



## Submission form

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

Submission number  
*Office use only*

<b>Post:</b> The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	<b>or Fax:</b> 0800 884 882	<b>or email:</b> rules@boprc.govt.nz
--	-----------------------------	--------------------------------------

**Submitter name:** Dr Reynold Macpherson, Rotorua District Residents and Ratepayers

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

- 1 We **can't** gain an advantage in trade competition and **wish** to be heard in support of our submission.
- 2 Our submission is in two parts;
  - (a) The attachment background policy statement that responded to the *National Policy Statement for Freshwater Management* submitted to the BOPRC and RDC on 4 April 2016
  - (b) The Submission Points below that respond directly to the proposed Planned Change 10 (PC10).

Reynold Macpherson

[Signature of person making submission or person authorised to sign on behalf of person making submission.]  
[NOTE: A signature is **not** required if you make your submission by electronic means.]

27 April 2016  
Date

<b>Address for service of submitter/ Contact person</b>	484 Pukehangi Road, Rotorua 3015	
<b>Telephone:</b>	<b>Daytime:</b> 07 346 8553 / 021 725 708	<b>After hours:</b> 07 346 8553
<b>Email:</b>	reynold@reynoldmacpherson.ac.nz	<b>Fax:</b>

## SUBMISSION POINTS

The Rotorua District Residents and Ratepayers (RD RR) has over 400 members. The four objectives of the RD RR are to:

1. Promote and advocate representative democracy in the Rotorua District, and elsewhere;
2. Ensure the Mayor and councillors of Rotorua District comply with the law with respect to operations, policy making, purposes, performance and governance principles;
3. Ensure that councillors give due consideration to the wishes of citizens when deciding policy;
4. Ensure that Council officials advise councillors impartially and act to implement Council policy with fidelity.

Page no.	Reference (e.g. Policy, rule, method or objective number)	Support/ oppose	Decision sought Say what changes to the plan you would like	Give reasons
	PC10 intends to convert 40% of dairying and 30% of sheep and beef farming into forestry plantation farming.	Oppose	Suspend implementation of PC10 subject to (a) completion of an independent science review, with terms of reference consulted with stakeholders, (b) commissioned economic, social, cultural and environmental impact assessment, including a Section 32 RMA impact assessment on stakeholders, and (c) empower Stream and Land Care Management Groups (S&LCMGs) with science about 'hot spots', mitigation strategies, and expert advice.	The reasons relevant to each component are (a) policy and practices should be informed by best current science and the TORs which need to have high legitimacy with stakeholders, (b) a comprehensive evaluation of policy options and consequences is both wise and required in law, and (c) the development of S&LCMGs will deliver both remediation and capacity building.
	PC10 requires a major disruption to agribusiness sector; currently ~9% of RDC's GDP with a much higher % of export earnings.	Oppose	Suspend implementation of PC10 until an alternative policy is developed with a far less disruptive effect on the district agribusiness' economy, especially employment.	PC10 will require a switch from high N discharges, high food production, and high outputs into low N, low earnings from silviculture and much lower employment opportunities (~42 people are employed in the value chain of a 1000 ha dairy farm, ~28 from beef and sheep farms, compared to ~14 from pine plantations).

