Your submission to Action for healthy waterways—consultation

Anna Nelson, King Country River Care Incorporated

Clause
Proposals as a whole - please refer to questions 1-3 on page 19 of the discussion document

Notes
We 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 now and for generations to follow. There is a huge amount of good work in the government’s proposed essential freshwater proposals that we support. We support the objective of having healthy freshwater. We 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. We support the need to address issues such as sediment, e-coli and winter grazing. However, we 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. We support a fair approach where each farmer is expected to do their bit in proportion to their impacts, in an effective and workable manner. We request that the government rethink its approach to restrictions on land-use change and to several provisions in the freshwater module which may have significant unintended consequences for our regions farmers and therefore their communities. In particular, we request there is an increased focus on allowing catchment communities to have flexibility to implement innovative local solutions to ensure ecosystem health of our receiving waterways is maintained and improved where necessary.

Clause
Impacts and implementation - please refer to questions 4-6 on page 19 of the discussion document

Notes
While we accept that many farmers need to address their contribution to water quality issues, 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. We are concerned about the potential impacts of these proposals on our King Country rural communities, 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. We are also concerned that Ministers and officials do not believe these proposals will impact low intensity 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 and low discharge systems. The proposals will place a considerable cost burden on both farmers and Local Government. The new NPS and NES requirements introduce a range of new planning, policy, consenting and auditing requirements – meaning farmers will have to get costly (and potentially slow) consents for many existing activities. These costs will inevitably lead to both an increase in rates and additional direct costs to landowners, particularly given intentions to allow for councils to charge fees for the monitoring of permitted activities. Low intensity farms which are required to "hold the line" will generally struggle to absorb these extra costs, potentially resulting in sale of land to forestry interests with the subsequent erosion of our communities economically, socially and culturally. We do not support a blanket requirement for all farm businesses to be required to use Overseer to generate a nitrogen and phosphate loss figure. Nutrient cycling within a biological system is incredibly complex and cannot be accurately modelled at the farm level particularly on hill country and complex dry stock farming systems. Overseer was never designed as a regulatory tool and will never provide the level of accuracy that should be required to generate regulation from. A nitrogen or phosphate loss with a variation of 20-30% should not be considered accurate enough to base regulation on. For low intensity farms the associated costs of Overseer will immediately reduce funds available for projects on farm which could directly impact water quality.

Clause
Nitrogen, phosphorus, and sediment attributes - please refer to questions 20-21 and 30-35 on pages 52 and 53 of the discussion document

Notes
We support the objective of having healthy freshwater. We 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. We do not support the blanket national setting of instream limits for DIN, DRP, and sediment for ecosystem health. Whilst clear numerical environmental bottom lines provide clarity for business and community in relation to the outcomes being sought we believe these need to represent local conditions and community aspirations. Our region has significant challenges with sediment loss at certain times of the year which we are working on in sub-catchment groups, together with the Regional Council and others. We 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 attributes need to consider natural processes and be tailored to the specific freshwater body type in its catchment context.

**Clause**

Ecosystem health attributes - please refer to questions 20-21 and 39 on pages 52 and 53 of the discussion document

**Notes**

We support integrative indicators of ecosystem health as proposed in the NPSFWM. Where the health of the indicator falls below the bottom line the local council is required to develop an action plan in consultation with the local community. Indicators of health include fish health, macroinvertebrate community health, and plant community health. Local catchment communities should have some input into the most appropriate attributes to be measured in their receiving waterbody.

**Clause**

Restricting further intensification - please refer to questions 51-53 on page 80 of the discussion document

**Notes**

The proposals to restrict any land use change, regardless of existing levels of discharge, will effectively lock 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. 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 have 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 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. 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. Our rural communities benefit greatly from diversity of land uses, we acknowledge and agree all these land uses must recognise the limitations of their land class and the ecosystem health of their receiving waterbody. Where appropriate well run, low intensity dairy farms are a fantastic asset in our communities, both socially and economically. An example of the impact on one of our members follows... We have been aware of the impact of dairy cows on the environment and as a consequence have run a low stocking rate system at 2.2 cows/ha for many years focusing on per cow production, we have carried younger beef animals as opposed to dairy cows to graze the steeper country, Marian and Derek Kloten (the farm owners) have invested in stand-off facilities, expanding the effluent area beyond the requirements, planting many trees throughout the farm to help minimise erosion and retired 10% of the land into either pine trees or retired to QEII in an effort to minimise our impact on the environment. Derek and Marian were recognised for their efforts and awarded Waikato Supreme Farm Environment winners on this farm in 2008. We are now all being penalised for this work and investment under the proposed approach and have significantly less options compared to some of our neighbours who run a significantly higher stocking rate, have been grazing dairy cows on crop during the winter, have not retired any areas, have maximised their milking platform area and have a greater impact on the environment. The options we have available to reduce our nitrogen and phosphate losses are much more likely to have a greater cost and more challenging to implement. A solution might be to provide flexibility in land use for extensive farming systems eg under 20kgN/ha/yr leached in N challenged catchments, or set a stocking intensity (stock unit) proxy eg 14 stock units in P/sediment/Ecoli challenged catchments.

