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.

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Contact name and postal address for service of person making submission (if different from above):

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: 27/7/16
(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
Background & Summary

This submission is made from the perspective of farming a 3000 ha traditional sheep & beef hill country block with lambs sold store, and cattle used for pasture management on hill paddocks & fire risk mitigation in the tussock land. Intensive winter grazing is used for sheep and young cattle with adult cattle wintered on tussock blocks. The property rises to 1100 m asl in the Alpine Zone and the Bedrock/Hill Zone is characterised by many streams coming from the steeper country, crossing an Oxide Zone.

The focus on water quality in Southland is supported, however there are reservations that some rules will be financially crippling, making farming areas unviable, and putting farming families under severe stress. The plan is more focused on governing farming practises rather than objectifying water quality outcomes.

The implementation of these rules will serve to impose a huge financial cost on the hill country where there is a dense network of waterways, relatively low stock rates and low producing soils resulting in a lower per hectare income. This low income would be expected to cover increased per hectare costs associated with the proposed rules, most especially around fencing and riparian planting.

The implementation of these rules on hill country will have significant flow-on effect into the communities and cities. With a reduction in cultivable area (through setbacks, slope rules and fencing), stock numbers and incomes will reduce. With the requirements to fence cattle and the prohibitive costs involved, land values will drop, reducing local body rates income. The consequential implications for rural profitability and stress levels as well as negative flow-on to supporting businesses, employment levels, and a drop in income tax paid will be severe.

ES has grossly underestimated the impact the Management Plan will have on farming families. The plan is hugely complex and a virtually impossible document for many who are employed full time outside undertaking physical tasks. The expectations around this report and the consequential threats for non compliance are seriously frightening for many farmers.

It is disappointing and somewhat mischievous that ES has judged that it was appropriate for this plan be put to the community without first undertaking an economic analysis of the proposals.

If limits are to be set they need to be realistic and set around achieving acceptable water quality levels, with manageable farming practises. Layering farmers with a complex and costly consent process will not improve water quality.

It is a shame that ES did not heed earlier submissions around encouraging good management practises as this Plan will only serve for some to find ways around the rules, which could ultimately be detrimental to water quality.

An alternative educative approach to farmer compliance would be that of the Pomahaka Farmers Water Care Group, formed to utilise and showcase industry tools which enable farmers to improve farm practises that impact on water quality, reduce nutrient loss and improve water quality; all without punitive rules.

Without such a programme of education and learning by both ES and the farming community, ES is penalising the productive sector with no specific evidence linking individual farming businesses with water quality.

EM O’Connell
31 July 2016
ZONE

Recommendation:

– That there be a tolerance of 100 m either side of a transition zone change to allow for natural variability and existing paddock fencing.

Policy 7: Bedrock/Hill Country Physiographic Zone

Amend:

Although this zone covers a significant proportion of Southland, at higher altitudes the zone is farmed more conservatively than at lower levels.

Characteristics of this zone above 300 m asl are typified by steeper slopes, tussock blocks and gullies, multiple waterway runoffs from the neighbouring alpine zone, a shorter growing season, colder temperatures and lower producing soil types. These characteristics result in lower crop yields and lower stock productivity than downland and serve to make the Bedrock/Hill zone above 300 m asl quite a different farm management proposition. As such stock is farmed, and specifically, wintered, more conservatively than downland.

Recommendations:

– that the Bedrock / Hill Country zone be differentiated at 300 m asl and recognition made of the more extensive farming practices above this level and the good management practice of intensive wintering of only sheep and young cattle. Older cattle in this area are traditionally extensively wintered on tussock blocks.

POLICIES

Policy 16: Farming Activities that Affect Water Quality

Specifically:

“2. Requiring all farming activities to .. (b) actively manage sediment run-off risk .. by .. requiring setbacks from waterbodies, (&) riparian planting ..”

Objections:

– although not stated, in practise this policy requires fencing waterways; and, as stated, planting such fenced waterways. It is noted that if sheep are exempt from stock exclusion policies, fencing & planting waterways need not be a policy requirement - unless it is the intention of ES to include sheep at some later stage.
– due to the nature of the hill country many waterways are bounded by tussock land. By fencing tussock areas a necessary resource to hill country farms in terms of run-off and winter shelter would be lost, jeopardising the balance of stock and environment in this type of country. Removal of tussock run-off land from farming this type of country would be a serious animal health risk, particularly with unseasonal snow at shearing & lambing times, and a high-country fire risk.
– due to the high number of small waterways above 300 m asl there is a disproportionately high cost born by this country in fencing, coupled with the more extensive, store farming practices which are less profitable than more intensive farms. This makes setback fences & riparian planting financially prohibitive and temporary fencing is likewise equally unsuitable. With an estimated 30 km of waterways on our property, this policy would cost upwards of $300,000 for fencing for cattle, interest alone being be prohibitive; and with riparian plantings and a water scheme, cost millions of dollars.
– the high cost of maintaining kilometres of fencing along with the impossible cost of riparian planting make this policy prohibitive.
Recommendation:

