

PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS



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

Important: Save this PDF to your computer before answering. If you edit the original form from this webpage, your changes will not save. Please check or update your software to allow for editing. We recommend Acrobat Reader.

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

SubForm	PC12016	COVER SHEET	
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		Submission Number	
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SUBMISSIONS CAN BE

Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyivers@waikatoregion.govt.nz <i>Please Note: Submissions received by email must contain full contact details.</i>
Online at	www.waikatoregion.govt.nz/healthyivers

We need to receive your submission by 5pm, 8 March 2017.

YOUR NAME AND CONTACT DETAILS

Full name: GAVINS Limited
 Full address: 319 Ballard Road, RD 1 Taupiri 3791
 Email: _____
 Phone: 07 824 3519 Fax: 07 824 3528

ADDRESS FOR SERVICE OF SUBMITTER

Full name: Ian Gavin
 Address for service of person making submission: 319 Ballard Road, RD 1, Taupiri 3791
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TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

- I could / could not gain an advantage in trade competition through this submission.
- I am / am not directly affected by an effect of the subject matter of the submission that:
- adversely effects the environment, and
 - does not relate to the trade competition or the effects of trade competition.

Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

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

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

As per attached sheets.

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

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

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

As per attached sheets.

MY SUBMISSION IS THAT

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

As per attached sheets.

I SEEK THE FOLLOWING DECISION BY COUNCIL

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

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

As per attached sheets.

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

- I wish to speak at the hearing in support of my submissions.
 I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

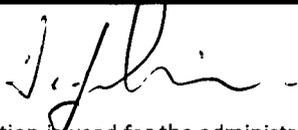
- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

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

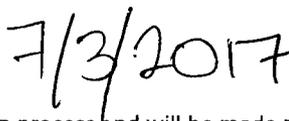
- Yes, I have attached extra sheets. No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

Signature:



Date:



Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

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

PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 - WAIKATO AND WAIPA RIVER CATCHMENTS

GAVINS LIMITED SUBMISSION

GAVINS Limited is an agribusiness that was established in 1975 and is based at Gordonton with 75 fulltime employees. Our business is diverse and involved in a wide range of agricultural activities across the greater Waikato region.

GAVINS base of operations is at Gordonton where we farm 110ha of land (which is in the Lower Waikato Catchment located in the Komakorau sub-catchment, Priority 2) milking dairy goats in a housed farm system. GAVINS also own and lease various properties across the greater Waikato, South Auckland and Bay of Plenty regions largely used for the purposes of growing maize grain, maize silage, sweet-corn, popcorn, annual rye-grass and perennial pasture for a wide range of uses across human and animal consumption.

Further to GAVINS own farming operations we provide agricultural contracting services to several hundred customers across the greater Waikato. GAVINS customers represent a wide range of farming types including dairy cow, dairy goat, dairy sheep, dairy buffalo, beef, sheep, deer, pig, poultry, arable, horticulture and cropping. GAVINS are involved in the spraying, cultivation, fertilising, planting and harvesting of thousands of hectares of crops (predominantly maize, chicory, rape, kale, turnips along with annual and perennial pasture) on an annual basis for our farming customers. Our excavation and earthworks equipment has over the last 25 years been involved extensively in the drainage, contouring and development of particularly peat land in our local catchment to enhance the productivity of the land. This has extended to extensive involvement in the design and construction of point source silt and nutrient filtering systems for the restoration and development of wetland areas of peat lakes in the Horsham Downs and Ohaupo areas.

We agree with the aspiration of the Vision and Strategy for the Waikato and Waipa Rivers. We imagine it would be hard to find any individuals who would not like our lakes and rivers to be cleaner for future generations. It is our view however that consideration needs to also be given to the holistic sustainability of the Waikato region including not only environmental sustainability but also social and economic sustainability. The challenge for the Waikato Regions population both urban and rural is to ensure that all of these factors are sustainable in the long term and each factor needs to be considered without one factor unduly affecting the other factors. We would propose that further research is required into the impact of the proposed environmental changes on social and economic effects with this information being reported back to the wider community to be taken into consideration before this proposal can be fully supported

