

Wilkins Farming Ltd (WFL) - Land & Water Plan Submission

WFL reluctantly submit potentially sensitive information throughout this document. We are not interested in self-promoting our business through this forum. Any facts and figures stated are as a tool to demonstrate the severe and material impacts the Proposed Southland Water and Land Plan (Pswlp) will have on our family business, community and subsequent economies.

WFL wish to speak to our submission at a hearing.

WFL declare we will not gain an advantage in trade competition through this submission.

Attached is a copy of the submission WFL supplied in November 2015 to the draft plan.

Company history & Overview

The Wilkins Family have been Northern Southland farmers since WWII when Thomas Wilkins began farming at Ardlussa near Balfour after serving in Egypt with many other Southland farmers. Before WWII Wilkins' were farming in Eastern Southland, West and Central Otago dating back over 150 years to the 1860s gold rush.

In 1974 Ray and Pam Wilkins began their farming partnership which in 2001 became incorporated as Wilkins Farming Company, an agribusiness involving their three sons and today employing 55 permanent employees across several entities in Northern Southland. The majority of the land farmed falls in the proposed 'Old Mataura' zone. The implantation of this plan as it stands will render our agri-business untenable. The economic and social implications of this should not be under estimated.

The three sons Michael, Brendan and Sean are fully involved in all aspects of the business, providing a sound succession plan now for their own children. The family are backed up by a loyal and local workforce, including stock people, machine operators, truck drivers, maintenance crew, trades people, administrators and managers. Furthermore, WFL are supported by a network of around 800 contractors Including; transports, shearers, veterinarians, farm consultants, mechanics, lawyers, engineers, accountants, fuel suppliers, insurers, butchers, builders, administrators, electricians, stock agents, plumbers, stock handlers, water drillers, spray contractors, digger and earth works contractors and compliance consultants. The permanent employees in turn are supporting around 50 families and the majority of the contractors are also local.

Over the years WFL has evolved and diversified into different areas of farming and markets. In the beginning, 1970's it was a 130ha four paddock sheep and crop farm, in the late 1970's deer farming for velvet and venison was established. In the early 2000's dairy support entered the programme and in the late 2000's dairying for milk production began.

During this time WFL have invested heavily in significant infrastructure to add value to products, broaden income streams, gain access to niche markets and build global networks. For example, barley has gone from a whole grain commodity to a crushed, blended and delivered stock feed product to local end users and selling direct into feed mills from Southland to Auckland. Deer are not only sold for meat and velvet but also deer genetics and trophy deer are marketed. The velvet is not just sold in the local market pool but has been sold direct to Asian retailers for over 30 years. A portion of sheep, beef and deer meat is sold direct under our own brand in China, this growth is managed while maintaining a strong relationship with local meat co-operatives.

WFL continue to encompass their product range in developing distribution and branding strategies, leveraging off existing and growing production systems within the Northern Southland farming region. WFL work to produce superior products across the board and the business is working to place their



premium products in niche markets locally and around the world. The income derived from these activities filters back through to the Southland community. The income this business generated has had a positive impact on land values in Northern Southland subsequently increasing the rates income for governing bodies.

The integration of dairy grazing within our cropping system is a sensible break crop. The local environment is highly suited to this practise minimising animal welfare issues and maximising feed utilisation. It provides a channel for hay, balage and cereal straws circulating the organic matter back into the system for the next phase. Much of the residual nutrients from winter grazing of cows are absorbed in the next phase of cropping reducing the need for artificial fertiliser application. Winter grazing keeps many of our grain cropping staff in employment over the winter months who we would have to otherwise lay-off.

WFL have been making continual improvements to their grain plant from establishment & harvest equipment, drying, crushing & handling facilities to freight delivery options which has created opportunities to add value to the crops in the local dairy feed market and also gain direct market access. WFL is one of Southlands largest stock feed suppliers including dairy, servicing approximately 100 Southland farms.

Dairy has natural synergies to the rest of the WFL business model which complement each other economically and environmentally. Excess nutrients from dairy operations are stored and applied to paddocks growing crops or grass at suitable times minimising leaching and maximising the use of those nutrients for production. This reduces the need for additional fertiliser application and creates an excellent nutrient recycling model.

The combination of flat land and extensive hill country is well suited to deer production. The natural habitat in the hills provides an ideal breeding environment including easy access to water ways so not to disturb natural animal behaviour. Venison, velvet, trophy deer and genetics all form a dynamic marketing combination for this part of the business. WFL supplies deer genetics to 25% of Southlands deer farmers.

WFL run a large scale sheep & beef operation including a sheep stud enterprise as part of the overall integrated farming system. The hill country is well suited to sheep & beef production and wintering in this terrain provides natural shelter for the animals during adverse weather conditions and preserves flat land pastures for spring time lambing. As with deer the habitat of natural shelter and access to water ways is well aligned with animal survival and welfare for the sheep and cattle.

