

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED
BY WAIKATO REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991
(the Act)

AND Stuart Murray Eyre

IN THE MATTER Submissions made on Proposed
Waikato Regional Plan Change 1;
Waikato and Waipua River Catchments

STATEMENT OF STUART MURRAY EYRE

1 JULY 2019

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APPENDIX 1 Fenced natives alongside bee hives

APPENDIX 2 Fenced wetland area including riparian planting

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APPENDIX 4 (Partial) Hicks, Bell, Powrie & Caldwell, 2016 study

APPENDIX 5 Waikato District Council Land Memorandum

SUMMARY

1. To implement proposed rule changes to the Long Term Plan and give notice to their immediate effect is both unreasonable and impractical
2. Farmers have a vested interest in protecting the land and waterways and thus are already making efforts to mitigate any subsequent damage
3. To bind our industry to such rules will be in both breach of the Bill of Rights Act 1981 and the Privacy Act 1993

1. Thank you for the opportunity to present my submissions today.
2. My name is Stuart Eyre and I am a fourth generation farmer of a 550hectre sheep and beef farm in Pepepe Valley, northwest of Hamilton. The farm was purchased from the Government on the 15th August 1890
3. I farm alongside my wife Carolyn and we have three children. We wish for our farm to remain in the family for generations to come and as such have made efforts to protect the land and provide for an environmentally sustainable farming operation
4. 80% of our waterways are fenced and our stands of native bush have been conserved and fenced (Appendix 1). Over the past 10 years we have identified at risk areas and thus made concerted efforts to restore through polar planting (Appendix 2). Five years ago we created a wetland area complete with riparian planting to mitigate run off, enhance wildlife and protect ecosystems (Appendix 3). Currently we evidence many healthy freshwater crayfish and eel in our waterways

SUBMISSION ONE:

1. Schedule 1 gives effect to mandatory submission of Farm Environment Plans
2. We believe the regulations that bind farmers to Farm Environment Plans are constrictive and not necessarily reflective of the true farming practice
3. An Farm Environment Plan that does not give a true reflection of farming practice will have a direct impact of profitability and sustainability
4. In our situation a snapshot of fertilizer application over the specified period is not an accurate account of our long term farming operations. Over a period of years our capital expenditure was reduced due to the competing objective of having to pay boarding fees for our children. Living in a rural area disadvantages children academically when competition and quality teaching is may not be available. When this situation may occur, families are forced to endure expensive school fees out of region thus impacting on their farming income. As such, those years when boarding fees were payable, fertilizer application was reduced.
5. We would be unfairly disadvantaged to have to use the rolling average as specified on the Plan over this set period of time. This will have a direct impact on our profitability and sustainability in years to come
6. We believe as such, a true snapshot over at least a ten year period ought be used for the purpose of the Farm Environment Plans

SUBMISSION TWO

- 1. I do not believe there ought be one rule for some and a different rule for others**

- 2. I would like Tangata Whenua and farmers to work together with the objective of restoration for the good of all**

SUBMISSION THREE

1. Policy 3 gives effect to drastic reduction in stock numbers
2. I believe that the stock exclusion policy as proposed by Beef and Lamb and Federated Farmers be adopted. I believe their proposals are both sustainable and achievable without directly impacting on the profitability of a farming enterprise
3. Farmers have a vested interest in retaining the health and welfare of their land. We wish to preserve the land for future generations to come
4. Any operational activity that results in the degradation of the waterways and land directly impacts on our bottom line. As such, every effort is made to reduce our environmental footprint through such endeavors of riparian planting, fencing of waterways, creation of wetland areas
5. Our current farming enterprise operates with both an environmental awareness with sustainable practices and within the boundaries and constraints of current legislation
6. To impose further restrictions on farmers is both unfair and unnecessary. We do not wish to be micro managed and thus the legislative changes are both unnecessary and impractical

SUBMISSION FOUR

1. Policy 14 provides for the collection of data and information for the purpose of lake restoration
2. I believe under the proposed Policy, farmers will be unfairly targeted and believe that Policy 14 ought be more specific in respect of where data is collected
3. The 2016 client prepared report on the "Comparative fish abundance in the shallow Waikato Lakes, Whangape and Hakanoa" by Hick, Bell, Powrie and Caldwell (Appendix 4) found ecosystem degradation in Lake Whangape began in the 1980's following sediment discharges from the coal mines
4. In addition, Waikato District Council identified landfill gases to be present in properties directly adjacent to the SH1 Ngaruawahia Closed Landfill. Full compensation was made to numerous properties to compensate for the presence of these gases (Appendix 5). This has never been publicly disclosed. These properties directly back onto Waikato River. They sit on a sand base as what was removed to establish the dump. The fact that these gases and leachate have travelled under SH1 would also allude to the distinct possibility they would also discharge into the Waikato River
5. Kinleith mill discharges into the Waikato River. Wairakei Power Station discharges arsenic into the river at levels, which now exceed drinking water standards. Waikato Regional Council website reports a higher level of water treatment is required to bring this water up to drinking standard
6. The above are examples of commercial enterprise that are no being held to account for the part in river and lake degradation

7. I wish to see provision for mandatory testing in and around commercial sites where contamination is most likely to occur

CONCLUSION

In conclusion, we as farmers are good at what we do and sustainable practice is what we have done for generations. Presently we feel attacked and targeted from a host of directions. We are happy to work with the Waikato Regional Council but to date the feeling is one of "us and them".

