

**WAIKATO REGIONAL COUNCIL PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 -
WAIKATO AND WAIPA RIVER CATCHMENTS**

Submission Form

Submission on a publically notified proposed Regional Plan prepared under the Resource Management Act 1991.

On: The Waikato Regional Councils proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments

To: Waikato Regional Council
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I am not a trade competitor for the purposes of the submission. If changes sought in the plan are adopted they may impact on others and may impact on their ability to farm. I am not in direct trade competition with them.

I wish to be heard in support of this submission

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P. D. Roddy

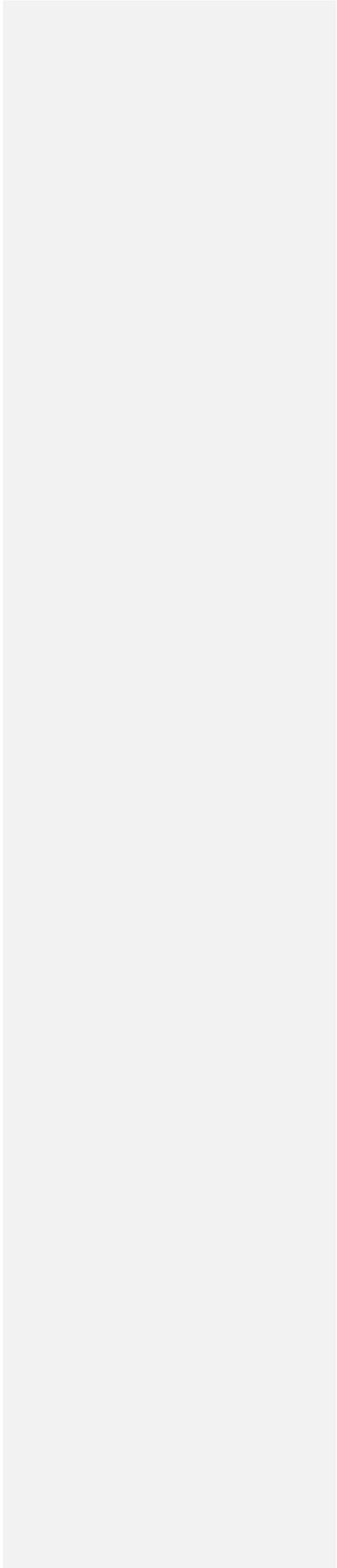
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Introduction

Thank you for the opportunity to submit on the Waikato Regional Councils proposed Plan Change 1.

I attended most of the CSG led stakeholder meetings, including the initial large stakeholder forum, the facilitated stakeholder workshop, a community workshop, and also read a number of the CSG workshop notes. I am also a member of the Waipa Catchment Committee as the Waitomo District Council representative. I appreciate, and am grateful for the huge effort put in by the members of the CSG, particularly those who volunteered their time, and also appreciate the challenges and complexities they have faced up to. The notification of the Plan Change and the resultant publicity surrounding it has generated a lot of interest from the rural community that wasn't evident during the CSG consultations, especially among communities that are not in Plan Change 1 catchments. In spite of the above, the severity of the restrictions revealed in the Plan Change document came as quite a surprise to me. The emphasis on nitrogen, across the whole catchment, is disturbing as is the reliance on 'Overseer' as a regulatory tool.

The time frames to achieving the 'Vision and Strategy', and the big 'unknowns' ahead are sparking a lot of uncertainty and disquiet in our rural communities in the upper catchments.

I generally support the high level objectives and policies of PC1 in its endeavour to achieve the Vision and Strategy for the Waikato River, however I am disappointed at the lack of evidence available to uphold the practicability of the Vision and Strategy itself, and the serious lack of economic analysis that would show the consequent costs, and benefits, are evenly spread over the whole community.

I am also very disappointed in the opening statement from the Healthy Rivers Wai Ora committee co-chairs stating: "This document represents the start of the regional community's journey in restoring and protecting the health and wellbeing of the Waikato and Waipa rivers....." This may well be the case from a 'regulatory' point of view, but is a slap in the face for all those people who have spent large amounts of time and money over the last 10 – 15 years reducing their environmental impact, with little or no 'regulatory compulsion'. There is no recognition of that effort, or in the improvement in the water quality of the Waikato River over the past 60 years.

