ELLESMERE SUSTAINABLE AGRICULTURE INCORPORATED

SUBMISSION
Action for Healthy Waterways

Associated with the Draft National Policy Statement for Freshwater Management, Proposed National Environment Standards for Freshwater and Draft Stock Exclusion s360 Regulations

October 2019
Introduction

Ellesmere Sustainable Agriculture Incorporated (ESAI) is a farmer led catchment group located in the Ellesmere area of the Selwyn District and Canterbury region. The group represents 112 farmer members. ESAI is submitting on all the proposed national ‘Essential Freshwater Package’ documents. It is very concerned about the implementation of the proposals and how they will affect Ellesmere agriculture and its community. The ability to farm effectively and efficiently with minor impact on the environment is key to our agricultural future.

Background of the Submitter

The group was established formally as a registered incorporated society in 2009 in order to provide a consolidated local voice regarding farming and environmental activities. The group was preceded by two informal entities which provided a more localised representation for farmers in the Southbridge - Leeston area. Primarily the group was dealing with water allocation issues here. However, similar concerns were recognised further across the Ellesmere area and so a wider representation evolved and formalised.

ESAI now represents members residing in an area bounded by the Selwyn and Rakaia Rivers, State Highway 1 and the east coast. The area consists of mainly family farms that have a physical connection to the environment and significant historical ties. Farming in the area consists of arable, dairy, beef, lamb, mixed and commercial vegetable growing operation.

With the growth in membership came the broadening of the group’s focus. It now concentrates on nutrient and environmental management, discharges, land use activities, water allocation and developing changes in farming systems.

The group is headed by a Committee of skilled people who strive to achieve positive and innovative outcomes for farms and the environment in Ellesmere. The fact that the group is celebrating 10 years of existence this year is testament to the considerable and respected efforts of those that have served on the Committee and/or remained members.

Predominantly ESAI has been working with Environment Canterbury (ECan), Selwyn District Council (SDC), Irrigation New Zealand, the Foundation for Arable Research, Horticulture New Zealand, Beef and Lamb NZ, Te Taumutu Runanga, Dairy NZ and Federated Farmers in developing appropriate regulations and/or methods to address and deliver a variety of positive environmental outcomes; promoting and utilising both regulatory and non-regulatory approaches. We also engage regularly with the Ministry of Primary Industries.

Over the years ESAI has diligently fostered relationships with ECan, SDC and iwi representatives and boasts a reputation of maintaining communication lines between farmers and authorities while gaining mutual respect. Open channels of dialogue now exist between the various entities to achieve common goals. ESAI believes it is critical to have local input in order to achieve a successful vision for the region. It has been highly supportive of the creation of the ECan staff catchment zone teams that facilitate and work within our area and have provided a consistent approach to matters that affect our members’ daily operations.

The group has been involved in the development of planning provisions and policy in the Canterbury region and was an integral part of the formulation of the Selwyn Te Waihora zone provisions that now form part of the Canterbury Land and Water Plan. ESAI provided insight and practical input into the various objectives, policies, and rules, and also tested these ‘on the ground’ in order to highlight any impracticalities.


ESAI area : Source NZMS Map Series
Point of Difference

The main point of difference that ESAI has from other national based stakeholders, such as Federated Farmers and Beef and Lamb NZ, is that it provides a grassroots and practical voice specific to the Ellesmere area. ESAI regularly works in conjunction with these stakeholders, albeit providing localised input.

There is a huge range of physical geographical differences across the district and the region, as well as many differences in water dynamics and farming operations. These are not easily captured and voiced without a local representation.

One of the main focusses of ESAI’s relationship with ECan has been ‘ground-testing’ proposed provisions and working together to inform farmers strategically while minimising confrontational aspects. ESAI and ECan also work together in non-regulatory aspects in order to achieve desired outcomes. Non-regulatory methods have been considered highly desirable, achieve more willingness to implement from farmers and are by far the best investment to orchestrate efficient and effective environmental improvement.

Key examples of non-regulatory initiatives have been:

- The mahinga kai ‘Shed Talks’ programme – whereby ECan’s Cultural Land Advisor for Selwyn Te Waihora presented and discussed the relationship, history and values of Te Taumutu Runanga in the area. There was high member turn out and positivity;
- Promoting and encouraging the monthly ECan ‘drop-in’ sessions at Leeston – where farmers can consult with staff on a variety of issues;
- Taking part in research programmes and educational provision with ECan, Foundation for Arable Research and Irrigation NZ via the NZ Government Sustainable Farming Fund;
- Providing our membership, ECan and SDC information via our ESAI newsletter;
- Supporting the Harts Creek Stream Care Group and the Harts Creek Restoration Project – this project has been running for almost 20 years and has seen the systematic restoration of the spring fed Harts Creek and Birdlings Brook which flow into Lake Ellesmere/Te Waihora;
- Supporting new farm practice initiatives such as ‘Regenerative Farming’ – workshops funded by ESAI.

ESAI is a strong believer that much more can be achieved through non-regulatory methods than perpetual development of rules and regulations – for example ‘Good Management Practice Guidelines’ for farming offer sound management tools for productive land uses coupled with a variety of auditing mechanisms driven by many producer companies. While ESAI acknowledges that there is the need for a level of regulation to manage freshwater, it also recognises that it is highly important to ensure that any further regulation in the Canterbury region is practical, achievable and does not result in highly detrimental social and economic outcomes.
Environmental Context

Physical

Ellesmere is located at the lower end of the wider Selwyn Waihora catchment and is characterised by:

- Silt loam and clay based soils that have high water retention capabilities;
- Spring fed lowland streams that flow to lake, wetland or sea;
- Two significant coastal waterbodies and wetland areas in the form of Lake Ellesmere/Te Waihora and Coopers Lagoon/Muriwai;
- A mixture of arable, dairy, stock, vegetable and mixed farm types which are predominantly and historically family based;
- Irrigated farms since the 1950s on an as required basis when rainfall does not deliver the necessary quantities. Irrigation here is largely from groundwater bores and the irrigation season is short due to the abundance of water via a high water table and careful water and land use practices;
- Aquifer water that has been fed by the alpine system in the upper catchment which then surfaces here in the form of springs that feed the streams.

Social and Economic

Ellesmere is known for its quality of produce being not only a significant source of milk, meat, vegetables, seed and grain for the Christchurch and wider Canterbury region, but also an exporter to many different nations. Many of the farms in the area have gained national recognition for the exceptional quality of their product and the way in which it is produced; being in accord with environmental good management practices and stringent production audits.

Because the farms are largely intergenerational operations with significant history, their connection to the immediate community and economy is of utmost importance. The farmers have extended family that live in the townships and also operate many different service and product industries nearby. Examples include: contractors; machinery servicing and sales; food suppliers; produce refining industries. Without farming many rural townships would not survive; being highly dependent on the continuation of the surrounding land uses and the retention of a high quality rural environment.

