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The Chief Executive Officer  
Bay of Plenty Regional Council  
P.O. Box 364  
**Whakatane 3158**

**Re: This is a submission on the Proposed Plan Change 10 (Lake Rotorua Nutrient Management)**

**We wish to be heard in support of our submission.**

Ten years ago our family was handed its first real setback from the BOPRC that is being told that our farm was within the boundary of the Lake Catchment – through no consultation just a line drawn on the map and guesswork as to which properties they thought may be contributing to the water quality of the lake. Where is the proof? Our farm is 22km from Lake Rotorua and we believe it takes 88 years for the nutrients to get to the lake so we haven't even started contributing to what you feel is a decline in the water quality.

For 32 years our family have farmed our 286ha property at Mamaku- originally farming deer and converting to dairy 22 years ago. Our son John is our sharemilker and between us we have toiled on this property to bring it to the excellent productive unit it is today. We are a family with a great love of the land and are all dedicated to its long term preservation. We are also a family very conscious of the need to restore and maintain the quality of water in our Rotorua Lakes but not at the expense of the PC10 which has become a highly prescriptive "command and control" of farm inputs with intensive monitoring which is the opposite of what staff indicated throughout the entire consultation process.

We are anxious to find the right environmental solutions for both water and community. But the solutions must be fair & equitable. They must minimise the economic costs to farmers and the wider community and be based on sound & robust science that is regularly updated and reviewed. We therefore strongly support the timely progression of the 2017 Science Review which must as part of the process recalculate the sustainable load to lake and the load from all land use. These figures are fundamental to this whole process and cannot be taken 'as a given'. We believe that taking an evidence-based approach leads to more effective and enduring decision making. There are still many unanswered science questions that need to be addressed. In the past year during the time that these Rules were developed by Council there have been a number of papers that have created new questions about the core beliefs of the lakes biology. Dr David Hamilton's paper on Alum dosing poses further questions to be answered on the differing levels of Nitrogen and Phosphorus in the lake. It must be robust science, good leadership, & planning, not computer modelling that establishes the level of Nitrogen and phosphorus to be removed from the lake.

The Lake has a TLI of 4.2 and has done for the past three years – an average that the BOPRC were demanding it be consistently maintained at. Why has it consistently stayed at that average? Because people, predominately the farming community are more informed of the responsibilities of "Best Farm Practice" principles doing all they can to minimise the leaching of nutrients. We are firm believers that the restoration of Lake Rotorua is a whole-of-community challenge. That ALL sectors

of the community should be expected to implement reasonable, practicable and affordable measures to avoid, remedy or mitigate nutrient losses. The RPS is clear that if the lake requires further nutrient reductions to remedy the legacy issues so that the lake can meet the community values and objectives then this carries public benefit and should be funded accordingly. When the Rotorua community spent millions of dollars installing a sewerage system to stop effluent flowing in to the lake – the Rotorua farmers also contributed a significant amount of money to that upgrade without having not directly contributed to the problem but a councillor at the time said that we would benefit from a cleaner lake just as much as the urban people. So if the rural community had to contribute to that upgrade the same should apply to the urban people in this instance – the community's expectation was that they wanted the lake restored to the 1960 levels due to the sewerage legacy load in the lake now they need to take a bigger responsibility just like we have to.

To contribute to Best Farming Practice on our property we have been most willing to undertake capital work by spending many thousands of dollars on on-going prevention and maintenance. This has included but not limited to an installation of a feed pad, fencing off all dry waterways that only run after rain, considerable infrastructure to capture all rainwater and run off from the dairy shed and yards, installation of diversions and now we are engaging with engineers to install a lined pond. The first quote we have received from AGfirst has amounted to \$ 394,000.00 – I can assure you we do not have the finance to undertake that. The natural sealed ponds that are currently in use are unacceptable by BOPRC standards, yet there are companies out there who are willing to prove that they do not leak but again the BOPRC terminate the idea and torment us by not granting resource consent to discharge effluent which in turn allows us not to farm. This is bullying at its best!

