

Before the
In the matter of

Waikato Regional Council
Healthy Rivers Wai Ora Plan Change 1 and Variation 1A

Statement of

Elliot Kent and Heather Gilbert, and Te Miro Farms Partnership

Date:

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Statement of Elliot Kent and Heather Gilbert of Te Pahu, and Te Miro Farms Partnership of Hauturu

Scope of statement

1. This statement
 - a) introduces our farming businesses, and the ways that we farm to the natural capital of our properties
 - b) Outlines which parts of the proposed plan will make it difficult to continue delivering these on-farm environmental gains
 - c) Specifically, I will focus on:
 - I. Requirements for certainty in relation to environmental requirements moving forward - Objective 4
 - II. Land use change – Policy 6, Rule 3.11.5.7
 - III. Nitrogen reference points – Rules 3.11.5.2 to 3.11.5.7. and all other areas within PC1 which refer to the nitrogen reference point
 - IV. Sub catchment approach – Rule 3.11.45.5
 - V. Stock exclusion – policy 3 and 4, Rules 3.11.5.1 to 3.11.5.4 and schedule C
 - VI. Farm environment plans – Policy 2, Rules 3.11.5.1 to 3.11.5.7, Schedule 1
 - d) Outlines alternative was to better meet the plans objectives

2. Elliot and I, Heather, farm at Te Pahu in the priority 2 Kaniwhaniwha catchment. We farm the head waters of the Kaniwhaniwha stream, which flows into the Waipa. We own 3 neighbouring properties in the Kaniwhaniwha catchment, a third generation 220 ha dairy farm, a third generation 200 ha dairy support, and a recently purchased 150ha drystock property. We also own a 270ha bull beef farm in the Coromandel. We currently lease the 3 Te Pahu farms to two different entities. The Coromandel farm we run ourselves. Elliot is a pilot and we also own Heli Ag Waikato, an agricultural helicopter business and I work as an agribusiness consultant with Total Ag.

Te Miro Farms is a partnership between my brother Tim Gilbert and myself, farming a 900ha drystock farm in the Awaroa Valley, Hauturu, and is run by Tim. We are third generation farmers of this land. The farm runs 200 breeding cows, 2000 breeding ewes and fattens most of the offspring. Our farm also incorporates 150ha of native bush, this is fully fenced off to exclude stock. We have a bush boundary (fully fenced) on one side and a road boundary on the other, the farm is 5.5km long. The Toi creek, a major tributary of the Kawhia harbour, runs through the centre of our farm for over 4km, and is in the process of being fenced off. Much of the creek has high banks, so stock access is limited and confined to crossing points, which are fenced. We are in the WRC Westcoast Zone.

3. Elliot and I are currently in the 2nd year of a three-year contract with the Waikato Regional Council (WRC) to fence, retire and plant certain areas on all three of the Te Pahu properties. One of our non-negotiables when leasing our farms out is that our lessors must farm to its land use capability. One of our properties is very steep and our lessor does a good job of maintaining the integrity of these steeper soils simply by running smaller stock and a lower stocking rate on these hillsides. All our farms have water reticulation and only a small portion of the steeper 150ha property at Te Pahu relies on natural water – when we purchased this in 2016, it only had three troughs on the property.

Te Miro Farms is run extensively, with a low stocking rate of approximately 7 SU/ha. There is water reticulation around the homestead, and we are currently in negotiations with our WRC catchment officer to create a plan and apply for funding to help us carry out waterway fencing and planting and other works to help improve the quality of our waterways. The farm is a mix of easy rolling to steeper hill country and is farmed very much to its capabilities, which is demonstrated in our higher sheep to cattle ratio. We are part of the Kawhia Harbour sub catchment group which is currently undertaking the Farmer Councils 8 step plan to setting up a sub catchment. This has been a rewarding and enlightening process.

Both entities have attended either a Beef and Lamb Land Environment Plan (LEP) workshop or the Farm Environment Plan (FEP) workshop and have created plans for our farms. I also facilitate the Beef and Lamb FEP days in our region.

4. I, Heather, am a member of Farmers 4 Positive Change (F4PC) and the secretary of F4PC Incorporated Society. I have been actively involved in helping farmers to write their submissions and have a voice, and to prepare for the hearings. I have also, along with Robyn Williamson and Peter Walter, helped to form and steer the Kawhia Harbour Sub Catchment Group – something I am immensely proud of.

Through my role as a consultant I have been involved in WRC workshops around the design of the Farm Environment Plan template and found this somewhat challenging due to the lack of knowledge/understanding among WRC staff and Dairy consultants of how drystock farming works, and therefore it's differing effect on water quality to dairy farming.

I also have my intermediate Sustainable Nutrient Management Certificate and am qualified to run Overseer files.

Specific parts of the plan I am commenting on:

Objective 4

5. Objective 4 allows for people and community resilience. PC1 recognises that future plan changes will be required to achieve the long-term aspirations for the Waikato and Waipa River Catchments. Further plan changes including increasing stringency of land use controls will be required, with a likely requirement for conversion of farmland to forestry – this plan fails to provide certainty about our farming futures and what will be required of us – failing to ensure people and community resilience. This 10-year timeframe with a big unknown afterward leaves no certainty for our farmers, for the next generation, or for our banks to finance us.

