

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
401 Grey Street
Hamilton East
Private bag 3038
Waikato Mail Center
HAMILTON 3240

Date:	March 7, 2017	
Full Name:	We are collectively the Hill Country Farmers Group (HCFG) and our members are listed in the table below. David Short is our Chairperson and has signed the final page of this submission on behalf of the group. Any correspondence should be directed to our Secretary, Kirstie Hill.	
Postal Address:	Chairman HCFG David Short 253 Taniwha Road Waerenga RD 1 Te Kauwhata 3781	Secretary HCFG Kirstie Hill 84 Waipuna Road Waerenga RD 1 Te Kauwhata 3781
Phone:	07 826 7763	07 826 7680
Email Address:	d.c.short@xtra.co.nz	hillfamily@hillgroup.co.nz

Submission

1. We 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. We wish to be heard in support of this submission.

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

Hill Country Farmers Group Members

Jason & Sara Barrier	Alan Dahm
Andrew Browne	Jeremy Leigh
Andrew Caldwell	Neil Aitken
Lee & Donna Cheyne	IB Fyers
Fraser & Liz Crawford (Hillcroft)	HD Orton
John & Janet Evans (Brodwick Farms)	Wayne & Mary Mickleson
David & Sue Gibberd	Geoff Tucker
David & Pip Gow	Roger Stone
Dean & Lisa Hansen (Hansens Farms Ltd)	David Watson
Brett & Amanda Harvey	Gerald Fieten
Bruce & Kirstie Hill (Culverden Farm)	Jenny Simpson
Jefferis Stuart (Te Hoe Holdings)	Brian Mooney
Kim Robinson	Mark Ramsay
James Lowry	Antony Potter
Phyllis Luders	Graham Lovegrove
Russel Luders (Mangopiko Farm Trust)	John Fyers
John Marchant (Marchant Trust)	Peter Thomson
Ian McDonald	Roy Spillman
David & Charlotte Short	Craig Dunlop
Graham Smith	
Pukemore Station Ltd	
Rick & Julie Treweweke (Puna Pty Ltd)	
Charles Trousdale (Murvale Farms Ltd)	
Richard & Jane Trousdale	
Francis & Susan Turton	
Jim Wright (AJ Wright Farms)	
Richard Wright	
Robert & Melinda Wright	
Stuart & Maren Wright	
MK & BA Yearbury	

In the matter of: Clause of Schedule 1 – Resource Management Act - Submission on publicly notified plan change – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments

And: **Hill Country Farmers Group**
Submitter

And: **Waikato Regional Council**
Local Authority

Submission on publicly notified proposal for plan change

1. This submission on behalf of the Hill Country Farmers Group **opposes** the Waikato Regional Council's proposed Plan Change 1 (PC1) in its current form.
2. The Hill Country Farmers Group wish to be heard in support of this submission.

Hill Country Farmers Group:

3. The Hill Country Farmers Group (HCFG) is comprised of 49 independent farming families who are the collective custodians of over 21,400ha of land area in the Waikato. We have come together to support the ideal of better water quality and to constructively address the process by which that goal is achieved. We have a depth of specialised knowledge and experience with unique hill country systems that needs to be acknowledged and heeded. With this submission we have undertaken to comment constructively, suggesting amendments to PC1 where we believe it is flawed, inequitable or simply misguided, and have provided practical alternative solutions which, based upon our experience, will more effectively and efficiently achieve the desired outcome. We have consciously addressed only the specific parts of PC1 that directly affect our land, our families, and our communities and it is not our intention to compromise other land use or industry sectors.
4. Our constituents are all actively involved community members who financially and socially support local schools, facilities, groups and sports teams (refer Community Report).
5. The HCFG support the intention of 'healthy rivers' where prosperous communities are also sustained, as is the intention of the Waikato River Authorities Vision and Strategy. There is no doubt, however, that PC1 in its current form will devastate many rural communities within the Waikato and Waipa catchments, economically, socially and culturally. It is for this reason that we submit in opposition of this proposed plan change, PC1.

The Process:

6. The Collaborative Stakeholder Group is considered to have been disproportionate in its formation, with only one representative from sheep and beef in the group, despite sheep and beef farmers being custodians of the largest proportion of the waterways within the Waikato and Waipa catchments. Our representative was at all times committed to achieving a policy mix that was practical, achievable and provided certainty, yet was consistently overruled in matters that a) provided for an equitable, just and fair pathway to implement Plan Change 1 and b) are critically important to the sustainability of hill country farming. Therefore, the collaborative process was significantly flawed.
7. The HCFG does not believe that the consultation undertaken during the development of PC1 was adequately robust, complete and sufficient, nor was our feedback recognised as having worthwhile merit and value. We say this because by and large the PC1 rules are rigid, impractical and unnecessarily constrained, so do not accommodate or allow for flexibility which is an inherently important component of hill country farm systems and management. This rigidity therefore doesn't acknowledge the severe cost it will impose upon farm businesses nor the possibility that other less costly alternatives to achieve the same outcome could be available. As a result, the plan as proposed, is not "practical and achievable by local communities" as is required by the Terms of Reference: Collaborative Stakeholder Group, Doc # 2194147
8. Furthermore the suggested 25 degree slope threshold for mandatory fencing was established by the CSG without reasonable public consultation with the stakeholder most impacted (hill country farmers) and without a sufficiently robust and detailed cost benefit analysis or practical ground truthing. We consider this to be unacceptable for such a financially and environmentally critical aspect of the proposal.

Section 32 analysis

9. Section 32(1)(c) of the Resource Management Act, 1991 (RMA) states that an evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal. It is the opinion of the HCFG that the current Section 32 analysis fails to meet this requirement for several reasons:
 - a. The current section 32 analysis, which HCFG deem to be incomplete regardless, was undertaken prior to the withdrawal of the Hauraki area and therefore underestimates the social and economic impacts imposed on the remainder of the affected catchment landowners/occupiers;
 - b. Analysis fails to consider the economic impacts of 'Grandparenting of Nitrogen' within the catchments.
 - i. Restricting farms to a Nitrogen Reference Point by way of Overseer (a management tool, as opposed to an imprecise regulatory tool) effectively rewards those that have historically been higher emitters of Nitrogen (Grandparenting), while disadvantaging those that have historically adopted good management practices to reduce their emissions. This is completely contradictory to the intention of the Waikato River Authority Vision and Strategy

(V&S) and does not in-still the behavioural and farming changes required to meet its objectives. Consequently, this has many unintended outcomes that have not been adequately considered within the section 32 analysis. These include:

- Capital devaluation of properties with limited ability to farm to sustainable potential;
- Increased risk profiles and interest rates with banks;
- Loss of succession planning; innovation, growth and an inability to respond to market demands.

