

# SUBMISSION



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To: West Coast Regional Council

Submission on: Proposed Regional Land and Water Plan

From: Federated Farmers of New Zealand (West Coast Province)

Spokesperson: Katie Milne, Provincial President

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**Federated Farmers would like to be heard in support of this submission**

## **SUBMISSION TO WEST COAST REGIONAL COUNCILS PROPOSED REGIONAL LAND AND WATER PLAN**

### **1 INTRODUCTION**

- 1.1 The West Coast Province of Federated Farmers welcomes the opportunity to comment on the Proposed Regional Land and Water Plan.
- 1.2 Federated Farmers believes that any regional plan relating to land and water needs to provide a practical and robust framework for managing the regions land and water resources in an efficient manner.
- 1.3 Regional Plans need to take into account the principles of the Resource Management Act, including part 2 of that Act. With respect to farming, we consider a robust assessment of proposed regulations needs to be undertaken in consultation with the affected community to ensure that the outcomes sought are achievable, and that the proposed methods are the most appropriate to achieve the outcomes sought in the objectives and policies of the plan change. This involves consideration of how best to encourage the adoption of current good practice farming methods, and the effect of regulation on those directly subject to such regulation.
- 1.4 Furthermore, Federated Farmers believes that if resource consents are required for activities, Regional Councils should work in partnership with farmers to develop relevant and practical consent conditions.
- 1.5 Federated Farmers notes that a number of the proposed changes which form part of this merger directly relate to farming activities, particularly those associated with the Lake Brunner Catchment. Federated Farmers is concerned with the timing of notification of this plan change within the calendar year. Many of the farmers in the Lake Brunner area are dairy farmers and typically spring is an extremely busy time on the farm. This may place farmers at a disadvantage for being able to fully understand the proposed changes and actively participate in the submission process. While Federated Farmers notes the high level of consultation with these farmers over the last 12 months on the potential changes to the plan in the Lake Brunner area, we consider that it is appropriate for a Regional Council to be sensitive to the needs of the community it serves. In this case, that community includes the farmers in the Lake Brunner area, a large proportion of which are dairy farmers.

### **2 GENERAL**

#### **Submission**

- 2.1 Federated Farmers supports in part, the proposed merger of the Regional Plan for Discharges to Land, Proposed Land and River Bed Management Plan and the Proposed Water Plan, into a single Land and Water Plan, subject to the amendments set out in this submission.

### **Reasons**

- 2.2 Federated Farmers considers that it is appropriate to merge the (old) Regional Plan for Discharges to Land, Proposed Land and River Bed Management Plan and the Proposed Water Plan, into a single Regional Land and Water Plan. This merge provides ease of access to provisions for resource users when considering any activity they are undertaking. We consider that it is more appropriate for Council to adopt such a combined plan in recognition of the integrated way in which land and water resources are utilised within the West Coast Region.
- 2.3 Federated Farmers notes the overall structure of the merged plan with chapters containing objectives, policies and occasionally methods (chapters 3 – 16) which begin with matters associated with land, then water, and then discharges to land. Chapter 18 contains all of the rules, which also begin with matters associated with land, then water, and then discharges to water and to land. The Federation considers that this structure is generally appropriate and provides for a plan which is easily used and is cohesive.

### **Relief Sought**

- 2.4 That Council adopt the proposed plan change subject to the amendments set out in this submission.

## **3 STOCK CROSSING POLICY**

### **Submission**

- 3.1 Federated Farmers opposes in part, proposed policy 4.3.6.

### **Reasons**

- 3.2 Policy 4.3.6 requires the use of bridges, culverts and other methods where a farmer causes stock to cross any river or permanently flowing creek, and specifies a number of permitted crossings for various stock numbers and types. For dry stock this policy permits more than 50 animals to cross a river or permanently flowing creek up to 20 times per month without imposing the requirement for a bridge, culvert or other method. The intention of the policy is to limit the effect of stock crossing a waterway on water quality through reduced bank erosion as well as reduced effluent discharge directly into water.
- 3.3 Federated Farmers considers that, given the effect of dry stock on water quality and bank stability is similar or less than the effect of dairy cattle, and given that conventional dry stock mobs are likely to be more than 50 animals, this policy should be amended to allow for greater mob crossings. We are not aware of why a figure of 50 animals has been adopted, nor is it clearly justified in Council's s32 assessment, except to note Council has adopted a historical stock crossing policy. Federated Farmers considers that it is more appropriate to have a policy which applies to all stock.

