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 KIMBER RICHMOND BURKE
23 May 2019

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BACKGROUND AND EXPERIENCE

1. My full name is Kimber Richmond (Rick) Burke.

2. I have been farming beef cattle, dairy grazers and sheep in Lund Road, Katikati for 35 years.

3. I am currently Chairman of Farmers For Positive Change (F4PC).

4. I am a member of the Beef + Lamb Mid Northern North Island Farmer Council, of which I was Chairman for 3 years. I have actively promoted farmers carrying out Farm Environment Plans and other environmental initiatives whilst on the Farmer Council.

5. 2014 - Our farm Pukekauri Farms won the BOP Ballance Farm Environment Awards.

6. In 2013 I was awarded the New Zealand Grasslands Trust Farming Award for farming excellence in the Bay of Plenty.

7. I provided a hearing statement for F4PC as part of its case on the hearing stream Block 1. In my HS1 statement, dated 4 March 2019, I set out my relevant experience, farming background, and agricultural affiliations. I confirm those details remain current.

NITROGEN ALLOCATION

8. The Recent Environment Aotearoa 2019 Report highlights the issues associated with intensification of land use and increasing instream levels of nitrogen (N). (This is also highlighted in Alison Dewes HS2 evidence pages 8-10) Unfortunately it now appears we have over shot the mark in pursuit of economic returns mainly from the dairy industry, the result being 71% of our river length in pastoral farming has modelled levels of N that are affecting invertebrate and fish health across NZ.

9. Over the last fifteen years there have been warnings of the effects of the intensive farming practices from many quarters particularly New Zealand's prominent fresh water ecologists. These warnings have been largely ignored as previous Governments had an agenda of economic growth, with a focus on Big Business Dairy. Therefore local Government policy setting processes have been hijacked and manipulated by big business interests to the detriment of our fresh water.

10. In 2017 Sir Geoffrey Palmer QC published an article in the NZ Local Government Magazine, where he slams the performance of local government. Three points he made in his summary stand out for me:

    a. 'The performance of local government in relation to the environment appears to be seriously deficient';

    b. 'Local government must not be pushed around by powerful economic interests whose activities pollute'.

    c. 'What is at stake here are the interests of future generations whose interests the Resource Management Act is explicitly designed to protect[1].

11. What Sir Geoffrey Palmer describes in (b) above has been the unfortunate outcome of Waikato Healthy Rivers Collaborative Stakeholders Group (CSG) process. In my opinion there were members on both the CSG and the Technical Leaders Group (TLG) who had a conflict of interest as they were also employed by Dairy NZ. They had

their own hidden agenda and were not willing to accommodate the needs of others and should have been removed from the process.

12. Therefore the outcome of the CSG process has resulted in a Plan Change that has found 'Common Ground' with big business dairy rather than an outcome of 'Common Good' for our farming sectors, communities and environment.

13. Waikato Healthy Rivers PC1 in its current form has failed to galvanise the agricultural sectors to embark on a journey to achieve the Vision and Strategy. Extensive farming systems are locked down to offset the environmental impact of intensive farming. This has created 'winners and losers'.

14. Hence the adoption of a Grandparenting principle to manage nitrogen allocation within PC1.

15. With regards to Nitrogen Allocation, I would like to refer you to my own Hearings Statement in Block 1, which highlights the perverse outcomes of taking a Grandparenting approach to manage nitrogen in PC1. I would also like to refer you to Hearings Statements provided by my F4PC colleagues in both their F4PC evidence as well as their own personal evidence in Block 1 with regard to taking a Grandparenting approach to manage nitrogen in PC1.

16. In reference to a Grandparenting approach to manage Nitrogen Allocation, I would like to refer you to the Block 1 & 2 Evidence provided to you by Beef+Lamb NZ. F4PC fully endorses the Expert Evidence provided by Alison Dewes, Corina Jordan and Alec Mackay.

17. The common theme from evidence provided by F4PC and B+LNZ is that Grandparenting has no science base, it is simply an expedient mechanism that rewards the polluters. Grandparenting incentives everything that is perverse, which will result in continuing deterioration in water quality in both the Waikato and Waipa rivers.

18. Grandparenting is opposed by the vast majority of farmers that have submitted Hearings Statements as highlighted in the Section 42A Report HS2. **F4PC believes this clearly demonstrates democracy at work.**

Farming families are seeking an outcome from the Hearings process that is for the 'Common Good' of our communities and our environment, rather than finding 'Common Ground' with powerful economic interests whose activities pollute.

19. Those who support Grandparenting especially within the dairy industry, can no longer keep defending the undefendable!

20. F4PC condemns Grandparenting as an allocation framework to manage nitrogen. F4PC along with the farmers they represent will not accept Grandparenting in PC1 or any future Plan Change.