	PC10 will cause a major loss in rural capital values, a drop in rural rates take, and if councils' expenditure remain constant, require yet another rise in urban and business rates and rents.	Oppose	Suspend implementation of PC10 until an alternative policy is developed with much more reasonable impact on Rotorua Districts' ratepayers, residents and businesses.	The core component of rating is capital values. Capital values in the Rotorua District per hectare average about \$35,000 for dairy farms, about \$15-20,000 for sheep and beef farms, and about \$3,500 for pine plantations. The loss of dairy capital values due to PC10 in our district has been estimated at \$162m. Corresponding rates revenue loss would have to be recovered from other sectors most particularly residential and business rates.
	PC10 is based on an obsolete belief from the 1980s in the sole need to reduce N levels.	Oppose	Suspend implementation of PC10 until an alternative policy is developed that shifts the focus from N to P levels and that uses a more holistic model of sustaining and improving water quality outcomes. This model will need to be responsive to unique local, social, cultural, economic, scientific and environmental factors and deliver outcomes on all of these dimensions.	Professor David Hamilton has shown that controlling P levels is a more achievable approach to lowering the TLI. Evolving science since 2004-2006 shows declining P levels and that the TLI has reached the target of 4.21 (due mainly to limited P through mitigations such as in alum dosing some streams, and changed water treatment and farming practices).
	PC10 is also based on an obsolete target of removing 435 tonnes of N per annum.	Oppose	Suspend implementation of PC10 until an alternative policy is developed to customise N mitigation strategies stream by stream rather than by whole catchment. We recommend the development of Stream and Land Care Management Groups (S&LCMGs) to combine the benefits of best available science, including expert advice on 'hot spots', local knowledge, and empowered stakeholders.	The 435 target was based on the best available science of the day. Since then it has been shown that N discharges are higher from properties, that much more than previously thought is extracted from flow paths and that these extractions can be further enhanced by many mitigation methods customised stream by stream, including changed farming practices. S&LCMGs would switch the focus of action from compliance to remediation and capacity building.
	PC10 was designed to enable the operation of the Incentive and Gorse funds.	Oppose	Suspend implementation of PC10 and operations of the Incentive and Gorse programmes until they can be reviewed. The focus of both programmes should move away from incentivising land use changes (from food production to log extraction), towards a focus on green technologies that will permanently change nutrient loadings on the lakes.	The BOPRC Incentives programme model has struggled to gain the confidence of farmers and has not signed any agreements. \$350,000 has been spent on salaries and administrative costs. The programme is also plagued with the chair's perceived pecuniary conflict of interest, and by low public accessibility and accountability.

**Submission to the**  
**Bay of Plenty Regional Council and the Rotorua District Council**  
**by the**  
**Rotorua District Residents and Ratepayers v. 4 April 2016**

To: the Bay of Plenty Regional Council and the Rotorua District Council

From: RDRR, 484 Pukehangi Road, Rotorua 3015, 07 346 8553, [reynold@reynoldmacpherson.ac.nz](mailto:reynold@reynoldmacpherson.ac.nz)

Copied to Protect Rotorua, the Te Arawa Lakes Programme, the Primary Producers Collective, the Federated Farmers, Democracy Action, Auckland, and the Ministry for the Environment.

## **Introduction**

The Rotorua District Residents and Ratepayers (RDRR) formed less than a year ago and today has 400 members.

The objectives of the RDRR are to:

1. Promote and advocate representative democracy in the Rotorua District, and elsewhere;
2. Ensure the Mayor and councillors of Rotorua District comply with the law with respect to operations, policy making, purposes, performance and governance principles;
3. Ensure that councillors give due consideration to the wishes of citizens when deciding policy;
4. Ensure that Council officials advise councillors impartially and act to implement Council policy with fidelity.

## **Background to this Submission**

This submission responds to the *National Policy Statement for Freshwater Management 2014*<sup>1</sup> which sets out obligations on regional councils. It was felt that the BOPRC, and its

---

<sup>1</sup> New Zealand Government (2014) *National Policy Statement for Freshwater Management 2014*, gazetted 4 July 2014, available at <http://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2014>

Water Advisory Panel, and the Rotorua District Council, especially its RMA Policy Committee, would wish to be aware of how residents and ratepayers in the Rotorua District feel about freshwater management issues.

The *National Policy* is of direct interest to the RDRR because it provides the policy backdrop for the development of the Rotorua Te Arawa Lakes Programme that has been mounted by the Bay of Plenty Regional Council (BOPRC), the Rotorua District Council (RDC), and the Te Arawa Lakes Trust (TALT) and is intended to improve the quality of freshwater.

The RDRR supports an assumption of the *National Policy* (p.3) that

Fresh water is essential to New Zealand's economic, environmental, cultural and social well-being. Fresh water gives our primary production, tourism, and energy generation sectors their competitive advantage in the global economy. Fresh water is highly valued for its recreational aspects and it underpins important parts of New Zealand's biodiversity and natural heritage. Fresh water has deep cultural meaning to all New Zealanders. Many of New Zealand's lakes, rivers and wetlands are iconic and well known globally for their natural beauty and intrinsic values.

