

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.

We wish to be heard in support of this submission.

Thank you for the opportunity to submit on the Waikato Regional Council's proposed Plan Change 1.

My husband Andrew and I farm at Mahoenui in the West Coast catchment.

- *We have a 640 ha effective sheep and beef farming operation and the family have been farming in this district for 55 years. We have been farming in partnership on this property for 25 years.*
- *We run perendale sheep and an angus cow breeding herd with a sheep cattle ratio of 60/40 which we are slowly increasing towards the cattle side to improve the financial viability of our business.*
- *We have spent years developing our land by clearing gorse, fencing and putting in an extensive water reticulation system and we wish to continue making our farming system as productive as possible while still managing the natural resources in a sustainable manner*
- *Our family have long been involved with looking after the ecosystem and it's wildlife with Andrew's father involved with Fish and Game council for many years.*
- *We have as time and money allowed fenced off waterways, planted wetlands and trees for shade/shelter.*
- *We have an LEP and have contracted to do certain riparian and erosion control work offered in a recent Hill Country Erosion Funding Initiative with the WRC and MPI.*
- *In addition to this an in depth farm plan was commissioned and we now have our farm's soil; topography; waterways, wetlands, bush, slope all mapped along with a list of priorities for water ways fencing, bush conservation and retirement areas which complements our LEP.*
- *We highly value our land and we manage it in the best way possible in order to preserve its integrity and unique attributes.*

The provisions of the proposal that this submission relates to and the decisions it seeks from Waikato Regional Council are listed below. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is meant '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.

Vision and Strategy

Provision: Vision and strategy: “ Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who in turn are all responsible for restoring and protecting the health and well being of the Waikato River and all it embraces for generations to come “. **Objective 1**

We support this because

- “Waikato and Waipa rivers are degraded and require amongst other things restoration and protection.... The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length”
- Water quality needs to be improved in those areas where it is polluted because of its wide ranging significance and life force to all those who depend upon it.
- Water is a vital source of life for everyone and its care needs to be undertaken by everyone
- Clean water is a precious finite resource that needs careful management

Relief sought

We seek that this provision is retained.

Provision: Vision and Strategy: *This plan seeks to reinstate the Waikato River back to a water quality found in 1863’... ‘a target of ‘swimming and gathering of food 365 days of the year’ and ” ...This is a staged ‘plan’ that is reliant upon ‘technologies not found yet’ ... ‘develop approaches outside the rules framework’*

(Objective 1, Objective 4, Policy 4 and table 3.11-1) and any consequential amendments arising from this submission point’

We oppose this in part because;

- This plan sets a completely unrealistic illogical target which by its nature cannot be taken seriously. It aspires to achieve a water quality from a time when there were no recordings of water quality data and a population a fraction of the size of today. It is full of inconsistencies and assumptions which are not backed up by scientific data.
- A good plan needs to set out the objectives rationally, objectively, and realistically as a way forward and then spell out clearly and accurately how this is to be achieved.
- This ‘plan’ as currently proposed fails to give effect to the ‘Vision and Strategy for the Waikato River and it should not have been put out in the public arena for us (the public)

to try and make it work - that is the WRC's job and they have failed in their duty.

- The plan includes numerical targets/limits in table 3.11-1 are not achievable even under pristine conditions (such as the E.coli numbers which apply irrespective of flow and during flood events).
- A proposal plan that only had 50% support from the council itself should have been a very clear indication that it was not appropriate (chairperson could have exercised caution with casting vote rather than expediency).
- The withdrawal of the lower section of the Waikato River further exacerbates this lack of clarity because there is no way for the water quality targets can be met when it does not address the whole Waikato River catchment nor does it give us any idea what new outcomes may come of this.

Relief sought

We seek that the provision is amended using a more realistic target and information based on scientific fact. The plan should include methods including rules now which achieve the Vision and Strategy for the Waikato River and which provide communities with clear guidance on how this is to be achieved and over what timeframes. Table 3.11-1 should be amended so that numerical targets/ limits are set which are achievable using current technologies, and appropriate for the types of water bodies and catchments which are being considered by PC1, which provide for the life supporting capacity of these water bodies. The E.Coli numerical target/limit in table 3.11-1 should be amended in particular so that it provides for primary contact recreation during periods when full emersion activities are undertaken, and not during high flow events, or following such events.

