

Proposed Waikato Regional Plan Change 1

Submission, made by

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I support the intention of the plan change to reach better water quality, but will mention that in many ways the targets are too vague, the timeframes are too long, rules are not specific and lack clout.

Thus I seek acceptance of the proposed Plan Change 1 with amendments as outlined below.

I would like to be given the opportunity to speak to my submission

I could not gain any advantage in trade competition through this submission

I am only affected by the outcome of this Plan Change process in my experience and contact with the environment. No trade issues

This submission relates to several aspects of the plan. The scope of the plan change is vast. I have used or cited several recommendations made by Alan Fleming, who – I found - has a deep insight into the matters and the process. These recommendations I find very practical. I have selected several of these which came out for me as particularly important and list these below.

Although I do not live in the catchment of the Waikato River, but in the Waihou river catchment, I want to make this submission because

1 the water quality is an issue of national importance

2 The Waikato river catchment is close to my home and I often am in contact with the river and its near surroundings.

3. The Waihou river should have been incorporated in this plan, but unfortunately this has not been done. However this plan will set a precedent for the Waihou river clean-up which is well due.

General

I support the use of science as one of the bases for plans and policies, but the science always works with 'models', the best known approximation of reality. At regular points in time reality checks need to be carried out so as to verify that the state of all living organisms in the ecosystem of the river and the surroundings which are in connection with the river has satisfactorily developed in light of the changes made. Such a check goes beyond chemical analyses:

With time intervals of 10 years a comprehensive investigation is carried out to gauge the state of affairs regarding the achievement of the relevant objective of the National Policy Statement of Fresh Water quality:

"To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants."

The outcomes are then to be used to make changes in the plan when the results are not satisfactory.

Economy

The 4% drop in profitability for agricultural businesses is a very modest sacrifice for our economy in my opinion for the purpose of achieving a healthy water quality. In a wider sense there are multitudes of people which through circumstances outside their own capacity need to focus much heavier drops (employees of closing businesses, relocated businesses a.o.).

On the other side of the cost to several existing industries farms is a revenue from better environment (tourism attractiveness and income), higher quality agricultural produce when cleaner water is present and of course the recreational better situation, providing better wellbeing for

residents in the neighbourhood. Hence in the general interest it is important that these are valued and possibly quantified.

Where in the course of the past the agricultural businesses have accepted it almost as a right to cause pollution of waterways, I support the idea that serious consideration is given to the idea that the cost of addressing the activities that led to the pollution can be subsidised by the community at large.

However this idea is not to be used for any pollution increasing activities taken up from now on! Now that the issue of pollution is well recognised all policies must clearly define that wherever costs are to be made to counter further pollution, these cost are to be fully carried by the polluter.

Vision and strategy

I, Peter Volker recognise the requirement for the Waikato Regional Council (Council) to give effect to the Vision and Strategy under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and Nga Wai o Maniapoto (Waipa River) Act 2012. As set out on Page 16 of proposed Plan Change is “the first stage of achieving the Vision and Strategy, with on-farm actions carried out and point source discharges reviewed as resource consents come up for renewal”. It is also noted that the “staged approach gives communities time to adapt”.

Review at renewal only relates to point source discharges. Point source discharges can have significant adverse effects, however they are also controllable and can often be pre-treated before entering water. I ask that these resource consents are to be reviewed at the start of the acceptance of Plan Change 1 as part of the Plan. Otherwise Council may have to wait until the consents expire, which could be up to 35 years.

The staged approach is recognised in Policy 5. However this policy does not set out any clear requirements other than suggesting that the real changes will come through future regional plan reviews; i.e. after 10 years. This appears to be a deferral to the future, clearly accepting that the current provisions do not achieve the objectives of the plan.

An 80 years time span for policy 1 is ludicrous. This means nothing as is and must be reduced to 25 years; a period which at least several now living people can witness. If in 25 years the targets are physically not achievable, then an appropriate sub-target, defined from experimental – and scientific knowledge is to be set.

It is disappointing that it has taken considerable time to result in an approach which defers action until a future plan change, or plan review as suggested by Policy 5 – 10 years out at least (as would be 10 years from operative Plan Change 1 date).

