

BEFORE THE

Waikato Regional Council

IN THE MATTER OF

**Healthy Rivers Wai Ora
Plan Change 1 and
Variation 1A**

Statement of Evidence of Martin Lindsay Wallace

[Submitter ID: 72975]

Dated 20 May 2019

Introduction

1. My name is Martin Lindsay Wallace and I am a farmer at Motumaoho between Hamilton and Morrinsville where I farm 114 hectares.
2. I farm predominantly sheep, producing fat lambs, steers and heifers for export and local trade.
3. The farm has some flats and is otherwise rolling with some steeper hills, and is of predominantly Hamilton clay soils.

My Submission

4. I appeared before this Hearing Panel on 19 March 2019 for Block 1 just in relation to the overall Plan issues, and outlined then that I did not consider that the proposed plan does promote sustainable management in that some of the provisions are unfair in that they seem in the initial period to reward historic poor practice through the grandparenting rules for N leaching reductions and in turn penalise low leaching land uses and early adopters of mitigation and good practices. In addition, I made the point that there is inevitably a problem in setting in place provisions that require major new investments such as fencing for stock exclusion, when in the more extensively farmed properties, commonly the sheep and beef farms, subsequent plan changes may render responses in the first instance, to this set of rules, redundant when more rigorous rules come into force.
5. It was my submission that it would therefore be sensible to set some of the principles of how to approach the setting of policies and rules by making clear objectives to steer an effective and equitable long term course.
6. For example, my suggestion in the Block 1 session was to modify the Objectives in Section 3.11-2 to set the scene for appropriate Policies and Methods to follow. In particular, I proposed that **Objective 4: People and community resilience**, that referred to a staged approach, enabling adaptive management in the short term while considering the values and uses when taking action to achieve the long term attribute targets, and recognising and signalling future contaminant reductions and management approaches for subsequent plans.
7. My suggestion was that the objective should recognise the potential inequity of impeding development of land that is currently underdeveloped compared say, to its land use capability, and recognise that such land may have potential to be further developed with a still low environmental footprint and within sustainable limits.

Objective 4: People and community resilience

A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:

- a) considering the values and uses when taking action to achieve the attribute targets for the Waikato and Waipa Rivers in Table 3.11-1 and*
- b) recognising that further contaminant reductions will be required by subsequent regional plans and signalling anticipated future management approaches that will be needed to meet Objective 1.*

8. My suggestion here is that the objective should recognise the potential inequity of impeding development of land that is currently underdeveloped compared say, to its land use capability, and recognising that such land may have potential to be further developed with a still low environmental footprint and within sustainable limits. I suggested that the objective should specifically state that in formulating the staged approach, attention should be focussed on activities with the highest levels of effect on the water quality, and impediments to the flexibility of the use of land with low level discharges and effects be minimised.
9. My suggested modification to Objective 4 added new clauses a) and d) would then read like the following, or words to that effect:

Objective 4: People and community resilience

A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:

a) giving priority to equity in formulating the staged approach with priority attention on the activities with the greatest levels of effect on water quality;

b) considering the values and uses when taking action to achieve the

attribute targets for the Waikato and Waipa Rivers in Table 3.11-1;

c) recognising that further contaminant reductions will be required by subsequent regional plans and signalling anticipated future management approaches that will be needed to meet Objective 1; and

d) ensuring that new impediments to the flexibility of the use of land with low level discharges and effects are minimised

10. In a similar vein, I submitted that a new Objective to follow Objective 4 should be developed that requires property level allocation of discharges, prescribing that grandparenting or similar such allocation methods will not be used, and which fairly relates to the assimilative capacity of the land, water and attributes, and not to historical practice. This may be developed as a Land Use Capability method. This is referenced in Footnote 5 on page 32 of the plan but in my submission this should be brought into this plan as a firm objective.
11. The key is to modify the existing objectives so that they clearly look to effective long term actions (that minimise impediments to desired practices, preclude grand-parenting and similar, counter-productive unfair methods and ensure that reductions in contaminants are clearly targeted in priority order from the highest polluters to the lowest until water characteristics are met) so that policies and methods in response to those objectives drive towards a land-attribute based system.
12. Reasons for adopting the modified Objectives would obviously need to be amended accordingly.
13. Section 3.11.3 Policies is the first place where the response to the modified Objectives would need to be made. Several of the policies as they stand would contravene the modified objectives and would need to be amended as a consequence. In addition, Policy 7 refers to preparations and information gathering for future allocation of contaminant discharge levels and refers to the

basis of the biophysical properties of the land, climate properties and risks, and refers in Footnote 5 on Page 32 to a set of criteria that are to be 'considered'. These are laudable criteria but their presence as a footnote to a policy on preparation for the future is a cop-out and as such has no force in driving the actions in this plan. In my submission these principles are capable of being introduced in this plan even if further gathering of information such as is anticipated by the Nitrogen policies is needed to enable refinement of the rules in future plans.