The RDRR also insists that, according to democratic principles, only elected representatives should give due consideration to the wishes of all citizens in our diverse communities of interest when deciding freshwater policy, using unbiased public consultations on all matters of significance.

At the same time, the RDRR recommends that strong respect be given to tāngata whenua values and interests in management and decision-making processes about freshwater policy, but not allocated policy making powers, such as co-governance, because that would violate the roles of elected representatives who must represent all communities of interest in the Rotorua District and in the Bay.

In sum, this submission reflects the views and interests of residents and ratepayers in the Rotorua District and is intended to assist with the interpretation and implementation of the *National Policy* by the BOPRC and the RDC, taking account of the Minister's *Next Steps for Fresh Water*.

## **Executive Summary**

The RDRR **CONTENDS** that more research into the long-term effects of alum dosing is crucial for effective risk management in order to sustain and improve the quality of fresh water.

The RDRR CONTENDS that Overseer be retained only until more reliable software, preferably open source, can be designed with input from stakeholders, with a view to adopting Taranaki's example of using science-based 'best practice' as soon as possible.<sup>2</sup>

The RDRR ENDORSES the pragmatic 'best practice' approach used by the Taranaki Regional Council that seeks to reconcile recreational, economic, cultural and natural capital<sup>3</sup> values.

The RDRR CONTENDS that N and P targets and mitigation methods must be designed so that they do not impair the viability of start-ups and SMEs.

The RDRR RECOMMENDS that the imposition of conditions on discharges including contaminants be administered in a manner that encourages new investment and the recycling of sites by progressively adopting the best practicable option as science advances.

The RDRR RECOMMENDS that selected communities of interest not be given policy or contractual privileges to veto or leverage policy development or to obtain access to public resources to the disadvantage of the diverse communities living in the Rotorua District, rather than by progressively adopting the best practicable option as science advances.

The RDRR CONTENDS that all elected representatives on the RDC should be re-engaged on the RMA Policy Committee to obtain reasonable judgements and political accountability concerning water quantity to reconcile recreational, economic, cultural and natural capital values.

The RDRR CONTENDS that the structure of the RDC's RMA Policy Committee does not recognise and respect the wider communities of interest in the District and should include all and only elected councillors.

The RDRR RECOMMENDS that the programme plans, budgets and evaluation criteria and process for all components of the BOPRC's Integrated Framework of programmes about freshwater be published as a matter of urgency.

The RDRR ENDORSES Taranaki Regional Council's position;<sup>4</sup> 'there is too much uncertainty for Overseer and its associated models to be used as regulatory tools.'

The RDRR REJECTS any governance proposal that would result in;

1. Any further concentration of power in four entities; BOPRC, RDC, TALT and the MfE
2. Any further loss of transparency and public accountability, and
3. Any increase in indirect representation of BOP ratepayers (who are contributing all the costs of the integrated programme and half the costs of the Incentive Fund).

---

<sup>2</sup> See [www.trc.govt.nz/water-and-land-Taranaki-s-priorities/](http://www.trc.govt.nz/water-and-land-Taranaki-s-priorities/)

<sup>3</sup> Natural capital is the land, air, water, living organisms and all formations of the Earth's biosphere that provide us with ecosystem goods and services imperative for survival and well-being. Furthermore, it is the basis for all human economic activity. (See <https://www.iisd.org/natres/agriculture/capital.asp>)

<sup>4</sup> Taranaki Regional Council (April, 2015) *Water and Land: Taranaki's Priorities*, p. 3.

The RDRR RECOMMENDS that if the Incentives Board and Fund does not demonstrably achieve statistically significant improvements to N loss by the planned 'Science Review' in 2017, then it be disbanded.

The RDRR NOTES that exemptions to Policy CA3 will only gain in legitimacy if the RMA Policy Committee of the RDC expands and includes only elected representatives.

The RDRR RECOMMENDS that the implementation of the National Objectives Framework be advanced with balanced respect for district cultural, recreational, economic and natural capital values without the provision of vetoes to any community of interest.

The RDRR ENDORSES the development of evidence-based monitoring plans, especially by the RDC's reconstituted RMA Policy Committee conducting effective evaluations that deliver public accountability.

