

Tabled at Hearing Wednesday 20 April 2016

Feds

Oral submissions to Panel

Wairewa hearing: 20 April 2016

1. My name is Fiona Mackenzie. I am a policy advisor for Federated Farmers. I have with me Joe Power who is farming a property that borders much of the lake Wairewa. Mr Power will answer any questions the Panel may have, especially any practical questions the Panel may have about fencing and stock management in the Valley Floor.
2. Federated Farmers was momentarily miffed at being un-invited to a meeting between Ecan and Ngai Tahu planners, apparently because we have no planning expert at this hearing. For the record, Federated Farmers is not always in a position to engage a planner, however we are often told that the practical input we provide is most helpful in caucus situations, and we are always willing to attend caucusing when invited.
3. Separately, a Federated Farmers planner met with Ngai Tahu 's Mr McGillan and Mr Cranwell on the 17 March 2016, and I believe there is a common desire for the option of a Farm Erosion Plan as a useful method in the proposed Plan. I have since read the joint statement of (Ecan and Ngai Tahu) expert planning witnesses report dated 18 April 2016 and note the discussion about farm plans at page 11.
4. We were pleased that Mr McGillan for Ngai Tahu also went out to meet with Mr Power on his property on 15 April 2016.
5. I will address matters that were raised at the hearing yesterday and I rely on our evidence and rebuttal evidence dated 4 March and 24 March, and I am happy to answer any questions on this today.

Comparison with Canterbury Land & Water Regional Plan stock exclusion rules

6. I have attached also a copy of the relevant stock exclusion rules in the Canterbury Land and Water Plan , which currently apply in the Valley Floor Area.
7. You will see that under Rules 5.70 , the disturbance of banks of lake or river by intensively farmed stock is a **non-complying**, not a prohibited activity. [And there is no intensive farming in this area, Mr Power will speak to the way stock is managed by rotational grazing.] Thus the region wide Canterbury Land and Water Plan (CLWRP) has a less restrictive classification, even for intensively farmed stock.
8. Rule 5.71 has prohibited status for cattle, deer and pigs —**but not for sheep**—in certain **special situations** only, such as in spawning sites and drinking water zones.
9. The regular rule 5.68 allows livestock in lakes and rivers as a permitted activity so long as use of the lake or river is at a proper stock crossing point OR

The use or disturbance of the lake or river does not result in pugging / conspicuous colour change or cattle standing in a lake or river.

10. There is no argument from Federated Farmers about cattle being excluded from lakes and rivers. This is being done and you can speak to Mr Power about this, including the need to provide stock water, and the cost of this.

Federated farmers position

11. Our first position is that stock exclusion rules are not required at all, except that the CLWRP applies to cattle, deer and pigs, but not sheep. However we say that sheep and goats are not the problem, they are light animals and don't like water.
12. You will have seen evidence from other submitters such as Kim Stamford about this, including the problem of rank weed growth in fenced off areas, if sheep are not allowed to graze. There is also the cost of productive land taken out of production.
13. Mr Power will speak to the difficulties of fencing in areas where the river floods and would push debris up against (eight wire) fences, and break them. He will explain that it is common practice to use two or three wire electric fences for this reason, which exclude cattle but allow sheep to graze. Mr Power will explain livestock grazing practice in the Valley Floor Area. It is not intensive and involves rotational grazing.

Other options

14. If doing a Valley Floor Area river bank erosion plan under proposed Rule 10.5.2, this could include a livestock management plan so that livestock grazing could be permitted in accordance with that plan. (However we are unsure who this rule is intended for; who would be doing works of this sort except a regional or territorial authority?)
15. Otherwise, provided a Farm Erosion Plan is prepared, it should be Restricted Discretionary to use land within the riparian margins in the Valley Floor Area for livestock (sheep) grazing. Matters for Ecan's discretion would be limited to any impacts from livestock grazing on bank stability, discharge of sediment laden water, and also the need to control weeds.
16. This would be in line with the regional rule that allows light livestock grazing in riparian margins so long as pugging doesn't occur and not including cattle standing in rivers or lakes.
17. Without a Farm Erosion Plan, we suggest that livestock grazing within riparian margins should be non-complying in the Valley Floor Area.
18. We want the Panel to be mindful that a prohibition as proposed will effectively amount to a prohibition on farming in certain situations, and Mr Power will speak to how this may affect small land holders such as Kim Stamford. We say that the balance has to shift back a little in this proposal to properly take account of RMA S.5 considerations.

Definitions from CLWRP

19. Riparian margin means the land within the following distances of the bed of any lake, river or wetland boundary:
1. In Hill and High Country land or land shown as High Soil Erosion Risk on the Planning Maps – within 10 m; and
 2. In all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country – within 5 m.
20. Intensively farmed stock means:
1. cattle or deer grazed on irrigated land or contained for break-feeding of winter feed crops;
 2. dairy cattle, including cows, whether dry or milking, and whether on irrigated land or not; or
 3. farmed pigs.