– that this policy of effectively requiring every waterway to be fenced & planted is unnecessary if indeed sheep are to be excluded from the Stock Exclusion Rule.
– that waterways already bounded by tussocks be sufficient in terms of a riparian area and there should not be a requirement to fence waterways already bounded by tussock land.
– that the proposal to exclude waterways with a bank of greater than 16º from the Stock Exclusion Rule (specifically relating to cattle), be extended to any waterway over 300 m asl due to the lower stocking rate.

Policy 18: Stock Exclusion from Waterbodies

Specifically:

“1. requiring .. exclusion of [cattle] .. from all waterbodies .. on land [when measured over a width of 20m from the waterbody,]? with a slope of less than 16º ..”

“3. encouraging the establishment .. vegetative cover in riparian areas [fencing implied] .. use of indigenous vegetation [planting implied]”

Objections:

as for Policy 16:

– the prohibitive cost due to the multitude of waterways in such a short distance from their source, crossing lower producing land;
– the making of tussock land bordering waterways inaccessible due to the difficulty in fencing through such land, and necessitating fencing further into the paddock, consequently cutting off areas of tussock so important to hill country farms;
– the futility of so much fencing when this country can be hit by destructive weather events.

Recommendations:

– that waterways already bounded by a tussock area be exempt from fencing.
– that waterways above 300 m asl be exempt in recognition of the lower farming intensity above this altitude.

Policy 29: Provide for the Extraction of Gravel

Specifically:

“Provide for the extraction of gravel to meet the needs of the community ...”

Support: where this permits the clearing of waterways after a flood, or to prevent a flood.
RULES

Rule 20: Farming

Specifically:

“.. the use of land for a farming activity .. is a permitted activity, provided .. a Management Plan is prepared ..”

Objection:

– the providing of a MP will not in itself prevent water contamination;
– farming should be a permitted activity without the necessity of a MP. Enforcement should be effects based and around water outcomes. A MP as prescribed in Appendix N excessively encroaches on a landowner / manager / leases' time incurring a significant real financial cost;
– good farming practices cannot necessarily be verbalised, let alone submitted in writing many months in advance of an activity and are not necessarily easy to document;
– timing is critical in many farming practices and often the difference between a good outcome or a failure. Stock are moved and pastures turned over in response in part to climatic changes so this rule will be detrimental where decisions need to be made at short notice for stock welfare or any other reason, especially if awaiting for a heavy bureaucratic wheel to turn.

Recommendation:

That there is a gradual introduction of the rules by way of a farm visit for each landholding from an ES officer, followed by an 'education' visit for the first infringement, after which subsequent non compliance may be enforced if offending can be shown to be deliberate and unavoidable. Consents for specific activities may require a written report.
Rule 23: Intensive Winter Grazing

(1) **Specifically:**

" (b) (iii) Support Oxidising be separated from Old Mataura & Peat Wetlands zone.

(2) **Specifically:**

" (b) (iv) not more than 50 ha of intensive winter grazing is undertaken on a landholding .... “

**Objections:**

– this rule does not take into consideration class/age of stock, slope, or higher altitudes where crop yields are lower, necessitating larger areas be grown;
– there is no consideration of total size of landholding;
– this rule will impact on grass renewal programmes but the area of fodder crop is only one of a number of determinants of water quality.

**Recommendation:**

- Revert to 15% of landholding as a permitted activity.

(3) **Specifically:**

(b) (vii) (1-3) the three tier setback rule

**Objections:**

– the 20 m is impossible to measure on farm if the setback is a horizontal measurement from the waterbed;
– a three tier setback rule can be difficult to measure in practice in hill country and complex to implement;
– a 20m setback will result in a very significant loss of crop area necessitating in some instances the cropping of an additional paddock which then would result in more nutrient loss, or otherwise, the reduction in sheep numbers carried by the farm, due to the loss in paddock area for lambing on.
– the complexity of incorporating a setback rule in conjunction with a slope rule will be too difficult to work on hill paddocks in practice.

**Recommendation:**

– that there be only two setbacks: up to 10 degrees with a 3 m setback, and above 10 degrees with a 10 m setback;
– that the slope calculation and setback be measured 'along the ground' from the waterway rather than to a point being 20 m from a horizontal distance from the waterbed, which can not be measured with the accuracy implied by a three tier regulation;
– a need for tolerance around slope and setback measurements to acknowledge the practicalities of cultivating in hill country.

