BEFORE COMMISSIONERS APPOINTED

BY THE WAIKATO REGIONAL COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the First Schedule to the Act
AND	
IN THE MATTER	of Waikato Regional Plan Change 1- Waikato and Waipā River Catchments and Variation 1 to Plan Change 1
AND	
IN THE MATTER	of submissions under clause 6 First Schedule
BY	**FARMERS 4 POSITIVE CHANGE**
	Submitter

HEARING STATEMENT OF GRAEME BERNARD GLEESON

4 March 2019

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1. INTRODUCTION

1.1 My name is Graeme Bernard Gleeson

1.2 I am a Sheep and Beef-cattle farmer

I farm in the Upper Waikato – Freshwater Management Unit

Karapiro Subcatchment

1.3 I have recently undertaken the following roles

as a farmer representative

Farmer executive	Farmers for Positive Change
Farmer representative	Freshwater Leaders Group
Farmer representative	B+LNZ Mid-Northern Farmer Council
	B+LNZ Environment Group
Sheep and Beef delegate	HRWO Collaborative Stakeholders Group

I have for 25+ years now been involved in many other farmer centric discussions regarding farm productivism, pastoral land use impacts upon the environment, and more…

This experience provides a relatively deep understanding about agricultural pastoral land use and effect upon water quality

2. SUMMARY STATEMENT

2.1 F4PC as a general statement is not supportive of Plan Change 1 in its current format and would seek widescale change and amendment.

Plan Change 1 has created significant tension and distrust within rural communities and this must be resolved, hopefully in an amicable manner.

F4PC is not advocating business-as-usual because it has acknowledged and is cognisant of the expanding demand for a new and different paradigm regarding land use and the externalisation of contaminant loss which extends to an impact upon water quality.

F4PC are supportive in principle to the requirement of giving effect to the Vision and Strategy

F4PC are supportive of the intent that Plan Change 1 seeks to reduce the discharge of contaminants from land within the Waikato and Waipa catchments to improve the state of water quality thereby give in part effect to the Vision and Strategy.

However, the state of water quality targets as per Table 3.11-1 are predicated on modelling Scenario 1 whereby all waterways will be swimmable every day of the year, effectively a desire to return backwards to how conditions were in the year 1863 thereabouts which F4PC consider will be an impossible task to achieve considering the magnitude of change witnessed primarily by a very substantial increase in human population coupled with land development, rural and urban, all of which has a significant environmental footprint.

F4PC are perplexed as to why the economic modelling work that described the cost associated with executing Scenario 1 did not raise concern something was seriously out of whack when the end target could not be achieved and so this should have demanded reexamination and other scenarios put forward that were more realistic.

F4PC agree that considerable time is required to transition to an improved state of water quality. The 80-year time provided recognises this transition. However, F4PC believe the establishment of an end target

that is impossible to achieve and an end date that no one can realistically comprehend as to what may be, appears foolish at best.

F4PC believe we need to find an equilibrium between ‘pristine’ and ‘degraded’ water quality in an integrated and balanced manner

There is an acute need to provide better certainty of outcome, establish a more realistic direction and pace of travel with an end target, perhaps an interim target that is more reasonable, practical and importantly doable.

F4PC suggest and interim state of water quality be established for the year – 2050 to provide certainty

2.2 It is F4PC opinion that Plan Change 1 fails to provide a fair and equitable process to undertake necessary improvements to the state of water quality

2.3 F4PC do not have the technical ability to assess the worthiness or fit-for-purpose appropriateness of the water quality models and so can only apply judgement to the outcomes and the recommended usage of mitigation actions, and how and where they may be applied, achievable on farms that will provide reduction in contaminant loss discharge.

It is F4PC opinion the results of the water quality modelled outcome and mitigation scenarios which guided and predetermined Plan Change 1 will not satisfy the intended 10-year water quality targets as outlined in Table 3.11-1.

2.4 F4PC is supportive of the need to manage four contaminants Nitrogen, Phosphorus, Sediment and Microbial pathogens to give effect to the Vision and Strategy, and particularly objective k which states:

> “The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.”

F4PC does however find this limitation in scope very frustrating because it does not encompass all the natural resource which is strongly interlinked that must be managed as part of a farm business.

2.5 It is in the opinion of F4PC that the four contaminants must be managed in an integrated and balanced manner to ensure environment, economic, social and cultural well-beings are achieved. The underlying measure or metrics supportive of all well-beings is ecosystem health underpinned by a state of water quality to enable waters to be swimmable and take food Mahinga Kai

F4PC do however place a caveat on the attribute value of swimmable water as this activity is not undertaken when waterways are in flood or are subjected to other adverse events

2.6 F4PC is opposed to the way nitrogen is being managed within Plan Change 1 using a grandparented regime that provides a windfall gain for high dischargers and severely penalises land users with low discharge whereby they suffer the ignominy of the confiscatory theft of their natural capital.

F4PC agree that nitrogen must be managed but the framework must place responsibility to do so at source rather than seeking offsets to dilute as a grandparenting allocation does. Every parcel of land that makes up a property should have a finite allocation of nitrogen reflecting the lands natural properties including attenuation, its versatility and capability and this would be the limit of loss.

2.7 F4PC have the opinion that the livestock exclusion rule is too draconian and blunt applying a one-size-fits-all rule. The livestock exclusion rule will sideline the opportunity to apply cost-benefit risk management that could achieve the same if not better outcome by undertaking mitigation action of greater priority considering critical source areas.

2.8 F4PC is struggling to understand why more considered thought is not being applied to manage the hydro lakes in the Upper Waikato FMU and the Lower Waikato shallow riverine lakes with respect to clarity as influenced by phytoplankton algal blooms. As examples, direct mitigative interventions could be applied in the Whirinaki arm Lake Ohakuri and the Lake Whangape drainage canal to reduce the effect perhaps by adopting

similar processes applied to Lake Rotorua with diversion walls and alum dosing.

2.9 F4PC are concerned there is very limited if any direction to managing the Koi carp problem

2.10 F4PC is finding it difficult to understand the disconnect of Plan Change 1 between subcatchments and improving the state of water quality. It is the subcatchment that the farmer has an innate connection with, and this must be leveraged to galvanise communities together.

It is F4PC opinion that improving the state of water quality in every subcatchment in a very targeted and purposeful manner will improve the water quality in the main river stems. With a greater focus upon subcatchments there also needs to be a change in the Freshwater Management Unit format particularly examining the scale to which it is operative. This will allow appropriate in stream ecosystem health limits to be applied.

It should be mandatory that all subcatchments need to be profiled to allow good understanding of relevant contaminant loss and priority to inform development of Farm Environment Plans and use of mitigations. There should be clear instruction how and where contaminant loss reductions need to be applied. This provides direction and pace of travel and therefore certainty as to what is to be done.

It is noted in the s42 the subcatchment approach is not favoured which we cannot comprehend because if every subcatchment had an individualised trajectory of improvement, some more so that others, then the main river stems should also improve. If the water quality model cannot calculate subcatchment in-stream nutrient limits, then this needs to be reworked.

The use of one-size-fits-all policy and rules to support continuance with a water quality model if deemed inadequate is not good enough.

The reliance on one-size-fits all policy and rules is too restrictive and unwieldy with high risk that the wrong mitigation could be put in place at

high cost when in future another mitigation or possible land use change may be the only route. This lack of certainty is embedded throughout Plan Change 1,

F4PC have great fear that afforestation of pastoral hill country is being secretively and manipulatively worked into the whole plan change process in an endeavour to obtain cleaner upstream water to dilute the more polluted water found downstream. This is F4PC believe an endeavour to continually apply economic squeeze to hill country farm businesses with intent to undermine their resilience and viability so they will capitulate to forestry as the only land use option that remains.

To alleviate some of the above there needs to be much more deep understanding about hill country erosion sediment loss and particularly stream bank erosion rather than reliance upon a very limited number of studies undertaken in the Waikato – Waipa region.

2.11 F4PC will provide some alternative options for Plan Change 1 that it considers more pragmatic and workable

Farmers for Positive Change (F4PC)

Introduction Preamble

1. Farmers for Positive Change (F4PC) is a farmer group created soon after when Plan Change 1 became notified
    - Since F4PC formed as a group it has repeatedly engaged and consulted with farmers in public forums and with many other interest groups to gauge where F4PC should position itself. This engagement we have observed has not been undertaken by anyone else to the same degree.
2. The group is managed by farmers with a clear and strong mandate to provide a voice for farmers to be reckoned with:
    - A voice that seeks equity and fairness and pragmatic rationale.
    - A voice that demands that rural communities are not plundered and slewed in some ideological pursuit but are recognised and embraced for their importance and value they contribute to the region by ensuring there is good integration and balance with environmental, social, economic and cultural well-beings.
    - A voice that demands the sheep and beef mixed land use sector and other sectors with non-developed land are not cannibalised by the sanctioned confiscation and theft of natural capital that is then transferred to further the opportunity of other sectors.

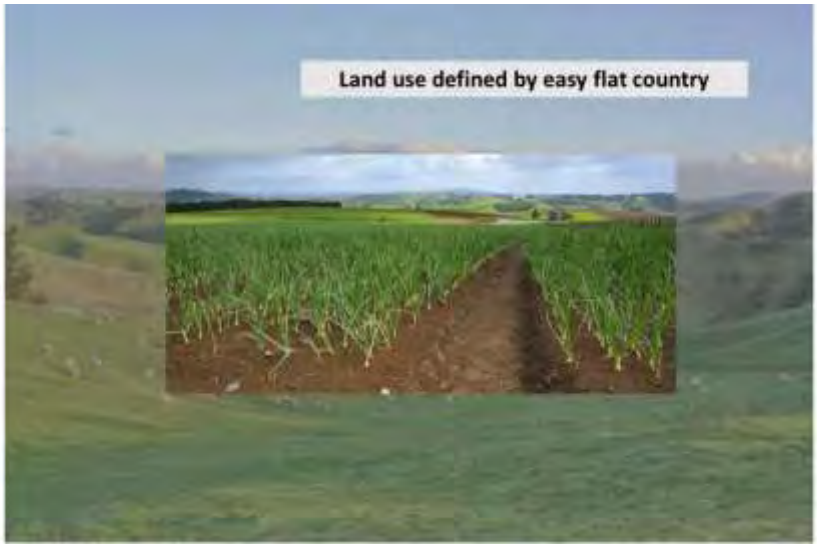
        F4PC usurped the traditional voice for farmers which unfortunately had a lapse in judgement at a critical juncture and so failed to execute it duties to the expectation that it was charged with. This created a leadership vacuum…in the pandemonium that followed there was an urgency identified by some farmers to step up and provide leadership and guidance about how to respond to Plan Change 1

3. The points of view articulated by F4PC are those of farmers, not experts in science or as lawyers or planners or policy writers or any other professional service; consequently, this farmer voice may and will be blunt, direct, raw and unpolished but it is not ignorant nor naïve.
4. The approach that F4PC has taken in examining Plan Change 1 is intuitive, rudimentary and simple without the need to be an 'expert' but it is we contest rather thorough, complete and surprisingly accurate
    - The eyeometer test so see it for what it is
    - The sniff test to see where it has come from
    - The kick it in the guts test and then listen to how its coughs, growls and splutters, and responds in kind
    - The shake test, vigorously shaking it back and forth and then tip it upside down to see what falls out
    - The wrench test, nothing better than pulling it apart and see what is under the hood
    - The maintenance test to assess whether it runs on the smell of an oily rag or is it going to require deep pockets
    - The ruler test, metric or imperial or does it need an adjustable spanner due to its oddball design
    - The overall examination –

      If it Walks Like a Dog, Barks Like a Dog, and Looks Like a Dog,

      It Must Be a Dog!

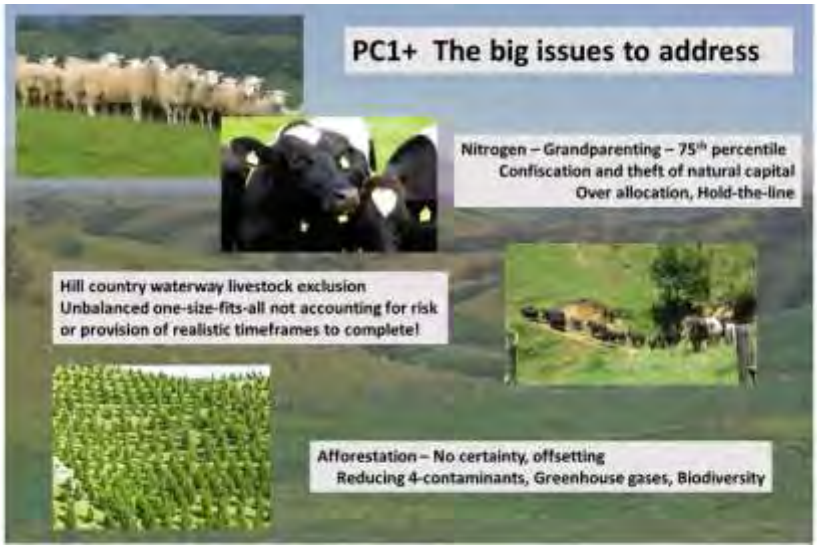
5. F4PC also would like to caution that if it ever suspected a ruse to be deliberately sidelined from discussions, or an attempt to bamboozled with technical jargon and gobbledegook and so be disenfranchised from a democratic process it will resort to other tactics to ensure the common voice of farmers continues to be part of the conversation.
6. It is important to note that F4PC is voluntary and the individual farmers who are part of the F4PC executive group have undertaken all activity to date in a non-remunerated capacity on their own volition. Funding for F4PC has been obtained by voluntary subscriptions to assist remunerate expert witness where required. This lack of resourcing has significant limitations however F4PC are committed to ensure the farmer voice has good representation.
7. The collective knowledge, understanding and wisdom of F4PC is spread across a wide variety of land type and use which allows opinions to be challenged and tested



8. F4PC acknowledge that pastoral land use has an environmental footprint particularly regarding its impact upon the state of water quality.

The environment footprint in some locations is oversized and hence there is a need to right size, but this must be undertaken in an equitable and fair manner with transitional time allowed to bring about any reduction if such is required. F4PC have recognised that the mauri of the waterways of the Waikato – Waipa River catchments can only become better if the state of water quality from every subcatchment is improved because this will be the outcome upon which success will be measured.

