

SUBMISSION

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To: Environment Waikato
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Submission on: **Proposed Waikato Regional Policy Statement**

Submission by: Federated Farmers of New Zealand

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Federated Farmers wishes to be heard in support of this submission.

Federated Farmers appreciates this opportunity to submit on the proposed Waikato Regional Policy Statement. We acknowledge any submissions made by individual members of Federated Farmers.

If others make a similar submission, Federated Farmers would be prepared to consider preparing a joint case with them at any hearing.

Notes on format of submission:

Federated Farmers submission will follow the same chronological format as the Waikato Regional Policy Statement.

Where we submit that a provision be amended, new words are indicated in **bold** text and deletions are indicated by ~~striketrough~~ text.

Abbreviations:

- RPS refers to the proposed Waikato Regional Policy Statement
- RMA refers to the Resource Management Act 1991
- TAs refers to Territorial Authorities

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1 **Enabling activities**

Federated Farmers submits that the RPS needs to focus more on enabling land use. Currently the RPS focuses on restricting land use where it is not appropriate, rather than enabling activities that are appropriate. The RMA has an enabling intent, which is embedded in Section 5 meaning of sustainable management and this needs to be imbued throughout the RPS. People and communities need to be empowered to provide for their economic, social and cultural well being in a manner that manages adverse effects on the environment.

Relief Sought:

- That the RPS reflects the enabling intent of the RMA.

2 **Perspective of primary production**

In light of the significant contribution agriculture makes to the region, and the stewardship inherent in operating a farming business, the RPS should have a more positive view of agriculture. The dairy sector, comprising farmers and dairy processors, directly contributed around \$5.0 billion of value added (or GDP) to the New Zealand economy in 2010. Primary production is essential to the economic and social well being of the people and communities in the Waikato Region.

In addition to this, Federated Farmers is concerned that the Proposed RPS fails to take into account the potential costs that could be imposed on landowners as a result of its policies and provisions. This relates in particular to those provisions that seek to include additional layers of protection over the region's natural and physical resources such as landscapes. As price-takers, farmers and growers cannot pass on rising compliance costs to consumers. Rising farming costs (including council costs) are the key driver behind farmers needing to continually raise farm productivity in order to maintain viable businesses.

Year after year our members adjust production systems to better align and manage their land to sustainably manage the natural resources they rely on for production. Farmers are constantly making substantial on-farm investments to keep up with changing societal and market expectations. Farmers and growers need greater certainty that proposed measures to minimise adverse effects on natural and physical resources are scientifically justified.

Farmers feel they are being held to ever increasing standards. While they should ensure that their activities do not result in adverse effects on the environment, it is unrealistic to expect that there will be no effects at all. If farmers were to cease all activity to scale it back to merely subsistence levels, then it may not have positive economic and social outcomes, which affects not only individual farmers, but the Waikato Region as a whole.

Relief Sought:

- That the RPS recognises that primary production is a major contributor to the social and economic well being of people and communities in the Waikato Region, and
- That the RPS acknowledges that when primary producers are expected to reduce impacts on the environment that this will have a detrimental effect on economic and social well being, and that a robust cost/benefit analysis needs to be made.

3 **Managing adverse effects**

The RPS needs to focus on managing adverse effects, and not just activities. Throughout the RPS direction is given to "control activities". Federated Farmers is concerned that a focus on controlling activities will mean that the ability to uptake new technologies or production methods may be constrained unintentionally.

The RPS needs to retain the flexibility to permit or provide for new technologies as they are developed. Council needs to ensure that, when discussing methods, tools, and mitigation options, that these are specific enough to be effective but do not relate to specific technologies, as this will limit councils from being able to use or provide for the use of other, newer, possibly more effective technology that is developed over the next ten years. For example agricultural technology such as effluent mitigation tools are rapidly being improved and new tools developed. To be restricted by a certain method could mean that positive environmental outcomes are limited.

Relief Sought:

- That the RPS seeks to manage adverse effects, and does not seek to control activities.

4 **RMA Language**

The RPS needs to be consistent with RMA language. RMA terms are well defined and widely understood and should be used in the RPS to avoid confusion and misinterpretation.

An RPS is required to achieve the purpose of the RMA, which stipulates that people and communities are enabled to provide for their social, economic and cultural well-being. The RPS needs to provide direction that when developing plans, strategies, and processing consents that economic, social and cultural well-beings are considered and balanced along with environmental well-being.

Sections 5 and 17 of the RMA also provide for avoidance, remediation or mitigation of adverse effects of activities on the environment. The terms avoid, remedy or mitigate should be used throughout the RPS when discussing adverse effects.

Terms such as *maintain*, *enhance* and *protect* need to be used in a way that retains consistently with the RMA. Particularly with regards to Section 6 matters and Section 7 matters.

The term *restore* is used throughout the RPS, and may be misinterpreted as it is not common RMA term. *Restore* indicates that a resource is to be returned to its previous condition, it is ambiguous as to what the previous condition may be, a baseline of 1840, or pre Maori colonisation, either way these targets will be unachievable and unrealistic, resulting in dire consequences for economic and social well being . Where the word *restore* is used it should be replaced by the more commonly understood *enhance* or *protect*.

Relief Sought:

- That the concept of *sustainable management* as envisioned by Section 5 of the RMA is imbued throughout the RPS,
- That the RPS retains consistency with RMA language and uses terms *maintain*, *enhance* and *protect* in line with these terms in Sections 6 and 7 of the RMA,
- That the RPS provides for avoidance, remediation or mitigation of adverse effects to retain consistency with Sections 5 and 17 of the RMA, and
- That the term *restore* is replaced with *maintain*, *enhance* or *protect* where appropriate.

5 Non-regulatory Methods

Federated Farmers supports the good use of non-regulatory methods, however the use of non-regulatory methods is inconsistent throughout the RPS. Policy 11.1(indigenous biodiversity) has good use of non-regulatory methods such as funding and assistance, however Policy 11.2 (significant indigenous vegetation) does not have a corresponding method despite that it could be another string to the bow.

Non-regulatory methods can be effective in engaging resource users to work with the council towards achieving mutual goals and is a more efficient way of achieving 'buy-in' from resource users. Resource users are more likely to engage and work proactively in partnership with council when they have a sense of ownership of and responsibility for the targets and activities being carried out, and feel that they have been an active participant in the decision-making process.

Education is an important tool, particularly for issues that are not well-known or where perceptions need adjusting. As people gain more accurate knowledge about issues important in the region, misconceptions will reduce and people will be more willing to proactively engage in non-regulatory solutions.

Federated Farmers considers that where education is provided as a method, that this not be restricted to only Environment Waikato. Policies managing heritage in Section 10 allow Environment Waikato to carry out education, but as TAs are often managing effects on heritage through their subdivision and built environment functions that education will be a useful vehicle to encourage good heritage outcomes.

Relief Sought:

- That non-regulatory methods are provided throughout the entire RPS, and
- That education is not limited to Environment Waikato only.

6 Consultation of land owners

Land owners have skin in the game when it comes to resource management, as any objectives, policies or methods are going to directly affect what they can do on their properties and will affect their livelihood. There is inconsistent recognition of the vital role that landowners play in achieving objectives relating to resources on privately owned land. Consultation with landowners is crucial for the protection of biodiversity, landscapes and natural features on private land, because without landowner acknowledgement and "buy in" on going, positive management is unlikely to occur.

We believe that an obligation to consult with affected landowners does not give them greater status than any other party to the process, but rather recognises that landowner input is integral to achieving successful environmental outcomes. Councils need to provide more forums for community groups to meet together to gain greater understanding of issues in the community. Resolution of potential conflicts can best be achieved by communities working informally, as well as through the formal submission/hearing process. In our opinion this is where policies based on fully integrated catchment management could be implemented effectively.

Further the requirement to consult should not be thought of as statutory consultation required by the RMA. The early engagement of landowners in the formation of objectives, policies and rules that impact on the management of their land is critical to any successful outcomes of regional environmental objectives. Without early engagement, that may include farmer reference groups, one on one consultation where a plan

directly relates to a property, or field testing rules before they are applied, it is highly likely any proposed changes will result in an adversarial process. Enduring partnerships between Council and landowners will be much more effective in achieving regional objectives than endless rounds of submissions, hearings and appeals. The only way to achieve this sort of partnerships is through engaging landowners early in the process about any proposed changes that will impact on them, providing them with alternatives and offering them the opportunity to address any resource management challenges at an on farm level.

Relief Sought:

- That the RPS includes land owners as affected parties when the RPS directs collaboration and consultations to be carried out.

7 Section 32 analysis

The Section 32 report is inadequate. Federated Farmers is disappointed that the economic model was not used for the Section 32 analysis. Costs discussed in the Section 32 analysis are vague and general, only stating that costs to the community may increase, or that there may be an additional initial cost incurred.

For truly holistic management of resources, costs must be considered. Farmers are often frustrated by resource management as local authorities seem to demonstrate little understanding of costs. Available money is a finite resource for farmers and if costs are imposed in one area of their business then this diverts financial resources away from other areas. An example is where a farmer may have to lay off an employee as the compliance cost of maintaining effluent disposal is increasing. How many jobs are lost over the entire Waikato Region due to this single example, and is the Region willing to trade 100 jobs for better environmental performance?

When the potential effects on economic and social well being are so important, the cost/benefit analysis should not be relegated to the too hard basket.

Relief Sought:

- That the Section 32 Report be fit for purpose, and
- That the true cost of resource management needs to be analysed in the Section 32 report.

SECTION 1 ISSUES

8 Provision in the proposed RPS:

Issue 1.1 State of resources

Summary of reasons for this submission:

Federated Farmers submits that Article a) needs to clarify the issue of poor air quality further to focus on unacceptable levels of fine particulates. Some air quality degradation is to be expected according to the activities that are legitimately occurring, like topdressing fertiliser or agricultural burning in rural areas where primary production occurs. However this type of air particulates is not the issue, but rather particulates that have reached an unacceptable level to harm human health.

Federated Farmers submits Article b) has identified agriculture as the problem, rather than declining quality of soil and water. Focussing on intensive agriculture only is miss-representing the causes of the problem, and is casting an unnecessary negative light on primary production. Intensive agriculture is a term that is prone to misinterpretation, with opinions considering that it means increased stocking rates and others that think it means indoor farming. Agriculture is not the only land use that impacts on water quality or contributes to contaminants in soil. Pest fish and weeds can also contribute to poor water quality, for example koi carp have been identified as contributing to water quality decline in Waikato rivers and lakes. The RPS should not single out one particular contributor to declining quality of soil and water as this will stifle possible solutions in the future.

Sedimentation of estuaries and harbours is a natural process that has occurred long before human intervention in the catchments, as estuaries and harbours are sedimentary basins. Article c) needs to quantify the issue as *accelerated* sedimentation and nutrients.

While declining quality and quantity of resources in an issue, so to is the access of these resources to enable well being of people and communities and the balance between use and protection. Failure to enable people to access resources at reasonable cost will result in them not being able to provide for their wellbeing.

Relief Sought:

- That Issue 1.1 is amended to

Declining quality and quantity of natural and physical resources impacts their life-supporting capacity, reduces intrinsic values and ecosystem services and in general reduces our ability to provide for our wellbeing.

While addressing this issue generally, specific focus should be directed to addressing the following matters:

- a) risk to human health from poor air quality caused by fine particulate matter **at unacceptable levels;***
- b) ~~effects of intensive agriculture including~~ accumulation of contaminants in soils and **adverse** effects on water quality **and possible links to land use;***
- c) effects of **accelerated** sedimentation and nutrients in estuaries and harbours;*
- d) indigenous biodiversity decline **and increasing pest fish and weeds;***
- e) increasing potential for conflicts between activities in the coastal marine area; and*
- f) increasing demand for fresh water*

g) enabling people and communities to access resources to provide for their well being. Or words to this effect.

9 Provision in the proposed RPS:

Issue 1.3 Providing for energy demand

Summary of reasons for this submission:

Federated Farmers supports this issue as energy demand is a major issue for many of our members who have infrastructure on their land. The recognition in this issue that energy generation and transmission can conflict with existing land and water uses is supported.

The need for conflicts to be minimised can connote that some level of adverse effect just has to be tolerated. The RMA imposes a duty in Section 17 for all persons to avoid, remedy or mitigate their adverse effects. Including the terms *avoid, remedy or mitigate* in this issue is more reflective of the RMA and encompasses the challenge of balancing the need for energy and the adverse effects that this can have on other resource users.

Relief Sought:

- That Issue 1.3 is amended to read:

With increasing energy demand, there is increasing need for new energy projects and associated infrastructure, and increasing potential for adverse effects on natural resources.

While addressing this issue generally, specific focus should be directed to addressing the following matters:

- a) potential for conflicts between energy generation and transmission and other land or water uses; and*
- b) the need to find sites for generation where such conflicts can be ~~minimised~~ **avoided, remedied or mitigated**.* Or words to this effect.

10 Provision in the proposed RPS:

Issue 1.6 Health and wellbeing of the Waikato River

Summary of reasons for this submission:

Federated Farmers supports the recognition that the Waikato River is used to provide for economic opportunities, and considers that this issue is a good summing up of the Vision and Strategy.

Relief Sought:

- That Issue 1.6 is retained.

SECTION 3 OBJECTIVES

11 Provision in the proposed RPS:

Objective 3.1 Integrated management

Summary of reasons for this submission:

Federated Farmers submits that integrated management is more than just natural resources and their interrelationships; human well being is also vital to integrated management and the meaning of sustainable management.

Sustainable management incorporates a close association with people and communities being enabled to provide for their economic, social and cultural well beings, and the state of natural and physical resources and the environment. To overlook one component would mean that integrated and sustainable management is not achieved.

Relief Sought:

- That Objective 3.1 is amended to read:

The management of natural and physical resources recognises the inter-related nature and multiple values of those resources. Particular recognition will be given to the inter-relationships within and values of:

- a) water body catchments;*
- b) riparian areas and wetlands;*
- c) the coastal environment;*
- d) the Hauraki Gulf; ~~and~~*
- e) the Waikato River; **and***
- f) **the use of resources for economic, social and cultural well being.** Or words to this effect.*

12 Provision in the proposed RPS:

Objective 3.2 Decision making

Summary of reasons for this submission:

Federated Farmers supports a holistic and consistent decision-making approach. Support is given to the allowance for flexible solutions for local variations, recognition that time may be needed for change to occur, the inclusion of working with key stakeholders, and considers a mix of methods to achieve objectives.

Federated Farmers is concerned that the Precautionary Approach in Article d) will lead to activities to be subject to a level of unnecessary regulation. The RMA does not expressly prescribe adoption of the precautionary principle or the precautionary approach, but the requirement for a consent authority to have regard to the potential effects of an activity on the environment, including a potential effect of low probability with high potential impact as outlined by Section 3(f) of the RMA, is seen to be precautionary in substance. The general precautionary approach required by the RMA applies only in the case of resource

consent applications and in situations where there is a threat of “serious or irreversible damage”. However Federated Farmers has seen the precautionary approach extended into plans, with a default status of non-complying where activities are not listed elsewhere.

While recognition of the precautionary approach is all well and good for assessing resource consents, it may lead to situations in Plans where activities are subject to a level of unnecessary regulation when councils don’t know enough about the individual resource they are managing.

Federated Farmers submits that Article 1) needs to expand on the type of methods used to achieve objectives, by stating that non-regulatory methods as well as regulatory methods should be considered. Specifically mentioning the types of methods will provide TAs with more guidance.

Federated Farmers submits that an additional point is needed to provide for a well-rounded decision-making approach, in that a balance is required between economic, social and cultural well beings, with environmental well being. All too often environmental well being is more heavily weighted, but a balance is required in order to achieve sustainable management.

Relief Sought:

- That Objective 3.2 is amended to read :

Resource management decision making is holistic and consistent and:

- a) *is aligned across legislation and national and regional strategies;*
- b) *takes an integrated approach to managing resources that cross regional and functional boundaries;*
- c) *adopts an appropriate planning timeframe;*
- d) ~~adopts~~ **recognises** *a precautionary approach **when processing resource consents;***
- e) *is transparent;*
- f) *has particular regard to the potential for cumulative effects from activities;*
- g) *is based on the best available information, including matauranga Maori;*
- h) *allows for flexible solutions for local variations;*
- i) *recognises that time may be needed for change to occur;*
- j) *includes working with tangata whenua;*
- k) *includes working with key stakeholders;*
- l) *considers a mix of **non-regulatory and regulatory** methods to achieve objectives; and*
- m) *results in solutions which include processes to minimise conflicts.*
- n) **Seeks to balance economic, social and cultural well beings with environmental well being.** Or words to this effect.

13 Provision in the proposed RPS:

Objective 3.3 Health and wellbeing of the Waikato River

Summary of reasons for this submission:

Federated Farmers considers that the use of the word *restore* is uncertain and unachievable. The word *restored* means to return to the original condition, so the question arises as to what original condition the river will be restored to. Restoring the river to the original condition pre-colonisation will be unachievable. Federated Farmers submits that aiming to maintain, enhance or protect provides a range of options that seek to improve the Waikato River, so that the goal becomes achievable.

Relief Sought:

- That Objective 3.3 is amended to read:

*The health and wellbeing of the Waikato River is ~~restored~~ and **maintained, enhanced or protected where appropriate** and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved. Or words to this effect.*

14 Provision in the proposed RPS:

Objective 3.4 Energy

Summary of reasons for this submission:

Energy use and electricity generation and transmission should be required to avoid, remedy or mitigate their adverse effects on adjacent land uses. Energy use, electricity generation and transmission can create adverse effects on surrounding land uses such as farming, and affect the ability of people and communities to provide for their social and economic well being. Issue 1.3 recognises that there is a conflict between electricity generation and transmission, and other land or water uses, and this needs to be recognised in Objective 3.4. The RMA does not direct that network utilities be prioritised over and above other land uses, and requiring adverse effects to be avoided, remedied and mitigated will ensure that sustainable management of electricity generation and transmission is achieved.

Relief Sought:

- That Objective 3.4 is amended to read:

Energy use, and electricity generation and transmission are managed in a way that:

- a) minimises demand for energy;*
- b) increases efficiency of energy use;*
- c) recognises the need for renewable energy development;*
- d) reduces reliance on fossil fuels; and*
- e) addresses adverse effects on natural and physical resources.*
- f) **avoids, remedies or mitigates adverse effects on surrounding existing land and water uses.** Or words to this effect.*

15 Provision in the proposed RPS:

Objective 3.6 Coastal environment

Summary of reasons for this submission:

Federated Farmers submits that Objective 3.6 seems to have inappropriately combined the direction of two separate parts of the RMA.

Protection of landscapes and features is a Section 6(b) function of the RMA, and this protection only extends to landscapes and features that are considered outstanding and natural.

Section 6(a) of the RMA refers to the coastal environment, in that natural character shall be preserved from inappropriate subdivision, use and development. Many farms are located along coastal environments, and primary production activities should not be considered inconsistent in these areas.

Amending Article a) to protect the natural character of the coastal environment from inappropriate subdivision, use and development, and adding a new Article which enables appropriate activities will achieve integrated management more than just aiming to protect features that are not considered outstanding.

The extent of the Coastal Environment as indicated by Maps 4-1 to 4-18 is considerable, and incorporates many land use characters such as rural, residential and native bush. Objective 3.6 needs to enable activities that are consistent with the surrounding character. Omitting this will mean that sustainable management is not achieved and the values that we associate with the coastal environment are eroded.

Relief Sought:

- That Objective 3.6 is amended to read:

The coastal environment is managed in an integrated way which:

- a) ~~protects the unique features and values~~ **the natural character of the coastal environment is protected from inappropriate subdivision, use and development;***
- b) avoids conflicts between uses and values; and*
- c) recognises the need to link marine-based and land-based activities*
- d) **enables activities that are consistent with the surrounding coastal environment.** Or words to this effect.*

16 Provision in the proposed RPS:

Objective 3.7 Ecosystem services

Summary of reasons for this submission:

Federated Farmers supports an Objective which recognises that people benefit from natural resources.

Relief Sought:

- The Objective 3.7 is retained.

17 Provision in the proposed RPS:

Objective 3.9 Efficient use of resources

Summary of reasons for this submission:

Federated Farmers supports Objective 3.9 in that efficient use of resources is recognised.

Relief Sought:

- That Objective 3.9 is retained.

18 Provision in the proposed RPS:

Objective 3.10 Air quality

Summary of reasons for this submission:

Article c) needs to recognise that some activities that create smoke, odour or dust are also necessary for people and communities to provide for their well being and are not just adverse effects that need to be managed, an example is agricultural spraying, fertilising or effluent irrigation. Effluent irrigation has overall better environmental outcomes than ponds and discharges to water, despite creating a minor adverse effect or odour.

