

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	
FOR OFFICE USE ONLY			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
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	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received by 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/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS		
Full name Otorohanga District Council		
Full address PO Box 11, Otorohanga, 3940. For Attention: Andrew Loe		
Email andrewl@otodc.govt.nz	Phone 07 873 4000	Fax 07 873 4300

ADDRESS FOR SERVICE OF SUBMITTER		
Full name Otorohanga District Council, For Attention: Andrew Loe		
Address for service of person making submission PO Box 11, Otorohanga, 3940.		
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TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>
I <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO

*Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1
(continue on separate sheet(s) if necessary.)*

The whole of "Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments".

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

(select as appropriate and continue on separate sheet(s) if necessary.)

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions**

MY SUBMISSION IS THAT

*Tell us the reasons why you support or oppose or wish to have the specific provisions amended.
(Please continue on separate sheet(s) if necessary.)*

See attached letter

I SEEK THE FOLLOWING DECISION BY COUNCIL

(select as appropriate and continue on separate sheet(s) if necessary.)

- Accept the above provision
- Accept the above provision with amendments as outlined below
- Decline the above provision**
- If not declined, then amend the above provision as outlined below

Amend as follows:

See attached letter

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

I wish to retain the option 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.

No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

(or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature _____

Date **7 March 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.

Chief Executive
Waikato Regional Council
401 Grey Street
Private Bag 3038
Waikato Mail Centre
Hamilton 3240
Attention: Vaughan Payne

8 March 2017

Dear Vaughan,

Proposed Waikato Regional Plan Change 1: Waikato and Waipa River Catchments - Submissions by the Otorohanga District Council

On behalf of our constituents, the community of the Otorohanga District, we thank you for the opportunity to participate in our region's planning processes and for the invitation to make submissions to the "Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments".

As the elected representatives for our community, we set out below, our submissions to the proposed plan change:

1. Introduction

Our District covers a large area of approximately 2,000 square kilometres of the central north-island, stretching from the harbours of Kawhia and Aotea on the west coast, across the Waipa River, to the Waikato River in the east. It includes rolling farmland, hill country (the southern slopes of Mount Pirongia and the foothills of the Rangitoto Range) and the lakes of Arapuni and Waipapa. Approximately two-thirds of our District is located within the Waipa and the Waikato River catchments.

Productive farming provides the predominant foundation for the economic activities of our District. Our community of approximately 10,000 people includes dairy, beef, sheep and deer farmers, and the residents of the service towns of Otorohanga and Kawhia and the settlement of Aotea. Our social, cultural and economic well-being is tied to the land and the sea.

The majority of our farmers are located in the two catchments impacted by the proposed plan change. Our wellbeing is dependent upon the continued prosperity of our farming sector. Therefore, it is of paramount importance to the community, as a whole, to ensure that the plan change proposals strike the right balance between environmental, social, cultural, and economic sustainability.

Against the above background, our constituents support the plan change objectives of long-term restoration and protection of water quality, while maintaining social, economic and cultural wellbeing. The Otorohanga community also supports advocacy, education, funding, and research as important implementation measures to give effect to the plan change objectives.



However, we are deeply concerned that the plan change as proposed is premature, will threaten the economic sustainability of the District and lead to unintended consequences that have not been properly considered.

We summarise below, the reasons for our concerns and the changes that we want the Waikato Regional Council to make to the proposed provisions:

2. The plan change is premature

We are concerned that:

- Hauraki iwi has not been adequately consulted prior to notification of the plan change, resulting in partial withdrawal of the provisions; and:
- The plan change has not taken into account the “Clean Water” strategy launched by central government on 23 February 2017, subsequent to notification of the plan change.

Iwi consultation

RMA mandates that local authorities, during the preparation of a plan change and prior to notification, must consult with tangata whenua of the area who may be affected. The views of affected iwi are therefore to be taken into account throughout the process of preparing the plan change.

Seeking the views of Hauraki at the end of the process when the plan change has been completed (as proposed in this instance) does not meet the consultation standard mandated in the RMA.

Withdrawal of the Hauraki Area after the plan change has been completed is also contrary to the principles, mandated in the RPS, of integrated management and a “whole of catchment” approach to resource management.

“Clean Water” strategy

The “Clean Water” strategy recently launched by central government has, in line with European and US definitions, redefined the water quality standard (“swimmable”) targeted to be achieved.

