

FILE COPY

2 Tercel Place,
Pakuranga, 2010.
13 October, 2014.

The Chief Executive,
Bay of Plenty Regional Council,
1125 Arawa Street,
ROTORUA.

Dear Madam,

Lake Rotorua Catchment

This is a submission on the draft rules relating to nitrogen use. We have chosen not to follow the format on the feedback form in the "Have your say" pamphlet as in our opinion the options shown there are inappropriately restrictive and have the effect of unrealistically narrowing the issues for consideration. This submission focuses on two areas: the adoption of present land use as definitive of rights, and the lack of information as to the scientific and geological research and assumptions underlying the current assessment of subterranean inflows (if any) into Lake Rotorua. That must not be seen as in any way limiting the issues we may later raise in the context of legal challenges to the Regional Council's actions /policies touching Lake Rotorua and its catchment. At this stage we want to focus on issues that we believe may not be covered by others or are being approached by them in a different way.

Our interest is as the owners and occupiers of 78 - 94 Oturoa Road and 85 Dansey Road. The former property is about 15.5 ha. We have operated it as a deer farm since 1981. In addition, from time to time, we have had small numbers of sheep and cattle on that land. The latter property of rather more than 2 ha carries sheep and beef cattle. Both properties draw their household (85 Dansey Road) and stock waters from deep wells which to the best of our knowledge go well below the level of the bottom of Lake Rotorua. Neither property includes any pond, flowing stream or drainage into one.

The proper starting point in this type of exercise is that the future is unpredictable, particularly in matters of markets and economics. An historical perspective shows that societies which, for political, religious or other reasons, limit intellectual enquiry or changes in economic activity are societies going backwards and in that process diminishing the productivity and prosperity of their citizens. This applies not only to countries but to localities and particular groupings of citizens. One needs only to wander around the Rotorua CBD and observe the number of empty shops to appreciate that this is already a community under very considerable economic stress.

Although of recent years the dairy industry has been a major contributor to the prosperity of New Zealand that has not always been so. Recent events (arising from an unpredictable set of political and economic events) make all too clear that it is far from certain the dairy industry will continue to be prosperous, indeed profitable – only time will tell. What is indisputable is that growing plants for food will always produce more food per unit area than any form of livestock farming. Intensive horticulture often involves much higher labour inputs than livestock farming, no bad thing if employment is hard to obtain. In an open society it is the market which determines the most profitable form of land use. The point we seek to make is that there is no sound basis for any assumption that dairy farming is, let alone will always be, the highest and best use of any land in this area.

What is ongoing and predictable is the land: its elevation, aspect, gradient and essential soil type. The valuation concept of "best and highest use" is both central to fair and proper consideration of the present issue and adapts to changing environmental, economic and social circumstances. Rather than being a central consideration this crucial concept has been ignored in the present proposals which are focused on current land use.

That approach by the Regional Council denies recognition of land potential and flexibility to adapt to current better uses let alone best and highest uses, or to what in the future may emerge in those contexts. The current approach gives an unfair and inequitable advantage to dairy farmers many of whom converted to that land use, or extended and intensified it, knowing full well that there were ongoing issues concerning Lake Rotorua and the need to limit nutrient inflows to it. The Regional Council's present approach destroys the ability of the community and its members to fully utilise land potential and tends to lock in a land use (dairy farming) which throughout New Zealand is causing environmental problems, particularly when associated – as it all too often is – with the pursuit of productivity increases without regard to wider interests such as the environment. Furthermore the current approach rewards dairy farmers at the expense of all other landowners some of whom have been responsible enough not to convert suitable land to dairying. Land currently in forest should not be penalised if it has the potential for better and higher use. Our comments apply equally to all categories of land use.

In our submission the starting point in considering any nitrogen use controls, if that is proved to be the most suitable limiting nutrient (Why the Council should not consider a phosphate limiting approach given the current success of alum dosing seems strange.) should be land classification by its essential characteristics and how it drains i.e. by surface runoff or soakage and, if the latter, where the water then goes and to what extent it is filtered on the way. We accept that gradient is a necessary focus because the tendency of increased slope to give rise to a higher proportion of runoff. We submit that current land use is irrelevant to classification but may be relevant to the permitted time within which to adjust to the standard for that class of land.

