Beef + Lamb New Zealand’s *Action for Health Waterways* Farmer Submission Template

Beef + Lamb New Zealand will be making a submission on behalf of the sheep and beef sector on the Government’s *Action for Healthy Waterways* proposals.

However, we are aware that many farmers want to make their own submissions on the impacts these proposals will have on their businesses and want advice on wording and submitting.

This template has been designed to help sheep and beef farmers make submissions on the Government’s *Action for Healthy Waterways* proposals.

To use this template, copy and paste the sections that are relevant to the points you wish to make.

Once completed, you can email it to consultation.freshwater@mfe.govt.nz or you use the responses to fill in the Ministry for the Environment’s online form at: https://submissions.mfe.govt.nz/consultations/essential-freshwater-f483240c-4b48-4713-acaa-539915e31f4e/make-a-submission

You can feel free to either use the wording we have supplied below under the “Suggested points you may like to make” heading, or to adjust it to make it relevant to your individual farm.

**Personal Information**

*indicates required fields

Company name:

Given names*:

Surname:

Contact person:

Address:

Region*:

Country:

Phone:

Email*:

**Background about your farm:**

Types of information include:

- Where you are farming (catchment) and type of country you are farming (flat, rolling, hill);
- What type of farm;
- Stock class and ratio and whether or not this changes overtime;
- How long has the property been in your family and how long have you been farming the property;
- Property under development – future aspirations and motivations?
- Describe your environmental management? Are you actively planting riparian strips or allowing native regeneration, do you have QEII covenants, plantation forestry, manuka, wetlands or lakes?
- Have you already fenced off waterways and if so what was the cost of doing so?
- Type of fertiliser use and application, and nutrient leaching rate if it is known.

*(Keep this section brief. It is not required for your submission, but does help set the scene)*

**General responses to the proposals:**

I support the overall goal of the proposals to ensure that freshwater systems are healthy and safe for people to swim in and gather food from.
There is a huge amount of good work in the government’s proposed essential freshwater proposals that I support.

I support the objective of having healthy freshwater. I support clear, science based environmental bottom lines that protect human and ecological health and frameworks that empower farmers and communities to work together to achieve these. I support the need to address issues such as sediment, e-coli and winter grazing.

However, I oppose the proposed frameworks, rules, and standards which will lock in current levels of discharge into our waterways and lock-in existing land uses. This approach effectively rewards high intensity, high discharging systems (particularly high N leaching systems), while penalising low intensity, low input, and low discharge systems that work within the physical environment of the farm.

Constraining low intensity farm systems will limit their capability to achieve the goals of the proposal or meet the additional costs of compliance. This would significantly disadvantage responsible farmers and proactive custodians of the land who have already sought out and achieved environmental innovations.

This blanket approach to “holding the line” will put low input systems under significant financial strain. Many farmers will be unable to afford the costs of mitigating the specific issues relating to their farming systems. This could make the businesses unviable with a significant loss of rural jobs, threatening our rural communities that are tight-knit and particularly vulnerable – especially when young families leave.

I support a fair approach where each farmer is expected to do their bit in proportion to their impacts, in an effective and workable manner. I request that the government re-think its approach to restrictions on land-use change and to the grandparenting provisions in the freshwater module and hill country cropping. In particular, I request that there is recognition of low N leaching farms and some flexibility provided for them.

**Impacts and implementation:**

("This section is an ideal opportunity for you to detail what the specific impact of these proposals could be on your farm. Do you have significant stretches of waterways that would require fencing? How much would this cost? What are your concerns around the cost and limitations of using tools like OVERSEER or MitAgator on a sheep and beef farm? How will grandparenting provisions that lock in discharges and land use limit your ability to adapt your farm system to pay for the environmental mitigations you need to take elsewhere? What will be the impact on your community if over two thirds of sheep and beef farms were converted into forestry?"")

While I accept that sheep and beef farms need to address their contribution to water quality issues, such as for overland flows like sediment and E.coli, the mitigations that a farmer undertakes should be in direct proportion to their contribution to the issues, rather than a broad brush approach taken across all farms within a catchment.