The BOPRC have given us an option to engage with a Land Use Adviser to establish where our farms NDA sits at the moment compared to our benchmark figure. It also gives us the opportunity to have this same person assist us in creating a farm management plan for our property to ensure that we remain within the required NDA. We are in favour of farm management plans but they should only be a tool to help a farmer plan and measure different mitigation solutions. They must not be part of any regulatory process nor the compliance regime. Agricultural science research is continually coming up with new information and advice. We have agreed for AgResearch and BOPRC to jointly undertake a High Rainfall Nutrient Loss Trial on our property allowing the placement of lysimeters over paddocks for the next 3 years and recording necessary farm data. Originally our soil was classed as low leaching but that has now changed – again no science to back it up so hence the reason why we agreed to the above trial. We are hoping that the information gathered will provide certainty rather than another guess. This is another example of why we should not be having rules – it is guesswork - the outcome of this trial could have a significant impact on Overseer and the results coming out of it. We need the TRUTHFUL facts not hearsay.

Our professional industry bodies are continually changing their advice and message to us. Our international markets are constantly improving their standards and we have to adhere to the extra recording work involved in meeting their requirements. A farm management plan needs to be a living document that is visited regularly with our advisors. It cannot be a piece of paper that is written today and filed for the next 20 years – incorporating it with any consent does not make sense. We wouldn't want to have to show and explain this to council staff on a regular basis either – Council cannot expect nor have the expertise to micro manage our private business. All that is required for assessment of the output of nutrients from a property is the Overseer nutrient budget which we complete on an annual basis with our Ballance fertiliser representative.

Our farm was unintentionally late due to a communication breakdown between ourselves and a local consultancy business in forwarding our overseer files to the BOPRC so it could be run through the latest Overseer 6.2.2. When it was brought to our attention that we were one of the seven dairy farms that had not complied with the BOPRC request I set about ringing the other 6 farmers concerned. I was successful in getting another 4 farmers to provide their information. When we

requested our Provisional NDA from the BOPRC we were sent a letter stating the pNDA for our property. However this information was incorrect. It was in fact a sector average which was allocated due to our figures not being made available within the specified timeframe. The contents of the letter were totally misleading and unethical. This could have a significant impact not only on our property but the dairy catchment figures as a whole. We strongly recommend that the BOPRC ensure that all property owners are treated fairly and equally.

Our farm will not be engaging in this process until such time as we have been given our correct pNDA figure – we cannot be again working on assumptions. Furthermore the time frame for a Land Use Adviser to collate our personal farm information and complete the process that Council has dictated to is unacceptable. We are having to write this submission not knowing or understanding the impact that the rules will have on our property – what we do know is that if we have to make a 30% reduction from our benchmark to our pNDA then our business will not be viable. Being dictated to by BOPRC staff and councillors who do not understand our farming business is demeaning. We have a property that has decreased in value considerably; people are not interested in purchasing Catchment farms due to the unreasonable restrictions that are being placed on them by the Council and the uncertainty around whether the goalposts are likely to be shifted again in the future. We are 'flying blind' on the true economic and farm system effects to our property. The process is further exacerbated when the farm pNDA figures change monthly.

We believe that the setting of the target for the sustainable nitrogen load to Lake Rotorua in the Regional Policy Statement was done without the majority of the community having any understanding of the likely economic and social impacts to them personally or their community. It wasn't until the Collective Executive organised a meeting to once again assist their members with the issues that were relevant for discussion at the time that a huge number of small block owners and drystock farmers attended to express their dismay as they hadn't up until this time realised the impact the rules were going to have on their lifestyle, property valuations and lower productivity. How many land holdings and businesses are at risk of liquidating? What is the projected reduction in weekly cash flow through the Rotorua city given that it is well documented that every dollar farmers spend circulates four times through the wider business sector. The Farmer Solutions Project report estimates the cost to pastoral farmers of the new rules to be over \$88 million not taking in to account the loss of capital and not factoring in debt or interest. This fact cannot be ignored in a community that already has little growth. Council recently reviewed an economic report looking at the effect of the proposed rules on different farming systems. Two of the modelled scenarios were real farm systems located within the catchment (one happened to be ours). The summary stated that impacts on half of the farms is likely to be devastating yet Council still proceeds with the current Rules even though there is so much uncertainty in so many aspects of the process.

