

Proposed Natural Resources Plan:

Submitter:

Beef and Lamb NZ

Submitter Number:

S311



SUBMISSION

23 OCTOBER 2015

TO

Greater Wellington Regional Council

ON

**Proposed Natural
Resources Plan**

BY

Beef + Lamb New Zealand Ltd

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BY FARMERS. FOR FARMERS

Submission

1. Introduction

- 1.1 Beef + Lamb New Zealand Ltd (B+LNZ) welcomes the opportunity to make a submission on Greater Wellington regional Council's Proposed Natural Resources Plan
- 1.2 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. Its mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning and farming systems.
- 1.3 B+LNZ is actively engaged in environmental issues that affect the pastoral production sector.

2. General Submission

- 2.1 B+LNZ supports the submission by Federated Farmers of New Zealand.
- 2.2 B+LNZ also addresses some specific issues of concern to sheep and beef sector, and more generally.
- 2.3 The pNRP includes some excellent enabling approaches, which helps achieve a good balance between the various aspirations of the community as a whole. There is a fundamental concern with the rules relating to land use, which effectively make all land uses which result in any contaminant discharge to ground water from land a discretionary activity. It is to be hoped that this is a drafting error, as it does not align with the Policies and Objectives in the proposed Plan.
- 2.4 It also has the presumably unintended consequence of including land under native forest, all wetlands of whatever type, and every land use of any type where there is leaching of nitrogen to water, no matter how small. The relevant rules are identified below.
- 2.5 B+LNZ submits that the pNRP could usefully provide direction to the Whaitua committees on the subject of nutrient allocation, that will provide the basis for a consistent framework across the region, from which communities can determine the water quality outcomes they would like to see, in line with the requirements of the National Policy Statement for Freshwater Management.
- 2.6 Nutrient Allocation decisions must be taken in order to meet the requirement to maintain or improve water quality, in accordance with the NPS-FM.
- 2.7 B+LNZ **supports in part and opposes in part** the Proposed Natural Resources Plan and seeks that amendments are made to the plan that account for the above general submission.

Note: The standard planning format indicating additions or ~~deletions~~ is followed in this submission.

- 2.8 **Retain** those parts of pNRP that are not the subject of the submissions below.
- 2.9 Insert New Policy

Nutrient Allocation Framework

The following principles should apply across the catchment in the determination of nutrient allocation allowances.

- Principle 1 Like land should be treated the same
- Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits
- Principle 3 Flexibility of land use must be maintained
- Principle 4 The allocation system should be technically feasible, simple to operate and understandable
- Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss
- Principle 6 Allocation approaches should provide for adaptive management and new farm systems information
- Principle 7 Appropriate time frames must be set to allow for transition from current state to one where allocation of nutrients applies
- Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system
- Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime
- Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand and designed to avoid over-allocation
- Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit must be considered
- Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure
- Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP
- Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement.

Note: These principles and the narrative behind them are appended

Definitions

2.10 Drain

The definition makes reference in the last sentence to a 'farm drainage canal'. There is no definition for a 'farm drainage canal', only an 'artificial farm drainage canal'. The difference between the two is marginal and confusing.

- Drain - Any artificial watercourse, open or piped, designed...
- Artificial farm drainage canal - An open (not piped) artificial watercourse, that is designed....

Is the distinction between being only an open drain versus and open or piped drain needed, and if yes, then a more intuitive naming system needs to be adopted. Also confusing is the definition of a highly modified river or stream, for the purposes of R121 only, and appears to duplicate the 'Artificial farm drainage canal', adding further to a lack of clarity and duplication of definitions.

Relief sought

The same approach used in the definition of 'drain' in referring to a drain as also including a highly modified watercourse or river, be adopted for the difference between a drain that is only open, and a drain that may be open or piped.

~~Artificial farm drainage canal – an open (not piped) artificial.... Plan.~~

~~Highly modified river or stream.~~

Drain (1) - An open (not piped) artificial watercourse, that is designedPlan.
Previously an artificial farm drainage canal.

Drain (2) – Any artificial watercourse, open or piped, designed... canal. Previously a drain.

Drain (3) – for the purposes of R121, (drain clearance) a drain that also includes a highly modified watercourse or river and is channelled to such an extent that it has the characteristics of a Drain (1).

