

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

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

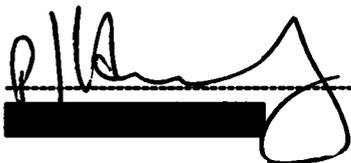
On: The Waikato Regional Councils proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments

To: Waikato Regional Council  
Private bag 3038  
Waikato Mail Center  
HAMILTON 3240

Full Name [REDACTED] PETER JAMES HURLEY  
Home Phone [REDACTED] 07 8777577  
Mobile [REDACTED] 0211172973  
Postal Address [REDACTED] 333 WAITEWITENA Rd.  
ARIA 3979  
Email [REDACTED] p.j.hurley@extra.co.nz

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.**

  
[REDACTED]

28 February 2017

**The specific provisions of proposed Plan Change 1 that my submissions relates to:  
Long term restoration and protection of water quality for each sub-catchment and  
Freshwater Management Unit Objective 1, and Table 3.11-1**

*3.11.2 Objective 1. Long term restoration and protection of water quality for each sub-catchment, and Table 3.11-1 80 year water quality limits/targets and any consequential amendments arising from this submission point.*

**I support or oppose the above provision/s:**

*Oppose*

**My submission is that:**

1. *This objective, and its numerical representation in table 3.11-1 80 year water quality limits/targets although aspirational does not put enough weight on the reality that things have moved on in 150 years, and in some cases such as E.Coli and Sediment are not achievable even under pristine conditions.*
  - *We have hydro-electric dams on the river.*
  - *We have deforested and introduced new plant species (pine trees in particular)*
  - *Pest animals and plants are here. Carp in particular in lower Waikato.*
  - *Cities and towns with roads and runoff and people are here.*
2. *If we put too much into full restoration of the river, than objectives 2 and 4 in relational to protecting and providing for social and economic values which significantly contribute to the health and well-being of people and communities, then sustainable management will not be achieved. Full achievement of Objective 1 and table 3.11-1 80 year targets means that objectives relating to social, cultural, and economic wellbeing, will be massively under achieved.*

**The decision I would like the Waikato Regional Council to make is:**

1. *Withdraw the plan and replace with objectives including numerical water quality limits/targets (outcomes) that consider the reality of the Waikato, which are achievable, provide for the protection of its life supporting capacity, while also ensuring that the health and wellbeing including social and economic values of people and communities are safeguarded.*

**The specific provisions of proposed Plan Change 1 that my submissions relates to:  
Permitted Activity Rules Small and Low Intensity Farming Activities**

*Policy 4, Rule 3.11.5.1, 3.11.5.2 and any consequential amendments arising from these submission points.*

**I support or oppose the above provision/s**

*Support Policy 4 with amendments*

*Support with amendments rules 3.11.5.1 and 3.11.5.2*

**My submission is that:**

- 1. The rules as proposed are not consistent with policy 4 and fail to provide for small and low risk farming activities to continue and to be flexible;*
- 2. This leads to a plan which is not efficient and where the costs of implementation, enforcement, and compliance, outweigh the environmental benefits.*

**The decision I would like the Waikato Regional Council to make is:**

*I seek that policy 4 is amended so that*

- 1. small scale land uses, low intensity, and low risk land uses, including forestry are enabled to continue and to be flexible, and to be established;*
- 2. delete reference to further reduction requirements of contaminants from low intensity and low risk land uses.*

*I seek that the rules permitting low intensity land uses and other land uses be amended so that they are consistent with policy 4, and actually provide for small, and low intensity, and low risk farming activities to be enabled. This includes ability to continue if existing, be established, and enabled to be flexible.*

