Submission on Environment Southlands Proposed Water and Land Plan

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Introduction

Our names are Lindsay and Lorelee Clarke, we own and operate a sheep and deer farm in the Feldwick area of Western Southland. Our property is a self-contained farming unit of 314 hectares where we currently farm 2200 sheep and 200 Hinds.

According to the proposed Water and Land Plan (the Plan) our property is predominantly located within the Peat Wetland and Lignite Marine Terrace Physiographic Zones.

We recognise and agree that some land use activities in Southland are contributing to water quality degradation and that action needs to be taken. But we believe that investment in education and resources to improve sustainable good management practices will produce much better results than the proposed rules in the Plan; Farmers will be much more open to this approach and willing to work with Environment Southland rather than strict regulation and compliance costs. We believe our farming 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 and financial implications that will fall on farmers to achieve compliance under the Plan.

General Comments:

Use of Physiographic Zones

The physiographic zones provide good information to farmers about risk to water contamination from their property and will allow them to implement best management practises for that specific physiographic zone however; the use of zones as a basis to define boundaries and criteria of rules will have major impacts therefore these zones if necessary need to be able to be ground proven.

There needs to be an ability somehow for the boundaries and locations of the physiographic units to be adjusted in the future, and the ability for land holders to challenge the information in relation to the physiographic zoning of their property if they believe the maps are incorrect.

We believe the physiographic zone maps should not be included within the final Land and Water Plan but instead be a separate standalone document that is referred to in the plan but can be further developed and altered over time.

Peat Wetlands Physiographic Zone

Although it may seem to Environment Southland that a very small portion of land (less than 2% according to the plan) is effected by rules relating to Peat Wetlands consideration needs to be given to the fact that these zones are concentrated in certain areas. Our property based on the Physiographic Zones is approximately 40% Peat Wetlands. Based on that any regulations applicable to this zone have a huge effect on our farming business, will drastically effect the value of
our land (of which we have borrowed money against and paid prices that will no longer be attainable), the overall viability of our farming operation and ultimately our livelihood.

We like most farmers recognise that we have a duty to take care of the land and be as environmentally sustainable as possible and we support change education and best practice. We are committed to doing what is practically achievable; in recent years we have invested large amounts of money into fencing of waterways on our property, and the installation of a stock water system to enable us to exclude stock from waterways - we are doing what we can, but the strict regulatory approach within the plan has the potential to make our farming operation unviable.

Considering the relatively small areas of both the Peat Wetlands and The Old Mataura Physiographic zones (less than 3% of the total land), the relatively small rate of change regulations in these areas will have on improving water quality in southland and the fact that these areas are generally concentrated and regulations have the potential to make farming operations within these zones unviable we believe there needs to be a mechanism for farm by farm assessment where the true cost of the proposed regulations to that farming operation are considered and individual plans developed in consultation with Environment Southland not a one shoe fits all regulatory approach with the potential to ruin livelihoods.

At the very least the implementation timeframes for both these zones needs to be reviewed so farmers can have time to make plans and implement changes over time allowing them to move forward gradually and lessening the immediate financially impact ultimately allowing them to make change whilst still having a financially viable business. We suggest an implementation of regulations to these zones by 2025.

Consents

We are in favour of education in good management practices via the Land Sustainability team rather than any consents at all and believe this will achieve much better buy-in and support from the farming community than strict regulation and extensive compliance costs. However should the requirement for consents remain there needs to be thought around the duration of consents. It is highly impractical that consents required under the plan would be annual consents which would require regular expensive consent renewal costs to farmers and time for the processing of these consents by Environment Southland. We suggest consent durations for winter grazing, cultivation etc. need to be a minimum of 5 years.

River definition

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

Rule 20 Farming

Rule 20(e-h)

We do not believe that the submission of a farm management plan will create water quality improvements, it will simply just be an expensive tick the box exercise for achieving compliance under the Plan with no tangible effects. 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 that way. How do Environment Southland envisage they will be able to ensure annual compliance with the plan physically on the property considering they will be monitoring hundreds of farm management plans?
The requirement for farm management plans to be done and submitted annually will have significant financial and resource costs for farmers. The consideration of cost for completing these farm management plans has not been appropriately analysed in the Section 32 Report. The way Appendix N is currently these documents are technical and extensive and 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 professional assistance.