For any of this to work, it needs to be workable. I hope your panel has the ability and authority to ensure our livelihoods are not compromised nor destroyed for future generations.

Thank you for your time

Appendix 1







Comparative fish abundance in the shallow Waikato lakes Whangape and Hakanoa



2016

ERI report number 69

Client report prepared for
the Waikato-Tainui College for Research and Development

by

Brendan J. Hicks, Dudley G. Bell, Warrick S. Powrie
and Charlotte C. Caldwell

Environmental Research Institute

School of Science

Faculty of Science and Engineering

University of Waikato, Private Bag 3105

Hamilton 3240, New Zealand

Executive summary

The Waikato-Tainui College for Research and Development contracted the University of Waikato to conduct boat electrofishing estimates of the fish abundance in lakes Whangape and Hakanoa; both are shallow, riverine lakes in the lower Waikato River floodplain and are about 2,000 years old. Lake Whangape (latitude 37.46853°S, longitude 175.05120°W) is a large (1,450 ha), shallow (maximum depth 2.7 m) lake to the west of the Waikato River; Lake Hakanoa (latitude 37.55258°S, longitude 175.16859°W) is a 52-ha lake in suburban Huntly with a maximum depth of 2.5 m.

We fished 10 sites for 10 mins in both lakes Whangape and Lake Hakanoa; sites fished were 253-609 m long (1,012-2,436 m² in area) in Lake Whangape and 125-276 m long (500-1,104 m² in area) in Lake Hakanoa.

No submerged aquatic macrophytes were seen in either lake. Fishing was conducted close to the water's edge in Lake Hakanoa, but the shallow margins in Lake Whangape restricted fishing at most sites to 30-70 m from the shoreline. The shoreline was much more accessible in Lake Hakanoa, and was dominated by raupo (*Typha orientalis*) with willows (*Salix* spp.) in places. Submerged tree trunks and logs in Lake Hakanoa made navigation difficult in parts of the lake margins.

We caught a total of 118 fish in Lake Whangape, where shortfin eels (*Anguilla australis*) were the most abundant fish, and 594 fish in Lake Hakanoa, where gambusia (*Gambusia affinis*) the most abundant species. In Lake Whangape, shortfin eels comprised the greatest total biomass (12.4 kg), with koi carp (*Cyprinus carpio*) almost equally abundant (11.4 kg). In Lake Hakanoa, koi carp were most abundant (74.4 kg), followed by shortfin eels (22.1 kg).

Fish were unevenly spread among sites in Lake Whangape and koi carp were relatively sparsely among sites. In Lake Hakanoa, in contrast, fish were more evenly spread among sites, but with higher concentrations of catfish (*Ameiurus nebulosus*) and goldfish (*Carassius auratus*) at a few sites. Biomass of fish caught in each of the ten 10-min fishing shots reflected the numerical distributions, with some wide variations between sites. Fish densities were generally lower in Lake Whangape than in Lake Hakanoa; however, common smelt (*Retropinna retropinna*) and grey mullet (*Mugil cephalus*) occurred in Whangape but not in Hakanoa. Areal fish biomass was dominated by shortfin eels and koi carp in Lake Whangape, but koi carp dominated the fish biomass in Lake Hakanoa, despite the smaller number of carp than eels. This was because of the large mean weight of koi carp (about 1,000 g) compared to the smaller shortfin eels (mean weight about 200 g in both lakes).

Shortfin eels were much the same in terms of size distribution and mean weight in both lakes, though were more numerous in Lake Hakanoa than in Lake Whangape for the same fishing effort. Mean weights of shortfin eels were 203 g in Lake Whangape and 218 g in Lake Hakanoa and were not different between lakes (ANOVA $P = 0.799$). Modal length was 400-450 mm total length for both lakes.

