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.

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

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

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

YOUR NAME AND CONTACT DETAILS		
Full name Waiawa Farms		
Full address ——C/- Stuart and Deborah Ranger, 1123 Waotu Road, RD 1, Putaruru 3481		
Email ——sdranger@xtra.co.nz	Phone ——078832735	Fax

ADDRESS FOR SERVICE OF SUBMITTER		
Full name ——Stuart and Deborah Ranger		
Address for service of person making submission ——1123 Waotu Road, RD 1, Putaruru 3481		
Email sdranger@xtra.co.nz	Phone ——078832735	Fax

TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

☐ I could / ~~☐~~X ~~could~~ not gain an advantage in trade competition through this submission.

~~☐~~X I am / ☐ 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.)

Refer attached document

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
~~☐~~ X 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.)

~~———~~Refer attached document

I SEEK THE FOLLOWING DECISION BY COUNCIL
(select as appropriate and continue on separate sheet(s) if necessary.)

☐ Accept the above provision
☐ Accept the above provision with amendments as outlined below
☐ Decline the above provision
☐ If not declined, then amend the above provision as outlined below

Amend as follows:

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 *(or person authorised to sign on behalf of submitter)* *A signature is not required if you make your submission by electronic means.*	
Signature 	Date 7th March 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.

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Additional sheet to assist in making a submission

Section number of the Plan Change	Support /Oppose	Submission	Decision sought
Please refer to title and page numbers used in the plan change document	Indicate whether you support or oppose the provision.	State in summary the nature of your submission and the reasons for it.	State clearly the decision and/or suggested changes you want Council to make on the provision.

SUBMISSION – WAIKATO REGIONAL PLAN CHANGE 1

To: Waikato Regional Council

Name of submitter: Waiawa Farms

Address of submitter: Waotu Road, RD1, Putaruru 3481

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1. This is a submission on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments notified on 21 October 2016 ("PC1)

2. The submitter could not gain an advantage in trade competition through this submission pursuant to s308C of the Act.

3. This submission relates to the entire contents of PC1.

4. Introduction and Background

   Waiawa Farms is a farming business owned by Stuart and Deborah Ranger. The farm is located within the Waikato River catchment (Little Waipa catchment) in the South Waikato. The farm has a total area of 205.63 ha and a productive area of 200 ha and is generally rolling Class 4e land use capability.

   The farm is run as a dry stock operation which changes from year to year depending on seasonal conditions and market variations. This generally includes grazing of heifers, cows, steers and sheep and cutting grass silage along with maize cropping

   Due to the nature of our farming operation PC1 as proposed will have a significant impact on our farming business:

   - from a land value point of view, being a lower leaching land use located on land with the highest land use flexibility and
   - from an operational perspective preventing flexibility in an operation that by its nature changes from season to season and year to year.

   We support the goal of Plan Change 1 and the Vision and Strategy for the Waikato River. We understand the need for farmers to operate within constraints. Our farm includes areas of fenced off tree blocks and some of the waterways are fenced off with the balance of waterway farmed with sheep only.

5. General relief sought:

   We support the intent of Plan Change 1 to halt the decline in water quality in the Waikato and Waipa River catchment. We strongly oppose the overall approach of the plan change.

   Plan Change 1 attempts to solve water quality problems by freezing land use as it is in 2016 through a combination of the land use change rule and Nitrogen Reference Points. We are very concerned as to what this will mean for the future of farming in the Waikato. Over three generations of farming on our property, farming practices have changed markedly. The world changes, markets change, climate is predicted to change, and for farmers to survive we must be able to adapt and change also.

   The combined effect of the rules is effectively a grand parented approach which allows the highest polluters to continue whilst those polluting less face the greatest constraints. Some of the greatest costs will be borne by the least intensive farming operations. By contrast the most intensive land use (intensive dairy and vegetable cropping operations) appear to face very little material requirement to improve other than the requirement to produce a farm environment plan. The approach will inevitably

distort land values, increasing land values for those in intensive dairy or vegetable cropping and reducing land values for arable and drystock farms, again rewarding the polluter.

The Plan Change signals a transition to a "land use suitability" approach in the future. We would support such an approach where like land is treated the same regardless of its current use. However signally further change in the future just increases uncertainty. Those farmers who have already reduced their farming footprint have been severely disadvantaged under this Plan Change. This is the third time the Waikato Regional Council has proposed a grand parented approach following on from the Lake Taupo catchment variation and the water allocation variation. The message the Council is giving is that the more you use of a resource the more you will be allocated – use it or lose it. This must surely deter most high intensity farmers from improving voluntarily.

