beef+lamb new zealand

Waikato Regional Council Healthy Rivers Wai Ora - proposed Plan Change 1

Policy briefing for sheep and beef farmers

September 2016

KEY ISSUES FOR SHEEP AND BEEF FARMERS

Waikato Regional Council are currently consulting on their Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments. This brief has been created to help you understand what is being proposed, how it may affect you, and how to get involved.

GET INVOLVED

It is critical that you get involved in the process directly. The plan will impact on your farm so it is important you have your say.

- The draft plan can be reviewed at http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/Read-the-proposed-plan-change/
- Review the full brief of the plan on the B+LNZ website
- Attend a B+LNZ farmer information and submission training workshop near you
- Download a B+LNZ submission template; and
- Make a submission on the plan and be heard

Share your thoughts or get help with your submission by contacting Environment Policy Manager Corina Jordan: corina.jordan@beeflambnz.com, phone 027 202 7337.

INTRODUCTION

The Waikato Regional Councils Healthy Rivers Plan is a statutory document which has been developed over more than a two year period by a Collaborative Stakeholders Group (CSG), representing the interests of the Waikato/ Waipa catchment communities.

KEY ISSUES:

- Conversion from farming to forestry could be required to achieve long term aspirations;
- Nitrogen management adopts a grandparenting approach;
- Stock exclusion;
- Restricting land use change;
- Reducing contaminant losses from farms;
- Regulatory requirements for Farm Management Plans;

The Plan aims to work towards meeting the Vision and Strategy for the Waikato River/ Te Ture Whaimana o Te Awa o Waikato.

THE VISION AND STRATEGY:

- recognize that freshwater and its cultural recreational and ecological values in the catchments are degraded; and
- require "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"[1].

The Healthy Rivers Plan will affect how you farm in the catchment, and the choices you can make around land use and land use change. This brief has been provided in order to assist you to understand the implications of the plan on your farm and to help you to get involved. It is important that you have your say.

Please contact B+LNZ if you require further information or assistance. You can talk to Corina Jordan Environment Policy Manager – North Island

Beef + Lamb New Zealand
75 South Street, Feilding, 4702
PO Box 135, Feilding 4740
mobile 0272027337

[1] Te Ture Whaimana o Te Awa o Waikato, objective k, page 6

CONVERSION FROM FARMING TO FORESTRY COULD BE REQUIRED TO ACHIEVE LONG TERM ASPIRATIONS;

WHAT DOES THE PLAN SAY?

The Plan recognises that actions will be intergenerational and establishes an 80 year timeframe to achieve water quality outcomes. The Plan recognises that achieving these outcomes will be costly and will likely require substantial changes in current land use, with conversion from more intensive land uses back to forestry likely in the future.[2]

A range of practices are implemented in the Plan, which aim to deliver a 10% improvement in water quality over a 10 year period. Future plan changes will be required to further reduce sediment, nutrient, and microbial pathogen discharges, in order to achieve the 80 year water quality outcomes. The Plan states that new technology will need to be developed to achieve the water quality outcomes of the Plan, along with further restrictions on land use.

WHERE CAN I FIND OUT MORE?

http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/

CHECK OUT THESE PAGES

Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River – pages 15 - 16, Objectives 1,3 and 4 on page 27, Policy 5 and 7 on pages 31 - 32, rules 3.11.5.3 - 3.11.5.5 on pages 41 to 44 and Schedule 1 on pages 51 - 53.

WHAT DO I NEED TO CONSIDER FOR MY FARM?

The Healthy Rivers Plan Change 1 represents the first of many changes to the Waikato Regional Plan. As currently proposed the Plan will not achieve the Vision and Strategy for the Waikato River or the NPSFWM, but rather forms the starting point for a long journey. Make sure you understand what is required of you by this plan and what is being heralded for future plan changes. Consider whether or not this plan and the direction of any future plan changes provides you with the certainty required to farm into the future, including how you manage your land, and the investment decisions you may make in relation to further environmental work.

Make sure you review the water quality outcomes in relation to where you farm. This will give you an indication of the magnitude of reduction in the diffuse discharges of nitrogen, phosphorus, sediment, and microbial pathogens which will be required for your catchment.

