

Submission: Waikato Regional Council's Proposed Healthy Rivers/Wai Ora Plan Change 1 (PC1)

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

Submitting On: The Waikato Regional Council's Proposed Healthy Rivers/Wai Ora Plan Change 1 (PC1)

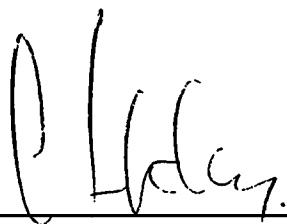
Submitting To: Waikato Regional Council
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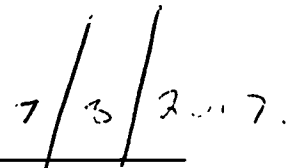
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Submission

1. I have reviewed Waikato Regional Council's Proposed Healthy Rivers/Wai Ora Plan Change 1 (PC1) and oppose the Plan Change in its current form.
2. I wish to be heard in support of this submission.

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.


Signature


date

3. Thank you for the opportunity to submit on the Waikato Regional Council's Proposed Plan Change 1 (PC1).

My name is Carol Buckley and, along with my brother Ian Buckley, we dairy farm in the Lake Waikare and Whangamarino catchment. My family has been farming this property for three generations, since 1929. The area Ian and I farm is 120 hectares of pasture, and we also own around 30 hectares of the Whangamarino wetland. Our boundary with the Whangamarino wetland is around 8 km, all of which is fenced to prevent stock entering the wetland. We are part of the Island Block Drainage District, which was set up in 1966.

The majority of the water from our farm, goes through a wetland that my cousin, Peter Buckley, and Winstone's Quarry began to build in 2009.

As Ian and I are entering into the latter part of our dairying careers, we would like to reduce our workload and wind down. Therefore, we have reduced our stocking rate from 280 cows to 230 cows, and would ideally like to reduce this further over the next couple of years. However, we are very concerned that making these decisions now to drop our stock numbers will greatly affect us when we sell the farm in the future - an asset we have worked hard to build up over the years to act as our retirement fund. Under the proposed PC1, the buyer would have to be willing to not exceed the lowered Nitrogen Reference Point (NRP), a result of reduced stock numbers, therefore this will substantially penalise us in terms of finding an appropriate buyer. Additionally, it will greatly reduce our land value because the majority of the land's flexibility has been removed to reflect a low, inefficient land use.

Surely, after managing this land in a responsible and sustainable way we have the right to sell our land to who we want, for the best price so that Ian and I can retire comfortably. I note that Central Government has given the nation 20 years notice before the new superannuation changes come in, to allow people to plan for their retirement. However under PC1, Ian and I, along with others of a similar age, have been given very little notice to adapt and plan appropriately for our retirement. The effect of this will be wide ranging and detrimental to the wider community.

We are not believers in putting substantial amounts of nitrogen on, preferring to manage the land by ensuring there is NO pugging of the soil and using a lower stocking rate, even when we were farming 280 cows. Our average N loss to water is 11 kg N/ha/year, as calculated by OVERSEER in the previous financial year. A report written in February 2015, by Fred Phillips of Agricultural Business Associates stated our effluent management was well within permitted activity by the Waikato Regional Council. We have since upgraded our storage facility.

We have two main types of soil on the farm: Brown Granular Loam with traces of volcanic ash, and Hamilton clay. Therefore, these soils are managed differently in response to their individual characteristics. The effluent is applied to approximately 30 hectares on the Brown Granular Loam soil.

We have both spent a good proportion of our lives in this area and definitely support both the economic and social wellbeing of the region. These aspirations should go hand in hand with Objective 1 of the proposed PC1. According to the Council's Waikato River Water Quality Monitoring Programme 2015, the quality of the water has improved during 2013 to 2015. A huge amount of money has been spent by farmers (including us) to achieve this improvement, and I question to need for more draconian measures to be implemented by the agriculture industry.

The elephant in the room that doesn't appear to have been addressed in PC1 - Koi Carp. This, along with the inadequate treatment of urban sewage which is being discharged into the river, are two topics that also need to be given priority.

4. The table below are the details for the specific provisions of the proposal that this submission relates to and the decisions it seeks from Council. 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.