Similarly Ellesmere agriculture generates local needs for community and social services such as medical centres, educational facilities from pre-school to tertiary, and a multitude of sports and community groups. Agriculture and the support industries sponsor/fund many of these organisations.

When changes occur within the rural primary production sector then these changes have an immediate and measurable impact, either positive or negative depending on the nature of the change. Any impact on-farm almost always then affects services within the local community.

Policy

ESAI for the last ten years has played a full role in the development of policy and rules within the Ellesmere area both at the district and regional level. It has engaged in consultation and submitting on the Canterbury Land and Water Regional Plan – including Variation 1 Selwyn Te Waihora and further Plan Changes, the Canterbury Air Regional Plan, and various Selwyn District Plan Reviews. After the completion of Variation 1 ESAI and ECan staff worked closely together to formulate and test farm environment plan templates and manage their auditing.

In addition, the group also represented its members in the Rakaia Selwyn Groundwater Allocation Consent Review. This review was the first of its kind in Canterbury. It was particularly stressful for both the consent holders and ECan staff alike because all parties had an appreciation of the massive impact it would have on farm practices and the management of water. A suitable outcome for all was achieved. And now all Ellesmere farmers have mechanisms in place to manage water and nutrients as well as provide for waterway protection. Ultimately it achieved a balance for the needs of the community while providing good environmental outcomes.

Harts Creek Walkway – public walkway created by landowners, streamcare group, iwi and ECan
Submission

ESAI's submission is based on its past experiences and its ongoing work. It is well informed on the practicalities and implementation of the Canterbury Regional Land and Water Plan. This plan took several years to develop and involved a considerable period of pre-drafting consultation with a wide variety of interest groups and stakeholders. We consider that this method of development was beneficial for all involved and resulted in an outcome that is only now beginning to have results on the ground and within our water systems. It is our experience that changes on the ground will take time to manifest in our waterways. It may be several generations.

General Comments

Submission Timing and Period

ESAI appreciates that National Policy Statements and associated regulations may be developed under the provisions of the Resource Management Act and form an important part of addressing environmental issues throughout the nation. However, ESAI does not support the timing of the release of the consultation documents and the short period in which to make a submission, especially given the severity of the impact that some of the provisions would have in practice. For farmers and the rural community, the submission period is far too short and comes at what is probably the busiest times in the farming calendar – spring being when most farm animals are born and when crops are being sown; a time requiring high labour input and long hours. It has taken our members considerable time out of their normal spring programme to attend meetings and formulate their thoughts as well as discuss them. In addition, the submission period is stretched across the local body election period. For all communities their interaction with their local representatives is crucial, especially on matters such as freshwater. To require existing and new Councillors to appreciate, understand and evaluate responses on such matters at this time appears to undervalue the role they play in their regions and districts.

Release of the Freshwater Package could have been more appropriately timed to ensure that those who want to submit can fully engage in the process and enable the Ministry for the Environment to ensure it receives comprehensive and informed feedback.

Economic and Social Impact

The proposals in their current state will have a major impact on the financial viability of farms which will in turn have considerable impacts on the local communities that they support; not only in a business and servicing sense but also in relation to education, health and recreational facilities. While some economic analysis has been undertaken there is a distinct lack of further financial and social assessment to address the wider impacts from implementing the raft of changes proposed as well as the extreme national bottom lines, such as the new DIN attribute of 1mg N per litre. In our area water emanating from springs in lowland streams have already been affected by upper Selwyn catchment activities before they surface in the lower catchment. Therefore, significant cost imposed on the adjacent farmers to fence and change their entire farming system may result in no improvement in water quality. But may result in massive financial impact on the farmer and the wider community. In our opinion, there has been little detailed regard taken of these likely outcomes.

ESAI seeks:

That all the Freshwater Package documents be withdrawn entirely or revised after a full economic analysis has been completed to address the impact on communities and farming operations. This should be done in conjunction with consultation with the wider rural community.

We set out on the following pages our suggested amendments and commentary on the Freshwater Package, should the Ministry decide not to withdraw the proposals.
ESAI seeks:

- That consideration be given to the work that has already been carried out, and continues to be carried out, in the Canterbury region through the Canterbury Land and Water Plan and the Canterbury Water Management Strategy.

- That the Canterbury region be exempt from the proposed provisions, or, alternatively the provisions be modified or reduced to further replicate what is already in place in this region.

- That the National Policy Statement for Freshwater Management is amended to contain policies that result in achievable outcomes within each region and district and allows flexibility within these areas and the affected catchments to address improving freshwater quality and quantity.

- That the proposed National Environmental Standards be removed and that Councils are provided the flexibility to formulate appropriate provisions for their own respective catchments.

**Standardised Approach**

Case law describes that National Policy Statements are developed through a “rigorous process of formulation and evaluation” Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd [2014] NZKS 38 at [90]. However, ESAI considers that with the rapid roll out of the Essential Freshwater Package and the Government’s determination to limit any constructive consultation with those directly affected, that ‘rigorous process of formation and evaluation’ has been ignored in this case. What has resulted is a standardised approach whereby all catchments and land uses, along with the interconnected communities, will be dealt the same authoritative hand across the country regardless of the fact that in the majority of cases what is proposed will be highly inappropriate, unworkable and unable to deliver the onerous desired outcomes. Our experience has left us with a clear understanding that ‘what might be appropriate in one area will likely be completely inappropriate in another’.

To require such changes without due consideration to significant differences between catchments nationwide and the intricate nature of each catchment without going through the public notification and hearing process, leaves many Councils having to deliver policies, objectives, rules and regulations that they know will simply not deliver on-ground outcomes. Proposed rules should be robust and this takes time. In our experience Councils then experience high staff turn over, increased stress levels that then manifest in broken relationships with the receiving community. ESAI experienced this with ECan during the Rakaia Selwyn Groundwater Take consent review. It was an extraordinarily difficult for Council staff and the farmers dealing with it. The staff changes also resulted in no continuity between the planning phases and implementation.

Within each region the catchments vary as to their physical characteristics and their values. The NPS, NES and regulations need to recognise flexibility and allow councils to attribute appropriate mechanisms within their areas. This has worked well in the Selwyn Waihora catchment and progress is now being made on improved freshwater health.
ESAI seeks:

- That the timeframe for compliance with meeting any NPS or NES requirements for freshwater management be extended to 2030 in the Canterbury region.

- That the NPS and NES recognise to a greater degree that some of the national bottom lines proposed will not be achievable in some catchments within the proposed timeframes or at all.

