

# COMMENTS

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## Comments to the Bay of Plenty Regional Council on Draft Change 5 (Kaituna River) to the Operative Bay of Plenty Regional Policy Statement

**By email only:** Bay of Plenty Regional Council  
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**Submission by:** Bay of Plenty Federated Farmers and Rotorua/Taupō Federated Farmers

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This document provides comments on Draft Change 5 (Kaituna River) to the Operative Bay of Plenty Regional Policy Statement (**Draft Change 5**).

Except as otherwise commented on within this document, Bay of Plenty and Rotorua/Taupō Federated Farmers generally support the intent of Draft Change 5.

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## 1. INTRODUCTION

- 1.1. Bay of Plenty and Rotorua/Taupō Federated Farmers welcome the opportunity to provide comments on Draft Change 5.
- 1.2. Federated Farmers of New Zealand is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses. Federated Farmers of New Zealand is a pan sector organisation that works with farmers to ensure practical workable outcomes.
- 1.3. Federated Farmers of New Zealand aims to add value to its members' farming businesses. Its key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
  - a. Federated Farmers' members may operate their business in a fair and flexible commercial environment;
  - b. Federated Farmers' members, their families and their staff have access to services essential to the needs of the rural community; and
  - c. Federated Farmers' members adopt responsible management and environmental practices.
- 1.4. Federated Farmers of New Zealand is the national body, with 24 provinces, each being a separate incorporated society. Bay of Plenty and Rotorua/Taupō Federated Farmers represent approximately 80 members who are engaged in a range of land use activities within the boundaries of the Kaituna River co-governance area identified in Map 4ab of Draft Change 5 Community Consultation Version 2.8c.
- 1.5. Bay of Plenty and Rotorua/Taupō Federated Farmers acknowledge any comments that have been made by individual members on Draft Change 5.
- 1.6. For simplicity, Bay of Plenty and Rotorua/Taupō Federated Farmers will be referred to as **Federated Farmers** throughout this document.

## 2. GENERAL COMMENTS

- 2.1. Federated Farmers looks forward to working with Te Maru o Kaituna in the future in furthering our mutual interest in managing the health and wellbeing of the Kaituna River. Federated Farmers recognises that the iwi and/or hapū that make up Te Maru o Kaituna have a special relationship with the Kaituna River.
- 2.2. Federated Farmers supports the high-level intent of Draft Change 5 to implement the Tapuika Claims Settlement Act 2014 and to look after the health of the Kaituna River.
- 2.3. Federated Farmers' key concern with Draft Change 5 is the lack of provision for farming. Draft Change 5 focuses on tangata whenua, ecological and recreational values but is generally silent on the use of the Kaituna River for farming purposes. (Policy KR 5B is the only provision that refers to "rural production"). This is problematic given pastoral farming and horticulture make up over 50% of the land use within the Kaituna River catchment (with dairy farming being the most prominent land use).

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- 2.4. In particular, Federated Farmers is concerned that Draft Change 5 will unjustly prohibit farmers from using the Kaituna River for farming purposes that are not provided for under section 14(3)(b) of the Resource Management Act 1991 (**RMA**), such as irrigation, dairy shed washdown and/or effluent purposes.
- 2.5. With the exception of Federated Farmers' specific comments contained within the main body of this submission, **attached** as Appendix "**A**", Federated Farmers generally supports the intent of Draft Change 5.