Notification to third parties

21. We support Ecan's view (Philp Maw's legal submissions 19 April 2016) that limited notification for Wairewa applications should not be required to be given to third parties, such as runanga, jor Fish & Game. Even if the suggestion is to not publicly notify, but for applications to be served on runanga, we do not support the additional red tape involved and we believe the regulator should be trusted to do its job, and to make its own decision under S95 (D).
22. It is better that the process is transparent and this becomes harder, and inevitably causes mistrust of the process if third party behind-closed-doors negotiations come into play. This is an important matter to us.

Zone committee process

23. After listening to the ZC presentation yesterday, we are not sure that they correctly understood the significance of Prohibited status as that will not achieve the community collaboration that the ZC wants.
24. Farm plans are new, but are rapidly gaining traction as a useful way of 'personalising' wider rules to specific on-farm circumstances, often enabling better use of productive land and achieving better outcomes as farmers take responsibility for ecological gains, rather than having rules forced upon them.
25. I have attached some information here which we asked Beef & Lamb to provide us with for another hearing, in case it is helpful to the Panel.

Science work gaps

26. We are not convinced that the proposed rules are the most effective and efficient (s32) way of reducing phosphorus entering the lake. The scientific reports we have read say that almost all of the phosphorus enters the lake during major flood events, carried down by rivers, bringing volcanic, phosphorus-rich sediment from the entire catchment.
27. Ecan has chosen to target the very few farmers in the valley floor, for reasons that are not clear to us, suggesting that small numbers of sheep are causing the vast amounts of

sediment entering the lake. Anyone who visits Joe Power's property will see particular places where the river has regularly carved away the banks, and at those times washes the soil (and phosphorus) into the lake. The power of the river is very evident, and is recognised by Ecan and its recent river flood clearance efforts, sparked by the latest Little River floods.

28. This magnitude of bank erosion is many times greater than a few sheep grazing under the two wire electric fences and the proposed rules are disproportionately onerous. If 'rivers' or 'Nature' could be subject to the rules, then we agree that 'flooding' should be a Prohibited activity. But since the main cause of P entering the lake is catchment-wide flooding which is beyond Ecan's control, the farmers in the valley floor have seemingly become the focus.
29. We note that Tim Davie in his Memo re P Loads dated 15/7/2015, states that Ecan needs to spend some money to set up the monitors required to capture data on sediment transported down during storm events, and that further water sampling needs to be in the budget.

Advantages of an approach using farm erosion plans

30. But making rules (at considerable cost to a few) will not make the problem go away. And the more engagement with landowners the better, as incremental improvements cannot be made without their cooperation. After 2020, Ecan can become merely a prosecutor, or it can give itself the ability to engage and actively solve erosion hotspots, in collaboration with landowners, and interested runanga.
31. The advantages to having a document for discussion (a Farm Erosion Plan) are many, including and especially for Ecan. For runanga, it means that erosion management becomes top of mind for landowners, and there will be greater visibility into efforts being made, and on-farm management of stock should queries arise.

wetland boundary or any significant indigenous biodiversity site identified in the relevant district plan.⁵⁹¹ and

5. ~~The flight paths are recorded by an on-board differential global positioning system and this record is kept for at least 12 months following the discharge and made available to the CRC upon request.~~⁵⁹²

Note:

The discharge of fertiliser may also be restricted by Rules 5.43 to 5.64 ~~5.39 to 5.51~~.

5.6754 The discharge of fertiliser onto land, or onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule ~~5.52 5.65~~ or Rule ~~5.53 5.66~~ is a restricted⁵⁹³ discretionary activity, provided the following condition is met:

1. The discharge is a subject of a Farm Environment Plan that has been ~~is~~ prepared in accordance with Schedule 7 Part A.⁵⁹⁴

The CRC will restrict discretion to the following matters:

1. The actual or potential environmental effects of not meeting the condition or conditions of Rules 5.65 or 5.66;⁵⁹⁵ and
2. The potential benefits of the activity to the applicant, the community and the environment; and
3. The quality of, compliance with and auditing of the Farm Environment Plan.⁵⁹⁶



Stock Exclusion from Water Bodies

5.68 The use and disturbance of the bed (including the banks) of a lake, river or a wetland by stock and any associated discharge to water is a permitted activity, provided the following conditions are met:

1. The use or disturbance of the bed (including the banks) of a lake, river or wetland and any associated discharge to water is not categorised as a non-complying activity under Rule 5.70 or a prohibited activity under Rule 5.71; and
2. The use or disturbance of the bed (including the banks) of a lake or river and any associated discharge to water is at a stock crossing point that is:
 - (a) not more than 20 m wide; and
 - (b) perpendicular to the direction of water flow, except where this is impracticable owing to the natural contours of the riverbed or adjoining land; and

⁵⁹¹ 106.66 CCC Consequential

⁵⁹² 120 DOC (particularly evidence)