10. The mitigation strategies imposed by way of Rules 3.11.5.1, 3.11.5.2, 3.11.5.4, 3.11.5.6, 3.11.5.7 and by way of reference, Schedule 1 and Schedule C, are impractical, difficult to interpret and financially unsustainable as evidenced by the BakerAG report *'Implications of the proposed Waikato Regional Plan Change 1, Waikato and Waipa Catchments, 12 December 2016*. Compliance and mitigation requirements, such as fencing and reticulating water up to 25 degrees in Hill Country areas, where this is not the best practicable option, is in effect, asking landowners/occupiers to bear unsustainable costs. These are expected to be in the order of \$26,000 to \$541,000 in capital costs; ongoing annual costs of up to \$70,000 and opportunity costs through grandparenting by way of adopting a nitrogen reference point, of up to \$256,000 per farm. Gains to be made in water quality in the hill country are yet to be divulged by WRC in the context of such a significant economic burden. WRC have failed in their duty under s32 RMA, as the analysis provided fails to contain a level of detail adequate for accessing the scale and significance of the environmental, economic, social, and cultural effects of applying stock exclusion provisions on hill country up to a slope of 25 degrees, ongoing management and maintenance of fencing, and application of the Nitrogen Reference point in relation to opportunity cost and value of farmers.

11. It is noted that the proposed amendments to the National Policy Statement for Freshwater Management 2014 (NPS-FM) require stock exclusion on slopes up to 15 degrees as of 1 July 2022 and only require fencing of waterways above 15 degrees, where break feeding is occurring. HCFG support this approach and seek that PC1 is amended to reflect the same requirements. HCFG recommend focussing on the use of on farm and edge of field mitigation options to address critical source areas, as opposed to fencing all streams on these slopes which is impractical.

12. It is also noted that the proposed amendments to the NPS-FM allow for stock crossings to occur across a water body provided the stock are moved in one continuous movement, where this occurs less frequently than once per week. HCFG consider that PC1 should adopt the same principle.

13. The section 32 analysis also fails to acknowledge the social and economic repercussions of imposing financially unsustainable compliance and mitigation costs on hill country farmers. It is considered that the outcomes of Plan Change 1 go directly against Objective 2 (Social and Economic Wellbeing) and Objective 4 (People and Community Resilience) of the Plan, and include:

- The depopulation of smaller rural communities within the affected catchments, as farmers are forced off their land through a lack of financial sustainability and the consequential reduction in economic opportunities for support industries and farm workers.

- Increased pressures and stress;
 - Closure of community facilities and schools;
 - Loss of local sports teams;
 - Loss of community spirit.
14. HCFG also consider that inadequate consideration has been given to the timeframes over which such a significant economic burden has been placed.
15. The current Section 32 analysis states that estimated Nitrogen losses from non-dairy pastoral land use have increased by only 4% over the period 1972 to 2012 (as opposed to dairy farming which has increased from a 43% to a 63% contribution over the same period). These increases have occurred in the absence of a Farm Environment Plan requirement and it is considered that utilising a Farm Environment Plan which particularly addresses critical source areas, would be adequate to address the minimal increases applicable to non-dairy pastoral land uses.
16. It is considered that the section 32 analysis should require the appropriateness of policies and methods to be assessed having regard to their efficiency. By Waikato Regional Councils own admission, there are no measures available to determine the efficiency of the proposed rules over the ten year period, particularly in relation to the economic and social wellbeing of our communities. This should be a primary focus of the Plan Change under all governing legislation.

Resolution sought:

17. Prepare a new Section 32 analysis upon reinsertion of the Hauraki area and associated rule framework into Plan Change 1. In this, include additional analysis in relation to specific provisions set out above.
18. Remove requirement for fencing to 25 degrees from PC1 and allow for mitigation actions to target critical source areas above 15 degrees.
19. Include provision for stock crossings to occur across a water body provided the stock are moved in one continuous movement, where this occurs less frequently than once per week.

Water Quality

20. An analysis undertaken using up to ten years of data relating to water quality, that was provided by Waikato Regional Council for hill country farms (Land Use Capability 6 and 7 sites with ground truthing undertaken) within the Waikato and Waipa catchments, demonstrates that the majority of water in the hill country is of excellent quality, and shows little or no degradation across this period. Additional data provided by Lochiel Farms supports this conclusion. Furthermore it is our opinion, based on our practical experience that the implementation of the currently proposed fencing (to 25 degrees) rule will cause a substantive deterioration of water quality and ecology in hill country streams and is therefore in conflict with the objectives of this proposed plan.

Sub-Catchment Approach

21. HCFG strongly support a sub-catchment based management approach to enable landowners/occupiers/enterprises to collectively act in the best interests of their environment. This approach allows the identification of problem areas specific to each of the four contaminants and to each sub-catchment, and enables farmers to collectively act to make reductions in those areas that require improvement. This approach supports the efficient management of the finite resources that are available within each sub-catchment and encourages farmer performance, while creating a non-confrontational platform for regulation.
22. HCFG consider that the strong emphasis that has been placed on Nitrogen and the regulating of N through NRP, within PC1, is unjustified for hill country sub-catchments given our, generally low, N leaching.
23. PC1 currently restricts land use change within the Waikato and Waipa catchments by way of the non-complying activity rule 3.11.5.7. HCFG does not support this restriction and believes that addressing land use change effects based upon a prioritised sub-catchment basis is the most effective tool for management. Appropriate mitigations can be implemented to manage identified discharges within each sub-catchment, as opposed to a general land use change restriction. This enables tailored mitigations to be developed with the support of most up to date science and technologies and considers the variability encountered between sub-catchments. It is plausible that high-priority sub-catchments may require additional regulation.

Resolution sought:

24. Part A, Section 3.11 "Full achievement of the Vision and Strategy will be intergenerational", paragraph 1, amendments indicated in red below:

The CSG has chosen an 80-year timeframe to achieve the water quality objectives of the Vision and Strategy. The timeframe is intergenerational and more aspirational than the national bottom lines set out in the NPS FM because it seeks to meet the higher standards of being safe to swim in and take food from over the entire length of the Waikato and Waipa Rivers and catchment. Based on the information currently available, the CSG has concluded full achievement of the Vision and Strategy by 2096 is likely to be costly and difficult. The 80-year timeframe recognises the 'innovation gap' that means full achievement of water quality requires technologies or practices that are not yet available or economically feasible. In addition, the current understanding is that achieving water quality restoration will require a considerable amount of land use moderation within high-risk sub-catchments. Whereas in other sub-catchments it will be more appropriate to focus on applying mitigation methods via conditions, rather than simply preventing land use change.