2.11 Ephemeral flow path

Ephemeral flow paths occur with streams as well as rivers.

Relief sought

A river or stream that:...

2.12 Erosion prone land

Not all land with a slope greater than 20 degrees is erosion prone, and not all land less than 20 degrees is free from the risk of erosion. A definition with greater specificity is needed, for example all land classified as erosion prone under the Land Use Capability system. This takes into account not just slope but parent material and a range of other biophysical factors as well.

Relief sought

Erosion prone land

Land that has an erosion (e) classification under the Land Use Capability soil classification system

2.13 Sensitive area

Relief sought

A sensitive area includes the following:

- (a) Dwelling house
- (b) Marae
- (c) Educational facilities...

Section 5 - Rules

2.14 Many of the rules in the pNRP are more prescriptive than they need to be, to the detriment of good environmental outcomes being achieved. This is particularly the case in rules relating to land use, including discharges and other land use activities.

2.15 It is suggested that rules should focus on the outcomes required to be achieved, and unless there are very specific reasons why a particular action needs to be specified, leave how the attainment of the outcome is to be achieved up to the land user.

- 2.16 For example, prescribing that break feeding is behind electric fencing (see definitions) does not take account of other alternatives that may exist either now or in the near future. Rather, this will default to a discretionary activity and require a consent, because the rule does not envisage that there may be an equally or more effective tool to manage break feeding than the frequent moving of an electric fence. Electric fences may be unsuitable or impractical for some classes of livestock.
- 2.17 Rather than making rules prescriptive and therefore at risk of perverse outcomes not anticipated, or unnecessary consenting being required, a focus on outcomes to be achieved can be managed through further guidance in the form of guidelines or codes of practice to assist with understanding. Such instruments have the advantage of being much more flexible and adaptable, and readily updated without the need for a plan change, whilst still achieving the desired outcomes.
- 2.18 Other not statutory tools such as farm plans offer an effective way of managing to the agreed outcomes required, whilst being specifically designed for the particular circumstances of the land use – such as type of farming, climate, soils, management skills and owner aspirations.

2.19 Rule R37 Agrichemicals into water – permitted activity

The current permitted activity rule does not provide for the application of agrichemicals into water by boat, for the purposes of undertaking pest control in water bodies, for pest management and biosecurity purposes. Control of unwanted organisms may need to be immediate, and requiring a consent may adversely delay the ability to respond quickly to control or eradicate a pest incursion before it spreads.

Relief sought

Amend R37 (c) for ground-based applications, or water-based applications for the control of pest species that are Unwanted Organisms under the Biosecurity Act 1993 or a pest species in a Regional Pest Management Strategy, the applicator shall hold either:...

2.20 Rule R 42 refer to Rule 69

2.21 Rule R63 Wastewater from ships and offshore installations – permitted activity

Clarity is sought on whether wastewater in relation to ships and offshore installations includes ballast water. If it does, then the protocols for ballast water exchange/biosecurity should need to be met before any ballast water is permitted to be discharged in coastal waters. This will assist in preventing new and unwanted marine organisms arriving or becoming established in New Zealand.

2.22 Rule R65 In-water biofoul cleaning – permitted activity

Any suspect harmful or unusual aquatic species must be immediately reported to MPI Biosecurity Hotline

Relief sought

Amend (f) (i) immediately notify MPI Biosecurity

2.23 Discharges

5.2 Discharges to Water

Rule R42 Minor discharges – permitted activity

5.3 Discharges to land

Rule R69 Minor contaminants – permitted activity

Rule R93 All other discharges to land – discretionary activity

R42 provides for:

"The discharge of contaminants into water, or onto or into land where it may enter water that is not permitted, controlled, restricted discretionary, discretion[sic], non-complying or prohibited by any other rule in this Plan is a permitted activity provided the following conditions are met:"

R69 provides for contaminants discharged onto or into land and not elsewhere dealt with, to be permitted activities provided the contaminants **do not enter water**, cause an adverse effect beyond the boundary of the property and the contaminant is not a hazardous substance.

R93 provides for all other discharges onto or into land not already addressed to be discretionary activities.

Given that only collected animal effluent and compost are dealt with elsewhere, and R42 and R69 in combination prohibit the discharge of contaminants to ground water, then under R93 the discharge of nitrogen or phosphorus or any other contaminant from land use that makes its way to groundwater is a discretionary activity and therefore in need of a consent.