The RDRR ACCEPTS IN PRINCIPLE that there must be public accountability for takes and contaminants but is concerned with the potential for provider capture by communities of interest, the reliability and availability of quality measures, and any initiative towards rent seeking for domestic delivery.

The RDRR CONTENTS that, according to democratic principles, only elected representatives should give due consideration to the wishes of all citizens in our diverse communities of interest when deciding freshwater policy, using unbiased public consultations on all matters of significance.

The RDRR SUPPORTS strong respect being given to tāngata whenua values and interests in management and decision-making processes about freshwater policy, but not given policy making powers, such as co-governance, that would violate the roles of elected representatives.

The RDRR encourages the BOPRC and RDC to hear and reconcile the interests of mana whenua, matawaka (non-Te Arawa Maori) and non-Maori through effective consultations, management and decision-making processes, and to give the RDRR appropriate opportunities to contribute to such decision making.

## **Water Quality**

The RDRR endorses in principle the Objectives A1 and A2 in the *National Policy*, and obligations on the BOPRC, as set out in the Policies A1-A4. There are, however, impediments to their implementation at District Council level.

Objective A1 is about safeguarding the life-supporting capacity, ecosystem processes and indigenous species, and the health of people and communities by sustainably managing the use and development of land, and the discharges of contaminants.

Objective A2 is concerned with maintaining or improving the overall quality of fresh water by protecting the significant values of freshwater bodies and wetlands, and by correcting

water bodies that have been degraded by human activities. The challenge here is to create a credible long-term strategy.

The measurement of the overall quality of fresh water relies on the internationally-used Trophic Level Index (TLI). The best quality of water achieved to date in Lake Rotorua (with a TLI of 4.2)<sup>5</sup> was achieved largely by alum dosing.

A more recent research paper<sup>6</sup> has projected that the BOPRC's long-term regulatory regime (a combination of land use change and mitigation strategies) will result in a relatively minor reduction in TLI, from about 4.85 to 4.70, whereas the same combination *with* alum dosing will give a more substantial reduction from about 4.85 to 4.30.

**The RDRR CONTENDS that more research into the long-term effects of alum dosing is crucial for effective risk management in order to sustain and improve the quality of fresh water.**

Policy A1 directs the BOPRC to plan objectives and limits for all freshwater management units in its region, including to take account of foreseeable impacts of climate change, the connections between water bodies and coastal waters, and to establish methods (including rules) to avoid over-allocation.

A freshwater management unit is defined in the National Policy (p. 7) as 'the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes.'

A key challenge here is that, although the Overseer software used to measure nutrient loss from blocks has been accepted in the Environment Court, it is not perceived by landowners as having appropriate levels of reliability and as being favourable to some communities of interest. It will soon be available on a user-pays basis.<sup>7</sup> RDRR is very concerned about the potential for growth of a compliance industry around Overseer.

**The RDRR CONTENDS that Overseer be retained only until more reliable software, preferably open source, can be designed with input from stakeholders, with a view to adopting Taranaki's example of using science-based 'best practice' as soon as possible.**

Policy A2 is concerned with regional council specifying targets for freshwater management units and their methods of policy compliance.

---

<sup>5</sup> David P. Hamilton, Chris G. McBride & Hannah F.E. Jones (2014). Assessing the effects of alum dosing of two inflows to Lake Rotorua against external nutrient load reductions: Model simulations for 2001-2012. Environmental Research Institute Report 49, University of Waikato, Hamilton, 56 pp.

<sup>6</sup> Hannah Mueller, David Hamilton and Jonathan Abell (2015). Ecosystem services as a tool to evaluate restoration of Lake Rotorua. Paper given to the Science Evening, Energy Events Centre, Rotorua, 17 November.

<sup>7</sup> *NZ Farmers Weekly* (7 Dec 2015), "Overseer", p. 11.



**The RDRR ENDORSES the pragmatic ‘best practice’ approach used by the Taranaki Regional Council that seeks to reconcile recreational, economic, cultural and natural capital values.**

Policy A3 empowers the BOPRC to impose conditions on discharges including contaminants, and the best practicable option to prevent or minimise impacts on the environment; land or water.

The RDRR notes with concern instances of where theories of impacts on the environment and mitigation have advanced ahead of scientific findings and the progressive development of the best practicable option, and resulted in ideologically-driven administration that has actively discouraged investment in start-up and small-to-medium sized enterprises (SMEs), and the recycling of sites.

