

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

Submission Form

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

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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.

Sincerely

H. C Clarke



Introduction

Thank you for the opportunity to submit on the Waikato Regional Councils proposed Plan Change 1. My name is Hamish Clarke, age 27. I am the third generation to manage Te Mara Farms after my Grandfather Brian and Father Campbell in the Tauraroa Valley. I returned to Te Mara after 6 years spent studying and learning at Lincoln University. I hope to one day to take over the ownership of Te Mara Farms from my parents Campbell and Helen Clarke.

Te Mara Farms is 550ha mixed livestock farming operation. We have, deer breeding, velvet production, beef, dairy support and dairy milk integrated between two properties. My relevant passions are sustainable farming, farm innovation, agritech development and adoption, rural leadership and rural mental health. In recent times I have been given the opportunity to represent New Zealand at the Global Youth Ag Summit and the deer industry at the Kellogg Rural Leadership Programme where I learned the importance of enabling and allowing the next generation to be creative and innovative in their thinking. However, this requires leadership that enables rather than controls. I ask you, does this plan enable on farm creativity and innovation or does it seek to control on farm actions and decision making?

I personally feel that this plan acts to control, and that it will stifle innovation and creativity on farms and within rural communities. This is both demoralising and unproductive. It will discourage innovations that will create the sustainable environmental outcomes that we as a community seek.

Upon my return to Te Mara in December 2016, the farms were underperforming due to poor management. Financial outcomes were at break even, the farming systems were unsustainable and the environment was not at the forefront of the decision making. I have sought to correct this and have created a 10 year sustainable development plan and a goal of operational excellence. The 10 year plan will hopefully see the farm move from average to excellence, a plan that will never occur under this proposed healthy rivers plan.

Excellence to me is sustainability, which encompasses a triple bottom line approach. However, I feel that this plan in its current form would undo all my hard work and destroy my plan by limiting me to the farm systems and unsustainable business that I inherited in 2016. That the timeframes are unrealistic for young farmers like me, who have not had the time required to work themselves into the resourced position of having disposable income for unplanned compliance costs.

I am particularly concerned about the future generations of deer farmers within the Waikato and Waipa districts. Deer farming is unique to New Zealand and is not widely understood or resourced. There is very limited knowledge on their environmental impact within the catchment and the cost of deer fencing is much higher and requires a higher skill based compared to the single wire electrics needed for cattle. Therefore deer farming will always be more complex to adjust and underrepresented as a part of the catchments community.

Deer are a totally different livestock species to cattle, horses and pigs. For example they cross water bodies of significance by jumping them with ease and often do not make contact with the water body. They are browsers by nature rather than grazers, which meant that they spend the majority of their time roaming high ridgetops areas within hill country environments on ridge tops, rather than living near waterways like cattle.

I believe that grandparenting in any form is not a sustainable plan based on science. It does not reflect the true sub-catchment reality and stifles innovation. It is very much the opposite of the NZ subsidy-free and innovative farming culture which has enabled our farming excellence to develop. I encourage you to look towards using a science - outcome based approach that does not interfere with farm processes and gives a fair representation of the true sub-catchment environmental status. Allow and enable the primary industry and its farmers to redesign and develop their systems and management to meet your desired outcomes, rather than stifling their creativity and innovation through operation rules.

We can use virtual fencing as an example of a agritech technology, which is nearing commercialisation for cattle and would allow animals to be kept out of waterways without the need for physical fencing. By interfering with on farm choices and management this opportunity for a win – win for both farmers and the environment may go to waste and never be realised.

From a mental health and wellness prospective I am concerned about the social impacts that this plan would create. The lack of consultation of this plan within the community is oblivious, given that many are still unaware of its contents and the impact that it could have on their farming livelihoods. This plan very much focuses on rural communities and lacks urban accountability, from a social science perspective. Perspective is reality and I feel that this plan with further alienate rural communities and create social walls and isolation rather than bridges within the catchment.

This plan has the potential to drive a wedge through rural communities and create two groups; those with nutrient resources and those without. The social health of isolated rural communities was discussed at length during my time on the Rural Health Alliance Advisory Panel and I feel that this plan would create the isolation, separation, stress and animosity social dynamics which lead to mental health and addiction issues. These issues are already over represented within our rural communities within the Waikato and the execution of this current plan would add to these issues.

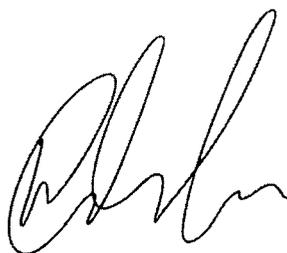
I feel that excluding some entities of the catchment from this plan, has already created division and unfairness for those that remain. I would encourage you to be patient in achieving your goals. I believe that with adequate time and the enablement of the community to solve its own issues on a sub-catchment, by sub-catchment basis, realistic water quality outcomes could be achieved within the 80 year timeframe. However, leaders need to be able to take people on the journey, which is achieved by enablement rather than control. Control in its essence is a dictatorship, which has no place in a community originated plan.

