

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)

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Submission

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

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.

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8 March 2017

Signature

date

3. Thank you for the opportunity to submit on the Waikato Regional Council's Proposed Plan Change 1 (PC1).

My name is Mark Muir and I am the owner of a low input, diverse farming business in the Waiuku area. I own and lease a total of four farms that are a combination of dairy and beef fattening, but only one dairy farm, Coe Road farm, falls within the Waikato Regional Council's boundary. Coe Road farm is within the Awaroa Waiuku sub-catchment, which is within the priority sub-catchment 3 area.

The farm is a 276.8 hectare (ha) farm (254.8 effective ha) that carries 276 cows and two-year old heifers in the milking herd. Coe Road is a leased farm that was previously a run-down, dry stock farm, which I converted to a dairy farm in 2009; I lease this farm as bare land. My farm system is very low input, with very little slow-release fertiliser applied, a low stocking rate, only silage is cut and fed as supplement fed, with no feed pad, and no crops grown. I have kept it low input because it allows me to be flexible as the market and pay out changes. Also, it is better for my wellbeing, as well as my family's, and as a result it is better for the environment.

I recognise that I must be interested and involved in protecting and restoring the environment, and I have implemented this over the past few years.

On Coe Road farm there are two lakes: Lake Puketi is a large lake with a black sand floor, and Lake Rotoiti is a smaller lake that sits directly to the North of Lake Puketi. The two are connected via an underground channel. Over the last few years I have worked with the Waikato Regional Council to fence and plant native vegetation around the lakes.

I have also started planting native vegetation where land is consistently eroding. For example in paddock 32 on Coe Road farm there is a steep section that is constantly eroding and cows were slipping down this section and getting stuck under the fence. Therefore I opted to retire this bank and plant native vegetation to aid in erosion control and animal safety.

Also, a large wetland on the farm has been planted out with native vegetation.

Within the next five years, I would like to start planting more native vegetation and fence off a large swamp area that currently contains some native vegetation but no fencing.

Also in the next five years, I would like to improve the genetics of the dairy herd, via artificial breeding and pedigree cows, and better bull genetics for natural mating. This will improve my production without increasing my inputs i.e. fertiliser or supplement feed.

All of these management decisions, in turn, improves the quality of the environment, my community, and provides a playground for my four boys.

I feel with the low stocking rate, low input farm system, and a huge planting and fencing effort, I have protected and restored the environment. However, under PC1 none of this work is recognised, and, in-fact, puts me in a worse position. My land value will decrease because my Nitrogen Reference Point (NRP) will be lower, therefore land flexibility has been drastically reduced. I do not understand how I can be penalised by proposed PC1, after I have worked hard in the past to protect and restore the environment.

4. The table below are the details for the specific provisions of the proposal that this submission relates to and the decisions it seeks from Council. 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.

No.	Section number of the Proposed Plan Change 1	Support/ Oppose	Submission	Decision sought
3.11.2 Objectives				
4.1	Objective 1 Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit	Support with amendments	Support the intention of Objective 1. However, Objective 1: <ul style="list-style-type: none"> Does not consider all contaminant sources holistically Includes flood/high flow conditions in water quality target data which are considered outliers Does not take into consideration the variability associated with sub-catchments i.e. climate and soil type 	Retain the long-term restoration and protection of water quality for the Waikato and Waipa rivers. Amend PC1 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments, for example Koi Carp, point source discharges, and hydro-dams. Remove flood/high flow conditions from water quality target data. Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.
4.2	Objective 2 Social, economic and cultural wellbeing is maintained in the long term	Support with amendments	Support maintaining the long term social, economic and cultural wellbeing; this must be a foundation objective in PC1. However, PC1 is not achieving Objective 2 because: <ul style="list-style-type: none"> Outcomes from PC1 will highly alter my Waiuku business and community because they will be undermined through unsustainable and unjustified compliance 	Retain the maintenance of long-term social, economic and cultural wellbeing in the Waikato and Waipa catchment communities. Withdraw PC1 until the Hauraki Iwi area and the WRA's Vision and Strategy has been amended. Then conduct a section 32 analysis to investigate the revised impact PC1 could have on society and economy.

			<p>and mitigation costs, farm devaluation and Nitrogen Reference Point (NRP).</p> <ul style="list-style-type: none"> Waikato Regional Council (WRC) have stated they currently have no known means of robustly measuring social, economic or cultural wellbeing. 	<p>Amend rules in PC1 to remove NRP to align with intention of Objective 2.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored Farm Environment Plan (FEP) to align with intention of Objective 2.</p> <p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments to align with intention of Objective 2.</p> <p>Develop robust indicators to measure social, economic and cultural wellbeing.</p>
4.3	<p>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</p>	Support with amendments	<p>Support reducing the diffuse discharges in the short-term by 10%, of the overall long-term 80-year water quality targets.</p> <p>However, PC1 incentives high emitters - for example to maintain flexibility on my farm, and therefore my land value, I will need to keep my NRP as high as possible.</p> <p>To me, this is the opposite effect of what PC1 should achieve to improve the health and wellbeing of the Waikato and Waipa rivers.</p>	<p>Retain a 10% achievement of the long-term water quality targets set out in PC1 by 2026.</p> <p>Amend rules in PC1 to remove NRP.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
4.4	<p>Objective 4 People and community resilience</p>	Support with amendments	<p>Support people and community resilience – it must be a cornerstone objective in PC1.</p> <p>However, currently PC1 does not meet the requirements of Objective 4. The proposed rules undermine community resilience in the rural communities of the Waikato and Waipa catchments and will adversely impact on social and economic wellbeing in both the short term</p>	<p>Retain the staged approach.</p> <p>Amend rules in PC1 to remove NRP and land use change restriction.</p> <p>Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p>