Under the rules as currently written, all land uses that result in any nitrogen, phosphorus or any other contaminant that enters ground water are discretionary. As a result all farming, all vegetable growing both commercial and domestic, keeping of any livestock and even the fertilising of domestic lawns will require a consent, unless on site monitoring can show that there is no contaminant loss to ground water - as required in R69.

It is not clear if this is intended, but seems likely that it is not, based on policies and objectives in the pNRP.

Part of the confusion stems from R42 being a rule relating to discharges to water that also includes discharges to land where contaminants may enter ground water, whilst R69 relates to discharges to land where contaminants may enter ground water.

As a result of the overlap, the default is R93 making all activities where contaminants applied to land may enter ground water a discretionary activity.

Relief sought

Rewrite and align R42, R69 and R93 to provide for land uses that result in discharges to land where they may enter water, being a permitted activity, where the permitted land uses includes, but is not limited to, all forms of primary production.

2.24 Rule R82 Application of fertiliser from ground based or aerial applications – permitted activity

Amend R82

~~(a) the discharge is not onto or into a surface waterbody, or beyond the boundary of the property, including as a result of wind drift;~~ ground-based and aerial applications of fertiliser must follow the latest available Fertiliser Association of New Zealand Code of Practice; and

(b) for aerial discharges....

2.25 Rule R89 Farm refuse dumps – permitted activity

Consideration should be given to providing for a larger dump such as 100m³ on larger or more remote properties, or where there are limited suitable sites. The alternative is that dumps will be filled more quickly and replacement dumps required, with no net benefit to the environment.

Relief sought

Rule R89 (b) the volume of a farm refuse dump shall not exceed 50m³ 100m³

2.26 Rule R90 Manufacture and storage of silage and compost – permitted activity

Requiring an impermeable lining able to withstand corrosion, as well as no discharge of leachate to water, makes the impermeable lining unnecessary and unduly prescriptive. Alternative methods may be available which are more effective but cannot then be used. The focus should be on the outcomes to be achieved.

Relief sought

~~(d) the walls and the floor of a silage storage area shall have an impermeable lining able to withstand corrosion, and there shall be no discharge of leachate water, and~~

2.27 Rule R94 Cultivation or tilling of land – permitted activity

If the intention of this rule is to protect a surface water body from soil laden run-off then this should be the clearly articulated requirement. Prohibiting cultivation within 5 metres of a surface water body will not achieve the protection of the surface waterbody from sediment-laden runoff as there is more to it than just distance. There may be situations where the 5 metres of land may be completely unvegetated and thus of no use for reducing either overland flow volumes or reducing sediment load. On the contrary, sediment loads might be increased. This then potentially puts condition (a) in conflict with condition (c) or that condition (a) is required but completely ineffective.

A range of factors go into determining the most suitable method of preventing sediment laden run-off entering a surface waterbody, of which width is only one. Others include vegetation cover, slope, aspect, time of year, underlying soil parent material, meaning a site specific approach is required to be effective and avoid unnecessary or ineffective prescriptive rules.

In the event that condition (c) is deemed to be insufficient as a rule to achieve the result – no sediment-laden-runoff entering a surface waterbody, then an alternative that is more outcome focussed is proposed.

Relief sought

Either delete condition (a)

Or

(a) ~~cultivation shall not occur within 5m of a surface water body~~ a suitably vegetated buffer is to be provided between a surface water body and any cultivation so that any runoff does not result in any conspicuous change in colour or visual clarity of the water, and

2.28 Rule R95 Break-feeding – permitted activity

There is an issue with the definition of break feeding relating only to livestock behind regularly moved electric fencing. This clearly does not envisage that other forms of equally effective and potentially more effective fencing might be used for certain classes of stock, at certain times of the year. In some circumstances a greater distance may be appropriate.

If the intention is to prevent sediment laden run-off to surface water bodies, then this should be the focus of the rule, not dictating a certain type of fence be used, when it may in fact not be totally inappropriate in a particular circumstance.

A range of factors go in to determining the most suitable method of preventing sediment laden run-off entering a surface waterbody, of which width is only one. Others include vegetation cover, slope, aspect, time of year, meaning a site specific approach is required to be effective and avoid unnecessary or ineffective prescriptive rules.