We are also concerned with the use of Overseer as a key method for allocating future property rights via the Nitrogen Reference Point. It is well understood that the output of Overseer varies significantly with each version, but also between different operators undertaking the analysis. We understand it is also not fit for purpose for comparing leaching between different land uses or soil types. This is very concerning to us that allocation of property rights could be based on something that appears to be so uncertain, and that therefore could be gamed to overstate or understate leaching rates.

In summary our key issues associated with implementation of PC1 in its proposed form are:

- the Plan Change rewards polluters and penalises those who have contributed least to the problem
- the impacts on future land use options and therefore land value are significant, with again the highest polluters benefitting the most
- the goal of freezing land use will have a potentially massive impact on rural businesses in the longer term by restricting the ability to adapt and change
- the plan change fails to address the actual problem by requiring intensive land use to improve and actually deters improvement for fear of losing future property rights
- the key system for measuring N leaching (Overseer) is unreliable and open to gaming
- the proposed approach picks winners and is pitting sector against sector

6. The principal changes that the submitter seeks to the PC1 are:

   a. Replace the proposed plan approach with clear, effective, best management practice based rules that apply to everyone fairly and equally – farmers farming alongside each other on similar land face the exact same rules.

   b. If an allocation regime is to be adopted in future it should treat like land alike and be based on a consistent foundation such as Land Use Capability.

   c. Remove the grand parented approach to allocating the right to discharge (allocation based on current pollution).

   d. Remove the freeze on land use change.

   e. Do not use Overseer as the tool for allocation of leaching rights.

7. The specific reasons and relief:

   The specific sections of the plan that we support or oppose, and the reasons and relief sought are detailed in the attached table.

8. We wish to be heard in support of our submission.

9. If others make a similar submission, we will consider presenting a joint case with them at any hearing.

_____

Stuart Ranger
Waiawa Farms Ltd
Dated: 7 March 2017

Section Number	Support or Oppose	Submission	Decision Sought
3.11.3 Policy 2	Oppose in part	We support the need for a tailored approach to managing diffuse discharges in the longer term via Farm Environment Plans (FEP's). However the Farm Environment Plan (FEP) approach has the potential to be a very time consuming and costly exercise. A better approach in the short term is to apply best management practice based rules that apply to all farming businesses immediately. We oppose clause (c) regarding establishment of Nitrogen Reference Points. In our view this is approach is grand-parenting. Those polluting the most are rewarded with the greatest flexibility of land use (and therefore increased land value) while those who have contributed the least to the problem are most constrained and will lose land value. This is inequitable and creates entirely the wrong incentives to achieve water quality objectives – effectively landowners will be motivated to obtain the highest possible N leaching rates to preserve future land use options. We support clause (d) which appropriately requires that those contributing most pollutants are required to deliver the greatest improvement. This is in our view consistent with the purpose of the RMA. We support clause (e). Fencing stock out of waterways is one of the essential actions to achieve long term water quality objectives. The implementation of this and timing needs to reflect practical and economic constraints for extensive hill country, but as a long term goal stock exclusion is appropriate.	Either replace or supplement the tailored approach with sound sensible best management practices for all land use activities to be adopted within workable but prompt time frames. Delete clause (c) – Nitrogen Reference Point. Retain clause (d)
3.11.3 Policy 6	Oppose	The approach of restricting land use change is another form or grand parenting. This approach rewards those undertaking the most intensive land use practices that have contributed to water quality problem by giving them the greatest flexibility and land use options. Less intensive farmers such as drystock are penalised with fewer alternative options available to them. The policy and associated rules will undoubtedly immediately reduce land values for drystock and arable cropping land that has any alternative land use potential. Perversely it will almost certainly increase the value of land under vegetable cropping and intensive dairy by creating a monopoly situation where that is the only land now available in the region for that use. In the longer term the policy has the potential to have significant impacts for the rural economy by locking farmers into their land use as it was in 2016, restricting the ability to adapt to future changes in climate or market conditions.	Delete Policy 6

