

# 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	
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		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

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

## SUBMISSIONS CAN BE

<b>Mailed to</b>	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
<b>Delivered to</b>	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
<b>Faxed to</b>	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy also</i>
<b>Emailed to</b>	<a href="mailto:healthyivers@waikatoregion.govt.nz">healthyivers@waikatoregion.govt.nz</a> <i>Please Note: Submissions received my email must contain full contact details. We also request you send us a signed original by post or courier.</i>
<b>Online at</b>	<a href="http://www.waikatoregion.govt.nz/healthyivers">www.waikatoregion.govt.nz/healthyivers</a>

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

## YOUR NAME AND CONTACT DETAILS

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## ADDRESS FOR SERVICE OF SUBMITTER

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## PLEASE INDICATE WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

I wish to speak at the hearing in support of my submissions.

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

SIGNATURE <i>(or person authorised to sign on behalf of submitter)</i> <i>Signature is not required if you make your submission by electronic means.</i>	OF	SUBMITTER
Signature :	Date	7 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.		

### **SUBMISSION POINTS: General comments**

We own a 335 hectare sheep and beef farm partly in the Mangaokewa sub-catchment. Approximately half the farm is in this catchment while the other half is in the Mokau catchment.

We believe that while the overall objectives of the plan are laudable, the specific rules and methods for implementation have been rushed and have not been well thought out. The proposed use of the Overseer model to calculate and then cap individual farm nitrogen discharges based on historical data is inequitable and seriously flawed. Overseer has not been developed as a regulatory tool and the calculated value can be subject to errors of as much as plus or minus 30% so it is not appropriate to be used as a legally enforceable standard. The proposal to use historical data is too restrictive and will lead to similar properties side by side having significantly different caps. For example in the years proposed we were running approximately 70 % sheep/30% cattle whereas a neighbour was running 100% cattle. This will result in the two similar properties having significantly different caps, which is inequitable. In addition since that time we have changed our policy to running more cattle and less sheep, which in theory would not be permitted under the caps proposed by this plan.

In addition we have purposely been running the property “conservatively” at a lower stocking rate in order to give us the flexibility and time to undertake off-farm community work. The proposed nitrogen cap will therefore limit the full production value of our farm and penalise us for not having been fully stocked.

Calculating an average cap on a sub-catchment basis instead of individual farm caps would overcome these issues.

The specific provisions of the proposal that this submission relates to and the decisions it seeks from the Council are as detailed in the following table. The outcomes 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.

Section number of the Plan Change	Support /Oppose	Submission	Decision sought
3.11.2 Objectives 1 and 2 Page 27	Support	Improving water quality while maintaining social, economic and cultural wellbeing are worthwhile objectives.	Retain Objectives 1 and 2
3.11.2 Objective 4 Page 27	Oppose in part	While supporting the staged approach encapsulated in this objective, part “b” states that further contaminant reductions WILL be required in subsequent regional plans. It is not appropriate to dictate in this plan what may or may not be required in future plans.	Replace the word “will” in part b with “may”
3.11.4.3 Farm Environment plans Page 36	Oppose in part	While the development of farm environment plans is supported, requiring these to be prepared by “certified” people and then audited by a third party is unnecessary and very expensive. Instead of developing a certification process for “professionals to develop, certify and monitor farm Environment Plans” the regional council should provide assistance and guidance to allow farmers to prepare their own plans and then these should be audited by the Regional Council.	Delete the reference to requiring a “certified person” to prepare a Farm Environment plan and delete the proposal to develop a certification process for “professionals to develop, certify and monitor farm Environment Plans”. Add that Auditing of plans will be undertaken by Waikato Regional Council
Policy 9 Page 33 and 3.11.4.5 Sub-Catchment planning Page 37	Support with amendments	Different sub-catchments have different “issues”. For example while nitrogen is an issue in some sub-catchments in others sediment is more of an issue. Therefore sub-catchment plans are able to better refine what needs to be done to improve water quality. These plans can then be used to better define the requirements for Farm Environment Plans in each sub-catchment. They should be prepared in advance of the Farm Environment Plans.	Retain and strengthen the development of sub-catchment plans by making them the first priority implementation item to be completed prior to the Farm Environmental Plans.

3.11.4.6 Funding and Implementation Page 37	Oppose in part	While it is recognised that all funding for the Regional Council is subject to annual and long term plans, recognition needs to be made that the implementation of this plan will be very expensive and require significant funding. A disproportional level of costs of implementation will fall directly onto rural properties/ enterprises while the benefits of improved water quality are enjoyed by everyone.	Commit to funding the implementation of this plan and to ensure that the costs are spread equitably between all of the people who will benefit from improved water quality.
3.11.5 Rules Pages 39-45	Oppose in part	The rules provide specific dates by which certain actions must be undertaken. As it is likely that it will take at least 2-3 years to complete the RMA process to make this plan operative the dates are unrealistic especially as the actual actions could be amended through the submission and appeal process.	Amend all dates to a reasonable timeframe from when the plan becomes operative.
3.11.5.2 Permitted Activity Rule Page 40	Oppose in part	The Permitted Activity Rule is too restrictive in that the majority of all farms will fall outside of the specified criteria and will therefore require a consent to continue to operate. This creates a huge cost for the industry as a whole, not only in obtaining consents but also for the Council in administering them. This is in conflict with Objective 2 of the plan (on page27) which deals with “social, economic and cultural wellbeing”.  Part 4c states that no part of the property or enterprise over 15 degrees slope is cultivated or grazed. This limit on grazing is too restrictive as steeper slopes can be grazed particularly with sheep without causing any adverse environmental effects.	Amend this rule to allow more farms to meet the Permitted Activity criteria.  Amend 4c in regards to the limit on grazing to allow cattle grazing on slopes up to 25 degrees and sheep grazing on slopes up to 50 degrees.

