

Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

Submission form on publicly notified – Proposed
Waikato Regional Plan Change 1 – Waikato and
Waipa River Catchments.

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received my email must contain full contact details. We also request you send us a signed original by post or courier.</i>
Online at	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS

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ADDRESS FOR SERVICE OF SUBMITTER

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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 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.)

Please see attached table

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.)

Please see attached table

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 below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

Amend as follows:

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

(or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature Gareth Kilgour

Date 4 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.

Section number of the Plan Change	Support /Oppose	Submission	Decision sought
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Entire plan change	Oppose	<ol style="list-style-type: none"> 1. The plan change contains unclear and confusing provisions 2. Contains terms that would benefit from being defined. 3. Lacks a robust evidential basis. 4. The plan change is not in accordance with the purpose of the RMA. It does not provide the ability for people and communities to provide for their social, economic, and cultural well-being as set out in the purpose of the RMA. The Waikato is one of the key areas of primary production / food production for not only the local community, but also nationally and international exports. The RMA requires consideration of the social, economic and cultural well-being alongside that of the environment. This plan change prioritises the environmental aspect with no consideration of the other aspects. The Waikato soils are a significant natural and physical resource and Section 5 of the RMA enables their use and development. 5. The provisions have not taken into consideration the housing and management of stock and therefore the impacts of nitrogen, phosphorous, sediment or microbial pathogens. 6. The plan change has not considered the ability of crops such as lucerne, clovers, lupins, peas to fix nitrogen. 7. Inappropriately uses stock units as a proxy for nitrogen inputs. 	<p>Amend the plan change to:</p> <ol style="list-style-type: none"> 1. Amend the overly restrictive objectives, policies and rules so that they provide a balanced approach to enabling rural land owners to provide for their economic wellbeing, and recognise the value of primary production to the Waikato community and national economy. 2. Amend the provisions to be more balanced to recognise the other components of the purpose of the RMA not just environmental. 3. Correct errors. 4. Improve the usability of the document, particularly the rules which are unnecessarily complex and confusing.
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		<p>8. Does not give effect to the Regional Policy Statement Objectives and Policies which support primary production, such as Objective 3.1(d), Objective 3.2(a), Objective 3.10, Objective 3.25, Objectives 3.26 and Policy 4.4 (amongst others).</p> <p>9. The focus is on agriculture and horticulture and does not recognise that there are many other contributors of nitrogen, phosphorus, sediment and microbial pathogens for example subdivision and earthworks and urban landuses.</p> <p>10. The document is dense and impenetrable for lay users of the plan (particularly the rules) and would benefit from redrafting following further research and consultation.</p> <p>11. The objectives and policies should replace prohibitive terms such as avoid, protect and requirements to enable a fair consideration of resource consents and take into consideration the cost implications of these matters.</p> <p>12. The plan change does not address the change in rural character. The amenity and character of the rural environment has a value for the whole region (and in fact nationally).</p> <p>13. The plan change is not cognisant of the RMA Section 85 tests against the unreasonable imposition of restrictions on private property. Importantly, the s85 tests cannot be answered in the general, or for the</p>	<p>5. Be more user friendly for farmers and plan users.</p> <p>6. Allow use of all rural land for primary production rather than locking up resources for eternity.</p> <p>7. Other relief as would address concerns and such consequential relief including changes to objectives, policies and rules</p>
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		“average” or “representative”: they must be answered in the specific case.	
Section 32	Oppose	<p>There are specific Section 32 requirements of the RMA, but the assessment does not fulfil the Section 32 requirements, in particular Section 32(2)(a) and Section 32(2)(b). These sections require benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions to be identified and assessed. An assessment of the economic and employment growth or reduction must be quantified.</p> <p>The economic implications of the PC1 rules on some farms are likely to be devastating.</p>	<p>Undertake a comprehensive and extensive assessment and quantification of the costs and benefits of the plan change in accordance with Section 32(2)(a) and Section 32(2)(b) of the RMA.</p> <p>Review the provisions based on this assessment.</p>
Rule 3.11.1.2 Use values - Primary production	Support in part	<p>I support the recognition of the role the rivers play in primary production. I support the recognition of the significant contribution of primary production industries to regional and national GDP, exports, food production and employment.</p> <p>There should also be recognition that the contribution of rivers to primary production achieves economic well-being as well as environmental, social and cultural wellbeing of local communities, regionally and nationally.</p>	<p>Retain with amendments to recognise the contribution of rivers to primary production to achieve not just economic well-being but also environmental, social and cultural wellbeing of local communities, regionally and nationally.</p>
3.11.2 Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit	Support	Support the intention of Objective 1	

