

**BEFORE COMMISSIONERS APPOINTED
BY THE WAIKATO REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the First Schedule to the Act

AND

IN THE MATTER of Waikato Regional Plan Change 1- Waikato and
Waipā River Catchments and Variation 1 to Plan
Change 1

AND

IN THE MATTER of submissions under clause 6 First Schedule

BY **RAYMOND ASHBY**
Submitter

HEARING STATEMENT OF RAYMOND ASHBY

9 July 2019

Contact for service:

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INTRODUCTION

1. My name is Ray (Stretch) Ashby. I'm also speaking on behalf of Joanna Ashby (my wife) and Lewis Grant. We are Trustees of the Ashby Ferndale Trust. Our family farm, which the Trust owns, is a beef farm, located at Maramarua. This farm was purchased in April 2014 and comprises 321 hectares and backs onto the Maramarua forest. Our farm is mostly rolling with several large paddocks being steep hill country with a stream at the bottom. The steep hills are predominately rock and the stream is fed from the water reaches from the surrounding Maramarua Forest.
2. The farm and infrastructure were in poor condition when we purchased it in 2014, with fences, tracks, races, reticulated stock drinking water, and fertiliser (history) almost non-existent. We have worked hard to bring this farm up to the standard that it is in currently and improvements are ongoing.
3. In our day to day tasks, we consider the land, the waterways and stock when we make any decisions. We have adopted good management practices, including extensive fencing of wetland habitats, as well as upgrading and repairing the fencing network, updating the water reticulation system, extensive weed and pest control, improved soil health, and improved pasture quality and growth. We have undertaken this work in a structured manner, as far as our financial restraints have allowed with water reticulation and fencing being our main priorities. Most wetlands have now been fenced off and we have now carried out extensive water line systems providing water troughs to all paddocks except three hill country paddocks due to the high cost of getting water to those areas.
4. We farm a mixture of classes of beef animals ranging from calves which we have reared to rising two year olds. At the end of the 2018 financial year we were carrying 2,810 stock units (8.7su/ha). Our cattle numbers were 25R2 heifers, 164R1 heifers, 42MA steers, 183 R2 steers, 226 R1 steers. Classes can change depending on our interpretation of future markets, rainfall (climate) and in turn grass availability. We purchase and sell throughout the year depending on the market, rainfall and grass availability.
5. Our farm is a grass based system predominately ryegrass. We make our own hay and silage on farm.
6. Our soils are predominantly Mottled Yellow Ultic soils previously defined as the Maramarua series.

7. The geology in some areas of our hill country is rock near stream beds which is a huge concern when it comes to fencing.
8. Our rainfall is an average of 1200mm per year.
9. Our fertiliser application per annum is: 500T Lime, 12.983T Nitrogen, 9.187T Phosphate, 5.534T Potash, 11.312T Sulphur, .345T Calcium.

OUR FARM, OUR FAMILY

10. Prior to ownership of this farm, we owned a dairy farm on the Kaipara and after 14 years of bureaucracy decided to call it a day. We have a son and daughter, both in their 20's. Our daughter, Kate, manages the farm. This farm is a family run business providing my wife and I with one income and our daughter with her income. The incomes are low, around minimum wage. While we have assets in relation to the land and our livestock, cash flow is tight. However, we love the land and the lifestyle. We each have our own strengths and weaknesses and like the fact that this is a family business where we can work together.
11. We have concerns regarding the impact that Plan Change 1 will have on our farming business including the viability of carrying on with farming, because of the increased compliance and implementation costs associated with Plan Change 1, and the impact that it will have on the emotional health and wellbeing of our family. The capital cost, annual compliance and associated ongoing costs, the income capping (via nitrogen reference point) and the restrictions as proposed under the requirements of PC1 will kill this business and we cannot see a future for future generations. Also, out of all this we are worried that our communities will disappear, and even then, we may not have a healthy river as other high emitting activities and land uses continue. We fear that land values will decrease for sheep and beef farms, in comparison with the high emitting land uses, because of the difference in opportunities and flexibility. The flow on effect will be that the economic impact on farming families and communities will be disastrous which goes against the "Vision" set out under Plan Change 1 which is to "Protect the river while having prosperous communities"

SPECIFIC PARTS OF THE PLAN THAT WE ARE CONCERNED ABOUT

12. We are specifically concerned about the following aspects of PC1, and will elaborate on these below;

- i. Blanket approach to regulation - Lack of a sub catchment approach;
- ii. Farm Environment Plan;
- iii. Nitrogen management application of Nitrogen Reference Point (NRP) and use of Overseer;
- iv. Stock exclusion through fencing;
- v. Riparian setback distances;
- vi. Restricting land use change;
- vii. Management of forestry operations.