WFL focus on producing a premium product and consistently achieving results, with attention to detail in production systems and long term investment in breeding, feeding, animal welfare, plant & animal health, equipment & technology. The farmed properties are managed with care and significant reinvestment is dedicated to ensure production, mitigation of environmental adverse effects and also to preserve and enhance farm presentation. All farm investment is executed with a thorough understanding of both the Northern Southland environmental farming dynamics and the broader markets with a long term view of farming in the region.

Compliance

WFL takes compliance and environmental preservation seriously. WFL are motivated in environmental risk mitigation, continuously adopting and refining strategies. Our future is in this land and it is our top priority to sustain it for future generations.



WFL intensely soil test the land, using a local fertiliser co-operative which has meant we are able to apply variable rate fertiliser using GPS technology to apply the exact amount of fertiliser required on a precise area opposed to blanket generic applications.

In conjunction with variable rate fertiliser WFL have also installed variable rate irrigation technology which mirrors the same principle as the soil testing except it measures the soils ability to hold moisture. In this case using GPS technology the irrigators only apply water where and at specified rates required opposed to broad generic rates.

WFL have adopted GPS technology on their tractors to manage inputs to a high degree of precision. This means that the tractors are on a 'controlled traffic' programme, minimising compaction and reduces overlap to 2cm. Inputs such as seed, fertiliser, chemical, diesel and labour are kept to a minimum mitigating environmental waste and keeping operating expenditure to a minimum.

WFL are rolling out carbon emission inhibiting technology on their tractor and truck replacement schedule. Significant investment in fuel additives and technology means that we are getting extra fuel economy and reduced carbon emission.

Tree plantings are invested in annually as part of our farming model using a longstanding relationship with a local nursery. These have been used for shelter & shade for stock, erosion control, improving air quality, allowing bird life & associated ecosystems to thrive, for privacy and improving aesthetic land value. WFL owned properties have a high population of trees including 70km of shelter belting, 20ha of tree plantations and several landscaped native establishments.

WFL have been establishing sustainable irrigation structures since 2003 using local irrigation companies, drillers and consultants spending hundreds of thousands of dollars on hydrology and test pumping. WFL regard water as an important ingredient in farming. The irrigation acts as a strong risk management tool on particular soil types, it is a strategic long term asset that enables a guarantee of commitments on the forward market. WFL divined this water themselves and absorbed the expense of the exploration, drilling & pumping process which subsequently as a by-product has provided valuable information for public use and analysis.

To manage irrigation, WFL have installed elaborate monitoring equipment which remotely tracks water flows, soil moisture content, air & soil temperatures and rainfall across all of our irrigated farms to enhance precise water management.

WFL are trialling different fertiliser techniques internally to help maximise return from nitrogen applications. This includes gradual reduced rates from the status quo and subsequent yield response analysis.

All of these factors combine as part of both our political and environmental compliance strategy and best practice policy of applying the right amount of product at the right place and at the right time to maximise efficiency and minimise any adverse effects.

Foreword

WFL operations span a dynamic mix of productive flat land to extensive hill country. All systems described in the overview are intimately integrated complimenting each other from both economic and environmental stand points. Farming is about managing the environment in a manner that is sustainable that we can make a living, feed the population and preserve it so that we can do the same again next year and in generations to come.



Just like most other farming decisions, the most environmental outcomes are also the most economic. It is our interest to do our best to preserve our environment and also our farming business. We recognise that farming faces challenges with managing nutrients and water quality, just as the six generations before us did. We are the first to recognise we have a duty of care in this regard, as we do in many other environmental aspects of farming as guardians of the land.

We recognise that central government have imposed objectives on local government and that ES's role is to execute these objectives. We are concerned that the interpretation of 'holding the line' on water quality is being mis-read. The PZ idea is a blunt tool with no track record in a farming regulatory environment.

The fact ES are intending on imposing the strictest regulation our industry and community has ever seen based on an unproven 'physiographic zoning' science and without thorough economic cost benefit analysis displays a concerning lack of care. Without due diligence, understanding and timely consideration, this proposal could have unintended negative effects. Once regulation is bedded down in the constitution it becomes irreversible from a beauracatic stand point causing irreparable damage to capital land values and the ability to derive an income from the land.

We commend ES on the consultation process with the community and hope that it is used as an opportunity to repair what currently appears to be a severe disconnection between the regulators and reality.

WFL

Our submission is made up of four sections;

- 1) Proposed 'Southland Water and Land Plan' (pSWLP)
- 2) Proposed 'Physiographic Zoning' (PZ) concept
- 3) Proposed effects of the 'Physiographic Zoning' concept
- 4) Oppose & Support of other matters in the pSWLP

Where opposals or support is relevant to a particular rule this has been indicated otherwise some opinions are broadly applied to more than one rule or the general principles of the plan.



