

Before Independent Hearing Commissioners  
At Hamilton

In the matter of the Resource Management Act 1991

And

In the matter of the hearing of submissions on Proposed  
Plan Change 1 to the Waikato Regional  
Plan

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Synopsis of primary evidence of  
**Charles Fletcher**  
for  
**Charion Investment Trust (Submitter 71344)**  
and  
**Fletcher Trust (Submitter 73848)**

**3 May 2019**

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Presented by:

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*Synopsis of Evidence for Charion Investment Trust (Submitter 71344) & Fletcher Trust (Submitter 73848) for submissions on Proposed Plan Change 1 to the Waikato Regional Plan*

**1. Summary**

- 1.1. PC1 has been corrupted by 'group think' and will not succeed if its current prescriptive rules are adopted. Its design and concepts are inflexible and lack common sense.
- 1.2. For success, the alternative is rules which are simple to understand, flexible and economical to implement, with a modicum of monitoring and enforcement required (generally self-policing), for the benefit of the Waikato community as a whole. The communities affected drive these from the bottom up. We only need to look at our society changes to smoking, the use of coal, climate change, sexuality, etc to see how effective this has been in recent times.
- 1.3. Flexibility is required for innovation and enterprise to thrive to create solutions delivering sustainable management of our farm land, water, rivers and resources which deliver food for the benefit of mankind in New Zealand and overseas and so "the Waikato and Waipa rivers and their tributaries be swimmable and safe for food collection".
- 1.4. Nitrogen leaching is a short term problem easily fixed by controls on when and how much is applied to farm land, as has been the case in Ireland.
- 1.5. Phosphates and microbial pathogens are influenced by sediment control, where they migrate from farm land. That migration is usually triggered by significant rain events and barriers to slow or control across land water flow will materially benefit our waterways, a relatively simple solution with the right focus and incentives.
- 1.6. Land use controls and consents as proposed in PC1, are taking property rights with no compensation, so are unfair and unjustified.

- 1.7. As responsible farm owners we have improved all of our farm land, decade on decade, without land use controls, rules or consents. This will be the same story for all good farmers in the Waikato.
- 1.8. Council staff, with no farming experience, have no ability to effectively make rules or police rules for farming. They do not have the competence or expertise that comes from farming the land and looking after livestock.

## **2. Introduction**

- 2.1. My name is Charles Fletcher. My evidence is given with the expertise that follows from an in-depth knowledge of our farms and farm systems over many years.
- 2.2. Dr John Bircham is also giving evidence in support of these submissions.
- 2.3. I am the director of Fletcher Farms Trust Limited as trustee for the Fletcher Trust and its primary decision maker.
- 2.4. I am a director of Charion Investments Limited as trustee for the Charion Investment Trust and one of its decision makers.
- 2.5. I have:
  - (a) been involved in dairy farming from a young age having been born, lived and worked on a dairy farm until I went to University
  - (b) owned and farmed deer on our former Tamahere property for 25 years
  - (c) for the last 8 years, been managing the dairy farming business of the Fletcher Trust; responsible for its strategy and development, finances, pasture, stock and staff management and actively involved in some tasks on farm.
  - (d) a keen interest in honey bees, as we have our own hives, I am an approved AFB inspector, checking bee hives in the area and providing assistance to others with bee hives or who are new into the care of bees.

- (e) an ongoing membership with Federated Farmers.
  - (f) 36 years experience as a lawyer (now retired)
  - (g) had an extensive involvement with farming and farmers during my professional career
  - (h) been actively involved as a company director of many companies over 40+ years and an ongoing membership with the Institute of Directors
  - (i) been actively involved as a trustee of many trusts over many years.
  - (j) over the last 43 years, had various inputs with my wife's, and her immediate family, farming enterprises on the Hauraki Plains comprising five dairy farms and a large dairy support block.
- 2.6. As a young boy I spent many hours in the streams and water ways in the Waikato, swimming, catching eels, trout fishing, building little dams and the like.
- 2.7. I recall one farm, where my parents were share-milking, where I washed down the yards after milking and the effluent went straight into a creek that was well populated with eels.
- 2.8. It was, in today's terms, a disgusting disaster and something the farming community has come a long way to mitigate and avoid.

