

Proposed Natural Resources Plan:

Submitter:

David and Michael Keeling

Submitter Number:

S169

Submission on the Proposed Natural Resources Plan for the Wellington Region

Date: 18th October 2015 (as per extension granted)

Name: David Keeling and Michael Keeling

Farm Name: Takapu Farm

Physical Address: 194 Takapu Road, RD 31, Levin NZ, 5573

Postal Address: 194 Takapu Road, RD 31, Levin NZ, 5573

170 Takapu Road, RD 31, Levin NZ, 5573

Phone Number: David Keeling: 021 173 5095

Michael Keeling: 021 025 05633

Email Address: David Keeling: thekeelings@farmside.co.nz

Michael Keeling: topnotchfarming@gmail.com

We wish to be heard in support of the submission, and will consider jointly appearing with other submitters.

We support Wairarapa Federated Farmers submission.

Interpretation

Definition of Natural Wetlands

We submit that the definition of natural wetlands be amended to exclude intermittent and ephemeral water bodies, and clarify these do not include hill country seeps or paddocks subject to irregular ponding. The definition should not encompass areas dominated by cultivated pasture, whether or not associated with sedge, raupo or rush species.

Other concerns with definitions are noted throughout our submission.

Schedule F3: Mapping of Significant Wetlands

We have a number of significant natural wetlands identified on our property, or that we border. These include Lake Kopureherehe, Lake Kaitawa & Keelings Bush and Pylon Swamp.

Firstly, Lake Kaitawa has an inaccuracy in its title and should be corrected to Lake Waitawa.

We are supportive of the inclusion of Lake Waitawa & Keelings Bush, and Lake Kopureherehe. The lakes and the bush have been in our family for many generations, and the fact that the indigenous vegetation remains on our dairy farm as a treasured area is not by accident. In fact, this has taken continued efforts on our behalf to protect the sites for many years. This says to us that they do not need to necessarily be identified in a District or Regional Plan to be protected. In summary, we are supportive of the inclusion of those three significant natural wetlands, because we know they are special areas and we would like them to retain their significance.

We are however perplexed by the inclusion of Pylon Swamp as an identified significant natural wetland. Pylon swamp sits within a paddock on our property, and is on most occasions simply a boggy paddock. Depending on the water table level it ranges between dry and firm or wet. It is more often than not dry. It supports no fish, it does not drain anywhere and it doesn't grow any rare plant species. Pylon swamp is also an important part of our grazing area, and has been grazed for many years. In short it is nothing at all like the other identified areas.

We have looked to the Plan for clarification on why this site has been included.

Schedule F3 presents nearly 200 sites, arranged by District Council. The schedule is not supported by any statements as to criteria and process for selection. Looking at the Boffa Miskell report that was undertaken in 2010, as a desktop assessment of 292 wetlands, we note that:

- 37 sites were found to be of very high or high value, proposed to be regionally significant
- 62 sites of moderate value, some requiring further investigation
- 116 sites of low value, not warranting further investigation
- 77 sites of very low value, also not warranting further investigation

We have looked closely at how Pylon Swamp fared in this exercise compared with the other wetlands on our property that we know are significant and seek to protect.

Lake Kopureherehe and Lake Waitawa and Keelings Bush both score a 4 within the Boffa Miskell report, therefore they are considered wetlands of national or regional importance. We support this finding. However both indicate it is difficult to identify the extent of the wetland area, indicating more field analysis is needed before these areas are mapped.

The Pylon Swamp was used as a reference site for those scoring 2 on a scale of 1 (lowest) – 5 (highest). It notes that those scoring 2 are "only limited elements that are typical of the natural diversity of an ecological district". By the end of the study, Pylon Swamp was found to score a 3. This indicates it is significant at the District Level however is unlikely to be significant at the regional level, and notes that no further investigation is required. The study also found that additional field work is required to delineate, that is the study

was unsure of the wetland extent and had trouble confidently identifying the wet and dry boundaries.

Given these findings, we are unsure how Pylon Swamp can be included in the Regional Plan as an identified significant natural wetland. We believe that the best outcome for biodiversity in the region is to identify the highest biodiversity value systems and protect existing areas of highest value. We believe efforts should be focused on where biodiversity outcomes can be achieved effectively and efficiently.

Council needs to further establish a complete set of data, and reprioritise Schedule F3 to include the highest value sites for biodiversity. Pylon Swamp, and other wetlands that have little significance should be removed from the list.

The minimum size identified should be 1.0 ha not 0.1ha.

