

# Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

SubForm	PC12016	COVER SHEET	
<b>FOR OFFICE USE ONLY</b>			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
<b>Mailed to</b>	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
<b>Delivered to</b>	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
<b>Faxed to</b>	(07) 859 0998 <i>Please Note: if you fax your submission, please post or deliver a copy to one of the above addresses</i>
<b>Emailed to</b>	healthyrivers@waikatoregion.govt.nz <i>Please Note: Submissions received my email must contain full contact details. We also request you send us a signed original by post or courier.</i>
<b>Online at</b>	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS		
Full name Angus Robson		
Full address 110 Tower Rd RD1 Matamata 3471		
Email apr@xtra.co.nz	Phone 021 963 109	Fax

ADDRESS FOR SERVICE OF SUBMITTER		
Full name All contact details as above.		
Address for service of person making submission		
Email	Phone	Fax

TRADE COMPETITION AND ADVERSE EFFECTS (select appropriate)

**THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO**

*Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1  
(continue on separate sheet(s) if necessary.)*

See attached table, which includes support/opposition etc.

**I SUPPORT OR OPPOSE THE ABOVE PROVISION/S**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

**MY SUBMISSION IS THAT**

*Tell us the reasons why you support or oppose or wish to have the specific provisions amended.  
(Please continue on separate sheet(s) if necessary.)*

See attached table, which includes support/oppose etc.

**I SEEK THE FOLLOWING DECISION BY COUNCIL**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Accept the above provision
- Accept the above provision with amendments as outlined below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

See attached table.

**PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION**

I wish to speak at the hearing in support of my submissions.

I do not wish to speak at the hearing in support of my submissions.

**JOINT SUBMISSIONS**

If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

**IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW**

Yes, I have attached extra sheets.

**SIGNATURE OF SUBMITTER**

*(or person authorised to sign on behalf of submitter)*

*A signature is not required if you make your submission by electronic means.*

Signature

Date

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

Submission on Healthy Rivers PC1, from Angus Robson

I oppose PC1 (The Plan) wholly and in part. The references, reasons and relief sought are tabled below. In addition I oppose PC1 on other matters which will be brought up during the Plan Change, submission and hearings process.

Ref	Support/oppose	Comment	Relief sought
3.11 pp14	Oppose use of allocation	<p>The plan requires allocation of nutrient based on past activities and an overall nutrient load historical to the catchment/subcatchments.</p> <p>Allocation is like a pie of a certain size (the overall nutrient 'allowance') which is divided among polluters, who are primarily land users.</p> <p>Allocation is unfair – it rewards past polluters, penalizes land users who do not pollute and limits land use flexibility. These are all complete negatives and it makes no sense to promote them as this plan does.</p> <p>Allocation misdirects efforts into fighting over the share of the pie and trying to maintain the size of the pie, rather than the real gain which is to reduce the size of the pie.</p> <p>Allocation relies on benchmarking, which we cannot currently</p>	<p>1. Do not use allocation or benchmarking.</p> <p>Instead use pollution levies based on outputs above the assimilative capacity of the land.</p>