13. The principals of basing PC1 on a blanket approach to regulation irrespective of the sub catchment issues is very wide and open to failure. Our definition of this statement is that the Waikato catchment is huge and catches a large area of combined practices which can never be defined.

14. A sub-catchment approach would be more manageable, involve communities and will allow farmers within that community to make decisions based on a small area.

15. We suggest that if the plan is implemented, that a sub catchment approach is adopted.

16. PC1 requires farmers to develop and implement an approved certified Farm Environment Plan (FEP). While we support the establishment and use of FEP's we are concerned that the content could be made prescriptive, and also that the plans are currently mandatory irrespective of whether or not the farm is operating under an existing LEP, and also irrespective of whether the farm has already contributed positively to healthy freshwater, or the relative cause or contribution the farm is making to water quality outcomes. A FEP/LEP could be a useful business tool but should be tailored to each specific farm, taking into account, diversity of farm systems, soil types, geology and climate, enabling farmer innovation and adaption over time.

17. PC1 requires that farmers produce and then farm to a historic Nitrogen Reference Point as modelled by Overseer. This provision is too complex. Nitrogen Reference Point (NRP) is driven by stock rates, type and class of stock, soil type, geology, rainfall, and supplements. No two farms are the same and common sense should

prevail when deciding how Nitrogen Reference Points are set, taking into account these drivers.

18. We oppose this grandparenting approach to nitrogen management i.e. holding users to their Nitrogen Reference Point. This is because the low emitters like sheep and beef farmers are being penalised and the polluters continue to pollute. There is no scientific evidence that a blanket rule for nitrogen restriction will achieve the best environmental outcomes in an efficient and effective manner. If the Nitrogen Reference Point is adopted as it is now, the low emitters will no longer be able to optimise the use of their land.
19. We oppose the use of Overseer as a means of determining the NRP as it relies on a wide number of assumptions and can vary depending on the information that is entered into the programme especially those variables from outside sources. Overseer was never designed for regulation. It was intended to be a helpful decision-support tool. Using Overseer will create misleading results on sheep and beef properties which have significant trading approaches, impacting on bottom line outcomes.
20. We seek that provisions that tie in existing land use and nitrogen discharge profiles to historic rates are deleted entirely and be amended to provide flexibility for sheep and beef farmers to discharge beyond historic rates in order to optimise their farming systems within environment constraints and in relation to changes in markets and climate.
21. We also seek the inclusion of a nitrogen discharge flexibility cap for land use based on the natural capital of the land, its inherent land use capability. This can be based on stock units per LUC class and should provide farmers with an opportunity to optimise their land use and farming systems within this cap.
22. The reason specific to our farm is that the years 14/15, 15/16 chosen to determine the NRP value were drought years in our area, thus stocking rates were low. Also, there was no historic fertiliser history prior to the Trust purchasing this property in 2014. In order for the farm to operate financially and efficiently, fertiliser was applied according to advice from our fertiliser consultant, informed by soil testing. This has improved soil health, increasing grass production enabling us to stock the farm accordingly in line with standard practices. Grass curves change from year to year depending on climate and fertiliser is now applied accordingly, also in line with standard farm

practices. Markets also determine our decisions in regards to grass and fertiliser management. To be future proofed, flexibility needs to be provided for in any provisions.

