

Tabled at Hearing 07/05/2013

**Statement of:**

Mr Ivon Hurst – Provincial President South Canterbury Province of Federated Farmers

**In Support of:**

Combined Canterbury Provinces, Federated Farmers of New Zealand (320)

**In the matter of:**

Submission on Proposed Canterbury Land and Water Regional Plan (2012)

Section 42A Report Volume 2

**Stock Access**

Notified rules and staff recommendations for stock access to 'beds of lakes rivers and wetlands' are complex, have high potential to cause problems. A key issue is tightening of the criteria for Rule 5.136, which controls stock access to waterways and wetlands by extensively grazed stock as a permitted activity.

The criteria of the notified rule were workable in that they included the requirement to avoid *clearly visible pugging or trampling of the land and areas of bare ground* (for the bed or banks of a river). The staff recommendation is to require no *pugging or de-vegetation that exposes bare earth*. The recommended changes result in a much more stringent rule that will be unworkable for many farmers, particularly in the hill and high country.

**Key problems include:**

- The extensive interpretation of 'bed of a river' and 'wetland' combined with unqualified criteria such as 'pugging' and 'bare earth' and many if not all hill and high country farms will be in breach of the staff-recommended rule. Seeps, springs and minor waterways can appear virtually anywhere on the hill country and it can be completely impractical to prevent stock from having some impact in the soil surface these areas.
- Taken to its logical extent the staff recommended rule will result in inability to graze land or loss of access to areas.
- Waterways in hill and high country are dynamic. Rainfall events can change the shape of a river, and remove riparian vegetation and fences, and what is a bed of a river or wetland one day may not be the next.
- Many hill and high country farmers depend on stock being able to access water for drinking. Even when water troughs are available they cannot be relied upon all the time, as adverse conditions such as heavy winter frosts or snowfall can compromise pipes and prevent access to undertake repairs.

In making recommendations, matters of practicality and workability appear to have been neglected in the balancing of environmental and other outcomes. Instead recommendations appear to have been framed to a great degree by efforts to achieve 'a middle ground' for submitters (Analysis at 42A report page 66).

In the interests of achieving a workable framework I seek that the hearing panel reject staff recommended changes to Rule 5.135 (4) and 5.135 (5) and that the text of these parts is retained notified Rule.

### **Stockholding Areas**

In the notified plan Stockholding areas and storage and discharge of effluent comes under a single restricted discretionary rule (Rule 5.35). The staff recommendation is to split these activities across three rules, a position which Federated Farmers supports.

Despite my support, I have some outstanding concerns, including:

- The definition of 'stock holding area' potentially extends to sheep or cattle yards, an outcome that I am sure is not intended. It would be better to clarify that a stockholding area does not include sheep or cattle yards, or else refer to use in terms of 24 hour days.
- Permitted activity criteria for recommended Rule 5.35 do not provide for situations where a roof prevents contaminant movement (manure pack barns, or covered yards), or stock behavior and type of waste reduce risk (self fed silage stacks with deer).
- Recommended Rule 5.36 requires a resource consent as a discretionary activity for *all* discharges of effluent regardless of quantity. This does not allow for very minor discharges as might occur when emptying a stock truck holding tank, or cleaning out a sheep dip. These activities should be provided for by a permitted activity rule to avoid a requirement for resource consent causing other undesired behaviors.

### **Offal Pits**

Offal pits are restricted significantly under the notified plan, and require resource consents across much hill country and areas of heavier soil on the flat. In the experience of Federated Farmers water is not really an issue with offal pits because risks are minor and are easily controlled. Effects on health and wellbeing, and biosecurity are of far greater concern.

I support most of the staff recommended changes to Rule 5.29 because they are a great improvement over what was notified and include virtually all of the submission points of Federated Farmers.

Despite my support, there are two outstanding issues:

- Even though staff have recommended a rule for 'burial as a one-off' to provide for those who lack favorable sites, it is hamstrung by a recommended 50 metre setbacks from property boundaries, houses, bores, etc. Federated Farmers knows that occupants of lifestyle blocks (who require such a rule), lacking a legal disposal method, will resort to methods that are illegal or pose significant biosecurity or health risks. Accordingly it would be much better if the 20 metres sought in the original submission of Federated Farmers applied.
- Staff recommend rejecting the Federated Farmers submission seeking unfettered ability for 'crown agencies' to dispose of dead stock. Crown agencies must deal with mass deaths from time to time and need to be able to act freely. In many such circumstances the Biosecurity Act or Section 341 (strict liability and defenses) of the RMA will apply in any case and would be far better to simplify the plan and avoid uncertainty and confusion following emergencies by simply enabling crown agencies to act as freely as possible in such circumstances.