### **Relief Sought**

- 3.4 That Council amend the policy 4.3.6, to the following: *Council will require the use of bridges, culverts, and other methods where a farmer causes stock to cross any river or permanently flowing creek, at any farm raceway crossing, more than ten times in*

*any month for mobs larger than 500 stock, or more than 20 times in any month for mobs less than 500 cattle. A crossing is one way only. It should be noted that we propose the deletion of the second paragraph of this policy.*

- 3.5 That Council make any consequential amendments to the explanation of this policy.

#### **4 SEWAGE EFFLUENT RULES**

##### **Submission**

- 4.1 Federated Farmers supports proposed changes to Rules 77 and 78 and notes associated with Rules 41 and 42.

##### **Reasons**

- 4.2 Federated Farmers notes the proposed changes to the sewage effluent rules which relate to separation distances to potable water supplies. Federated Farmers supports these changes as they recognise the improvements in modern sewage disposal systems, and provides greater flexibility for designing and siting water supplies and wastewater systems on farms.

##### **Relief Sought**

- 4.3 Federated Farmers seeks that these changes be adopted without further amendment.

#### **5 STORMWATER RULES**

##### **Submission**

- 5.1 Federated Farmers supports the proposed changes to stormwater provisions in Rules 1, 48, 61, 79, and 86.

##### **Reasons**

- 5.2 These changes, while noted as being more important for rural-residential areas with Councils s32 assessment, provide clarity to rural landowners about the requirements of stormwater systems for new building developments on rural land, and consideration of the effects of such discharges beyond the property boundary. Federated Farmers considers that this is appropriate, and that the proposed changes ensure consistency.

##### **Relief Sought**

- 5.3 Federated Farmers seeks that these changes be adopted without further amendment.

### **LAKE BRUNNER SPECIAL MANAGEMENT AREA**

#### **6 LAKE BRUNNER GENERAL**

##### **Submission**

- 6.1 Federated Farmers supports in part, all of the proposed changes to objectives, policies and rules relating to the Lake Brunner Special Management Area, subject to the amendments proposed within this submission point and elsewhere in this submission.

## **Reasons**

- 6.2 Federated Farmers notes that the s32 report provides a graph showing water quality decline in Lake Brunner from 1992 until 2009, with a period in the middle containing no data. It is our understanding that the most recent data (approx 2000 – 2009), in isolation from previous data, shows a reduced rate of water quality decline, suggesting that water quality decline in the Lake is slowing down. Federated Farmers considers that this is, in part, a result of the positive work farmers in the catchment have undertaken over this time period, and should be taken into consideration when introducing regulatory measures to halt water quality decline.
- 6.3 Federated Farmers is also concerned that the costs to landowners have not been fully considered. Many farmers are concerned that the restrictive provisions will lead to high compliance costs for farm businesses. Because the restrictive provisions are geographically limited, there is the potential for farms in those areas to become viewed as high risk investments. This may have the effect of reducing property values in the Lake Brunner Catchment, making it harder for those farmers to both continue farming, and to have the equity in their properties to move out of the Catchment. It should be noted that all of the costs appear to be borne by farmers in the catchment, while the environmental benefits from these actions are received by the wider community.
- 6.4 Federated Farmers notes that there are a number of areas where consent is required for activities within the Lake Brunner Catchment which may require either public notification or affected party approvals, or in some instance both. Federated Farmers considers that given the effects of these activities relate solely to water quality in Lake Brunner and relate to farm practices associated with farming businesses, it is inappropriate and unnecessary to require written approvals from affected parties or wider public notification. An assessment matter attached to all controlled or discretionary rules relating specifically to the Lake Brunner Catchment would be appropriate.