In the event that condition (b) is deemed to be insufficient as a rule to achieve the result – no sediment-laden runoff entering a surface waterbody, then an alternative that is more outcome focussed is proposed.

Relief sought

Either delete condition (a), or

(a) break-feeding shall not occur within 5m of a surface water body, and a suitably vegetated buffer is to be provided between a surface water body and any break-feeding so that any runoff does not result in any conspicuous change in colour or visual clarity of the water, and ...

2.29 Rule R97 Access to the beds of surface water bodies by livestock – permitted activity

The definition of stock crossing point is problematic in that it requires entry and exit points to be directly opposite each other, and a maintained access track. While this may be achievable on lowland or flat land, hill and steep hill country, bluffs and rocky faces may mean that entry and exit points are not directly opposite each other, and formed tracks may not exist in hill or steep hill country. See definitions.

Sheep are not the only livestock that dislike getting their feet wet and present a low risk to water bodies. Sheep and goats may also be useful for the periodic grazing of rank vegetation around surface water bodies, reducing fire risk and weed infestations.

Relief sought

(d) (iv) the **stock crossing point** is associated with a maintained access track on plains or lowlands, and ...

(e) (i) within a **significant natural wetland** listed in Schedule F3 (significant wetlands) **livestock** access is limited to sheep, goats or any other livestock that dislike standing in water, and

Note that (e)(ii) has a reference to (vii) and there is no (vii) above. This may refer to (e) (i).

2.30 Rule R99 Earthworks – permitted activity

The requirement for the earthworks to be a single contiguous area of disturbance prevents normal track construction or maintenance, or other minor earthworks such as the establishment of stock handling yards, that are part of the normal and less than minor disturbance on farms, particularly hill and steep hill country farms, from being considered as a permitted activity. It seems unwarranted to require farm tracks and maintenance to be a discretionary activity (R101).

Stormwater – see R100 commentary

Relief sought

The use of land, and the discharge of ~~stormwater~~ sediment laden surface run-off into water or onto or into land where it may enter water from earthworks of a ~~contiguous-total~~ area up to 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met: ...

2.31 Rule R100 vegetation clearance on erosion prone land – permitted activity

The definition of erosion prone land is unsuitable and needs to be revised, in particular given the extensive work and resources that GWRC has put into the management of erosion prone land over the years. The two are not consistent.

Nor is it clear why there is a requirement for contiguous land clearance, when vegetation on erosion prone land is far more likely to be smaller and scattered across the landscape. This requirement is far more likely to result in perverse outcomes as far greater areas than are actually needed will be cleared if they have to be contiguous. It is suggested that this be reworded to provide for a maximum clearance in any one year. It is also unclear why 2ha was selected as an appropriate maximum size as there is no science to support this apparently arbitrary number.

This rule needs to specify the outcome that is wanted and provide for site specific approaches to be developed to meet the outcome. Of greater importance than the size of the area from which vegetation is cleared is the speed with which the land is revegetated and stabilised. It seems unwarranted that a large programme of erosion prone land management and stabilisation that might be undertaken on a single large steep hill country property should be restricted to a maximum of 2ha, or require a consent where suitable stabilisation is to be carried out

It is also unclear if stormwater includes the runoff that would naturally occur following average rainfall, - given that there is legal recognition of the point water flows down hill, it would seem that run-off is a natural process and is not a 'discharge' which implies a deliberate collection and release of water from an activity. Stormwater would suggest that it is only water generated by 'storms' i.e. individual rainfall events of considerable magnitude.

A more site specific and appropriate definition of erosion prone land that matches GWRC work to date is required. (see definitions earlier)

Relief sought

The use of land and the ~~discharge of stormwater~~ entry of sediment laden overland flow into water or onto or into land where it may enter water from **vegetation clearance** of an ~~contiguous~~ area up to 2.5ha in total per property per 12 month period on **erosion prone land** is a permitted activity, provided the following conditions are met:

- (a) All areas of erosion prone land from which vegetation has been cleared must be stabilised and revegetated within 4 years of clearance, and
- (b) Any soil or debris...

2.32 Rule R102 Plantation forestry harvesting on erosion prone land – permitted activity

See R100 regarding the definition and intent of the use of 'stormwater'.

