

To: Waikato Regional Council
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

Submission on: Proposed Waikato Regional Plan Change 1: Waikato and Waipa River
Catchments

Date: 7 March 2017

Submission by: Sally Millar

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- I do wish to speak at the hearing in support of my submission
- If other parties make similar submissions, I would not consider presenting a joint case with those parties at the hearing.
- I will not gain a trade competition advantage through this submission.
- I will be directly affected by the Proposed Waikato Regional Plan Change 1

1. Background

1.1. I reside on a 1.9ha equestrian lifestyle block at Hautapu on the outskirts of Cambridge. While this property is under the 2ha threshold of the Proposed Waikato Regional Plan Change 1 (PC1), this submission is written from my experience as an environmental consultant and policy advisor, an area that I have worked in for the last 20 years. I also have a lifelong involvement in equestrian and have lived on two lifestyle blocks in the Mangaone sub catchment over the last 17 years.

2. Introduction

- 2.1. I welcome the opportunity to make this submission on PC1. I acknowledge the significant time and resources that Waikato Regional Council has engaged in the development of PC1 through the Collaborative Stakeholder Group.
- 2.2. This submission will solely focus on PC1 as it impacts lifestyle properties and those properties under 20ha that are not part of a larger enterprise.

3. Submission Summary

- 3.1. I support the intent of PC1 as the first stage to achieve the Vision and Strategy. I also recognise Councils legal obligations to give effect to the Vision and Strategy and National Policy Statement for Freshwater Management.
- 3.2. I support the principle that “everyone is part of the problem so everyone needs to be part of the solution” and that everyone needs to be working towards reducing their environmental footprint with regards to contaminant losses that impact the Waikato and Waipa River catchments.
- 3.3. I accept that PC1 is only the first step in an 80 year journey to achieve the aspirational goals of the Vision and Strategy.
- 3.4. I have concerns in regards to PC1 and how it impacts on small properties under 20ha. I consider that amendments to PC1, as provided in Attachment 1, will address these issues and will not undermine the overall intent of the Plan Change.

4. Decision Sought

- 4.1. I seek the following decision on my submission on PC1
- 4.1.1. That Waikato Regional Council retain Plan Change 1 but amends as per the decisions sought as outlined in Attachment 1 of this submission.
- 4.1.2. That Waikato Regional Council makes any consequential amendments that may be necessary to give effect to this submission and/or
- 4.1.3. Any alternative relief that will give effect to this submission.

Signed: _____

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Attachment 1: Plan Change provisions

	Section of Plan Change	Provision and page number	Support Or Oppose	Reason for Submission	Decision Sought
1	3.11.5.1	Permitted Activity Rule pg39	Support in part	<p>Support the intent of this rule, that recognises that properties between 2 and 4ha produce minimal contaminant loss in relation to the total quantum for the catchment and therefore should be permitted for this Plan Change.</p> <p>Support the gathering of information that will provide useful information in regards to these small properties that will assist in more clearly determining how they impact on the water quality of the catchment.</p> <p>However I believe that while there has been good engagement and a reasonable understanding by pastoral farmers over 20ha on how and why contaminant losses from their properties impact on water bodies, lifestyle properties by and large have little understanding of contaminant pathways.</p> <p>The information gathered is intended be used to inform future plan changes at a catchment and sub catchment level. It is therefore possible that these future plan changes could well expect more from smaller lifestyle blocks in mitigation</p>	Retain provision and add by way of amendment to 3.11.5.1 or by way of another provision in PC1 that the information gathered from lifestyle blocks is also used to inform and educate these property owners of potential environmental impacts and appropriate mitigations.

				actions. This is clearly flagged in 3.11.3 Policy 4. I therefore consider that the information gathering process of PC1 presents a further opportunity to provide feedback to the property owners on how to manage their properties and minimise contaminant losses and initiate better practice in a non regulatory regime. This I believe will facilitate and improve any transition that needs to be made in future plan changes.	
2	3.11.5.2	Permitted Activity Rule pg40	Support in part	<p>This submission only relates to properties less than 20ha and no comment is made in regards to 3.11.5.2.4</p> <p>I support the intent of this rule which is to require smaller lifestyle and low intensity properties to at a minimum not increase their contaminant losses (3.11.5.2.3(b)(i)).</p> <p>This however is done by way of a proxy of not increasing stocking rate rather than staying at or below a nitrogen reference point(NRP) that is required for larger (over 20ha) productive units.</p> <p>While the rule using a proxy is technically enforceable, I consider in practical terms creates significant issues not only for the landowner but also Council.</p> <p>As the rule is written it is a breach if there is any increase in stock numbers at any time, for any length of time. There is no flexibility to allow for grass growth, or to even have the daughters friends pony to</p>	<p>That 3.11.5.3 is amended so that 3.11.5.2(b)(i) provides for any increase in stocking rate is done by way of a 5 year rolling average.</p> <p>Alternatively that this provision is deleted and properties between 4.1ha and 20ha are treated the same as those properties between 2ha and 4.1ha.</p>