**Timeframes**

The Essential Freshwater Package requires changes to be made and amended plans to be operative by 2025. In the Canterbury region this comes on the back of extensive work, consultation, submissions and hearings that have already occurred over the last five years. In the Selwyn Waihora sub-zone this will potentially mean yet again attending consultation meetings, providing feedback on proposed provisions, re-modelling data and analysing it, drafting new provisions, submitting, hearing and deciding on further new provisions at a time when farmers are only just now having the opportunity to physically put in place on-farm measures to meet these relatively new regulatory requirements. There has not been sufficient time yet to evaluate properly the extent of any improvements to water quality or for improvement to have occurred.

ESAI has previously experienced the inappropriate application of modelling of groundwater activity through the Rakaia Selwyn Groundwater Consent Review. It was demonstrated through our testing of groundwater bores that information being attributed to models and assumptions used to inform a ‘best guess’ scenario, resulted in misinformation being the basis of the review and the resulting outcomes being extremely onerous. This occurred because the regulatory authority was unable to provide the appropriate evidence and modelling capabilities within the timeframe set for the review. What eventuated was the issuing of consents for irrigation when the conditions prevented the consent from actually being used in practice. With such short time frames imposed by the Freshwater Package, it is likely that Regional Councils will be placed in a position where they do not have sufficient time to collect data, develop models nor assess their validity prior to plan notification.

In Canterbury, the changes sought by the Freshwater Package are being proposed after a lengthy and intensive period of change for the Canterbury Region. Farmers are now looking to make significant headway with on-farm changes. However, outcomes in waterways will take much longer to become evident and to expect significantly improved outcomes in waterways over a five year or one generational period is onerous and in some catchments, completely unachievable because of natural processes at play. For example, ECan scientists have advised that the historical and current draining of the pre-European Killinchy swamp by Birdlings Brook mean that water quality is unlikely to significantly improve simply because of the land changes made when settlers first arrived in Canterbury. The historical and physical makeup of the interconnected soil and groundwater system here will not facilitate such magnitude of improvement. There seems to be an expectation that today’s farmers will have to single-handedly deliver outcomes on waterways that were modified over a hundred years ago and that might simply be impossible to achieve.
ESAI considers:

- Two generational improvement would be more achievable;
- ‘One size fits all’ for catchments is unworkable and not appropriate given individual make up, complexities and flexibilities across regions and within sub-catchments;
- Continued changes to regulation and policy at all levels is stifling catchment group and farmer progress. The focus on on-ground change and positive development can not occur while there is consistent policy and rule changes proposed. It is counter productive in our area.

General Questions from ‘Action for Healthy Waterways’

Questions 1-8.

ESAI considers that the proposals would provide a way forward for improved freshwater quality throughout NZ but that the simplistic approach of ‘one size fits all’ does not address the major complexities of how freshwater movement, quality and quantity works within specific catchments. Because of this and the severity of the goals set, and the speed at which the proposals will be applied would give rise to massive impacts on social and economic wellbeing of those communities affected. It does not take into account the historical lag times associated with water activity i.e. trying to rectify 150 years of change in a five or generational period is, in our opinion, ill advised. Just one example of this is imposing the DIN of 1mg/l. In some catchments this level could never be. Some waterways may never reach the desired DIN limit because historic land modification has altered drainage patterns and waterways such as Birdlings Brook, which will never have low levels of nutrients because of the nature of the new underground physical system that the waterway is connected to.

In Ellesmere waterways any improvements would be gradual and different within each of the many sub-catchments. This is because of the variety of land use systems, underground aquifer variability, stream restoration projects and innovative farming. Not forgetting that the area has relatively low nutrient leaching levels – mainly under 15 kgN/ha with an estimated average of 30 kgN/ha. Imposing requirements like arbitrary setbacks would only delay further action in these areas and result in the development of plantings and setbacks that would not meet the actual needs in each area – e.g. site specific sediment treatments, choice of plants, use of exotic species to allow for quicker shade provision over streams in order to better treat in-stream weed growth.

Unfortunately what is proposed would actually stifle the great work that farmers in our area already doing. Focus will once again be on waiting for and dealing with regulation rather than putting energy and finance into on-ground improvements. ESAI was just moving into a positive phase of helping its members with some real on-ground support, but instead it has had to refocus its funding and time to deal with submissions and further input on proposed regulation. Unfortunately this has set back our timeframes for meeting existing water quality standards in our area.

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2 We already have a variety of waterway restoration projects going on e.g. Lake Ellesmere/Te Waihora projects, Harts Creek, Boggy Creek, Birdlings Brook, Tramway Reserve Drain, Osborne Drain restoration projects. In addition the many on-farm projects that are specialised through engagement with ECAN, iwi and the wider community.
ESAI seeks:

Significantly more funding to assist with:

• Catchment group continuation/development;

• Buy back of land so that iwi values can be recognised and looked after by iwi;

• Further riparian restoration projects;

• Free processing and development of resource consents relating to restoration projects.

And

Genuine recognition from the Government that farming is an essential component in New Zealand’s economy and community.

Our farmer members would benefit from the following support from the Government:

• Recognition that farming is one of the most complex and highly dynamic activities to regulate. Combine this with a highly variable, complex and contentious natural feature (freshwater) then extreme care needs to be taken in developing new policy and regulation. Farming is not a simple land use. It requires significant input from a variety of expertise and is highly susceptible to changes in international markets and weather patterns;

• Funding for continuation of catchment groups is key. Our group has been largely volunteer over the years and we are continually praised from all sectors for our longevity, persistence and results both on-ground and in the policy sector. We not only have an on-the-ground, as-it-happens approach to policy informing but serve as a ‘shield’ to help our members and provide them with much needed support in all wellbeing areas;

• Funding for land buy back is also essential where the treatment of waterbodies or retirement of adjacent land expected by iwi and the government would leave the land holder at significant risk of farm failure. For example, there are areas/waterways in our catchment that are considered by iwi to be of great value not only in terms of their heritage but also for mahinga kai. However, these values and the protections desired by iwi do not always co-incide with the needs of the farmer to not only care for this land but also make it viable to continue to farm. A solution to this on-going issue at the grass roots level is required to ensure that a divide is not caused between the cultures and the values that they are both trying to protect continue – many values being shared by both parties. Water quality related provisions in some regional and district plans are now requiring large areas of privately owned land not be used and this in some cases has meant retiring these large areas from farms. In some cases this has resulted in the remaining farm area becoming unviable causing much stress to all parties;

• Funding for restoration projects of waterways and riparian areas. Some of what is proposed in this package is extensive. For just one farm to undertake 5m setback fencing and planting and loss of production is estimated at $500,000 on the banks of the Irwell River.

