

SUBMISSION TO
WAIKATO REGIONAL COUNCIL

ON THE PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 –
WAIKATO AND WAIPA RIVER CATCHMENTS

FROM WAIKATO DAIRY LEADERS GROUP

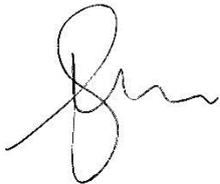
FINAL
28 February 2017

Waikato Dairy Leaders Group Submission on Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments

Full Name of Submitter	Waikato Dairy Leaders Group
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- I confirm that I am authorised on behalf of Waikato Dairy Leaders Group to make this submission.
- Waikato Dairy Leaders Group wishes to be heard in support of this submission.
- If other parties make similar submissions, Waikato Dairy Leaders Group would consider presenting a joint case with those parties at the hearing.
- Waikato Dairy Leaders Group will not gain a trade competition advantage through this submission. Waikato Dairy Leaders Group will be directly affected by adverse effects that will result if Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments becomes operative in its current form. These adverse effects do not relate to trade competition or the effects of trade competition.

Signed on behalf of Waikato Dairy Leaders Group



Barry Harris
Acting Chairman Waikato Dairy Leaders Group

1. Introduction

- 1.1 Waikato Dairy Leaders Group (referred to throughout as WDLG) acknowledges the excellent work that the Council and Waikato and Waipa River iwi have undertaken with the Collaborative Stakeholder Group to develop the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (the Plan Change).
- 1.2 Waikato Dairy Leaders Group is a body of persons representing the Dairy Industry operating in the Waikato Catchment, collaborating for the purposes of providing a single unified voice for dairy in the Plan Change process.¹ Members are dairy companies Tatua, Miraka, Open Country, Fonterra and DairyNZ and Federated Farmers (dairy section).
- 1.3 WDLG was formed to provide the Waikato Regional Council, its committees and the Collaborative Stakeholder Group, the necessary technical and other specialist input, including information and data, required to help inform the development of proposals that impact dairy farmers. The WDLG will also provide advice, leadership and support to dairy farmers during both the development and implementation phases of the Plan Change.
- 1.4 WDLG believes that there has been a thorough process to develop the Plan Change and looks forward to continuing to maintain a positive relationship with the Council.

2. Submission summary

WDLG supports the overall intent of the Plan Change and the need to protect our water.

WDLG notes that the last decade or so has seen dairy farmers stepping up to make changes on their farms.

WDLG sees the Plan Change as the first stage of achieving the Vision and Strategy for the Waikato and Waipa River Catchments where:

- a. A staged approach means that full achievement of the Plan Change objectives for water quality improvement is achieved in 2096, and
- b. The Plan Change is the first stage, which describes both long term and short term numerical water quality targets, and
- c. Actions are taken by all those contributing to the current state of water quality in the Waikato and Waipa Rivers and other waterbodies in the catchment, and
- d. That it is these actions that are used to assess progress toward the Collaborative Stakeholder Group's short term water quality goals, that have been written into the narrative aspects of Objective 3.

In our relief sought we have specified matters that we wish to see retained in the Plan Change.

3. Relief sought

- 3.1 WDLG seeks the following decision on its submission on the Plan Change:

¹ Individual members of the WDLG may lodge additional submissions to the Plan Change in their own names, addressing any further matters of particular interest to them.

- That the Waikato Regional Council retain with amendments, or delete the various provisions of the Plan Change that are referred to in Attachment 1 of this submission, and;
- Any further or other consequential or alternative relief that may be necessary to give effect to the relief sought in this submission.

Attachment 1: Plan Change Provisions supported or opposed, reasons and relief sought

Section of Plan Change	Provision and page number	Support Or Oppose	Relief Sought	Reason for submission
Support for the Plan Change being the first step to assist achieving the Vision and Strategy set out in the Waikato River legislation				
Background and explanation	Paragraphs under heading 'Full achievement of the Vision and Strategy will be intergenerational' Page 15	Support	Retain the provisions of the Plan Change that are related to a staged approach to achieving the Vision and Strategy.	WDLG supports the approach where all those contributing to diffuse and point source nitrogen, phosphorus, sediment and microbial contaminants make positive progress towards achieving the 80-year water quality targets. We would be very concerned if the staged approach is removed and dairy farmers are required to achieve the aspirational water quality targets at a rate or within a timeframe that is not sustainable for their social and economic wellbeing or that of the communities they live in and support.
Objectives	Objective 1 Page 27	Support in principle	Retain intent of Objective as set out in the 'Reasons for adopting Objective 1' on page 28.	WDLG support an objective that sets out that full achievement of improvements in water quality will not be able to be measured in the water until 2096. WDLG supports the focus on all four contaminants – nitrogen, phosphorus, sediment and microbial contaminants. Farmers should be given time to make the necessary changes because the water quality objectives of the Plan Change are challenging and will have far reaching