- Does the Healthy Rivers Plan provide you with the certainty required for you to make investment and management decisions for your farm?
- Please consider sharing this data with B+LNZ – this data (aggregated to protect your privacy could be used as evidence, to inform national discussions, and for other regions where similar approaches are being considered).

RESTRICTING LAND USE CHANGE

WHAT DOES THE PLAN SAY?

Land use change from tree cover to animal grazing, or from drystock to dairy is strongly discouraged in the Plan, which sets a high consenting threshold. Provision has been made for some flexibility of land use for Maori land that has not been able to be developed due to historic and legal impediments[3].

WHERE CAN I FIND OUT MORE?

http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/

CHECK OUT THESE PAGES

About land use change – pages 15 - 16, policy 6 on page 32, rule 3.11.5.7 on page 45.

WHAT DO I NEED TO CONSIDER FOR MY FARM?

These provisions may have an impact on the value of your land, especially if it is not yet developed but has the potential to be intensified in the future. How might the value of your land be affected in relation to the properties around you? You also need to consider what impact these policies and rule might have in the future if it is associated with changes to the nutrient allocation approach.

- Can you quantify the impact that land use intensification restrictions could have on development of your land or conversion to more intensive land uses such as dairy farming
- Can you quantify the impact that land use intensification restrictions could have on your current lending, or on the future value of your land
- Please consider sharing this data with B+LNZ – this data (aggregated to protect your privacy could be used as evidence in our submission, to inform national discussions, and for other regions where similar approaches are being considered).

[2] Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (22 October 2016) para 1, pg 15
[3] Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (22 October 2016) para 2, page 27

NITROGEN MANAGEMENT ADOPTS A GRANDPARENTING APPROACH

WHAT DOES THE PLAN SAY?

A property scale nitrogen reference point will be established for all farms. The nitrogen reference point will be calculated by averaging the annual modelled nutrient losses from each property, over the years 2014/15 and 2015/16. The Plan also places emphasis on disallowing nitrogen leaching to increase from the reference point. This means that you will be unable to increase your nitrogen leaching from either the 2014/15 year or the 2015/16 year, in other words nitrogen loss will be grandparented.

Those properties deemed to be discharging within the top 25% of nitrogen leaching farms will need to reduce their leaching so that they meet the 75th percentile by 2026. Farmers are encouraged to reduce all contaminant losses, including nitrogen through Farm Environment Plans. The degree of required diffuse discharge reduction will be proportionate to the amount of current discharge, and to the scale of water quality improvement required in the sub-catchment.

The Plan includes Objectives and Policies around development of an alternative property or enterprise nitrogen allocation approach in the future which is linked to land suitability. This intends to address how land use impacts on water quality based on the type of land which is farmed and the sensitivity of the receiving water[4]. Further diffuse discharge reductions from current requirements are identified.

WHERE CAN I FIND OUT MORE?

http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/

CHECK OUT THESE PAGES

15 - 16, objectives 1 and 4 on page 27, policy 2 and 7 on page 37 and rules 3.11.5.3 - 3.11.5.7 on pages 41 - 45 and schedule 1 on pages 51 - 53.

WHAT DO I NEED TO CONSIDER FOR MY FARM?

These provisions may have an impact on how you farm your land including opportunities to optimise your farm and adapt to changes in markets overtime. These provisions could also affect the value of your land, especially if it is not yet developed but has the potential for further development. These proposals also may impact on your ability to adjust your farming operation to reduce other contaminant losses such as sediment, pathogens, and phosphorus, and to fund these mitigations. You also need to consider what impact these policies and rules might have in the future if it is associated with changes to the nutrient allocation approach.

- Can you quantify the impact that nitrogen loss restrictions could have on development of your land, and optimisation of your farming systems;
- Can you quantify the impact that nitrogen restrictions could have your current lending, or on the future value of your land
- Can you comment on the impact that nitrogen loss restrictions could have on the resilience of your farming business and your ability to adjust to changes in markets
- Can you comment on the impact that nitrogen loss restrictions could have on your ability to change your farming system so that you reduce losses of sediment, phosphorus, or pathogens, and your ability to fund environmental mitigation
- Can you comment on your ability to reduce nitrogen losses even further than your current levels and the impact that this could have on the viability of your farming operation and business.
- Please consider sharing this data with B+LNZ – this data (aggregated to protect your privacy could be used as evidence in our submission, to inform national discussions, and for other regions where similar approaches are being considered).

