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

Submission Form

Submission on a publicly 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

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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.

GBGleeson

8th March 2017

Signature **date**

SUBMISSION TO WAIKATO REGIONAL COUNCIL

ON THE PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPA RIVER CATCHMENTS

Introduction

1. This submission **opposes** the Waikato Regional Council's proposed Plan Change 1 (PC1) in its current form.

2. The provisions of PC1 that this submission relates to are:
    a. The whole proposal in its entirety; and
    b. Without limitation, the general provisions referred to in part 1 and the specific provisions referred to in part 2 of this submission.

    In general, the relief sought is to amend Plan Change 1 to allow adoption of a Sub Catchment approach. This will give a greater certainty of outcome by providing a 30-year interim target, providing clarity and expectation around the direction and pace of travel to improve ecosystem health i.e. water quality and importantly ensure rural communities remain prosperous and vibrant.

3. We wish to be heard in support of this submission.

Who are we

This submission has been prepared by Graeme Gleeson

As a farmer, Graeme Gleeson, has developed a deep breadth of knowledge about farm management associated with sheep, beef-cattle, deer, dairy support and farm forestry. The practicum of day-to-day farming and knowledge of how it interacts with value chains and markets, resource usage and environmental matters has been recognised by industry as Graeme is regularly engaged in discussing, promoting and reviewing the interests of farming to a wider audience.

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The intent of this submission is to provide a platform of constructive comments with suggested amendments to Plan Change 1 either in support of or where we consider it is flawed, inequitable and / or misguided to which we provide practical and pragmatic alternative solutions to redress.

The relief sought is to amend Plan Change 1 to allow adoption of a Sub Catchment approach that provides a 30-year interim target so giving greater clarity and expectation regarding direction and pace of travel to improve ecosystem health i.e. water quality and importantly ensure rural communities remain united, prosperous and vibrant.

Where, How and Why we farm

We farm a small sheep and beef-cattle farm business alongside Lake Arapuni, Waikato River. The farm enjoys a long frontage to waterways as the boundary occurs in part alongside Mangare Stream and Lake Arapuni. The farm is located within the Karapiro sub catchment part of the Upper Waikato Freshwater Management Unit.

It is notable that most neighbouring land use is now used for dairy milking systems.

Our farm business philosophy is purposeful:

- Enable on-going and future multi-generational family opportunity that is fair and equitable whilst honouring and being respectful of past generations and their endeavours.
    - The needs of family are first priority without compromise
- A cautious approach is to be taken considering risk.
- To be open and receptive to new opportunism, to always seek continuous improvement and maintain profitability whilst utilising the natural resources of the land in a sustainable and efficient manner having a low environmental footprint (no greater than the ecosystem health maxim or limit because contaminant loss above this will trigger unwanted degradation) knowing we are an integral and contributive part of an ecosystem which is important to our own and the wider community's well-being.
- To maintain a diversified and complimentary land use portfolio
- To continually enlarge, foster and maintain a biodiversity enhancement programme.

This philosophy incorporates the premise that land use for pastoral livestock farming for food and fibre production is justified, proper and right and the opportunity to do so should be unbridled where such land use does not breach ecosystem health maxims or limits so maintaining an acceptable and sustainable level of water quality.

To uphold our philosophy the farm system has been established and managed to ensure the downstream contaminant losses are limited. To date we have foregone other more intensive land use opportunities which could have provided greater (short-term) profitable returns simply because more intensive land use invariably would have incurred unavoidable high contaminant loss rates which would be difficult to mitigate.

Our philosophy of land use we believe has a good fit with and therefore in principle gives effect to the Vision and Strategy. We should not at our cost be penalised or incur loss of liberty because we deliberately and purposefully undertook land use that has a low environmental footprint in pursuit of our desire to farm responsibly and exercise good stewardship.

We believe the unutilized headroom we have created between the ecosystem health limit for contaminant loss (acknowledging that to date an ecosystem health limit has not yet been determined) and that arising from our land usage is our property right. It is this headroom which will provide us flexibility to adjust our current land use and / or provide future opportunity to engage in other land use. On no account, should we be grandparented and that headroom we deliberately created then be stolen from us either willfully or by stealth and gifted to other land users to enjoy as a windfall gain with no consideration so they may be allowed and further encouraged to continue with their polluting.

We have integrated within the farm business and farm system a year-on-year self-funded pay-as-you-go biodiversity enhancement program involving retirement of land from livestock with fencing, then planted with indigenous shrubs and trees intermixed with some production trees, followed up by weed and pest control. It is a staged approach with forward planning of work required undertaken on a 5 – 10-year basis. The scale of new work as part of this program varies each year however the value of the work is accumulative. The program at the current rate of work will not be completed for another 20 plus years. It is and will be very rewarding as the program matures and establishes permanency.

We are cognisant about the small scale of our farm business and are mindful that unplanned costs which have not been included in the financial budget beyond a predetermined contingency allowance can have a disastrous impact upon our on-going viability. External costs imposed upon us are very unsettling and create unneeded angst, anxiety and stress particularly where there is no justification or beneficial value arising from such costs. This is aggravated in a situation where we would be effectively subsidizing others who manage land of similar type with a use having higher contaminant loss in an exacerbative manner and can continue to do so without incurring punitive 'Polluter Pays' costs.

Our farm business revolves around having a good degree of certainty to avoid surprises and other unintended negative outcomes. Farm business planning is integral to this so we know what is coming up in advance. When preparing the farm business plan, we have always endeavoured to create value and remove unnecessary costs so we may enjoy better opportunity to return profit. It is this certainty which allows us a degree of flexibility to make needed adjustments tactically and strategically. Without certainty, we are exposed to unwanted risk that could jeopardise our sustainability and well-being. This is a position we never want to be in and will do our utmost to avoid.

For our farm business, we don't want to be in a position where we are being forcibly cannibalised and reduced to create headroom by and for other land users who have higher contaminant loss rates:

We aren't causing the problem

- We don't want to be the whipping boy }
- We don't want to share the pain }
- We don't want to rot from the inside out }

Our farm business doesn't operate in a vacuum insular from external events and pressures. We are reliant upon the collective wellbeing of all farmers like us. To assist this state of being we are involved in industry good activities to assist industry functional capability, competency and welfare. We do and will speak out on behalf of industry to promote and lobby for a fair and equitable voice. We will demonstrate industry leadership when required and promote positive change where justified and for reasons we consider are right. We have found most farmers will

to the best of their endeavours are equally responsible and demonstrate good stewardship of the land and resources.

There is a clear need to promulgate fair and equitable policies and rules that are supported and valued by the community to curb land use and associated contaminant loss to an optimised level allowing the ecosystem health of the region to be enhanced. We regrettably have formed the opinion that the elected governance of our community to date particularly since the year 2000 thereabouts has not comprehended the importance of leadership and action to manage land use in a manner beneficial to ecosystem health whilst ensuring our rural communities remain prosperous and vibrant.

