

We are speaking to our submission point regarding Farm Environment Plans (see below)

<b>Section number of the plan change</b>		<b>3 Part A Schedule 1 Page 51</b>
<b>Do you support or oppose the provision</b>		<b>Support, with changes</b>
<b>Submission</b>	<b>Decision Sought</b>	
<small>Nature of submission and reason</small> Farm Environment Plans (FEPs) must be actively policed, otherwise they will be just “words on a page” and won’t impact day to day husbandry of the land. <b><i>See details below: (pages 3 &amp; 4 of this document)</i></b>	<small>Decision and / or changes we want Council to make</small> The plan must describe the mechanism by which FEPs will be actively policed by Council. When breaches of good practice are observed by farm staff, neighbours, general public, the plan must describe what actions are to be taken by those observing breaches and what enforcement measures are expected.	

**Farm Environment Plans**

We are generally in favour of Farm Environment plans, with the following caveats:

- 1. That there is a robust mechanism in place for FEPs to be policed so they do not become merely a box-ticking exercise. We believe this requires FEPs to be public documents.*
- 2. That there is a sensible alternative for small/uneconomic properties that won’t be able to meet the cost of this requirement*

**In relation to #1:**

**We believe that FEP’s should be a public document so that if a member of the public sees something they think is not right they can refer to the plan change 1 rules and the FEP for the property and decide whether a complaint is warranted.**

Without this level of transparency, enforcement of FEPs will rely entirely on policing by Regional Council staff. Regional Councils are notoriously poor at policing the rules they preside over. They are desperately short of staff to do this and rely in the main on complaints coming in from the public before they act. If FEPs are a confidential document how can a member of the public know whether what they are observing on a particular property is allowable or not?

A Farm Environment Plan as we understand will detail ways in which a land-owner can operate in certain ways which do not fit within the Plan Change rules, because they have made various other changes and/or carry out certain other practices. Without the FEP detail being publicly available, the public cannot know whether a questionable practice should be reported or not. The Regional Council needs the eyes and ears of the public.

The scrutiny that members of the public can provide is necessary because Regional Council lacks the resources itself to adequately police the practices that the Plan Change rules require. Without the transparency we are advocating, FEPs will sit on shelves and contribute little to achieving the Plan Change objectives.

People will argue that what any one does on their land is their business. But when a set of rules exists that is not in fact the case. It becomes everyone's business.

Precedent for the public being the eyes and ears of authority exists throughout society. This is for example how the police operate. Police do not have the resources to be trawling the nation searching out miscreants. Rather they respond to complaints or information from the public who have an understanding of what is and isn't legal. Similarly local authorities administering such things as building control, noise, rubbish disposal etc generally act on complaints made by members of the public. Local authorities also are poorly resourced to police the rules they preside over.

Laws / regulations / rules that are not policed will be flouted by a few. This is both not fair on the many, and means the intent of the plan will not be met.

**This is why we believe that FEPs should be a public document.**

## **In regard to #2**

In our situation we operate an enterprise grazing 25 young cattle from weaning through to 16 months. We operate in conjunction with our neighbour. The enterprise operates over our 15ha home block of which 7ha is in native bush or retired land recently planted in natives; our additional 2+ ha block 700m along the road; and our neighbour's 2+ha across the road from us. Because we operate over more than one property, are not part of any industry scheme being small, we would be required to have a FEP under 3.11.5.2 simply because we operate over more than one property.

There would be a number of small blocks which are greater than 20ha, with permitted stocking rates but where land steeper than 15deg is grazed. These would also be required to have a FEP under the same section 3.11.5.2.

In addition to an FEP a resource consent would be required.

The cost of these compliance measures is expected to run into several thousand dollars. This would be out of all proportion to the profitability of the enterprise.

The rules need to be such that the cost of compliance for enterprises such as ours is in proportion to their profitability.

We would suggest that for small properties where a resource consent is required, that cost be offset against rates.

We would also suggest that for small properties where a FEP is required, that the Regional Council Catchment Officer be empowered to work with the land-owner to develop the FEP at no or negligible cost to the land-owner.

<b>Section number of the plan change</b>		<b>3 Part A Schedule 1 Page 51</b>	
<b>Do you support or oppose the provision</b>		<b>Support, with changes</b>	
<b>Submission</b>		<b>Decision Sought</b>	
Nature of submission and reason		Decision and / or changes we want Council to make	
Farm Environment Plans (FEP's) must be actively policed, otherwise they will be just "words on a page" and won't impact day to day husbandry of the land. <b>See details below:</b>		The plan must describe the mechanism by which FEPs will be actively policed by Council. When breaches of good practice are observed by farm staff, neighbours, general public, the plan must describe what actions are to be taken by those observing breaches and what enforcement measures are expected.	

These in my view are one of those things that sound fine in theory, but will fall short in practice.