Allowing the disturbed vegetation and soil (clause (b)) to be placed in a surface water body, whether or not it can dam or divert it seems contrary to good practice. Good practice would be that it is placed where it may not enter a surface water body.

Similarly for slash (clause(c)), it should be placed where it will not enter a surface water body, regardless of whether it is blocking a river or causing bank erosion. The implication in the current wording is that as long as it is not blocking the river or causing erosion it is acceptable.

The use of the word 'effectively' in clause (d) is open to alternative interpretations and so is confusing. If it intends that 100% revegetation of a site must be completed within 18 months, then it should say so. If 'effectively' means that an amount of revegetation that is less than 100% must be completed and is considered acceptable, then this should be stated.

Relief sought

The use of land and the discharge of stormwater entry of surface runoff water into water or onto or into land where it may enter water from plantation forestry harvesting on erosion prone land is a permitted activity, provided the following conditions are met:....

- (b) disturbed vegetation or soil is ~~not~~ placed where it cannot enter, dam or divert a **surface water body**, and
- (c) slash is placed where it cannot removed from ~~a surface water body~~ where it is enter or blocking ~~river flow or is diverting river flow and or causing~~ bank erosion, and
- (d) work areas are ~~effectively~~ completely revegetated within 4 years after the final completion of the **plantation forestry harvesting**, and

2.33 Rule R103 Plantation forestry harvesting – controlled activity

See earlier discussion on 'stormwater'.

2.34 5.5.2 Activities in wetlands general conditions

Clause (a) permits the discharge of sediment and any other materials 'inherent' to the water or bed. The use and meaning of 'inherent' is confusing and unclear and should be replaced with a more understandable alternative. The meaning of clause (a) also needs to be clarified as it currently allows the discharge of sediment and any other material normally found in water or on the bed of a wetland. Given the wide range of elements that includes, including a significant

number that in elevated or excess amounts are disruptive of a wetland ecosystem, this needs to be reconsidered. Sediment, nitrogen, phosphorus and E.coli in elevated amounts are detrimental to natural wetlands (but may be acceptable in managed wetlands created specifically for the function of trapping sediment or excess nutrients).

Conditions for wetland activities need to include a prohibition on causing or allowing the spread of pest plants and animals that are Unwanted Organisms (UO) e.g. disturbing the beds of wetland where UOs are present, requiring all machinery used in wetlands to be cleaned before and after use to prevent the spread of UOs and pest species to other waterways.

Some clauses refer only to natural wetland and it is not clear if this is specific to just natural wetlands or intended to encompass all categories of natural wetland.

Relief sought

Clarify and amend accordingly if reference to '**natural wetland**' is a generic reference to all categories of **natural wetland** or is specific only to **natural wetlands** and not to significant natural wetlands and **outstanding natural wetlands**.

Amend:

(a) there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvents, heavy metals or other toxicants) to water or the bed, other than sediment and other materials inherent to the water or bed, but excluding any discharge of heavy metals or other toxicants, and

(b) no cleaning or refuelling of machinery or equipment shall take place on any area of a **natural wetland**, and fuel storage shall not occur at any location where fuel can enter a water body natural wetland, and

(c) all machinery, equipment and materials used for the any activity shall be removed from the a natural wetland every night and on completion of the activity. This includes any excess material from the any construction operation, any materials used during construction of any structure but not any part of that structure, and any demolition or other material removed or demolished from any structure, and

(x) All activities in any natural wetland are undertaken in a manner which prevent pests (both aquatic and terrestrial) being spread to or from a natural wetland, including the inspection of all machinery or equipment used in an natural wetland before and after use to remove any pests, including pest plant fragments.

2.35 Rule R104 Structures in natural wetlands and significant natural wetlands – permitted activity

As for the previous item, the use of **natural wetland** as a coverall for other types of wetland needs to be rationalised and made clearer as the introduction to the rule includes two classes of natural wetland.

2.36 Rules R105 – R110

Provision needs to be made for the control of aquatic pests, both plant and animal, in all natural wetlands. 'Appropriate' pest plant control is a permitted activity, however for GWRC to be able to undertake aquatic pest control activities without the need for a resource consent, it will need to define which are the appropriate species that it may take action to control, as many aquatic pest control activities are not suitable for the general public to undertake.