Federated Farmers understands there is a link between air quality and amenity values. More emphasis is required to the fact that particular expectations about amenity and the level of acceptable activities is dependant on the character or zone. For example the operational requirement of primary production activities like silage feeding and effluent spreading have effects which should be both anticipated and expected in a rural area, these activities contribute to the well being of farmers and their communities.

Although Article d) seeks to recognise that some areas will have lower amenity, we submit that the interrelationship between amenity values and zones should be made more explicit and less negative. This extra emphasis is required because unrealistic expectations of air ambiance generates a considerable amount of complaint and friction between neighbours, and the expectations of what territorial authorities can achieve. Amenity values and wellbeing can be adversely affected by discharges such as odour, smoke

and dust which are inconsistent with the predominant land use and environmental quality of the character areas within the region.

Relief Sought:

- That Objective 3.10 is amended to recognise that the character of the particular area will affect the level of amenity expected

Air quality is managed in a way that:

- a) ensures that where air quality is better than national environmental standards and guidelines for ambient air, any degradation is as low as reasonably achievable;*
- b) avoids unacceptable risks to human health and ecosystems, with high priority placed on achieving compliance with national environmental standards and guidelines for ambient air;*
- c) avoids, where practicable, adverse effects on local amenity values and people's wellbeing including from discharges of particulate matter, smoke, odour and dust **that are inconsistent with the character of land use**; and*
- d) recognises that it is appropriate that some areas will have a ~~lower~~ **different level of amenity** than other areas. Or words to this effect.*

19 Provision in the proposed RPS:

Objective 3.11 Built environment

Summary of reasons for this submission:

Federated Farmers submits that the built infrastructure of industry should also be recognised for its benefit to the region, similar to how regionally significant transport and energy corridors are recognised.

Built infrastructure for the primary production industry includes on-farm structures like dairy sheds, packing sheds or woolsheds, and processing sites like timber mills, dairy factories or meat works. These are all significant contributions to the regional economy and provide employment, food products and networks.

Relief Sought:

- That Objective 3.11 is amended to read:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which provides for positive environmental, social, cultural and economic outcomes, including by:

- a) promoting positive indigenous biodiversity outcomes;*
- b) integrating land use and infrastructure planning;*
- c) recognising the value and long-term benefits of regionally significant infrastructure and protecting regionally significant transport and energy corridors;*
- d) protecting access to identified mineral resources;*
- e) minimising land use conflicts, including minimising potential for reverse sensitivity with existing land uses; and*

- f) *anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region.*
- g) ***Recognising the value and long term benefits of built infrastructure of industry.*** Or words to this effect.

20 Provision in the proposed RPS:

Objective 3.13 Mauri and health of fresh water bodies

Summary of reasons for this submission:

Federated Farmers considers that the use of the word “restore” is uncertain and unachievable. The word “restored” means to return to the original condition, so the question arises as to what original condition the freshwater bodies will be restored to. Restoring the river to the original condition pre-colonisation will be unachievable. Policies under this objective aim to maintain or enhance, and so this objective should use the same terms.

Federated Farmers supports the intent of Article d) which enables people and communities to provide for the social, economic and cultural well beings, however the caveat that it will not detract from values will not achieve sustainable management. Economic, social and cultural well beings must be balanced with environmental protection, and in some cases degradation will be acceptable as benefits to humans will outweigh the cost to the environment.

Relief Sought:

- That Objective 3.13 is amended to read:

The mauri and health of fresh water bodies are protected by:

- a) *recognising and maintaining the following values:*
 - i) *natural character and natural functioning;*
 - ii) *health and functioning of indigenous biodiversity, ecosystems and habitats;*
 - iii) *the relationship of tangata whenua with fresh water;*
 - iv) *availability and suitability of drinking water;*
 - v) *harvesting of aquatic food species and mahinga kai that is safe to eat; and*
 - vi) *recreation values including swimming;*
 - vii) ***use values contributing to economic and social well being,***
- b) ~~*restoring*~~ ***maintaining*** *or enhancing the values of fresh water bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030; and*
- c) *protecting the values of fresh water bodies where they are high; and*
- d) ~~*while not detracting from the above values,*~~ *enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. Or words to this effect.*

21 Provision in the proposed RPS:

Objective 3.14 Allocation and use of fresh water

Summary of reasons for this submission:

Federated Farmers submits that Objective 3.14 does not achieve sustainable management of the water resource.

Federated Farmers submits that any response to water allocation issues should first and foremost be built upon giving stakeholders a long term basis upon which to make decisions and recognise and protect existing user's rights. Water allocation planning should also recognise that the use of water for irrigation (or other purposes) and/or dairy shed wash down and/or milk cooling already involves very considerable expense, such as the development of on-farm or off-farm infrastructure, energy use and labour. These are major and currently existing drivers for the efficient use of water.

Federated Farmers undertook a huge exercise with our members to develop a set of principles on which all decisions pertaining to water should be made. This involved extensive consultation, including focus groups around the country and debate and sign off from our national governing body. It is the Federation's view that any water allocation decisions should be made with these principles strongly at their heart. These principles are included as below:

Federated Farmers Principle 1: *Water allocation decisions must be based on sound information.*

It is essential that adequate, reliable information about individual catchments is established using science based information to determine the availability of water as a resource before water management policy is developed. Informed decisions may only be made on proven and tested information.

Federated Farmers Principle 2: *The system for water allocation must be relatively simple and cost-effective, for both the regulator and the user.*

Federated Farmers Principle 3: *Secure tenure and clear specifications for water use are fundamental.*

Water consent holders must have confidence that their investment will be protected from confiscation and unreasonable restrictions. Without security of tenure for water consents, long-term investment in improvements to existing irrigation schemes together with new investment in additional irrigation projects will be seriously inhibited.

Federated Farmers Principle 4: *No one particular water allocation policy may be appropriate in all circumstances.*

Each catchment has different demands on water, different availability of water, and different values applied to water. It is therefore appropriate that individual catchments or sub catchments have water allocation policies that suit their specific characteristics.

Federated Farmers Principle 5: *Water allocation regimes must not undermine local or community water allocation strategies.*

Community involvement in negotiated settlements, particularly in areas where water is over allocated, allows local communities to seek their own unique solutions. This gives communities a role in determining how allocation should be managed.

Federated Farmers Principle 6: *Water allocation regimes should provide for water harvesting and storage.*

The augmentation and storage of current water supplies provide long-term opportunities to expand future water use options. Policies must enable and encourage this to happen in areas which are nearly fully allocated. Users should be able to utilise times of high flow and high groundwater to harvest water with least impact on the environment.

Federated Farmers Principle 7: *Efficient use of water is best determined by water consent holders.*

Inappropriate regulations and controls on how and where water resources are used risk producing perverse outcomes that run counter to ensuring the efficient use of water resources. For example, efficiency tests should not be based on land use or whether the use is economic or not. Commercial drivers for efficiency should be left up to the user.

Federated Farmers Principle 8: *The voluntary transfer or exchange of water consents must be accommodated in any water allocation regime.*

Flexibility is required within water allocation regimes to allow water consent holders to voluntarily transfer or exchange permits. Such transfers support the optimal use of water resources to meet the needs of both parties.

Objective 3.14 seeks to maintain the values of fresh water as the main driver, yet does not underpin this with the sustainable management rationale of the RMA like Article d) of Objective 3.13 does. Federated Farmers submits that Objective 3.14 needs to include the presumption that people and communities are enabled to provide for their well beings.

The establishment of priorities for the take and use of water does not

Relief Sought:

- That Objective 3.14 is amended to read

*The allocation of fresh water is managed so that the values (as listed in Objective 3.13 a)) are maintained and where **practical necessary restored or enhanced while enabling people and communities to provide for their social, economic and cultural well being, and for their health and safety, and:***

- a) over-allocation of ground and surface waters is avoided;*
- ~~b) priorities for the take and use of water are established; and~~*
- c) **b) efficiency in the use of water is ~~increased~~ determined by consent holders,***
- d) **secure tenure of water permits is achieved,***
- e) **a range of water allocation policies can provide for different catchments,***
- f) **local or community allocation is not undermined,***
- g) **water harvesting and storage is provided for,***
- h) **voluntary transfer or exchange of water permits by consent holders is accommodated.***

Or words to this effect.

22 Provision in the proposed RPS:

Objective 3.15 Riparian areas and wetlands

Summary of reasons for this submission:

Federated Farmers submits that the Objective to increase the extent of riparian area and wetlands will be unachievable. Riparian areas will not be able to be extended unless new rivers are created, as the term *riparian areas* does not only refer to those with indigenous habitat, but just to waterway margins in general.

The values that are to be maintained or enhanced may not always be appropriate in all situations. Objective 3.15 needs to incorporate more flexibility so that case-by-case decisions are enabled as to which values are desirable and achievable. Public access is an example of a value that may not always be desirable due to safety.

Relief Sought:

- That Objective 3.15 is amended to read:

~~The extent and quality of riparian areas (including coastal dunes) and wetlands is increased and these areas are managed to maintain and enhance the following~~ **where appropriate:**

- a) public access;
- b) natural character;
- c) amenity values;
- d) water quality;
- e) indigenous biodiversity;
- f) natural hazard risk reduction; and
- g) cultural values.

Or words to this effect.

23 Provision in the proposed RPS:

Objective 3.17 Historic and cultural heritage

Summary of reasons for this submission:

Federated Farmers submits in support of Objective 3.17 which seeks to maintain or enhance heritage. Maintaining or enhancing heritage still needs to be within the context of sustainable management, which allows for people and communities to provide for their well beings.

Relief Sought:

- That Objective 3.17 is amended to incorporate sustainable management:

Sites, structures, landscapes, areas or places of historic and cultural heritage are maintained or enhanced in order to retain the identity and integrity of New Zealand's history and culture and enable people and communities to provide for their well being. Or words to this effect.

24 Provision in the proposed RPS:

Objective 3.18 Ecological integrity and indigenous biodiversity

Summary of reasons for this submission:

Federated Farmers submits that sustainable management of indigenous biodiversity needs to be recognised in Objective 3.18. The Objective currently only seeks to recognise ecosystem types and indigenous biodiversity as an end to itself, but sustainable management also allows for use of the resource to enable people and communities to provide for their well being.

Relief Sought:

- That Objective 3.18 is amended to read:

*The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy, functional state, **while enabling people and communities to provide for their economic, social and cultural well beings.*** Or words to this effect.

25 Provision in the proposed RPS:

Objective 3.19 Outstanding natural features and landscapes

Summary of reasons for this submission:

Federated Farmers supports Objective 3.19 as it uses wording that is consistent with Section 6(b) of the RMA. However more positive acknowledgement of appropriate subdivision, use and development needs to be incorporated into the Objective. Otherwise the Objective seeks to protect from negative development, but positive development is ignored.

Relief Sought:

- That Objective 3.19 is amended to read

*The values of outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development **while enabling appropriate activities that contribute to people and communities' economic, social and cultural well being.*** Or words to this effect.

26 Provision in the proposed RPS:

Objective 3.20 Amenity

Summary of reasons for this submission:

Federated Farmers submits that not only landscapes and features contribute to amenity of an area, but also the activities that occur within that landscape. For example, farming and primary production contribute positively to rural amenity. Often these activities are the reason for the amenity and sense of place, as the activities have shaped what we see when looking over a landscape.

If activities are not recognised as contributing to amenity and sense of place, those activities may no longer occur and therefore amenity may change.

Relief Sought:

- That Objective 3.20 is amended so that activities and land uses are recognised for their contribution to the amenity of an area

*Those qualities and characteristics **and land use activities** of areas and features valued for their contribution to amenity are maintained or enhanced. Or words to this effect.*

27 Provision in the proposed RPS:

Objective 3.21 Natural character

Summary of reasons for this submission:

Federated Farmers submits that sustainable management of natural character needs to be recognised in Objective 3.21. Sustainable management also allows for use of the resource to enable people and communities to provide for their well being.

Objective 3.21 needs to retain consistency with Section 6(a) of the RMA, in that natural character is protected from inappropriate subdivision, use and development, and not from all development.

Farms and primary production land are often viewed as having high natural character compared to urban environments because of the conspicuous presence of natural features such as waterways, vegetation and rolling topography. Activities that are consistent with the level of natural character should be acknowledged and enabled in Objective 3.21, which would allow for farming activities to occur in areas that gain natural character from rural landscape, but would prevent development like a high-rise apartment block.

Relief Sought:

- That Objective 3.21 is amended to read:

*The coastal environment, wetlands, and lakes and rivers and their margins are managed to ensure a range of natural character values from pristine to modify are provided for **while enabling people and communities to provide for the economic, social and cultural well being**, and areas of:*

- a) pristine natural character are protected **from inappropriate subdivision, use and development**; and*
- b) high natural character are maintained or enhanced*
- c) **activities that are appropriate for the level of natural character are enabled**. Or words to this effect.*

28 Provision in the proposed RPS:

Objective 3.22 Public access

Summary of reasons for this submission:

Federated Farmers submits in support of Objective 3.22 which can provide flexibility for public access. Flexibility is required as to when TAs can require or waiver esplanade reserves or use other mechanisms to achieve public access. TAs should have the ability to waive taking esplanade reserves if the council is unable to pay compensation or there is no agreement to voluntarily vest a reserve. Objective 3.22 is supported as public access is enhanced only where appropriate.

Relief Sought:

- That Objective 3.22 is retained

29 Provision in the proposed RPS:

Objective 3.23 Natural hazards

Summary of reasons for this submission:

Federated Farmers submits that Objective 3.23 does not allow for risk tolerance in appropriate situations. Risk may not always be reduced, it may be appropriate to mitigate the risk. For example a building on a flood plain may mitigate flooding risk by having a higher floor level.

Objective 3.23 does not provide for risk tolerance. People may be willing to tolerate a certain amount of risk for the benefit to be derived from land use in that location. An example is a farmer may be willing to tolerate the risk of having a tractor shed on a flood plain, because the convenience of having machinery located close to the cropping land is considered more beneficial in this case.

Relief Sought:

- That Objective 3.23 is amended to read

The risk to people, property and the environment from natural hazards is ~~reduced~~ managed. Or words to this effect.

30 Provision in the proposed RPS:

Objective 3.24 Values of soil

Summary of reasons for this submission:

Federated Farmers supports the maintenance or enhancement of the soil resource, and that the existing and foreseeable range of uses, and life-supporting capacity are retained.

Relief Sought:

- That Objective 3.24 is retained.

31 Provision in the proposed RPS:

Objective 3.25 High class soils

Summary of reasons for this submission:

Federated Farmers supports the recognition of high class soils for primary production, and that high class soils are protected from inappropriate subdivision, use and development. This will enable appropriate uses.

Relief Sought:

- That Objective 3.25 is retained.

POLICIES AND METHODS

SECTION 4 INTEGRATED MANAGEMENT

32 Provision in the proposed RPS:

Policy 4.1 Integrated approach

Summary of reasons for this submission:

Federated Farmers supports an integrated approach to resource management, but several factors that contribute to an integrated approach need to be added to the Policy.

Not only are natural and physical resources inter-connected, but also economic, social and cultural well beings. Good economic, social and cultural well being will mean that people and communities are able to care for their natural resources by devoting more time and resources when they are secure in their own well being first.

Relief Sought:

- That Policy 4.1 is amended to read:

An integrated approach to resource management will be adopted that:

- a) recognises the inter-connected nature of natural and physical resources (including spatially and temporally);*
- b) recognises the multiple values of natural and physical resources including ecosystem services;*
- c) responds to the nature and values of the resource and the diversity of effects (including cumulative effects) that can occur;*
- d) seeks to maximise benefits by considering opportunities to align interventions (including regulatory and non-regulatory) and/or to achieve multiple objectives;*
- e) takes a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends; and*
- f) applies consistent and best practice standards and processes to decision making, **and***
- g) recognises the interconnected nature of economic, social and cultural well being.** Or words to this effect.*

33 Provision in the proposed RPS:

Method 4.1.2 Land use change

Summary of reasons for this submission:

Federated Farmers does not oppose the investigation of options to manage adverse effects of land use change. However Federated Farmers submits that land use change is not something to be frightened of, and has the ability to contribute positively to the environment, and to economic and social well being. Federated Farmers is concerned that regulating land use change may become a self-fulfilling prophecy, where increased regulation and compliance cost drives farmers to convert to increase production in order to keep up financially.

Federated Farmers submits that options to be investigated need to include incentives and non-regulatory methods. Although we recognise that the list of options is not intended to be exhaustive, explicitly mentioning incentives and non-regulatory methods will ensure that these are explored as options.

Relief Sought:

- That Method 4.1.2 is amended to read:

Waikato Regional Council will manage the adverse effects of large-scale land use change or intensification, including by:

- a) recognising that large-scale land use change has the potential to adversely affect a range of natural and physical resources, including effects occurring off site;*
- b) recognising the potential cumulative effects of large-scale land use change;*
- c) collaborating with territorial authorities, tangata whenua, industry, landowners and other stakeholders to identify potential future land use pressures that may cause or increase the pace of land use change; and*
- d) investigating options for managing **adverse effects arising from large-scale land use change** including:
 - i) regulation;*
 - ii) education and advocacy; ~~and~~*
 - iii) use of economic instruments;*
 - iv) **incentives; and***
 - v) **non-regulatory methods.** Or words to this effect.**

34 Provision in the proposed RPS:

Method 4.1.5 Environmental management plans

Summary of reasons for this submission:

Federated Farmers does not oppose the investigation of the use of Environmental Management Plans. Costs as well as benefits need to be considered in order to make a balanced and realistic decision on whether Environmental Management Plans are a viable and practical option.

The degree of improvement able to be influenced by human action needs to be considered in an Environmental Management Plan so that effort can be directed where it will realistically have a positive effect.

Relief Sought:

- That Method 4.1.5 is amended to read:

*Waikato Regional Council will collaborate with territorial authorities, tangata whenua, industry and stakeholders to investigate the benefits **and costs** of and options for developing property level environmental management plans to promote positive outcomes and manage the effects of ~~rural~~ land uses ~~including farming.~~*

Environmental management plans should identify:

- a) potential and actual adverse effects of the current land use;*
- b) options/recommendations for addressing identified adverse effects;*

- c) *an implementation plan to address identified adverse effects;*
- d) *options and opportunities for environmental enhancement;*
- e) *recommended sustainable land management practices; and*
- f) *any monitoring required*
- g) ***the costs of and the degree of improvement that can be influenced by human action***

The appropriateness of requiring environmental management plans as part of the consenting process will be further investigated and discussed as part of the review of the Waikato Regional Plan. Or words to this effect.

35 Provision in the proposed RPS:

Method 4.1.9 Planning approach

Summary of reasons for this submission:

Federated Farmers submits that while long timeframes of natural physical processes will be recognised, likewise timeframes for behaviour change must be realistic and incorporated into Method 4.1.9. Time to change behaviour will encourage more buy-in from stakeholders and land owners, as requiring a change overnight will lead to poor economic and social outcomes. Realistic time scales will enable new technology to be taken up as it is developed over the years.

Lag times between actions and environmental results must also be recognised. This was demonstrated by Variation 5 to the Regional Plan, in that there would be a lag between actions on farms to reduce the amount of nitrogen entering the soil, the slow process of this reduced load moving through ground water, and finally results appearing in Lake Taupo.

Federated Farmers is concerned that the Precautionary Approach in Article c) will lead to activities to be subject to a level of unnecessary regulation. The RMA does not expressly prescribe adoption of the precautionary principle or the precautionary approach, but the requirement for a consent authority to have regard to the potential effects of an activity on the environment, including a potential effect of low probability with high potential impact as outlined by Section 3(f) of the RMA, is seen to be precautionary in substance. The general precautionary approach required by the RMA applies only in the case of resource consent applications and in situations where there is a threat of “serious or irreversible damage”. However

Federated Farmers has seen the precautionary approach extended into plans, with a default status of non-complying where activities are not listed elsewhere. This leads to problems where activities that have been accidentally omitted have a non-complying status where in fact they may be activities that are entirely appropriate. The proposed Hauraki District Plan has adopted this default status, with Federated Farmers submitting that one conspicuous omission which could get caught up in this rule is farming in a Landscape Protection Area, which had been identified over rural land.

While recognition of the precautionary approach is all well and good for assessing resource consents, it may lead to situations in Plans where activities are subject to a level of unnecessary regulation when councils don’t know enough about the individual resource they are managing.