## **Relief Sought**

- 6.5 That Council take into consideration the more recent water quality data which shows a reduced rate of water quality decline in Lake Brunner when considering the issue of water quality in Lake Brunner and the need for applying stringent regulatory controls on farmers.
- 6.6 That Council fully consider the financial implications to farming businesses in the Lake Brunner Catchment, as required by the RMA, under the proposed Lake Brunner Special Area provisions.
- 6.7 That Council considers not applying resource consents fees on consents required under these provisions for the initial three years of the plans life, in recognition of the benefits to the wider community and the costs to the individual farmers.
- 6.8 That Council include an assessment matter or other mechanism within Rules 14, 17, 83, and 84, to specifically set out that affected parties written approval is not required

for resource consent applications, and that applications will be processed on a non-notified basis.

## **7 OBJECTIVES AND POLICIES**

### **Submission**

7.1 Federated Farmers supports objective 9.2.1.

### **Reasons**

7.2 Objective 9.2.1 has been amended to include a target of water quality by 2020. Federated Farmers considers that it is appropriate to include such a target, and given the requirement in the RMA to maintain and enhance the quality of the environment (s 7(f) RMA), such an approach is reasonable.

### **Relief Sought**

7.3 That Council retains Objective 9.2.1, without any further amendments.

### **Submission**

7.4 Federated Farmers supports in part, policies 9.3.3, 9.3.4 and 9.3.5.

### **Reasons**

7.5 Policy 9.3.3 seeks to reduce the amount of phosphorus discharged in the Lake Brunner Catchment, while policies 9.3.4 – 7 set out how this is appropriately achieved. Federated Farmers supports (in part) policies 9.3.3, 9.3.4 and 9.3.5, however we are concerned that the costs of these policies have not been adequately examined in the s32 evaluation.

7.6 In particular the costs set out for policy 9.3.4 indicate that the costs incurred in implementing this policy will be partially offset by reducing the quantity of fertiliser required to be used. From an economic perspective the costs to the farmers who have to install and maintain new agricultural effluent discharge systems will not be noticeably offset by reduced fertiliser costs, particularly given other potential costs associated with proposed regulation around fertiliser use in the Lake Brunner Catchment. Federated Farmers acknowledges that environmental benefits need to be weighed up against costs as part of the s32 process.

### **Relief Sought**

7.7 That Council carefully consider the actual costs and benefits of the proposed objectives, policies and rules.

### **Submission**

7.8 Federated Farmers opposes policy 9.3.6.

### **Reasons**

7.9 Policy 9.3.6 seeks to reduce the loss of phosphorus to Lake Brunner, by managing phosphate fertiliser use in the catchment so that no net increases in annual use occur per property. This policy effectively seeks to put a cap on the amount of fertiliser used in the catchment to avoid the amount entering into the Lake. Federated Farmers opposes such a capping mechanism as it has the potential to stifle innovation in the formulation and application of fertilisers containing phosphorus. Given that there is

ongoing research into fertiliser development and use, the placement of a cap on phosphorus fertiliser may hinder a farmer's ability to utilise new fertilisers or best practices to gain optimum returns, thus placing the burden entirely on the economic returns of farmers. Federated Farmers believes that Council is able to appropriately manage to use of phosphorus fertiliser use associated with intensification of land, without placing a cap on the amount of fertiliser used per property.

### **Relief Sought**

7.10 That Council amends policy 9.3.6 to: *To reduce the loss of phosphorus to Lake Brunner associated with the intensification of land, by managing phosphate fertiliser use in the catchment.*

7.11 That Council amends the final sentence to the explanation to policy 9.3.6, as follows: *In order to maintain, or reduce potential losses of phosphorus to the Lake future phosphorus use should be managed appropriately.*

### **Submission**

7.12 Federated Farmers opposes in part, policy 9.3.7.

### **Reasons**

7.13 Policy 9.3.7 encourages methods of wintering stock which will reduce the risk of loss to the Lake, and sets out in the explanation that wintering stock outside the lake catchment will avoid potential discharges. Council's s32 assessment indicates that this policy signals possible options for the future should Lake quality not improve with the current measures proposed. Federated Farmers recognises that no rules to require the wintering of stock outside the catchment are proposed under this plan change, and any future change to this would require a separate plan change. However we are concerned that any requirement to winter stock out of the catchment would place such a high economic burden on farmers that farming in this area would no longer be viable.