[4] Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (22 October 2016) para 1, page 16

REDUCING CONTAMINANT LOSSES FROM FARMS

WHAT DOES THE PLAN SAY?

The Plan recognises that water quality within the catchments are currently degraded as a result of both point source discharges and diffuse discharges of contaminates, and therefore establishes management frameworks which seek reductions in discharges of nitrogen , phosphorus, sediment, and microbial pathogens over time. The Plan aims to deliver a 10% improvement in water quality over a 10 year period, while identifying that future plan changes will require further reductions in contaminant discharges.

The degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens is to be proportionate to the amount of the current discharge and proportionate to the scale of water quality improvement required in the sub catchment.

WHERE CAN I FIND OUT MORE?

http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/

CHECK OUT THESE PAGES

14 - 16, objective 1 and 3 on page 27, policy 1,2,4 and 7 on pages 30 - 32, rules 3.11.5.3 – 3.11.5.7 on pages 41 - 45, schedule 1 on pages 51 - 53 and table 11-1 on pages 57 - 64.

WHAT DO I NEED TO CONSIDER FOR MY FARM?

What approaches do you think you have available to you to reduce contaminate losses of sediment, phosphorus, nitrogen, and pathogens from your farm. Are these viable options for you to employ, and what impact would they have if any on your farming business. Over what timeframe could you employ these options?

- Can you comment on what you think your current losses of sediment, phosphorus, and pathogens are? What tools and methods can you apply to work out your current loss rates if any?
- Can you comment on your ability to reduce these contaminant losses even further than your current levels and the impact that this could have on the viability of your farming operation and business.
- Please consider sharing this data with B+LNZ – this data (aggregated to protect your privacy could be used as evidence in our submission, to inform national discussions, and for other regions where similar approaches are being considered).

FARM MANAGEMENT PLANS

WHAT DOES THE PLAN SAY?

The Plan will require many farmers to develop and implement a Farm Environment Plan either through a permitted rule undertaken in accordance with a Certified Industry Scheme, or through a resource consent. The FEP requires some compulsory good management practices are applied such as stock exclusion and setback distances for cultivation, along with industry specific good management practices, and the identification and implementation of additional mitigation actions to reduce diffuse discharges of contaminants. Application of a FEP takes a tailored, risk based approach to define mitigation actions on the land that will reduce diffuse discharges of contaminants.

Beef + Lamb New Zealand is working with the Waikato Regional Council to develop Waikato specific FEP which are modelled off B+LNZ LEP II, which can be delivered to farmers through B+LNZ levy funded workshops.

FARM ENVIRONMENT PLANS

A Farm Environment Plan will need to contain as a minimum:

- Physical address, description of ownership;
- Identification of waterbodies, discharge pathways for contaminants, and critical source areas for contaminant losses;
- Actions and timeframes to reduce diffuse discharges of nitrogen, phosphorus, sediment, and microbial pathogens;
- Compliance with - Stock exclusion requirements and setback distances for new fences; 5m setback distances from waterbodies for cultivation; avoid contaminant discharges from cultivation on slopes >15°; mitigate contaminant discharges from cultivation on slopes <15°;
- Consider - matching land use to land capability; alternatives to stock exclusion requirements for land > 25° slope; setback distances and riparian margins; 1m setbacks for land ≤15° slope and 3m for land 15° to 25° slope, avoidance of cultivation on slopes > 15°;
- Nutrient budget including calculation of your nitrogen leaching reference number;
- Actions timeframes or other measures to ensure that the diffuse discharge of nitrogen as modelled from the property does not exceed the nitrogen reference point, unless other mitigation measures are specified;
- Farms leaching more than the 75th percentile leaching rate for the catchment are required to reduce their leaching to the 75th percentile by 1 July 2026, except for existing commercial vegetable production activities.