		<p>do with our measuring capability, and on ongoing measurement of pollution, which we cannot do either. Thus the size of the pie which polluters base their economic plans on may be drastically reduced when it is able to be measured properly. At that point either the pie must be enlarged so as to avoid large economic pain (and all the pollution objectives lost) or the polluters lose a large piece of pie and they suffer the economic loss. Neither of these scenarios is acceptable.</p> <p>Allocation stifles and discourages innovation compared to alternatives.</p> <p>An allocation is perceived to have a value for a landuse, so the tendency is to try to hold onto allocation and maintain landuse to maintain that value even if the landuse is inappropriate for water quality effects. A pollution 'right' which is built in at no cost to the polluter is not acceptable to the public.</p> <p>Conversely, if pollution is levied, the drivers for pollution reduction are strong and land use will tend to the best balance between pollution cost and economic gain. This will drive innovation and land use optimization which is far more appropriate a scheme where pollution is to be reduced, and where large management and technological advances can be expected in the next few decades.</p>	
3.11.1.2 pp24	Oppose how plan will manage mahinga kai due to timeframe.	Of great concern is that for intergenerational transfer of cultural values, the values must be in sight daily to the transferor and transferee, and used by them. We have lost the use of some assets such as Lake Waikare already, so intergenerational cultural transfer of mahinga kai to even current generations is very difficult, let alone those 40 years from being born. This is a consequence of the selected timeframe.	Do not use a timeframe for events beyond the life of the plan. Ensure as much as possible can be done to improve water quality within the life of the plan.
3.11.1.2 pp25	Oppose assumptions about primary production.	<p>The implication is made that Waikato service sectors are dependent on primary production, including the worst polluters, when this is not the case. The service sector would survive and thrive if the worst-polluting operations were heavily constrained or incentivized to reduce pollution and to use land for less-polluting activity. Tourism as a benefactor, or even as an economic heavyweight in the region, does not receive a mention. This appears to support the view that WRC has developed this plan with only primary producers in mind, and particularly the most polluting of those primary producers. No effort is made in the plan to differentiate between the economic contribution of heavily polluting primary production, and non-polluting land uses (those which operate within the assimilative capacity of the land). This is a consequence of using poor, opaque and selective economic modelling.</p> <p>The economic models used to determine costs and timeframes, relative benefits etc for the plan have been wholly inadequate to date. They have the following deficiencies:</p> <p>Do not include natural capital or externalities.</p>	If economic models are to be used to drive the plan they must include all the missing factors listed adjacent.

		<p>Missing entire large sectors e.g. tourism.</p> <p>Are a snapshot which does not cover economic variability over time.</p> <p>Biased to one sector (are clearly favouring dairy as an economic activity and land use).</p> <p>Are not transparent.</p> <p>Are not able to have their assumptions questioned or modified.</p> <p>Rely on faulty data from Overseer®.</p> <p>Do not cope with innovation, improved technology or forced land use change such as from climate change or substitutes for milk and meat.</p> <p>Do not include a study on the effects of a pollution levy at different rates and kick-in points.</p> <p>Have not had a rigorous, available peer review which demands inclusion of the above.</p>	
3.11.1.2 pp26	Oppose plan approach to mitigating flood hazards.	<p>The plan does not deal with the current problem of over-engineering of drainage works, and very unnatural timeframes for removal of stormwater. WRC does not realise it has a cultural problem with managing storm water in that it's goal is to get rid of water as fast as possible, and the drainage programme and works reflect this. Consequently we get high overland and in-drain (and consequently in-river) flow velocities which make erosion, sediment transport, pathogen and phosphorus problems worse. We call this the 'get-rid-of-water' mentality. It not only causes soil loss, and the previously mentioned problems, it means we reduce the saturation of the Waikato catchments over time. This means drought affect the land earlier and for longer. The solution to this unintended consequence is partly to irrigate.</p> <p>A great deal of ratepayer money is spent engineering water of the land just so a whole lot more can be spent engineering water back on again.</p>	<p>Treat drainage as a central part of the problem.</p> <p>Solve the cultural problem of the 'get-rid-of-water mentality'.</p> <p>Put a price on quality soil based on the amount it costs to make a cubic metre of topsoil e.g. by composting. Assess the loss and levy it.</p> <p>Show by research the value of reducing overland flow velocities in terms of reduction in lost sediment, P and pathogens. This research is available.</p> <p>Use these velocity and flowrate reductions as part of best practice mitigations.</p>
3.11.2 Objective 3  3.11.3 Policy 5  Policy 14	Oppose timeframe and use of timeframe.	<p>The timeframes are so long that they are essentially meaningless. They are far beyond the life of the plan or the current stakeholders, except young people. Most of the improvement demanded by the plan is outside the plan timeframe or lifespan of the policy negotiators. Young people were not adequately represented at the CSG. Therefore it can be said that the interests of the main stakeholders are not served by the plan or those who are determining it.</p> <p>Parkinson's Law is a well known principle according to which 'the time taken to do a task expands to fit the time available'. Having a plan timeframe this long seems designed to take advantage of Parkinson's Law, and will certainly fail to deliver water quality improvements earlier, despite our ability to do so.</p>	<p>Abandon the timeframe, and require best current practices to be used for all polluting activities.</p> <p>Make the plan require that the most-polluting activities are subjected to the greatest mitigation requirements, penalties, oversight,</p>