<p>3.11.2 Objective 1: Long-term restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</p>	<p>Oppose</p>	<p>Oppose the 80-year water quality attribute targets in Table 3.11-1.</p> <p>The Nitrogen reduction target is ambitious and achieving it is a whole-of-community challenge. All sectors of the community are expected to implement reasonable, practicable and affordable measures to avoid, remedy or mitigate nutrient losses.</p>	<p>Amend to remove references to Table 3.11-1.</p>
<p>Reasons for adopting Objective 1</p>	<p>Oppose</p>	<p>As the reason acknowledges, these are aspirational targets whereas realistic, achievable targets would be a more pragmatic approach.</p>	<p>Amend the targets to be more realistic and achievable.</p>

<p>3.11.2 Objective 2: Social, economic and cultural wellbeing is maintained in the long term</p>	<p>Oppose</p>	<p>The objective only considers one component of the economic well-being of the Waikato and Waipa communities. Whilst there may be limited economic benefits from the restoration and protection of water quality in the Waikato River catchment, the objective fails to recognise the significant economic costs of implementing this plan change.</p> <p>The economic costs to individual land owners and indeed the community, the region and the country have not been adequately considered as part of the Section 32 analysis.</p> <p>The explanation to this Objective states that it is important to minimise social disruption during this transition. This Objective is critical as there will be considerable social, economic and cultural disruption should the plan change proceed in its current form. However the Section 32 assessment does not identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth that are anticipated to be provided or reduced; and the effect on employment and quantification of those benefits and costs in accordance with section 32(2)(b).</p>	<p>Amend Objective 2 to recognise the importance of primary production activities to Waikato's economy and the need for an appropriate regime to sustainably manage natural and physical resources.</p> <p>Undertake a comprehensive and extensive assessment and quantification of the costs and benefits of the plan change in accordance with Section 32(2)(a) and Section 32(2)(b) of the RMA.</p> <p>Review the provisions based on this assessment.</p>
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<p>3.11.2 Objective 3: Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-catchment and Freshwater Management Unit</p>	<p>Oppose</p>	<p>There is not sufficient evidential basis to demonstrate that the plan change will achieve the 10% goal.</p> <p>I oppose the blanket approach of the plan change to address a complex issue.</p>	<p>Amend to establish a more realistic goal, recognising that there are historic landuses affecting water quality that will continue to increase the nitrogen, phosphorous, sediment and microbial pathogens.</p>
<p>3.11.2 Objective 4: People and community resilience</p>	<p>Oppose</p>	<p>While I support a staged approach to managing nitrogen inputs, the initial stage represents a significant change to land use practices. If this is only the first stage, I am deeply concerned about what further changes are proposed within future stages. Although the detail of future stages is not a matter to be addressed by this plan change, the objective sets the overall outcome. It would be more appropriate for the plan change to set an objective appropriate for the life of the regional plan (ie 10 years).</p> <p>The proposed plan change does not continue to provide for the social, economic and cultural wellbeing of rural landowners or those working in the rural sector, or those dependent on the rural sector for food sources. What is proposed is a significant change for rural land holdings whether they are commercial enterprises or not.</p>	<p>Amend the objective to more appropriately set objectives for the life of the regional plan (ie 10 years).</p> <p>Amend the objective to continue to provide for the social, economic and cultural wellbeing of people and communities.</p>
<p>3.11.2 Objective 4(a): People and community resilience</p>	<p>Oppose</p>	<p>The use of the words in clause a) “values and uses” is vague and unclear to plan users and does not assist in establishing a clear objective.</p>	<p>Amend the Objective to improve clarity.</p>