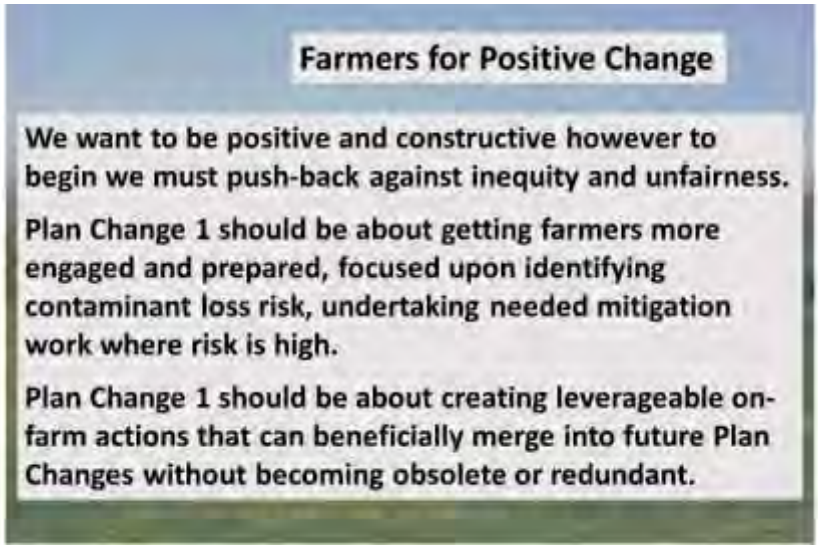
9. F4PC have noted that Plan Change 1 is heavily skewed towards rules dominated by nitrogen and this focus has in part ignored the issues of other contaminants particularly sediment and microbial pathogens (E. coli). The dominance of nitrogen and one-size-fits-all rules are considered as overbearing.



10. F4PC as a group have recognised the distorted stakeholder representative bias that led to the creation of Plan Change 1 and subsequent unfairness and inequity it will therefore create for a large group of pastoral farmers primarily those who have low Nitrogen loss farm systems.
11. F4PC have also recognised that the sheep, beef-cattle and deer sector was unfortunately absent from many of the lead up discussions (for reasons that may be articulated by others) and this failure prevented the sector from being involved in preliminary conversations and discussions that could have allowed other stakeholders to understand better the sectors position and point of view about land use, contaminant loss and discharge, and the state of water quality.

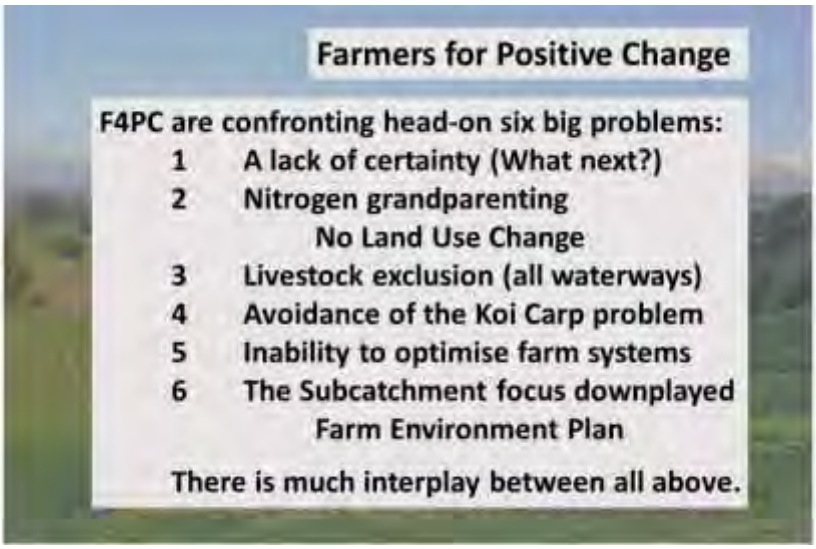
    There has not been to date an open transparent discussion with the sector farmers about issues pertaining to the pastoral hill country particularly related to Sediment and Microbial pathogen loss, and an indicated desire that some of this land should be afforested by government agencies. Consequently, when these topics are discussed third-hand this becomes highly contentious amongst hill country farmers and raises a high alert and distrust for underhand Hobbean righteous self-interest lobbying by others seeking offsets without consideration.

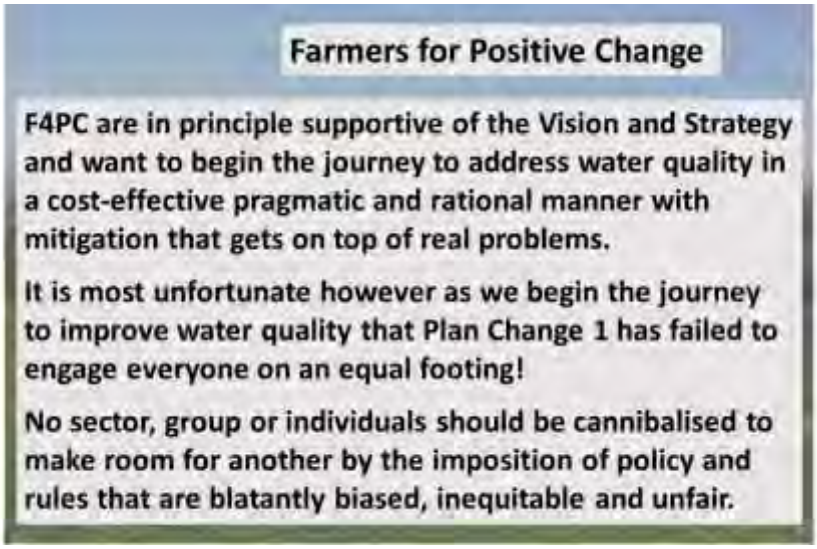
12. The group however from the onset indicated it was not organised to be fixated upon push-back but rather will have a focus of providing workable solutions that would give effect to the V&S
13. We will therefore articulate hereon our values and principles, we may in doing so be repetitive and protracted which could be a little annoying however we wish to be considered…



The discussion to follow is an endeavour to have an open conversation across many different subjects and topics about Plan Change 1

It is desired that this will provide an insight into what Plan Change 1 invokes from the perspective of Farmers for Positive Change





F4PC are wanting to play fair without the other side tampering the ball, so we can all get some "Runs-on-the-board".

Farmers for Positive Change

It is not all about push-back

F4PC are wanting to offer alternative workable solutions that are adaptive, flexible and above all embracing fairness and equity.

F4PC want to understand the issues, to be engaged, to have a conversation with other stakeholders, to do the right thing, in the right place at the right time.

F4PC are seeking transformational change that encourages and inspires by bottom-up engagement and leadership.

The F4PC world view from a Waikato – Waipa regional context is:

14. The leadership of F4PC is dominated by livestock farmers in the mixed land use / sheep, beef-cattle and deer sector and this may by outsiders be naively construed as being a group of farmers that will be heavily biased towards low intensity farm systems and particularly sheep, beef-cattle and deer systems. This notion of who the group is and represents requires caution because these farmers have a view that they are firstly managers of the land (terrain, soil, climate, aspect, geology and other bio-physical parameters) as a natural resource which incidentally is the capital base and therefore the principal asset of their farm businesses. The sustainability and continued viability of the farm business therefore demands they are good stewards of the land. They have adopted farm - livestock systems which have a good fit with the farm considering the lands versatility and capability i.e. Farming Fits the Land. As farmers living in rural communities there is also due recognition about integrating the demands of environmental, social, economic and cultural well-beings in a balanced manner. It is these living principles that make the leadership of F4PC standout.
15. F4PC have been perplexed at the poor understanding of mixed pastoral farm systems and until this is corrected Plan Change 1 policy and rules will fail to address any underlying problems

16. A key belief of F4PC that underpins all following discussion is that agricultural land use for food / fibre production is right, justified, proper and legitimate being undertaken for good purpose

17. A farm business and the farm system must be considered in the context of sustainability, a complete entity integrated together with no part accorded greater primacy or importance.

18. Some farm systems are therefore unsuitable with respect to versatility and capability of the land available to a farm business having high discharge of contaminant loss that cannot be contained and / or assimilated and are therefore misplaced. A basic tenet of land use for agricultural purpose must be Farming Fits the Land. For example, 1)

intensive sheep and beef-cattle finishing systems are misplaced on terrain that is steep ‘tiger country’ is manifestly more suitable for an extensive breeding / store system because the intensive farm system will exacerbate sediment and pathogen loss, 2) an intensive farm system on leaky soils incurs excessive contaminant discharge into the subsoil vadose zone then groundwater to discharge someplace else is misplaced because there is little entrapment, filtration and attenuation to reduce.

19. Within a farm property some areas may not be suitable for pastoral farming either being unprofitable and / or having excessively high contaminant loss and so would be considered marginal land use which may be better utilised for other activity e.g. low productive steep gnarly hill country retired from pastoral use to rejuvenate into indigenous scrub / bush

    Note it is also too easy and naive to say all steep pastoral hill country is misplaced and marginal!

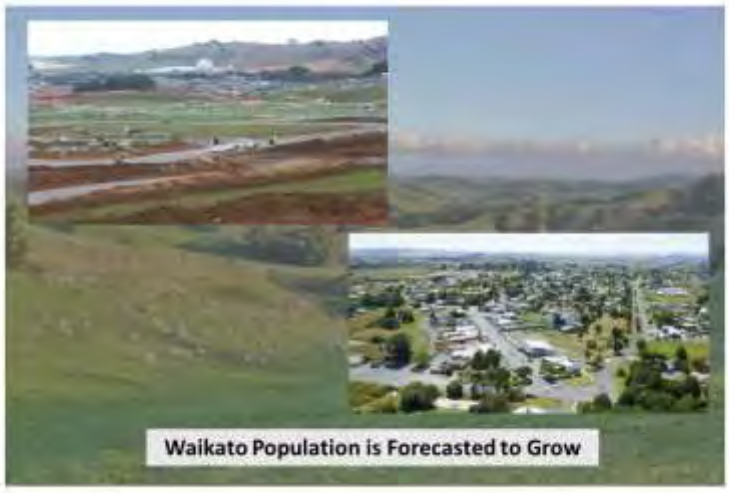
    Marginal land is relative to location and therefore contextual and this needs to be understood before any rash decisions are made
    Misplaced land use is not marginal land per se but rather usage that does not have a good fit regarding versatility, capability and causing high contaminant loss that is difficult to avoid, reduce and mitigate

20. F4PC are in favour of sustainable development as has been defined in the Brundtland Report and similar treatises and is also integrated into the Resource Management Act Section 5(1),
    a. “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”
    b. “to promote the sustainable management of natural and physical resources”.
21. Consequently, we want to pursue development within the limitations of the environment which we refer here as ecosystem health and this is we believe supported by the values of Maori incorporated in Te Mana O Te Wai.

Plan Change 1 The Waikato – Waipa River Catchment

22. The Waikato – Waipa region is rich in natural resources which provides a wide array of ecosystem services available that sustains and supports life:
23. This richness in natural resource has therefore been valued by people which is recognisable in the formation of communities and the diversity and manner of land use (productive and other) both pre-European and today because it is such a good place to live

    It is also inevitable that human population in the foreseeable future will continue to increase in size and equally the pressure or impact of population will increase



24. Consequently, as a community we create an environmental footprint. The water quality therefore is not ‘pristine’ and it will never revert back to such a state

25. However, no-one wants degraded water, so we therefore need to determine an acceptable state of quality that is integrated and balanced with respect to the environmental, economic, social and cultural well beings

    a. A need to embrace the concept Te Mana O Te Wai

        i. Te Mana O Te Wai was first included in the NPS-FM 2014 preamble.

        ii. The concept of Te Mana o Te Wai reflects the recognition of fresh water as a natural resource whose health is integral to the social, cultural, economic and environmental well-being of all communities (Māori and non-Māori).

        iii. Te Mana o Te Wai represents the inherent health of the water body (mauri) and its ability to provide for te hauora o te tangata (the health of the people), te hauora (health of the environment) and te hauora o te wai (health of the waterbody).

    b. Ki uta ki tai (Mountain – to – the – sea)

i. A need and perhaps desire to adopt precaution so avoiding the possibility of over-allocation and degraded waters

Plan Change 1 **Te Mana O Te Wai**

26. F4PC recognise Iwi have an important governance role in managing water quality

27. There needs to be good context about Te Mana o te Wai within PC1 such that tangata whenua values and interests are reflected in the management of, and decision making regarding Te Mana o te Wai.

    a. i. te hauora o te wai (the health and mauri of water)

    b. ii. te hauora o te taiao (the health and mauri of the environment); and

    c. iii. te hauora o te tangata (the health and mauri of the people)"

28. The reference to Te Mana o te Wai is important because there is significant importance attached to the state of water quality and so environmental ecosystem health becomes central to wellbeing. If the state of water quality is paramount, then economic benefit arising from natural resource usage must take heed of this principle.

29. The discussion about allocable right to discharge contaminant loss recognises there are several different alternative frameworks available. In the opinion of F4PC the closest framework to Te Mana o te Wai is ‘natural capital’ using Land Use Capability as a proxy which considers the biophysical limitations of the land in assessing its capability for productive use. A new but not yet tested framework for allocation is referred to as Land Use Suitability considers a broader range of matters integrating and balancing economic, environmental, social and cultural well beings. This enables a balance to be tested between economic productive outcomes and environmental benefits. This framework will importantly need to be assessed in the context of Te Mana o te Wai.

Plan Change 1

Interpretation of the Vision and Strategy

30. Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy),

31. F4PC are supportive and committed in principle to giving effect to the V&S

    Recognise in part that water is degraded (but not everywhere)

    a. Refer Waikato Regional Policy Statement 1.6

    Prepared to adopt farm management practice that is more holistic with reduced externalisation of impact upon water quality i.e. Farming Fits the Land

    Understand the importance of swimmability and Mahinga Kai (PC1 - Objective K)

32. Following the treaty settlement with the 5 river Iwi (Waikato-Tainui, Te Arawa River Iwi, Raukawa, Ngāti Tūwharetoa and Ngāti Maniapoto) we are supportive of co-governance and partnership in the management to exercise kaitiakitanga of the Waikato -Waipa river catchment

33. We are supportive of and demand that the Resource Management Act needs to continue being an overarching document. This means giving effect to “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety” (RMA, S5)

34. The RMA outlines the functions that regional councils must undertake to give effect to the Act. This includes as stated in S30:

35. The control of the use of land for the purposes of the maintenance and enhancement of the quality of water in water bodies and coastal water(s30(1)(c)(ī); and

36. The control of discharges of contaminants into or onto land, air, or water and discharges of water into water (s30(1)(f)); and

37. If appropriate the establishment of rules in a regional plan to allocate the capacity of air or water to assimilate a discharge of contaminants 30(1)(fa)(iv).

38. The Vision and Strategy:

> ***Our Vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.***

39. To realise the vision, 13 objectives are documented as well as 12 strategies to achieve these objectives. The key objectives include:

> The restoration and protection of the relationships of Waikato River iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural and spiritual relationships.
>
> The restoration and protection of the relationships of the Waikato region's communities, with the Waikato River, including their economic, social, cultural and spiritual relationships.
>
> The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
>
> The application of the objectives of both mātauranga Māori and the latest available scientific methods.