### **3. Charion Investments Limited**

- 3.1. Charion owns a property at 330f Pencarrow Road Tamahere (id map attached at page 22 below) comprising 5.0839 ha
- 3.2. This is a dairy support block, growing maize, grazing young stock and winter grazing of dairy cows. It is also our family home with a large garden, orchard and our bee hives.
- 3.3. This property is zoned rural in the Waikato District Council.
- 3.4. According the Regional Council records for PC1 this property is in the Priority 3 sub-catchment in the Waikato at Narrows sub-catchment

and the Middle Waikato Freshwater Management Unit. Key dates for this property include:

- (a) Register with council and provide a Nitrogen Reference Point between 1 May 2020 and 30 November 2020
  - (b) Complete a Farm Environment Plan by 1 July 2026
  - (c) Complete stock exclusion by 1 July 2026.
- 3.5. The property backs onto the Waikato River with tree planting of the boundary and fenced to exclude stock, as shown on the id map attached.
- 3.6. It also has a water flow through one side to the other, as neighbouring water run-off is drained to our south boundary and exits our north boundary on its way to the Waikato River. This is also planted in scrubs and trees and fenced to exclude stock, as shown on the id map attached.
- 3.7. Currently a neighbouring dairy farmer is using the flat and cultivatable portion of the property, approx. 3 ha, in conjunction with the large block next door, as a dairy support block.
- 3.8. The id map attached shows that land cultivated for a maize crop (I suspect as planted in October 2017 or the year earlier). This last season it has been kept in grass and grazed and had silage removed.

#### **4. Fletcher Farms Trust Limited**

- 4.1. Fletcher Trust owns a dairy farm at 472-600 Tihoi Road, Whakamaru (id map attached at page 23 below) comprising 212.9479 ha
- 4.2. This is zoned rural in the Taupo District Council and has been owned by my family since 1968. It was originally farmed as a dairy farm by my parents, converted to sheep and beef in 1972 due to economic and political considerations at the time and converted back to dairying in 1997.
- 4.3. According the Regional Council records for PC1 this property is in the Priority 1 sub-catchment - located in the Waikato at Waipapa sub-

catchment and the Upper Waikato River Freshwater Management Unit. Key dates for this property include:

- (a) Register with council and provide a Nitrogen Reference Point between 1 May 2020 and 30 November 2020
- (b) Complete a Farm Environment Plan by 1 March 2022
- (c) Complete stock exclusion by 1 March 2025

- 4.4. This farm is approx. 6.6 kms from the Whakamaru Dam on the Waikato River (maybe 5 kms as the crow flies).
- 4.5. According to the Ministry for the Environment Lake Whakamaru and the Waikato River (from Lake Taupo down to Lake Waipapa) is “excellent” for swimming quality.
- 4.6. There is no overland runoff or tributary water origination from our farm which can make its way over land to the Waikato River. It has no water flowing through the property.
- 4.7. As our farm has been owned and farmed by our family for almost 52 years I am able to observe that it is a far superior property, and farm, now when compared to 1968 when it was bought. The improvements have been deliberate and are as a consequence of our farming methods and systems.
- 4.8. Our voluntary Sustainable Milk Plan, developed in 2014 and updated since, provides for proper consideration of the environment and how we responsibly farm our property.
- 4.9. Under our stewardship the farm will continue to improve.
- 4.10. In a one hundred year rain/flood event water will flow across boundaries of all farms, where the land is unable to cope with the sudden water load and this “act of God” is not something anyone can fully mitigate or prevent. Such events should not be the subject of the rules promulgated by the Council nor should they be the subject of penalties for a technical breach of a consent or those rules.
- 4.11. One would hope that PC1 does not intend to capture farmers with a potential liability for such an event.

**5. Purpose of PC1 – Can it work? Will it work?**

5.1. PC1 is the most significant change to the rules administered by the Waikato Regional Council (WRC), since the Council came into existence and is:

- (a) proposed as a plan change to give effect to Government legislation on the management of fresh water (passed in 2014) and Te Ture Whaimana o Te Awa o Waikato (The Vision and Strategy for the Waikato and Waipa rivers) which was adopted by Government as part of Treaty Settlement legislation. The Waikato Regional Council has a legal requirement to give effect to both of these, and
- (b) Te Ture Whaimana o Te Awa o Waikato/ the Vision and Strategy for the Waikato River (Vision and Strategy) is the primary direction setting document for the Waikato and Waipa rivers, and must be 'given effect to' by regional and district plans within the rivers' catchment,
- (c) focused on the management of diffuse discharges from land which impact on waterways, particularly the Waikato River and the Waipa River.