I am deeply concerned about the potential impacts of these proposals on my farm, especially in light of the modelling by Local Government New Zealand which highlighted 68 percent of sheep and beef farms could be unviable under these proposals.
I am also concerned that Ministers and officials do not believe these proposals will impact sheep and beef farmers. Independent empirical evidence from Local Government New Zealand clearly shows that our farms will bear a disproportionate share of the cost, despite being low input, low intensity, and low discharge systems.

**Nitrogen, phosphorus, and sediment attributes:**

**Summary of key proposals**

<table>
<thead>
<tr>
<th>What is proposed</th>
<th>What it means</th>
</tr>
</thead>
<tbody>
<tr>
<td>New attribute for fine sediment</td>
<td>To be measured as the proportion of the stream bed smothered by sand, silt, and clay.</td>
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<tr>
<td>New limit for dissolved inorganic nitrogen (DIN)</td>
<td>Bottom line in rivers for DIN proposed to be 1.0mg/l (5-year median). This is different to the nitrate toxicity attribute in place. The DIN bottom line is in addition to this.</td>
</tr>
<tr>
<td>New limit for dissolved reactive phosphorous (DRP)</td>
<td>Bottom line in rivers for DRP to be 0.018mg/l (5-year median).</td>
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<tr>
<td>New attribute for suspended sediment</td>
<td>A turbidity range will be developed, reflecting the variability in natural turbidity of different rivers.</td>
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<tr>
<td>Action required to addressed deposited sediment</td>
<td>Regional Councils must undertake adaptive management to measure and monitor deposited sediment in waterways and take action if required.</td>
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</tbody>
</table>

**Suggested points you may wish to draw on**

I support the objective of having healthy freshwater. I support clear, science based environmental bottom lines that protect human and ecological health, and frameworks that empower farmers and communities to work together to achieve these.

New Zealand has a great diversity of unique ecosystems, which should be factored in when developing the goals of freshwater management. Freshwater attributes should provide for freshwater ecosystem health which reflects the characteristics of the waterbody in its catchment context, and account for natural variation and conditions such as erosion, nutrient levels, geology, geomorphology, and land type and cover. These attributes should be informed by the best available science, and where uncertainty exists, should be precautionary, both environmentally, and how they are applied and mandated by these proposals.

I am broadly supportive of the setting of instream limits for DIN, DRP, and sediment for ecosystem health. Clear numerical environmental bottom lines provide for business and community certainty in relation to the outcomes being sought and ensure equitable approaches across regions and catchments, but these also need to represent local conditions and community aspirations.

I oppose the five-year audit and measurement on the programme’s success for sediment reduction in all catchments. Improvements in water quality, including sediment levels, are related to the state and trends in the health of the freshwater system and the drivers of this health.

Sediment levels should be managed overtime if they are excessive to achieve the community’s aspirations for a desired level of ecosystem health, swimmability, or cultural values. They should be reduced where sediment levels exceed national bottom lines, or the current state is worse than what is indicated by the best available science. Numerical attribute states need to consider natural processes and be tailored to the specific freshwater body type in its catchment context.
Restricting further intensification:

Summary of key proposals

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<tr>
<td>Restrictions placed on intensification on land-use</td>
<td>Intensification, including changing land-use system, irrigation development, and increases in winter grazing will require a consent and will only be allowed where it can be demonstrated there will be no increase in pollution caused by the activity. It is proposed that existing consents will prevail over these provisions, unless consents are reviewed by councils.</td>
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<tr>
<td>Consent required for increasing commercial vegetable growing areas</td>
<td>Two options provided for consenting – no increases in contaminant discharges or applicant must operate above good management practice.</td>
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Suggested points you may wish to draw on

The proposals to restrict any land use change, regardless of existing levels of discharge, will effectively locking in current land uses. This is essentially a form of grandparenting which will reward high intensity, high discharge systems, while penalising low input, low discharge systems. High intensity systems will be rewarded with the greatest flexibility and choice in how to adapt their farming systems, while low intensity systems will be given virtually none.

It is akin to trying to reduce speeding on our roads by making everyone drive slower by the same amount, rather than the smarter approach of getting speeding drivers to reduce to the speed limit while allowing those driving more slowly to speed up within safe limits.

