Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

Submission form on publicly notified

SubForm	PC12016	COVER SHEET	
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		Submission Number	
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FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 ***Please Note:*** *if you fax your submission, please post or deliver a copy to one of the above addresses*
Emailed to	healthyrivers@waikatoregion.govt.nz ***Please Note:*** *Submissions received my email must contain full contact details. We also request you send us a signed original by post or courier.*
Online at	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS					
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ADDRESS FOR SERVICE OF SUBMITTER					
Full name	as above and I would like to appear before the judge to speak to this submission.				
Address for service of person making submission	as above				
Email		Phone		Fax	

TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

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

☐ I am / ☐ am not directly affected by an effect of the subject matter of the submission that:
(a) adversely effects the environment, and
(b) does not relate to the trade competition or the effects of trade competition.
Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

SUBMISSION POINTS

I own a 15 hectare vegetable and arable property in partnership with my brother. While we used to grow vegetable brassicas, potatoes, leeks and salad lines we now grow watermelon, rockmelon, sweetcorn, maize in rotation with annual ryegrass to preserve soil quality and minimise disease and pest carry over between crops. We have been cropping our land since 1978. In 1976 I graduated with a Bachelor of Horticultural Science from Massey University and in 2009 passed my certificate in sustainable nutrient management (also from Masey). For the last 10 years I have worked part-time in sustainable agricultural research and co-authored the Waikato Regional Council Menu booklet on "practices to improve water quality in Cropping land". The reason I mention my background is to inform you that I have been following Best practice (I am also a registered NZ Good Agricultural Practice certificate holder), in our farming operation. Therefore we soil test, apply fertiliser to balance crop removal, use Amaize N model calculators for Nitrogen use in our maize and sweetcorn, (our leaching loss from these two crops is only 4kgN/Ha). Our land is almost flat, we run 3metre grass buffer strips around all paddocks and keep this mowed to avoid weed ingress such as Yellow Bristle grass. There are no permanent water bodies and our drains have water in them about 4 days per annum. We direct drill all autumn sown grass and about half the maize area. Stock from our dairy farming neighbour graze any grass from 7am to 2-30pm but only if 2 days of fine weather before and fine during grazing. This not only preserves soil quality, but recycles nutrients while avoiding leaching losses etc during wet periods. Thus we are making every effort to reduce environmental impacts but because of this Overseer predicts I have an NRP of only 14kgN/ha. Overseer however, does not work for cropping systems and I had to make assumptions and alter crop types as the programme has huge holes in information.

I currently lease a small block of land and wish to continue with this but who will be responsible for the Nitrogen Reference point?

In the future, I plan to continue my farm operations at this stage am not considering expansion but see that as a diserable option if our population continues to grow and obviosly needs to be fed.

I am particularly concerned about the following aspects of Plan Change 1. They will have implications all this will have for my property, my current farm business and the economic wellbeing of the Waikato region.

- The significant negative effect on rural communities,
- The broad brush approach which doesn't differentiate between sub-catchments with low levels of environmental damage and those with high,
- The lack of science and monitoring at a sub-catchment level, to identify areas of priority for environmental improvement,
- The cost and practicality of implementing the rules,
- The rules around land change which will restrict the ability to take up market opportunities and restrict the region's economy,
- The cost and practicality of developing a nitrogen reference point,
- The timeframes for complying with the nitrogen reference point rules which are too short, given hat OVERSEER is still being developed for the cropping sector,
- The effect that the nitrogen reference point will have on my business, the value of my land and my economic well-being,
- The costs, both cash and loss of opportunity, and the practicality of the rules for stock exclusion, cultivation and setback width,
- The cost of developing and implementing a farm environment plan, leading to the unnecessary and the costly regulation of my farm business,
- The specificity of the rules around cultivation and set-back widths

I set out my concerns more specifically in the table below.