The FEP must be provided to the Regional Council by 1 July 2020 for Priority 1 sub catchments, or if your nitrogen reference point is above 75th percentile; by 2023 priority 2 sub catchments; or 2026 priority 3 sub catchments;

WHERE CAN I FIND OUT MORE?

http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/

CHECK OUT THESE PAGES

Pages 15 - 16, policy 2 on page 30, rules 3.11.5.3 – 3.11.5.7 on pages 41 - 45 and schedule 1 on pages 51 - 53.

- How often do you think farm plans should be reviewed and/or updated? Please justify your response.
- Are the farm plan requirements acceptable/ feasible? Why/why not?
- Will the plan requirements add costs to your farming operations? If yes can you quantify these costs?
- Do you have a nutrient budget now or know how much a plan compliant nutrient budget would cost you?

STOCK EXCLUSION

WHAT DOES THE PLAN SAY?

The exclusion of domestic cattle, horses, deer, and pigs, from water bodies is recognised as a priority mitigation action. The Plan requires the exclusion of these animals from permanently flowing waterbodies including drains, lakes, and wetlands, to be completed within 3 years following the dates by which a farm environment plan must be provided to the Council, or in any case no later than 1 July 2026. These animals are to be excluded through fencing or by a natural barrier such as a cliff or vegetation. Where new fences are being put in place, setback distances apply. The setback distance varies depending on the consenting pathway. Rule 3.11.52 requires a setback of 3m for new fencing, while the other rules only require 1m setback distances. Livestock must not be permitted to enter onto or pass across the bed of the waterbody, except when using a livestock crossing structure. These rules apply irrespective of the landscape being farmed.

Rule 3.11.5.1 Permitted Activity - Stock are to be excluded from waterbodies by 1 July 2023 for priority 1 sub catchments, and by 2026 for Priority 2 & 3 sub catchments. A 1m setback distance applies for new fencing.

Rule 3.11.5.2 Permitted Activity - Stock are to be excluded from waterbodies by 1 July 2023 for priority 1 sub catchments, and by 2026 for Priority 2 & 3 sub catchments. Applies a 3m setback distance for new fencing

Rule 3.11.5.3 Permitted Activity - Stock are to be excluded from waterbodies by 1 July 2023 for priority 1 sub catchments, and by 2026 for Priority 2 & 3 sub catchments. A 1m setback distance applies for new fencing. On land with a slope >25° alternative mitigation measures other than fencing and exclusion can be specified through a FEP

Rule 3.11.5.4 Controlled Activity - Stock are to be excluded from waterbodies by 1 July 2023 for priority 1 sub catchments, and by 2026 for Priority 2 & 3 sub catchments. A 1m setback distance applies for new fencing. On land with a slope >25° alternative mitigation measures other than fencing and exclusion can be specified through a FEP.

Resource consent is required to be applied for where the rules cannot be met, and the consent application could be declined.

NB: the Ministry for the Environment is currently working on a national regulation to exclude stock (cattle, deer, and pigs) from waterways through a staged process from 2017 onwards.

WHERE CAN I FIND OUT MORE?

http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/

CHECK OUT THESE PAGES

Pages 15 - 16, policy 2 on page 30, schedule c on page 50 and table 11-2 priority sub catchments.

WHAT DO I NEED TO CONSIDER FOR MY FARM?

Are these requirements reasonable or achievable on your property, and what would be the financial cost to you of meeting them? Consider in particular that the requirements apply to all permanently flowing waterbodies including drains and irrespective of climate or topology. These requirements will also require you to establish reticulation systems for your property, if you have not already done so.

- Can you practically and financially meet these requirements? Why/ or why not?
- Would fencing cause other environmental issues on your farm?
- Are there other ways that you could reduce the impact stock have on waterbodies on your farm and what are these?
- Can you think of changes to these requirements which would still achieve the desired environmental outcome, and if so what are they?
- Please consider sharing this data with B+LNZ – this data (aggregated to protect your privacy could be used as evidence by us, could inform national discussions and where other regional councils are considering similar restrictions)