<p>3.11.2 Objective 4(b): People and community resilience</p>	<p>Oppose</p>	<p>Clause b) is not appropriate as an objective. It is poorly drafted, is not written as an outcome and does not provide any clarity to plan users.</p> <p>To have a staged approach is not an appropriate objective, it does not identify an outcome.</p>	<p>Amend the Objective to improve clarity and fulfil the role of an Objective.</p> <p>Amend the Objective to more clearly state the desired outcome to be achieved within the life of the regional plan.</p>
<p>3.11.2 Objective 5: Mana Tangata – protecting and restoring tangata whenua values</p>	<p>Oppose</p>	<p>While I support the principle of enabling stewardship and kaitiakitanga as outlined in Section 7(a) and 7(aa) of the RMA as a matter to have particular regard to, I consider that all responsible landowners should also have the same ability to manage their land and resources.</p> <p>Impediments to the flexibility of the use of all lands should be minimised.</p>	<p>Amend to reflect the principle of enabling stewardship and kaitiakitanga as outlined in Section 7(a) and 7(aa) of the RMA for all landowners.</p> <p>Amend to remove impediments to the flexibility of the use of all lands.</p>

<p>3.11.2 Objective 6: Whangamarino Wetland/Te Whāinga 6: Ngā Repo o Whangamarino</p>	<p>Oppose</p>	<p>While I support the concept of reducing Nitrogen, phosphorus, sediment and microbial pathogen contributions to the Whangamarino Wetland, I oppose the water quality attribute targets in Table 3.11-1.</p> <p>The wording of the clause a) is not clear – what is a “load in the catchment”?</p> <p>The objective needs to recognise that the focus is on current contributions to the Whangamarino Wetland as the actual levels of Nitrogen, phosphorus, sediment and microbial pathogens within the wetland will be affected by historical farming practices. There are also contributions that are beyond the control of the surrounding land users such as microbial pathogens contributed by the decay of organic matter.</p>	<p>Remove references to Table 3.11-1.</p> <p>Amend the wording of clause a) to improve clarity.</p> <p>Recognise that there is a lag in water quality due to percolation of water associated with historic landuses.</p>
<p>New objective</p>		<p>There is the need for an objective that provides a balanced approach to enabling rural land owners to provide for their economic wellbeing, and recognise the value of primary production to the Waikato community and national economy. This would give effect to the objectives and policies in the RPS recognising the value and long term benefits of primary production activities.</p>	<p>Insert a new objective</p>
<p>New objective</p>		<p>There is a need to acknowledge in the Objectives that an improvement in water quality is tempered by historical landuses and the effect of some contaminants (particularly nitrogen) discharged from land has not yet been seen in the water and there is a lag.</p>	<p>Insert a new objective or amend existing objectives to recognise this.</p>

<p>3.11.3 Policy 1(c): Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens</p>	<p>Oppose</p>	<p>While I support the exclusion of cattle, horses, deer and pigs from rivers, streams, wetlands and lakes as contained in Clause c), there is no clarity in the policy about how far this area of exclusion extends from the bed of those waterbodies. As addressed later in this submission there are inconsistencies about the distance of exclusion in the plan change.</p> <p>I oppose the exclusion of cattle, horses, deer and pigs from drains in Clause c) as there is no clarity as to what constitutes a drain and the definition is not helpful. Drains can be natural or created and do not necessarily lead to a waterbody.</p>	<p>Amend the policy to be clear and consistent as to how far the exclusion extends from the beds of the waterbodies.</p> <p>Include a definition for waterbody for clarity.</p>
<p>3.11.3 Policy 1(b): Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens</p>	<p>Oppose</p>	<p>Policies are the means to achieve the objectives, but there is no clarity provided to plan users in Clause b) as to what is a farming activity with moderate to high levels of contaminant discharge to water bodies.</p> <p>Clause b) is specific to farming and does not acknowledge that there may be landuses other than farming which contribute moderate to high levels of contaminant discharge to water bodies.</p>	<p>Amend the policy to provide additional clarity</p> <p>Amend the policy to recognise other landuses contribute to high levels of contaminant discharge to water bodies and outlines methods to address this.</p>