The whole of the Waikato Waipa catchment needs to be considered and planned for as a whole so negotiations need to be finalised first with the Hauraki iwi before a proposal is released.

Provision: Vision and Strategy *“Our vision for a future where a healthy Waikato River sustains abundant life and prosperous communities ...”*

Objectives 2 and 4 and any consequential amendments arising from this submission point'

We support with amendments that we should be able to achieve improved water quality of our rivers as well as enable 'prosperous communities ' to continue to grow and thrive and that the 'economic social and cultural well being' should be maintained. This should be a staged approach which enables communities to “undertake adaptive management to continue to provide for their social economic and cultural wellbeing in the short term...”

- However, the plan as currently proposed fails to achieve this outcome. Methods including rules provide no certainty for farming into the future (after the first 10 years), and therefore fail to provide a foundation by which investment decisions can be made in relation to environmental mitigation and changes in farm systems and management.
- The costs of meeting some of the regulatory requirements including excluding stock from water bodies through permanent fencing and up to 25 degrees slope, and application of

the nitrogen reference point to restrict discharges above historic rates regardless of effect, will mean significant and crippling costs for farming within the region.

- The benefits will be for everyone but the costs to achieve this are only spread over a small number of ratepayers making this an inequitable solution.
- This will have definite flow on effects for small and large communities that depend upon farmers for purchase of goods and services in the region leading to business and community organisation closures and increased drift from rural areas to towns and cities.

Relief sought

We seek that this provision be retained and that the rules (3.11.5.1-3.11.5.7) are amended to meet this requirement and to ensure that we can continue to farm in a secure and sustainable way i.e. by practicing good farm management while balancing responsible environmental stewardship with financial viability. This can be achieved by targeting specific polluters using a sub catchment management approach and formulating a realistic achievable water quality target founded on scientific data. This in turn would give us some certainty for our farming futures and encourage the investment of the environmental mitigations proposed. The timing of these changes need to be more gradual in order to allow individuals and communities time to adapt in order to avoid economic hardship.

Stock exclusion

Provision: Objective 2, Policy 2, Schedule C and Rules 3.11.5.1 - 3.11.5.4 and any consequential amendments arising from these submission points;

We oppose these provisions because:

- The definition of ‘any river or drain containing surface water’ is not clear in its meaning nor is it scientifically justified to warrant fencing off from stock.
- They do not meet the objective 2 in this plan ‘ that the social , economic and cultural well being is maintained’ as this provision will cause financial hardship right across our sheep and beef sector with the effects flowing directly on to the small towns and communities who depend upon us for their livelihoods.
- It creates uncertainty regarding the future of farming in this region because of the nature of a 10 year plan - what happens after this? Will all our mitigations be relevant at that point or will they be a waste of time energy and money?
- Fencing off to 25 degrees has no scientific basis and cannot be justified. It is an unnecessary measure to fence stock out of these steeper areas because of the associated lower stocking rates which do not cause the pressure on the waterways
- It will be financially impossible to fence off these waterways to 25 degrees and provide water reticulation in extensive farming system because our incomes will not support such expenditure from our limited annual incomes. e.g. costs to fence over 10 kms on our farm would cost \$75000 plus water reticulation in those steep paddocks of \$30000.
- Banking institutions will be reluctant support the loan/overdraft necessary to implement

this fencing/water infrastructure within the short time frame given because it could be seen as detrimental to the long term viability of the farming business.

- Certain extensive situations preclude the opportunity of a reticulated water system both physically and economically which would necessitate removing cattle from this class of land and the subsequent loss of income and pasture quality would not allow for the economic farming of sheep solely.
- There are other mitigations that can be used to prevent degradation of waterways and each farming system can use good management practice to control contaminants entering the waterway in its own sub catchment.
- It will create weed issues requiring chemical intervention along waterways which will be impractical considering the extent of these areas and the likelihood of chemicals entering the waterways. Time and costs will be high to maintain these areas.

