



**ADVISORY COMMITTEE
for the Waikato
REGIONAL ENVIRONMENT**

Vaughan Payne
Chief Executive
Waikato Regional Council
401 Grey Street
Private Bag 3038
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Hamilton 3240

Dear Vaughan

Submission to Proposed Waikato Regional Plan Change 1 – Healthy Rivers

Thank you for the opportunity to submit to this change.

Our submission comprises general remarks in this letter, some of which raise issues that can be addressed through process and administration rather than within the plan change and specific comments with suggested remedies in the attached submission form.

ACRE believes the proposed Plan Change is WRC's most important current initiative. Overall, it has our strong support; its adoption is a statutory requirement, particularly in relation to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the need for it is well supported by the science and the thorough collaborative and consultative process that has led to this point.

We accept that the Plan Change is not perfect, particularly in this first iteration, but in our view the urgency to make a start outweighs the areas of difficulty. The risk is that concerns about the impact of the plan change and criticism of some of its detail will lead to lengthy delay in it becoming operative or else to dilution of its provisions to the extent that it will fall well short of reaching its goals. We suggest a two-fold approach to address this risk: first, fine-tuning to the plan itself; second, a continued effort to explain and interpret the plan to those directly affected by it, emphasising the pressing need for and long term benefits of the practices mandated by the Plan Change.

We emphasise that any minor amendments to facilitate the introduction of the Plan Change should not allow for any overall increase in nutrient and pollutant inflow to the region's waterways above what the plan in its present form allows. Where areas of the plan are identified as being unsatisfactory in their current form the Council should commit to a process and timeframe that addresses them.

In addition to areas where sector group concerns may delay the plan change becoming operative, ACRE identifies some areas where the Plan Change, at least in its current form, will not attain the goals of the Vision and Strategy. In particular the Vision and Strategy sets a target of swimability and it is not clear that the plan change will achieve this; it pays little attention to human health. Similarly, the plan focuses on outputs rather than eco-system health, itself an essential pre-condition for the river and lakes to be sources of kai.

Likely impediments to the plan being made operative and successfully implemented include real or perceived inequity, uncertainty over the modelling and measurement of farm output, lack of acceptance of the allocation of the costs of environmental protection or enhancement, and a lack of understanding of the true costs and benefits of good practice.

1. Stock exclusion from water bodies

The stock exclusion requirement has a greater impact on dry-stock farming than other sectors on account of their generally much larger size and their steeper terrain. In ACRE's view the issue of stock access to water bodies and consequent erosion and nutrient input is very real and the method set out in Rules 3.11.5.2 to 3.11.5.6 are appropriate. WRC may care to support programmes that support retirement of vulnerable areas.

2. Current low v. high emitters

Under Policy 3.11.3.1 reductions in subcatchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens are to be achieved by requiring moderate to high level discharges to be reduced but also requiring that activities with low level discharges be held at the reference level, irrespective of how low they are. Policy 3.11.3.2 requires proportionate reductions of all diffuse discharges irrespective of the level of the discharge with particular reference to Nitrogen. In the following Rules farms must establish a nitrogen reference point and (subject to various qualifications) may not increase emissions beyond that point. The effect of this provision is that current high emitters will produce Farm Plans that show some reductions in emissions but current low emitters will not be able to increase emissions even by modest amounts. ACRE considers this to unfairly penalise those with low nitrogen discharges in order to limit the extent of reductions by those with systems and practices that leak the nutrient. Provided overall reduction targets are not compromised we believe there should be some scope for minor increases by current low emitters, to be balanced against reductions achieved through implementation of best practice by current high or moderate emitters. Acre considers that the policies and rules should target the specific systems and practices that cause the problem.

3. Urban Centres in Comparison to the Rural Sector

Under Policy 10 the Plan is to provide for point source discharges of regional significance. Specifically, determinations on resource consent applications for point source discharges of contaminants are to provide for the continued operation of regionally significant infrastructure and regionally significant industry. Policy 11 qualifies this provision by requiring the implementation of the "Best Practicable Option" and offsets, but Policy 12 allows the consideration of past efforts, the significance of the discharge and the practicability of improvement. This has the appearance of soft treatment for the urban centres and these three policies should be strengthened.

