Submission to Environment Southland on proposed Land and Water Plan

Submitted by

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✓ We wish to have the opportunity to speak in support of our submission.
✓ We would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.
✓ We could not gain an advantage in trade competition through this submission

Signature of Sarah Jane Crooks  Date: 1/08/2016

Introduction

We are Jonathan and Sarah Crooks, sheep and beef farmers within a family farming company located at Wendonside near Waikaia. Our property is a self-contained farming unit of 730 hectares where we farm 4500 perendale sheep stock units and 1500 beef cattle stock units. Jonathan’s parents have recently retired off the property after 15 years living in this area. Previously Jonathan’s family farmed sheep and beef at Mabel Bush before purchasing the Wendonside farm.

Our property is of rolling contour with elevation from 200 metres to 560 metres. According to the draft Water and Land Plan (the Plan) our property is located within the proposed Hill Country Physiographic Zone.

We recognise and support that some land use activities or peoples behaviours in Southland are certainly accelerating water quality degradation and that some activities should require consent to operate. But for the majority of hill country farmers, especially self-contained properties, we believe that investment in education and resources to improve sustainable good management practices in the hill country will produce much better results than the proposed rules in the Plan. Farmers will be much more open to this approach rather than strict regulation and paying for costs in completing paperwork. Budgets should be allocated to funding on farm improvements rather than consultants and paperwork for consents.

We have submitted on the Plan to raise our concerns regarding the practical implementation of the rules and the costs that will fall on farmers to achieve compliance under the Plan.
**General Comments:**

**Urban versus Rural**

We are concerned that urban communities appear to be given greater timeframes for change and investment for compliance with the Plan than what Southlands farming community are being driven to achieve. Fair treatment of all parties affected would see similar timeframes being applied to urban communities as well.

**Duration of Consents**

There needs to be assurance that the consents granted under the Plan will not be annual consents requiring regular expensive consent renewal costs to farmers. We suggest consent durations for winter grazing, cultivation etc. have a minimum term of 5 years or longer.

We are in favour of education in good management practices via the Land Sustainability team rather than any consents at all as this will achieve much better buy-in and support from the farming community rather than blunt rules that cause frustration and negligence.

**River definition**

There is no definition of a River in the Plan. This should be included to clarify requirements around small natural watercourses. Here is the definition of a River that we suggest be included in the Plan:

*River means a continually flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)*

**Use of Physiographic Zone units**

The Plan should be effects based, real data should be able to be provided by farmers to show actual impacts from their farming activity versus the science assumed on physiographic zone behaviours. We disagree with the use of the physiographic zones within this document to apply rules to specific areas of Southland.

It is inevitable with a project of this scale and size that boundary lines of these zones will be imperfect. These boundaries currently define application of significant proposed controls and rules. This issue must be addressed so land holders can have confidence in managing their properties and having opportunity to provide information to change zone determination if proven.

The physiographic zones provided a good amount of information to farmers about risk to water contamination from their property. However, we need to question whether the use of Physiographic zones in the Plan is appropriate given no significant economic impact or community effects have been considered to date. The use of zones as a basis to define boundaries and criteria of rules will have major impacts. Should the use of the physiographic information be delayed until Catchment limits?
There needs to be an ability somehow for the boundaries and locations of the physiographic units to be adjusted in the future. If the physiographic zone maps are included within the final Land and Water Plan they cannot be adjusted without a plan change. This does not appear to be the right way to manage this information. As known with any science, knowledge and understanding is constantly changing and/or improving over time. The maps of the physiographic zones should be referred to within the Plan but sit outside the Plan document as standalone information that can be further developed over time. This will give land holders opportunity to challenge the information if they believe the maps are incorrect.

**Old Mataura Physiographic Zone**

Our property is situated on the Hill Country physiographic unit with a small amount of Gleyed around our dwelling. The Old Mataura physiographic unit is situated within neighbours and friend’s properties within close locality to our farm, situated in the Wendonside area. We understand that the Old Mataura Zone has been identified as high risk for nitrates and water quality degradation.

We do support change, awareness and education to improve the future environmental situation for Southland, however we are concerned that the proposed rules and timeframes for land use change in the Old Mataura area will create great stress on a concentrated area of our community. Singling out the Old Mataura zone and placing specific rules over the land activities in that zone will affect property values immediately and drastically.

Families have borrowed funds and made business plans based on the existing value of their properties, or recently purchased land in the Old Mataura zone at prices that will no longer be achieved in the market place due to the Old Mataura classification controlling land use and improvement. Placing the proposed controls over this land will affect financial situations. For some there will be a wider impact on their current farming business model that will take a long period of time to change. The draft Land and Water Plan provides a relatively short timeframe to the people and farms in this zone to react and put in place appropriate action plans to meet the proposed rules without drastic and possibly catastrophic change that may cause properties and/or farm businesses to quickly become financially unviable.