23. PC1 proposes to exclude cattle from waterbodies, through permanent fencing up to a land slope of 25 degrees. PC1 does not take into account the safety aspect fencing those areas, nor considered the geological aspects of some hill country.
24. These provisions fail to assess the financial and social implications on hill country farmers including investment in infrastructure, tracks, earthworks, potential retirement of land, water reticulation, ongoing maintenance, compliance.
25. Our hill country area, which has a stream at the bottom and is solid rock along the waterbody upper slopes, is not as productive as our rolling/flat land and this is reflected in our stocking policies and management thereof meaning that our hill country is not intensively grazed. We have identified this as a critical source area and farm accordingly.
26. As mentioned in my introduction, water reticulation and fencing are our main priorities. We have fenced off most wetlands, and provided water troughs to all paddocks except three hill country paddocks due to the high cost of getting water to those areas, so in mitigation, we farm accordingly using lighter and younger and less stock to avoid pugging and soil erosion near waterways, therefore lessening the impact on the environment. Again, this is standard farming practice and part of our farm's policy.
27. We oppose requirements to exclude stock from waterbodies by fencing in the hill country up to a slope of 25 degrees and ask that it be amended. We seek that the rules relating to stock exclusion be amended to: only require fencing when stocking rates exceed 18su/ha on land from 15 degrees slope up to 25 degrees over autumn/winter. Stocking rates at or above this would necessitate stream fencing. We also suggest that the timeframe for fencing waterbodies be flexible and, on a farm to farm basis, to enable farmers to work within their financial and physical constraints.
28. PC1 establishes blanket setback distances from waterbodies for fencing, and cultivation. We seek that rather than blanket requirements, set back distances and riparian management should be based on slope and individual risk factors and should be determined on a case by case basis in accordance with farm specific Land Environment Plan.

29. PC1 restricts land use change from forestry to pasture, from pasture to horticulture, and in particular to, pasture to dairy farming. We have concerns about the impact that restricting land use change for extensive farming systems will have on farming businesses including opportunities for land owners to achieve their vision for their land. We believe that management frameworks including controls over land use and on farm activities and farm management should be effectual based (effects based) not land use based. We believe the conversion of some land use to other land use doesn't necessarily have an impact on fresh water.
30. We seek that the restriction on land use change should be deleted and instead PC1 should adopt an approach which is effects based in relation to water quality.
31. PC1 lacks provisions to manage forestry operations appropriately. As our property is immediately downstream from a forestry operation in the upper catchment, we have concerns around the impact that forestry harvesting could have on the stream running through our property including sedimentation and deposition of woody debris. As such we would like to see provisions which specifically provide for management of forestry operations to ensure that the activities are managed sustainably, and they do not impact on downstream land owners or receiving waterbodies.

FARMING SUSTAINABLY AND TO THE ENVIRONMENTAL CAPABILITY OF THE LAND

32. Our farm belongs to the Mangatangi sub-catchment and the Lower Waikato Freshwater Management Unit. Envisioning the domino's effect, what other farmers, businesses, and activities occur above our farm and their impact on the waterways, before these shared water resources reaches us, can have an effect on our farm's waterways. We can do anything and everything to make our farm's waterways healthy, but what we do within our farm management systems cannot change what happens upstream and downstream of our farm, we can only effect changes to our own farm.
33. We feel we have already affected so many good things, things that farmers naturally do every day. We are active in our management, including retiring significant areas of the farm. While we do not have these areas under covenant, we have voluntarily fenced off and retired waterways because of topography. This is an ongoing process again as our budget allows, carrying out all works ourselves. We have started planting

of poplar poles and are undertaking mass native planting of fenced off areas when our budget allows, to enhance and stabilise these areas.



Figure 1. Stream Fencing

34. The environmental work undertaken on our property is targeted to critical source areas and staged so that it is affordable. The blanket approach to fencing and setback distances which are proposed in PC1, as well as application of Nitrogen restrictions through nitrogen reference point, does not take into account individual farmer financial situations which goes against the Council’s vision of “Protect the river while having prosperous communities” because no farming community would survive under these enforcements.

