

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-000040

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of appeals under clause 14 of Schedule 1 of the
RMA relating to the proposed Southland Water
and Land Plan (**pSWLP**)

BETWEEN

**FEDERATED FARMERS OF NEW ZEALAND
INC**

Appellant and s274 Party

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

**STATEMENT OF EVIDENCE OF
BERNADETTE ELLEN HUNT
ON BEHALF OF FEDERATED FARMERS**

20 December 2021



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INTRODUCTION

1. My full name is Bernadette Ellen Hunt. My husband and I own a 174 ha mixed sheep, beef, and arable farm in eastern Southland. We purchased the initial 94ha of this property in 2006 and commenced farming it 2007, and then purchased the neighbouring 80 ha later in the same year. We lease two additional farms in Eastern Southland on which we also run sheep, beef, arable and dairy grazing – taking our total farming operation to approx. 600ha. We also own and run a rural contracting business Hunt Agriculture – offering full agricultural services to a range of farming clients in Eastern Southland.
2. I am a current vice president (Southland province) and member of Federated Farmers. I was elected to the Southland Provincial Executive in 2015 and over the 7 years I have held elected positions I have been an advocate on a range of nationwide and regional issues. I have added my voice and knowledge to the discussions about impending freshwater regulation in a number of fora since.
3. During my time with Federated Farmers I have participated in a variety of RMA and local government planning processes including various plan reviews. The first consultation phase for the Southland Water and Land Plan began around the time I was elected and I have been heavily involved in all of the stages from its outset.
4. Over the last three years I have been heavily involved in advocacy relating to winter grazing. This work has included participation in the Southland Winter Grazing Advisory Group, presentation to the MPI appointed Winter Grazing Taskforce, implementation of the winter grazing intervention hotline and development of the 2021 winter grazing checklist. I presented to the 2020 National Freshwater Conference about winter grazing, and speak in various forums to try and help people understanding winter grazing from a Southland farmers' perspective.
5. More recently I have advocated for practical alternatives to rules initially implemented in the Essential Freshwater package. I have strongly endorsed the need for regulation that ensures lagging farmers lift their standards, without undermining the work of farmers who are already doing

a good job of mitigating or avoiding negative impacts.

6. The purpose of this evidence is to describe the impact on farming businesses of the:
 - a. decision version of the proposed Southland Water and Land regional plan (**pSWLP**);
 - b. the more recent central government regulations, including the consenting requirements in National Environmental Standards; and
 - c. the further restrictions put forward by the Royal Forest and Bird Protection Society Inc (**Forest and Bird**) and the Southland Fish and Game Council (**Fish and Game**) where those appear to now be acceptable to Council (although not yet confirmed in evidence).

7. In addition, I will also attempt to portray the likely unintended consequences of aspects of the above, which may have a negative effect on freshwater and/or the community.

BACKGROUND

8. My husband and I were both born into farming families and moved to Southland in 2007 to pursue our own farming business.

9. We purchased a 94 ha block in North Chatton first and commenced farming it in 2007, acquiring the neighbouring 80 ha soon after. Our purchase of these farms did not come through family inheritance, but from sheer hard work and savings. We purchased the farms with a very low equity ratio, well outside bank lending parameters even at the time (and which have become much stricter since). We were committed to working hard to service the debt and engineered a business model that enabled us to do that, while also working off farm as required to generate extra income.

10. Unfortunately following the GFC in 2009 we found ourselves struggling to meet our obligations. We managed to lease some farm land nearby in 2010 which improved our economy of scale. We grew again with a further farm lease in 2019, taking our total farming operation to approximately 600 ha over three farms.

11. We run a mix of beef and sheep finishing, dairy grazing, and arable cropping. In addition to the farm operation we also run an agricultural contracting business. As well as myself and my husband being fully employed in the business, we currently employ three staff (one full-time and two part-time).

GENERAL CONCERNS ABOUT REGULATION ON FARMING

12. During my time in Federated Farmers it has become increasingly apparent that much policy development happens “to” farmers, with a lack of input from people who really understand how those policies will play out practically. Farms are complex biological systems, and a solid understanding of how they operate is required alongside the regulatory context to ensure that policy development is fit for purpose.
13. I, like most farmers, are not opposed to all regulation, and in fact I believe a level of regulation is essential to ensure that NZ farming’s reputation is not tarnished by those who are too slow to adopt improved practices. However the nature and design of the regulatory regime needs to be cognizant of the complexities present on a farm and the need for flexibility in the face of the huge number of variables that farming businesses deal with day in and day out.
14. I note that the proposed freshwater farm plan regime is a recognition of this complexity by central government, and implemented appropriately could provide a genuinely workable form of environmental regulation for farming systems.
15. Given this, I find aspects of the pSWLP concerning and the proposals to push more farming into a consenting regime unreasonable. I believe this would produce perverse environmental and economic outcomes. Some of the proposed changes go against the direction of the recommended changes to the National Environmental Standard: Freshwater intensive winter grazing provisions, which have been designed with the Southland context in mind.