Peter Volker considers that there has been sufficient time to adapt and that the National Policy Statement on Freshwater Management, NPS FM provided clear direction of need to change. The failure of Plan Change 1 to set out a clear process and requirements for nutrient discharges means that there is no adaption required at least for the next 10 years.

Waiting 10 years before any concerted action is required is inconsistent with giving effect to the Vision and Strategy. This approach fails to place any responsibility on those who can make the biggest impact on restoring and protecting the health and wellbeing of the Waikato River.

Freshwater Objectives

The following parameters need to be included as freshwater state objectives in Plan Change 1.

Natural character (including the condition of the riparian margin).

Dissolved oxygen (DO), i.e. diurnal variation in water temperature. I understand that DO was not included as the TLG deemed there was not enough point source discharges to warrant the inclusion of this as an attribute.

Deposited and suspended sediment (the TLG recommended that water clarity was an appropriate defacto. Water clarity is an appropriate defacto for suspended sediment but not deposited sediment, i.e. clogging of native fish habitat.

Te Hauora o te Taiao / the health and mauri of the environment.
Freshwater Macroinvertebrate Health (Macroinvertebrate Community Index).
Periphyton.
Cyanobacteria
Benthic cyanobacteria
Dissolved Inorganic Nitrogen (DIN) & Total Nitrogen in the tributaries / sub catchments
Total Phosphorous in the tributaries / sub catchments
Temperature
pH
Toxic heavy metals
Barriers to fish migrations
Water flows and levels
Estuaries

Policies and methods

In addition to setting the time frame for adjustment, Plan Change 1 should set out the policy and methods (to be used to manage to a target) at the time the target is set. This should describe *responsibilities* for meeting the target and how the policy will affect land users and others discharging contaminants, including how rules and resource consents will be adjusted.

Rules within the Plan Change 1

To be successful, rules must be well designed and implemented, easily and consistently enforced, and be backed up by enforcement. Rules should be supported with robust industry standards. Where the NPS FM requires that something be avoided (i.e. over-allocation) or that the plan ensures that an outcome is achieved, this requires that activities not achieving that outcome are non-complying. Using limits / targets as permitted activity thresholds does not give effect to those clear directions in the NPS FM.

Thresholds

Plan Change 1 should specify thresholds (a proportion of a contaminant level) to indicate when a waterbody is coming under resource use pressure, and indicate when a change in the management regime should occur.

Once the threshold has been reached, all new discharges, and activities that increase the total discharge, should be explicitly managed to maintain the limit and protect existing rights to discharge from derogation.

Water Quality Targets and Limits

Peter Volker is concerned that not only would the water quality limit of 'C' fail to achieve the objective for a swimmable river it is not based on analysis of ecosystem health and does not provide for the protection or maintenance of indigenous biodiversity.

However, I have significant concerns that the policies and rules proposed in Plan Change 1 do not achieve the Vision and Strategy or the wider objectives of the RPS for Natural Character, Biodiversity..., and require amendment to ensure that they give effect to the NPSFM, as required by RMA s67 (3) (a), and to ensure that water quality is as a minimum maintained as required by RMA s30 (1) (c) (ii) and (iii).

Re Irrigation:

The plan does not set clear limitations in terms of irrigation. The ability for farms that are permitted activities to increase nutrient leaching. This could occur by them increasing the irrigated area up to 10ha and their winter grazing area up to 20ha, or by any other intensification that does not require either irrigation or winter grazing (such changing stocking class) as a permitted activity. If this option is taken up by farmers it will lead to degradation in water quality.

Monitoring and review of permitted activities

Plan Change 1 contains a number of permitted activities. There is inadequate information about how these permitted activities will be monitored and review of permitted activities. I ask for a well defined monitoring regime and penalties imposed for breaches.

Good management practice

Good management practice guidance is important. Such guidelines should be developed and actively advocated in the context of the plan.

Farm Environment Plans (FEP)

One purpose of a FEP should be to provide a consent authority with information about the way in which the consent holder intends to comply with the more specific controls or parameters laid down by the other conditions of consent.

The Plan Change needs to include an audit requirement to assess farm practice against farm environment plans. This can be used to both assess effectiveness of farm environment plans and to establish progress towards the catchment water quality targets/limits can be achieved.

Identification of non-compliance with Farm environment plan and consent conditions is necessary to establish that the mitigation and remediation actions are appropriate and ensure effectiveness of the plan/compliance with the plan.