Thank you

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

PART 1: GENERAL SUBMISSIONS ON PLAN CHANGE 1

1. Submission: We oppose the whole of Proposed Plan Change 1

Reasons for the submission:

- Process used to develop PC1;
- PC1 fails to "give effect to" the Vision and Strategy and the NPSFM;
- The rules are effectively one-size-fits-all and hence do not spatially differentiate nor provide effective management of water quality through specific limits and values.
- Doesn't adopt a sub catchment approach
- No long-term certainty
- Allocates nitrogen leaching allowances through application of a Nitrogen Reference Point (NRP) and through the rules seeks that nitrogen discharges are held at or below the NRP (grandparenting discharges based on historic loss rates), for land uses discharging below the 75th percentile
- Requires cattle and deer to be excluded from all permanently flowing waterbodies on land between 15 and 25degrees through fencing and provides limited flexibility if any to consider alternative management and mitigation approaches for hill country operations.
- The lack of institutional capability and competency to deliver

1.1. The process to develop PC1

There are two aspects of the process to develop PC1 that we have particular concern about. These are:

- The Collaborative Stakeholder Group; and
- The level of consultation prior to PC1 being notified.

1.1.1. Collaborative Stakeholder Group

We consider that the Collaborative Stakeholder Group (CSG) had unbalanced representation considering how the CSG recommendations concerning water quality would ultimately impact upon the different community stakeholders particularly those in the primary industries.

The Sheep, Beef-cattle and Deer sector had only one representative in the group and so was often a lone voice despite widespread knowledge that this sector was always ultimately going to bear substantial change foisted upon it. This reflects the sector's land use and therefore responsibility of stewardship for a large percentage of the waterways within the Waikato and Waipa catchments.

Our representative was always committed to achieving an outcome that accepted responsibility and thus ownership of any problems arising from the sector's land use notably Sediment and E. Coli loss in a manner that was practical, achievable and provided certainty of outcome, yet despite this frankness and honesty, the sector's representative was consistently badgered and overridden in matters that:

a) provided for an equitable, just and fair pathway to give effect to the V&S including Plan Change 1; and

b) are seriously important to the on-going sustainability and viability of hill country farming. This lack of voice has placed the sector in a precarious situation as the proposed Plan Change 1 policies and rules do not provide an outcome that is acceptable.

1.1.2. Consultation prior to notification

Also, importantly with the advantage of hindsight we consider that the consultation undertaken prior to and during the development of PC1 was not robust, complete and sufficient, nor was our feedback recognised as having worthwhile merit and value. We say this because by and large the PC1 rules are rigid, impractical and unnecessarily constrained, so they do not accommodate nor allow for flexibility, or provide sufficient certainty going forward which when applied together will prove to be very disruptive and crippling of hill country farm systems and management. This negative situation has arisen because the CSG allowed PC1 to be framed without good understanding of where the problems of contaminants arose spatially, how and who should bear responsibility to mitigate and that the rigidity of rules would be unsettling and impose significant cost and restraint upon farm businesses.

1.2. PC1 fails to "give effect to" the Vision and Strategy and the NPSFM

The plan is its entirety and without limitation section 3.11.1, Objectives 1, 3, 4, and Table 3.11-1

We are supportive of the Vision and Strategy (V&S) in principle. However, we believe that the 10 percent improvements (Objective 3 and Table 3.11-1) will not be achieved through the notified PC1. It is known that increasing restrictions or limits regarding contaminant loss will need to be applied to give effect to the Vision and Strategy however these limits have not been established. This provides no certainty regarding business investment and opportunities nor adequately caters for the on-going welfare and sustainability of communities

1.3. Rules are one-size-fits-all and do not spatially differentiate nor provide effective management of water quality through specific limits and values

The plan is its entirety and without limitation Rules 3.11.5.1 to 3.11.5.7 and associated Schedules.

PC1 creates potential for further deterioration in water quality i.e. uncertain environmental outcomes and doesn't safeguard the welfare of communities

PC1 inappropriately reserves significant explicit or implicit discretion to the Waikato Regional Council particularly around Farm Environment Plans and delivery of mitigations

PC1 should instead focus upon an approach that doesn't "tell people how to farm" but instead establish limits based on what observations and records have shown will achieve the necessary standard of water quality in conjunction with a permitted activity framework that should be simple and user-friendly.

As proposed PC1 fails to establish limits or targets, which provide an appropriate level of certainty for stakeholders, over the longer-term period. Policy and rules need to provide certainty so that stakeholders can independently determine exactly what must be done or not done on their properties and within their sub-catchments in order to work towards achieving the Vision and Strategy over the long term.

We have several concerns regarding Plan Change 1 which are disturbing:

- No certainty beyond the PC1 10-year period
- No flexibility to operate low Nitrogen loss farm systems to accommodate market and climate change
- The deliberate removal and erosion of land value incurred by grandparenting N loss

- Irresponsible application of the livestock exclusion rule when other more purposeful alternatives are available
- The lack of institutional capability and competency to deliver

1.4. An acute need for Certainty

The plan is its entirety and without limitation Section 3.11.1, Objectives 1, 3, 4, Table 3.11-1, Schedule 1, and associated provisions

It is known that increasing restrictions or limits regarding contaminant loss will need to be applied to give effect to the Vision and Strategy however these limits have not been established. This provides no certainty regarding business investment and opportunities nor adequately caters for the on-going welfare and sustainability of communities

Relief Sought

- **That PC1 is deleted in its entirety**
- **That PC1 is approved with changes as set out in this submission or similar and consequential relief.**

2. Submission: Farm Environment Plans as a permitted activity

Schedule 1 and rules 3.11.5.2 to 3.11.5.7

Reasons for this submission:

- Recognise unique circumstances of each farm; and
- Minimise backlog for certified farm environment planners

2.1. Recognise unique circumstances of each farm

We support and place high value on the use of Farm Environment Plans (FEPs) to address how land use should be managed and achieve outcomes that improve ecosystem health.

The Farm Environment Plan itself should not be utilised simply as a regulatory tool but rather considered as a communication tool that links the partnership between the land user, WRC as the territorial authority and others associated with the farm business.

To be successful, the Farm Environment Plan needs to be a living tool, adaptable to change. Blanket one-size-fits-all mitigation options notionally classified as Good Management Practice specified within rules that are not supported by industry should not characterise nor restrict the farm environment planning process. A tailored, individualized Farm Environment Plan incorporating appropriate industry supported Good Management Practice will deliver better results and greater certainty of intended outcomes.

2.2. Minimise backlog for certified farm environment planners

The Farm Environment Plan is required to be prepared by the land user in conjunction with a Certified Environment Farm Planner and then submitted to WRC. The FEP will describe with clarity and detail how the land user will manage and mitigate for a given activity the losses of nitrogen, phosphorus, sediment and microbial pathogens. It is therefore most important that the planner be a suitably qualified person with adequate experience.

The preparation of and the actions detailed in a FEP will have significant implications upon farm business management, therefore Certified Farm Environment Planners must have a wide breadth of farm systems knowledge, particularly the worthiness of different environmental mitigation actions and likely interaction and impacts upon the farm business. There must also be a high degree of consistency and uniformity in the advice proffered by Certified Farm Environment Planners and that they conduct themselves with integrity and professionalism.

This will demand a rigorous auditing system that assesses not only compliance and progress on farm but also the performance of the planner. With the lack of available planners with specialized expertise, namely soil conservation, there needs to be some way to avoid excessive high costs due to the supply vs. demand imbalance which will be further accentuated when the timeframe to complete and submit FEPs is extremely tight.

To overcome the lack of people who may become Certified Farm Environment Planners and the resultant backlog of work there is an acute need to reduce the number of land users who may need to utilise their services. Those farms that have low contaminant loss risk should be able to operate for the next 10 years with a Permitted Activity (PA) status. This will stage the demand for certified Farm Environment Planners, and mitigate some of the anticipated backlog of demand.