7.14 Federated Farmers would also note that, given the area is prone to Tb infections due to location near or adjacent land occupied by possums, it may not be possible to move stock out of the Lake Brunner Catchment during the winter.

### **Relief Sought**

7.15 That Council either remove this policy or set out clearly in the explanation that this policy has a non-regulatory effect and any amendments would require a plan change with public consultation as per Schedule 1 of the RMA.

## **8 HUMPING AND HOLLOWING PROVISIONS**

### **Submission**

8.1 Federated Farmers supports in part, proposed Rule 14.

### **Reasons**

8.2 Proposed Rule 14 sets out that humping and hollowing, flipping, v-blading, or contouring in the Lake Brunner Catchment is a discretionary activity, and does not provide for any small scale land development (unlike the permitted activity rule). We

would note that any requirement for resource consent comes at a cost to the land owner, which reduces the amount of their annual budget available for on-the-ground mitigation measures (bridges, culverts, fences etc). Federated Farmers can see the benefit in Council exercising control over land intensification in the Lake Brunner Catchment. The s32 assessment for this rule sets out that; “This rule is not intended to prohibit further development, but require the applicant to consider methods of reducing potential future phosphorus loss”. Federated Farmers considers that this notion would be helpful if included in the plan as an explanation to this rule. It would provide direction for both applicants and consenting authorities as to the intended purpose of the rule, and provide a clear link to the policies in chapter 9 of the Plan.

#### **Relief Sought**

- 8.3 That Council include an explanation to Rule 14 to set out the purpose of the rule as follows; *This rule is not intended to prohibit further development, but requires the applicant to consider methods of reducing potential future phosphorus loss into Lake Brunner.*

### **9 GRAZING TO RIPARIAN MARGINS**

#### **Submission**

- 9.1 Federated Farmers supports in part, proposed Rule 10.

#### **Reasons**

- 9.2 Proposed Rule 10 provides for the grazing of stock to the riparian margins of a waterway as a permitted activity. Federated Farmers supports this new rule as it provides clarity about a landowners obligations regarding stock and waterways. However, Federated Farmers would note that given the flash flood nature of some of the waterways in the Lake Brunner Catchment (particularly ephemeral waterways), it is possible that permanent fences may exacerbate flooding damage, be washed away during intense flooding, or may be undercut by natural bank erosion. Constant replacement of fences can be costly and may be unnecessary given that such terrain is likely to naturally exclude stock from waterways. While this rule does not propose that fencing of waterways is required in every circumstance, Federated Farmers is concerned that the enforcement of this rule may in effect be a requirement for fencing. Federated Farmers would appreciate confirmation that stock exclusion by default of the natural terrain of the banks of a river or creek comes under the ambit of stock exclusion for the purpose of proposed Rule 10.

#### **Relief Sought**

- 9.3 That Council include an explanation, by way of confirmation, that stock exclusion can include exclusion by means of natural terrain of the banks of a river or creek.

### **10 STOCK CROSSINGS IN THE LAKE BRUNNER CATCHMENT**

#### **Submission**

- 10.1 Federated Farmers supports in part, proposed Rule 17.

### **Reasons**

- 10.2 Federated Farmers notes that proposed Rule 17 provides for stock crossings as a discretionary activity from 1 July 2011. Federated Farmers accepts that it is appropriate to have stock crossings of waterways in the Lake Brunner Catchment, either bridged or culverted, and would note that under the farm plans from 2005, much of this bridging or culverting work has already been undertaken. Federated Farmers appreciates the delayed implementation of this rule in recognition of the costs to farmers of such infrastructure, however we consider given the costs associated with infrastructure and the delays occurred in notifying the plan change which imposes this requirement, it would be more appropriate to allow further time for landowners to design, fund and install the required infrastructure.