Overseer

25. HCFG have concerns regarding the use of the OVERSEER model as a regulatory tool, as this model was originally developed as a management tool and was not designed to give a precise number to be used for regulation purposes. OVERSEER acknowledge that there are many assumptions to be considered in the use of the model and that there is significant uncertainty in the modelling. Reports suggest that the margin of uncertainty is +-20% in a pastoral dairy system, although this is believed to be much higher in a hill country system. The Foundation for Arable Research in their 2013 review of OVERSEER identify the challenges in interpretation in a regulatory context and it has been recommended that when used in a policy/regulatory environment, the estimated uncertainty should logically be incorporated into the trigger point set by overseer.

Subsidies and Off Setting

26. HCFG consider that Waikato Regional Council should be contributing to the significant capital investment and mitigation costs required as a result of PC1, as they have in relation to previous Plan Changes. It is also considered that there should be compensation for the considerable land devaluation and loss of capital that is likely to result from the introduction of the Nitrogen Reference Point (Grandparenting of Nitrogen) and Land Use Restrictions.

Commercially Sensitive Information

27. HCFG have been made aware that Waikato Regional Council may require financial records for enterprises affected by PC1 in the future. If this is correct, then this is strongly opposed.

The specific provisions of the proposal that this submission relates to and the decisions it seeks from Council are as detailed below. 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.

Objectives

Objective 1: Long-term maintenance, restoration and protection of water quality as relevant for each sub-catchment and Freshwater Management Unit/Te Whāinga 1: Te whakaoranga tauroa me te tiakanga tauroa o te kounga wai ki ia riu kōawaawa me te Wae Whakahaere i te Wai Māori

By 2096, the management of discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water result in achievement of the restoration and protection of the 80-year water quality attribute targets in Table 3.11-1.

28. Support with amendments. Amendments indicated in red above.
29. HCFG do not support the attribute targets set in Table 3.11-1. The attribute targets are beyond what was anticipated by the National Policy Statement for Freshwater Management (NPS-FW) or the Waikato River Authority Vision & Strategy (V&S) and should be revised. The 95% percentile targets provided for Nitrogen in the NIWA National Objectives Framework (NOF) would be more realistic.
30. It is noted that the 95% percentile target has been adopted for E.coli in Table 3-11-1, as set by the NPS. It is considered that flood/high flow conditions should be omitted from the E.coli data set.
31. HCFG are aware that the vast majority of testing data reviewed in the development of PC1 was relevant to lowland sites. Hill country water quality was not sufficiently considered in practice, and yet PC1 requires huge capital investments to be made by hill country farmers.

32. HCFG consider that there is no certainty around the rules beyond the ten year period considered under PC1, although there is significant and unsustainable capital investment required.

Resolution sought:

33. Amend table 3.11-1 to:
- i. Reflect instream nitrogen concentrations that are established consistent with the 95th percentile NOF target.
 - ii. Ensure that the E. Coli numerical parameter is amended so that omits flood/high flow events.

Objective 2: Social, economic and cultural wellbeing is recognised and maintained in the long term/Te Whāinga 2: Ka whakaūngia te oranga ā-pāpori, ā-ōhanga, ā-ahurea hoki i ngā tauroa

Waikato and Waipa communities and their economy experience measurable benefits from the maintenance, restoration and/or protection of water quality as relevant, in each sub-catchment of the Waikato River catchment, which enables the people and communities to continue to provide for their social, economic and cultural wellbeing.

34. Support with amendments, as indicated in red above.
35. HCFG support the intention of Objective 2 but have no doubt that PC1 currently fails to achieve this objective. The BakerAG report, 2016 clearly demonstrates the significant, unsustainable and in many cases not considered, economic and social impacts of PC1. It is considered that many rural communities will no longer be able to provide for their families socially or economically and the culture of these rural communities will be undermined.
36. Waikato Regional Councils implementation team have advised that they currently have no indicators to measure the social, economic and cultural wellbeing of those affected by the Plan Change. It is important that the effects on the community are measurable given the significant impact identified.
37. HCFG consider that they also have a culture. Culture is defined as “the ideas, customs, and social behaviour of a particular people or society” in Webster’s dictionary. PC1 does not appear to take into consideration, the cultural values of all groups as is intended by the term. It is considered that PC1 undermines the culture of the hill country farming community.
38. Resolution sought: Withdraw Plan and Reconsult with hill country communities

Objective 3: 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/Te Whāinga 3: Ngā whakapainga taupoto o te kounga wai i te wāhanga tuatahi o te whakaoranga me te tiakanga o te kounga wai i ia riu kōawāwa me te Wae Whakahaere Wai Māori

Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, are sufficient to achieve ten percent of the required change between current water quality and the 80-year water quality attribute targets in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute targets in Table 3.11-1

39. HCFG support and oppose this objective in part. Objective 3 sets an interim 10 year goal to achieve an overall 10% improvement in water quality across the catchments. Capital investment requirements, are however, required in relation to 80 year targets. There is no clear science available to justify that 10% reductions will be made through such considerable investment, nor do all sub-catchments necessarily require such investment, based upon current water quality.

Resolution sought:

40. Clarify what WRC will require of farmers in order to achieve 80 year targets now, so that hill country farmers can make sensible long-term investment decisions based on fully transparent requirements and the wider community,(including hill country farmers) can decide on the acceptability of such requirements.

Objective 4: People and community resilience/Te Whāinga 4: Te manawa piharau o te tangata me te hāpori

enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing

41. HCFG support the intention of Objective 4, however, feel strongly that PC1 fails to meet this objective. HCFG consider that the considerable costs to hill country farmers have not been acknowledged, assessed or even understood through the development of PC1. There is already considerable stress within the community, as many farmers face the reality of no longer being able to provide for their families, sustain their land/livelihood and ultimately remain within their communities. Many of our land owners have inter-generational family associations with their land and we consider that we have a culture worthy of consideration in the hill country. The staged approach proposed does not enable us to undertake adaptive management because for many, we may be out of business.

