

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 1 Clause 6 of First Schedule, Resource Management Act 1981

Subject	PC10010	COVER SHEET	
FOR OFFICE USE ONLY			
		Submission Number	
Version		Version	
Created		Sheet 1 of	

SUBMISSIONS CAN BE

Mailed to	Chief Executive, 401 Grey Street, Private Bag 3018, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses
Emailed to	healthyivers@waikatoregion.govt.nz Please Note: submissions received by email must contain full contact details
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: MICHAEL DAVID & ALISON JEAN SELLARS
 Full address: 1149 HONIKIWI ROAD, RD 3 OTOROHANGA 3973
 Email: md.ajsellers@clear.net.nz
 Phone: 07 212 6684 Fax: —

ADDRESS FOR SERVICE OF SUBMITTER

Full name: MICHAEL DAVID & ALISON JEAN SELLARS
 Address for service of person making submission: 1149 HONIKIWI ROAD, RD 3 OTOROHANGA 3973
 Email: md.ajsellers@clear.net.nz
 Phone: 07 212 6684 Fax: —

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:
- (a) adversely affects 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 3.11.5.7 (Continue on separate sheet(s) if necessary)

See subsequent additional pages

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

Detailed with each submission point on subsequent additional pages.

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 subsequent additional pages.

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

Detailed with each submission point on subsequent additional pages.

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: *M. J. Sellers*
Shirley J. Sellers Date: *3/3/2017*
3/3/17

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.

Preface to this addition to our original submission

Since making our first submission on 3/3/17, there is an additional point we wish to make. We want this additional submission, made on 5/5/17 to be considered as part of our earlier submission.

As submitted 3/3/17

Section number of the plan change	3 Part A 3.11.5.1 Clause 5 Page 39
Do you support or oppose the provision	oppose
Submission	Decision Sought
Nature of submission and reason That permitted stocking rates need to be set according to the carrying capacity of the land. <i>See details below:</i>	Decision and / or changes we want Council to make Particularly on small blocks, where to have a Farm Environment Plan is unable to be afforded, permitted stocking rates should be established according to the capability of the land.

Permitted stocking rates need to be set according to the carrying capacity of the land. This is a complex function of many factors which include: grass growth, pasture species, aspect, soil type, rainfall, climate, slope. This varies from property to property and should not be determined by an arbitrary figure (6 SU/ha) that has no scientific backing. The safe, environmentally sound stocking rate for a permitted activity needs to be determined on a case by case basis and not arbitrarily set at 6 SU/ha.

Additional point submitted 5/3/17.

Our submission is that a property's carrying capacity should be assessed in a way which takes proper account of features which mitigate its environmental impact. A property with features which naturally reduce its nutrient and sediment load should not be subject to the same set of rules as another property which lacks such features.

It appears to us that inadequate account is to be taken for the fine features of each property which determine the risk to the environment from the activity carried out on that property.

As an example our property is described by the Waikato Regional Council catchment Officer, Paul Smith, as "Approximately 55% pasture managed via a grazing arrangement with a Lessee. The remaining 44% forms part of a central gully system, with established native in the upper reaches, and a wetland system throughout the lower reaches of the property".

G O Eyles, Soil Conservator, describes this wetland area, "where dominated by wetland vegetation there is a quality nutrient stripping environment"

We estimate that 85 % of our property runoff is processed through this wetland.

The following photo is a general view of much of our property:



The wetland is several acres in size, and the following photo gives a general view of its current state:



We have poisoned all the willows 2 years ago, and natives are regenerating rapidly, as they gain light previously robbed by the willows.

The “quality nutrient stripping environment” that processes around 85% of our property’s discharge, is being enhanced and improved all the time as it transitions to native wetland plants.

We believe our property should not be subject to the same set of rules as another property whose runoff runs unprocessed into a major waterway. It appears to us as though inadequate account is being taken for the fine features of each property which determine the risk to the environment from the activity carried out on that property.

Preface to our submission

We support the objectives of the Proposed Plan Change. Freshwater health is vital to our country for many reasons. These do not need to be stated here.

It is a shame that rules around land use based on the land's capability and the impacts of the use, were not in place decades ago. If they had been, much of the intensification, the impacts of which this plan seeks to remedy, would not have taken place. Equally, highly fertile soils and easily cultivable land (Class 1) such as that nearby to Hamilton, would not be lost to production as it has been.