5.2. The Collaborative Stakeholders Group (CSG) has had a strong influence to identify "where we are going" and therefore the objectives which are the foundation of PC1 but I am somewhat cynical of the results given the inadequacy of representation on the CSG (e.g. diary had 2 out of 24 seats – see diagram attached) and the compromise processes they were required to follow, infected by group think consequences (refer 5.11 below).

5.3. The real issue is the economic effect of PC1 on property owners, farmers in particular as they are the target of the PC1 rules being considered at this hearing. How many of the 24 seats in the CSG have "skin in the game"? Only 6 of the 24 voices around that table have representative interests for people with skin in the game. That minority (25%) have not been able to hold back the majority, so the outcomes of the consultation process were effectively predetermined

by the process and therefore has not been effective due to compromise and group think effects.

- 5.4. Numerous changes to critical issues have occurred since the Council set out to formulate what we are now dealing with as PC1. These include the National Policy Statement for Freshwater Management (NPSFM) with significant changes so far and more signalled, the form and function of Overseer, climate change issues, scientific developments and global initiatives, to highlight just a few.
- 5.5. There are conflicts and tensions between the RMA, NPSFM, the Council, Healthy Rivers Wai Ora and the ever changing politics (local and national). Specifically:
- (a) The NPSFM is to assist regional councils and communities to more consistently and transparently plan for their freshwater objectives. Overall freshwater quality within a region must be maintained or improved with some variability contemplated in terms of freshwater quality, including between freshwater management units, as long as the overall freshwater quality is maintained within a region.
  - (b) But, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and Nga Wai o Maniapoto (Waipa River) Act 2012 establish the Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato (**Vision and Strategy**) is the primary direction setting document for the Waikato and Waipa Rivers.
  - (c) This Vision and Strategy **prevails over any inconsistencies in a NPS** or New Zealand coastal policy statement.
  - (d) So this legislation impacts significantly on the considerations that might otherwise be relevant to PC1 **as these three Acts trump the NPS going forward, and therefore PC1, if any inconsistency arises.**
  - (e) PC1, intended to meet the NPS objectives, is therefore also subject to the Vision and Strategy.



- 5.6. s.5 states the purpose of [the] Act is to promote the sustainable management of natural and physical resources. Subsection 2 goes on to provide that **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment
- 5.7. I do not intend to dwell on the significance of s.5 as the Hearing Commissioners will have this 'front of mind' and others more skilled than I will advocate the merits and priorities of the conflicting considerations.
- 5.8. It is for this hearing to address the conflicts (if possible) and for PC1 to proceed in a sensible manner.
- 5.9. All I ask is that common sense prevails.
- 5.10. Unfortunately, a small group of Council staff, the CSG and the TWG have been influenced by group think in formulating PC1.
- 5.11. **Groupthink** is a phenomenon that occurs when the desire for group consensus overrides people's common sense desire to present alternatives, critique a position, or express an unpopular opinion. Here, the desire for group cohesion effectively drives out good **decision-making** and problem solving.
- 5.12. Symptoms of Groupthink<sup>1</sup> include:

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<https://courses.washington.edu/psii101/.../Symptoms%20of%20Groupthink.htm>

