

SUBMISSION TO HORIZONS REGIONAL COUNCIL

on the

PROPOSED ONE PLAN

By

RURAL WOMEN NEW ZEALAND

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Introduction

- 1.1. Rural Women New Zealand (“RWNZ”) is the leading rural women's organisation in New Zealand. We represent the interests of over 4000 members from more than 300 branches from North Cape to the Bluff. Since 1925 we have been providing rural women with a national voice on rural issues and a local framework for social and educational opportunities.
- 1.2. RWNZ provides the following submission to Horizons Regional Council (“the Council”) on the Proposed One Plan (“the Plan”):
- 1.3. RWNZ supports Policy 3-1(b) and (c) where it is stated that the benefits derived from infrastructure shall be taken into account. RWNZ members are of the view that under developed or poorly maintained infrastructures are likely to create negative economic and environmental impacts on land use.
- 1.4. RWNZ supports Policy 5.1 where it states that agriculture is the foundation of the Region’s economy and is one of the key elements that have defined the social and visual landscape. However, RWNZ cautions Council against taking an unnecessarily restrictive precautionary approach toward entire land categories.

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Land	
1.5. RWNZ has concerns regarding the Policies and Objectives under heading 5, entitled Land. Objective 5-1(a) states that “50% of farms with Highly Erodible land are either being sustainably managed, or have a WFBP in place by 2017”.	

- 1.6. Concerns are that *potentially* erodible land is not, in fact, eroded land, if it is being managed appropriately. RWNZ is of the view that Council should provide actual evidence of adverse effects taking place on individual farms before it restricts current, and future, farming practices on those farms. A one size fits all approach to an entire land class will add costs to well managed individual farming businesses and constrict regional economic activity, leading to obvious socio-economic detriment for the region.
- 1.7. “Effect” is defined broadly within the RMA. The term effect includes positive and adverse effects. The definition is not an effect on a plan or proposed plan. It is concerned directly with the natural and physical resources and their environment.
- 1.8. **Positive and adverse effects** - In the RMA, unless the context otherwise requires, the term effect includes positive and adverse effects. Both positive effects and adverse effects should be considered, regardless of whether they are temporary or permanent, past, present, future or cumulative. Farming has an indispensably positive effect on the Region’s economy and communities and the positive effect of farming activities, now and in the future, should be seriously considered along with the unknown, unquantified, potential, and uncertain environmental effects that are considered in the proposed Plan.
- 1.9. **Effects of high and low probability** - It is important to consider forecast effects, as some may take time to show.
- 1.10. RWNZ is opposed to onerous and costly monitoring requirements that can be, and have recently been, imposed on farming businesses.

RWNZ submits that monitoring and forecasting of environmental effects is a good that accrues to the community and if the community desires this, then the community should share the cost of such efforts.

- 1.11. **Uncertain effects** - Farming businesses should not have to establish that ordinary farming activities do, or do not have, adverse effects.
- 1.12. In *Telecom New Zealand Ltd v Christchurch City Council* the Judge made the following statement: “*It would be wrong in principle for the Court to fly in the face of that body of accumulated knowledge merely because it was not possible to demonstrate beyond any doubt that the technology was safe. No human activity can go forward on that basis and it would be a misuse of the Court’s discretion to reject this application by approaching the matter in that way*”.
- 1.13. Given the importance of agriculture to the Region, if Council wishes for the province to progress economically and socially, then there has to be reasonable freedom to allow economic development, instead of unreasonably restrictive regulation and red tape that will economically constrain and hinder the province, now and in the future. Farming makes a disproportionately significant contribution to the flexible, dynamic, and innovating part of the Region’s economy. Farming businesses and rural

communities are a most important source of employment and wealth in this Region.

Therefore, RWNZ submits that the Policies and Objectives under heading 5 be amended with words to the effect that only activities causing significant adverse effects are captured by the regulatory regime contained in the Plan and that all relevant rules, flowing from these policies and objectives, be amended accordingly.

