

Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

SubForm	PC12016	COVER SHEET	
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FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
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Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
Emailed to	healthyivers@waikatoregion.govt.nz <i>Please Note: Submissions received my email must contain full contact details. We also request you send us a signed original by post or courier.</i>
Online at	www.waikatoregion.govt.nz/healthyivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS		
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ADDRESS FOR SERVICE OF SUBMITTER		
Full name		
Address for service of person making submission		
Email	Phone	Fax

TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
<input type="checkbox"/> I could / <input type="checkbox"/> could not gain an advantage in trade competition through this submission.
<input type="checkbox"/> I am / <input type="checkbox"/> am not directly affected by an effect of the subject matter of the submission that:
(a) adversely effects the environment, and
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Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

This submission was sent by email on 7 March 2017
 Receipt of submission was acknowledged.
 8 pages of additional pages.

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION

I wish to speak at the hearing in support of my submissions.

I do not wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

Yes, I have attached extra sheets.

8 pgs

No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

*or person authorised to sign on behalf of the submitter
A signature is not required if you make your submission by email.*

Signature

WS Clady

Date

7.3.2017

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

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2. Methodology

3. Results

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SUBMISSION TO PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 – WAIKATO & WAIPA RIVERS

INTRODUCTION

1 My name is Wendy Clark. Thank you for this opportunity to submit.

I reserve the right to speak to this submission.

I oppose Plan Change 1 (PC1) in its current form.

I believe Plan Change 1 should be held in abeyance until the partially withdrawn part of the catchment catches up with the rest of the process.

GENERAL

2 I support the preservation of water quality in the Waikato and Waipa rivers.

3 I believe it should be accomplished in a socially and economically sustainable way.

4 All sectors have a part to play in remediation.

5 The interpretation of the Vision and Strategy demands an ambitious environmental outcome that arguably exceeds the requirements of the National Policy Statement for Freshwater Management (NPSFM) and outweighs the social and economic well being of the wider community.

6 PC1 is built on statistics that reflect water deterioration over 100 years. Practices have changed over that time. People nostalgically recall how they used to swim in the river when they were kids but when we bought our farm 34 years ago, dairy effluent went directly into the stream. Other point source discharges from industrial and urban waste also ended up in the river.

It is difficult to quantify the differences

a) between what has happened in the past and current practices in terms of their respective effect on current water quality and

b) to what extent the actions in the plan change will benefit future water quality.

7 The Vision and Strategy asks that the rivers be “swimmable and safe for food collection along their entire lengths”. This indicates the focus should be on a reduction in sediment and E. coli levels.

The additional inclusion of nitrogen as a primary focus leads to a number of difficulties. One of the tasks of the Independent Hearing Panel will be to determine whether the science warrants such a focus on nitrogen. If the science does not warrant a primary focus, two of the most contentious policies - Restrictions on Land Use Change and the Nitrogen Reference Point – could be avoided.

A COLLABORATIVE APPROACH?

8 The Collaborative Stakeholder Group (CSG), 24 members of the community, selected by the Waikato Regional Council (WRC), overseen by a co-governing committee and supported by a

technical advisory group, gave up their time for a number of years to develop recommendations as to how the health of the rivers could be improved.

Around six out of the twenty four members represented primary industry. Theirs was an unenviable task – to persuade the other 18 that all contributors to contaminant discharge should be required to contribute to the restoration. The end result is a plan change in which the compliance and cost burden falls predominantly on rural landowners.

9 The CSG was meant to represent the interests of the wider community. I can confirm that the part of the Waikato catchment represented by Auckland Federated Farmers, of which I am a member, was never involved in the process.

RESTRICTIONS ON LAND USE CHANGE

10 PC1 intends to restrict land use flexibility within the Waikato and Waipa catchments for the next 10 years. The only permitted change will be from a more intensive to a less intensive use. The effect is to prevent further development. This may have unintended consequences.

Horticulture will not be able to expand its footprint despite representing only 1.7% of the catchments' land mass. The industry will not be able to capitalise on their proximity to Auckland, the fastest growing city in the country, and its desire for fresh vegetables.

11 Dairy farmers will cling tenaciously to the right to produce milk, in order to maintain capital value, even when individual circumstances might otherwise have led them to into dry stock farming. Drystock units with land suitable for more intense uses will lose value and forestry will find it difficult to attract lease land for trees.

12 The land use moratorium is at odds with one of the principles articulated in the Outcome Statement and Principles for Implementing Te Ture Whaimana – the Vision and Strategy for the Waikato and Waipa Rivers:

“Recognise the potential of landowners to develop land within the water quality limits and incentivise voluntarily changes to current land use to fit within water quality limits.”

There is nothing voluntary or enabling about PC1's ban on land use change.

13 By its very nature a restriction on growth and development will have a chilling effect on the economy and on social resilience. For that reason Objective 2 – *to maintain social, economic and cultural well-being* - and Objective 4 – *people and community resilience* – will not be met by PC1 in its current form.