- Illusion of Invulnerability. ...
  - Belief in Inherent Morality of the Group. ...
  - Collective Rationalization. ...
  - Out-group Stereotypes. ...
  - Self-Censorship. ...
  - Illusion of Unanimity. ...
  - Direct Pressure on Dissenters.
- 5.13. Taking a helicopter view of the big picture and the outcomes New Zealand needs is all I can ask this hearing and its decision makers to do.
- 5.14. Every reasonable thinking New Zealander will support objectives and aspirations that we, as a country, have a focus on “restoring and protecting the health and wellbeing of our rivers for current and future generations” and the Vision and Strategy that “the Waikato and Waipa rivers and their tributaries be swimmable and safe for food collection”.
- 5.15. PC1 seeks to “help restore and protect the health of the Waikato and Waipa rivers” by introducing extensive rules to manage:
- (a) Nitrogen,
  - (b) Phosphates,
  - (c) Microbial pathogens, and
  - (d) Land use;
- in the areas which affect the Waikato River and the Waipa River with water runoff or tributaries.
- 5.16. The PC1 focus on farmland has unbalanced the approach and options for addressing the Vision and Strategy.
- 5.17. The Vision and Strategy is a whole community focus so needs to include the towns, cities, roads and rail infrastructure, together with the non-farming industry and commercial activities in the same zones (identified as freshwater management units).
- 5.18. PC1 is a complex set of ideological rules. These will end badly if left unchanged.

- 5.19. It is disappointing that the Government, when driving change on local and regional authorities, did not simply provide a template for all councils to adopt as a starting point, instead of each council being required to “reinvent the wheel” all with a different solution and costing property owners (rate-payers) hundreds of millions of dollars (WRC has reputedly spent \$25-30 million already). This is a tragedy and public disgrace.
- 5.20. For PC1 WRC is the rule maker, the interpreter of those rules and the enforcer. Inevitably the rules will become the ‘raison d’être’ for the WRC and common sense will have no place in the true objectives and aspirations that we, as a country, have for our water.
- 5.21. Micro-management, using rules without proper science and flexibility in the future, based on assumptions, models and theories will destroy our agricultural economy almost as fast as ‘foot and mouth disease’ and we should all object to this approach - it is the foundation of PC1. The biggest cost ongoing will be to rates and fees, to fund the bloated bureaucracy which Council will develop, and the economic cost (loss) to the farming community as a whole.
- 5.22. **Ideological rules** are generally complex, inflexible and expensive to implement, monitor and enforce. These are driven from the top down, from the enforcers into the communities affected.
- 5.23. **Common sense rules** are simple to understand, flexible and economical to implement, with a modicum of monitoring and enforcement required (generally self-policing), for the benefit of society as a whole. The communities affected drive these from the bottom up.
- 5.24. As Commissioners you have to consider that rules and common sense are usually strangers.
- 5.25. The USA has become a litigious society due to a plethora of rules and how they are interpreted. We are seeing much the same beginning to develop with our RMA and employment laws. These are not healthy nor good for the development for our society going forward.

- 5.26. On this theme I conclude with an observation that the more detailed the rules the more detailed the compliance and enforcement and there is no flexibility to adapt, resulting in stifling of innovation and stagnation. Is this what we want for our farming communities in the Waikato?
- 5.27. You also need to consider the “strict liability” of the RMA when it comes to enforcement of those rules. The reason for a breach is irrelevant. The breach occurred therefore the penalty is ...
- 5.28. This stick approach to rule making does not promote community engagement and adoption of a sensible way to reach an outcome.
- 5.29. The proposed PC1 rules are intended to cover a program for water quality improvement over the next 80 years, starting with a 10 year horizon. Given the significant changes which have occurred since notification of PC1, it is inappropriate for PC1 to comprise a set of rules which will become obsolete in the near future, so they need to be principles and not prescriptive.
- 5.30. It is my plea that the prescriptive provisions are removed in favour of principles and concepts which will direct the intended outcomes sought.
- 5.31. Otherwise Council staff, with no competence or experience in farming, will be making rules and policing rules they do not have the skill or expertise to administer. Relying on consultants is no different. We only have to look at the Building Act and the leaky building fiasco to know that council staff, and consultants (usually failed or incompetent builders), to know what the outcome is going to be for farming.
- 5.32. In response to the questions **Can it work? Will it work?** Unchanged, PC1 will not work and the cost will far outweigh the outcomes.
- 5.33. These are fundamental questions for you, as the Hearing Commissioners, to answer.

