

Submission on notified proposal for plan, change

To: Greater Wellington Regional Council

Name of submitter: Ian Douglas Stewart

This is a submission on the change proposed to the following plan:

Plan Change 1 – to the Natural Resources Plan (the **proposal**):

I could not gain an advantage in trade competition through this submission.

My submission is neither in support or opposition to the proposal as a whole, but is in opposition to specific sections and seeks amendment to those sections.

The specific provisions of the proposal that my submission relates to are:

#	Provision/Issue	Topic #	Topic Name
	Objective WH.02	1	Recognising the Purpose of the Act
	Method M47	2	Land Use – farm plans
	Policy WH.P21	3 & 3(a)	Land Use – use intensity
	Policy WH.P22	3	Land Use -use intensity
	Policy WH.P 23	4	Land Use – steeper country
	Policy WH.P24	2	Land Use – farm plans
	Policy WHP.25	3	Land Use -use intensity
	Policy WHP.26	5	Small Streams
	Rule WH-R17	4	Land Use – steeper country
	Rule WH-R18	4	Land Use – steeper country
	Rule WH-R19	4	Land Use – steeper country
	Rule WH-R26	3 & 3(a)	Land Use – use intensity
	Rule WH-R27	3	Land Use -use intensity
	Rule WH-R28	5	Small Rivers
	Rule WH-R29	5	Small Rivers
	Schedule 35	2	Land Use – farm plans
	Schedule 36	2	Land Use – farm plans

My submission and decisions sought are laid out in the tables below:

Topic 1	Specific Provision	Support/Oppose/Amend
Recognising the purpose of the Act	Objective WH.02	Oppose
Submission		Decision Sought
<p>I submit that the Objective WH.02 is not the most appropriate way to achieve the purpose of the Act as this Objective neither; <i>“enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety”</i>, nor meets priority (c) of Objective 2.1(i) of the National Policy Statement for Fresh Water Management 2020.</p> <p>I further submit that the lack of proper incorporation of the purpose and national direction (beyond environmental protection) leads to regulatory overreach and conflict with the provisions of the National Policy Statement for Highly Productive Land 2022.</p>		<p>Include after list of outcomes (a-h) the following statement: <i>“In achieving this trajectory, the following priorities will be recognised:</i></p> <p style="margin-left: 40px;">a) <i>Providing for the health needs of people (such as drinking water),</i></p> <p style="margin-left: 40px;">b) <i>Maintaining the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</i></p>

Topic 2	Specific Provision	Support/Oppose/Amend
Land use farm plans	M47 Policy WH.P24 Schedule 35 Schedule 36	Oppose
Submission		Decision Sought
<p>The Plan Change enables a bewildering array of different documentary requirements for rural landowners. These include:</p> <ul style="list-style-type: none"> • Erosion Risk Treatment Plan • Erosion Sediment and Management Plan • Farm Environment Plan • Farm Registration • Freshwater Farm Plan • Small Farm Registration • Small Stream Riparian Programme 		<p>That Council reviews the list of planning, documentation and certification requirements using the requirements in National Direction as a baseline. Any additional requirements should be justified on the basis of actual scientific evidence that the proposals will achieve the environmental improvements sought in the plan and a robust analysis demonstrating that they are the best practical way of achieving those outcomes.</p>