The strategy also signals significant changes to the National Policy Statement on Freshwater Management 2014 (NPS-FM). These changes include new timelines and targets for achieving redefined water quality standards, revised policy guidelines and water quality limits, regulations concerning stock exclusion, new monitoring requirements, consideration of economic opportunities, and additional funding for freshwater improvement projects/research. The RMA mandates that Plan Change 1 that must give effect to the NPS-FM.

In the context of the above, it appears that the plan change as notified is based on inadequate iwi consultation and that it has not considered the changes to the national freshwater policy framework signalled in the “Clean Water” strategy.

More specifically, the plan change is based on water quality standards and contaminant limits, higher than those that will likely be mandated through the revised NPS-FM. It also requires compliance with stock exclusion to more stringent standards and more onerous timescales than signalled in the national “Clean Water” strategy.

We are concerned that the plan-making process will ultimately have to be repeated due to the lack of iwi consultation and because of misalignment with the NPS-FM once amended (as signalled by the recently launched "Clean Water" strategy).

In the interests of avoiding wasted cost for the Waikato Region's ratepayers, which includes our community, we ask that the WRC withdraws the plan change until the matters referred to above have been dealt with.

3. Social and economic impacts

The plan change, if implemented in its current form, will place significant costs onto farmers relating to reduction in stocking rates and changes to less profitable farming practises, restrictions on the conversion of land, fencing of waterways and construction of stock crossings, preparation of farm management plans, and ongoing cost relating to monitoring and compliance with complicated regulatory requirements.

The plan change proposes unreasonably short timeframes for the implementation of costly requirements and creates uncertainty and fear for farmers due to a complicated regulatory regime.

The additional costs will result in additional debt for farmers some of whom are already struggling to meet existing obligations; and threaten the livelihood and viability of the farming sector. Ultimately, the cost burden and uncertainty will be reflected in lower land values which will further erode the equity of farmers and place further restrictions on their capacity to service mounting debt. The proposed "one size fits all" approach leaves hill country farmers on marginal land, of which there are many in the Otorohanga District, particularly exposed.

The reduction in farm profitability and increasing farm production costs and debt levels, will lead to fewer rural jobs, and less reliance on rural contractors and rural industries. For our District that relies heavily on the viability of our farming sector, the adverse impacts of the plan change on our farmers will ultimately mean that there will be less discretionary money for farmers to spend at businesses in our towns and less employment opportunities for the residents of our towns.

The plan change therefore affects the viability of both the rural and urban communities. For our District, already threatened by a declining population trend, the loss in income and job opportunities resulting from the impacts of the plan change will make it increasingly difficult to maintain the social infrastructure, schools, medical facilities, and administrative functions, necessary to provide a desirable lifestyle for our residents. The impact of a reduction in farm income and land values on our rates-base and the ability of the community to fund the essential services that our Council is required to provide, is of specific concern to us.

We are concerned that the cost/benefit (Section 32 RMA) analysis that underlies the plan change has not given adequate consideration to the economic and social costs that will eventuate from the implementation of the provisions.

We ask that, before proceeding with the plan change process, the WRC review its cost/benefit analysis with specific emphasis on the potential economic, social, and cultural costs for our District, taking into account our specific circumstances being the small size of our community, our reliance on the viability of our farming sector, and the large percentage

of farmers on marginal hill country who are financially particularly exposed to and threatened by the costs that will arise from the implementation of the plan change.

Furthermore, the analysis should factor in the extent to which application of the plan change provisions will result in environmental benefits when considering the already low stocking rates on marginal land. Finally the assessment should also take into account the impracticality and disproportionately high cost of stock exclusion and the provision of separate stock drinking water infrastructure on low emitting steep hill country farms.

4. Loss in rural production

Primary production is the “backbone” of the New Zealand economy. Primary industry exports, particularly dairy-based products and meat are a significant “driver” of growth in our national economy. Central government has set a target to double primary industry exports in real terms from \$32 billion in June 2012 to over \$64 billion by 2025.

Proposed Plan Change 1 covers, and places restrictions on the productive capacity of a substantial portion of the Waikato Region, the largest contributor to dairy and meat production in the country, including some of the premier dairy and dry stock farming land.

The constraints that the plan change will put on the productive use of farm land through restrictions on stocking rates, cropping and fruit and vegetable production will inevitably result in a reduction in the total volume of food that the Waikato Region and therefore, the country as a whole, is able to produce on an annual basis.