3.11.1 Policy 7	Support in part	We support in principle the intent of Policy 7 signalling an intent to transition to a fairer means of allocation in the future based on the natural capital of the land. We are concerned that the policy has no weight given the current plan cannot dictate what future plan changes will contain. We are also concerned that the considerable uncertainty at signalling future allocation will deter farmers from improving through fear of losing future land use options and therefore land value. The fact that the Waikato Regional Council has a history of taking a grand parenting approach to resource allocation in previous plan changes (such as Lake Taupo and water allocation in the Waikato River) further cements this concern.	Retain Policy 7 but amend it to include a clearer transition toward a non-grand parented approach to allocation within the life of this plan change to create certainty for land users.
3.11.5.1 Permitted Activity Rule – Small and Low intensity farming activities	Support in part	The rule as worded appropriately permits those farming activities that are of a size or intensity that they have a low potential for discharge of contaminants. In our view making such activities permitted is appropriate, although noting that very few farms in the catchment will be able to comply with the stocking rate requirement.	Retain rule 3.11.5.1 or amalgamate with Rule 3.11.5.2
3.11.5.2 Permitted Activity Rule – other farming activities	Support in part	The rule as worded appropriately permits those farming activities that are of a size or intensity that they have a low potential for discharge of contaminants.	Retain rule 3.11.5.2 but include region wide best management practice based rules to be followed on all rural properties, including those under 20ha.
3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme	Oppose	We are concerned that there are no specific requirements for improvement for farms operating under an industry scheme, other than those with N leaching above the 75th percentile by 2026. We are also concerned how this would work in practice if the scheme is to be run by a farmer owned organisation such as Fonterra that has a conflict of interest. We believe a better approach is to use a best management practice approach with permitted activity conditions to be followed by all farmers equally and fairly, regardless of current land use or farming practices. Farmers unable to meet the BMP's (therefore having a higher level of potential effect) would then need consent to allow a property specific consideration of the mitigation options. In our view this approach is simpler, fairer and less costly to run.	Replace rule 3.11.5.3 with a BMP approach with permitted activity conditions above which a consent would be required.
3.11.5.4 Controlled Activity Rules –	Oppose	We opposes rule 3.11.5.4 for a number of reasons. While we understand the intent of the rule (to introduce FEP's managed in a staged fashion and managed by consent) the rule is very confusingly laid out, in particular the layers of implementation dates mixed in with permitted	Redraft the rules so that farming activities are permitted subject to application of proven practical

farming with a Farm Environment Plan not under a Certified Industry Scheme.		activity conditions and matters for control. This is in a large part due to the need to stage implementation of the rules due to the very bureaucratic system that has been developed relying almost solely on individual FEP's. In our view the application of a set of practical, proven BMP's that are required to be applied on all properties within a given timeframe would ensure earlier adoption of good practice and would be considerably simpler to administer and enforce. That way the bulk of the funding would be spent on actual measures to improve water quality, rather than the army of staff and consultants required to administer the FEP approach. FEP's will be useful to help farmers improve over time so could be retained, but shouldn't be the sole basis for improvement. <u>NRPs</u> We are strongly opposed to the introduction of Nitrogen Reference Points (NRP's) being used as a basis for setting discharge limits. This is clearly a form of 'grand-parenting'. Those polluting the most are rewarded with the greatest flexibility of land use (and therefore increased land value) while those who have contributed the least to the problem are most constrained and will lose land value. This is unfair and creates entirely the wrong incentives to achieve water quality objectives. Landowners will be motivated to retain their N leaching rates as high as possible in order to retain future land-use options. When combined with the land use change rule (rule 7) the NRP creates a situation that only those polluting excessively will have the opportunity to change land use (by taking advantage of the head room created by their poor practice) which is again unfair. To compound the problems the short comings of Overseer as a tool for allocating between properties and land use is now well understood. The results for the same property can vary widely between different people undertaking the Overseer inputs. It is quite possible that just through an understanding of how Overseer works properties will be able to generate an inflated NRP and then show an improvement through creative accounting. It is also well accepted that Overseer is not suitable for comparing leaching between different land uses and different soils. While there is a place for Overseer as a tool for farmers to evaluate and select different management options within their own property (the purpose it was designed for) it seems unacceptable to use it as the basis for allocation and future land use, given its short comings.	best management practices that are known to improve water quality. Incorporate the minimum standards in the FEP into the rules, including the information requirements contained in the FEP. Remove the reliance on NRPs and Overseer as a method for assessing compliance.
3.11.5.5 Controlled Activity Rule –	Oppose	The current rule for vegetable production appears to set a quota on vegetable production to be allocated to the existing growers. This is anti-competitive effectively creating a monopoly right to those parties currently growing vegetables in the Waikato.	Replace the rule with a best management practice approach.