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Provision	Position	Decision sought
<b>Objectives</b>		
<b>Objective 41</b> <u>Water quality and the mauri of the water in the Kaituna River and its tributaries is restored to a healthy state which meets agreed standards.</u>	Federated Farmers considers that there needs to be more clarity as to who is involved in the discussion to come up with “agreed standards”. Federated Farmers considers that industry groups and stakeholders should be involved in these discussions to ensure the agreed standards are workable and realistic.	<b>Amend Objective 41</b> to ensure industry groups and stakeholders are involved in the discussion to come up with “agreed standards”.
<b>Objective 42</b> <u>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological and recreational values.</u>	Federated Farmers is concerned that Draft Change 5 will unjustly prohibit farmers from using the Kaituna River for farming purposes that are not provided for under section 14(3)(b) of the RMA and considers Objective 42 ought to specifically reference other productive values.	<b>Amend Objective 42 as follows:</b> <u>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological, and recreational and other productive values.</u>
<b>Objective 43</b> <u>Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations.</u>	Federated Farmers considers that the wellbeing of individuals also needs to be provided for.	<b>Amend Objective 43</b> as follows: <u>Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of individuals, iwi, hapū and communities now and for future generations.</u>
<b>Objective 44</b> <u>The environmental well-being of the Kaituna River is enhanced through best management practices.</u>	Federated Farmers agrees that clarity and guidelines around good management practices ( <b>GMP</b> ) would be helpful, however we consider that this objective needs to focus on industry agreed good management practices (not “best management practices”).  Federated Farmers is concerned that “best practice” is aspirational, sets the bar unreasonably high and is not sufficiently flexible or certain to provide for the wide range of farm systems and farm types in the Kaituna River catchment.	<b>Amend Objective 44 as follows:</b> <u>The environmental well-being of the Kaituna River is enhanced through <b>best</b> good management practices.</u>

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<p><b>Objective 45</b>  <u>The restoration, protection and enhancement of Kaituna River's wetlands, aquatic and riparian ecosystems that support indigenous species.</u></p>	<p>Federated Farmers considers that this objective is vague and could be written to be clearer.</p>	<p><b>Amend Objective 45</b> to be clearer in intent and outcome.</p>
<p><b>Objective 46</b>  <u>Te Maru o Kaituna collaborate with iwi and the wider community to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.</u></p>	<p>Federated Farmers considers that given the prominence of farming activities in the Kaituna River catchment Te Maru o Kaituna should also be required to engage with industry groups.</p>	<p><b>Amend Objective 46</b> to require Te Maru o Kaituna to collaborate with iwi, the wider community and industry groups to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.</p>
<p><b>Policies</b></p>		
<p><b>Policy KR 2B: Establishing water quality limits within the Kaituna River</b></p> <p><u>Establish water quality limits for contaminants within the Kaituna River through the National Policy Statement for Freshwater Management framework to ensure water:</u></p> <p><u>(a) Is safe for bathing in identified locations where people wish to swim;</u>  <u>(b) Provides safe drinking water sources where the water is used for that purpose;</u>  <u>(c) Can sustain customary kai awa and kai moana sources; and</u>  <u>(d) Is suitable for cultural ceremonies at traditional sites.</u></p>	<p>Federated Farmers supports the focus on achieving a state where the Kaituna River is safe for swimming, drinking, taking food from and is suitable for cultural ceremonies at traditional sites.</p> <p>Federated Farmers considers that the focus should be on the places and <b>times</b> of year where people undertake these activities, and not at all times of the year. To achieve this would impose significant cost for no benefit (associated with swimming, drinking, taking food or cultural ceremonies).</p>	<p><b>Amend Policy KR 2B</b> so that the focus is on ensuring water quality is suitable at those places <i>and times of year</i> where the Kaituna River is used swimming, drinking, taking food and cultural ceremonies.</p>
<p><b>Policy KR 4B: Managing groundwater abstraction in the Kaituna River</b></p> <p><u>Manage groundwater abstraction to protect the mauri of puna (spring) flows within the Kaituna River while:</u></p> <p><u>(a) Having regard to the economic, cultural and social well-being of present and future iwi, hapū and communities; and</u></p>	<p>Federated Farmers considers that the wellbeing of individuals also needs to be provided for.</p> <p>Federated Farmers is concerned that farmers will be unjustly prohibited from abstracting groundwater to provide for irrigation and other farming purposes (that are not provided for under section 14(3)(b) of the RMA) and considers that paragraph (b) ought to reference other productive values.</p>	<p><b>Amend Policy KR 4B as follows:</b></p> <p><u>(a) Having regard to the economic, cultural and social well-being of present and future iwi, hapū, individuals and communities; and</u>  <u>(b) Ensuring there is sufficient water available to provide for tangata whenua, ecological, and recreational and other productive values.</u></p>