**6. Whole community | Not just farming | At what cost? Who pays?**

- 6.1. The Vision and Strategy is a whole community focus so needs to include the towns, cities, roads and rail infrastructure, together with the non-farming industry and commercial activities in the same zones (identified as freshwater management units).
- 6.2. As PC1 has a proposed 80 year horizon it does not seem creditable that PC1 is solely focused on farm land as seems to be case currently.
- 6.3. Currently the cost is falling to farmers and the economics are a burden many will struggle with. The whole of our communities are responsible for what happens to enhance our water ways.
- 6.4. If the community as a whole seeks to restore and protect the health and wellbeing of our rivers for current and future generations, measurable by having the Waikato and Waipa rivers and their tributaries as swimmable and safe for food collection, then the cost should be paid by all of that community.
- 6.5. The ideology that a few (e.g. farmers ) should meet the cost for the many results in unfairness, discord, uprisings and war. Is that what we want for our country?

**7. Overseer**

- 7.1. The s.32 Report contains 75 references to Overseer and there has been extensive opposition to its use, in a regulatory environment. It is supposed to be a tool for farmers to improve the way they farm.
- 7.2. Dr Simon Upton, as the Parliamentary Commissioner for the Environment, helpfully published a report “Overseer and regulatory oversight: Models, uncertainty and cleaning up our waterways”<sup>2</sup> which gave credence to these concerns and opposition.

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<sup>2</sup> <https://www.pce.parliament.nz/publications/overseer-and-regulatory-oversight-models-uncertainty-and-cleaning-up-our-waterways> | Published 12 December 2018

- 7.3. Fortunately, since PC1 was notified and the s.32 report written, significant changes have been made by the owners of Overseer with the release of OverseerFM and a very specific and clear ideological peg in the ground, that the data used in Overseer belongs to the farm owner, so anyone using that data can only do so with the revocable permission of the farmer owner.
- 7.4. The OVERSEER owners also record that “there is no single correct approach to managing the effects of diffuse nutrient loss from land use on water quality, and OVERSEER may be used in different ways within these different approaches”
- 7.5. Therefore, Overseer is a guide for farmers, to assist in decision making on their farms for the best way to model nutrient use and movement within a farm system by estimating the nutrient flows in a farming system, specifically estimates of N and P loss to water through leaching and/or run-off.
- 7.6. The s.42A reports acknowledge that there are problems with Overseer and recommend significant changes to the way Overseer is used and referenced in the PC1 rules.
- 7.7. As time goes on other, more appropriate and accurate tools will be developed.
- 7.8. In the interests of flexibility and progress I urge the Commissioners to remove references in PC1 which seek to lock in Overseer as the only tool by which N & P are measured or as an enforcement weapon against farmers.
- 7.9. I have no problem with OVERSEER being used as a guide, if no alternative exists, but it would be an outrage if the Councils become intransigent about alternatives.
- 8. Nitrogen cap**
- 8.1. Nitrogen has been identified as something that leaches through our soils. But, it has naturally a high attrition into the atmosphere and it cannot “leach through our soils” when there is no rainfall or if there has

been excess rainfall (saturation) as there is no moisture movement though the soil in those circumstances.

- 8.2. On our farm that can be for many months in the year.
- 8.3. Given the volatile nature of urea, and its extensive promotion for use on farms over the last decade or so by the fertiliser companies, I support controls for the use and application of urea (and urea based products) but not in the arbitrary manner proposed in PC1 with a blanket nitrogen cap – this rewards the abusers of our environment (high users/high levels) and penalises the conservative farmers who have been looking after our environment. This is not the sort of signal PC1 should be sending.
- 8.4. I am therefore opposed to the nitrogen cap concept and the arbitrary manner PC1 seeks to implement such a cap. This rule destroys economic value for farmers, especially those who have been responsible and modest in their use of nitrogen in recent years.
- 8.5. Ireland is a member of the EU. The EU has increasingly promulgated complex rules which have impacted on farming and livestock. In the UK, where I am currently finalising this evidence, the extensive use of subsidies as the only way they have been able to fairly bring about changes demanded by society to reduce stock numbers and make land use changes (a cost community members thought appropriate at the time).
- 8.6. Looking to the work done in farmland Ireland may be a useful guide for the Commissioners to consider.
- 8.7. Since regulated controls on N & P were introduced in 2006, they have not been effective in achieving the original aspirations or goals for the water quality improvement objectives in Ireland's River Basin Management Plan<sup>3</sup>.