**The RDRR CONTENTS that N and P targets and mitigation methods must be designed so that they do not impair the viability of start-up and SMEs.**

**The RDRR RECOMMENDS that the imposition of conditions on discharges including contaminants be administered in a manner that encourages new investment and the recycling of sites by progressively adopting the best practicable option as science advances.**

Policy A4 details the requirements on the BOPRC regarding the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water, including on any ecosystem associated with fresh water.

The RDRR notes with concern instances where communities of interest have been permitted by the RDC to veto the application of best practicable science or to obtain policy and contractual privileges on unique cultural grounds at potential cost to other communities of interest.

**The RDRR RECOMMENDS that selected communities of interest not be given policy or contractual privileges to veto or leverage policy development or to obtain access to public resources to the disadvantage of the diverse communities living in the Rotorua catchment, rather than by progressively adopting the best practicable option as science advances.**

## **Water Quantity**

The RDRR SUPPORTS IN PRINCIPLE the Objectives B1-B4 of the *National Policy* about water quantity. They are to safeguard the life-supporting capacity, ecosystem processes and indigenous species, mitigate and phase out existing over-allocations, and to protect significant values of wetlands and of outstanding freshwater bodies.

There are, however, impediments to their implementation.

Policy B1 requires regional councils to plan freshwater objectives and set environmental flows and/or levels for all freshwater management units, and to have regard for the

reasonably foreseeable impacts of climate change, and the connections within and between freshwater water bodies and coastal water.

Policy B2 requires the efficient allocation of fresh water to activities. Policy B3 requires the allocation criteria to be stated.

Policy B4 requires councils to identify methods that encourage the efficient use of water.

Policy B5 requires the prevention of future over-allocations.

Policy B6 requires councils to phase-out over allocations.

The RDRR is very concerned that the policy advice on land use from the RDC to the BOPRC is in the hands of two mayoral nominees and one nominee of the Te Tatau o Te Arawa Board (TTTAB) on the RMA Policy Committee.

This biased concentration of power violates democratic principles and renders the decisions and policy advice provided by the RMA Policy Committee as politically untrustworthy.

**The RDRR CONTENDS that all elected representatives on the RDC should be re-engaged on the RMA Policy Committee to obtain reasonable judgements, political accountability concerning water quantity, and to reconcile recreational, economic, cultural and natural capital values.**

## **Integrated Management**

Objective C1 is SUPPORTED IN PRINCIPLE by the RDRR. It is to improve the integrated management of fresh water and the use and development of land in whole catchments. There are, however, impediments to its implementation at District Council level.

Policy C1 requires the BOPRC to provide integrated and sustainable management, so as to avoid, remedy or mitigate adverse effects, including cumulative effects. Policy C2 requires the integrated management of the effects of the use and development of land on fresh water, including encouraging the co-ordination of regional and/or urban growth, land use and development and the provision of infrastructure; and land and fresh water on coastal water.

As noted above, land use and contaminants policy determination in the Rotorua District has been concentrated into the hands of two Mayoral nominees and one nominee from the TTTAB on the RMA Policy Committee, excluding other elected representatives on the RDC.

**The RDRR CONTENDS that the structure of the RDC's RMA Policy Committee does not recognise and respect the wider communities of interest in the District and should include all and only elected councillors.**

There are also serious problems with the joint policy development structures developed by the BOPRC and the RDC. The Rotorua Te Arawa Lakes Strategy Group (Strategy Group) comprises the BOPRC, RDC, Te Arawa Lakes Trust (TALT) and the Ministry for the Environment (MfE) and reports directly to the BOPRC.

The Strategy Group established the Stakeholders' Advisory Group (StAG) in 2012 to advise a rules and incentives package for land holders in the Lake Rotorua catchment, as part of the Rotorua Te Arawa Lakes programme (TALP). The TALP is an implementation structure established by the Strategy Group. Neither the StAG nor the TALP have formal and direct representation by residents and ratepayers.

