

**BEFORE THE**

Waikato Regional Council

**IN THE MATTER OF**

Healthy Rivers Wai Ora Plan Change 1  
And Variation 1A

**STATEMENT OF PENELOPE CLAIRE ASTON  
And  
HANNAH EMILY ASTON  
(on behalf of Lucy Georgina Aston)**

Date: 12.02.2019

Contact for service:

Penelope Aston

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## Hearing Statement to the Waikato Healthy Rivers Wai Ora Plan Change 1 and Variation 1A

1. Our full names are Penelope Claire Aston, Hannah Emily Aston and Lucy Georgina Aston.
2. My daughters, Hannah and Lucy, are fourth generation farmers. Their grandparents began farming in 1926 in Waikaretu Valley on 600 acres. Hannah and Lucy's father and I purchased the farm in 1989, Hannah and Lucy were born in 1990 and their father died in 1990. I sold the farm in 2001 to move closer to town for educational opportunities for my children. Hannah and Lucy studied the necessary subjects at school to enable them to study a Bachelor of Agricultural Science degree at Massey University in order to take up farming careers. They both worked on a 3,500 ha Landcorp farm as Shepherd and Head Shepherd respectively.
3. Our goal has always been to buy another farm when Hannah and Lucy were old enough to manage it themselves. We are now in a very strong position to do so but, having looked at the capital costs versus risk and low returns for both sheep and beef as well as dairy farming, we are re-considering our future direction which will most likely no longer be in farming. One could say, an unintended consequence of the current Plan is the departure from the industry of two young NZ Future Farmers .
4. There will be many speaking to the specific details in the Plan they wish to see amended. We are limiting our comments to the fact that farming is very hard, dangerous work involving long hours in isolated conditions for very little return. The Plan as it stands at the moment places enormous and complicated compliance requirements on landowners in terms of time, money and effort in order to comply with the proposed rules. This will further erode that return making it less and less viable to farm. Additionally, an ever increasing requirement to farm within environmental limits without regard to the individual farm, its' particular features and catchment area removes the ability for farm owners to respond appropriately, work together and achieve the outcomes sought to improve the quality of water in the Waikato District. Historically farmers have always responded to the challenges placed before them.
5. In the meantime, we purchased a 24 ha block of land where Hannah and Lucy live and farm on Link Road, Taupo. We could subdivide it as of right into two blocks but have, in the event, subdivided it into 3 blocks, one for each of us. We have gone down the path of trying to establish the NRP for this property under the rules as currently drafted. The property was owned by two different people during the 2014/15 and 2015/16 periods and, despite lengthy and time consuming attempts, obtaining all the necessary data has proved impossible. We are attaching copies of details from emails from Perrin Ag who are advising us in this regard. There has, obviously, been a not insignificant amount of unproductive time and cost associated with the work done so far with more to come before we are able to have some clarity over the nitrogen allocations, or otherwise, applicable to this small parcel of land. This scenario or similar will, no doubt, be repeated throughout the Waikato region. What a time consuming and costly nightmare for small landholders this is going to be with unclear outcomes and benefits.

## 170 Link Road, Nukuhau, Taupo

### Sale/Purchase History

1 September 2017	The Aston Trust	)	
27 February 2015	Twenty Trade Winds Farm Limited	)	2015-2016 period
20 August 1998	K Y and G Dobson	)	2014-2015 period

 Reply  Reply All  Forward



Wed 6/02/2019 9:10 a.m.

Rachael Mitchell <rachael@perrinag.net.nz>

Nitrogen allocations

To  Penelope Aston

Cc  Rachel Durie

Hi Penelope

I have spoken with Hamish Smith at WRC and he has said that the option of making the 4ha subdivision block a smaller title is possible. Even without leasing out, as long as you opted to run a completely separate line of animals on there and no stock from the bigger block came across, that would comply as a separate enterprise. However, once this is done, you cannot re-incorporate it into the main property at any time and it would either need to be sold as a separate block if the property were sold, or the new owners would have to agree to run it as a separate enterprise to the main operation. If someone wanted to re-integrate the property into one unit, it would fall under either [3.11.5.3](#) or [3.11.5.4](#) which are also permitted activities but respectively require an NRP and FEP to be provided either as part of a Certified Industry Scheme or not. The issues around lack of data for this period would then still exist.

He also discussed the grading option that WRC are looking at A-D which would provide an avenue for you to benchmark the property as one enterprise. 'A' would be for an auditable file with all data supplied and 'D' would be for a file with the type/lack of data you have been able to obtain from the previous owners to date. For a D grade file, a CFNA (which I am) could create an OVERSEER® file with verbal data from the client, assumed inputs or a stock rec from the year/s following the benchmark period, due to extenuating circumstances. As the owner, you then would run the risk that the file is audited and WRC decide that the assumptions aren't valid then you may be allocated a lower allocation. They will assess the data/assumptions and outputs against the typical values for that area (once they have sufficient files lodged to do so) and make their judgement. I do not believe I would not have any input into their deliberations at this point and the allocation may be a proportion of that originally modelled.

If you decided to go with splitting off the 4ha, then that is managed under [3.11.5.1 Permitted Activity Rule – Small and Low intensity farming activities](#). This 4ha block can only ever then be farmed as a 4ha block in isolation, a local farmer/lifestyler can't use it to trade animals between it and other blocks they own – it would basically have to become a standalone lifestyle block.