- 1) **Proposed Southland Water and Land Plan (pSWLP)**
- i) **Partly Oppose - Lack of cost benefit analysis**

Reason

Lack of cost benefit analysis of the pSWLP. There is no credible investigation done to indicate the economic and social effects of the proposed plan in real dollar terms or numbers of people adversely effected. As it stands farmers are being asked to bear a lot of cost, in management plans, consents, restricted income, eroded land values and there are no proven benefits. Farmers will go broke over this, employees will lose jobs, contractors will lose work and it will deconstruct the Southland economy. Unlike in other countries where there are subsidies to absorb this.

The RMA states that a cost benefit analysis should *use a level of detail that corresponds with the scale and significance of the effects anticipated from the implementation of the plan.* This is a headlining issue and severely under done in this exercise. In areas where regulation has been placed in other parts of New Zealand restricting land use capital values have been eroded by as much as 30%, this will deem many farming businesses insolvent. The level of cost benefit analysis done in section 32 report does NOT come close to matching the significance of the potential adverse effects of the proposal.

There is no empathy in this plan toward investments made on farms with the provision for growth. Farmers have installed infrastructure, employed staff and made business plans for growth which are now uncertain and threatened.

IF regulation is deemed necessary then it be applied in a sensible, gradual and measured manner which allows time to identify and mitigate any unforeseen adverse effects.

Relief

Perform an independent review of the cost and benefit analysis of this plan. Identify the costs to farmers and subsequent economies using independent economic & social bodies. Then identify the supposed improvements in water quality that will result from this using an independent scientific body. This report needs to be independently peer reviewed locally and internationally by relevant independent parties and made available for concerned parties. The implementation of any regulation needs to be delayed until such time this cost benefit analysis has been comprehensively achieved. In the interim adoption of best practice farming policies will ensure the objective to 'hold the line' in water quality is achieved.

Any potential gross profit denied as a result of the plan needs to be met with monetary compensation of equivalent value.

A three year pre-determined independent review of the plan and its scientific, economic and social effects must be committed to before imposing regulation. There needs to be provision for any adjustments at the occupier's request, NOT the regulators request, to any plans as a result of the findings of these reviews.



- 1) **Proposed Southland Water and Land Plan (pSWLP)**
- ii) **Partly Oppose - Lack of independence of scientific investigation**

Reason

It is inappropriate that the regulating body are also the scientific body conducting the investigation which is being used to structure the regulatory process. Any money and energy expended before an independent structure is implemented is wasteful as any conclusions or material results are compromised and lack credibility due to a lack of independence. In a scientific investigation there is only one truth and if this truth is arrived at using more than one method by more than one independent bodies then and ONLY then can a case be made.

Relief

Multiple independent scientific bodies should be employed to undertake the scientific investigation using different internationally and locally approved methods. The scientific investigation should be peer reviewed by approved independent international and local scientific bodies with the reports made public to allow affected parties an opportunity to understand results and reasoning for regulation subsequent to findings IF necessary.

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- 1) **Proposed Southland Water and Land Plan (pSWLP)**
 - iii) **Partly Oppose - Lack of independence of scientific investigation**

Reason

It is inappropriate that members of the regulating body are immediately related to members of those conducting the scientific process. It is inappropriate that this particular party on the panel of regulators has an affiliation with the 'Fish and Game' body, Fish and Game could potentially benefit from any outcomes from the proposed WLP therefore a conflict of interest should be declared in this instance.

Relief

Conflicted parties be replaced by impartial qualified candidates.

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- 1) **Proposed Southland Water and Land Plan (pSWLP)**
 - iv) **Partly Oppose - Unrealistic timeframe from plan release to plan submission phase**

Reason

The plan was released on the first week of June 2016 and submissions closing on 1st August 2016, allowing two months for potentially affected parties to digest, understand and seek advice on a plan of this scale is unfair. It is a deceitful tactic used to 'ambush' adversely affected parties with a magnitude of regulation in an impractical timeframe. Many of the concerned parties are unfamiliar with the process of a plan change and it takes a level of understanding and interpretation before one can derive the bottom line and effects from a plan of this scale. In such a short timeframe it is possible that concerned parties will miss important detail and not have their intended say on matters that could affect them. A single rule change within a plan might be practical to be assessed in a two-month timeframe but this is an entire plan change.



Relief

We request an allowance to comment on issues that we may not have submitted on at the hearing process. Further proposed plan changes need to have a longer timeframe for assessment, something like an entire plan change requires a more appropriate time frame like six months to sought thorough understanding and sound advice.

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- 1) **Proposed Southland Water and Land Plan (pSWLP)**
 - v) **Partly Oppose - Lack of scientific evidence to substantiate a plan change**

Reason

Speaking on behalf of the so called 'Old Mataura' PZ in Wendonside we have not been given enough scientific evidence to state there is more of an issue in this area than any other farming area in Southland.