One of the main tenets of the Vision and Strategy appears to be returning the waters of the Waipa and Waikato to a standard of quality thought to exist at some point in past history, thus meeting 'intrinsic values', and 'use values'. 1863 appears to be a popular assumption for that point. I struggle with that concept, solely on the basis of population change. Captain Cook estimated Maori population of New Zealand in 1770 as 100,000. Michael King estimated that population to be 100,000 – 110,000 at around 1800. The estimation by Pool of a pre-1840 population of 70,000 reflected losses due to the 'musket wars' (he also estimated the European population at about 2000, at that time). These numbers are for the whole of New Zealand. The census for 1858 counted 59,430 people, excluding 'Aboriginal Natives' (although King estimates their number to be 56,050 at that time). King also estimated a 'Waikato' population of 3400 prior to the arrival of British settlers after 1863. Contrast these population numbers with those of 2015 at 439,100 including

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Maori (@22% = 96,600), and the projected (Waikato Means Business) population in 2063 of 601,259, a 37% increase. The expectation that a waterway that was able to support a population of 3400 150 years ago could equally support a population of 439,100 rising to 601,259 within the time frame of PC1 is completely naïve.

PC1's solution to reducing contaminant discharges from land is to reduce production, essentially, though I can find no evidence that the consequences of reducing food production in the face of a 37% increase in population have been given any weight.

I am also concerned that the Section 32 Evaluation Report has very little depth to its economic analysis, being primarily focused at a high level region wide basis, and no case studies to test the impact on small rural communities are evident.

As the benefits of improved water quality will be widely spread over the region, there is a strong case for the Regional Council to implement the plan in a manner that spreads the costs more evenly across the region than PC1's current approach of 'user pays'.

I also feel that the Implementation focus should be on sub-catchments and the development of plans for their management will require resourcing through funding and staff. Best results will be obtained with a more collaborative approach rather than the excessively regulatory style that PC1 follows.

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The specific provisions of the proposal that this submission relates to and the decisions it seeks from Council are as detailed in the following table. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

The specific provisions my submission relates to are:	My submission is that:		The decision I would like the Waikato Regional Council to make is:
	SUPPORT / OPPOSE	REASON	RELIEF SOUGHT
<i>Objective 1</i>	Conditional Support	I don't think the attribute targets are realistic in view of projected population increases.	<i>Reassess Targets</i>
<i>Objective 2</i>	Conditional support	This must apply at the small rural community level, not just the 'regional' community	Ensure negative effects on small rural communities are avoided or mitigated
<i>Objective 3</i>	Support with amendments	The use of 'short term' without definition	Inferences elsewhere suggest 'short term' means 'by 2026'; if so say so
3.11.3 <i>Policy 2</i>	Support with amendments	Consents can only apply to land, therefore 'properties' cannot be confused with 'enterprise'. Problem where an enterprise has a contractual agreement over a property (lease) that cannot be reviewed within the term of the PC1	I don't have a solution to this problem

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3.11.3 <i>Policy 2c</i>	Support with amendments	A number of sub catchments do not have a nitrogen loss problem, i.e. current state equals target so properties in those sub catchments should not need to establish a Nitrogen Reference Point (NRP)	Remove all sub catchments where the nitrogen 'current state' is less or equal to the 80 year target from the requirement to provide a NRP
3.11.3 <i>Policy 2d</i>	Oppose	Confusing. Requires measurement/modelling at property scale to ascertain proportionality. There are currently no cost effective ways of measuring, or sufficient confidence in modelling, to assess diffuse discharges of Phosphorus, sediment or microbial pathogens at property scale	Delete clause
3.11.3 <i>Policy 6</i>	Conditional support	Appears to target rural land use change but does not specifically exclude urban land use change	Amend to clarify
3.11.3 <i>Policy 7a</i>	Conditional support	Subscript 5 – “Future mechanisms for allocation based on land suitability will consider the following criteria”. No account taken of property owners actual management skills and ability	Include owners management skill and ability as a criteria
<i>Policy 3.11.3</i>	Conditional	Similar problem as identified for Policy 2d above.	Amend to clarify