PLAN CHANGE PROVISIONS SUPPORTED OR OPPOSED, REASONS AND DECISIONS SOUGHT

Section Number of the Plan Change	Support/Oppose	Submission	Decision Sought
<p><i>Please refer to title and page numbers used in the plan change document</i></p> <p>1. 3.11.5 Schedule A Page 46</p>	<p><i>Indicate whether you support or oppose the provision</i></p> <p>Support in part</p>	<p><i>State in summary the nature of your submission and the reasons for it</i></p> <p>Properties with an area greater than 2 hectares must be registered with the Waikato Regional Council in the following manner:</p> <p>Registration must occur between 1 September 2018 and 31 March 2019.</p> <p>This point raises the issue that there is only a seven month period where all properties have to be registered. This includes all the lifestyle properties which number between 2,000 - 3,000. If these properties require professional support to complete their registration, it will occupy the available rural professionals that can support commercial operations. At the same time all properties over 20 hectares are expected to provide their nitrogen reference points, therefore there will be considerable demand placed upon rural professionals to assist farmers to meet the requirements outlined in this proposal.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision</i></p> <p>It is our suggestion that the Council needs to relook at this schedule, and come up with some strategies as to how these goals can be met by either providing a new timeframe, or specific support for farmers to meet the timeframe suggested in this proposal.</p>
<p>2. Page 15</p>	<p>Support in part</p>	<p>Page Headed up: Full achievement of the vision a strategy will be intergenerational Two-thirds down the page there are five points, and it is in relation to Point 3. A property scale nitrogen reference point be established by modelling current nutrient losses from each property, with no property being allowed to exceed its reference point in the future and higher discharges being required to reduce their nutrient losses. The submission is that this sentence should be changed, and it should <u>not</u> read 'no property being allowed to exceed its reference point in the future' but <u>should instead read</u> 'no property being allowed to exceed its five-year rolling average nitrogen reference point in the future'.</p>	<p>To change the sentence as proposed under the submission</p>

Section Number of the Plan Change	Support/Oppose	Submission	Decision Sought
3. 3.11.5.7 found on page 45	Support in part	<p>The last sentence under 'Notification' says 'consent applications will be considered without notification and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.</p> <p>The submission is that it should read in the last part of it 'subject to the Council being satisfied that the loss of contaminants from the proposed land use will be the same or lower than that from the existing land use'.</p>	A change in the wording as to that proposed in the submission.

Section Number of the Plan Change	Support/Oppose	Submission	Decision Sought
4. Schedule B on page 47 and Point (c), the nitrogen reference point.	Oppose in part	<p data-bbox="639 282 1102 633">It reads 'the nitrogen reference point must be calculated using the current version of the Overseer model or any other model approved by the Chief Executive of the Waikato Regional Council'. This submission is in relation to the dairy goat farm owned by GAVINS Limited and a dispensation is requested for dairy goat farmers, as it is acknowledged by the Overseer team that Overseer has not been set up for this analysis yet.</p> <p data-bbox="639 674 1102 1352">Overseer is also not capable of easily recording and measuring cropping areas. The Foundation for Arable Research (FAR) completed an independent review of OVERSEER in 2013 (https://www.far.org.nz/research/environment/overseer_review). The review found that OVERSEER is currently the best tool available for estimating long term, average nitrate leaching losses from the root zone across NZ farming systems but further work is required to improve the confidence in estimates obtained of nitrate leaching levels for arable farms. Subsequent work to validate nutrient losses from OVERSEER with APSIM (Agricultural Production Systems sIMulator) was completed. Recommendations from these pieces of work have not yet been implemented into the OVERSEER crop module</p> <p data-bbox="639 1393 1102 1581">Modelling cropping in overseer also creates many error messages which means creative 'work arounds' are required to gain some form of answer, again reducing the confidence level with the final resulting nutrient budget</p> <p data-bbox="639 1621 1102 1776">Nitrogen loss numbers generated by OVERSEER are therefore a rough guide only, this guide will not be sufficiently accurate for calculating the ongoing NRP's required for compliance.</p> <p data-bbox="639 1816 1102 2031">Overseer has difficulty in generating accurate numbers for some soil types. In particular considerations for the unique characteristics of peat soils do not appear to be accounted for. Peat is a high organic soil and is capable of capturing and holding high levels of both nitrogen and</p>	<p data-bbox="1134 282 1449 701">A dispensation is required for dairy goat farms at this stage for having their nitrogen reference point established, as there is considerable potential for erroneous results to be developed under the current Overseer model, as insufficient testing and modelling has been done so far in relation to dairy goat enterprises.</p> <p data-bbox="1134 775 1449 1126">Further significant work is required with OVERSEER before it can be used as a calculation or assessment tool for the purpose of meeting compliance in cropping situations. As with dairy goat farms a dispensation should apply to cropping operations until this matter can be resolved.</p>