<p>Policy 2: Tailored approach to reducing diffuse discharges from farming activities</p>	<p>Oppose</p>	<p>Farming is unfairly targeted as the only source of discharges of nitrogen, phosphorus, sediment and microbial pathogens and the policy does not recognise that there are other contributing landuses.</p> <p>Clause a) is unclear and contains jargon and provides no clarity as to what constitutes a risk based approach.</p> <p>This policy is very much focused on the environmental wellbeing and fails to recognise the ability for people and communities to provide for their social, economic, and cultural well-being as set out in the purpose of the RMA.</p> <p>Clause c) Nitrogen Reference Points do not allow flexibility of species or seasonal increases / decreases in stock, or flexibility in stocking rates in response to climatic conditions. Farming activities must be given sufficient flexibility and agility to respond to seasonal and climatic circumstances.</p> <p>Clause d) is inappropriately drafted as an absolute reference to the current discharge. The policy is on a per site basis and does not recognise the size of the site, nor the distance from key streams or waterways. It is an inappropriately blunt instrument.</p> <p>Clause e) requires stock exclusion but it is not clear whether this is from waterways or farms in general. Not only is this policy unclear but is also highly inappropriate if it is referring to the exclusion of stock from farms in general.</p>	<p>Amend the policy to recognise other landuses contribute to high levels of contaminant discharge to water bodies and outlines methods to address this.</p> <p>Amend the policy to provide additional clarity</p> <p>Amend the policy to address the concerns with Policy 2 as outlined.</p> <p>Revise clause e) to make the stock exclusion specific to waterbodies.</p>
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<p>Policy 3: Tailored approach to reducing diffuse discharges from commercial vegetable production systems</p>	<p>Oppose</p>	<p>There is no clarity as to what constitutes commercial vegetable production.</p> <p>There are inappropriate references to contributions of microbial pathogens from commercial vegetable production. If there are microbial pathogens coming from commercial vegetable production, then the crop will be unsuitable for consumption by people or animals.</p> <p>The policy does not recognise that commercial vegetable production is essential for the wellbeing of people and communities. Waikato soils are a valuable resource and their use and development is essential for the economic, cultural and social wellbeing and the policy does not recognise this.</p> <p>The reference in Clause b) to capping the maximum area in production is inappropriate. It does not recognise future changes in technology or management practice or indeed species of plant which change the outputs of nitrogen, phosphorus, sediment. Data from the last 10 years does not recognise past or future changes in crop species and does not encourage innovation.</p> <p>Clause b) does not recognise the ability of legumes as a crop that fixes nitrogen and therefore the significantly lower nitrogen outputs.</p> <p>Clause c) Nitrogen Reference Points do not allow crop rotation or different attributes of different crops. Commercial vegetable crops must be given sufficient flexibility and agility to respond to market preferences for crops.</p>	<p>Amend the policy to address the concerns with Policy 3 as outlined.</p>
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<p>Policy 4: Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future</p>	<p>Oppose</p>	<p>This policy as drafted provides no clarity for users to the plan. The term “lower discharges” is subjective with no reference point as to what constitutes a lower discharge.</p> <p>The references to “signalling further change” is not appropriate in a policy. Although there may be future plan changes, that is not the scope of this plan change and terms such as this create uncertainty. There are many references in this policy to future actions which are not appropriate in policies. The purpose of a policy is to outline a means to give effect to the Objectives and the references to future processes or requirements are not appropriate nor provide any clarity to users of the plan.</p>	<p>Amend the policy to address the concerns with Policy 4 as outlined.</p>
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<p>Policy 5: Staged approach</p>	<p>Oppose</p>	<p>The references to “signalling further change” is not appropriate in a policy. Although there may be future plan changes, that is not the scope of this plan change and terms such as this create uncertainty. There are many references in this policy to future actions which are not appropriate in policies. The purpose of a policy is to outline a means to give effect to the Objectives and the references to future processes or requirements are not appropriate nor provide any clarity to users of the plan.</p> <p>The plan change as proposed maximises social disruption rather than minimises and is not achieved by the provisions. “Minimises” is not a term defined in the RMA and there is no clarity as to what this means, how it will be quantified or where the social analysis is to demonstrate that the provisions will achieve this.</p> <p>The wording “preparing for further reductions” is not appropriate as a policy. This is not an appropriate means for achieving the objectives and does not provide any clarity or certainty for users of the plan. In addition, this is an impossible and inappropriate policy against which resource consent applications will be assessed.</p>	<p>Amend the policy to address the concerns with Policy 5 as outlined.</p>
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<p>Policy 6: Restricting land use change</p>	<p>Oppose</p>	<p>This policy does not allow for reasonable use.</p> <p>It is a blanket policy that does not recognise the effects of different forms of housing and management of stock. Nitrogen levels from effluent of any kind including human wastewater, needs to be processed by plants through soils if the nitrogen levels are to be reduced.</p> <p>This policy does not reflect the NPS on Urban Development Capacity which requires growth to be accommodated in a range of locations, and the consequential increase in wastewater volumes as a result of population increase.</p>	<p>Delete the first sentence.</p> <p>Amend the second sentence to be more balanced.</p>
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<p>Policy 7: Preparing for allocation in the future</p>	<p>Oppose</p>	<p>It is not appropriate to have policies that refer to future processes. There are many references in this policy to future actions which are not appropriate in policies. The purpose of a policy is to outline a means to give effect to the Objectives and the references to future processes or requirements are not appropriate nor provide any clarity to users of the plan.</p> <p>There is no clarity as to what constitutes “land suitability”.</p> <p>The policies do not recognise “land suitability” and do not include any consideration of the carrying capacity and soil characteristics of the land.</p> <p>The flexibility suggested by Clause b) should be enabled on all land through reasonable range of permitted activities and consideration of alternatives through the consent process if required.</p> <p>Clause c) is unclear as the plan change will result in considerable social disruption and costs. It is unclear what the “transition to the ‘land suitability’ approach” is referring to.</p> <p>There should be no references to future allocation decisions in Clause d) as these are unclear and unable to be delivered in this plan change.</p>	<p>Amend the policy to provide additional clarity</p> <p>Amend the policy to address the concerns with Policy 7 as outlined.</p>
<p>Policy 9: Sub-catchment (including edge of field) mitigation planning, co-ordination and funding</p>	<p>Oppose</p>	<p>Clause d) is unclear and unnecessarily complex.</p>	<p>Amend the policy to provide additional clarity</p>