		<p>Many of the actions to mitigate very significant pollutants are already known, and known to be affordable. The mitigation actions, if diligently pursued, would result in far greater improvements than 10% in 10 years and 50% in 60 years. Nothing in the plan requires diligent pursuit of known mitigations.</p> <p>The timeframe's only purpose appears to be to provide shelter for business-as-usual.</p>	<p>research, measurement and regulation. Ensure however that there is room to innovate mitigations as new practices and methods develop.</p>
3.11.3a	Oppose	<p>The plan does not show that many individual operations with 'less than minor' effects on their individual operation can aggregate such that the sum of all the less than minor effects becomes major.</p> <p>For example, one person urinating in a river has a less-than minor effect, but a whole town full of them requires a sewerage treatment plant.</p>	<p>Where there are numerous permissions or consents within a catchment for common activities, the overall effect of the total number of them is regarded and addressed both as individual and in the aggregate rather than as solely individual.</p>
Policy 2a	Oppose	<p>We are concerned that there is no way to use Overseer for mitigation risk management, so what is the viable alternative?</p>	<ol style="list-style-type: none"> <li>1. Do not use Overseer.</li> <li>2. Do not use overseer for any mitigation practice.</li> </ol>
2b	Oppose FEP's based on the degree of self management	<p>See notes on self management later.</p>	
<p>Policy 2c</p> <p>3.11.3</p> <p>Policy 3c</p> <p>Rule 3.11.5.3.2</p> <p>Rule 3.11.5.4.5</p> <p>Matters of control iii</p> <p>3.11.5.5</p> <p>Schedule B (all)</p> <p>Schedule 1 FEP 5 a &amp; b</p>	Oppose use of NRP	<p>Calculation of a Nitrogen Reference Point, either relatively between land uses, or absolutely, cannot be done with Overseer and is therefore wrong on both counts, and badly misleading for when a suitable measuring method is available. Overseer® is not designed or calibrated to use in the way the plan anticipates. It should not form the core of the measuring process.</p> <p>It has many failings in this duty, which WRC has not researched, does not acknowledge and has not considered alternatives to. Overseer is;</p> <p>Not repeatable between versions and not accurate (within 20%) across land uses and versions.</p> <p>Does not cope with mitigation</p> <p>Easy to game (cheat).</p> <p>Has not been calibrated except in 1 soil type, which it does not always match up to.</p> <p>Assumes BMP when this is clearly not 'standard'.</p> <p>Does not assume there are very bad practices occurring, when they are.</p> <p>Subject to political interference (funding to make it work properly is withheld, and one version had severe accuracy problems because the conversion rate of ammonium to nitrate had been deliberately retarded)</p> <p>Is a snapshot process which is not appropriate for a dynamic</p>	<p>Do not use Overseer® or any other measuring tool in this plan, until it is accurate both relatively and absolutely.</p> <p>Do not use any measuring system unless it is accurate.</p> <p>Do not do benchmarking or allocation.</p> <p>Use and drive best management practices to achieve the pollution reduction objectives.</p> <p>Prohibit and</p>

		<p>problem.</p> <p>It is important for any land user intending to reduce their pollution to be able to predict the effects of various mitigations on their pollution footprint, as all mitigations involve time and many involve money, sometimes very significant money. Overseer® does not respond to many known mitigations. This is not acceptable, as one of the main purposes of using Overseer® in the plan is to drive reductions in footprint, which it cannot do.</p> <p>A measuring system for a problem of this significance and cost should have, at the very least, both accuracy of absolute measurement (if the true amount is 20 then Overseer® should show 16 – 24) and relative accuracy between land uses (if a dairy operation is 2 x emission of a deer operation then Overseer® should indicate 1.6 – 2.4 times). It cannot and does not.</p> <p>Overseer® is not accurate in either absolute or relative terms, and should not be part of the plan.</p>	<p>strongly prosecute the worst practices, maintaining pressure on the 'tail' as it improves.</p> <p>Research a series of mitigations with strong data to support their efficacy, and help introduce them, These will in combination with pollution levies, have the greatest and fastest effect on water pollution.</p>
<p>Policy 2d</p> <p>Policy 3g</p> <p>Matters of control, iv</p>	<p>Oppose proportionality.</p>	<p>This is grandparenting, which is the worst system in aspects of fairness, allocation, future improvement, theft of the public estate, reward for past polluters and many other reasons.</p>	<p>Do not use a proportional system. Use pollution levies.</p>
<p>Policy 7</p> <p>Matters of control, iv</p> <p>Schedule B (all)</p>	<p>Oppose allocation</p>	<p>The plan requires allocation of nutrient based on past activities and an overall nutrient load historical to the catchment/subcatchments.</p> <p>Allocation is like a pie of a certain size (the overall nutrient 'allowance') which is divided among polluters, who are primarily land users.</p> <p>Allocation is unfair – it rewards past polluters, penalizes land users who do not pollute and limits land use flexibility. These are all complete negatives and it makes no sense to promote them as this plan does.</p> <p>Allocation misdirects efforts into fighting over the share of the pie and trying to maintain the size of the pie, rather than the real gain which is to reduce the size of the pie.</p> <p>Allocation relies on benchmarking, which we cannot currently do with our measuring capability, and on ongoing measurement of pollution, which we cannot do either. Thus the size of the pie which polluters base their economic plans on may be drastically reduced when it is able to be measured properly. At that point either the pie must be enlarged so as to avoid large economic pain (and all the pollution objectives lost) or the polluters lose a large piece of pie and they suffer the economic loss. Neither of these scenarios is acceptable.</p> <p>Allocation stifles and discourages innovation compared to</p>	<p>Do not use allocation or benchmarking.</p> <p>Use pollution levies based on outputs which are above the assimilative capacity of the land.</p> <p>Bring in a measuring system that works. This is not Overseer in its present form.</p>