<p>Each of these documents places documentation, mapping, evidentiary, certification and auditing burden on landowners. Each also will involve direct and Council recovery costs.</p> <p>Part of the requirement is imposed by national direction; however, the names, requirements and application do not properly align with National Direction. Nor is there an analysis of the costs of implementing the regime. The Section 32 analysis makes it clear that the effectiveness of the regime in achieving environmental outcomes has not been established. The only certain beneficiaries of the proposed regime are council employees and consultants who will be paid (at landowner expense) to administer it.</p> <p>I submit that there is no reasonable basis for council to impose the farm planning regime on the rural community.</p>	<ol style="list-style-type: none"> 1. That the Council removes the documentary requirements unless they are directly mandated by National Directions and do not directly duplicate National Environmental Standards requirements. 2. That the Council reviews the specific additional requirements to ensure that they are necessary, can be demonstrated to be effective, and are the most efficient way to achieve the stated purpose. <p>Once this review is complete council can introduce new requirements, if necessary, by variation or plan change.</p>
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Topic 3a	Specific Provision	Support/Oppose/Amend
Land Use – use intensity	Policy WH.P21 Policy WH.P22 Policy WHP.25 Rule WH-R26 Rule WH-R27	Oppose
Submission		Decision Sought
<p>These rules only apply for practical purposes to Upper Hutt District. There is almost no farmland in the catchment within Hutt City and the majority of this land is zoned so that the 4ha threshold will not be met. The main exception is Regional Council owned land.</p> <p>Planning Rules in Upper Hutt City Council over the past 40 years have resulted in a subdivision pattern where almost all rural properties (numerically) will be caught by the 4ha threshold (typically being between 4ha and 4.2 ha in size. Remaining larger properties (again as a result of planning rules) are generally greater than 20 Ha are within the threshold</p>		<p>Either:</p> <ol style="list-style-type: none"> 1. Delete PolicyWH.P25 and Rule WH.R26, <p>Or</p> <ol style="list-style-type: none"> 2. Change the area threshold for PolicyWH.P25 and Rule WH.R26, from 4 Ha to 10 Ha. <p>Note that I address the stocking rate and erosion risks thresholds in topics below.</p>

(RMA217D) where farm plans are mandated under the Resource Management (Freshwater Farm Plans) Regulations 2023 and Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

There is essentially no arable farming activity within this catchment.

The scheme of the above provisions steps well beyond the mandate given by National Direction and represents a significant burden on landowners of smaller properties between 4 and 20 ha.

The section 32 analysis acknowledges that there is no evidence that these blocks, whether farmed intensively, or otherwise are adversely impacting on water quality.

The trajectory of changing rural land use practice in the Upper Hutt District for the past 40 years has been a transition away from grazing on the hilly areas and dairy farming on the flats to essentially rural lifestyle farming. This has resulted in significantly lower stocking density, less fertiliser application (on a sub catchment basis), riparian planting and progressive reforestation of the hillier areas.

I submit that the land use changes that these provisions of the plan are attempting to encourage have already occurred and that they will continue to change without the proposed rules.

As such the rules are unnecessary to achieve the land use changes and are prima facie unnecessary regulation.

I further submit that if water quality has not improved as a result of the land use changes that have occurred over the past 40 years, that it is unlikely that the cause of the problem is nitrogen, E coli and sediment resulting from farming practices.

Topic 3b	Specific Provision	Support/Oppose/Amend
Stocking Rates	Policy WH.P22 Policy WHP.25 Rule WH-R26 Schedule 35	Oppose/Amend
Submission		Decision Sought
<p>Section 6(11) of the Natural and Built Environment Act 2023 and the National Policy Statement for Highly Productive Land 2022(NPSHPL) (particularly the Objective and Policies 1,2 and 4) represent a change in the emphasis in land use planning to promote the use of highly productive land for primary production. The integration of this emphasis with freshwater management is a key role for Regional Councils (NPSHPL s3.2). Much of the land in smaller rural properties in the Awa Kairangi catchment are located on Land which has been identified as having a Land Use Capability of 3. This land has the capability to support stocking rates of above 12 Stock Units/Ha with minimal fertiliser. District Plan Rules already require Discretionary Activity Resource consent for intensive animal farming (Operative UHDP rule RPROZ-MC-2, Plan Change 50 rule RPROZ18).</p> <p>I submit that the requirements for registration and monitoring are significantly onerous for properties which are not commercial farms and will result in underuse of the farming capacity of these farms in order to avoid these expenses. As there is no evidence that the current stocking rates of small farms is directly causing adverse effects on water quality, the imposition of these rules is directly contrary to the NPSHPL and hence does not meet the Council's obligation under RMA s66(1)(ea).</p>		<p>Either:</p> <ol style="list-style-type: none"> 1. Either adopt one of the two decisions sought in Topic 3(a) above, <p>Or</p> <ol style="list-style-type: none"> 2. Delete clause (a) from rule WH.R26 where it applies to Highly Productive Land.

