

MEMORANDUM



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To: The Hearing Panel

From: Combined Canterbury Provinces

Subject: Response to questions raised in the Hearing on the Proposed Canterbury Land and Water Regional Plan, Hearing Group 2, May 7th, 2013.

Date: Monday 3 June 2013

The purpose of this memorandum is to provide responses to questions to farmer representatives, following the hearing on aspects of the Proposed Canterbury Land and Water Regional Plan held at the Lincoln Events Centre on Tuesday 7th May, 2013. Our responses follow conferencing and careful consideration among Federated Farmers members and staff present at the hearing.

1. What frequency of auditing would be appropriate for a Farm Environmental Plan?

2 years after initial setup then 5 yearly.

2. How can the wording of Schedule 7(D) be improved to be more workable? (as opposed to the complex and prescriptive list that is there now?)

We recommend the following changes to Schedule 7(D):

Part D – Farming Information

Whenever one of Rules 5.39-5.51 requires information to be submitted, the following information is to be provided either in writing or via the Canterbury Regional Council's website:

- 1 The site area to which the farming activity relates;*
- 2 A map or aerial photograph marked to identify the different blocks within the farm and the area in hectares of each;*
- 3 Identification of any wetlands, watercourses, drains and swales on or adjacent to the property;*
- 4 Monthly Annual stocking rates (numbers, types and classes) including breakdown by type of stock class;*
- 5 Input file data for any relevant nutrient dynamic model prepared for the farm; Annual yield of arable or horticultural produce;*
- 6 A description of the farm management practices used on each block including:
(a) ~~Ground cover — pasture, crops, fodder crops, non-grazed areas (including forestry, riparian and tree areas);~~*

- ~~(b) Stock management – lambing/calving/fawning dates and percentages, any purchases and sales and associated dates, types and age of stock;~~
~~(c) Fertiliser application – types and quantities per hectare for each identified block;~~
~~(d) Quantities of introduced or exported feed;~~

7 Farm animal effluent, pig farm effluent, feed pad and stand-off pad effluent management including:

- (a) Area of land used for effluent application;
(b) Annual nitrogen loading rate and nitrogen load rate per application;
(c) Instantaneous application rate;

8 Irrigation – monthly water use areas, rates, monthly volumes and system type.

The information is to collated for the period 1 July to 31 June in the following year and be provided annually, no later than the 31st of October.

Reasoning

Additions to Schedule 7 should be done with care and only if there is a distinct advantage to doing so, not only at the level of the individual farm, but also in terms of the overall success of Farm Environmental Plans as a management tool, noting that community acceptance and practical workability will be key determinants of this success.

If Farm Environmental Plans are not limited in scope there is real potential that they will become unworkable or unreasonable, which will hinder or slow adoption by farmers, and is likely to result in resort to prescriptive and inefficient regulation.

3. What should not be considered a stockholding area?

The following should not be considered a stock holding area:

Sheep or cattle yards used to temporarily confine stock for specific management purposes, including grading and drafting, preparing for transport, resting after transport, and containing calves in the post weaning period.

Gateways, water troughs or other areas that may be de-vegetated by frequent passage of or congregation of stock, but are not a result of animals being confined and are not significant in the overall context of the paddock or enclosure where animals can roam.

Areas of grazing land that although remaining covered by pasture or forage in normal circumstances, may have a stocking density such that areas of bare soil are exposed by stock during extended periods of inclement weather.

Stock strip grazing behind a wire on, whether on a forage crop or saved pasture.

Farm tracks or lanes where stock are held and fed temporarily when they cannot practicably be accommodated on grazing land, whether due to likely soil damage, snowfall, or other temporary circumstances.

4. How can we differentiate between more and less intensively used areas or parts of sheep and beef farms (as opposed to flat production land where intensity is more uniform)?

Inherent variation in risk from one place to another is a key feature of hill country sheep and beef farms. Some areas are 'critical source areas' where a combination of physical factors results in a relatively greater risk of non-point source discharge to water.

Having conferred on and carefully considered this issue, we are of the opinion that the distinction between 'critical source areas' and general hill country farmland will be very difficult to provide for in rules in the simple and coherent fashion that is desired by the hearing panel (and by ourselves).