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				impacts on the community. Objective 1 should acknowledge that this first stage includes preparation for later stages, and that it is going to take time and effort to set up new ways of farming to limits.
Objectives	Objective 3 Page 27	Support in principle	<p>Retain intent of Objective 3 as set out in the 'Reasons for adopting Objective 4' on page 29.</p> <p>Retain the phrase in Objective 3 that states <i>"Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, are sufficient to achieve ten percent of the required change between current water quality and the 80-year water quality attribute^targets^ in Table 3.11-1."</i></p>	<p>WDLG supports Objective 3 setting out that ten percent of the required change toward Objective 1, is expected to be achieved in the life of the Plan Change.</p> <p>We note that Objective 3 is potentially confusing for plan users. Table 3.11-1 contains numerical attributes in the column headed up 'short term'. However, the explanation to the table, and the 'Reasons for adopting Objective 4' on page 29, both note that in the short term, water quality targets are not observed for every attribute at all sites. Therefore, WDLG supports the parts of Objective 3 that make it clear that Waikato Regional Council will report on the success of the Plan Change by collating and reporting actions put in place, rather than being able to measure all the changes in the water within 10 years.</p>
Objectives	Objective 4 Page 27	Support in principle	Retain intent of Objective 4 as set out in the 'Reasons for adopting Objective 4' on page 29.	<p>WDLG support an objective that sets out the staged approach, with the outcome that people and communities can continue to provide for their social, economic and cultural wellbeing as they meet requirements of the Plan Change as a first step toward achieving Objective 1.</p> <p>WDLG notes that quantifying levels of reduction using farm-level modelling may not be possible at present for</p>

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				all four contaminants, but should be part of any future Plan Change. WDLG supports the need for farming sectors (including dairy, drystock, cropping, commercial vegetable growing) to make changes as the first stage of achieving long term water quality.
Policies	Policy 5 page 31	Support	Retain	WDLG support the course of action set out in Policy 5 that acknowledges a staged approach will allow time for innovation and new practices to develop.
Ensuring that information is gathered for use in the next plan review and next stages to achieve the Vision and Strategy				
Policies	Policy 7 page 32	Support with amendments	<p>Retain provisions of the Plan Change that are proactive in anticipating the sorts of information needed to reduce contaminant reductions and achieve Objective 1 of the Plan Change.</p> <p>Amend Policy 7 to read:</p> <p><i>Identify and fill information gaps to Prepare for further diffuse discharge reductions and any future property or enterprise-level allocation limits of diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens that will <u>may</u> be required by subsequent regional plans, by implementing the policies and</i></p>	<p>WDLG supports guidance about the information gaps to be filled to anticipate subsequent plan reviews to achieve Objective 1 of the Plan Change.</p> <p>WDLG notes that many significant issues were not resolved during the development of the Plan Change process (for instance, the differing effect of contaminant discharges on river values relative to their spatial location; impact of hydro-dams on water quality; nutrient allocation methodology; nutrient attenuation; and social/economic consequences of new rules on rural communities). These will require considerable investigation over the coming 10 years, in order to prepare for the next plan change. It is for this reason that WDLG supports Method 3.11.4.7 as described below.</p>

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			<p>methods in this chapter. To ensure this occurs,—research will be undertaken in partnership with technical and industry organisations, in a manner that allows people and communities to understand the social, environmental, cultural and economic implications of the current plan, and engage in debate about any future limits. collect information and undertake research to support this, including collecting information about current discharges, developing appropriate modelling tools to estimate contaminant discharges, and researching the spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchment that will assist in defining ‘land suitability’</p>	<p>WDLG requests the Plan Change should retain wording about subsequent plan changes that will be subject to the full public process in the First Schedule of the RMA, and will enable all those within the Waipa and Waikato River catchments to fully participate.</p>
Methods	Method 3.11.4.7 and Method 3.11.4.8	Support in principle	<p>Support the intent of Method 3.11.4.7 and Method 3.11.4.8</p> <p>Method 3.11.4.7 should set out a programme of work that will ensure the Council will have an accurate assessment of all sources that contribute to the load of contaminant from the land, and be able to track</p>	<p>WDLG notes that the success of the staged approach in the Plan Change will be in demonstrating that individual landowners and businesses have made a start and have reduced their environmental footprint. In order to prepare for the review of the Plan Change in a decade or so, both methods should set out a programme of work that will ensure the Council will have an accurate assessment of all sources that contribute to the load of</p>