40. F4PC are also concerned that there does not appear to be overall common agreement amongst the 5 river Iwi about how to assert kaitiaki of the Waikato – Waipa River to fulfil the obligation to maintain the mauri of the river considering an integrated balanced view about environmental domains alongside the economic use and improvement of Iwi owned land. Until such agreement is universally reached it does not forebode well for the community at large as to the direction to be taken
41. We are also concerned about the non-resolution of Iwi allocation (and possibility of prioritisation) from existing and new sources to enable iwi and hapū cultural and economic aspirations, created in collaboration with

local and central government, and in alignment with kaitiaki responsibilities

42. We are also concerned about the interpretation of the V&S particularly the meaning and intent of swimmable water and possibly Mahinga Kai as this has considerable influence as to the state of water quality that must ultimately be achieved because we have yet to observe any notes for guidance or test of practicality or reasonableness.

43. We have also applied the interpretation of the V&S in that there can be no offset nor unders and overs to achieve overall water quality because the V&S implicitly directs a state of water quality would be applied in the entire length. It is also noted that the mauri of the river cannot be partitioned or portioned as it is indivisible and hence no part or section of a waterway as more mauri than another. This places importance upon headwaters and subcatchments having equal if not greater weighting as the main river stems. The state of water quality of the subcatchments therefore should be the priority focus and this be managed in a subcatchment approach.

    Note the subcatchment approach also recognises the cumulative load emanating from each subcatchment in the main river stems and so this must be accounted for and not unconsciously overlooked to ensure downstream breaches do not occur.

44. F4PC believe it would be unjustifiable if the intent was to return the river as it was in 1863. It would be impossible to achieve attributes and values aligned to those of 1863 considering the significant human population that lives today in the region and forecasted growth in the next few decades coupled with momentous land use change in the same time period (land use for urban, industry, energy and transport; rural food and fibre production; land use modified for recreation and tourism etcetera)

45. **See** “Land use, demographic and economic projections for the Waikato region, 2013 to 2063”

https://www.waikatoregion.govt.nz/assets/PageFiles/41387/tr201603.pdf

46. We are supportive however that the river catchment today is degraded in part and therefore this must be rectified for the purpose to protect and restore the health and wellbeing of the Waikato and Waipa Rivers

47. Consequently, the V&S must be interpreted in a pragmatic rational way without reducing its power of influence in a manner whereby the Mauri, and concepts associated with Matauranga Maori, Te Mana O Te Wai, the relationship of tāngata whenua values and kaitiakitanga remains purposeful and relevant (please note the use of words is not meant to denigrate or reduce)

48. F4PC believe there must be an interpretation of the V&S that better acknowledges the degree of permanency that exists in how land is utilised today and there is an associated environmental footprint (which F4PC wholeheartedly support must be lessened) we can then move forward to how this may be achieved with a good outcome for everyone in our communities.

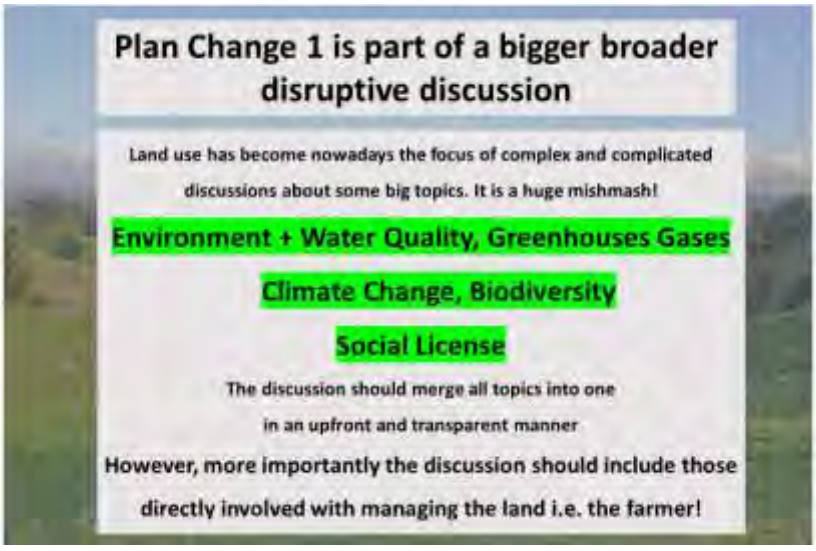
49. F4PC interpretation of the V&S that it would find acceptable acknowledges the need to ensure the life supporting capacity of water (ecosystem health) is attained yet recognising that this will not be achieved every day due to flood and other adverse events. This also has we believe good connection with the overarching purpose of the treaty settlement and so give effect to restore and protect the health and wellbeing of the river for future generations.

50. The Healthy Rivers Wai Ora Plan Change to give effect to the Vision and Strategy would therefore in the opinion of F4PC adopt processes that work within a framework that is steeped in an understanding of reality and despite being somewhat stretched remains doable.

51. The plan change over time, will help to reduce sediment, microbial pathogens and nutrients (nitrogen and phosphorus) entering water bodies (including groundwater) in the Waikato and Waipa River catchments.

Plan Change 1 Scope of the V&S – managing the four contaminants

52. It is noted that Plan Change 1 has limited scope restricted to managing the four contaminants nitrogen (N), phosphorus (P), sediment and microbial pathogens (E. coli) without considering say biodiversity, climate change and greenhouse gases. F4PC have mentioned earlier that the farm business and the farm system must be considered in the context of sustainability, a complete entity integrated together with no part accorded greater primacy or importance. This is vitally important because under PC1, land users are instructed to prepare Farm Environment Plans and from this guidance undertake any required mitigation. There is good observation and knowledge that most mitigation actions provide not one but multiple benefits and this must achieve good desired outcomes which are cost effective in an integrated and balanced manner. It cannot be iterated enough that we must ensure there is good integration and balance with environmental, social, economic and cultural well-beings and not have a narrow bias.

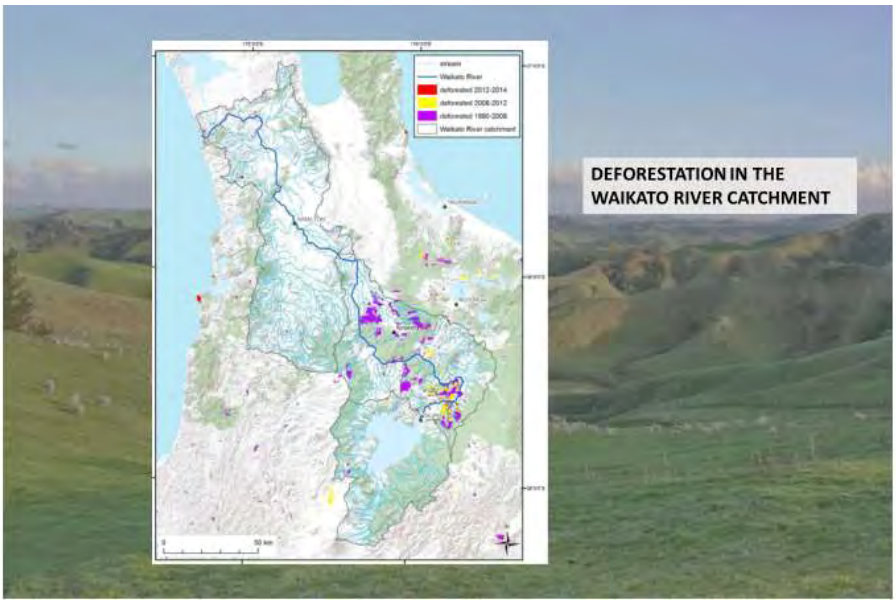


Plan Change 1 Sustainable development

53. F4PC are supportive of developing our natural resources in a sustainable more prudent manner integrated with creating strong resilient communities of people. The natural resource is the capital base to leverage economic, social and cultural attributes and hence we must use the natural resource in a sustainable manner integrated with all other things we value
54. It is most unfortunate that leadership over the last 20 years or so did not consider and so integrate with balance the environmental, economic, social and cultural well beings into their decision-making processes. We now have a state of water quality that is said to be degraded and the negative trends must be reversed


Land use change
Drystock to Dairy Conversion


Land Use Change - Forestry to Dairy
Increase of 4 - contaminant loss rates?
Additional load to waterways?
Potential for increased environmental nuisance?
Change in Ecosystem Services – better or worse?
Change in flood water hydrographs
Who is culpable for the externalised cost
Perhaps more important who will pay?
Not forgetting adjustment in –
Greenhouse Gases and Biodiversity


DEFORESTATION IN THE
WAIKATO RIVER CATCHMENT

55. It is F4PC opinion that sustainable development must take account of environmental, economic and social considerations not in a manner that seeks offsets to balance but integrated together as a whole, ensuring one pillar does not have greater primacy or importance than the others.

Plan Change 1 Rate of change to reverse if required – Transitional

56. F4PC request that when and where change is required to be adopted by a farm business that the rate of change is graduated, staged and therefore transitional so not to be cause induced disruption thereby enables the people and communities to continue to provide for their social, economic and cultural wellbeing

Plan Change 1 Application of due diligence before investment

Failure to adopt precautionary principles

57. The troubling issue about the poor state of water quality and the decreasing trend witnessed in the last 25 years or so is that it was foreseen by science and highlighted to leadership as decision makers. Examples of the many science reports that provided good evidence for leadership decisions included:
    - Best practice dairy catchments for sustainable growth
    - Water Quality in Selected Dairy Farming Catchments
    - Oteramika Trial Catchment, Southland
    - Water quality effects of land use changes in the catchment of the Waikato River hydrolakes, Bill Vant
    - The condition of rural water and soil in the Waikato region

    The continuance of land use change and intensification in the light of knowledge that there would be negative ramifications and potential future disruption of significant magnitude is tantamount to treason having now placed everybody in a difficult position to rectify by undertaking costly mitigation to reverse. The inability of leadership to provide direction and guidance which in hindsight should have been adopting precautionary principles has placed a burden of magnitude

that will not be easy to readdress. It is F4PC understanding there has always been an obligation under the RMA as a minimum to maintain water quality which obviously has not occurred

58. The advice provided to investors in land use intensification focused on a balance sheet that looked very optimistic (money for jam) as the cost of contaminant loss could be externalised and not accounted for. This conveniently ignored the risk that the loopholes which allowed externalities to be ignored would one day be discovered and corrected. (Oh, they won't do that think about the economy, the NZIER reports sing glowing results about intensified land use and white gold, the environmental impact could only be minor at worst!)

59. The question that we are now facing is who should be culpable of this folly and make good

    Should it not be polluter pay principles which must be applied?

    Should some responsibility rest with general society and so share some of the cost in a proportional structured manner?

60. F4PC are adamant that costs should not be imposed upon land users who have not contributed to the significant increase in deterioration of water quality. The forcible administration of cost sharing discriminately places a burden and squeeze on land users who are not culpable.

61. F4PC are however are wanting to ease the liability cost and avoid stranded capital to improve water quality by ensuring that the time frames to mitigate are transitional in a staged managed process

Plan Change 1 Tension amongst the different stakeholders - Agriculture

62. F4PC is acutely aware of the tension amongst the different agricultural sector stakeholders which to date have not been able to an understanding of positions let alone reach consensus

63. There has been attempts to arrange a ‘Team Ag’ group in part if not as whole combining all agricultural sectors. The differences reflect what is at stake today not probably where land use could be in a future distant time. The differences are centred upon primarily one topic, Nitrogen and how it should be managed or not and whether allocation is part of the management framework

64. F4PC are taking an unyielding approach towards todays management of Nitrogen and this stance is unlikely to be moderated unless other compelling evidence becomes available

65. F4PC however do believe that this tension could be turned into an opportunity to get a good outcome for everyone. It is often only because some tension exists that the different stakeholders have a desire and obligation to participate (If not at the table you are on the menu). In the face of tension, the outcome can be very different than originally anticipated because adaption and innovation are encouraged and promoted in the ensuing discussion.

66. F4PC believe there remains outstanding grievances between the Crown and Iwi should not be leveraged or create tension that spills over to other non-associated stakeholders and / or land users because any grievance(s) must remain a Crown / Iwi matter redressed only via Treaty Settlement or similar.

Plan Change 1 Social disruption

67. It has become very noticeable in rural communities there is simmering discontent about potential impact and upheaval particularly where PC1 policy and rules are perceived to be unfair and inequitable

68. F4PC are acutely aware that rural communities can be disrupted easily when policy and rules demand significant change to occur within short time. This disruption can negatively affect employment stability and the opportunity of employment in rural communities because there is not the diversity of available work. Consequently, any change or shift will quickly ripple across and through the whole community with negative ramifications. It is important to better manage this by providing good transitional time to allow a more gradual adjustment

69. Where change is required this must be well communicated and transitional time allowed to readjust and create resilience. As said earlier there must be some tension to shift away from business-as-usual thinking however heads-up communication and openness to discussion must foreshadow big change.

Plan Change 1 Freshwater Management Units

70. F4PC are concerned that Freshwater Management Units (FMUs) could allow because of their very large area size too much flexibility in determining the state of water quality because of processes will pool together different water quality samples into "averages" across a range of attributes of different subcatchments within a FMU so that despite some subcatchments having a poor state of water quality it will be deemed acceptable when other subcatchments have very good water quality. It is because of this unders and overs outcome the FMU concept is considered flawed. F4PC consider the right scale to implement and monitor the state of water quality is the subcatchment scale.
71. The FMU scale is important to at the right scale to allow good implementation of a subcatchment approach with greater integration with Farm Environment Plans
72. F4PC would consider it appropriate for discussion to revise the Freshwater Management Units with the possibility of dividing both the Upper Waikato and Waipa into at least 4 and 2 FMUs respectively
73. There is no reason apparent F4PC believe why the FMUs cannot be adjusted considering the only reference to FMUs is the NPS Freshwater which provides for local flexibility. The a need to report and account of outcomes for the FMUs it would be argued will be more accurate when the FMUs have a smaller spatial area with greater alignment with subcatchments.

Plan Change 1 Waterways – what is the definition?

74. The definition of waterways is not clear; for example, what is a drain?

75. The definition of ephemeral waterbody is also not sufficiently clear to ensure that farming activities will not adversely impact on water quality. Ephemeral waterways are critical source areas and pathways for contaminants that are often excluded from good management practice policy. Removing an obligation to manage such waterways where risk of contaminate loss is high means business-as-usual farming activities may continue adversely impact on water quality as this loss pathway is not accounted for.

