To whom it may concern

Please find attached my submission for the Land & Water 20/20
I cannot for some reason get my scanner to go so I’ll post in the signed front page as well to get my signature on it

Regards

Robert Kempthorne
Submission on proposed Southland Water and Land Plan

Email your completed submission to policy@es.govt.nz by 5.00pm Monday 1st August 2016

Alternatively, you can post your signed submission to:
Southland Water and Land Plan
Environment Southland
Private Bag 90116
Invercargill 9840

You can also deliver your submission to Environment Southland's North Road office or fax it on 03 211 5252.

Full Name: Robert Craig Kempthorne
Organisation*: 
Postal Address: 240 Mavora Lakes RD RD 2 TE ANAU 9672
Email: rob.anna@farmside.co.nz
Phone (Hm): 03 2498504
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Phone (Cell): 027 2206691
Fax: 

Contact name and postal address for service of person making submission (if different from above):
Robert Kempthorne 240 Mavora Lakes Rd RD 2 TE ANAU 9672

Public hearing
Please choose one of the following options:
☐ I do not wish to be heard in support of my submission; or
☑ I wish to be heard in support of my submission; and if so,
☑ I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

Trade Competition
If you could gain an advantage in trade competition, your submission must only include matters which affect the environment.

Please tick the sentence that applies to you:
☑ I could not gain an advantage in trade competition through this submission; or
☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please sign below to declare that you are directly impacted by an adverse environmental effect.

Signature: ___________________________________ Date: __________________________

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:
(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

Form 5: Submissions on a Publicly Notified Regional Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991
<table>
<thead>
<tr>
<th>The specific provisions my submission relates to are: (Specify provision number and title, e.g. Policy 17 – Effluent management)</th>
<th>My submission is that: (Please include whether you support, oppose or wish to amend each separate provision you have listed in column 1 and the reasons for your views.)</th>
<th>The decision I would like Environment Southland to make is: (Please give precise details of the outcomes you would like to see for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you seek.)</th>
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<tr>
<td><strong>EXAMPLE</strong> Appendix G</td>
<td><strong>EXAMPLE</strong></td>
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<tr>
<td>☐ Support ☐ Oppose ☑ Amend Reasons: Popular bathing sites should include Makarewa River at Wallacetown.</td>
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- [ ] Support  [ ] Oppose  [ ] Amend
  Reasons:

- [ ] Support  [ ] Oppose  [ ] Amend
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  Reasons:

Add further pages as required – please initial any additional pages.
<table>
<thead>
<tr>
<th>Policy in question</th>
<th>Position: Reasoning and options</th>
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</table>
| Preamble pg5 | Oppose in part: With statement end of paragraph 1 “much of which is deteriorating” this isn’t true. It is too broad a statement and sets the wrong initial tone for the document.  
Proposal: consider revision of wording |
| Te Mana o te Wai | Oppose in part: Acknowledge the 5 key factors and the linkage of local Runanga. However; I wish to ensure that as stated in the plan on pg 5&6 that spirituality is not mentioned in any part of this document. Also in region Wide Objective 3 pg 22 no mention of spirituality.  
In later references especially under FMU discussion to the same Te Mana o te Wai concept spirituality is talked about and again spirituality is talked about in examples Pg 8 prgh 2, pg 8 last prgh, pg 14 prgh 1  
There is no place for Taniwha and such like superstition in this Land & Water 20/20 plan. This is about science and measurable parameters and community values. Any reference to spiritual values should be removed.  
I remind the council that the direct quote in italics taken from The agreed Charter of understanding does not mention Spiritual. Pg 8 5th prgh in italics as quoted in this plan on pg 8.  
There have been instances throughout NZ where projects and due process has ground to a halt and cost significant amounts of money to deal with “spiritual issues”. This is totally unacceptable in a modern secular society.  
Proposal: Ensure that standardisation is achieved across the document with respect to Te Mana o te Wai ensuring no mention of spirituality. Purpose being to present a science based secular document to achieve measurable outcomes and avoid future mis-interpretation. |
| Issues pg 14. | Oppose in part(s)  
1. I disagree with the comment on the “last 20 years” time frame in which the water degradation has occurred over in Southland. Aspects of water degradation in varying degrees have happened since the early 1900’s. Significant catchment work on erosion and river bed maintenance has been implemented over many decades to prevent sediment loss. There is still a significant amount to do on erosion control of major rivers. Failure of ES and other entities such as Meridian, DOC and LINZ etc. to improve this river bank erosion control will mean that estuaries will still receive too much sediment from the thousands of |
metric tonnes of soil slumping into rivers from its banks. The lower Waiau between Tuatapere and the coast is a classic example of this where hectares of farmland is being scoured away due to poor flow management by Meridian and lack of desire/willingness to proactively keep the river in a set channel.