I do agree that changes need to be made on-farm to achieve sustainable environmental goals. However, I feel that before we know where we must go, we must as a community know accurately where we are at a sub-catchment level. Therefore, I believe that the timelines and the extent the proposed changes within this plan are beyond the current farming communities capability. Time and resources are needed to make the rural community capable of adopting and adapting to the requirements of sustainable farming.

Thank you for your time.

Sincerely

H. C. Clarke

A handwritten signature in black ink, appearing to be 'H. C. Clarke', written in a cursive style.

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.
 - I. We now have hydro-electric dams throughout the catchment.
 - II. We now have deforested and introduced new plant species (pine trees in particular)
 - III. We now have foreign pest animals and plants here.
 - IV. Cities and towns with roads and their impacts have been created and are here to stay.

2. This plan in its current state could possible achieve the full restoration of the river, but does not meet its requirement of protecting and providing for social and economic values of the catchments community, partially its rural youth. Who will significantly contribute to the health and well-being of its people and communities within the future of the plans 80 year lifespan. Therefore sustainable management of the catchment 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 and timelines including numerical water quality limits/targets (outcomes) and milestone based on timelines that consider the physical of the catchment, its people, technologies available, required time for adoption and adoption of required technologies, and the human and economic resources available for implementation.

2. The plan needs to be replaced with one which is practical and achievable, that provides sustainable protection of its rural community's prosperity and capability, while also ensuring that the health and wellbeing including social and economic values of its people and communities are safeguarded through independent assessment and continually reassessed.

**The specific provisions of proposed Plan Change 1 that my submission 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 unable to continue and be flexible and 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, 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:
 - a. Land uses with environmental stocking rates relative to the species and class of animal and enable stocking rate to increase from current up to this standard.

and / or
 - b. Stocking rates limits which are based on soil and geology.

and / or
 - c. Set nitrogen loading limits which which are based on soil and geology.

3. Enable flexibility in land use, discharges and stocking rates up to these standards.
4. Delete any standards or clauses which hold land uses to historic discharge levels or stocking rates.
5. Delete 4.1 hectares and provide for up to 20 hectares.
6. Delete 6 stock unit standard.
7. Apply national stock exclusion requirements which relate to exclusion of cattle, deer, horses 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. Delete standard 4c Rule 3.11.5.2

**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. Definition of waterbodies under Schedule C in relation to clauses i, ii, iii, and iv are unclear and require further elaboration in order for farmers to be able to determine, what waterbodies on their properties will be effected and what changes they will be effected by. Making farmers unable to place an accurate submission on the impact of the proposed changes on themselves and their properties. Thus making the submissions process inconclusive and this submissions process fundamentally flawed and inconclusive from the outset.
2. Improvements in water quality from excluding cattle and particularly deer, through permanent fencing from permanently flowing waterbodies, on extensive hill country are not proven. More sub-catchment information is required before any decision can be made.
3. Definition of 25 degree slope threshold/standards in Rule 3.11.5.4 which are required to be fenced 'up to' is not clear and there is no implementation plan available.
4. This requirement to exclude livestock 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.
5. Water reticulation, especially on higher country is not cost effective due to pumping heights and maintenance costs.
6. The high cost of fence maintenance and or replacement (particularly deer fencing) in flood prone areas is costly and is physically ineffective (will just be washed away).
7. Fencing on hill country for deer is expensive and often practically limited to ridges and other natural fence lines.

8. Weed control is expensive on land that does not earn much. Land which is marginalised through compliance costs will create other consequential environmental issues such as noxious weeds, which will further restrict access for water based recreations for the community.
9. 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 for the sub-catchments.

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 livestock (particularly deer and cattle) through permanent fencing is tailored on a farm by farm basis, district by district, and sub catchment by sub catchment basis. Where scientifically proven and identified water quality issues are directly created by specified classes of stock having access to waterbodies.
2. Where the rules are tailored to specifically address the output issue of water quality rather than stifling on farm creativity and innovation by interfering with on-farm processes, i.e. allow farmers to innovate and create new land management practiced for different terrains, soil types and farming systems. That are logical, flexibility, sustainable and profitable that achieve the same desired water quality outcomes, without livestock exclusion.
3. 25 degree slope provision in rule 3.11.5.4 be removed and replaced with farming intensity based on a scientific approach, for example stocking rates at or over 10 cattle and / or 18 deer stock units per hectare or 20kg N/ha could be used.
4. Farm environment plans should be focused on addressing actual risks and therefore be targeted at critical point source areas on farms, rather than requiring blanket stock exclusion through permanent fencing.
5. Ability to muster cattle and deer through waterbody without requiring formed stock crossing structure when crossing that specific water body 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 ownership structure of a property has no correlation with environmental impacts of a specific land use. Therefore continuing without all entities creates planning dysfunction and an inconclusive environmental result to the plan.