Comment and Submissions From Directly Affected Stakeholders

1.14. RWNZ draws Council's attention to the following points, bulleted below. These have been gathered directly from families in the Tararua District who will be affected by the Policies and Objectives and Rules flowing from heading 5. RWNZ suggests these comments must reasonably extrapolate to other similarly affected areas in the Region. We are of the view that they reflect the human face of the consequences of the Plan:

- We have very serious concerns about this document. Our comments concern the issue of accelerated erosion (issue 5-1) – hill country farming, particularly as it affects the Tararua district.
- These rules are another regulatory imposition that is being forced upon farmers. Council has produced an enormous and complex document that will have an impact on many of the sheep and beef farmers within the Tararua district. However, the majority of farmers are unaware of the document or of the impacts that it will impose. We are aware of only two public meetings being held in the Tararua district about this – one at Mangatainoka and one at Dannevirke. Considering that all properties in the area east of Route 52 are included as properties which contain 'highly erodible land'; in order for Council to fulfil its obligations to consult adequately with affected stakeholders, we are of the view that notice of the Plan's impacts should have been brought directly to the attention of the families in that area.

We submit that Council has failed to consult adequately with affected stakeholders.

- We are of the view that the Plan will benefit the bureaucrats rather than ratepayers and the community at large. We predict that a whole new industry of academics will be out there developing, monitoring and reporting on WFBPs at a price which will be unaffordable to the farms that such plans should benefit the most. We do not feel confident that the WFBP scheme is going to be paid for entirely from rates, but if it is:

We submit that a projected budget to 2017 be made public and that it sets out staff requirements for the WFBP scheme and the cost of the scheme to the region's ratepayers.

- The only projection we are aware of set out the rate for the Sustainable Land Use Initiative component going from \$5 in 2006 to \$10 in 2008. This doubling of ratepayer costs follows years of very real decreased incomes as a result of decreased product prices and the effects of the drought that we are only just coming out of now. We are of the view that Council has not applied a robust and practical section 32 analysis to the notion of WFBPs.

Therefore, we submit that all references to the compulsory imposition of WFBPs be deleted from the One Plan.

- The One Plan purports to provide solutions to the issues surrounding erodible land, but it would appear that no consideration has been given to the erosion of the communities that the One Plan impacts upon.
 - Farms, which have plans identifying land that will need to be retired, will need to amalgamate with neighbouring farms yet again to remain viable. This will impact on the makeup of the communities. With a likelihood of less land owners and a larger itinerant population.
 - As properties become larger they are less likely to be affordable to young farmers hoping to acquire their first farms. School rolls drop when farms become part of larger properties.
 - With a smaller population, organisations and clubs decline and communities become less attractive to new land owners or employees looking to move into the community.
 - Due to the physical challenges involved in farming steeper hill country, it has always been known as “young man's land”. There have traditionally been more career opportunities for men than women in such areas. However, if the existing community infrastructure is further eroded by the One Plan it is even less likely that young women will remain in the community. This will result in declining community activity and declining school rolls. More often than not when a rural school closes the individual community identity soon dies as well.

Therefore, we submit that Council apply a triple bottom line analysis to the regulations proposed under heading 5, giving social and economic impacts on our community equal weight with actual environmental impacts.

- The current practises on hill country are considered unsustainable because of the *potential* to destabilise slopes (issue 5-1a). This is like saying that we can't drive down the road because we might have an accident. Or a child shall not climb trees because they might hurt themselves. History shows that farmers are the best custodians of their land and they are certainly better than some notable and very well funded governmental agencies with regard to weed and pest control. Farmers try to minimise land disturbance in areas where erosion will occur but

they do take risks, as everyone in business must, in order to be progressive and maximise returns. All businesses and entrepreneurs encounter some risk, and farmers are no exception. Furthermore, farmers have to deal with environment, climate, contours, and many other things over which only nature has control. We are not of the view that Council will control nature and stop erosion with the imposition of the regulatory regime set out in the One Plan.

