

Submission on Healy Rivers/Wai Ora: Proposed Waikato Regional Plan Change 1

From TOTI Trust

PO Box 7216, Hamilton East

8 March 2017

Summary:

When you are up to your neck in alligators, it is hard to remember the original purpose was to drain the swamp.

We commend the Waikato Regional Council for 'making an effort' on this important matter, but consider the flaws within the proposed Plan Change and its implementation so significant and serious that a new approach should be considered rather than amendment.

We make this submission in response to concerns expressed to us from the community. We also note the sense of disenfranchisement within the community, that there is no point in making such submissions to public bodies because 'they take no notice'.

This is particularly relevant to democratic aspects of this proposed plan change, with last September's equal division of regional councillors and its survival solely on the casting vote of the chair to proceed (on the eve of elections 2017).

We also note last Monday's concerns by regional council staff at aspects of the Implementation Plan. We share those concerns.

We are aware of the legal parameters, but It would be publicly respectful to revisit and review both the proposed plan change and the implementation proposals to develop and reach consensus on a new plan – plus a more robust implementation approach.

There are several elements to our submission:

1. The daunting task facing the public in attempting to grapple with the huge body of reports and bureaucratic language to understand what is being recommended and why.
2. Public misgivings related to what seems to be a top-down authoritarian approach in the implementation proposals with vested interests including private sector company interests (Overseer), the emergence of yet another Guild of Planners (Certified Farm Environment Plan professionals), and even more science and monitoring jobs ensured at Waikato Regional Council. Plus little credit given to farm and community-driven initiatives.
3. These misgivings include serious and significant doubts over the Overseer nutrient modelling tool, and therefore its effectiveness – and what results will be achieved after a long history of council and regional plan underachievement.
4. The emphasis on the rural environment rather than a regional community overview including urban impacts and responsibilities, noting resource consent procedures.

History

Parliamentary Commissioner for the Environment Jan Wright agrees that to be effective, water quality policy and action must be based on science.

In her *Report on Water Quality in New Zealand*, she suggested the following:

- *Measuring the different parameters of water quality*
- *Understanding the causes of change in those parameters*
- *Designing interventions that are likely to be effective*
- *Measuring the effectiveness of those interventions*

The simplicity and clarity of these principles has not been followed through in the Healthy Rivers approach – despite ‘thousands of hours’ and the delegated stakeholder role.

Like the public, councillors, officials and members of the stakeholders group privately say the plot has been lost. This exercise has become so cumbersome, so weighty with reports, that it is a challenge to keep abreast, to read, to understand what’s proposed. They feel ‘blinded with science’.

The public desire ‘to restore and protect’ these connected rivers has long been recorded, with more than 60 years of publicly funded effort, yet the degradation continued. Probably now more than a billion dollars taken from the surrounding community for the Waikato Valley Authority (founded in 1956) and the Waikato Regional Council (since 1989), with the add input of the RMA (1991).

More recently, in 2004, \$81 million went to the protection of Lake Taupō, and in 2008, \$210 million was assigned for the Waikato River plus \$144 for the Rotorua lakes. We are now told this Healthy Rivers project has already cost \$14million, and we now look out 80 years!

It’s no wonder that local communities view this plan with misgivings, feel their views will not be heard, that common-sense, community initiatives, and innovative land-holders will be overlooked, and more ‘Red Tape’ will overburden regardless of results.

To quote Jan Wright again:“...we are still capable of wrongly linking cause and effect. And once that is done, we cannot design interventions that will be effective. We need, however, to know when more science is not needed.

“A call for more science to be done can sometimes be a way of delaying difficult decisions. ...

“Scientists themselves are not always the best people to advise when more science is required – their basic motivation quite rightly is to continue to explore and gather new data.

“While science is necessary for policy, it is not sufficient. Science does not tell us how to make trade-offs, and trade-offs will almost certainly be needed. It is very unlikely that we can have our cake and eat it too...