Finally, we are unsure why both District and Regional Council is dictating activities and designation for wetlands. This is clearly a role for the Regional Council. However at present it is requiring our efforts to deal with both territorial and regional authorities. We would hope that Regional Council advocate to Kapiti Coast District Council that the role for wetlands remains with one body, not duplicating and confusing landowners by both trying to work in this space. Any non-regulatory approach to wetlands going forward we ask work in collaboration with the District Council, should both maintain a regulatory role.

Chapter 5: Rules

Rule R36: Agrichemicals – permitted activity

We note the requirement for a spray plan to be developed that requires notifying neighbours, seeking written agreement from neighbours and also supplying a copy of the plan at least 24 hours prior to application to the owner or occupiers of sensitive areas or those likely to be affected. The spraying of agrichemicals is done when weather conditions are right. Aerial application is wind dependent not time frame dependent. We consider that those direct neighbours whom indicate their interest in being notified prior to spraying should be advised. However the indications to supply spray plans to all of those in sensitive areas at least 24 hours prior is impractical and does not reflect the nature of spraying. Also in a region such as Greater Wellington, for us to notify all of our neighbours that includes multiple lifestyle blocks would be a significant task. We understand that Horizons has a rule that says if the spraying is not occurring within 50m of the boundary, notification is not required. We think this would be a useful standard to include in the permitted activity standards. Condition g) must be amended to more reasonably reflect practicalities and risks.

Rule R82: Application of fertiliser from ground-based or aerial applications – permitted activity

We note that during the application of fertiliser, the fertiliser is not permitted to move beyond the boundary of the property, including as a result of wind drift. This is unrealistic when the variables of weather and wind are taken into account. While all practical steps may be made to reduce the likelihood of fertiliser drifting into or onto a surface water body, or beyond the boundary of the property, where the variables are considered at times there may be unintentional drift. This of course is further exacerbated when fertiliser is applied as an aerial application.

The application of fertiliser is a usual farming practice, and therefore our neighbours that live beyond the boundary of the property and have moved here in recent years should expect that on an infrequent occasion, fertiliser will be applied. This activity is required for the carrying out of our farming activity.

Rule R83: Discharge of collected animal effluent onto or into land – controlled activity

While our effluent pond has been recently sealed, this was at a significant expense to our business. It was also a choice we made. We are concerned for other farmers who may not have budgeted for their ponds to be sealed, and will now be facing an immediate cost burden. Further, in the current economic climate dairy farmers have little excess money to be spending on non-necessary items. Therefore we would hope that before this rule is included in the Regional Plan, adequate research has been done on the cost benefit of the activity, and transitional timeframes are provided for the work to be completed. We would consider that reasonable timeframes and a stepped approach for installation would be more appropriate – such as 3 to 5 years. Council needs to undertake a more rigorous regional cost benefit analysis of pond storage and sealing requirements prior to the hearing to support proper consideration by the Hearing Commissioners.

The definition of ponding needs clarification. It cannot include extreme weather events, and breakdowns that occur outside of the manager's control. Matters of control need to be removed from the permitted activity standards. We believe that the permitted activity standards will be sufficient to manage issues, and the matters of control are not necessary.

Again, in this rule requires that the discharge of odour is not offensive or objectionable beyond the boundary of the property. While we take all practical steps to reduce the likelihood of this occurring, odour can occur in certain weather conditions. Therefore we ask that the rule is amended to note that all practical steps will be taken to ensure that odour is not offensive or objectionable beyond the boundary.

We submit that discharge of animal effluent onto land should be a permitted activity.

Rule R89: Farm refuse dumps – permitted activity

Our farm is comprised of multiple titles, with a number of different generations of the one family owning the land. We are unclear whether a farm dump on the dairy platform would meet the above permitted activity rules. Our farm has both a run off and a dairy platform area, the run off is separated by a road. It is unrealistic to operate two farm dumps in this sort of set up. We seek certainty that one farm dump can be used for a dairy platform and a run off where they are in common ownership. The permitted activity standards need to allow for contents on the farm dump to be moved from the run off to the dairy platform, without being captured by this rule.

Often gullies are made into farm dumps, as dry gullies are ideal places for a farm dump. The use of gullies means that less excavation is required of the soil. We are unsure what is trying to be achieved or needs protecting by preventing the use of gullies for a farm dump. This will mean farmers resort to using more productive areas of their land and requiring earthworks to excavate soil.

The permitted activity standards encourage farm dumps to be built on silty or clay soils. This also encourages the use of productive land to be taken out of farming. Sandy soils are less productive and therefore can serve as a farm dump without impacting on the operation.

