

Submission to Waikato Regional Plan Change 1: Waikato & Waipa Catchments

Date:

4th March 2017

Submitted by:

J H. Cotman

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Thank you for the opportunity to submit on the proposed Plan Change One for the Waikato Region.

I wish to be heard.

The Proposed Plan Change 1 is a terrible example of the way a plan of such significance should have been presented for notification and submission.

1. From the outset the CSG did not have a balanced representation from landowners, who after all are at the heart of any Plan relating to their land and should have had significant representation.
2. The Plan appears to be at odds with the science team findings in many instances. A cautionary approach should have been taken by the CSG with its recommendations where science was lacking or offered different views. The Council should have considered these factors and made changes to the Plan before notifying.
3. When presented to WRC the Councilors noted the issues with the proposed Plan and 50% voted against the notification with only the casting vote of the Chair pushing it forward. This vote alone should be a clarion call to alert the newly appointed Regional Councilors and Commissioners that a mandate does not exist for the Plan in its current form.
4. Unprecedented groups of landowners in increasingly significant numbers have voiced strong concerns directly to the Council and to the Chair over the un-workability of the Plan. These pleas have fallen on deaf ears as the Council continues to trample on the rights of their constituents.
5. Hauraki Iwi then entered the debate well after the Plan was notified and threatened a Judicial Review for lack of specific consultation with their Iwi. While I understand this may move to

resolution behind closed doors discussions I request the Commissioners to fully articulate and publish the specifics of any 'deal' that has or will be done to get the Hauraki Iwi back on board.

However, whatever the outcome, because of this action, the inability for Constituents to submit to a comprehensive Regional Plan makes a mockery of fair process or reasonable consultation as required by common law.

6. Regional Council staff are also seeking significant changes to the Plan which should surely have been well advertised and documented well before public submission stage This too makes a mockery of fair process.
7. Commissioners, while I have appreciated the work undertaken by the members of the CSG to develop a recommendation to WRC for this Plan Change, I believe (PC1) as written, will not achieve any workable outcomes, does not stand the commonsense test, contains rules that are an attack on our ownership rights of personal information and with the overarching apparent desire for bureaucratic involvement. This will alienate the very people, who are already making significant investment toward managing our water resource responsibly.
8. While there is a strong commitment from landowners to continuing to improve water quality in the Region, this proposed Plan Change will not lead to buy-in to achieve those improvements. The reverse is likely to happen as I for one will spend my time fighting tooth and nail the bureaucratic interventions that are not warranted.
9. I do however have faith that you as Commissioners will recognise and support the concerns that many express in our submissions that are opposed to the details within the Plan Change and that you will see fit to promote a more enlightened and inclusive way forward.
10. I present this submission urging a commonsense approach to construct a Plan that encourages (not regulates) any changes to the way we manage our farm businesses.
11. Environmental Armageddon is coming? NO!! The facts do not support this in any way. Thus the proposed Plan Change is neither required nor backed by any credible measure that demonstrates the Plan will do anything more than kill the golden goose.
12. Clearly too the demands for on-farm information to ascertain compliance with regulatory farm plans in no way measures actual environmental effect. This focus on activities goes directly against the effects based presumptions promulgated in the RMA.

I submit:

1. **that** the Proposed Plan Change 1 is withdrawn and replaced. I suggest Commissioners seek to implement a **New Plan** that endorses '**Best Practical Options**' (BPO) developed by landowners for landowners as a prime focus.
2. **that** this **New Plan** adopts as its Primary Policy a similar policy to PC1 3.11.45 that supports the development and implementation of **Catchment Management Plans** that are led by landowners (as Primary stakeholders)
3. **that** this **New Plan** supports investment into identifying potential critical source contaminant pathways on a sub catchment basis to provide quantifiable measures to feed credible factual information into consideration for the more broad Catchment Management Plans.
4. **that** this **New Plan** encourages innovative new science that can provide alternative means to manage water quality.
5. **that** the **New Plan** recognises that well informed landowners as stewards of their land are the best and only people who can create action on the ground.
6. **that** this **New Plan** discards the 'Big Brother Police State' approach that PC1 contains in favour of a concept of '**shared values**' where all parties work toward achieving sensible water quality targets.

In so submitting I wish you to note:

that the Proposed Plan Change 1, fails in many ways.

- a. **that** PC1 does not appear consistent with WRC Regional Policy Statement, nor consistent with the Government's long term water protection guidelines.
- b. **that** PC1 fails by not meeting the requirements of RMA Sec 5: "*which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety*" Sec 5 also allows for "*Avoiding, remedying or mitigating any adverse effects on the environment*" I make specific note of the right for mitigation.
- c. **that the requirement to REGISTER (Schedule 1 PC1)** has really bad connotations, is **culturally offensive to me**, is unjustified, will not improve the environmental results and thus is completely unnecessary and will be resisted. This requirement is in practice a 'consent' albeit hidden by another title.
- d. **that the Land Use Change Rule 2 PC1) has no place in a robust New Plan..**
This rule appears to be based on a presumption of an 'N load to come'. Yet 'load to come' is based on very skinny data and thus the Land Use Change Rule as written is a major overkill.