There is a long-term policy development process under way. Step 1 of an 8-step policy process was the release of the *Plan Change 10: Draft Lake Rotorua Nutrient Management Rules* in December 2015, otherwise referred to as *Draft Lake Rotorua Nitrogen Management Rules Version 3.1*. Steps 2-4 will involve and process public submissions, Step 5 may commission additional research, Step 6 will provide public Hearings, prior to decision making in Step 7, and Appeals in Step 8 before the plan becomes operative.

The RDRR, however, is primarily concerned about aspects of implementation already under way.

An Incentive Fund of \$40m was established to buy 100tn of Nitrogen (N) from the Rotorua catchment until 2032. \$20m was contributed by the New Zealand Government with another \$20m to be contributed by the BOP ratepayers. An Incentives Board was established and has started buying N from farmers who negotiate a new set of farm management practices (e.g.s lower fertiliser inputs, lower stocking rates, ending on-farm winter forage cropping, conversion to other land uses, riparian restoration, etc.)

The BOPRC has also announced an 'integrated framework of programmes' including

- A Gorse Removal Incentives Fund of \$8m although it is not clear how this will be managed
- Low Nitrogen Land Use Fund of \$3.3m for low N land use research trials directed at sustainable land system improvement
- A Farmer Advice and Support Fund of \$2.2m, and
- An Engineering Interventions programme.

**The RDRR RECOMMENDS that the programme plans, budgets and evaluation criteria and process for all components of the integrated framework of programmes about freshwater be published as a matter of urgency.**

StAG served as an open public policy forum. Members of the RDRR attended regularly although never formally invited nor acknowledged. In more recent times the RDRR became increasingly concerned about proposed governance and management structures for regulating land use.

Overseer is a New Zealand-devised 'industry standard nutrient budgeting model' used to estimate nutrient loss from farms into the wider environment. This estimate is used by the

Incentives Board to purchase N from land blocks. It has been acknowledged<sup>8</sup> that Overseer has ‘science gaps’ as indicated by the need for a wider range of inputs, limited capacity to understand unique local conditions, and the need for better data management and implementation. It is also acknowledged that the modelling suffers from having being ‘repurposed’. It was originally conceived as a farm management tool but has been developed as an external monitoring tool for regulatory purposes. There is also uncertainty about its usefulness in the future, and the sustainability of its funding sources.

The RDRR is very concerned about the unfairness to farmers of using Overseer as a regulatory tool, especially when subsequent versions give significantly different estimates. It also recognizes a broader unfairness to ratepayers of this approach, in that unintended consequences may include rewarding polluters, rewarding those who have not cleared gorse and rewarding preferred communities of interest.

**The RDRR ENDORSES Taranaki Regional Council’s position; ‘there is too much uncertainty for Overseer and its associated models to be used as regulatory tools.’**

Rotorua’s Deputy Mayor read out a proposal to establish a Lake Rotorua Protection Trust at the Lakes Water Quality Society’s recent AGM, allegedly to advance ‘landowner interests and economic growth’. The BOPRC website explained that the proposal was actually an attempt to change the nature and structure of the Rotorua Te Arawa Lakes Programme (a partnership between the Rotorua Lakes Council, Te Arawa Lakes Trust and BOPRC) into a Council Controlled Organisation.

The Local Government Act (2002, s 14 (e)) requires each local authority to “actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes.” Partnering fits the legislation. Grabbing control through a CCO does not.

We have already seen two prior and unsuccessful attempts by the Mayor’s power bloc and senior officials to capture regional powers in geo-thermal development and public transport. We ask that BOPRC and the RDC end the waste of time and other public resources on a fruitless turf war. The distribution of powers is clear.

**The RDRR REJECTS any governance proposal that would result in;**

- 1. Any further concentration of power in four entities; BOPRC, RDC, TALT and the MfE**
- 2. Any further loss of transparency and public accountability, and**
- 3. Any increase in indirect representation of BOP ratepayers (who are contributing all the costs of the integrated programme and half the costs of the Incentive Fund).**

---

<sup>8</sup> Rotorua Te Arawa Lakes Programme (2015) *Science Plan*, pp. 19, 22.

It is also concerned about the introduction of dual criteria for the management of the Incentives Fund at the Strategy Group meeting on 7 December 2015. Where the New Zealand Government had emphasised the purchase of N, the Strategy Group has introduced new economic growth criteria, in a context where the Incentives Fund will only allow for the purchase of 100t of N.