**Clause**

Farm plans - please refer to questions 54-57 on page 80 of the discussion document

**Notes**

We support all farmers having a tailored land and environment plan, but do not support this being used as a regulatory tool or sitting within national regulations. Assisting all farmers in our region to develop their own Land and Environment Plan (FEP) is a major
objective of our organisation. 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 focuses 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 many of our extensive farming operations in our local catchments 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. It is possible a perverse outcome of requiring reducing nitrate emissions could lead to reduced pasture cover on steeper hill country and a directly resulting elevation in sediment loss in certain poorer grass-growing seasons. Locally farmers have been considering trialling small areas of horticulture or intensive development in response to the Zero Carbon Bill (maintaining farm income whilst reducing stock numbers and therefore GHG emissions); these small intensifications may elevate one or more contaminant. We believe this may be the best outcome for our community where receiving waterways ecosystem health attributes allow for certain contaminant increases. 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 catchment or industry-led farm assurance schemes, or their Land and Environment Plans and activities to support catchment initiatives. KCRC advocates for and strongly supports farm specific FEPs that focus environmental actions where they are needed, these need to be owned by and developed with the farmer and based on identifying Critical source areas and working towards industry agreed Good Management Practice with a localised catchment based focus. The benefits of a flexible, farm specific and adaptable FEP will be lost if they are locked into overly specific regulation. We oppose the inclusion of sheep in Stock Exclusion clauses within the FEP-FW or elsewhere in these proposals.

**Clause**

Immediate action to reduce nitrogen loss - please refer to questions 58-64 on page 80 of the discussion document

**Notes**

We 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. We 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. We 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.

**Clause**

Excluding stock from waterways - please refer to questions 65-68 on pages 80 and 81 of the discussion document

**Notes**

We 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. We 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. We oppose the blanket 5m setback and the requirement to move existing fences due to the significant loss of productive land, 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. 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). We support the 145U/ha as a proxy for intensity, we would like it amended to actual stocking rate instead of potential stocking rate. We oppose the 185U/paddock and would like this re worded to 185U per hectare on a block level as identified in the Farm Plan. The difference between a paddock stocking rate and block is more meaningful to assess contaminant loss risk. By using the word "paddock" it prevents rotational grazing, whereas a block level contains stocking rate on similar soil type and contour. We support excluding stock from wetlands, however we would like the wetland definition ammended to exclude wet gully heads, seepage wetlands, and springs.

**Clause**

Controlling intensive winter grazing - please refer to questions 69-70 on page 81 of the discussion document

**Notes**

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

**Clause**

Policy interactions - please refer to questions 79-80 on page 101 of the discussion document

**Notes**

We have concerns that the government does not fully comprehend the unintended consequences of the proposed policies. There are likely to be significant impacts of this policy across all of NZ such as: a. Significant changes to land use particularly from drystock to forestry leading to drop in population in small rural areas and the flow-on affect to other rural support businesses not to mention communities and schools. b. Mental health of farmers trying to understand the requirements, make the required adjustments with a lack of industry capacity and capability to support and remain financially viable. c. Ability to attract and retain some of the best, brightest and most innovative people in the sector to help come up with the best solutions. Historically the pathway to land ownership and becoming self-employed has been attractive to many driven innovative young people but the ability to purchase an underperforming farm in a less desirable location and improve the productivity to a reasonable level is now unlikely to be possible. d. The overall impact on the industry, support industries and overall national economy does not appear to be understood. e. Cost of significant improvements in infrastructure (wastewater, drinking water, sewerage) are required to be carried by a relatively small ratepayer base in rural communities.