76. Plan Change 1 Farming Fits the Land

77. We demand fairness and equity (equal opportunity) to all land users and stakeholders recognising property rights, no-one should be a victim of intimidation, duress or subjugated by another or must yield to primacy first-in first-served when such use could be patently misplaced

78. Land as private property should have rights of use protected (within limits not to degrade beyond agreed suitable limits to maintain an acceptable state of quality)

79. Need to maintain flexibility and opportunity of use

    Flexible opportunity should not be barred by concepts such as "use it or lose it'; or an established enshrined hierarchy of use because it discourages innovation, entrepreneurship and desire to seek better efficiency

    i. Flexible opportunity should only be constrained by limits pertaining to ecosystem health relative to the natural resource of the property i.e. the versatility and capability of the land

        1. A strident and precautionary need to avoid "Tragedy of the Commons"

           Garrett Hardin "Tragedy of the Commons" (Science, 1968)

80. Land that is free of encumbrances should not have diminished opportunity considering versatility and capability (natural capital) relative to other like land because of current day existing usage

    Like land should enjoy the same allocable opportunity (no grandparenting)

    i. It has been observed that land users with high contaminant loss prefer grandparenting allocable share rights to lock in the advantages this confers. It is noted that the environmental and social cost of grandparented high

contaminant loss remains externalised with limited accountability or liability i.e. avoidance of polluter pays

ii. Appropriation, confiscation, seizure or theft of natural capital to provide offset for another's excesses is not acceptable

1. Grandparenting provides a windfall gain to land use with high contaminant loss with continued opportunity to pollute and benefit commercially for profit

2. No offset should be forcibly demanded from other land use with low contaminant loss by restricting their opportunity

81. We demand that offsetting (dilution) as an abatement mitigation solution of high contaminant loss to achieve overall the achievement of an acceptable state of water quality should not impinge upon the versatility and flexibility of land use of any land user (third-party) not associated with land from which high contaminant loss discharge arises from i.e. a non-associated third-party land user should not have to bear culpability or responsibility
    a. All abatement and mitigation of high contaminant loss discharge should be the responsibility of the land user from where it originates i.e. polluter-pays
        i. Any offset cannot be created from duress without consideration
        ii. An 'unders and overs' approach which supports localised degradation cannot be acceptable

82. Governance via the Crown and Territorial Authorities should provide processes that enable and allocate the right to use resource (no-one owns water) in order to maintain an acceptable state of quality by imposing limits whilst simultaneously maintaining and preserve equal opportunity of use respective of the versatility and capability of the natural resource in a sustainable manner

    a. It is the opinion that the Crown has been very slow off the mark in applying suitable direction to identify what is an acceptable state of water quality and how to apply noting the time elapsed between enacting the RMA and NPS Freshwater
        i. The Resource Management Act 1991 (RMA)
        ii. National Policy Statement on Freshwater Management (NPS-FM 2011, 2014 and 2017) incorporating the National Objectives Framework (NOF)

    b. The Crown has been inconsistent with policy change and tweaks creating this politicisation of environmental issues (and polarisation)

        i. Think about MacKenzie Basin, Upper Waikato and the dilly-dallying procrastination to do what is right

83. We need to be mindful of unintended consequences
84. We need long-term investment horizons and therefore transitional adjustment clawback if and where required. No-one wants to surrender their rights, real or otherwise without good explanation and justification.
85. Sustainability costs money and this is directly reflected in abatement mitigation good management practices that the farm business must be able to absorb as an overhead cost to remain viable
86. F4PC are quite optimistic that most farm businesses have the capabilities to find and pick up solutions and to innovate, but not all solutions will be accepted
87. F4PC have observed and noticed that now today many farmers have much greater awareness and familiarity with need and importance of sustainability of land use and water quality not as evident 2 – 3 years ago. This is a mindset paradigm shift, a conscious undertaking maybe not yet translated by action on the ground but only if we had a metric to capture this shift – what a story this is itself!
    a. This observation has occurred as farmers are increasingly target for critique about their day-to-day management and practices which impacts upon 'Social licence to farm'
88. Farmers like most individuals make rational decisions, they follow the rules and if a rule doesn't say xyz then why do something at your cost – difficult to be precautionary
89. The V&S is highly desirous for swimmability and mahinga kai, see objective K, in all waterways which with caveats is also supported by F4PC. These attributes are principally determined, it is suggested, by ensuring the water has good mauri i.e. ecosystem health. The state of water quality having good ecosystem health reflects how all contaminants put together interact. For a farm business as a land user and where contaminant discharge arises from, the key is managing loss rates to ensure they are no more than allowable limits. In the same vein as ensuring there must be integration between environment, economic and cultural / social well-beings there is a need to allow balanced and managed integration of the different contaminate losses such that

ecosystem health in maintained and not compromised. This will allow movement in each contaminant discharge provided there is not exceedance. Such flexibility will allow land use per se to change within the confines of established limits for each type of discharge which follows the concept of Farming Fits the Land.

Plan Change 1 Water quality – confusion about terminology

90. F4PC is confused in some interpretation to describe the state of water quality and use of terminology and this must be clarified for us all to understand better. There needs to be unequivocal understanding about ‘bands’, ‘limits’ and ‘attributes’ etcetera as this is common language used in the NPS FW and so needs to be applied across to Plan Change 1 in a manner that eliminates confusion.

Plan Change 1 Historic land use change

What are the drivers of change, directives enabling and influencing change?

91. Land use has historically been influenced by government decree, interventions and policy, and this then coupled with entrepreneur opportunity associated with private property. A central tenet to land use is market returns relative to production or extractive costs. Often the most influential precursor to land use and particularly change in land use has been government policy either directly for example 1978 Land Development Encouragement Loan or an indirect consequence for example 1985 Rodgernomics removal of subsidies and the 2007 Emission Trading Scheme carbon price collapse

92. The secondary impact of these government actions which were unintended has been the environmental impact most notably a deterioration state of water quality though this outcome was known but ignored.

93. The message in hindsight is that any change that could be initiated by government action will need to be managed by precautionary caveats and bottom-lines established to uphold and protect the environment

Plan Change 1 Existing land use if misplaced is difficult to reverse

94. It is very apparent that once land use is emplaced it is difficult to change. Consequently, misplaced land use despite discharge of high contaminant loss continues to retain primacy and the owners or grouping of owners as a sector will behave in a Hobbesian manner to ensure that continued primacy is not revoked. When a sector is well organised all manner of obdurate self-preservation activity will be used to delay and subterfuge the possibility of change. It is seen repeatedly endeavours being made to retrofit sustainability measures to overcome negative impact after land use intensification and this is justified because greater emphasis has been placed upon economic gains rather than an integration of well-beings in balance.

Plan Change 1 Economic modelling

95. The Economic model has been used as a decision guidance tool about how to give effect to the V&S, how this may be managed in a staged approach and consider the ramifications and particularly assessing any likely unintended consequences. For example, the quantum of change demanded significant time be allowed to achieve the desired outcomes.
96. A principal precursor to the Economic model was the Waikato River Independent Scoping Study and the Economic Joint Venture which had a greater focus on the Upper Waikato than the other Waikato - Waipa regions resulting in a distortion of information about land use. Other background studies were also undertaken in the Upper Waikato with little undertaken elsewhere.
    - Waikato River Independent Scoping Study (NIWA, 2010)

- Doole Evaluation of policies for water quality improvement in the Upper Waikato catchment
- A tool for freshwater nutrient management in the Waikato−Waipa catchment
  - Summary of work by the Waikato Economic Impact Joint Venture April 2015
- Nutrient Performance and Financial Analysis of Lower Waikato Horticulture Growers 2014

97. F4PC are concerned about how the Economic model was constructed particularly the collection and incorporation of data and information about land use undertaken by the sheep, beef-cattle and deer sector. It appears the data used to classify farms and farm systems does not reconcile very well how F4PC would describe farms. The economic modelling appears to not recognise investment within hill country pastoral land utilised for sheep, beef-cattle and deer production systems. The investment cost within the model for new mitigation for example, livestock exclusion so to reduce contaminant loss is also queried because it doesn't seem credible in relation to costs for similar work we incur as farmers. This creates unease that the representative farms within the model are not representative which would distort outcomes.

98. There appeared to be a strong vice within the model protecting the dairy industry

99. The economic model (as used by the TLG / CSG) and reference material appears to be supportive of grandparented land use and this is advanced throughout time i.e. 80-years to give effect to the V&S. This is narrow minded…

100. The economic model appears to be largely anchored upon traditional dominant orthodoxy of economic growth whereby the dominant focus is upon a competitive economy, traditional socio-economic concerns. There does not seem to be any integrated balance over all the well-beings

101. F4PC are also concerned that not all scenarios were analysed for impact or amendment noting the findings and outcome from those scenarios that were analysed should have raised the eye brow as to what

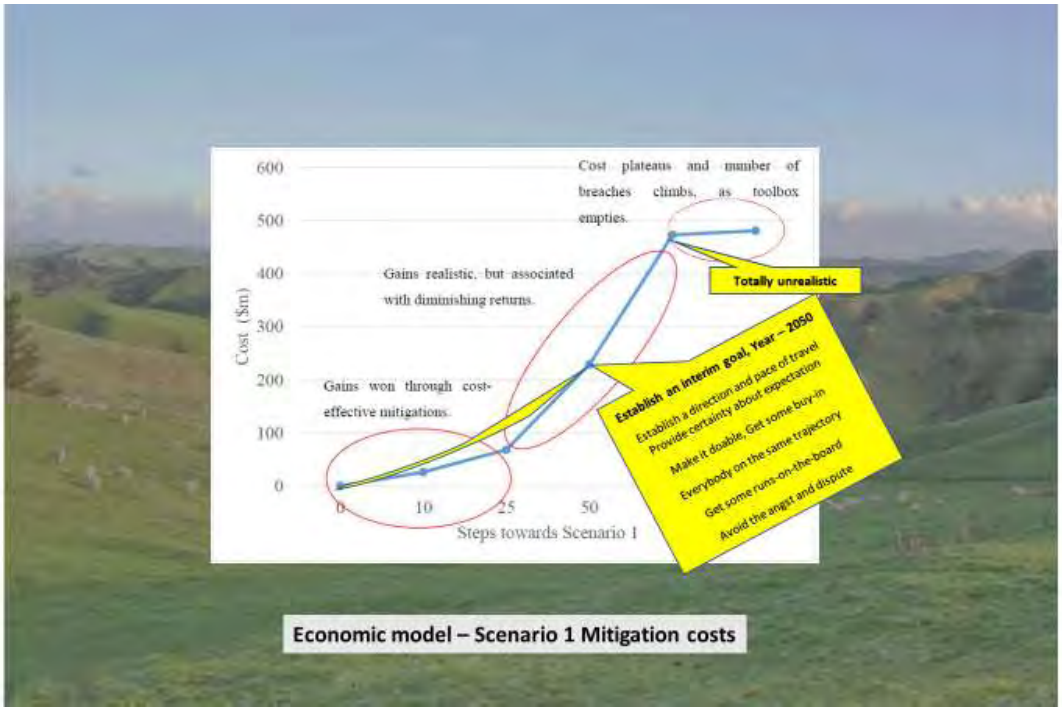
was being asked as the end outcome of the preferred scenario i.e. Scenario 1 appears totally unrealistic and outrageous.

102. The graph below taken from the economic modelling tells a story that is mindboggling and should have highlighted that the decisions leading up to Plan Change 1 needed some serious reexamination

103. The cost to achieve is horrendous

104. The end goal should have been re evaluated into something more doable

105. F4PC are suggesting there needs to be an interim goal established year – 2050 that is more realistic and within sight of being achievable also with a staged approach. This would create and establish more certainty about direction and pace of travel giving greater confidence to get buy-in and importantly achieve some runs-on-the-board as progress towards giving effect to the V&S



Source - Wa kato Doole Evaluation of scenarios for water quality improvement Assessment of second set of scenarios Sept 2015

Plan Change 1 The first 10 years

107. F4PC are very concerned about the direct prescriptiveness of PC1, the protection of interests of those associated with intensive land use with high impact, the lack of certainty what comes next…

108. PC1 is a 10-year program that alludes to being part of a bigger future package of change to give effect to the V&S. There is much uncertainty as to what comes next

a. No certainty – a discouragement of not knowing what or how to do the right thing
b. The economic model (as used by the TLG / CSG) and reference material is supportive of grandparented land use and this is advanced throughout time to give effect to the V&S. This is narrow minded…

109. Grandparented nitrogen loss (default allocation)

110. Livestock Exclusion

111. Farm Environment Plans without direct linkage with Subcatchments

112. Certified Farm Planner

113. Nitrogen Reference Point

114. The poor or lack of connection of farm and land use with subcatchment water quality

115. It should be noted and remembered that F4PC abhor the grandparented nitrogen loss that limits flexibility and will cripple opportunity for land use with low N loss (for definition it is regarded that farms with N loss ≤ 20 kgN/ha are classified as low N loss farm systems). Grandparented N is a squeeze and constraint emplaced to prop up other farm systems that continue to externalise their high N loss without fair and equitable consideration

Plan Change 1 Hold-the-line

Looks like business-as-usual for some!

116. Plan Change 1 is an endeavour to take stock of the situation as occurs today, hold-the-line with no further deterioration and then seek ten percent improvement in the state of water quality. There is also a desire to gather more information and knowledge that will allow other future decisions of gravitas to be made for example nitrogen allocation using a land suitability framework.

117. To date we have been on a journey of land use change and intensification that has added more contaminants into the water. This is a mockery of the existing wealth of knowledge about the state of the environment primarily water quality and the understanding of how it has come about. It highlights that no precautionary endeavours to manage were exercised and speaks volumes about self-interest. This self-interest went about to obdurate and meddle with intent to slow up and discourage the creation of legislation, policy and rules that would impose limits on discharge

118. There has been a failure in the past to provide leadership knowing continuance of poor land use was going to inevitably lead us to where we are today

119. Consequently, F4PC see the Hold-the-line approach of PC1 favouring land users with high contaminant loss (now locked in by grandparenting) rather than creating better certainty of outcome and preparing communities for change in future years

Plan Change 1 10 percent improvement

120. F4PC does not believe that PC1 will achieve the desired 10 percent improvement in all subcatchments nor the whole Waikato – Waipa River catchment

121. Intensive farms and systems are generally clustered together side-by-side in the same subcatchment and all have high contaminant

loss, some loss may be reduced by ongoing GMP, but this may not be enough to reduce the quantum required. Also, the load to come with time lag will no doubt create a problematic legacy

122. The reliance upon offsetting i.e. grandparenting with much of the offset outside of the troublesome subcatchments will not alleviate the problems where they occur locally where the state of water quality is degraded it will remain degraded.

123. The short-term state of water quality year – 2026 considering the discharge of nitrogen, phosphorus, sediment and microbial pathogens contaminant loss as noted in Table 3.11-1. will therefore not in the opinion of F4PC be achieved

Plan Change 1 **On-going intensification**

Certificate of Compliance

124. The continuance of forestry to farm development primarily in the Upper Waikato defies PC1 due to 'certificates of compliance' this is a rort… It is considered a pissant opportunity to get ahead of legislation, policy and rules in the knowledge that it will be difficult to reverse.