14 In addition, there is enormous potential for this rule to capture the normal seasonal variations in land use practices – eg amount of crop grown/year, stocking rates, percentage of herd wintered off-farm, percentage of young stock grazed away, percentage of milk fed to beef calves as opposed to being sent to the dairy factory - all seasonal decisions that vary according to factors such as weather and payout. The implication in the Plan is that landowners will require consent for normal variations in land use.

RECOMMENDATIONS

- Delete the non-complying rule that prevents changes to more intensive land uses.
- Ensure normal seasonal fluctuations in land use remain permitted.
- Ensure that Objectives 2 & 4 are met.

POLICY 16 – Page 35 - FLEXIBILITY FOR DEVELOPMENT OF LAND RETURNED UNDER TE TIRITI O WAITANGI SETTLEMENTS AND MULTIPLE OWNED MAORI LAND

15 Where land has been awarded as part of a treaty settlement, or where there is multiple ownership Maori land, PC1 intends to provide a separate rule relating to converting such land to more intensive uses. If such a change is non-complying and subject to the same environmental conditions as any other application for exemption, why have a separate rule?

16 I support all landowners in their endeavours to make optimal use of their land. I do not support one group of landowners being awarded a surreptitious loophole; a loophole whose existence potentially undermines the efforts of other landowners.

17 Given that the proposed plan change gives effect to the Vision and Strategy of the five river iwi, the community expects tangata whenua to lead by example.

RECOMMENDATIONS

- That all landowners be treated on an equal basis when it comes to flexibility of land use.

NITROGEN REFERENCE POINT (NRP)

18 PC1 intends to establish a Nitrogen Reference Point, otherwise known to dairy farmers as Nitrogen Leaching Risk. Fonterra introduced this concept to its suppliers three seasons ago although at first most of us did not understand what we were supplying data for. Consequently the data supplied was not particularly reliable, and results were variable. Our farm results varied between Years 1 & 2 by 50% although farm policies remained consistent.

19 Results were never going to be accurate, anyway, because they were based on Overseer, a management tool which was not designed to be used as a regulatory tool. That did not matter when it was being used to make farmers aware of their nutrient outputs and what they could do to improve performance. Adopting it to measure performance in a regulatory regime is doomed to fail because of its unreliability for that purpose.

20 The Nitrogen Reference Point is a point of conflict among primary producers who have been given the idea by the CSG that the nitrogen discharge cake is baked to a finite size.

21 Such a rule then creates a market and a value for the right to discharge nutrient.

22 I have enormous sympathy for the low emitting industries who feel there should be equal allocation of nutrient discharge rights. On the other hand, it is unrealistic to expect vegetable and dairy production to occur without generating a certain amount of nitrogen.

23 If we want these later industries to continue, the appropriate N. level will have to be determined and then achieved through good management practices until technology provides better solutions.

24 The other problem with the Nitrogen Reference Point is that it seems to have no particular target, just an arbitrary percentile figure, regardless of how many farmers are farming within acceptable nitrogen leaching risk limits.

25 The Nitrogen Reference Point policy confounds one of the principles set out in the Outcome Statement and Principles for Implementing Te Ture Whaimana – the Vision and Strategy for the Waikato and Waipa Rivers:

“Avoid creating inequitable outcomes between landowners through the allocation of any rights to discharge contaminants.”

26 I do not think we have the scientific tools yet to determine a NRP accurately and fairly, especially when there’s a time lag a) between historical actions and current water quality and b) between today’s actions and improvements in water quality.

27 I commend the Collaborative Stakeholder Group for recommending an 80 year implementation time frame.

28 I do not support the use of a NRP as a basis for a future allocation regime.(Policy 7)

RECOMMENDATIONS

- Resist the temptation to use Overseer as a regulatory tool.
- Clarify how changing Overseer versions would be managed by WRC before including in any Plan Change.
- Steer clear of awarding allocation of contaminant discharge rights.
- Minimise nitrogen loss using “Best Practicable Options”.
- Continue research into better technology.

FARM ENVIRONMENT PLANS (FEPs)

29 Once again PC1 intends to take an industry management tool and turn it into a regulatory tool. What was designed to help farmers understand and lift their environmental performance is being turned into an expensive and complex compliance mechanism.

30 Case studies of FEPs undertaken by the consultant company, AgFirst, on behalf of Federated Farmers, and others by Fonterra indicated an average preparation time of 25 hours for the AgFirst farms and 14 hours for the Fonterra farms.

