



Submission form

Send your submission to reach us by **4:00 pm on Wednesday, 27 April 2016.**

Submission number
Office use only

Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	or Fax: 0800 884 882	or email: rules@boprc.govt.nz
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Submitter name:

This is a submission on **Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the BOP Regional Water and Land Plan.**

- 1 I **could not** gain an advantage in trade competition through this submission. *[Delete as required.]*
 - (a) I **am not** directly affected by an effect of the subject matter of the submission that adversely affects the environment, and
 - (b) My submission **does not** relate to trade competition or the effects of trade competition.
[Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]
- 2 The details of my submission are in the attached table.
- 3 I **wish** to be heard in support of my submission. *[Delete as required]*
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing. *[Delete if you would not consider presenting a joint case.]*

[Signature of person making submission or person authorised to sign on behalf of person making submission.]

Date

*[NOTE: A signature is **not** required if you make your submission by electronic means.]*

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Contact person: *[Name and designation if applicable]*

Bryce Heard

Submission to : **Bay of Plenty Regional Council**

From: **Bryce Heard**

On the subject of: **Lake Rotorua Nutrient Management Proposed Plan Change 10 to the BOP Regional Water and Land Plan**

Dated: **22 April 2016**

1. Objectives

The objectives of Improved Lake Water quality and continued profitable land use practices by Land Owners are supported. There is widespread support for this Objective among the Lake Catchment Land Owners – perhaps as high as 100%.

The target of a 320 tonne reduction in nitrogen discharges is based on unproven science, but it is the best estimate that we have at this time. It will need to be kept under constant, formal review as learning accrues. Learning is of crucial importance to the achievement of Lake Water Quality Objectives.

2. The Flawed Process

The process used by the Territorial Authorities to achieve the objective has been to engage scientists and consultants to seek advice and from this information, to develop Rules to drive the Land Owners behaviours.

This has resulted in the Territorial Authorities and the scientists/consultants driving Land Owners behaviours through the imposition of Rules.

This process would be appropriate if the Land Owners did not want Improved Lake Water Quality as well.

However, the fact is that the Land Owners are fervent supporters of the Objectives.

They have a lot of knowledge about what actually happens with farming the land and do not want to be driven to do things that the scientists, consultants and Territorial Authorities have developed, sometimes using poorly informed assumptions about farming practices. (As a farmer myself, I can provide examples of such poor assumptions)

3. The Correct Process

The correct process is for the Territorial Authorities and the Land Owners to guide and drive the scientists and the consultants behaviours.

The only practical way to achieve this is to sign an Accord between the Territorial Authorities and the Land Owners

4. Timing

It is notable that even if the 320 tonne target was achieved immediately, it would take up to 50 - 100 years before any major impact to Lake Water Quality resulted.

This shows very clearly, that the remedial measures proposed are not going to provide a solution in our lifetime and more short/medium term solutions must be found without delay. The lake

will not last another 50-100 years while we wait to see if and how the Rules impact – if they impact at all.

In other words we need a short term solution as the most immediate matter of concern. (The addition of Alum is one such example)

The proposed Rule change is therefore:

- Following a flawed process that will pit allies against one another in the common quest for Improved Lake Water Quality
- Focussing on extremely long term solutions when time and Lake Water Quality dictates that short term solutions are the imperative
- Will not save the Lake and is
- Based on flimsy, unproven, scientific knowledge and evidence

5. Land Usage

In contrast to the foregoing, the measures proposed under the Rule changes:

- Will have an immediate in their impact on livelihoods and wellbeing of longstanding land use practises of Land Owners
- Will have (and already has had) an immediate negative impact on land values – Land is the superannuation investment to the Land Owners. However, the Rules diminish the very significant “superannuation investments” of the Land Owners
- Will have (and already has had) an immediate negative effect on house values (as well as land) of Land Owners in the catchment. House and land values are inseparable.
- Will shrink the Rotorua economy and destroy jobs and livelihoods of our core long term citizens who have invested their lives, and their life’s savings into living in Rotorua.

In summary, the proposed rule changes to the rural Land Owners are the equivalent of taking away a very large part of the salaries, superannuation and house values of the urban population. Yet it is the urban Rotorua dwellers that stand to make the biggest gains from the Rules implementation – in the improbable event that they are successful.

4. Rules V’s Accords

The Objectives as outlined in Section 1 above are fully supported. However, the science and the Rules emanating from the science, are not supportable in logic - and hence probably not in law. With so much at stake and with both sides of the debate wanting the same Outcomes, to proceed with Rules that are:

- Almost certain to fail in meeting the Objectives
- Even if they succeed, it will not be in our lifetimes and the Lake will be lost long before they impact
- Nor will it avoid the next two points below from occurring:
 1. The Rules are certain to pit the parties against one another in meeting the shared and common Objectives. How irrational is that?
 2. Implementation of the Rules will lead directly to the Environment Courts for long and expensive battles where the process, the science (and hence the Rules) will need to withstand the closest of scrutiny. In my view, it is unlikely to do so.

Any rational analysis shows that implementation of the Rules is a recipe for creating an unnecessary disaster! To force the Rules into place merely to “protect the \$40 million dollars of funding” allocated to help address the problem; is to knowingly turn a difficult, but solvable problem into a monumental problem.

Minds will turn away from finding lake water solutions, towards winning court battles.

Central Government is far too well informed to not understand the situation and will welcome a positive combined effort from the affected parties, to address the problem.

5. An Accord

An Accord is a positive and democratic vehicle to solve the situation. It has the following positive attributes that Rules cannot ever match.

- a. It focusses all minds on positive solutions (rather than negative legal battles).
- b. Everyone takes "ownership" of the problem.
- c. It sets out the shared high level goals and Objectives that all parties want to see happen.
- d. It creates an environment of mutual respect and acknowledgment of one another's wishes and opinions on the best solutions.
- e. It creates an equality of the parties in finding solutions to the problem at hand
- f. It shares the burden of solution finding
- g. It creates a situation where each party commits to doing its bit
- h. It removes the Rules and policeman enforcement nature of the Rules approach and lowers the cost of compliance
- i. It creates strong incentives those who are able to contribute to willingly do their bit and to go the extra mile to achieve the outcomes
- j. It is self-policing, without any we/they roles to be played out.
- k. It creates a forum for positive solution finding
- l. It turns enemies into allies

6. Recommendation

BOPRC withdraws from its course of Rules and enforcement and embarks on a pathway of solution development with the Land Owners by way of an all-encompassing Accord to solve the lake water problem – both short and long term focussed.

BC HEARD
 Accord Proponent
 Caring Rotorua Citizen, and
 Land Owner (outside the Catchment)

22 April 2016