*Amend rules 3.11.5.1, and 3.11.5.2:*

- 1. Incorporate into one rule*
- 2. Amend to include as Permitted Activity land uses with stocking rates at or below 18 stock units and enable stocking rate to increase from current up to this standard, or and*
- 3. Relate to soil and geology ie LUC I, II, III 20 stock units; LUC IV, V 18 stock units; LUC VI, VII 16 stock units, or and*
- 4. LUC I 25kgN/ha/yr, LUC II 20kgN/ha/yr, LUC III 18kgN/ha/yr, LUC IV 16kgN/ha/yr, LUC V 12kgN/ha/yr, LUC VI 10kgN/ha/yr, LUC VI 8kgN/ha/yr (or viable alternative)*
- 5. Delete 6 stock unit standard*
- 6. Delete 4.1 hectares and provide for up to 20 hectares*
- 7. Apply national stock exclusion requirements which relate to exclusion of cattle, deer, and pigs, from permanently flowing waterbodies, through fencing (temporary and permanent or natural barrier, or other technologies) on flat land and rolling land, but not hill country*
- 8. Enable flexibility in land use, discharges, and stocking rates up to these standards*
- 9. Delete any standards or clauses which hold land uses to historic discharge levels or stocking rates*
- 10. Delete standard 4c Rule 3.11.5.2*

11. Amend riparian setback distances so they only apply to flat and rolling land and not hill country (ie slope  $\leq 15$  degrees)

## **The specific provisions of proposed Plan Change 1 that my submissions relates to: Stock Exclusion**

*Stock Exclusion. Schedule C Rule 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.6, definitions, and any consequential amendments arising from these submission points.*

### **I support or oppose the above provision/s**

*Oppose*

### **My submission is that:**

1. *This requirement to exclude cattle through permanent fencing is very broad and will create perverse environmental and financial outcomes over hill country which by its nature is not intensively farmed.*
2. *Fencing on hill country is expensive and often limited to ridges – natural fence lines.*
3. *Maintenance and weed control is expensive on land that is not earning much.*
4. *Water reticulation, especially on higher country is very expensive due to pumping heights.*
5. *Improvements in water quality from excluding cattle, through permanent fencing from permanently flowing waterbodies, on non-intensive hill country are not proven. More sub-catchment information is required.*
6. *Other approaches such as tailored farm specific critical source management, targeted riparian planting, and stock management approaches are likely to result in more cost effective and improved environmental outcomes.*
7. *Definition of 25 degree slope threshold/standards in Rule 3.11.5.4 which are required to be fenced up to, is not clear with no implementation plan available.*
8. *Definition of waterbodies under Schedule C in relation to clauses i, ii, iii, and iv are still unclear and require further elaboration in order for farmers to be able to determine, what waterbodies on their properties the rules relate to.*
9. *Farms owned by trusts, estates or leased may not be able to raise money by mortgage to pay large amounts required to comply.*

### **The decision I would like the Waikato Regional Council to make is:**

*I seek that the provisions which relate to excluding cattle from waterbodies through permanent fencing are deleted in their entirety.*

1. *As an alternative I propose that the rules be amended so that the requirement to exclude cattle through permanent fencing be tailored on a farm by farm basis, district by district, and sub catchment basis where there is a scientifically proven water quality issue in relation to stock access to waterbodies and where the rules are tailored to specifically address the issue, i.e. in relation to certain land uses and*

*terrains with logical flexibility to provide for alternative management approaches to achieve the same outcome – cattle exclusion.*

2. *25 degree slope provision in rule 3.11.5.4 be removed and replaced with farming intensity over 18 stock units per hectare.*
3. *Farm environment plans to focus on addressing actual risk targeting critical source areas rather than requiring blanket stock exclusion through permanent fencing.*
4. *Ability to muster cattle through waterbody without requiring formed stock crossing structure when crossing less than three times weekly.*

**The specific provisions of proposed Plan Change 1 that my submissions relates to:  
Withdrawal of the lower part of the Waikato Catchment from PC1 (Hauraki Iwi)**

*Partial withdrawal of proposed Waikato Regional Plan Change 1.*

**I support or oppose the above provision/s:**

*Oppose*

**My submission is that:**

*The Waikato Regional Council needs to treat all its constituents affected by Plan Change 1 as one entity. Withdrawal of part creates more uncertainty for those involved than it removes.*