Some farmers are "good husbands of the land" grazing at-risk land lightly in terms of both stocking rate, and class of animal.

Here is an example:



This hill is grazed lightly with dairy cows and in observing it for 12 years, I have never seen excessive damage.

At the other end of the spectrum, some farmers graze at-risk land hard, with higher densities of stocking rate and heavier animals. These farmers are more exploitative of the land, with little regard for the consequence on either the land, or the water way that flows from it.

Here is an example, photo taken in February, a few days prior to a heavy rainfall event:



Note that there are animals grazing in the drainage channel, which carries water most of the year.

How will a farm environment plan promote the behaviours of my first example, and prevent the behaviours of my second example? Nothing in Schedule 1 tells me how a FEP will prevent hard grazing.

There is also nothing in the Plan Change 1 that says what should be done when breaches of good practice are observed by farm staff, neighbours, and general public. The plan must describe what actions such observers are expected to take, and clearly state what steps the Council will take when such information is received.



## How the Plan could address slope

At the hearing in May, we illustrated that the 15 deg slope was a very blunt tool and completely inadequate for determining what should be permissible and what should not. We talked about how when slopes steeper than 15 deg are grazed with suitable stocking rate, stock class, and animal husbandry techniques, the land can be cared for in such a way that sediment and runoff meets the objectives of Plan Change 1.

During question time at the end of our presentation Commissioner Basil Morrison asked us what alternatives we could offer. These are our thoughts:

- Where parts of a property exceed whatever the slope threshold is, those areas can be farmed as per the rest of the property if the landowner can demonstrate to the catchment officer that through the prudent use of stocking rate, stock class, and animal husbandry techniques, the intent of the Plan Change 1 is being followed such that the land is not subjected to undue sediment and nutrient loss.

Where there are differences of opinion:

- Measurements are made of the four contaminants to assess the impact of the farming operation on waterways. Measure upstream and downstream of the farmed area, subtract the upstream readings from the downstream readings. This will inform the Regional Council whether the production system being carried out on the land between the two measuring points is contributing contaminants immaterially (ie system approval is given) or significantly, in which case farm system modifications are required.

A few weeks after Commissioner Morrison issued us this challenge, we observed activities that would be permissible under Plan Change 1 rules as they are currently written, and illustrate the folly of using slope as a single determinant :

Allowable as slope is <15 deg





Allowable on slope >15 deg as it is forestry



Not allowable as slope is >15 deg (my estimate is average 20 deg)







Our estimate is that 85% of our land drains out through the central gully system into a wetland of around half a hectare in area before exiting the property.

The following photo illustrates:



This wetland was clogged with Willows when Garth Eyles visited the property in 2015, when his report stated:

*“Willows clog up parts of the drainage line. These need to be removed and replaced with native vegetation”*

Soon after his visit, in conjunction with the Waipa Catchment Plan, all willows were drilled and killed, and the wetland is now approaching the state his report advocated:

*“Where the wetland areas are dominated by wetland vegetation there is a quality nutrient stripping environment”*





With the vast majority of our runoff exiting through a “quality nutrient stripping environment” why should careful grazing, at a light stocking rate, using young animals not be permissible on land of slope such as ours.

A blunt “rule for all” such as slope needs to be written in a far more precise way that takes into account the wide variety of individual circumstances. The rule needs to be written to **allow** what is sensitive to the plan, and sensible, and **preclude** what is exploitative of the land and insensitive to the objectives of the plan.

15deg is not the answer!





For reference

Our May submission points on slope

1. **We've made two points about slope.** The first points out **inconsistencies within the proposed rules regarding property size and grazing slopes steeper than 15 deg.**

We simply now ask the question: Why should it not be OK to graze slopes steeper than 15 deg if your property is 20.1ha but it is OK if your property is 19.9ha?

**The second point questions the use of 15 deg as a threshold for grazing or not grazing.** Apart from the fact that we have not found any reference to scientific evidence within the proposed plan change for the use of this figure, we maintain that slope alone is a blunt tool to determine whether or not land is suitable to be grazed.

We refer to the Land Use Capability Framework... a system of land classification used since the 1950s throughout NZ and revised in 2009... which classifies land according to its capability for long term sustained use. It takes into account slope, erodibility, wetness, climate, aspect, soil type.

It is surprising to us that other than a footnote on p.52 there is no reference in the proposed plan change to this Framework.

A few years ago we began a programme of work under the Waipa Catchment Plan as we are within the Moakurua Priority sub-catchment. The first step of this was the writing of a Land Use Capability Assessment and Soil Conservation recommendations. Garth Eyles walked our property and produced a fine scale map which identified different units according to their Land Use Capability. His overall description of the property was of "a block dominated by 5ha of retired native bush with most of the remainder being easy hill country."