<p>Rule 3.11.5.2 Page 40</p> <p>Rule 3.11.5.3 Page 41</p> <p>Rule 3.11.5.4 Page 42</p> <p>Schedule B Nitrogen reference Point Page 47-49</p>	<p>Oppose in part</p>	<p>The nitrogen reference point (NRP) calculations are unreliable and the use of such a reference point is inequitable.</p> <p>The NRP is proposed to be calculated using the “current version” of Overseer. Overseer was never designed for use in a regulatory situation and itself states that the calculation is subject to an error rate of plus or minus at least 30% . Overseer also regularly comes out with updates which change the output even when based on the same inputs.</p> <p>In some sub-catchments such as those in the Waitomo area Nitrogen is not the “problem” so to restrict farming activities in those areas based on nitrogen is not equitable and will not aid in improving water quality.</p> <p>Basing a NRP on one of two historical years is too restrictive as it does not allow for normal changes in stocking rates and stock classes from year to year. It will also result in two similar properties having completely different reference points just because of their particular stocking policy in those two years. As outlined in our introduction in the years proposed we were running 70% sheep and 30% cattle at a conservative stocking rate. For the property to be held to this would restrict future production and seriously reduce the property’s value.</p> <p>To overcome these inequities, individual nitrogen caps could be replaced by sub-catchment caps.</p>	<p>Delete the provisions in rules 3.11.5.2, 3.11.5.3, 3.11.5.4 relating to calculating and using property specific nitrogen reference points.</p> <p>Amend the provisions in schedule B to take into account sub-catchment differences and replace property specific nitrogen caps with a sub-catchment cap.</p> <p>Remove the use of the Overseer model to determine consent status and compliance.</p>
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<p>3.11.5.7 Non-Complying Activity Rule – land use change Page 45</p>	<p>Oppose in part</p>	<p>This rule lists specific land use changes which will require a consent and then states that such consent applications will be considered without notification or the need to obtain written approval from affected persons and be subject to the loss of contaminants from the new land use being lower than that of the old land use. Therefore this category of land use change should be considered as a “discretionary” consent</p>	<p>Change from “non-complying” activity to “discretionary” activity.</p>
<p>Schedule A. Registration with Waikato Regional Council Page 46</p>	<p>Oppose in part</p>	<p>The dates set for registration are unrealistic as the plan is unlikely to be operative at that time.</p> <p>Clause 3 requires the property owner to provide proof of registration to the Regional Council if required, yet the Regional Council holds the information in any event. This is nonsense.</p> <p>Clause 5f the property owner is required to provide the “stocking rate of animals” if the land is used for grazing. In a sheep and beef situation the stocking rate changes during the year and can change from year to year so this information will not be of any direct use. Also without a consistent method for calculating this, the information will not be comparable. This information will in any event be captured in the farm environmental plans.</p>	<p>Set the dates for registration to be within 6 months of the plan becoming operative. Delete clause 3. Delete clause 5f.</p>
<p>Schedule C – Stock exclusion Page 50</p>	<p>Oppose in part</p>	<p>The stock exclusion provisions and timeframes are too onerous. The timeframes should be set to a realistic period from the date the plan becomes operative.</p> <p>While the fencing provisions relate to cattle, horses, deer and pigs, Clause 3 restricts all livestock to using a “livestock crossing structure” to cross water bodies. The term livestock is not defined and would normally include sheep, which then conflicts with the fencing provisions in clause 1.</p> <p>It is noted that the Ministry for the Environment has recently released a draft set of national stock exclusion rules. This plan should be consistent with these proposed national rules.</p>	<p>Amend Schedule C to provide for more flexibility in how stock exclusion is achieved and to clarify that clause 3 refers to the same classes of stock that are specified in clause 1.</p> <p>Consider adopting the proposed national stock exclusion rules.</p>

<p>Schedule 1 Requirements for Farm Environment plans Page 51-53</p>	<p>Oppose in part</p>	<p>Schedule 1 states that Farm Environment plans (FEP) must be certified by a “certified Farm Environment planner”. This should not be undertaken by a third party and is a proper function of the Regional Council and only adds an unnecessary expense.</p> <p>Clause 5a requires a 5 year rolling average annual nitrogen loss to be calculated using Overseer. This then requires Overseer to be run every year which is an unnecessary cost burden.</p>	<p>Amend Schedule 1 to state that the Regional Council will be responsible for certifying FEP’s.</p> <p>Delete reference to “as measured by a five-year rolling average.... using Overseer” from Clause 5.</p>
<p>New clause</p>	<p>Addition</p>	<p>It is not clear in the plan how the plan will be implemented on properties or enterprises which are only partly within the Waikato or Waipa River catchments and therefore are only partly covered by this plan.</p>	<p>Clarify how this plan will be implemented on properties or enterprises which are only partly in the Waikato or Waipa catchments.</p>