Relief Sought:

- That Method 4.1.9 is amended to read:

Regional and district plans shall:

- a) ensure that cumulative adverse effects are managed within appropriate limits;*
- b) recognise the long timeframes at which natural physical processes operate and adopt a 100-year planning timeframe to allow for expected changes in these processes; ~~and~~*
- c) adopt a precautionary approach towards any proposed activity **that requires resource consent** whose effects are as yet unknown or little understood **and has potential for unacceptable irreversible adverse effects while not unnecessarily restricting activities;***
- d) recognise that changes to human activities will require realistic time scales, and*
- e) recognise lag times between human actions and environmental results. Or words to this effect.*

36 Provision in the proposed RPS:

Method 4.1.11 Economic instruments

Summary of reasons for this submission:

Federated Farmers supports differential rates and remissions to recognise public good. Farmers carry out voluntary actions and are expected to provide for indigenous biodiversity, landscape and water quality outcomes on private property unlike urban residents who do not have tracts of bush or beautiful scenic vistas on their property. Recognition of this public good is important to farmers, and encourages them to continue the good work.

Federated Farmers is concerned that full-cost pricing could lead to other problems, similar to the problems encountered by the Emissions Trading Scheme where costs are sometimes unable to be reduced as there are no viable options to reduce adverse effects without being detrimental to economic, social and cultural well beings. It will be very difficult to price value-based externalities, and to decide which externalities will require pricing as everyone and every land use will create externalities. Federated Farmers considers that if full-cost pricing of externalities is to proceed, then it should be balanced with compensation for public benefits, otherwise only adverse effects are acknowledged and there will be no ability to cancel these out with positive actions.

Relief Sought:

- That Method 4.1.11 is amended read:

Waikato Regional Council will investigate and implement options for using economic instruments in regional plans and other plans and strategies where appropriate, to assist in the management of natural and physical resources. Options investigated may include:

- a) offsets or financial contributions for adverse effects generated by consented activities;*
- b) differential rates and remissions policies for managing land-based activities, particularly where a public good is provided by private interests;*
- ~~c) full-cost pricing to ensure negative externalities are borne by those responsible where possible;~~*
- d) occupation charges for the use of public space; and*
- e) tradable permits to assist in the efficient management of resources. Or words to this effect.*

37 Provision in the proposed RPS:

Method 4.1.13 Other plans and strategies

Summary of reasons for this submission:

Federated Farmers submits that economic development plans will be needed alongside the other plan option in order to achieve sustainable management.

Relief Sought:

- That Method 4.1.13 is amended to read:

Local authorities should, where appropriate, seek consistency with the objectives and policies of the Regional Policy Statement in other plans and strategies, including:

- a) asset management plans;*
- b) long-term plans;*
- c) regional pest management strategies;*
- d) regional land transport strategies;*
- e) navigation safety and other bylaws;*
- f) zone management plans;*
- g) civil defence and emergency management group plans;*
- h) structure plans;*
- i) growth strategies; and*
- j) reserve management plans.*
- k) economic development plans.** Or words to this effect.

38 Provision in the proposed RPS:

Method 4.2.7 Cross-boundary issues specific to Bay of Plenty Regional Council

Summary of reasons for this submission:

Federated Farmers submits that adverse effects should be managed, rather than activities themselves. There is no need to manage an activity if it does not have an adverse effect.

Relief Sought:

- That Method 4.2.7 is amended to read:

Waikato Regional Council will liaise with the Bay of Plenty Regional Council to ensure:

- a) any regional plans for that part of the Rotorua Lake catchment within the Waikato region achieve the objectives set for the lake, particularly in relation to managing **adverse effects of land use and nutrient discharge levels**; and*
- b) consistent management across jurisdictional boundaries of the geothermal resource in the Taupo volcanic zone, including through means such as memoranda of understanding.*

Or words to this effect.

SECTION 5 AIR

39 Provision in the proposed RPS:

Policy 5.1 Improve degraded air quality

Summary of reasons for this submission:

Some discharges by home heating and transport are less than minor and to reduce these will be impractical and would compromise the ability of people and communities to provide for their well being.

Air discharges from home heating and transport in rural areas has a very different scale of effects compared to industrial or urban areas where air discharges are concentrated in a small area and have much greater impact on human health due to higher density of population. Homestead fireplaces are located within large rural properties with a significant separation distance to neighbouring dwellings, and vehicles on farms have similar less than minor effects.

To ensure that this policy does not capture activities that are less than minor, the scale of adverse effects should be qualified further.

Relief Sought:

- That Policy 5.1 is amended to read

*Reduce the **significant** adverse effects on air quality caused by **cumulative** discharges from **urban** home heating appliances and transport, with particular emphasis on:*

- a) discharges of fine particulate matter; and*
- b) areas where there are unacceptable risks to human health and ecosystems. Or words to this effect.*

40 Provision in the proposed RPS:

Method 5.1.1 Control discharges

Summary of reasons for this submission:

Not all solid fuel home heating poses an unacceptable risk to human health or ecosystems. Homestead fireplaces are located within large rural properties with a significant separation distance to neighbouring dwellings. More guidance is needed as to what circumstances would create an unacceptable risk to human health, which would be concentrated discharges that could affect a higher population density in urban areas. This would avoid the need for controlling rural discharges that have minimal adverse effects. Other methods such as education and incentives will be sufficient to address rural home heating discharges.

Relief Sought:

- That Method 5.1.1. is amended to read

Regional plans shall control discharges to air from solid fuel home heating appliances to avoid where concentrated urban discharges could pose an unacceptable risks to human health or ecosystems. Or words to this effect.

41 Provision in the proposed RPS:

Method 5.1.3 Strategic approach

Summary of reasons for this submission:

Federated Farmers supports moves to identify implications of addressing air quality, as this will be a step towards sustainable management. Working with stakeholders will provide some perspective of the problems that communities could face. Some possible implications include a change from solid fuel to electricity for home heating, and the corresponding need to increase electricity supply which could mean more generation sites like wind farms or hydro dams. Security of supply could be another issue, with electricity less reliable during storms. Electricity transmission across private land is a major issue for farmers. These will all have impacts on people and communities ability to provide for their well being. A holistic approach that examines implications is supported.

Development of targeted education programmes with stakeholders is also supported, as education can be an effective method of bringing about the desired change in attitudes towards air quality and causes of degradation.

Relief Sought:

- That Method 5.1.3 is retained

42 Provision in the proposed RPS:

Method 5.1.4 Incentives for clean heating appliances and insulation

Summary of reasons for this submission:

Federated Farmers supports the use of incentives as a method to address air quality and solid fuel home heating.

Relief Sought:

- That Method 5.1.4 is retained.

43 Provision in the proposed RPS:

Method 5.1.5 Education and advocacy

Summary of reasons for this submission:

Federated Farmers supports the use of education and incentives as methods to address air quality concerns.

Relief Sought:

- That Method 5.1.5 is retained.

44 Provision in the proposed RPS:

Policy 5.2 Manage discharges to air

Summary of reasons for this submission:

It is important to note that discharges from places that are not trade premises are allowed under Section 15(2) of the RMA unless there is a specific rule in a plan. Only discharges that result in more than minor degradation should be managed, rather than all discharges whether they have an adverse effect or not. This will be more consistent with the RMA.

Federated Farmers considers that the character of the zone the air discharge is located in also plays a part in determining whether any degradation is as low as reasonably achievable. Primary production activities can discharge smoke, odour or dust which should be expected and reasonable in rural zones. These discharges are necessary to carry out farming activities to enable people and communities to provide for their well being. The explanation states that it would be impractical and unreasonable to require that all degradation is avoided, so air discharges that are more than minor and that are consistent with the zone and the activities that are expected should not be subject to management.

Reverse sensitivity is a major issue for farmers where complaints are received about normal farming discharges to air such as odour from effluent disposal, dust from tracks, or fertiliser application to name a few. The purpose and character of the zone needs to be considered so that a practical decision may be made as to whether the discharge is expected or not, and whether it is reasonable to expect to lower the degree of degradation.

Relief Sought:

- That Policy 5.2 is amended to read:

*Manage discharges to air (other than from home heating or transport) ~~to ensure any resulting~~ **that result in more than minor** degradation avoids unacceptable risks to human health, and is as low as reasonably achievable. In determining whether any degradation is as low as reasonably achievable, the following will be taken into account:*

- a) existing air quality;*
- b) the age of and ability to upgrade existing infrastructure;*
- c) any alternative modes/methods of discharge;*

- d) *applicable emission control techniques;*
- e) *the extent to which it is possible to apply the best available technique;*
- f) *the relative effects on the environment of the options; ~~and~~*
- g) *economic and social factors; and*
- h) **Character of the zone and what discharges can be expected to occur.** Or words to this effect.

45 Provision in the proposed RPS:

Method 5.2.1 Control discharges to air

Summary of reasons for this submission:

Federated Farmers submits that Method 5.2.1 needs to focus on managing the adverse effects of discharges to air instead of the activities themselves. Unless the activity has an adverse effect then there is no reason to control it.

Use of agrichemicals is part of farming in rural zones, and GROWSAFE and Hazardous Substances and New Organisms Act 1996 already provides control of agrichemical use. There is no need for further control by local government when standards are already being adhered to.

Relief Sought:

- That Method 5.2.1 is amended to read

Regional plans shall ~~control~~ manage the adverse effects of discharges to air, including from:

- a) *open burning in urban areas;*
- b) *industrial and trade premises; and*
- c) *agrichemical application **when not in accordance with accepted codes of practice.***

Or words to this effect.

46 Provision in the proposed RPS:

Method 5.2.2 Determine unacceptable risk

Summary of reasons for this submission:

Federated Farmers supports a framework to determine unacceptable risk. Criteria are needed otherwise minor nuisance effects or effects that are consistent with the surrounding land uses may be deemed unacceptable.

Relief Sought:

- That Method 5.2.2 is retained.

47 Provision in the proposed RPS:

Policy 5.3 Limit adverse effects on amenity

Summary of reasons for this submission:

Federated Farmers is concerned that this policy will lead to reverse sensitivity and misinterpretation as to what is considered “objectionable” and whether it is reasonable to manage the effects. Effects such as odour from livestock or silage, dust from driveways or races, and particulates from soil conditioners or fertiliser should all be expected to occur in rural zones. To expect that these discharges shall be avoided, remedied or mitigated would unreasonably restrict farming activities, and could lead to reverse sensitivity and reinforce unrealistic expectations of amenity. More direction is required from the policy as to when discharges could be objectionable compared to their surrounding environment. Although Method 5.3.1 discusses amenity associated with an area and land uses, this needs to be recognised in the policy as well.

Relief Sought:

- That Policy 5.3 is amended to read

*Ensure discharges to air are managed so as to avoid, remedy or mitigate objectionable effects beyond the property boundary **with regard to the area and the land use activities that can be expected to occur there.***
Or words to this effect.

48 Provision in the proposed RPS:

Method 5.3.1 Control discharges

Summary of reasons for this submission:

Federated Farmers submits that Method 5.3.1 requires further clarification over what discharges are determined to have an objectionable effect. Use of the word “incident” implies that discharges to air are negative events that are out of character with the area or land use. Not all discharges could be classified as incidents as some are consistent with the land use and to be expected to occur there.

Farming activities often have air discharges such as odour, smoke or dust which are to be expected in rural zones, and opinions as to when these become objectionable may differ. Further guidance is required that different areas have different amenity depending on the activities that occur there when deciding whether a discharge is objectionable or not.

Relief Sought:

- That Method 5.2.1 is amended to read:

Regional plans shall control discharges to air to avoid, remedy or mitigate objectionable effects beyond the property boundary. In determining whether an objectionable effect has occurred, regard shall be had to the:

- a) frequency, intensity, offensiveness, duration and location of the ~~incident~~ discharge; while*
- b) recognising the amenity usually associated with the area and land uses **and the activities that are associated with the land use.*** Or words to this effect.

Method 5.3.2 Manage air amenity

Summary of reasons for this submission:

Federated Farmers submits that Method 5.3.2 needs further clarification that adverse effects on amenity resulting from discharges that are inconsistent with the surrounding land uses and character are the effects to be managed. The Method should not lead TAs to consider that any discharge to air is adversely affecting amenity, but rather to accept a level of discharges as necessary for economic and social well being.

Relief Sought:

- That Method 5.3.2 is amended to read:

Waikato Regional Council will work with territorial authorities to develop a joint process including:

- a) the division of responsibilities for responding to complaints about discharges to air; and*
- b) for managing adverse effects on amenity resulting from discharges to air **that are incompatible with the surrounding land uses and character.** Or words to this effect.*

6. BUILT ENVIRONMENT

50 Provision in the proposed RPS:

Method 6.2.4 Coastal development setback (existing development)

Summary of reasons for this submission:

Federated Farmers is concerned that Method 6.2.4 will lead to unnecessary controls on farming buildings, rather than just being restricted to seaside residential dwellings.

Relief Sought:

- That Policy 6.2.4 is amended to read:

*Regional and district plans shall identify the circumstances when it is appropriate to require existing **residential** development along the coast be realigned, and shall include provisions to provide for this realignment, to be sufficient distance from the coastal edge to allow for the following:*

- a) preserving natural character values;*
- b) avoiding natural hazards;*
- c) protecting the values associated with marine water quality;*
- d) maintaining and enhancing public access to public areas; and*
- e) natural functioning of physical processes, including the ability of natural features such as wetlands, beaches and dunes, to migrate inland, and including the predicted effects of climate change.*

Or words to this effect.

51 Provision in the proposed RPS:

Policy 6.6 Significant infrastructure and energy resources

Summary of reasons for this submission:

Federated Farmers submits that Policy 6.6 needs to recognise that the presence of built infrastructure can have adverse effects on existing land uses and reduce opportunities for primary production. Where public works are located on private land, significant resource management issues arise where existing land uses such as farming are constrained due to location of infrastructure.

For example, built infrastructure such as electricity transmission lines and pylons are located on farms and result in genuine and significant costs to the farmer. Pylons and lines on farms mean those farmers are limited in their ability to continue some farming practices, as well as reduce opportunity to take up new methods or land uses in the vicinity of transmission pylons. Further, the presence of electricity pylons devalues the scenic value of the farmer's property, inhibiting enjoyment of the land and decreasing the resale value of the property.

Policy 6.6 directs that particular regard be given to the benefits of infrastructure, but in order for sustainable management to be achieved the adverse effects on other land uses needs to be considered. Federated Farmers recognises that infrastructure is necessary for economic and social well being, and we submit that the RPS recognises that infrastructure can also create adverse effects in kind.

The RMA does not direct that infrastructure is to be protected. Federated Farmers considers that all land uses and industries are given equal status in the RMA, and they all have the same obligation to avoid, remedy or mitigate adverse effects as per Section 17. Requiring that adverse effects on surrounding land uses will tie in with Article a) of Method 6.6.1 where adverse effects on transport corridors are avoided, this same consideration should be applied to all other land uses that have the potential to be affected by infrastructure. Federated Farmers submits that the word *protect* should be replaced with *recognised and provided for* to reflect that the RMA has no industry bias.

Relief Sought:

- That Policy 6.6 is amended to read:

*Management of the built environment ensures that the effectiveness and efficiency of existing and planned regionally significant infrastructure is ~~protected~~ **recognised and provided for while avoiding, remedying or mitigating adverse effects on surrounding land uses**, and that particular regard is given to the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources. Or words to this effect.*

52 Provision in the proposed RPS:

Method 6.6.1 Significant infrastructure and energy resources

Summary of reasons for this submission:

Federated Farmers submits in support of the intent of Article h) of Method 6.6.1 in that regional and district plans shall recognise that infrastructure development can result in adverse effects on communities, but this seems to direct that infrastructure is more appropriately located across farms so that it only affects individuals, rather than near towns.

For more clarity and to bring the policy closer to Section 17 of the RMA, in that people and communities can experience adverse effects from infrastructure, and that adverse effects need to be avoided, remedied or mitigated. Mitigation is usually in the form of compensation for the land occupied by the infrastructure, and effects on farms can also be avoided by careful siting of corridors or built structures.

Relief Sought:

- That Method 6.6.1 is amended to read:

Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:

- a) does not result in adverse effects on the function of significant transport corridors as defined in Maps 6.1 and 6.1A (section 6B);*
- b) avoids ribbon development along the defined significant transport corridors;*
- c) avoids as far as practicable, the need for additional access points onto the defined significant transport corridors;*
- d) avoids where practicable, exacerbation of community severance by the defined significant transport corridors;*

- e) *does not result in land uses incompatible with existing and planned regionally significant infrastructure;*
- f) *recognises the increasing requirement for electricity generation from renewable sources such as geothermal, wind and marine;*
- g) *recognises the need for electricity generation to locate where high quality energy sources exist, and transmission infrastructure to connect these generation sites to the national grid; and*
- h) *recognises that infrastructure development can result in adverse effects on **people and communities well being**, and that **adverse** effects need to be **avoided, remedied or mitigated** ~~managed by appropriate location of infrastructure~~ Or words to this effect.*

53 Provision in the proposed RPS:

Method 6.6.2 Transmission corridor approach

Summary of reasons for this submission:

Federated Farmers supports the intent of Article c) of Method 6.6.2, in that effects on communities and natural and physical resources arising from infrastructure be addressed, however further clarity is required that individual people and well as communities are affected. This will be consistent with Section 5 of the RMA language which includes people and communities.

Relief Sought:

- That Method 6.6.2 is amended to read:

Waikato Regional Council will seek to work with territorial authorities and energy companies to develop a transmission corridor management approach which:

- a) *recognises the benefits of the national electricity grid;*
- b) *identifies key transmission corridors and provides for their protection from inappropriate subdivision, use and development, including through identification of corridors in district plans as appropriate;*
- c) *identifies and addresses potential effects on **people and** communities and natural and physical resources from new transmission infrastructure;*
- d) *seeks opportunities for alignment with other infrastructure corridors;*
- e) *recognises that energy companies may be affected parties with respect to land use change; and*
- f) *seeks to manage the effects of third parties on the safe and efficient operation of the transmission network.*

Or words to this effect.

SECTION 8 FRESH WATER BODIES

54 Provision in the proposed RPS:

Policy 8.1 Approach to managing water bodies

Summary of reasons for this submission:

Achieving desired values need to be within the context of sustainable management of the RMA. Economic and social well-being needs to be considered in what it will take to achieve desired values, and an analysis of the cost of achieving the values needs to be considered along with the benefits. It may be decided that the cost to well being is too high in order to achieve the values, and the policy should provide some flexibility to enable robust decisions to be made.

Objective 3.13 discusses that the pace of change shall be demonstrable progress made by 2030, this policy needs to have a timeline that is consistent.

Relief Sought:

- That Policy 8.1 be amended to allow for costs and benefits to be considered when making decisions as to achieving the desired values, and that the timeline expected for achieving values is clarified:

*The current and desired values of water bodies will be identified and activities will be managed to ensure **demonstrable progress is made to achieving these values by 2030**, ~~water bodies achieve the desired values with regard to implications on the well being of people and communities.~~ Or words to this effect.*

55 Provision in the proposed RPS:

Method 8.1.1 Integrated catchment management of water resources

Summary of reasons for this submission:

Federated Farmers supports a catchment-based management approach of water resources. Federated Farmers recognises that the management of land and water cannot be separated and that a holistic approach is required for management. However not only natural resources and their interrelationships should be considered, but also their links with economic, social and cultural factors.

Relief Sought:

- That Method 8.1.1 is amended to integrate economic social and cultural interrelationships with managing water resources:

*Regional plans shall adopt a catchment-based approach to ensure the integrated management of water resources **and the implications on economic, social and cultural well beings**, including **where appropriate** through the management of:*

- a) the allocation and use of water;*
- b) flow regimes;*
- c) quantity and quality of groundwater;*

- d) quantity and quality of surface water;
- e) quality of marine waters; and
- f) land and water interactions. Or words to this effect.

56 Provision in the proposed RPS:

Method 8.1.2 Establish water body standards

Summary of reasons for this submission:

Federated Farmers supports the establishment of appropriate standards that relate to the values of a water body. Progress towards achieving objectives must be measurable within defined parameters. However there is concern that desired values may be unrealistic, and that in an ideal world all water bodies would be desired to have all values, when in fact this would not be sustainable and could result in a massive cost to economic, social or cultural well being.

“Use” values, especially economic and social values, need to be taken into account alongside intrinsic values.

Relief Sought:

- That Method 8.1.2 is amended to read:

*Regional plans shall identify the current and **realistic** desired values **including use values using a thorough cost and benefit analysis** for water bodies and establish associated standards. These standards will be based on the values provided in Objective 3.13 and will act as indicators as to whether a water body achieves a value. Or words to this effect.*

57 Provision in the proposed RPS:

Method 8.1.3 Manage activities to achieve standards

Summary of reasons for this submission:

This method deviates from the purpose of the RMA in that the adverse effects on the environment are to be avoided, remedied or mitigated as outlined by Section 5(2)(c) of the RMA. Rather than activities themselves being managed, adverse effects should be managed. There is no reason to manage activities themselves if they have no adverse effects.