We are unclear as to the purpose of no burning, when often vegetative matter can be placed in the dump and burnt. We seek certainty that these rules only apply to new farm dumps, not existing activities on farm. We submit that the permitted activity standards are reduced so to clearly focus on clear effects.

Rule R90: Manufacture and storage of silage and compost – permitted activity

We note the permitted activity standards require the walls and floor of a silage storage area to have an impermeable lining able to withstand corrosion. The nature of moving silage with a tractor bucket, means that any lining such as plastic would be scooped up and then distributed around the paddock with the silage, creating a greater issue to be managed. Therefore this rule in effect leaves the only option for a farmer to concrete their silage pit, at a significant cost. The concrete silage pit on our farm cost in excess of \$50, 000 for a ten by twenty metres pit. This is a significant investment.

This then precludes the opportunity to make silage when the opportunity arises, for example when decent rain has produced good pasture growth and means we have excess grass. Good farming practice in this case is to cut the pasture growth and store it as silage for times when feed is in deficiency. Baleage is not always a suitable alternative, as baleage is more expensive to produce and also requires management of the plastic wrap in a sustainable

manner. In times of surplus to store, will cause a lot of people to wrap it in plastic.

We submit that the requirements for silage pits delete the requirement for an impermeable lining, while retaining the condition that there be no discharge to water. This would render the need for the requirement for the location not allowed within 20m of a surface water body, which should be deleted.

We seek certainty that the definition of silage does not include balage. The definition should be amended to exclude balage.

Rule R91: Offal pit – permitted activity

These standards appear to have been written that everybody disposes of offal in one central spot. We need certainty that these conditions do not apply to a single animal burial. We suggest this is provided by ensuring the definition of single animal burial includes the addition: *Does not include in-situ burial of single carcasses*. At present animals that perish on our farm are buried in a suitable place, when they are found, and this must remain an ability of farmers to assess the situation. It is not possible or practical to GPS every deceased stock that has been buried on our farm. We are also uncertain why there are limitations to the choice of soils used for burying stock, when as described above, sandy soils are often suitable places to bury animals. We are unsure what is trying to be protected here.

Rule R94: Cultivation or tilling of land – permitted activity

We note the permitted activity standards do not allow cultivation to occur within 5m of a surface water body. We are unsure what this set back is trying to achieve, or what effects are being mitigated? Is the purpose of the rule to avoid sediment going into the water body? There are already other provisions, notably clause c, which states that sediment laden surface water resulting from cultivation does not flow into a surface water body. We would see this as suitable rule to cover the sediment issue. It must be acknowledged however that during extreme weather events, the deposition of sediment laden surface water into a waterbody cannot be avoided despite all efforts from the farmer to manage sediment issues on their farm.

It would be current practice for cultivation to be about a half metre from a fence and a fence to be another half a metre from a farm drain giving a non cultivated strip of about 1 metre from a farm drain. To create a rule demanding a restriction of productivity from a further 4 metres of land is unnecessarily draconian and costly to the land owner.

We submit that the requirement to avoid cultivation within 5m of a surface water body is removed, and the adverse weather events acknowledged. .

Rule R96: Breakfeeding – permitted activity

We note the permitted activity standards do not allow breakfeeding within 5m of a waterbody. Where fencing of water bodies has occurred, fences are not

located 5 metres from water body. The crop or pasture grows up to a waterbody. We are unsure what effect this rule is trying to manage. We are unsure whether the perceived risk is sediment or effluent. For 5m to be allowed for would require additional fencing cost, and would then mean the area between the water body and the fence would need to be managed for weeds. This would require spraying of chemicals near the water body. The required setback needs to be removed from the rule.

As noted above, the provision on sediment laden surface water must acknowledge the impact of adverse events.

Rule R97: Access to the beds of surface water bodies by livestock – permitted activity

We have a number of wetlands mapped on our farm. A number of these are nothing more than a wet paddock, in times of a once in ten year rainfall. What have been mapped as significant natural wetlands are in fact areas of our paddocks, which we use as important grazing land for stock during the summer months.

The permitted activity standard will mean that by 2018, we will no longer be able to graze stock in a significant portion of some of our paddocks. While we support the exclusion of stock where wetlands are truly significant natural wetlands, we are not supportive of reducing large amounts of our grazing land for areas that a damp area in times of high rainfall.

In the case of natural wetlands that are truly significant, we are supportive of the inclusion of transitional timeframes to allow for measures to limit stock access to be established. Five years, as opposed to three years, would be a more suitable time frame following public notification of the plan for Category One waterbodies. In the case of the wetlands identified, that will include efforts to budget for the provision of fencing. It will also mean a significant reduction in grazing area.