Whilst we support the objectives of the Plan Change, we see that much of what is proposed by way of rules will make the continuation of hill country dry stock farming very difficult, if not in many cases unaffordable. The follow on effects will be that land which is currently farmed in a non-intensive way and which has minimal negative environmental impacts will need to be retired or changed to production forestry. The latter is not necessarily desirable... pines have negative environmental impacts themselves (acidification of soils, infestation of wilding trees)... and both will lead to decline in rural population. Already New Zealand has a serious imbalance in its population distribution with an overly large concentration in main centres and Auckland in particular. Small towns need to be encouraged to grow otherwise the costs of infrastructure in rural areas fall on fewer and fewer people so that ultimately these places decline to the point of being unsupportable.

The plan makes objectives for the rivers by proposing the imposition of rules to deliver towards these. No mention is made of how the myriad of unintended consequences will be managed and mitigated:

- Decay of the social fabric of our rural communities and small towns.
- Hill country reverting to weeds and scrub.
- Increase in forestry with the consequent impacts at harvest on roads and rivers.
- The inevitable explosion in pest numbers, notably of possums which love forests.

A declined rural population will be less capable than is the case at present to provide a workforce to manage such things as weeds and pests.

In 10 years will there be Plan Change 2 to repair the negative consequences of Plan Change 1?

Our submission largely focuses on the way our own situation will be impacted by the proposed Plan Change rules although we have also made submission on some other points.

Section number of the plan change	3 Part A Background and explanation Page 15 Paragraph 1
Do you support or oppose the provision	Oppose
Submission	Decision Sought
<small>Nature of submission and reason</small> That an 80 year programme when only the rules for the first 10 years are stated is simply neither practical or reasonable See details below:	<small>Decision and / or changes we want Council to make</small> That Council either lay out the rules for all the additional decades, or cease calling it an 80 year plan.

Many of the mitigation works such as fences, effluent containment etc that farmers will have to create or construct will have expected life spans of 30 to 50 years. The necessary investment decisions on whether or not to build a mitigation structure needs a **much longer time horizon of certainty** than 10 years. It is completely unreasonable to put rules in place for such a short time frame, when the farmer has no information on what the rules will be for the second third, fourth and fifth decade, which will be the life of some of the structures. Who would build a mitigation structure with a 50 year life expectancy when the rules of the second and later decades may preclude the activity that the structure was built for?

In this regard, Plan Change 1 is completely impractical, and seems to be ignorant of the normal factors that are considered when making an investment decision.

Section number of the plan change		3 Part A Schedule 1 Page 51
Do you support or oppose the provision		Support, with changes
Submission	Decision Sought	
Nature of submission and reason Farm Environment Plans (FEP's) must be actively policed, otherwise they will be just "words on a page" and won't impact day to day husbandry of the land. See details below:	Decision and / or changes we want Council to make The plan must describe the mechanism by which FEPs will be actively policed by Council. When breaches of good practice are observed by farm staff, neighbours, general public, the plan must describe what actions are to be taken by those observing breaches and what enforcement measures are expected.	

Farm Environment Plans

These in my view are one of those things that sound fine in theory, but will fall short in practice.

Some farmers are "good husbands of the land" grazing at-risk land lightly in terms of both stocking rate, and class of animal.

Here is an example:



This hill is grazed lightly with dairy cows and in observing it for 12 years, I have never seen excessive damage.

At the other end of the spectrum, some farmers graze at-risk land hard, with higher densities of stocking rate and heavier animals. These farmers are more exploitative of the land, with little regard for the consequence on either the land, or the water way that flows from it.

Here is an example, photo taken in February, a few days prior to a heavy rainfall event:



Note that there are animals grazing in the drainage channel, which carries water most of the year.

How will a farm environment plan promote the behaviours of my first example, and prevent the behaviours of my second example? Nothing in Schedule 1 tells me how a FEP will prevent hard grazing.

There is also nothing in the Plan Change 1 that says what should be done when breaches of good practice are observed by farm staff, neighbours, and general public. The plan must describe what actions such observers are expected to take, and clearly state what steps the Council will take when such information is received.

