

# 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	
FOR OFFICE USE ONLY			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

## SUBMISSIONS CAN BE

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

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

## YOUR NAME AND CONTACT DETAILS

Full name: James Thomas Findlay  
 Full address: 45 Morris Road Hamilton  
 Email: findlay@wave.co.nz  
 Phone: 07-8563443 Fax: —

## ADDRESS FOR SERVICE OF SUBMITTER

Full name: James Thomas Findlay  
 Address for service of person making submission: 45 Morris Road  
Hamilton  
 Email: findlay@wave.co.nz  
 Phone: 07-8563443 Fax: —

## TRADE COMPETITION AND ADVERSE EFFECTS

- 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:
- (a) adversely effects the environment, and
  - (b) 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).

Rule 3.11.5.2 Permitted activity Rule

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

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).

See attached

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

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.

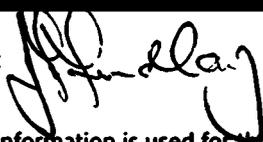
JOINT SUBMISSIONS

- 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: 8 March 2017

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.

**Submission:**

**Whilst supporting the overall vision to improve water quality and requiring all citizens to be responsible around the resources available, I submit that the approach being taken by the Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments is ill founded and will restrict innovation and the development of the rural sector that is the “back-bone” of the New Zealand economy. The Plan Change 1 - 3.11.5.2 Permitted Activity Rule will:**

- 1. Create annoyance and frustration in the rural sector that will create distrust between the farming community and the Waikato Regional Council. The disharmony could result in defiance of the rule and deliberate non-compliance.**
- 2. Require a bureaucracy to implement the plan that will be unsustainable and become a burden on the ratepayers in the region.**
- 3. Incur rules as set out in paragraph 4 (a) to (e) that are unrealistic and cannot be complied with on many farms.**
- 4. The Plan Change 1 controls on farm management systems will limit the productivity of the region that underpins the region’s economic base and the economic base of New Zealand.**
- 5. The costs to the individual farmers will be excessive in many instances where areas are required to be fenced off and the newly created wasteland managed by the farmers.**

**3.11.5.2 Permitted Activity Rule – Other farming activities**

<b>Rule</b>	<b>Comment</b>
<p>The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and</li> </ol>	<p>Properties are already registered with the WRC for rating purposes.</p> <p>The requirement to declare stock numbers is part of the larger plan to limit and restrict land use with the 22 October 2016 being the benchmark as the maximum numbers allowed in the future.</p> <p>The restriction that will follow will limit the productivity in the region and will peg property values to the productivity of the property as at 22 October 2016.</p>



<p>2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and Conditions 3(e) and 4(e) of this Rule; and</p>	<p>Many of the rivers and larger waterways in the region do not get accessed by stock. Many rivers flood and wash out fences creating additional problems.</p>
<p>3. Where the property area is less than or equal to 20 hectares:</p> <p>a. The farming activities do not form part of an enterprise being undertaken on more than one property; and</p> <p>b. Where the land is:</p> <p>i. used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or</p> <p>ii. not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016; and</p> <p>c. Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and</p> <p>d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and</p> <p>e. Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).</p>	<p>The limitations on increasing stock numbers beyond the 22 October 2016 date is unrealistic as farms sell and new operators will be restricted by the previous management.</p> <p>It will have a negative effect on land values.</p> <p>There is limited clarification defining a constructed drain or wetland. There are many constructed drains in the region that drain the large peat areas. The definition would appear to exclude these from the fencing requirements. Is a constructed peat drain of less importance than a major natural river tributary?</p>
<p>4. Where the property or enterprise area is greater than 20 hectares:</p> <p>a. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and</p> <p>b. The diffuse discharge of nitrogen from the property or enterprise does not exceed either:</p> <p>i. the Nitrogen Reference Point;</p>	<p>1. The use of a Nitrogen Reference Point (NRP) is ill-conceived and the use of Overseer as set out in Schedule B allows an inaccurate NRP as a major determinant of the farm systems that operate.</p> <p>2. A 15° slope is able to be traversed by vehicles and “c” excludes these areas from grazing. Most paddocks in the rolling down-lands of the Waipa &amp;</p>