- e. **that Nitrogen (PC1) should not be used as the surrogate for setting the rules & that the N reference point (PC1) should not form part of any New Plan.**

PC1 has used Nitrogen discharge as the Rule maker and set out indications that this will lead to an N allocation regime. The NRP is a historical indicator only, creates unfairness and does not lead to reductions in leaching or emissions.

Enough evidence exists that demonstrates that N levels within the Waikato River are not significant are on the whole and have **no impact on the swimmability of the River**. You will no doubt hear scientific evidence to this effect.

Likewise, this rule slams those who have made good investment and management decisions over the years by locking the farm down to the reference point regardless of the actual N allegedly leached over time.

- f. **that Overseer (PC1) is not used as a regulatory tool.** It does not provide any **absolute** measures. Clearly there is strong evidence that this 'programme' has a large discrepancy in the accuracy of the results. The discrepancies are such that the modeling is worthless as a regulatory tool. (it was developed as a farmer management tool and must be seen as only that) The overarching principle embedded in the proposed Plan rest on the use and modeling of 'Overseer'. Yet analysis shows that this 'model' has a margin of error greater than 20% either way for dairy farming, greater for Sheep & Beef and totally useless for Horticulture.
- g. **that the fencing requirements for hill country (Rule 3,4,5,6) PC1, has no place in any New Plan.** PC1 sets out fencing requirements on hill country without clearly stating any measurable environmental advantage by doing so. PC1 appears to be setting out activities that can not be carried out, once again this is activity based, not effects based as per RMA.
- h. **that** PC1 does not provide clarity nor certainty on the details of 'consent' requirements including terms in years for consents. This ambiguity does not provide any reasonable degree of certainty for long term investment decisions and thus will stifle economic growth.
- i. **that** the adverse impacts of the hydro schemes on water quality are considered and the environmental effects documented along with a cost benefit analysis of the adverse effects that is then balanced against the importance to the Regional & National economy.
- j. **that** the adverse effects of agriculture production also undergo a similar comprehensive cost benefit analysis that is balanced out against the importance of this sector to the Regional & National economy.
- k. **that** the so called Sec 32 analysis that is attached to Plan 1 is deficient and not fit for purpose. The economic costs to agriculture and to the community at large if PC1 is enacted are significant, are ongoing and will cripple the region.

- l. **that** a primary focus of the **New Plan** is a comprehensive program to eliminate the ever increasing population explosion of Koi Carp along with the native species predator, catfish. Iwi know that Koi are a prime culprit and should be dealt with.

- m. **that** the **New Plan** addresses the adverse effects of the Weir, Doc & F& G placed in the Whangamarino Stream.

Supporting Comments:

Ownership of Waikato River

We are all aware that 'Water ownership' is the new battlefield to confront our Region (and New Zealand.) Please note that water is not an Iwi Resource. It is a New Zealand Inc. resource and thus we all have to find socially and economically acceptable ways of protecting the values we cherish.

It's unfortunate to note though that the basis for the Healthy Rivers Plan Change, the 'Vision & Strategy' as outlined in a Government Settlement with Tainui is based on mistruths that have been perpetuated on an incorrect knowledge of the history of the Waikato. Ownership rights have been mischievously misrepresented in order to provide a 'mantle' of 'ownership'.

We all equally have an 'ownership' interest in maintaining our water resource's' vibrancy, its beauty and its ability to provide sustenance.

The Vision & Strategy

Under this Plan Change we are required to recognize Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River. This document states that it is intended by the Crown to be the primary direction-setting document for the Waikato River and its catchments (including the Waipa River).

Direction Setting ***"the way in which somebody or something goes, points or faces"***

Clearly the 'Vision' is primarily a guidance document not a statement of fact.

Disappointedly it is not clear how the CSG misguidedly went even further and interpreted the Vision & Strategy into 'making the river swimmable over its whole length at all times'. This is not only impossible but plainly stupid! The absurdity of following such a narrow interpretation seems to have been lost in the CSG deliberations.

No reasonable interpretation would agree with making the river 'swimmable at all times'. Thus I hope that commonsense prevails.

The proposed Plan Change 1 totally fly's in the face of the need for consideration for prosperous communities as per the key clause in the Terms of Reference for the CSG.

Viz:

“Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”.

Thus while my submission supports the intent of improving water quality in no way do I support further long term sinking lid policies and the economic impost of the current PC1 80 ‘Vision’ along with the un-mandated ‘swimmability’ interpretation. There has to be a better long term Vision, Strategy and **New Plan**.

The Healthy River discussions have highlighted:

- The emergence by Maori and the community of a strong desire to become involved with debate over the water quality.
- The emergence of a new Maori environmental identity that is beginning to redefine Maori Values, thus better aligning these now with many of the wider community values and in time will be in closer alignment with the long held landowner’s stewardship ethics.
- The involvement of the wider community wanting recognition as ‘Guardians’ of the River. Guardianship is not a race based prerogative.
- That the CSG took their eyes off the ball and in a rush to be portrayed as ‘the environmental guardians’, perhaps unwittingly pushed the deliberations in the wrong direction and thus presented Council with the mess that is PC1.

