMMUNITY. BASED ON GOOD SCIENCE.	MODELING SHOULD BE REMOVED.
OBJECTIVE 5	OPPOSE	ALL TO BE TREATED EQUALLY	REMOVE PRIVILEGE.

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POLICY 1	PARTLY OPPOSE.	a) + b) NEED TO REDUCE POTENTIAL FRICTION BETWEEN HIGH AND LOW EMITTERS.	LEVEL FIELD
POLICY 2	PARTLY SUPPORT	CANNOT SUPPORT c) WHEN USING OVERSEER.!	MORE ACCURATE METHODS TO BE USED.

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POLICY 4	? ?	NO DEFINITION	GOOD SCIENTIFIC ~~DATA~~ REQUIRED FIRST
POLICY 6	OPPOSE	GIVES HIGH EMITTERS UNFAIR ADVANTAGE	DISCHARGE LEVEL FOR SUB-CATCHMENTS.

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	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
POLICY 7, 8, 9,	GENERALLY SUPPORT.	IF WE CAN TRUST OR AFFORD THE GOOD SCIENCE TO IMPLEMENT.	FUNDING FROM COUNCIL FOR GOOD SCIENCE AND DATA
POLICY 10, 11, 12, 13, & 16	OPPOSE.	CONTAMINANTS ARE SUCH FOR EVERYONE.	ALL POINT SOURCE DISCHARGES BE TREATED EQUALLY.

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The specific provisions my submission relates to are:	My submission is that:		The decision I would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
3.11.5.1	PARTLY SUPPORT.	5) STOCKING RATE	STOCKING RATE SHOULD RELATE TO CLASS OF LAND.

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	**OPPOSE in part**	I submit that Point (4. b, ii) is reworded from: "15kg nitrogen/hectare /year: whichever is the lesser, over the whole property or enterprise when assessed with Schedule B and", to read: ii. 15kg nitrogen/hectare /year. I question the basis for setting a limit of 15kgN/ha/year across the whole region. There would appear to be no scientific basis for doing this.	The rule must enable farmers to have the flexibility to change their land uses and possibly increase their nitrogen loss up to a set sub-catchment limit of and still be a permitted activity. Changes in land use that might be considered are: Change in stock type Change in stocking rate Change in cropping activity.
42	***Rule 3.11.5.4*** Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme	**OPPOSE**	Amend 3.11.5.4 as requested by Federated Farmers in their submission.	This proposal will impose significant costs on my farming activities including ,having to use OVERSEER which is not suitable arable or lucerne crops. I am also concerned that this is not practical because our nitrogen reference point will probably be low.
45	**Rule 3.11.5.7 Non-complying activity rule – Land Use change**	**OPPOSE**	Remove this rule: Replace it with a rule that enables land-use change to occur with reference to established sub-catchment limits. Land-use change for farming activities with contaminant losses below the catchment limit is a permitted activity so	I am concerned that this rule is not practical because: 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 famers

			long as contaminant losses do not exceed the sub-catchment limit. Land-use changes for farming activities with contaminant losses above the sub-catchment limit is a consented activity.	and the council. 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 the requirement and costs associated with the preparation and approval of consents for land use change. 3. Farm profitability will be constrained by the consent processes and the economic resilience of the region will decrease. 4. 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.
47	**Schedule B Nitrogen Reference Point**	**OPPOSE in part**	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. And that the rule be redeveloped to address the inequities that high and low NRP numbers will have on land values. I propose as a fairer approach; Waikato Regional Council develops sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways:	I am concerned about the level of accuracy in the calculation of NRP because: 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. 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 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

			Farms in the catchment with NRPs greater than the sub-catchment limit must endeavour to reduce their contaminant losses over time. Farms in 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.	farmer has in the nutrient budget. 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. I am also concerned that a low NRP number will impact on the land-value of my farm, the so-called "grand-parenting" effect. If the Waikato Regional Council develops sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways, farmers and communities can develop targeted approaches to reducing contaminant levels. The focus is then on those catchments with bigger contaminant loads, with less attention on catchments where the loads are below a level of concern. This is a more equitable approach. It will not incur unnecessary constraints and costs on farmers and is likely to be viewed with greater respect than a blanket approach. I am also concerned that this is not practical because OVERSEER cannot work with lucerne as it is only a modeling tool which seems not to take into account actual soil tests.