Many of the waterbodies in the region have significant aquatic weed populations already established e.g. Lake Wairarapa, Lake Horowhenua. Provision is also needed for the management and /or removal of pest animals, in particular pest fish e.g. koi carp, rudd, perch, tench, mosquito fish, water snails.

Provision is needed to enable the use and application of aquatic herbicides, including boats or aerial vehicles for such application. Provision is also needed to enable the introduction of biocontrols that are non-native species.

It is suggested that a rule is included that enable GWRC or its agents to undertake aquatic or other pest control without the need to obtain a resource consent, to enable a rapid response to new pests occurring in any natural wetland.

Note that the enabling of GWRC to undertake pest control activities will need to go beyond those pests listed in a Regional Pest Management Strategy, as new incursions of pests need to be responded to more rapidly than the RPMS can provide for.

Relief sought

Amend Rules R105 – R110 to include provision for the control of aquatic pest plants and aquatic pest animals by GWRC, including provision for the use of boats or other vessels in all categories of natural wetlands.

Enable, through amendment of an appropriate rule, the introduction of non-native species for the purposes of bio-control of pest plants or pest animals in all categories of natural wetland, by GWRC or its agents.

Amend appropriate rules in section 5.5.4 – Activities in beds of lakes and rivers in the same way as requested for natural wetlands, for the control of pest plants e.g. hornwort or Manchurian wild rice and pest animals by GWRC or their agents, without the need for a resource consent.

(x) All activities in any wetland are undertaken so as to prevent prevent pests either aquatic or terrestrial from being spread to or from a wetland.

2.37 Rule R114 River crossing structures – permitted activity

The reason for the reduced catchment area on the western side of the Ruamahanga river is not clear, and is not addressed in the s32 report. The science behind this approach needs to be presented, particularly since Rule R117 provides for sediment retention weirs to have a maximum of catchment of 200ha in any part of the region. Likewise the determination of 20m² as the maximum size for river crossing structures needs to be supported by good science. Fords provide a low impact option for river crossings where use if infrequent or erecting structures creates a greater risk and impact.

Relief sought

(f) (ii) ~~50ha~~ 200ha in any catchment in the region on the western side of the Ruamahanga river, and

g) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed ~~20m²~~ 100m², and ...

2.38 Rule R115 Culverts – permitted activity

It is not clear why a maximum diameter of culvert is specified (0.3m to 1.2m) when the objective is to provide for a once in 20 year flood, and a flow from a two year return period flood event without any flow impediment. Diameter should be appropriate to meet the 20 year flood provision, especially if a greater than 1.2m is required.

Relief sought

Delete (h)(i) and (h)(ii) and replace with a clause requiring a culvert size that will meet or exceed the 20 year return period flows.

2.39 Rule R121 Maintenance of drains

In order to clearly identify exactly which drains are affected by this rule, high resolution maps are needed for inclusion on the plan. Failure to do so has the potential to lead to rules being breached or drains not maintained for fear of prosecution.

Good practice for managing the control of pest plant and animals species is for all machinery to be inspected and if needed, cleaned before machinery or equipment is used in any waterway, including drains. Cleaning should also take place after use and before moving to another location.

Machinery should not allow the return of pest plants to a drain, particularly where maintenance activity results in fragments of pest plants being returned to a drain. Such an activity is likely to cause the spread of pest plants, and where the pest plants are Unwanted Organisms under the Biosecurity Act 1993, this is a breach of the Act. Similarly any actions that cause the spread of pest animals, including pest fish that are UOs is a breach of the Act.

All pest fish should be removed from a drain if the opportunity arises when maintenance activities are carried out, not just the 'identified' species, if this has the same meaning as earlier – being species identified by GW. Pest fish should not be returned to the drain.

The requirement in condition (g) for a weed bucket with a curved flat base is unclear as 'curved' and 'flat' appear to be contradictory. This condition as written appears to promote the risk of loss of pest plant material in a manner that is likely to cause it to spread.

Relief sought

Insert a new condition

(XX) all tools and mechanical devices used for drain clearing must be inspected and if necessary cleaned to remove any pest plants or fragments of pest plants, or pest animals before and after use, to prevent the spread of pests.