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<i>Policy 9d</i>	support	Measuring or modelling at farm scale not currently cost effective.	
3.11.4.5 <i>Sub-catchment scale planning</i>	Conditional Support	Not given sufficient priority. This is currently the only scale at which assessment of diffuse discharges can be made presently, and most will have historical data available. This will be a critical avenue to lead the communities involved, toward achievement of PC1 objectives.	Amend <ul style="list-style-type: none"> • To promote sub-catchment plans that deliver broader benefits than individual property plans • Making sub catchment plans a high priority for implementation • Require collaboration of TA's in development of sub catchment plans
3.11.4.6 <i>Funding and Implementation</i>	Conditional support	<p>The effectiveness of PC1 will be very dependent on the amount of confidence and trust property owners have in the options and mitigations offered by 'implementers', as solutions to problems that a lot of property owners never knew they had, and that are still very hard to quantify on a property scale. This situation will be accentuated when costs and farming intensity limitations begin to have adverse financial impacts on their businesses.</p> <p>Relevant PC1 information needs to be on LIM</p>	Provide adequate numbers of well qualified staff who can ensure thorough communication with communities and individuals so they can understand, and believe in, the problems to be solved and the solutions to do that.

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		reports.	
3.11.4.6.6 <i>Funding and Implementation</i>	Oppose in part	Remove the words 'seek to' to alleviate potential doubt about securing funding – no funding, no implementation	Amend to: 'fund the implementation.....'
3.11.4.7	Omission, otherwise support	Add 'Waikato Regional Council will'	Amend to include 'Waikato Regional Council will:
3.11.5 <i>Rules</i>	Oppose in part	Completion of certain actions by specific dates will be compromised if the RMA schedule process takes the likely 2 – 3 year time frame. Specified dates need to be reset to provide reasonable compliance times.	Amend specific dates to allow reasonable time frame after PC1 becomes operative.
<i>References to property and enterprise</i>	Oppose in part	<p>I see major implementation problems with enterprises as defined, when PC1's rules are property based, and proprietorship of the enterprise and the property are not connected. E.g. a property is leased to another party, the lease term is such that the property will be required to meet certain regulatory conditions in a specific time frame, but due to the existing terms of the lease, the lessee cannot be forced to change their enterprise operations to comply with those conditions, thus leaving the property owner in breach of the regulations, with no legal remedy to rectify the situation until the lease expires.</p> <p>I understand up to 30% of the properties in the Waikato/Waipā catchment could be in this</p>	I have not been able to think of a solution to this problem except to exempt those properties until their lease agreements can be amended.

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3.11.5.1 and Schedule A		<p>situation.</p> <p>Under clause 5, for grazed land, a stocking rate of less than 6 stock units per hectare is required, and under schedule A 5 f, a stocking rate is required, but there is no direction as to how, or on what date that calculation is to be made.</p> <p>Schedule A has no requirement to provide an assessment of the 'grazeable' area compared to the total area, so is the stocking rate calculated on the total area, regardless of the proportion not grazeable?</p> <p>In some cases it will also be very difficult to prove the stock numbers on a property at 22 October 2016 as required under 3.11.5.2.3.b.i.</p> <p>There is also no direction for the date that 'Annual stock numbers' (3.11.5.2.5.a) are to be calculated on.</p>	<p>Clarify whether stocking rate is based on effective (grazeable) or total property area. If necessary amend schedule A to include effective area assessment (proof of accuracy?)</p> <p>'Annual stock numbers' usually based on 'end of financial year' numbers, which can vary across enterprises.</p>
3.11.5.2 3.b.i&ii	Object	How can the stocking rate at 22 October 2016 be proved for compliance, and who has measured and set the levels of diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016, and how can that be done.	Delete
3.11.5.2 3 c	Object	How can a land owner 'obtain and provide to council independent verification from a Certified Farm Environment Planner that the use of land is	Delete

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		compliant with either b) (i) or b) (ii) above when none of them can be measured?	
3.11.5.2 <i>4a (Policy 2c)</i>	Object	Remove requirement for nitrogen reference point for properties in sub catchments where the nitrogen 'current state' is less or equal to the 80 year target.	Delete
3.11.5.2 <i>4b(i)</i>	Object	This is confusing. The NRP is the measure of diffuse discharge of nitrogen from a property.	Delete
3.11.5.2 <i>4e(ii) and Schedule C2)</i>	Object	This is also confusing. This means that no new fences can be installed on any property in the catchment after 22 October 2016, unless they are to prevent cattle, horses, deer and pigs getting within three metres of the bed of the water body, or one metre as in Schedule C.2. Confusing!	Delete
3.11.5.4 <i>5c</i>	Support with amendments	Schedule A requires properties to be registered between 1 September 2018 and 31 March 2019, and Schedule B requires a NRP in that same time frame, so is another NRP required at resource consent lodgment, which for a Priority 1 sub-catchment property will be prior to 1 January 2020, I presume. This appears to require provision of two NRP's which conflicts with Schedule Bb.	Amend
3.11.5.4 <i>Matters of Control</i>	Support with Amendments	It is not clear what the 'Dates' listed here refer to as they differ to those at which the 'permitted activity' status ends.	Clarify
3.11.5.4	Object	I understand 'Overseer' cannot produce five year	Delete