APPENDIX 1: SUMMARY OF THE RULES

Rule	Activity Status	Standards/ Conditions
3.11.5.1 **Small and low intensity farming activities**	Permitted	Property is ≤4.1ha or Stocking rate is <6SU and no arable cropping
		Stock are excluded from all permanently flowing waterbodies, wetlands, and lakes by 1 July 2023 or 2026 depending on catchment
		1m setback distances apply for new fences
		Provision of information to the Regional Council is required
3.11.5.2 **Other farming activities**	Permitted	Stocking rate cannot increase Discharges of nitrogen, phosphorus, sediment, and pathogens cannot increase
		Nitrogen leaching grandparented to the highest annual loss rate calculated for either 2014/15 or 2015/16 and must be no greater than 15kg/n/ha/yr
		Stock excluded from all permanently flowing waterbodies, wetlands, and lakes by 1 July 2023 or 2026 depending on catchment
		3m Setback distance for new fences
		No cultivation on land >15° slope
		Cultivation must not occur within 5m waterbody
		No grazing on land >15° slope
		No winter forage crops grazed in situ
		Provision of information to the Regional Council required
3.11.5.3 **Farming activities with a Farm Environment Plan under a Certified Industry Scheme**	Permitted	Land use is registered to a Certified Industry Scheme Nitrogen Reference point is produced for the property
		Stock are excluded from all permanently flowing waterbodies, wetlands, and lakes by the date specified in the FEP
		1m setback distances apply for new fences
		FEP Schedule 1 as a minimum requires • Identification of waterbodies, discharge pathways for contaminants, and critical source areas for contaminant losses; • Actions and timeframes to reduce diffuse discharges of nitrogen, phosphorus, sediment, and microbial pathogens; • Compliance with - Stock exclusion requirements and setback distances for new fences; 5m setback distances from waterbodies for cultivation; avoid contaminant discharges from cultivation on slopes >15°; mitigate contaminant discharges from cultivation on slopes <15°; • Consider - matching land use to land capability; alternatives to stock exclusion requirements for land > 25° slope; setback distances and riparian margins; 1m setbacks for land ≤15° slope and 3m for land 15° to 25° slope, avoidance of cultivation on slopes > 15°. • Nitrogen leaching from the property does not exceed the nitrogen reference point, unless other mitigation measures are specified

APPENDIX 1: SUMMARY OF THE RULES

Rule	Activity Status	Standards/ Conditions
3.11.5.4 **Farming activities with a Farm Environment Plan not under a Certified Industry Scheme**	Controlled	Activity is permitted until 1 January 2020 Priority 1 sub catchments or if farm is leaching above 75th percentile Activity is permitted until 1 January 2023 Priority 2 Sub catchments Activity is permitted until 1 January 2026 Priority 3 sub catchments Nitrogen Reference point is produced for the property
		Stock are excluded from all permanently flowing waterbodies, wetlands, and lakes by the date specified in the FEP
		1m setback distances apply for new fences
		FEP Schedule 1 as a minimum requires • Must be provided to the Regional Council when the consent is applied for • Identification of waterbodies, discharge pathways for contaminants, and critical source areas for contaminant losses; • Actions and timeframes to reduce diffuse discharges of nitrogen, phosphorus, sediment, and microbial pathogens; • Compliance with - Stock exclusion requirements and setback distances for new fences; 5m setback distances from waterbodies for cultivation; avoid contaminant discharges from cultivation on slopes >15°; mitigate contaminant discharges from cultivation on slopes <15°; • Consider - matching land use to land capability; alternatives to stock exclusion requirements for land > 25° slope; setback distances and riparian margins; 1m setbacks for land ≤15° slope and 3m for land 15° to 25° slope, avoidance of cultivation on slopes > 15°. • Nitrogen leaching from the property does not exceed the nitrogen reference point, unless other mitigation measures are specified
3.11.5.6 **The use of land for farming activities**	Restricted Discretionary	The use of land for farming activities which do not comply with the rules set out above is a consented activity and consent can be declined
		Matters where the council can decline consent include: • Impacts on water quality including cumulative impacts in the catchment and requirements to reduce discharges • Content of FEP • Stock exclusion and placement of new fences • How long the consent is granted for
3.11.5.7 **Land use change**	Non Complying	Changes in land use from woody vegetation to farming, or from drystock to dairy, or arable cropping to dairy, require a resource consent.
		Policy direction is that these applications will generally be declined with the exception of Maori owned land