Management of Land Management Units

35. Our Land Management Units (LMU) include Cell Blocks and Lower and Hill Country Blocks. All these units are farmed according to the size of the area, the soil, grass growth and size and class of the animal. Attached marked "A" is a farm map. The coloured areas are the Cell Blocks, the white areas are large rolling paddocks and Hill Country Blocks.
36. The critical source areas are located within the Red Cell Block cells and Hill Country Blocks. These areas are also managed according to area and class of animal but also, in the Hill Country Blocks, we take into account waterway access and potential damage thereto.
37. Land Use Capability (LUC). Attached marked "B" is a LUC map obtained from the Waikato District Council. The LUC map is currently being updated into S-map and we expect the 6a3 areas will more likely be recorded as being fitting into Class 4 or 5 with 6e on the steeper slopes, particularly mapped at farm scale. The large areas in red could be used for dairy farming.
38. We know our farm, and the importance our day to day farm management decisions have on the future capability of our farm. Within our farm we have identified Land Management Units (LMU) and we have learnt over time what areas cope with what classes of stock and we farm accordingly. Our farm is managed to minimise pugging ensuring potential future capability.
39. On the Hill Country Blocks, as outlined in our submission, to mitigate critical source areas we "limit cattle on unfenced hill country to no more than 18SU per hectare our autumn/winter therefore lessening impact on the environment.
40. Attached is a Slope map marked "C". Red signifies a 25-53 degree slope. These areas are hill country areas with a stream at the foot of the hill and due to rock within 20cm of the shallow soils near the stream, it would be difficult to fence off the stream effectively. These areas are critical source areas and are managed accordingly.

Management of Critical Source Areas

41. As our farm is a dry stock farm, there is a huge difference, compared to dairy farms, in the identification and management of critical source areas and flow pathways from which N, P, sediment and pathogens are lost. We have a "no mud" policy within our critical source areas such as tracks and races. Our tracks and races are only used when mobs are brought in to the yards for weighing, drenching or animal health

issues. We do not break feed grass or crop thus there is minimal damage to the farm tracks, races or paddocks.

Wetlands/sediment Traps.

42. Our farm has several natural wetland and sediment traps on the farm, most of which are fenced off to help mitigate N, P, sediment and pathogen losses and e-coli from animal matter in streams. Areas that cannot be fenced off due to access issues and high degree of land slope, have minimised stock numbers.

Farm Environment Plan.

43. For good farm management of our farm, we have pro-actively connected with Waikato Regional Council and Resilience NZ and have held a Farm Environment Plan Mitigation Workshop at our farm for local farmers. A Mitigation Workshop is a precursor to a Farm Environment Plan Workshop and we will be connecting with Beef & Lamb to undertake a Level 3 Land and Environment Plan within the near future. At all the workshops and meetings regarding PC1, Council Officers have assured us that “we have nothing to fear” and, “common sense will prevail”.

Retired Bushland.

44. While we have investigated the possibility of fencing off our bush blocks within the Hill Country blocks, the cost is prohibitive at this stage, for our business. However, we mitigate this by limiting stock numbers in our bush blocks. To ensure the viability of our bush we execute a rigorous pest and weed eradication programme.

Weed Control.

45. From October through to March we back-pack spray ragwort, thistles and blackberry on the hill country. Californian thistles are also sprayed at this time. Aerial spraying of other weeds is done in spring.

Pest Control.

46. Pest Control. Possums are eliminated by trapping on a weekly basis. Rats are poisoned on an ongoing basis. For all our efforts, our bush blocks are healthy as a result.