Objective 3.13 requires that demonstrable progress will be made by 2030, yet this Method talks of achieving the desired standards. Method 8.1.3 needs to retain consistency with the Objective as to what is expected to be achieved.

Policy 8.4 Catchment-based intervention provides for consideration of the degree of improvement in water quality able to be influenced by human action when identifying catchments that require intervention. This consideration also needs to be included in Method 8.1.3 when deciding on how to manage adverse effects of activities.

Relief Sought:

- That Method 8.1.3 be amended to read:

*Regional plans shall manage **the adverse effects of activities to make demonstrable progress by 2030 towards achieving** ~~achieve~~ the identified standards for water bodies including by ~~relating the activity status of any rules to the~~ **considering the degree of improvement in** quality and values of the water body **that can be influenced by human action.** Or words to this effect.*

58 Provision in the proposed RPS:

Method 8.1.5 Stakeholder involvement

Summary of reasons for this submission:

Federated Farmers supports and commends Method 8.1.5 which seeks to engage and consult with stakeholders with non-regulatory policy, and identifying costs and benefits of regulatory options.

The involvement of stakeholders during the development and implementation of regulatory options can also be beneficial for the Council. Stakeholders can provide valuable industry/community knowledge about ways that regulation can succeed and appropriate ways of implementation. This will also contribute to stakeholder buy-in, with stakeholders being more willing to be regulated when they have been an active part of the process. Land owners as directly affected parties will be able to contribute to the process.

Federated Farmers already contributes to monitoring methods of dairy effluent compliance. Stakeholder involvement will result in more trust between parties.

Relief Sought:

- That Method 8.1.5 is amended to allow for stakeholder involvement during the development and implementation of regulatory management:

Waikato Regional Council will take a consultative approach to investigating and implementing future water body management approaches. This will include:

- a) providing for the early and meaningful involvement of stakeholders and directly affected parties;*
- b) collaborating with stakeholders for the development and delivery of non-regulatory policy options including education programmes; and*
- c) involving stakeholders in the process identifying costs and benefits of any proposed regulatory management options.*
- d) Involving stakeholders and directly affected parties when developing and implementing rules.** Or words to this effect.*

59 Provision in the proposed RPS:

Method 8.1.6 Information gathering

Summary of reasons for this submission:

Federated Farmers supports investigation and collation of relevant information. However once the information is collected there is no further guidance as to what it should be used for. Information can be used for decision making, and non-regulatory, particularly education would greatly benefit from the information collected by Articles b. and c.

Relief Sought:

- That Method 8.1.6 is amended to give direction of how the information will be used once it has been collected:

Waikato Regional Council will:

- a) investigate, monitor and review information to assess the effects of nutrients and other contaminants on water quality including in estuarine environments and slow-flushing shallow coastal water such as the Firth of Thames;*
- b) investigate and collate information about activities and land use practices that will make a positive difference to water body values;*
- c) investigate and collate information about the current and potential risks and threats to water bodies including those posed by cumulative adverse effects or significant land use changes;*
- d) regularly review land use trends within catchments with high value water bodies; and*
- e) undertake research, funded in part by consent holders, to determine minimum flows, allocable flows, sustainable yields, water flow rates and the effects of reduced flows/levels, especially in relation to areas of high use/demand.*

The information will then be used to develop non-regulatory methods. Or words to this effect.

60 Provision in the proposed RPS:

Policy 8.2 High value water bodies

Summary of reasons for this submission:

Federated Farmers submits that Policy 8.2 needs to take into account possible lag times between actions taken, and results seen. Objective 3.13 recognises this in that demonstrable progress shall be made by 2030 towards achieving goals.

Protection of high value water bodies needs to occur within the context of sustainable management as Objective 3.13 seeks to enable people and communities to provide for their economic, social and cultural well beings. If absolute protection occurs this may create problems where economic, social and cultural well beings decline in the catchments of high value water bodies. Balance between environmental desires and human realities needs to be achieved.

Balance is required between “use values” which contribute to economic and social well being, and intrinsic values in order to achieve sustainable management.

Relief Sought:

- That Policy 8.2 is amended to read:

*Ensure that the values of high value water bodies are protected and where appropriate enhanced **with regard to sustainable management**, with ~~priority given to~~ **balance between intrinsic values and use values where there is any conflict**. Or words to this effect.*

61 Provision in the proposed RPS:

Method 8.2.2 Managing high value water bodies

Summary of reasons for this submission:

Protection of water bodies will be achieved within the context of sustainable management, and Method 8.2.2 needs to follow on from Objective 3.13 which enables people and communities to provide for their economic, social and cultural well beings. Activities will still be able to occur within the catchments of high value water bodies.

Federated Farmers submits that changes in land use should not be managed, but rather only adverse effects should be managed. Changes in land use may be beneficial for water quality, yet Method 8.2.2 aims to manage all land use changes. This could result in adverse outcomes on economic well being.

Changes in primary production evolve as new technology becomes available, new markets emerge, new government direction or due to a change in circumstances for individual farmers. Methods that seek to manage land use change will stifle innovation and will reduce opportunity for primary production in the region.

Adverse effects should be managed, rather than land use itself. There is no reason to manage land use if it does not have a detrimental effect on high value water bodies. Farmers may use the best methods and technology available and have very little impact on water bodies, but they would still be managed for the sake of it. For real results, only adverse effects that could compromise values should be managed.

Policy 8.4 Catchment-based intervention provides for consideration of the degree of improvement in water quality able to be influenced by human action when identifying catchments that require intervention. This consideration also needs to be included in Method 8.2.2 when managing high value water bodies.

Pest and weed species significantly contribute to water quality decline, this has been recently demonstrated by the research around koi carp that EW has undertaken with Waikato University. Omitting weed and pest species could mean that an opportunity to improve water quality is missed.

Relief Sought:

- That Method 8.2.2 is amended to read:

*Regional plans shall provide for the protection of the values of high value water bodies **while enabling people and communities to provide for their economic, social and cultural well beings**, including **where appropriate** through the management of:*

- a) *direct discharges to these water bodies;*
- b) *takes and uses of water;*
- c) *the damming and diversion of water (including off-line dams and/or the diversion of flood waters);*
- d) ~~*changes in land use (including intensification of existing land uses) within the catchment of the water body; and*~~
- e) ***adverse effects arising from existing land use where this may compromise the values of the water bodies***
- f) ***the degree of improvement that is able to be influenced by human action; and***
- g) ***pest and weed species.*** Or words to this effect.

62 Provision in the proposed RPS:

New Method for Policy 8.2

Summary of reasons for this submission:

Federated Farmers submits that non-regulatory methods could contribute to achieving Policy 8.2 and should be included in this section of the RPS. The inclusion of non-regulatory methods will mean that there is a wide range of tools to achieve protection of high value water bodies. Non-regulatory methods will enable people and communities to contribute positively to their catchments and will mean that local authorities are viewed as partners rather than just as regulators.

Non-regulatory methods like education, incentives and encouragement and support of voluntary actions appear elsewhere in the RPS, and are conspicuously absent here.

Relief Sought:

- That non-regulatory methods are included in Policy 8.2 that provide for the use of education, incentives, and support of voluntary actions for the purpose of protecting high value water bodies.

63 Provision in the proposed RPS:

Policy 8.3 All water bodies

Summary of reasons for this submission:

This policy should focus on managing the adverse effects of the activities rather than the activities themselves. Aiming to manage activities could result in unnecessary regulation that does not achieve the desired outcomes.

The focus of Article a) as “reducing” is only following direction to enhance, and doesn’t allow for maintenance as the overall policy directs. There is no provision for adverse effects to be avoided, remedied or mitigated.

Sediment in fresh water is a part of natural processes, such as the natural erosion of the river channel by flowing water. Article a)i) should focus on accelerated or increased sediment, which is what Article a)ii) does.

It is ambiguous as to what is meant by “restoring” riparian and wetland habitats, to what baseline will these habitats be restored to? Restoration could mean anything further as to what is present today, to restoring habitat to the state it was before Maori and European colonisation. There is no further information provided in the Methods as to what extent of restoration is expected. Restoring or protecting natural flow regimes will be unachievable where water is abstracted or where hydro generation occurs. Method 8.3.4 provides for establishing minimum allocable baselines, and Method 8.3.5 provides for lakes and wetlands to have an identified water level, neither of these will achieve a restoration of natural flow regimes. Article b) should focus on encouraging protection or enhancement, rather than restoration. This will provide more clarity as to what is desired. Encouraging voluntary actions will mean land owners and stakeholders will be more willing to carry out actions rather than if they are compelled, and view protection and enhancement as part of a total farm system.

Pest fish and weeds have been found to contribute to poor water quality, and particularly koi carp have been discovered as a major problem. Reducing pest and weeds will contribute to better holistic water quality management that tackles problems from all sources.

Relief Sought:

- That Policy 8.3 is amended

Manage **the adverse effects activities** to maintain or enhance the values of water bodies by:

a) ~~reducing~~ **avoiding, remedying or mitigating:**

- i) **accelerated** sediment in fresh water bodies (including bank instability);
- ii) accelerated sedimentation of estuaries;
- iii) microbial and nutrient contamination;
- iv) other contaminants; and

b) ~~protecting and restoring~~ **encouraging the protection or enhancement of**

- i) riparian and wetland habitat;
- ii) instream habitat diversity;
- iii) ~~natural flow regimes; and~~

c) *providing for where practicable, migratory patterns of indigenous freshwater species up and down rivers and streams and to the coastal marine area; and*

d) managing pest and weed species that contribute to water quality decline,

~~d) e) avoiding:~~

- i) physical modification of water bodies where practicable; and
- ii) inappropriate development in **identified** flood hazard areas ~~plains; and~~

~~e) f) managing:~~

- iii) groundwater and surface water flow/level regimes; and
- iv) linkages between groundwater and surface water.

Or words to this effect.

64 Provision in the proposed RPS:

New Method for Policy 8.3

Summary of reasons for this submission:

Federated Farmers submits that a new method be added to Policy 8.3 that seeks to manage pest and weed species in water bodies. Pest species such as koi carp have been demonstrated to have significant adverse impacts on water quality of rivers and lakes in the Waikato Region. Non-regulatory methods will contribute to a holistic management approach of all factors that contribute to water quality decline.

Relief Sought:

- That a new Method be included in Policy 8.3 that reads

Waikato Regional Council will control the adverse effects of pest and weed species as a priority where the presence of pest or weed species is having, or likely to have, an adverse effect on the values of the water body by:

- a) direct control and trapping***
- b) Education programmes***
- c) funding eradication and research actions.*** Or words to this effect.

65 Provision in the proposed RPS:

New Method for Policy 8.3

Summary of reasons for this submission:

Non-regulatory methods are limited to only industry self management, education and advocacy.

Non-regulatory methods such as incentives and funding and assistance can be used to achieve Article b) of Policy 8.3 which focuses on riparian and wetland habitats, and instream biodiversity. Land owners will be able to positively contribute to riparian and wetland habitat if they are given encouragement, and providing incentives and funding assistance will acknowledge the private resource going into a public good.

The methods assume that regulation in the form of controlling riparian activities and water levels is the only way to achieve enhanced habitat. Land owners will respond to positive reinforcement more than just regulation.

Method 11.1.5 for indigenous biodiversity polices provides for funding and assistance to encourage voluntary actions, a similar method for riparian and wetland habitats will be a viable option to achieve water quality aims.

Relief Sought:

- That a new Method be included that provides for funding and assistance to encourage voluntary actions that protect or restore riparian and wetland habitats for water quality purposes.

66 Provision in the proposed RPS:

Method 8.3.1 Point source discharges

Summary of reasons for this submission:

Federated Farmers submits that before deciding to control a point source discharge, that consideration must be given to the level of adverse effect it has.

Relief Sought:

- That Method 8.3.1 is amended to read:

Regional plans shall control point source discharges of contaminants into water bodies, or onto or into land where the contaminant may reach water, in a way that:

- a. does not undermine the desired values of the water body;*
- b. relates the activity status of any rules to the quality and values of the receiving water body;*
- c. provides for land-based mitigation of the effects of contaminants prior to their discharge to water where practicable;*
- d. provides for offsite mitigation or offsetting of adverse effects where appropriate; and*
- e. does not reduce the allocation potential of the water body*
- f. **the likelihood of an activity having an actual adverse effect on the values of the water body.** Or words to this effect.*

67 Provision in the proposed RPS:

Method 8.3.2 Riparian activities

Summary of reasons for this submission:

This method should focus on managing the *adverse effects* of tracking and earthworks, removal of riparian vegetation and access to the beds and banks of water bodies by vehicles and stock.

Providing a method only for regulation does not holistically address the problem of increased sediment in waterways, and could alienate farmers and land owners. Education and assistance are viable and useful options to manage any increasing volume of sediment in waterways.

Education about the effects of tracking and earthworks, removal of riparian vegetation and access to the beds and banks of water bodies by vehicles and stock of increasing sediment to waterways will

Funding and assistance, especially for activities such as constructing a stock-crossing in accordance with good practice, will likely be met with enthusiasm. This acknowledges that farmers and landowners can be part of the solution.

Relief Sought:

- That Method 8.3.2 is deleted and replaced with:

Regional Council should manage the adverse effects of riparian activities that contribute to: increased sedimentation of water bodies; microbial contamination of water bodies; and the undermining of the values of a water body. Management options shall include:

- a) **Education about the adverse effects of activities and ways of avoiding, remedying or mitigating adverse effects;**
- b) **Funding and assistance for stock and vehicle crossing, and stock exclusions.** Or words to this effect.

68 Provision in the proposed RPS:

Method 8.3.3 Non-point source discharges

Summary of reasons for this submission:

Federated Farmers supports the focus on managing the adverse effects of non-point source discharges., however this is contradicted by Article c) which seeks to control intensification of primary production, which is focusing on activities and not adverse effects. Article c) needs to be deleted, and Article b) is sufficient to address the concern of intensity of land use affecting water body values.

Federated Farmers is supportive of collaboration with stakeholders to ensure good practice information is available to resource users.

The use of the word *intensification* or *intensity* needs to be carefully quantified. Federated Farmers often experiences mixed interpretations as to what intensive means in a primary production context: indoor farming; or increased stocking rates.

Federated Farmers submits that the loss of values needs to be quantified by referring to *unacceptable* loss of values. This will mean that a cost/benefit analysis will need to occur to determine what is acceptable and what is not acceptable. Just referring to a loss of values will mean that any loss is managed, despite the cost to economic, social or cultural well being.

Relief Sought:

- That Method 8.3.3 is amended to remain focussed on addressing adverse effects of activities, and not activities themselves:

*Waikato Regional Council will manage the **adverse** effects of non-point source discharges of nutrients and other contaminants where such discharges result in, or are likely to result in, the **unacceptable** loss of values of a water body, including by:*

- a) *collaborating with industry, **land owners** and other stakeholders to ensure appropriate information on good practice land use is available;*
- b) *investigating options for controlling the adverse effects of increases in intensity of activities that may involve the discharge of contaminants (including nutrients) to water;*
- c) ~~*introducing controls on intensification of primary production; and*~~
- c) ~~*d) — introducing controls on **managing adverse effects of** contaminant discharges.*~~
- d) **Having regard to the degree of improvement that is able to be influenced by human action.**

Or words to this effect.

Method 8.3.5 Maintain and enhance lake and wetland water levels

Summary of reasons for this submission:

Method 8.3.5 needs more guidance over how to determine which lakes and wetlands require protection of water levels. As a comparison, Indigenous Biodiversity has Criteria 11A for determining significance, and Landscape also has the Criteria 12B for landscape values assessment. The question remains as to whether the wetlands and lakes that require water level protection identified using their own criteria, or is this criteria determined by being categorised as Significant Habitat or part of an ONFL .

Use of the word *protection* can counteract water allocation policies in the RPS, and also enhances the status of the water bodies in the RMA. It may be unrealistic to expect water levels to be protected when water allocation in a catchment allows for water takes. Protection of the lakes and wetlands for habitat purposes should only occur if they meet the criteria for significance, and can be protected as per Section 6(c) of the RMA. The Explanation discusses the need to set level for the maintenance and enhancement of lakes and wetlands, rather than outright protection. Replacing the word *protection* with *maintenance or enhancement* will bring Method 8.3.5 closer to what is intended.

This method deviates from the purpose of the RMA in that the adverse effects on the environment are to be avoided, remedied or mitigated as outlined by Section 5(2)(c) of the RMA. Rather than activities themselves being managed, adverse effects should be managed. There is no reason to manage activities themselves if they have no adverse effects on water levels.

Relief Sought:

- That Method 8.3.5 is amended to provide guidance as to how it will be determined as to which lakes and wetlands need water level management, and wording is amended to reflect the Explanation and be consistent with the RMA:

*Regional plans shall identify lakes and wetlands requiring **maintenance or enhancement of water levels using appropriate criteria** ~~protection~~ and:*

- a) specify the bed and water levels required to ~~protect~~ **maintain or enhance** the values of those lakes and wetlands; and*
- b) ~~control activities~~ **manage adverse effects of activities** to ~~protect~~ **maintain or enhance** lake and wetland water levels. Or words to this effect.*

70 Provision in the proposed RPS:

Method 8.3.6 Management of lakes

Summary of reasons for this submission:

Federated Farmers supports this method which seeks to collaborate with stakeholders when looking at management of lakes. Land owners and resource users should also specifically be included when collaborating.

Relief Sought:

- Method 8.3.6 is amended to include land owners and resource users.

71 Provision in the proposed RPS:

Method 8.3.7 Natural functioning and ecological health of water bodies

Summary of reasons for this submission:

Method 8.3.7 focuses on controlling activities, and Federated Farmers submits that this is inconsistent with Objective 3.13 which aims to protect values, while enabling people and communities to provide for the social, economic and cultural well being and for their health and safety. This Method should be amended so that activities are enabled rather than controlled, with appropriate activities provided for. Article h. provides for appropriate setbacks, other articles should have a similar precept.

Relief Sought:

Regional and district plans shall ensure that the natural functioning and ecological health of water bodies is maintained and where appropriate enhanced while enabling people and communities to provide for their well being, including by:

- a) ~~controlling~~ **providing for appropriate** water abstraction;*
- b) recognising the inter-connectedness of ground and surface waters;*
- c) ~~controlling~~ **providing for appropriate** extraction activities, including sand and gravel extraction;*
- d) ~~controlling~~ **providing for appropriate** structures in or on the banks or beds of water bodies;*
- e) avoiding, **remedying or mitigating** the modification of water bodies including the piping or straightening of the water body where practicable;*
- f) controlling the damming and diverting of water including off line dams and the diversion of flood waters;*
- g) addressing adverse effects including effects on natural character, mauri and migration of indigenous species; and*
- h) providing for appropriate development setbacks from water bodies. Or words to this effect.*

72 Provision in the proposed RPS:

Method 8.3.8 Industry self-management

Summary of reasons for this submission:

Federated Farmers submits in support of Method 8.3.8 which seeks to collaborate with the primary industry to investigate industry self management options.

However the Method prejudices an outcome in that there will be reductions required, rather than that this is still to be determined in the Regional Plan.

Relief Sought:

- That Method 8.3.8 is amended to read:

Waikato Regional Council will collaborate with primary industry to investigate the role and ability of industry self-management to achieve ~~the~~ any required reduction in non-point source discharges of contaminants, including through:

- a) appropriately managing animal waste;*
..... Or words to this effect.

73 Provision in the proposed RPS:

Method 8.3.9 Effects of subdivision, use and development

Summary of reasons for this submission:

Method 8.3.9 mainly discusses effects arising from residential and urban development such as contaminants in storm water networks, low impact design and impermeable surface sealing aquifer recharge areas, this needs to be clarified in the Method so that other land uses that do not have the same effects or concerns are not unreasonably captured.