On our properties at Te Pahu, the fencing we have done is to exclude cattle, as per PC1 requirements – yet there is no certainty that the next 10-year plan will require us to make these fences sheep proof. Removing a 3-5 wire electric fence and replacing it with conventional fencing comes at a huge cost and would be financially crippling. This is especially so on properties which only have sheep on board at certain times of the year.

Numerical Freshwater objectives should not be set if they are not achievable. Enforcement of 3.11.5.2 and 3.11.5.4 will heavily reduce farm profits, land values and community viability – making resilience unattainable. Capping profits (through the NRP restricting development of farms) but increasing costs (fencing and water reticulation around waterways along with the other costs of compliance) is not a means of creating a viable community.

We believe the objectives need to allow for People and Community resilience over the life of the plan, not the first 10 years. Clause b should be deleted and a new objective which will provide for community and individual resilience, and management processes which allow adaptation and community lead sub catchment approaches.

Restricting land use change

6. Restricting land use change affects the viability of our land and paired with the nitrogen reference point impedes any future ability to develop and grow our businesses. This clause should be deleted in its entirety. It would be much more appropriate to gauge land capability through the Farm Environment Plans (FEP) than to use a blanket prohibition.

Nitrogen Reference Point

7. Application of the Nitrogen Reference Point (NRP) and use of overseer - we strongly oppose this grandparenting approach of holding users to their NRP. Nitrogen is not a contaminant of concern in all waterways and is especially less so in drystock catchments. The low emitters are being penalised through restriction of N loss and the polluters (those with higher N losses but below the 75th percentile) may continue to pollute to their higher level.

Potential Nitrogen contamination on a dairy farm is completely different to that of a drystock farm – on a drystock property we farm to the grass growth curve. On a dairy property large numbers of animals are rotationally grazed through smaller areas in smaller paddocks, contributing a large amount of N into the soil through urine and dung. Nitrogen use, in the form of urea, is traditionally a lot higher on dairy farms than on drystock properties too due to the seasonal grass growth patterns – Nitrogen is one of the major limiting factors in our soils. What this means is that a dairy farmers NRP will be a lot higher than a drystock farmers NRP, but if they are under the 75th percentile, they will be able to continue farming to their higher N losses, regardless of whether or not nitrogen is a contaminant of concern in their catchment. Where as the drystock farmer, who will have a much lower NRP is restricted to their much lower number, again regardless of whether Nitrogen is a contaminant of concern in that catchment.

The Te Miro Farms partnership and the drystock farms which Elliot and I run are very low N emitting properties, due to lower cattle numbers and low N use. In 2018, Tim and I have gone through a succession process where we each now individually own a proportion of our 900ha, and Tim leases my property back off me, with the intention to purchase it in the next 5 years. Tim will need to develop his property to improve its capital value and production in order to purchase my property – however under PC1 he would be unable to do this as he would be restricted to his lower NRP. He would be able to develop and improve his farming system, but he would be unable to take advantage of these improvements through increased production due to being held to the lower NRP. This is a reality faced by many within the Waikato/Waipā river catchments. It also means the development on the 150ha drystock property Elliot and I purchased in 2016 will need to stop – if we are restricted to the low stock numbers of the previous owners, any further development would come at a large cost to our business, as we are unable to increase production to finance it. The development we have undertaken on this property to date has seen a huge improvement in our ability to manage water quality.

I believe adopting a sub catchment approach to addressing contaminants that are relevant to each farm and sub catchment is far fairer and would be more effective than a blanket restriction of any one particular nutrient that may not even be relevant to the waterbodies in that sub catchment.

FEP's should be used to determine the risks and issues and what would work best for each farm, and science to determine which contaminants are an issue in each sub catchment.

We seek to amend the rules so that they are based on science, not on the way the farm was run in a particular year – which with many higher intensity farms may have been a year where a lot of N was leached from the soil.

The use of Overseer needs to be as a guide. It is too subjective, based on many assumptions, and was not designed for use as a regulation tool, and should not be used as such.

Sub catchment planning

8. The sub catchment scale planning is a sensible and practicable approach to controlling contaminant discharge and gives each farm, and catchment, ownership over their future. We seek that the new plan should not be implemented until scientific data around which contaminants are causing water quality decline is available for each sub catchment. Rules need to enable catchment groups to manage their land and water resources to achieve water quality outcomes while providing for their economic and social well being and sustainability.

The sub catchment group which we have established in the Kawhia harbour has generated much interest and engagement and with each meeting we have a higher attendance and are being asked for more information and for 'the next step'. I have found that many of the participants wish to be doing more but don't have the knowledge, and sometimes funds, to proceed beyond making small and somewhat uncertain changes. Yet they are prepared and keen to make changes which are proven to be effective. The formation of sub catchment groups is an effective way of educating and uniting communities.