Page No	Reference (e.g Policy or Rule number)	Support or Oppose	Decision sought Say what changes to Plan Change 1 you would like.	Reasons
40	**Rule 3.11.5.2** Permitted Activity Rule Point 4. b, ii	**OPPOSE in part**	I submit that Point (4. b, ii) is reworded from: "15kg nitrogen/hectare /year: whichever is the lesser, over the whole property or enterprise when assessed with Schedule B and", to read: ii. 15kg nitrogen/hectare /year. I question the basis for setting a limit of 15kgN/ha/year across the whole region. There would appear to be no scientific basis for doing this.	The rule must enable farmers to have the flexibility to change their land uses and possibly increase their nitrogen loss up to a set sub-catchment limit of and still be a permitted activity. Changes in land use that might be considered are: Change in stock type Change in stocking rate Change in cropping activity.
42	***Rule 3.11.5.4*** Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme	**OPPOSE**	Amend 3.11.5.4 as requested by Federated Farmers in their submission.	This proposal will impose significant costs on my farming activities including. While I am in favour of farmers developing a farm environmental plan the 75% will limit/ dis-favour me as a low NRP as opposed to someone who has not been practising good practices and has a high NRP. In other words you are penalising the good farmers and that surely is not equitable. I am also concerned that this is not practical because NRP's will only reduce land values and land use options on those who are allready have loe NRP's.
45	**Rule 3.11.5.7 Non-complying activity rule –**	**OPPOSE**	Remove this rule: Replace it with a rule that enables land-use change to occur with reference to	I am concerned that this rule is not practical because:

	Land Use change		established sub-catchment limits. Land-use change for farming activities with contaminant losses below the catchment limit is a permitted activity so long as contaminant losses do not exceed the sub-catchment limit. Land-use changes for farming activities with contaminant losses above the sub-catchment limit is a consented activity.	1. It is too heavy-handed to apply a land-change rule to the whole region. A more flexible approach which acknowledges differences between sub-catchments will prevent unnecessary cost and aggravation for both famers and the council. 2. The rule as it is written prevents farmers from being able to capitalise on market opportunities in a timely manner. Opportunities could be lost because of the requirement and costs associated with the preparation and approval of consents for land use change. 3. Farm profitability will be constrained by the consent processes and the economic resilience of the region will decrease. 4. The rule disregards the fact that many farmers lease land, some on a short term basis. As the leases change, so will the land-use and it will be difficult to establish whether land use intensification has occurred.
47	**Schedule B Nitrogen Reference Point**	**OPPOSE in part**	I submit that the time frames for the development of NRPs for mixed arable systems is extended until the development work for the OVERSEER crop module is completed. And that the rule be redeveloped to address the inequities that high and low NRP numbers will have on land values. I propose as a fairer approach; Waikato	I am concerned about the level of accuracy in the calculation of NRP because: 1. OVERSEER is not routinely used by the cropping or horticultural sectors. Most cropping farmers have had no prior experience with OVERSEER budgets and many certified nutrient managers have had limited experience with modelling arable and horticulural systems with both crops and stock. 2. Attempts to model cropping systems in OVERSEER often deliver error messages preventing the nutrient reports from running. A

			Regional Council develops sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways: Farms in the catchment with NRPs greater than the sub-catchment limit must endeavour to reduce their contaminant losses over time. Farms in the catchment with NRPs below the sub-catchment limit may continue any farming activity as long as their contaminant losses do not exceed the set limit as measured by annual nutrient budgets.	number of "work-arounds" have been recommended by OVERSEER Ltd to manage these error messages. This moves the modelled data away from the actual farm data, increases the time and cost to prepare an OVERSEER budget and reduces the level of confidence that the farmer has in the nutrient budget. 3. Nitrogen loss numbers from OVERSEER with a low level of confidence are good to provide a rough estimation of the farm nitrogen loss but they should not be used to develop NRPs for compliance. I am also concerned that a low NRP number will impact on the land-value of my farm, the so-called "grand-parenting" effect. If the Waikato Regional Council develops sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways, farmers and communities can develop targeted approaches to reducing contaminant levels. The focus is then on those catchments with bigger contaminant loads, with less attention on catchments where the loads are below a level of concern. This is a more equitable approach. It will not incur unnecessary constraints and costs on farmers and is likely to be viewed with greater respect than a blanket approach. I am also concerned that this is not practical because Reducing my NRP from its allready low

				point (given the errors in overseer) would make my business non –viable due to low yields and no longer profitable . I am deeply concerned that NRP.s are not going to address water quality but add signifcant costs to farmers for no environmental gain. A far better approach would be to look at sub catchments that are at risk and then the rural community devise away to mitigate.
50	Schedule C Stock Exclusion	**OPPOSE**	Amend Schedule C as requested by Federated Farmers in their submission	This proposal will impose significant costs on my farming activities including mowing off winter cover crops instead of using animals. Excluding stock during extreme wet weather may be a preferable option.
51	**Schedule 1** Requirements for farm environment plans	**OPPOSE in part**	Amend Schedule 1 I support the requirement that a Farm Environment Plan shall be certified as meeting the requirements of Schedule A. As an addition to the Schedule 1, I submit that farmers should be able to develop their own plans, either on their own accord or as participants in FEP development workshops. Certification of the FEP can be achieved by having the plan reviewed by a Certified Farm Environment Planner.	I support the requirement for farm environment plans, they provide an opportunity for farmers to understand the environmental risks on their farms and to develop mitigation strategies to reduce the impact of their farming activities on the environment. If farmers develop their own plans, consistency with the Schedule 1 can be achieved by a certification process whereby the plan is reviewed by a Certified Farm Environment Planner, and the review includes a farm visit and an assessment of the identified environmental risks for contaminant losses and the mitigation plan for these risks.