• The $229 million package proposed is unfortunately nowhere near what is required to meet what is desired in the Essential Freshwater Package.
ESAI seeks:

- Sensible application of practical site-by-site treatments of riparian fencing, planting and maintenance;
- Flexible considerations of what is applied where – tree planting is not a suitable treatment for site specific sediment run off as sediment and run-off will simply flow over land that is bare due to tree canopy cover;
- Acknowledgement that increased biosecurity risks will eventuate due to difficulties in treating areas behind fences;
- Retention of regional or unitary authorities being the main bodies implementing and regulating freshwater management without an independent national body;
- Clarity between regional and district authorities as to who is responsible for freshwater management.

Unintended Consequences

ESAI has experienced in the last 10 years that further regulation and consistent change making in the rural sector has systematically slowed improvements on the ground. The focus for our group has revolved around constantly having to inform new regulation development so that what is proposed can actually work practically. Meanwhile we are unable to direct any further changes while this is happening; we are consumed by dealing constantly with writing submissions and deliberating on what they should be. It acts as a disincentive and is counterproductive to positive change.

Further requirements for resource consents will also result in slowing restoration projects and on-farm change. Farming is a practical occupation and farmers just want to know what is required and then get on with it. The prospect, for instance, of having to move fences in order to meet yet another round of regulation, when the fences were erected in compliance with the relevant standards and in conjunction with iwi and regional authorities previously, is inconceivable. Especially in areas where the water quality coming out of the ground at a spring-head or stream starting point is already suffering quality issues that have arisen due to intensification in the upper catchment. Shifting fences to wider setbacks in these areas will not give rise to significant water quality improvement when the environmental impact is emanating well beyond the immediate catchment.

Biosecurity risks will increase where it is extremely difficult to manage weeds and nuisance plants within areas fenced within waterway margins. Fencing provides a barrier to actively treat weeds and overgrowth in these areas. It may also prevent much needed drain cleaning activities that council contractors undertake to prevent townships flooding (this is explained in more detail later in this submission). In the ESAI area we are site specific about riparian setbacks and treatments in order to address a variety of factors.

ESAI is concerned that there is an increasing cultural divide forming because what is being developed at the national level in order to recognise iwi values is being left for individuals to deal with. This is manifesting currently and leading to many difficult situations for land holders.

Independent National Body for Freshwater Management

ESAI does not support the development of a national body and believes that what is being achieved and worked on in the Canterbury region is suitable without a national authority. What is provided at a regional level and the consideration of matters on a catchment-by-catchment basis does work well and gives people a connection to their locality and region. This would be lost with a national body. Clarity however on what is dealt with by regional and district authorities would be beneficial.
ESAI seeks:

- That Central Government determines exactly what iwi is requiring at the ‘ground level’ and then assesses whether this can be provided for outside a regulatory framework. If this means buy back of land in certain areas to fully protect any significant areas of value then this would be a more favourable outcome than expecting individuals to compensate by their own individual means.

- Further consideration of the priorities given to freshwater and how they relate to the purpose and principles of the RMA; the wellbeings and values stated in Section 5 of the Act.

Te Mana o te Wai

ESAI supports the holistic approach that recognises the fundamental value of water as a life supporting ecosystem. We also agree that the wellbeing of water is essential to the survival of humans and ecosystems. The critical consideration is how this is attributed and manifested in policy and rules when essential human needs and other important factors are taken into account. ESAI does not believe that the Freshwater Package will deliver an approach that has taken into account the other values to a sufficient degree. In implementing the proposed provisions with the first priority being health and wellbeing of waterbodies and ecosystems then this could well put at risk other social, economic and cultural wellbeings.

The Draft NPS in section 1.5 Fundamental concept – Te Mana o te Wai, sets out a number of points that must be given effect to (pages 3 – 4 points a-e) indicating significant involvement of iwi in determining outcomes on water issues and provisions. ESAI has had many years of dealing with such provisions at a more limited scale than that proposed. Our group is committed to engaging with iwi and strengthening our relationship in the future. However, presently we are finding it increasingly more difficult to arrange meetings and conversations with local runanga, their consultants and Ngai Tahu. We have a strong and active relationship with the Cultural Land Advisor appointed by ECan and his input into our catchment has been invaluable. At a higher level we struggle to get contact with iwi representatives; not through want of trying. Our experience has been unreturned phone calls, slow responses to emails which then give no indication as to when a meeting might occur and then having meetings cancelled without any further attempt to re-schedule them. This only serves to fuel potential divides between cultures and that is certainly not what we desire. We acknowledge the pressures that are being placed on, often under resourced, iwi and we ask what support is proposed to assist expedient engagement and processes given the short timeframe to implement the National Policy Statement for Freshwater.

Our experience at the local level has been for iwi to request significant input into legislation, policy and rules at all levels and impose onerous rules and zonings on land owners. It is also difficult to understand what the desired outcome is for such areas. In our area this has manifested itself in significantly high costs being attributed to resource consent applications and conditions of consent that require meeting environmental states that far exceed those justified by science. Some of the requests being made by iwi on individuals are not achievable and are currently causing sizeable issues in our area.

ECan Cultural Land Advisor – Mananui Ramsden presenting at the ESAI promoted ‘Shed Talks’.
ESAI:

Prefers Proposal 1 relating to the insertion of New Maori Values because:

- It has already experienced these values through existing documents;
- Cultural Land Advisors are a crucial part of inserting these types of rules and having outcomes that are suitable to all parties and the environment;

However:

- Central Government needs to take care at the outset in determining what exactly are the outcomes that are being sought in relation to Maori values and how would they manifest in practice and on the ground;
- Significant funding would need to be provided to regional councils in order to provide personnel to assess and advise on such values;
- ESAI understands that in some areas there is lack of agreement between runanga and it is unclear exactly what is required in order to meet certain values.

New Maori Value

ESAI has already experienced the implementation of Maori values through the various Canterbury regional planning documents, in particular the Canterbury Land and Water Regional Plan. In our experience this provides for Maori values to be recognised but also considered at the time of application, in relation to other matters that are of importance.

However, in practice the difficulty in our catchment is that there are several different runanga that have different views on various values and also have differing ways of dealing with them, culminating in a variety of desired outcomes. When there are differences between these groups it then becomes significantly difficult to reach any consensus. For anyone wishing to undertake changes to their existing land use activities then the process is slow and expensive. In some cases, outcomes have not provided the land owner with any certainty or potentially any ability to undertake certain activities on their property, even if they meet all other facets for approval. This is because unworkable conditions are being imposed or conditions requiring third party input at a later time.

ESAI was considering appointing its own cultural land advisor three years ago but found that ECan were about to appoint their own one for our area. This has helped significantly and we appreciate having a person appointed that has had experience in our area but also has considerable on land practical knowledge. The success of these appointments is the character and ability of the person selected. We support the appointment of suitably qualified and connected people.