Although it may seem to Environment Southland that the Old Mataura area is a small area compared to other Zones in Southland (<1% of total), these areas of Old Mataura are concentrated in specific areas and specific communities. Old Mataura is not scattered across Southland where the impact of the rules would be wide spread and effectively diluted. Stress, loss of income and land value will impact very specific communities in Southland.

The Section 32 evaluation report considers the impacts from the proposed rules for Old Mataura to be very minimal, and it may certainly look like this when comparing it on a regional scale. However, it is clear to us that there will be significant impact on family harmony, stress and therefore impact on overall quality of life and mental health of the communities that have Old Mataura located with them - such as the Wendonside community.

We understand that the lag times in the Old Mataura Zone are likely to be why Environment Southland has more immediate timeframes for the rules associated with this zone. However,
when considering the relatively small size of the zone and the slow rate of change that the zone will have in improving water quality (particularly on a regional scale) we suggest that a stepped approach for implementation of the rules be proposed for Old Mataura zone. Phasing in the rules that affect Old Mataura by 2025 will allow farming business models to be rearranged in a productive manner and therefore create less stress in these micro-communities. It is suggested that permitted Forage Crop maximums for Old Mataura be stepped downwards each year towards the currently proposed permitted limit of 20Ha by 2025.

**Rule 20 Farming & Appendix N**

**Rule 20 (e)**

A landholding up to 100 Hectares in size is not required to submit a nutrient budget under this rule. Given that a property of this size can complete significant farming activities and could have land use impacts from nutrient losses because of cultivation, fertiliser application, drainage or intensive winter grazing an exemption is inadequate. For example, four properties of 100 Ha could have similar or worse nutrient loss than a property of 400Ha, it could be a lot worse depending on the physiographic unit the properties are situated on and if they all completed intensive winter grazing.

**Rule 20(e-h)**

The requirement for farm management plans to be submitted annually will create a significant cost and resource imposition for farmers. Will the submission of a farm management plan document create water quality improvements? The answer is no; it will just tick a box for achieving compliance under the Plan with no tangible effects.

Consideration of cost for completing these farm management plans has not been appropriately analysed in the Section 32 Report. The expectation of the quality of these documents will be significant. Your average farmer will not be able to complete the compilation of these plans to compliance adequacy without external assistance.

The way that Appendix N is currently written these documents are technical and extensive. It is likely most farmers would struggle to complete these plans without professional assistance. There have been suggestions that templates would be created, however we still see the templates needing to be complex to meet the compliance requirements of Appendix N.

The requirement for annual submission of these plans to Environment Southland will require farmers to make decisions on cultivation areas, budgets etc. much earlier than usual to ensure a plan can be compiled, submitted, processed and approved in time to be able to be used for the next farming season. We suggest that if these plans remain a requirement of the Plan that they are to be submitted triennially. If these plans must be completed, there needs to be simple ability within the framework to adjust your farm management plan for subtle
changes or seasonal requirements – i.e. pest infestation in a pasture paddock may require unplanned cultivation.

The proposed farm management plans are only going to capture the existing practices that are being carried out by many responsible hill country zone farmers. Why should these farmers have to wear cost to prove they can farm appropriately? Farmers could submit farm management plans saying they will do things a certain way, however there is no guarantee it will actually be carried out in that manner as prescribed in the Plan. There is no way that Environment Southland will be able to ensure annual compliance physically on the property when you consider they will be monitoring hundreds of farm management plans. This is why we support education via the Land Sustainability team via a bi-annual visit instead of completing farm management plans.

Farming in hill country is significantly different to the other zones, farmers take a more considered approach to intensification, impacts of land use activities and overall property management because of the nature of the hill country.

Water quality improvements in the hill country zone will come from subtle changes to the activities and management on the farm. Environment Southland should focus on education and culture change to generate improvement in good management practices rather than requiring a document to be submitted saying that a farmer will do as expected.

We oppose the requirement for Farm Management Plans. We suggest that Environment Southland’s Land Sustainability resource be invested in and increased to allow these knowledgeable people to interact with farmers in a manner that is non-regulatory (an annual or bi-annual farm visit) rather than have rules requiring annual farm management plans. This idea has been identified within the framework proposed in the Section 32 report Option B for 6.3 Diffuse nutrient discharge/Farming where setting a number of minimum farming practices is suggested.

Portions of Option B could be a relevant and a practical solution for Hill Country zone farmers. Within the Section 32 Report analysis for costs and benefits for Option B are comparative to the costs and benefits analysed for the proposed rules in the Plan.

Excerpt from Section 32 Report 6.3.5.2
‘Option B is anticipated to have an average effectiveness of three out of five in assisting the achievement of the Objectives of the pSWLP.’