We need to see a water quality monitoring exercise which surrounds Wendonside, down stream & upstream with the same principle applied to any potential sources of contamination within. The tests need to extend horizontally and vertically until we have a grasp on any potential issues. Water quality tests need to be taken at consistent times of year in regularity not sporadically.

The latest water quality data for Wendonside we have been provided only goes back to 2001. We have been given no indication of what water quality was doing before this time making it impossible to associate any trends of water quality with any particular land use. We have not been given any indication as to the age of the water that is being monitored, without this it is impossible to align any potential water quality effects with any particular land use.

The wells that have been monitored are subject to being compromised, one being on the site of an old school grounds adjacent to a drainage ditch and culvert and the others are in line with the one temporary water way through the Wendonside plain which stems from a small isolated potentially polluted area. To tarnish the whole area based on this is reckless and unprofessional. If there is a problem here it could be rectified by correcting any isolated causes.

The above principles may or may not apply to any other region that feels the same sentiments, we express ourselves in relation to Wendonside as we are more qualified in this region than we are in other regions. We do not proclaim to be qualified on water quality monitoring, the principles outlined are not elaborate science just common sense.

We disagree that such exercises are too expensive as they are much cheaper than the alternative erosion of land values and loss of income. It was quoted at the Balfour Pub by an ES scientist that the Southland Demonstration Farm water quality monitoring system costed approximately \$300,000 and was not practical to replicate. This figure is a fraction of the capital erosion this plan could potentially cause to ONE typical title in Wendonside in the proposed 'Old Mataura' zone. If a source of contamination was identified and needed to be monitored, several of these arrangements (which would get cheaper through replication) would not be out of the way.

We see an irony that Environment South (ES) use the wells that we divined, bored, test pumped and maintain at OUR cost to monitor water quality and then tell us that they will provide us with subsequent data "for free". These wells are not necessarily in suitable positions for uncompromised water quality analysis just convenient for what we see as sporadic testing.



We have undertaken water quality tests in our own wells in the Wendonside area for years and there are no high or upward trending nitrate levels in our results.

Relief

The study needs to demonstrate;

- 1) *A source*
- 2) *A completed pathway*
- 3) *That the timing makes sense*
- 4) *That the glove fits*

(Dr M. Sklash 2014)

More purpose built monitoring wells should be installed in non-compromised zones. More monitoring should be done to isolate any problems horizontally and vertically and the water tested should be aged.

IF sources of contamination are found these should be elaborately monitored to better understand them.

Until these structures are achieved and a bedrock of data can be used as basis for informed decision, the adoption of best practise farming policies will achieve the objective of *'holding the line'*.

1) Proposed Southland Water and Land Plan (pSWLP)

vi) Partly Oppose - Lack of integrity of the Water and Land Plan, WLP

Reason

Over the last month since the release of this plan and subsequent farmer-ES meetings we have seen a rush of ES staff to monitor wells in Wendonside. This demonstrates that there is a realisation that the scientific data is insufficient and there is a last gasp panic attempt to obtain more data. This undermines the credibility of the plan and the science used to base it on. It proves that ES have underestimated the importance of this matter to farmers when writing the plan and the reaction it was going to cause.

Relief

Allow more sensible time frames between scientific investigation & cost benefit analysis and imposing of regulations. In this case ensure that a comprehensive scientific investigation is COMPLETED before using it structure a plan change. In the interim adopt best practise farming principles to achieve the *'holding the line'* objective.



1) **Proposed Southland Water and Land Plan (pSWLP)**

vii) **Partly Oppose - Lack of response to farmer submission and opinion**

Reason

In November 2015 WFL submitted a submission on the WLP draft (*see attached*). Earlier in 2015 farmers met with regulators at the Lumsden Community Hall and on a bus ride around Southland on a separate occasion to discuss and raise concerns of the draft including delegates from WFL. Vin Smith stated at the Balfour Pub at a meeting in July 2016 that ES had taken on board concerns expressed by farmers during the consultation period before the plan was drawn up.

After studying the pSWLP it appears to us that none of these concerns have been responded to. *Rule 23 Intensive winter grazing* is an example of this. An extract from our submission attached, *'Some of the farms we operate are 100% winter grazing operations, our business will not sustain such a dramatic restriction'*.

If this process is compromised in anyway, then irreparable damage will be made to the farming industry, communities and the well-being of families and individuals. Farmers know farming best, NOT ES, it is not in our interests to degrade the environment we are farming in. We are the ones drinking the water and eating the food directly off the land, it is our children who will be occupying it in future generations. There is no better incentive than that for us to display our duty of care and preserve this asset.