Relief Sought

- **The FEP (Schedule 1) must remain uncomplicated including the option that its use be simply a manual process using paper, pen and pencil until such time that other options for example electronic become more mainstream and commonly used by land users.**

- **Ensure supportive documentation outlining Good Management Practices, as recognised by industry are readily and universally available to all land users**

- **The FEP will include how, when and who will be responsible for undertaking mitigation and the timeframe to do so. There may be financial limitations incurred by the farm business that restrict undertaking the needed work. There should never be an expectation that the financial wherewithal of a farm business needs to be provided to support a land user's decision about how much mitigation can be afforded at a given time.**

- **Farms with a low risk of contaminant to operate for the next 10 years with a Permitted Activity (PA) status. The PA would be granted where the land user had a stocking rate that fits under a maximum limit considering location, class of land, soil type, and rainfall. A land user with a Permitted Activity status would expect to prepare and implement the B+LNZ Land and Environment Plan level 1 and 2 or equivalent in conjunction with adoption of industry supported Good Management Practice.**

- **Land users who are low risk should be provided the option to continue as a Permitted Activity and this includes not being required to prepare an FEP that must be submitted by a specified date.**

3. Submission: Stock exclusion rules are designed to reflect the on-ground realities of hill country farms

Schedule C and rules 3.11.5.1 to 3.11.5.7

Reasons for this submission:

- Reflect the cost-benefit of stock exclusion within hill country; and
- Staged implementation to factor for costs.

3.1. Reflect the cost-benefit of stock exclusion within hill country

Stock exclusion should be compulsory on land where slope is ≤ 15-degree. However, we need to describe this better and say the dominant (i.e. 80 percent) slope of the land is ≤ 15-degree.

However, a more targeted approach for stock exclusion needs to be emplaced in the hill country where slope is 16 – 25-degree and steeper. The cost benefit and size of reduction in contaminant loss from stock exclusion when there is low risk is dubious particularly when combined with the need to provide for a reticulated water system as an alternative stock water supply.

A better outcome in this class of hill country would be achieved by focusing stock exclusion where the risk of contaminant loss is high i.e. critical source areas and management induced risk that is associated with stock policy and stocking rates for example where cattle and / or deer are farmed in mobs of a size ≥ 1000kgLW/ha.

The preferred option to reduce and mitigate risk is the preparation of a Farm Environment Plan highlighting where the risk of contaminant loss was high and this providing direction to where livestock exclusion and application of other mitigation options should occur with better cost benefit being achieved.

3.2. Staged implementation to factor for costs

We believe that the completion dates for livestock exclusion should have closer alignment with those proposed nationally. This is because this provides, and reflects the need, for sufficient lead-in time for land users to assess and prepare for such work where required. Note for cross-

reference it took the dairy industry nigh on 15-years to fence 'accord' definition waterways, a much less onerous task than what is being proposed as part of Plan Change 1.

Relief sought

- **Amend Schedule C and rules 3.11.5.2 to 3.11.5.6 as set out below**

Key dates proposed for livestock exclusion are:

- Dairy Cattle
    - To be excluded from waterbodies greater than 1m wide on all slopes
        - Dairy cattle year 2017
    - To be excluded from all permanently flowing waterbodies on the Plains (0 – 3-degree slope)
        - Dairy-cattle year 2020
        - Dairy-cattle and pigs including dairy support 2022
    - To be excluded from waterbodies greater than 1m wide on rolling and Hill country (3 – 15-degree slope)
        - Dairy support year 2022
    - On steeper land 15+ degree slope land, beef cattle that are break feeding must be excluded from waterways over 1 metre wide, lakes and wetlands.
        - Dairy support year 2022
- Beef-cattle, deer, and pigs
    - To be excluded from all permanently flowing waterbodies on the Plains (0 – 3-degree slope)
        - Beef-cattle Break feeding year 2022
        - Beef-cattle All waterways 2025
    - To be excluded from waterbodies greater than 1m wide on rolling and Hill country (3 – 15-degree slope)
        - Break feeding 2022
        - Beef cattle and deer 2030

- On steeper land 15+ degree slope land, beef cattle that are break feeding must be excluded from waterways over 1 metre wide, lakes and wetlands.
    - Beef cattle and Deer Break feeding year 2022

- **The determination of Land class (slope) needs to be more specific, highlighting that the dominant land class at a given location has a slope of 80 percent or more within the specified range.**

- **Stock exclusion is only emplaced in those areas identified as high risk. In hill country where the slope is > 15-degree (i.e. 80 percent or more of the slope is above 15-degrees);**
    - **critical source areas; and**
    - **where cattle and / deer stocking rate is ≥ 1000 kgLW/ha (the equivalent of 18 su/ha).**

  The stock exclusion timeframes are extended to fit those times proposed nationally.

4. Submission: Nitrogen loss rates individualised to reflect unique circumstances of different farms.

Nitrogen Reference Point, Policy 1, 2, 4, 5, 7, Schedule B, Schedule 1, Rules 3.11.5.1 to 3.11.5.7

We support the use of the Nitrogen Reference Point (NRP) to understand source and size of contaminant loss to allow better informed decisions to be made about in-stream load.

We don't however believe the NRP should be used to universally cap N loss. Grandparenting is not a fair and equitable solution to allocating nitrogen loss to the different land users where N loss is low i.e. ≤ 20 kgN/ha. Ultimately, we believe Nitrogen loss rates need to be computed for each individual farm denoting each parcel of land considering LUC class of land, soil type, rainfall and proximity to a waterway and then allowed to that level which does not cause breach of ecosystem health limits in waterways. This would recognise that some soils are more versatile than others and that land use must remain flexible not constrained by existing usage. Accepting the difficulty of relating in-stream limits to land use the natural capital approach as a proxy is considered the best method to use as an allocation tool.

Relief sought

- **Adopt the relief set out under sections 10.3, 10.5 and 10.6**
- **Do not continue with a grandparented nutrient allocation system**
- **Develop greater understanding about spatial location of natural resources so this knowledge can be applied to better inform and manage contaminant loss.**
- **Amend or include new rules (including permitted activities) that are based upon land class and pasture production capability – stocking rate – rainfall where land use is supported by the capability of the land giving rise to contaminant loss no greater than acceptable ecosystem health limits noting pastoral land use is justified. Or alternatively adopt an equal Nitrogen allocation for all land users = 20 kgN/ha flexibility in activity status if PA not ok.**
- **Adopt a Natural Capital approach (for example land use capability is what was adopted by both Horizon's and HBRC.**

- The LUC Natural Capital limits apply relatively high to begin and then progressively step down over this 20-30-year period until ecosystem health limits satisfied.
- There will be recognition that existing land use may have higher nitrogen loss exceeding the Natural Capital limits and that this will be managed downwards in a transitional manner to ensure existing investment is not left stranded however it also sends a clear signal that where land use is obviously misplaced other options will need to be considered.

- Delete Nitrogen loss reduced to 75th dairy N percentiles per FMU, and replace with requirements and standards to ensure that in over allocated catchments and where Nitrogen is an issue, the reductions required by land uses are proportionate to the level of improvement that is required and proportionate to the impact of the discharge (in accordance with policy 2(d)). Reductions required should focus firstly on the highest discharges and be proportionate to the scale of impact and considers the economic implications of required reductions and timeframes for these reductions.