The glossy pamphlets put out by the Regional Council say nothing of the chosen model, and the assumptions underlying it, of inflows into Lake Rotorua. This is inappropriate and cripples proper consideration of the present proposals. We note by way of example that it has long been believed that west of the lake and at levels below its base is an underground water resource of national significance. It seems inherently likely that much or all of that water enters those aquifers directly rather than via the lake. If so then many of the assumptions underlying the current proposals are incorrect. Then too there is the timing issue of drainage through the soil and subsoils. How long does it take for rainfall on particular areas of the catchment to find its way into the lake, and what proportion of such rainfall ever reaches the lake? To what extent is its nitrogen content absorbed by plants, filtered out, or by chemical processes locked into subsoils and deeper geological features. The Council needs to make public all its information on those topics. Their importance is that restrictions on nitrogen input on land in some areas may do nothing to benefit lakewater quality. If that be so those restrictions cannot be justified.

Yours faithfully,

(for L.H. & A.L. Moore)



Submission form

Submission number
Office use only

Send your submission to reach us by 4:00 pm on Friday, 15 April 2016.

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: *Lindsay Hyslop Moore (m) Alison Lindsay Moore*

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

- 1 ~~I could/could not~~ gain an advantage in trade competition through this submission. *[Delete as required.]*
 - (a) I am/~~am not~~ directly affected by an effect of the subject matter of the submission that adversely affects the environment, and
 - (b) My submission ~~does~~ 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/~~do not 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]
 [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.]

19/04/2016
Date

n.b. we will not be in n.z. again until 16.4.2016 and again from early 16 July 2016 until 8 August 2016.

Address for service of submitter:

Telephone: *2 TRACEL FREE, ROTORUA 2010. Daytime: (09) 576-6063 ; (07) 357-4343*

Email: *Followdale@hotmail.com*

Contact person: *L.H. Moore (co-owpc)* *[Name and designation if applicable]*

BOPRC ID: A2284770

n.b. No message receiving service per ROTORUA NUMBER. EMAIL IS BEST MODE OR CONTACTING US.

SUBMISSION POINTS:

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
1	POLICY WL 3 B	OPPOSE	AMEND POLICY AND PLAN TO EXCLUDE AREAS WHERE RAINFALL DOES NOT AUTOMATICALLY ENTER NAME ROTOMAHUA OR DOES SO ONLY AFTER 200 YEARS OR MORE	POLICY AND PLAN TREATS "CATCHMENT AREA" AS HOMOGENEOUS UNLESS IT IS NOT. WATER FROM SOME AREAS NEVER ENTERS LAKE ROTOMAHUA OR DOES SO ONLY AFTER MILLENNIA.
4	MAP WL 1	"		
A				
1	POLICY WL 5 B AND WL 6 B	OPPOSE	SEE ABOVE. AMEND THESE POLICIES TO INCLUDE CLASSIFYING LANDS REFERRED TO IN OPERATIVE PARTS (IF ANY) PARTICIPATE AUTOMATICALLY (IF ANY) WHICH AGREES THE LAKE WITHIN 200 YEARS.	PROFITLESS AND UNREASONABLE TO RESTRICT LAND USE IN THESE AREAS (AND) TO TREAT ALL THE ASHLEY CATCHMENT AS CONTRIBUTION) EQUIVALENT LAKE OUTLINE MAP) SEE ATTACHED LETTER
	CLASSIFICATION OF LANDS REFERRED IN/ TO CURRENT USE RATHER THAN UNRELEVANT CHARACTERISTICS	OPPOSE	AMEND CHANGE SO THAT LANDS CLASSIFIED BY ASPECT SCORE SOIL & SUBSOIL TYPES AND UNDERLYING GEOLOGY RELEVANT AND TO WHETHER AFTER HOW RELEVANT AND TO WHAT EXTENT IT CONTRIBUTES MATRIAL TO THE LAKE	SEE ABOVE AND ATTACHED COPY LETTER OF 17.10.2014.
	TREATMENT PLAN USES (CURRENT) AS RELEVANT SYSTEM	OPPOSE	SEE ABOVE AND ATTACHED COPY LETTER 13.10.2014	SEE ABOVE AND ATTACHED LETTER 13.10.2014.
	A TRANSITION PLAN	OPPOSE		

THE ESSENCE OF OUR SUBMISSION IS THAT THE PROPOSED CHANGE IS IN ALL CONCRETE AND UNDESIRABLE. IT IS SIMILISTIC IN WAYS WHICH WE FEEL (UNINTENTIONAL) ADVISE THIS FOR EXAMPLE SCHEDULE LR TWO P 25 + 26 FAILS TO RECOGNISE THE EXTENSIVE DIFFERENCES IN THE DISTANCE SPECIES AND BASSI OR THE SAME MAP OF STICK. WE EXPRESS THAT