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<sup>3</sup><https://www.agriculture.gov.ie/media/migration/ruralenvironment/environment/nitrates/2018Nitratesexplanatoryhandbook03042018.pdf>

- 8.8. They are now seeking to simplify the rules and regulations. Why? Rules and regulations are disincentives which stifle innovation and creative solutions.
- 8.9. One thing we can learn from Irish farming, N is not applied continuously throughout the season and not during autumn or winter or excessively wet periods. But, this is simple common sense!
- 8.10. A concept of “Best Practice” guidelines for N and P and quality education for our farmers will produce more positive results than punitive strict liability rules which the Council does not have the competence to administer or enforce.

## **9. Phosphates on farms and Sediments**

- 9.1. Science says that phosphates cannot leach through the soil because they are bound to the soil. Therefore, phosphate movement into lakes and rivers can only be overland, usually washed down during heavy rains and storms.
- 9.2. Phosphates therefore move with sediments and the control of sediments is appropriate as their primary movement is during heavy rains and storms.
- 9.3. Fencing will not protect phosphate and sediment movement overland, into our lakes and rivers. Fencing will protect the margins and banks from erosion caused by stock but other means of containing overland movement must be considered and may not require the complete fencing of every waterway within a farm.
- 9.4. A significant sediment contaminator of our lakes and rivers is water runoff from our roads, streets and urban areas.
- 9.5. Overseas work<sup>4</sup> has seen the development of simple and cost effect means of trapping and containing sediment runoff (including phosphates) from farmland and those means should be an alternative open to farmers.

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<sup>4</sup> In the USA – Ohio State University



9.6. I encourage the use of “Best Practice” guidelines for N and P and quality education for our farmers as these will produce more positive results than punitive strict liability rules which the Council does not have the competence to administer or enforce.

## **10. Microbial pathogens**

10.1. Water quality is affected by microbial pathogens, which come from many sources.

10.2. It is naïve to consider animal faeces as being the primary source of microbial pathogens in our lakes and rivers.

10.3. Bird life is something we have an abundance of in New Zealand. Ducks, pukekos and other birds all nest or feed on our waterways, lakes and rivers. Their excrement, especially when accumulated in marshland and land stock excluded, is washed into the rivers and lakes in high rainfall and storm events.

10.4. PC1 rules seeking to control stock excrement, which predominantly travels across farmland in heavy rain, will have minimal impact of the quality of our river and lake water.

10.5. As such controls for sediment will have the same effect in controlling microbial pathogens carried across the surface of farmland and farmers should have the flexibility to implement solutions which can be simple and cost effective, without the need for the rules PC1 seeks to impose.

## **11. Land Use restrictions**

11.1. PC1 seeks to introduce land use restrictions. For generations we have owned rural land in New Zealand without the need for consents or land use restrictions. Economics have been the driver for determining the best use of rural land and such land has a value to all land owners as a result.

- 11.2. Introducing the PC1 land use restriction unilaterally removes a property right for all land owners without compensation. This is an abuse of power and is not justified.
- 11.3. When the EU elected to restrict land use rights for farmers, they did provide compensation and subsidies.
- 11.4. It is difficult to accept that the Hearing Commissioners will support the unilateral introduction of land use restrictions on farm land and all the consequences that will follow (including a review as to whether or not this is an abuse of power and ultra vires)
- 11.5. It is also contrary to the provisions of s.5 of the RMA, in that the economic cost to farming and farm ownership fails to promote the sustainable management of natural and physical resources.
- 11.6. In time the eco-warrior approach to removing livestock from the Waikato basin will come at an unsustainable cost and trees will not overcome the issues currently being promulgated by a small minority.
- 11.7. When the children of NZ city/town folk say that milk comes from the supermarket, we as a society are already in trouble.
- 11.8. The Food and Agriculture Organization of the United Nations produced a report titled "*The future of food and agriculture – Trends and challenges*"<sup>5</sup> which notes "the world's population is expected to grow to almost 10 billion by 2050, boosting agricultural demand – in a scenario of modest economic growth – by some 50 percent compared to 2013"
- 11.9. That report also records this "would shift the demand for agricultural goods upwards. More importantly, however, the rise of a global middle class, as a result of the fast income growth in emerging countries, has accelerated dietary transitions that are changing the composition of the demand for food. The trend is strongly towards higher consumption of meat and dairy products and other more resource-intensive food items, hence with implications for the sustainable use of natural resources".