4. Modelling and Measurement of Farm Input

The issue here is a tension between the need for certainty and consistency over time and the need for the rules to reflect progress in the science and technology. If the means of modelling is not specified in the plan, there is no consistency and/or considerable reliance on individual assessment. The latter will be an outcome of Farm Plans but it is still some way off and immediate improvements are needed. If the Plan specifies the use of a particular model and it remains static, it will be impossible to take advantage of improvements in modelling capacity.

Similarly, if enhancements are used as they are developed, there are likely to be differences – and potentially significant ones - in outcomes for particular properties as each new iteration of the model is implemented.

Despite the detailed data gathering and input specifications for the use of Overseer, it appears that it is possible to manipulate outcomes through a process akin to tax avoidance rather than tax evasion.

Notwithstanding these difficulties, ACRE believes it is best to endorse the use of OVERSEER as outlined in the Plan Change. It is acknowledged that the tool is imperfect but it establishes an acceptable best current baseline.

5. Cost Allocation

Acres supports the Plan Change's implicit assumption that polluters should meet the costs of avoiding or remedying environmental harm. In the past there was a view in the agricultural sector that since New Zealand as a whole was economically dependent on agriculture, New Zealand as a whole should support it. In response to the economic reforms of the 1980s, agriculture met the challenge of achieving profitability without direct support. The perception now is that the views of an environmental minority are saddling agriculture with unnecessary costs, and if the community at large wants higher environmental standards they should pay for them. If the environmental costs are correctly analysed and understood, this view is unsustainable.

One part of the response to this view is that all sectors of society must meet the environmental standards expected of agriculture, particularly urban centres, almost irrespective of the significance or otherwise of their contribution to the Waikato River's overall nutrient loading (see 3. above).

Further, the economic costs and benefits of agriculture must be analysed within a framework that represents the wider context, so that the environmental costs beyond the farm are fairly represented.

Finally, monitoring and enforcement must be practical, simple, and cost effective. Having said that, ACRE believes there is scope for introduction of an outcomes component, and in particular a healthy ecosystems approach that takes account of the amount of erosion-susceptible land, suspended solids in the water, plant nutrients in water, diversity and numbers of desirable fauna and the composition and abundance of water plant communities.

6. Costs and Benefits.

Some analyses suggest¹ that even within the framework of the farm's budget, good environmental practice is economically favourable. It has also been stated that there is little difference in the profitability of low input-low output and high input-high output dairy farms. To the extent that these points are true, they are important parts of selling the plan change.

A member of ACRE has provided the following account of the benefits of excluding stock from waterways on his property. Though anecdotal it is real farm experience.

"I have done over 20 kilometres of fencing since 2004 to keep stock out of our waterways, using 2 wire electric fences and also have done quite a bit of planting on the stream banks. We have two streams running through our farm as well as numerous smaller side streams. The water quality has improved markedly despite the fact the dry stock farmer upstream has done nothing and we are lucky that he doesn't have too many stock

¹ Adam J. Daigneault, Florian V. Eppink, William G. Lee d: A national riparian restoration programme in New Zealand: Is it value for money? *Journal of Environmental Management* 187 (2017) 166-177

From a farming perspective it has been a very good investment, from a stock control point of view it's paid for itself. We used to lose 3 or 4 animals each each year to drowning, that's no longer a problem. Winter grazing is much simpler, very easy to break feed as electric fencing is always close. Stock grazing stream banks used to push the sides in but now I spend much less on cleaning the streams. Also I notice when I'm spreading fertiliser the long grass and plantings on the stream bank act as a physical barrier to the granules."

7. Farm Plans

ACRE believes that the proposed farm plans are an excellent initiative. Though it will take time and resources to produce one for all affected properties, the explicit attention they bring to nutrient management will achieve genuine change in the long run. The greatest challenge is in passing and the initial implementation of the proposed plan change.

Thank you again for the opportunity to participate in this process. ACRE offers the Regional Council every support in introducing and implementing this most important plan change.

Yours faithfully



Kemble Pudney

Chair
Advisory Committee for the Regional Environment

PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS



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

Important: Save this PDF to your computer before answering.
If you edit the original form from this webpage, your changes
will not save. Please check or update your software to allow
for editing. We recommend Acrobat Reader.