The remaining area of <20ha would be managed under [3.11.5.2 Permitted Activity Rule – Other farming activities](#) and would be allowed to operate at a level no greater than that of October 22, 2016. However, this may not be part of another enterprise, as above. Jon Palmer indicated to me that the data you supplied for the period just past this date, would be likely to be accepted.

My advice for now would be that, if you are not planning to sell the property then we hold off on going any further with the NRP calculation until at least after the Hearings have (hopefully) provided some clarification around the grading scheme and any potential changes to the above rules.

I am happy to discuss this further, so please don't hesitate to call me.

Regards

Rachael Mitchell ASNM



Reply Reply All Forward



Thu 24/01/2019 5:21 p.m.

**Rachael Mitchell** <rachael@perrinag.net.nz>

RE: Meeting today

To  Penelope Aston

Hi Penny

There is some information there but with an opening of 31 March 2014 and no indication of sale date but no animals on hand by March 2015, there is no way to confirm when those animals left and it could be argued that it may have been before the start of the OVERSEER® year (1 July 2014). The invoice for hay made is handy, but harvesting grass and keeping it on farm makes little difference to N loss. Harvesting it and selling it actually reduces N loss as the exported feed is taking nitrogen off the property. The phosphate fertiliser information is useful, but will have no impact on the nitrogen loss.

Since talking with you, I have left a further message with Jon Palmer to ask if perhaps renting out the 4.1ha, to say a lifestyler, possibly horse owner (with no land of their own), might also satisfy the requirement of a separate enterprise. If you are not managing the 4.1ha, only the remaining <20ha, then we can use your data from the date the plan was notified and will probably get the best allocation possible for the remainder of your property. The block under 4.1ha is basically able to run whatever animals they want to, as long as they are not part of another enterprise.

Unfortunately pragmatism and nutrient regulations don't easily go hand in hand, especially at the point where the rules are in place but still subject to appeals. I will wait to hear what Jon has to say on the option for leasing out, but it may be a possible one, if it works for you?

Kind regards

Rachael Mitchell ASNM



**From:** Rachael Mitchell [<mailto:rachael@perrinag.net.nz>]

**Sent:** Monday, 21 January 2019 6:37 p.m.

**To:** Penelope Aston <[pcaston@xtra.co.nz](mailto:pcaston@xtra.co.nz)>

**Cc:** Rachel Durie <[rachel@perrinag.net.nz](mailto:rachel@perrinag.net.nz)>

**Subject:** Meeting today

Hi Penelope

Good to catch up with you and Hannah today.

Had an interesting meeting with Jon Palmer from WRC. There could be some real issues around lack of data for your property, but we do have a potential solution. If the 'enterprise' is under 20ha, then you can farm as a permitted activity as long as the stocking regime is the same as, or less than, the stocking rate as of notification of Plan Change

1 (22 October, 2016), as per the excerpt below from Plan Change 1 (page 40)

### 3.11.5.2 Permitted Activity Rule – Other farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ētehi atu mahi i runga pāmu

#### Rule 3.11.5.2 - Permitted Activity Rule – Other farming activities

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:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and
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
3. Where the property area is less than or equal to 20 hectares:
  - a. The farming activities do not form part of an enterprise being undertaken on more than one property; and
  - b. Where the land is:
    - 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
    - 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
  - 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
  - d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and
  - 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).

With the smallest of your subdivision blocks being under 4.1ha, it falls into a permitted activity, as long as it is not part of a larger enterprise. If this is divided off, the remainder of your current parcel is under 20ha and would comply under Rule 3.11.5.2 above. Jon has seen the numbers Hannah provided me for the year beginning July 1, 2017, and these would hopefully be acceptable to set the stocking rate at October 22, 2016 (but presume you might have actual data for that date, if you were actually on the farm).

The division of blocks could quite possibly be achieved by selling/transferring ownership of the smaller block to one/all of your children, fencing to the new parcel lines and making some effort to show the smaller title was a separate enterprise. Happy to come and chat to you about this but if you were prepared to take this path, you would not need an NRP, you would have a reasonable allocation over the three titles and would not have to worry about historical data.

Have a think over this, and let me know if you want me to come and explain further.

All of the above should give you some more food for thought!!

Regards

Rachael Mitchell ASNM



US Secretary for Agriculture – Tom Vilsack

“It breaks my heart that we have this conflict within agriculture – that there are various ways of growing things and raising things and that for whatever reason we do not speak with a single voice about the greatness of agriculture. People say do you favour organics, do you favour GMO’s do you favour this – and I say look it’s like asking me which of my two sons I love the most. I love them both.

Here’s what agriculture does – and I’ll finish with this – every one of us that’s not a farmer is not a farmer because we have farmers. We delegate the responsibility of feeding our families to a relatively small percentage of this country – if you look at 85% of what’s grown in this country is raised by 2-300,000 people. That’s less than 1/10<sup>th</sup> of 1% of America. But that other 99% of us can be doctors, and lawyers and peace core volunteers and economists and people that work for government and all of the other occupations because we never think about “do I have to grow the food for my family”- no I go to the grocery store so I am free to do whatever I want to do with my life. That is an incredible freedom that we take for granted in this country. It is not true in most of the countries in the world. And then when we go to the grocery store we walk out of it with more money in our pocket as a percentage of our pay cheques than anybody else in the world. So we have this incredible economy that’s consumer orientated that allows us to buy stuff. It’s unbelievable and rather than being criticised and demonised at times we ought to be celebrating these people in my view and we don’t do enough of it.”