Policy 10: Provide for point source discharges of regional significance		There are obvious and irreconcilable conflicts between Policy 10 and Policy 6.	Delete the first sentence of Policy 6.
Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges		Offsets should enable environmental gain but should not necessarily be for the same contaminant.	Amend the policy to address the concerns with Policy 11 as outlined.
Policy 14: Lakes Freshwater Management Units		There is no clarity as to what is the appropriate level for restoration? Is it pre-human occupation levels? There is no clarity as to the meaning of this policy. Protect is a prohibitive term and is not compatible with the use and development of Waikato soils as a natural and physical resource for primary production.	Amend the policy to provide additional clarity Amend the policy to be more balanced and recognise the value and long term benefits of primary production activities.
Policy 15: Whangamarino Wetland	Oppose	The policy needs to recognise that reducing the discharge of nitrogen, phosphorus, sediment and microbial pathogens may not always be possible due to processes beyond the control of land users and land uses. The discharges into the wetland may be as a result of historical landuses and will be coming from the catchment for many centuries to come. There may also be natural processes contributing to increased levels of nitrogen, phosphorus, sediment and microbial pathogens eg decay of organic matter and climate change. The policy does not recognise these. It is unclear what constitutes a bog ecosystem.	Amend the policy to address the concerns with Policy 15 as outlined. Amend the policy to provide additional clarity.

Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land	Oppose	The policy is not research or effects based, and does not address the resource management matter of water quality.	Delete the policy.
New policy		The purpose of policies is to outline the means by which the objectives will be achieved. The plan change would benefit from the addition of a policy which identifies the non regulatory methods for achieving the objectives such as funding and incentives for fencing and planting of waterbodies.	Insert a new policy which identifies the non regulatory methods for achieving the objectives such as funding and incentives for fencing and planting of waterbodies
3.11.4.1 Implementation Methods - Working with others	oppose	This provision does not recognise that land owners are key stakeholders.	Amend to recognise landowners as key stakeholders
3.11.4.3 Implementation Methods - Farm Environment Plans	oppose	Whilst this is a commendable action, it needs to be developed alongside the plan change so landowners and submitters understand what is required for the certification process. Without this, there is no certainty as to what will be required.	Undertake this work and include it in the plan change.
3.11.4.9 Implementation Methods - Managing the effects of urban development	Oppose	While this is a commendable method, it provides no certainty on what the issues are nor how the urban matters will be addressed.	Undertake this work and include it in the plan change.

<p>Rule 3.11.5.1 - Permitted Activity Rule – Small and Low Intensity farming activities</p>	<p>Oppose</p>	<p>I support a permitted activity status.</p> <p>I oppose the conditions on the following bases:</p> <p>Condition 1: The requirement for registration is onerous and unnecessary.</p> <p>Condition 2: waterbodies are not defined, for instance does it include ephemeral ponding?</p> <p>Condition 3: This is an absurd limit not based on science or effects. The limit should be considerably larger.</p> <p>Condition 4: Oppose this standard as the definition for Enterprise is unclear.</p> <p>Condition 5: The stocking limit is completely inappropriate. It does not reflect housing and management of animals, soil types, property characteristics, distance from waterways. For example a racehorse training facility may have hundreds of horses all accommodated under cover in 16m² stables and fed on supplementary feed from the same or other properties. None of the waste generated from these animals reaches the soil as it is collected in the shavings from the stables and transported offsite as compost for urban gardening. This activity would automatically be far in excess of the stocking limits of half a horse per hectare (being the equivalent of 12 stocking units) therefore would be a Discretionary activity and not be granted in terms of Policy 6.</p> <p>Condition 6: This rule is also highly inappropriate as the definition captures virtually all crops. There is no connection between arable crops and nitrogen, phosphorous or microbial pathogens entering waterways. The only potential sources of</p>	<p>Delete Condition 1.</p> <p>Retain Condition 2 but provide additional clarity.</p> <p>Increase the area of Condition 3 to apply to properties up to 10ha.</p> <p>Clarify Condition 4 and improve the definition of enterprise.</p> <p>Delete Condition 5.</p> <p>Delete Condition 6.</p> <p>Clarify Condition 7 and improve the definition of enterprise.</p>
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		<p>water degradation associated with these activities relates to sediment and erosion and any excessive application of fertiliser. These can sensibly be limited through reasonable permitted activity standards.</p> <p>Condition 7: This rule is nonsensical as rural properties are often interdependent for example forage grown on one property, fed to animals on another. Would this considered to be an enterprise on multiple properties despite the properties being in different ownership?</p>	
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<p>Rule 3.11.5.2 - Permitted Activity Rule – Other farming activities</p>	<p>Oppose</p>	<p>I support the plan change containing a permitted activity status.</p> <p>I oppose the conditions for a permitted activity status in the following ways:</p> <p>Condition 1: The requirement for registration is onerous and unnecessary;</p> <p>Condition 2: waterbodies are not defined for instance does it include ephemeral ponding?</p> <p>Condition 3: This is an absurd size limit not based on science or effects. The size limit should be considerably larger. There is also an overlap between Rule 3.11.5.2(3) and Rule 3.11.5.1(3). It would increase clarity if Rule 3.11.5.2 applied to properties sized between 10ha and 40ha</p> <p>Condition 3 (a): This is a nonsense rule as rural properties are often interdependent for example forage grown on one property, fed to animals on another. Would this considered to be an enterprise on multiple properties despite the properties being in different ownership?</p> <p>Condition 3(b) (i) The stocking limit is completely inappropriate. It does not reflect housing and management of animals, soil types, property characteristics, distance from waterways. I support the grandfather rules effectively allowing continuing use.</p> <p>Condition 3(b)(i): I consider the grandfather rule should be applied to properties greater than 20ha. There is no justification for this size of property being the limit.</p>	<p>Delete Condition 1.</p> <p>Retain Condition 2 but provide additional clarity.</p> <p>Amend Condition 3 to apply to properties sized between 10ha and 40ha.</p> <p>Clarify Condition 3(a) and improve the definition of enterprise.</p> <p>Retain the grandfather rule allowing existing uses in Condition (3)(b)(i) and increase the stock unit limit.</p> <p>Amend Condition 3(b)(i) to apply to properties sized between 10ha and 40ha.</p> <p>Convert Condition 3(c) to an advice note.</p> <p>Retain Condition 3(e)</p> <p>Amend Condition 4 to apply to properties sized between 10ha and 40ha.</p> <p>Delete Condition 5.</p>
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Commercial vegetable crop	Oppose	I oppose the absence of a permitted activity for commercial vegetable crop	I seek inclusion of a permitted activity status for commercial vegetable crop with appropriate standards to manage any potential adverse effects on water quality.
Horses kept indoors at least 50% of the time		The activity is not recognised and the management of these horses has a considerably less adverse effect on the water quality than animals kept on pasture.	A vastly reduced stocking rate for horses kept indoors for at least 50% of the time Permitted activity status to reflect this different form of management.
Temporary increases		Stud farms have a very seasonal short term increase in stocking numbers and this scenario is not reflected in the rule cascade or policy cascade. This is the situation for mares visiting stallions, and short term temporary increases in stocking numbers associated with births for all species (eg lambs, foals, bobby calves are only temporarily kept on the same site as the mother).	Recognition as a permitted activity that there will be temporary increases in stocking numbers. Policy recognition that there will be temporary increases in stocking rates due to breeding.
The activity status	Oppose	The cascade of rules is not clear or understandable, and how the rules differ between permitted and controlled activity. It would benefit considerably from outlining clearly as the start of each rule (and in particular the permitted rules) what size properties the rule pertains to. The rules are currently not clear and overlap in terms of the way the rules are drafted with respect to property sizes eg the overlap between Rule 3.11.5.2(3) and Rule 3.11.5.1(3).	Amend the rule cascade to be clear and understandable for lay users of the plan.