		<p>alternatives.</p> <p>An allocation is perceived to have a value for a landuse, so the tendency is to try to hold onto allocation and maintain landuse to maintain that value even if the land use is inappropriate for water quality effects. A pollution 'right' which is built in at no cost to the polluter is not acceptable to the public.</p> <p>Conversely, if pollution is levied, the drivers for pollution reduction are strong and land use will tend to the best balance between pollution cost and economic gain. This will drive innovation and land use optimization which is far more appropriate a scheme where pollution is to be reduced, and where large management and technological advances can be expected in the next few decades.</p> <p>Both allocation and pollution levies require an accurate measuring system, which we don't have. So the argument that we lack the capabilities to measure for pollution levies is also true for NRP and for any other ongoing land use.</p>	
Policy 10 a&b  Policy 12	Oppose in part	<p>There is no provision in the plan for regionally significant infrastructure to be regulated to make reasonable mitigations to improve water quality. For example the rate of change of water level in the hydro scheme is regulated, but land-based application of point-source discharges in summer is not. Tokoroa sewage treatment plant has no restrictions on timing of high-N discharges yet they are very significant. There are many other examples like this.</p>	<p>All infrastructure, whether significant under this definition or not, should be in play for making mitigations which are effective provided the mitigations do not force the infrastructure to be unprofitable for either economic or physical.</p>
Policy 11	Oppose	<p>Meta-analysis of Offset programs shows they rarely work in practice. WRC has not demonstrated any proof to the contrary, therefore it can be assumed that an offset program will be a policy and practical failure, resulting in lack of progress on water quality improvement.</p>	<p>Do not allow offset programs. Use pollution levies to achieve the required outcome.</p>
Policy 13	Oppose 25 year timeframe	<p>Timeframe is too long to respond to innovations and public demand for improvement. Many consents are unaudited during the consent term. The certainty around investment etc could be improved, for consent holders who conform, by giving an automatic rollover subject to prevailing laws at the time if they pass regular and transparent audits.</p>	<p>Reduce timeframe to 10 years with 10 year automatic rollover if audits are clean.</p>
Policy 15	Oppose	<p>Language is ambiguous. An unequivocal commitment to restoration from current state should be made. This may not be full restoration back to original, but wording 'make progress towards restoration' does not necessarily mean any restoration at all.</p>	<p>Commit to actual restoration progress.</p>
3.11.4.5  3.11.4.6	Support, but:	<p>What are the sanctions against WRC if it fails to deliver these objectives?</p>	<p>Some measure of accountability and sanction for poor performance is required.</p>