- Low contaminant loss land users are accorded Permitted Activity status. They are characterized as having a stocking rates that fit below thresholds determined for LUC land class, soil type and rainfall commensurate with pasture production capability and expected risk of contaminant loss.
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- High N loss rates regardless of land use, except Horticulture, to be reduced over time. Where reductions are required they are to commence doing so immediately and progressively achieving reductions no less than 10 percent of the required reduction every year for the period of PC1.

- Horticulture N loss to be managed in a manner accepting the special status as a land user of high value to the community providing vegetables and the like.

5. Submission: Manage phosphorus through Farm Environment Plans

Schedule 1 and associated provisions including rules

There is difficulty is accounting for phosphorus loss as a contaminant.

Relief sought

- **We believe the option that best undertakes this is via the Farm Environment Plan and adoption of Good Management Practice.**

6. Submission: Manage sediment through Farm Environment Plans

Schedule 1 and associated provisions including rules

Reasons for submission:

- Variation in sediment loads across time and space

6.1. Variation in sediment loads across time and space

The measure of sediment e.g. total suspended solids (TSS) will be extremely variable spatially and in time, and will consequently be difficult to be used as limits for the intent to manage land use. These measures however are useful as indicators of state for guidance therefore PC1 could include a narrative objective seeking a reduction in TSS concentrations over time

Targets requiring a significant improvement in in-stream TSS concentrations will be problematic and challenging and there must be caution to ensure unrealistic expectations are not created. This also applies to interpretation of what mitigation to implement when preparing FEPs

FEP mitigations will and can reduce sediment input with associated improvements in-stream water quality and ecosystem health at a localised scale and within a relatively short time frame but are unlikely to make a significant difference to the sediment load or water quality say in the

Waipa River for many decades due to other sediment sources e.g. legacy stream bank and bed load.

The FEP needs to be developed with supportive information to allow comprehensive understanding about what is required and how to achieve this. For example, reducing sediment will require an understanding about erosion risk and so for this purpose there needs to be good definition of erosion risk (including the different types of erosion). There needs to be clear and concise clarity about the definition of land type and class and the spatial location where it is considered to have high (or other classes) of erosion risk.

Suspended sediment yields (SSY) vary widely within the Waikato - Waipa region dependent upon slope, rainfall gradient and the variety of rock and soil types

Relief sought

- **Use Farm Environment Plans and adoption of Good Management Practice to manage sediment.**

- **Where there is exceptionally high sediment loss in known locations i.e. sub catchments, this knowledge is to be communicated in a manner that is transparent and upfront such that all land users in these areas have good certainty of what mitigation options are available and the effectiveness these have to reduce said loss.**

7. Submission: Manage E. coli and microbial pathogens through Farm Environment Plans

Schedule 1 and associated provisions including rules

The discussion here is limited however there is a need for further work to understand source of loss and possible mitigations that are cost effective.

Relief sought

- **Mitigate E. Coli through Farm Environment Plans and adoption of Good Management Practice.**

8. Submission: Ensure swimmability targets are realistic

Table 3.11-1 and associated provisions including rules

The issues around swimmability are contentious and fraught. We don't believe a position can be justified that is to provide swimmability across the whole catchment all year round. We consider a more pragmatic solution is to ensure swimmability can occurs when the waterways are safe to do so i.e. not in flood, at a time more conducive to being in the water and in locations where swimming could reasonably be undertaken. This will then allow establishment of acceptable risk and what the appropriate levels of microbial pathogens and clarity should be.

Relief sought

- **The E. Coli limits need to be more specific to managing risk**
    - **E Coli 260/100ml < 50th percentile = Applies 1 November to 30 April when the waterway is below medium flow**
    - **E Coli 550/100ml < 20th percentile = the concentration of E. Coli must not exceed 550/100ml year-round when flow is at or below the 20th flow exceedance percentile (i.e. not in the top 20% of flows)**

9. Submission: Remove Lake Taupo water out of Waikato River quality monitoring

Subcatchment maps and Table 3.11-1 in relation to apportioning responsibility for water quality and managing to limits

Reasons for submission:

- disproportionally and unfairly places responsibility upon others downstream to mitigate
- opportunity to intensify locally is being withheld

9.1. Disproportionally and unfairly places responsibility upon others downstream to mitigate

The pristine waters of Lake Taupo (bettered, maintained and preserved at great cost as part of Variation 5) are being willfully used to dilute high contaminant load arising from sub catchments and direct loss into the Waikato River particularly within the Upper Waikato FMU.

This is an unacceptable and intolerable situation as the water quality, as measured in the Waikato River, provides a false misleading indication that all is well, whereas the tributary waterways are in many cases over allocated and will exceed ecosystem health limits. This mixing of waters provides an unders and overs which disproportionally and unfairly places responsibility upon others downstream to mitigate.

We consider that Lake Taupo should itself be acknowledged as a headwater sub catchment and the water that leaves the lake be maintained in the best state possible without being deliberately used to mix with and dilute other sub catchment dirty water.

9.2. Opportunity to intensify locally is being withheld

It is also obvious that in other sub catchments where water quality is relatively good and so the opportunity to intensify locally that exists is being withheld by PC1 as this clean water is also being used to dilute high contaminant load arising further downstream. An example here is the tributary sub catchments to the upper Waipa River are being locked-up ensuring clean water is provided to dilute dirty downstream tributary sub catchments in the lower Waipa River. This imbalance is immoral because those who are and should be culpable for high contaminant load have retained the right to continue without abatement or incurring Polluter Pays costs.

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Relief sought

- **Remove Lake Taupo waters out of Waikato River monitoring of water quality to remove the dilution effect, and therefore ensure the true river state is monitored.**

10.PC1 is fundamentally flawed, and an alternative approach is required

Plan Change 1 in its entirety, and without limitation Objectives 1 to 4, Table 3.11-1, policies 1 to 5, and 9, methods, and associated rules.

We have described earlier who we are and how we operate which is unfortunately by and large diametrically different in many ways to the general direction taken by PC1. Interestingly however, we probably all want to achieve the same end goal hence we will now suggest what we consider is a better alternative as a preferred option to pursue.

We are not being vitriolic about other land users who have high contaminant loss because they generally were operating within a framework that promoted and allowed such land use. However, two wrongs don't make it right. We recognise several aspects that must be worked through to apply corrective action. Our vision for the region will be shared mutually by many and probably yourselves as they go in-hand with:

- Ecosystem health reflecting community aspirations and value;
- Prosperous and vibrant rural communities that are united together
- Land use that fits the class of land without causing breach of ecosystem health limits and values that were established by wider community
- The provision of offsetting must be a secondary resort having firstly examined all other best alternatives to reduce high contaminant loss. Where offsetting is considered the best alternative, there must be fair consideration to all parties and / or stakeholders to the value provided in an offset.

Where land use is misplaced it has occurred primarily because of many past decisions and reasons including a lack of regulatory guidance and oversight. However, where land use has high contaminant loss above ecosystem health limits it will in time need to change. The time granted to change does need to allow opportunity for adjustment and transition to ensure it is not immediately made redundant or stranded.

It will be wrongful to prop up misplaced land use with headroom by creating a situation that restricts and perhaps terminates other legitimate land use that doesn't have high contaminant loss and operates below ecosystem health limits.

It is not about winners and losers as this doesn't create mutual and shared opportunities and often is very divisive.