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<sup>5</sup> <http://www.fao.org/3/a-i6583e.pdf>

11.10. And goes on to record “The most recent joint report by FAO and the Organisation for Economic Co-operation and Development (OECD) provides a somewhat mixed picture of medium-term developments in real food commodity prices to 2025. While the prices of meat and cereals, with the exception of coarse grains, are projected to decline in real terms, prices for dairy products will tend to rise over the next 10 years.”

11.11. Anything which compromises our dairy industry, it particular, is a move against global trends and will be highly detrimental to New Zealand’s economic interests. s.5 of the RMA does not support an outcome which is detrimental to the economic interests of farming in the Waikato and should be a major impediment to the provisions of PC1 which could have this outcome.

## **12. Farm Environment Plans**

12.1. The FEP is another prescriptive part of PC1, with detailed requirements, the compulsory involvement of a “Certified Farm Environment Planner”, the ongoing involvement of the WRC CEO plus audits.

12.2. The cost of implementation is significant. Ongoing costs are significant.

12.3. Simply stated the Council is imposing a requirement on farmers to have documented, in a prescribed form by someone only approved by the Council CEO (Council does not trust farmers), so that Council staff have details of a farm and a check list of issues to be addressed in a prescribed manner (endeavouring to overcome the lack of competence, expertise and farm experience of council staff).

12.4. The strict liability foundation of the RMA and PC1 rules mean that if a farmer has not complied with something in the FEP (e.g. plant a tree by a specific date irrespective of suitability of conditions) a prosecution will follow.

- 12.5. Once again this highlights the tragedy of prescriptive rules over common sense and flexibility with co-operation, innovation and progressive farm development.
- 12.6. The FEP provisions are hijacking farmers and will stifle innovation, growth, improvement and farm development because:
  - (a) They do not allow for diversity of farmers and farming systems
  - (b) Will be imprisoned by the limitations and ignorance of the CFEP over time as that person rigidly adheres to his/her concepts and perceptions
  - (c) CFEP's will conform to the requirements or dictates of the Council CEO/staff in order to preserve their certification (protecting their 'cash cow' position)
  - (d) Councils CEO and staff have no experience, expertise or qualification in farming; their own vested interests and job protection interests will take priority over anything dealing "outside the square" by way of innovation.
- 12.7. If a farm or farmer has an idea or concept to improve his operation, he will not be able to do so because of the straight jacket the FEP will create.
- 12.8. How does a farmer deal with problems with a CFEP, the CEO or Council staff? There is no protection to farm owners for what will become a fiefdom of power created by the PC1 rules and their inflexibility.
- 12.9. If the FEP provisions are not the ultimate in madness, it is difficult to see what could trump it!
- 12.10. Another approach has to be considered. This does not mean that FEP's do not have a place. Having a written plan assists with focus and stepping stones to achieve a planned outcome over time. All such plans need to be reviewed and updated as circumstances change and so do opportunities.

- 12.11. My issue is the prescriptive nature and restrictive consequences of FEP's as set out in the proposed PC1 rules. These provisions should be set aside in favour of something more appropriate and workable.
- 12.12. A small minority of farmers may be troublesome to deal with without a big stick over their head. Maybe the prescriptive option could be reserved for that small minority as a means of focus and adaptation for a limited period of time.
- 12.13. A CFEP is not a panacea for the deficiencies of Council staff as they have no more than a bit of paper from a prescribed course to stay they are able to do the job of FEP preparation, even if they have no farm experience and competency.
- 12.14. Again, I encourage the use of "Best Practice" guidelines for FEP use and quality education for our farmers as these will produce more positive results than punitive strict liability rules which the Council does not have the competence to administer or enforce.

It is my intention to appear in person to give evidence and focus on some more specific aspects of PC1 and answer questions from the Hearing Commissioners.

