

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.



7 March 2017

Signature

date

3. Thank you for the opportunity to submit on the Waikato Regional Council's Proposed Plan Change 1 (PC1). I, Peter Buckley, have lived here all my life (65 years), and I bought into the partnership with my father and mother in 1974. In 1976, Judi (my wife) and I bought the farm from the partnership. My father moved to Island Block in 1929, the Buckley family have lived and dairy farmed here for 88 years. I live in the Lake Waikare and Whangamarino catchment and within the Island Block Drainage District. In 1966, part of the farm that was in the Whangamarino Wetland was drained.

When we purchased the farm, it was milking 264 cows and took 7 hours a day to milk. My father taught his children to ask, what is happening? And, is there a better way of doing things? Therefore, the question was, is this the best use of my time milking for 7 hours a day? The answer was no. So, I sold all the cows that had problems, associated with health and age, which reduced our milking herd to 180 cows. Production then was measured in butter fat, and went from 25,000 lb to 32,000 lb. We now milk 200 cows on 67 effective hectares, down from 80 effective hectares, and we changed the breed to Kiwi Cross from Friesian. Kiwi Cross are lighter than Friesians and therefore impact less on soil structure and encourage soil conservation. We have increased production but reduced pasture and soil damage when wet. The outcome from reducing the stocking rate, but improving breeding value, decreased our animal expenditure i.e. feed bills and vet bills. Through implementing good management practice the environment benefited, while my business viability was not compromised.

From having 80 effective hectares in 2000, to now having 67 effective hectares, our production is now 82,500 kg MS up from 72,000 kg MS. We now send the heifers off farm to graze, and the calves are grazed at home until Christmas then taken to our 10.5 effective hectare runoff block. We also send half the cows to the runoff block for a period in the winter.

We have 3 soil types: Loamy peat, Peat and Clay. We understand the properties of these soils, and use each of these soils when appropriate through the seasons.

To manage the farm more effectively, I increased the subdivision making the paddocks an average size of 1.3 hectares. All drains and waterbodies are fenced, which was done to improve time management, management of the farm and for animal health issues. But the greatest improvement from this management tool was, again, to the environment.

We need to manage water levels because of the deep peat soils on the farm. They are 30 meters deep and need to be managed differently compared to other soils. The benefit of managing water levels is the peat shrinkage has gone, therefore we are now able to grow more grass. Also, we never clean out the whole length of the drains at once because we want to slow down the runoff. Therefore, the lower areas don't flood, and in the event of a flood, it floods the higher levels first then the lower areas. By letting the higher areas flood the sediment settles here. We did all this because it saved me money, but the outcome again was the environment.

We haven't renovated our pasture since 1981, and still have grasses that were here when my father farmed. The pasture renovation was on the peat flats, but since we have managed the water levels, we have not had any peat shrinkage because we can still run the

hay mower over them. If we had shrinkage, then the stumps/timber would come up as there is stumps/timber right through the peat. From not renovating there is no loss of carbon and the top soil is growing but the greatest benefit again was to the environment.

In 1992, we under took to rewater the farm by putting in a 50mm main line and 25mm laterals and put 2 to 3 troughs in each paddock, and re-raced the farm. By doing this, the cows used to take an hour and half to get the cowshed, but now they are there in half an hour from the furthest paddock. We put in the 2 to 3 troughs to take the water to the cows, not the cows to the water. Hence if you are break feeding, the cows they can get water without walking back over the area that has already been grazed, so reducing soil compaction. Again, the intention was cow health, but the environment greatly benefited.

In the early 1980's, we started planting trees on the farm for shelter belts and shade trees for the cows. We planted on the north side of the drains so they shaded the drains to inhibit growth in them, therefore we didn't have to mechanically clean them. Additionally, the intrinsic value has increased and this has increased our GV.

In the 1980's, I joined Federated Farmers and went up through the ranks to become President of Waikato Federated Farmers. Through this organisation, I could see that water quality was going to be an issue that the farming sector was going to have to address. So, in the 1990's, we began enhancing a section of the Whangamarino Wetland, that water from our drainage district discharged into. I did this because I wanted to see the wetland enhanced, for what the bird life looked like afterwards, and I was understanding that wetlands had a function to treat water and provide habitats for wildfowl. In 1999, we won the Waikato Environment Award and the Auckland and Waikato Fish and Game Wildlife Enhancement Award.