Relief Sought:

- That Method 8.3.9 is amended to read:

*Territorial authorities should manage the effects of **residential and urban** subdivision, use and development including through district plans, development and subdivision guidelines and structure plans to:*

- a) maintain flow regimes and the availability of water, including by preventing the sealing of aquifer recharge areas;*
- b) protect existing and promote new appropriately vegetated riparian margins;*
- c) minimise the potential for contaminants to enter water bodies;*
- d) reduce flows into storm water networks including through the adoption of low impact design;*
- e) provide for the creation of esplanade reserves and/or strips where this will have a positive effect on a water body;*
- f) promote best practice storm water management for urban areas, including the need for storm water catchment plans for greenfield urban development*
- g) maintain the natural flow regimes and functioning of water bodies;*

- h) *reduce and manage contaminant loadings (including sediment) entering storm water networks;*
- i) *provide for the regular inspection of communities serviced by onsite wastewater systems, such as in villages and concentrated rural-residential areas, to identify and address any surfacing of effluent from onsite wastewater systems; and*
- j) *minimise storm water entering wastewater networks.*

Or words to this effect.

74 Provision in the proposed RPS:

Method 8.3.10 Advocacy and education

Summary of reasons for this submission:

Federated Farmers supports the use of education as a method to achieve water quality aims. Support is also given that Consideration will be given to collaborating with territorial authorities, tangata whenua, industry and other stakeholders to undertake education where it is assessed that this may provide a more effective or efficient outcome.

Relief Sought:

- That Method 8.310 is retained.

75 Provision in the proposed RPS:

Policy 8.4 Catchment-based intervention

Summary of reasons for this submission:

Federated Farmers supports a robust framework for identifying which catchments may need intervention. Support is given for a timeframe of 2030 and the realistic expectation that demonstrable progress must be made by then, rather than an outright achievement of standards. Support is also given for consideration of the degree of improvement in water quality able to be influenced by human action. Support is given to the intent of consideration of net benefit to the community, however it is unclear as to whether this means economic and social cost/benefit of intervention.

Article e) needs to be deleted as it compromises the process for identifying an achievable catchment management approach.

Pest and weed species contribute to water quality decline, koi carp is a prime example. Controlling pest and weed species is a viable option and will lead to a more holistic management approach where all contributing factors are considered.

Relief Sought:

- That Policy 8.4 is amended to read

Maintain or improve the values of water bodies by identifying catchments that require specific intervention to address the adverse effects of activities and land use changes. Demonstrable progress in maintaining or

improving the values of the relevant water bodies will be achieved by 2030. In identifying catchments that require intervention, the following will be considered:

- a) current and desired values of the water bodies;
- b) national or legislative direction;
- c) degree of improvement in water quality able to be influenced by human action;
- d) potential to address more than one environmental issue through the intervention;
- e) ~~timing, intensity and scale of change to land use and activities required to maintain or improve the values of the water bodies;~~
- f) vulnerability and values of the receiving environment (including the coastal marine area);
- g) tangata whenua values; and
- h) ~~net benefit to the community~~ **social and economic benefits and costs; and**
- i) **control or elimination of pest and weed species-** Or words to this effect.

76 Provision in the proposed RPS:

Method 8.4.2 Process for identifying catchment management approach

Summary of reasons for this submission:

Federated Farmers supports a process that aims to identify catchment management approaches in a clearly defined and objective manner. However the outcome of the process is then prejudiced by Article j) where intensification of land use is fingered as needing control. This renders the decision-making process ineffective as the outcome has already been determined. Intensification of land use may not be the “culprit” after the process has been followed.

Article j) needs to be deleted as it compromises the process for identifying an achievable catchment management approach.

Relief Sought:

- That Article j) of Method 8.4.2 is deleted.

Waikato Regional Council will develop management approaches to achieve desired outcomes in catchments identified as requiring intervention by:

- a) *defining measurable interim and long-term desired targets for the receiving water body;*
- b) *analysing the change in management required;*
- c) *assessing which potential policy instruments are technically feasible;*
- d) *researching changes in land management and land use practices that would be effective in addressing the cause of adverse effects;*
- e) *working with stakeholders, tangata whenua and other groups and individuals in local communities taking into account local information, in order to understand implications to them of, and their likely response to, potential policy instruments;*
- f) *taking into account the results of work undertaken between Waikato Regional Council and industry groups;*
- g) *working with tangata whenua, territorial authorities, other agencies and industry to agree changes to roles and responsibilities if appropriate;*

- h) *identifying, in consultation with stakeholders, the implications for communities (including financial implications) of the scale and rate of change required;*
- i) *determining whether further scientific monitoring and investigation is required as issues are identified in catchments;* ~~and~~
- j) ~~directing regional and district plans to control land use including changes or intensification of land use.~~
- k) **control or elimination of pest and weed species**- Or words to this effect.

77 Provision in the proposed RPS:

Method 8.4.3 Nutrient-sensitive water bodies

Summary of reasons for this submission:

Federated Farmers submits that Method 8.4.3 is predetermining the outcomes which can be reached from following the framework set out in Method 8.4.2. The “culprit” seems to be agricultural land use and the method jumps straight to controlling primary production without considering any other factors or options that could be implemented with relative ease first, like pest and weed control.

Federated Farmers is concerned that primary production has been fingered as a “culprit” and in need of control, when the focus should be on adverse effects of any land use. Article c) is something that should be developed during a regional plan process, if it happens to be an outcome of the process outlined in Article b). Method 8.4.4 already outlines working with primary industry to address catchment management.

Only *increases* in nitrogen or phosphorus will lead to adverse effects, aiming to manage changes could lead to reductions being managed for the sake of it.

Federated Farmers submits that the loss of values needs to be quantified by referring to *unacceptable* loss of values. This will mean that a cost/benefit analysis will need to occur to determine what is acceptable and what is not acceptable. Just referring to a loss of values will mean that any loss is managed, despite the cost to economic, social or cultural well being.

Relief Sought:

- That Method 8.4.3 is amended to read:

*Where nutrients pose a significant threat to water bodies in priority catchments **and all other policy interventions and actions are or have been ineffective such as pest and weed elimination**, Waikato Regional Council will:*

- a) *manage the **adverse effects of** ~~land use and activities that discharge~~ nitrogen and phosphorus where ~~changes~~ **increases** in total load of nitrogen and phosphorus in the receiving water body (including the coastal marine area) will cause the **unacceptable** loss of values;*
- b) *consider mechanisms for the ~~control of land use~~ **management of adverse effects** including through the regional plans and industry self management; and*
- c) ~~work with primary industry to develop property level policy instruments, including:~~
 - i) ~~nutrient management plans sufficiently detailed to ensure nutrient losses can be tracked and management options for landowners identified including the financial and environmental implications of meeting nitrogen and phosphorus limits; and~~

~~ii) roles and responsibilities for property-scale delivery of advice, support and incentives to implement property-level policy instruments.~~ Or words to this effect.

78 Provision in the proposed RPS:

Method 8.4.4 Work with primary industry

Summary of reasons for this submission:

Federated Farmers is looking forward to working with the Regional Council to investigate options to meet interim and long-term desired outcomes for an identified catchment.

Relief Sought:

- That Method 8.4.4 is retained.

79 Provision in the proposed RPS:

Method 8.5.2 Regional and district plans

Summary of reasons for this submission:

Federated Farmers understands that RPS needs to recognise the Vision and Strategy for the Waikato River. However the focus should be on managing adverse effects, rather than activities themselves. There is no reason to control activities if they do not create adverse effects on the health and well being of the Waikato River.

Relief Sought:

- That Method 8.5.2 is amended to read:

Regional and district plans shall:

- a) *recognise the Vision and Strategy for the Waikato River as the primary direction-setting document for the Waikato River; and*
- b) *ensure **adverse effects of** activities within the Waikato River catchment (refer to Map 8.2) are ~~controlled~~**managed** with respect to any adverse effects on the health and wellbeing of the Waikato River, including activities which:*
 - i) *result in the destabilisation of the beds and banks of waterbodies;*
 - ii) *result in discharges of contaminants to water bodies;*
 - iii) *result in adverse effects on significant sites, fisheries, flora and fauna;*
 - iv) *result in a loss of public access; and*
 - v) *adversely affect the cultural association of Waikato-Tainui, Ngati Tuwharetoa, Te Arawa River Iwi, Maniapoto and Raukawa with the Waikato River.*

Or words to this effect.

Policy 8.6 Allocating fresh water

Summary of reasons for this submission:

Federated Farmers submits that Policy 8.6 is inappropriate and will not achieve sustainable management in that it seeks to manage the allocation of water by prioritising applications for the take and the use of water.

Prioritising applications for the take of water will result in uncertainty and will harm economic and social well being of the Waikato Region and its individuals and communities. Prioritising will inappropriately favour certain uses and industries over others, which is not the purpose of the RMA. Method 8.6.2 clearly prioritises urban development at the expense of agriculture and fails to have proper regard for the economic importance of agriculture to the Waikato Region, this is also inconsistent with Variation 6 to the Regional Plan.

Federated Farmers Principle 7 for Water Allocation states that *efficient use of water is best determined by water permit holders*. Inappropriate regulations and controls on how and where water resources are used risk producing perverse outcomes that run counter to ensuring the efficient use of water resources. For example, efficiency tests should not be based on land use or whether the use is economic or not. Commercial drivers for efficiency should be left up to the user. Policy 8.6 is pre-empting how water should be used, which is not a function of the Regional Council.

Policy 8.6 needs to recognise that water use contributes significantly to the regional economy. When managing water allocation, not only the demand needs to be considered, but also considering the benefits of use will lead to more balanced decision. For example, dairy farming uses water for stock drinking, milk cooling and shad wash down, and dairy is a major contributor to the regional economy.

Relief Sought:

- That Policy 8.6 is amended to read:

Manage the allocation of fresh water in a manner that ensures sufficient water is available to meet the reasonably foreseeable needs of people and communities including by:

- a) ~~prioritising applications for the take and use of water~~; and*
- b) managing the increasing demand and competition for water resources*
- c) **recognising the contribution to the regional economy from the use of water.** Or words to this effect.*

Method 8.6.1 Manage allocation of water

Summary of reasons for this submission:

Article a. *managing the adverse effects of off-stream water storage* needs to be further clarified so that water storage itself is not viewed as being undesirable.

Federated Farmers Principle 6 for Water Allocation states that *water allocation regimes should provide for water harvesting and storage*. The augmentation and storage of current water supplies provide long-term opportunities to expand future water use options. Policies and methods must enable and encourage this to happen in areas which are nearly fully allocated. Users should be able to utilise times of high flow and high groundwater to harvest water with least impact on the environment. Method 8.7.1 provides for water harvesting and storage, and the Method 8.6.1 should not appear to be inconsistent with other methods. Federated Farmers submits that Article a. be amended to recognise and provide for appropriate damming, diversion and off-stream water storage.

The inclusion of electricity generation as a value of the water body that should not be compromised is industry bias and does not achieve sustainable management. Rather the concern that water use will not compromise other uses and values can be addressed by using Section 7(b) language around efficient use and development of natural and physical resources. This will allow the method to be applied to all uses rather than to just one particular industry. Federated Farmers submits that Article f) be replaced to provide for the efficient use and development of natural and physical resources.

Section 14(3)(b) of the RMA provides for stock drinking water, and the RPS needs to incorporate this into water allocation provisions.

Relief Sought:

- That Method 8.6.1 be amended to read

Regional plans shall ensure that the take and use of water does not compromise the values of water bodies, including by:

- a) managing the adverse effects of the use of water, **while still recognising and providing for appropriate** ~~including the~~ damming and diversion of water and off- stream water storage;*
- b) establishing how surface water takes will be managed in order to maintain minimum flows and allocable flows;*
- c) establishing how groundwater takes will be managed to ensure sustainable yields;*
- d) establishing methods to prevent and reduce over-allocation of surface water and groundwater resources;*
- e) establishing how restrictions shall be applied during water shortages; and*
- f) ~~not adversely affecting existing electricity generation from renewable energy sources;~~ **providing for the efficient use and development of natural and physical resources.***
- g) **Providing for stock drinking water as consistent with Section 14(3)(b) of the RMA.** Or words to this effect.*

Method 8.6.2 Manage increasing water demand

Summary of reasons for this submission:

This method will result in uncertainty and will harm economic and social well being of the Waikato Region and its individuals and communities. This method inappropriately prioritises urban development at the expense of agriculture and fails to have proper regard for the economic importance of agriculture to the Waikato Region. This method is also inconsistent with Variation 6 to the Regional Plan and should be deleted.

Federated Farmers has grave concerns that this method of allocation will mean that water takes for domestic and municipal supply will grow exponentially and will always have the highest priority, with other water uses becoming marginalised or exhausted as the catchment reaches allocation capacity. Water will be used for consumptive purposes first and foremost, with economic uses and future opportunities relinquished.

Federated Farmers Principle 3 for Water Allocation states that *secure tenure and clear specifications for water use are fundamental*. Water permit holders must have confidence that their investment will be protected from confiscation and unreasonable restrictions. Without security of tenure for water permits, long-term investment in improvements to existing irrigation schemes together with new investment in additional irrigation projects will be seriously inhibited.

Farmers and primary producers will have no certainty that they will be able to take water to expand existing production, or for new productive opportunities. Even existing takes for farm use are in jeopardy as water allocated for municipal supply grows. This will result in production decreasing with farmers constrained to existing methods or eventually dropping out of the market altogether due to obsolescence. The Waikato Region could also miss out on the economic benefits of providing to any new markets that could develop in the future. Applicants may apply for more water than they need in order to secure possible future expansion, which could result in full catchment allocation being reached quickly.

Prioritising municipal supply is inequitable, as any businesses that use reticulated water will be able to continue and even grow using municipal supply, while outsourcing their risk of having to obtain a consent to their council. Individual farmers who supply their own water will have to take the risk that their existing consent may not be renewed, or that any new uses on farm will not be able to expand.

Method 8.6.2 also doesn't take into account water required for livestock drinking in accordance with Section 14(3)(b) of the RMA.

Relief Sought:

- That Method 8.6.2 be deleted.

83 Provision in the proposed RPS:

Policy 8.7 Efficient allocation and use of water

Summary of reasons for this submission:

Federated Farmers supports the policy to ensure that water is used efficiently. However it is unclear as to what is meant that allocable water shall be allocated, does this indicate that where a catchment has not reached full allocation, that the remaining allocable water is allocated so that the catchment is always at full allocation capacity?

Relief Sought:

- That Policy 8.7 is amended to read:

*Ensure the allocable water resource is allocated **equitably** and used efficiently.* Or words to this effect.

84 Provision in the proposed RPS:

8.7.1 Manage the allocation and use of water

Summary of reasons for this submission:

Article a) will not be achievable when there is a strong incentive for municipal consent applicants to apply for larger water takes than they need to secure possible expansion in the future due to prioritisation.

Article b) only requires a water management plan to be submitted with a consent application, not that the plan be implemented or even used as a consideration during the consent process. Municipal users have no incentive to reduce demand or increase efficiency in their use of water, as they outsource this risk to the municipal provider.

Relief Sought:

- That Method 8.7.1 is amended to read:

Regional plans shall ensure allocable flows and sustainable yields are allocated and used efficiently, including by:

- a) requiring relevant resource consent applications for the take and use of water to be reasonable and justifiable with regard to its intended use;*
- b) ~~requiring a water management plan in any resource consent application for domestic and municipal water takes;~~ **require a water management plan that seeks efficiency of use and demand management to be implemented for any municipal water takes.***
- c) promoting shared use of water, including through water management groups;*
- d) promoting water conservation measures where appropriate;*
- e) providing for the temporary or permanent transfer of (in whole or in part) a ground or surface water take; and*
- f) providing for **and encouraging** water harvesting and water storage.* Or words to this effect.

Method 8.7.2 Water conservation

Summary of reasons for this submission:

Method 8.7.2 needs to be more strongly directed that water conservation measures will actually be implemented, rather than just the Council advocating for them. The explanation states that water is a finite resource, and that efficiency is important, however the Method as currently worded does not endow sufficient drive to achieve this.

Relief Sought:

- That Method 8.7.2 is amended to read:

Waikato Regional Council **and territorial authorities shall** ~~will advocate for~~ **develop and implement** water conservation measures **for municipal takes, and encourage** the adoption of water conservation practices including the use of:

- a) water-saving devices;
- b) water metering;
- c) water recycling;
- d) water demand management plans;
- e) water efficient technology; and
- f) leak detection and loss-monitoring technologies.

Or words to this effect.

SECTION 10 HERITAGE

86 Provision in the proposed RPS:

Policy 10.1 Managing historic and cultural heritage

Provide for the collaborative, consistent and integrated management of historic and cultural heritage resources.

Summary of reasons for this submission:

Federated Farmers submits in support of Policy 10.1 which seeks to provide for collaborative, consistent and integrated management of heritage.

Relief Sought:

- That Policy 10.1 is retained.

87 Provision in the proposed RPS:

Method 10.1.1 Identification and assessment

Regional and district plans shall as a minimum identify known sites, structures, areas, landscapes or places of historic or cultural heritage that require protection from inappropriate subdivision, use and development. The criteria provided in section 10A shall form the basis of any new assessment of historic and cultural heritage.

Summary of reasons for this submission:

Federated Farmers supports this method. Identifying and mapping registered and recorded heritage sites will provide resource users with more certainty and confidence when dealing with heritage. Resource users may make a conscious decision to avoid development or disturbance where sites are known to be located. The use of criteria will ensure that only sites that have true heritage value are identified and protected from inappropriate subdivision, use and development.

Relief Sought:

- That Method 10.1.1 is retained.

88 Provision in the proposed RPS:

Method 10.1.4 Education and advocacy

Summary of reasons for this submission:

Federated Farmers supports the use of education as a method for addressing heritage concerns. However the education role is limited to only the Regional Council, Federated Farmers considers that it would be beneficial for territorial authorities to use education as a method as well.

Article (c) of this Method would be particularly suited to territorial authorities, as it will be territorial authorities most likely to administer regulation around activities that could affect heritage sites, like building, subdivision or earthworks. Resource users should be able to access all their information needs around heritage from one entity, their territorial authority. There are no Methods in the Heritage section that allow territorial authorities to carry out education programmes, although it would be beneficial if territorial authorities were able to utilise education as a non-regulatory method.

Relief Sought:

- That Method 10.1.4 is amended so that territorial authorities as well as the Regional Council will have an education role.

89 Provision in the proposed RPS:

Method 10.2.1 Sensitive information

Waikato Regional Council will facilitate a process to assist tāngata whenua in developing and implementing a system to protect sensitive information whilst enabling landowners and local authorities to access information as appropriate.

Summary of reasons for this submission:

While Federated Farmers recognises that tangata whenua may want to protect sensitive information, it is vital that land owners are aware of any cultural sites on their property so they can make informed decisions as to managing their property. Land owners do not want to be in a position where any work has unintentionally disturbed a cultural heritage site, as land owners respect heritage and also want the ability to carry out normal activities on their property without disturbing sites.

Relief Sought:

- That Method 10.2.1 is retained.

90 Provision in the proposed RPS:

Method 10.2.2 Identification of taonga

Summary of reasons for this submission:

Federated Farmers is concerned that areas, places landscapes and resources of cultural significance may be located on private land, and that use and access may occur without the land owners' input, which could lead to conflict.

To encourage positive relationships between land owners and tangata whenua, the land owner must feel that they retain a level of control regarding access over and use of their land. Accident liability is an issue for farmers when someone is on their property, as well as use of the areas, places landscapes or resources for existing primary production.

Relief Sought:

- That Method 10.2.2 is amended so that land owners will be consulted when heritage is identified on their property:

Waikato Regional Council will encourage tāngata whenua to identify (using the criteria provided in section 10A) those areas, places, landscapes and resources of significance, including those with significant spiritual or cultural historic heritage values, and:

- a) appropriate protocols for the use of or access to them;*
- b) opportunities to recognise or reflect the stories, names, events, proverbs and beliefs associated with them;*
- c) opportunities to restore and enhance the relationship tāngata whenua have with them;*
- d) any priorities for restoration and enhancement; and*
- e) areas that should be monitored and the indicators to be used (mātauranga Māori) to measure the state of:*
 - i) places, areas, sites or landscapes with significant spiritual or cultural historic heritage value;*
 - ii) water bodies managed for cultural purposes;*
 - iii) pātaka kai; and*
 - iv) access requirements*
- f) where the areas, places, landscapes and resources of significance are located on private land, the land owner will be consulted.*** Or words to this effect.

91 Provision in the proposed RPS:

Policy 10.3 Effects of development on historic and cultural heritage

Summary of reasons for this submission:

Policy 10.3 is not consistent with Section 6(f) of the RMA, in that heritage shall be protected from inappropriate subdivision, use and development. As currently written Policy 10.3 seeks to manage all subdivision, use and development regardless of whether it has an adverse effect on heritage or not.

Policy 3.15.2.2 of the Operative RPS seeks an enabling provision that allows subdivision, use and development while avoiding, remedying or mitigating adverse effects on heritage. Proposed Policy 10.3 has an entirely different premise in that all subdivision, use and development will be managed. Methods under this policy focus on *inappropriate* subdivision, use and development, so the policy is inconsistent with its methods.

