

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

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

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

**Submitting To:** Waikato Regional Council  
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### Submission

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

I am not a trade competitor for the purposes of the submission but the proposed plan has a direct impact on my ability to farm. If changes sought in the plan are adopted they may impact on others but I am not in direct trade competition with them.

*J. M. Smith*      8-3-17  
Signature                      date

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

Our names are Gwentyth and Barrie and we own a 140-hectare dairy farm, and milk approximately 450 cows during the peak season. The home farm has been in our family for three generations, and has been in the family name for approximately 96 years. Since we took the farm over, we have increased the land area by purchasing neighbouring dairy farms. We employ 50/50 sharemilkers. We also lease 2 blocks, that are approximately 45 hectares on which we grow maize to feed out as maize silage, and winter dry cows and young stock.

We have fenced all of our waterbodies off over the last 3 years. We have approximately 7 hectares of beautiful native bush, and a wetland on the farm. The native bush is fenced off to stop stock entering to allow for regeneration. The wetland is fenced off, but we aspire to plant native species to restore the wetland in the near future. We also have a feed pad, which reduces effluent entering the soil.

4. The table below are the details for the specific provisions of the proposal that this submission relates to and the decisions it seeks from Council. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

<b>3.11.2 Objectives</b>				
<b>4.1</b>	<b>Objective 1</b> Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit	Support with amendments	<p>Support the intention of Objective 1.</p> <p>Oppose the attribute targets set in Table 3.11-1. The attribute targets are too prescriptive and should align with the National Policy Statement for Freshwater Management (NPS-FM) and Waikato River Authority's (WRA) Vision and Strategy.</p> <p>Objective 1:</p> <ul style="list-style-type: none"> <li>• Does not consider all contaminant sources holistically</li> <li>• Does not take into consideration the variability associated with sub-catchments i.e. climate and soil type</li> </ul>	<p>Retain the long-term restoration and protection of water quality for the Waikato and Waipa rivers.</p> <p>Amend PC1 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments, for example Koi Carp, point source discharges, and hydro-dams.</p> <p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p>
<b>4.2</b>	<b>Objective 2</b> Social, economic and cultural wellbeing is maintained in the long term	Support with amendments	<p>Support maintaining the long term social, economic and cultural wellbeing; this must be a foundation objective in PC1.</p> <p>However, PC1 is not achieving Objective 2 because:</p> <ul style="list-style-type: none"> <li>• Outcomes from PC1 will highly alter my business and community because they will be undermined through unsustainable and unjustified compliance and mitigation</li> </ul>	<p>Retain the maintenance of long-term social, economic and cultural wellbeing in the Waikato and Waipa catchment communities.</p> <p>Amend rules in PC1 to remove NRP to align with intention of Objective 2.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored Farm Environment Plan (FEP) to align with the intention of Objective 2.</p>

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

			Water quality already meets attribute targets in the majority of these sub-catchments. Despite this, no benefit is awarded to low emitters who may be forced off their land through unsustainable financial impacts imposed by PC1. This will in turn undermine the rural communities of the Waikato and Waipa catchments, as detailed in Objective 2.	
<b>3.11.3 Policy</b>				
<b>4.5</b>	<b>Policy 1</b> Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Support with amendments	<p>Support managing water quality on a sub-catchment basis because it considers soil suitability and climate conditions.</p> <p>Support stock exclusion, however only where it is practical to do so, and is relative to water quality benefit gains.</p> <p>Support enabling low intensity land uses.</p> <p>Support moderate to high levels of contaminant discharges to reduce their discharges by appropriate mitigation strategies through a tailored FEP.</p> <p>However, the rules in PC1 do not reflect Policy 1 and 9.</p> <p>Oppose mandatory fencing in areas where slopes are over 15°. This requirement is unjustified, does not align with proposed amendments to the NPS-FM, and is financially unsustainable for the majority. It is considered that there is an increased erosion risk and sediment loading in waterbodies from constructing fences over 15°.</p>	<p>Retain managing diffuse discharges and water quality on a sub-catchment basis.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend rules in PC1 to reflect Policy 1 and 9.</p> <p>Amend Policy 1 in PC1 to state (changes are red):</p> <p>c. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs.</p> <p>d. Requiring farming activities on slopes exceeding 15 degrees (where break feeding does not occur) to manage contaminant discharges to water bodies through mitigation actions that specifically target critical source areas.</p> <p>Require clarification on how slope is measured given the ranges of topography experienced within each paddock and adjoining watercourses.</p>