For example, the average nitrate leaching for a sheep and beef farm is 17kgN/ha/yr, while more intensive farming systems leaching can average 50kg/ha/yr or even significantly more. Under the current proposals, those leaching at the higher end of the scale while be allowed to remain at these extremely high rates while adjusting to the new regulations, while low input systems will be restricted ability to adapt to newly created costs of implementing the proposal.

Given the significant costs for low intensity systems to meet other regulatory proposals and the inability to change land use, due to being restricted to a very low base system, farmers would have no ability to adapt to the new extra costs created by in the proposal. As Local Government New Zealand modelling has shown, it will result in a significant number of sheep and beef farms becoming unviable due to an external imposition.

These grandparenting provisions put in place a *de facto* allocation system that will have long term impacts beyond those recognised by the Government’s analysis so far. These include changing land values based on the allocation of nitrate leaching, reducing the viability of extensive sheep and beef farming systems – as well as other low intensity systems. They will remove their ability to innovate and adapt their farming systems to match the natural capital of the land. Constraining these rural businesses would drive rural communities closer to or over tipping points to maintain social cohesion and support, as isolated communities drop below a critical mass.

These policies will not improve freshwater health, as nitrate leaching’s impact on freshwater health is determined by concentration. While hill country headwaters would be ecologically healthy, further downstream the same problems would persist with no meaningful improvement to freshwater.
health. Extensive farm businesses would be decimated and rural communities would be isolated and socially impoverished.

Any changes to nitrate leaching must bear reality to an individual farm’s nitrate leaching intensity, with allowances made within the broader context of other proposed changes, so that low input farming systems can afford to achieve the goals of the proposal.

Other additional points you may wish to make:
- What have you already done to reduce the intensity of your farm and how much has it cost you in terms of direct cost and forgone profits (opportunity cost)?
- Thinking of the suite of freshwater proposals and the costs that may be involved in complying with them, what changes would you need to make on farm to be able to pay for these and be viable, and how might these impact the intensity of your operations – e.g. needing to increase your stocking rate, use of fertilisers over a smaller productive area?

Farm plans:

Summary of key proposals

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| Mandatory farm plans | All farmers will be required to have a farm environment plan with a freshwater module. The freshwater module is very prescriptive and includes:  
  • Requirements for fencing which are unclear if override Reg 360;  
  • Requirement to measure all emissions (which implies the need to use a range of tools)  
  • Requirement to demonstrate you are reducing all your emissions. |

Suggested points you may wish to draw on

I support farmers having a tailored land and environment plan, but do not support this being used as a regulatory tool or sitting within national regulations.

Having a compulsory freshwater module in compulsory farm plans, with the associated support structures, will create expensive overheads for farmers which will distract and detract from on the ground environmental activities. Essentially, a tool that enables farmers to set and achieve to goals based on needs tailored to their farm business becomes an expensive process that emphasises on bureaucracy, losing focus on, and commitment to, achieving an intended environmental goal.

Freshwater module farm plans will grandparent emissions to historic levels, without regard to impact or contribution to the state of the freshwater system, then seek reductions from this state. This is inefficient and likely to be ineffective at addressing specific freshwater issues that relate to the farm.

For example, for an extensive farming operation in a catchment where sediment is an issue, it would be effective and efficient to focus action on erosion control and mitigation rather than diluting resources across all four potential contaminants.

The cost of compliance or the level of on farm action should be proportional to the environmental impact of the farm on freshwater health, and the freshwater module farm plan approach fails to take account of this.
As an alternative, I would like to see the Government provide additional support for industry-led farm assurance schemes or their Land and Environment Plans and activities to support catchment initiatives.

**Immediate action to reduce nitrogen loss:**

**Summary of key proposals**

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| Interim measures to immediately reduce nitrogen leaching in certain catchments | Three options proposed:  
1. Highest leaching farms in identified catchments over certain threshold would need to reduce leaching as modelled by OVERSEER.  
2. National cap on use of nitrogen fertiliser (e.g. max amount per hectare per year).  
3. Farmers in identified catchments would have to plan immediate reductions using FEPs |

Identified catchments are:  
- Northland: Waipao Stream (in the Wairoa River catchment)  
- Bay of Plenty: Upper Rangitaiki River (upstream of Otangimoana River confluence)  
- Waikato: Piako River, Waikou River  
- Hawke’s Bay: Taharua River (in the Mohaka River catchment)  
- Taranaki: Waingongoro River  
- Wellington: Parkvale Stream (in the Ruamahanga River catchment)  
- Tasman region: Motupipi River  

**Suggested points you may wish to draw on**

I support option one for a nitrogen cap and high discharging land uses be required to reduce to this cap. However, the actual threshold should be proportionate to the level of overallocation of nitrogen. High intensity systems that have high nitrate leaching rates are required to make more of a reduction while low intensity systems are given flexibility within the cap to offset increased costs. I also support an exemption for hill country pastoral farms.