Resolution sought:

42. Withdraw Plan and re-engage with hill country communities

Objective 6: Whangamarino Wetland/Te Whāinga 6: Ngā Repo o Whangamarino

- a. Nitrogen, phosphorus, sediment and microbial pathogen loads in the catchment of Whangamarino Wetland are reduced in the short term, to make progress towards the long term restoration of Whangamarino Wetland; and*
- b) The management of contaminant loads entering Whangamarino Wetland is consistent with the achievement of the water quality attribute^targets^ in Table 3.11-1.*

43. HCFG support this objective.

POLICIES

Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens/Te Kaupapa Here 1: Te whakahaere i ngā rukenga roha o te hauota, o te pūtūtae-whetū, o te waiparapara me te tukumate ora poto

Manage and require reductions in sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens, by:

- a. Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase; and*
- b. Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and*
- 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.*
- 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.*

44. HCFG support with proposed amendments as highlight above in red.

45. HCFG oppose mandatory fencing in hill country areas where slopes are over 15 degrees. This mechanism is unjustified, does not align with proposed amendments to the NPS-FM and is financially unsustainable for the majority of hill country farmers (refer BakerAg report, 2016). It is considered that the increased erosion risk and sediment loading of creeks resulting from the construction of fence lines on slopes over 15 degrees and stock tracking along fence lines would reduce water quality in our sub-catchments. Furthermore, this rule will be impossible to implement clearly and equitably due to the variation in topography that typifies hill country creeks.

46. HCFG seeks clarification on the interpretation of the Rules and Schedule C in relation to slope clarification i.e. how is slope measured given the ranges of topography experienced within each paddock and adjoining watercourses within hill country areas.

Resolution sought:

47. Align policies with proposed amendments to NPS-FM
48. Provide clarification regarding slope interpretation and associated mandatory fencing requirements

Policy 2: Tailored approach to managing and where relevant reducing diffuse discharges from farming activities/Te Kaupapa Here 2: He huarahi ka āta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā mahinga pāmu

Manage and where relevant require reductions in sub-catchment-wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming activities on properties and enterprises by:

- a. *Taking a tailored, risk based approach to define mitigation actions on the land that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, with the mitigation actions to be specified in a Farm Environment Plan either associated with a resource consent, or in specific requirements established by participation in a Certified Industry Scheme; and*
 - b. *Requiring the same level of rigour in developing, monitoring and auditing of mitigation actions on the land that is set out in a Farm Environment Plan, whether it is established with a resource consent or through Certified Industry Schemes; and*
 - c. *Establishing a Nitrogen Reference Point for the property or enterprise; and*
 - d. *Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens where required to be proportionate to the amount of current discharge (those discharging more are expected to make greater reductions), and proportionate to the scale of water quality improvement required in the sub-catchment; and*
 - e. *Requiring stock exclusion for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs to be completed within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.*
49. Support with amendments, indicated in red above. HCFG support a sub-catchment based approach and believe that tailored farm environment plans, coupled with this approach are the most suitable way to achieve the desired targets and to promote positive behaviours regarding discharge management.
 50. HCFG consider that a 'toolbox' of mitigation options is the most appropriate way to effectively manage diffuse discharges. Every farm is different and the ability to respond accordingly through farm environment planning is essential if to be effective. In addition to this we seek that new technologies can be included into this toolbox without plan amendments as they become available. We do not support the use of prescriptive mitigation mechanisms written specifically into rules.

Resolution sought:

51. Align policy with proposed amendments to NPS-FM.
52. Require reduction in contaminants where attribute targets are breached, maintain in other sub-catchments

Policy 3 is relevant to commercial vegetable production and has been omitted from this submission.

Policy 4: Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future/Te Kaupapa Here 4: Te tuku kia haere tonu, kia whakatūria rānei ngā tūmahi he iti iho ngā rukenga, me te tohu ake ākuanei pea me panoni anō hei ngā tau e heke mai ana

Manage sub-catchment-wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, and enable existing and new low discharging activities to continue provided that cumulatively the achievement of Objective 3 is not compromised. Activities and uses currently defined as low dischargers may in the future need to take mitigation actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens in order for Objective 1 to be met.

53. Support with amendments as indicated. HCFG support enabling existing and new low discharging activities to continue, although consider the uncertainty surrounding 'future mitigation actions' to be unacceptable. The level of capital expenditure required to meet the 10 year plan without assurance of future compliance for hill country farmers is prohibitive and counter productive. It is considered that if best practice is being adopted, then future certainty should be provided.
54. It is considered that the threshold stocking rate applicable to the permitted activity rule 3.11.5.2 within the plan should be the commonly accepted definition of 'intensive farming' of 18 stock units per hectare as opposed to 6.
55. HCFG consider that the determination of low discharging activities is ambiguous given the reliance on OVERSEER to quantify this, which has a high margin of uncertainty and relies solely on Nitrogen discharges. It is considered that a sub-catchment approach, considering all four contaminants equally is preferable.

Resolution sought:

56. Remove reference to the requirement for future change from Policy 4.

Policy 5: Staged approach/Te Kaupapa Here 5: He huarahi wāwāhi

Recognise that achieving the water quality attribute targets set out in Table 11-1 will need to be staged over 80 years, to minimise social disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens

57. HCFG support with clarification. The staged approach proposed does not minimise social disruption or allow for innovation on hill country farms due to the significant compliance and mitigation costs being imposed. It is considered that the ability to utilise the Farm Environment Plan to adopt mitigation strategies for critical source areas, as opposed to blanket fencing in areas that are not practical to fence, would assist in achieving this policy.

Policy 6: Restricting land use change/Te Kaupapa Here 6: Te here i te panonitanga ā-whakamahinga whenua

Except as provided for in Policy 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens will generally not be granted.

Land use change consent applications that demonstrate clear and enduring decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens will generally be granted.

58. HCFG oppose Policy 6. Restricting land use change on a broad scale across the Waikato and Waipa catchments will result in land being incapable of reasonable use and an inability of land owners/occupiers to respond to market demands. Land use flexibility is key to running sustainable business operations. Furthermore, businesses responsible for the production of primary products, especially food, must be able to respond to the demands of an increasing population. It is considered that where Stage 1 targets are met, as required by Table 3.11-1, each sub-catchment should have the flexibility to manage finite resources accordingly.

Resolution sought:

59. Delete policy 6

Policy 7: Preparing for allocation in the future/Te Kaupapa Here 7: Kia takatū ki ngā tohanga hei ngā tau e heke mai ana

During Stage 1, work collaboratively with relevant stakeholders to develop a sub-catchment management approach to manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens that will be required by subsequent regional plans, by implementing the policies and methods in this chapter. To assist this process, collect information and undertake research to support this, including collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges, and researching the spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchment that will assist in defining 'land suitability' for allocation.

