

# Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

SubForm	PC12016	COVER SHEET	
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		Submission Number	
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File Ref		Sheet 1 of	

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

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TRADE COMPETITION AND ADVERSE EFFECTS (select appropriate)	
<input checked="" type="checkbox"/>	I could not gain an advantage in trade competition through this submission.
<input checked="" type="checkbox"/>	I am directly affected by an effect of the subject matter of the submission that:
	(a) adversely effects the environment, and
	(b) does not relate to the trade competition or the effects of trade competition.
Delete entire paragraph if you could not gain an advantage in trade competition through this submission.	

Signed:   
JOHN DESMOND AUSTIN

Date: 7-3-2017



## **SUBMISSION POINTS**

**I own a large scale contracting business based on 39 ha of land at Te Mawhai**

**I employ over 60 people in my business and am responsible for cultivating 4000ha of land throughout the Waikato/Waipā region. My wife and I own 39 ha of land and lease another 1300 ha across 60 different blocks of land. These leases range in length from 8 months to 10 years. My business is built around sustainable agriculture. For a number of years I have used technologies like strip tillage and variable rate fertilising to ensure that we do as little damage to the environment as possible. I use leading agronomy experts to ensure that we use only the right amount of fertiliser to achieve yields commensurate with the class of land the crop is grown on.**

**I am in support of the general thrust of Plan Change 1 and the Vision and Strategy for the Waikato and Waipā Rivers. I am however particularly concerned about the following aspects of Plan Change 1 and the implications it may have for my property, my business and the economic wellbeing of the Waikato region. Specifically:**

- **The lack of clarity around lease land and how the intent of the Plan will actually work given the variation between lease blocks and the variation in time that leases run for,**
- **The timeframe and related to the cost and practicality of implementing the rules,**
- **The cost and practicality of developing a nitrogen reference point, and the timeframes for complying with the nitrogen reference point rules which are too short, given that OVERSEER is still being developed for the cropping sector,**
- **The effect that the nitrogen reference point will have on my business, the value of my land and my economic well-being,**
- **The costs, both cash and loss of opportunity, and the practicality of the rules for cultivation and setback width,**
- **The cost of developing and implementing a farm environment plan, and the implementation of the mitigations**

**I set out my concerns more specifically in the table below.**

Page No	Reference (e.g Policy or Rule number)	Support or Oppose	Decision sought	Reasons
42	<b>Rule 3.11.5.4</b> Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme	<b>OPPOSE in part</b>	Amend time frames for arable farms coming under controlled activities outlined in 3.11.5.4 as follows:  1 January 2023: All arable farms	As outlined in my submission on Schedule B and Nitrogen Reference Points below, there is still considerable work to be done on Overseer before there is confidence in the science community that it accurately measures N loss from cropping enterprises. Until this time, using Overseer to establish and NRP will be difficult. These issues should be largely overcome within a 6 year time frame.  As well as this, the potential costs for have a Nitrogen Reference point (NRP) and a Farm Environment Plan (FEP) was highlighted in a recent report commissioned by WRC and carried out by FAR. The cost of the report and then implementing the required mitigations was put at somewhere between \$60- \$100/ha. For our 1300 ha of lease land we will be looking at \$78,000-\$130,000. This would place a huge financial burden on my business. By spreading this over 6 years instead of 3, I would be less stretched financially
45	<b>Rule 3.11.5.7</b> Non-complying activity rule – Land Use change	<b>OPPOSE</b>	Remove this rule: Replace it with a rule that enables land-use change to occur with reference to established sub-catchment limits.  Land-use change for farming activities with contaminant losses below the catchment limit is a permitted activity so long as contaminant losses do not exceed the sub-catchment limit.	I am concerned that this rule is not practical because:  1. It is too heavy-handed to apply a land-change rule to the whole region. A more flexible approach which acknowledges differences between sub-catchments will prevent unnecessary cost and aggravation for both farmers and the council. 2. The rule as it is written prevents farmers from being able to capitalise on market opportunities in a timely manner. Opportunities could be lost because of the requirement and costs associated with the preparation and approval of consents for land use change.

