

# 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	

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

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

SUBMISSIONS CAN BE	
<b>Mailed to</b>	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
<b>Delivered to</b>	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
<b>Faxed to</b>	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
<b>Emailed to</b>	<a href="mailto:healthyrivers@waikatoregion.govt.nz">healthyrivers@waikatoregion.govt.nz</a> <i>Please Note: Submissions received by email must contain full contact details. We also request you send us a signed original by post or courier.</i>
<b>Online at</b>	<a href="http://www.waikatoregion.govt.nz/healthyrivers">www.waikatoregion.govt.nz/healthyrivers</a>
<b>We need to receive your submission by 5pm, 8 March 2017.</b>	

YOUR NAME AND CONTACT DETAILS		
Full name: Trustees of Highfield Deer Park		
Full address: 60 Townsend Road, Parawera (Waipa District)		
Email: <a href="mailto:kelly002@slingshot.co.nz">kelly002@slingshot.co.nz</a>	Phone: 0220991599	Fax

ADDRESS FOR SERVICE OF SUBMITTER		
Full name: Kelly Nicolson (on behalf of Highfield Deer Park)		
Address for service of person making submission: 8 Wymer Terrace, Chartwell, Hamilton 3210		
Email: <a href="mailto:kelly002@slingshot.co.nz">kelly002@slingshot.co.nz</a>	Phone: 0220991599	Fax

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>

I could not gain an advantage in trade competition through this submission.

**THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO**

*Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1 (continue on separate sheet(s) if necessary.)*

See attachment 1 for specific submission points

**I SUPPORT OR OPPOSE THE ABOVE PROVISION/S**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

**MY SUBMISSION IS THAT**

*Tell us the reasons why you support or oppose or wish to have the specific provisions amended. (Please continue on separate sheet(s) if necessary.)*

See attachment 1 containing specific submission points

**I SEEK THE FOLLOWING DECISION BY COUNCIL**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Accept the above provision
- Accept the above provision with amendments as outlined below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

See attachment 1 for specific submission points

**PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION**

I wish to speak at the hearing in support of my submissions.

**JOINT SUBMISSIONS**

- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

**IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW**

✓ - Yes, I have attached extra sheets.	
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**SIGNATURE OF SUBMITTER**  
*(or person authorised to sign on behalf of submitter)*  
*A signature is not required if you make your submission by electronic means.*

Signature: K G Nicolson	Date: 07/03/2017
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Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

## Attachment 1

Waikato Regional Plan Change 1  
Submission  
Highfield Deer Park  
60 Townsend Road, Parawera  
Waipa District

Highfield Deer Park is within the upper Waipa River catchment, within sub-catchment 40 and priority ranking 2. Please accept this 8 page document as our submission to Plan Change 1.

The trustees at Highfield Deer Park (the Trustees) support the Proposed Waikato Regional Plan Change 1 (PC1) in part, and opposes PC1 in part. The Trustees support the general principles contained within PC1 and recognise:

1. that the Waikato Regional Council is required to give effect to the Vision and Strategy/Te Ture Whaimana for the Waikato and Waipa Rivers and that this is to be broadly achieved through methods in the Waikato Regional Plan that regulate landuse;
2. the importance of sustainably managing the quality of our freshwater resource, as required under section 5 of the Resource Management Act 1991 (RMA);
3. that the sustainable management of freshwater provides for not only the health and wellbeing of current and future generations of people but also the health of ecosystems;
4. that everyone must work together to improve the quality of our freshwater resource that has been degraded by both diffuse and point source discharge of contaminants.

The Trustees support PC1 in so far as it:

- Provides for an adaptive management approach;
- Provides for a planning framework that targets and proposes to regulate some of the land use practices that have an adverse impact on water quality;
- Provides for Farm Environmental Plans which make provision to mitigate the environmental effects of land management practices based on site specific information.