Any future Allocation should consider the following principles:

- a. *Land suitability*
which reflects the biophysical and climate properties, the risk of contaminant discharges from that land, and the sensitivity of the receiving water body, as a starting point (i.e. where the effect on the land and receiving waters will be the same, like land is treated the same for the purposes of allocation); and
- b. *Allowance for flexibility of development of tangata whenua ancestral land; and*
- c. *Minimise social disruption and costs in the transition to the 'land suitability' approach; and*
- d. *Future allocation decisions should take advantage of new data and knowledge.*

60. HCFG do not support future allocation, amendments highlighted in red above. HCFG believe that allocation on a sub-catchment basis should be considered in PC1. All sub-catchments are

different. Land suitability is fundamental to the process of managing diffuse discharges and has not been considered within this Plan Change.

Resolution sought:

61. Amend Policy 7 as set out above

Policy 8: Prioritised implementation/Te Kaupapa Here 8: Te raupapa o te whakatinanatanga

Prioritise the management of land and water resources by implementing Policies 2, 3 and 9, and in accordance with the prioritisation of areas set out in Table 3.11-2. Priority areas include:

- a. Sub-catchments where there is a greater gap between the water quality targets in Objective 1 (Table 3.11-1) and current water quality; and*
- b. Lakes Freshwater Management Units; and*
- c. Whangamarino Wetland.*

In addition to the priority sub-catchments listed in Table 3.11-2, the 75th percentile nitrogen leaching value dischargers will also be prioritised for Farm Environment Plans.

62. HCFG support Policy 8. It is however, considered that each sub-catchment requires a plan that should be based on current and specific data to enable targets to be meaningful. This plan should consider all four contaminants and identify those that require improvement across the sub-catchment. Tailored farm plans can then cumulatively act to improve the water quality in each sub-catchment.

IMPLEMENTATION METHODS

3.11.4.3 Farm Environment Plans

63. HCFG support the use of Farm Environment Plans to ensure that appropriate on farm practices are adhered to and that mitigation strategies (particularly for critical source areas on hill country farms) are identified and adopted.

64. We question the definition of a certified farm environment planner being too prescriptive and resulting in a shortage of suitably qualified professionals available to undertake the required assessments. By Waikato Regional Councils own calculations there will be approximately 10,000 enterprises required to register within the catchments, of these 5000 will require a Nitrogen Reference Point, and of these, the majority will also require a Farm Environment Plan (with the exception of those considered to meet Rule 3.11.5.2). It is anticipated that 2000 of the 5000 will be required to submit these within 6 months of 1 July 2020.

65. The Farm Environment plan requirements are difficult to interpret on the ground (refer BakerAG report, 2016; Federated Farmers report, 2016) and hill country farming systems add additional complexities, particularly with regard to slope and fencing requirements, that to date have not been adequately clarified within Schedule 1 or Schedule C. Nobody knows how to manage the

hill country like the hill country farmers. As an alternative approach, we suggest that farmers should be able to work with our industry body to be accredited to develop their own Farm Environment Plans based upon a common template that can then be submitted to council with a resource consent application.

Resolution sought:

66. Provide clarification on slope and fencing requirements on hill country where topography is variable across paddocks and adjoining watercourses.
67. Broaden Certified Farm Environment Planner to encompass experience as a qualification and to ensure that enough planners are
68. available to meet demand.
69. Enable landowner accreditation to allow those that wish to and can meet particular criteria as set by their industry body and Waikato Regional Council to develop their own Farm Environment Plans.

3.11.4.4 Lakes and Whangamarino Wetland

70. HCFG support this method although believe it cannot be achieved unless pest fish are addressed. Koi Carp are a key driver of sediment loadings in many parts of Waikato, and yet are not included in the strategies and specific targets to achieve improved water quality.

Resolution sought:

71. Amend methods and targets to also specifically include management of Koi carp.

3.11.4.12 Support research and dissemination of best practice guidelines to reduce diffuse discharges

72. HCFG support this method. It is considered that Waikato Regional Council should prioritise farmer education. Enabling farmer on their own farms will promote the adoption of best management practices without the reliance and associated costs of regular engagement of professional consultants. This initiative could be run through the relevant industry bodies responsible for administering industry guidance/standards.

Resolution sought:

73. Amend method to include reference to landowner/occupier education and support in applying best practice guidance.

RULES

3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu

Rule 3.11.5.1 - Permitted Activity Rule – Small and Low Intensity farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:

- 1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and*
- 2. 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; and*

Either:

- 3. The property area is less than or equal to 4.1 hectares; and*
- 4. The farming activities do not form part of an enterprise being undertaken on more than one property; or*

Where the property area is greater than 4.1 hectares:

- 5. For grazed land, the stocking rate of the land is less than 6 stock units per hectare; and*
- 6. No arable cropping occurs; and*
- 7. The farming activities do not form part of an enterprise being undertaken on more than one property.*

74. Support with amendments, highlighted in red above. As stated, the proposed amendments to the National Policy Statement for Freshwater Management 2014 (NPS-FM) require stock exclusion on slopes up to 15 degrees as of 1 July 2022 and only require fencing of waterways above 15 degrees, where break feeding is occurring. HCFG support this approach and seek that PC1 is amended to reflect the same requirements.

75. Clarification is also being sought on what constitutes slope on land where topography is varied and portions of the slope are both under and over the 15 degree threshold. This is currently subject to interpretation and difficult to implement.

76. Resolution sought: Amend rule 3.11.5.1 as set out above

Rule 3.11.5.2 - Permitted Activity Rule – Other farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than 6 and less than 18 stock units per hectare as at 30 June 2016 or is used for arable cropping, is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

2. 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 and Conditions 3(e) and 4(e) of this Rule; and

3. Where the property area is less than or equal to 20 hectares:

a. The farming activities do not form part of an enterprise being undertaken on more than one property; and

b. Where the land is:

i. ~~used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or~~

ii. not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016; and

c. Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and

d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and

e. Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).