In the early 2000's, I was looking at ways to treat the water that was coming off the catchment into the drainage district. I went to the University of Waikato and asked them what size of wetland was needed to treat over 1,000 hectares of catchment. They informed me that I needed a minimum wetland size of 4.5 hectares, so I looked at options to design/fund/build this wetland. In 2008, the Quarry opposite the farm (now Winstone's Quarry) came and asked if they could develop a wetland as a back stop if they had a break down in their treatment system. So, an extractive industry and dairy industry came together to build a wetland to treat all the water off both catchment's; we started this project in 2009. Over the next 5 years, we built the wetland by using the overburden to build embankments using 4.5 hectare of my farm for the wetland. We retired this area from the productive area of the farm to build this wetland. The depth of water is 300 mm and flows over a kilometre in length. The creek that flows through the Quarry and the water that is pumped out from Island Block Drainage District, both goes through the constructed wetland. When it exits the constructed wetland to the Whangamarino Wetland all the nutrients have been taken out, but *E. coli* is still present in the form of Avian *E. coli*. I have had the water monitored and will present this as evidence. We have also planted the wetland area with over 32,000 native plants. The cost of building this wetland has cost over \$850,000. In 2015, we won the Waikato Farm Environment Award, Waikato River Authority "Catchment Improvement Award" and the PGG Wrightson "Land and Life Award".

The Quarry won the MINCO Award from the extractive sector for looking after the environment by working in partnership with a dairy farmer to build a constructed wetland to treat water.

We use all the tools available to limit the nutrients that are applied to the farm. For example, by spreading our effluent from the cowshed over the whole farm, and from doing all the improvements as state above, our nitrate leaching, as calculated by OVERSEER, is 15 kg N/ha/year and our Olsen P is 32.

Everything we have done on our farm we have looked at based on an economic return, and as a result the social effect and the environment have both improved. The work done, planting trees and building the wetland has added intrinsic value to the farm. We get a lot of pleasure from walking through the wetland, looking at bird life and this is all a part of the what makes the environment.

We have done all this without having a plan and there is no recognition in PC1 for any good work famers have done previously.

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. Oppose the attribute targets set in Table 3.11-1. The attribute targets are too prescriptive and should align with the National Policy Statement for Freshwater Management (NPS-FM) and Waikato River Authority's (WRA) Vision and Strategy. 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"> The section 32 analysis is incomplete due to the withdrawal of the Hauraki iwi area. Inadequate social modelling conducted 	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.

			<ul style="list-style-type: none"> Outcomes from PC1 will highly alter my Lake Waikere and Whangamarino Catchment business and community because they will be undermined through unsustainable and unjustified compliance and mitigation costs, farm devaluation and Nitrogen Reference Point (NRP). 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	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	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, there is a lack of scientific data to support PC1 to achieve Objective 3. For example, PC1 incentives high emitters - to maintain flexibility on my farm, and therefore my land value, I will need to keep my NRP as close to my highest nitrate leaching average. 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	Objective 4 People and community resilience	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</p>	<p>Retain the staged approach.</p> <p>Amend rules in PC1 to remove NRP and land use change restriction.</p>

			<p>catchments and will adversely impact on social and economic wellbeing in both the short term 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>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>
4.5	Objective 5 Mana Tangata – protecting and restoring tangata whenua values	Support with amendments	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.	Revise PC1 to acknowledge primary production as a core value to reflect Mana Tangata.
4.6	Objective 6 Whangamarino Wetland	Support	The Whangamarino Wetland should be restored.	Retain as proposed
3.11.3 Policy				
4.7	Policy 1 Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Support with amendments	<p>Support managing water quality on a sub-catchment basis because it considers soil suitability and climate conditions.</p> <p>Support stock exclusion, however only where it is practical to do so, and is relative to water quality benefit gains.</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>Support enabling low intensity land uses.</p> <p>Support moderate to high levels of 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>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 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>
4.8	<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</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>

			maintaining where applicable, its diffuse discharges relative to all four contaminants.	
4.9	Policy 4 Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future	Support	Support enabling low intensity land uses. However, I 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 counterproductive. If best practice is being adopted, then future certainty should be provided.	Retain provisions allowing for low intensity land uses to continue and establish. Remove any signalling of future mitigation action requirements from Policy 4 in PC1
4.10	Policy 5 Stage approach	Support with amendments	Support the realisation that water quality cannot be achieved overnight. However, I believe adopting a sub-catchment management approach and enabling appropriate on-farm mitigations based on risk, could lead to restoring and protecting the health and wellbeing of the Waikato and Waipa rivers. There is little scientific evidence that PC1 will reduce diffuse discharges to achieve the long-term water quality targets.	Retain the staged approach. Adopt a sub-catchment management approach to ensure collaborative and fair management of resources within each sub-catchment. Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.
4.11	Policy 6 Restricting land use change	Oppose	Oppose restricting land use change based on the type of land use, as it is a blunt tool. This Policy, and related rule (3.11.5.7), will inhibit growth and innovation within the Waikato region, and nationally because I am 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.	Reduce activity status from non-complying to permitted for land use change. 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.

