

# FURTHER SUBMISSION

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## FURTHER SUBMISSION TO BAY OF PLENTY REGIONAL COUNCIL ON PROPOSED CHANGE 5 (KAITUNA RIVER) TO THE BAY OF PLENTY REGIONAL POLICY STATEMENT

Form 6

Further submission in support of, or in opposition to, submission on notified proposed plan change and plan variation

Clause 8 of Schedule 1, Resource Management Act 1991

To: **Bay of Plenty Regional Council**  
E – [rps@boprc.govt.nz](mailto:rps@boprc.govt.nz)

Name of submitter: Bay of Plenty Federated Farmers and Rotorua/Taupō Federated Farmers (“**Federated Farmers**”)

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This is a further submission in support of or in opposition to a submission on a change and variation to Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement (**PC5**).

1. Federated Farmers is a person representing a relevant aspect of public interest.
2. Federated Farmers is a person who has an interest in the proposal that is greater than the interest the general public has.
3. Federated Farmers could not gain an advantage in trade competition through this further submission.
4. Federated Farmers wishes to be heard in support of its submissions and further submission.
5. If others make similar submissions, Federated Farmers will consider presenting a joint case with them at the hearing.

## **INTRODUCTION**

Federated Farmers welcome the opportunity to provide further submissions on PC5.

6. As identified in its primary submissions, Federated Farmers 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 is a pan sector organisation that works with farmers to ensure practical and workable outcomes.
7. Federated Farmers 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.
8. 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 PC5.

## **GENERAL COMMENTS**

9. The further submission process has been an opportunity for parties to understand each other's position and to provide clarity as to their own position. Federated Farmers has taken the opportunity to understand the submissions of all parties and has attempted to clarify its position.
10. As outlined in our primary submission, Federated Farmers supports the high-level intent of PC5 to recognise and provide for the Kaituna River Document in accord with the Tapuika Claims Settlement Act.
11. Federated Farmers' key concern with PC5 is the lack of provision for farming. PC5 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 explicitly 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).

12. In particular, Federated Farmers is concerned that PC5 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.

### **SPECIFIC COMMENTS**

13. Federated Farmers attaches Appendix “**A**” which sets out the particulars of the original submitter, the provision to which their submission point relates, the relief they seek, whether Federated Farmers supports or opposes the submission (in whole or in part), and the reasons for Federated Farmers’ position.
14. In terms of decisions sought, Federated Farmers seeks that the submission points are allowed to the extent that they are supported in this further submission and that they are disallowed to the extent that they are opposed in this further submission.
15. Federated Farmers also seeks any consequential changes necessary to give effect to the relief sought or to address the concerns raised in this further submission.

# APPENDIX “A”

| Submitter Name                            | Provision                    | Relief sought by submitter   | Support or oppose | Explanation   | Position           |
|---|------------------------------|--|-------------------|---|--------------------|
| <b>Introduction</b>                       |                              |  |                   |   |                    |
| AFFCO New Zealand Limited, Rangiuru Plant | Section 2.12.3 Kaituna River | Equal recognition of the importance of the need for people and communities to provide for their social, economic and cultural wellbeing now and in the future.   | Support           | We support that the health and well-being of the people will support and elevate the well-being of the water bodies and therefore there needs to be recognition of how the two interact to develop and maintain a thriving community and river.   | Accept submission. |
| Western Bay of Plenty District Council    | 2.12.4 Issue 2               | <p>Amend to:</p> <p><del><b>2-Urban growth, climate change, rural land use intensification</b></del></p> <p><del>Rural land use intensification, urban growth and climate change effects are all placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats.</del></p> <p><b><u>2a Urban growth and rural land use intensification</u></b></p> <p><u>Rural land use intensification and urban growth are placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats. Projected urban growth and horticultural intensification may place increased demand on water, particularly in the lower Kaituna.</u></p> <p><b><u>2b Climate change</u></b></p> | Support in part   | <p>We agree that climate change and land use have different drivers and should be managed differently.</p> <p>We accept that there are climate change events that have implications for the Kaituna River.. However, we consider that climate change mitigations are more appropriately developed by central government and include consideration of a range of factors that are missing from PC5.</p> <p>We note that the Section 32 report discussion of the Issues does not mention climate change at all (page 29 - 5.1).</p> | Accept in part.    |