Therefore, we submit that Council avoid basing its decisions on pessimistic precautionary predictions and confine its compulsory regulatory controls to actual and demonstrable significant adverse effects.

- The Plan appears to regulate so as to take management out of the individual landowner's control. The regional council is to designate Land Management Officers ("LMO") who will, by 2017:
 - have made 50% of the planned 3000 farm plans for the whole region; and
 - for farms which contain Highly Erodible Land; and
 - be monitoring the implementation of them; and
 - be reporting on them on a 2 yearly basis.
- This will involve the LMO in the clearance of vegetation, disturbance of land, and agricultural practises.

Therefore, we submit, based on our experience of the current situation, that Council does not have the resources to provide the practical, cost effective and timely delivery of such a scheme.

Funding

- 1.15. RWNZ supports the views and submissions of the Tararua farming families.

Further to this, RWNZ submits that Council should exercise caution and fiscal prudence in the implementation of any unnecessarily burdensome and impractical regulatory processes and activities. Unnecessary administrative costs and regulatory activities are a deviation from Council's core functions and should not burden ratepayers or the regional economy.

- 1.16. RWNZ's view is that Council is not doing enough to reduce its spending, which we believe is an essential step towards making the region a more attractive place for business, both rural and urban. In turn, a strong business sector can underpin and sustain the general welfare of the community.
- 1.17. RWNZ urges Council to focus on its core functions, because this is likely to be the best way of improving regional economic performance and social wellbeing.
- 1.18. Rural families and communities feel they are constantly burdened and their businesses undermined by compliance costs and government overspending.

- 1.19. In spite of the difficult economic times farming families in the region find themselves in presently, the long term outlook for agriculture remains positive provided government spending and compliance costs are kept under control.

RWNZ submits that if local government wants to be of assistance to rural communities, a less hidebound and wasteful bureaucracy would be a good start.

- 1.20. Farming families do an impressive job of paying for, inter alia, massive indirect taxation, rampant and impractical health and safety regulations and RMA restrictions, a 74% rise in ACC levies over the past three years, higher fuel excise levies and road user charges, \$108 million in direct costs flowing from HSNO legislation, and a manifestly unfair local government rating system.
- 1.21. All farming families and rural communities want in return is the sound and cost effective provision of the basic infrastructures necessary for all modern businesses and thriving communities

RWNZ submits that Council's resources should be more devoted to basic infrastructure issues, and less to pretty but non-specific environmental outcomes, whose costs are clear but whose benefits are not.

- 1.22. Council needs to make a much bigger effort to restrict itself to activities where it has a comparative advantage such as the administration of demonstrably justifiable local regulations and the efficient provision of infrastructure. RWNZ supports good environmental practices but notes that Council constantly draws attention to the tiny minority of farmers whose environmental practices fall short of acceptable standards. The current regulatory regime has adequate environmental protections in place. It allows enforcement and prosecution for environmentally unacceptable practices.
- 1.23. The Federation strongly encourages Council to take a much more positive approach to the Region's communities, its economy, and its agricultural base. RWNZ has serious concerns regarding the restrictive and negative approach taken in the proposed Plan.

Therefore, RWNZ submits that if Council were to focus on its core activities, it could substantially cut both expenditure and rates, which would make the region a more attractive place for farming families and for the wider community.

Water

- 1.24. RWNZ has concerns regarding the clarity of the Policy set out under heading 6. Policy 6 states that "specific measures for ensuring reasonable and justifiable use shall be taken into account when considering consent applications". Section 14 of the Resource Management Act 1991 allows the taking of fresh water, without a consent, for an individual's reasonable

domestic needs, and the reasonable needs of the individual's stock drinking water, so long as the taking does not have an adverse effect on the environment. For instance, where a dairy farm, requires a water take for irrigation purposes, the consent process should not consider stock drinking water as part of the take. The allocation for commercial use equal to 20% of the total allocation for domestic use should also be excluded from consideration because it is defined by Council as permitted.