I oppose option two, as the proposed cap on total nitrogen applied in fertiliser per hectare per year would lock in land uses and is unlikely to achieve improvements in reductions in nitrate leaching. Essentially, removing any subtlety for appropriate applications and use that are suitable and relevant to farming systems and their environment.

I also oppose option three, which would grandparent all current land uses while requiring mandatory freshwater modules in farm plans for the listed catchments without setting specified reductions based on the proportional contribution of any farming activity.
Excluding stock from waterways:

<table>
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<tbody>
<tr>
<td>New standards for stock exclusion for waterbodies in 360 Regulation.</td>
<td>Lowlands: National standards for exclusion of stock from wetlands, lakes, and rivers and streams more than one metre wide in flat and low-slope land.</td>
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<td>In non-low-slope areas, stock exclusion requirements based on stock units, irrigation, and fodder crops.</td>
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<td>Non-lowlands</td>
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<td></td>
<td>• Slope options 5 degrees; 10 or 15 degrees;</td>
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<td></td>
<td>• Exclusion from waterways if average farm carrying capacity exceeds 14 su</td>
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<td></td>
<td>• Exclusion from waterways for paddocks greater than 18 su</td>
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Suggested points you may wish to draw on

I support the focus on freshwater bodies that are permanently flowing and greater than 1m wide on low sloping land that is of a 5 degree slope or under, and the use of a stocking intensity threshold as a proxy for nitrate leaching when applying these requirements to land above 5 degrees slope.

I oppose requirements to fence extensively farmed animals out of waterbodies, particularly on hill country properties where fencing is prohibitively expensive due to the terrain, length of fencing required, and significant maintenance costs due to extreme weather conditions.

I oppose the blanket 5m setback and the requirement to move existing fences due to the significant loss of productive land on my farm, and the sizeable costs of moving all fences to comply.

For more extensive farming systems like sheep and beef farms on more diverse landscapes, the risk to freshwater health is from the overland flow of contaminants into a waterbody, not livestock directly being in the waterbody due to the lower stocking rates. In these situations, fences would do nothing to stop overland flows. In these circumstances, the identification and management of critical source areas and overland flow are a more efficient and effective way to manage the risk, rather than blanket fencing and blanket riparian setback distances.

In short, a blanket requirement to fence may be easy to measure, but has the significant potential to divert resources away from activities that would achieve a greater environmental benefit (e.g., erosion control).

Other additional points you may wish to make:

- We suggest farmers use examples here of what the proposed fencing requirements would mean for your farm and how much you estimate it would cost to implement.
- What do you think is the appropriate methodology?
Controlling intensive winter grazing:

Summary of key proposals

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| Winter grazing on forage crops is to be given a set definition, as well as minimum standards. It will be a permitted activity on land with a slope less than 10 or 15 degrees (to be decided). | • Forage crop defined as a crop grazed in situ, including brassicas, and beet and root crops; but not including perennial pasture, short rotation grass species, and cereal crops;  
• Grazing does not occur on land with a slope equal to or greater than 10[15 degrees]  
• Grazing does not take place on more than 30ha [50ha] or 5% [10%] whichever is greater cumulatively or in one contiguous area of the farm;  
• Graze from the top of the slope towards the waterbody or critical source area;  
• Do not graze any critical source area;  
• Retain vegetated riparian strip of 5m [20m] from waterbodies, ditches;  
• Resown within 1 month;  
• No pugging to a depth of more than an average of 20cm [10cm] for more than 50% of the paddock |
| For winter grazing that does not meet the permitted activity standards (e.g. on a slope equal to or greater than 10 or 15 degrees) it will become a restricted discretionary activity (e.g. needing resource consent). | Activities that do not meet the PA standards this includes winter grazing on forage crops on land above 10 or 15 degrees slope (so all hill country irrespective of how it is managed or its proximity to a waterbody).  
• Need FW-FP;  
• Total area under forage crop to not exceed the highest annual amount of area in annual forage crop in any farm year between 2013/14 and 2018/19. |

Suggested points you may wish to draw on

I support the establishment of standards based on Industry Good Management Practice Principles, such as the application of ‘strategic grazing principles’.