<p>or</p> <ul style="list-style-type: none"> <li>ii. 15kg nitrogen/hectare/year; whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B; and</li> <li>c. No part of the property or enterprise over 15 degrees slope is cultivated or grazed; and</li> <li>d. No winter forage crops are grazed in situ; and</li> <li>e. Where the property or enterprise contains any of the water bodies listed in Schedule C: <ul style="list-style-type: none"> <li>i. There shall be no cultivation within 5 metres of the bed of the water body; and</li> <li>ii. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and</li> </ul> </li> </ul>	<p>Waikato catchments would have areas exceeding the 15° slope requirement. All the areas would be fenced off creating areas where weeds will grow as the operators will be unable to afford the management of large areas of unproductive land. There are some farms that will be unable to continue their business activities on either all or substantial part of the property.</p> <ul style="list-style-type: none"> <li>3. Cultivation of land of 15° slope is land that a combine harvester can traverse. Farm development must continue and land in excess of 15° will need to be cultivated. Increased productivity is the life-blood of our society.</li> <li>4. Winter crops are not common. But can be an important part of a farming enterprise. The in-situ grazing restriction is unwarranted. The definition of a forage crop is lacking as winter-grown tetraploid ryegrasses can be deemed to be a winter forage crop.</li> <li>5. The fencing of rivers is not required in many cases as stock rarely venture in to the large volume waterways that are fast flowing. Regular flooding destroys fences and I have been I situations where farmers have had to replace fences up to 3 times a year.</li> <li>6. The large peat drains that have been constructed appear to be excluded from this requirement, yet they carry large volumes of water all year. The plan proposal is therefore inconsistent. This exclusion is inconsistent with Schedule "C" - Stock Exclusion.</li> </ul>
<p>5. For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:</p> <ul style="list-style-type: none"> <li>a. Annual stock numbers; and</li> <li>b. Annual fertiliser use; and</li> <li>c. Annual brought in animal feed.</li> </ul>	<p>Schedule "B" also requires all invoices to be provided as further proof of the farming activity.</p> <p>The provision of this information will be of use to the WRC IF the plans are being monitored and "policed". It will require a massive bureaucracy to oversee the plans and review the data against each farm plan on an annual basis. If this is not going to be done, why do it!!!</p>

**Conclusion:**

The permitted activity rules are restrictive and will create large areas of waste along the banks of waterways and in areas removed from grazing with slopes over 15°.

The definition of a waterway is inconstant where 3.11.5.2 (3e) & (4e ii) . Excludes constructed waterways and drains. A reference to Schedule C – Stock Exclusion has conflicting statements



Paragraph 2 in Schedule C excludes constructed wetlands while (ii) includes any drain that continually contains surface water. A drain is considered to be a constructed waterway.

The several issues that are the determining factors of "Permitted Activity" are flawed and lack a practical knowledge of the land and businesses in the region.

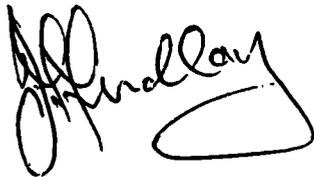
**Recommendations:**

That the Plan Change 1 be disregarded.

That the vision of the Healthy Rivers Plan be retained and a process of farmer and industry co-operation explored to achieve the "swimmable" water targets.

James Thomas Findlay  
45 Morris Road  
Hamilton

and Geoffrey Cullen Hooker  
400 Kauri Road  
Onewhero

A handwritten signature in black ink, appearing to read 'J. Findlay', with a large, stylized flourish at the end.

**ADDITIONAL SHEET TO ASSIST IN MAKING A SUBMISSION**

**Section number of the Plan Change:**

*See attached*

**Do you support or oppose the provision?**

Support

Oppose

**Submission**

**Decision Sought**

*State in summary the nature of your submission and the reasons for it.*

*State clearly the decision and/or suggested changes you want Council to make on the provision.*

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