A reduction in the supply of food while the demand is growing, translates into an increase in the price of food. Increased food prices means that a larger segment of the household budget is required to be spent on essentials, leaving less for discretionary spending. It also means that for families already living on the poverty-line, it becomes even more of a struggle to make ends meet. An increase in food prices also means that our exports become less competitive in the international market.

Taking into account the importance of the plan change area in terms of maintaining and growing primary industry production, we question whether the proposed provisions strike the appropriate balance between environmental and economic considerations.

We ask that, before proceeding further with the process, the WRC undertake a specific assessment of the relative environmental benefits in the light of:

- The impact of the plan change provisions on central government’s target for growth in primary industry exports;
- The impact of the plan change on the affordability and availability of food for local consumption; and
- The impact on primary industry exports, the national domestic product, and the potential for future growth in the economy.

We are concerned that the restrictions on the conversion of farm land to alternative farming processes will place unnecessary limitations on the ability to maximise the productive use of land and impact on farmers’ ability to respond to the effects that climate change will have on the viability of rural production and the need to switch to other farming processes.

We want the WRC to review the proposed provisions to provide for more flexibility in the conversion to alternative farming processes and to ensure that the provisions will enable resilience to respond to climate change.

5. The plan change provisions are unfair and unnecessarily complex

In our view Plan Change 1 proposes an unfair regulatory framework that will allow high emitters to continue to pollute the most, while penalising low emitters.

This is the case as the provisions contain “grandfathering” clauses (i.e. for stocking rates and/or “existing rights” to diffuse discharges) that provide for high emitters to reduce the discharge of contaminants over time, while low emitters are required to comply with stringent standards from the outset. To us, this is contrary to the effects-based approach entrenched in the RMA.

We consider that the proposed provisions should follow an effects-based approach whereby the highest emitters of diffuse discharges who cause the most adverse effects on water quality should be mandated to mitigate effects, before the low emitters are required to do so.

To be equitable, there should be one “bottom-line” for all emitters. The regulatory regime should then require the same timeframe for all emitters to achieve the same standard in the discharge of contaminants.

Unless an equitable approach is adopted, we question whether the proposed regulatory framework will achieved the desired improvement in water quality because:

- The highest emitters that cause the most degradation in water quality will have a longer timeframe to reduce effects and may ultimately be allowed continue to discharge contaminants at a higher rate than the low emitters;
- During the same period, the low emitters who have a proportionally smaller adverse effect on degradation in water quality will be required to mitigate the discharge of contaminants to a higher standard;
- Therefore, over any given time period, any improvement in water quality brought about by the mitigation measures mandated from the low emitters, will be negated by the lesser mitigation required from the high emitters.

In addition to being unfair, we consider that the proposed plan provisions are unnecessarily complicated and confusing for instance by requiring:

- Independent verification of compliance with complicated permitted activity standards;
- Calculation of an uncertain “nitrogen reference point”, using a complicated and untested model;
- Preparation of farm management plans in accordance with detailed requirements;
- Detailed monitoring and reporting requirements;
- Experts to be employed at substantial additional cost to individual farmers, in order to verify, calculate, and prepare the above documentation.

Before progressing with the plan change, we want the WRC to provide equitable and effects-based, simplified rules that are cost-effective to implement, and give certainty regarding the “envelope” of permitted farming activities.

Ultimately, the solution may lie in the preparation of the equivalent of a farm “zoning map” or “Regional Land Use Plan” that will provide a certain and straightforward method to establish permitted farming uses on any given farm in the region, rather than to place the cost and burden of establishing the permitted uses on the individual farmer.

We want the WRC to investigate the viability of a “zoning” approach or “Regional Land Use Plan” as an alternative, potentially more cost-effective, means of achieving the desired plan change objectives.

6. The plan change relies too heavily on regulation

The plan change, in contrast to central government’s recently announced “Clean Water” strategy relies almost entirely on regulation, with little provision for, and little regard given to, alternative implementation measures.

In our view, improvement in water quality through a reduction in diffuse discharges from farming activities can be achieved in a more cost-effective manner, by less reliance on regulation, and by placing more emphasis on advocacy, education, research, and through the provision of positive incentives.

We consider that farmers, in general, regard themselves as custodians of the land. They respond well to advocacy aimed at promoting best practise, education on methods to mitigate adverse effects from farming, and incentives that reward them for making improvements that benefit the environment. They respond less keenly to costly, complicated, “bland” regulation that, on the face it appears to be of little environmental benefit.