Section number of the plan change	3 Part A 3.11.5.1 Clause 5 Page 39
Do you support or oppose the provision	Oppose
Submission	Decision Sought
<p>Nature of submission and reason</p> <p>There is no clear meaning for the term “grazed land” in calculating the stocking rate for a property which includes both grazed and ungrazed land. There is no definition provided for this term in Part C Glossary of terms.</p> <p>See details below:</p>	<p>Decision and / or changes we want Council to make</p> <p>That the definition of “grazed land” is clarified and is defined as meaning “A property on which grazing takes place not limited to the area of the property which is actually grazed.”</p>

As an example, our 15ha rough hill country block includes a tract of native bush within a steep sided valley. When we bought our property in 2005, our first measure was to fence off this area to exclude stock from roaming through. This has enabled the bush to regenerate and the watercourse within the valley, which is fed by a number of springs which arise within the bush, to be protected from direct contamination by stock and nutrient inflow. Subsequently we have fenced off two more areas within the pasture which are swampy places fed by springs. This has enabled further protection of the waterway. More recently, under the Priority Catchment Programme of the Waipa Catchment Plan we have retired and planted a steep south facing paddock which was prone to erosion, and we have fenced off the lowest part of our waterway which is considered a valuable wetland.

The net result of this work is that out of our total 15ha property, 8.5ha is available for grazing.

The property currently carries (end Feb 2017) 29 X 6 month old R1 dairy beef animals (mainly steers) and 13 X 18 month R2 steers. Using stock unit figures from the definitions within the proposed plan change (page 84) this amounts to $13 \times 5.8 = 75.4$ plus $29 \times 2.7 = 78.3$ totalling 153.7. If this figure is applied over the total land area the stocking rate works out at 10.2 SU/ha whereas over the grazed area it becomes 18.1 SU/ha.

In a month or so the 13 older animals will be sold. The total stock units carried (according to the figures used) will drop to 78.3 giving stocking rates of 5.22 SU/ha when calculated over the total area and 9.21 when the grazed area is used.

The situation is further complicated by the fact that our lessee grazes our property in conjunction with his father’s 2ha across the road. Therefore the stocking rate as calculated above is actually less, because for some of the time the animals are grazing there as part of the total rotation.

Regardless of exactly how many animals there are, or how the stock units are calculated (see our other submission on this) it is clear that the figure arrived at for the stocking rate differs significantly depending on how much of the property is used in the calculation. If the rate is to be calculated over only the pasture that is grazed then we are given no credit for the mitigation steps which we have undertaken, many at our own cost. The calculation should be able to be made over the whole property area.

We have sought clarity from various officers in the Waikato Regional Council on the meaning of “grazed land” but no-one has been certain as to how this term would be interpreted under the proposed plan change. Their opinion tends towards the understanding that the definition should be for the whole property area not just the area that is grazed.

Section number of the plan change	3 Part A 3.11.5.1/2/3 Page 39-41 and including Schedule 1 Page 51-53
Do you support or oppose the provision	We oppose the current drafting.
Submission	Decision Sought
Nature of submission and reason That there should be consistency about the rules for grazing of slopes across the different rules for properties of different size. <i>See details below:</i>	Decision and / or changes we want Council to make That Council provides consistency throughout these rules. NB This is about consistency, not the actual slope. See our separate submission on steepness of slope for grazing.

As the plan is written, under 3.11.5.1 (“Small and low intensity farming activities” which refers to properties either less than, equal to or greater than 4.1ha) there is no mention of any limits on the grazing of slopes steeper than a certain gradient.

Under 3.11.5.2 (“Other farming activities”) there is no mention of any limits on the grazing of slopes for properties less than or equal to 20ha but for properties greater than 20ha the grazing of slopes steeper than 15deg is prohibited.

Under 3.11.5.3 (which refers to “Farming activities with a Farm Environment Plan under an industry scheme”) there is no mention of limits on grazing of slopes steeper than a certain gradient nor is there any such mention within Schedule 1 which outlines what a Farm Environment Plan must embody. It is not clear whether a Farming Activity operating under this rule, on a property which is greater than 20ha, is bound or not by the rule as written in 3.11.5.2 which prohibits grazing slopes steeper than 15deg.

Section number of the plan change		3 Part A 3.11.5.2 4 c Page 40
Do you support or oppose the provision		Oppose
Submission	Decision Sought	
Nature of submission and reason That the slope restrictions on grazing are too harsh to be practical. See details below:	Decision and / or changes we want Council to make That Council adopt the slope's suitability for grazing as in the Land Use Capability Framework	

Much of the district I live in (Honikiwi) has land holdings over 20 ha and a significant proportion of land over 15 degrees of slope. Stock management along with some tactical use of herbicides maintains good levels of weed control. If this rule were to remain in the final document, a very significant proportion of the district would have to be retired from agriculture, and large tracts of land would revert to weeds such as gorse, blackberry etc.