Nitrogen in the lake water is not the only nutrient causing any environmental impact on the water quality of Lake Rotorua currently. A lake that has been stable for 12 years is significant and should inform policy. It also means that the law makers can take sufficient time to make absolutely sure the path they are travelling on is the right one as this policy will not be easily altered once it is enshrined in law and the effects on individuals and their communities is huge. These Rules will affect people's lives, and the lives of their families & employees. The effects of the rules will be irreversible for much of the land around Rotorua so when it transpires that the figures were wrong or there was another way to restore the lake that had less social & economic consequences, it would be dishonourable for Councillors to have not considered all the options, prior to the rules being implemented. The ongoing current TLI gives Council a chance, before it instigates irreversible change and damage to the Rotorua economy, to pause, complete the science review and make sure there is not a better way.

The time frame that has been set (15years) to restore the lake is not fair or equitable or takes account of the intergenerational principal to current land owners given that the current water quality issues were mostly created by decisions of past community leaders, as acknowledged in the Memorandum of Understanding between the partners of the Lake Strategy group. It is interesting to note that the Waikato Regional Council has decided to allow 80 years for restoration of the Waikato catchment as they feel it took that long to degrade it.

Since the RPS was first notified, our understanding of what drives water quality in Lake Rotorua has changed significantly. Rotorua has experienced a long period of rapid improvement in water quality. This rule process has focused only on long-term management of nitrogen, with little attention paid to phosphorus. Dr Hamilton has presented evidence that the lake is now highly phosphate-limited. Since the very beginning of this process, the members of the Collective have strongly advocated that the most effective approach to delivering the desired community outcome is to aggressively tackle phosphorus in the short-term, with a longer-term commitment to reducing nitrogen loads that recognises that it has taken a century to reach the current state. Alum dosing is currently delivering this outcome. We feel we are being led to believe the option of continued alum dosing is not available, when there is no current science either in NZ or internationally that shows any ill effects from continued dosing. At present, community knowledge about how alum dosing works, the quantities involved or the risks is non-existent. Significant resources needs to be invested in research to determine the true effect of this process matched under local conditions before any decisions are made.

The proposed rules will take many decades after 2032 to have any effect on water quality. The likely result of this failure to plan is a drastic decline in water quality in the medium-term. No analysis has been presented on more adaptive approaches, like using alum dosing but changing strategy if there is any sign of negative environmental consequences emerging.

We have a succession plan for our son to gain equity in our business. That will now possibly not come to fruition as why would an enthusiastic, hardworking young man want to invest in a business that cannot be farmed to its potential. He did not achieve a diploma in Agriculture to have his career changed to picking nuts off trees or producing honey from Manuka plantings or sitting at home in his lazyboy chair watching pine trees grow with no financial return for 30 years. There may be a market for them at the end of this period but on what do we all live on during those years. Ours and his passion is to milk cows. We are dairy farmers because we love to work with animals. We object to you trying to destroy our livelihood. Government regulations require that the Councils must look at the economic, cultural, and social impacts on a community when major changes are proposed. You have certainly not taken these in to account – instead you are causing us a huge amount of unnecessary stress and are hell-bent on destroying our personal lives.

The Council need to be flexible, practical and humane. Instead of threatening farmers with a proposed loss of all they have laboured for for so long, work with us to find different management solutions and give us a chance to put those into practice for the benefit of the local farming community, the residents of Rotorua and for the economy of New Zealand. Farming will always play a strong part in the financial future of this country. Presently, dairying contributes over 25% of NZ's total gross income as well as supporting thousands of people and many businesses in off farm support and supply.

My husband at 78 years of age never thought that his hard work and life savings over the years ensuring that he has provided for his wife and children would be as stressful and challenging to this extent. Our retirement agenda was not to have to be attending numerous environment meetings nor having to spend hours writing submissions. BOPRC staff do not have the practical knowledge to understand what we as farmers are actually practising out there. You have taken many hours of our freedom away.

In the meantime we will continue to farm to ensure that we have a clean lake because after all when we do get spare time we love nothing more than spending time skiing and fishing on the already pristine, crystal clear waters of the lakes we have within the Rotorua region.

I strongly suggest the Council parks PC10 and works with the catchment farmers in prioritising sub-catchments delivering significant nutrient loads to the lake; assisting sub-catchment communities in developing sub-catchment action plans to prioritise critical source areas significant at sub-catchment scale, and cost effective interventions for reducing high nutrient base flow and flood flow loads to the lake; and that these interventions would appropriately be considered by the Incentives Fund.

As members of Federated Farmers and the Lake Rotorua Primary Producers Collective we fully support their submissions in their entirety.

Jack, Shelley and John Butterworth