50	Schedule C Stock Exclusion	**OPPOSE**	Amend Schedule C as requested by Federated Farmers in their submission	This proposal will impose significant costs on many farming activities. I am also concerned that this is not practical in many situations
51	**Schedule 1** Requirements for farm environment plans	**OPPOSE in part**	Amend Schedule 1 I support the requirement that a Farm Environment Plan shall be certified as meeting the requirements of Schedule A. As an addition to the Schedule 1, I submit that farmers should be able to develop their own plans, either on their own accord or as participants in FEP development workshops. Certification of the FEP can be achieved by having the plan reviewed by a Certified Farm Environment Planner. The review will include a farm visit and an assessment of the identified environmental risks for contaminant losses and the mitigation plan for these risks.	I support the requirement for farm environment plans, they provide an opportunity for farmers to understand the environmental risks on their farms and to develop mitigation strategies to reduce the impact of their farming activities on the environment. If farmers develop their own plans, consistency with the Schedule 1 can be achieved by a certification process whereby the plan is reviewed by a Certified Farm Environment Planner, and the review includes a farm visit and an assessment of the identified environmental risks for contaminant losses and the mitigation plan for these risks. The reasons for this additional provision is to: 1. Reduce the cost of plan development. Consistency in the quality of the plans will be maintained by the review process. 2. Reduce the level of dependence and likely pressure on Certified Farm Environmental planners for plan development.
52	Schedule 1- Point (f)(i) A description of cultivation management.	**OPPOSE in part**	I submit that Point (f)(i) is removed from Schedule 1. and point f is re-worded to read:	I accept that sediment movement from cultivated land is an environmental risk. Soil losses also have a direct economic cost to the farm, however a rule preventing cultivation on slopes exceeding 15° is impractical because:

			(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: Points (a), (b), (c) and (d) Points (e) and (f) do not apply to the risks associated with cultivation. I submit that these points are renumbered and removed from the cultivation clause.	1. The risk of contaminating water ways with sediments is more strongly related to the distance between the cultivated land and the receiving waterway than the slope of the land. In many instances sediments moving from cultivated land will not directly affect waterways. 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. 3. The measurement of slope by farmers and consultants is difficult as 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 number of costs and management problems to the farmer, including: • The lost opportunity cost of land taken out of production. • The requirement to find an alternative productive and efficient use for the land. 4. Implementation and enforcement of this rule

				will require detailed slope information such as LIDAR, for every Waikato farm. Will WRC be able to supply this information to all farmers?
51	**Schedule 1-Points 2(b)(iii) and 2.(f)(ii)(d)- Setback Width**	**OPPOSE in part**	I submit that: points 2(b)(iii) and 2(f)(ii)(d) in Schedule 1 should be re-worded to read; 2(b)(iii) - The provision of cultivation setbacks is designed to mitigate the environmental risk of contaminant losses. 2(f)(ii)(d) - maintaining appropriate buffers between cultivated areas and water bodies.	A defined width for the setback of a minimum 5m is too prescriptive and will lead to a direct cost to the farm from the lost opportunity of land taken out of production and the ongoing maintenance of managing the vegetation in the set-back. Setbacks are important to reduce the risk of contaminants entering waterways but width should not 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. Effective setback design draws on proven scientific and engineering information, not regional rules. 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. In the report to Waikato Federated Farmers Farm Environment plan project, with reference to farm 5, the opportunity cost from lost production from the development and maintenance of 5-metre

				buffer zones separating the drains from the crops was estimated to be $100,000. 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 risk period for sediment losses between cultivation and significant crop cover was 1 month for spring and autumn sown crops. 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, & Locke, 2009). Compared to other vegetation, grasses were found to be the option for trapping sediments.

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Yours sincerely

KEVIN PATRICK HICKEY

Signature Date 7 March 2017.

Signature Date