SUBMISSION ON ESSENTIAL FRESHWATER WORK PROGRAMME

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About this organization. The Association represents people who own small-scale private forests and/or are interested in the many values of trees. Currently we have over 2,000 members representing a good cross-section of the approximately 15,000 entities owning private forests in New Zealand.

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Summary

1. The Association’s views are largely aligned with the NZ Forest Owners Association, various environmental groups and Beef+Lamb NZ. We are in favour of the direction and content of the proposed freshwater reforms, agree with the urgency, and wish to comment only on a few points.

2. First, the Association fully supports compulsory Farm Plans with Freshwater modules. In these plans trees will be needed to retire land from grazing, reduce erosion and buffer watercourses. We want accredited farm environment planning advisors suitably trained in the use of trees on farms to ensure that any such tree planting is well planned, environmentally sound and commercially effective.

3. Second, suspended sediment targets might be difficult to achieve when forests are harvested. Practices to manage this will need to be discussed with Regional Councils, reconciled and allowed in resource consents. This will require constructive dialogue.
4. Third, Regional Councils can impose rules for stock exclusion that are totally unworkable in practice, such as ruling that sheep must be excluded from waterways in hilly country. This is disappointing. Again, constructive dialogue will be needed.

5. Fourth, the interim provision for preventing intensification of land use actually encourages intensification during the consultation period (prior to commencement date), in order to achieve the highest possible benchmark from which all future ‘improvement’ will be measured. This is perverse and there should be an immediate stop to all intensification, from today. Pollution is a liability, not a right.

6. Finally, Regional Councils have a mixed track record in protecting the environment. That together with the vague wording around the timing of implementation, and existing disconnects between landowners and Regional Councils, suggest that these freshwater policies will not result in an improvement in freshwater quality any time soon.

**Background**

7. As landowners, our members are all affected by freshwater quality and the proposed National Policy Statement for Freshwater Management. We accept that freshwater quality is continuing to deteriorate around the country and realise that a general change of land use practices is urgently needed.

8. The Association has over 60 years’ experience in encouraging trees on farms. As tree growers, many of our views are aligned with the NZ Forest Owners Association, various environmental groups and Beef+Lamb NZ. Like those organisations we are largely in favour of the direction, content and urgency of the proposed reforms. We seek only to comment on some specific issues.

**Key policy issues**

9. The key policy issues of concern to the Association are farm plans; measures of water quality; stock exclusion from waterways; constraints on intensification; and performance and enforcement. Dealing with these in turn:

**Farm Plans**

10. The Association fully supports the proposed requirement for compulsory Farm Plans with Freshwater modules. An implied element in these plans is tree planting to retire land from grazing, reduce erosion and buffer watercourses. We would like to see accredited farm environment planning advisors suitably trained in the use of trees on farms to ensure that any such planting is well planned, environmentally sound and commercially effective. Urgency and cost requires it is done right first time.

**Measures of water quality**

11. We note that Regional Councils must work within the National Objectives Framework to ensure water quality in their area meets or exceeds certain bottom lines set out in Appendix 2 of the Draft National Policy Statement. Most of the time we believe small forest owners will have no trouble meeting these bottom lines. However it might be difficult to achieve the suspended sediment targets when forests are being harvested.
For example, small growers may be required to adopt practices such as strewing harvest residues (slash) over cutover land to reduce the impact of heavy rain on bare earth. However such practices may be in conflict with other requirements such as removing residues to reduce the risk of debris flows. Constructive dialogue will be needed with Regional Councils to resolve this.

Stock exclusion from waterways

12. We note the provisions for excluding stock from rivers, wetlands and lakes and the intention to define "low-slope land" as having an incline of no more than 5, 7 or 10 degrees. While some small forest owners grow trees on gentle land, many use land that is steeper than 10 degrees and we generally have no problem with these proposals.

13. However we also note that Regional Councils are allowed to introduce more stringent provisions for excluding stock. Last month Greater Wellington Regional Council’s proposed Natural Resources Plan ruled that sheep must be excluded from waterways on all land, irrespective of slope. This rule is patently stupid because (i) it is economically unrealistic to fence all waterways in hill country and (ii) sheep do not like going into water anyway. Again, constructive dialogue will be needed with any Regional Council who considers such an unworkable idea.

Constraints on intensification

14. We note that clause 35 of the Consultation Draft of the Proposed National Environmental Standards for Freshwater requires a landowner to get a resource consent for any intensification of land use, until such time as the local Regional Council has implemented the National Policy Statement. On the face of it this interim measure is a logical way of stopping things getting worse.

15. We observe however that parties are objecting to this provision on either one of two grounds. Either that it constrains intensification, which limits land use flexibility and removes property rights without compensation; or, that it encourages immediate intensification (during this consultation period) to achieve the highest possible benchmark from which all future ‘improvement’ will be measured. These are serious challenges. We note with disquiet that both outcomes have occurred in the past.

16. The Association believes that the discharge of pollution is a liability, not a right. To manage the risk of immediate intensification and prevent landowners from gaming the system, we suggest the Government oblige Regional Councils to seek resource consents for any intensification from this date forward, with immediate effect. We trust that at the end of the interim period ‘grand-parenting’ of pollution as a ‘right’ will be replaced with a more equitable mechanism for controlling and reducing discharges.

17. We note that Business NZ has argued that constraining land use flexibility and removing property rights without compensation could result in falling land values at a time when farmers are deeply in debt, putting their future at risk. The sector lives with risk; and it has been deeply in debt for the last 20 years, as farmers have leveraged land values for tax-free capital gains. That practice should stop. Since banks exist not only to lend but also to manage risk, they should be able to work with farmers to handle any transition.
Performance and enforcement

18. The consultation documents imply landowners will determine the outcomes of the freshwater policy. While Regional Councils will be required to set and meet targets for water quality, the Proposed National Environmental Standards for Freshwater will be enforced by the Government. The Standards will require every farmer to have a Farm Plan containing a Freshwater Module; to have their performance against that Plan monitored; and to have the results of that monitoring reported to the local Regional Council. This implies significant work for Government agencies, who will be required to ensure every farmer has a Farm Plan that is acted upon, monitored and enforced.

19. Clearly the Regional Councils will be motivated to work with landowners to ensure freshwater quality is improved. But should a landowner acting within his Resource Consents not perform in terms of the Freshwater Module of his Farm Plan, the Council will have no power to change his behaviour even though it is responsible to the Government for water quality. This is something of a disconnect. There are already disconnects between landowners and Regional Councils for example over the classification of vegetation into “significant natural areas,” and over the fencing of streams (paragraph 13 above). Relationships can be strained.

20. Further, the Draft National Policy Statement for Freshwater Management will allow Regional Councils to “implement the objective and policies… as soon as reasonably practicable.” The track record of Regional Councils in protecting the environment to date is somewhat mixed (else we wouldn’t need these Freshwater proposals); likewise their enforcement of the Resource Management Act. Given this track record, the vague wording around the timing of implementation and the disconnect between landowners and Councils noted above, these policies do not guarantee an improvement in freshwater quality any time soon.

21. We note that the National Environmental Standard for Plantation Forestry is currently under review. As parts of that Standard will be affected by the Standard for Freshwater we request the Government to ensure full alignment of the two by delaying the Forestry review if necessary. We do not want conflicting regulations as they will create confusion, liability and costs for forest owners.

We believe this submission is quite clear and do not seek an opportunity to speak to it.

Sincerely,

Personal details removed

President NZ Farm Forestry Association.