Relief sought

We seek that the provision is amended to follow the new guidelines for fencing from the National Policy Statement Freshwater Management. Which states that drystock cattle are excluded from permanently flowing water bodies on the flat (0 – 3 degrees slope), but only from permanently flowing water bodies where they are greater than 1m wide on land between 3 and 15 degrees slope. There are no requirements to exclude cattle through permanent fencing on land above 15 degrees slope. Along with fencing or the use of alternate management practices to ensure cattle are managed away from water bodies this can include but is not limited to provision of alternate water and shade e.g. trees and other stock management practices. This would be phased in over a 10 year time frame with financial assistance from both the regional and central governments.

This should be further supported by;

- sound scientific data justifying this fencing
- an individual farm LEP identifying fencing options as practicable.

Land use change restrictions

Provision: Objective 2 and 4; Policy 6 and 16 and Rule 3.11.5.7 and any consequential amendments arising from these submission points':

We oppose this because

- It has been introduced to belatedly 'rectify' the inability of the WRC to curb the massive intensification of dairy farming which has brought us to this poor level of water quality
- It is entirely inequitable and reprehensible to restrict all farms in this 'sledge hammer' regional approach to what should be a case by case resource consent process decided on the basis of its own merits relating to its own sub catchment and unique property characteristics.
- It removes any flexibility we have to move with the challenging economic times we face

so that we cannot adapt our stock classes in times of market changes or climatic adversity e.g. take on more dairy grazers to improve our cash flow or run more cattle instead of the more FE susceptible sheep.

- It does not give a certainty for the future of farming because what other drastic rules will be imposed after the first 10 years?
- It will cause a drop in land values and create difficulty in selling the farm businesses we have worked so hard to create because our land lacks ability to change its land use.
- It removes our right to farm our land to the best of its potential and implies that we are not sufficiently reliable/responsible/intelligent to manage it in an environmentally sustainable way.
- It does not meet the objective 2 in this plan 'to maintain the social, economic and cultural well being' and 'keep social disruption to a minimum' because it will create economic adversity and social disruption.
- It does not meet the objective 4 to manage these changes in a staged manner in order to foster community resilience as these restrictions will take longer to adapt due to our more complicated farming systems unlike the dairy sector with only one species and two stock classes to manage.
- The dairy sector have the complete advantage of being able to do what they like because they are already at the most flexible position on the restriction ladder so it will not affect them at all therefore enabling to continue in high intensity pollution practices.

Relief sought

We seek that these provisions are deleted in their entirety and replaced with provisions (Objective, policies, and rules) that address the specific issue of intensification of the dairy industry where large land areas are being deforested and replaced with large scale intensive dairy farms with stocking rates of >15 su/ha. Other farming operations should be considered on their merits i.e. on a discretionary basis under strict criteria on a sub catchment basis in order to achieve an equitable system while encouraging environmental best practise.

Farm Management Plans

Provisions: Policy 2, Implementation methods 3.11.4.3; schedule 1 and any consequential amendments arising from this submission point':

We support with amendments that a good farming practice approach is needed to improve and maintain our water quality as shown by:

- We are currently working towards LEP goals supported by in depth farm plan which identifies soil types, areas of erosion, topography and water ways. It provides us with a targeted approach to identify and manage environmental risk on our property in an independent and responsible manner.
- We consider that the B+LNZ Land Environment Plan is an appropriate example of good

management practice and that an educative approach is the only valid way to enable farmers to all adopt these management skills to achieve the necessary goals of mitigating contaminants from our waterways.

- The care of the land is vital to our sustainability and we value it highly.
- We are business owner-managers and do not require mandatory micromanaging by expensive consultants which would put further pressure on our financial viability.
- We want a practical workable document that is scientifically justified and tailored specifically to our farm which is a unique area of land.
- A non- regulatory approach to erosion and sediment control, riparian planting stock exclusion and wetland rehabilitation is a much better way to achieve 'buy in' from farmers and have communities working side by side to address this issue
- We currently work alongside experts for fertiliser application in order to use these products in an environmentally responsible manner.