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|  |                | <u>The effects of climate change are increasing pressure on the state of the Kaituna River, ecosystem health and wetland habitats. The trend of lower summer rainfall is anticipated to get worse and is placing pressure on river, stream and puna (spring) flows/levels. The trend of increasing winter rainfall and more intense rainfall events causes other issues such as greater run-off.</u> |         |   |                    |
| Royal Forest and Bird Protection Society of NZ | 2.12.4 Issue 2 | Amend to:<br><br>Rural land use intensification, urban growth and intensification, <u>industrial development, demand for municipal water uses</u> and climate change effects are all placing pressure on the state of the Kaituna River, ecosystem health and wetland habitats, <u>mainga kai and contact recreation.</u>  | Support | We consider industrial development and demand for municipal water uses are pressures on Kaituna River and should be represented as such.                        | Accept submission. |
| <b>Objectives</b>                              |                |  |         |   |                    |
| Royal Forest and Bird Protection Society of NZ | Objective 41   | Retain and amend to include:<br><br><u>"by 2030".</u>  | Oppose  | The basis for adding 2030 as a timeframe is unclear.  | Reject submission. |
| Royal Forest and Bird Protection Society of NZ | Objective 42   | Amend to:<br><br>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological <u>health</u> and recreational values <u>by 2030.</u>   | Oppose  | The basis for adding 2030 as a timeframe is unclear.  | Reject submission. |
| Tauranga City Council                          | Objective 44   | Amend to:<br><br><u>The Activities use best management practices to improve the</u> environmental well-  | Oppose  | We consider that clarity and guidelines around management practices would be helpful, however we consider that this objective needs to focus on industry agreed | Reject submission. |

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|  |                                | being of the Kaituna River <del>is enhanced through best management practices</del>   |                 | good management practices (not “best” management practices).<br><br>We are 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>Policies</b>                        |                                |   |                 |   |                    |
| Tauranga City Council                  | Policy KR 2B (and explanation) | To change reference to “that purpose” to “domestic, marae or municipal water supply”.   | Oppose          | We prefer the notified wording.   | Reject submission. |
| Western Bay of Plenty District Council | Policy KR 3B                   | Retain the policy and explanation text.<br><br>In particular the sentence:<br><br>To be useful mātauranga Māori needs to be stored and readily accessible to help inform resource management decision making processes. | Support in part | We support the use of mātauranga Māori to inform resource management decision making processes where there is a potential that the activity will have a cultural effect. We do not consider that it is necessary to use mātauranga Māori to inform all resource management decision making where there will be no cultural effect.<br><br>Where it is appropriate for mātauranga Māori to inform resource management decision making we strongly support that information to be readily accessible. | Accept in part.    |
| AFFCO New Zealand Limited,             | Policy KR 3B                   | Amend to:<br><br>Use mātauranga Māori <u>alongside science</u> to inform resource management decision making processes in the Kaituna River and   | Support         | We support the use of mātauranga Māori to inform resource management decision making processes where there is a potential that the activity will have a cultural effect.  | Accept submission. |

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| Rangiuru Plant                                 |              | achieve the vision, objectives and desired outcomes of the Kaituna River Document'.   |        | We also consider that the use of science is important to making an informed decision and should also be referenced to recognise the significance that each element has in the decision making.   |                    |
| Western Bay of Plenty District Council         | Policy KR 5B | Retain as drafted.  | Oppose | We are 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. We consider that the policy ought to reference “good management practices” to reflect this. | Reject submission. |
| Royal Forest and Bird Protection Society of NZ | Policy KR 5B | Amend to:<br><br>Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities <u>are controlled</u> to minimise or prevent nutrient losses by implementing best management practices including:<br><br>(a) Ensuring activities are managed to maintain or enhance the Kaituna River’s ecological and cultural health;<br><br>(b) Promoting industry incentives and leadership; <del>and</del><br><br>(c) Promoting the integration of kaitiakitanga and rangatiratanga into land use management, river access and cultural | Oppose | We do not support the amendment sought to ‘control nutrient inputs ...’ as proposed.<br><br>We support the implementation of good management practices through a mix of regulation, industry incentives and industry leadership.   | Reject submission. |