While ESAI is thankful for their current officer appointment we are concerned that the workload for these people is extremely high and we are also aware that runanga are also under pressure with all the increased considerations they have to make in the Resource Management field. ESAI considers that where it can be determined more clearly what it is that iwi are mainly concerned about then we suggest more trust is imparted on Council’s to undertake assessment of these values, especially where all other scientific thresholds are being met or mitigated, so that iwi can concentrate on those matters that are of extreme importance.

There are many cases around the country where iwi concerns have stalled projects or placed demands on individuals to the extent that they stifle operation in an area. For example, large parcels of land required to be fenced off to allow lake protection, resulting in large scale farm size reduction but with the land owner to still look after this fenced off land some how. Another example we have had to deal with is initial requests for all existing wells for irrigation to cease when they were having less than a minor effect on water flows in streams. The impact presents in the form of iwi influencing regional councils and imposing unworkable and onerous requirements or consent conditions.

Our group considers that the Government needs to address carefully what is actually desired when determining insertion of Maori values and how these values would actually manifest in practice and on the ground.
ESAI considers:

- That decision making remain within the confines of the authorities who are tasked with constructing the provisions on freshwater management – catchment knowledge is imperative to appropriate outcomes;

- While the removal of appeal rights may speed up the planning process it can also act as a non-democratic tool that leads to Council’s having to spend more time doing continuous further plan changes to correct errors made through the decision making process by appointed Commissioners who are less familiar with the issues and/or do not have expertise in the topics that are being considered;

- Hearing Commissioners need to be supported by expertise in the various fields that are proposed to be regulated i.e. agricultural expert when dealing with farming activities;

- More clarity between the functions of regional councils and district councils is essential.

New Planning Process for Freshwater

Question 18

This proposal, which indicates a central approach to water management, appears to be based on what has occurred previously in the Canterbury region. ESAI’s experience with this is that while the Selwyn Te Waihora Zone Committee played a significant role in determining the nature of the proposed planning framework for this zone; being an outcome that was supported predominantly by all those parties involved, it unfortunately resulted in some outcomes that were not supported by anyone. This was because parties could only appeal on points of law and not the substantive decision. It therefore left all parties, including the regional council, very limited ability to correct the mistakes that were made.

In this zone and the hearing of provisions that were about farming activities – a former judge, a hydrologist and an iwi representative were provided as Commissioners. None of them had experience in agriculture nor were supported by agricultural expertise. As a result, considerable numbers of farms are required to obtain resource consents for activities that are having less than minor effects on the freshwater system e.g. they are on flat land, arable and sheep farms, and had less than 10 kgN/ha nutrient loss.

As mentioned previously in this submission, it is extremely important that freshwater management is undertaken on a catchment-by-catchment basis and that any movement away from that and fully democratic decision making will lead to inappropriate decision making and/or lack of understanding of the regional characteristics. Speed does not necessarily result in outcomes that will be beneficial for the environment.

ESAI supports the provision of more clarity over which authorities are responsible for freshwater management. The group considers that regional authorities are best placed to deal with this management. ESAI is currently having to work with the Selwyn District Council regarding a variety of waterway provisions that have significant cross-over issues with ECan provisions. Ultimately this results in double handling of similar provisions, increased costs and delays and ultimately a reduction of improvements that can be undertaken on the ground.
Attributes

Questions 20-21

ESAI is not opposed to the holistic approach to ecosystem health and the concept that entire catchment activities have an effect on freshwater systems. This has been the experience in the Selwyn Te Waihora catchment and certainly it has been the ESAI’s experience that what is happening on the upper catchment is resulting in detrimental effects down stream and down gradient. The group also supports the need to maintain and improve water quality and ecosystem health.

Our group’s main concern though is the impact that significantly onerous national bottom lines will have on existing land use operations. The level of improvements required, making even further changes to land management and activities, will take considerable time and at high cost to those directly affected and the wider communities that the rural sector supports. There is also the potential that in the interim, given the long history of land use change in Canterbury over generations, that water quality may decline still before it can be turned around. To assume that significant change can happen in a five year period or one generation is not sustainable and would result in a failure to consider adequately all wellbeings.

In our area the majority of the farms operate in the nitrogen loss range of 3-30 kgN/ha. This includes dairy farms but the majority being arable and mixed farming operations. A significant proportion operate under the 15kgN/ha limit which is imposed by ECan. Across the board reductions in nutrient loss in order to meet attribute states and national bottom lines in our area would result in many farms no longer being viable. Anyone under 15kgN/ha should not have to reduce their loss rate as below this limit has minimal effect especially on the ‘heavy’ soil types. To require low emitters to reduce by 50-80 percent in our area would result in wholesale farm failure and loss of communities. We do not need to provide in-depth farm calculations to illustrate this. It is simple to understand for low emitters. There is no need to penalise further those that are already operating at Good Management Practice levels. ECan has in place percentage of N reductions for those emitting over 15kgN/ha which we support. We would also potentially support a non-complying or prohibited nitrate leaching cap to ensure those emitting excessive amounts of N on light soils implement change.

There are also many catchments that still do not have a full freshwater monitoring programme in place yet. It takes considerable time and funding to establish these programmes and then apply and/or develop associated modelling to further assess the level and nature of progress. There are also assumptions made that would see bottom lines being proposed at a national level without understanding the intricate and highly variable nature of individual catchments and sub-catchments. Such systems are complex and need careful consideration at a regional level.
ESAI:

- Supports the prevention of further loss of wetlands and streams;
- Would expect that significant fence movement and high expense for potentially little environmental gain may result from the proposed provisions around wetland and waterway fencing;
- Considers FEPs are the most appropriate mechanism to deal with improved waterway protection and freshwater quality as they allow flexibility and site-specific treatment;
- Mandatory setback distances may not result in the desired outcomes;
- Offsetting components, while supported to an extent, may be difficult to impose in practice.

Wetlands and Streams
Questions 25 to 29

ESAI supports the prevention of further loss of wetlands and streams. Our group has been a significant supporter of the many and varied restoration projects that have occurred in our area over several decades. This includes many fencing and planting projects as well as promoting new ways of farming with less nutrient loss. Our concern is with the detailed proposals of how further stream and wetland loss would be achieved. ESAI makes specific comments on the relevant NES provisions in a separate document.

In the Ellesmere area the main changes would be the need to remove existing fencing and replacing it with setback fences. The cost of doing this per farm would be excessive. For one farm in the Irwell area we have calculated this to be $500,000 taking into account land area retirement and loss of continued production.

Our group questions the practical usefulness of such setbacks in the Canterbury region when rules of this nature have already been operating and where considerable restoration programmes by stream care groups have determined that large setback distances are not that useful and can result in costs that provide little to no benefit.