Generally that "easy hill country" is classified as Land Use Capability class 6. "Suitable uses include grazed pasture, tree crops and/or forestry, and in some cases vineyards. Erosion is commonly the dominant limitation but it is readily controlled by appropriate soil conservation and pasture management." (quote from LUC handbook)

So what are those management strategies??

- Not grazing overly heavy stock. Sheep or young cattle are better suited than heavy breeding cattle.
- Retiring steeper slopes where aspect means that they remain wet in winter and so become overly prone to erosion by grazing .
- Stocking sensibly so that animals are not confined.
- Not over grazing so as to leave bare patches.
- Space planting to help reduce wetness and likelihood of slipping.

The crude rule about 15 degrees takes no account of stock type that are grazed. Steeper slopes can be well managed if lighter animals are grazed. We have observed this on our own property where in the first few years we owned it we leased land to neighbouring dairy farmers who ran R2 heifers and at times dry cows. These heavy animals did cause soil damage and since we have changed to running only young cattle from weaning through to 16-18 months this is no longer the case.

The rule about grazing slope needs to be far more refined. It needs to consider all the other factors considered within the LUC framework and stock type as well as stock numbers. The weight and type of animal is important here as well as their numbers.



As the rule around slope is written, and if our property were slightly larger, we would not be allowed to graze it. So what would we do? The LUC framework for Class 6 suggests such land is no more suitable for forestry than it is for grazing. The damage forestry causes at harvest and post-harvest is well known. We are of the firm belief that less sediment will be being lost to the catchment under grazing than would be the case under forestry.

LUC Class	Arable cropping suitability†	Pastoral grazing suitability	Production forestry suitability*	General suitability
	1	High	High	High
2	↓ Low	↓ Low	↓ Low	
3				
4				
5	Unsuitable			Unsuitable
6				
7				
8	Unsuitable	Unsuitable	Unsuitable	Conservation land

† Includes vegetable cropping (see Section 1.6 Explanatory notes).

\* LUC Classes with a major wetness limitation, and those with a low rainfall areas (<300 mm/yr), or those occurring on shallow soils (<43 cm), are normally not suited to production forestry.

Figure 8: Increasing limitations to use and decreasing versatility of use from LUC Class 1 to LUC Class 8.

The proposed plan change document is clear on what won't be possible to do but is silent on what realistic possibilities are for properties of contour such as ours.

**2. Four of our submission points relate directly or indirectly to stocking rates.**

- a) **Definition of stock unit.** A system is needed which recognises that animals grow gradually and do not suddenly change from one figure to another at a certain age. We have suggested a system of liveweight accounting be used to avoid the nonsense suggested in the table on pages 84-5 that a steer suddenly changes from 2.7 to 5.8 between the ages of 11.5 and 12 months. What figures are used as stock units affects the calculation of stocking rate. And that can make the difference between a permitted activity or not and thousands of dollars difference in compliance costs to the landowner.
- b) **Definition of stocking rate.** There needs to be clarity about what is meant. Is it the numbers of SU on the property at any one time? Or averaged over the year? Depending on what is meant, and taking figures for our property a couple of years ago when it was leased, sometimes it fell into the permitted category and at other times did not. If not then we would become subject to expensive compliance costs, likely to be more than we earned from lease fees.
- c) **Permitted stocking rates need to be matched to Land Capability.**

Permitted stocking rates need to be set according to the carrying capacity of the land. This is a complex function of many factors which include: grass growth, pasture species, aspect, soil type, rainfall, climate, slope. This varies from property to property. The safe,

environmentally sound stocking rate for a permitted activity needs to be determined on a case by case basis and not arbitrarily set at 6 SU/ha.

For example, our property is hilly and north facing. It is easily able to support a stocking rate above 6 SU/ha because grass grows well. Over the hill, facing south with similar soils and slope the land will carry less than 6 SU/ha.

Land which is capable of carrying a higher stocking rate than it does will result in uneaten, rank grass which will decay and contribute nutrients to the soil and nutrient run off to waterways. A higher permitted stocking rate should be allowed where the factors which contribute to a higher carrying capacity are favourable and without consequent negative environmental impacts.

Growth of weeds such as gorse and blackberry will also result from understocking. Costs of weed control will increase, further hampering the ability of the farmer to make a profit and be able to continue to farm.

- d) Referring to 3.11.5.1 on page 39 **definition of “grazed land”**. Without reiterating the figures in our submission, in our case a significant difference results from calculating stocking rate over the whole property vs over the pasture paddocks. There is no definition in Part C of “grazed land”. There needs to be. If the rate is calculated over only the pasture then in our case we are given no credit for the mitigation steps which we have taken, many at our own cost, (retirement of steep slopes and wetlands and bush areas). We have sought clarity from WRC staff about the interpretation of the term “grazed land”. Their opinions tended towards the understanding that the definition should be for the whole property not just the area that is grazed.