existing commercial vegetable production		It is unclear in the rule who the right to grow vegetables sits with for leased land, the land owner or the lessee. If the right sits with the land (as it appears) then the ten year averaging is going to result in a very fragmented allocation of rights all over the Waikato. With the increase in housing demand a lot of the best cropping land is now going under houses. To meet future vegetable demand is inevitably going to require vegetable production to shift to other suitable land in the region. This rule effectively prevents that.	
3.11.5.6 Restricted Discretionary Rule – the use of land for farming activities	Oppose in part	For the reasons stated in other submissions the overall approach of the rules set is opposed, and therefore this rule is opposed.	Make such amendments to the matters for control as appropriate to ensure that a best management practice approach is applied to applicants for resource consent.
3.11.5.7 Non-complying Activity Rule – Land Use Change	Oppose	The approach of restricting land use change is effectively 'grand parenting'. The policy means that dry stock and arable farms are penalised by having no alternative land uses available, while the most intensive land users that have contributed most to the problem will have the greatest flexibility and options. The policy and associated rules will reduce land values for all land under drystock and cropping that has alternative land use potential. Perversely it will almost certainly increase the land value of land under vegetable cropping and intensive dairy by creating a monopoly situation where that is the only land now available in the region for this use. This must surely deter land use change to lower leaching land uses as landowners will be motivated to stay in the highest polluting land uses to retain future options, and therefore land value. When combined with the NRP approach the rule creates a situation whereby only those polluting excessively will have the opportunity to change land use. This has been demonstrated by a consent already issued by Waikato Regional Council for conversion of a drystock farm to dairy by a neighbouring dairy farmer who purchased the property. As it was reported, the dairy farmer was able to undertake the conversion by making improvements on their existing farm, effectively creating head room from their higher than necessary leaching levels. The original owner of the drystock farm would have been unable to convert the property. The approach is completely inequitable, not effects based and effectively creates winners and losers based on current polluting behaviour.	Delete rule 3.11.5.7 and replace it with robust best management practice based rules that apply fairly to all farmers, regardless of their current land use practices.

		The rule is also a blunt tool which makes some arbitrary restrictions between cropping of plants with very similar characteristics. For example a change from growing maize to growing sweetcorn is now a non-complying activity despite being of the same plant species. The rule seeks to lock rural land use in the Waikato as it was in 2016 which cannot be a tenable solution for the long term given the need for rural businesses to adapt to changes in market preferences, climate change and other challenges.	
Schedule B	Oppose	We are opposed to the use of Nitrogen Reference Points and repeat our submissions on rule 3.11.5.4. The NRP should not be used as a means of allocation, until such time that better tools are available to accurately measure the NRP and a fairer means of allocation has been developed.	Delete the Schedule and reference to NRP's, or amend the approach such that NRP's are used as an information gathering tool only.
Schedule C	Support in part	We support in principle the intent to undertake stock exclusion for all stock other than sheep, throughout the region. Our farm already meets the rules. However the Schedule is in our view overly complicated by the staging. For example our farm is part within a priority 1 catchment and part within a priority 3 catchment which creates different time frames for fencing which is a nonsense. Our key concern with the rule is the implications for large extensive dry stock farms who will potentially face financially crippling costs to fence extensive steep waterways.	Amend and simplify the rules to require fencing of stock in a short time frame for easy country, but develop practical time frames and in some instances potentially exemptions for steep extensive hill country where compliance with the rule will be financially prohibitive and in some instances impractical.
Schedule 1	Oppose	As stated in our submission to rule 3.11.5.4 we are opposed to the use of FEP's as the sole basis for achieving improvement in contaminant losses from farming. The schedule also appears to ignore key activities that are known to directly correlate to high leaching rates, such as excessively high stocking rates.	Replace reliance on FEP's with a best management practice approach to be implemented immediately. If FEP's are to be retained, expand Schedule 1 to include specific and straight forward actions that are known to be viable and reduce contaminant loss.
Schedule 2	Oppose	The adoption of an approach based on the application of minimum standards and best management practices would remove the need for certified industry schemes.	Delete Schedule 2
Part C Definition of		The definition of Arable Cropping, when combined with the definition of Commercial Vegetable Production and rule 3.11.5.7 is a very arbitrary means of allocating future rights.	Remove the arbitrary delineation between different forms of

'Arable Cropping'		Some of the plants listed as 'vegetables' are also fed to stock which creates a situation where a farmer growing the plant such as swedes or turnips for stock is allocated significantly less future land use rights than a farmer growing the same species for human consumption. Under the rules and definitions changes between varieties of the same species (such as maize to sweetcorn) is not a non-complying activity.	cropping that in reality have very similar effects. The definitions would become unnecessary if the land use change rule is deleted and replaced with region wide best management practice based rules as proposed.
Definition of Commercial Vegetable Production		The same submission as for the definition of Arable Cropping applies.	The same decision is sought as for Arable Cropping.