			<p>and long term. The NRP, associated farm devaluation and loss of flexibility, coupled with substantial compliance and mitigation costs on many farms is unsustainable, as evidenced by case studies.</p> <p>Water quality already meets attribute targets in the majority of these sub-catchments. Despite this, no benefit is awarded to low emitters who may be forced off their land through unsustainable financial impacts imposed by PC1. This will in turn undermine the rural communities of the Waikato and Waipa catchments, as detailed in Objective 2.</p>	<p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
4.5	<p>Objective 5 Mana Tangata – protecting and restoring tangata whenua values</p>	<p>Support with amendments</p>	<p>Support protecting and restoring Tangata whenua values. Mana Tangata is important to New Zealand's culture, but it also needs the support of industries, markets, and communities (primary production). The Waikato region is an integrated community therefore co-management is the key, not run all primary sectors into the ground.</p>	<p>Retain the protection and restoration of Tangata Whenua values.</p> <p>Revise PC1 to acknowledge primary production as a core value to reflect Mana Tangata.</p>
3.11.3 Policy				
4.6	<p>Policy 1 Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens</p>	<p>Support with amendments</p>	<p>Support managing water quality on a sub-catchment basis because it considers soil suitability and climate conditions, it would also encourage land owner buy-in, and it would bring communities together.</p> <p>Support stock exclusion and provide education on appropriate mitigations where it is not practical or viable to fence.</p> <p>Support enabling low intensity land uses.</p> <p>Support moderate to high levels of</p>	<p>Retain managing diffuse discharges and water quality on a sub-catchment basis.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend rules in PC1 to reflect Policy 1 and 9.</p> <p>Amend Policy 1 in PC1 to state (changes are red):</p> <p>c. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes for areas with a slope less than 15</p>

			<p>contaminant discharges to reduce their discharges by appropriate mitigation strategies through a tailored FEP.</p> <p>However, the rules in PC1 do not reflect Policy 1 and 9.</p> <p>Oppose mandatory fencing in areas where slopes are over 15°. This requirement is unjustified, does not align with proposed amendments to the NPS-FM, and is financially unsustainable for the majority. It is considered that the increased erosion risk and sediment loading in waterbodies from constructing fences over 15°.</p>	<p>degrees and on those slopes exceeding 15 degrees where break feeding occurs.</p> <p>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.</p> <p>Require clarification on how slope is measured given the ranges of topography experienced within each paddock and adjoining watercourses.</p>
4.7	<p>Policy 2 Tailored approach to reducing diffuse discharges from farming activities</p>	Support with amendments	<p>Support a tailored, risk based FEP, allowing appropriate and tailored mitigations to reduce diffuse discharges.</p> <p>Support the reduction of diffuse discharges throughout all sub-catchments, however only where applicable i.e. if the sub-catchment is well below all attribute targets then maintenance would be appropriate.</p> <p>Oppose a NRP because there should not an uncertain, estimated number that governs land management based upon nitrogen only. My FEP will provide transparency and confidence to Waikato Regional Council, and the wider community, that my property is reducing, or maintaining where applicable, its diffuse discharges relative to all four contaminants.</p>	<p>Retain appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p> <p>Amend PC1 to reflect Policy 1 in adopting a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.</p> <p>Amend rules in PC1 to remove NRP.</p>
4.8	<p>Policy 6 Restricting land use</p>	Oppose	Oppose restricting land use change based on the type of land use, as it is a blunt tool.	Amend PC1 to state high priority sub-catchments, in relation to water quality, have a Restricted

	change		This Policy, and related rule (3.11.5.7), will inhibit growth and innovation within the Waikato region, and nationally because land owners are unable to adapt to market demands/changes. Land use flexibility is key to running sustainable business operations. Therefore, Policy 6 conflicts with Objective 2, 4, 5 and Policy 5 (add in an example). Where a sub-catchment is of high priority (in terms of water quality), land use change should be a restricted discretionary activity status. However, where a sub-catchment is of low priority, land use change should be a permitted activity.	Discretionary activity status. And low priority sub-catchments to have a Permitted activity status. Amend PC1 to adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment. Then enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP
4.9	Policy 8 Prioritised implementation	Support	Support prioritising sub-catchments and implementing at different stages.	Retain as proposed.
4.10	Policy 9 Sub-catchment (including edge of field) mitigation planning, co-ordination and funding	Support with amendments	Support managing water quality at a sub-catchment level. However, the rules in PC1 should give effect to this Policy and enable appropriate mitigation strategies through a tailored FEP.	Retain managing water quality on a sub-catchment level. Amend the rules in PC1 to reflect Policy 1 and 9. Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.
4.11	Policy 10/11/12/13 Provide for point source discharges of regional significance	Support with amendments	Support the consideration of point source discharges in the restoration and protection of the health and wellbeing of the Waikato River and its catchments. However, Policies 10, 11, 12 and 13 allow point source discharges to be: <ul style="list-style-type: none"> • Considered in terms of regional significance 	Retain the consideration of regional significance of point source discharges infrastructure and industry. Amend PC1 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments, including Koi Carp, point sources, and hydro-dams.