Plan Change 1 **existing Good Management Practice**

Give credit where it is due

125. It is recognised by F4PC that some farm businesses have already adopted and integrated Good Management Practice into their farm system more so than others. These farmers need to be applauded for such action undertaken on their own volition and should not be penalised or captured by other rules intended for others not up to speed.

126. Unfortunately, the application of Nitrogen grandparenting has confiscated the headroom a farm may have developed by being an early adopter of good management practices to be gifted to another who has high nitrogen loss allowing them to enjoy more flexible opportunity – how discouraging, bizarre and perverse is this as an outcome?

Plan Change 1 80-year target – a road to nowhere, no map or direction of route just a compass bearing irrespective of obstacles and diversions yet to be encountered along the journey

127. F4PC is struggling to be supportive of the 80- year timeframe proposed to achieve the Vision and Strategy set out in Plan Change 1. There is a worthwhile need to allow a timeframe that is accommodating and considers the socio-economic effects of implementing a change in management practices and the usage of land itself.

128. However, F4PC consider the 80-year timeframe towards a destination end goal nonsensical because such an end point is beyond anyone's rational comprehension (the magnitude of change and associated cost is beyond comprehension; what does it matter – I won't be around to make a difference or enjoy the benefits).

a. Provide an interim goal year - 2050

129. F4PC believe the short – medium term solution is to provide an interim goal year – 2050

130. As always there will be a need to adapt and adjust and so F4PC believe this can only be provided for by having an interim goal say 30 – years from now with a lot more specificity and clarity.

131. The interim goal year – 2050 is not about extending the timeframe to achieve what PC1 is endeavouring to do by year – 2026. The intent is lot more rigorous but endeavours to create greater certainty in what outcomes are required and by when. The outcomes would be revised / new numerical nutrient targets including MCI, nitrogen and phosphorus in-stream concentrations for Table 3.11-1 and revised flow regime to remove effect of flood and other adverse events. This is hugely important for rural communities to be more prepared and create resilience as it better considers economic and social wellbeing of people alongside an improved state of water quality.

a. The interim goal year – 2050 provides opportunity to reexamine direction and pace of travel

132. The intent of the interim year – 2050 goal provides certainty with direction and pace of travel however it is always important to reassess and reacquaint what is ultimately wanted.

Plan Change 1 Staged and measured to achieve target outcomes

133. It is the strong belief by F4PC and therefore vision of success to give effect to the V&S that a staged and measured approach to water quality improvement is undertaken. Whilst this may in simple terms be somewhat like PC1 as notified there are some stark differences in going about the business to achieve

134. Establishment of an interim targeted state of water quality up front now for each subcatchment

135. Involve all stakeholders in an integrated management process (we are on a journey together)

136. Time to achieve year-2050

137. A line in the sand this is what will happen

138. A state of water quality established for every individual subcatchment

    a. It will allow introduction of appropriate sub-catchment contaminant numerical limits to enable targeted and prioritised actions

        i. Avoid blanket one-size-fits-all

139. A profile where water quality is currently at and future target state

140. The future state of water quality is that for baseflow water excluding periodic episodic floods, or climatic event or other

    a. Need to remove problematic outcomes when good management practices will be overwhelmed

141. The subcatchment profile will detail a complete inventory including but not limited to:

a. Information about geophysical parameters and climate characteristics e.g. terrain, geology, soil, climate
b. Information about hot spots or critical source areas within the sub-catchment and including historical events of magnitude for example Tunawaea landslip, Waitomo kaarst sinkholes
c. Information about land use i.e. urban, rural, industry etcetera
d. Land use sectors and other (including pest and natural sources of contaminants) contributions toward sub-catchment targets. And how these have changed in recorded time to allow assessment of load characteristics e.g. load-to-come
e. Consented discharges and takes in the subcatchment.
f. Any operative sub-catchment management plans.
g. Information about adjoining/related catchments, relationships between sub-catchment or opportunities to coordinate with related sub-catchments.
h. Any zones that the sub-catchment is divided into to represent farming systems or land uses (including activities generating point source discharges) of a consistent type (in terms of contaminant loss).
i. Freshwater accounting system, monitoring plan and any other information

142. The more complete the subcatchment profile description and picture about the subcatchment provides better certainty about direction and pace of travel

143. Farm Environment Plan – tailored for every farm property, recognising subcatchment contaminant loss profile and focusing attention upon contaminant most likely at risk to breach.

144. The focus is upon risk and practices that accentuate risk and likelihood of high contaminant loss discharge. The FEP process will robustly using appropriate mitigation target critical source areas as advised for each subcatchment

145. Livestock exclusion – based on slope and intensity of stocking rate

a. High intensity stocking rate ≥ 18 su / ha ~ 1000 kgLW/ha
b. This includes intensively managed blocks within an extensive farm
    i. All accord water ways
        1. To be implemented immediately
c. Low intensity stocking rate
    i. All accord waterways slope 15 degree and less
        1. To be implemented progressively completed by year - 2030

146. Acknowledging some mitigation will be significant in size and cost a staged planned process to be created

147. A nitrogen assessment using Overseer

148. Every farm will be provided a targeted nitrogen loss limit determined by using a 'natural capital' allocation framework – 30-years to achieve in a staged stepped-down process to target limit, or conversely some properties may have opportunity to increase

149. FEPS to be guided and supported by industry and others

150. FEPS will be subject to third part audits

Plan Change 1

Adopting Interim processes – why the difficulty to put in place

151. F4PC are advocating that there needs to be interim target to achieve a better state of water quality that is fixed in time i.e. year – 2050 and by doing so creates importantly a high degree of certainty

Certainty about what is required and expected

Certainty to allow business investment with confidence

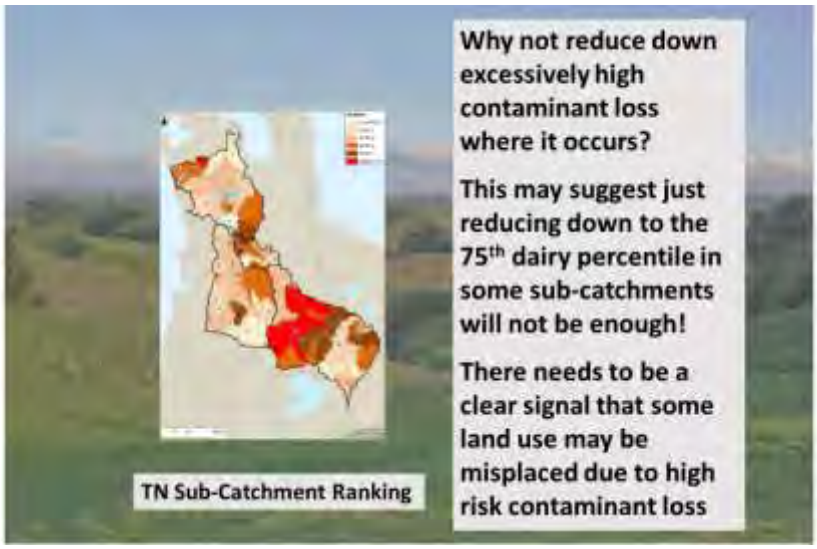
152. How can we provide a target beyond the plan change cycle of 10 years?

153. It is noted that other regions for example have had difficulty in achieving a similar process because the direction and pace of travel required cannot be locked in. Despite signaling the desire to lock in it has been observed some sectors appear to behave in an obdurate manner that refuses and stalls to accept the direction intended. Consequently, at the lead in discussions for the next plan change again one would expect there will be protracted dialogue with a mindset fixed to retain the status quo

154. Consequently, the grandparenting of nitrogen provides the windfall gain for land use with high discharge which then becomes the new status quo, the new property right which will not be relinquished without great resistance towards any attempt to reduce meanwhile those with low grandparented loss have forgone flexibility and opportunity i.e. there is blatant open theft of natural capital that transfers wealth to the polluter.

Plan Change 1 Nitrogen

155. A fixation upon nitrogen has created too many problems and tension



Plan Change 1 Nitrogen Reference Point (NRP) Grandparenting

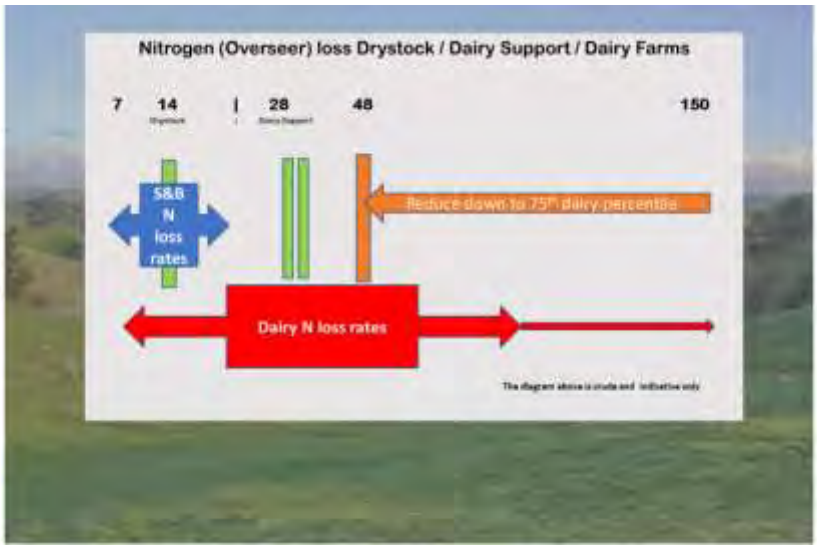
156. In PC1 the use of the Nitrogen Reference Point (NRP) has been created to limit and allocate how much nitrogen can be discharged for every farm property. This is commonly referred to as grandparenting allocation. This is considered by land users who have a low discharge (probably below the life-supporting ecosystem health limit that could be allocated for the property using a 'natural capital' or similar allocation framework and therefore the headroom has been confiscated amounting to theft of natural capital

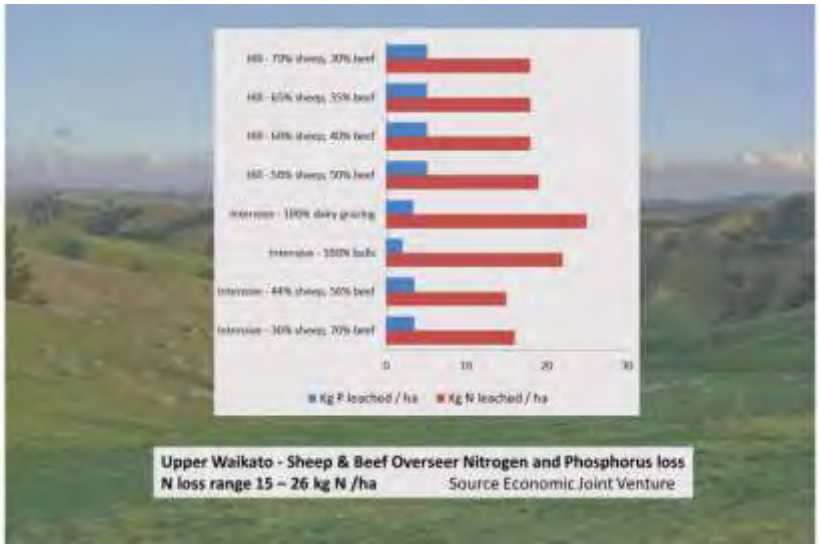
a. *Is not grandparenting an illegal take of private property without consideration?*
b. *Is there not a rule whereby private property may <u>not</u> be taken from one private party for the sole purpose of transferring it to another private party? This would be involving the use of eminent domain to transfer land from one private owner to another private owner to further economic development? And if it is within the jurisdiction of eminent domain then consideration should be paid?*
c. *The beneficiaries of the take i.e. headroom, are likely to be a powerful industry who will lobby intensely with disproportionate influence and power in the political process, that they have legitimate value? – need to watch out!*
d. *"private taking of private property for private use."*
e. *"theft of natural capital"*
f. *Confiscation – similar process to Maori land taken?*

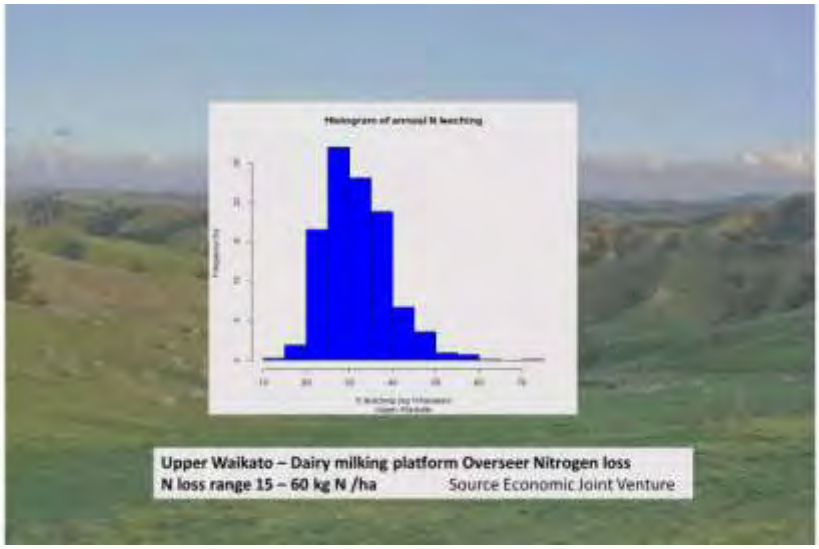
Plan Change 1 Land use and farm system Nitrogen loss rates

157. F4PC have found it difficult to access comprehensive information pertaining to nitrogen loss rates from different farm systems however from the few reports available the following provides a general picture of nitrogen loss which gives an indication of the range and variability that occurs between different farms. Also, the information is limited in what

Freshwater Management Unit is referenced, most of the reports pertain to the Upper Waikato. The other issue that needs clarification is the Overseer version used for each report varies and this consequently produces a different loss rate for the same farm system. Accepting this inconsistency, the general trend in loss between the different farms systems will be much the same to gain an appreciation of the variability that occurs.







158. The confiscation theft of natural capital headroom is being wrongfully used to offset high loss occurring somewhere else which imposes a disproportionate, over-indulgence, intolerable and unreasonable burden on the low N land user with significant loss of flexibility and opportunity as it is rendered incapable of reasonable usage whereas a high N loss farm has a windfall gain (free-riding, confiscation, theft) to continue discharge and so enjoy ongoing profit whilst externalising all the cost of degradation onto others.

159. The grandparented NRP should not be used as an allocation because such an approach rewards those who have historically and continue to discharge high contaminant loss and more so rewards (windfall gain) the land user who has not yet implemented progressive farm systems with inclusion of good management practice (early adopters) to minimise their environmental footprint

160. In pursuit of fairness F4PC demand under s 85, RMA deletion this offending provision and replaced with all culpability must rest with offending land use with high N discharge

161. The continued externalising of high N loss costs is not outweighed by any economic consideration because it hides and doesn't identify with any certainty how water quality improvement will ultimately be achieved.