2. With respect to Water Quantity commentary that contrary to the 2nd sentence Southland still has not had a lot of water. The only major place where Southland has “lost” its water is into Deep Cove.

Again this sets an inaccurate tone for the document.

Overall there are little or no positive counter references to the negative that indicates the positive social and economic uses of our natural resources and the growth in wealth/health of our communities over time as a result. Also that a lot of the loss of Indigenous biodiversity happened over 100 yrs. ago.

Proposal: Ensure the writers adopt **accurate and balanced** tone of “preambles and tone setting statements”

<table>
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<tr>
<th>Region-wide policies pg 25 Policy 2 section 2</th>
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<tr>
<td><strong>Oppose in part:</strong> Oppose the perception/statement of sole use or assessment of water quality and quantity based on Ngai Tahu indicators of health.</td>
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<td><strong>Proposal:</strong> Must be in <strong>conjunction</strong> with nationally recognised scientific measures of agreed water quality and quantity. This entire L&amp;W 20/20 plan was ES’s response to a NATIONAL policy statement directed by the government of the day. Therefore surely any measureable standards that we are assessed on both now and into the future should also be on an agreed national basis not solely from a cultural population group of Ngai Tahu based in the South Island.</td>
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<tr>
<th>Page 20 Oxidising Physiographic Zone:</th>
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<tr>
<td><strong>Partly oppose:</strong> I commend the general idea of the zones and the interlinked nature of parent material, soils and water however; these zones are too broad and our knowledge too weak to accurately determine their response to intensification given the range in general soil variants, age and so forth. For example our supposedly oxidising soils on our farm could have nitrogen reducing capacity greater than previously thought based on recent ESR/ES project. A lot of the assumptions are based on old science and partly complete projects, eg Topoclima. This was never completed across in the entire Te Anau basin for instance nor other areas of Southland.</td>
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<td>Region wide objectives pg 22</td>
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<td>Objective 9 &amp; 10 &amp; 11 pg 23</td>
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<td>Objective 18 pg 24</td>
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Policy 16 Section 1 (a) pg 30
Farming Activities that affect water quality

Oppose in part: As written this policy is very ambiguous and could be very encompassing due to the lack of definition of the word “close”.
The words “strongly discourage” are very obviously meant to be a very blunt and set a powerful tone to strongly limit land use change, intensification, general activity and as a result resource use and the mgmt. thereof.

Referencing of Appendix Q in the policy also drags in Appendix A so depending on the definition of “close” this could encompass large areas of farmland within the Te Anau basin. Lagoon creek for instance only runs for several months of the year. Does this policy set to encompass all farms on Lagoon creek within its catchment? This is totally unacceptable. Clarification and better definitions are required.

This could unfairly put the majority of TeAnau basin farms in super sensitive zones with respect to future FMU based limit setting due to the poor wording of this policy.

To compound this issue of how close is too close the artificial diversion of the Mararoa River into Lake Manapouri which is at present a designated Natural State water body for quality as per Appendix Q.

Appendix E states that: “Surface waterbodies classified as natural state waters the natural quality of the water shall not be altered.

The issue is that due to the MLC this statement cannot hold true as the Mararoa is artificially diverted into Lake Manapouri under the control of Meridian Energy. Yes the dilution factor is massive which has been proven over the past 50 years where quality parameters measured within Manapouri have not changed. Nor would we want them to. However; nowhere has there been an acceptance and/or an acknowledgement of this factor as the Waiau FMU is discussed and grouped together with other southland FMU catchments with respect to limit setting going forward and the overall region wide objectives.

No other Southland catchment is as highly modified.