The nature of critical source areas will vary depending on the situation and use of any given property. Areas such as land subject to soil erosion and riparian areas subject to grazing have been discussed at length in our hearing presentations, but others have not.

The identification and planning for management of 'critical source areas' is complex and, in our opinion, an individual farm environmental plan is a better mechanism to accomplish this task than rules in a regional plan. The matter of *Identification and management of 'critical source areas'* could be considered as an additional criteria in Schedule 7, recognising the diversity of farm situations, and also recognising that farm environmental plans will be prepared and audited by suitably qualified people who will be expected to be capable of making the required farm-specific evaluations.

5. What is a suitable wording for a simple permitted activity rule for burial of a dead animal as a one off?

We suggest the following draft rule:

5.29A Notwithstanding Rule 5.29, the use of land to dispose of a single dead animal and the associated discharge onto or into land in circumstances where a contaminant may enter water are permitted activities provided the following conditions are met:

- 1. The dead animal cannot be disposed of in accordance with the conditions of Rule 5.29;*
- 2. The dead animal lived on the same site;*
- 3. The material is buried in a pit which does not contain any water, and is immediately and completely covered by sufficient soil or plant material as necessary to avoid discharge of odour to air, or other nuisance;*
- 4. The burial site is at least 20 metres from any bore, surface water body, farm drain, water supply race, or the coastal marine area.*
- 6. The burial site is at least 50 metres from any water abstraction point or residential dwelling located on land that is not part of the registered parcel of land on which it is located.*

Reasoning

Federated Farmers sees that there is an issue with disposal of dead animals on properties that face limitations (such as size and proximity to other properties) on disposal by Rule 5.29 or other methods. To avoid incongruities and undesired outcomes such as persons applying for resource consents to bury a pet, incinerating decomposing dead animals in peri-urban areas, undesirable transfer between properties, or resort to composting or preservation in quicklime (likely to result in undesired breaches of the Health Act), it is better to provide a workable rule for disposal of a single dead animal than to rely on other methods

Bores are referenced twice, once to give comfort to neighbours, and once to prevent discharges near the bore head on the same property (and contaminants draining down the side of the well casing and being sucked directly into the bore).

The measures required by clause 3 already provide a very high level of protection, so minimal setbacks are needed. In any case lifestyle blocks carry low numbers of animals, with only infrequent deaths so risks of water pollution are low.

6. What is a suitable wording for a permitted activity rule for minor discharges of effluent as might arise from emptying a stock truck holding tank or cleaning out a sheep dip?

We suggest the following draft rule:

Notwithstanding the provisions of Rule 5.36 the discharge of animal effluent to land is a permitted activity provided the following conditions are met:

- (a) The overall quantity discharged on any farm shall not exceed 5000 cubic metres per year;*
- (b) The depth of application shall not exceed soil water deficit at the time, as evidenced by ponding of effluent 1 hour after the completion of the activity;*
- (c) The depth of application shall not result in smothering of vegetation;*
- (d) The discharge shall not result in runoff of effluent to any surface water, property boundary, or bore;*
- (e) The discharge shall not be to land
within 20 metres of surface water, property boundary, or a bore;
within a group or community water supply protection area as set out in Schedule 1.*

Reasoning

5000 cubic metres per year allows for stock truck movements, cleaning out of sheep dips, cleaning out water troughs, and other minor activities as are likely to occur on virtually any pastoral farm.

Good practice is to apply agricultural effluent at a depth that does not exceed soil water deficit at the time of application, ensuring effluent is retained and utilised in the root zone. Ponding more than 1 hour after an application is complete indicates 'saturation excess ponding' which almost always occurs when application depth exceeds soil water deficit.

Soil water deficit varies greatly depending on recent rainfall and soil properties at any given location, so it is not appropriate to include a limit on application depth. A preferred approach is to link application depth to soil water deficit, which will encourage the use of sites with more favourable soil properties relative to the farm in question.

Smothering of vegetation indicates a gross discharge of effluent.

Setback distances only provide partial protection as a minimum baseline.

Application of solid animal waste to land is provided for through proposed Rule 5.33, with no limit on quantity, which creates something of a 'baseline' for other, similar activities.