Relief sought

We seek that the provision is amended as set out below:

- That we all follow an LEP after appropriate training and guidance is given and that it is developed alongside each industry type so that it reflects the differences of land use, farming systems and sub catchment requirements. These plans are non-regulatory and are based on factual information currently available.
- That these plans are reviewed every 5 years by a farm consultant in conjunction with the land owner in a voluntary manner with an incentive of rates reductions for compliance.
- **That Overseer is not used as a nutrient management tool** because it has not been designed and validated for use on hill country nor was it ever supposed to be used as a regulatory tool (source Dr Dave Houlbrooke Ruakura Science Team Leader Environmental Research
- That the information required by the WRC is kept to an absolute minimum and the private information supplied is stored in a secure and well maintained system.

Nitrogen Reference Point

Objectives 1 and 4, Policy 2 and 7, Rules 3.11.5.3 - 3.11.5.7 Schedule B, Schedule 1.5 (a) and any consequential amendments arising from this submission point':

We oppose these provisions because:

- It is a 'sledgehammer' approach to address a problem across all forms of farming whether or not they are high polluters of nitrogen.
- It should be a specific industry and sub catchment issue and those polluting should be made to improve their management to improve water quality in a greater way than those who are low N emitters e.g. dairy farming which uses high inputs of nitrogen and produce high outputs of nitrogen through intensification of stocking rates with female

cattle and intensive cropping operations.

- Those sheep and beef farmers who are farming in the middle of dairy farms and who have low N levels of contaminants are being penalised unfairly by this Nitrogen cap instead of being rewarded for their good stewardship of the land.
- OVERSEER is an inappropriate tool to use to determine the NRP in hill country because it lacks validation in this particular application. It has been developed for use on flat dairy land only and can have a 30% error rate. It needs careful use with allowances for error as a **management tool only**. OVERSEER is not a regulatory tool and it was never meant to be one. The information is based on what happens at grass root level only and does not provide information for the vados zone (which sits below this) nor the pathway into the water systems.
- There is a lack of investment to create accurate tools to measure nutrient loss in different farming applications and topography which needs to be addressed.
- Sheep and beef farmers on hill country especially historically have much lower output of nitrogen so they should not be included in this 'blanket approach' restriction.
- Restricting sheep and farmers to using less or equal to their nitrogen reference point removes the flexibility they need to farm sustainably from season to season adapting to changes in climate, market trends and technological advances .i.e. we will not be able to take on dairy grazers, increase our ratio of cattle to sheep or crop ground to provide summer safe grazing for our sheep in the facial eczema season.
- By managing our nitrogen outputs through our LEP's and training we can use the best methods to keep these low without a legislative cap being necessary.
- It will create unwelcome effects in other catchments as cattle will be sent out of the affected catchment (regulatory flight) thus creating a nitrogen pollution issue in receiving catchment and expediting the need to regulate in those areas next.
- It is 'grand parenting' as seen in the Lake Taupo catchment which did not work there as intended because it still enabled the nitrogen polluters to keep polluting. It forced the low emitters such as sheep and beef farmers out of business and into planting uneconomic forestry blocks and then the 'smart' dairy farmers hoovered up all the trading rights.
- It will devalue our land which will no longer desirable to invest in due to the low NRP.
- It provides no certainty with which to farm as the requirements to lower this point may become even more stringent in the future.
- It does not meet the objective 2 that 'social economic and cultural well being will be maintained' due to the economic hardship it will impose on the farmers as they lack their flexibility to adapt to changing times.
- It is a complicated system to adopt and implement for farmers and council alike requiring the use of expensive consultants as an ongoing and permanent cost to the business which cannot be justified.
- The WRC have not evaluated the full impact of this either in an economic sense for its own future regardless of the farmers as rate payers or the implications for the sustainability of the council itself i.e. no farmers = no rate payers= no WRC.

Relief sought

We seek that these provisions are deleted in their entirety and replaced with provisions which:

- Manage nitrogen to an output based standard only where nitrogen pollution is identified as a problem and only for higher leaching land use activities such intensive dairy production at >15 su/ha. Any rules should not lock in nitrogen calculations or set limits due to the inaccurate nature of determining the levels of nitrogen outputs because of external factor effects i.e. **not 'grand-parenting'**
- Use tools that are accurate to measure this nutrient specifically i.e. **not OVERSEER** and to implement plans to encourage investment in the development and use of such tools.
- Provide a balanced approach to achieve a high quality outcome and this requires consistent scientific research into water quality and the economic effects it will have on our communities. These problems have occurred over many years so it is very important **not to make this farming generation pay** the heavy and unfair price to rectify the mistakes of previous farmers and regional councils.
- By using good management practices (LEP) which examine soil types and topography we can then manage application of nutrients to be used for the best result and a greater level of 'buy in' from farmers will be achieved rather than a imposing an unfair/unjustified 'nitrogen cap'.
- Take the voluntary educative approach which has rewards such as reduction in rates for compliance which creates a more accepting positive environment and removes the need for expensive consultants as a cost saving measure i.e. be economically and environmentally sound at the same time!