Proposal: Acknowledgement of the special modified status of the Waiau. Removal and/or amendment of Policy 16 to better reflect the issues of modification within the entire Waiau catchment. Define “close” is it within 50 meters or 5km? If so why?
<table>
<thead>
<tr>
<th>Policy 17 pg 30 Effluent management</th>
<th><strong>Oppose in part:</strong> I agree with the bulk of the policy. However the measuring standards for Effluent pond Drop tests as outlined in the appendix are overzealous. They don’t allow for total gravity systems, practical interpretation by qualified engineers to adopt and present results for the various scenarios they will encounter. The only time that really suits most systems to monitor over 48 hrs without inputs are the winter and yet no frost or wind allowed. How many drop tests realistically do you think could be done given the limitations at this time of year. For example it is not best management practise by your own council guidelines to take an effluent pond into the winter with greater than 75% of total volume to do a drop test. Yet this is a condition. <strong>Proposal:</strong> Amend the criteria to allow registered ag engineers the ability to carry out the test quicker and easier at different times of the year and with different operating systems.</th>
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<tr>
<td>Policy 18. Stock exclusion from water bodies</td>
<td><strong>Oppose in part:</strong> This is all stick and no carrot. There has already been and will continue to be significant cost born solely by land owners to proactively fence stock away from water bodies. It is not only the cost of the fencing but also for some farmer’s alternative water supplies and so forth. This is undoubtedly for the betterment of each and every catchment and should be encouraged. However; to legislate (i.e. force) land owners in this manner to do this without effective or token recognition is unacceptable. With modern technology and GPS mapping as requested by ES for the farm mgmt. plans ES could easily provide targeted token rates relief for all farmers that have given up productive Fee Simple owned land for the community good. In no way will this fully compensate farmers but it is a Koha that will ensure the appropriate and correct recognition of the contribution. Otherwise this is a legislative land grab. Also the time frames are too tight and restrictive to be properly and effectively implemented. <strong>Proposal:</strong> Amend and or make provision for future rates relief for all parties permanently retiring land for riparian planting purposes on the basis of their formally submitted farm maps and mgmt. plans. Increase the time frames for full compliance by at least 2 additional years.</td>
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<tr>
<td>Policy 18 section 3 pg 31 Stock exclusion from water bodies</td>
<td><strong>Partly Oppose:</strong> “Preference for indigenous vegetation” Surely this is being too prescriptive, deciduous exotic trees play an important role in allowing winter sun and wind through certain riparian areas as remember these are often NOT in a position to allow drying and frost/snow removal.</td>
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Shelter belts can be planted North South but this isn’t the same when following a winding natural watercourse. Also in some environments natives are very difficult to establish, significantly increasing the cost of the process in terms of root stock, preparation, silver culture and blanking etc.

**Proposal:** Amend wording to remove statement that “indigenous vegetation” with “appropriate/suitable”

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<tr>
<th>Policy 20. Pg 32 Section 1 parts e &amp; j Management of water resources</th>
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| **Oppose in part:** Part (e) should be removed or amended. There is no place in this document for spiritual and superstition in dealing with the mgmt. of water resources. Cultural Yes spirits & superstition NO. Part (j) Totally oppose as there is no definition or explanation as to what all of these words mean. **Proposal:** Removal of all spiritual references and English translations should be available for all Maori words.

<table>
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<th>Policy 26 pg 35 Renewable energy</th>
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| **Oppose in part:** Meridian Energy have a whole policy all to themselves to protect their interests. Given previous statements regarding this situation I would submit that an amendment be made to this policy that ensures that;
Proper due consideration of a consumptive resource consent applications in this catchment for the more efficient & economic use of the surface fresh water be considered regardless of the previously legislated full allocation to Meridian Energy. As per objectives 9&10&11 **Proposal:** Don’t lock all this surface water away forever. Technology and needs of the future wider western southland community will change. Provision needs to be signalled that better higher value, efficient, sustainable uses of this water will be considered appropriately and fairly without being hamstrung by an out of date 1965 Act of Parliament that fully allocated all Waiau surface water to this power station.

We can’t farm like its 1965 nor should this entity be able to operate in the 1960’s we all have to change and be part of the future of water quality and quantity management.

<table>
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<tr>
<th>Policy 32 pg 36 Partly oppose: “Protect significant indigenous vegetation…..”. This is too ambiguous and wide open for bias and mis-interpretation. You only have to look recently and the dramas played out in the high court with respect to the Round the Mountains Cycle Trail with two “professionals” arguing what was significant or not. It worries me that every Red, Silver or Snow Tussock and/or Matagouri plant could be seen as significant</th>
</tr>
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impeding and complicating every aspect of hill country management and improvement.

Remembering that significant modification of tussock grassland has occurred over the last 150+ yrs. Most are protected by way of other rules regarding cultivation, alpine physiographic zone and other such policies & rules.

**Proposal:** Amend or provide an acceptable definition of “significant” in this context to provide clarity.

| Policy 39A Integrated Management | **Oppose in part:** Disagree with the word “whole” with respect to consideration of effects. Again very encompassing wording for catchments that are extremely long on NZ standards. This could mean highly complicated negotiation processes across “whole” catchments and needs/values etc. This is a can of worms.