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

SubForm	PC12016	COVER SHEET	
FOR OFFICE USE ONLY			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

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 Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses
Emailed to	healthyivers@waikatoregion.govt.nz Please Note: Submissions received by email must contain full contact details.
Online at	www.waikatoregion.govt.nz/healthyivers

We need to receive your submission by 5pm, 8 March 2017.

YOUR NAME AND CONTACT DETAILS

Full name: Advisory Committee on Regional Environment (ACRE)
 Full address: C/- Waikato Regional Council
 Email: _____
 Phone: _____ Fax: _____

ADDRESS FOR SERVICE OF SUBMITTER

Full name: Kemble Jonathan Pudney
 Address for service of person making submission: 11 Bellwood Place, Chartwell, Hamilton 3210
 Email: pudneyquinn@vodafone.co.nz
 Phone: 0277470442 Fax: _____

TRADE COMPETITION AND ADVERSE EFFECTS (select appropriate)

- I could / could not gain an advantage in trade competition through this submission.
- I am / am not directly affected by an effect of the subject matter of the submission that:
- adversely effects the environment, and
 - does not relate to the trade competition or the effects of trade competition.

Delete entire paragraph if you 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).

Entire Plan Change

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).

ACRE believes firmly that the Plan Change must be adopted, and in a form that will as a minimum achieve the water quality targets set out in it. Our reasons are as follows:

1. Waikato Regional Council is statutorily obliged to implement a plan that will give effect to the Vision and Strategy set out in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010;
2. The evidence that has been assembled in the preparation of the plan change shows that its provisions are essential to protect and enhance the Waikato's water quality and ecological values;
3. There is evidence to suggest that good practice can enhance agricultural profitability rather than harming it;
4. To defer adoption to carry out further work on the plan would delay implementation without commensurate benefits.

ACRE therefore submits that the plan change be adopted, with justifiable amendments that emerge through the submissions process, in a form that has a high probability of achieving the water quality targets set out in the Plan Change.

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
- Decline the above provision
- If not declined, then amend the above provision as outlined

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. No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

Signature: *K. J. Eudney* Date: 6 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.

ADDITIONAL SHEET TO ASSIST IN MAKING A SUBMISSION

Section number of the Plan Change: 3.11.2 Objectives 1 & 3 - time frame for achievement of water quality targets

Do you support or oppose the provision?

Support Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>ACRE believes that the timeframe for implementation of the plan should be shorter. The plan acknowledges a technology gap in methods to achieve the targets; if the time frame is not sufficiently challenging there will be a risk of deferring action in the hope that better methods will be discovered.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>That the plan's overall timeframe should be set at 50 years and that the short term target should be a 20% reduction in emissions.</p>

Section number of the Plan Change: Policy 2 - Reducing Diffuse Discharges and Rules 3.11.5.3, .4 and .5

Do you support or oppose the provision?

Support Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>The policy and rules are too restrictive for current low emitters and too lenient for high emitters</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>Amend 3.11.3.2.d. to read: Require reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens by the dischargers (progressively from the highest to the least) to the extent necessary to meet the scale of water quality improvement required in the sub-catchment [Reductions will be required from the highest dischargers until the water quality target is met]; and a similar amendment to 3.11.3.3.g.</p> <p>Amend Matters of Control 3.11.5.4 ii. and iii. and 3.11.5.5 iii. to provide for exceptions to the maintaining or reductions of contaminants and exceedances of the NRP in the case of low level discharges not required to be reduced in accordance with the amendments proposed above.</p>

ADDITIONAL SHEET TO ASSIST IN MAKING A SUBMISSION

Section number of the Plan Change: Policy 6 - Restricting Land Use Change

Do you support or oppose the provision?

Support

Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>Current and consented land use changes will have a continuing impact on water quality. The provision should be strengthened.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>Amend Policy 6 Para 1 to read: Except as provided for in Policy 1 and 2 (for low level discharges) and Policy 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens will generally not be granted</p>

Section number of the Plan Change: Policy 10 - Provide for point source discharges of regional significance

Do you support or oppose the provision?

Support

Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>This policy could be interpreted as making no requirements for improvement in the levels of pollutants from point source discharges. The Plan Change should aim for reductions in these discharges.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>Amend Policy 10 to make it clear that policies 11 and 12 apply to discharges under Policy 10.</p>

ADDITIONAL SHEET TO ASSIST IN MAKING A SUBMISSION

Section number of the Plan Change: 3.11.4.10 - Accounting system and monitoring

Do you support or oppose the provision?