We have seen farms in our area converted in our area to unsuitable land uses in the last 30 years that we would not have done ourselves due to adverse effects including water quality however it was done with ES consent. Since then one of these farms and practises have been identified as being a threat to water quality by ES. Ironically the people who did the conversion came in from outside of Southland, profited at the environments and communities expense then sold the farm in a rundown state and left Southland again. All with council consent. Now both pre and post existing neighbours are being left with the mess to clean up at our cost.

Relief

Please take careful consideration of this submission, failure to do so will have a disastrous effect on the Southland economy. Do NOT use ES to dictate farming activities. IF regulation is necessary after due diligence is achieved it should be done on an effects based system which is managed by but not limited to catchment groups or a likely qualified body. Any regulation needs to be delayed until such due diligence is achieved and implemented in a sensible, gradual manner which allows time for review and provision for adjustment at the FARMERS request.

This is not an attack on ES but an observation that one body cannot practically be expected to understand and monitor something of such scale to the degree of detail required without compromising objectives. Local knowledge is an asset which should be capitalised not ignored.



2) 'Physiographic Zoning' concept

Section Physiographic Zone Policies

Oppose

Reason

We oppose the physiographic zoning "PZ" idea. The science is unproven and we feel it is inappropriate to 'guinea pig' the province's livelihood on an unproven concept. We have not been given sufficient evidence that any scientific body has 'put their arms around' this idea before using it as the founding principle for the most rigid regulation our industry and community have ever seen.

There are many other more resourced and more experienced communities all over the world which are more advanced than we are at managing water quality. We are concerned that Southland with less than 100,000 people which has barely been in civilisation for 150 years feel the need to pioneer a science such as water quality management. In essence telling all the governing bodies in advanced civilisations such as America who have been doing this for decades that we know better and need to re-invent the wheel with our limited resources and no more than a few years of sporadic water monitoring history.

There are other solutions from around the world which are conducive to both farming and water quality management without re-writing the constitution at rate payers expense.

Relief

Do NOT use PZ's to support regulatory structures. Use a proven and established method, which has been used in a similar scenario where any negative impacts on BOTH farming and water quality are minimised in line with each other.

Any method adopted needs to be independently, internationally and locally peer reviewed. Something like, but not limited to a combination of grand-parenting and the Overseer model which allows farmers to carry on as they are and to identify their 'state and trend' of nutrient management and mitigate or correct any potentially adverse negative effects accordingly.

Section Physiographic Zone Policies

Oppose

Reason

The idea that a local council is dictating what farmers do with their land is a contradiction to the RMA. Especially in regards to Rules 22 and 23 in "Old Mataura" restricting dairy farming and intensive winter grazing. See the address from Otago Regional Council CEO attached to this document in regards to their water quality management rules stating "...land managers are free to choose how they utilise their land...." This is more in line with RMA principles.

Relief

Do NOT use PZ's to support regulatory structures. The regulation should be 'effects based', on a user pays scale. Farmers inputs and outputs should be monitored and if one is leaking excessive nutrients then they should be helped to manage their system in the right direction. This is a more case by case basis approach where 'best practise' operations are incentivised. The concept of nutrient management is foreign to some farmers and to penalise them on a matter they have no knowledge



of is unfair. If we govern not what farmers do on the land but mitigate any adverse effects of farming that land is a more democratic approach.

Section **Physiographic Zone Policies**

Oppose

Reason

The PZ idea means two adjacent farmers on different zones can have different regulations opposed on them and one be disadvantaged over the other as a result of this proposed zoning concept for which no proven scientific reason or regardless if one is having more of an impact on water quality than the other. Erosion of the ability to derive income and subsequent capital values of one disadvantaged is unfair on farmers and destructive to Southlands economy.

Relief

Do NOT use PZ's to support regulatory structures. Use a method which is under pinned by a case by case methodology, judging each situation on its merits, such as but not limited to the Overseer model.

Section **Physiographic Zone Policies**

Oppose

Reason

The mapping is broad, generic and doesn't capture or represent actual variances. There are areas on our properties that are have characteristics inconsistent with the ES definition of 'Old Mataura' however have been classified as such.

On the other hand, we are concerned that ES might redefine an area to the detriment of a farming operation retrospectively from the plan change. This creates significant uncertainty in our business.

Relief

Make an allowance for PZ's to be challenged and changed using a pre-determined and robust process retrospectively to law changes at the request of the land occupier but NOT the regulator.



3) Effects of the 'Physiographic Zoning' concept

Section Policy 9

Oppose

Reason

We oppose that 'Old Mataura' is in a Non Complying category for new or expanding dairy farming and additional intensive winter grazing. The expression *strongly discourage granting of resource consents* is too harsh. The justification for 'Old Mataura' being a higher risk category zone than riverine, gleyed, oxidising, central plains, lignite marine terraces and bedrock/hill country is unfounded and the consequences of this zoning will cause irreparable damage to farming systems in this zone and cause businesses to be unsustainable.