Given this analysis, with some adjustment, this option framework could be appropriately acceptable as a way of managing impacts from Hill Country Zone farmers rather than requiring Farm Management Plans from farmers in this zone.

Rule 23 Intensive Winter Grazing
Are Cereal Crops included in this rule? This needs to be clarified.
A clear definition of ‘intensive winter grazing’ is required. Glossary on page 110 of the Plan states Intensive Winter Grazing is ‘Grazing of Stock between May & Sept on Forage crops.’ There is no definition provided for ‘Forage crops’, this needs to be included in the Plan. We proposed that Forage Crops are defined as Brassicas and Beet.

There is no definition of what ‘Intensive’ means. ‘High Stocking Rate’ is not defined in the Plan. Definitions for both of these phrases need to be added to the Plan.

**Rule 23 (b)(iii) & (iv)**

Maximum winter grazing areas – this does not work for large land holdings or high stock rate farmers. Requiring a maximum grazing area could create animal welfare issues as well as economic viability of any farming business. We suggest the rule be changed to be based on a percentage of total land holding area rather than a maximum area. We think 15-20% of land holding area would be appropriate for this rule.

In the supporting documentation for the Section 32 Report a technical report called *Preliminary analysis of winter forage crops in Southland* by Dr Lisa Pearson identified that just over 80% of properties analysed in the report had 25 hectares or less of forage crop. To some, this would indicate that the proposed permitted activity within the rules for crop area will cater for a high percentage of properties in Southland and will have little effect. This is not the case.

The analysis in the report clearly states that it has limitations regarding the information available to analyse.

*Excerpt from Pearson Report (supplementary information to Section 32 Report)*

“Limitations
This preliminary assessment has been carried out prior to the review of the Land Use Map and without data correction for spectral errors. The land use map has been created to legal property boundaries and may not represent the true extent of what is farmed. This assessment is intended to be used as a guide only and a full report titled ‘Spatial analysis of winter forage cropping in Southland’ is currently in preparation (Pearson and Couldrey, in prep).’

The spatial analysis report by Pearson and Couldrey (referred to in the excerpt above) could not be found to be considered for our submission.

The excerpt above identifies that the information being analysed was based on property titles, however our understanding is that Environment Southlands approach to the proposed rules in the Land and Water plan will be that if you own two property titles side by side (i.e. they share a boundary) the titles are going to be treated as ONE farm and ONE property for compliance with the rules of the Plan, causing the property to be allowed a permitted maximum of either 20Ha or 50Ha depending on physiographic unit.

Perhaps this rule should be based on permanent stock unit volumes stated for the property, with crop being permitted up to a maximum percentage area of crop per property. Use of the word ‘permanent’ removes permitted cropping for temporary stock unit numbers that
may be on the property for only a few months - such as contracted Winter Grazing for other parties. This amendment would still require intensive winter grazing associated with ‘temporary’ stock (i.e. intensive contract winter grazing) to gain consent. Which is an approach we support.

Rule 23 (b)(vii)
Setbacks – We suggest that the setback distance be a maximum of 10 metres for any slope. Otherwise too much productive land is lost for minimal environmental gain. There appears to be no information available as to how Environment Southland have determined the proposed setback distances.

Currently under the proposed rule, a 20 metre setback either side of a waterway is 40m of lost land for every waterway in a paddock over 16 degrees in slope. For existing farming systems in the lower hill country areas this significantly impacts a paddocks capabilities and a farms ability to continue to carry existing stock unit numbers and it reduces available productive land.

To make up the loss of cultivatable land, Environment Southland will be driving farmers to cultivate a greater number of paddocks to ensure they are growing enough forage crop to achieve the requirements for wintering stock. So more paddocks are cultivated therefore creating zero change in environmental footprint from the proposed cultivation rules in terms of drainage and runoff contamination. The proposed rules will also reduce the available grazable grass paddocks when spring arrives, this is when pasture grazing demand kicks in therefore reduced available grazing pasture equals less stock numbers able to be carried on a property without supplementary feed and extra costs.

Implementing good management practices rather than regulated setback distances will see greater environmental gain across a farming property.

Rule 23 (b) (viii)
There is no definition of a Lake in the Plan. A definition needs to be included to clarify whether farm ponds are included within this rule.

Rule 23 (b) (iii) & (iv)
Section 32 Report Intensive Winter Farming

In this report, consideration of impacts of controls appears to use a value of 20Ha per landholding to determine costs of policies and rules associated with Cultivation. This is at the low end of the scale and produces a very underdone estimation of impacts on cultivatable land area and individual and community costs.