4. Where the property or enterprise area is greater than 20 hectares:

a. ~~A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and b. The diffuse discharge of nitrogen from the property or enterprise does not exceed either:~~

i. ~~the Nitrogen Reference Point; or ii. 15kg nitrogen/hectare/year; whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B; and~~

c. No part of the property or enterprise over 15 25 degrees slope is cultivated or grazed unless effects of diffuse discharges can be mitigated; and

d. No winter forage crops are grazed in situ; and

e. Where the property or enterprise contains any of the water bodies listed in Schedule C:

i. There shall be no cultivation within 5 metres of the bed of the water body unless effects of diffuse discharges can be mitigated; and

ii. *New fences installed after 22 October 2016 for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and*

5. *For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:*

- a. *Annual stock numbers; and*
- b. *Annual fertiliser use; and*
- c. *Annual brought in animal feed.*

77. Support with amendments as highlighted in red above. The stocking rate applicable to the permitted activity rule 3.11.5.2 within the plan should be aligned with the commonly accepted definition of intensive farming and adjusted to a maximum of 18 stock units per hectare.

78. Using the date of 22 October 2016 is non-sensical in determining a stock number cap. Stock numbers should be considered on the overall stocking rate at 30 June 2016 which would indicate the optimal carrying capacity of the land in winter conditions, aligning with good management practices.

79. It is considered that grazing and cultivation should be allowed on slopes over 15 degrees and mitigations can be addressed within the Farm Environment Plan to appropriately manage any effects particularly if occurring over 25 degrees.

80. It is also considered that cultivation should be enabled on slopes up to 25 degrees with appropriate mitigations in place.

81. Resolution sought: amend rule 3.11.5.2 as set out above

Rule 3.11.5.3 - Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme

Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where the land use is registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

~~*2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and*~~

3. 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; and

4. The Certified Industry Scheme meets the criteria set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and

5. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner or approved landowner, is provided to the Waikato Regional Council as follows:

~~a. By 1 July 2020 for properties or enterprises within Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~

~~b. By 1 July 2023 for properties or enterprises within Priority 2 sub-catchments listed in Table 3.11-2;~~

~~c. By 1 July 2026 for properties or enterprises within Priority 3 sub-catchments listed in Table 3.11-2; and~~

6. The use of land shall be undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan; and

7. The Farm Environment Plan provided under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan; and

8. A copy of the Farm Environment Plan amended in accordance with condition (7) shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.

82. HCFG oppose the use of a Nitrogen Reference Point (NRP) as this is effectively 'Grandparenting'. Restricting farms to a Nitrogen Reference Point effectively rewards those that have historically been higher emitters of Nitrogen, while disadvantaging those that have historically adopted low intensity and/or good management practices to reduce their emissions. This is completely contradictory to the intention of the Waikato River Authority Vision and Strategy (V&S) and does not instill the behavioural and farming changes required to meet its objectives. Consequently, this has many unintended outcomes including capital devaluation, increased risk profiles with banks, loss of growth and succession planning, loss of innovation.

Resolution sought:

83. We seek that the NRP is removed from the plan and that the plan adopts a sub-catchment approach addressing all four contaminants equally and specifically for each sub-catchment. Specific requirements can then be translated into farm specific targets addressed within the Farm Environment Plan.

Rule 3.11.5.4 - Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme

Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where that land use is not registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity until:

~~1. 1 January 2020 for properties or enterprises in Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~

2. 1 January 2023 for properties or enterprises in Priority 2 sub-catchments listed in Table 3.11-2;

3. 1 January 2026 for properties or enterprises in Priority 3 sub-catchments listed in Table 3.11-2;
Subject to the following conditions:

~~4. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
5. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and After the dates set out in 1), 2) and 3) above the use of land shall be a controlled activity (requiring resource consent), subject to the following standards and terms:~~

~~a. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner or approved landowner, and is provided to the Waikato Regional Council at the time the resource consent application is lodged by the dates specified in I-III below; and b. The property is registered with the Waikato Regional Council in conformance with Schedule A; and c. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and is provided to the Waikato Regional Council at the time the resource consent application is lodged; and d. 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.~~

84. HCFG support with amendments, indicated in red above.

85. Firstly the use of the NRP should be removed from the plan. The NRP is derived using OVERSEER which is considered to be an imprecise tool for regulatory purposes. This introduces a margin of uncertainty that poses difficulty in deriving a specific nitrogen target. In addition, the NRP effectively grandfathers Nitrogen, as discussed under Rule 3.11.5.3. We also consider that landowners who have been deemed capable of developing an FEP should be able to do so under the guidance of their sector body. This report can still be submitted to Council for review and to enable appropriate conditioning of consent but would ensure that best practice mitigation strategies are adopted in a practical and timely fashion, given the variability of hill country farming systems and the potential shortage of suitable practitioners.

86. Resolution sought: amend rule 3.11.5.4 as set out above

3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua

Rule 3.11.5.7 - Non-Complying Activity Rule – Land Use Change

Notwithstanding any other rule in this Plan, any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

- 1. Woody vegetation to farming activities; or*
- 2. Any livestock grazing other than dairy farming to dairy farming; or*
- 3. Arable cropping to dairy farming; or*
- 4. Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5*

is a non-complying activity (requiring resource consent) until 1 July 2026.

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.

87. HCFG oppose Rule 3.11.5.7. Restricting land use change on a broad scale across the Waikato and Waipa catchments will result in land being incapable of reasonable use and an inability of land owners/occupiers to respond to market demands. Land use flexibility is key to running sustainable business operations. Furthermore, businesses responsible for the production of primary products, especially food, must be able to respond to the demands of an increasing population. It is considered that where Stage 1 targets are met, as required by Table 3.11-1, each sub-catchment should have the flexibility to manage finite resources accordingly and land use change should be permitted on this basis. Where a sub-catchment is considered to be a high priority and does not meet targets set out in Table 3.11-1, HCFG consider that a restricted discretionary activity consent should be utilised to manage change in land use and associated diffuse discharges within that sub-catchment.

Resolution sought:

88. Remove Non-Complying Land Use Change Rule from PC1.
89. Enable change in land use in sub-catchments that meet Table 3.11-1 attribute targets as a Permitted Activity.
90. Introduce a new Restricted Discretionary Activity consent to manage change in land use in high priority sub-catchments.