For clarity's sake, RWNZ submits that the Plan under heading 6 is amended to reflect RMA legislation and expressly permit reasonable domestic and stock water takes by excluding them from consideration during the consent process.

- 1.25. The water quality policies set out under heading 6 are a concern to RWNZ members. RWNZ recommends that Council conduct appropriately comprehensive testing on water flowing from protected land and wetland areas to ascertain the natural background levels of sediment and faecal contaminants, in a given watershed.

Therefore, RWNZ submits that Council consider these background levels so as to decrease the risk of imposing an unrealistically burdensome regulatory regime on farming families.

- 1.26. RWNZ supports an efficient and cost effective non-regulatory approach to compliance. 12.1(b) sets out that when making decisions on resource consent applications, "Council will have particular regard to whether a WFBP should be required as a consent condition". RWNZ is of the view that the compulsory imposition of a requirement as costly as a WFBP is overly regulatory and burdensome to farming families.

Therefore, RWNZ submits that 12.1(b) be deleted and that all references in the rules that express or imply the compulsory imposition of WFBPs, as a condition of consent, be deleted.

- 1.27. With reference to 12.2, RWNZ cautions Council that if it wishes to import agreed industry standards into the Plan, then those standards must be adopted, as agreed, in their entirety. As an example of the issues that may arise with the adoption of agreed industry standards, RWNZ draws Council's attention to the Principles set out in the Clean Streams Accord.

- 1.28. The Clean Streams Accord "Principles" read as follows:

"We agree that actions will be developed that:

- *Are applicable only in dairying areas throughout New Zealand and are able to be adapted for different situations to reflect catchment characteristics;*
- *Will make a real difference, recognising that greater benefits will be achieved when multiple actions are adopted;*
- *Are cost-effective;*

- *Are practical to implement in the context of existing farming operations;*
- *Clearly recognise the practical and financial constraints to implementation timeframes;*
- *Recognise that improved waterways management at the farm level will generally focus on headwaters, small streams and drains; and*
- *Acknowledge the lead role of the dairy industry in the Accord”.*

1.29. Therefore, the adoption of the Clean Streams Accord into the Plan via 12.2 would have the following effect on the Plan:

1.29.1. The lead role of the dairy industry would be acknowledged by other stakeholders, including Council; and

1.29.2. Dairy industry based standards would only apply to the relevant industry and land use types. Sheep, beef, and other operations, would be excluded from standards agreed within the dairy industry.

1.29.3. The Plan would only implement cost effective actions that would make a real difference; and

1.29.4. The Plan would be practical to implement in the context of existing farming operations; and

1.29.5. The Plan would clearly recognise practical and financial constraints to implementation timeframes; and

1.29.6. The Plan would focus on headwaters, small streams, and drains.

Therefore, RWNZ submits that either 12.2 is deleted from the Plan or Council will need to form a dairy industry group to lead all of Council’s decisions affecting dairy land and water resources in the future.

Conclusion

1.30. The proposed One Plan contains restrictions so extreme, by comparison to most other regional plans that they will amount, in practical effect, to farming by consent. RWNZ is strongly opposed to the notion of farming by consent.

1.31. Rural communities, families and farming businesses should not need consent to carry out normal and existing uses. When the negative effects of unnecessary and impractical regulation are considered, and in the absence of sound evidence demonstrating the need for such constraints, their imposition is both unwise and unnecessary. RWNZ is of the view that the precautionary approach taken, whilst well intentioned, is overzealous and unnecessary.

RWNZ submits that unless the Plan is amended appropriately, rural communities are in danger of being stifled by regulation without knowledge, ending in rhetoric before results, and systems before people.