Action for Health Waterways Submission

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About us
The Hurunui District Landcare Group (HDLG) is a multi-catchment group in the Hurunui District (Canterbury) with a membership of 140 predominately unirrigated sheep & beef farms. Established as an incorporated society in 2017, the groups purpose is to promote on-farm Good Management Practice (GMP) whilst engaging with external stakeholders to help them better understand our farming systems.

Since its inception in 2016, HDLG has:

- in conjunction with Beef + Lamb NZ (B+LNZ), facilitated the development of Farm Environmental Plans (FEP) for our members farms. Over 80% of our members now have an FEP.
- Reviewed 1/3rd of our members FEPs to ensure they are quality plans that will deliver improved outcomes for the environment.
- Commissioned a detailed survey of all our members that has provided HDLG with an understanding of what our farmers are doing and the challenges they face.
- Provided a template for other catchment groups around the country to emulate; Sharing our learnings and experience.

Our members farm 110,000ha of land across a full spectrum of topography and rainfall but can be stereotyped as extensive hill country, dryland (unirrigated), sheep and beef operations.
General Comments

1) The Hurunui District Landcare Group (HDLG) appreciates the opportunity to comment on the latest programme of initiatives for freshwater management in New Zealand set out in the *Action for health waterways* discussion document.

2) While HDLG supports the Government’s reform of freshwater management in New Zealand we have concerns about the proposed frameworks, rules and standards.

3) The HDLG hopes that lessons can be learnt from our experience with rules that have unintended consequences. We share these below.

4) The sections after provide our response to the various components of the proposed framework, rules and standards as provided in the mfe submission template.

Our (the HDLG) experience

5) Below the HDLG shares our experience of unintended policy consequences, the implications for our farmers, and lessons that can be applied to the Governments reforms of freshwater management.

6) The Hurunui district is made up of six major catchments; The Conway, Waiau, Jed, Hurunui, Blyth, and Waipara.

7) The Hurunui, Waiau and Jed rivers were the first catchments in Canterbury to have a regional plan developed and notified (the Hurunui Waiau River Regional Plan, HWRRP) under the Canterbury Water Management Strategy and the 2011 National Policy Statement for Freshwater.

8) These catchments were chosen to be the first as they had the most information on the river health

9) The HWRRP includes provisions for:
   a) A nutrient load limit on the rivers
   b) Requirement for every farm to have Overseer nutrient loss estimates prepared every year
   c) The requirement for a Farm Environment Plan
   d) Restricting nutrient loss increases to less than 10% more than the 2013 year (without a consent).
   e) Collectives that are setup to help its members meet and exceed Good Management Practice (GMP)

10) Unfortunately, in developing the HWRRP, the zone committee and Environment Canterbury failed to properly understand the implications of a rule to limit nutrient loss from farms by 10%. (Both organisations have expressed remorse at implementing a rule that had dramatic unintended consequences for unirrigated sheep and beef farms).

11) The unintended consequences of this rule meant:
   a) Higher intensity systems with irrigation have been able to proliferate (through collective consents)
b) Low intensity / low nutrient emitting systems have been severally restricted.

12) The Hurunui District Landcare Group (HDLG) was initially established to address this inequity (our purpose has now broadened as described in our introduction).

13) As a multi-catchment group the HDLG set out to better inform all stakeholders of the implications of the HWRRP on low-emitting farms and improve understanding of their farm systems (Extensive unirrigated sheep and beef).

14) Through research and surveys the HDLG found that:
   a) The Hurunui is a low-rainfall district with long-term average rainfall generally 700mm/yr
   b) It is inter-annual rainfall variation that severally restricts farm intensification
      i) This can be circumvented and managed by irrigation
      ii) Without irrigation it severally limits the possibility to intensify
   c) 80% of the nitrogen load in the Hurunui river comes from irrigated properties even though they covered (2015) only 8% of the total catchment area
   d) 15% of the nitrogen load comes from unirrigated sheep and beef properties (approx. 70% of the catchment)
   e) In the years following the plan notification the irrigated area in the Hurunui District has increased by 19%
   f) The grandparenting inherent to the HWRRP means unirrigated sheep + beef farms are non-compliant just with seasonal fluctuations of stock numbers. This was exemplified through a severe three-year drought where unirrigated farms de-stocked by 50% in some cases.
   g) There is no long-term trend of winter forage area change on unirrigated sheep and beef properties in the Hurunui District

15) From this the HDLG notes:
   a) Grandparenting severely restricts low-emitting farm systems
   b) Grand-parented low-emitting farm systems also have the least number of options for farm system change.