In regards to other provisions for stock access, we seek that sheep can remain with access to Category One waterbodies. We also submit that water races and drains are excluded from the need to comply with Category Two provisions. The requirement for dairy cow exclusion from hill country rivers greater than one metre should be deleted. Stock exclusion from spawning sites should be only limited during the spawning season. We also submit that stock drinking points must be allowed for. Alternative stock water supplies must be available and the rules cannot be applied until they are.

Rule R99: Earthworks– permitted activity

We seek clarity on the volume limits. If the volume is per property, does that mean we have the same entitlement on the run off. What is considered contiguous and non-contiguous? There needs to be certainty for a farmer picking up the plan to know whether he is engaging in an activity that is

permitted or not. We are supportive of enabling provisions. Farmers need certainty around farm tracks. The definition of earthworks needs to be amended to include farm tracks as a permitted activity, along with maintenance. Horizon Regional Council, which we are familiar with as part of our farm is in the Horizons Region, uses the approach of a trigger to a controlled activity. This consent is then completed in the field for earthworks that are in the farm environment. We believe that Greater Wellington should consider an option such as this.

Rule R100: Vegetation clearance on erosion prone land – permitted activity

We are concerned that the definition for erosion prone land will encompass a large amount of our farm, as a dairy farm that takes in sand dunes behind Waikawa Beach. Even though we don't have what we would consider erosion prone land, as there is in the hill country, the 20 degrees encompasses many of our dunes. The definition of erosion prone needs to increase the slope and exclude stable substrate such as greywacke.

The definition of vegetation clearance must be amended to exclude hand clearance, hand or aerial spraying and roller crushing. The clearance of gorse, Manuka, kanuka and tuhini should be a permitted activity on existing pastoral land.

Earthworks and vegetation clearance activities that do not meet the permitted activity standards should be classed as a controlled or restricted discretionary activity, not a discretionary activity.

Rule R104: Structures in natural wetlands and significant natural wetlands – permitted activity

We note that the permitted activity standards for structures in natural wetlands and significant natural wetlands only allow for hand held machines. All machines should be allowed not just hand held machines.

Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity

As indicated, all machines should be allowed to be used, not just hand held machines, where work is being undertaken for the benefit of the ecosystem. Machines can be required to assist with fencing, and this is important for the ongoing protection of the area. Fencing is required for wetlands – needs to allow for post rammer and post whole digger. Fencing of wetlands needs to be permitted activity standard. Further, we are unsure why there is a limitation on the use of indigenous wetland species. At times, introduced species can be useful for the creation of an environment that attracts ducks and bees.

Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity

We are unsure why a consent needs to be applied for to undertake restoration. While we are supportive of the waiver of consent fees to support the restoration of wetlands, this is an activity that should be encouraged. The best way to encourage this activity would be through a non-regulatory partnership between Council and the landowner, through the provision of a plan. The restoration or enhancement of wetlands should be a permitted activity, and with little cost imposed on the landowner. This will enable the resources that the landowner does have to be applied to the development of habitats on their land.

Rule R121: Maintenance of drains – permitted activity

As a farmer, the provisions for the maintenance of drains are impractical. The key areas that we identify as impractical are the need to return fish to the drain within one hour, that only one side of the drain can be cleared at one time and the remainder three months later at a minimum. Further, there are specific rules around the clearance of the middle of the drain, and also the permitted activity standards state that the activity should commence at the most upstream point.

To have a contractor out to clean one side of a drain, and then have him return a few months later is impractical and will double the cost of the work required.

These two proposals are totally unsuited to a farm drain situation. All machine cleaning operations start at the downstream point and work up against the water flow to allow the water to clear as the machine goes. Any attempt to work downstream will quickly result in the job becoming impractical because of the extra water around the machine. Any sediment released will soon settle to the bottom of the drain.

We submit that the definition of a highly modified river or stream include all streams that have been modified by human activity, whether by straightening, deepening, channeling. We ask that high resolution maps are provided in the plan, clearly showing drains and highly modified streams that are covered by Rule 121. This is required before the hearing to see the scale of the issue. As a farmer, we seek certainty as to whether the drains on our farm will be captured by Rule 121. We also seek direction about the type of waterways on our land. It is often difficult to understand how a waterway will be defined by Council. We know of other farmers who have sought clarification from Council and struggle to have a clear understanding about their responsibilities and those of the Council, particularly with regard to drains on the Kapiti Coast.

We believe that it is imperative that industry can work with Council to develop agreed good practice for drain cleaning to inform the Hearing Commissioners consideration of the proposed rules. The timeframe for the implementation of the new conditions need to be extended from 2017 to 2020.