We also believe that the only way forward to get positive traction and achieve improvement in water quality and therefore ecosystem health is a focus primarily centered on the sub catchments. The focus would also importantly be inclusive of the wider community considering

all stakeholders i.e. rural land users, urban, industry point sources and others so all together are cognisant of the whole and what the expectations are. The water quality from each and every sub catchment will be the outcome upon which success will be measured.

The following section outlines our alternative approach to PC1.

10.1. Deliver over a 30-year interim time frame to provide certainty, direction and pace of travel

Our vision for the future begins by setting out for an interim time 30-years thereabouts from now, noting the Vision and Strategy has an 80-year time thereabouts. We cannot realistically foresee what might be in 80-years. However, there is more realism of outlook as to what may occur in 30-years. Land use would be neither fixed or locked-in, recognising community and society needs change with time hence this demands flexibility and options whilst recognising the inherent capabilities, versatility and equally the limits of our natural resources.

There is a need to provide certainty for business and the community so all may know the direction and pace of travel required. It also allows appropriate due diligence and forward planning to ensure the right results are being delivered without unnecessary, repetitive and / or wasteful costs.

Providing a 30-year interim target will be successful because:

A 30-year interim target for ecosystem health established now combined with a stronger focus upon tributary sub catchments rather than the main river stems will give better effect to the Vision and Strategy.

We have proactively selected an interim target for water quality improvement being equal to that modelled to provide 25 percent of the Vision and Strategy. This proposed goalpost provides a clear and purposeful direction and pace of travel. This overcomes the need to await upon new evidential science that is often complex and not always well understood, which could therefore create delays. If precaution is not adopted, the cost to remediate later will be huge and somewhat greater than the returns generated from land use that has led-up to a problem.

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

30-year interim target to give effect to the V&S focusing upon Sub Catchments

PC1	year 0 – 10 years	5 percent improvement	}
PC2	year 10 – 20 years	15 percent improvement	} staged improvements
PC3	year 20 – 30 years	25 percent improvement	}

The staged improvements in 10-year steps provide a process to tighten up in-stream limits or 'bands' thereby demanding on-going reduction in land use contaminant loss where required.

(Note we don't believe PC1 as currently set out will deliver the 10 percent targeted improvement towards giving effect to the Vision and Strategy. The significant change in land use intensity and the spatial location where this has occurred since 1995 thereabouts is such that the current loss from some land use will be greater than that modelled for the V&S which will have significant negative impact today and in the future upon ecosystem health and waterway quality)

The 30-year interim target with staged improvements in 10-year steps we provide land users and the wider community a better level of certainty as the difference between current state and the target is more visible and tangible. It provides a talking point to have a conversation and a goalpost to aim for. By doing so land users will together become reasonably informed of the expectation about required ecosystem health improvement re Swimmability, Mahinga Kai plus ensuring the commitment to communities that they remain united, prosperous and resilient is paramount.

In contrast PC1 is not a pathway that provides reasonable assurance of success as it is an attempt to 'window-dress' at best because it is not addressing where the bulk sources of contaminant loss arise from. Also, unfortunately prior to PC1 there had been a woeful lack of communication presented to land users across all sectors describing water quality degradation caused by loss of the 4 contaminants to allow land users opportunity to comprehend how, why, when, where and possibly accept that they may be culpable and responsible. This has created a situation today with PC1 now being thrusted upon many land users who are struggling to comprehend why they should be involved.

The 25% of the V&S goalpost allows ecosystem health maxims primarily being in-stream contaminant concentrations or limits to be established in all sub catchments. Knowing that limits are rigid and don't mimic the natural fluctuations and variability there is also opportunity

to use 'bands' to accommodate the range in expected fluctuations within acceptable thresholds.

As the measured effect upon water quality from on-going land use and associated contaminant loss gets close to or oversteps the ecosystem health limit or 'bands' a mechanism will need to be triggered to slow and / or halt growth using adaptive management or conversely it may indicate there may be sufficient headroom to accommodate more intensive land use.

Relief sought

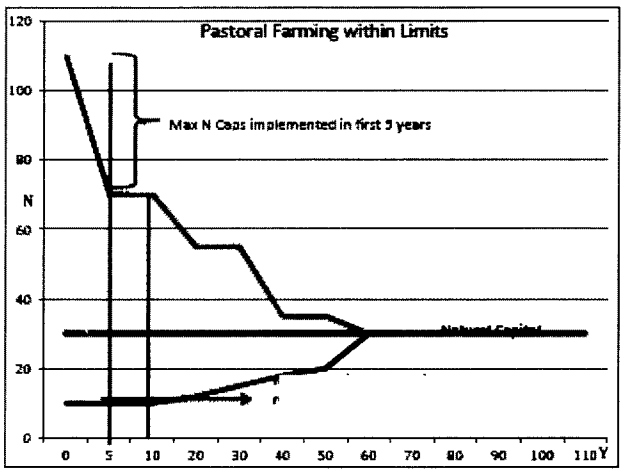
- **Provide for the establishment of a 30-year interim target with corresponding direction and pace of travel thereby giving all land users certainty of required outcomes**

10.2 Submission: Focus on Sub Catchments to provide opportunity for local community involvement

With a focus upon each subcatchment this allows local issues to be confronted related to water quality in a more community engaged manner whereby there is better understanding by everyone about everyone who contributes to contaminant load which includes rural land use, urban and industry point source.

Having a 30-year time frame and 25% V&S improvement load targets the task ahead is outlined with strong certainty about what is required. There is no hiding as currently done when tackled piecemeal. There are measurable and regulated bottom lines as the backstop with intermediate steps. There is no offsetting without compensation like land users in the subcatchments of the upper Waipa reaches being forcibly required via PC1 rules with Grandparented nitrogen loss and No Land Use Change to provide clean water to dilute dirty water arising from other land users with high contaminant loss located in another FMU. Where there is high contaminant loss, regardless of contaminant type, arising from land use that is misplaced that cannot be mitigated by other means other than deintensified land use change will need to be identified in a transparent and timely manner and this communicated to affected owners and transitionally phased out.

It has always been accepted there is a need to provide ample space or time to transition. This approach was presented to the CSG see the graph below copied from the document "Pastoral Farming Within Limits – A Transitional Approach" presented by James Bailey to the CSG indicates the stepped staged approach to ultimately farm with contaminant loss compliant with ecosystem health limits.



Groups of neighbouring farmers may collaborate to find solutions that fit i.e. wetland or share / blend loss rates to even out and reduce.

Sub-catchment committees

Council could establish Sub-Catchment committees, representative of all catchment stakeholders to ensure balance, equity, fairness is applied across all land users and to provide approval of alternative proposals that assist reduce contaminant loss

The intent of the committee would be that it doesn't allocate or divvy up or reorganise, their job is to provide oversight and act as a conduit between all stakeholders. They can assess, advise and discourage, lobby or promote but don't take on WRC responsibilities such as policy / rules setting, direction and pace of travel plus accountability. Any agreement to alter would require WRC approval. There will be good expectation water quality targets must be met with regulatory enforcement. Not quite co-governance but a partnership nevertheless to be cognisant of all issues. A committee could cross over several the smaller neighbouring subcatchments ensuring people have right skillsets and the like, plus ensure associated committee costs are realistic

Information that gets to the visceral core of importance that local land users intuitively know and have some degree of understanding. In their daily life as they commute back and forth they

are crossing bridges and culverts and pass beside the local waterways – it is visible, sometimes immediately recognisable other times just part of the scenery nevertheless a daily experience

Relief sought

- **Employ a sub-catchment approach, by establishing Sub-Catchment committees to provide oversight and act as a conduit between all stakeholders**

10.3 Submission: Land Use Capability / Suitability – every parcel of land is different

It will be inappropriate to require individual land users to meet an in-stream contaminant limits or 'bands'. The complex pathways of contaminant loss between source and waterway can reduce effectiveness or certainty to achieve a limit and this can also be thwarted by the time lag. However, a limit can be conferred by using proxies that directly relate to land use considering Land Use Capability / Suitability and the in-stream limits or 'bands' would be used to check the effectiveness of such controls and therefore act as a trigger as to whether more stricter controls need to be applied. Exceedance of the Trigger Value "triggers" further investigations or remediation (horse has bolted).