Management of riparian areas is also difficult where standard setback distances are applied even with averaging in place. Having a larger setback area applied in order to meet averaging requirements in an area where it is unnecessary is impractical and likely to offer no environmental benefit. Sediment loss is more relevant to deal with where the source is most apparent and various site-specific effective treatments can be applied. These treatments are best applied through Farm Environment Plans.

Offsetting components may offer some way of making up for habitat loss but the problem will be how this could be fairly applied in practice. In the lowland area of Ellesmere more often than not the attribute values have already been affected before the aquifer water manifests at the ground surface. Gravity delivers the effects of high leaching on light soils in the upper western catchment (above SH1) to this area. Care should be taken when applying such regimes where the approach appears to be that those located immediately adjacent to streams and wetlands are causing the problem, when in fact large scale intensification in the upper catchment is a significant contributor to the cause.
ESAI:

- Does not support the implementation of national bottom lines for attributes, in particular, nitrogen and phosphorus. The limits proposed will put land holders and communities at high risk of social and economic wellbeing failure;

- Thinks timeframes proposed around meeting these bottom lines are also inappropriate – two generational change may be more achievable;

- Considers while good farming practice will assist lowering nutrient pollution it will not be possible to reach the proposed bottom lines in some areas due to the natural and/or historical factors influencing the surface water system;

- Supports Councils being able to conduit their own investigations to demonstrate that their use of less stringent objectives is appropriate e.g. periphyton attribute in ‘productive class’ rivers.

New Bottom Line for Nutrient Pollution

Questions 30-32

In the Ellesmere area, the character of the waterways vary between one another but also within the reach of an individual waterway can vary from one location to another. Combined with the variety of the land uses in the area and the impact of the upper Selwyn Te Waihora catchment, along with varying degrees of urban development, the levels of attributes within each system become even more variable. At the New Zealand scale, the non-uniformity is further exemplified.

It is ESAI’s strong opinion that applying a standard national bottom line for any attribute is entirely inappropriate. The proposed bottom lines for phosphorus and nitrogen would have a significant impact on some land uses in our area. Essentially it would result in considerably down sized dairy operations or disestablishment, or alternatively their relocation to lower lying areas, which in turn brings with it other environmental consequences such as being closer to surface waterways. Conversations around encouraging the location of further dairying in the lower catchment and removing it from the upper, were undertaken in respect of developing Variation 1 to the Canterbury Land and Water Regional Plan and were discounted for impracticality reasons then. To re-value this same theory of thought again to arrive at the same outcome would be an inefficient use of resources.

ESAI is also concerned that the proposed bottom lines may never be achievable in some catchments due to the natural and/or historical land modifications made in the area. The Birdlings Brook example again is relevant. There will be other waterways in Canterbury with similar issues. These areas will continue to deliver nutrients which may have little relationship to the current surface land uses. Similarly in-stream variables, such as springs that surface along a waterway, may have connections to varying depths of aquifers and are impacted on by a multitude of natural and unnatural systems. All of these interactions further influence the nature and quantity of the nutrients within the surface system – some of which may be several decades old before they reach the surface.

We also support Councils being able to undertake their own investigations to prove less stringent objectives are appropriate, recognising that this will also require funding and time.
**Reducing Sediment**

*Questions 33-35*

Sediment in waterways is of highest risk in high slope situations e.g. where steeper elevations result in higher run off. In these areas sediment in rainfall or high rainfall periods is more likely to flow off a slope in wide trajectories than in the lowland scenario. Sediment loss in low slope areas occurs only at specific points on some properties – ‘sheet-like’ flow as experienced in higher slope areas does not occur in the lowland situation.

Ellesmere farmers deal with issues relating to sediment loss as part of implementing their Farm Environment Plan goals. This is the most appropriate place to address it. This allows the farmer to specifically look at what areas of their farm have critical sediment loss areas e.g. a small gully that might lead to a creek. In these situations the farmer could treat the area in many ways or combination thereof. For example they might fence the area and plant it with permanent sediment uptake species that filter the sediment before reaching the waterway, thus reducing the deposit or eliminating it altogether. Others might install an artificial sediment trap that can be emptied and sediment reused back on the paddock. Farmers are also required to setback grazing from waterways so that more vegetation separates the area during the grazing phase. These examples are normal practice in our area and farmers enjoy the flexibility of being able to include their ingenuity of dealing with them in their FEP.

ESAI also supports the on-going research being done in sediment reduction and has farmers, as well as ECAn, currently involved in a Foundation for Arable Research Sustainable Farming Fund project looking at sediment runoff and treatments over a variety of sites and elevations. It is another proactive innovation that our farmers are more than happy to be involved with.

As with nutrient pollution, ESAI also believes stating a national bottom line for the proposed suspended sediment attribute would be inappropriate given the many factors that influence freshwater systems. While on-going monitoring of suspended sediment in waterways will be useful, working with farmers and other entities that have an interest in this issue is the best way to gain improvement. Further regulation will do little to change the work going on this area and on-farm management.
ESAI:

- Supports having a standard for swimming sites that has been carefully considered based on international requirements and is of a level that does not impinge adequately performing nearby land use systems. Any new swimming sites should be considered after consultation with nearby stakeholders.

- Farmers already operate under minimum flow conditions and believe the current system – if based on ‘actual’ aquifer tested data and appropriate modelling, does not require further direction by government in the Canterbury region;

- Already has farmers connected to a telemetry water recording system which ESAI promoted and established in 2010;

- Comments on the draft NPS-FW are contained within an associated attached document.

Higher Standard for Swimming

Questions 36
ESAI believes any standard set for ensuring human health at a regularly used and known swimming site should be based on the appropriate needs for human health. No more stringent level should be applied than that generally accepted internationally. Action plans for reducing specific sources of faecal contamination is supported provided care is taken to determine where exactly the source is – rather than laying blame to anyone and everyone operating nearby. Clear identification of the proven source is critical to any application of the action plan. The document also alludes to sites that people would swim if they could. Determination of these sites should be carefully thought through and consultation undertaken with nearby land owners.

Minimum Flows

Question 37
Farmers in Ellesmere have experienced the application of minimum flow levels on rivers and streams in their area for many years. They have had their resource consents for irrigation reviewed to address these matters in the Selwyn Te Waihora zone. ESAI strongly believes that water flows are protected against intense pressure being placed on these systems during drier periods. All consents in this zone have allocation amounts and where applicable conditions of consent to enforce irrigation is ceased while a stream/river is below a certain flow level. Therefore, there is no need for additional measures here.

Reporting Water Use

Questions 38
ESAI has been proactive in the Ellesmere area and set up a telemetry water use recording system for its farmers in 2010. All members now have a telemetry system and have their information sent to ECan on a 15 minute interval basis as is required in their resource consents. We support telemetered water use recording. We categorically do not support illegal and/or unmetered water use.