Support

Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>The monitoring system established by this rule deals with nitrogen, phosphorus, sediment and microbial pathogen levels. These are only a partial measure of success of the implementation of the Vision and Strategy, whose overarching purpose is to restore and protect the health and wellbeing of the Waikato River and whose vision is a healthy Waikato River (that sustains abundant life and prosperous communities. We suggest the adoption of a healthy ecosystems approach to monitoring and measurement, which in addition to the parameters set out in this rule considers the range of fauna and flora and their relationships within functioning ecosystems. Similarly traditional uses of the waterways mandated by the Vision and Strategy imply both contact recreation and safe food take; these should be explicitly considered in monitoring.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>That Rule 3.11.4.10 be amended to incorporate the periodic assessment of ecosystem health and safety from the human health perspective, covering both contact recreation and safe food take. This should be undertaken at the freshwater management unit level and at other levels as required.</p>

Section number of the Plan Change: 3.11.5.4 Controlled Activity Rule and elsewhere - use of Overseer

Do you support or oppose the provision?

Support

Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>OVERSEER is a work in progress and has been criticised on various grounds - that its results can be manipulated, or that they can be inconsistent. However alternatives require detailed analysis and inputs that are not practicable in the short term. It is also subject to continuing improvements and provided any resulting changes are carefully managed it should prove an acceptable method.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>That OVERSEER remain as the preferred modelling tool for the Plan Change.</p>

ADDITIONAL SHEET TO ASSIST IN MAKING A SUBMISSION

Section number of the Plan Change: Policy 3.11.3.1 Manage diffuse discharges

Do you support or oppose the provision?

Support Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>Acre agrees that sub-catchment-wide reductions in the four contaminants should be achieved, but that reductions should be required from those with the highest levels of discharge and effect and not by requiring all discharges to be reduced irrespective of the level. As in the case of climate justice, reductions should be made according to the contribution to the problem.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>Modify P1 a. and b. to read: a. Enabling activities with a low level of contaminant discharge to water bodies, and b. Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges in order, from highest to least.</p>

Section number of the Plan Change: Policy 8, Rule 3.11.5.4.1. and Matters of Control iv.

Do you support or oppose the provision?

Support Oppose

Submission	Decision Sought
<p><i>State in summary the nature of your submission and the reasons for it.</i></p> <p>The prioritisation of implementation provides for dischargers above the 75th percentile nitrogen leaching value to be included irrespective of their being in a priority catchment. This may be too lenient a level when providing for minor increases in discharges from low level discharging activities and to achieve a faster reduction. Acre suggests the 50th percentile point to be more appropriate.</p>	<p><i>State clearly the decision and/or suggested changes you want Council to make on the provision.</i></p> <p>Amend Policy 8 and Rules pertaining to the 75th percentile, to provide for the 50th percentile nitrogen leaching value to be prioritised for Farm Environment Plans and in Matters of Control in consideration of resource consents.</p>

ADDITIONAL SHEET TO ASSIST IN MAKING A SUBMISSION

Section number of the Plan Change: Schedule 1: Paras 2, 5a & 5 b

Do you support or oppose the provision?

Support

Oppose

Submission

Decision Sought

State in summary the nature of your submission and the reasons for it.

State clearly the decision and/or suggested changes you want Council to make on the provision.

To be consistent with the foregoing submissions that activities with low level discharges of contaminants will not be required to adhere to a low nitrogen reference point or to reduce even below that low level, amendment needs to be made to the corresponding clauses in Schedule 1

Amend paragraph 2 to add the words 'where required' after the word 'reduce.'
Amend 5 (a) by adding at the beginning of the clause 'With the exception of low level discharges ...' or a percentile level not greater than any other levels requiring reductions.
Amend 5 b. to refer to the 50th percentile in place of the 75th percentile in lines 1 and 2.

Section number of the Plan Change:

Do you support or oppose the provision?

Support

Oppose

Submission

Decision Sought

State in summary the nature of your submission and the reasons for it.

State clearly the decision and/or suggested changes you want Council to make on the provision.