Fish abundance in Lake Whangape was greatly reduced in 2016 compared to previous years, especially 2010. In 2016, koi carp, goldfish and catfish were only about one-tenth of the density seen in 2010. Shortfin eel abundance, however, was only slightly lower in 2016 (0.40 fish 100 m⁻² compared to 0.59 fish 100 m⁻² in 2010). This difference was not significant (ANOVA $P = 0.53$). The most significant declines in areal biomass occurred in koi carp and goldfish. For example, koi carp declined from 8.89 g m⁻² in 2010 to 0.76 g m⁻² in 2016; the 2016 biomass is much lower than the Waikato average of 3.3 g m⁻² (33 kg ha⁻¹) estimated by boat electrofishing from data compiled since 2003. Shortfin eels, by comparison, decreased insignificantly in areal biomass in 2016 (0.81 g m⁻² compared to 1.05 g m⁻² in 2010; ANOVA $P = 0.48$). In 2016 the shortfin eel biomass in Lake Whangape was about one-third of the Waikato average of 2.3 g m⁻² (23 kg ha⁻¹) estimated by single-pass boat electrofishing. Mean weight of individual eels was similar in 2016 (202 g) and 2010 (182 g) and not significantly different (ANOVA $P = 0.65$). The weight-length regression equation in our study (weight (g) = $5.08 \times 10^{-7} \times \text{total length (mm)}^{3.219}$) was very similar to the regression equation for the entire North Island (weight (g) = $3.91 \times 10^{-7} \times \text{total length (mm)}^{3.255}$), suggesting that shortfin eels in lakes Hakanoa and Whangape showed similar condition to eels from other North Island locations.

Abundance of all fish species in Lake Hakanoa was greater in 2016 than in 2009 except for common smelt and grey mullet, which were represented by single individuals in 2009 but which were not found in 2016. Areal biomasses of koi carp and catfish in Lake Hakanoa were well above the Waikato averages of 3.3 g m⁻² and 0.4 g m⁻² respectively. Shortfin eels were very similar to the Waikato average of 2.3 g m⁻².

We speculate that there has been further ecosystem degradation since the collapse of the aquatic macrophytes in Lake Whangape that began in the 1980s following sediment discharges from coal mines. Increases in suspended sediment seems likely to have progressively destabilised the macrophyte beds, and their destruction has been probably been responsible for a positive feed-back loop that has intensified suspended sediment once macrophytes were no longer present to stabilise sediment in the lake bed.

■ Natural Hazards

11/03/2019 10:00 AM

- (1) information identifying such a hazard or hazard to the health, safety or environment of the community, including information relating to potential or actual damage being done or likely to be done, although advisory information is not required if the hazard is a natural hazard or a hazard to the health, safety or environment of the community, but
- (2) is not apparent from the district scheme under the Town and Country Planning Act 1977 and does not relate to the Resource Management Act 1991.

Category A - NGA Landfill Gas

This property is located across the road from the Ngaruawahia Closed Landfill. Landfill gas has been detected in the ground below this property. Landfill gas has not been detected in or under the dwelling. Council is monitoring gas levels on a regular basis as required by resource consent AUTH 135911.01.01 granted by the Waikato Regional Council ("the consent"). Further information is available in the "Plain English Guide" which is attached to this notice.

Sensible precautions when carrying out excavation or construction activities on the property are expected to maintain an acceptably low level of any risk to human health.

"On 31 May 2018 Council paid a sum of money to the registered owners of the property to compensate for the presence of landfill gas being detected on the property from the Ngaruawahia Closed Landfill ("Compensation"). The payment of Compensation was made in full and final settlement of all past, present and/or future claims that the current and/or future registered owners of the property have or may have arising from the Ngaruawahia Closed Landfill. No further compensation (monetary or otherwise) will be payable to any subsequent owners of the property in relation to the Ngaruawahia Closed Landfill, and no claims can be brought in respect of the Ngaruawahia Closed Landfill".

The content of this notice will be reviewed on an annual basis by Council for the duration of the monitoring required under the consent. Once monitoring ceases under the consent, Council will review whether a LIM notice in relation to the Ngaruawahia Closed Landfill is still required, in consultation with the experts.

Stormwater Management Catchment Plan

The property may be within a Catchment Area administered by Waikato District Council. For information on Catchment Management Plans, please refer to the following link:
<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/catchment-management-plans>

Under section 71-74 of the Building Act 2004, upon application for a building consent applicants must demonstrate that any proposed building work will be protected from hazards.

Land Information

Memorandum

In reply please quote: LIM0833/19
If calling, please ask for: Bethney Waters

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

The information supplied in this Land Information Memorandum is based on existing Waikato District Council records that may not be complete. The property has not been inspected or surveyed by the Council. It is the purchaser's responsibility to check the boundaries of the property.

It is assumed that any purchaser will search the certificate of title that is not held by the Council and will personally inspect the property and its surrounds. This information deals solely with the property named below, and does not disclose any relevant information that may affect adjacent properties.

It is the sole responsibility of any purchaser to ensure that the land is suitable for a particular purpose.

► Property Details:

| | |
|----------------------|----------------------------------|
| Valuation Reference: | 06282/638.00 |
| Legal Description: | LOT 7 DP 4854 |
| Area: | 2137 square metres more or less |
| Property Location: | 142 Great South Road NGARUAWAHIA |
| Owners: | D & K Miles Limited |

► Property Location:

WAIKATO RIVER