### **Relief Sought**

- 10.3 That Council adopts proposed Rule 17, and amended the time frame for this rule until 1 July 2012.

## **11 APPLICATION OF FERTILISER**

### **Submission**

- 11.1 Federated Farmers opposes in part, amendments to Rule 72 and proposed Rule 83.

### **Reasons**

- 11.2 Proposed Rule 72 provides for the application of phosphorus fertiliser in the Lake Brunner Catchment as long as fertiliser is not discharged to land that is developed under Rule 14 unless it has a water solubility of less than 10%. Should a farmer not meet this permitted activity condition, a controlled activity status applies under Rule 83 with specific conditions.
- 11.3 Turning first to the permitted activity rule, Federated Farmers considers that it is unlikely farmers in the Lake Brunner Catchment will be able to successfully develop land under Rule 14, utilising phosphorus fertilisers which have a water solubility of less than 10%. This is because newly developed land requires an initial capital dressing of phosphorus fertiliser to boost initial pasture growth and appropriate fertiliser is most likely to have a water solubility of more than 10%. Reactive Phosphate Rock (RPR) is the fertiliser which is most likely to meet the 10% threshold (according to conversations with Ravensdown fertiliser experts), however because it is a slow release fertiliser (releasing phosphorus over 3 – 5 years), it is argued that it does not provide the boost required for initial pasture growth. Federated Farmers notes that farmers developing land are unlikely to put a capital dressing of fertiliser on immediately prior to a rainfall event (where possible) because that runoff will wash away the fertiliser prior to it becoming effective, which is a costly and wasteful way to farm. The benefit of quickly establishing pasture is to reduce the potential erosion from newly developed land as grass roots bind soils.
- 11.4 Should a farmer not meet the 10% threshold requirements of the permitted activity rule, it is possible to apply for a consent for a controlled activity, which includes a resource consent application cost, and likely the costs of engaging a professional to make such an application. The controlled activity rule sets out a number of conditions

including the following: *ii) the amount of phosphorus fertiliser applied per property per year is to be no more than the annual average applied between 2005 -2010.*

- 11.5 Federated Farmers notes a number of issues with this condition. It is not clear how Council intends to identify the *amount* of phosphorus fertiliser used. As different fertiliser products become available, farmers occasionally change the type of fertiliser used to strive for the best results. However some products are applied at different ratios of tonne per ha, depending on how much active ingredients are included in the product. This may mean that the amount of fertiliser varies greatly between years as different products are used. For example if a farmer has previously utilised a product which uses a low tonne per ha ratio over recent years but wishes to change to a new product with a higher tonne per ha ratio, there is not opportunity to under this condition as the *amount* of fertiliser would significantly increase. This would occur despite perhaps the new fertiliser providing better environmental outcomes (such as a lower solubility in water, for example).
- 11.6 There is an issue of defining a property under this condition, as it is possible to subdivide or amalgamate properties. Therefore the physical boundaries of a property can be changed. This also does not clarify what will happen in the situation of leasing a section of a neighbouring property. There needs to be greater certainty as to how the per property section of this condition will be administered.
- 11.7 Federated Farmers considers that it may be difficult or impossible to determine the annual average amount of fertiliser applied over any historical time period. While farmers are likely to keep good records, there are issues around changes in land ownership, and accidental loss of records. It is noted in the s32 assessment that some landowners have changed since the first farm plans were established. It is unclear how those landowners are supposed to know what fertiliser practices occurred prior to their ownership, nor is it considered to be reasonable that they be bound by previous owners practices. Also there is the possibility that some landowners simply do not have historical fertiliser records and therefore are not able to establish the benchmark required under this condition.
- 11.8 Turning to the benchmark years, which are between 2005–2010, Federated Farmers is concerned that this is an inappropriate benchmark to utilise. We are conscious that this time period was difficult financially for many farmers in the Lake Brunner Catchment, particularly the latter years with the global economic downturn. Generally when farmers are struggling a number of areas of spending are reduced to get through. Fertiliser use is one of the first areas where costs are cut and farmers reluctantly allow phosphorus levels in soils to fall below optimum as a measure to balance competing costs. Therefore it is likely that the 2005-2010 years produced some of the lowest levels of fertiliser use, and that with the slow improvements in the economy, farmers are intending to increase their fertiliser use to levels they consider necessary. By restricting the use of fertiliser to the average from between those years, Council will be hindering farmers ability to successfully farm in the Lake Brunner Catchment, which may cause farmers to change other practices to compensate, such as breaking in more risky marginal land and increasing the number of cows to increase the productivity of a farm. It is possible that restrictions on