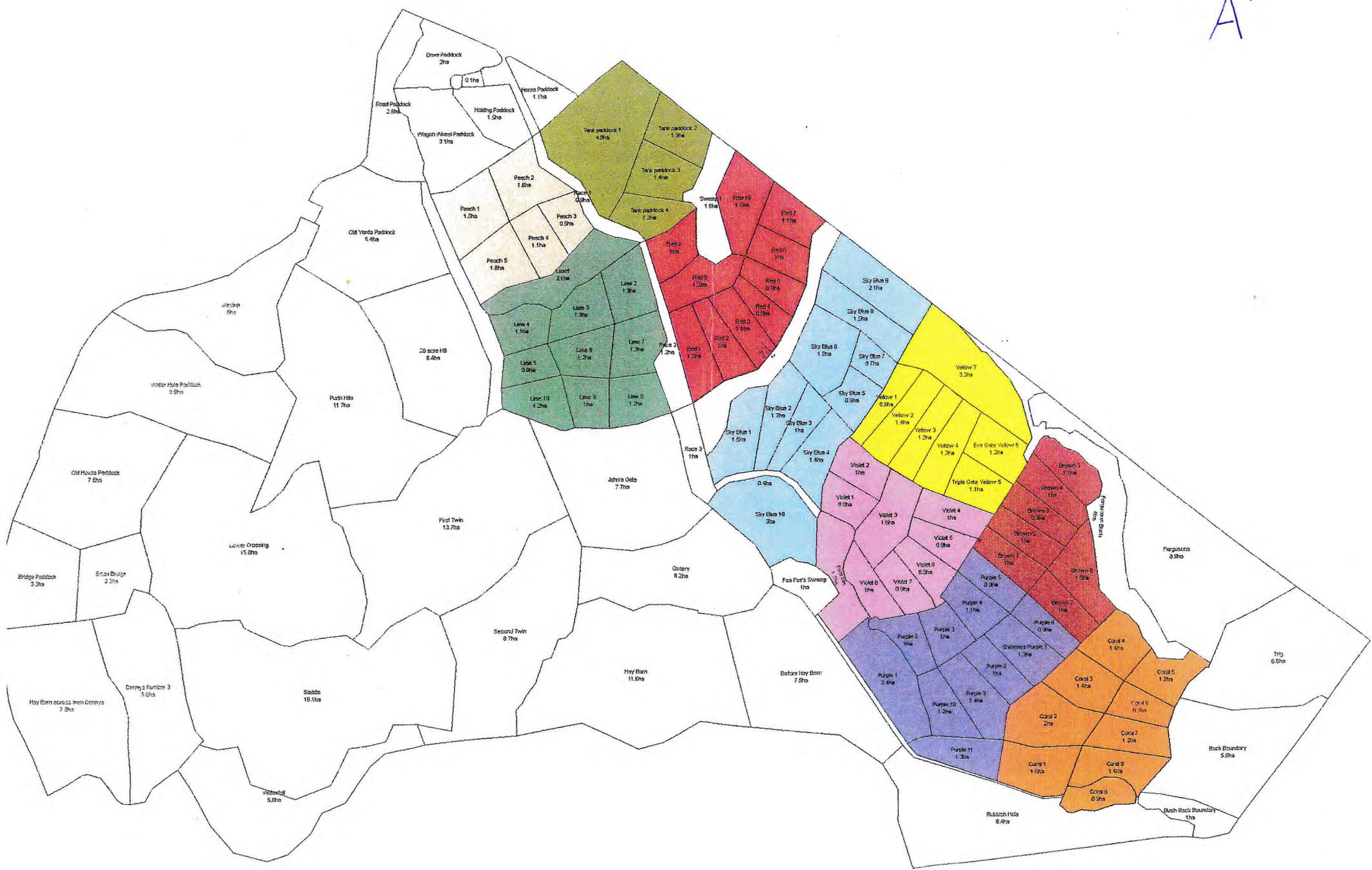
OUTLINE MY FUTURE VISION FOR MY FARM

47. A future vision? I don't know if there is going to be a future vision. Yes, I would like my children to be able to farm but I don't know if they could afford it with increasing bureaucratic and compliance costs.
48. We feel like our way of life and business is in jeopardy. We farm with a light environment footprint but feel like we are being asked to bear the majority of costs for PC1.
49. PC1 establishes rules around land use, land use change, practices and emissions and to deliver a 100% improvement in water quality over a ten-year period. While these rules may have good intentions, what about the impact on farms and farmers. The Plan does not provide certainty that farmers will be able to farm into the future.
50. The committee needs to consider whether or not this plan and the direction of any future plan changes provide the certainty required to farm into the future, otherwise farming communities will die. Consideration also needs to be given to the effects of water quality from other sources other than farming e.g. urban and commercial development and the increase in tourism and population. And, anything that is regulated has to be backed by proven scientific evidence.
51. Some farmers do not have the capability of understanding PC1 and struggle to defend their decisions and way of life. These farmers will not be farming ten years from now.
52. I hope that I have shown you that we, as farmers, are naturally environmentally connected and aware of our environmental obligations. We want to protect the land and waterways for future generations but it will not happen at the pace outlined in Plan Change 1. Most farmers always work towards improvements but we don't have a bottomless pit of money.