			<ul style="list-style-type: none"> Recognised to apply Best Practicable Options Able to spread mitigation costs over time to allow for a return in investment, and the magnitude of the investment is considered. <p>These points should also be extrapolated to include land users and owners.</p>	Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment.
4.12	Policy 14 Lakes Freshwater Management Units	Support	Support restoring and protecting lakes in 80 years through tailored plans.	Retain as proposed.
4.13	Policy 15 Whangamarino Wetland	Support with amendments	Support restoring the Whangamarino Wetland. However, I believe that all sources influencing the water quality of the wetland should be considered and remediated in collaboration, not just one source.	Retain restoring the Whangamarino Wetland. Amend Policy 15 to be holistic and include all sources influencing the health and wellbeing of the Waikato River and its catchments especially pest fish species, in relation to sub-catchment management.
4.14	Policy 16 Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land	Support with amendments	Support flexibility for development of Māori land. However, there is no rule in PC1 to reflect this Policy (16). Additionally, under PC1 all property owners and enterprises have restricted flexibility. This in turn reduces the social, economic and cultural benefits for everybody because the surrounding rural communities are compromised.	Retain flexibility for development of Māori land. Amend PC1 to include a rule to reflect Policy 16. Consider a similar flexibility for all property owners and enterprises.
4.15	Policy 17 Considering the wider context of the Vision and Strategy	Support with amendments	Support applying policies and methods based on the Vision and Strategy. However, the WRA's Vision and Strategy is currently under review, therefore PC1 may end up inadequately reflecting the Vision and Strategy.	Retain applying policies and methods based on the Vision and Strategy. Withdraw PC1 until the Hauraki Iwi area and the WRA's Vision and Strategy has been amended.

3.11.5 Rules				
4.16	3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme	Support with amendments	<p>Support a tailored, risk based Farm Environment Plan to reduce diffuse discharges.</p> <p>Support a Certified Industry Scheme.</p> <p>Support stock exclusion and provide education on appropriate mitigations where it is not practical or viable to fence.</p> <p>Oppose a NRP because there should not a number that controls my ability to manage my land. My FEP will provide a risk based mitigation plan to reduce all my diffuse discharges. Additionally, the 2014/2015 and 2015/2016 financial years occur when the payout was low, therefore my on-farm inputs were lower. This is not a true representation of the past use of land.</p> <p>Also, Overseer is the only available tool for me to generate my NRP, but it was never designed as a regulatory tool; only as a great management tool.</p> <p>Require clarification around stock exclusion. 3.11.5.3 refers to Schedule C and Schedule 1, both have stock exclusion requirements. Schedule C states the buffer is one-meter, and Schedule 1 the buffer is based on slope.</p>	<p>Retain FEP, Certified Industry Scheme, and stock exclusion where practical.</p> <p>Amend rule in PC1 to remove NRP.</p> <p>Amend rule in PC1 to: 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.</p> <p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p> <p>Provide clarification around stock exclusion requirements i.e. setback buffers and where to measure setback from on undulating land.</p> <p>Provide clarification around how long a FEP will be viable for.</p>
4.17	3.11.5.7 Non-Complying Activity Rule – Land Use Change	Oppose	<p>Oppose non-complying activity status because:</p> <ul style="list-style-type: none"> • Unaffordable to land owners wanting to increase their land area, rather than intensify • Eventually end up costing the consumer 	<p>Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.</p> <p>Reduce activity status to Restricted Discretionary</p>

			<p>due to limited food availability</p> <ul style="list-style-type: none"> • Limits flexibility, therefore growth innovation, and reduces land value • Jeopardises my business, family and community success and growth • Transfers wealth based on high emissions and/or high NRP i.e. a dairy farm with a high NRP will have a higher land value compared to a dairy farm with a low NRP • Removes, to a degree, property rights • Adds stress to my life, my family's life, and my community's life • Overall will largely affect the local, regional and national economy. <p>Any good, successful business needs to be versatile to achieve long-term success.</p> <p>Overall this rule undermines Objective 2, 4, 5 and Policy 1, 2, 5 and 9.</p>	<p>for high priority sub-catchments, in relation to water quality, and limit discretion to the management of the diffuse discharges of the four contaminants.</p> <p>Reduce activity status to Permitted for low priority sub-catchments, in relation to water quality.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>
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