It appears that the Farm Environment Plan will be the primary tool/means for identifying and delivery both best and good environmental practice. However the rules do not include clear thresholds. These should be established, at least for N. I also support the use of Farm Environment Plans to assist in the management of other contaminants, such as soil loss, phosphorus, sediment and E.coli.

The FEP needs to include rules relating to relief measures which farmers can take immediately, i.e. reduce stocking rates and fertiliser rates:

- Over fertilising
- Over stocking – no of cows x days on paddock x time of year = stocking rate
- Over grazing – feedlots, intensive winter grazing
- Over water – stock exclusion, intermittent streams, irrigation, river straightening.

Overseer

The way how the Overseer programme is to be used to monitor the Nitrogen load has some weak sides. The programme is likely to be misused by farmers who are not inclined to take on an environmentally responsible position. A reference level to be set in the future is an open invitation for misuse.

A suggestion to reduce such misuse may be that reference levels which are high on the scale for a start will be charged with disadvantages and restrictions as soon as their Nitrogen level management comes into force. This would take away incentive to artificially drive up the Ni use in the coming years in order to have extra play.

Allocation

Allocation approaches should be equitable, ensure efficient resource use, be future proofed, promote sustainable management, not reward current or historic poor practice, i.e. not reward polluters and penalise low leaching land uses or early mitigation adopters.

Unders and Overs

The Parliamentary Commissioner for the Environment (PCE) is critical of an “unders and overs” interpretation of the NPS FM, i.e. as currently written, the NPS could be interpreted to allow degradation of some waterways if there is improvements in others.

This is likely to occur in Plan Change 1 as tributaries and / or sub catchments could degrade if the main stem improves.

I ask for the implementation of a policy in Plan Change 1 which specifies that no “unders and overs” approach is to be made for water quality between sub catchments within a catchment or catchments within an FMU and / or region.

More than averaging only

Values of water bodies should be identified and then limits should be set to protect the most stringent value on a spatial and temporal basis.

Forestry

Freshwater objectives, attributes, limits and targets should be included in the Plan Change 1 in such a way as to:

- a. “avoid, mitigate or remedy actions during harvesting operations that accelerate erosion and minimise the discharge of sediment to water bodies”
- b. limit riparian disturbance by felling away from the riparian zone except where unsafe or impractical to do so.
- c. avoid “more than minor adverse effects” (e.g. on aquatic habitat).
- d. ensure that mechanical land preparation is parallel to the contour where practical.

There above: The Plan Change should have clear, enforceable permitted activity standards that will effectively control potential environmental effects (including cumulative effects that may not be easily attributable to a single activity or operator).

Where sufficiently clear, enforceable permitted activity conditions cannot be devised, move to a consenting regime.

Stocking rates and intensification

Intensification, be it dairy conversions or increased stocking rates, can result in significant increases in diffuse discharges of contaminants to land and water. It is most important to not go into this road any further.

There is strong evidence that farmers can maintain milk production and profits while reducing cow numbers.

The council develop rules that identify lower stocking rates where applicable, to reduce diffuse discharges.

Significant freshwater bodies

The ability to be more stringent should apply to **all** water bodies with high natural character and significant water bodies

Plan Change 1 should determine the outcomes required to safeguard life-supporting capacity and the ecosystem health of freshwater to:

Maintain or enhance water quality (where a freshwater limit is met).

Ensure that freshwater limits are not breached, and that targets are met

Protect freshwater bodies that are significant but not “outstanding”.

Suspended or deposited sediment

Numeric limits, timeframes and targets need to be established for suspended sediment or benthic sediment attributes in the catchment.

Sedimentation to water is a major issue in both the Waipa and Waikato Catchments. Some of the sub-catchments are particularly susceptible to soil erosion. As a result, the bed in the upper and lower reaches of the catchments is building up due to sediment deposition, which in turn clogs hatching grounds for native fish habitat..

Water clarity

The minimum water clarity to achieve swimmability should be 1.6 metres. This would necessitate that the B band is the minimum state sought in the plan; not the C band.

Conclusion

Thank you for taking into account the matters raised in my submission.

Yours faithfully,

P.C. (Peter) Volker

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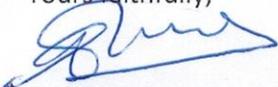
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