3.11.4.11e	Oppose	The plan envisages several approved industry schemes.. The schemes run by the agricultural industry themselves are notorious for failing to adhere to their agreed, performance, rules and timeframes so early knowledge of the lack of data is helpful in determining whether a scheme is running properly or should be replaced with proper oversight.	Accounting system must measure, monitor and publish all recorded metrics and audits from industry schemes in a way that is transparent, clear and accessible to the public.
Rule 3.11.5.1	Oppose in part	It is not clear from this rule whether all conditions of the RMA for contaminants to land and water will also be met, or which rules take precedence.	All conditions of the RMA for must be met.
Rule 3.11.5.4 Schedule 2 Industry schemes	Oppose	Audited self-management does not work in industries with a history of poor compliance. Please see appendix 1. Self management has never worked according to any meaningful standard in the agricultural industry in NZ. WRC has not studied this and is being led by strong industry figures over the efficacy of it. An excellent example of this is WRC's passing on the soil cadmium problem to self interested industry bodies. No aspect of the cadmium management plan has been instigated after 9 years of self management. Soil cadmium levels remain the same or higher that they were when Cadmium went under an industry self management scheme. Self management is wholly inappropriate for implementation of PC1	No Industry self management schemes to be used.
Schedule C, 2 Schedule 1 FEP 2(b) ii	Oppose	A 1m boundary may not be adequate where stock intensity can exceed certain values such as in stock camps or during many wintering situations. Also a slope of 10 - 15 degrees is very steep for a 1m setback. It is unlikely the bank will support any weight of stock on this angle of slope at the 1m setback anyway, so actual erosion would be contributed as well as overland flow of pollutants, thus a larger setback is not likely to be a penalty.	Where stock intensity can exceed a critical value the BMP must be to increase the fenced margin. For land 10 -15 degrees increase the setback to at least 3m.

#### Appendix 1.

#### Predictors for whether Self Regulation will work in an industry.

**Self management, or Self-regulation** is a common demand from polluting or damaging industries, such as the fossil fuel, chemical, tobacco, gambling and alcohol industries. It is normally used as a way to avoid or put off having government regulations imposed. Paying for pollution is not profitable.

If we agree to allow self regulation it is normally on the basis of a whole lot of promises from the industry, almost all of them unenforceable. In most cases by the time it is figured out there is a problem we are away down the track and a lot of the damage is done.

Then regulations have to be brought in anyway, so we may as well have had them in the first place.

There are well known factors that predict if self regulation will fail. <sup>1</sup>

#### **Predictors for whether Industry Self-Regulation with External Audit will fail:**

1. Is there a previous history of demanding self regulation then failing to perform?
2. Is there general industry opposition to having and funding regular external audits?
3. Does the industry oppose a strong voluntary self-disclosure programme?
4. Is there general industry opposition to measuring and returning public interest data like water use, nutrient loss etc?

5. In existing operations is there poor compliance, as measured by external audit?
6. Does the industry ask for extensions of time or public funds to finish previously agreed commitments?
7. Does the industry avoid delivering meaningful penalties to its members who transgress?
8. Does the industry try to generalise issues rather than dealing with them member by member?
9. Is the industry press and reporting giving a false or inadequate picture of actual compliance?

New Zealand agriculture has, for all previous attempts at self-regulation, failed on every single count. This should disqualify them from any future self regulation, unless they can demonstrate an enforceable plan (which is enforced).

The quote below is from a meta-analysis of self policing regimes *".....We also find that historically poor compliers are significantly less likely to follow through on their commitments to self-regulate, suggesting a substantial limitation on the use of self-regulation as a strategy for reforming struggling organizations. Taken together, these findings suggest that self-regulation can be a useful tool for leveraging the normative motivations of regulated organizations but that it cannot replace traditional deterrence-based enforcement."*

<http://www.google.co.nz/url?sa=t&rct=j&q=self%20policing%20meta%20analysis&source=web&cd=4&sqj=2&ved=0CEQQFjAD&url=http%3A%2F%2Fciteseerx.ist.psu.edu%2Fviewdoc%2Fdownload%3Fdoi%3D10.1.1.151.5573%26rep%3Drep1%26type%3Dpdf&ei=TVa9UOayMMWViAetlIDoAQ&usq=AFQjCNGA922IbkG3alu19dtlPzU7MIGGqg>

## Additional sheet to assist in making a submission

Section number of the Plan Change	Support /Oppose	Submission	Decision sought
Please refer to title and page numbers used in the plan change document	Indicate whether you support or oppose the provision.	State in summary the nature of your submission and the reasons for it.	State clearly the decision and/or suggested changes you want Council to make on the provision.