The Trustees do not support PC1 in so far as it:

- Does not give landowners and land managers certainty with regards to the implementation of the proposed new planning framework and its implications on the financial viability of individual farming units within the catchment;
- Does not recognise and attribute benefits to landowners that have already established more sustainable land management practices;
- Unfairly allocates the financial burden and restricts future land use opportunities through the grandparenting of land uses and nitrogen reference points;

- Advocates for nutrient management at a sub-catchment level but imposes inequitable restrictions on nutrient discharge based on previous land use practices at a property level;
- Has the potential to incentivise the continuation of unsustainable land uses that will not achieve sustainable environmental outcomes in the district;
- Will set up a major monitoring burden for the Waikato Regional Council that ultimately will need to be paid for by all rate payers;
- Is not supported by the farming community as a whole. 'Buy in' is required if the anticipated contaminant reductions and water quality targets are to be met;
- Relies on the use of Overseer to disseminate property level data which has scope for a significant margin of error;
- Does not provide a robust s32 analysis of the financial burden to land owners or the effects on the regional economy.

The Trustees request changes to PC1 to provide a planning framework that:

- is easy to understand and therefore easy to implement and is achievable; effective; inequitable (i.e. does not impose a significant financial burden to some land owners while other continue largely unaffected);
- provides for individual approaches to both stock exclusion and nitrogen management rather than the blanket regulatory approach as proposed;
- is initially based on identifying water quality and contamination issues and land use capability at a sub-catchment level and then establishes a sub-catchment profile;
- identifies issues with land management practices at an individual property level and then tailors the management of those issues by regulating individual farm management practices with a focus on achieving sub-catchment water quality targets;
- does not effectively lock up farming system typologies through such methods as the non-complying landuse change rule, which will dis-incentivise changes to potentially less contaminating farming systems;
- does not use fixed nitrogen reference points that reward high polluters while penalising low polluting land use systems;
- is consistent with the NPS for Freshwater Management;
- recognises the added financial burden to achieve compliance in all areas and provides financial support for fencing of water bodies;
- is supported by land owners and land managers of all farming systems to ensure 'buy in' and ultimately success of anticipated water quality targets;
- supports private land owners and land managers who may endure financial hardship;
- provides for non-regulatory methods that support the farming community with information and resources relating to innovation and new practices that assist with mitigation.

OBJECTIVES	Support/Oppose and with reasons	RELIEF SOUGHT
Objective 2  Social, economic and cultural wellbeing is maintained in the long term	Support This objective recognises the need for people and communities to provide for their social, economic and cultural well-being.	Retain
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	Oppose in part The reason for the objective acknowledges that water quality improvements may not be measurable in the water in 10 years. If this is the case then the targets listed in Table 3.11-1 may not be met	Amend objective to - acknowledge that the short term goals are may not be measurable within the 10 year timeframe. Consider amending timeframes in Table 3.11-1 to a more realistic date.
Objective 4  People and community resilience	Oppose in part  This intent of this objective is difficult to understand. Clarity will be required.  Clause a. is not clear in its intent and it's not clear how it relates to the first statement.  The reasons are also inconsistent with the objective.	Amend objective and reasons to resolve lack of clarity

PROVISIONS	Support/Oppose and with reasons	RELIEF SOUGHT
Policy 1  Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Support in part  Appropriate contaminant discharge levels should be determined based on a sub-catchment profile. The profile should identify acceptable levels of contamination based on individual sub-catchment contamination attributes and issues. The appropriate level of contamination discharge should be averaged out and equitably allocated across all properties in each sub-catchment. High level polluters will be required to reduce overall discharge, while low level polluters may have the opportunity to marginally increase discharge to a level not beyond the sub catchment average.  Nitrogen reference points should be determined during the	Amend policy 1(a) to state  <i>Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not exceed the sub-catchment average;</i>  Amend policy 1(b) to state  <i>Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharge to the sub-catchment average;</i>