While Federated Farmers recognises that the intent is to have a more integrated approach and to add value to heritage, the focus in managing all subdivision, use and development is unnecessary and onerous.

Relief Sought:

- That Policy 10.3 will be replaced with:

Historic and cultural heritage will be recognised and integrated into development where appropriate, while avoiding, remedying or mitigating adverse effects arising from inappropriate subdivision, use and development on heritage. Or words to this effect.

92 Provision in the proposed RPS:

Method 10.3.1 Protect historic and cultural heritage from inappropriate subdivision use and development

Summary of reasons for this submission:

Federated Farmers submits in support of the range of mechanisms that are provided in Method 10.3.1 to protect heritage from inappropriate subdivision, use and development. A wide range of tools will allow TAs to develop methods that will work for them.

One option that can be provided as a management tool that should be included is a cost-sharing between the regulatory body and individual resource users. Councils could offer to waive a resource consent fee in the event of accidental discovery of a heritage site during works, and a cost-share arrangement for an archaeological or cultural impact assessment. Including this as an option will encourage councils to consider this approach.

Accidental discovery of unrecorded heritage or cultural sites can be worrying for resource users. Unknown costs of having to get an archaeologist, heritage or cultural expert in to assess the site, unknown cost and time delay of having to obtain a resource consent in order to complete the works started before the discovery, and unknown outcome of a resource consent application can all contribute to a view that heritage or cultural sites are a liability and a burden on the discoverer. Federated Farmers considers that a cost-share approach in appropriate situations can change this view and prevent negative consequences that can sometimes occur.

Relief Sought:

- That Method 10.3.1 is amended to provide for cost-sharing between councils and resource users as a method of managing adverse effects on heritage:

Regional and district plans shall provide for the protection of historic and cultural heritage from inappropriate subdivision, use and development. Mechanisms may include:

- a) *heritage alert layers;*
- b) *accidental discovery protocols;*
- c) *cultural value assessments and/or cultural impact assessments;*
- d) *conservation and open space covenants;*
- e) *heritage orders; and*
- f) *financial and other incentives.*
- g) ***cost sharing between councils and resource users*** or words to this effect.

93 Provision in the proposed RPS:

Method 10.3.2 Inappropriate subdivision, use and development

Summary of reasons for this submission:

While Federated Farmers supports this Method which provides guidance on how to determine whether subdivision, use and development is inappropriate, we submit that Method 10.3.2 has the potential to inadvertently capture farming activities as inappropriate where they occur on or near heritage sites or areas.

Many heritage features such as archaeological sites or cultural landscapes are identified on rural land, and farming activities such as grazing of livestock, making hay, fencing and cultivation can be expected to occur near or on such sites. It would be impractical to determine such activities as inappropriate and control minor everyday operations. Qualifiers such as the duration and frequency of the effect can inadvertently capture normal activities that are expected to occur there.

The Method needs to include a consideration as to whether the activity can be reasonably expected to occur and also if it is in character with the surrounding land uses. This will mean that activities such as grazing and fencing on a Pa site on farm land can be deemed appropriate, whereas something like a building can be shifted to a location that does not adversely affect the site.

Relief Sought:

- That Method 10.3.2 is amended to allow the consideration of the type of land use that is occurring and whether this is reasonably expected to occur on or near the site:

In determining whether an activity is inappropriate, regional and district plans shall require that regard is had to:

- a) The extent that the activity can reasonably be expected to occur on or near the site and whether alternative locations are practical, and the character of the existing land uses surrounding the site;***
- ~~a) *b) the character and degree of modification, damage, loss or destruction of heritage qualities;*~~
- ~~b) *c) the duration and frequency of effect;*~~

.....

Or words to this effect.

SECTION 11 INDIGENOUS BIODIVERSITY

94 Provision in the proposed RPS:

Policy 11.1 Maintain or enhance indigenous biodiversity

Summary of reasons for this submission:

Federated Farmers submits that the focus of Policy 11.1 on only maintaining or enhancing biodiversity does not recognise the sustainable management tenet of the RMA, which enables people and communities to provide for their social, economic and cultural well being, or that adverse effects can be avoided, remedied or mitigated.

Some activities are appropriate and necessary for people and communities to provide for their well being, and aiming to maintain or enhance would not be practical. An example is a farmer clearing indigenous species in order to maintain productive pasture. Regenerating native scrub in pasture is a problem for farmers as it is unpalatable to livestock and quickly covers paddocks, common species include Manuka (*Leptospermum scoparium*) and Kanuka (*Kunzea ericoides*) Wineberry (*Aristotelia serrata*) and Ring Fern (*Paesia scaberula*). Maintaining or enhancing indigenous species that grow in pasture will adversely affect farmers' ability to provide for their well being. Some other examples include clearing native vegetation for a new track or fence, or to prevent damage to a structure.

Method 11.1.2 lists adverse effects on indigenous biodiversity that regional and district plans should recognise, and Method 11.1.3 allows for adverse effects to be remedied or mitigated, but Policy 11.1 focuses on only maintaining or enhancing without allowing for adverse effects to be avoided, remedied or mitigated. To be consistent with the Methods, Policy 11.1 needs to clearly provide for adverse effects to be avoided, remedied or mitigated to ensure there is no misunderstanding as to what is expected under this policy.

Federated Farmers opposes the treatment of supporting (buffering and/or linking) ecosystems together with significant indigenous vegetation and significant habitats in Article b) of Policy 11.1. This could lead to confusion that ecosystems that do not meet criteria for significance being managed the same as significant areas, despite having different status in the RMA.

Only indigenous vegetation that is a contributing factor to the classification of ONFLs should be a particular focus for amenity purposes.

Relief Sought:

- That Policy 11.1 is amended to read:

*Promote positive indigenous biodiversity outcomes to maintain or enhance (including through restoration of) indigenous biodiversity **while recognising that clearance of indigenous vegetation or habitat will be necessary to enable people and communities to provide for their well being, with particular focus on areas that are important for:***

- a) continued functioning of ecological processes;*
- b) ~~supporting (buffering and/or linking) ecosystems,~~ habitats and areas identified as significant indigenous vegetation and significant habitats of indigenous fauna;*

- c) *providing ecosystem services;*
- d) *the health and wellbeing of the Waikato River and its catchment;*
- e) *providing natural character and amenity values **where located on Outstanding Natural Landscapes and Features;** and*
- f) *tangata whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment.*

Or words to this effect.

95 Provision in the proposed RPS:

New Method for Policy 11.1

Summary of reasons for this submission:

Federated Farmers submits that a new Method be included under Policy 11.1 to recognise that some clearance of indigenous vegetation will occur in order to achieve sustainable management. Appropriate activities can result in a loss of indigenous vegetation that will not result in an overall loss of indigenous biodiversity.

Clearance should be permitted in common situations where the adverse effects are less than minor. Clearance for activities such as formation and maintenance of fences, crossings, tracks and buildings should all be expected to occur on farms and rural areas. Native understory of plantation forestry will also be removed in order to allow for harvest. Farmers have an expectation that councils will allow them to maintain their productive pasture. These are all situations where clearance can occur without an overall detrimental effect on biodiversity as the bush is not significant and the level of adverse effect is minor.

Relief Sought:

- That a new Method be added to Policy 11.1 that reads:

Clearance or damage to indigenous vegetation where it enables people and communities to provide for their economic, social and cultural well being is recognised and provided for, such as for:

- a) ***Maintenance of pasture***
- b) ***Understory of plantation forests***
- c) ***Formation of roads, tracks, fences and crossings***
- d) ***Where structures are endangered*** . Or words to this effect.

96 Provision in the proposed RPS:

Method 11.1.1 Maintain or enhance indigenous biodiversity

Summary of reasons for this submission:

Federated Farmers submits that regional and district plans can also provide for incentives as a way of maintaining or enhancing indigenous biodiversity. Use of incentives will mean that a more positive view towards indigenous biodiversity is achieved. Maintaining and enhancing indigenous biodiversity on private

land requires goodwill, co-operation and individual commitment of landowners and land managers. The RPS should recognise that to achieve real maintenance and enhancement, there must be a benefit to the landowner as well.

Relief Sought:

- That Method 11.1.1 is amended to provide for incentives in regional and district plans as a way of achieving maintenance and enhancement of indigenous biodiversity:

Regional and district plans shall maintain or enhance indigenous biodiversity, including by:

- a) providing for positive indigenous biodiversity outcomes when managing activities including subdivision and land use change;*
- b) having regard to any local indigenous biodiversity strategies developed under Method 11.1.6;*
- c) providing for the creation of esplanade reserves and esplanade strips to maintain and enhance indigenous biodiversity values; and/or to create buffers, linkages and corridors to protect and support indigenous biodiversity values; and*
- d) providing for the re-creation and restoration of habitats*
- e) providing for incentives to encourage voluntary maintenance or enhancement actions.*** Or words to this effect.

97 Provision in the proposed RPS:

Method 11.1.2 Adverse effects

Summary of reasons for this submission:

Federated Farmers submits that for balanced decision making that achieves sustainable management, positive as well as negative effects need to be considered.

Relief Sought:

- That Method 11.1.2 is amended to read:

Regional and district plans shall recognise that ~~adverse~~ effects on indigenous biodiversity include:

- a) fragmentation and isolation of indigenous ecosystems and habitats;*
- b) reduction in the extent of indigenous ecosystems and habitats;*
- c) loss of corridors or connections linking indigenous ecosystems and habitat fragments or between ecosystems and habitats (ecological sequences from mountains to sea);*
- d) loss or disruption to migratory pathways in water, land or air;*
- e) effects of changes to hydrological flows, water levels, and water quality on ecosystems;*
- f) loss of buffering of indigenous ecosystems;*
- g) loss of ecosystem services;*
- h) loss, damage or disruption to ecological processes, functions and ecological integrity;*
- i) changes resulting in an increased threat from animal and plant pests;*
- j) effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems;*
- k) noise and disturbance on indigenous species, particularly within the coastal environment; and*

- l) *loss of habitat that supports indigenous species under threat of extinction, and*
- m) ***recognise economic, social and cultural benefits from derived from use of indigenous biodiversity.***
Or words to this effect.

98 Provision in the proposed RPS:

Method 11.1.3 Remediation and mitigation

Summary of reasons for this submission:

Federated Farmers supports methods that provide for remediation or mitigation as ways of managing adverse effects. Federated Farmers has been involved in several cases where protection of remaining habitat is a successful way of mitigating clearance or use elsewhere, ENV-2006-WLG-000424 the Bayly Trust decision being a significant case.

However remediation or mitigation may not always be desirable or practical. TAs should retain the ability to determine whether or not remediation or mitigation is appropriate. Recognising and providing for remediation or mitigation will give the message that this is desirable, but will still leave TAs with flexibility.

Land owners enter into a QEII covenant voluntarily and conditions are agreed upon by the land owner and the QEII Trust without third party involvement, which is one of the reasons that QEII covenants are so popular with farmers. Conditions such as physical protection are often part of the agreement; Federated Farmers does not want the RPS to comprise the covenant agreement process, and therefore submit that an amendment be made to Article b) to ensure that the outcomes of a legal protection agreement are not prejudiced.

Relief Sought:

- That Method 11.1.3 is amended so it does not prejudice the outcome of legal protection schemes

*Regional and district plans shall ~~require~~ **recognise and provide** that where loss or degradation of indigenous biodiversity is authorised, adverse effects ~~are~~ **may be** remedied or mitigated **when appropriate** through protection or enhancement that:*

- a) *replaces like-for-like habitats or ecosystems (including being of at least equivalent size or ecological value);*
- b) *involves the legal and/or physical protection of existing habitat; or*
- c) *involves the creation of new habitat.*

Remediation or mitigation may occur off site if improved ecological outcomes will result. Or words to this effect.

99 Provision in the proposed RPS:

Method 11.1.4 Plan development

Summary of reasons for this submission:

Federated Farmers strongly supports this method that provides for incentives for biodiversity protection in regional and district plans. Incentives for these voluntary protection or enhancement activities can encourage more voluntary active management to occur, and recognise that often private time and resources go into a public good. Often incentives are set in the LTCCP and Annual Plan process which means they can change every year, but including incentives in district plans will provide resource users with more certainty that the incentives will occur.

Relief Sought:

- The Method 11.1.4 is retained.

100 Provision in the proposed RPS:

Method 11.1.5 Funding and assistance

Summary of reasons for this submission:

Federated Farmers strongly supports this method which provides for funding and assistance in long term and annual plans for the protection and enhancement of indigenous biodiversity.

Farmers often use personal time and resources to carry out active management of indigenous biodiversity on their properties like carrying out weed and pest control, and a kilometre of post-and-wire fencing costs around \$9,000. Funding assistance for these activities can encourage more voluntary active management to occur, and recognise that often private time and resources go into a public good.

Provisions that encourage voluntary protection and management will contribute to a desired change in behaviour and attitude towards indigenous biodiversity.

Relief Sought:

- That Method 11.1.5 is retained.

101 Provision in the proposed RPS:

Method 11.1.6 Local indigenous biodiversity strategies

Summary of reasons for this submission:

Federated Farmers is concerned that Method 11.1.6 could induce conflict between land owners with indigenous biodiversity on their property, and third part interests.

Article d) should only occur in consultation with the affected land owners, particularly as these biodiversity areas or sites probably won't meet the criteria for significance. Mapping of biodiversity areas or sites

without the knowledge of the affected land owner could lead to perverse environmental outcomes, where land owners may view the mapped areas as a liability and subject to future regulation or third party interest, which could compromise their feeling of control over their own land or farming business.

Instead of requiring protection or enhancement, local strategies should aim to encourage voluntary actions. Encouraging voluntary protection or enhancement will mean that local strategies are more harmonious and less combative with third parties and land owners wrangling over indigenous biodiversity.

Relief Sought:

- That Method 11.1.6 is amended to read:

Waikato Regional Council will collaborate with territorial authorities to develop local indigenous biodiversity strategies. These strategies will be developed at a district scale and will:

- a) *use the information produced under Methods 11.1.10 a) and 11.2.1;*
- b) *establish **achievable** indigenous biodiversity targets to enable local authorities to prioritise resourcing, track progress and monitor effectiveness in achieving indigenous biodiversity objectives;*
- c) *identify:*
 - i) *opportunities and priorities for re-creating habitat;*
 - ii) *opportunities and priorities for restoring, enhancing or re-creating buffers, linkages and corridors;*
 - iii) *important threats to indigenous biodiversity; and*
- d) *map areas or sites **in consultation with affected land owners:***
 - i) *of indigenous biodiversity value;*
 - ii) ~~*that may require protection; and*~~ ***where voluntary protection shall be encouraged***
 - iii) ~~*that may require enhancement*~~ ***where voluntary enhancement shall be encouraged.***

Territorial authorities should have regard to these strategies when considering the most appropriate combination of regulatory and non-regulatory methods for each district.

Or words to this effect.

102 Provision in the proposed RPS:

Method 11.1.10 Information gathering

Summary of reasons for this submission:

Federated Farmers considers that while the Regional Council may have the resources to gather information compared to TAs, that TAs should not be marginalised from administering one of their functions under Section 31 of the RMA.

Federated Farmers submits that using an 1840 baseline is not recognising the amount of development that has occurred since New Zealand had an estimated European settler population of 2,050 people, and Queen Victoria was head of state. Water quality has a year 2000 baseline, and setting a baseline for indigenous biodiversity that is over 170 years ago is unrealistic.

Relief Sought:

- That Method 11.1.10 is amended to read

Waikato Regional Council will **collaborate with district councils to:**

- a) *collect, analyse and make available the following information for each district:*
 - i) *extent of the remaining indigenous habitat and ecosystems;*
 - ii) *extent of indigenous habitat and ecosystem loss (~~from 1840 baseline~~); and*
 - iii) *indigenous biodiversity trends; and*
 - b) *facilitate the establishment of baselines and indicators for ecosystem health and condition.*
- Or words to this effect.

103 Provision in the proposed RPS:

Policy 11.2 Protect significant indigenous biodiversity

Summary of reasons for this submission:

Federated Farmers recognises the responsibilities that Section 6(c) places upon councils, however we submit that Policy 11.2 should provide further guidance that protection of significant indigenous vegetation and habitats is within the context of sustainable management and is acceptable.

The Policy does acknowledge by default that use of the resource occurs, by discussing the need to protect vegetation to ensure characteristics are not adversely affected, and that a decision will have to be made as to whether an activity is appropriate. This casts a negative view of use of the resource.

Federated Farmers submits that Policy 11.2 be amended to incorporate the enabling aspect of the RMA, so that the need for protection is balanced against the need for people and communities to provide for their well beings.

Relief Sought:

- That Policy 11.2 is amended to recognise that protection of significant indigenous vegetation is within the context of sustainable management:

*Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring that the characteristics that identify the area as significant are not adversely affected to the extent that the significance of the vegetation or habitat is reduced, **while enabling people and communities to provide for their economic, social and cultural well being.** The identification of the characteristics of any area will be undertaken prior to any modification of the area or site and will inform the decision-making process as to whether the proposed activity or modification is appropriate. Or words to this effect.*

104 Provision in the proposed RPS:

New Method for Policy 11.2

Summary of reasons for this submission:

Federated Farmers submits that a new Method be included under Policy 11.2 to recognise that some clearance of significant indigenous vegetation will occur in order to achieve sustainable management. Clearance should be allowed to occur when this contributes to positive economic, social and cultural outcomes. Balance between all four well beings is required in order to achieve sustainable management as envisioned by the RMA.

Clearance for activities such as formation and maintenance of fences, crossings, tracks and buildings should all be expected to occur on farms and rural areas. People may value significant bush so much that they wish to live within it, tourist ventures may occur in areas of significant bush, or production opportunities such as locating bee hives within significant areas in order to produce bush honey, these are all examples of where significant indigenous vegetation can be a resource and use can co-exist with protection.

Relief Sought:

- That a new Method be added to Policy 11.1 that reads:

Clearance or damage to significant indigenous vegetation where it enables people and communities to provide for their economic, social and cultural well being is recognised and provided for. Or words to this effect.

105 Provision in the proposed RPS:

New Method for Policy 11.2

Summary of reasons for this submission:

Federated Farmers notes that methods such as, funding and assistance and incentives to encourage voluntary enhancement projects are included in Policy 11.1, but are conspicuously absent in Policy 11.2

Non-regulatory methods have a place in the management of significant indigenous vegetation and habitats, and can encourage positive attitudes and behaviours towards bush.

Federated Farmers considers that many councils demonstrate a lack of trust in farmers when it comes to protecting significant indigenous vegetation and seek regulation to prevent bad outcomes. However this can become a self-fulfilling prophecy when regulation is the only tool land owners see native bush on their property as a liability, and that their control over what they can do on their land is taken away from them and vested in a third party.

Many farmers undertake voluntary protection, and the popularity of the QEII Trust covenant is a prime example. QEII means that farmers can directly negotiate terms and conditions with the Trust, and so good outcomes are enjoyed by all. Non-regulatory methods that seek to recognise good work will go a long way in building positive relationships between local authorities, and land owners.

Providing methods other than just regulation will allow methods to be tailored to appropriate situations and can only lead to positive outcomes.

Relief Sought:

- That a new Method be added to Policy 11.1 that reads:

Local authorities shall:

- a) offer incentives for significant indigenous vegetation and significant habitats of indigenous fauna enhancement or protection in regional and district plans;***
- b) promote and encourage voluntary legal protection, restoration or enhancement of significant indigenous vegetation and significant habitats of indigenous fauna, including through the operation of contestable funds, incentives, rates relief and grants. Or words to this effect.***

106 Provision in the proposed RPS:

Method 11.2.1 Identify significant natural areas

Summary of reasons for this submission:

Federated Farmers submits in opposition to Method 11.2.1 in that the Regional Council only will identify significant natural areas.

Indigenous biodiversity is a function of TAs under Section 31(b)(iii) of the RMA, and the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna is an aspect that TAs and their resource users need to determine using objective criteria. Without going through a Schedule 1 process resource users ability to participate is severely curtailed.

Federated Farmers is concerned that the Regional Council will only undertake an aerial mapping exercise, which means that inaccuracies can occur due to lack of ground-truthing. Resource users are unable to bring these problems to the Council's attention as the SNA identification will occur without inviting their input. Examples like gorse, pine forest or indigenous plantations have been incorrectly identified as SNAs in the past. When a TA undertakes such an exercise, resource users have the ability to participate during the Schedule 1 process to bring these problems to the Council's attention, or perhaps resource users may offer alternative scenarios such as protecting in perpetuity an area of the bush while the remainder has the SNA classification removed. Enabling TAs to identify their own SNAs will result in outcomes that are closer to the intent of sustainable management.