The requirement for these reports to be done annually for upcoming seasons is also highly impractical: In order for the plans to be done prior to the upcoming season would require farmers to make decisions on cultivation areas etc. much earlier than they would usually; there needs to be a mechanism for changes to be easily made in situation where things like pest infestation may require unplanned cultivation.

We believe 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 something.

We suggest that Environment Southlands Land Sustainability resource be invested in and increased to allow the Land Sustainability team to interact with farmers in a manner that is non regulatory rather than have rules requiring annual farm management plans; that then may not be followed on farm and require extensive monitoring by Environment Southland to ensure compliance.

If the submission of these plans is to remain within the Plan at the very least we would like to suggest that these plans be done on at most a bi-annual basis and preferably Tri-annually, and that there is a mechanism for changes to be easily made if required or due to unforeseen circumstances that may arise over this time frame.

**Rule 23 Intensive Winter Grazing**

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

There needs to be some clarification around this in the situation where a landholding is within more than one physiographic zone. For example our property contains both the Peat Wetlands and Lignite Marine terrace zones; does this mean that we are only permitted to carry out a total of 20ha of intensive winter grazing as our landholding contains the Peat Wetland zone or are we able to carry out 20ha of extensive winter grazing in the Peat Wetland Zone of our property and a further 50ha on the Lignite Marine terraces Zone provided all other conditions are met?

The Maximum grazing areas simply do not work for large land holdings with high stock numbers where the restricted area may simply not be enough to feed their stock. We recommend this is changed to a percentage of total landholding somewhere around 10 – 15 % would be far more appropriate.

**Rule 23 (b)(vii)**

There appears to be no science available as to how Environment Southland have determined the proposed setback distances.

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. This significantly impacts a paddocks capabilities and a farms ability to continue to carry existing stock unit numbers and reduces available productive land.

We propose a setback of 3 meters as per the status quo remains for all slopes.
Rule 23 (b) (viii)

There is no definition of a Lake in the Plan. There needs to be a clear definition of what constitutes a lake and this needs to exclude farm ponds/ duck ponds etc. to include a 100m buffer zone around these ponds would take out a large portion of productive land (potentially whole paddocks surrounding these ponds) and would have a huge impact on farming operations.

Section 32 Report Intensive Winter Farming

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.’

To state that the costs will be consenting and compliance costs is absolutely false; costs will be far more wide spread than just monetary costs, consideration needs to be given to productive land loss and, stock unit carrying capacity of a paddock, the time resource lost which are all things that impact the farming business and also to the cost to the community from the potential stress caused to farmers which will affect relationships, families and interactions within the local community, with the potential to create a cost to the health care sector.

Rule 25 Cultivation on sloping ground

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 most farms not located on the plains. 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.

We suggest remaining with the current 3m setback for all slopes.

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.

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?

Cost impacts to Farmers from 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.’

This analysis of the impact of this rule, particularly Clause (a)(ii) is completely incorrect. The above analysis statement only considers property OVER 700m in height that have slopes of over 20 degrees. It does not consider those properties which have land below 700m and have slopes of over 20 degrees. The actual number of properties effected and subject to costs associated with this rule is actually 397 not 45 as stated above. This information has been clearly shown in the table titled “Extent of Land potentially effected by option B” on page 53 of the section 32 report and has been completely misinterpreted by the staff compiling the report and considering the associated costs for this rule in the above statement.

Rule 70 Stock Exclusion

Rule 70 (a) (vii)

This rule has a major impact on our farming Business. As noted previously in our submission approximately 40% of our property is in the Peat Wetland Zone and we currently run 200 hinds within this Zone. We support the exclusion of stock from waterways and have already begun a programme of fencing off the waterways on our property; however it could be that under the definition of a Natural Wetland approx. 50 ha (17%) of our property becomes instantly unproductive as it is not suitable for grazing sheep and deer are to be excluded.

The financial impact and viability issues this raises for our farming operation are huge and will significantly impact on us.

As noted under our general comments in relation to the Peat Wetlands Physiographic Zone and for the reasons noted there needs to be a mechanism for farm by farm assessment where the true cost of the proposed regulations to a farming operation within the zone are considered and individual plans with achievable timeframes developed in consultation with Environment Southland not a one shoe fits all regulatory approach with the potential to ruin livelihoods.

There is no consideration in the Plan for the issue of constructing fences within flood plains. This practice will expose farmers to risk in flood situations which 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.

We thank you for considering our concerns and the issues raised within our submission.

Lindsay & Lorelee Clarke