What is apparent in the Waikato – Waipa and elsewhere in NZ is that land use and intensification of has been growing without having a limit for ecosystem health being set – and it is now becoming very apparent that we must have to consider reducing growth to meet the limits needed to obtain the desired ecosystem health and water quality. This has left us as a community now with an awkward and difficult problem to address and rectify. To reduce immediately will effectively undermine investment capital leaving it stranded and possibly destroy the livelihoods of those (individuals and communities) who made such investment? We don't have to reach the target immediately – we do however need to establish a viable vision for the future and then we must provide progressive transitional stepped reductions within an agreed time.

We propose an alternative to grandparenting, as this is an allocation option which we hugely dislike noting it is one of the more basic unrefined allocation options available because it is inequitable and simply rewards those land users with existing high loss whilst penalizing those

land users with low loss. We would have as a preference to grandparenting a smarter option that optimally considers and builds in all the loss pathways from source i.e. land use contaminant loss to where they become part of a waterway. This would provide a clear link between land use loss, the in-stream load with resulting impact upon ecosystem health. Noting there is some difficulty doing this we then accept as a proxy the Natural Capital approach originally developed by Alec Mackay.

Noting that we propose a 30-year interim target which beneficially provides direction and pace of travel and therefore certainty.

Relief sought

- **Do not continue with a grandparented nutrient allocation system**

- **Develop greater understanding about spatial location of natural resources so this knowledge can be applied to better inform and manage contaminant loss.**

- **Instigate the installation of more monitoring sites across the region to gather data that assists better understanding of contaminant loss and effects of. There is a clear need to ascertain better ecosystem health and water quality parameters above and below significant change or likely change for example bush / afforested land vs. pastoral land use, hill country vs. intensive lowland land use, point source discharge, urban discharge including stormwater.**

- **Include where site appropriate limits and / or thresholds pertaining to periphyton biomass and Macro community index to assist determine state of ecosystem health**

10.4 Submission: Use a modified Permitted Activity status –

With a 30-year interim target we have provided ourselves more up-front time to establish direction and pace of travel. This is important to ensure we all have in place the necessary and required capability and competency to deliver.

There is an acute need to extend the timeframes when mitigation and change needs to occur on farm simply because the timeframes are too tight – there is a need to build in some catch up time:

- There is a need to develop further the WRC Implementation Plan and for WRC to develop better internal capability and competency whilst creating stronger relationships with land use industry to assist deliver the required outcomes
- Because there is a dearth lack of people to fulfil the role of Certified Farm Environment Farm Planners and to a lesser extent Farm Nutrient Advisors
- There is a large body of land users whose level of risk does not justify for the present time the imposition to comply with actions that will return little immediate benefit

Recognising this lack of capability will allow opportunity to readjust the time to deliver and focus on those areas of high risk where mitigation action is immediately required

Relief sought

10.5 Submission: Identify the low N loss farm systems, and have a rule framework commensurate with environmental risk

We would start with a simple allocation system where those land users who comply do so with a modified Permitted Activity status. The allocation system begins with the principle that pasture production capability and therefore production output are closely related and this should form the major plank to an allocation system because farmers intuitively know this to be correct.

A greater amount of pasture will grow on the flatter easy rolling class of land in comparison to steeper hill country. From this premise, we can apply an upper limit for stocking rate on each class of land as per the following table.

Note the feed supply is only that pasture grown with a small amount of tactical nitrogen fertiliser applied and that there is no importation of supplementary feed. The stocking rate is measured as kilograms liveweight per hectare wintered 1st July rather than the often traditionally used system of stock units which in our opinion has proven to be too subjective.

The stocking rate liveweight numbers are arbitrary and will require some ground truthing and calibration however for now they provide a feel as to the proposed direction. It is noted that this system is relatively simple and perhaps naïve however it does acknowledge the prime influence stocking rate has upon nitrogen loss and that the principle pathway for N loss is determined by the underlying soil type and there is significant effect induced by rainfall and so the limits are tailored to accommodate this. The table below identifies the Upper Waikato FMU, the predominant soil type is pumice and there are three rainfall bands. This creates an easy look-up table that is convenient to use and relatively straightforward. Similar tables would be created for each FMU and predominant soil types as typically found.

Having identified the Low N Loss farm where these farms stay within the limits they would during the time of PC1 be given a Modified Permitted Activity Status whereby they may continue to farm and retain ability to adjust stock policies without incurring inspection however they would need to continue with preparing a Farm Environment Plan and undertake Good Management Practice where appropriate

Upper Waikato FMU					
Soil type – Pumice					
LUC	**Liveweight kg LW/ha Wintered 1st July**				**Slope**
	Rainfall ≤ 800mm	**≤ 1000mm**	**≤ 1200mm**	**≤ 1400mm**	
I & II	1500	1400	1300	1200	Flat
III	1200	1100	1050	1000	Rolling
IV	1000	900	850	800	Strongly rolling
V	-				-
VI	800	750	700	650	Hill
VII	600	550	500	450	Steep Hill

A similar concept to the above could be the use of Nitrogen loss limits determined by Overseer for each land class rather than using stocking rate thresholds

Whilst the LUC allowable stocking rate kgLW/ha is an indirect measure of nitrogen loss rates akin to the Natural Capital approach they are not linked to (and nor do they derive from) the required instream water quality limits for nitrogen which have yet to be established. It does however provide a very useful proxy which can be easily management. The collection of stocking rate and liveweight is part of general farm business managements undertaken on an annual basis and often in the same time period as noted. This also fits in with data requirements to undertake Overseer nutrient budget

Relief sought

- **Low contaminant loss land users are accorded Permitted Activity status. They are characterized as having a stocking rates that fit below thresholds determined for LUC land class, soil type and rainfall commensurate with pasture production capability and expected risk of contaminant loss.**

11.10.6 Submission: Implement an alternative approach to PC1 using a 30-year interim target, that focuses upon sub catchments to provide greater surety of improving ecosystem health, and gives effect to the Vision and Strategy

Adopt sub catchment approach to managing land and water resources, where the values are achieved then ensure that water quality is maintained. Where the values are not achieved, then improve water quality in a staged manner with interim targets set in PC1 over the next 30 years that provides individuals and communities with certainty about what will be required of them moving forward and ensures individuals/ communities economic wellbeing and resilience.

Relief sought:

- **Provide for staged improvements in 10-year steps to tighten up in-stream limits or 'bands' thereby demanding on-going reduction in land use contaminant loss where required. Use the following staging:**

PC1	year 0 – 10 years	5 percent improvement	Staged improvements
PC2	year 10 – 20 years	15 percent improvement	
PC3	year 20 – 30 years	25 percent improvement	

- **PC1 will adopt**

  A Natural Capital approach (for example land use capability is what was adopted by both Horizon's and HBRC.