Amend:

~~(g) if mechanically clearing aquatic vegetation, the machinery must use a weed bucket with a curved flat base, and a slatted back that permits the easy drainage of water and fish back into the drain which reduces the likelihood of pest plant material being spread through the drain, and~~

(h) any fish (~~except identified~~ except all pest animal species) and koura removed from the drain during maintenance works shall be returned to the drain as soon as practicable, and no later than one hour after removal from the drain, and

(i) any sediment or bed material, or plant material especially any pest plant material, removed from the drain

2.40 Rule R122 Removing vegetation – permitted activity

Refer to R121 above and apply where relevant to R122

Relief sought

(h) if mechanically clearing aquatic vegetation from an area of river or lake bed covered with water, the machinery must use a weed bucket ~~with a curved flat base, and a slatted back that permits the easy drainage of water and fish back into the drain~~ which reduces the likelihood of pest plant material being spread through the river, and

(i) any fish (~~except identified~~ including all pest animal species) and koura removed from the river or lake bed during works shall be returned to the river or lake as soon as practicable, and no later than one hour after removal, and

(j) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy 2002-2022 operative at the time, or listed as an Unwanted Organism under the Biosecurity Act 1993), and ...

2.41 Rule R123 Planting – permitted activity

Crack willow and grey willow are Unwanted Organisms under the Biosecurity Act 1993 and any planting is a breach of the Act, regardless of whether they are already present. Any actions that allow the spread of UOs, including seeding and / or vegetative spread also breaches the Act.

The introduction of any UO into the bed of a river or lake, or a submerged aquatic UO species is also unlawful, whether or not it is listed in an RPMS.

Relief sought

~~(e) crack willow (*Salix fragilis*) and grey willow (*Salix cinerea*), other than where they are already predominant but excludes the following areas where they are predominant (to be developed), and~~

~~(f) any introduced, ~~submersed~~ submerged aquatic plant, and~~

~~(g) a species listed in the operative Greater Wellington Regional Pest Management Strategy 2002 – 2022 or any Unwanted Organism under the Biosecurity Act 1993.~~

2.42 Rule R217 and R219

Prohibited species for planting should include all Unwanted Organisms under the Biosecurity Act 1993.

Relief sought

R217 Planting – permitted activity

~~(d) the plant species shall not be identified in the an operative National Pest Plant Accord 2013 or in the an operative Greater Wellington Regional Pest Management Strategy 2002–2022 or otherwise be an Unwanted Organism under the Biosecurity Act 1993, and ...~~

R219 Planting-Introduction of pest species – prohibited activity

The introduction or planting of a pest plant or pest animal species identified in the an operative National Pest Plant Accord 2013 or in the an operative Greater Wellington Regional Pest Management Strategy 2002–2022 or otherwise be an Unwanted Organism under the Biosecurity Act 1993 in the coastal marine area is a prohibited activity.

3 Conclusion

B+LNZ thanks Greater Wellington Regional Council for the opportunity to comment on the proposed Natural Resources Plan.

B+LNZ would not gain an advantage in trade competition through this submission

B+LNZ wishes to be heard in support of this submission and is happy to discuss the issues raised in this submission.

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Appendix 1

Principles for the Allocation of Nutrients

These principles have been developed to guide decisions on nutrient allocation. They seek to ensure that nutrient allocation is fair, equitable, recognises the complexity of farming systems, and provides for continued flexibility of land use. They support catchment specific solutions to nutrient management and that different allocation regimes will be established that reflect differences between communities and their catchments, and to meet water quality objectives in those catchments. These principles should be considered carefully when forming any nutrient allocation policies or methods to achieve them. Each principle is important but they should be considered as a whole to inform allocation discussions.

Principle 1 Like land should be treated the same

Allocation should be based on the intrinsic qualities of the land. Two pieces of land with the same qualities should receive the same allocation. This principle recognises that allocation regimes should not be overly influenced by existing land use.

Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.

All New Zealanders have a responsibility to manage their activities to maintain or improve water quality. This principle reflects the need for those who have caused water quality problems or who are contributing a greater amount to them to take a greater responsibility for meeting the costs of reducing nutrient loss to water. It also reinforces that those who have managed responsibly should not be required to have their land use constrained as a result of others' activity.