Default activity status	Oppose	The plan change would benefit from the inclusion of a clearly defined default restricted discretionary rule for any change in land use not listed in the non complying activity rule.	Amend the rule cascade to include a clear default discretionary rule for change in land use not listed in the non complying activity rule
Schedule A	Oppose	There is a lack of consistency between the 4.1ha standards outlined in Rule 3.11.5.1 and the reporting requirements in Schedule A of 2ha.	The standards for Schedule A and Rule 3.11.5.1 should be consistent. The land area should be increased to 10ha.
Schedule A	Oppose	It is not clear what the purpose of registration is and what this means – is the responsibility on land owners? Or occupiers? Requirement 3 is superfluous given that Council holds the registration and data. There is no need for the properties to prove to Council they have registered when Council holds the data.	Amend to address points raised in submission.
Schedule B	Oppose	Clauses c) and d) references to OVERSEER are too vague and subject to change. This is essentially a reference to an external programme / document and should be referenced in the same way references to external documents are within a regional plan.	Include precise references to OVERSEER including version number.
Schedule B	Oppose	Clause f) the reference period being the two financial years covering 2014/2015 and 2015/2016 for agriculture and 2006-2016 for commercial vegetable crops are inappropriate as they are in the past and leaching should not be retrospectively modelled. The reference period should be the 24 months following the plan change being made operative.	Amend Clause f) reference period to be the 24 months following the plan change being made operative.