16. Further, prescriptive and input-based rules erode the natural tendency of farmers to innovate and seek new solutions. Instead rules of this nature drive farmers to work to the boundaries before them, which can produce far poorer outcomes than if farmers are shown the problem and allowed the flexibility to develop the solutions that match their farming system.

NEED FOR FLEXIBILITY

17. Our farming system is built entirely around being flexible and adaptable in the face of ever-changing markets and demands. Instead of a traditional operation with a breeding herd of cattle or flock of ewes, we are traders. We purchase and finish stock that other farmers cannot take through to their full potential. This system has evolved over time to suit the capability of our farm land and we have also adapted our pastures and stock handling systems to maximise potential for fattening stock.
18. No two years look the same on our farm, as the stock we carry depends entirely on the decisions other farmers take. Although we make a plan for the year, our success is based on our ability to continually judge the best use for every kilogram of feed we produce – so our plans continually change and evolve.
19. Our system is more flexible and changeable than most. But the reality for all farmers is that we need to be able to make quick decisions when things do not go to plan. At the moment we are facing meat processing constraints and rapidly rising costs for inputs of all kinds. Those factors are causing farmers to make decisions on a daily basis about what stock they are carrying and consider options such as: sell some early, potentially to a finishing farm like ours; send them to the meat processors at lighter weights than normal; buy in feed to enable them to hold the stock on farm longer than planned; apply fertilizer to produce more feed. Some farmers are significantly reducing stock numbers with the intention of making supplementary feed for other farmers who choose to hold on to their stock and therefore may require supplementary feed if the weather turns dry in the summer.

20. In recent years, events such as the 2018 drought, M.Bovis incursion, February 2020 flood, and the COVID 19 lockdown have all caused farmers to rapidly adapt their farming plans. In all of those events which were out of farmers' control, those decisions caused some farmers to make decisions which would put them in breach of the proposed winter grazing rules in the pSWLP. When winter crops fail or fail to thrive as expected, additional crop must be planted to ensure that stock will be fed adequately during the winter – but there is no leeway in the plan to allow for low yielding crops, rather just a strict total area limit. Likewise, when processing constraints affect a farmer's ability to send stock to meat processors as expected, they can find themselves falling foul of stock limits that apply from 1 May. The events listed above are four recent and very relevant examples, and there are many other areas where things like this could arise. It is vital that regulation does not force farmers to make decisions that will result in poor outcomes, senseless bureaucratic processes, or prosecutions, simply because the provisions are not practical enough from the outset.
21. Beyond implementation challenges, prescriptive regulations can and often do have unintended consequences which can render them ineffective. Or worse these regulations can drive farmers into practices which they would not naturally have pursued and which may result in worse environmental outcomes. My evidence outlines specific areas in pSWLP where I believe lack of flexibility or other factors may drive perverse outcomes.

MINDSET CHANGE

22. In the 15 years we have spent in Southland, we have seen and been part of an enormous mindset shift. For decades, "success" had been all about "more" – draining more land, fencing more paddocks, producing more (meat, milk, wool). Now production and sustainability are equally important benchmarks. However the often quoted saying that one "can't be green when you're in the red" must be kept in mind. If a farmer's ability to operate profitably is continually eroded (as it is being through a raft of regulations and impositions), they are forced to become increasingly focussed on the immediate bottom line and meeting current obligations, rather than taking a longer-term view.