⁵⁹³ 320.152 Fed Farmers (Combined Canterbury)

⁵⁹⁴ Minor amendment to improve clarity

⁵⁹⁵ 265.55 Ravensdown

⁵⁹⁶ 364.41 RFBPS (Canterbury West Coast)

- (c) aligns with a constructed track or raceway on either side of the crossing point; or
3. The use or disturbance of the bed (including the banks) of a lake or river and any associated discharge to water that is not at a permanent stock crossing point does not result in:
- (a) pugging or de-vegetation that exposes bare earth in the bed (including the banks) of a lake or river; or
- (b) a conspicuous change in colour or clarity of the water, outside the Mixing Zone; or
- (c) cattle standing in any lake or river; and
4. The disturbance of a wetland does not result in a conspicuous change in colour or clarity of water, or pugging or de-vegetation that exposes bare earth.
- 5.69 The use and disturbance of the bed (including the banks) of a lake, river or a wetland by stock and any associated discharge to water that does not meet one or more of conditions 2 to 4 of Rule 5.68 and is not listed as a non-complying activity under Rule 5.70 or a prohibited activity under Rule 5.71 is a discretionary activity.**
- 5.70 Unless categorised as a prohibited activity under Rule 5.71, the use and disturbance of the bed (including the banks) of a lake, a river that is greater than 1 m wide or 100 millimetres deep (under median flow conditions), or a wetland, by intensively farmed stock and any associated discharge to water is a non-complying activity.**
- 5.71 The use and disturbance of the bed (including the banks) of a lake or river by any farmed cattle, farmed deer or farmed pigs and any associated discharge to water is a prohibited activity in the following areas:**
1. In an inanga or salmon spawning site listed in Schedule 17; or
2. Within a Group or Community Drinking-water Protection Zone as listed in Schedule 1; or
3. Within 1000 m upstream, in the bed of a lake river, of a fresh water bathing site listed in Schedule 6; or
4. In the bed (including the banks) of a spring-fed plains river, as shown on the Planning Maps.⁵⁹⁷
- ~~**5.133 The use and disturbance of the bed of a lake or river or a wetland by outdoor intensively farmed livestock for temporary or permanent stocking or temporary access is a prohibited activity.**~~

⁵⁹⁷ A range of submission points have been used to develop the above provisions. In particular, the following submissions have been used to formulate the recommendations: Waihora Ellesmere Trust (244), Sth Rakaia Bach Owners (12), Fed Farmers (Combined Cnty) (320) and Ellesmere ISI (19).

* Explains Beef + Lamb farm FEP template

Beef + Lamb New Zealand farm environment plan template

The Beef + Lamb New Zealand (B+LNZ) farm environment plan (FEP) template for Canterbury has been developed to assist farmers to better understand land and environmental management while meeting the regulatory requirements of Environment Canterbury as outlined in Schedule 7 of the proposed Land & Water Regional Plan.

The B+LNZ FEP template builds on the land and environment planning (LEP) toolkit as a framework. It explores the impact a farm has on the environment and provides a mechanism for farmers to implement strategies to mitigate any risk. Farmers will build their own plan to address environmental and water quality issues.

The B+LNZ FEP allows farmers to tailor responses and timeframes to their individual businesses and is intended to be a living document which is reviewed and updated annually to reflect changes in the business, new risks, and account for any actions undertaken in the previous year.

Farm practices which have the potential to impact water quality are an obvious focus for the FEP but there is a wide scope to consider other aspects such as biodiversity enhancement, pest and weed control or any other environmental priorities which may be particularly relevant. There are a number of key steps involved in the development of this FEP which allow for a holistic approach to natural resource management to be developed as below:

- 1. Prepare a farm map**
 - A farm map is prepared including features/sites of interest. These can be natural (e.g. wetlands, waterways, riparian zones, native vegetation) and constructed (e.g. buildings, tracks).
- 2. Define and describe Land Management Units (LMUs)**
 - A map of LMUs is created (e.g. exotic forestry, wetlands, fenced riparian areas, light flats, fenced native vegetation, steep gullies)
- 3. Identify strengths and weaknesses for each LMU**
 - Possible strengths (e.g. High natural fertility, naturally sheltered, deep topsoil) as well as possible weaknesses (e.g. erosion prone, pest or weed issues, flooding risk) are identified for each LMU
- 4. Review nutrient budget information**
 - A farm Overseer® nutrient budget is reviewed and consideration given to any areas of particular concern (e.g. areas with high nutrient losses)
- 5. List environmental objectives and outline current practices**
 - ECan plan objectives are considered e.g. Nutrient management, Soil management, Livestock management, Offal pits, Irrigation (where applicable)
 - Other farm specific environmental objectives are considered as appropriate (e.g. biodiversity enhancement, areas of cultural significance, pest and weed control)
- 6. Identify new actions based on identified risks**
 - Any issues or opportunities are addressed and responses to these described to demonstrate good management practice
- 7. Implement, monitor and review**