(4) **Specifically:**

“ (b) (viii) the winter grazing does not occur within 100 m of the outer edge of the bed of any lake ...”

**Objection:**

This rule as it stands includes farm ponds, the edges of many of which have been planted to provide a habitat for native wildlife. Enacting of this rule could see many such ponds drained.
Recommendation:

That ponds under the size of 2 ha be excluded from this rule.

(5) Glossary Definitions: of IWG as “Grazing of stock between May and September on forage crops”

Recommend:

This requires clarification around

– ‘intensive’ with respect to each stock class & age e.g. cows compared with ewes or calves;
– ‘intensive’ with respect to a stocking rate;
– confinement of the word ‘forage’ to brassica and beet crops, excluding cereal crops.

(6) Glossary Definition of Cultivation as “Preparing land for growing pasture or a crop by mechanical tillage or spraying ..”

Recommend: that the definition of mechanical tillage does not include direct drilling by way of spraying; or any mole ploughing or aeration techniques.

(7) Recommend: that in a ‘status quo’ business a consent be able to be obtained for a five year period.
Rule 25: Cultivation on Sloping Ground

(1) Specifically:

“(a) (i) (1-3) the three tier setback rule

Objection:

- a 20m setback is too big, removing many hectares of land. The outside rounds of a paddock are where a significant proportion of the production occurs and in hill country the proportion land over 20 degrees is a significant area which would be lost;
- above 300m asl setbacks to waterways are often tussock rather than pasture, so nutrient loss is further minimised and as such 20m is not a necessity;
- hill country cultivation on steeper ground has been used to reduce gorse which is a noxious weed;
- the difficulty of assessing slope angles on-farm makes a three tier angle system across a rolling hill paddock too complex;
- the ability to measure such setback slopes to a 20m horizontal setback is impossible without a transverse cut of the slope and the application of a complex logarithmic calculation.

Recommendation:

- that there be only two setbacks: up to 10 degrees with a 3 m setback, & above 10 degrees with a 10 m setback;
- that the slope calculation and setback be measured ‘along the ground’ from the waterway rather than to a point being 20 m from a horizontal distance from the waterbed, which can not be measured with the accuracy implied by a three tier regulation;
- a need for tolerance around slope and setback measurements to acknowledge the difficulties in measuring and the practicalities of cultivating in hill country.

(2) Specifically:

“(a) (ii) cultivation does not occur .. with a slope greater than 20 degrees ..”

Objection:

20 degrees is an unrealistic upper level for cultivation and would exclude approximately 27% of cultivatable land on our property. With good farming practises cultivating to 25 degrees can still minimise nutrient loss by way of setbacks, discing, direct drilling etc. Coupled with the three tier setback system, this rule is a potential H&S concern where tractor drivers will have to take more notice of a slope measuring device than what is outside their window.

Recommendation:

- cultivating up to 25 degrees be a permitted activity;
- that a tolerance be made for small areas of a paddock which may be over 25 degrees such that it would be dangerous or practically difficult to work around.

(3) Specifically:

“(a) (ii) cultivation odes not occur above 700 metres ..”

Recommendation: Support.

(4) Specifically:

“(b) (ii) cultivation does not take place more than once in any five year period ..

Recommendation: change ‘once’ to ‘twice’.
Rule 70: Stock Exclusion from Waterbodies

(1) Specifically:

“(a) (vi) .. stock (excluding sheep ...) ...

Recommendation:

- Support that sheep be excluded from the rule. The cost alone of this proposal to exclude cattle is prohibitive with the cost of excluding sheep being at least three times more than for just cattle, based on the cost of a 4 post / chain net fence compared with a two wire fence for cattle.

Excluding sheep would precipitate problems of riparian maintenance, pest proliferation, flooding, weed infestation, bank erosion & seed dispersion.

- Support excluding deer from the rule, costs being prohibitive relative to the damage to water quality.

(2) Specifically:

“(a) (vi) .. stock [cattle] are to be excluded from .. all watercourses .. where, over 20 m from the waterbody, the slope is less than 16 degrees.”

Recommend:

- Support that it is unnecessary to exclude cattle from waterways with a slope greater than 16 degrees. It would be impracticable, financially crippling and unnecessary because gullies contain rough tussock land essential for cattle roughage. This ensures cattle are kept off paddock ground. Stock on this country is extensively farmed so tussock runoffs are capable of the required nutrient uptake.