Stock exclusion

9. The National Waterway Accord (NWA) recommends that waterways with slopes up to 15°, rather than 25° be fenced – I believe this should be applied to Healthy Rivers. It is unrealistic and would again be financially crippling to fence all the PC1 classified waterways on either our Te Pahu farms or our farm at Hauturu – and pointless as many of them are not accessed by stock. The geography alone of some of our land makes the fencing of all waterways up to the 25° slope extremely difficult if not impossible. With many of them, incorporating a fence would cause more contamination - whether by animal tracking or by the machinery used to create fence lines. The environmental cost of putting the fence in outweighs the improvement it may or may not bring. With the fencing of waterways comes the need for a water reticulation system – another cost. In some areas, rather than fence the waterways a more cost effective option would be to implement a water reticulation system – many studies have shown that stock prefer fresh water and they would choose to drink out of a trough even if it meant walking some distance, over drinking out of a drain or creek. There are other ways to mitigate soil loss and stock access to waterways than by prescriptively requiring them to be fenced.

We believe fencing of significant waterways is very important on intensively farmed rotationally grazed properties as there are higher stock numbers on smaller areas and a higher likelihood that water quality be affected. However, on more extensive properties we think it is important to use the FEP to identify at risk areas as critical source areas and address these accordingly, and this should be acknowledged in the plan.

The main contaminants of concern in drystock properties are Phosphorous, sediment and pathogens – which generally enter waterways by over land flow. Putting a fence along a waterway will not stop overland flow.

The NWA definition of a water body is more practical and makes much of the plan's objectives more achievable. The definition of a waterway should be changed to that of the NWA.

The timelines for all waterways required under the plan change are unrealistic and would be financially crippling for most farmers, especially those more extensive underdeveloped properties within the catchment. We think the plan change must extend the timelines and give certainty to those of us with land classed as 6+ that we are not wasting our money and resources in fencing it due to the possibility it may be required to convert to forestry in future plan changes (an aspirational goal acknowledged by the WRC).

On our 900ha farm at Hauturu stock water is natural and we are in the first stages of incorporating a reticulated water system. We have a myriad of what PC1 classes as waterbodies through our farm; should we be required to fence off every one of these, in the time frame required, it would most likely mean the end of our farming entity. It would not be financially feasible to fence off every water body as classified in PC1 and create a water reticulation system over 900ha. It would not be possible within the time frames that are used within PC1 should they be transferred to our catchment. There are many farmers within the Waikato Waipa river catchment who are facing this reality.

Let our individual properties present mitigations against contaminants which are relevant to each farm, rather than a blanket approach with prescriptive rules.

On higher stocking rate more intensive farms stock should be allowed to enter waterbodies if they are being actively managed across the waterbody and the waterbody is not crossed by stock more than three times a week. The cost of creating crossing structures and races for every PC1 classified waterway far outweighs the benefits.

Farm environment plans

10. We are concerned that neither our communities nor the WRC have the resources to meet the requirements of an FEP in the time frames required as detailed in PC1. There is also a concern that a consent to farm comes with consent conditions, which could add extra, undefinable barriers to our ability to farm, and further undefinable costs to comply.

FEP's need to be tailored to a farm's natural capital, not a one size fits all prescription. They need to be set up as catchment specific and driven by catchment specific issues. Farm Environment planning should include farm scale Land Use Capability (LUC) mapping to help categorise risks and opportunities. The FEP needs to include the identification and management of critical sources areas and pathways.

If an FEP is supplied, Rule 3.11.5.3 should be a permitted activity, not a consented one, regardless of the presence of a certified industry scheme. Remove 'under a Certified Industry Scheme' from this rule and remove any reference to the Nitrogen Referencing Point.

Timeframes need to be extended to represent realistic financially sustainable outcomes to enable improvement in water quality. FEP's should allow for mitigation against contaminants, not prescriptive, blanket measures which have no scientific background. We seek that the

plan change should not be implemented until the scientific data around which contaminants are causing water quality decline is available for each sub catchment.

As a facilitator of the B+L FEP workshops, the buy in from farmers who have attended is huge compared to those who haven't. One of the messages we try to get across in these workshops is that a) your soil is your biggest asset (so you don't really want it heading off down the drain) and b) the FEP will make up part of the farm business plan. There has been so much work in the drystock sector to date which has gone unacknowledged and has contributed hugely to improving our waterways. It is important to capture this work in our FEP and sub catchment stories. We believe these workshops along with sub catchment group formation should be funded by WRC, as they are the best means of getting community wide and individual farmer engagement. Education is a far more effective use of rate payer's money than regulation.

11. We believe that PC1 as it stands will be financially and socially destructive for farmers and communities and will not bring about the desired improvement in water quality. It is biased toward the higher intensity farms and penalises the lower intensity, more environmentally friendly farming practises – and it is likely to cause segregation between sectors and communities because of this. Its implementation and timeframes are unrealistic. We believe better water quality outcomes will be achieved through the creation of sub catchment groups and the use of the Farm Environment Plan to mitigate against farm and sub catchment specific issues. This way rather than individuals working to the minimum compliance level, landowners can have ownership over the work they are doing, and we will see communities working together for the greater good of our region's waterways.
12. Thank you for taking the time to read and hear our statement. We are happy to answer any questions from the hearing panel