Schedule A - Registration with Waikato Regional Council/Te Āpitiwhanga A – Te rēhita me te Kaunihera ā-Rohe o Waikato

Properties with an area greater than 2 hectares (excluding urban properties) must be registered with the Waikato Regional Council in the following manner:

- 1. Registration must occur between 1 September 2018 and 31 March 2019.*
- 2. Registration information set out in clause 5, and where relevant in clause 6, below must be provided.*
- 3. Proof of registration must be provided to the Waikato Regional Council if requested by the Council.*
- 4. Registration information must be updated by the new owner of a property within 30 working days of the new owner taking possession of the property, or otherwise at the request of the Waikato Regional Council.*
- 5. All property owners must provide:*
 - a. The following information in respect of the land owner, and the person responsible for using the land (if different from the land owner):*
 - i. Full name.*
 - ii. Trading name (if applicable, where the owner is a company or other entity).*
 - iii. Full postal and email address.*
 - iv. Telephone contact details.*
 - b. Legal description of the property as per the certificate(s) of title.*
 - c. Physical address of the property.*
 - d. A description of the land use activity or activities undertaken on the property as at 22 October 2016, including the land area of each activity.*
 - e. The total land area of the property.*
 - f. Where the land is used for grazing, the stocking rate of animals grazed on the land.*
- 6. Properties that graze livestock must also provide a map showing:*
 - a. The location of:*
 - i. Property boundaries; and*
 - ii. Water bodies listed in Schedule C for stock exclusion within the property boundary and fences adjacent to those water bodies; and*
 - iii. Livestock crossing points over those water bodies and a description of any livestock crossing structures.*

91. HCFG support Schedule A, with deletion of point 6. The details in point 6 will, in required cases, be provided within the FEP.

Resolution sought:

92. Retain with amendments as above.

Schedule B – Nitrogen Reference Point

93. As previously stated within this submission HCFG oppose the use of a Nitrogen Reference Point, nor do we support the use of OVERSEER for regulatory purposes. A Nitrogen Reference Point (NRP) is effectively 'Grandparenting Nitrogen'. Restricting farms to a Nitrogen Reference Point effectively rewards those that have historically been higher emitters of Nitrogen (Grandparenting), while disadvantaging those that have historically adopted low intensity and/or good management practices to reduce their emissions. This is completely contradictory to the intention of the Waikato River Authority Vision and Strategy (V&S) and does not in-still the behavioural and farming changes required to meet its objectives. Consequently, this has many unintended outcomes including capital devaluation, increased risk profiles with banks, loss of growth and succession planning, loss of innovation.

Resolution sought:

94. Remove Schedule B from PC1.

Schedule C - Stock exclusion/Te Āpitiwhanga C – Te aukatinga o ngā kararehe

Except as provided by Exclusions I. and II., stock must be excluded from the water bodies listed in i. to iv. below as follows:

1. The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier formed by topography or vegetation.

2. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot ~~be within one metre of the~~ enter the bed of the water body (excluding constructed wetlands) in accordance with Schedule 1.

3. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure or where stock is moved in one continuous movement and this occurs less frequently than once per week.

4. For land use authorised under Rules 3.11.5.1 or 3.11.5.2, clauses 1 and 2 must be complied with:

a. By 1 July 2023 for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.

b. By 1 July 2026 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.

5. For land use authorised under Rules 3.11.5.3, 3.11.5.4 or 3.11.5.5, clauses 1 and 2 must be complied with by the date and in the manner specified in the property's or enterprise's Farm Environment Plan, which shall be within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.

Water bodies from which cattle, horses, deer and pigs must be excluded:

i. Any river that continually contains surface water and exceeds 1m wide at any point and is 30cm deep on average.

ii. Any drain that continually contains surface water exceeds 1m wide at any point and is 30cm deep on average.

iii. Any wetland, including a constructed wetland.

iv. Any lake.

Exclusions:

The following situations are excluded from clauses 1 and 2:

I. Areas with slopes exceeding 15 degrees and where no break feeding occurs

II. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.

III. Where the entry onto or passing across the bed of the water body is by a feral animal.

IV. Areas less than 15 degrees demonstrated to be in high flood zones and where fencing is impractical

95. HCFG support with amendments as indicated above in red. The amendments reflect alignment with the proposed amendments to the NPS-FM. The amendments also act to rectify conflicts between Schedule C and Schedule 1 as highlighted in point 2.

96. We consider that council have been unable to provide clarity surrounding the requirement for stock crossing structures. It is considered that the environmental and economic costs of installing numerous crossings in hill country streams have not been adequately considered. The installation of large multi-barrel crossings can have adverse effects on existing ecosystems, including fish, through transport blockages in the system, as can the temporary diversion of the stream often necessary during construction of larger crossings.

97. Clear guidance is sought in relation to what percentage of a stream section must be under 15 degrees to qualify for mandatory fencing. HCFG suggest 90% would be reasonable.

Resolution sought:

98. Align Schedule C with proposed amendments to NPS-FM

99. Provide consistent and clear guidance on interpretation, particularly in regard to stock-crossing requirements and slope interpretation

Schedule 1 - Requirements for Farm Environment Plans/Te Āpiti hanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu

A Farm Environment Plan shall be prepared in accordance with the requirements of A below. The Farm Environment Plan shall be certified as meeting the requirements of A by a Certified Farm Environment Planner or an approved landowner.

The Farm Environment Plan shall identify all sources of sediment, nitrogen, phosphorus and microbial pathogens, and identify actions, and timeframes for those actions to be completed, in order to reduce the diffuse discharges of these contaminants.

The Farm Environment Plan must clearly identify how specified minimum standards will be complied with.

The requirements set out in A apply to all Farm Environment Plans, including those prepared within a Certified Industry Scheme.

This schedule applies to all farming activities, but it is acknowledged that some provisions will not be relevant to every farming activity.

A. Farm Environment Plans shall contain as a minimum:

1. The property or enterprise details:

- (a) Full name, address and contact details (including email addresses and telephone numbers) of the person responsible for the property or enterprise.*
- (b) Trading name (if applicable, where the owner is a company or other entity).*
- (c) A list of land parcels which constitute the property or enterprise:*
 - (i) the physical address and ownership of each parcel of land (if different from the person responsible for the property or enterprise) and any relevant farm identifiers such as the dairy supply number, Agribase identification number, valuation reference; and*
 - (ii) The legal description of each parcel of land.*

2. An assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens associated with the farming activities on the property, and the priority of those identified risks, having regard to sub-catchment targets in Table 3.11-1 and the priority of lakes within the sub-catchment. As a minimum, the risk assessment shall include (where relevant to the particular land use):