16) In the subsequent years to the notification of the HWRRP Environment Canterbury (ECan) and the Zone Committee admitted the plan was flawed and have looked for solutions. Several have since been implemented:
   a) A Plan Change that would make unirrigated sheep + beef farms a permitted activity was notified. This still requires these low-emitting farms to:

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i) Have a Farm Environmental Plan (FEP)
ii) Be a part of a dryland farm collective OR provide information directly to ECan
iii) Not have more than 10% of the farm in winter forage for cattle.

b) The Hurunui District Landcare Group has also voluntarily:
   i) Promoted Good Management Practice (GMP) on our members farms
   ii) Helping our members develop FEPs
   iii) Reviewing our members FEPs to ensure they will be effective plans
   iv) Begun environmental enhancement projects across multiple farms.

17) From this experience the HDLG proposes the following can be learnt and be implemented in the Governments freshwater management reforms:
   a) Blanket rules are unlikely to achieve the outcomes desired.
   b) A catchment scale approach to fresh water is the most likely to maintain or improve water quality as it empowers landowners to take ownership of the health or ill-health of their rivers.
   c) Grandparenting creates inequality and severely impacts low-emitters who have the least number of levers to address issues
   d) Catchment Groups provide a vehicle for change on-farm that is unlikely to be achieved through other mechanisms.

18) We seek the Government ensure that through the freshwater management reforms:
   a) Unirrigated farms are a permitted activity if they:
      i) Have less than a long-term average rainfall of 1200mm/yr
      ii) Have no irrigation
      iii) Have less than 10% of their farm, up to 100ha, in winter forage crop
      iv) Have a FEP in line with Beef + Lamb NZ’s FEP template.

19) This is a narrative threshold rather than an arbitrary Overseer estimate that is known to be less accurate for complex farm systems (eg. Hill-country sheep + beef farms).

20) This narrative threshold provides low nutrient emitting farms critical flexibility while ensuring there is a safe environmental limit these farms must be managed to.
**Impacts and implementation**

21) While we support the intent of many of the proposed rules and standards, they could use further refinement to ensure they could be practically implemented.

22) The cost of compliance for the various proposals have been underestimated. The proposal only seems to calculate the cost of fencing where there may also be costs associated with sediment control (e.g., planting trees, retiring land), emissions calculations (Overseer), and other environmental work (pest control to enhance biodiversity).

23) Any cost to prepare a certified FM-FP and Overseer nutrient budget will come directly from any funds that could have been spent on environmental work. Implementing the rules and standards as written is therefore counterproductive.

24) The implicit grandparenting through the proposals will further limit environmental work as the necessary flexibility required to farm hill country is restricted, decreasing cash-flow.

25) The HDLG opposes the proposed frameworks, rules and standards where they implicitly grandfather.

**Nitrogen, phosphorus, and sediment attributes**

26) The HDLG supports clear environmental bottom lines that are locally relevant for the freshwater bodies to which they apply.

27) We oppose the proposed national bottom lines for DIN, DRP and sediment. Any limit set at a national level is likely to be irrelevant or impractical for individual rivers.

28) The HDLG seek that numerical freshwater bottom lines be tailored to each specific freshwater body in the context of its catchment.

**Restricting further intensification**

29) While grandparenting is not explicitly mentioned in the proposals, implementing the rules and standards as written will have the same effect.

30) The proposed documents penalise low intensity farming systems by locking them into current land uses and discharge profiles through the restrictions on land use change rules, FM-FP and winter grazing rules. This is grandparenting. Grandparenting allows high intensity, high discharge systems to maintain flexible land-use options while severely restricting low intensity, low-input, and low discharge systems.

31) In the Hurunui District grandparenting has allowed high nutrient loss systems (irrigated dairy) to proliferate while restricting low nutrient loss system (unirrigated, hill-country, sheep and beef farms). This is both inequitable and incompatible with the implied goal of the *Action for healthy waterways document* where farms systems work with their environment rather than against it.