Much of our property is of slope greater than 15 degrees, (D, E and F on the land use capability slope scale i.e. 16 degrees and above) yet is classed as class 4 to 6, which describes the land's suitability for pastoral and production forestry as High (4 & 5) and Medium (6). So a long established system, the Land Use Capability system which has scientific logic to it says that what we are grazing is of high and medium suitability but Plan Change 1, (if our property was >20 ha) says such land should not be grazed. The plan change 1 needs to be consistent with the long established Land Use Capability system.

Section number of the plan change	3 Part C Glossary of terms page 84-5
Do you support or oppose the provision	oppose
Submission	Decision Sought
Nature of submission and reason That the definition of Stock Units needs to be revised. See details below:	Decision and / or changes we want Council to make A soundly based system of assessing impacts of stock carried must be established. We suggest a system of live-weight accounting.

There are various tables used within the agricultural industry which provide stock unit figures for different ages and classes of stock. The table provided includes some quite different figures from those supplied by Beef and Lamb NZ <http://portal.beeflambnz.com/tools/benchmarking-tool/definitions> ; with discrepancies sometimes as much as 20%. The science behind such varying figures must surely be questionable.

There are a number of things about stock units which are not clear in the table on page 84-5 which is intended to be used to define the number of stock units carried under the proposed plan change. These points may seem picky but in some cases will make the difference between the resulting stocking rate determining whether a farming activity is permitted or not. This makes thousands of dollars' worth of difference for the landowner.

For example the figures for deer state the SU figure is annualised. This is not stated for any other class. It is absurd that a steer suddenly changes from 2.7 SU at age 11.5 months to 5.8 SU at 12 months.

There seems to be very little difference between a 1 year old steer at 5.8 SU (203-478kg... a big range) and a mature bull at 6 SU (620kg).

A much more sensible approach would be to use live weight. Industry averages of live-weight for various types of animals can be charted for age and a farmer will know how many head, and their age that he or she carries in any one month. An accurate picture of live-weight carried at any one time, in total over the year, or an average can easily be obtained. This would not only be far more accurate but would straightforward to apply.

Section number of the plan change	3 Part C Glossary of terms page 84-5
Do you support or oppose the provision	oppose
Submission	Decision Sought
Nature of submission and reason Stocking rate is ill defined. See details below:	Decision and / or changes we want Council to make That there needs to be clarity over what is meant by “stocking rate”.

It is not clear whether a permitted stocking rate is that which the property over-winters, an average over the year, a maximum at any one time or the lowest the property carries at any one time.

There needs to be a clear, unambiguous definition which takes into account the need for flexibility within many farming systems. Stock need to be able to be brought in to control rapid grass growth in certain seasons especially where contour precludes the harvesting of surplus grass to make supplements.

An easily administered system but which is not so crude as to be meaningless is needed.

As an example we refer again to our own property:

	Rising 1s (@2.7SU)	Rising 2s (@5.8 SU)	Total SU
Winter*	28 head	0 head	75.6
22 Oct*	0	28	162.4
Dec	15	28	202.9
Feb*	29	13	153.7
April*	29	0	78.3
Average of quarterly* numbers			117.5

Clearly the total stock units carried varies throughout the year. The plan change rules do not make it clear at what point in the year the reference point for our stocking rate should be determined.

Our situation is further complicated by the fact that our lessee grazes our property in conjunction with his father’s 2ha across the road. Therefore there are times when there is no stock on our place, or only one of the two mobs of animals is on our place. Taking this fact into account we can multiply the 117.5 (or any of the other figures for total stock units) by a factor of 0.81 (8.5ha = our grazing area / 10.5ha = total grazed area) to account for the fact that animals are on our property for only 81% of the time. Thus 117.5 average total SU becomes 95.2 average for our property.

If we then go on to calculate the stocking rate on the basis of grazed area (8.5ha) that becomes 11.2 SU/ha or if calculated over the whole of our property area (15ha) becomes 6.3 SU/ha.

But if we calculate stocking rate at other times for the year the results are as follows:

	Total SU	Stocking rate at 81% over 8.5ha	Stocking rate at 81% over 15ha
Winter*	75.6	7.2 SU/ha	4.1 SU/ha
22 Oct*	162.4	15.5 SU/ha	8.8 SU/ha
Dec	202.9	19.3 SU/ha	10.9 SU/ha
Feb*	153.7	22.3 SU/ha	8.3 SU/ha
April*	78.3	7.5 SU/ha	4.2 SU/ha
average	117.5	11.2 SU/ha	6.3 SU/ha

Clearly our actual stocking rate varies throughout the year.