- 31 The average cost to prepare the AgFirst FEPs was \$4,700.
- 32 The cost of implementing the FEPs ranged from \$5,000 to \$111,000 for the Fonterra farms and up to \$786,000 for the AgFirst farms.
- 33 At the time of writing, WRC was still unable to come up with an acceptable implementation plan for FEPs. Interpretations on the same rules by different council staff varied. This does not bode well.
- 34 Nor does the fact that New Zealand does not appear to have specialised professionals in sufficient numbers to either draw up or audit the proposed plans. Timeframes will not be achievable unless there is a sufficient pool of appropriately qualified consultants.
- 35 The risk is that if FEPs are used as a compliance tool, and FEP mitigations are incorrectly determined, landowners may be required to undertake inappropriate mitigations with poor cost/benefits.
- 36 My observation is that complex FEPs, as proposed, may be welcomed by council bureaucrats and industry good consultants but will they be understood and welcomed by those that have to put them into practice? The requirements of the proposed FEPs are demanding without clarity as to how they will be used and how beneficial they will be. A great deal of work still needs to be gone into winning the hearts and minds of the landowners who's genuine cooperation is needed before we can hope to succeed in meeting PC1's objectives.

RECOMMENDATIONS

- Undertake sub-catchment scale planning ahead of individual FEPs to assist in identifying priorities and community mitigations.
- Tackle critical source areas first.
- Delay implementation of individual FEPs until suitably qualified professionals have been trained to undertake preparation and auditing of appropriate FEPs.
- Require WRC to provide an implementation plan before FEPs are contemplated as a regulatory tool.

STOCK EXCLUSION FROM WATERWAYS POLICY (Schedule C – page 50)

- 37 PC1 requires all waterways to be fenced (unless protected by natural barriers such as cliffs) on contours up to 25 degrees. This means reticulating water accordingly. The topography on much hill country land does not lend itself to fencing or water reticulation and the costs will prove to be unsustainable for such landowners, some claiming that the compliance costs are close to the value of their farms.
- 38 Furthermore, such measures will have perverse outcomes. The tracks you'd need to bulldoze for the fence lines, and the corralling effect of heavy stock fenced in between all these streams will cause sediment run-off and pugging whenever it rains.

39 As an alternative to the debatable use of slope as a measure, stocking rate could be used. Auckland Council, for example, uses a stocking rate of 18 stock units/hectare to distinguish between intensive and extensive use of pastoral land. They require stock in intensive farming situations (though not sheep or goats) to be excluded from waterways. Likewise, stock being break fed on saved pasture also have to be excluded from the stream.

RECOMMENDATIONS

- Require stock in intensively farmed situations (18 stock units/hectare) to be excluded from waterways.
- Ensure stock exclusion rules are practical and achievable and that water quality benefits justify the costs.
- Consider using incentives eg fencing and water reticulation subsidies, which may be more cost effective than imposing and enforcing rules.
- Utilise Waikato River Authority grants for large scale community interventions such as the construction of sub-catchment wetlands.

LAKES AND WHANGAMARINO WETLAND

40 I support remediation of the Whangamarino Wetland (3.11.4.4) but this cannot be achieved without measures being taken to control pest fish in the lower Waikato.

RECOMMENDATION

- Implement a program to trap and eliminate koi carp.

SUB-CATCHMENT SCALE PLANNING

41 I support sub-catchment scale planning. I believe it should be the basis of PC1's strategy. I believe it is inefficient and counter-productive to have blanket rules across the catchment.

42 Note that Waikato River Authority funding cannot be delivered to areas which are subject to compliance measures.

RECCOMENDATIONS

- Develop sub-catchment plans and identify the problem areas.
- Prioritise the problem areas for early intervention.
- Use an effects based approach, consistent with the RMA.
- Remove blanket rules in sub-catchments where water quality is good.
- Utilise public funds to support edge of field mitigations where those mitigations provide significant public benefit.

SIGNIFICANT ISSUES NOT ADDRESSED IN PC1

- a) Impact of hydro-dams on water quality
- b) Nutrient attenuation
- c) Social and economic impacts of the proposed rules on communities
- d) *Compensation for landowners*
- e) Why the rural community alone is carrying the direct costs and compliance burden in the first 10 years?

SOCIAL & ECONOMIC IMPACTS OF PC1

43 Without the ability to develop, the region will lose its most ambitious young farmers. Stalled growth and investment will have a chilling effect on the economy. There will be significant negative impact on income, exports and employment.

The CSG estimated job losses of over 10,000 nationally, with half of that number occurring in the Waikato catchment, as a direct result of implementing PC1. They did not consider losses beyond primary industry.

44 It has been hard for the community to accurately quantify the potential economic losses because of conflicting estimates. The Waikato Regional Council claim the costs will be just under \$40million/year but this takes into account nothing but lost profit. Their analysis appears to be wanting but I'll leave that discussion for the economists.

It is sufficient to say that PC1 is contrary to the requirements of the NPS which directs local authorities to *provide for economic growth while managing water in a sustainable way*. It is also contrary to WRC's economic vision of a *"successful region focussed on supporting a strong export-driven economy underpinned by a healthy environment."*

RECOMMENDATIONS

- Undertake the Section 32 analysis again, this time properly.
- Implement a new process to consider alternative rules and policies that enhance environmental quality while tempering social and economic impacts.

I intend sending this submission by email followed by a signed original through the post. There are ~~seven~~ ^{eight} pages.

Thank you,

Wendy Clark

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A handwritten signature in black ink, appearing to read 'wclark', with a long horizontal flourish extending to the right.