  - **A permitted activity based upon land class and pasture production capability – stocking rate – rainfall where land use is that supported by the capability of the land giving rise to contaminant loss no greater than acceptable ecosystem health limits noting pastoral land use is justified. Equal Nitrogen allocation for all land users = 20 kgN/ha flexibility in activity status if PA not ok.**

- **The LUC Natural Capital limits apply relatively high to begin and then progressively step down over this 20-30-year period until ecosystem health limits satisfied.**

- **Delete Nitrogen loss reduced to 75th dairy N percentiles per FMU, and replace with requirements and standards to ensure that in over allocated catchments and where Nitrogen is an issue, the reductions required by land uses are proportionate to the level of improvement that is required and proportionate to the impact of the discharge (in accordance with policy 2(d)). Reductions required should focus firstly on the highest discharges and be proportionate to the scale of impact and considers the economic implications of required reductions and timeframes for these reductions.**

- **The farm plan is integral staying with current approach including advisor but with stock exclusion amendments.**

- **The NRP only for collecting contaminate loss information for the purpose to understanding source and size of loss.**

- **Stock exclusion timeframes are extended and fit those times proposed nationally**

- **In the first 10 years the process setups the next steps for later years. This includes identification of areas of possible afforestation due to high sediment loss or other high contaminant loss.**

- **There will be expectation of more monitoring sites installed.**

- **Plan change 1 will adopt a sub catchment approach now, which is reflected in the objectives polices and rules. Specific information related to each sub-catchment will be prepared by WRC. They will be tasked immediately with coordination of all stakeholders and preparation of detail for each subcatchment to provide transparent information e.g. priority contaminants. A catchment committee advises, reviews, assists coordination. Sub-catchment specific rules should be staged in as a manner whereby if information isn't available they will come into force in a staged way.**

- **Industry will be tasked with extension, advice and professional representation. Industry will strongly advise on acceptable GMP e.g. winter crop grazing.**

- **Each plan change reviews and resets interim limits. Every subcatchment has own unique limits but tied into the whole catchment. The Sub Catchment is managed and overseen by a committee representative of all catchment stakeholders to ensure balance, equity, fairness is applied across all land users and to provide approval of alternative proposals that assist reduce contaminant loss**

PART 2: SPECIFIC SUBMISSIONS ON 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.

The specific provisions my submission relates to are:	My submission is that:		
	SUPPORT / OPPOSE	**REASON**	**RELIEF SOUGHT**
Objective 1 & Table 3.11-1	Support with amendments	I am supportive in principle of the long-term restoration and protection of our waters. However, I am concerned that the Table 3.11-1 provides 80-year numerical water quality targets that are fanciful because it is unlikely they will be achievable even if all known mitigation options were to be applied. It is doubtful such conditions even occurred in time predating European land development	Retain the intent of Objective 1, but amend Table 3.11-1 so that the water quality targets are achievable providing for ecosystem health and enabling prosperous, vibrant communities to exist. Water quality targets, should provide for the values of waterbodies such as ecosystem health, and cultural values. However, they must also be set at numerical states which enable for the social and economic wellbeing of people and communities. There also needs to be awareness of how applying mitigations will alter and readjust the equilibrium going forward which may necessitate adaptive management options to be applied. Amend Table 3.11-1 so that the numerical targets do not apply during flood events or when the parameter does not influence the value i.e. E. Coli should apply at times when

			people swim or primary contact with water is undertaken for cultural reasons.
Objective 2	Support this objective with amendments	It is very important to maintain and bolster the long-term social, economic, and cultural well-being of Waikato - Waipa communities ensuring they remain prosperous and vibrant. I am concerned that the plan does not achieve this, as set out below.	Retain and strengthen the objective in relation to providing for the long-term social, economic, and cultural wellbeing of the Waikato - Waipa communities. Including ensuring the economic resilience, sustainability, and vibrancy, of people and communities.
Objective 4 *People and community Resilience*	Support with amendments	We support objective 4 in relation to providing for People and community resilience. However as currently proposed the objective fails to provide for this outcome. It recognises that as currently proposed PC1 will not achieve its objectives. Whilst PC1 itself does not specifically direct it is known that the following Plan Changes will need to encourage further deintensification of land use (Objective 4b). The effect of this unknown embedded within PC1 is that it fails to provide communities and individual's any certainty about their futures and what will be required of them, and it therefor fails to ensure people and community on-going resilience.	Amend the objective so that it provides for People and Community resilience over the life of the plan. Numerical Freshwater objectives should not be established if they will never be achievable. The plan should clearly set out how it intends to achieve the 80-year outcomes now to provide certainty for people and communities. If this cannot be undertaken with any confidence an interim target that could be achievable needs to be established. We propose a 30-year interim target be established for this purpose. Delete clause b. Include a new objective which will provide for community and individual resilience, management processes which allow

		The plan also notably doesn't enable a pathway for individual and communities to work constructively together to achieve the Vision and Strategy. The rigid enforcement of 3.11.5.4 and 3.11.5.2 will reduce farm profits, land values and community viability; making objective 4 People and community resilience unattainable. • Sheep, beef-cattle and deer production will be restrained, but farm costs will increase substantially particularly that related to stock exclusion. • Land values will decrease because they are pegged to future production capability. This capability will decrease as land users will be limited in how production output and value can be improved. Such a restriction will also incur limits upon credit ratings and obtaining finance credit The negative implication is that our communities will decay because of depopulation and reduced services.	for adaption, and community led sub-catchment approaches. The references to the staged approach and future plan changes including need for further deintensification should be deleted unless this pathway forward is well articulated and explaining full with details providing when and how.
Restricting land use change.	I oppose this	With future opportunities impeded this will affect land value and restricts business opportunities.	Deleted in its entirety. It would be more appropriate to examine appropriate land use capability using the Farm Environment Plans

Policy 6 *Rule 3.11.5.7and any relevant points within the plan*		Where future land use is restricted below that which it could sustainably be used without causing negative effect to ecosystem health incurs a false loss of capability will have seriously negative impacts upon maintaining flexible land use. This also undermines land value to a level below where it should justifiably be. Conversely other more marginal land having existing land use that is misplaced enjoys a windfall gain and has a higher land value. This is a contradictory situation that has very negative implication going forward.	(FEP) in association with ecosystem health limits emplaced for each sub catchment rather than to use a blanket prohibition
Nitrogen management application of the Nitrogen Reference Point (NRP) & use of OVERSEER *Policy 2 and 7* *Rules 3.11.5.2 to - 3.11.5.7(inclusive)* *Schedule B and all other areas in PC1 which refer to the Nitrogen Reference Point*	Oppose	The grandparenting of nitrogen loss via use of the Nitrogen Reference Point (NRP) is draconian approach. The low emitters are being unfairly penalised whereas those with higher N loss may with little impunity continue to pollute. The effect of grandparenting will provide little ecosystem health benefit in those sub catchments where N is currently overallocated and there is additional load (tie lag) to come. The restraint applied upon low N loss farms is substantially greater that for high N loss farms because they lose flexibility t adjust and rearrange farm systems. This restraint also curtails opportunity to apply other more beneficial mitigations considering all 4-contaminants.	We accept that the Nitrogen Reference Point (NRP) established by using Overseer is valid for understanding spatial loss and load to assist inform better science. Adopt a sub-catchment approach to allow better focus upon addressing those contaminants losses more pertinent to each farm and for that sub catchment. Use FEPs to assess appropriate land use options for each farm, and encourage better and more science to determine which contaminants are of concern for each farm and sub-catchment. Adopt the relief set out under sections 10.3, 10.5 and 10.6