Relief Sought:

- That Method 11.2.1 is deleted and replaced :

The criteria in Section 11A shall be used when identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna, with the majority of criteria needing to be met. Or words to this effect.

Method 11.2.2 Protect significant areas

Summary of reasons for this submission:

Federated Farmers opposes any provisions that compel district councils to adopt a Significant Natural Area regime, as required by Article a) of Method 11.2.2. This removes the cost-benefit analysis and consultation process that councils must go through with stakeholder input when deciding how best to meet Section 6(c) obligations under the RMA.

Some districts may not have the resources for an SNA regime, or may want to pursue a different approach in collaboration with stakeholders. While Federated Farmers considers that an SNA regime has its place and can provide resource users and councils with certainty over which areas are considered significant and subject to protection, we recognise that other methods can be used with great success. An example is the assessment of significance on an application basis as adopted by Waitomo District Council in Rule 11.5.4.5 and Method 11.7.1 of the Waitomo District Plan. Some district plans will have to be re-litigated in order to bring in an SNA regime at great cost to the ratepayer and council, the Waikato District Plan is still in appeal stage, the Waitomo District Plan only became operative in 2009, and the Otorohanga District Plan is still only proposed. Compelling councils to have an SNA regime will remove the consultation and local decision-making process from TAs and their stakeholders.

Method 11.2.2 does not provide for sustainable management of significant indigenous vegetation or area of significant habitat, or recognise that for people and communities to provide for their well being, some clearance or use will occur. An example is clearance in order to form a track to access another area of a farm, even Department of Conservation land may need to clear significant bush to provide a recreational walkway.

The focus is only on *all* activities avoiding loss or degradation, there is no provision for activities that have a minor adverse effect on indigenous biodiversity and those that may have a net environmental benefit. Clearance of significant indigenous vegetation/habitats occurs in common situations such as formation and maintenance of fences, crossings, tracks and buildings should all be expected to occur on farms and rural areas.

Relief Sought:

- That Method 11.2.2 is amended to read:

Regional and district plans shall:

- a) protect or enhance areas of significant indigenous vegetation and the significant habitats of indigenous fauna, ~~including all identified significant natural areas~~ **while enabling people and communities to provide for their economic, social and cultural well being;***
- b) ~~require that~~ **encourage activities to avoid the loss or degradation that is more than minor** of areas of significant indigenous vegetation and the significant habitats of indigenous fauna, in preference to remedying or mitigating adverse effects; and*
- c) ~~require that~~ **recognise and provide for unavoidable adverse effects that are more than minor** on areas of significant vegetation and significant habitats of indigenous fauna ~~are to be~~ effectively remedied or mitigated **where appropriate** through processes that:*

- i) *replace like-for-like habitats or ecosystems (including being of at least equivalent size or ecological value); or*
 - ii) *involve the legal and/or physical protection of existing habitat; or*
 - iii) *involve the creation of new habitat.*
- d) *Recognise and provide for appropriate clearance and use of significant indigenous vegetation and significant habitat of indigenous fauna.***
- Remediation or mitigation may occur off site if improved ecological outcomes will result.*
- Or words to this effect.

108 Provision in the proposed RPS:

Method 11.2.3 Assess significance

Summary of reasons for this submission:

Federated Farmers supports the use of robust and objective criteria when assessing indigenous vegetation/habitats for significance.

Relief Sought:

- That Method 11.2.3 is retained.

109 Provision in the proposed RPS:

Method 11.2.4 Identify threats to significant natural areas

Summary of reasons for this submission:

Federated Farmers submits that Method 11.2.4 is outside RMA functions for a regional council to get this involved in indigenous biodiversity. TAs should be enabled to do their own work with stakeholders and land owners to identify threats within context of sustainable management.

Relief Sought:

- That Method 11.2.4 is amended to read:

~~Waikato Regional Council will identify~~ ***important threats to significant natural areas should be identified and local authorities shall work with relevant agencies and landowners to facilitate the management of these threats.*** Or words to this effect.

110 Provision in the proposed RPS:

Policy 11.3 Collaborative management

Summary of reasons for this submission:

Federated Farmers supports a collaborative management approach where land owners, resource managers, tangata whenua and other stakeholders are involved.

Relief Sought:

- That Policy 11.3 is retained.

111 Provision in the proposed RPS:

Method 11.3.2 Education and advocacy

Summary of reasons for this submission:

Federated Farmers supports education as a method to maintain and enhance indigenous biodiversity. However TAs should not be excluded from using this method, especially as TAs retain this function under Section 30(1)(b)(iii) of the RMA.

Relief Sought:

- That Method 11.3.2 is amended to read:

*Waikato Regional Council **and territorial authorities** will:*

- a) liaise with resource managers and industry to encourage the adoption of best practice biodiversity management practices (including the recognition of local indigenous biodiversity strategies) into their management/operational plans;*
- b) advocate to relevant agencies and landowners the use and requirements of other legislation (such as the Wildlife Act 1953 and the need for permits to destroy or disturb protected wildlife, Conservation Act 1987, Fisheries Act 1983, Biosecurity Act 1993) or mechanisms (such as the Biodiversity Condition Fund and Sustainable Management Fund) to protect or restore areas of indigenous habitats and biodiversity; and*
- c) work with ~~territorial authorities~~, landowners, tāngata whenua and other relevant stakeholders to promote positive indigenous biodiversity outcomes and improve understanding of the importance and benefits of improved indigenous biodiversity.*

Or words to this effect.

112 Provision in the proposed RPS:

11A – Criteria for determining significance of indigenous biodiversity

Summary of reasons for this submission:

Federated Farmers supports the concept of robust criteria to assess the level of significance of indigenous vegetation and habitats. This will ensure that assessment is undertaken in an objective and consistent manner.

There is no overall guidance as to how many criteria need to be met before the assessed site is determined to be significant. Sites may meet only one criterion and could be classified as significant, however some criteria are not robust enough to stand alone, like size, or proximity to other significant sites. Just because a site is comparatively large does not mean it has good quality bush or is the habitat of indigenous species, regenerating species like Wineberry (*Aristotelia serrata*) and Ring Fern (*Paesia scaberula*) in pasture is an example.

Rodney District has a points-based criteria set with two scales, which can be seen in Appendix 7B of the District Plan. Points are afforded for meeting the 7 criteria of Scale 1 which are based on characteristics of bush quality, and the 5 criteria of Scale 2 are based on features that contribute to value of the site. High scores indicate that the site is significant. This system means that the majority of criteria in any combination are needed before classifying the site.

Federated Farmers submits that the majority of criteria shall be met in order for a site to be classified as significant, or a points-based system be adopted. Otherwise robust classification will not be achieved. Incorrectly classifying sites as significant when they are not could lead to normal activities being restricted for no reason, and effort wasted on protection efforts where it will have little benefit.

Relief Sought:

- That a points-based criteria system is adopted for assessing the significance of indigenous vegetation and significant habitats of indigenous fauna, or
- That the majority of the criteria need to be met before a site is classified as being significant.

113 Provision in the proposed RPS:

Policy 12.1 Outstanding natural features and landscapes

Identified values and characteristics of outstanding natural features and landscapes of regional or local significance are protected from adverse effects, including cumulative effects, arising from activities within or adjacent to the landscape or feature.

Summary of reasons for this submission:

Federated Farmers submits that activities that are adjacent to the landscape or feature should not be included in this policy. The activities adjacent to the ONFL may be entirely appropriate for the zone they are located in, it is unnecessary to control activities on land that is not classified as an ONFL.

Federated Farmers submits that only *inappropriate* activities that are inconsistent with the values of the ONFL should be managed, this will bring consistency with Section 6(b) of the RMA.

Existing land uses should be recognised and provided for in ONFLs. Land uses such as forestry or farming may occur in landscapes that are identified as an ONFL, and such land uses should be expected to continue. (eg Mount Karioi NFL4, Mount Maungatautari NFL6 and Mount Pirongia NFL7) Recognition and provision for existing land uses will be consistent with the enabling intent of the RMA.

Although Section 6(b) of the RMA directs that ONFLs are to be protected, this protection is only from inappropriate subdivision, use and development. Thus Section 6(b) enables subdivision, use and development that is consistent with the values of the ONFL. The policy needs to be more specific in that some land uses will be considered appropriate within ONFLs.

Relief Sought:

- That Policy 12.1 is amended to read:

*Identified values and characteristics of outstanding natural features and landscapes of regional or local significance are protected from adverse effects, including cumulative effects, arising from **inappropriate** activities within ~~or adjacent to~~ the landscape or feature. **Existing land uses and primary production occurring within outstanding natural features and landscapes shall be recognised and provided for.** Or words to this effect.*

Method 12.1.1 Protect values of outstanding natural features and landscapes

Regional and district plans shall identify and provide for the protection of the values of outstanding natural features and landscapes, including those of regional significance identified in section 12A.

Summary of reasons for this submission:

Federated Farmers supports the identification of ONFLs. Clear identification of ONFLs provides resource users with certainty as to where the provisions will apply, and does not extend unnecessary protection to landscapes that are not considered Outstanding.

However, many of the ONFLs that are identified in Table 12-1 and mapped in Section 12 of the RPS also encompass private land that is used for primary production. There are no corresponding policies that seek to recognise that primary production land has been identified as an ONFL and to provide for primary production activities to continue.

Method 12.1.1 also needs to clarify that the identification occurs using criteria. Robust criteria will allow an objective and consistent assessment of ONFLs, and will provide assurance to resource users that a process is being followed. Section 12B has landscape values assessment criteria, and these need to be explicitly referred to in the Methods to ensure they are used correctly.

Method 12.1.1 mixes identification and protection into the same method. Federated Farmers considers that these two aspects need to be separated so as to be clear and understandable.

Protection is from *inappropriate subdivision, use and development*, and is not an absolute that is to be achieved at all costs, the Method needs to incorporate the meaning of sustainable management.

Federated Farmers considers that councils need to consult directly with those land owners with property that is identified as a ONFL of regional significance. Land owners need to be aware of the possible consequences as Territorial Authorities are directed to *protect* this land and possible restrictions on activities may occur.

Relief Sought:

- That Method 12.1.1 is amended so that the two different topics of identification and protection are separated, so that it reads:

*Regional and district plans shall identify ~~and provide for the protection of~~ the values of outstanding natural features and landscapes **using criteria in Section 12B**, including those of regional significance ~~identified in section 12A~~. **Identification shall occur in consultation with stakeholders and directly affected landowners.***

*Regional and district plans shall ~~identify and~~ provide for the protection of the values of outstanding natural features and landscapes, including those of regional significance ~~identified in section 12~~ **from inappropriate subdivision, use and development, while enabling people and communities to provide for their economic, social and cultural well being.** Or words to this effect.*

115 Provision in the proposed RPS:

Method 12.1.2 Identify local outstanding natural features and landscapes

Waikato Regional Council will encourage territorial authorities to undertake a district-wide assessment of outstanding natural features and landscapes of local significance, using the criteria in section 12B as the basis of any new assessment.

Summary of reasons for this submission:

Federated Farmers supports this method in that TAs will only be encouraged to identify their local ONFLs. Some councils will lack the resources to do this after having to provide for the ONFLs of Regional Significance as compelled by Method 12.1.1. Having a level of flexibility will mean that TAs will retain the ability to decide whether to do this or not.

Relief Sought:

- That Method 12.1.2 is retained.

116 Provision in the proposed RPS:

New Method for Policy 12.1

Summary of reasons for this submission:

Non-regulatory methods should be included in this section regarding the protection of ONFLs. Federated Farmers considers that non-regulatory methods are a way for councils to constructively engage with land owners, and encourage voluntary actions to maintain or enhance ONFLs and positive attitudes about the value of ONFLs on private land.

Methods 11.1.4 and 11.1.5 of the Indigenous Biodiversity section has non-regulatory methods in the form of funding and assistance, a similar Method should be included in the ONFL section. The promotion of voluntary legal protection, and restoration or enhancement through contestable funds, incentives, rates relief and grants can also be applied to ONFLs with success. The more tools that councils are provided with as ways of protecting ONFLs, the more likely that protection can be achieved.

Relief Sought:

- That a new Method be included in Section 12.1 which provides for non-regulatory methods as ways of protection ONFLs:

Local authorities should consider (including when developing regional and district plans) offering regulatory and non-regulatory incentives for enhancement or protection of Outstanding Natural Features and Landscapes.

When preparing long-term plans and annual plans, local authorities should ensure that appropriate funding is provided for the protection and enhancement of Outstanding Natural Features and Landscapes. This could include provision for the promotion of voluntary legal protection, restoration or enhancement of Outstanding Natural Features and Landscapes , including through the operation of contestable funds, incentives, rates relief and grants. Or words to this effect.

117 Provision in the proposed RPS:

Policy 12.2 Other landscape values

Summary of reasons for this submission:

Federated Farmers submits that not only landscape contributes to the sense of place and amenity of an area, but also the activities that occur within that landscape. For example, farming and primary production contribute positively to rural amenity. Often these activities are the reason for the amenity and sense of place, as the activities have shaped what we see when looking over a landscape.

If activities are not recognised as contributing to amenity and sense of place, those activities may no longer occur and therefore amenity may change for the worse.

Relief Sought:

- That Policy 12.2 is amended to recognise that activities that occur contribute positively to amenity and sense of place

*Recognise that areas have landscape values **and activities** which add to the sense of place and amenity of an area and that these values should be maintained or enhanced where possible. Or words to this effect.*

118 Provision in the proposed RPS:

Method 12.2.1 Regional and district plans

Summary of reasons for this submission:

Only landscapes that have been identified as ONFLs using criteria in 12A should be subject to protection from inappropriate subdivision, use and development. Other landscape values that contribute to amenity should not be afforded a similar status and activities unnecessarily controlled.

This method is confusing and may be misinterpreted by territorial authorities. This method may lead to “second tier” landscapes that do not meet Section 6(b) status being identified and protected unnecessarily. The explanation discusses the maintenance and enhancement of amenity values is a matter that local authorities must have regard to under the RMA, however referring to the use of Criteria 12A that are intended for assessing ONFLs as per Section 6 of the RMA is inappropriate for a Section 7 matter. Policy 12.4 also directs areas of high amenity value to be identified and subsequently maintained and enhanced. Federated Farmers considers that so many polices that are concerned with amenity landscapes that do not have Section 6(b) status appears to be over-egging the pudding.

The explanation says that activities that change the landscape should not be carried out without first identifying the values and assessing potential impacts. Farming activities can often change the face of the landscape, although it is very subjective as to whether different primary production systems have better or worse amenity values. Federated Farmers is concerned that Method 12.2.1 will be interpreted by councils to place restrictions on activities that are needed for farming such as earthworks, farm buildings, planting or harvesting of production forestry, maintenance of pasture, or farm conversion. This would be counter-productive because resource users will no longer have the confidence that they can carry out the very activities that make the landscape look as it does.

Federated Farmers considers that zoning is a sufficient method to have regard to amenity values as outlined in Section 7(c) of the RMA. Zoning allows areas with a certain character to be identified, such as *Rural*, and provides for appropriate activities to occur in that zone that contribute to that character, such as *agriculture*.

Relief Sought:

- That Method 12.2.1 is deleted and replaced with a new Method that directs regional and district plans to utilise zoning as a technique to have regard to amenity values,

~~Regional and district plans shall ensure that where an activity may have adverse effects on landscape values that:~~

- ~~a) landscape values are identified (based on the criteria in section 12B);~~
- ~~b) the adverse effects of the activity on the identified landscape values are assessed; and~~
- ~~c) the identified landscape values are maintained or enhanced.~~

That regional and district plans shall identify character areas and their land uses as Zones, and provide for the activities and land uses that occur within each zone to maintain and enhance the amenity inherent to that zone. Or words to this effect.

119 Provision in the proposed RPS:

Policy 12.3 Protect natural character

Summary of reasons for this submission:

Policy 12.3 seems intended to meet Section 6(a) obligations of the RMA. However Section 6(a) specifies that natural character is to be protected from inappropriate subdivision, use and development. Policy 12.3 does not allow for reasonable use or appropriate activities and will lead to adverse effects on economic, social and cultural well being.

Article a) starts with *activities should only be allowed*, however this is contrary to the enabling intent of the RMA and the direction given by Section 6(a). Federated Farmers submits that this should be amended to enable appropriate activities, and that adverse effects are avoided, remedied or mitigated as per Section 17 of the RMA. This will still provide protection to areas of high natural character while enabling appropriate subdivision, land use and development that is consistent with natural character.

Article b) has more of an enabling aspect, but it should be clarified that the natural character in these cases is what exists at the time. This will ensure that situations like natural character of farm land which consists of natural contours and an open aspect with low dominance of built form is recognised and farming activities are enabled, rather than endeavouring to return to a more “natural” state.

Relief Sought:

- That Policy 12.3 is amended to read:

Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character while enabling appropriate activities:

- a) where pristine, **appropriate** activities **should be enabled**, ~~only be allowed when there would be no loss of~~ **and adverse effects on natural character are avoided, remedied or mitigated**;
- b) where natural elements/influences are dominant, activities should be undertaken in such a way that **the existing level of** natural character is maintained or enhanced; and
- c) where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered. Or words to this effect.

120 Provision in the proposed RPS:

Method 12.3.1 District and regional plans

Summary of reasons for this submission:

Federated Farmers submits that Method 12.3.1 will result in rules that will severely curtail normal farming activities and will not result in sustainable management of natural character. The enabling intent of the RMA needs to be reflected in Method 12.3.1 and decision-makers need to be clear that the protection of natural character needs to be balanced with economic, social and cultural well beings in order to achieve sustainable management.

Many of the activities mentioned throughout the method are activities that can be expected on rural landscapes and the direction given is that these activities are inappropriate, which is not the case. Further clarification is needed in the Method to ensure that common activities are not inappropriately controlled.

Article b)i) could result in rules that control appropriate activities such as water takes, fencing or stock and vehicle crossings, as these will affect the “naturalness” of waterbodies. Stock and vehicle crossings are activities that have a positive environmental outcome, as this means that crossing are undertaken at only one point rather than along the entire waterway. Water takes are acknowledged as necessary elsewhere in the RPS, and to constrain this activity for natural character purposes does not take into account the balance needed to make decisions based on sustainable management. The Method needs to incorporate the balance required.

Article b)ii) could result in activities like clearance of regenerating indigenous vegetation to maintain productive pasture being inappropriately controlled. Damage or removal of indigenous vegetation is often a part of farming operations and should be provided for where appropriate. Restricting all activities that remove indigenous vegetation will result in poor economic outcomes, which does not achieve sustainable management. Some other examples of appropriate clearance include: clearance to remove trees that are about to cause damage to infrastructure or buildings; clearance to create a track to allow for possum control and for access, clearance to provide a stock crossing. Not all activities that involve damage or removal of indigenous vegetation are going to result in poor outcomes, and Method 12.3.1 needs to direct TAs to recognise and provide for this.

Article b)iii) could result in structures that are appropriate or needed for activities such as farming being inappropriately controlled. Farm land is often viewed as having high natural character simply because there is a low dominance of built form and natural elements such as topography, water and air are more apparent than in urban settings. However this does not mean that activities such as a haybarn are inappropriate for their rural setting. The Method needs to ensure that while some structures may have adverse effects on

natural character, other structures are consistent with their surroundings and should be recognised and provided for.

Where the word *protection* occurs throughout Article c) of Method 12.3.1 the qualifier *from inappropriate subdivision, use and development* needs to be included as outlined by Section 6(a) of the RMA.

Federated Farmers submits that Article c) is unnecessary as Article b) already provides sufficient direction regarding activities and natural character.

Relief Sought:

- That Method 12.3.1 is amended to read:

Regional and district plans shall:

- a) *recognise that different levels of natural character exist within the coastal environment and inland water bodies and their margins;*
- b) *ensure activities are appropriate with respect to the level of natural character **while providing for economic, social and cultural well beings**, including particularly those activities that:*
 - i) *alter the natural appearance and functioning of beach and dune systems, or wetlands, lakes or rivers (and their margins) **while recognising and providing for appropriate activities such as crossings and water abstraction;***
 - ii) *damage or remove areas of indigenous vegetation **while recognising and providing for appropriate indigenous vegetation clearance activities such as for farming purposes ;***
 - iii) *introduce man-made elements/structures where none were previously present or obvious **while recognising and providing for appropriate structures that contribute to economic, social or cultural well being; or***
 - iv) *introduce man-made elements/structures into a modified area which results in a significant change to natural character; and*
- ~~c) have particular regard to the following:~~
 - ~~i) protecting the special values of inland water bodies, estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them;~~
 - ~~ii) safeguarding the life-supporting capacity of fresh water aquatic, coastal and marine ecosystems;~~
 - ~~iii) maintaining or enhancing indigenous biodiversity and the functioning of ecosystems;~~
 - ~~iv) location, design and form of the man-made elements/structures that and any mitigation measures necessary or proposed;~~
 - ~~v) protecting natural functioning of physical processes over a 100-year timeframe and~~
 - ~~vi) protecting geological features.~~ Or words to this effect.