Principle 3 Flexibility of land use must be maintained

Land owners need to have the ability to respond to changes in climate, input costs, markets and technological innovation in order to maintain a profitable and sustainable farming enterprise. Allocating nutrients in such a way that unnecessarily limits land use change constrains the ability of land users to respond to those changes and optimally utilise the land resource.

Principle 4 The allocation system should be technically feasible, simple to operate and understandable

A high level of technical feasibility is fundamental to a successful allocation approach. The simpler the system, the more likely it is to be able to operate effectively. The approach must also be understandable by land users and the wider community. It must be able to be administered fairly and at minimum transaction costs to users and the regulator.

Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss

A natural capital approach allows for an economically efficient allocation of nutrients. Those soils with the greatest ability to retain nutrients and optimise nutrient use give land users the greatest flexibility to optimise production, respond to markets and technology while managing potential effects on water quality. Allocation systems should reflect the ability of these soil types to optimise production and land use flexibility.

Principle 6 Allocation approaches should provide for adaptive management and new information

Allocation decisions are primarily made on the information we know now and modelled future scenarios. Our understanding and the availability of both catchment and farm systems will change over the life of

an allocation system as will possible management techniques. Allocation systems should provide sufficient flexibility to provide for adaptive management and be reviewed regularly to incorporate new information. Adequate transition times should be provided to incorporate new information where allocation changes as a result.

Principle 7 Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies

Timeframes should take account of the degree to which any waterway is over-allocated (if that is the case), the period over which this state has come about and the costs for businesses and the current ability to manage to that allocation.

It should be recognised that current water quality issues are sometimes the result of many years of land use within catchments and may have developed over generations. Consideration needs to be taken of the legitimate expectations of people and natural justice. Accordingly time should be provided for them to adjust. There needs to be a balanced approach and recognition of the uncertainty associated with water science versus the likely economic impact on businesses and the region. The primary objective should be to set an appropriate direction of travel that will see a steady improvement in water quality.

Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system

Changes to nutrient allocation regimes must be signalled as far out as possible. Refinements to those systems must be managed to minimise their impacts on business viability, land value and the flexibility of land use. The aim must be to reflect the underlying elements of sustainable management in achieving improved water quality outcomes including reducing those adverse impacts on social and economic outcomes.

Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime

When exploring the adoption of methods to achieve water quality improvements and manage to limits, the focus of community debates, modelling and discussion of allocation of nutrients can distract from the primary goal – maintaining and improving water quality. This principle emphasises that allocating nutrients to a property level doesn't in itself result in improved in water quality; it is the actions of land users that ultimately result in improved nutrient management.

Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation

The mechanism for allocating nutrients, even if it does not have immediate effect, should be clear from the time when water quality limits are set. Allocation mechanisms should reflect the level of risk that the catchment will become over allocated. This may include the adoption of a pre-agreed catchment-specific environmental threshold (e.g. 75%-90% of a limit) to determine when an allocation regime should be adopted.

Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered

Maximum economic efficiency of land use could be assisted by a mechanism for transferring nutrient discharge allowances within the same catchment.

Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure

If there is limited environmental pressure and if an activity has a low impact then regulation – and the financial cost of complying with that regulation – should be commensurate with the degree to which the activities are causing an adverse effect on water quality

Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives for managing to water quality limits. In catchments where nutrients are not over allocated, requiring good management practice is a sound alternative method to allocating nutrients to a farm (property based) level.

Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement

Modelling nutrient loss is important to inform nutrient allocation, but all models have limitations. Overseer is a key tool for understanding and managing nutrients on farms and to inform nutrient allocation decisions. In the short term there are significant limitations that need to be catered for in determining any regulatory or nutrient allocation regime (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes, ability of Overseer to estimate nutrient loss from the adoption of certain mitigations and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nutrient loss to ensure innovative change is incentivised and that the focus remains on promoting good practice. Over time modelling designed to estimate nutrient loss will improve. Modelled estimates will change, so allocation regimes should account for modelling uncertainty and provide for appropriate transition periods.

Estimates of nutrient loss are a necessary input to decisions on nutrient management but broader catchment-scale modelling is critical if these decisions are to be robust. There is an urgent need to increase the emphasis placed on catchment-scale modelling.

Note: The principles have been adopted by the Board of Beef + Lamb New Zealand.