There is also a trend towards generational change evident in the farming community. The trend shows that, as the younger generation takes over farming activities, there is an automatic shift towards a greater awareness of the need to use the land sustainably.

The plan change already acknowledges that improvement in water quality is a long term, inter-generational goal. Yet, the provisions rush to immediate stringent regulation that do not reflect the same tolerance and acceptance that change will only occur through sustained long term commitment.

We want the plan change provisions to be redrafted to capitalise on the natural inclination of farmers to support education, advocacy, and working for incentives. We want the plan change provisions to minimise regulation that we know will be resisted by farmers. We also want the timelines for implementing the plan change provisions to provide for a sustained long-term commitment, rather than to rush to immediate stringent regulation.

Finally we want the plan change to acknowledge that further and ongoing research into alternative more profitable and more sustainable farming practises and mitigation measures is necessary, before reverting to immediate stringent regulation with potentially serious economic and social consequences that may ultimately prove to have been unnecessary.

Therefore, we request the WRC to reconsider the timeline for implementing the proposed regulations, and instead to focus its efforts on:

- Engaging with farmers, advocating for, and providing education on best practise methods to reduce the adverse effects of diffuse discharges from farming activities on water quality;

- Devising incentives to reward farmers for making changes that benefit the environment such as providing subsidies for fencing of waterways, and rates rebates for farmers that adhere to sustainable farming practises; and:
- Actively lobbying, initiating, participating, and supporting further research into alternative, more sustainable and more profitable farming practises and mitigation measures.

We believe that real change will only occur when, through research, farming practises are devised that are both more profitable, and more sustainable than conventional farming methods.

We consider that finding these more sustainable and more profitable farming alternatives is a technologically viable proposition, worth investing in and waiting for, rather than to rush into risky regulation that may have unintended consequences.

7. The plan change lacks the “tools” and resources required for implementation

The plan change requires discharge limits to be set for most farming activities, and thereafter monitored and complied with.

To set the “Nitrogen Reference Point” the plan change mandates the use of “OVERSEER” or “other approved model”. Our understanding is that “OVERSEER” was devised for a different purpose and its application for calculating nitrogen limits is questionable and untested. We furthermore understand that there is currently no other “approved models” for calculating the nitrogen limits required for the plan’s implementation.

The plan change “caps” nitrogen, phosphorus, sediment and microbial pathogen losses. Yet, with the exception of a reduction in stocking rates, the plan change is silent on the methods and “tools” available to farmers to use in order to reduce farming discharges.

For most farming activities, the plan change requires “Farm Environment Plans” to be prepared. Many of the plan rules require farming activities to be undertaken in accordance with “Certified Industry Schemes”. It is our understanding that these “certified schemes” does not exist and are yet to be developed.

The complicated scientific calculations and detailed management plans required under the new provisions are to be prepared by “accredited professionals”. It is our understanding that there are currently no such “accredited professionals”.

Notwithstanding the uncertainty regarding the methods that the implementation of the plan change provisions rely on, a short timeframe is mandated, with the first of the new provisions taking effect in March 2019.

Thousands of farms will be captured by the plan change provisions all requiring inputs from yet to be accredited professionals. The reality is that the “tools” and the resources required to implement the plan provisions within the limited timeframes provided for, simply do not exist.

We want the WRC to delay implementation of the plan provisions until robust models have been developed to calculate reference points, industry schemes have been agreed, scientifically tested methods to reduce diffuse discharges from farming activities have been developed, and an adequate number of professionals have been trained and accredited to undertake the tasks mandated under the provisions.

Successful implementation of the plan change is not possible until substantial further scientific research has been done, innovative solutions have been devised to reduce diffuse farming discharges, and adequate resources have been trained.

To this end, we want the WRC to commit to research and training as a first step and to delay implementation until the obstacles to plan implementation have been resolved.

8. Conclusion

For the reasons outlined above, our community questions whether the plan rules as currently proposed are equitable, and the best methods to achieve the desired environmental outcomes at the lowest cost to farmers and the community at large.

We urge you to consider the matters raised in our submission

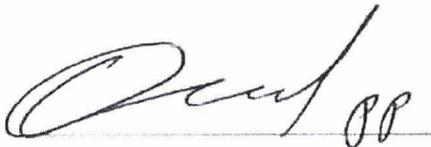
Yours sincerely,



Councillor Max Baxter (Mayor)



Councillor Deborah Pilkington (Deputy-Mayor)



Councillor Roy Johnson