

From: [Murray Pearce](#)
To: [rules](#)
Subject: Submission Land Use Rule changes
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Submitter name:
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This is a submission on Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the BOP Regional Water and Land Plan.
I could not gain an advantage in trade competition through this submission.

The details of my submission are attached
I wish to be heard in support of my submission.
If others make a similar submission, I will consider presenting a joint case with them at a hearing.
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Date 26th April 2016

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SUBMISSION

Executive Statement:

The proposed rules are not a result of full and transparent community consultation. The proposed rules are not in the best interests of the Lake Catchment and associated water systems; they are not sustainable and will result in areas of concentrated ecological and water damage. The proposed rules are a reflection of current land users vested interests and lobbying.

Only after the threat of legal action did the Regional Council widen the access to the public for consultation. However, this process was not to facilitate alternatives but rather to defend "proposed rules" that had been arrived at after a lengthy period of lobbying by land sector usage groups. The "proposed rules" were never fully about putting in place a set of rules that would future proof our

Lake and Lake Catchments. The "proposed rules" were always about protecting vested interests of a small number of catchment residents and land users. As a consequence the proposed rules environmental and community protection elements have been compromised.

The consultation process was fatally flawed as no derivation from the established council plan of action was considered. Issues that have precedence in Environmental law were not considered at all. The responses offered by council staff to submitters concerns during this forced period of consultation were both cynical and ill informed.

Land Use Capacity was dismissed in the limited open consultation process because of the stated reason; that it would cause too much disruption to current land users. It had been discussed during StAG consultation and dismissed. No details were forthcoming and therefore no possible future changes were discussed openly or transparently. Current land use has been locked in and current sector land users protected. The published rules are a clumsy attempt at appeasing lobby groups and a stated intention of an arithmetic reduction of Nitrogen loading of our Lake by Regional Council.

The Rules as they are proposed at the moment, force the majority of land owners and users in the catchment, to subsidise the established poor land management practices of commodity producing industries such as Dairying. The rules give special rights and privileges to activities that have an established history of preventable Nitrogen leaching. The proposed levels of Nitrogen leaching for established intergenerational polluters are unfair, environmentally unsustainable and unnecessary.

Table LR4 – sector based and no linking at all to the quality of land being used and its ability to hold or leach nutrients.

The proposed rule changes talk about Phosphate leaching. However, the proposed rules do not put in place land management practice laws that would contain phosphate from processes like harvesting plantation forests. They mention the need for them but do not specify what measures must be taken or how effective Phosphate retention is to be achieved.

Land Use Rules 4: The proposed Rules target small land holdings under 40 Hectares to gain the required Nitrogen reduction that allows the major sources of Nitrogen entering the catchment to pollute at unsustainable levels. The proposed rules will result in neighbouring properties on the same LUC category land being entitled to use their land in vastly different ways. These rules are based on protecting present sector uses not possible future. The proposed rules prevent the growing of commercial crops and fodder on small blocks. However, the proposed rules are so one sided that they permit the importation of fodder from catchments outside the catchment of Lake Rotorua. They even allow the importation of PKE from tropical sources where diseases like foot and mouth are prevalent. The proposed rules allow the catchment to be used as a feed pad using outside fodder sources, yet disallows the small in catchment blocks to provide in catchment fodder for in catchment feeding.

We propose that the rules be amended to state that all fodder consumed in the catchment be produced within the catchment. This would allow small blocks to be supported financially by the large fodder consumers and not penalised.

The rules will result in pockets of intense leaching and do not provide any mechanism of local ground water contamination monitoring or control. The issue of water sourcing from wells in these pockets of intensive pollution is not considered at all in the proposed rule changes. The issue of public health is completely ignored so that there is no information about how dangerous the groundwater within these areas of intense pollution are becoming. The Regional Council is ignoring established science and precedence in this matter. In the context of the proposed rules the council is ignoring Policy WL 3B

We propose that ground water monitoring from well and seeps from different depths be monitored and results published as a matter of community health and

common sense. The areas to be monitored are those downstream from known high leaching activities

Land Use Rule 10: The trading of Nitrogen credits will further intensify the issue of pockets of pollution. Trading in pollutants is abhorrent and just allows the continuation of pollution. The rules should be rewarding reduction in pollution only. The rate payers should not be putting in place mechanisms that reward some financially and not others. The trading in Nitrogen is an artificial and not environmentally benefitting construct. It is simply a mechanism that benefits the wealthy at the expense of the environment.

We propose that Nitrogen Allowances be established by LUC values only. That these allowances be non transferrable and only changed if the land itself changes. Nitrogen Allowances based on previous pollution records - "grandparenting" have no environmental worth. In fact such allowances are environmentally damaging and go in the complete opposite direction of the stated Environmental intent of Council.

The Proposed rules take no account of the damage being done to soil structure from intense stocking in the permitted high leaching areas. It is well known and published by NZ Government Agencies that intensive stocking is damaging the ecological viability of the affected soils. The future and more sustainable uses of these soils is being compromised by the proposed rules that favor poor land management. The proposed rules only mention limiting stocking rates on small blocks. It ignores the damage being done on large dairy units. The rules not only discriminate in favor of the intensive poorly land managed dairy operations they are also closing down future more sustainable and profitable land uses.

We propose that stocking limits be imposed on all land users in the catchment linked to LUCs. No two or more neighboring properties with identical LUCs should have differing stocking rates. The rules should reflect the environmental stewardship of the catchment. The rules should not be related to the land use sector that the owners belong to. The proposed rules reflect a disregard for land management for the benefit of high producing low profit (at the best of times) commodity owned businesses of a few.

The proposed rules do not consider the very nature of the business of Land Users they are protecting and forcing others to subsidise. Plantation Forestry and Dairy Industries are commodity industries. When prices are high for these commodities then these businesses must increase production to take advantage of the higher commodity prices. Unless the fines are extremely high or enforcement extremely quick and effective then these commodity producers will increase production and therefore environmental damage.

We propose that the rules include stated mechanisms that will stop commodity producers increasing production that increases pollution during periods of high commodity prices.

Conclusion:

The Proposed rules have been arrived at through lobbying from current land use sector groups. They are not written with future and environmental interests at their heart. They are a cynical attempt at reducing Nitrogen loading in our Lake Catchment whilst protecting the financial interests of those who in recent years intensified their pollution activities, whilst knowing that the consequences would be environmentally damaging.

The proposed rules are unfairly discriminating in favour of a few influential land owners. The rules force the majority of land owners in the catchment to subsidize the polluting activities of a few. They allow the polluters to use the catchment as a feed pad using fodder produced outside the catchment and thus importing Nitrogen into the catchment from outside sources. At the same time the rules stop small block owners from growing fodder crops that they could on sell to others within the catchment. The proposed rules therefore divide the community into the polluters and those being forced to subsidize the polluters.

This is not the overall interest of the community or the Lakes. In proposing these rule changes the Regional Council fails in its duty to the majority of catchment stakeholders. In its attempt to facilitate high producing commodity producers it is also failing in its duty to put in place pragmatic effective long term protection for the Rotorua Lakes. If these rules are put in place by the Regional Council then they will be leaving a cost and legacy to future generations to fix the damage caused and rewrite rules that have vision and direction. We should expect more from our elected representatives.

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