		I am hesitant to using Overseer as a regulatory tool and so oppose its use to apply grandparented restrictions. Where N loss is high it does allow an informed decision and hence rule to reduce to a more acceptable level. Its use however, to establish the NRP and gain better insight about loss and load has good scientific merit.	**Delete requirements to manage farming activities to their historic NRP (grandparent) and instead replace with either liveweight standards linked to the natural capital of soils, climate, and the assimilative capacity of water, or alternatively an allocation of Nitrogen which is tied to the natural capital of soils** Develop greater understanding about spatial location of natural resources so this knowledge can be applied to better inform and manage contaminant loss. Amend or include new rules (including permitted activities) that are based upon land class and pasture production capability – stocking rate – rainfall where land use is supported by the capability of the land giving rise to contaminant loss no greater than acceptable ecosystem health limits noting pastoral land use is justified. Or alternatively adopt an equal Nitrogen allocation for all land users = 20 kgN/ha flexibility in PA activity rules. Adopt a Natural Capital approach (for example land use capability is what was adopted by both Horizon's and HBRC. • The LUC Natural Capital limits apply relatively high to begin and then progressively step down over this 20-30-

			year period until ecosystem health limits satisfied. • There will be recognition that existing land use may have higher nitrogen loss exceeding the Natural Capital limits and that this will be managed downwards in a transitional manner to ensure existing investment is not left stranded however it also sends a clear signal that where land use is obviously misplaced other options will need to be considered. Delete Nitrogen loss reduced to 75th dairy N percentiles per FMU, and replace with requirements and standards to ensure that in over allocated catchments and where Nitrogen is an issue, the reductions required by land uses are proportionate to the level of improvement that is required and proportionate to the impact of the discharge (in accordance with policy 2(d)). Reductions required should focus firstly on the highest discharges and be proportionate to the scale of impact and considers the economic implications of required reductions and timeframes for these reductions. Low contaminant loss land users are accorded Permitted Activity status. They are characterized as having a stocking rates that fit

			below thresholds determined for LUC land class, soil type and rainfall commensurate with pasture production capability and expected risk of contaminant loss. High N loss rates regardless of land use, except Horticulture, to be reduced over time. Where reductions are required they are to commence doing so immediately and progressively achieving reductions no less than 10 percent of the required reduction every year for the period of PC1. Horticulture N loss to be managed in a manner accepting the special status as a land user of high value to the community providing vegetables and the like.
3.11.4.5 Sub-catchment scale planning	We support this Implementation method	This is a sensible and practicable approach to controlling contaminant discharge and gives each farm, and all farmers within a sub catchment greater ownership over their future.	We seek that the plan change should not be implemented until the science evidential data around which contaminants are causing poor ecosystem health below acceptable community values is available for each sub catchment.
Insert new Objectives, Policies, and Rules to	Oppose PC1	Sub-catchment approaches to managing land and water resources are a sensible and	Include new or amend existing Objectives, Policies, methods, and rules to enable

enable, support, and incentivise sub catchment planning and land and water management		practicable approach to controlling contaminant discharge and gives each farm, and catchment, ownership over their future.	catchment groups to manage their land and water resources to achieve water quality outcomes while providing for their economic and social wellbeing and sustainability We seek that the plan change should not be implemented until the science evidential data around which contaminants are causing water quality decline is available for each sub catchment.
Stock exclusion *Policy 3, Policy 4, Rule 3.11.5.1,3.11.5.2, 3.11.5.3, 3.11.5.4 and Schedule C*	I support with amendments	Land slope ≤ 15-degree Where the predominant land i.e. 80 percent is of a slope ≤ 15-degree all perennial waterways should have stock exclusion effective by 2022 Noting that most intensive land use occurs on this land class it is proposed that ephemeral waterways when flowing direct to a main waterway also be excluded from livestock accepting temporary fencing can suffice Land slope >15-degree A general rule excluding livestock in steeper hill country is too broad and draconian not recognising cost vs. benefit. We propose that a more risk based approach is more justified and acceptable. In conjunction with the FEP stock exclusion will apply around areas classified as critical-source-areas and where	Amend the rule to provide clear certainty where and which waters need to be excluded from livestock PC1 provides no certainty as to whether other mitigations may need to be necessary in the future. This is untenable where complying with livestock exclusion now may not provide enough reduction in contaminant loss thereby requiring other mitigation to be emplaced making the initial mitigation redundant as it is misplaced Let the individual FEP present mitigations against contaminants, relevant to each farm, rather than a blanket approach. Enable stock to enter waterbodies if they are being actively managed across the waterbody

		management i.e. stock policy and stocking rate equates to high risk. We have applied an arbitrary division to denote where risk is high equating to a stocking rate ≥ 1000 kgLW/ha (approximately 18 stock units per ha). This includes all types of grazing management such as winter forage crop grazing, break feeding, block and cell grazing, technosystems etcetera. This stocking rate would also apply to that part within a more extensively managed farm where there is say an intensive beef finishing unit. The livestock here would have to be excluded from water. In extensively farmed land stock cross of waterways should be permitted where the crossing interval is no more than XXX Where a farm is located in hill country predominantly LUC Class 6e and 7 land and there has been an expectation to provide livestock exclusion there must be greater certainty that this mitigation will not be stepped over in future plan changes by demanding the land to be afforested This rule does not support objective 2 of the plan as it would be socially disruptive for the farming community and lead to rural community decay with loss of services.	and the waterbody is not crossed by stock more than 1 x week

		At the time of preparing this submission there is no clear understanding of how a slope of land was to be assessed	
Removal of northeastern (Hauraki) portion of Plan	Oppose	Removal of a significant section of the lower catchment from PC1 means that people are now further unable to determine whether this plan will achieve its objectives and whether the costs on individuals is appropriate.	Place the plan process on hold, or withdraw the plan in its entirety until the lower catchment is re united into the PC1 at which time the plan can be notified.
Farm Environment plans *Policy2, Rules 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* *Schedule 1*	Support with amendments	We are concerned that neither our communities nor the Waikato Regional Council have the resources to meet the requirements of a farm environment plan (FEP) in the time frames required as detailed in PC1. There is also a concern that a consent to farm comes with consent conditions, which could add extra, undefinable barriers to our ability to farm, and commit further undefinable costs to comply.	If an FEP is supplied, Rule 3.11.5.3 should be a permitted activity, not a consented one, regardless of the presence of a certified industry scheme. Remove 'under a Certified Industry Scheme' from this rule. Extend the time frames to enable compliance. FEPs adopting a tailored individual approach would provide appropriate mitigation where needed for good cost benefit unlike prescriptive measures where the beneficial outcome wanted is unknown. We seek that the plan change should not be implemented until the scientific data around which contaminants are causing water quality decline is available for each sub catchment
Policy 16	Oppose	We oppose this policy. The ownership of the land should have no bearing on whether the rules apply or not. The issues addressed in this plan are contaminant discharges and the	We seek that this policy is removed

		rules should be the same for all regardless of ownership.	

Yours sincerely

8th March 2017

Signature Date