Relief

'Old Mataura' should be in the same consent category as riverine, gleyed, oxidising, central plains, lignite marine terraces and bedrock/hill for new or expanded dairy farming and additional intensive winter grazing, restrictions on expanded dairy farms and additional winter grazing activities in all these zones should be relaxed to a restricted discretionary activity until we have a firm grasp of this issue.

Remove point 3 from policy 9

Section Rule 22, (b) New or Expanded Dairy Farming of Cows

Oppose

Reason

It is unfair to restrict new or expanded dairy farms in the proposed "Old Mataura" zone to being a non complying activity with a lack of due diligence from scientific, economic or social perspectives. Much of our infrastructure up until now has allowed for provision of growth of dairy farming which we will not be able to capitalise. Our complete business model hinges on growth in dairy, not just the dairy farms but the stock feed component and dairy support wintering and young stock also. This will seriously erode our ability to derive income and also our capital land values.

Reilef

"Old Mataura" zone should be in the same consent category as riverine, gleyed, oxidising, central plains, lignite marine terraces and bedrock/hill for new or expanded dairy farming. No regulation to be imposed until science is proven that regulation will achieve a better outcome than a concentration on best practise farm policies would.

Dairy farming should not be targeted and should not be assessed independently to any other form of land use. These should be assessed on a case by case basis be it dairy, sheep & beef, deer, vegetables or tulips.

Remove "Old Mataura" from rule 22 (b)



Section Rule 23, b(iii) and (iv) Intensive Winter Grazing

Oppose

Reason

It is not practical nor reasonable to confine farms to a restricted area of 20ha or 50ha per landholding depending on PZ. WFL are currently winter grazing 700ha of winter forage crop in our Wendonside operation alone, most of which is in the Old Mataura PZ. To suggest that we are to be confined to 20ha as a permitted activity when a neighbouring party on a 20ha standalone title can do the same amount is concerning. The 20ha rule disregards yield, total area of a farming business, stock units, stock numbers and the time stock spend on a crop.

"Old Mataura" should be in the same consent category as riverine, gleyed, oxidising, central plains, lignite marine terraces and bedrock/hill for intensive winter grazing. No regulation to be imposed until science is proven that regulation will achieve a better outcome than a concentration on best practise farm policies would.

Individual land uses should not be discriminated over another land use as more likely to have adverse effects on ground water. There is too much variance within the expression of 'intensive winter grazing' to be fair to both ends of the spectrum. Our business will not sustain such restriction nor the uncertainty that we may or may not be granted consent to carry on with our going concern business.

To implement this rule by May 2018 is unpractical and irresponsible before due diligence has been achieved.

Stock in Southland have still got to be winter grazed somewhere and to remove them from the proposed *"Old Mataura"* zone will mean that other zones are more intensified. Extensive grazing over winter months in Southland is not a practical concept.

Relief

Intensive Winter Grazing should not be targeted and should not be assessed independently to any other form of land use. These should be assessed on a case by case basis be it dairy, sheep & beef, deer, vegetables or tulips.

"Old Mataura" zone should be in the same consent category as riverine, gleyed, oxidising, central plains, lignite marine terraces and bedrock/hill for new or expanded dairy farming. No regulation to be imposed until science is proven that regulation will achieve a better outcome than a concentration on best practise farm policies would.

IF regulation is necessary it could be linked to water quality and nutrients typically leached (if any) proven with a scientific method similar but not limited to the Overseer model. Any restrictions should be applied once due diligence has been achieved such as a comprehensive cost benefit analysis of economic and social costs vs environmental benefits. If this exercise takes five or so years, then that is what we should do to get this regulation right the first time. In the interim adoption of best practice policies will go a lot further than the proposed regulation would in 'holding the line' of water quality.



Section **Rule 23, Intensive Winter Grazing**

Oppose

Reason

If intensive winter grazing is restricted, we oppose the idea that it is done on a ha/landholding basis.

Relief

It should be done as a percentage of your total area ie 30-40% would mean that existing winter grazing businesses are not compromised.

Section **Rule 23, (c) (i) Intensive Winter Grazing**

Support in part

Reason

Grand parenting on a three-year basis should be allowed as it is a good tool to ensure existing business interests are not compromised. Those in an existing activity should not be denied grand parenting, just because those who have no history of a particular land use cannot start a new activity.

Relief

Grand parenting should be confined to those who are already performing an activity beyond any regulatory limits. Those beginning a new activity or wishing to increase an activity on a farm should be allowed the opportunity on a case by case effects based basis using relevant due diligence factoring in all environmental, economic and social perspectives.

Section **Rule 23, (v) (iii) Intensive Winter Grazing**

Oppose

Reason

We request that the term *lake* is defined

Relief

A lake should be a known named lake i.e. Lake Te Anau. A duck pond should not be defined as a lake and a practical setback i.e. 3m should be applied as far as cultivation is concerned.