Draft National Policy Statement for Freshwater Management

Questions 40-42 – see comments and track changes on the document supplied by ESAI
Supporting the delivery of safe drinking water

Questions 43-45

ESAI is concerned that applying drinking water zones around community supply wells will add a further layer of regulation on farming activities located adjacent to cities and towns. The document insinuates that land uses near these supplies will be further scrutinised and likely bear the burden of cumulative effects created in a catchment.

ESAI considers:

- That prior to implementing a review of drinking water standards due consideration is given to the impact that such provisions may have on nearby land users and how any new provisions might work in practice.
**ESAI:**

- Does not support the proposed restricting intensification provisions nor a moratorium in the Canterbury region;
- Restrictions on intensification could actually result in limiting further environmental improvement;
- Other policy and rules in the Canterbury region have significantly slowed further intensification without having to impose this type of provision;
- Farms need flexibility to operate and solve the many environmental and production challenges.

**Restricting further intensification**

*Questions 51 and 53*

It is not entirely clear from the documentation whether these provisions would apply in our area. ESAI considers that the restriction on further intensification in our area may be self defeating.

Predominantly our area contains a mixture of farm types – arable, dairy, beef, sheep, berry, vegetable, and a host of mixed farming systems. In looking at the proposals around restricting intensification our concerns lie in asking ‘what are the provisions trying to actually achieve?’, is it restricting dairying conversion and further impacts of increased nitrogen leaching caused by high milking cow numbers? Or, something else?

It has been our experience that appropriate rules relating to nitrogen leaching quantities per farm deal to a significant degree with any further intensification. Our farmers have resource consents to not only take water for irrigation but also to farm. Each consent contains either a limit of leaching quantity permissible (15 N/ha) or a base line level that can be related to if the amount leached is over 15 N/ha. The parameters within the consent will effectively restrict any further intensification but also allow the highly necessary flexibility that farmers require within their farming systems.

ESAI considers that these provisions would have unintended consequences of limiting flexibility and environmental improvement. For example, as part of the considerations in forming the nutrient management rules in Canterbury a scenario that might have reduced nitrogen leaching into Lake Ellesmere/Te Waihora was by shifting the higher leaching dairy farms in the upper catchment to the heavier soils near the lake. Presently this area has some dairy operations but mainly comprises arable or mixed farming uses. So if a farmer did want to relocate from the upper catchment to this area, to minimise adverse environmental impact, these rules would highly limit that potential.

Intensification as such is not the issue, it is whether an activity is meeting all the relevant environmental outcomes desired and minimising nutrient leaching regardless of type. Increased dairy farming is not likely to occur in the interim given the current market nor the pressure now on that sector to perform better than it has been environmentally. Strict intensification provisions would unnecessarily impede the agricultural sector.

What is critical is that management of land uses achieves good outcomes and that it is not necessary to curtail certain types of activities. In many cases changes to irrigated land area does not actually mean increased nutrient loss or water use. It may in fact mean less – for example the purchase of land that is incorporated into a more efficient farming system and involves the application of water in a more efficient manner e.g. installation of a wider ranging centre pivot that stops the use of more inefficient watering systems.
Farm plan options

Questions 54-57

EASI supports the development and use of FEPs. They are a useful tool for Councils to ensure best practice on farm and minimise environmental impact. In our area FEPs are compulsory either within or outside a consent regime. Farmers also find them useful to prove their environmental practices are suitable and ongoing. FEPs also require those who are not meeting Good Management Practice levels to bring their operation up to standard. Our FEPs already address freshwater management and these are not onerous requirements to develop and report on. Mandatory plans are the most useful for high leaching operations.

The proposed minimum content for FEPs in relation to freshwater module are suitable and already contained in our Ellesmere FEPs. Roll out time frames are suitable in our area and will not be an issue given the majority of farmers already have them in place.

If in some situations the provisions appear to be signalling that no resource consent is required for a farm but a certified FEP may be required to meet a permitted activity rule. Regardless of the provision determined, we recommend that farmers are still allowed to create their own FEP utilising Council approved templates. Templates produced by different industry groups have been comprehensive in our experience and allowed farmers to create their own plan. Certification of these plans would only need to be undertaken when a resource consent was not required. Certification could be achieved through the processing of any necessary resource consent process in order to reduce double handling costs. Provided templates are used and certification/consenting costs are kept to a minimum, then this would allow the main part of environmental maintenance and enhancement to be directed towards on-ground investment e.g. dealing with critical source sediment loss areas or riparian planting restoration projects.

Personnel numbers to deal with processing, auditing or certifying FEPs has not been a problem in Ellesmere from the farmers perspective. Sensible timing for getting them completed and working positively with the regional council has been highly valuable.

The Foundation for Arable Research Template used by cropping and mixed farmers
Immediate action to reduce nitrogen loss

Questions 58-64

ESAI considers that high nitrogen leaching activities do need to have their emission quantities addressed. Ellesmere is an area where existing provisions around reduction are in place. The rules of the Canterbury Land and Water Regional Plan – Selwyn Te Waihora Zone require reduction in N leaching for those who have farm activities leaching more than 15 kgN/ha. Reduction rates differ on a percentage basis depending on your land use type. Higher percentages relate to higher leaching activities.

We prefer Option 1 and 3 operating as a combination to deal with high leaching activities. For example a sub-zone nitrate nitrogen cap being implemented so that high leachers do have to take some immediate action and then once they meet that threshold, graded reduction via their FEP implementation would address the remaining over exceedance. It has been our experience in the lowland area that high leaching in the upper catchment has made a significant impact on the quality of the groundwater that then returns to the surface as springs feeding the lowland streams. In several cases the water quality at the spring head is high in nitrogen levels but improves as the stream flows out to the sea or lake.

ESAI does not support Option 2 because it does not allow for flexibility within the farming system and under good management practice fertiliser is not applied at a rate more than a plant can ‘take up’ – that would result in inefficient farming systems and wasted investment. Our rule of thumb is that ‘It costs more to be a bad farmer than a good one’. Fertiliser use to an extent that it is reaching a waterway or aquifer is no longer viable farm operation. Farmers in our area use independent farm advisors to ensure recommended fertilisation rates have no room for wastage. ESAI is also promoting the use of bio fertiliser, no till planting, cover crops, precision agriculture and many other innovative ways to reduce leaching – even though we estimate that our overall average leaching rate being 30 kgN/ha with a considerable number of farms operating well below the 15 kgN/ha cap.

We do not agree with the suggestion by KWM (Kahui Wai Maori) that those under an already highly restrictive cap should also be reducing their leaching rates. There are no issues in our community that would suggest that there is angst regarding minimal ‘leachers’ not having to reduce. The fact that they are below the acceptable cap would indicate they are already operating with a low environmental impact and addressed leaching issues.