21. However, F4PC will promote and support an alternative allocation mechanism which is fair, equitable, science based and provides land users with certainty about their rights and responsibilities in relation to an output parameter which is linked to the natural character of their farm, and the freshwater objectives of their community.

22. If we look at the four contaminants and trends across the Waikato as per WRC Technical Report 2018/30, phosphorus, sediment and ecoli generally showed trends of improvement 1993-2017. Nitrogen showed trends of deterioration caused by the intensification of pastoral farming in the Waikato. The intensification of dairying is the main contributor to the deterioration of total Nitrogen in the Waikato.

23. It is important to note that modelling by Dr Doole shows links with declines in phosphorus and sediment to mitigation for nitrogen ie when N is managed so are the other contaminants. Similar results are outlined in Dr Alison Dewes evidence in the de-intensification within the red meat sector, as also outlined in Dr Dewes' evidence quoting from the Environment Aotearoa Report.

24. F4PC believes we as farmers must all take responsibility for our own issues, therefore intensive dairy will need to take responsibility for their nitrogen issues.The dairy sector are also significant contributors of phosphorus and ecoli as outlined in Richard Parkes of B+LNZ evidence HS1 pages 9 & 10.

25. The vast majority of drystock farms are farming within Nitrogen limits in relation to their land class. They won't tolerate Grandparenting, which effectively requires them to provide fresh water to dilute the high nitrogen leachers pollution.

26. The drystock sector's issues are mainly sediment, phosphorus and ecoli. Whilst trends related to these contaminants are improving F4PC believe the drystock sector can do a lot better through farmers adopting and developing their tailored Farm Environment Plans (FEP), through either voluntary initiatives or through the compulsion of regulation.

27. F4PC is advocating for a Nitrogen leaching limit/ target to be linked to land class and instream nitrogen water quality limits/ targets. This enables farmers to have a target. as a guide to transition to ecosystem health limits. It needs to be within a time frame that will not cripple farmers and where required will incentivise farming systems and land uses which fit the land.

28. F4PC supports and promotes a 'Natural Capital' approach based on Land Use Capability Class (LUC), as proposed by B+LNZ.

29. It's frustrating and disappointing that the critics of LUC are mainly policy people with little knowledge of its practical application on farm. LUC is a powerful tool in terms of farmers gaining an understanding of their natural resources on farm including soils, geology, climate and biodiversity values.

30. LUC gives farmers an understanding of their farms vulnerabilities such as susceptibility to erosion, diffuse discharges to sensitive receiving environments such as waterbodies. LUC assists farmers with identifying their critical source areas (CSA), and critical flow pathways.

31. LUC is equally powerful in giving farmers an understanding of their land classes and the opportunity to optimise land use by breaking the farm into land management units. This enables farmers through their LEPs to develop sustainable farm systems ultimately improving profitability, while farming within environmental limits. (I will elaborate further about this in my power point presentation)

32. In my opinion, I believe the vast majority of farmers across NZ, who have designed their farms based on LUC principles, would be NZ's leading farmers in terms of environmental protection and farm profitability.

33. There are significant advantages using an LUC allocation frame work as it compares 'like land with like land', it is fair and equitable - 'No winners and losers'.

34. LUC is informed by science. It takes into account the particular characteristics of the various land use classes in terms of contour, soil type and other characteristics. It is simple and easy to follow. It is logical because it is based on the actual 'Natural Capital' of the soils which reflects any limitations/ opportunities in the likely uses of the land in the future.

35. There are now useful tools available such as Mitigator and Luci based on LUC principles, to help educate farmers and create awareness about the particular characteristics of the various land use classes in terms of contour, soil type and other characteristics.

36. As Chairman of F4PC and a farmer, I will share with you via power point presentation, how using a Natural Capital approach has been a fantastic tool to help redesign our farm, Pukekauri in the BOP.

37. Pukekauri Farms is farming in the TeMania catchment in the Tauranga Moana. The TeMania catchment is one of 17 x subcatchments feeding into the harbour and was regarded in 1998 as one of the biggest contributors to sedimentation in the harbour.

38. In 1998 Pukekauri Farms carried out an Land Environment Plan (LEP to level 3) with the BOPRC based on LUC aiming to significantly reduce the sediment load from the upper catchment and with the ultimate intention to optimise land use.

39. Twenty years of working through our LEP works programme based on LUC has resulted in creating a huge win for the environment, our farm systems/profitability and an asset for our community.

1998 **2018**

NRP 10 **NRP 19.5**

Pukekauri Farms redesigned using a LEP based on LUC principles to create a mozaic of land use where farming fits the land.

NOTE: Key components for either Industry LEP or Regulatory FEP

- High resolution farm map to identify environmental sensitive areas and land management units.
- Farm LEP ie Beef + Lamb level 2-3 based on LUC principles.
- Works Programme linking evidence of work done to LEP and farm map.

FENCING RULES and STOCK EXCLUSION.