Excerpt from Section 32 Report:
‘This will result in a cost to farm businesses, which may have to adjust the position of their cropping activities accordingly. The costs associated with restricted discretionary activities will be consenting and compliance costs.’
The costs will be far more widespread than just monetary costs, what about productive land loss and, stock unit carrying capacity of a paddock and time resource lost – ultimately all impacting the farming business. What about the cost to community from the Farmer stress caused by these rules, this will affect relationships, families and interactions with the local community, possibly also creating cost to health care service providers as well?

**Rule 25 Cultivation on sloping ground**

It is supported that this rule is a regional rule and not just applied to high or hill country farms.

**Rule 25 (a)(i)**

The slopes that have been selected to be included in this clause are not appropriate. A slope of 20 degrees is present on almost all hill country farms. There appears to be no scientific determination of the slope values or statement of the environmental improvements that would actually be achieved by the proposed increased setbacks for cultivation on these slopes.

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**Rule 25 (a)(ii)**

There is no definition in the draft plan of what mechanical cultivation is. A definition needs to be added to the plan to clarify whether low impact methods such as direct drilling is considered to be mechanical cultivation.
Why does this clause state that cultivation on slopes over 20 degrees will not be undertaken? What is the risk being mitigated by this rule if there are no present waterways, rivers, lakes, natural wetland, modified or artificial watercourse within the paddock in the Hill Country zone where there is no risk of drainage and/or overland flow?

**Rule 25 (b)(ii)**

This clause requiring no more than 5 yearly cultivation intervals does not work with farming practices. A paddock that has been cultivated for winter grazing will need to be cultivated to produce either further crop or to re-establish pasture for the next farm season. Where has the 5 yearly interval determination come from? There appears to be no science/information provided to justify this interval timeframe. If farmers can prove that cultivation is being done appropriately on hill country and effects are being mitigated why does there need to be a timeframe or a requirement for consent? Suggest that this rule clause is removed.

**Cost impacts to Farmers from this rule**

*Excerpt from Section 32 Report Analysis for Cost of this proposed rule 6.1 Cultivation.*

‘This will result in a cost to farm businesses, which may have to adjust the position of their cropping activities accordingly. The costs associated with restricted discretionary activities will be consenting and compliance costs. Costs are relative to the risk of adverse effects resulting from the development, and are limited to those landholdings above 700 m or with slopes greater than 20 degrees, of which there are 45 with more than 5 ha.’

The analysis of the impact of this rule, particularly Clause (a)(iii) is completely incorrect. Staff have only considered property OVER 700m in height that have slopes of over 20 degrees in the discussion. What about all of the rolling hill country properties below 700m that will be impacted because they have slopes over 20 degrees???

**Rule 70 Stock Exclusion**

We support Environment Southlands proposal to exclude sheep from all the requirements of the Stock exclusion rules. The cost to the region of attempting to include sheep within this rule would significantly cripple sheep farming businesses and impact the Southland economy.

**Rule 70 (vi)**

Consider Hill Country zone slopes less than 16 degrees. This rule is unfeasible for Hill Country zone farmers. Extremely high cost with very little environmental improvement. Stocking rates around waterways in this zone are generally spread over a couple of hundred meters of the waterway length as it passes through the paddock creating a low environmental impact.

No allowance in the draft plan for allowing excluded stock access for drinking water on slopes less than 16 degrees, this will cause an animal welfare issue and financial impact for farmers.

We suggest that instead of the exclusion of all beef cattle that farmers can be permitted to have access to waterways for beef cattle if effects are proven to be mitigated. For example,
low stocking rates of beef cattle within paddocks would significantly manage contamination effects.

There is no consideration in the Plan for the issue of constructing fences within flood plains. This practice will expose farmers to risk as a river, stream etc. floods and may regularly remove or significantly damage constructed fences. Fence infrastructure removed by flooding is likely to end up permanently in a waterway, creating a hazard for farmers, the environment and recreational users.

**Rule 70 (b)(i)**

The Plan proposes that a riparian management plan be achieved by January 2025. This is an extremely short timeframe for farmers to budget for and achieve what would usually be inter-generational improvements on landholdings. Farms with many kilometres of waterways will be significantly disadvantaged by this timeframe. It needs to be extended. There is considerable cost associated with implementing a riparian management plan and farmers need time to adjust business planning to allow for this increased requirement.

We suggest that a better approach to riparian management will be allowing a farmer to prove implementation of some riparian improvements on an annual basis with no final timeframe on achievement. This will gain better buy-in from the farming community.

**Summary**

We support good environmental stewardship of farming land in Southland. However, the lack of assessment of the considerable economic and social impact that the proposed Plan rules will have on Southlands farming community causes us concern. We wish to see Environment Southland review the Plan to create rules and objectives that promote and support good environmental management practices on farms; rather than regulation and compliance - which will absorb time and considerable cost without addressing water quality in a direct tangible manner. It has been proven before in the Waituna Lagoon catchment that farmers working towards good management practices can achieve excellent environmental improvement without significant regulation.