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. It is environmentally one catchment and should be treated as such.

**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. Change in land use to uses that are most economically viable need to be able to occur as these signals change.
2. Not all land is well suited to its current use, but a decision to change varies with the market price signals. At \$9.00 per kilogram of milksolids dairy cows can be milked on moderate hill country at a low stocking rate, but at \$5.00 per kilogram of milksolids they cannot.
3. Ability of farmers to innovate in small and big ways has been at the forefront of economic growth for generations in the Waikato.
4. Mixed farming systems allow farmers to respond to differing price scenarios and trends within the markets. The opportunity cost of reducing the intensity of land through conversions will be much higher. Thus having a negative impact on the environmental objectives of this plan.

5. 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
6. This policy and rule would make this logical change impossible.
7. Future opportunities to take advantage of yet to be developed technologies are greatly reduced.
8. Land use change may not have occurred in past because of land ownership situations and varying intergenerational farming goals.

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.

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

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

A NRP reduction to a percentile is supported and I seek that it be retained.

My submission is that:

1. NRP reduction to 75% percentile is an arbitrary value. This value should be deleted and then reassessed once farm plans and catchment data has been made available enabling an accurate statistical assessment of the sub-catchments data samples spreads to be made.
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 rather than by the catchments true environmental outcomes.
3. Higher dischargers will have no incentive to reduce their N leaching rate. Farmers in other catchments will look to this catchment example and increase their NRP in subsequent years. Allowing them to increase or maintain their farm values and potential productivity levels.
4. Application of the NRP reference will produce significant inequalities between neighbours and within communities. This will lead to community and social dysfunction between those with and those without. Social isolation and animosity lead to social issues such as depression and anxiety which are already over represented within local rural communities.
5. Schedule B and definition of a stock unit. The 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 properties farming cattle and deer. 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.
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.

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 deer 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 sedimentary 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:

Support with amendments.

My submission is:

1. The enforcement of compulsory Farm Environment Plans for scientifically proven high risk properties is supported and I wish to have it retained.
2. Farmers should be able to complete their own Farm Environment Plans. Farm Environment Plans will be strongly linked and influenced by the knowledge, choices, beliefs and goals of individual farmers. The additional costs of consultants for farmers that have the required skill base for Farm Environment Plans is unnecessary and unwarranted. Farmers should be able to complete their own Farm Environment Plans for the Waikato Regional Council, but equally be held responsible for their mistakes and any unlawful actions.
3. Application of Schedule 1 Farm Environment Plans (FEP) as proposed has the potential to greatly reduce farm flexibility in times of climatic and market fluctuations. Decisions on stocking rate and winter cropping can be governed by climatic events such as excess rainfall, or drought. These decisions are influenced by existing national livestock legislations particularly the Animal Welfare Act 1999.

4. Adverse climatic events do not comply with a specific year or at a specific frequency and are out of the control of farmers. The same is true for international animal product prices, meaning stock might need to be held longer than expected or sold earlier to gain a premium which is again out of an individual farmer's direct control within the current meat industry environment. Therefore the current three years rolling average of the plan does not comply with the true realities of most farming business environments.
5. Uncertainty and stress being created by the unknown elements of this plan, which is creating social issues, such as anxiety and depression whose impacts are unaccounted for within the plan. Rural suicide rates are highest as a proportion of society and rates have increased within recent years. The social costs have not been well documented or valued within the plan. As well as the costs of behavioural changes needed by farmers and rural communities for the plans successful implementation.
6. Uncertainty adds transaction costs and is hindering prospective land transactions, slowing the rural economies of fragile small townships within the catchment. The implementation plan has not been released and large areas of uncertainty exist in how the rules and schedules have been written, which is compounded by a lack of definitions.
7. There is variation and unknowns within and between the different sub-catchments. Sub catchments that require minimal reduction of nutrients are being unfairly loaded with the costs and bureaucracy of environment plans that are not warranted compared to other sub-catchments relative to the water quality outcomes outlined by the national government.
8. There is always an element of human error created when grey or unclear terms exist for individual interpretation. If staff interpretation of rules and therefore acceptance of an environment plan is debate-able. This creates the possibility of inconsistency across the region. Particularly with land uses such as deer farming which are uncommon and involved specialist knowledge and understanding which is not readily available or replicable.

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

1. Allow farmers to have the choice of completing their own Farm Environmental Plans or seeking the help of consultants if required.
2. Council should require farm environment plans only in sub-catchments where science indicates improvements are required.
3. 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.
4. 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.