No.	Section number of the Proposed Plan Change 1	Support/ Oppose	Submission	Decision sought
3.11.2 Objectives				
4.1	Objective 1 Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit	Support with amendments	Support the intention of Objective 1. Oppose the attribute targets set in Table 3.11-1. The attribute targets are too prescriptive and should align with the National Policy Statement for Freshwater Management (NPS-FM) and Waikato River Authority's (WRA) Vision and Strategy. Objective 1: <ul style="list-style-type: none"> Does not consider all contaminant sources holistically Includes flood/high flow conditions in water quality target data which are considered outliers Does not take into consideration the variability associated with sub-catchments i.e. climate and soil type 	Retain the long-term restoration and protection of water quality for the Waikato and Waipa rivers. Amend PC1 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments, for example Koi Carp, point source discharges, and hydro-dams. Remove flood/high flow conditions from water quality target data. Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.
4.2	Objective 2 Social, economic and cultural wellbeing is maintained in the long term	Support with amendments	Support maintaining the long term social, economic and cultural wellbeing; this must be a foundation objective in PC1. However, PC1 is not achieving Objective 2 because: <ul style="list-style-type: none"> Outcomes from PC1 will highly alter my business and community because they 	Retain the maintenance of long-term social, economic and cultural wellbeing in the Waikato and Waipa catchment communities. Withdraw PC1 until the Hauraki Iwi area and the WRA's Vision and Strategy has been amended. Then conduct a section 32 analysis to investigate

			<p>will be undermined through unsustainable and unjustified compliance and mitigation costs, farm devaluation and Nitrogen Reference Point (NRP).</p> <ul style="list-style-type: none"> Waikato Regional Council (WRC) have stated they currently have no known means of robustly measuring social, economic or cultural wellbeing. 	<p>the revised impact PC1 could have on society and economy.</p> <p>Amend rules in PC1 to remove NRP to align with intention of Objective 2.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored Farm Environment Plan (FEP) to align with intention of Objective 2.</p> <p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments to align with intention of Objective 2.</p> <p>Develop robust indicators to measure social, economic and cultural wellbeing.</p>
4.3	<p>Objective 3 Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</p>	Support with amendments	<p>Support reducing the diffuse discharges in the short-term by 10%, of the overall long-term 80-year water quality targets.</p> <p>However, there is a lack of scientific data to support PC1 to achieve Objective 3. For example, PC1 incentives high emitters - to maintain flexibility on my farm, and therefore my land value, I will need to keep my NRP as high as possible. To me, this is the opposite effect of what PC1 should achieve to improve the health and wellbeing of the Waikato and Waipa rivers.</p>	<p>Retain a 10% achievement of the long-term water quality targets set out in PC1 by 2026.</p> <p>Amend rules in PC1 to remove NRP.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
4.4	<p>Objective 4 People and community resilience</p>	Support with amendments	<p>Support people and community resilience – it must be a cornerstone objective in PC1.</p> <p>However, currently PC1 does not meet the requirements of Objective 4. The proposed</p>	<p>Retain the staged approach.</p> <p>Amend rules in PC1 to remove NRP and land use change restriction.</p>

			<p>rules undermine community resilience in the rural communities of the Waikato and Waipa catchments and will adversely impact on social and economic wellbeing in both the short term and long term. The NRP, associated farm devaluation and loss of flexibility, coupled with substantial compliance and mitigation costs on many farms is unsustainable, as evidenced by case studies.</p> <p>Water quality already meets attribute targets in the majority of these sub-catchments. Despite this, no benefit is awarded to low emitters who may be forced off their land through unsustainable financial impacts imposed by PC1. This will in turn undermine the rural communities of the Waikato and Waipa catchments, as detailed in Objective 2.</p>	<p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
4.5	Objective 6 Whangamarino Wetland	Support	The Whangamarino Wetland should be restored.	Retain as proposed.
3.11.3 Policy				
4.6	Policy 1 Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Support with amendments	<p>Support managing water quality on a sub-catchment basis because it considers soil suitability and climate conditions.</p> <p>Support stock exclusion, however only where it is practical to do so, and is relative to water quality benefit gains.</p> <p>Support enabling low intensity land uses.</p> <p>Support moderate to high levels of contaminant dischargers to reduce their discharges by appropriate mitigation strategies through a tailored FEP.</p>	<p>Retain managing diffuse discharges and water quality on a sub-catchment basis.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend rules in PC1 to reflect Policy 1 and 9.</p> <p>Amend Policy 1 in PC1 to state (changes are red):</p> <p>c. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes for areas with a slope less than 15</p>