	<p>preparation of Farm Environmental Plans but should not be fixed. The information should be used to inform the sub-catchment profile.</p> <p>Methods to reduce discharge to sub-catchment average or opportunities to increase discharge should be based on the sub-catchment profile that determines acceptable levels of contamination. Individual reduction or increases can be established through the preparation of Farm Environmental Plans and based on site specific attributes. Best practice farming methods should be supported.</p> <p>Consider that the proposed policy 1(a) may be in breach of Section 85(2) RMA.</p>	
<p>Policy 2</p> <p>Tailored approach to reducing diffuse discharge from farming activities</p>	<p>Support in part</p> <p>Determine nitrogen reference points during preparation of Farm Environmental Plans and then tailor discharge based on all farms in the sub-catchment meeting sub-catchment average appropriate discharge levels and individual farm attributes and mitigation methods.</p> <p>Fencing to exclude stock should be based on site specific attributes and should give exceptions to high country farms with challenging terrain.</p> <p>Affordability of fencing within the allocated deadline should be investigated further.</p>	<p>Further investigation required into the affordability and achievability of fencing for stock exclusion within the required timeframe stated in Policy 2(e)</p>
<p>Policy 4</p> <p>Enabling activities with lower discharges to continue or to be established while signalling further change may be required in the future</p>	<p>Support in part</p> <p>There should be recognition of individual farms that may have a nitrogen reference point that excludes any further application of fertiliser. Some fertiliser may be required to ensure financial viability of the property for farming purposes.</p> <p>If this situation is not recognised and provided for then it is likely landowners/managers will not be</p>	<p>Amend policy to</p> <p>Acknowledge farming units with exceptionally low nitrogen reference points (based on 2014 to 2016 data) and to allow for some increase in nitrogen leaching based on a sub-catchment average allowable discharge.</p>

	willing to comply with a fixed nitrogen reference point and water quality targets will not be achieved.	
Policy 6 Restricting land use change	Oppose in part  This policy attempts to predetermine resource consent outcomes while not offering any guidance to resource consent planners assessing proposals. The policy could be separated into two policies and some guidance for the basis, on which a resource consent might be declined or approved, should be provided within each policy.	Redraft into two separate policies and offer more clarity and guidance for the basis on which an application for consent might be declined or approved.
Policy 7 Preparing for allocation in the future	Oppose in part  First part reads like an explanation.  Support 7(c) as this allows individual land suitability to be taken into account based on an individual property's attributes, productive potential, susceptibility to contamination loss, climatic conditions etc  Land suitability criteria should also take into account changes to landuse practices that may undermine the financial viability of a farming unit.	Redraft policy to amend first paragraph and to incorporate land suitability criteria into the policy.  Consider the addition of an exception to the criteria where outcomes may undermine the financial viability of a farming unit.
Policy 9 Sub-catchment mitigation planning, co-ordination and funding	Support in part  Include reference to engagement with all stakeholders including territorial authorities	Amend clause (a) to include reference to territorial authorities as a stakeholder
Policy 10 Provide for point source discharges of regional significance	Support in part  Define the term 'regionally significant industry' and 'regionally significant infrastructure'. Could refer to definitions in the WRPS.	Amend to include definitions or reference to WRPS definitions.

METHOD	Support/Oppose and with reasons	RELEIF SOUGHT
3.11.4.5 Sub-catchment scale planning	Support in part  Clause (a) should include reference to establishing a sub-catchment average contaminant	Amend clause (a) to include the establishment of a contaminant discharge average based on sub-catchment attributes,

	<p>discharge level based on sub-catchment attributes, contamination issues and potential for appropriate mitigation. This average can be applied across the all properties within the catchment as a benchmark for either contaminant discharge reductions or opportunities to increase where necessary.</p>	<p>contamination issues and potential for appropriate mitigation.</p>
<p>3.11.4.6 Funding and Implementation</p>	<p>Support</p> <p>Support method on the basis that funding includes financial support for land owners and land managers that may not be able to meet obligations due to financial hardship.</p>	
<p>3.11.4.7 Information needs to support future allocations</p>	<p>Support in part</p> <p>This method should apply to the first phase of regulation of diffuse discharge and be adjusted based on new information and innovation for future discharges.</p> <p>While we recognise that the information base has not yet been established yet. Nitrogen reference points should be based on an appropriate sub-catchment average contaminant discharge level while more in-depth information is being collected.</p>	
<p>3.11.5.2 Permitted activity rule – Other farming activities</p>	<p>Support in part</p> <p>It is the Trustees preference that any reference to a 'fixed' nitrogen reference point is removed from the plan change and that further work be carried out to collect sub-catchment level data to inform appropriate levels of diffuse discharge from each property within each catchment. However, as a minimum, where the reference point is retained - on properties with a land area greater than 20ha, diffuse discharge of nitrogen should be at either the nitrogen reference point or 15kg nitrogen/ per hectare/ per year. Reference to 'whichever is the lesser, over the whole property</p>	<p>Amend method 3.11.5.2.4(b)(ii) to remove last sentence.</p> <p>Delete method 3.11.5.2.4(c)</p> <p>Amend 3.11.5.2.4(c)(ii) to be consistent with the fencing requirements under Schedule C (2)</p> <p>Permit grazing and / or cultivation on land greater than 15 degrees where fencing requirements have been met and measure put in place to mitigate</p>