Topic 4	Specific Provision	Support/Oppose/Amend
Steeper Land	Policy WH.P23	Oppose/Amend

	<p>Rule WH-R17 Rule WH-R18 Rule WH-R19 Rule WH-R26</p>	
Submission	Decision Sought	
<p>Economic changes, government policy district council subdivision rules and greater environmental awareness have combined to result in significant revegetation previously grazed high and highest erosion risk land in the Awa Kairangi catchment. This has been an ongoing change over the past 40 years. The revegetation has been to both exotic and regrowth indigenous forest. From an assessment of the LUCAS New Zealand map less than 1% of the erosion prone land which is in some form of productive use is in grazing land. The remainder is in plantation forestry. Due to the production cycles a significant amount of the forestry land has been recently harvested (with Forests on Regional Council owned land being the largest area of recently harvested forest.</p> <p>By area, almost all of the highest erosion risk and over 80% of the high erosion risk land is located on blocks of greater than 20 ha in size and are hence required to prepare farm plans under the Resource Management (Freshwater Farm Plans) Regulations 2023.</p> <p>The majority of the areas identified in smaller blocks are identified in the LUCAS land use map as being as being “74- Grassland with woody biomass” and hence already protected by District Council vegetation clearance rules. Given that District Plans directly relate to Land Use it is appropriate that those rules should prevail.</p> <p>I note that Rule WH.R26 does not have an area threshold and hence the presence of even a square meter of high or highest erosion land on the property blights land</p>	<p>1.Delete Rules Wh.R17, WH.R18 &WH.R19 as these are covered by District Plan Rules. AND 2 Either 2(a) delete rule WH.R26 or 2(b) That rule WH.R26(b) is amended to read: <i>Pastoral land use on an area greater than 4 total effective hectares of highest erosion risk land (pasture) and/or high erosion risk land (pasture),</i></p>	

<p>use on the whole property. It also applies regardless of whether the land is being actively grazed.</p> <p>I submit that the sedimentation risks from grazing of erosion risk land, in this catchment are:</p> <ol style="list-style-type: none"> 1. De minimis in comparison to those from plantation forestry. 2. On a land area and sediment basis, almost entirely from grazing on blocks of greater than 20ha. 3. Are adequately managed by the the Resource Management (Freshwater Farm Plans) Regulations 2023. 4. That the vegetation clearance rules are duplicitous and contradictory to the District Planning rules and that both rules are aimed towards the same environmental outcome. 5. That vegetation rules are more appropriately addressed in district plans. 6. That the lack of threshold for rule WH.R26 is inappropriate given the impact of the rule and the lack of link to adverse environmental impacts. 	
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Topic 5	Specific Provision	Support/Oppose/Amend
Small Rivers	Rule WH.R28 Rule WH.R29	Oppose/Amend
Submission		Decision Sought
<p>The provisions extend the provisions of the Resource Management (Stock Exclusion) Regulations 2020 (SRE) to apply to rivers with a bed narrower than 1 meter. The regional provisions exclude cattle, deer and pigs from small rivers unless the property has a certified farm plan.</p> <p>A river (following the Resource Management Act definition) means any area where water flows either continually or intermittently. Hence an area which has overland flow even</p>		<ol style="list-style-type: none"> 1. Follow the provisions of the SRE and exempt non intensive beef cattle from the small stream provisions. And: 2. Either: <ol style="list-style-type: none"> a. Provide a definition of “small river” that makes it clear that the provisions only apply to permanently flowing water bodies; Or b. Map the waterbodies that the provisions apply to so as to exclude ephemeral

<p>once every few years could be interpreted to be a river. Almost all rural properties in the Mangaroa Catchment will have areas of pasture that have surface flows in moderate rainfall events and will be covered by these provisions.</p> <p>Unlike the SRE which does not apply to non-intensively farmed beef cattle on land with a slope of greater than 10 degrees, the proposed provisions apply to all stocking rates and slopes.</p> <p>I accept that it is appropriate to exclude cattle, deer and pigs from permanently flowing streams on lower slope land.</p> <p>I submit that it is unpractical and unnecessary to exclude stock from intermittently flowing areas, and that to do so imposes an unreasonable burden on landowners.</p> <p>I further submit that it is unreasonable and impractical to impose these provisions on non-intensively farmed beef cattle on land with slopes greater 10 degrees.</p>	<p>streams and overland flows.</p>
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I wish to be heard in support of my submission.

Ian Douglas Stewart.
Signature of submitter

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Date 11 December 2023