			<p>However, the rules in PC1 do not reflect Policy 1 and 9.</p> <p>Oppose mandatory fencing in areas where slopes are over 15°. This requirement is unjustified, does not align with proposed amendments to the NPS-FM, and is financially unsustainable for the majority. It is considered that the increased erosion risk and sediment loading in waterbodies from constructing fences over 15°.</p>	<p>degrees and on those slopes exceeding 15 degrees where break feeding occurs.</p> <p>d. Requiring farming activities on slopes exceeding 15 degrees (where break feeding does not occur) to manage contaminant discharges to water bodies through mitigation actions that specifically target critical source areas.</p> <p>Require clarification on how slope is measured given the ranges of topography experienced within each paddock and adjoining watercourses.</p>
4.7	<p>Policy 2 Tailored approach to reducing diffuse discharges from farming activities</p>	Support with amendments	<p>Support a tailored, risk based FEP, allowing appropriate and tailored mitigations to reduce diffuse discharges.</p> <p>Support the reduction of diffuse discharges throughout all sub-catchments, however only where applicable i.e. if the sub-catchment is well below all attribute targets then maintenance would be appropriate.</p> <p>Oppose a NRP because there should not an uncertain, estimated number that governs land management based upon nitrogen only. My FEP will provide transparency and confidence to Waikato Regional Council, and the wider community, that my property is reducing, or maintaining where applicable, its diffuse discharges relative to all four contaminants.</p>	<p>Retain appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend PC1 to reflect Policy 1 in adopting a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Amend rules in PC1 to remove NRP.</p>
4.8	<p>Policy 5 Stage approach</p>	Support with amendments	Support an 80-year staged approach to achieve the long-term water quality targets.	<p>Retain the staged approach.</p> <p>Amend rules in PC1 to remove NRP.</p>

			<p>However, Policy 5 does not support Objective 2, 4 and 5. Because it does not:</p> <ul style="list-style-type: none"> • Minimise social disruption • Allow for innovation and new practices to develop • Support prosperous communities 	<p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
4.9	Policy 6 Restricting land use change	Oppose	<p>Oppose restricting land use change based on the type of land use, as it is a blunt tool.</p> <p>This Policy, and related rule (3.11.5.7), will inhibit growth and innovation within the Waikato region, and nationally because land owners are unable to adapt to market demands/changes. Land use flexibility is key to running sustainable business operations. Therefore, Policy 6 conflicts with Objective 2, 4, 5 and Policy 5.</p> <p>Where a sub-catchment is of high priority (in terms of water quality), land use change should be a restricted discretionary activity status. However, where a sub-catchment is of low priority, land use change should be a permitted activity.</p>	<p>Amend PC1 to state high priority sub-catchments, in relation to water quality, have a Restricted Discretionary activity status. And low priority sub-catchments to have a Permitted activity status.</p> <p>Amend PC1 to adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment. Then enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP</p>
4.10	Policy 8 Prioritised implementation	Support	Support prioritising sub-catchments and implementing at different stages.	Retain as proposed.
4.11	Policy 9 Sub-catchment (including edge of field) mitigation planning, co-ordination and funding	Support with amendments	<p>Support managing water quality at a sub-catchment level.</p> <p>Support cost-effective mitigations where they have the biggest effect on improving water quality.</p>	<p>Retain managing water quality on a sub-catchment level.</p> <p>Amend the rules in PC1 to reflect Policy 1 and 9.</p>

			However, the rules in PC1 should give effect to this Policy and enable appropriate mitigation strategies through a tailored FEP.	Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.
4.12	Policy 10, 11, 12, 13	Support with amendments	<p>Support the consideration of point source discharges in the restoration and protection of the health and wellbeing of the Waikato River and its catchments.</p> <p>However, Policies 10, 11, 12 and 13 allow point source discharges to be:</p> <ul style="list-style-type: none"> • Considered in terms of regional significance • Recognised to apply Best Practicable Options • Able to spread mitigation costs over time to allow for a return in investment, and the magnitude of the investment is considered. <p>These points should also be extrapolated to include land users and owners.</p>	<p>Retain the consideration of regional significance of point source discharges infrastructure and industry.</p> <p>Amend PC1 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments, including Koi Carp, point sources, and hydro-dams.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p>
4.13	Policy 14 Lakes Freshwater Management Units	Support	Support restoring and protecting lakes in 80 years through tailored plans.	Retain as proposed.
4.14	Policy 15 Whangamarino Wetland	Support with amendments	<p>Support restoring the Whangamarino Wetland, but what does the restoration mean?</p> <p>Support removing pest fish and weeds and improving of the health of the wetland.</p> <p>However, I believe that all sources influencing the water quality of the wetland should be considered and remediated in collaboration, not just one source.</p>	<p>Retain restoring the Whangamarino Wetland.</p> <p>Provide clarification around what is the restoration of the Whangamarino Wetland, what is the overall goal.</p> <p>Amend Policy 15 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments especially pest fish species, in relation to sub-catchment management.</p>
3.11.4 Implementation Methods				