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5c iii		rolling averages and version updates will produce different results also.	
3.11.5.4 5c viii	Support with amendments	There are no procedures covering transfer of ownership of property or enterprise, and the requirement, if any, for a new FEP.	Clarify
3.11.5.7 <i>Non complying Activity Rule</i>	Conditional support	<p>Does this rule account for change on a property that go the other way? E.g.</p> <ul style="list-style-type: none"> • 50 ha of pasture are planted in trees, but another 15ha of trees is harvested and re-grassed. • 5ha is changed to dairy farming, but 12ha is retired from dairying on the same property. <p>There are no provisions in PC1 to encourage de intensification, only rules to discourage intensification.</p>	Clarify
<i>Schedule B</i> <i>Nitrogen Reference Point</i>	Oppose in part	Despite the lack of 'Current State' details in the PC1 document and the confusing tabulation under what I presume is Table 3.11.1, I found a table under D.4.1 Appendix 1 in the section 32 Evaluation Report that indicates all 16 measurement sites in the Waipa River Freshwater Management Unit are in the NOF A Band for the four nitrogen attributes, and only three have any nitrogen reductions. Therefore 13 of the 16 Sub Catchments in the Waipa	Remove requirement for NRP for sub catchments that require no action on N

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		Freshwater Management Unit require no action on Nitrogen, and properties in those Sub catchments should not be required to provide a Nitrogen Reference Point.	
Schedule B a	Support with amendments	<p>“The NRP must be calculated.....during the relevant 'reference period' specified in clause f), except.....where the NRP shall be determined through the Rule 3.11.5.7 consent process”. I am unable to find any procedures or even the 'consent process' spelt out under 3.11.5.7.</p> <p>Clause f) specifies the 'reference period' therefore there can only ever be one NRP for each property.</p>	Clarification required
Schedule C	Oppose in part	<p>There is confusion over minimum distances from water bodies that fences are required to be, either one or three metres.</p> <p>The wording, as a binding consent condition, dictates that new fences installed after 22 October 2016 must be located.....within one metre of the bed of the water body....! Thus legally precluding new fencing anywhere else on the property.</p>	Delete Schedule C and replace with cross references to the proposed national stock exclusion regulations being produced by the Ministry for the Environment.
Schedule 1	Oppose in part	By virtue of Rule 3.11.5.3, the FEP is a 'permitted activity' standard, which must be clearly specified and measurable. A number of FEP provisions are subjective, requiring professional judgment by certified Farm Environment Planners, thus permitted activity status decisions are delegated to third parties, when only Regional Council can determine	Amend to remove subjective provisions and replace with specific measurable standards.

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3.11.16	Oppose in Part	<p>activity status.</p> <p>I have tried to understand how these figures were arrived at, and what gave rise to apparent anomalies such as the very high E.coli figures measured at the Lawrence Street bridge on the Mangaokewa Stream (Sub catchment 63, Waipa River FMU). The 95th percentile is 6224/100ml which is the second highest figure out of the 74 sub catchments under PC1, which puzzles me as the catchment is hill country with a high proportion of afforestation. Checking the LAWA website I found the E.coli data comprises 35 samples over the 2013, 2014, and 2015 years, but only in bar graph form. There were three high counts that appear to correlate with high rainfall events which suggest flood events have not been corrected for. This would also affect the 'clarity' attribute.</p>	Amend provisions to ensure account has been taken in the E.coli and clarity limits to make allowance for peak flood events.
<i>All of the above provisions</i>			In relation to all of the above topics, any consequential and/or similar amendments to have the same effect.

Yours sincerely, Phil Brodie

Print Name:

Comment [j1]: If a group. The final signature can be 'signed on behalf of the ... group'.

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Handwritten signature in black ink, appearing to read "P. D. Roddy".

7/03/2017

Signature

Date