RDRR is concerned about

- Large block owners (LBOs) (n=168 with >40 ha) with an economic development plan and easier access to leveraging opportunities may be advantaged over farmers who only had a N reduction plan
- Small block owners (SBOs) (n=1484 with <40 ha, including lifestyle block owners with < 5 ha) may be disadvantaged by the relatively high marginal costs of submitting a sophisticated and unique economic development plan as endorsed by the Strategy Group
- Perceived conflicts of interest where ‘insiders’, termed ‘first movers’ by StAG and who are predominantly LBOs, may be unduly advantaged by the ‘first in first served’ administration of the Incentives Fund.
- A perceived conflict of interest where the chair of the TTTAB, the political arm of Te Arawa which owns many large blocks and a highly likely recipient of incentives payments, is also the chair of the Incentives Board.

**The RDRR RECOMMENDS that if the Incentives Board and Fund does not demonstrably achieve statistically significant improvements to N loss by the planned ‘Science Review’ in 2017, then it be disbanded.**

## National Objectives Framework

The RDRR supports in principle Objective CA1 which is to provide an approach for the BOPRC to establish freshwater objectives for national values, and any other values, that are nationally consistent and recognise regional and local circumstances. There are, however, impediments to their implementation at District Council level.

Policy CA1 requires BOPRC to identify freshwater management units for all freshwater bodies within its region.

Policy CA2 requires the BOPRC to develop freshwater objectives for all freshwater management units that include compulsory national values and other values considered appropriate to have regard to local and regional circumstances. It also requires the identification of the relevant attributes (provided in Appendix 2 of the *National Policy*), the minimum acceptable state for attributes in numeric or narrative terms, and for the consideration of current states, the spatial scale used, limits, choices, implications, time frames and other relevant and reasonably necessary matters.

Policy CA3 requires the BOPRC to ensure that freshwater objectives for the compulsory values are set at or above the national bottom lines for all freshwater management units, unless the existing freshwater quality is caused by naturally occurring processes or any of the existing infrastructures listed in Appendix 3 of the *National Policy* contributes to the existing freshwater quality.

The RDRR notes that Lake Rotorua has naturally occurring soda springs that discharge alum into Sulphur Bay. About a half of the P in Lake Rotorua comes from Hamurana Spring's ignimbrite rocks in a site of cultural significance.

**The RDRR NOTES that exemptions to Policy CA3 will only gain in legitimacy if the RMA Policy Committee of the RDC expands and includes only elected representatives.**

Policy CA4 empowers the BOPRC to set a freshwater objective below a national bottom line on a transitional basis for freshwater management units and for the periods of time specified in Appendix 4.16. This pragmatic practice is commonly known as 'grandfathering'.

The RDRR is concerned that the reconciliation of compulsory national values with regional and local values may take excessive time or be captured by regional and district cultural communities of interest to the detriment to district recreational, economic and natural capital values.

**The RDRR RECOMMENDS that the implementation of the National Objectives Framework be advanced with balanced respect for district cultural, recreational, economic and natural capital values without the provision of vetoes to any community of interest.**

## Monitoring plans

The RDRR supports in principle Objective CB1 which provides an approach to the monitoring of progress towards, and the achievement of, freshwater objectives. There is, however, an impediment to its implementation at District Council level.

Policy CB1 requires the BOPRC to develop a monitoring plan that establishes methods, identifies representative sites for monitoring each freshwater management unit, and recognises the importance of long-term trends in results.

The RDRR takes the view that such monitoring, for freshwater management purposes, does not legitimate the introduction of metering domestic usage to seek rents. Metering can be an effective method of preventing waste, ensuring maintenance and managing commercial usage, but the implementation of Policy CB1 should be restricted to monitoring freshwater management units.

**The RDRR ENDORSES the development of evidence-based monitoring plans, especially by the RDC's reconstituted RMA Policy Committee conducting effective evaluations that deliver public accountability.**

## Accounting for freshwater takes and contaminants

The RDRR supports in principle Objective CC1 which seeks to improve information on freshwater takes and sources of freshwater contaminants, in order to ensure the necessary

information is available for determining freshwater objectives, setting limits setting and managing freshwater units. There is, however, an impediment to its implementation at District Council level.