23. An example of this is our shift away from winter grazing of cows and establishment of a winter barn. In the first few years of our business, we were under immense pressure from our Bank to reduce debt due to the GFC. This pushed us to make decisions that would support cashflow and maximise our end of year result. As a result, winter grazing of cows became an important part of our business. We quickly realized that the true cost of this practice was well beyond that which showed in our annual accounts and made it a goal to reduce this part of our business as soon as we could. But we couldn't just switch it off. Eventually taking on a lease block gave us increased economy of scale and ability to generate profit in other areas, giving us the "get out of jail card" we needed to stop winter cow grazing and shift our business more towards beef finishing instead of dairy grazing. Ultimately we were able to raise enough capital to build a small wintering shed, and this allows us to winter larger beef animals indoors instead of on pasture. We would love to eventually winter all animals inside. Our flexible system and contracting business would suit that, as we have the machinery to produce the feed required and the ability to make feed for the stock whenever we have an excess. But this would not suit everyone.
24. The key point is that had we not been turning a profit, we would not have been able to seek additional seasonal finance from the Bank, which would have stopped us from reducing our winter cow grazing due to the cashflow benefits it offers, and we could not have financed the building of a wintering shed. Contrary to popular belief, many farmers pour their profit straight back into their business to make improvements which are focussed on the long term. Most farmers do not need to be told what improvements they need to make. They just need the financial and regulatory flexibility to get on with it.
25. Further evidence of the mindset shift which has occurred can be seen in winter grazing practices and conversations. When we first moved to Southland, winter grazing was about having enough feed to get the stock through the winter period without having them lose condition. The practice now has a very clear dual goal in most farmers' minds: to get the stock through the period without having them lose condition, and to do so with the least possible overall effect on the land and water.

26. The first consultation about the pSWLP began at around the same time as research was released from Telford, identifying measures which could be taken on farm to mitigate sediment run off from winter grazing. For the first time the terms “sediment run-off” and “critical source area” began to be used by everyday farmers, and awareness grew of the importance of grazing and paddock management practices and the impact they could have on the environmental outcomes. Now it is commonplace to see low lying parts of paddocks left uncultivated, stock back fenced, portable troughs in use, grazing direction carefully considered, and extra wide buffers left at the bottom of slopes.
27. This has been dramatic change in the last 10 years, and has not been forced by regulation – as regulation still does not require most of that. Granted, the threat of regulation has had an impact. But actually, the threat of regulation has brought about education. Most farmers want to do the right thing and want to be proud of their farming operation. That drive to feel pride is enough to bring about change for the majority. The same farmer psychology applies with the ‘threat of consent’, whereby the perceived and actual barriers to obtaining a resource consent drive behavioural change. This is a key factor missed in most regulatory design. I discuss this further below.
28. Equally, the erosion of pride due to a range of factors (such as ongoing negative feedback, increasing regulation or barriers to doing the right thing, a perception that no amount of change or improvement is enough, and/or unclear targets or goals) can and is beginning to drive a feeling of hopelessness which will erode farmers motivation to do the right thing. There is a real risk that farmers ‘give up’ and just do what they can while they can if they feel that their ability to be successful (in many facets) is only going to be short-lived.

REMOVING BARRIERS TO CHANGE

29. The risk and concern that improvements may “count against you” in the long run is having a negative effect on the speed of change. Certainty that

being an “early adopter” will benefit your business in the long term is vital to encourage change. Perversely, a lack of certainty in this regard, such as whether an early reduction in cow numbers or fertilizer use will not be recognized in future limit setting process, is holding some farmers back from making the changes they might want to make and/or know they should make.

30. As well as that, some regulations are preventing or inhibiting the right changes from happening. An example of this is the requirement to seek a resource consent to undertake winter grazing somewhere new – even if that new location will provide better outcomes for water quality than the previous location.
31. There is no doubt that farmers are driven to avoid bureaucracy. There are many reasons for this, but two obvious ones are the natural skills that drove them to a practical career rather than an office based one, and the uncertainty around cost and outcome associated with a resource consenting process. Even if the resource consenting pathway offers the best solution, many farmers will take another option to avoid that process. Therefore consents should be used as a tool to drive behaviour in the opposite direction, and should be avoided wherever possible if they may pose a barrier to good practice.
32. The likely medium-long term negative outcome from ongoing and overbearing regulatory pressure will be that owner operators like us will be driven out of the sector and/or the province. But given the increasing price of land and regulatory hurdles and uncertainty making finance increasingly hard to access for smaller businesses and family operators, the likely outcome will be the purchase of land by corporate interests. It is obvious to me that the drivers for corporate owners of farms are very different to a family centred owner-operator ie they will be much more focussed on profitability, with much less interest in long term sustainability.
33. This will also pave the way for currently unregulated conversion to trees, and the erosion of communities in Southland.

LIKELY IMPACTS OF PSWLP ON OUR FARM

34. There are a number of areas in the PSWLP that I believe will impose impractical, illogical or unreasonable restrictions on farmers. These, and my concerns with them are outlined below.