4.15	3.11.4.2 Certified Industry Scheme	Support	Support that I can opt into a Certified Industry Scheme to help me manage my operation to the highest environmental standard, while considering my social, cultural, and economic impacts.	Retain as proposed.
4.16	3.11.4.3 Farm Environment Plans	Support with amendments	<p>Support a tailored, risk based FEP for my business to improve, or maintain where applicable, my environmental standard in a desired time-frame negotiated between my Farm Environmental Planner and myself.</p> <p>However, I understand there could be a shortage of Certified Farm Environment Planners. As an alternative, I suggest that land users who have adequate experience and capabilities should be able to work with an approved industry or scheme, run by WRC, to be accredited to develop their own FEP based upon a common template.</p>	<p>Retain a tailored, risk based FEP.</p> <p>Enable land users who have adequate experience and capabilities should be able to work with an approved industry or scheme, run by WRC, to be accredited to develop their own FEP based upon a common template.</p>
4.17	3.11.4.4 Lakes and Whangamarino Wetland	Support with amendments	<p>Support WRC working with others to gain knowledge and information around lakes and the Whangamarino wetland.</p> <p>Support 3.11.4.4 (d) “work towards managing the presence of pest weeds and fish in the shallow lakes and connected lowland rivers area, including Whangamarino Wetland”.</p> <p>However, there are no policies, objectives or rules in PC1 that recognise this point. It should also be extended to the Waikato and Waipa rivers and their catchments, not just shallow lakes and connected lowland rivers area.</p>	<p>Retain working with others in relation to lakes and Whangamarino Wetland.</p> <p>Retain managing pest weeds and fish.</p> <p>Amend PC1 to include the management of pest weeds and fish in the policies, objectives and rules in the Waikato and Waipa Catchments.</p>
3.11.5 Rules				

4.18	3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme	Support with amendments	<p>Support a tailored, risk based Farm Environment Plan to reduce my diffuse discharges.</p> <p>Support a Certified Industry Scheme.</p> <p>Support stock exclusion, however only where it is practical to do so, and is relative to water quality benefit gains.</p> <p>Oppose a NRP because there should not an uncertain, estimated number that governs land management based upon nitrogen only. My FEP will provide a risk based mitigation plan to reduce all my diffuse discharges. Additionally, the 2014/2015 and 2015/2016 financial years occur when the payout was low, therefore our on-farm inputs were lower. For example, due to the low payout we substantially reduced our fertiliser input because fertiliser is an expense we could reduce. This time period was also when we began to reduce our stock numbers in order to lessen our workload. Therefore, this is not a true representation of the past use of land. And by providing a regulatory number based on this, which we or someone else can never exceed, is worthless.</p> <p>Also, Overseer is the only available tool for me to generate my NRP, but it was never designed as a regulatory tool; only as a great management tool.</p> <p>Require clarification around stock exclusion. 3.11.5.3 refers to Schedule C and Schedule 1,</p>	<p>Retain FEP, Certified Industry Scheme, and stock exclusion where practical.</p> <p>Amend rule in PC1 to remove NRP.</p> <p>Amend rule in PC1 to: Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs.</p> <p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p> <p>Provide clarification around how long a FEP will be viable for.</p> <p>Provide clarification around stock exclusion requirements i.e. setback buffers and where to measure setback from on undulating land.</p>
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			both have stock exclusion requirements. Schedule C states the buffer is one-meter, and Schedule 1 the buffer is based on slope.	
4.19	3.11.5.7 Non-Complying Activity Rule – Land Use Change	Oppose	<p>Oppose non-complying activity status because:</p> <ul style="list-style-type: none"> • Unaffordable to land owners wanting to increase their land area, rather than intensify • Eventually end up costing the consumer due to limited food availability • Limits flexibility, therefore growth and reduces land value • Jeopardises my business, family and community success and growth • Transfers wealth based on high emissions and/or high NRP i.e. a dairy farm with a high NRP will have a higher land value compared to a dairy farm with a low NRP • Removes, to a degree, property rights • Land owners deal with daily stresses that they cannot control i.e. weather, pay out, animal health, which impacts on our stress level. Therefore, by unnecessarily adopting this rule it will have huge effects on people's wellbeing which is likely to further increase the suicide rate in the farming community. • In the past, we have arable cropped to provide supplement feed to our cows. We have not cropped in the recent past, however we would like to keep our farm system flexible in order to respond to external factors i.e. climate. However, under this rule I am unable to rotationally arable crop in my dairy farm system because my cropping area would be over 	<p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p> <p>Reduce activity status to Restricted Discretionary for high priority sub-catchments, in relation to water quality, and limit discretion to the management of the diffuse discharges of the four contaminants.</p> <p>Reduce activity status to Permitted for low priority sub-catchments, in relation to water quality.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>

			<p>4.1 ha. Therefore, I cannot convert my cropped area back into pasture without a non-complying consent. This is severely restricting my business to respond to change, therefore compromising its viability.</p> <ul style="list-style-type: none"> • Overall will largely affect the local, regional and national economy. <p>Overall this rule undermines Objective 2, 4, 5 and Policy 1, 2, 5 and 9.</p>	
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