ESAI:

• Supports a combination of Option 1 and 3 – cap for high leachers and further reduction through FEP management;

• Considers Ellesmere would not need to do anything different to meet these requirements as rules and restrictions are already in place;

• Strongly opposes adding Canterbury to the Schedule 1 catchments and significant reduction in nitrate-nitrogen leaching will occur now that farmers have in place mechanisms to deal with the issue;

• Thinks Nitrate-nitrogen leaching caps should be imposed regardless of land use types;

• Believes there should be incentive for very high ‘leachers’ to reduce their impact quickly.
Excluding stock from waterways
Questions 65 to 68

ESAI supports excluding cattle, dairy, deer and pig stock from waterways. Sheep pose less of a risk and are useful in some situations for biosecurity and weed prevention roles near waterways. Farmers in our area already comply with regional requirements to fence waterways and ensure stock are kept out of drains during periods when they are dry. Drains in our area are predominantly dry year round unless there is high rainfall and they might run for a maximum of five days in specific locations. It is important to allow stock in drains when they are dry to achieve weed and biosecurity maintenance. Fencing drains permanently when they are predominantly dry would not result in any additional environmental improvement.

In Ellesmere we are making headway with fencing and riparian management projects as well as having FEPs to further manage impacts on waterways. These projects take time, effort and high investment. In its latest project the Harts Creek Stream Care Group has initiated a further 600m fencing and planting plan which has come at a cost of $20,500. These projects are worthwhile but it is worth noting that recent Sustainable Farming Fund projects relating to sediment do not necessarily support planting natives in the margins between fence and water. Other crops may provide take up qualities far better than natives and trees.

ESAI is concerned that slope has been used to categorise fencing requirements. While this is applicable in the hill country scenario, it doesn’t necessarily have that much relevance at the lower degree slopes. Sediment flow from paddocks does not occur in a wide-ranging ‘sheet-like’ flow on flat land which seems to be the general misconception held by off-farm personnel. Sediment generally moves in high rainfall periods into critical source areas where there is a natural deviation in the land and a small gully might be present. In many cases in the lowland area land actually rises up to the creek bank from the paddock so that the fall of the land is away from the waterway – thus making any fencing setback for sediment purposes entirely inappropriate and of no use for sediment purposes. A five metre setback might be relevant for sediment purposes in specific locations but not in a ‘one size fits all’ waterways or farm approach. FEPs are the best way to deal with this and be relevant to each farm type. Removing existing farm fences to meet mandatory setbacks for no specific on-site purpose is also entirely inappropriate for aforementioned reasons.

Any setbacks need to be measured from the estimated mean annual wetted bed area of a waterbody in critical source locations for sediment run-off protection. Noting that it is in a farmer’s best interests to retain all sediment on the paddock to assist with production and soil structure retention. Permanently fenced areas do need to be planted otherwise weeds take control. The suggestion by the Ministry to use sheep to graze these margins when the property is not a sheep/lamb production unit is also impractical as it would require all farmers to erect woolsheds etc to support these animal types. Contract grazing would only work in a small number of situations.

- Supports excluding cattle, deer and pigs from waterways that have a permanent flow over 1m in width;
- The size of a waterbody fencing setback with respect to sediment loss protection is irrelevant. Sediment loss is about critical source locations and not wide ranging lengths of waterways – there is a distinct difference as to what is trying to be protected e.g. faecal coliform or sediment loss. Slope degree provisions are not relevant for use;
- A standard 5m setback for fencing is not appropriate in some catchments and ESAI supports a FEP and regional approach to excluding stock from waterways;
- Any relevant setbacks should be measured from the mean annual wetted area of the waterbody;
- Permanent flowing and natural waterways should be dealt with more restrictively than ephemeral and unnatural waterbodies including drains.
ESAI:

- Supports industry set standards for controlling intensive winter grazing;
- Disagrees with the ranges of threshold areas and parameters proposed in the Option 1 table;
- Option 1 – Nationally set standards in the form of rules in a regional plan would be incredibly difficult to implement and enforce;
- Does not support requiring consent for stock holding areas if they were to include calf rearing facilities.

Controlling intensive winter grazing

*Questions 69 and 70*

ESAI does not support nationally set standards for intensive winter grazing activities. Industry set standards along with FEPs are the best way of managing winter grazing activities. Nutrient management and other protective rules within the Ellesmere area deal adequately with adverse winter grazing effects. Along with these mechanisms our farmer catchment group also applies pressure on those that are performing inadequately by promoting good management practice, instigating field days, sharing experiences etc. We are also proposing to undertake a Ministry of Primary Industry supported project that will collate our local data on farm management and determine exactly the areas where further improvement can be made along with waterway monitoring.

The standards proposed in the Option 2 table are more logical and relevant to on-farm practice. Allocating an area size or percentage of farm area does not serve any purpose. There are a variety of other methods relating to nutrient management and critical source contamination that successfully deal with this issue so as to prevent the need for farm areas or percentage of being included.

Reducing pollution from stock holding areas

*Questions 72-75*

ESAI is concerned that these proposed provisions will include calf rearing facilities – normally in the form of an open hayshed with some yarding attached. Calves are fed milk in these areas but they are not intensively confined areas and have to be kept clean to insure high survival rates. As a comparative example, they would have less impact on the environment than a woolshed.

Draft proposed National Environmental Standards for Freshwater

*Questions 76-78*

Please see attached document for specific changes and comments.
ESAI members

T Ackerman, Leeston
R Allen, Beachcroft, Leeston
M Amyes, Malden Farm, Leeston
A Bailey, Southbridge
G and K Bain, Southbridge
A & R Barnett, Birchvale Farm, Lakeside
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B Greenwood, Willowbrook Farm, Southbridge
C Greenwood, Southbridge
N Greenwood, Ellesmere
N Greenwood, Southbridge
B Hamilton, Lakeside
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S Inwood, Waihora Farm, Southbridge
P Johnson, Irwell
WP Johnston Estate, Lakeside
J Kinney, Southbridge
G Lamers, Neuways Farm LTD, Leeston
JH and LH Lay, Irwell
Legg Family, Lakeside
S Lemon, Willisden Farm Ltd, Southbridge
R Lentjes, Doyleston
A Lill, Southbridge
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P Lowery, Leeston
M MacGregor, Glenmac Holdings LTD, Leeston
H Maginess, Killinchy
G Martin, Leeston
M Mavor, Brookside
B D McCartin, Southbridge
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S McCormick, Leeston
CV & MB McEvedy, Wedderburn, Southbridge
P McEvedy, Phoenix Park Farm, Southbridge
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