I further submit that PC1 as presently proposed will kneecap the Ag sector (the economic studies carried out for the CSG clearly demonstrate the non viability of their long term Vision) and thus will not assist providing the economic grunt to deal with pressing community issues. This economic suicide is counter productive to the priority issues our community should confront. The economic cost of the proposed Plan will certainly not assist improving these harsh NZ statistics.

- that Maori unemployment rate is double that of non Maori.
- that Maori have the highest rates of binge drinking and smoking.
- that Maori die younger and have higher suicide rates.
- that Maori dominate gang numbers and are more likely to be victims of crime.
- that Maori make up 15% of the population yet 50% of those in prison.

I **submit** that instead of placing, the landowner, the providers of the economy in the region, in a straightjacket – the primary sector should instead be encouraged to continue to grow and contribute to the regional economy (albeit in a sustainable way) This does not require a heavy regulatory approach.

I reiterate:

- **that** the Proposed Plan Change 1 is withdrawn and replaced with a **New Plan** that endorses 'Best Practical Options' (BPO) developed by landowners for landowners.
- **that** the **New Plan** supports Landowners to develop and lead the implementation of Catchment Management Plans that are site specific.
- **that** you set aside the regulatory elements of PC1 and instead pick up and support a better way forward. Allow this first 10 year step to produce some realistic actions led by those who can make a difference.
- **that** the over zealous regulatory PC1 as currently prescribed will not deliver any real solutions. It is an activity based approach not an effects based approach.
- **that** personally I have led or been involved in many significant and worthwhile environmental initiatives that have made a difference for our Region and thus do not voice my concerns through not believing we should continue to improve our management systems.
- **that** it is insulting to me, to my cultural values – my values of family, my values of community, my values of stewardship of our land and insulting to the efforts we landowners have made over the years to improve environmental performance to now have the absurdity of PC1 imposed on us.
- **that** It is disappointing that the interpretation of the 'Vision and Strategy' has skewed the deliberations of the CSG and turned what should have been a workable achievable Plan into a long term nightmare.

I commented in my opening Statements of the strong hope that the Commissioners would look for a new commonsense approach to develop a visionary Regional Plan. The only workable way forward is to mandate a landowner led Catchment by Catchment approach. (New Plan)

As an example: I currently Chair a group of Landowners who have formed a 'mandated cross-sector Group' to lead the development of a CMP for our priority Catchment. "The Lake Waikare-Whangamarino Primary Landowners Group". This is a significant sized catchment made up of several important sub-catchments.

We have a clear Strategy that sets the pathway for achieving a 'shared vision' that will be based on shared values that are key to all parties.

We began meetings last year with WRC staff and are currently in ongoing discussions with the team of planners responsible to WRC. We have obtained support from **DairyNZ** for our project and are utilizing professional input from David **Burger** to assist advance the project along with support from Fonterra, through Gordon Findlay, area Manager.

We are looking forward to arrange face to face meetings with other stakeholders to discuss a mutually workable way forward.

We now have access to detailed Catchment Maps, and are looking forward to receiving background catchment information that will provide a solid start point to begin the journey. Currently our Catchment like many others has little useful measurable data that can assist the development of Plans that are fit for purpose. We see an urgent need to gather this data to guide our way forward.

I urge you to seriously consider options such as this as a commonsense way of achieving good environmental, social and economic outcomes for the Waikato Region. I ask you to mandate the Option of Catchment by Catchment Management Planning and provide a clear mandate to landowners to lead and 'own' this option.

Let me be clear though that we cannot progress this option under the present heavy handed regulatory option that is PC1.

Thank You.

Jim Cotman

Signed:

Date:

From: Jim Cotman
To: [Healthy Rivers](#)
Subject: (Jim Cotman 1/2)RE: Submission to Plan Change 1.
Date: Monday, 6 March 2017 2:13:20 p.m.

Hi Danica,

The answer is no to both questions thanks.

Cheers
Jim Cotman

From: Healthy Rivers [mailto:healthyivers@waikatoregion.govt.nz]
Sent: Monday, 6 March 2017 11:19 AM
To: Jim Cotman <cotmanj@xtra.co.nz>
Subject: RE: Submission to Plan Change 1.

Hi Jim,

Thank you for your submission.

I just require answers to a couple of questions in order for your submission to be considered complete, this is a requirement under the Resource Management Act.

- Could you gain an advantage in trade competition through this submission?
- If others make a similar submissions, would you consider presenting a joint case with them at the hearing?

Once this information has been received your submission will be processed.

After submission closing date 8 March 2017, all submissions will be collated and you will then be sent a formal letter acknowledging receipt of your submissions. This letter will contain further information about the next steps in the submission process including information about hearings dates.

Kind regards,
Danica

Danica de Lisle | Submissions Co-ordinator | Science and Strategy
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[Please consider the environment before printing this email](#)

From: Jim Cotman [mailto:cotmanj@xtra.co.nz]
Sent: Sunday, March 05, 2017 1:07 PM
To: Healthy Rivers