32) The HDLG requests the Government remove any explicit or implicit grandparenting provisions in the proposed documents. Specifically, we seek:

   a) the land use change restriction rules only prevent land use change in the most highly discharging / high intensity land uses, and allow land use change and increases in discharges for extensive, low discharge farms;
b) delete the proposed Freshwater Module – Farm Plan (FM-FP);

c) enable hill country cropping as a permitted activity, and delete standards that hold the area
of crop to current or historic area in crop for the farm;

d) Allow changes in land use from forestry to pasture; and

e) Any restrictions in land use and discharges only apply to catchments which breach
environmental bottom lines for ecological health, and for the water quality parameter which
is breached.

Farm plans

33) The HDLG fundamentally supports Farm Environment Plans (FEP). We view FEPs, when use
outside of a regulatory context, as effective tools for driving change on farm.

34) Most of our members already have tailored FEPs and we have a programme to externally review
them (1/3rd already reviewed).

35) We do not support the proposed FM-FP. In particular:

a) We do not support the FM-FP requirement to measure farm emissions. This implies the use
of Overseer which is not a suitable tool for hill country sheep and beef farm systems.

b) We oppose the required use of a “certified farm planner.” This is an unnecessary cost that is
likely to lead to overly complicated farm plans that are not used. We have already seen this
in the Hurunui district where farms that, due to consent requirements, have had their FEP
prepared by an external consultant. These FEPs tend to be comprehensive but never
implemented as they were not created with the farmer in mind. The best FEPs we have seen
are initially created by the farmer and then improved through non-regulatory support. This
is a program that our group has already implemented and found to be very effective.

c) We oppose auditing as it changes the entire concept of the farm plan. It moves from an on
farm planning document that the landowners owns to a regulatory tool which will not
include anything but bottom line requirements.

d) We oppose the blanket requirement of the auditor to show how the FM-FP will reduce
emissions over-time. This is grandparenting.

36) We request that the Government recognise and support industry-led farm assurance schemes or
their Land and Environment Plans (LEP) and activities to support catchment initiatives.

Excluding stock from waterways

37) The HDLG supports 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.

38) We oppose the calculation of the slope at the property title scale.

39) We request that slope be calculated at a paddock scale instead.

40) The stocking intensity threshold of 18su/paddock for fencing waterways is far too low as it
would capture almost every paddock on hill country when mob grazing. Mob grazing is short (1-
2 days), higher stocking rate (>18su/pk) per paddock grazing to control feed (grass) quality. The
resulting requirement to fence every hill-country stream would be unachievable both from a monetary and resource (contractor) perspective.

41) We oppose the use of a stocking intensity proxy and seek this be deleted. We seek that the 18su/paddock threshold be deleted.

42) Any blanket requirement to exclude extensively farmed animals out of waterbodies is impractical where fencing would be prohibitively expensive due to terrain, length required and on-going maintenance cost due to weather events.

43) We oppose requirements to fence extensively farmed animals out of waterbodies and seek that requirements to fencing hill country farms or extensively farmed areas are deleted.

44) We support the use of farm plans for managing stock out of waterways on land outside of the low slope area.

45) We oppose the blanket 5m setback and the requirement to move existing fences due to the significant loss of productive land on many farms, and the sizeable costs of moving all fences to comply.

Controlling intensive winter grazing

46) The HDLG supports the establishment of standards based on Industry Good Management Practice (GMP) Principles, such as the application of ‘strategic grazing principles. The HDLG already advocates for its members to apply GMP to their farm.

47) 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 any winter grazing on land which is above 10 or 15 degrees in slope. This would require most of our members to get a consent when the environmental risk has shown to be low in our catchments.

48) 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.

49) We oppose including of 10 or 15 degree slope standard in the permitted activity rule.

50) The HDLG seek that hill country cropping is a permitted activity.

51) We oppose the grandparenting hill country cropping 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. The HDLG seek that these be deleted.

52) 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. I seek that this standard be deleted.
Feedlots and stock holding areas

53) The HDLG support the definition of feedlots, and in general the identification and management of activities which can pose a higher environmental risk when not adequately managed.

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

55) We seek that the definitions are amended so that they only apply to intensive farming activities such as feedpads, feedlots, wintering barns, standoff pads.