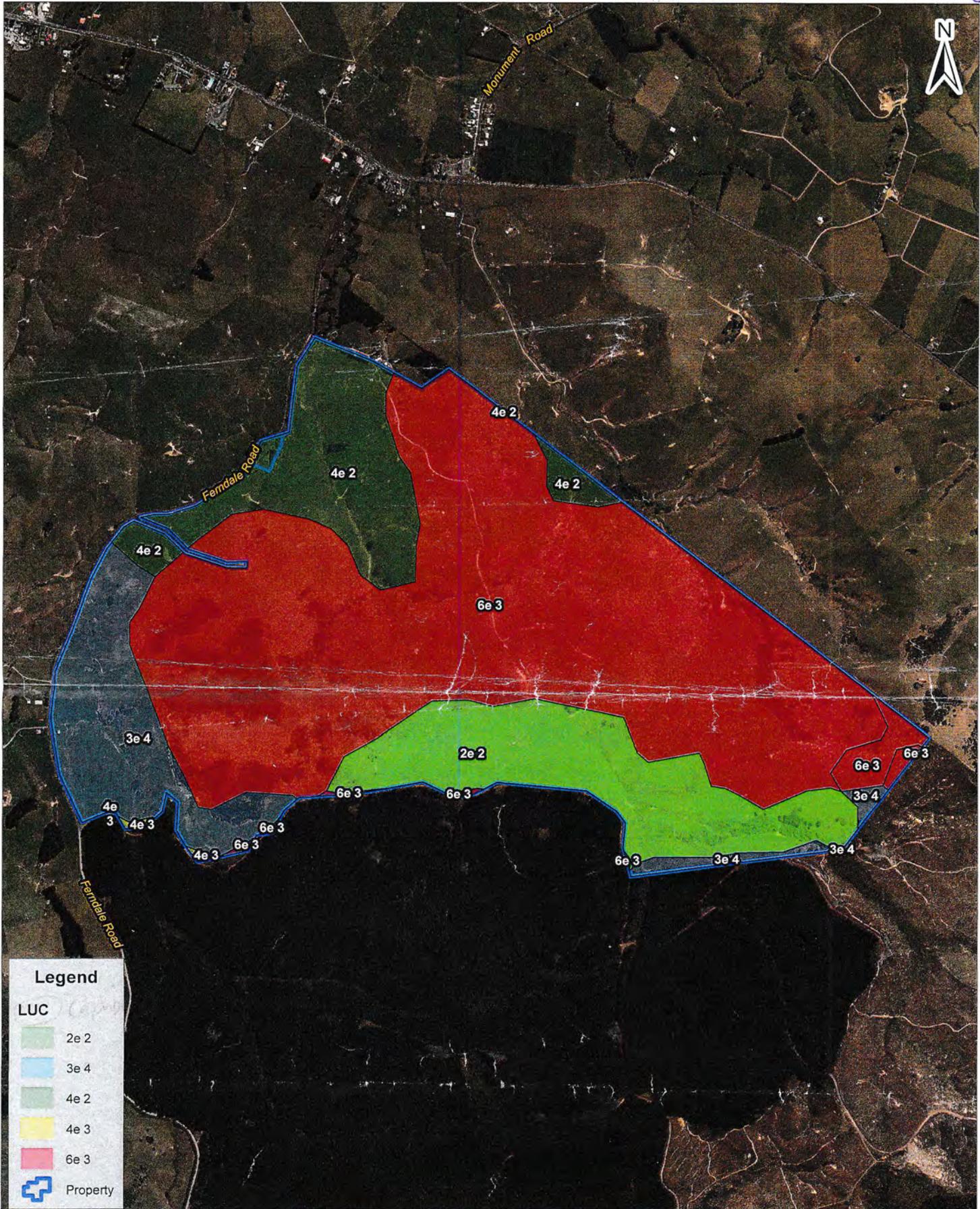
Dated this 9th day of July 2019

Ray Ashby

"A"



"B"