Plan Change 1 Nitrogen Reference Point Rolling average

162. It is the opinion of F4PC that the NRP Rolling average has no relevance for low nitrogen loss land use and so this requirement to adhere needs to be dismissed.

Plan Change 1 Nitrogen Reference Point Flexibility

163. If there is to be a grandparented Nitrogen loss rate using the Nitrogen Reference Point, then F4PC demand flexibility for land use ≤ 20 kgN / ha

Plan Change 1 Reference years and Nitrogen Reference Point

164. The usage of reference years 2014/15 and 2015/16 is considered to have useful purpose to gain a better understanding of land use, the estimated contaminant loss and where located. The exactness of land use however is not warranted. The avoidance of having to be exact in a retrospective investigation allows a more representative farm system to be accounted for and this will avoid unnecessary inquest for detail and be achieved for less cost for essentially the same outcome

165. With the passage of time the ability of the land user to recall and recount in detail all land use activity required to undertake a valid and exact Overseer analysis will be problematic and for some impossible.

Plan Change 1 Nitrogen 75th Percentile Reduction

166. F4PC acknowledge the importance of reducing the highest nitrogen loss to a more acceptable level. This was an acknowledgement and concession by the dairy industry that there was an excess that could be reduced without too much loss overall in milk volumes or profit. It is however debatable as to whether the 75th percentile is appropriate, should it be more or less?

167. F4PC are concerned that again the rule applies universally as a one-size-fits-all and will be levelled across all dairy farms and other farms

(noting application of the 75th per Freshwater Management Unit) irrespective of location and subcatchment. It is noted that some subcatchments are over-allocated and therefore it is the farms in these over-allocated subcatchments that should be targeted with perhaps a greater reduction than the 75th percentile being applied

Plan Change 1 Grandparenting – Why we don't like it

- Grandparenting is allocation
- It provides a windfall gain for those with existing high discharge loss
- Allows high discharge loss to be legitimized despite negative impact
    - Ignores Polluter Pays principle
    - Avoids precautionary development
    - Avoids restorative development
- It fails to acknowledge importance on the need to abide by environmental limits
- It fails to acknowledge the importance of environmental primacy
- Lose opportunity to adjust land use with markets and climate
- Property rights are confiscated for others to enjoy with no consideration
- Reduced property value as flexibility is denied
- Property values become distorted as based on grandparented loss not value of capital resource
- Farm business viability is jeopardised and squeezed
- This is a vicious circle of no return
- Grandparenting is supported by those with Hobbean avarice and self-interest
- Theft / confiscation of natural capital
- Inequitable and unjust

Plan Change 1 **Nitrogen**

Flexibility when loss rate is low

168. The available information F4PC have access to regarding nitrogen loss from pastoral land use is subject to graininess limited in statistical robustness and is not complete as most information of this type is held privately.

169. For reference F4PC consider as a broad brush across all FMUs that a nitrogen discharge ≤ 25 kgN / ha should be regarded as a low level of discharge

170. We are not arguing that land use with a low level of discharge should not endeavour to reduce, we do desire overall reduction in a proportional manner and principally by the application of Good Management Practice however the priority of GMP reduction may best be achieved with a focus upon the other principal contaminants such that there will be measurable improvement in the state of water quality.

171. With respect to nitrogen F4PC are advocating there should be no loss of flexibility for nitrogen discharge to shift up or down without penalty where N loss rate is ≤ 20 kgN / ha. This provides a flexibility upper threshold without constraint recognising the changeable livestock policies that are Sheep, beef-cattle and deer farm systems.

Plan Change 1 **Farm advisor (certified)**

172. F4PC have noted there is a dearth lack of skilled professionals with ability to undertake 1) the rigour of an Overseer analysis and this will jeopardise ability to complete all farms within allotted time a Nitrogen Reference Point; and 2) preparation of Farm Environment Plans

173. A certified farm advisor must be much more than an Overseer analyst to overlook how Farm Environment Plans are to be created and actions implemented. It is critically important that any certified advisor is suitably competent and knowledgeable about farm systems particularly has familiarity with on-farm day-to-day management of operations and

farm business strategy and is aware of farm business limitations and opportunity and is au-fait with farmers learning and adaption to change. If these basic skillsets are lacking, then the farmer – advisor connection and empathy will not be embraced to deliver the desired outcomes

174. F4PC are therefore concerned that a farm advisor may have some sort of qualifying study or education to be certified about agriculture and farm systems but have no practical experience or empathy towards the land users / farmers engaged every day in the management of the natural resource i.e. the land. There is good possibility that the most suitable for being a farm advisor is one who has a lifetime of experience but no qualification from a tertiary institution or similar

175. A certified farm advisor of good repute and integrity will be able in partnership with the land user create and testify that Farm Environment Plans that are tailored for the uniqueness of each individual farm property adopting appropriate Good Management Practice ensure there is an overall reduction in environmental footprint leading to improved water quality

176. There is always concern that the adoption of Good Management Practice in a tailored manner provides no certainty that anything will be done, or any reductions are required. As said above it is the repute and integrity of the certified farm advisor who ensure mitigation to reduce is undertaken and of course this will be independently verified in an audit process

Plan Change 1 Certified Industry Scheme

177. It has been allowed for industry to provide an “Certified Industry Scheme” to oversee individual land users however F4PC consider provisions to manage such a scheme are not clear, certain or robust enough and have concerns regarding the vires of the provisions as drafted. It appears that land use administered by a certified industry scheme is permitted whereas other land users that do not qualify would require a resource consent which is potentially more rigorous

Plan Change 1 Permitted Activities

178. F4PC advocate strongly for the use of tailored Farm Environment Plans; and accepts the employ of Certified Farm Advisors and verification by independent Third-party auditing. It is via this robust process with clearly defined guidelines that farm activities can be conducted without the need for top-down draconian rule oversight on specific activities. The development of Farm Environment Plans following guidance of subcatchment profiling and the interim year – 2050 state of water quality targets allows more specific targeting of problematic contaminant loss focusing upon critical source areas. With a known direction and pace of travel there is greater certainty of what activities are required and therefore investment. There always remains expectation that mitigation actions must be commenced immediately with time bound completion dates however the advantage conferred is having flexibility to adopt tailored solutions.

Plan Change 1 Permitted Activities

Cultivation of slope

179. The cultivation of slope is an activity where there should be good scope for discretion. The selection or discouragement of a paddock to be cultivated based upon slope should be advised solely upon the risk of contaminant loss arising from such activity. The use of a blanket one-size-fits-all rule whilst simple and blunt fails and ignores how to encourage a responsible farm management response to local on-farm conditions and how the risk or likelihood of overland flow and proximity of waterways could be managed. The adoption of Good Management Practices at scale should ensure the right environmental outcomes are achieved. Where any failure was to occur, this would be noted, and appropriate regulatory response would follow up

Plan Change 1 **Livestock Exclusion**

Manage according to risk

180. F4PC are dismayed at the one-size-fits-all rules which take no account of risk, practicableness and doability. This idiotic situation is diabolical and needs to be seriously rectified if farmer buy-in and willingness to undertake this work is going to happen.

The solution like many things is often just there, it needs to be seen for what it is. Livestock exclusion should be focused upon the risk it is attempting to alleviate. This can be undertaken relatively easily by focusing on where risk is high based upon stocking rate.

The stock rate threshold between high and low risk will always be arbitrary without the test of science however if it feels and is recognised as been right then it could be applied.


Managing contaminant loss risk
Livestock exclusion from waterways
A focus upon risk management
We need to reduce the problem where it occurs!
Microbial pathogen (E. Coli) and Sediment
One-size-fits-all doesn't recognise obvious differences
High intensive livestock stocking rate ≥ 1000 kgLW / ha
All perennial waterways – no waterway size limitation
- no slope limitation
Low intensive livestock stocking rate < 1000 kgLW / ha
All 'Accord' waterways – slope ≤ 15-degree


Fencing Waterways
Is it doable – practicable and financially?
Different locations – terrain and type of waterway
Livestock exclusion must focus upon risk


Livestock Exclusion – In some places we have to fix it!


Livestock Exclusion – In some places it is not always an easy exercise
And the cost increases substantially!


Livestock Exclusion – practicality and reasonableness
How to measure slope?
What is deemed the dominant slope?
80+ percent?
The contaminant loss risk from Hill Country farms that have low intensive livestock policies should target Critical Source Areas as a priority


Livestock Exclusion requires a reticulated water supply
High cost $$
• Difficulty to install
• Maintenance R&M

Plan Change 1 Livestock Exclusion – Buffer width Riparian zone – Is this a take (seizure) of land?

181. There will be considerable area of land excised from pastoral livestock land use because of the livestock exclusion rule and provision of buffers to create future riparian zones that under proposed policy renders the land user an incapability to extract full entitlement to enjoy economic benefit. This riparian land has in fact been taken by regulatory process and therefore seized, confiscated and taken in a de facto manner. The land could be said to be ceded involuntarily into public ownership without any consideration and this transfer should only be realised by exercising eminent domain with an obligation to pay a fair reasonable price in a manner like the Public Works Act.

Plan Change 1 Livestock Exclusion – Buffer width variability

182. There is poor application of science in the establishment of waterway buffer widths. It is F4PC opinion the buffer width needs to be flexible with variable width according to location and proximity to overland drainage pathways, critical source areas and channels. Where flow pathways confluence and aggregate together the buffer width needs to be widened accordingly and conversely allowed to be reduced where little overland flow would occur.

183. It is recognised that the purpose of livestock exclusion is a mitigation action to reduce contaminant loss however it is being applied in a one-size-fits-all manner and therefore does not account for risk of loss chiefly the difference between intensive and extensive management of livestock. The cost benefit is poor for extensive management (proposed threshold 18 su/ha ~ 1000 kgLW/ha) and there would be better bang for buck if targeted mitigation is undertaken on critical source areas of magnitude

Plan Change 1 **Livestock Exclusion**

Unintended Consequence

If only putting in place livestock exclusion was easy as some proponents think it is

On the farm there is a multitude of other things to consider and how have these been considered in creating this policy?

Plan Change 1 **Livestock Exclusion - Costs**

184. F4PC are most concerned there is not enough regard to the cost that will actually be imposed to satisfy livestock exclusion, particularly in the hill country and this is further exacerbated by very restrictive time to complete. The modelled costs are way off the mark it is incredulous that more robust information was not obtained. It is also surprising that unintended consequences of such rules were not identified and examined. The negative effect of placing livestock exclusion in hill country could easily be greater than the envisioned benefits and so it may all be to no avail.

Plan Change 1 Livestock Exclusion

Time to complete

185. It is the belief of F4PC that the time to complete Livestock Exclusion is unworkable particularly priority 1 subcatchments despite the small extension of time provided in variation 1 of the plan change

Plan Change 1 Cultivation setback

186. F4PC are having difficulty accepting a one-size-fits-all setback for cultivation when there is no recognition of different waterways adjacent to the area to be cultivated, and then considering soil types, slope and other biophysical factors.

187. F4PC appreciate that all waterways, natural and manmade, provide a nexus to a larger waterway receiving environment. However pragmatic caution is required for example in flat drained peat country where there is a multitude of constructed drains, surface and underground and contoured ground i.e. hump and hollows dissecting the paddocks

Plan Change 1 Future allocation

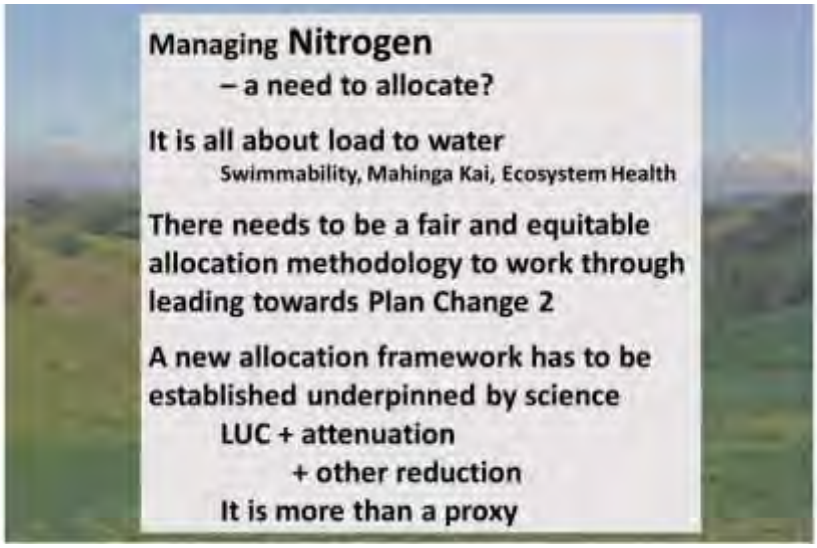
188. The allocation framework for Plan Change 1 with respect to nitrogen is hinged on the existing grandparented land use that has no linkage to the versatility and capability of the land itself to assimilate contaminant loss or apply constraints of terrain that could limit livestock class and stocking rates.

189. It is noted there is Policy 7: Preparing for allocation in the future which introduces ‘land suitability’ as an allocation framework. We are not

aware of such a framework in use anywhere presently in New Zealand and so there is naivety in who and how to apply

190. We understand the 'land suitability' framework that is proposed to be established will be reliant upon new research and monitoring outcomes that will assist with defining the 'land suitability' approach. It is F4PC belief this approach is flawed because such research is not being presently conducted and the validation case studies won't have the needed time to verify whether it is fit-for-purpose. It is also important to note that 'land suitability' has not been tested through a robust statutory planning analysis.

191. As for an allocation framework F4PC have been advocating for the adoption of the 'natural capital' approach and this is considered more worthwhile because it already is utilised by other regional councils.



192. It is F4PC preference that the introduction of a worthy allocation framework based upon the properties of the natural resource i.e. the land such as 'natural capital' requires a phased transitional introduction to gradually get total adoption. It is by undertaking a transitional journey that where current land use is misplaced i.e. such use has high contaminant loss and will need to reduce there is recognition of the importance of time to adopt and implement appropriate good management practice, the

importance of not leaving invested capital stranded with no exit opportunity to recover.

193. F4PC are advocating for an interim year – 2050 goal to give effect to the V&S. The introduction of 'natural capital' as an allocation framework could commence now with transitional adoption would fit very well in the time to the year – 2050.

