



SUBMISSION

23 June 2016

TO:

Marlborough District Council

ON:

Proposed Marlborough Environment Plan

BY:

Beef + Lamb New Zealand

Contact for service

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Further Submission

- I am a person representing a relevant aspect of the public interest.
- I am a person who has an interest in the proposed plan that is greater than the interest the general public has.
- I am the local authority for the relevant area.

Council Hearing

- I do not wish to be heard in support of my further submission; or
- I do wish to be heard in support of my further submission; and if so,
- I would be prepared to consider presenting a joint case with others who have made a similar further submission at any hearing.

A. Introduction

1. Thank you for the opportunity to make a further submission to the proposed Marlborough Environment Plan (pMEP).
2. B+LNZ is an industry-good body, funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Our mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning and farming systems.
3. B+LNZ is actively engaged in environmental issues that affect the pastoral production sector. We are committed to supporting farmers with the tools and services they need to adopt sustainable business practice. In addition, B+LNZ's environment programme aims to build farmer leadership and capability in environmental management within the sheep and beef sector.

B. General Comments

4. B+LNZ notes Council's considerable effort to summarise and report on the 1302 submissions received. We thank you for preparing this comprehensive document as it has helped us to better understand the other stakeholders' view points, and provide additional comment back to Council.
5. B+LNZ notes that some submitters are seeking stricter input controls around land management actions. Each of B+LNZ's comments in this further submission are predicated on connecting farmers to the 'why'. By this we mean, we are looking for a Plan that empowers farmers to improve water quality, not a plan that focuses everyone's attention to a threshold, resource consenting limit, or audit trail. We want farmers to be making the best on-farms decisions because they understand how their actions will affect water quality, and they know what they can do to internalise any potential risk. This approach to planning will result in win-wins for everyone – improved water quality outcomes, a resilient and adaptable drystock sector, and flexible and diverse landscapes.

6. The following table outlines B+LNZ's further submission to the Proposed Southland Water and Land Plan.

C. B+LNZ's Further Submission to the Proposed Marlborough Environment Plan

Submitter name	Point ID	Section of Plan	Support / Oppose	Reason for support/ opposition	Decision sought
Ernslaw One Ltd	505.007	Policy 6.2.8	Oppose	<p>The submitter's states "The Plan needs to give effect to the Minister of the Environment's endorsement of the Land and Water Forum recommendation (agreed by Beef and Lamb NZ) that, by way of regulation, all stock should be excluded from waterbodies, with cows on all dairy platforms excluded by July 2017"</p> <p>This is incorrect. The proposals on stock exclusion regulations are currently before the government. At this time, the Plan is not required to give effect to this policy, as it has not yet been finalised.</p> <p>Secondly, the Land and Water Forum recommended the exclusion of dairy cattle, beef cattle, deer and pigs only. Sheep were not included in this recommendation – i.e., the recommendation recognised that sheep are unlikely to enter waterways and therefore pose less risk of directly depositing faecal contaminants into water. This recommendation was picked up by the New Zealand Government in the 2017 Clean Water Package, issued by the Ministry for the Environment earlier this year. Again, sheep were not included in this proposal.</p> <p>No evidence has been provided to support the recommended setback distances. In fact, the recommended setback distances have been cut and paste from another region's proposed plan, which has very different climatic conditions to the Marlborough District. Furthermore, these setback distances are likely to change in the other region as a result of the other council's submissions and the hearing process.</p>	B+LNZ seeks that the whole submission be disallowed

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Ernslaw One Ltd	505.017	Policy 15.1.27	Oppose	The decision sought is jumping to a solution, without accounting for the diversity across drystock farm landscapes. Fences may not be the most cost effective option for protecting waterways. The decision sought in this submission will require fencing through the Plan's methods, and will remove farmers' ability to make decisions that best suit their unique set of circumstances. The policy will achieve better results if it focuses on the outcomes, i.e. protecting water from direct deposition of faecal bacteria, and empowers farmers to decide on the most effective way of doing this within their unique farming operation.	B+LNZ seeks that the whole submission be disallowed
Ernslaw One Ltd	505.019	Rule 2.7.9. Livestock entering onto, or passing across, the bed of a river.	Oppose	As aforementioned, the reasons given to support this submission are not correct (see commentary on submission point 505.007).	B+LNZ seeks that the whole submission be disallowed
Department of Conservation	479.180	General Rules 2.14.6.	Oppose	The submitter sought " <i>When vegetation is planted for the purposes of aquatic habitat protection, native plant species must be preferentially planted</i> " This submission applies a blanket rule. The notified rule was sufficiently precautionary, and allows landowners to make decisions that are best suited their land and their farming business.	B+LNZ seeks that the whole submission be disallowed
Nelson Marlborough Fish and Game	509.007	25 Definitions	Oppose	The submitter sought " <i>Amend the definition of wetland to remove the wording "but this does not include these areas where they are entirely man made" and amend</i> "	B+LNZ seeks that the whole submission be disallowed