4) **Oppose & Support of other matters in the plan**

Section Policy 40, Point 7

Oppose in part

Reason

This rule does not take into account an individual's capital investment and previous compliance record.

Relief

Policy 40 is removed and council assess each application on its merit.

Section Policy 42

Oppose in part

Reason

We are not satisfied with the scientific reasoning to establish that a particular application is *fully allocated*. We also point out that water demands, land uses etc change during the timeframe of a consent so that allocation of an aquifer can change from time to time.

Relief

Scientific proof to establish aquifer allocation must be independently achieved using internationally approved techniques. Allocation status of an aquifer needs to allow provision for review as water uses change from time to time.

Section Rule 9 – Discharge of agrichemicals onto or into surface water

Support

Reason

This rule provides for good management practise to keep weeds under control, reduce the risk of tiles blocking and keeps water levels low to mitigate potential contamination in flood situations by overland flow.

Relief

Retain this rule



Section Rule 10 – Discharge of agrichemicals to land where they may enter water

Support

Reason

This rule provides for good management practise.

Relief

Retain this rule

Section Rule 14 – Discharge of fertiliser

Support

Reason

This rule provides for good management practise

Relief

Retain this rule

Section Rule 16 Discharge of water from bores and wells

Support

Reason

This rule provides for good management practise, assuming it does not alter previous legislation to this plan.

Relief

Retain this rule

Section Rule 17 Dust suppressants

Support

Reason

This rule provides for good management practise

Relief

Retain this rule



Section Rule 20 - Farming

Partly Oppose - Impractical workload on ES compliance team & farmers with consent processes and unrealistic timeframes

Reason

ES have not got a realistic grasp on the compliance involved in this proposal in regards to common practise outlined in this rule. Both the regulators and farmer's primary objectives will be compromised by the bureaucratic compliance commitments as neither parties have the resources to achieve these unrealistic expectations of the share volume of resource consents required.

We are concerned that ES have severely underestimated what will be involved here so that the compliance process does not hinder both the farming process and the management of water quality.

Relief

Any regulation needs to be delayed until necessary due diligence is achieved from scientific, economic and social perspectives. Something like but not limited to the Southland Economics Project this may take 5-10 years then so be it. Regulation should not be applied until such point and only IF deemed necessary by relevant independent bodies. In the interim adoption of best practice policies will go a lot further than the proposed regulation would in '*holding the line*' of water quality.

Any regulation needs to be determined and monitored by something like but not limited to local catchment bodies, NOT Environment South. People who are qualified and familiar with local practice & and subsequent effects concerned. A model like but not limited to Overseer in which a farmer can monitor inputs and outputs.

Consent timeframes need to be as long as practically possible. I.e. anything less than 20 years poses uncertainty in a farming model and can compromise the ability to derive income and subsequently farm values. Five year reviews could be beneficial for both parties to assess standings and potential improvements. Outcomes from these reviews are to be constructive suggestions and NOT to be legally binding.

Section Rule 25 Cultivation

Support in part

Reason

We oppose that farmers cannot cultivate land on more than a 20 degree slope more than once every five years and that they cannot cultivate over 20 degree slopes as a permitted activity. Our typical rotation is swedes, kale, kale and young grass and then a five year pasture phase.

Relief

Relax rule (a) (ii) to 30 degrees.

Relax rule (b) (ii) to cultivation to be allowed to 4 times in 10 years.



Section Rule 37 Agricultural Dips

Support

Reason

This rule provides for good management practise

Relief

Retain this rule

Section Rule 40 Silage

Support in part

Reason

This rule generally provides for good management practice, however no discharge to groundwater implies that the surface must be sealed.

The use of land as a storage facility that doesn't meet the conditions of 40 (b) should be a controlled activity instead of a non – complying activity.

We question the need for two separate rules dealing with silage.

Relief

(iii) delete the words '*or groundwater*'

On 40 (c) replace '*non-complying*' with '*Controlled*'.

Condense silage regulation into one rule.

Section Rule 41 Silage Leachate

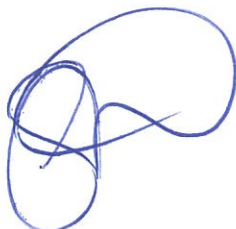
Support in part

Reason

This rule generally provides for good management practice. Although the rule should refer to average depth of application for practicality.

Relief

Amend 41 (a) (iv) (2) to read *average depth of application...*



Section Rule 43 Farm landfills

Support

Reason

This rule provides for good management practise

Relief

Retain this rule

Section Rule 44 Dead holes

Support

Reason

This rule provides for good management practise

Relief

Retain this rule

Section Rule 53 Bores and wells

Support

Reason

This rule provides for good management practise assuming it hasn't been changed from the previous regulation.

Relief

Retain this rule assuming it hasn't changed from the previous regulation.