194. F4PC are fearful that any procrastination and reluctance to pursue introduction of a 'natural capital' allocation framework will lead to further continuance of grandparented allocation which is unjust

a. Land Suitability
b. Future mechanisms for allocation based on land suitability will consider the following criteria:
    i. The biophysical properties of the land that determine productive potential and suscept bility to contaminant loss (e.g. slope, soil type, drainage class, and geology); and
    ii. the local climate regime that determines productive potential and the likelihood of water storage and runoff patterns (e.g. frost, rainfall and its seasonal distribution); and
    iii. The natural capacity of the landscape to attenuate contaminant loss; and
    iv. the Objective 1 water quality limits^ related to nitrogen, phosphorus, microbial pathogens and sediment for the surface waters that the land is hydrologically connected to; and
    v. the desired values^ in those receiving waters (ecological and human health) and how they are influenced by the four contaminants.
c. The future weightings are to be determined. For the avoidance of doubt, land suitability criteria exclude current land use and current water quality, the moderating effects of potential mitigations, and non-biophysical criteria (economic, social and cultural). Instead these factors will be of importance in analysing the implications of a completed land suitability classification

195. Some land is eminently more suitable for intensive pastoral farming (and other land adjusted for variable scales of intensity) and it is this land that should be favoured with greater allocation. To derive what type of land is appropriate requires a measure of different parameters

It is productive, the pasture sward capable growing lots of grass

Ability to support heavy livestock (soil is not fragile, not too wet, not too steep)

Ability beyond the rootzone to attenuate contaminant loss reducing load to water

Man-made technological advancement can improve the natural state (for example surface drainage, subsoil drainage, surface contouring hump and hollow, iron pan busting)

Plan Change 1 Future land use change – change should not be constrained unnecessarily

196. It is F4PC belief that future land use change should not be constrained by an existing grandparented usage regime, grandparented rights do not recognise the irresponsibility of misplaced land use exacerbating high contaminant loss. All land use needs opportunity and flexibility to use land for a wide array of different options, the only constraints being limits that uphold a state of water quality that maintains a desired level of ecosystem health

197. Where a land user wants to initiate a change of land use considerably different and more intensive than the current use with an upward shift increase in Overseer measured N loss and the new total N loss is more than 20 kgN / ha, a resource consent should be obligatory

198. Where a change in land use is considered relatively minor i.e. an upward shift in Overseer measured N loss will be no greater than 20 kgN/ha as a total loss then this should be permitted subject only to an updated (and submitted) Farm Environment Plan with additional GMP undertaken to reduce all other contaminant loss (this is a N Flexibility threshold or cap)

199. The resource consent process would examine the subcatchment contaminant loss profile and assess available headroom to enable any increase above the status quo

Plan Change 1 Horticulture requires special derogation

200. In the case of horticulture as a land use change then some special derogation may be available

Plan Change 1 Provides no certainty

201. In isolation Plan Change 1 provides the land user no certainty, no reference about direction and pace of travel. There is an illusion of certainty in the narrative to give effect to the V&S, the economic modelling studies and other associated documents but nothing substantiated. At best we are informed future regional plan changes will likely require further reductions of contaminant loss and discharges

a. "If one does not know to which port one is sailing, no wind is favorable" – Seneca

202. The application of one-size-fits-all policy is too broad, the application of specified mitigation and other good management practice may not be enough to reduce contaminant loss requiring further investment or change. This knowledge of the total quantum required should be forthcoming and done so in a transparent manner for all to see.

203. It would be foolish to spend considerable monies on livestock exclusion when ultimately afforestation is the only action that could be

employed to reduce – this knowledge needs to be widespread and transparent.

204. With no certainty we are at best holding-the-line in the hope of some new technology will avert or modify the needed change or course of action

205. Those people naïve to the potential wind of change could purchase land unwittingly (buyer beware - caveat ēmptor) knowing current land use will not in the future be acceptable

Plan Change 1 Proportionality to reduce contaminant loss

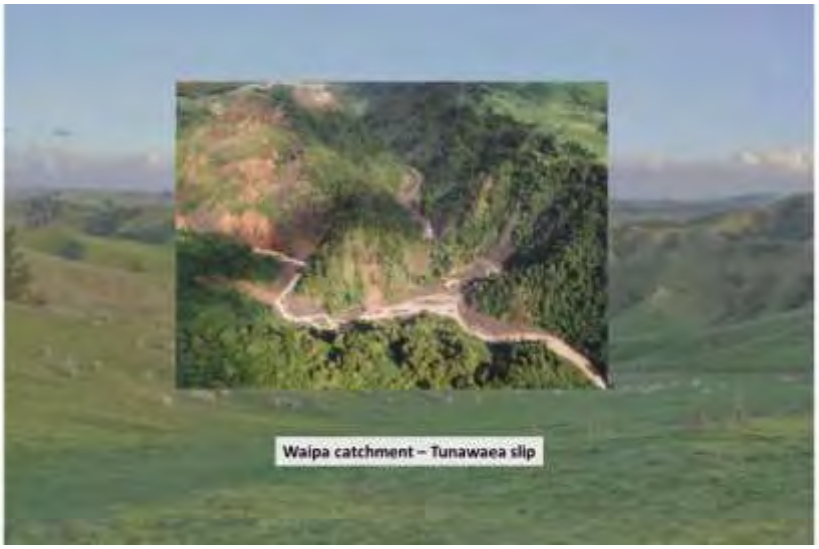
206. In the opinion of F4PC it is frustrating to have expectation that there should be proportionality to reduce contaminant loss that implies a straight-line across-the-board reduction say every land user must reduce by 10 percent. This is absurd nonsense because there should be a strong element of polluter pays, the land user with high discharge should have expectation to reduce substantially more whereas others particularly those who have low loss and near allowable limits established to uphold and not compromise ecosystem health should be allowed more leeway so they can concentrate mitigation effort where most needed

207. F4PC appreciate the difficult in writing up policy that may provide flexibility as there is less rigidity to apply regulatory action if things go pear-shaped. However, the compulsory function of Farm Environment Plans and Certified advisors plus a third-party audit should provide good comfort the process is manageable. This would be more so in a subcatchment approach because individual actions of failure are more prominent.

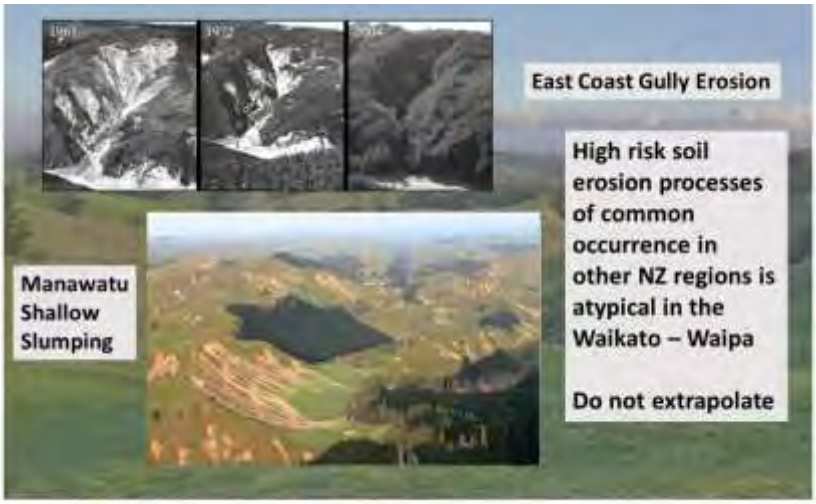
Plan Change 1 Erosion and Sediment loss

209. F4PC are somewhat unimpressed with the about erosion and sediment loss in the Waikato – Waipa River catchment. In relative comparison to other regions in New Zealand the loss of sediment from pastoral hill country is relatively low.

210. There is now an infamous picture highlighting the sediment load from the Waipa River at the confluence with the Waikato at Ngaruawahia and the picture indicates, wrongly, an ongoing significant repeatable problem. It is recognised the Waipa and other catchments do have a sizeable sediment load in comparison to other Waikato catchments however the discussions that have occurred are indicating something is more amiss than what reality demonstrates.



211. There also appears to be a general understanding that hill country erosion events are typical irrespective of location in New Zealand and this is patently wrong and misinformed.



212. F4PC have always said the issue of importance for hill country contaminant loss is not nitrogen but sediment and microbial pathogens (E. coli). However, it is important to get the context right so the mitigation to be applied is effective but not such that the expectation is blanket afforestation.

Plan Change 1 **Sediment Koi carp**

213. F4PC believe that the pest fish Koi carp must be controlled to assist give effect to the Vision and Strategy

Plan Change 1 Microbial Pathogens (E. coli)

214. It is well known that the microbial pathogen loss and the implications of this loss upon the state of water quality is serious. F4PC cannot fathom why more emphasis has not been undertaken to understand better source origin and location with greater specificity. With a longer-term focus upon swimmability and Mahinga Kai (refer to Objective K) it becomes necessary to embark on a process about lessening the load in a pragmatic manner and having good management practices and tools to reduce.

215. Again, F4PC see a blinkered hellbent focus upon nitrogen using one-size-fits-all rules when many subcatchment do not have a nitrogen problem but there is a microbial pathogen problem. The pathogen problem was only a few decades ago principally a point source issue arising from urban and industry but is now increasingly a diffuse non-point issue.

216. F4PC believe the focus of direction needs to occur using a subcatchment approach i.e. understand the load and likely location of hot spots and using this knowledge imparting direction as guidance for uptake into Farm Environment Plans as to where critical source areas may be found.

Plan Change 1 Afforestation

217. The PC1 documents provide some discussion albeit limited about giving effect to the V&S in its entirety and this highlighted the magnitude of future land use change required to achieve the desired (aspirational) state of water quality. What F4PC find disturbing is the expectation that pastoral land particularly hill country currently used for Sheep and Beef has been target for afforestation as an offset against other land use contaminant loss principally nitrogen. This was evident from the economic modelling and other earlier studies with land use change being a principal mitigation that could be applied.

218. F4PC also note there is a lot of other parallel work and reference material used to support discussion and the economic modelling that afforestation is a purposeful route to be taken

219. F4PC recognise there is a need and importance to use land in a manner that has a low environmental footprint. However, F4PC have the opinion that the environmental footprint would be best managed at source rather that allow to cumulative load increase downstream and then endeavour to retrofit a mitigative solution or demand upstream offsets. Consequently, in a pastoral context it is recognised that some areas may be best retired from pastoral land use in a targeted manner identified by creating Farm Environment Plans and Subcatchment contaminant loss profiles. This process however does not begin with the premise that blanket one-size-fits-all policy should be applied regarding afforestation.

Plan Change 1 **Implementation Plan**

220. It is well recognised that not knowing how PC1 will be implemented creates ambiguity and further uncertainty. It is important to learn and understand how policy and rules will be interpreted to allow an informed discussion about its merit or otherwise

221. This has delayed F4PC in determining its own position on different topics and how best to respond

222. We are still very much in the dark about this

Plan Change 1 Excessive environmental regulation

223. Excessive environmental regulation can be construed as two wrongs don't make a right

224. Regulation is intended to control and place limits, it should be be expected to anything more

225. If applied in a one-size-fits-all manner it allows too much continuance from the exacerbator and limits opportunity of those who do not contribute the same degree of contaminant loss

Plan Change 1 Farm Environment Plans

226. F4PC are supportive of universal adoption of Farm Environment Plans (FEP)

The use of a FEP should however, not be regulated itself or tied to regulation in a manner that discourages its usage as a living, innovative and adaptive document that is regularly updated and referred to.

227. The Farm Environment Plan (FEP) may mean different things to different people, so we need to be careful what is the interpreted meaning. F4PC are very clear what an FEP is and the value it brings to the table.

Farm Environment Plan (FEP)

The Farm Environment Plan is a key integrated component within the Farm Business Plan to provide for the farmer a more advanced informed way to manage the natural resources of the farm business, and to understand and provide insight to the many complexities of using the land in a productive manner.

The use of the Farm Environment Plan is constantly evolving and updating and its uptake by farmers is considered an essential part of a more formal planning process. This formalised process of farm business management is itself becoming more normalised as part of farm culture but there still is some way to go to get widespread uptake.

The FEP is however also being used for different applications and this concerns some of us

- As promoted by industry sectors
    - Change in ‘social licence’ has been recognised, consequently the FEP is:

1) an opportunity to get ahead of regulation;
2) it becomes part of the story how we produce food and adds marketable value

- As promoted by non-regulatory interaction with farmers as land users
    - As part of an end-consumer market place quality assurance program
    - As part of a management group in some catchments, for example irrigation
- As a requirement of a rule i.e. every farmer to have a FEP because of some specific land use practice for example livestock exclusion
    - This type of usage for the FEP within a rule takes away and limits the FEP to the specificities of the rule (F4PC believes this depowers the whole purpose of the FEP), it is no longer the depository of information to assist provide guidance, oversee and manage all other actions that will occur on farm. It just becomes a necessity for compliance and will be treated in such a manner.
        - Keep the rule separate from the FEP
        - Or create a specific FEP module that is a pull-out piece pertaining directly to the rule and no more

The original intended usage of FEPs

The FEP is a collation of many layers of information about the natural resource of the farm business i.e. the land and waterways contained within the property. Importantly as part of the FEP there is a map with different overlays to allow information to be presented in different formats, some as pictorials, others graphically to provide spatial position. A key part of the FEP will be identification of critical source areas, either as environmental risk areas and / or management practice that may elevate risk. There may be written information to delve into the detail and provide a narrative story about the above. The narrative can also articulate and explain the farm business, livestock policies and more. A future work

program including actions to mitigate environmental risk will also be a featured part of the FEP indicating what work is being planned to be undertaken and where.

The farm property will also be part of 1 maybe 2 or more subcatchment(s) which the waterways from within the farm as lower order tributaries have a nexus or connection to. From monitoring of subcatchment water quality (generally this monitoring is undertaken by regional council) this information will provide a profile of contaminant loss and issues i.e. nitrogen, phosphorus, sediment, microbial pathogen, and issues may include nuisance periphyton / algal biomass. This profile provides a priority order of what contaminant(s) must be reduced to lessen the environmental footprint.

Matching this subcatchment contaminant profile with the on farm critical source areas can then determine mitigative action (singularly or as a bundle of different actions selected and tailored for use from the GMP toolbox)) to be undertaken as part of good management practice.

Societal expectation is now demanding that some mitigation work be undertaken with greater certainty and will conform to a minimum prescribed standard. The question that we are grappling with is how the FEP is to be used to coordinate, measure and convey that this is being complied with.

It is F4PC belief the FEP is a depository of information of huge value to the farm business. Some of this information is personal, commercially sensitive and / or doesn't need to be shown to prying eyes regardless of whom they may be for example a territorial authority having the regulatory power of oversight to ensure mitigation work is undertaken.

F4PC is supportive the FEP be used in a mandatory manner to demonstrate how a farmer is complying with a rule, the work done to date and that planned in the near future.