Objection to exclusion from a slope less than 16 degrees:

– the high number of waterways in this Bedrock/Hill zone above 300m and close to the Alpine zone, makes fencing more of a cost in the hill country;
– the cost of fencing would be prohibitive - permanent fencing for cattle (post & two wire) would cost upwards of $300,000 for us (not including a water scheme), an interest cost alone each year would be crippling;
– temporary fencing is time prohibitive due to large paddock sizes, feral deer which frequently bring fences down overnight, and spreading out of young stock among many paddocks at low stock rates necessitating many kilometres to be fenced at any one time;
– fencing is frequently wiped out by large weather events – even general maintenance is cost prohibitive based on the kilometres of fencing per productive ha of a hill country block;
– fencing all waterways is impractical due to dividing paddocks into unusable sizes;
– the necessity to subsequently provide a water scheme which in hill country is logistically impractical & financially impossible – building a water reservoir, freezing of pipes & troughs over winter months;
– the removal of cattle from this land would necessitate mechanical topping in areas which would pose a significant H&S issue;
– the removal of cattle would result in a summer fire risk in the hill/high country;
– reduced productivity of the remaining sheep flock due to a reduction in pasture quality;
– tussock areas which may need to be fenced under this rule provide a natural set back from waterways, trapping sediment runoff; as well as providing essential roughage for stock health and shelter particularly at pre lamb shearing & lambing;
– above 300 m asl stock are farmed extensively because productivity of pasture & forage crops at higher altitudes is lower, the soils & climate being poorer. As such, the impact on waterways downstream is lower;
– the consequence of this rule would be the removal of many head of cattle from these lands and the consequential flow on for down country ancillary businesses, stock companies, and the national tax take.

Recommendation:

That above 300 m asl this rule is exempt because of the high network of waterways, lower stocking rates, and lower producing country resulting in a reduced impact on water quality and reduced means to pay for the exclusion.
Appendix N: Management Plan Requirements

Objections:

- vastly complex document requiring huge expense in both finance and time to compile and manage;
- not effects based – it is punitive to punish on the basis of a management report if no detriment to water quality has occurred;
- high compliance requirements – tests, a multitude of maps, measurements of slope etc;
- impacts on the timeliness of decision making especially with reference to lead times of consent applications and denying quick decision making in response to changing circumstances;
- a nutrient budget is not necessary for extensive farming;
- the requirement for soil tests every three years is excessive for status quo hill farms. This cost alone will be significant and of no use to our own management;
- limit setting – with inherent variability in soil testing and lack of sensitivity around Overseer there needs to be a lot more science before these tools are used to dictate significant outcomes;
- expectations around Riparian Planting – completely unreasonable to expect farmers to be compelled to plant after the expense of fencing. Planting can only be undertaken if sheep are excluded which will increase the fencing cost fourfold, and incur thousands of dollars in planting costs and in installing water schemes for excluded stock;
- the fencing, planting, management & maintenance of riparian zones for our 30 km of waterways would require at least a full time person – who is paying for this?
- concern around the complexity and considerable costs in compiling Management Plan reports and obtaining consents is high, especially if consent limits are set at a level akin to a revenue gathering exercise but not directly effecting an improvement in water quality.

Recommendation:

- that a Management Plan is not a requirement of day to day farming but for a significant change of farming system;
- that ES set reasonable expectations around good farming practices and educate towards water quality with use of actual water quality readings.

Other General Considerations

- Adding another layer of costs and tasks onto already time & finance stretched businesses is only going to push more farming families closer to financial and stress limits;
- concern around the 'monitoring, inspection and audit requirements' and where and how these costs will fall;
- how the responsibility for consent applications, and liabilities for offences will fall – landowner / lessee / contractor / share-farmer / manager;
- a need for an understanding that in addition to the well publicised predicament of dairy farmers, sheep farmers are receiving the same returns as in 2009, in the vicinity of 50% of the $150 / lamb called for by Federated Farmers in 2008. Indications from Alliance signal the lamb price will fall another $8 this season;
- ES have taken no account of economic considerations at a farm, community, Southland or national level.

Alternative Approach

The concept of getting farmers on board will be more productive than making regulations. The NZ Landcare Trust already has a track record with the Pomahaka Farmers Water Care Group which is working with Dairy NZ, Beef+Lamb NZ, banks and fertiliser companies to reduce nutrient losses and improve water quality.

Kits (such as www.watertest.co.nz/products/water/eviroment/green-low-cost-water-monitoring-kit-2) or lab testing services for N & P readings will enable farmers to best learn a causality between specific farming practises and a water quality outcomes. Such tools would be engaging, visible and results would be directly causal.

Providing farmers with the tools, be it good farming practises or water testing kits, will more directly effect water quality, rather than the costly bureaucratic & regulatory proposals in the W&LP.