- (a) A description of where and how stock shall be excluded from water bodies for stock exclusion including:*
 - (i) the provision of fencing and livestock crossing structures to achieve compliance with Schedule C; and*
 - ~~*(ii) for areas with a slope exceeding 25 o and where stream fencing is impracticable, the provision of alternative mitigation measures.*~~
- (b) A description of setbacks and riparian management, including:*
 - (i) The management of water body margins including how damage to the bed and margins of water bodies, and the direct input of contaminants will be avoided, and how riparian margin settling and filtering will be provided for; and*
 - (ii) Where practicable the provision of minimum grazing setbacks from water bodies for stock exclusion of 1 metre for land with a slope of less than 15 o and 3 metres for land between 15 o and 25 o where break feeding occurs ; and*
 - (iii) The provision of minimum cultivation setbacks of 5 metres unless effects of diffuse discharges can be mitigated.*
- (c) A description of the critical source areas from which sediment, nitrogen, phosphorus and microbial pathogens are lost, including:*
 - (i) the identification of intermittent waterways, overland flow paths and areas prone to flooding and ponding, and an assessment of opportunities to minimise losses from these areas through appropriate stocking policy, stock exclusion and/or measures to*

- detain floodwaters and settle out or otherwise remove sediment, nitrogen, phosphorus and microbial pathogens (e.g. detention bunds, sediment traps, natural and constructed wetlands); and*
- (ii) the identification of actively eroding areas, erosion prone areas, and areas of bare soil and appropriate measures for erosion and sediment control and re-vegetation; and*
 - (iii) an assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens from tracks and races and livestock crossing structures to waterways, and the identification of appropriate measures to minimise these discharges (e.g. cut-off drains, and shaping); and*
 - (iv) the identification of areas where effluent accumulates including yards, races, livestock crossing structures, underpasses, stock camps, and feed-out areas, and appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water; and*
 - (v) the identification of other 'hotspots' such as fertiliser, silage, compost, or effluent storage facilities, wash-water facilities, offal or refuse disposal pits, and feeding or stock holding areas, and the appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water.*
- (d) An assessment of appropriate land use and grazing management for specific areas on the farm in order to maintain and improve the physical and biological condition of soils and minimise the diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens to water bodies, including:*
- (i) matching land use to land capability; and*
 - (ii) identifying areas not suitable for grazing; and*
 - (iv) stocking policy to maintain soil condition and pasture cover; and*
 - (v) the appropriate location and management of winter forage crops; and*
 - (vi) suitable management practices for strip grazing.*
- ~~*(e) A description of nutrient management practices including a nutrient budget for the farm enterprise calculated using the model OVERSEER © in accordance with the OVERSEER © use protocols, or using any other model or method approved by the Chief Executive Officer of Waikato Regional Council.*~~
- (f) A description of cultivation management, including:*
- (i) The identification of slopes over 15 ° and how cultivation on them will be avoided; unless contaminant discharges to water bodies from that cultivation can be avoided mitigated; and*
 - (ii) How the adverse effects of cultivation on slopes of less than 15 ° will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by:*
 - (a) assessing where overland flows enters and exits the paddock in rainfall events; and*
 - (b) identifying appropriate measures to divert overland flows from entering the cultivated paddock; and*
 - (c) identifying measures to trap sediment leaving the cultivated paddock in overland flows; and*
 - (d) maintaining appropriate buffers between cultivated areas and water bodies (minimum 5m setback).*
 - (e) A description of collected animal effluent management including how the risks associated with the operation of effluent systems will be managed to minimise contaminant discharges to groundwater or surface water.*
 - (f) A description of freshwater irrigation management including how contaminant loss arising from the irrigation system to groundwater or surface water will be minimised.*

3. A spatial risk map(s) at a scale that clearly shows:

- (a) The boundaries of the property; and**
- (b) The locations of the main land uses that occur on the property; and**

- (c) *The locations of existing and future mitigation actions to manage contaminant diffuse discharges; and*
- (d) *Any relevant internal property boundaries that relate to risks and mitigation actions described in this plan; and*
- (e) *The location of continually flowing rivers, streams, and drains that exceed 1m wide and 30cm deep on average and permanent lakes, ponds and wetlands; and*
- (f) *The location of riparian vegetation and fences adjacent to water bodies; and*
- (g) *The location of critical source areas for contaminants, as identified in 2 (c) above.*

4. A description of the actions that will be undertaken in response to the risks identified in the risk assessment in 2 above (having regard to their relative priority) as well as where the mandatory time-bound actions will be undertaken, and when and to what standard they will be completed.

~~*5. A description of the following:*~~

- ~~*(a) Actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified; or*~~
- ~~*(b) Where the Nitrogen Reference Point exceeds the 75th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75th percentile nitrogen leaching value by 1 July 2026, except in the case of Rule 3.11.5.5.*~~

- 100. The proposed amendments to the National Policy Statement for Freshwater Management 2014 (NPS-FM) require stock exclusion on slopes up to 15 degrees as of 1 July 2022 and only require fencing of waterways above 15 degrees, where break feeding is occurring. HCFG support this approach and seek that PC1 is amended to reflect the same requirements. HCFG recommend focussing on the use of on farm and edge of field mitigation options to address critical source areas, as opposed to fencing all streams on these slopes which is impractical.
- 101. It is also noted that the proposed amendments to the NPS-FM allow for stock crossings to occur across a water body provided the stock are moved in one continuous movement, where this occurs less frequently than once per week. HCFG consider that PC1 should adopt the same principle.
- 102. Clear guidance is sought in relation to what percentage of a stream section must be under 15 degrees to qualify for mandatory fencing. HCFG suggest 90% is reasonable.
- 103. HCFG support the identification and mitigation of critical source areas on hill country farms.

Resolution sought:

- 104. Amend Schedule 1 as set out above
- 105. Align Schedule 1 with proposed amendments to NPS-FM
- 106. Provide consistent and clear guidance on interpretation, particularly in regard to stock-crossing requirements and slope interpretation

Conclusion

107. HCFG strongly supports the objective of improving water quality throughout the Waikato that underpins this Plan Change 1. However, we contend that such aspirations will only ever be achieved by implementing modified policies that are practical, equitable and affordable for those stakeholders with the largest share of Waikato's waterways flowing through their land - drystock farmers.

108. HCFG does not support the proposed PC1 because:

- 1) Those with the lightest environmental foot-prints are burdened with the heaviest costs
- 2) Broad pan-Waikato rules are applied which are completely inappropriate for some sub-catchments
- 3) Our community's concerns have been dismissed during policy development
- 4) Uncertainty prevails throughout, to the point that we are unable to gauge what be required of ourselves in the medium term and for our future generations in the longer term

We will never accept that improving our waterways and the viability of hill country farming in Waikato are mutually exclusive.

Instead we seek a more balanced and equitable Plan where real issues with hill country water are identified and acted upon, so that real gains in water quality can be achieved over time without damaging the vibrancy and viability of our hill country communities.

Signed:  -

David Short, Chairperson, Hill Country Farmers Group *(on behalf of our members)*