14. Policy 1:

I agree that sub-catchment-wide reductions in contaminant discharges should be reduced, but those reductions should be required from those with the highest levels of discharge and effect and not by requiring all discharges to be reduced irrespective of the level. Reductions should be made by those whose discharges are above a level attributed as sustainable from the property and its contribution to the problem .

As it stands, Policy 1 reads:

Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens

Manage and require reductions in sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens, by:

- a) Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase; and*
- b) Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and*
- c) Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes.*

To bring this policy into line with the amended objectives, sub clauses a) and b) would need to be modified as follows:

Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens

Manage and require reductions in sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens, by:

- d) Enabling activities with a low level of contaminant discharge to water bodies ~~provided those discharges do not increase~~; and
- e) Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges in priority order from highest to least; and
- f) Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes.

15. Policy 2:

The establishment of a NRP as required in c) is supported only as an addition to the sum of knowledge about nitrogen losses as measured by Overseer but any use of that to enable grand-parenting or trading is opposed.

Further, it is inequitable and inefficient to require in d) that reductions in discharges be proportionate to the amount of current discharge where those discharges are already below the level that can be attributed as sustainable to the property. The clear solution to meeting the water quality improvement required in the sub-catchment is to require those with high discharges to reduce to their level so that all land can be operated within the level considered sustainable.

It is my submission that Policy 2. d) that requires reductions in contaminant discharges proportionate to the levels of current discharge are unwarranted for low level discharges, already within land suitability limits, and so, to be consistent with the modified Objectives should be amended as follows:

Policy 3.11.3.2.d:

Require reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens ~~to be proportionate to the amount of current discharge by the dischargers~~

(progressively from the highest to the least) to the extent necessary to meet the scale of water quality improvement required in the sub-catchment [Reductions will be required from the highest dischargers until the water quality target is met] (those discharging more are expected to make greater reductions) and proportionate to the scale of water quality improvement required in the sub-catchment;

16. Policy 3:

A similar proportionate reduction is required for vegetable growers irrespective of the level in the first place so modification to subclause g. as for Policy 2

17. Policy 6: Restricting land use change

This provision as it stands, reinforces the inequity by requiring reductions in discharges irrespective of whether the activity is already within a sustainable and appropriate level. It reinforces the grand-parenting approach and should be rejected. Rewording the provision will exclude those activities that have been performing well and are already using good practice or are undeveloped. Further the rewording brings the non-Maori undeveloped land. As reworded, this provides a similar and consistent approach to undeveloped non-Maori as well as Maori land.

It is my submission that paragraph 1 of Policy 6 be modified as follows:

Policy 6: Restricting land use change

Except as provided for in Policies 1 and 2 (for low level discharges) and Policy 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens above the sustainable property level will generally not be granted.

18. Policy 7

As stated in Paragraph 13 above, this policy should require Land Suitability as described in Footnote 5 rather than in the footnote where it has no effect other than as a suggestion for the future.

19. Policy 9 d

This subclause of Policy 9 Subclause d)

d. Allowing, where multiple farming enterprises contribute to a mitigation, for the resultant reduction in diffuse discharges to be apportioned to each enterprise in accordance with their respective contribution to the mitigation and their respective responsibility for the ongoing management of the mitigation.

is opposed because it seems to be a formula to allow offsetting by protected, over intensified operations to continue the high footprint practices. If I have understood the meaning of the clause, then it would undermine the Land Suitability approach and should be deleted.

20. Policy 10: Provide for point source discharges of regional significance

This policy appears to emphasise a let-out for so-called regionally significant infrastructure when it may result in protection of the 'old and dirty' and present a barrier to new and innovative options. The RMA will allow argument to be made for continued operation in certain circumstances but the policy should not protect poor quality operations. I propose this policy be deleted.

21. I made more detailed submission points in relation to the Rules and Matters of control (for controlled activities) largely to carry through the changes consequential on the suggested amendments to the Objectives and Policies discussed above. I also discussed the option, if the NRP concept is to be retained, for a lower percentile target to be adopted so as to allow for minor increases in contaminant discharges for activities that have low discharges and that could increase slightly but still be within limits appropriate to the Land Suitability criteria. I consider that larger reductions for those whose contaminant discharges are proportionately higher above target property levels are entirely appropriate.