			Land-use changes for farming activities with contaminant losses above the sub-catchment limit is a consented activity.	<p>3. Farm profitability will be constrained by the consent processes and the economic resilience of the region will decrease.</p> <p>4. The rule disregards the fact that many farmers lease land, some on a short term basis. As the leases change, so will the land-use and it will be difficult to establish whether land use intensification has occurred.</p>
47	<b>Schedule B Nitrogen Reference Point</b>	<b>OPPOSE in part</b>	<p>I submit that the time frames for the development of NRPs for mixed arable systems is extended until the development work for the OVERSEER crop module is completed.</p> <p>And</p> <p>that the rule be redeveloped to address the inequities that high and low NRP numbers will have on land values.</p> <p>I propose as a fairer approach; Waikato Regional Council develops sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways:</p> <p>Farms in the catchment with NRPs greater than the sub-catchment limit must endeavour to reduce their contaminant losses over time.</p>	<p>I am concerned about the level of accuracy in the calculation of NRP because:</p> <p>1. OVERSEER is not routinely used by the cropping sector. Most arable farmers have had no prior experience with OVERSEER budgets and many certified nutrient managers have had limited experience with modelling arable systems with both crops and stock.</p> <p>2. The Foundation for Arable Research, completed an independent review of OVERSEER in 2013. (<a href="https://www.far.org.nz/research/environment/overseer_review">https://www.far.org.nz/research/environment/overseer_review</a>). The panel of experts found that OVERSEER® is currently the best tool available for estimating long term, average nitrate leaching losses from the root zone across the diversity and complexity of farming systems in New Zealand, but that further work on the cropping model is needed to enhance confidence in the OVERSEER® estimates of nitrate leaching from arable farms. A subsequent work programme validating the nutrient loss numbers from OVERSEER with APSIM has been completed. Recommendations from these pieces of work have not yet been implemented into the OVERSEER crop module</p> <p>3. Attempts to model cropping systems in OVERSEER often deliver error messages preventing the nutrient reports from running. A number of “work-arounds” have been recommended by OVERSEER Ltd to manage these error messages. This moves</p>

			<p>Farms in the catchment with NRPs below the sub-catchment limit may continue any farming activity as long as their contaminant losses do not exceed the set limit as measured by annual nutrient budgets.</p>	<p>the modelled data away from the actual farm data, increases the time and cost to prepare an OVERSEER budget and reduces the level of confidence that the farmer has in the nutrient budget.</p> <p>4. Nitrogen loss numbers from OVERSEER with a low level of confidence are good to provide a rough estimation of the farm nitrogen loss but they should not be used to develop NRPs for compliance.</p> <p>I am also concerned that a low NRP number will impact on the land-value of my farm, the so-called “grand-parenting” effect. I feel that it is unfair that if my property which has been sustainably managed and as a result loses very few contaminants to water will be worth less to a potential buyer compared with a neighbouring farm which has been polluting. The reason for the lower value of my property as compared to the neighbour is because I have a lower NRP, opportunities for growth are less on my property compared to those of my high polluting neighbour.</p> <p>If the Waikato Regional Council develops sub-catchment limits based on the scientific measurement and monitoring of contaminant levels within the sub-catchment waterways, farmers and communities can develop targeted approaches to reducing contaminant levels. The focus is then on those catchments with bigger contaminant loads, with less attention on catchments where the loads are below a level of concern.</p> <p>This is a more equitable approach. It will not incur unnecessary constraints and costs on farmers and is likely to be viewed with greater respect than a blanket approach.</p>
			<p>Clarification of who owns the NRP and the related FEP for properties leased</p>	<p>The Plan is somewhat confusing when it comes to lease land. The question is where the responsibility for the NRP and the FEP on</p>

			<p>My proposal is that each property should have its own NRP and FEP rather than each enterprise</p>	<p>lease blocks actually lie when we see an aggregation of lease blocks into one enterprise. By being able to aggregate blocks, it may well mean that a farmer can use a block from a relatively uncontaminated subcatchment to balance bad practice in another catchment. The overall average NRP may be positive BUT it has been at the expense of a relatively clean sub catchment</p> <p>As well as this, many lease blocks will have multiple lessees within the timeframe of this Plan. It would be far simpler if the FEP and NRP was tied to a particular property as this would transcend the different management practices of different lessees and would more accurately reflect the needs of that sub catchment</p>
51	Schedule 1 Requirements for farm environment plans	OPPOSE in part	<p>Amend Schedule 1</p> <p>I support the requirement that a Farm Environment Plan shall be certified as meeting the requirements of Schedule A.</p> <p>As an addition to the Schedule 1, I submit that farmers should be able to develop their own plans, either on their own accord or as participants in FEP development workshops.</p> <p>Certification of the FEP can be achieved by having the plan reviewed by a Certified Farm Environment Planner. The review will include a farm visit and an assessment of the identified environmental risks for contaminant losses and the mitigation plan for these risks.</p>	<p>I support the requirement for farm environment plans, they provide an opportunity for farmers to understand the environmental risks on their farms and to develop mitigation strategies to reduce the impact of their farming activities on the environment.</p> <p>If farmers develop their own plans, consistency with the Schedule 1 can be achieved by a certification process whereby the plan is reviewed by a Certified Farm Environment Planner, and the review includes a farm visit and an assessment of the identified environmental risks for contaminant losses and the mitigation plan for these risks.</p> <p>The reasons for this additional provision is to:</p> <ol style="list-style-type: none"> <li>1. Reduce the cost of plan development. Consistency in the quality of the plans will be maintained by the review process.</li> <li>2. Reduce the level of dependence and likely pressure on Certified Farm Environmental planners for plan development.</li> </ol>