fertiliser may lead to other on farm changes which have a greater environmental impact on the Lake, and Federated Farmers wishes to avoid this.

#### **Relief Sought**

- 11.9 That Council increases the 10% water solubility threshold of phosphorus fertiliser in Rule 72.
- 11.10 That Council either removes condition (ii) of Rule 83 or clarifies how amount of fertiliser is to be defined, how properties are to be established where boundaries change or lease agreements are established, how an annual average will be established in the absence of accurate records and how an appropriate bench mark period will be established given concerns with the 2005 – 2010 years. Such clarification should be undertaken in partnership with farmers to ensure practical and achievable solutions are reached.

#### **Submission**

- 11.11 Federated Farmers opposes in part, the soil testing protocol in Schedule 12.

#### **Reasons**

- 11.12 Federated Farmers understands that the soil testing protocol for the Lake Brunner Catchment was developed in consultation with fertiliser companies and was not, to the best of our knowledge, discussed with any farmer within the catchment. Federated Farmers is concerned that this soil testing protocol will increase the costs to farmers, by requiring more intensive soil testing to be undertaken. Even if soil tests are supplied by fertiliser companies for free, Federated Farmers is concerned that the costs to the farmers from the companies will increase in other ways. We note that there does not appear to be any consideration of Schedule 12 in the Council's s32 assessment with respect to costs or benefits.

#### **Relief Sought**

- 11.13 That Council amends Schedule 12 in consultation with Federated Farmers and farmers in the Lake Brunner Catchment, and taking into consideration the actual costs and benefits of the schedule.

## **12 APPLICATION OF AGRICULTURAL EFFLUENT**

#### **Submission**

- 12.1 Federated Farmers supports in part, proposed amendments to Rule 73 and proposed Rule 84.

#### **Reasons**

- 12.2 Federated Farmers notes that the application of agricultural effluent to land in the Lake Brunner catchment is a controlled activity, provided certain requirements are met. Federated Farmers supports in part this requirement, and as has been acknowledged through previous consultation, landowners seem to be more prepared to have restrictions around their effluent disposal systems, than their fertiliser use. Federated Farmers also considers that the direct benefit to Lake Brunner will be greater from controlling effluent disposal systems.

- 12.3 Council has also set out matters for which it reserves control under this rule. It is appropriate to note our concern with; *g) equipment maintenance requirements*. Equipment maintenance requirements are to ensure there are not any accidental spills. Council already reserves control over effluent management and spill contingency plans in (h). The maintenance requirements of equipment are the responsibility of the owner and operator of the equipment, and the methods by which they undertake that responsibility ought to be at their discretion.

**Relief Sought**

- 12.4 That Council removes proposed matter (g) for which Council intends to reserve control over, as it is unnecessary.

**13 FEDERATED FARMERS ORGANISATION**

- 13.1 Federated Farmers of New Zealand is a primary sector organisation that represents farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers

- 13.2 The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

13.2.1 Our members may operate their business in a fair and flexible commercial environment;

13.2.2 Our members' families and their staff have access to services essential to the needs of the rural community; and

13.2.3 Our members adopt responsible management and environmental practices.

**Katie Milne**  
**Provincial President**  
**West Coast Province**  
**Federated Farmers of New Zealand**

**ENDS**