				<p>stay over the holidays. As written any increase requires a restricted discretionary consent.</p> <p>I believe Waikato Regional Council is aware of this as it has noted in its Working Draft Implementation Plan for the Proposed Waikato Regional Plan Change 1 – Waikato and Waipa Catchments (Implementation Plan) at page 19, where it provides <i>“The council does not propose to proactively monitor activities authorised by permitted activity rules 3.11.5.1 or 3.11.5.2. Compliance with these permitted activities will be dealt with by complaint response and through promotional activities to encourage compliance.”</i></p> <p>I consider such a statement shows that this Rule is not fit for purpose and does not provide an appropriate enforceable bottom line that will be applied equitably to all landowners given that the rule is probably going to be only be enforced by complaint. My experience is that complaints in such instances arise more often than not from neighbour disputes rather than there has been a significant breach of the Rule that has negative environmental impacts.</p> <p>The alternative scenario is that small lifestyle blocks that wish to increase their stocking rate, by 1 sheep say, all apply for</p>	
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				<p>restricted discretionary consents – something which would at least provide the lifestyle block owner with some certainty but I consider it likely that Council does not have the resources or capacity to manage.</p> <p>Therefore, I consider it is appropriate and equitable that those on smaller blocks under 20ha be afforded the same flexibility as landowners on larger blocks. That is to have a 5 year rolling average in relation to stocking rate for Rule 3.11.5.2.3(a)(i). There is no further data to be collected by Council as this is already required by 3.11.5.2.5.</p> <p>Alternatively if Council considers that small blocks between 4.1ha and 20ha are relatively low risk would be to delete Rule 3.11.5.2.3(a)(i) and treat these blocks the same as those between 2ha and 4.1ha along with developing an education and engagement plan that clearly identifies that poor environmental practice in future Plan Changes will be regulated.</p>	
3	3.11.5.2	Permitted activity rule pg40	Support in part	Support 3.11.5.2(5) that requires all properties over 4.1ha to provide annually information on stock numbers, fertiliser used and bought in feed, that will complement the information being provided via the NRP and FEP for properties over 20ha, to provide better	That the information to be collected under 3.11.5.2(5) is broadened to collect all relevant information including effluent (manure) disposal and the the use of stand off (stables and yards).

				<p>information on how land is being managed through the catchment that will assist in further decision making.</p> <p>However for equine properties that are racing or competitive sport horses, the horses diet will primarily be from bought in feed. However these horses are more likely to spend a significant amount of time off paddock either in yards or stables so that these losses are easier to manage.</p> <p>Not collecting all relevant information is likely to lead to incorrect conclusions on the impact these properties have on water quality.</p>	
4	3.11.5.4	Controlled Activity Rule pg42	Support with amendment	<p>Support that landowners are able to manage contaminant loss for their properties with a Farm Environment Plan(FEP) in a controlled activity rule (or permitted activity if in an Industry Scheme).</p> <p>However I consider that properties under 20ha should have the opportunity to comply with PC1 by meeting their Nitrogen Reference Point(NRP) and completing a FEP if unable to meet the permitted activity standards.</p> <p>I believe it is inequitable that properties that do not comply with the permitted activity rules that are under 20ha default</p>	Amend 3.11.5.2(3) so that an alternative method of compliance with PC1 for properties under 20ha is to be able to comply with 3.11.5.4

				to a restricted discretionary activity status where as larger properties are able to undertake a FEP through a controlled activity to meet their obligations.	
5	Schedule A	Registration with WRC pg46	Support		Retain
6	Schedule C	Stock Exclusion	Support in part	<p>Support that cattle, horses, deer and pigs should be excluded from the waterbodies listed. Support that the rule excludes horses that are being ridden or led.</p> <p>However properties that are over 20ha have the opportunity by a FEP through either a permitted or controlled activity rule are allowed to use appropriate alternative mitigations in certain circumstances, whereas it appears those under 20ha if wish to have alternative mitigations to stock exclusion can only do so via a restricted discretionary consent.</p> <p>I do not consider this equitable for smaller property owners and they should have the opportunity to apply for a FEP as a means to meet their obligations under Schedule C via a controlled activity consent should they wish to do so.</p>	That PC1 is amended so that small property owners under 20ha also have the option of undertaking a FEP under a controlled activity rule to meet their obligations under Schedule C.