	<p>or enterprise when assessed in accordance with Schedule B' should be removed.</p> <p>Clause (c) is onerous and unfairly disadvantages hill country (generally) dry stock farmers.</p> <p>Grazing is on slopes greater than 15 degrees is not permitted but all water bodies on land steeper than 15 degrees must be fenced with a 3m setback. There should be no need for fencing water bodies if grazing or cultivation is not permitted.</p> <p>3.11.5.2.4(c)(ii) states that stock cannot be within 3m of the bed of the water body but Schedule C requires fences to be no less than 1m from the water body. This point needs clarification.</p>	nutrient and sediment runoff.
<p>Method 3.11.5.4</p> <p>Controlled Activity Rule – Farming activities with a Farm Environmental Plan not under a Certified Industry Scheme</p>	<p>Support in part</p> <p>This rule can disadvantage landowners / land managers by requiring resource consent to continue farming where a FMP has not been prepared under a certified industry scheme. There is general concern that there will not be enough industry certifiers by the deadline and that high numbers of resource consents will be required, adding to the potential mounting cost implications to land owners and land managers.</p>	Reconsider the requirement for the certified industry scheme until the industry is established.
<p>Method 3.11.5.7</p> <p>Non-complying Activity Rule – Land Use Change</p>	<p>Oppose</p> <p>This rule effectively provides for grand-parenting rights to existing landuses and disincentivises changes to farming systems with overall lower diffuse discharge. It also provides a financial advantage to some farming systems while others will potentially sustain heavy financial losses in land values.</p> <p>This rule may have unintended and counterproductive consequences.</p>	Reconsider activity status to discretionary

<b>Schedule A</b>	
	Support
<b>Schedule B</b>	
Clause c and d	<p>Oppose in part</p> <p>Further investigate the use of Overseer as an appropriate tool for calculating nitrogen loss. A more appropriate purpose built modelling tool should be developed.</p>
Clause e	<p>Oppose</p> <p>What is the process where there are not enough Certified Farm Nutrient Advisors available to landowners/ land managers to meet the 31 March 2019 deadline? Does the use of an uncertified advisor require a resource consent? If so this adds further to the financial burden already imposed on landowners/ land managers.</p>
Clause f	<p>Oppose</p> <p>The purpose of the nitrogen reference point is to fix nitrogen leaching on any given property at the levels that occurred in the specified years. This clause will unfairly disadvantage properties with exceptionally low nitrogen referencing points while allowing others to continue without any significant disruption. There is provision to exclude Maori Freehold Land from the fixed nitrogen reference point. There should also be consideration of some flexibility for properties with low nitrogen referencing points where this may make future farming operations on those properties unviable. In cases such as this the provision may be in breach of S85(2) RMA.</p>
<b>Schedule C</b>	
Clause 2	<p>Clarify what is meant by the 'stream bed'. The location will change seasonally so will be difficult in some situations to locate the nearest point of the stream bed. Add definition for 'stream bed' to reduce uncertainty.</p>
Clause 4	<p>Consider the affordability of meeting the fencing deadline. Some properties contain numerous significant water bodies and in the case of a deer farm, fencing is expensive. The deadline should allow for some extension of the deadline where financial hardship prevents compliance</p>
<b>Schedule I</b>	
2(b)(ii)	<p>Typo – the word 'lass' should be 'less'.</p> <p>Also why require minimum grazing setbacks on land greater than 15 degrees if grazing of that land is not permitted?</p>