**Proposal:** reword to reflect consideration given mostly to the effects within the upper/middle/lower aspects of catchments rather than whole.

| Policy 46 pg 40 Identified FMU’s Waiau catchment | **Oppose in part:** *Waiau FMU is factually incorrect* and fails to recognise the Manapouri power scheme tail race system that can remove 500 cumecs per second of water from this catchment. The power station and the associated MLC have fundamentally changed and modified this catchment in the mid/late 1960’s and with that who effectively controls it.

**Proposal:** Waiau FMU map and all supporting documentation must be changed to reflect true catchment movement of water.

| Policy 47 section 4. FMU process | **Oppose in part:** Using only the Ngai Tahu indicators of water health during the FMU process is inappropriate. This should be in conjunction with known and agreed scientific measures of water quality.

**Proposal:** amend section 4 to include in conjunction with Nationally recognised water quality standards and indicators from NIWA. Or something else to a similar effect.
| Rule 20/21/22 Farming pg 49 | Oppose in part: The picking on or isolating out “dairy farming of cows and intensive winter grazing” to be exceptions to the grace periods given other enterprises is unacceptable. These enterprises of which I’ll remind the writers there is no description or definition for “dairy farming” should not be subject to rules and time frames in particular that are any different to any other enterprise. With respect to the expectation of “mgmt. plans” as described in the plan.

Implementation of this rule as it stands is going to mean undue stress and hardship in a time that farmers are facing an unprecedented period of financial hardship in the last 20-30+yrs. Time must be given to allow farmers to adjust and prudently adjust systems and infrastructure to continue to meet new environmental expectations.

Proposal: Increase the time frames and remove the isolation of any one type of farming enterprise. This will allow a simpler and fairer process for everyone including the council. |
| Rule 23 pg 52 Intensive winter grazing | Oppose in part: The arbitrary “hectare” limits are totally unreasonable and not practical. They don’t reflect the scale of properties and will mean larger properties being required to apply for resource consents where smaller properties continually cropping an entire area under or at the threshold go on un-monitored.

Proposal: If a limit needs to be set at all (which is also very debatable) % of land area would be more appropriate. Suggest maybe 25-30%. However I’d challenge councillors that it’s more about results. If a land owner/manager decides to cultivate 50% of a new conversion to improve pastures through cropping and does so with good consideration and BMP why should this require costly additional resource consents? |
| Rule 25 pg 54 Cultivation on sloping ground | Oppose in part: These slope rules are again quite ambiguous and very subject to interpretation. The specific amount or area of land needing to be over the threshold gradient is ambiguous and doesn’t reflect a prudent farmer’s case by case basis of risk assessment. Therefore it is not results/effects based, surely with good riparian buffers as required by this and other policies/rules within this document means that as long as the risks are mitigated and managed this judgement of steepness of slope suitable for cultivation should remain the sole choice and responsibility of the land owner. This is another can of worms that council could do with avoiding, chewing up huge amounts time and adding unnecessary bureaucracy to something that should be managed on & by farmers. |
Proposal: Amend or remove the rule in its entirety. Put the onus back on the land owner to avoid the overland flow issues of sediment and contaminants. Let them make a risk based assessment on the likelihood of contamination and let them mitigate, avoid, manage as they see fit. Rather than add levels of bureaucracy, cost and time through this process. If they don’t get it right you have plenty of rules to pull them into line and/or fine them.

Appendix N pg 198
Farm Mgmt plan

Oppose in part: Nutrient budgets: OVERSEER isn’t a regulatory tool. Enforcement to use this model will create a gravy train for “consultants” to charge land owners exorbitant fees to achieve what outcome? How will a nutrient modelling report help practically to improve water quality?

Section 4(a)i. Regarding “Material change” and the triggering of yet another annual review of the Nutrient budget for what purpose? Especially on the basis of “variations in climatic or market conditions”???!!. All I can see this review condition doing is creating yet another layer of cost structure and compliance for little or no tangible outcomes for the environment.

Aspects of this management plan are too restrictive and don’t allow for easy changes and modifications to normal farm management plans especially in the areas of cultivation and intensive winter grazing. This is critical if this plan is implemented and farmers have gained a resource consent for a farm activity such as winter cropping. Then for whatever reason the farmer decides to change this lodged plan this will require a costly amendment to the consent. These areas of farm mgmt. control and decision making is not and should never be the concern or interest of a regional council.

Proposal: Amend, simplify, focus on results and above all keep it simple. Allow farmers to do their own Overseer budgets as I do.