**The decision I would like the Waikato Regional Council to make is:**

*The whole plan should be withdrawn until The Waikato Regional Council can treat the whole of its catchment as one.*

**The specific provisions of proposed Plan Change 1 that my submissions relates to:  
Land Use Change Provisions and Restrictions**

*Restricting Land Use Change Rules 3.11.5.6 and 3.11.5.7 and any consequential amendments arising from this submission.*

**I support or oppose the above provision/s:**

*Oppose*

### **My submission is that:**

1. *Ability of farmers to innovate in small and big ways has been at the forefront of economic growth for generations in the Waikato.*
2. *Change in land use to uses that are most economically viable need to be able to occur as these signals change.*
3. *Not all land is well suited to its current use, but decisions to change varies with the signals. At \$8.00 per kilogram of milksolids dairy cows can be milked on hill country, at \$6.00 per kilogram of milksolids they cannot.*
4. *A neighboring property, which we have attempted to buy is 40 hectares steep and 80 hectares easy adjoining a dairy farm, which also has steep country. We have sheep and beef infrastructure. Logic says we should be able to adapt so that we can change land uses in response to market and environmental signals so that the land use is optimized both economically and environmentally and in this way provides for sustainability.*
5. *This policy and rule would make this logical change impossible.*
6. *Plantations of pine trees which for various reasons should not be replanted are also caught up in this.*
7. *Future opportunities to take advantage of yet to be developed technologies is greatly reduced.*
8. *Land use provisions have no size exceptions, and as such the regulatory requirements and how they are to be applied remains uncertain. Can we reduce the size of our garden and orchard or increase the size of our vegetable garden? Can we incorporate 1 hectare of sweet corn in a maize paddock for School fundraising?*
9. *Land use change may not have occurred in past because of land ownership situations.*

### **The decision I would like the Waikato Regional Council to make is:**

1. *Council must allow for flexibility with this policy and rules, by establishing policies and rules which relate to managing effects, and which are based on recognition of underlying soil properties (natural capital of soils) and their productive potential, rather than blanket rules based on existing land uses.*
2. *Exceptions to Land Use change restrictions should be provided, including for smaller land areas (below 40 hectares) and where environmental effects are minimal or advantageous, such as improvements in biodiversity, sediment retention, phosphorus retention, economic efficiency and optimization of natural resources.*
3. *Restrictions and an assessment of the effects should not be limited to consideration of the nitrogen discharges as modelled by OVERSEER.*
4. *Delete nitrogen reference point (grandparenting) clauses and standards.*
5. *Application of rules needs to be low cost and with limited bureaucracy.*

**The specific provisions of proposed Plan Change 1 that my submissions relates to: Nitrogen Reference Point (grandparenting existing users to a historic nitrogen leaching number).**

*Nitrogen Management Adopts a Nitrogen Reference Point (NRP) approach and holds existing land users to this number (Grandparenting of Nitrogen leaching) Rule 3.11.5.3, 3.11.5.4, - 3.11.5.7, Schedule B, and definition of a stock unit, and any consequential amendments arising from this submission point.*

**I support or oppose the above provision/s:**

*Oppose*

*NRP reduction to 75% percentile is supported and we seek that it be retained.*

**My submission is that:**

1. *NRP reduction to 75% percentile is supported.*
2. *The approach of bench marking nitrogen losses to historic levels (2014/15 or 2015/16) will create perverse outcomes. Farming practices will change, driven by results of latest version of OVERSEER. Higher dischargers have no incentive to reduce. Farmers in other catchments will farm to increase their NRP to increase farm values and potential production.*
3. *Result in perverse environmental outcomes and failure to improve freshwater*
4. *Application of the NRP reference will produce significant inequalities between neighbours leading to animosity – not a recipe for a resilient community.*
5. *Schedule B and definition of stock unit - Use of defaults, not weights, and use the ‘age at start settings’ (National averages) in OVERSEER for estimating NRP rather than more scientific live-weight will create very misleading results on sheep and beef properties, properties with significant trading approaches, and properties running dairy grazers.*