Depending on what exactly is meant by stocking rate, our property sometimes falls in the category of a permitted activity and at other times does not. If it is not, we then become subject to expensive compliance costs (eg Farm Consultant to draw up Farm Environment plan which is likely to cost more than our annual lease fees for grazing of \$2500).

It needs to be remembered that these figures are obtained by using the stock unit table in the plan change (page 84-5) which do not seem to be soundly based.

Section number of the plan change	3 Part A 3.11.5.1 Clause 5 Page 39
Do you support or oppose the provision	oppose
Submission	Decision Sought
Nature of submission and reason That permitted stocking rates need to be set according to the carrying capacity of the land. <i>See details below:</i>	Decision and / or changes we want Council to make Particularly on small blocks, where to have a Farm Environment Plan is unable to be afforded, permitted stocking rates should be established according to the capability of the land.

Permitted stocking rates need to be set according to the carrying capacity of the land. This is a complex function of many factors which include: grass growth, pasture species, aspect, soil type, rainfall, climate, slope. This varies from property to property and should not be determined by an arbitrary figure (6 SU/ha) that has no scientific backing. The safe, environmentally sound stocking rate for a permitted activity needs to be determined on a case by case basis and not arbitrarily set at 6 SU/ha.

For example, our property is hilly and north facing. It is easily able to support a stocking rate above 6 SU/ha because grass grows well. Over the hill, facing south with similar soils and slope the land will carry less than 6 SU/ha.

Land which is capable of carrying a higher stocking rate than it does will result in uneaten, rank grass which will decay and contribute nutrients to the soil and nutrient run off to waterways. A higher permitted stocking rate should be possible where the factors which contribute to a higher carrying capacity are favourable without consequent negative environmental impacts.

Growth of weeds such as gorse and blackberry will also result from understocking. Costs of weed control will increase, further hampering the ability of the farmer to make a profit and be able to continue to farm.

Section number of the plan change	3 Part A 3.11.5.1 Clause 4 and 3.11.5.2 Clause 3 a)
Do you support or oppose the provision	oppose
Submission	Decision Sought
<small>Nature of submission and reason</small> The rules covering farming activities which form part of an enterprise over more than one property, negatively impact the landowner where the part of the enterprise operating on his land would otherwise be permitted. <i>See details below:</i>	<small>Decision and / or changes we want Council to make</small> That the situation of leased grazed land is regulated in such a way that the land owner is not penalised because the lessee's operation operates over more than one property.

In our case, our 15ha rough hill country block is grazed by our lessee who manages it in conjunction with his own land (where he raises calves) and his father's 2ha across the road from us which forms part of the grazing rotation with our land once calves are weaned.

We believe that in the case of a small block such as ours which is leased out for grazing, and where the lessee's enterprise operates over more than one property, the part of the farming activity which takes place on the lessor's land should be able to be considered as discreet from the point of view of the lessor.

It seems to us from reading the rules, that the part of our lessee's operation which operates on our property is permitted but for the fact that it operates over more than one property. It should not be our responsibility to have to obtain consents, and to have to go through expensive compliance costs to achieve permission for the continuation of a farming activity which is not ours.

It should not be incumbent upon the owner of the property to be obliged to have to seek consent for a farming activity, which if assessed on the basis of what takes place solely on that property, would be permitted.

From the point of view of the proposed Plan Change our property should be able to be considered as a stand alone unit.

Section number of the plan change	3 Part A 3.11.5. clause 4 Page 45
Do you support or oppose the provision	Support with amendment
Submission	Decision Sought
Nature of submission and reason Land use change is too restrictive for fertile and gently contoured land which could be used for food production. <i>See details below:</i>	Decision and / or changes we want Council to make Changes of land use within a Land Use Capability classification should be permitted especially in relation to food production.

New Zealand has a growing population. There are within the Waikato Catchment tracts of land of high fertility, flat or with gentle contour, which are currently not used intensively but which would easily support the production of food: eg vegetables etc.

The plan change rules should not make it difficult for owners of such land to make changes from low intensity use such as grazing a few horses, to market gardening. As our centres of population grow, and the need increases to reduce transport impacts (climate change mitigation) it makes sense to put such land into food production. But under the rule in the proposed plan change, such a change of land use would not be permitted without seeking a resource consent.

Use of the Land Capability Framework would enable land to be classified according to its capability and changes of land use within the Land Use Capability classification for that land should be permitted.

Equally properties capable of being managed more productively than is currently the case, but still in a non-intensive way, should not be prevented from doing so. Eg Land recently taken out of grazing to plant apple trees that were in place at 22 Oct 2016, should be able to return to grazing if the owner wishes.