121 Provision in the proposed RPS:

Method 12.3.2 Enhance natural character where compromised

Summary of reasons for this submission:

Federated Farmers submits that opportunities to enhance natural character should only occur where it is appropriate. Some development or land use may mean that enhancement is impractical, onerous or undesirable. Method 12.3.2 needs to have a degree of flexibility so that councils have the ability to make decisions as to where and when enhancement may be achieved and where it will be impractical or unnecessary. The addition of the words “where appropriate” will enable this when looking at the opportunities for enhancement.

Relief Sought:

- That Method 12.3.2 is amended to read:

*Local authorities should consider opportunities **where appropriate** to enhance the natural character of the coastal environment, wetlands, and lakes and rivers and their margins where it has been compromised, including when undertaking works and services or preparing or reviewing growth strategies, structure plans, or regional and district plans. In particular, opportunities to achieve the following should be considered **where appropriate**:*

- a) the removal of derelict or unnecessary structures;*
- b) restoration or enhancement of natural elements;*
- c) enhancement of water quality; and*
- d) modification of existing development to be less intrusive.*

Or words to this effect.

122 Provision in the proposed RPS:

Policy 12.4 Protect areas of high amenity value

Method 12.4.1 Protect areas of high amenity value

Method 12.4.2 Amenity value of the coastal environment

Method 12.4.3 Enhance public values in the coastal environment

Summary of reasons for this submission:

Federated Farmers opposes Policy 12.4, Method 12.4.1, Method 12.4.2 and Method 12.4.3 and submits that they should be deleted.

Policy 12.4 oversteps RMA direction, as the RMA has no direction regarding areas of high amenity value. This policy seems to create an unnecessary intermediary between Section 6(c) outstanding natural features and landscapes, and Section 7(c) the maintenance and enhancement of amenity values. Section 7(c) obligations can be achieved through zoning that ensures expected and appropriate activities occur in the appropriate environment, and these are landscapes that do not meet the criteria to be identified as ONFLs and so do not need the level of protection afforded by Section 6.

The creation of “second tier” landscapes will result in unnecessary restrictions on activities in order to protect amenity values over and above what the RMA requires, and will harm economic, social and cultural well being.

Relief Sought:

- That Policy 12.4, Method 12.4.1, Method 12.4.2 and Method 12.4.3 are deleted.

123 Provision in the proposed RPS:

Policy 12.5 Appropriate restrictions on public access

Summary of reasons for this submission:

Federated Farmers supports Policy 12.5 in that there are situations where restrictions on public access are necessary to achieve sustainable management.

Particularly supported are restrictions on public access for health and safety purposes, and to avoid conflicts with activities carried out by land owners or occupiers. This policy will allow balanced decisions to be made around public access in conjunction with Policy 12.6.

Relief Sought:

- That Policy 12.5 is retained.

124 Provision in the proposed RPS:

Policy 12.6 Maintain or enhance public access

Summary of reasons for this submission:

Federated Farmers supports Article a) in direction will be provided as to where public access is desired. Federated Farmers notes that this has been used in the proposed Hauraki District Plan with a *Reserve (Passive) Zone* to indicate situations where esplanade reserves are already in existence, or where Council is looking to obtain esplanade reserves in accordance with Section 7.3 when subdivision occurs.

Federated Farmers is concerned that where the direction is given as to where public access is desired, then members of the public may think that public access is already available there and may trespass. The availability of public access needs to be clearly communicated. This is an issue frequently experienced by farmers with members of the public crossing private land without permission to access waterways for recreation. Education is a method that will lead to more harmonious public access.

Section 237F of the RMA requires that where any esplanade reserve or esplanade strip of any width is required to be set aside or created on an allotment of 4 hectares or more created when land is subdivided, the TA shall pay to the registered proprietor of that allotment compensation for any esplanade reserve or any interest in land taken for any esplanade strip, unless the registered proprietor agrees otherwise. The

requirements for taking esplanade reserves should be waived if the council is unable to pay compensation or there is no agreement to voluntarily vest a reserve.

Relief Sought:

- That Policy 12.6 is amended to read:

Public access to and along the coastal marine area, lakes, and rivers will be maintained or enhanced by:

- a) providing direction about where and when additional access should be established;*
- b) ensuring that subdivision, use and development do not constrain the ability of the land/water edge to adjust over time in response to natural processes, including the effects of climate change;*
- c) seeking to provide access across a range of experiences in a way that avoids conflicts between different types of access; and*
- d) ensuring subdivision, use and development do not result in inappropriate loss of existing public access.*
- e) Educating the public about the availability of public access and appropriate protocols of access.***
- f) Providing compensation if an Esplanade reserve/strip is wider than 20m on a <4ha lot (after subdivision) or if and Esplanade reserve/strip is required by a district plan rule on lots larger than 4ha. Or words to this effect.***

125 Provision in the proposed RPS:

12A Outstanding Natural Features and Landscapes

Table 12-1 and maps.

Summary of reasons for this submission:

The ONFLs that have been identified as being of regional significance appear to include private land as well as public land and parks.

Federated Farmers has grave concerns that the areas of primary production land will be regulated as if they are pristine landscapes rather than landscapes that are shaped by human influences, to the detriment of farming activities being able to occur. This will severely impact on people and communities ability to provide for their social, economic and cultural well being.

The extent of the ONFLs on the maps is very uncertain, as the maps are topographical only and extremely low resolution. Federated Farmers is gravely concerned that these ONFLs have been identified without the knowledge of land owners, and land owners will be unable to tell if their property is classified or not. This is not procedure that will inspire confidence or positive attitudes towards the region's special landscapes.

The identification of ONFLs of regional significance should occur as a separate process rather than obscured by the RPS review process. ONFLs need to be contextualised within the sustainable management ethos of the RMA, and one single viewpoint of "amenity" does not suffice, but viewpoints of economic, social and cultural values need to be balanced with amenity of the environment.

Relief Sought:

- That Table 12-1 and maps are deleted, and that a separated process to identify ONFLs of regional significance is undertaken.

126 Provision in the proposed RPS:

12B Landscape values assessment criteria – Aesthetic Values

Summary of reasons for this submission

Criterion 3 discusses expressiveness and whether the landscape demonstrates its formative processes. Federated Farmers submits that the formative processes need further explanation for reader understanding and robust assessment of ONFLs. Human influences like farming can make the landscape look as it does today, however it is the natural formative processes like earthquakes, the biosphere, water, ice or wind that are intended to be assessed.

Relief Sought:

- That Criterion 3 is amended to read:

*Expressiveness – Does the landscape demonstrate the **geophysical and natural** formative processes that have led to it? Or words to this effect.*

127 Provision in the proposed RPS:

12B Landscape values assessment criteria – Natural Character

Summary of reasons for this submission:

Criterion 14 discusses the absence of development, and specifically mentions man-made works or structures. Federated Farmers submits that other human influences should also be mentioned otherwise assessors may focus on only the absence of structures, increasing reader understanding and ensuring robust assessment of ONFLs. However, farming landscapes may have very few structures but demonstrate human activities that have shaped the landscape. Activities like vegetation clearance which occurred generations ago to form a pastoral landscape, fencing and tracking, cultivation and earthworks, weed and pest control, and the presence of livestock make the landscape look *rural* rather than *natural*. Criteria to assess outstanding natural features and landscapes should not capture rural working landscapes, as these are vastly different. *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* include a criterion around naturalness which discusses the landscape being uncluttered by structures and/or 'obvious' human influence. The omission on obvious human influence in Criterion 14 could lead to rural working landscapes being identified as ONFLs simply because of an absence of buildings.

Criterion 15 discusses natural elements such as landform, rock outcrops, and communities of vegetation. Federated Farmers submits that indigenous vegetation should be specifically included to increase reader understanding and ensure robust assessment of ONFLs. Vegetation can refer to anything from pastoral species to commercial forest, which are elements of a human influenced working landscape rather than a

natural outstanding landscape. The *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* criterion around vegetation specifically emphasises native vegetation. Therefore Criterion 15 should be amended to focus on indigenous vegetation as an element of ONFs.

Criterion 16 discusses natural patterns, and the interaction between landscape and processes. Federated Farmers submits that Criterion 16 needs to include the word *natural* when referring to *processes* to ensure reader understanding and ensure robust assessment of ONFLs. This is because Criterion 17 then expands as to what is meant by natural processes. Using the same phrase will ensure reader understanding and will mean that the criteria are consistent as a unit. This will also avoid situations where human processes (like farming) are operating on a landscape which is then deemed to meet this criterion as an ONFL.

Relief Sought:

- That Criterion 14 be amended to read:

Absence of development – Is the landscape one in which there are few or no man-made works, or structures or obvious human influences like farming? Or words to this effect.

- That Criterion 15 be amended to read:

Natural elements – Are biophysical characteristics, such as landform, rock-outcrops and communities of indigenous vegetation evident in the landscape? Or words to this effect.

- That Criterion 16 be amended to read:

Natural patterns – Are there patterns in the landscape that result from interaction between landscape elements and the natural processes operating on them? Or words to this effect.

SECTION 13 NATURAL HAZARDS

128 Provision in the proposed RPS:

Policy 13.1 Natural hazard risk management approach

Summary of reasons for this submission:

This policy should also acknowledge that appropriate land use can occur in areas that are identified as subject to a natural hazard. Farm land is often subject to natural hazards such as flooding and land slides, however the presence of natural hazards does not preclude appropriate use of that land. Farmers may want to accept the occasional risk of flooding in order to locate an implement shed close to their cropping paddocks on the flat land near a small waterway for example.

The *holistic approach* in this policy does not allow for any level of risk tolerance. Risk tolerance could be an appropriate method, as avoiding all risk could mean that no activities can occur.

Relief Sought:

- That Policy 13.1 is amended to acknowledge that appropriate land use can occur on areas that are subject to natural hazards

Natural hazard risks are managed using an integrated and holistic approach that:

- a) enhances community resilience;*
- b) is aligned with civil defence approaches;*
- c) prefers the use of natural features over man-made structures as defences against natural hazards;*
- d) recognises natural systems and takes a 'whole of system' approach; and*
- e) seeks to use the best available information/best practice*
- f) **recognising and providing for appropriate use of land that subject to natural hazards.** Or words to this effect.*

129 Provision in the proposed RPS:

Method 13.1.1 Define primary hazard zones

Waikato Regional Council will identify primary hazard zones within which the risk to life, property or the environment from natural hazards is considered to be extreme and these shall be recognised in regional and district plans.

Summary of reasons for this submission:

Federated Farmers supports the identification and mapping of natural hazard zones with extreme risk. This will allow for targeted provisions to apply only to those areas that are at risk. This is preferable to general rules which could unnecessarily restrict activities even when there is found to be no risk.

Knowing where the natural hazards are located should be the first step to management. Providing this information to the public will enable people to make decisions on whether to go ahead and invest with land use or development based on the best information available.

TAs should then be able to use this information and, in consultation with their resource users, develop appropriate responses for their district. However there is no ability for TAs to contribute to the identification of these primary hazard zones, although they may have useful information. Method 13.1.1 should retain the option of TAs being involved in the identification of hazard zones, otherwise some valuable information may be missed out.

Relief Sought:

- That Method 13.1.1 is amended so that TAs have the ability to contribute to the identification of the primary hazard zones.

130 Provision in the proposed RPS:

Policy 13.2 Manage activities to reduce the risks from natural hazards

Summary of reasons for this submission:

Federated Farmers considers that this policy could encourage TAs to “put the cart before the horse” and focus on regulating activities, rather than the risk to natural hazards.

There are many land uses and activities that may be appropriate in areas subject to natural hazards. Seeking to avoid all new use or development may mean that the region misses out on the benefits to be derived from the use of that land. Use and development does not only refer to residential housing, but could sweep up primary production activities as well. Example earthworks to create a new farm track on slip-prone hills.

Section 31.1(b) (i) of the RMA provides district councils with the control of actual or potential effects of use and development for the purpose of avoiding or mitigating natural hazards. This policy does not provide for activities to occur in a way that avoids or mitigates natural hazard risk. Nor take into account that the cost/benefit outcome may mean that risk to natural hazards could be accepted in order to derive greater benefit from use of that land.

Article c) will mean that an expert’s report may be required for any proposals to use or develop land subject to natural hazards. For situations like farm sheds a report may not be necessary, and could be overly costly compared to the value of the shed itself.

Federated Farmers is concerned that policies that seek to manage activities to avoid natural hazards may be used to restrict farming activities in natural hazard areas. Land that is subject to a natural hazard should not remain completely unused as this is a waste of a resource, but appropriate activities should be able to make good use of that land. An example is agriculture occurring on a flood hazard area. Agricultural activities will benefit from the fertile soils, and it would be more appropriate to have farming occurring here than residential development.

Relief Sought:

- That Policy 13.2 is amended to read:

Subdivision, use and development are managed to reduce the risks from natural hazards, including by:

- a) reducing the risks associated with existing use and development;*

- b) seeking to avoid **or mitigate** new use or development in areas subject to natural hazards;
- c) ensuring risk is assessed **where appropriate** for proposed activities on land subject to natural hazards;
- d) minimising any increase in vulnerability due to residual risk; and
- e) avoiding the need or demand for new structural protection works
- f) **recognising that risk tolerance may be appropriate and that some activities will be appropriately located in natural hazard areas.** Or words to this effect.

131 Provision in the proposed RPS:

Method 13.2.1 Control of structures within primary hazard zones

Summary of reasons for this submission:

There are many land uses and activities that may be appropriate in areas subject to natural hazards. Seeking to avoid all new use or development may mean that the region misses out on the benefits to be derived from the use of that land. Use and development does not only refer to residential housing, but could sweep up primary production activities, there is no direction that risk tolerance is an option.

Section 31.1(b) (i) of the RMA provides district councils with the control of actual or potential effects of use and development for the purpose of avoiding or mitigating natural hazards. This policy does not provide for activities to occur in a way that avoids or mitigates natural hazard risk. Nor take into account that the cost/benefit outcome may mean that risk to natural hazards could be accepted in order to derive greater benefit from use of that land.

Method 13.2.5 provides for the consideration of whether the structure is habitable or significant community infrastructure like hospitals when deciding if a development is vulnerable to risk. A similar ethos should be included in Method 13.2.1 to allow for structures like farm sheds to be located in a hazard zone, as opposed to a hospital.

Relief Sought:

- That Method 13.2.1 is amended to read:

*Regional plans shall control ~~any~~ use or development of structures **that present an unacceptable risk** within identified primary hazard zones to reduce the risk from natural hazards over time. **Structures that are appropriate will be enabled where risk tolerance is acceptable.** Or words to this effect.*

SECTION 14 SOILS

132 Provision in the proposed RPS:

Policy 14.2 High class soils

Summary of reasons for this submission:

Federated Farmers submits that it is not councils' role to determine what is or is not high quality productive land, but rather to retain flexible land use that is able to respond to new technology and markets. A prime example of this is the Gimblett Gravels of Hawkes Bay, which were seemingly inhospitable enough that the landfill was located here for many years seeing it was perceived too dry and stony for agricultural use. The Gimblett Gravels are now premium land for wine production and boast record land values.

Policy 14.2 needs to direct TAs to retain flexibility to take into account the different uses to which different soils can be used for, and not explicitly define which soils are "high class soils."

Relief Sought:

- That Policy 14.2 is amended to read:

*Avoid a decline in the availability of ~~high-class~~ **a variety of** soils for primary production due to inappropriate subdivision, use or development. Or words to this effect.*

133 Provision in the proposed RPS:

Method 14.2.1 Manage the form and location of development

Summary of reasons for this submission:

Federated Farmers submits that it is not councils' role to determine what is or is not high quality productive land, but rather to retain flexible land use that is able to respond to new technology and markets. TAs need to retain flexibility to take into account the different uses to which different soils can be used for, and not explicitly define which soils are "high class soils" and what can and can't happen there.

Some subdivision of fertile soils can be beneficial where smaller cropping operations can utilise the smaller lot size, for example strawberry production.

Federated Farmers does not want to see situations arise where farmers' own housing or on-farm infrastructure are restricted for the sake of protecting the soil resource, when in fact this kind of development enables the soil to be used for primary production.

Relief Sought:

- That Method 14.2.1 is amended to read:

*District plans shall ~~give priority to~~ **recognise** productive uses of ~~high-class~~ soils ~~over~~ **and** non-productive uses including through:*

- a) *restricting urban and rural-residential development on high class soils;*
- b) *restricting the level of impermeable surfaces allowable on high class soils;*
- c) *facilitating the return or continued availability of high class soils to primary production activities, for example through amalgamation of small titles; and*
- d) *directing urban and rural-residential development onto soils of lesser versatility where there is an option to do so; and*
- e) **enabling development that contributes to the productive use of the soil resource.** Or words to this effect.

134 Provision in the proposed RPS:

Method 14.3.1 Control discharges to land

Summary of reasons for this submission:

Federated Farmers submits that Method 14.3.1 is inconsistent with *Cadmium and New Zealand Agriculture and Horticulture: A Strategy for Long Term Risk Management* and needs to be deleted.

The strategy for long term risk management has an annual average over a 100year timeframe. The RPS approach of having a yearly limit is inconsistent, does not provide enough flexibility for effects based management. Farmers may wish to apply a certain amount of fertiliser in two-yearly or even five-yearly intervals, with the same or less adverse effect on cadmium levels.

Relief Sought:

- That Method 14.3.1 is deleted.

135 Provision in the proposed RPS:

Policy 14.4 Contaminated land

Summary of reasons for this submission:

Federated Farmers considers that land affected by contaminants in soil should be appropriately identified and assessed at the time of being developed and if necessary remediated, or the contaminants contained, to make the land safe for human use.

If the land is not being developed for a use that will be compromised by the contaminants (like a residential dwelling,) then the need for remediation is reduced or made redundant. If concerns about a contaminant in the food chain are not identified, then many land uses can occur without risk to human health.

Policy 14.4 needs to focus on the management of risk to human health if contaminated land is used for residential purposes. Otherwise low risk land use such as farming, or forestry, or other activities that will not be compromised by the contaminated soil could be unnecessarily regulated. The 2006 Ministry for the Environment publication *Identifying, Investigating and Managing Risks Associated with Former Sheep Dip Sites: a Guide for Local Authorities* advises that two main options for dealing with former sheep dip sites is to isolate the site (eg by fencing, or capping) or finding a lower-risk land use.

Relief Sought:

- That Policy 14.4 is amended to read:

*Identify and manage contaminated land to ensure human, plant and animal health, and water, air and soil quality are protected from unacceptable risk **during residential development**. Or words to this effect.*

136 Provision in the proposed RPS:

Policy 14.5 Peat soils

Summary of reasons for this submission:

Federated Farmers submits that adverse effects, rather than activities themselves, should be the focus of management. There is no need to manage an activity if it does not have an adverse effect, and the explanation states that further research is required to better understand the effects of land management. It would be inequitable to manage an activity if it is not known to what extent or how it adversely effects peat soils.

Relief Sought:

- That Policy 14.5 is amended to read:

Manage ~~activities to~~ address adverse effects resulting from use and development of peat soils, including by slowing the rate of subsidence and the loss of carbon by oxidation from peat soils. Or words to this effect.

SECTION 15 MONITORING AND EVALUATION

137 Provision in the proposed RPS:

New Method for Section 15

Summary of reasons for this submission:

A new Method should be included that invites that collaboration with stakeholders during a review of monitoring procedures. Federated Farmers would like to work with councils to develop monitoring methods and programmes that will succeed for both farmers and councils.

Relief Sought:

- That a new Method be included in Section 15 that seeks to involve stakeholders when developing monitoring methods and programmes.

138 Provision in the proposed RPS:

New result for Section 15.4

Summary of reasons for this submission:

A new result should be included in that economic, social and cultural well beings are maintained or enhanced. Sustainable management will only be achieved when economic, social and cultural well beings are balanced with environmental well being.

Relief Sought:

- That a new result be included in Section 15.4 that seeks to maintain or enhance economic, social and cultural well beings.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

Federated Farmers thanks Environment Waikato for considering our submission to the proposed Waikato Regional Policy Statement.