Schedule B	Oppose	Clause g) the information requirements are inappropriate and far in excess of what is practical or reasonable.	Delete Clause g)
Schedule C	Oppose	Requirement 2 should be consistent with the exclusion distance in Rules 3.11.5.1 and 3.11.5.2. I support the 1m exclusion for stock from rivers and streams.	Amend to read 1m exclusion for stock from rivers and streams
Schedule C	Oppose	Waterbodies needs to be more clearly defined than the advice notes contained in Schedule C. Constructed wetlands and drains should be excluded from this requirement. Terms defined in the RMA should be used where possible. Exclusion II is not necessary as there is no way to control feral animals from crossing waterbodies.	Amend to address points raised in submission.
Schedule 1	Oppose	The information requirements and assessments are far too detailed and complex. There is also a high level of subjectivity in the information to be provided.	Amend to address points raised in submission.
Schedule 2	Oppose	There is no transparency about what constitutes a Certified Industry Scheme System	Amend to address points raised in submission.
3.11.6 Maps	Oppose	I support the acknowledgement that the effect of some contaminants (particularly nitrogen) discharged from land has not yet been seen in the water and there is a lag. I do not support that, because of this, further reductions will be required to address the load to come that will contribute to nitrogen loads in the water. In terms of effects, it is illogical to consider that an extreme decrease in nitrogen now will offset steadily increasing levels due to historical practices. A far more moderate, pragmatic approach is appropriate.	Retain the acknowledgement that the effect of some contaminants (particularly nitrogen) discharged from land has not yet been seen in the water and there is a lag. Amend provisions of the plan change to reflect this.

Table 3.11-1	Oppose	<p>All reports commissioned by Council have been briefed with “how to meet” the targets, not with re-evaluating the targets themselves. The task of landing objectives and limits is not one for the scientists alone. The NPS-FW is of course an instrument of the RMA and both make clear that the final decisions – while they absolutely must be informed by the best science available – must be made “in the round” with a balancing of the directives from both the NPS-FW but also the objectives and policies of the RPS recognising the value and long term benefits of primary production activities.</p> <p>The Nitrogen reduction target is unreasonably ambitious and should be more realistic.</p> <p>OVERSEER has been used to estimate nitrogen loads both historic and recent, and at both farm-scale and catchment scale. The version of OVERSEER used is critical. The plan change will need to be cognisant of ongoing OVERSEER version changes, and there is a risk that version updates will change the parameters. To this effect I consider the version of OVERSEER should be referenced in the same way an external document would be referenced in a regional plan.</p>	<p>Revise the tables and the science / assumptions underpinning it.</p> <p>The Nitrogen reduction target is unreasonably ambitious and should be more realistic.</p>
Definitions: Best management practice/s:	Oppose	This definition is unclear and uncertain. I support the use of the word feasible but it should not be the maximum feasible mitigation measure.	<p>Amend the definition for increased clarity.</p> <p>Delete referenced to “maximum”.</p>

Definitions – Enterprise	Oppose	<p>This is a very unclear definition. Rural properties are often interdependent for example forage grown on one property, fed to animals on another. Would this considered to be an enterprise on multiple properties despite the properties being in different ownership?</p> <p>Properties in the same ownership may be operating independently but may inappropriately be captured by this definition.</p>	Amend the definition to only apply to properties in the same ownership and have an operational dependency on each other.
Definitions – forage crop	Oppose	It is not clear whether grass grown for the purposes of hay or silage is included in the definition of a forage crop.	Amend the definition to explicitly exclude the growing of grass for the purposes of hay or silage.
Definition - offset	Oppose	Oppose the definition of offsets. The proposed definition does not acknowledge that the compensation measures may result in environmental benefits in other areas.	Amend to acknowledge that compensation measures may result in environmental benefits in other areas (ie not necessarily for the same contaminant).

<p>Definition – stock units</p>	<p>Oppose</p>	<p>I oppose the stock units. There is no consideration of how the animal is housed and managed, which is are particular issues for horses. There are underlying assumptions that the animal will be grazed or accommodated on uncovered pasture 24 hours a day and is not refined enough to reflect other management approaches.</p> <p>While I am aware of research around the impacts of dairy on nitrogen, I seek verification of the evidential basis for the nitrogen outputs by other animals which has informed the stock units.</p> <p>The evidential basis to support the assumptions underlying the stocking units definition is not substantiated, particularly research on animals other than dairy cattle.</p> <p>The stocking units do not consider the housing nor feed of the animal.</p>	<p>Revise the stock units to be more refined, and include categories for housed animals where the animals are not grazed or accommodated on uncovered pasture 24 hours a day. This is particular the case for stabled horses and weaner calves that are accommodated in undercover facilities and all waste is transported offsite.</p> <p>Revise to reflect other management approaches.</p> <p>Verify the evidential basis for the nitrogen outputs by animals other than beef and dairy which has informed the stock units.</p>
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