Policy CC1 requires the BOPRC to establish and operate a freshwater quality accounting system and a freshwater quantity accounting system, at levels of detail commensurate with the significance of quality and quantity issues, respectively, in each freshwater management unit.

Policy CC2 requires the BOPRC to make the information gathered about freshwater quality and quantity is available to the public, regularly and in a suitable form, for the freshwater management units where they are setting or reviewing freshwater objectives and limits.

**The RDRR ACCEPTS IN PRINCIPLE that there must be public accountability for takes and contaminants but is concerned with the potential for provider capture by communities of interest, the reliability and availability of quality measures, and any initiative towards rent seeking for domestic delivery.**

## **Tāngata whenua roles and interests**

The RDDR supports in principle Objective D1 which requires the BOPRC to involve tāngata whenua in the management and decision making about freshwater planning, including the implementation the national policy statement. There are, however, impediments to its implementation at District Council level.

Policy D1 requires local authorities to involve iwi and hapū, to identify tāngata whenua values and interests, and to reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

Objective D1 uses the verb ‘to involve’ without definition with respect to the management and decision making about freshwater planning, including the implementation the national policy statement. Policy D1 requires the BOPRC to both identify and reflect tāngata whenua values and interests in management and decision-making practices through the involvement of iwi and hapū.

The RDRR is concerned that the BOPRC will need to negotiate a working understanding of the verb in many diverse contexts where interpretations of appropriate management and decision making may range from voluntary consultation through to fully-funded co-governance. It is not clear how it and the BOPRC and the RDC will together deliver “democratic and effective local government that recognises the diversity of New Zealand communities” (s 3, Local Government Act, 2002).

The RDRR respects the cultural expertise of tangata whenua regarding the management of fresh water and their legitimate role in kaitiakitanga (guardianship). We also acknowledge that the values and interest of tāngata whenua must be given due consideration, especially through authentic consultations with iwi and hapū.

At the same time RDRR insists that the BOPRC and the RDC must ensure that they use scientific environmentalism to arbitrate policy claims and to offer policy reconciliation services to all communities of interest in an even handed manner.

**The RDRR CONTENTS that, according to democratic principles, only elected representatives should give due consideration to the wishes of all citizens in our diverse communities of interest when deciding freshwater policy, using unbiased public consultations on all matters of significance.**

**The RDRR SUPPORTS strong respect being given to tāngata whenua values and interests in management and decision-making processes about freshwater policy, but not given policy making powers, such as co-governance, that would violate the roles of elected representatives.**

**The RDRR encourages the BOPRC and RDC to hear and reconcile the interests of mana whenua, matawaka (non-Te Arawa Maori) and non-Maori through effective consultations, management and decision-making processes, and to give the RDRR appropriate opportunities to contribute to such decision making.**

## **Concluding Note**

This submission by the RDRR responds primarily to the *National Policy Statement for Freshwater Management 2014* because it clarifies obligations on regional and district councils and provides the policy context for the Rotorua Te Arawa Lakes Programme.

The RTALP was been mounted by the Bay of Plenty Regional Council (BOPRC), the Rotorua District Council (RDC), and the Te Arawa Lakes Trust (TALT) and is intended to improve the quality of freshwater.

This policy statement by the RDRR is intended to inform policy development in the RTALP and in its constituent entities; the BOPRC, the RDC, and the TALT, and to improve opportunities for the RDRR to make an effective contribution to decision making.

## **Contacts**

RDRR Chair: Glenys Searancke, 07 348 4243 027 275 7905 [g.g.searancke@clear.net.nz](mailto:g.g.searancke@clear.net.nz)

RDRR Sec/ Tres: Rosemary MacKenzie, 07 349 0477 [rmackenzie84@gmail.com](mailto:rmackenzie84@gmail.com)

RDRR Mayoral Candidate: Dr Reynold Macpherson, 07 346 8553, 021 725 708  
[reynold@reynoldmacpherson.ac.nz](mailto:reynold@reynoldmacpherson.ac.nz)

The assistance of Nev Dow and Rex Charleton in the development of this document is warmly acknowledged.