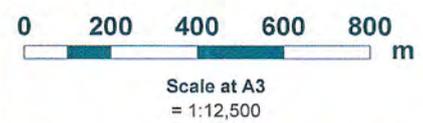


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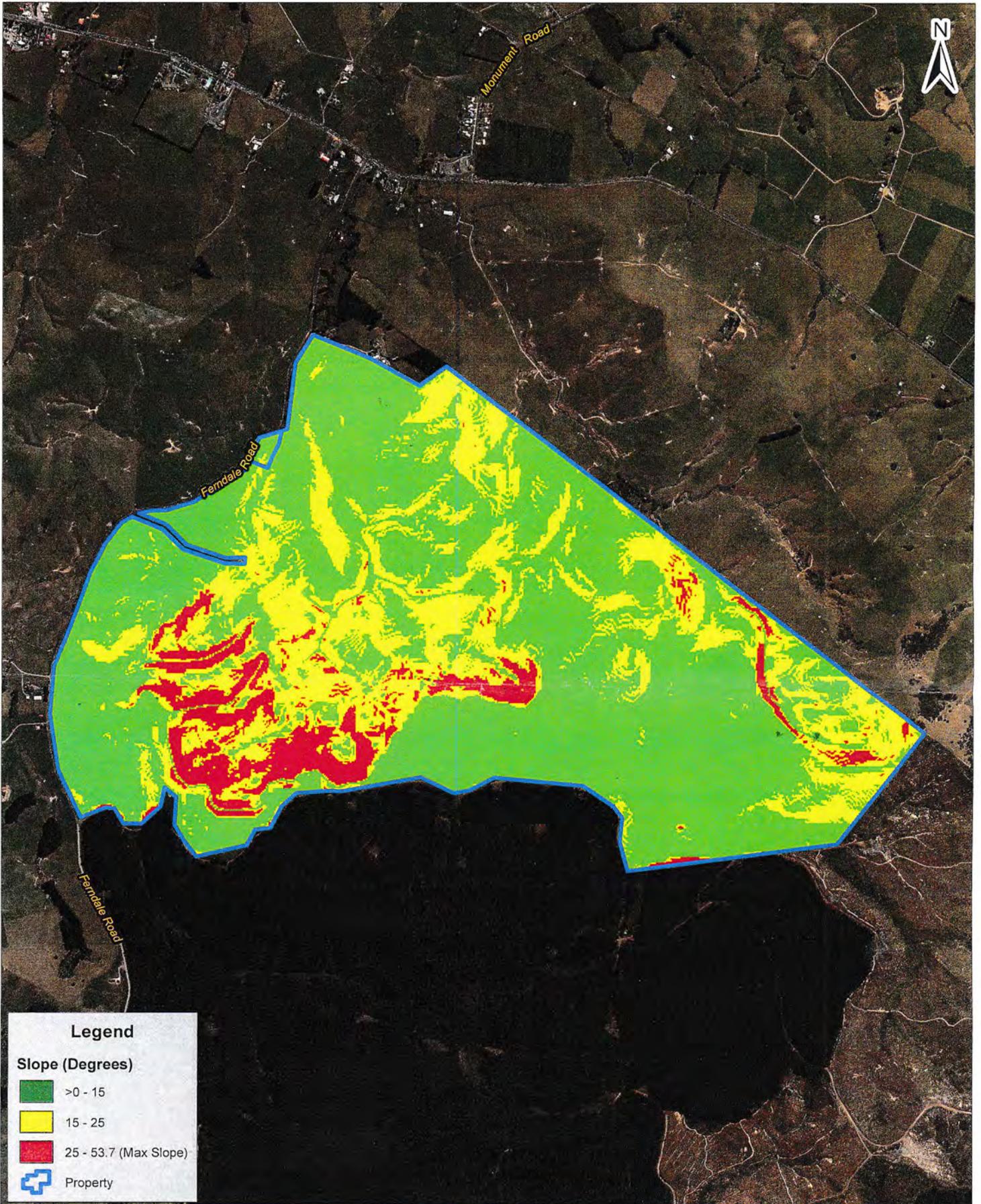


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"C"



Legend

Slope (Degrees)

- >0 - 15
- 15 - 25
- 25 - 53.7 (Max Slope)
- Property

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Scale at A3
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