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<p><u>(b) Ensuring there is sufficient water available to provide for tangata whenua, ecological and recreational values.</u></p>		
<p><b><u>Policy KR 5B: Enhancing the mauri of the Kaituna River through improved land management practices</u></b></p> <p><u>Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities minimise nutrient losses by implementing best management practices including:</u></p> <p><u>(a) Ensuring activities are managed to maintain or enhance the River's ecological and cultural health;</u></p> <p><u>(b) Promoting industry incentives and leadership; and</u></p> <p><u>(c) Promoting the integration of kaitiakitanga and rangatiratanga into land use management, river access and cultural heritage protection in specified locations.</u></p>	<p>As discussed above, Federated Farmers is concerned that “best practice” is aspirational, sets the bar unreasonably high and is not sufficiently flexible or certain to provide for the wide range of farm systems and farm types in the Kaituna River catchment.</p> <p>Federated Farmers also considers that any GMPs should be developed with the assistance of rural industry groups and stakeholders to ensure that they are achievable.</p>	<p><b>Amend Policy KR 5B as follows:</b></p> <p><u>Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities minimise nutrient losses by implementing best good management practices including:</u></p> <p>...</p> <p><u>Note:</u> <u>Good management practices will be developed in consultation and collaboration with industry and stakeholders.</u></p>
<p><b><u>Policy KR 7B: Enabling economic development opportunities for iwi and hapu in the Kaituna River</u></b></p> <p><u>Enable economic development opportunities for iwi and hapū which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the River's well-being.</u></p>	<p>Federated Farmers understands the desire of obtaining development opportunities for iwi/hapū to promote greater understanding of cultural associations. However, Federated Farmers considers that these development opportunities ought to be considered at a national level and not through amendments to the Regional Policy Statement. Federated Farmers does not support that the use of regional policy statements or the RMA process to settle Treaty grievances or to address historical impediments to development.</p>	<p><b>Delete Policy KR 7B</b></p>
<p><b><u>Policy KR 9B: Recognising kaitiakitanga in the Kaituna River involves use, development and protection</u></b></p>	<p>Federated Farmers does not consider use and development of land and water by tangata whenua to be a requirement of kaitiakitanga under the RMA process.</p>	<p><b>Amend Policy KR 9B as follows:</b></p> <p><u>Recognise kaitiakitanga in the Kaituna River involves both the use and development of land</u></p>

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<p><u>Recognise kaitiakitanga in the Kaituna River involves both the use and development of land and water by tangata whenua and the protection of taonga, waahi tapu, sites of significance and other natural and physical resources of importance to tangata whenua.</u></p>	<p>Kaitiakitanga is defined under the RMA as the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.</p> <p>Federated Farmers considers that use and development exceeds the exercise of guardianship.</p>	<p><u>and water by tangata whenua and the protection of taonga, waahi tapu, sites of significance and other natural and physical resources of importance to tangata whenua.</u></p>
<p><b>Methods</b></p>		
<p><b><u>Method KR1: Te Tini a Tuna Kaituna Action Plan</u></b></p> <p><u>Implement Policies KR 1B, KR 2B, KR 3B, KR 4B, KR 5B, KR 6B, KR 7B, KR 8B, IW 2B, IW 1B through Te Tini a Tuna Kaituna Action Plan.</u></p>	<p>Federated Farmers considers Policy KR 7B ought to be deleted for the reasons outlined above.</p>	<p><b>Amend Method KR1</b> to remove reference to Policy KR 7B.</p>
<p><b><u>Method KR6: Promote employment opportunities for tangata whenua through land management projects in the Kaituna River</u></b></p> <p><u>Promote employment opportunities for tangata whenua through land management projects in the Kaituna River including providing:</u></p> <ul style="list-style-type: none"> <li><u>(a) Pest and silviculture management services</u></li> <li><u>(b) Fencing services</u></li> <li><u>(c) Council reserves maintenance; and</u></li> <li><u>(d) Environmental monitoring.</u></li> </ul>	<p>Federated Farmers considers that promotion of employment opportunities falls outside the scope of the RMA. Federated Farmers is happy for tangata whenua employment to be a by product of Draft Change 5, however, considers that it is incorrect for it to be a requirement of a regional policy statement.</p>	<p><b>Delete Method KR6</b></p>

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