40. PC1 ignores draft national level stock exclusion recommendations, instead creating draconian fencing rules that could put farmers out of business. Fencing rules should be equal to the draft national Clean Water Consultation Document recommendations[2]. In particular mandatory fencing of streams in the hill country (land at or over 15 degrees slope) should not be required.

41. Fencing rules should be adaptive, flexible and innovative to create awareness and educate farmers around understanding their Critical Source Areas (CSA), wetland restoration and creation of sediment buns, water reticulation/ placement of troughs, placement of shade and shelter, as an integral part of farmers developing their tailored Farm Environment Plans (FEP).

42. Fencing rules need to incentivise science and innovation like virtual fencing.

43. F4PC believe the protection of CSA and the matching of right stock class to land class can be done at a fraction of the cost of fencing streams in steep hill country which could ultimately have negative environmental outcomes such as erosion and sediment loss. An approach which incentives farmers to farm to their natural capital as the LUC approach does (through nitrogen allocation as proposed as a permitted activity, or for more intensive operations through LUC mapping as part of a mandatory FEP), will deliver co-benefits as those farms match their stock class to their land, and inevitably retire more vulnerable areas of their farm.

44. The focus on CSA will be far more effective in controlling sediment and *E. coli* runoff in to waterways. There is plenty of recent literature to support this approach including (B+NZ evidence Block 1 by Richard Parkes on CSA page 12).

45. As a farmer and Chairman of F4PC I will also share with you via my power point presentation the range of mitigation tools farmers can use.

These include matching the right stock class to land class, strategic use of reticulated water, sediment traps, protecting critical source areas, creating sediment bunds, retention dams and restoration of wetlands. These were crucial tools we used in the redesign of our farm, Pukekauri in the BOP.

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Top - retention dam. Bottom - sediment pond.

Restoration of a wetland at the bottom of a catchment

Protection of Critical Source Areas

46. It's F4PC opinion that PC1 in its current form fails to promote the sustainable and integrated management of natural resources, it's not effects based, and does not ensure that the financial implications of stock exclusion rules for land owners are commensurate with their level of effect.

47. PC1 Stock exclusion rules needs to incentivise adaptive, flexible and innovative thinking, to create awareness and educate farmers around understanding their Critical Source Areas (CSA), wetland restoration and creation of sediment buns as an integral part of farmers developing their tailored Farm Environment Plans (FEP).

REALISTIC TIME FRAMES

48. One of the key take home messages that F4PC want to convey to you is the need for certainty. Certainty comes with farmers and their communities having a vision of what success looks like with aims and objectives that are doable and achievable.

49. Realistic Time Frames are a key component in ensuring certainty for farmers and their communities.

50. This isn't a sprint, it is a marathon but we need policy to incentivise Farmers/ Land Owners to sprint the first part by carrying out their Land and Environment Plans, tailorized to the landscapes they are guardians of.

51. In my power point I will refer to the fact that Pukekauri Farms were incentivised to go as fast as we could through our works programme via our LEP, with 75% subsidies provided by the BOP Regional Council for a lot of the environmental protection work. Even after 20 plus years we still haven't yet completed our works programme. This highlights the magnitude of the task of redesigning the farm around environmental protection.

52. The WRC has the ability to create a culture of empowerment and togetherness by working with farming leaders. The Waikato Regional

Council are Regional Partners with the NZ Farm Environment Trust / Ballance Farm Environment Awards. This relationship gives them the ability to work with farm environmental farmer champions to lead and drive change across the Waikato.

53. F4PC see 2050 as a time frame where we can all look through a lens and see a ‘mosaic of land use’ where ‘Farming Fits the Land’, have strong vibrant communities and we have met our targets and are working within ecosystem health limits.

CONCLUSION

54. The authors of PC1 were naive to think that draconian policy one size fits all rules would be embraced by rural communities.Valuable funds (public $) resources and mental energy have been wasted to fight a plan designed to protect Big Business. In its current form PC1 has created a culture of ‘push back’ which will lead to ‘Non Compliance’.

55. PC1 needs to be tipped on its head and redesigned to create a culture of empowerment to achieve the Vision and Strategy. The policy framework within PC1 needs to attract science and innovation to meet future targets. It needs to allow for flexibility and transition periods that are achievable where sectors and farming communities work together to achieve their community aspirations and ultimately the Vision and Strategy.

56. F4PC supports Beef +Lamb NZ and their team of experts in regards to policy recommendations for changes to Nitrogen Allocation in PC1, as also illustrated by Graeme Gleeson in F4PC Hearings evidence in Block 2.

57. F4PC supports Beef +Lamb NZ and their team of experts in regards to policy recommendations for changes to stock exclusion rules in PC1, as also illustrated by Graeme Gleeson in F4PC Hearings evidence in Block 2.

Dated this 23rd day of May 2019

Rick Burke - Chairman Farmers 4 Positive Change.