52	Schedule 1- Point (f)(i) A description of cultivation management.	<b>OPPOSE in part</b>	<p>I submit that Point (f)(i) is removed from Schedule 1.</p> <p>and point f is re-worded to read:</p> <p>(f) A description of cultivation management, including: How the adverse effects of cultivation will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by:</p> <p>Points (a), (b), (c) and (d)</p> <p>Points (e) and (f) do not apply to the risks associated with cultivation. I submit that these points are renumbered and removed from the cultivation clause.</p>	<p>I accept that sediment movement from cultivated land is an environmental risk. Soil losses also have a direct economic cost to the farm, however a rule preventing cultivation on slopes exceeding 15° is impractical because:</p> <ol style="list-style-type: none"> <li>1. The risk of contaminating water ways with sediments is more strongly related to the distance between the cultivated land and the receiving waterway than the slope of the land. In many instances sediments moving from cultivated land will not directly affect waterways.</li> <li>2. When considering the environmental risks associated with cultivation the farmer and the environmental consultant must consider the following characteristics of the cultivated land: slope, proximity to receiving water bodies, overland flows (point a), measures to divert overland flows (point b) and ways to trap sediment (point c). Only if there is a high risk of contaminants getting into waterways and no practical means of stopping them, should cultivation be avoided. This can be addressed in individual farm environment plans.</li> <li>3. The measurement of slope by farmers and consultants is difficult as slope is not consistent within the landscape. Within a paddock, slope will vary, and if the rule is to be upheld there will parts of the paddock which will need be left uncultivated. This poses a number of costs and management problems to the farmer, including: <ul style="list-style-type: none"> <li>• The lost opportunity cost of land taken out of production.</li> <li>• The requirement to find an alternative productive and efficient use for the land.</li> </ul> </li> <li>4. Implementation and enforcement of this rule will require detailed slope information such as LIDAR, for every Waikato farm.</li> </ol>
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51	Schedule 1-Points 2(b)(iii) and 2.(f)(ii)(d)-Setback Width	OPPOSE in part	<p>I submit that: points 2(b)(iii) and 2(f)(ii)(d) in Schedule 1 should be re-worded to read;</p> <p>2(b)(iii) - The provision of cultivation setbacks is designed to mitigate the environmental risk of contaminant losses.</p> <p>2(f)(ii)(d) - maintaining appropriate buffers between cultivated areas and water bodies.</p>	<p><b>Will WRC be able to supply this information to all farmers?</b></p> <p>A defined width for the setback of a minimum 5m is too prescriptive and will lead to a direct cost to the farm from the lost opportunity of land taken out of production and the ongoing maintenance of managing the vegetation in the set-back.</p> <p>Setbacks are important to reduce the risk of contaminants entering waterways but width should not prescribed in the rules. The design of setbacks to filter contaminants depends on a number of physical characteristics such as slope, soil type, overland flow paths and cultivation frequency and intensity.</p> <p>Effective setback design draws on proven scientific and engineering information, not regional rules.</p> <p>Environmental consultants developing mitigations in the farm plan process must design setbacks that are acceptable to the farmer. Setback width must be based on proven scientific evidence and must be the minimum width to effectively filter contaminants. Setbacks that are too wide have an ongoing economic loss for the farm relating to the area of land removed from production and costs associated with weed and riparian plant control.</p> <p>In the report to Waikato Federated Farmers Farm Environment plan project, with reference to farm 5, the opportunity cost from lost production from the development and maintenance of 5-metre buffer zones separating the drains from the crops was estimated to be \$100,000.</p> <p>On this farm the topography is flat and the farmer felt the width of setbacks was excessive given that the risk of sediment movement into the drain was low and the risk period for sediment losses between cultivation and significant crop cover was 1 month</p>
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