228. F4PC are cautious that a registered FEP may expose the land user / farmer to some liability and therefore risk where in good faith the FEP has been well prepared in a thorough complete manner with all contaminant loss sources identified and noted with various mitigation that will be undertaken. This may create a false impression by regulatory officials who could observe some mitigation may not have been undertaken despite intentions to do so within a time period as noted on the FEP and therefore pursue a prosecution. The land user / farmer aware of this risk will be sensitive and cautious to what FEP information will be presented for registration to avoid being picked up by overzealous regulatory officials

229. The FEPs should have an introductory recognising an expectation exists for land use to have a low environmental footprint not ‘pristine’ nor ‘degraded’ such that the farm business can go about its purpose without breaching ecosystems health limits (establish appropriate narrative and numerical attribute targets and limits) established to safeguard life supporting capacity, ecosystem health and processes of fresh water, provide for primary contact recreation and cultural values including mahinga kai (when appropriate and safe to do so i.e. not in flood or subject to other adverse events), and recognise and protect the natural character of rivers, lakes and wetlands. The time allowed to satisfy all limits is year – 2050 with a staged program to achieve

230. The most critically important part of a FEP is identifying ‘critical source areas’ where contaminant loss is high or at risk of being high. The FEP then becomes a living document as to how contaminant loss will be managed and how Good Management Practice (GMP) will be applied to manage risk and reduce loss

231. The FEP is the methodology of how a land user will go about reducing their environmental footprint by adopting Good Management Practice (GMP). It is important not to get too prescriptive about GMP in a generic fashion as it must be amendable to how it can be best implemented in a tailored manner unique to every individual property.

232. The FEP should have at its core the national farm plan template to avoid duplication in part or whole

233. That Farm Environment Plans as registered need to be overseen and managed within the context of each subcatchment using an appropriate and transparent framework of review and accountability. In saying that FEPs should be transparent this does not concede that the general public should have access without consensual approval

Plan Change 1 **Farm Environment Plans**

Good Management Practice

234. F4PC make no distinction between good or best management practice or best practical option. It is the desired result being a reduced environmental footprint that is material, but several other different factors need to be considered chiefly time to deliver and cost. The first requirement is therefore establishing an agreeable direction and pace of travel and it is this that gets worked up using the FEP

235. In discussion about Good Management Practice (GMP) there is an existing collection of collated GMP by regional councils and others and importantly a suite of published information over many years to provide support and reference material. There should be a portal or similar gateway to access this material easily and freely.

236. The Farm Environment Plan will include several individual and / or a bundle of mitigation actions that are selectively tailored to resolve specific identified critical source areas on farm. There may need to be some direction of expectation regarding mitigation to be applied considering the anticipated risk of contaminant loss from different farm

systems and land type. A matrix table or similar could be useful with well-prepared guidelines to assist advisory conversations.

237. A key part to preparing a FEP overlain with GMP is that it is essentially a living document which is adaptive and iterative to changing circumstances to allow a process of continuous improvement

Plan Change 1 **What comes next?**

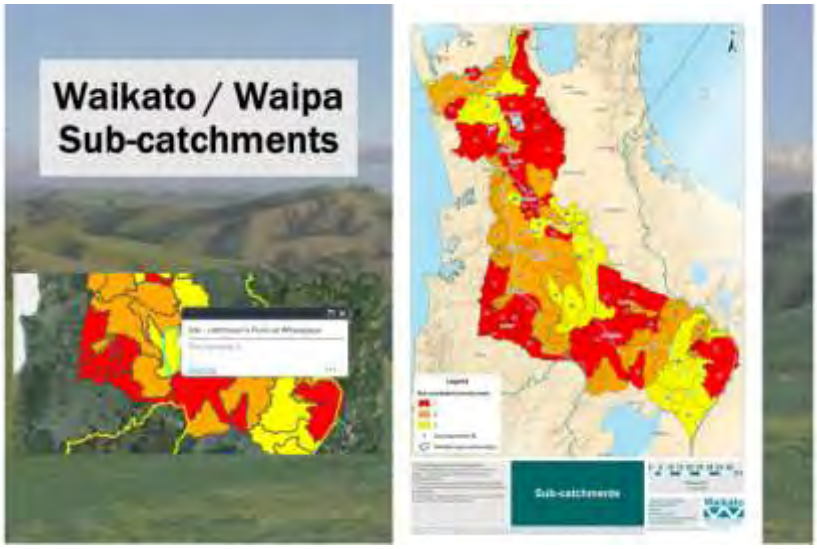
Wanting better certainty

238. What is missing at present from Plan Change 1 is certainty about what comes next, the target or objectives that must be satisfied therefore providing direction and pace of travel. If a target is not provided, for example an interim year-2050 state of water quality then the direction and pace of travel is not measurable nor quantifiable

Plan Change 1 **Subcatchment approach**

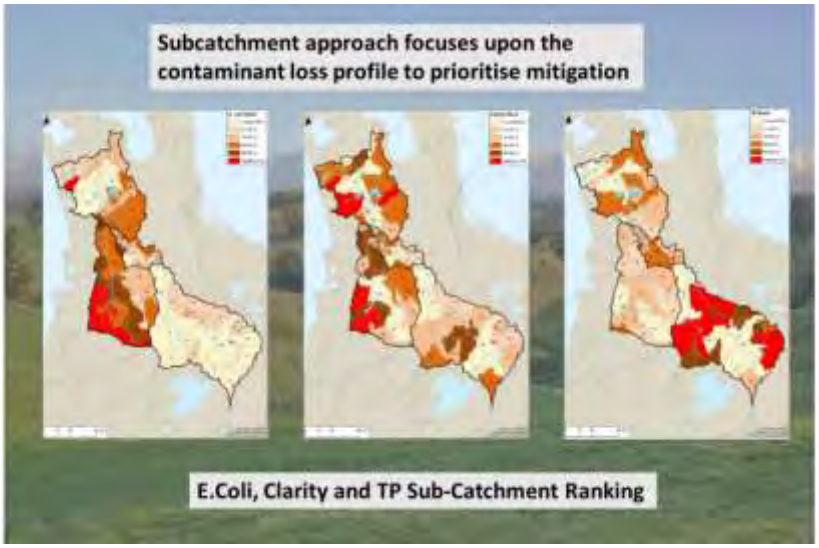
(and in part Farm Environment Plans)

239. There is reference to subcatchments in Plan Change 1 (refer to objectives, policy 1, 2, 4 & 9 and values) however unfortunately, it is not supported in the rules. The rules are in general blunt one-sized-fits-all and offer no pathway forward to creating a subcatchment approach and we have loudly voiced our dislike to such rules and so these should be abandoned.



240. A subcatchment approach involves the whole community and all stakeholders – this is a very important tenet

241. A subcatchment approach to improving the state of water quality is more specific acting on local issues that are causing degradation and so would be tackled in a manner targeting critical source areas with a tailored mitigation response and such action would be proportional including transitional time periods that extend across plan change cycles because many mitigations are extensions onto and leverage the first.



242. The real advantage of a subcatchment approach is that communities are engaged rather than everyone operating individually. This encourages groups to work together and this may involve shared mitigations where benefits accrue greater as a whole

243. In the opinion of F4PC the success of restoring the mauri of the Waikato – Waipa will be the summation of water quality from every subcatchment as a tributary rather than a single measure of the whole referenced at various points along the main stem of the river for example Tuakau Bridge. All subcatchments should have individually established ecosystem health limits as a target baseline being a combination of biophysical health and recognition of Te Mana O Te Wai. The target baseline would be achieved by a fixed date, we are suggesting the year-2050. The target baseline provides a direction and pace of travel from current state to the future state. We have discussed the interim target year i.e. year-2050, to achieve a measured improvement in the state of water quality as an interim target, a target that provides certainty and can be grasped as to its intent by all. It may not fulfill all that some may wish from the Vision and Strategy, but it gives effect to (runs-on-the-board) and allows us all to become part of the solution and importantly engaged in further the discussion.

244. Some subcatchments will have considerably more to do than others and so this trajectory needs to be known to provide the community certainty about expectation. When all subcatchments are of good quality then the main river stem in all probability will also likely to be of good quality.

245. At this juncture F4PC would not like to see the subcatchments amalgamated together in part for ease of logistical management and reporting unless there is good opportunity to robustly discuss and there is some rearrangement of the Freshwater Management Units

246. It is noted in the s42 the subcatchment approach is not favoured which we cannot comprehend because if every subcatchment had an individualised trajectory of improvement, some more so that others, then the main river stems should also improve. If the water quality model cannot calculate subcatchment in-stream nutrient limits, then this needs to be reworked.

The use of one-size-fits-all policy and rules to support continuance with a water quality model if deemed inadequate is not good enough.

247. Subcatchments and Lake Taupo
(and headwaters of subcatchments)

248. Lake Taupo waters as a significant proportion of Waikato River water should not be used as a dilutant to mask poor quality water discharging from downstream subcatchments (no unders and overs or offsetting).

249. Lake Taupo and its catchment community have invested considerable effort and monies to clean up Lake Taupo, it would be a travesty to see this wasted by allowing it to become dirty again

i. Note the cost incurred to date following Variation 5 to clean up Lake Taupo – don't let this be abused and squandered
ii. A precautionary principle should be favoured hereon as would be expected from the Resource Management Act

250. Upstream subcatchments for example those in the upper Waipa south of Otorohanga should not be checked in land use flexibility and opportunity in order to provide dilutant waters as an offset for high contaminant loss further downstream

i. This effectively becomes a transfer of wealth
ii. Opportunity has been confiscated with the theft of natural capital. There is no equity or fairness in this transaction

251. The ecosystem health limits as target baseline being a combination of biophysical health and recognition of Te Mana O Te Wai will acknowledge that the measure of achievement will avoid time periods for example floods, when water quality is known to deteriorate until normal flow resumes. This acknowledges the importance of swimmability and Mahinga Kai with the caveat when good to go swimming

Plan Change 1 Subcatchment Priority

252. We note that the notified Plan Change 1 prioritises subcatchments according to degree the contaminant loss with Priority 1 subcatchments having the highest loss and possibly being in a state of over-allocation. Obviously, there is a known profile and quantum of contaminant loss for each subcatchment however this knowledge in not being used to engage with land users to inform and guide how they should adjust use so to lessen any loss. Were such guidance being explicitly available it then

becomes invaluable to assist preparing the Farm Environment Plan and target for good cost benefit a suite or bundle of good management practices to mitigate to ensure water quality is improved. Equally it also allows an assessment about the size or quantum of loss reduction that needs to be made and this provides insight as to whether good management practice may be enough itself to reduce or whether more challenging decisions need to be brokered as land use change to deintensify may be in order.

253. It is the opinion of F4PC that there should be greater more complete focus upon a subcatchment approach to resolving the state of water quality and achieving measurable improvement. A subcatchment approach not only engages individual land users but equally if not, more importantly whole communities are involved and connected.

254. The size or quantum of existing contaminant loss, real and measured, should be known and would provide in detail a profile and quantum measure of the contaminant loss and this would be provided in context pertinent to that subcatchment. A subcatchment approach would consider the whole total contaminant load derived from a variety of sources i.e. what are the different sources of contaminant loss which may vary from urban / industry point source to non-point diffuse sources. This ensures a whole community discussion can identify and seek best outcomes for all stakeholders rather than piece meal – silo type thinking

255. It is F4PC opinion a new emphasis upon subcatchments will provide the whole of Waikato – Waipa River catchment improvement to the state of water quality thereby giving effect to the V&S and importantly fulfill requirement of the NPS FW notably objective C1. It is only by actioning targeted and focused programs of work as needed for each individual catchment with its own set of bottom lines within a flexible regulatory framework will the whole be improved. This recognises universal blanket one-size-fits-all policy and rules whilst offering simplicity can be very burdensome for catchments that don't need it and grossly insufficient elsewhere. It also importantly directs action where it is needed

rather than endeavouring to apply under and over offsets that will make difficult managing cumulative impacts.

256. Also, importantly but often overlooked it is F4PC opinion the subcatchment approach will be a better more cohesive vehicle to engage, participate and interact with local communities. This united cohesiveness of communities would bring about change practice and adoption of mitigation via Farm Environment Plans that will never be achieved in the more individual manner as proposed in Plan Change 1

Plan Change 1 Subcatchment nitrogen allocation

257. F4PC are demanding that nitrogen leaching limits and targets within sub catchments are established based on known water quality requirements for ecosystem health determined for each subcatchment and then allocated back to land based using the ‘natural capital’ framework.

258. In the Upper Waikato due to recent land change primarily forestry to farm, introduction of intensive farm systems and catchment characteristics where the ’load-to-come’ which is understood but the magnitude of such is not completely measurable there needs to be possibly an amendment to the Upper Waikato FMU to recognise this.

Plan Change 1 What comes next – background noise and jitters

259. It is recognised that Plan Change 1 will be part of a staged approach to reduce contaminant loss and so enable an improvement in water quality. Unfortunately, there is little detail as to what may transpire however there is some direction, often obscured, if one works through the economic modelling and other reference material that is part of the overall discussion about how to give effect to the V&S

260. The economic model and other investigative studies all took primarily a grandparented approach when considering what if analyses. All this work never considered how could the available natural resource be utilised to get a better more optimised fit relative to environmental

footprint, economic returns and other dimensions including social, cultural, mātauranga Maori etcetera

Plan Change 1 What comes next – squeezing the hill country sheep and beef farm

261. In F4PC opinion because of the narrow approach used in the economic modelling with a focus upon existing current day land usage and so by default a grandparented allocation applied, the mitigation order considering least cost i.e. the low hanging fruit and then subsequently deploying mitigation that progressively incurs greater cost would apply a protective shield over dairy as a land use (noting its greater profitability as a land use relative to other). Other land use would then be subject to applying mitigation include land use to a less intensive use e.g. hill country sheep & beef been instructed to undergo afforestation. The intent here is to ensure good quality water is made available from upstream sources to dilute the polluted water arising from intensive land use in downstream regions. F4PC find this approach insulting, it ignores Polluter Pays principles, it squeezes the viability of sheep and beef farming by reducing flexibility and opportunity so financial pressure forces change. All the cost of change is borne by the sheep and beef farm business i.e. loss of property value, loss of identity and community whilst the polluter continues to externalise cost and enjoy profit

262. F4PC recognise the contribution the dairy industry has made to facilitate advance of understanding about resource usage in the Waikato – Waipa Rivers catchment by becoming partners and contributors to science and information gathering. The flip side to this generosity is there is evident a strong tone of self-preservation and importance and this is plain to see in the supportive voice for grandparenting land use despite it been misplaced and over intensified in some places


What does success look like?
Prosperous, resilient, vibrant rural communities
Acknowledgement that primary land use is proper and justified
Fairness and Equity for all land users and owners
Excessive contaminant loss mitigated at source by those culpable
It should remain the owners prerogative to choose land use provided
it has a good fit within capability and ecosystem health limits
Farming that Fits the Land


Thank you
Questions