However, I oppose the inequitable treatment of low slope and other land in relation to winter grazing on forage crops that permits winter grazing on forage crops for low slope land, but requires a consent for land which is above 10 or 15 degrees in slope. Environmental risks associated with winter grazing on forage crops relate to the intensity of the operation, the soils it occurs on, the way the activity is being undertaken and the proximity to a receiving freshwater body. Slope alone is too simplistic.

In relation to land above 10 or 15 degrees slope, the risk to the environment is not greater than on flat land, and should be able to be managed through a permitted activity consent – e.g. the risk to the environment of winter grazing on forage crops could be less than if the activity is undertaken on flat land which flow pathways such as on gravels, or where it drains through the soil.

I also oppose the pugging standard in the permitting activity rule for winter grazing on forage crops, as the standard would effectively render most winter grazing activities non-compliant regardless of the actual impact on soil health or loss, or animal welfare.
I also oppose grandparenting standards such as “no greater than 2013/14 to 2018/19 years” through consent, as the additional and significant costs required to get resource consent will lock in existing land uses and not allow for the flexibility required in farming systems to meet the other additional costs from these policies.

Other additional points you may wish to make:

- Consider sharing how you’ve used winter grazing to improve the performance of your farm along with the actions you’ve taken to manage the environmental risks from winter grazing, such as protecting critical source areas, etc.

Feedlots and stock holding areas:

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<td>Feedlots and stock holding areas are to be given a definition, as</td>
<td>Stock holding area defined as a permanent or semi-permanent area, covered or uncovered, that is constructed to hold livestock at a stocking density that precludes the maintenance of pasture or vegetative groundcover, and includes (a) feedpads, winterpads, standoff pads, loafing pads; but (b) does not include areas used for animal husbandry purposes, such as stockyards, milking sheds, or woolsheds</td>
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| well as minimum standards and will be a discretionary activity.      | • Base of the feedlot must be sealed to a minimum permeability standard of 10-9m/s  
• Area must be at least 50m away from waterbodies, water abstraction bores, drainage ditches, and coastal marine area;  
• All animal effluent or water or bedding must be collected, stored, treated, and disposed of in accordance with regional rules and/or discharge consent;  
• Must have FM-FP                                                                                                           |
| Other stock holding areas are to be given a definition, as well as  | Defined as holding stock in a stock holding area for more than 30 days in a 12 month period, or for more than 10 consecutive days                                                                                   |
| minimum standards, and will be a restricted discretionary activity.   | Stock holding area defined as a permanent or semi permanent area, covered or uncovered, that is constructed to hold livestock at a stocking density that precludes the maintenance of pasture or vegetative groundcover, and includes (a) feedpads, winterpads, standoff pads, loafing pads; but (b) does not include areas used for animal husbandry purposes, such as stockyards, milking sheds, or woolsheds |
|                                                                      | • Base of the feedlot must be sealed to a minimum permeability standard of 10-9m/s  
• Area must be at least 50m away from waterbodies, water abstraction bores, drainage ditches, and coastal marine area;  
• All animal effluent or water or bedding must be collected, stored, treated, and disposed of in accordance with regional rules and/or discharge consent;  
• Must have FM-FP                                                                                                           |
| Sacrifice paddocks are to be given a definition, as well as minimum standards, and will be a permitted activity, | Defined as a paddock used to temporarily hold stock in such a way that the pasture is likely to be severely damaged and will require pasture renovation                                                                 |
I support the definition of feedlots, and in general the identification and management of activities which can pose a higher environmental risk when not adequately managed.

I oppose the definitions of Sacrifice Paddocks and Other Stock Holding areas. The current definitions also capture other farming systems which they should not have been intended to capture.

Other comments on the proposed National Environmental Standards for Freshwater:
(Feel free to add any additional comments that you wish to add here)