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			<p>changes in diffuse and point source discharges as a result of actions required in the Plan Change.</p> <p>Method 3.11.4.8 should require an analysis of frameworks to manage both point source and diffuse discharges of contaminant.</p>	<p>contaminant from the land, and be able to track changes in diffuse and point source discharges as a result of actions required in the Plan Change.</p> <p>WDLG notes that Method 3.11.4.8 should be broad enough to cover the review of all aspects of the Plan Change, and as part of the plan review, assess frameworks or options to manage phosphorus, sediment and microbial pathogens, as well as nitrogen.</p>
Support policy guidance that land use change/land conversions that increase contaminants to waterbodies will generally be declined				
Policies	Policy 6 page 32	Support with amendments	Retain policy guidance in the Plan Change that can be used when applications for non-complying consent to increase discharges leaving a property.	<p>WDLG supports the intent of Policy 6 to signal that wholesale changes in land use will generally be declined if they increase contaminants entering waterbodies.</p> <p>If land use change occurs and more contaminants reach waterbodies, this makes the Vision and Strategy harder to achieve. If contaminants discharged in one area increase, this means contaminants must be reduced by an equivalent amount in another area, and/or by another landowner, just to maintain the status quo. It is important that the Plan Change should prevent increases in the overall amount of contaminant entering water. Doing so, will enable existing farmers to have more options when the Plan Change is reviewed in a decade or so.</p>

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				<p>WDLG is concerned about recent pine to pasture conversions in the Upper Waikato River catchment that will result in increased diffuse discharges to the Waikato River. A small number of these conversions were in progress as the Plan Change was developed, and obtained certificates of compliance from Waikato Regional Council. WDLG believes these conversions will impact on existing dairy farmers when the Plan Change is reviewed. For that reason WDLG believes that the council should retain and make full use of Policy 6 and Rule 3.11.5.7 to prevent increases in discharges to water as a result of land use change. In addition, WDLG considers that future allocation regime implemented through a future plan change should treat more strictly those farms that have converted, or which have increased diffuse discharges, from the date of notification of Plan Change (whether pursuant to certificate of compliance or otherwise).</p>
Policies	Policy 16 page 35	Support with amendments	<p>Retain policy guidance that will be able to be used in specific circumstances where applications are received under a non-complying rule to change land use on tangata whenua ancestral lands.</p> <p>In particular, retain the provision that the farm management and contaminant mitigation practices that will be required on the resulting</p>	<p>WDLG believe it is appropriate to provide guidance in the Plan Change to enable the development of tangata whenua ancestral lands as defined in the Plan Change. However, WDLG also want to see the overall contaminant load to water decrease over the life of the Plan Change. Any application for land use change on tangata whenua ancestral lands should have to demonstrate that the resulting land use has an environmental footprint that is as low as practicable.</p>

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			changed land use, apply the most up to date technology and knowledge to minimise nitrogen leaching and runoff of sediment, phosphorus and microbial contaminants from the new land use.	
Farm Environment Plans (FEPs) allow flexibility to manage contaminant discharges in a way that is the most cost effective for each farm				
Policies	Policy 2 page 30	Support with amendments	<p>Retain policy guidance that the Plan Change will manage all four contaminants in a tailored farm environment plan that allows landowners the flexibility to manage contaminants in a way that is most cost effective for each farm.</p> <p>Retain the approach that ensures the two alternatives for landowners have the same rigour of requirements, (where the alternatives are a council-managed controlled activity consent or a permitted activity in a certified industry scheme).</p>	<p>WDLG supports a risk-based, tailored approach to managing diffuse contaminants on dairy farms.</p> <p>Policy guidance should set out the course of action in a detailed way, to assist plan users. WDLG supports an approach that takes into account differences in farm context, as there are considerable differences across different dairy farms in terms of biophysical factors such as soil type, topography, rainfall, location and type of water body), and existing infrastructure (for instance location of tracks and races, milking sheds, feed pads).</p>
Methods	Method 3.11.4.12 page 38	Support with amendments	Retain intent of the method but expand the scope. Add further detail about the development of guidance material for plan users in assessing,	WDLG support the need to develop guidelines for what is expected of farmers. The terminology 'best management practice' and 'good management practice' have different meanings to different people. The term 'best management practice' is used in this