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				<p><i>definition to ensure that improved pasture/crop areas are considered as wetlands."</i></p> <p>The proposed changes to this definition could result in perverse outcomes. Wetlands are an important feature across landscapes, and we want farmers to be encouraged to construct, retain and enhance wetter areas and wetlands for nutrient and sediment management as well as other ecosystem services, across the landscape. A Plan that puts strict land use restrictions around constructed wetlands will focus farmer attention on the legal 'risks' or 'costs' associated with constructed wetlands, and not the opportunities or benefits.</p>	
Nelson Marlborough Fish and Game	509.008	25 Definitions	Oppose	<p>The submitter sought <i>"that all remaining wetlands in the Marlborough Region be identified as significant wetlands given their global rarity and to recognise the diverse, complex and productive nature of these ecosystems..."</i></p> <p>Based on the RMA definition of wetlands, and on the consequential amendments sought through submission point 509.7, every <i>'intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions'</i> would be considered a significant wetland.</p> <p>Aforementioned, in our reasons for opposing submission point 509.7, B+LNZ is concerned that these changes would result in perverse outcomes.</p>	B+LNZ seeks that the whole submission be disallowed
Nelson Marlborough	509.199	15 Resource Quality	Oppose in part	B+LNZ supports: <i>"include policies in the Plan to ensure that:</i>	B+LNZ seeks that the submission be allowed with the following amendments:

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Fish and Game		(Water, Air, Soil)		<ul style="list-style-type: none"> • The allocation status of freshwater management units are defined to identify each freshwater management unit as under-allocated, fully-allocated or over-allocated and use the Council's state of the environment monitoring information to determine those waterbodies that do not currently meet the water quality standards in Appendix 5, Schedule 2 and work toward restoring ecosystem health in those waterbodies by 2030. • Require farms to comply with specified management practices which minimise or reduce the loss of nitrogen, phosphorous, sediment and faecal contamination, including, but not limited to, the requirement to seal effluent ponds and to practice deferred irrigation, good management practices for the application of fertiliser and other nutrient sources, including setbacks from waterbodies, permanent fencing and planting of riparian margins, good management practices for earthworks and cultivation including setbacks from waterbodies to avoid or minimise sediment run off to water," • "Ensure that those activities and land uses which are contributing the most to the over allocation bear the majority of the cost of reducing the over allocation (adopt the polluter pays principal)" <p>B+LNZ comment: There is significant geographical diversity across the drystock sector. To deliver the best on-ground results, the pMEP must connect farmers to the 'why' and enable them to make decisions that are most appropriate to their unique set of circumstances. Farmer developed and implemented Farm Environment Plans are the most appropriate tool to</p>	<p>"Include policies in the Plan to ensure <u>encourage</u> that:</p> <ul style="list-style-type: none"> • Nutrient budgets are prepared annually... <p>"Include policies in the Plan to ensure that:</p> <ul style="list-style-type: none"> • Include a method to develop farming activities <u>comply with a sustainable nitrogen leaching rate which is based on allocating the total allowable load of nitrogen for the sub-catchment, freshwater management zone or catchment to the land on the basis of either a 'flat' per hectare allocation of nitrogen leaching or subcatchment approach to managing a nitrogen leaching nutrient discharge allowance per hectare</u> based on an allocation on a land use capability class <u>basis</u>, or some other methodology which achieves the efficient use of natural resources <u>incorporate and support a collective approach to sub catchment management based on priorities that are expressed as prioritised actions in farm specific farm environment plans</u> • Exclude all livestock from rivers, lakes and wetlands, and to culvert or bridge all regular stock crossings" • Include a method prohibited activity for new or intensified land use in (a use that increases loss of nitrogen or phosphorus) <u>use of production in</u> sub catchments that are currently over allocated for