			Land use change should be a permitted activity.	
4.12	Policy 8 Prioritised implementation	Support	Support prioritising sub-catchments and implementing at different stages.	Retain as proposed.
4.13	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.
4.14	Policy 14 Lakes Freshwater Management Units	Support	Support restoring and protecting lakes in 80 years through tailored plans.	Retain as proposed.
4.15	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 Whangamarino wetland and its catchments especially pest species, in relation to sub-catchment management.
4.16	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.
3.11.4 Implementation Methods				
4.17	3.11.4.1 Working with others	Support	Support working with stakeholders to ensure PC1 is implemented effectively.	Retain as proposed.
4.18	3.11.4.2	Support	Support that I can opt into a Certified Industry Scheme to help me manage my operation to	Retain as proposed.

	Certified Industry Scheme		the highest environmental standard, while considering my social, cultural, and economic impacts.	
4.19	3.11.4.3 Farm Environment Plans	Support with amendments	<p>Support a tailored, risk based FEP for my business to improve, or maintain where applicable, my environmental standard in a desired time-frame negotiated between my Farm Environmental Planner and myself.</p> <p>However, I understand there could be a shortage of Certified Farm Environment Planners. As an alternative, I suggest that land users who have adequate experience and capabilities should be able to work with an approved industry or scheme, run by WRC, to be accredited to develop their own FEP based upon a common template.</p>	<p>Retain a tailored, risk based FEP.</p> <p>Enable land users who have adequate experience and capabilities should be able to work with an approved industry or scheme, run by WRC, to be accredited to develop their own FEP based upon a common template.</p>
4.20	3.11.4.4 Lakes and Whangamarino Wetland	Support with amendments	<p>Support WRC working with others to gain knowledge and information around lakes and the Whangamarino wetland.</p> <p>Support 3.11.4.4 (d) "work towards managing the presence of pest weeds and fish in the shallow lakes and connected lowland rivers area, including Whangamarino Wetland".</p> <p>However, there are no policies, objectives or rules in PC1 that recognise this point. It should also be extended to the Waikato and Waipa rivers and their catchments, not just shallow lakes and connected lowland rivers area.</p>	<p>Retain working with others in relation to lakes and Whangamarino Wetland.</p> <p>Retain managing pest weeds and fish.</p> <p>Amend PC1 to include the management of pest weeds and fish in the policies, objectives and rules in the Waikato and Waipa Catchments.</p>
4.21	3.11.4.5 Sub-catchment scale planning	Support with amendments	Fully support managing diffuse discharges and water quality on a sub-catchment level.	<p>Retain managing diffuse discharges and water quality on a sub-catchment level.</p> <p>Amend PC1 to reflect this method in the rules.</p>

			However, this method is not reflected in the rules of PC1.	
4.22	3.11.4.6 Funding and implementation	Support	Support WRC providing resources and leadership to implement PC1. Support securing funding for implementation of PC1.	Retain as proposed.
4.23	3.11.4.9 Managing the effects of urban development	Support	Support managing the effects of urban development.	Retain as proposed.
4.24	3.11.4.12 Support research and dissemination of best practice guidelines to reduce diffuse discharges	Support	Support implementing best practice guideline to reduce diffuse discharges.	Retain as proposed.
3.11.5 Rules				
4.25	3.11.5.3 Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme	Support with amendments	Support a tailored, risk based Farm Environment Plan to reduce diffuse discharges. Support a Certified Industry Scheme Support stock exclusion, however only where it is practical to do so, and is relative to water quality benefit gains. Oppose a NRP because there should not a number that controls my ability to manage my land in the way I see fit. 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	Retain FEP, Certified Industry Scheme, and stock exclusion where practical. Amend rule in PC1 to remove NRP. 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. Address contaminants on a sub-catchment basis, to enable targeting of the highest omitting sub-catchments.

			<p>were lower. This is not a true representation of the past use of land. 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>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> <p>Provide clarification around stock exclusion requirements i.e. setback buffers and where to measure setback from on undulating land.</p>
4.26	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 due to limited food availability • Limits flexibility, therefore growth and innovation, and reduces land value • Jeopardises my business, family and sharemilkers success and growth • Transfers wealth based on high emissions and/or high NRP i.e. a dairy farm with a high NRP is likely to have a higher land value compared to a dairy farm with a low NRP - my farm will have 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>Overall this rule undermines Objective 2, 4, 5 and Policy 1, 2, 5 and 9.</p>	<p>Reduce activity status to Permitted.</p> <p>Enable appropriate mitigation strategies to be adopted in the context of water quality gains to be made, through a tailored FEP.</p>