Urban contribution

Provision 3.11.4.9 'managing the effects of urban development' and any consequential amendments arising from this submission point':

We support with amendments that urban communities must be included in the development of this plan in order to achieve water quality improvements. This rule is too vague in its intention and needs to be more clearly outlined with more detailed implementation details. This plan seeks to benefit all people but currently places almost entirely the weight and cost of implementing the restoration of the Waikato and Waipa river quality onto rural land owners. This is a huge and unrealistic burden to place on a small number of ratepayers which needs to be readdressed and spread across the entire region in order to be more equitable.

Relief sought

We seek that this provision is amended to include a more detail account of exactly how the

urban land owners will be contributing to the vision and strategy of this plan and how the costs of such a plan will be met in a more realistic and equitable manner.

- The development of Urban Environment Plans would enable urban dwellers to manage their properties in an appropriate environmentally sound manner and share the task of making our rivers healthy once again.
- These costs must be realistically achievable over the tenure of the plan and not just for the next 10 years if it is to be feasible. They must also be shared across the whole community in order to be equitable and feasible.

Implementation methods

Provisions 3.11.4 and any consequential amendments arising from this submission point':

We oppose the general intention of this implementation plan in its present form because it lacks the leadership necessary to provide a clear way forward to implement its objectives to restore water quality. This is shown by:

- The objectives and time frames are unrealistic, methods of implementation, monitoring and funding all lack clarity and detail. How are we going to achieve this?
- It must be clear, consistent and understandable by the people who will be using this plan and instead it is confusing to many.
- The lack of certainty and leadership are all reasons why the wider community have failed to buy in to PC1
- There has been an over regulatory approach in this plan which is counterproductive and demonstrated by the 'one rule fits all' approach with nitrogen reference points, restriction of land use change and dictatorial FEP and registration requirements.
- This plan relies on an abundance of skilled and experienced consultants to monitor and assess the information required by the regulations that is at present non-existing. There is no plan for the sourcing, training and funding of these people nor do they seem to have a direct relationship with the council but exist as independents that land owners are expected to pay for?
- Where are the financial plans to show how all the implementation of this plan is to be achieved over the 80 year time frame?

Relief sought

We seek that this provision is deleted in its entirety and rewritten to reflect a completely different philosophy to the one currently held by the WRC. There needs to be a systemic overhaul of this authority's culture to provide a non regulatory approach with a focus based upon on education and support in order to create a cooperative public to achieve desired water quality targets. The use of farm/urban environment plans being the main vehicles to

achieve this with further steps as follows:

- Working to achieve the greatest benefits in identified high priority sub catchments first and building up the required levels of staff, funding, resources and systems.
- Aim to achieve a high functioning relationship between all landowners (rural and urban) and the WRC which will foster a more conducive environment for acceptance and buy in. This is crucial for any good plan to succeed and improves the likelihood of achieving the targets set.
- Focus needs to be redirected to decentralise the WRC hub and to position field officers back into the smaller towns and communities making them more available to the land owners. They must be seen as part of the community and not restricted to the 'ivory tower' perception currently held.
- Focussing on a sub catchment approach will address the localised contaminant issues faced in that area and then sources/farm/urban management practices can be pinpointed to which land areas are contributing to this. Levels will need to be determined and a proactive approach to reducing these which may need to be regulatory if non compliance is an issue.
- Certain sectors have existing industry bodies which will carry a certified industry scheme and should be used to facilitate a coordinated approach with the WRC. Where there are no such industry bodies focus needs to be brought to encourage a sub catchment related group where everyone from the associated area can work together.
- It needs to involve everyone from the grass roots up with **everyone working together** in order to succeed in achieving the long term water quality targets that we all want.