“There is no end to the complexity, but the state of our rivers, lakes, wetlands, estuaries, and aquifers is of great importance to this clean green country of ours. Increasing our understanding is a worthwhile investment and will pay dividends for our children and grandchildren.”

The Science

The Healthy Rivers’ targeting of ‘nitrogen, phosphorus, sediment and microbial pathogens’ is sound (and as recommended by Jan Wright and others). However, the focus on Farm Environment Plans ‘for all’ denies existing quality standards and practices, and ‘good farmers’. As well the monitoring methodology recommended is questionable and has been described as flawed.

Certainly, reliance on a comprehensive monitoring approach and a single modelling technology (Overseer) is puzzling in such a rapidly developing and competitive marketplace. Public descriptions relating to conflict of interest through fertiliser company shareholding are disturbing. We note the comment that Overseer is not only flawed, it fails to meet the regulatory criteria:

- Have the theories used to design the model been scientifically scrutinised?
- Has the model been published and reviewed?
- What is the inherent error involved in the modelling process?
- What are the standards and controls used in the operation of such a model and how are they maintained?
- How is the model regarded by other professional modellers?

Rather than a new ‘army’ of certified planners developing 5000-odd Farm Environment Plans, it seems more logical to suggest an outcome model, requiring approved ‘monitoring’ models of choice, initially in known trouble spots (based on 60 years of data collection), with remediation options based on known best practice and the promotion of specific property examples (eg riparian margins, planting and re-forestation). As well encourage the research community to continue exploring new models.

Looking back 60 years encourages cynicism about the proposed 80-year future time-line proposed. How much better it would be to focus on known problem areas and properties (based on 60 years of data collection), and continue promoting best practice with specific property examples, encouraging the research community to continue exploring site-specific monitoring and remediation models. With 'the next decade' the target.

It is impossible to predict the pace of technological change. Next-generation technology is constantly emerging from local research which may offer low-cost, site specific monitoring and remediation options (refer Dr Marama Muru-Lanning, University of Auckland)

Thank you for taking the time to read this:

We are prepared to appear in person.

TOTI Trust

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Attachment:

DIP, SCPs, and FEPs

The following extracts from the **Draft Implementation Plan outline proposed new rules requiring (enabling?)** “landowners and occupiers to calculate their nitrogen reference point, undertake an on-farm risk assessments, and develop effective Farm Environment Plans (FEPs)”.

It is expected that approximately 5000 properties will need a NRP (Nitrogen Reference Point) calculated. The NRP must be submitted to the council during the registration period, being 1 September 2018 to 31 March 2019. Getting 5000 landowners to recognise they need an NRP, and to engage a certified farm nutrient advisor (CFNA) to calculate it between now and March 2019 is expected to be a challenging component of implementation. NRPs must be calculated by CFNA.

The council's proposed implementation of certification for nutrient advisors is discussed in the regulatory implementation section (section 8.3) of this document below. In the absence of any other currently approved model, it is assumed that NRPs will be calculated using Overseer®. The council expects to be in a position to start certifying farm nutrient advisors by mid-2017 (refer Section 7.3).

The council proposes to run a promotional campaign to engage relevant landowners/occupiers on the need to retain relevant farming records, and to complete an NRP by the required date. This campaign is further described in the council's Healthy Rivers/Wai Ora Communications and Engagement Plan. In addition, the council will engage with key sector groups (such as fertiliser companies, and farm consultants) to make use of their networks to support the completion of NRPs.

*The council will also establish a register of CFNAs, and display this on its website to connect landowners who require an NRP with appropriately certified professionals. **Landowners/occupiers will be responsible for contracting a CFNA of their choice to model their farm system in Overseer®**. It is expected that CFNAs will be rural professionals who already provide services to farmers, such as fertiliser company representatives, or independent farm consultants. Market capacity to deliver these services to landowners, at the required scale, has been scoped at a high level during the development of this implementation plan and this scoping has indicated that the necessary capacity is, or will be available.*