

Form 5

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

To: Waikato Regional Council (**local authority** or **WRC**)

Name of submitter: Clare Devine

Submission on Variation 1 to Proposed Waikato Regional Plan Change 1

- 1 WRC notified proposed Waikato Regional Plan Change 1 (**PC1**) on 16 October 2016.
- 2 This is a submission on the following variation:
 - 2.1 Variation 1 to Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (**Variation**).
 - 2.2 I wish to make submissions on PC1 insofar as it now applies to the formerly withdrawn area.
- 3 I could not gain an advantage in trade competition through this submission.
- 4 The specific provisions of the Variation/PC1 that my submission relates to are as follows:
- 5 **Map 3.11-1**

Submission
- 6 I **support** the amendments made to the Map 3.11-1, and wish to have them retained.

Reasons for the submission
- 7 I support the reinstatement of the area previously withdrawn from PC1. This recognises the importance of including all areas of the Waikato river in PC1 in order to achieve water quality objectives. As this area also includes the Whangamarino Wetland, its reinstatement also recognises the international significance of the Whangamarino Wetland and the importance of

restoring it. This in turn gives effect to s6 of the Resource Management Act, which requires authorities to recognise and provide for the national importance of the coastal environment including wetlands.

Decision sought

8 Retain the Map3.11-1 as amended by the Variation

9 **Policy 5**

Submission

10 I **partially oppose** this provision and wish to have it amended.

Reasons for the submission

11 Policy 5 outlines a staged approach to achieving water quality targets which will span 80 years. I support the staged approach in principle, however I submit that this provision lacks certainty and requires amendments. The policy does not elaborate on how the targets will be achieved after the 10-year time frame; for example, what future nitrogen allocation rates are required. This creates uncertainty for land users and for achievement of the environmental outcomes. I consider that this is contrary to the following policies and laws:

11.1 Policy B8 of the National Policy Statement for Freshwater Management, which requires every regional council to consider "how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits". The farming community will be unable to plan for financial viability and development sufficiently within the current framework.

11.2 Objective CA1 of the NPSFM, which requires an approach that recognises regional and local circumstances. In the present case, the WRC is required to consider the reliance of the Waikato region on primary production when formulating policies and objectives.

11.3 Policy CA2 of the NPSFM which requires the WRC to consider the limits that would be required to achieve freshwater objectives. It does not appear that the Council has adequately considered the future limits that will be required, instead preferring to defer this decision-making.

11.4 s5 of the Resource Management Act 1991: both in its requirement to manage use and protection in a way which enables communities to provide for their economic well-being, and in its requirement to safeguard the life-

supporting capacity of water and potential of natural resources. A plan which does not outline specific future targets within the 80-year timeframe does not give effect to these requirements of sustainable management.

Decision sought

- 12 That the WRC amends this policy to provide greater clarity.
- 12.1 Policy 5: Staged approach/Te Kaupapa Here 5: He huarahi wāwāhi Recognise that achieving the water quality attribute^ targets^ set out in Table 11-1 will need to be staged over 80 years, ~~to minimise social disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens, and preparing for further reductions that will be required in subsequent regional plans.~~
- 12.2 Replace the above deletions with reference to the defined anticipated future limits on nitrogen allocation.
- 12.3 That the WRC inserts related provisions at Table 11-1 which will define anticipated future limits on nitrogen allocation at each 10 year period in the 80 year plan.

13 **Policy 1 and Rules 3.11.5.1 to 3.11.5.7**

Submission

- 14 I partially oppose the above provisions.

Reasons for the submission

- 15 Policy 1 and Rules 3.11.5.1 to 3.11.5.7 allocate nitrogen based on nitrogen reference points which are calculated from historic records for each property. In this way, activities are permitted or controlled on the basis that nitrogen loss is the same or less than historic loss. This fails to create incentives for land users to decrease activities which have historically resulted in high nitrogen loss. It also creates a disproportionate burden on land users whose land use has historically resulted in lower levels of nitrogen loss. I submit that these rules are not in line with the objectives of National Policy Statement for Freshwater Management and the Resource Management Act 1991. I also submit that they are not the most appropriate way to achieve the purpose of the Act as required by s32 of the RMA.

Decision sought

- 16 Amend Policy 1 so that it states words to the following effect: "WRC recognises the need for the nitrogen allocation regime to target and mitigate the effects of the activities which have historically had and continue to have a significant impact on nitrogen levels in the catchment areas".
- 17 Amend Rules 3.11.5.1 to 3.11.5.7 so that nitrogen is allocated in such a way which requires greater reductions from activities which have or are contributing to high levels of nitrogen leaching, ordered from high intensity to low intensity.

18 **Policy 16**

Submission

- 19 I partially oppose the above provision.

Reasons for the submission

- 20 Policy 16 provides for flexibility for the development of land returned under Te Tiriti o Waitangi settlements and multiple owned Maori land. This is to recognise previous historical and legal restrictions imposed on development. It is not clear how this policy will achieve the objects of the Plan or the RMA. It is acknowledged that s6 of the RMA provides for recognition of the relationship of Maori and their culture and traditions with their ancestral lands, water and other taonga. However, Policy 16 does not implement this purpose in that it is not evident how the development of ancestral lands, presumably for primary production, will contribute towards the maintenance of Maori culture and traditions.
- 21 I submit that this policy in its current form does not comply with the RMA or NPSFM in that it will potentially fail to achieve sustainable management for the specified lands in the manner required by s6. I also submit that it is contrary to the spirit of tangata whenua values and attitudes towards natural resources, such as mahinga kai, waahi tapu, kaitiakitanga and wai tapu.
- 22 Policy 16 fails to provide sufficient certainty as to what flexibility will be granted for the development of such land. If this policy is retained, it needs to define exactly what permissions will be granted for such land.

Decision sought

- 23 Amend Policy 6 to provide greater clarity AND amend Policy 6 to align with s6 of the RMA.

24 **Decisions sought**

25 I seek the following decisions from the local authority:

25.1 The specific provisions be amended or deleted or retained or substituted as sought above in this submission.

25.2 Such alternative, consequential or further relief as may be required either to promote sustainable management or to give effect to this submission.

26 I do not wish to be heard in support of my submission.

Clare Devine

23 May 2018

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