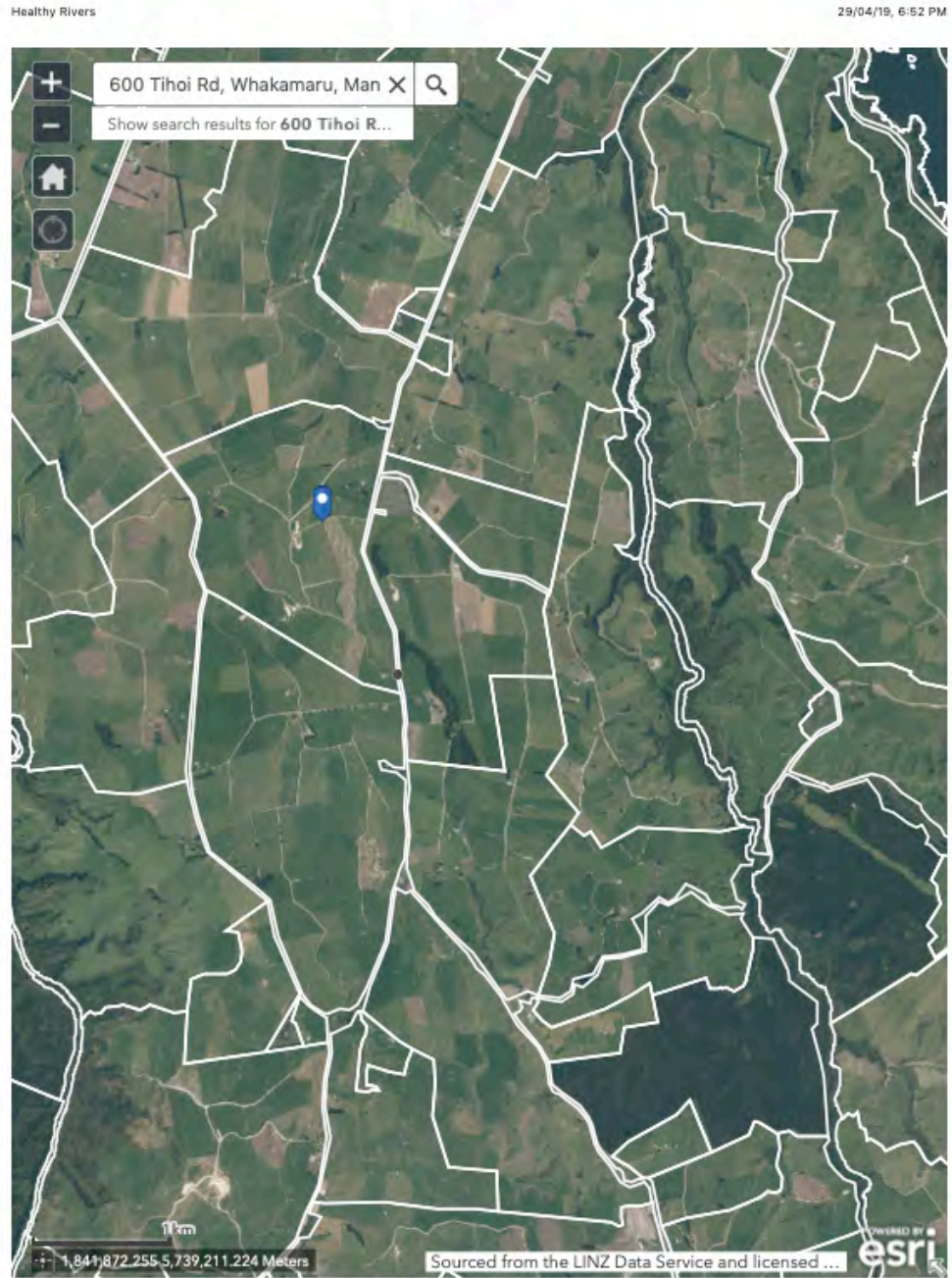
Charles Fletcher

3 May 2019

Waikato Regional Council id map for the rural property owned by Charion at  
Tamahere

*Evidence for Charion Investment Trust & Fletcher Trust for submissions on Proposed Plan Change 1 to the Waikato Regional Plan*

Waikato Regional Council id map for the rural property owned by Fletcher Trust at 472 – 600 Tihoi Road, Whakamaru



<https://waikatoregion.maps.arcgis.com/apps/webappviewer/index.html?id=8d051ca27404492a9fa49c0c01971c6f8&level=4>

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Collaborative Stakeholders Group info