			The review will include a farm visit and an assessment of the identified environmental risks for contaminant losses and the mitigation plan for these risks.	The reasons for this additional provision is to: 1. Reduce the cost of plan development. Consistency in the quality of the plans will be maintained by the review process. 2. Reduce the level of dependence and likely pressure on Certified Farm Environmental planners for plan development.
52	Schedule 1- Point (f)(i) A description of cultivation management.	**OPPOSE in part**	I submit that Point (f)(i) is removed from Schedule 1. and point f is re-worded to read: (f) A description of cultivation management, including: How the adverse effects of cultivation will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by: Points (a), (b), (c) and (d) Points (e) and (f) do not apply to the risks associated with cultivation. I submit that these points are renumbered and removed from the cultivation clause.	I accept that sediment movement from cultivated land is an environmental risk. Soil losses also have a direct economic cost to the farm, however a rule preventing cultivation on slopes exceeding 15° is impractical because: 1. The risk of contaminating water ways with sediments is more strongly related to the distance between the cultivated land and the receiving waterway than the slope of the land. In many instances sediments moving from cultivated land will not directly affect waterways. 2. When considering the environmental risks associated with cultivation the farmer and the environmental consultant must consider the following characteristics of the cultivated land: slope, proximity to receiving water bodies, overland flows (point a), measures to divert overland flows (point b) and ways to trap sediment (point c). Only if there is a high risk of contaminants getting into waterways and no practical means of stopping them, should cultivation be avoided. This can be addressed in individual farm environment plans.

				3. The measurement of slope by farmers and consultants is difficult as slope is not consistent within the landscape. Within a paddock, slope will vary, and if the rule is to be upheld there will parts of the paddock which will need be left uncultivated. This poses a number of costs and management problems to the farmer, including: • The lost opportunity cost of land taken out of production. • The requirement to find an alternative productive and efficient use for the land. 4. Implementation and enforcement of this rule will require detailed slope information such as LIDAR, for every Waikato farm. Will WRC be able to supply this information to all farmers?
51	**Schedule 1-Points 2(b)(iii) and 2.(f)(ii)(d)- Setback Width**	**OPPOSE in part**	I submit that: points 2(b)(iii) and 2(f)(ii)(d) in Schedule 1 should be re-worded to read; 2(b)(iii) - The provision of cultivation setbacks is designed to mitigate the environmental risk of contaminant losses. 2(f)(ii)(d) - maintaining appropriate buffers between cultivated areas and water bodies.	A defined width for the setback of a minimum 5m is too prescriptive and will lead to a direct cost to the farm from the lost opportunity of land taken out of production and the ongoing maintenance of managing the vegetation in the set-back. Setbacks are important to reduce the risk of contaminants entering waterways but width should not prescribed in the rules. The design of setbacks to filter contaminants depends on a number of physical characteristics such as slope, soil type, overland flow paths and cultivation frequency and intensity. Effective setback design draws on proven scientific and engineering information, not regional rules. Environmental consultants developing mitigations

				in the farm plan process must design setbacks that are acceptable to the farmer. Setback width must be based on proven scientific evidence and must be the minimum width to effectively filter contaminants. Setbacks that are too wide have an ongoing economic loss for the farm relating to the area of land removed from production and costs associated with weed and riparian plant control. In the report to Waikato Federated Farmers Farm Environment plan project, with reference to farm 5, the opportunity cost from lost production from the development and maintenance of 5-metre buffer zones separating the drains from the crops was estimated to be $100,000. On this farm the topography is flat and the farmer felt the width of setbacks was excessive given that the risk of sediment movement into the drain was low and the risk period for sediment losses between cultivation and significant crop cover was 1 month for spring and autumn sown crops. Research shows that 91% of incoming sediment through a grass filter strip was deposited in the first 0.6m. (Parklyn, S. (2004, September). Review of Riparian Buffer Zone (MAF). A 0.6m grass strip at a slope of 10% will reduce soil loss between 63-85% depending on the cultivation programme of the land (Yuan, Bingner, & Locke, 2009). Compared to other vegetation, grasses were found to be the option for trapping sediments.