phosphorus which can be then utilised resolved.
efficiently by plants including maize.
Overseer appears to overestimate the
leaching levels leading to a higher nitrogen
reference point.

Section Number of the Plan Change	Support/Oppose	Submission	Decision Sought
5. Schedule 1, requirements for farm environment plans, Point - 2(f): description of cultivation management, and it is Point ii) (d) which is maintaining appropriate buffers between cultivated areas and water bodies, minimum 5 metre setback.	Oppose	Under riparian width research for the Waikato it has been presented that research shows that 91% of incoming sediment through a grass filter was deposited in the first 0.6 metres (reference Parklyn, S. 2004), therefore a 5 metre strip is not required on flat land, a 0.6 metre is sufficient to filter out sediment and therefore phosphate and E.coli. The reference for this paper is Parklyn, S. (2004, September). Review of Riparian Buffer Zone (MAF). Retrieved from: http://www.biol.canterbury.ac.nz/ferg/MacKenzie%20project/PDF/Riparian%20management/upper-waitaki-submitter-evidence-maf-technical-paper-review-riparian-buffer-zone-effectiveness.pdf	Based on this clear evidence, it is recommended that the 5 metre buffer zone on flat land be changed to 0.6 metres, as this is scientific evidence that identifies effective buffer zone requirements.
6. Under definitions, page 80, Definition of Cultivation	Support in part	The definition of cultivation is direct drilling of seed, no tillage practices, recontouring of land and forestry. Based on evidence we would like included minimum tillage which includes strip tillage.	We would like to add into the definition of cultivation that is excluded includes minimum tillage and strip tillage.
7. 3.11.5.2 Point 4(d) on page 40, no winter forage crops are grazed in situ. This is linked to the definition of a forage crop on page 82. The definition currently is forage crop means crops annual or biennial which are grown to be utilised by grazing or harvesting as a whole crop.	Support in part	There needs to be clarification as to what a forage crop is, as current understanding is that saved pasture can be considered a forage crop as it can be saved and then grazed through that winter period.	Pasture needs to be excluded from this section of forage crop, therefore it could read, 'forage crop: means, crops annual or biennial which are grown to be utilised by grazing or harvesting as a whole crop, excluding any winter saved pastures' . Clarification is also required on what is considered winter is or how winter is defined for this particular rule.