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				<p>deliver on the decision sought, while connecting farmers to the 'why' and allowing them to account circumstances of their whole farming business as they implement these actions.</p> <p><i>"Include policies in the Plan to ensure that:</i></p> <ul style="list-style-type: none"> <i>• Farming activities comply with a sustainable nitrogen leaching rate which is based on allocating the total allowable load of nitrogen for the sub catchment, freshwater management zone or catchment to the land on the basis of ... an allocation on a land use capability class basis, or some other methodology which achieves the efficient use of natural resources."</i> <p>B+LNZ comment: if council is going to adopt policies and methods for the allocation of Nitrogen discharges then Land use capability provides for a good starting point to allocate N, however it is strongly recommended that a further plan change process at a catchment level would be required. This plan could set up a method for developing an allocation process if council consider that is the most effective method to achieve the objectives of the plan.</p> <ul style="list-style-type: none"> <i>• "Nutrient budgets are prepared annually by a person who has completed both the "Intermediate" and the "Advanced" courses in "Sustainable Nutrient Management in New Zealand Agriculture" conducted by Massey University, and provided to the regional council. The information shall be provided in an electronic format compatible with regional councils information systems and may include but shall not be limited to the following reports from Overseer or their equivalent if an alternative model is used (must be accredited for use by the regional council): Nutrient</i> 	<p>nitrogen or phosphorus to be managed through a farm environment plan to ensure any additional risks to the catchment are managed</p>

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				<p><i>Budget, Nitrogen, Phosphorus, Summary, Nitrogen Overview"</i></p> <p>B+LNZ comment: Nutrient budgets are an effective tool, and B+LNZ encourages sheep and beef farmers to obtain these to help inform and support their farming business. However, when nutrient budgets are required purely for planning purposes, everyone's focus automatically goes to the N loss to water number associated with their nutrient budget. For many sheep and beef farmers, their N loss numbers are very small, and greater environmental gains can be made by teaching farmers about overland flow pathways and how to manage critical source areas to prevent contaminant loss to surface water bodies. While, we don't oppose the need for nutrient budgets, we do question the value in requiring all farmers to obtain one. The decision sought risks us shifting farmer focus away from where they can have the greatest impact on maintaining or improving water quality – i.e. the 'why'.</p> <p>B+LNZ opposes:</p> <p>"Include policies in the Plan to ensure that:</p> <ul style="list-style-type: none"> • Exclude all livestock from rivers, lakes and wetlands, and to culvert or bridge all regular stock crossings" <p>B+LNZ comment: Sheep are less likely to enter waterways. B+LNZ opposes the requirement for total stock exclusion.</p>	

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				B+LNZ comment: This decision sought is a pragmatic way to manage intensification in over allocated catchments. However, a restricted discretionary activity status may be more appropriate.	
Nelson Marlborough Fish and Game	509. 4	25 Definitions	Oppose	<p>The submitter sought <i>"Retain the definition [of Intensively farmed livestock] with amendment to include all cattle on low-land farms (excluding high country farmed cattle) not just cattle on irrigated land or contained for break-feeding of winter feed crops in recognition that all cattle farmed on lowland areas have the same impacts, particularly when entering onto or passing across the bed of a river."</i></p> <p>The intent of this decision sought is understandable – the type of cow (dairy or beef) makes no difference in its impact on water quality. However, the recommended amendment will be difficult for farmers to implement on ground, as it leaves too much subjectivity in its interpretation.</p>	B+LNZ seeks that the whole submission be disallowed
Nelson Marlborough Fish and Game	509. 202	2 General Rules	Support in part	<p>The submitter sought <i>"to include a schedule outlining requirements for Farm Environment Management Plans similar to Schedule 7 of the Canterbury Land and Water Regional Plan"</i></p> <p>For reasons outlined in our original submission. Farm Environment Plans are specific to each property, account for all goals on a farm, and help to prioritise actions over a timeframe that works for that farm. Voluntary Farm Environment Plans are an excellent tool</p>	<p>B+LNZ seeks that the submission be allowed when amended to</p> <p>include a schedule outlining requirements for voluntary Farm Environment Environment Management Plans as an alternative to prescriptive activity based rules, similar to Schedule 7 of the Canterbury Land and Water Regional Plan</p>

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				to connect farmers to the 'why' and to target farmer owned and driven actions to improve water quality.	
Nelson Marlborough Fish and Game	509.203	2 General Rules	Support	<p>The submitter sought "that the Plan apply the allocation of nutrients principles from Beef and Lamb NZ (attached as an appendix to this submission) as policies and rules when considering the allocation of nutrients for farming activities."</p> <p>We agree with submission, and have attached a link to these principles here</p>	B+LNZ seeks that the whole submission be allowed