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			<p>requiring and monitoring mitigation practices.</p> <p>The method should require WRC to work with research agencies and industry bodies to develop a robust and peer reviewed guide on mitigations, particularly ‘edge of field’ mitigations such as wetlands, bunds and sediment traps.</p> <p>Amend Method 12 so that it reads:</p> <p>3.11.4.12 Support research and dissemination of best practice guidelines to reduce diffuse discharges/Te taunaki i te rangahautanga me te tuaritanga o ngā aratohu mō ngā mahi tinowhai take hei whakaiti i ngā rukenga roha</p> <p>Waikato Regional Council will:</p> <p>a. Develop and disseminate best management practice guidelines for reducing the diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</p>	<p>method but not in the FEP rules or relevant schedules. Therefore the term is not necessary and can simply be covered by ‘guidance for reducing diffuse discharges’.</p> <p>The method should set out actions to assess existing information, support research and ensure information is available in a user-friendly format. This will assist implementation, including consistency of the scope of the mitigations required on different farms as part of the approval of Farm Environment Plans.</p> <p>The Plan Change has two methods (Method 3.11.4.3, page 36 and Method 3.11.4.12 page 38) that cover what WRC will do on this topic.</p> <p>A helpful start is existing guidelines that dairy industry experts have had input into. These include the WRC menus of farm practice, the Canterbury-led Industry agreed good management practices (April 2015) and the DairyNZ 2016 publication entitled “Good Management Practices – A Guide to good environmental practice on dairy farms.”</p> <p>To ensure consistency and effective and efficient outcomes on farms, guidance for plan users in assessing, requiring and monitoring mitigation practices on dairy farms is essential.</p>

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			b. Support research into methods for reducing diffuse discharges of contaminants to water.	
Rules	Rule 3.11.5.3 page 41	Support in principle	<p>Retain permitted activity status and intent of the rule to require a Farm Environment Plan that is tailored to each individual farm, from farmers who have signed up to a certified industry scheme.</p> <p>Ensure Rule 3.11.5.3 has the same rigour of requirements with Rule 3.11.5.4, including the development, monitoring and enforcement of the Farm Environment Plan.</p>	<p>WDLG supports the option of dairy farmers being able to choose to operate under Rule 3.11.5.3, if they are part of any industry scheme that is developed and certified by the council. WDLG supports Rule 3.11.5.3 having the same rigour of a controlled activity consent managed by the council (Rule 3.11.5.4). A permitted activity status for dairy farmers choosing to manage diffuse contaminants under a certified industry scheme can be justified if the scheme has appropriate checks and balances. In addition, the council will retain its monitoring and compliance functions under the Resource Management Act. Importantly, having a permitted activity alternative, with those safeguards, is administratively efficient for both Councils (as consent authorities) and landowners.</p> <p>WDLG believes what is required of farmers should be consistent regardless of which rule a farmer chooses to operate under (Rule 3.11.5.3 or 3.11.5.4). This will result in the amount of farmer effort being equitable, with comparable environmental outcomes likely to be achieved.</p>
Rules	Rule 3.11.5.4 Page 42	Support in principle	Retain controlled activity rule status where farmers are assured of gaining	WDLG supports the option for dairy farmers of being able to choose to apply for a consent under Rule

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			<p>consent, but which will be subject to appropriate conditions of consent.</p> <p>Retain the intent of the rule to require a Farm Environment Plan that is tailored to each individual farm.</p> <p>Ensure Rule 3.11.5.4 has the same rigour of requirements with Rule 3.11.5.3, including the development, monitoring and enforcement of the Farm Environment Plan.</p>	<p>3.11.5.4. and being granted a controlled activity resource consent.</p> <p>WDLG supports the intent that all farming operations should have to assess and manage the risk of diffuse contaminants entering water, through a Farm Environment Plan tailored for that farm.</p>

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Schedules	Schedule B Page 47	Support in principle	Retain the requirement for properties and enterprises over 20 hectares to calculate a Nitrogen Reference Point.	<p>WDLG supports the need to gather information about the amount of nitrogen leached from pastoral, cropping, and commercial vegetable farms.</p> <p>WDLG understands that the technical information about the Waikato River supports the need to manage both nitrogen and phosphorus, in order to improve water clarity to meet Objective 1.</p> <p>The Nitrogen Reference Point is an important aspect of the Plan Change as it will provide information for future reviews of the Plan Change. In addition, it important that all landowners and businesses contribute to achieving Objective 3. The Plan Change provisions should recognise efforts made by dairy farmers to reach good management practice and reduce nitrogen. During Plan Change development, WDLG supported the '10% improvement in 10 years' goal of the Collaborative Stakeholder Group.</p> <p>The Nitrogen Reference Point will be crucial in terms of setting any equitable allocation in future, and in particular, if the date is clearly and appropriately defined, it will avoid inequities that might otherwise occur through conversions (or any other increase in diffuse discharges) that are able to occur throughout the life of Plan Change 1.</p>

Submission Ends