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|  |              | heritage protection in specified locations.<br>and<br><u>(d) by controlling nutrient inputs and loss to ensure water quality limits are met.</u>   |        |  |                    |
| Tauranga City Council                  | Policy KR 5B | Amend to:<br><br>Enhance the mauri of the Kaituna River by ensuring rural production, <del>commercial and industrial</del> activities implement best management practices to minimise nutrient losses by implementing best management practices including:           | Oppose | We do not support deleting 'commercial and industrial' activities from the requirement to implement best management activities to minimise nutrient losses.<br><br>Commercial and industrial activities cause nutrient losses that may impact the mauri of the Kaituna River and ought to be held to the same standard as rural production.  | Reject submission. |
| Carrus Corporation Limited             | Policy KR 7B | Amend to:<br><br>Enable economic development opportunities for iwi and <u>hapū and the wider community</u> , which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the River's well-being. | Oppose | We understand the desire of obtaining development opportunities for iwi/hapū and the wider community to promote greater understanding of cultural associations. However, these development opportunities ought to be considered at a national level and not through amendments to the Regional Policy Statement. We do not support that the use of regional policy statements or the RMA process to settle Treaty grievances or to address historical impediments to development. We consider that Policy KR 7B ought to be deleted. | Reject submission. |
| Western Bay of Plenty District Council | Policy KR 7B | For this be split into two policies:   | Oppose | See above.   | Reject submission. |



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|                             |            | <p>Enabling economic development opportunities for iwi and hapū in the Kaituna River Area</p> <p>And</p> <p>Encourage economic development that enhances the Kaituna River and acknowledges its cultural connections.</p>  |                 |  |                    |
| Eastland Generation Limited | New Policy | Eastland submits that an additional policy is required in C5 associated with Objective 43 regarding the recognition of the role of climate change mitigation in sustainable use of the River.  | Oppose          | We consider that climate change mitigations are more appropriately developed by central government and include consideration of a range of factors that are missing from PC5.  | Reject submission. |
| <b>Methods</b>              |            |  |                 |  |                    |
| Eastland Generation Limited | Method KR3 | <p>Additional commentary needs to be included in Method KR 3 which requires areas to be classified for drinking water, bathing areas, kai awa, kai moana and suitable for cultural ceremonies.</p> <p>Eastland submits that such areas should be widely consulted on and clearly identified, and that this should be specified in the explanation text to the policy. There are other activities which currently occur on the Kaituna River that necessitate access or structures in their current locations. Where activities are currently occurring at fixed locations, this should be considered when classifying these areas.</p> | Support in part | <p>We do not consider that it is necessary for further areas to be classified and consider that reference to recreational activities is sufficient.</p> <p>We support that any recreational areas should be widely consulted on to ensure that access for recreational use does not disturb the other activities that are currently occurring at certain locations on the Kaituna River.</p> | Accept in part.    |

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| AFFCO New Zealand Limited, Rangiuru Plant | Method 23J                                | Amend to:<br><br>In liaison with tangata whenua, <u>commercial and industrial users</u> , and local communities develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki River Catchment and Kaituna River. | Support | We consider that the development of strategies for managing waste and stormwater in the Kaituna River Catchment should include commercial and industrial water users to ensure that any strategies arrived at are practicable and to allow for future transparency for all those affected. | Accept submission. |
| Eastland Generation Limited               | Method KR6                                | Support Method KR6 as drafted   | Oppose  | We consider that promotion of employment opportunities falls outside the scope of the RMA. We are happy for tangata whenua employment to be a by product of PC5, however, it is incorrect for it to be a requirement of a regional policy statement.                                       | Reject submission. |
| <b>Definitions</b>                        |   |   |         |  |                    |
| Tauranga City Council                     | New definition: best management practices | Include a definition for “best management practices”.   | Oppose  | We do not consider the use of “best management practice” to be appropriate as it 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.                  | Reject submission. |