4.6	<b>Policy 2</b> Tailored approach to reducing diffuse discharges from farming activities	Support with amendments	<p>Support a tailored, risk based FEP, allowing appropriate and tailored mitigations to reduce diffuse discharges.</p> <p>Support the reduction of diffuse discharges throughout all sub-catchments, however only where applicable i.e. if the sub-catchment is well below all attribute targets then maintenance would be appropriate.</p> <p>Oppose a NRP because there should not an uncertain, estimated number that governs land management based upon nitrogen only. My FEP will provide transparency and confidence to Waikato Regional Council, and the wider community, that my property is reducing, or maintaining where applicable, its diffuse discharges relative to all four contaminants.</p>	<p>Retain appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend PC1 to reflect Policy 1 in adopting a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Amend rules in PC1 to remove NRP.</p>
4.7	<b>Policy 5</b> Stage approach	Support with amendments	<p>Support an 80-year staged approach to achieve the long-term water quality targets.</p> <p>However, Policy 5 does not support Objective 2, 4 and 5. Because it does not:</p> <ul style="list-style-type: none"> <li>• Minimise social disruption</li> <li>• Allow for innovation and new practices to develop</li> <li>• Support prosperous communities</li> </ul>	<p>Retain the staged approach.</p> <p>Amend rules in PC1 to remove NRP.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
4.8	<b>Policy 6</b> Restricting land use change	Oppose	<p>Oppose restricting land use change based on the type of land use, as it is a blunt tool.</p> <p>This Policy, and related rule (3.11.5.7), will inhibit growth and innovation within the Waikato region, and nationally because land</p>	<p>Amend PC1 to reduce activity status to Permitted from Non-complying.</p> <p>Amend PC1 to adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each</p>

			users are unable to adapt to market demands/changes. Land use flexibility is key to running sustainable business operations. Therefore, Policy 6 conflicts with Objective 2, 4, 5 and Policy 5. Land use change should be a permitted activity status to allow for flexibility to respond to market changes.	sub-catchment. Then enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP
4.9	Policy 8 Prioritised implementation	Support	Support prioritising sub-catchments and implementing at different stages.	Retain as proposed.
4.10	Policy 14 Lakes Freshwater Management Units	Support	Support restoring and protecting lakes in 80 years through tailored plans.	Retain as proposed.
<b>3.11.5 Rules</b>				
4.11	3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme	Support with amendments	<p>Support a tailored, risk based Farm Environment Plan to reduce diffuse discharges.</p> <p>Support a Certified Industry Scheme.</p> <p>Support stock exclusion, however only where it is practical to do so, and is relative to water quality benefit gains.</p> <p>Oppose a NRP because there should not a number that controls my ability to manage the land based only on nitrogen. My FEP will provide a risk based mitigation plan to reduce all my diffuse discharges. Additionally, the 2014/2015 and 2015/2016 financial years occur when the payout was low, therefore my on-farm inputs were lower. For example, I reduced all capital fertiliser applied, our stock numbers were reduced due to theileria</p>	<p>Retain FEP, Certified Industry Scheme, and stock exclusion where practical.</p> <p>Amend rule in PC1 to remove NRP.</p> <p>Amend rule in PC1 to: Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs.</p> <p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p> <p>Provide clarification around how long a FEP will be viable for.</p>



			<p>disease. This is not a true representation of the past use of land.</p> <p>Also, Overseer is the only available tool for me to generate my NRP, but it was never designed as a regulatory tool; only as a great management tool.</p> <p>Require clarification around stock exclusion. 3.11.5.3 refers to Schedule C and Schedule 1, both have stock exclusion requirements. Schedule C states the buffer is one-meter, and Schedule 1 the buffer is based on slope.</p>	<p>Provide clarification around stock exclusion requirements i.e. setback buffers and where to measure setback from on undulating land.</p>
4.12	3.11.5.7 Non-Complying Activity Rule – Land Use Change	Oppose	<p>Oppose non-complying activity status because:</p> <ul style="list-style-type: none"> <li>• Unaffordable to land owners wanting to increase their land area, rather than intensify</li> <li>• Eventually end up costing the consumer due to limited food availability</li> <li>• Limits flexibility, therefore growth innovation, and reduces land value</li> <li>• Jeopardises my business, family and community success and growth</li> <li>• Transfers wealth based on high emissions and/or high NRP i.e. a dairy farm with a high NRP will have a higher land value compared to a dairy farm with a low NRP</li> <li>• Removes, to a degree, property rights</li> <li>• Adds stress to my life, my family's life, and my community's life</li> <li>• I am unable to rotationally arable crop in my dairy farm system because my cropping area is over 4.1 ha. Therefore, I cannot convert my cropped area back into pasture without a non-complying consent. I lease the land on which I grow maize to</li> </ul>	<p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p> <p>\</p> <p>Reduce activity status to Permitted from Non-complying.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>

			<p>supplement feed. How would the consent work in this case?</p> <ul style="list-style-type: none"><li>• Overall will largely affect the local, regional and national economy.</li></ul> <p>Overall this rule undermines Objective 2, 4, 5 and Policy 1, 2, 5 and 9.</p>	
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