*Noted from stock unit table provided by Waikato Regional Council:*

- a. *Heifer calf goes from 1.6su to 5.7su on 1 July regardless of weight.*
- b. *Definition of weight versus slaughter weight (dead weight) for older bulls, steers and heifers. Not defined.*
- c. *Bull calf less than one year weaned – no stock unit at all.*
- d. *Incalf dairy heifers to 419kg 5.1su, versus beef heifers (not in calf) to 420kg ‘slaughter weight’ 5.7su.*

*Result of the above will leave our currently 2900su property having 2307su 30 June and 4049su at 1 July. Rubbish in produces rubbish out (in relation to models and assumptions) and highly variable results which could have positive or negative opportunities for the farming businesses.*

6. *If a property's NRP is lower because of previous conservative management then opportunities for innovation will be severely reduced. Just because that property was at a different stage of ownership and development when plan change notified. Carried forward these properties will be stuck in time.*
7. *Accuracy of OVERSEER for drystock and particularly trading properties is apparently very poor (50% variation)*

## **The decision I would like the Waikato Regional Council to make is:**

- 1. Remove the requirement for extensive operations (at or under 18 Stock units) and sheep and beef farmers to have to manage to a NRP through these provisions including rules as losses are low, and problems around recording and accuracy, model accuracy, as well as injustice between farms, outweighs any benefit.*
- 2. Use actual weights and therefore accurate stock unit measurements under "Definition – Stock Unit" and use of OVERSEER (schedule B)*
- 3. Ensure where OVERSEER is used that the Best Management Practices are applied including input standards and protocols, applying actual farm specific information and reducing use of standardized input parameters.*
- 4. Use Olsen p from soil test as a possible marker for nutrient losses.*

## **The specific provisions of proposed Plan Change 1 that my submissions relates to: Farm Environment Plans**

Schedule I. Rule 3.11.5.3, 3.11.5.4, 3.11.5.6 and any consequential amendments arising from this submission point.

## **I support or oppose the above provision/s:**

*Oppose*

## **My submission is:**

- 1. Application of Schedule 1 Farm Environment Plans (FEP) as proposed have the potential to greatly reduce farm flexibility in times of climatic and market fluctuations on trading properties. Questions will arise as to effect of decision on NRP, or using areas of farm designated normally sheep only, or utilization of crop areas outside of what was planned. Decisions are governed by rain coming, not arriving, still not arriving or not stopping for months. Same goes for prices, meaning stock might need to be held longer than expected, not as planned three years ago in an environment/farm plan.*
- 2. This reduction of flexibility might be perceived, but would be at a time of stress (draught, flood, market crash, market boom) further impeding decision making required.*
- 3. Uncertainty in how the rules including requirements of FEP will be implemented as the implementation plan has not been released, and large areas of uncertainty exist in how the rules and schedules have been written or lack of definitions.*
- 4. Some sub-catchments have no reduction or minimal reduction of nutrients required so imposition of cost and bureaucracy of environment plants is not warranted.*
- 5. There appears to be no low cost appeal processes available. If staff interpretation of rules, and therefore acceptance of an environment plan is debate-able. This leaves open possibility of inconsistency across the region.*

**The decision I would like the Waikato Regional Council to make is:**

- 1. Council should require farm environment plans only in sub-catchments where science indicates improvements are required.*
- 2. Environment plans need to be written to allow flexibility such as with Nitrogen discharges and application of management practices such as good management practices. FEPs should be tailored to the individual property and focus on critical source management rather than applying blanket regulatory standards.*
- 3. An independent panel needs to be available to allow contested points between staff and farmers. Environment plans to be settled without the expensive need to appeal to Environment Court.*