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8. Schedule B Nitrogen reference point, page 47 (f) - the reference period is the two financial years covering 2014/15 and 2015/16, except for commercial regional production in which case the reference period is 1 July 2006 to 30 June 2016.	Oppose	It is a concern about the historical effect that occurs with the assessment of farms for the years of 2014/15 and 2015/16 year and how that unfairly position farms financially that have been working towards reducing environmental impact. For example, two farms of the same size and infrastructure: Farm A has reduced environmental impact over the last 10 years and has a nitrogen reference point of 22. Farm B is a more intensive operation which has a nitrogen reference point of 45. Prior to the proposal coming out they were worth the same value per hectare, now Farm A could be worth 20% - 30% less per hectare as well as less saleable (already occurring) than Farm B, as the nitrogen reference point is much lower and provides less farming options/alternatives/flexibility of potential farm systems. Therefore, those who have already implemented strategies to reduce environmental impact of their farming operation over the previous decade will be financially penalised compared to farms who have not.	A review of this period of assessment needs to be taken and a potential sub-catchment optimal level to be established, for example a nitrogen reference point of say 30, where farms eventually will reduce their levels to over time, over the next 10 years, and those that are currently underneath have the opportunity to potentially increase if they so wish. Therefore, the value of their property is less affected than under the current proposal. The overall net effect will still be a reduction for the catchment
9. 3.11.5.2 Permitted activity rule, under 4(e) ii), new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within 3 metres of the bed of the water body	Support in part, clarification required	The submission is that under 3.11.5.2 it establishes that new fences are required to be positioned 3 metres from the bed of the water body. Under 3.11.5.3, 3.11.5.4, 3.11.5.5 and 3.11.5.6 it refers to fencing under Schedule C as the reference point for these activities. Schedule C Point ii) on page 50 says, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within 1 metre of the bed of the water body'.	Clarification is required as to whether it is 3 metres or 1 metre as there seems to be a conflict within the proposal between the different rules that have been provided. Either the 3 metres on page 40 needs to be reduced to 1 metre, or all the other areas that are labelled in Schedule C as 1 metre need to be increased to 3 metres. A decision has to be made in this regard.
10. Under definitions on page 83, definition of setback	Support in part Clarification required	Under the definition of setback it says, 'means the distance from the bed of a river or lake or margin of a wetland'. Further clarification is required on what 'bed' means, is it from the centre of the bed, the edge of the bed as there seems to be confusion when talking to Regional Council staff as to what this means.	A clear definition of what "bed" is required in this definition of setback, as this is instrumental in measuring distances of fences from the bed of a river or lake or waterway. Is it the edge of the waterway? Is it the top, for instance in a drain? Is it the centre of the bed?

Section Number of the Plan Change	Support/Oppose	Submission	Decision Sought
11. Objective 1, page 28. Objective 1 sets long-term limits for water quality consistent with the vision and strategy objective 1 sets aspirational 80 year water quality targets.	Strongly support	We support the 80 year water quality targets. This timeframe is most suitable to achieve what we want to achieve. Anything shorter than this and we set ourselves up for failure. Consideration needs to also be given to the holistic sustainability of the Waikato region including not only environmental sustainability but also social and economic. The balance is to ensure that all of these factors are sustainable in the long term and need to be considered without one unduly affecting the other	Continuation of the 80 year water quality target. Further research is required into the impact of the proposed environmental changes on social and economic effects with this information being reported back to the wider community to be taken into consideration before this proposal can be supported

12. Table 11-1 E. coli water quality targets

Support in part

While we support the reduction in E. coli levels in our rivers we would like to ensure that all contributing factors including those factors not relating to land use are carefully considered in relation to the establishment of water quality targets. In the *New Zealand Journal of Marine and Freshwater Research Volume 45, 2011 Issue 4* EM Moriarty, N Karki, M Mackenzie, LW Sinton, DR Wood, and BJ Gilpin research "provides the first set of indicator and pathogen counts for one of New Zealand's largest sources of diffuse faecal contamination of natural waters in New Zealand". Ducks have a mean daily faecal output of 336 grams (Geldreich 1966) with the estimated daily microbial output per bird of 3.18×10^{10} colony forming units of E. coli. Dairy cows on the other hand produce an average of 1.84×10^{10} colony forming units from 3.6 kilograms of dry-matter of faeces produced per day according to Sinton, L. W., Braithwaite, R. R., Hall, C. H., & Mackenzie, M. L. (2007) *Survival of Indicator and Pathogenic Bacteria in Bovine feces on Pasture. Applied and Environmental Microbiology*, 73(24), 7917-7925. <http://doi.org/10.1128/AEM.01620-07> Further to this one might expect a high percentage of the estimated 4.5 million mallard ducks (Fish and Game 2009) to be living and excreting a high percentage of faecal matter directly into freshwater while dairy and other animals generally are excluded from the waterways. Based on the current policy it is trying to reduce E. coli numbers from land use activity which may include those produced through birds. When we understand the impact of birdlife on E. coli levels in the waterways we will then better understand the impact of current land uses on water quality.

A re-assessment of water quality targets recognising that birdlife contribute to E. coli levels and that their contribution is currently unknown and potentially difficult to control. We would like further research and analysis to be undertaken to better understand the contributing factors to E. coli levels by birdlife in the greater Waikato catchment. Appropriate and fairer water quality target levels can then be established which better target land use mitigation management practices.