Section Rule 54 Abstraction and use of groundwater

Support

Reason

This rule provides for good management practise assuming it hasn't been changed from the previous regulation.

Relief

Retain this rule assuming it hasn't changed from the previous regulation.

Section Rule 70 (vii) Stock exclusion from waterways

Support in part

Reason

We support the exclusion of sheep from the rule.



In hill country it is not economically or practically viable to exclude deer and cattle from waterways and also install stock water systems as a result of this. The deer's natural habitat and behaviours will be compromised from an animal welfare perspective if excluded from waterways.

Relief

Access to waterways by deer and cattle in hill country greater than 10 degree gradient should be a permitted activity adopting good management practise.

Purpose built wetlands at the outlet of the farm which act as a filter for the surface water body before it enters tributaries could be a tool to mitigate adverse water quality IF it is proven that the stock are causing any adverse effects.

Section Rule 73 Gravel Extraction

Support in part

Reason

This rule provides for good management practise and sound management of this natural resource. We consider that the plan should allow gravel for farm related uses, as a permitted activity rather than a restricted discretionary.

The quantity of gravel in *Rule 73 (i)* of 120m³ is too low to be of any practical use.

Relief

Amend Rule 73 to allow the extraction of gravel for farming purposes, as a permitted activity.

We suggest that gravel extraction should be taken on a case by case basis that captures the environmental benefit of managing aggrading gravel levels and river containment as well as economic benefits.

Amend Rule 73 (a) (i)less than 500m³/year

Section Rule 75 Vegetation flood debris removal

Support

Reason

This rule provides for good management practise

Relief

Retain this rule



Section Rule 76 Vegetation Planting

Support

Reason

This rule provides for good management practise

Relief

Retain this rule

Section Rule 77 Vehicles and Machinery

Support

Reason

This rule provides for good management practise

Relief

Retain this rule

Section Rule 78 Weed and sediment removal for drainage maintenance

Support

Reason

This rule provides for good management practise support. We support cleaning of any modified water course as a permitted activity in this policy. This reduces the risk of tiles, drains & culverts from blocking and keeps water levels low to mitigate potential contamination in flood situations by overland flow.

Relief

Retain this rule

Section Rule 79 High Country Burning

Support

Reason

This rule provides for good management practise

Relief

Retain this rule



Section **Glossary**

Support in part

Reason

The following definitions require amendment and/or clarification:

Cultivation, Forage Crop, Intensive Winter Grazing, Sub surface drainage systems, Lake and Wetland.

Relief

Definitions to read as follows

Cultivation: *'preparing land for growing pasture or a crop by mechanical tillage'*
(ie) methods that disturb the soil and the root systems that bind it. Spray and pray, direct drilling and mole ploughing should NOT be included as cultivation.

Intensive Winter grazing: *'Grazing of stock between June and August on brassicas and beets'*
As IWG is a winter activity

Forage Crop: *'defined as brassica and beet crops'*
Important to define this as cereal crops should be excluded

Sub surface drainage systems: delete the word *'mole'*
As mole drains are not long term drainage solutions

Lake: define as a named lake ie Manapouri,
This excludes duck ponds

Wetland: exclude *intermittently wet pasture*

Section **Appendix L, Y.5.2**

Oppose

Reason



We oppose the proposal to lift the irrigation cut off limit from 136m to 146m as this could potentially restrict our access to water during crucial times of the growing season.

Relief

Remove irrigation cut-offs in Garvie aquifer until sound environmental, economic and social due diligence has been obtained.

Section Appendix N

Oppose in part

Reason

Management plans required contain industry sensitive information that we are not prepared to share at the risk of compromising our business interests and the idea that ES can demand a management plan 'on the spot' is unrealistic. The extra workload is an excessive demand on farmers and regulators. We don't see the need for it to be done annually and are uncertain of consequences if ES do not agree with our plan.

Relief

Management plans only be required to submit to ES if there is a scientifically proven issue as a result of a farming practise on a particular farm.

The request of a management plan must be in writing to the farmer concerned with 20 working days' notice.

Add a statement that the information within the management plan remains the property of the farmer.

Review and reduce the management plan requirements. eg information already held by ES such as resource consents. Plus, delete drainage maps and heritage sites.

Extend the need to review the management plan out to 5 yearly.

Change the Nutrient budget to be a separate document that requires annual review.

Section Appendix O, Irrigation (a)

Support in part

Reason

These points allow for good management practise and a case by case basis however we oppose the restriction of irrigation to 3000m³/ha/yr. This is too low to sustain uncompromised crop production.

Relief

3000m³/ha/yr is an unreasonably low base and it should be more like 4500m³/ha/yr with potential to go up on a case by case basis which factors in all economic and environmental perspectives.



References

Dr. Michael Sklash. 2014. Youtube. [ONLINE] Available at:
http://www.youtube.com/watch?v=49Ddh8Iip_U. [Accessed 31 July 2016].