PHYSIOGRAPHIC ZONES

35. I strongly oppose the inclusion of the physiographic science in the plan as a specific driver of land use restriction, and believe it should remain outside the plan as a tool to help inform good management practice. By including the physiographic maps and the assumptions about characteristics of the land in each zone within the plan, any changes will require a plan change. This is an expensive, time consuming, and very difficult process. While the science and the information it gives us is very useful, it is still very new and has not had time to be “ground-truthed”.
36. For example, assumptions made about the risk of nitrate leaching in a particular physiographic zone do not consider the ability of the soil to hold on to nitrogen, or the ability of the plants to uptake the nitrogen in the soil. Irrespective of physiographic zone or soil type, the age and variety of pasture, and the soil’s magnesium-calcium balance, will impact the retention of nitrogen and its uptake by plants. When magnesium and calcium are well balanced, nutrients are more effectively retained by the soil and taken up by plants, and are therefore less prone to leaching. Further, drainage and/or aeration can positively influence the ability of the soil to retain nutrients for uptake by plants. A well-drained soil will have more ability to retain nitrogen in the soil and make it available for plant uptake, than a saturated, compacted soil which will have limited ability to retain nitrates and therefore allow them to leach through to subsurface levels.
37. More detail on these points can be found in Chapter 4 of Neal Kinsey’s “Hands on Agronomy”.
38. Doug Fraser’s farm at Roundhill is a great example of the issues associated with the inclusion of the physiographic information in the plan. The physiographic classification applied to that farm is hill country / bedrock.

During his consenting process Environment Southland assumed that the land was steep, which it is not, and that the soils had low phosphate retention, which expert input proved was incorrect.

39. Embedding this information in the plan makes amending it as it is ground-truthed extremely difficult and costly.
40. The core physiographic science was not designed to be used as a regulatory tool, and it has been simplified to create nine zones for use in the pSWLP. This is far too coarse for it to be applied prescriptively. Therefore I do not believe that the physiographic zone maps and assumptions about soil and land characteristics based on physiographic zones should be contained within the Plan.

CULTIVATION

41. There is a particular problem in how to manage land over 20 degrees in slope. In my view, the restrictions on cultivation of sloping ground are too onerous and far reaching. There are a range of cultivation options, including spraying and broadcasting seed (no-tillage) and direct drilling (minimum-tillage), which should be encouraged as good practice alternatives to full-tillage cultivation (ie ploughing).
42. The pSWLP definition of cultivation covers many activities, including regrassing, direct drilling, no till, limited till, 'spray and pray' activities. The cultivation rule introduces a near-blanket requirement for these activities to require restricted discretionary resource consent. There are also time-limits on these resource consents. The restrictions will have a particularly chilling effect on the reestablishment and maintenance of pasture. This is essential for farming. Without being able to renew pasture on steeper hill slopes, farms will become unviable. Depending on the farm, farmers look to maintain pasture by replanting through activities such as direct-drilling, spray and pray, hoof and tooth on a 5-10 year replacement cycle. In my experience as an agricultural contractor, maintenance and regrassing of existing pasture by minimum and no till cultivation does not result in sediment loss as vegetative cover on the soil is not lost. The photos in Attachment 1 show the differences in a paddock immediately after cultivation using full tillage, minimum tillage, and no tillage methods.

43. The proposed requirement to now require these activities to seek resource consent is essentially a 'consent to farm' by stealth, which does not appear to be based on actual physical evidence of environmental effects. This will have negative ramifications on farm economics and decision-making well beyond the intent of the rule, as maintenance of pasture is a core farm activity. If a farmer cannot be certain in his/her long-term planning of being able to maintain pasture, they will be forced to change land use, likely to carbon forestry / trees. This change in land use will have far greater short term and long-term environmental effects than minimum and no till cultivation itself
44. It is also important to note that on some hill country, a winter crop provides a useful tool in the pasture renewal process to help break pest cycles and control weeds. Winter grazing in this type of country operates very differently to that of more intensive farms. Crops are established through low till and no till methods, therefore producing much lower yield. The grazing part of the cycle also operates much less intensively, with large blocks and sometimes the entire paddock (depending on fencing and paddock scale) being given to stock to feed on for several days. Under this system, the paddock is not fully depastured and certainly not turned to mud – because if that happened, recultivation by no / low till methods would not be possible.
45. As well as being better for water outcomes, minimum-tillage cultivation like spray and pray, hoof and tooth, and drilling options are much more cost effective, so should be encouraged to enable farmers to achieve positive environmental outcomes as well as productive and profitable results.
46. Restricting and regulating the cultivation of paddocks or parts of paddocks which are steep will result in detriment to farm production and profitability with little or no benefit to water quality. Further, in practice this is unworkable. Many paddocks on our farm have huge variation of slope within a paddock, which makes the requirement to manage different levels of contour impractical. We have no formed waterway through our property, and the nearest is several paddocks away. By protecting the critical source areas, or the exit points for water from our property, the same level of protection of water could be achieved while retaining the flexibility to utilize

steeper areas of the farm.

STOCK EXCLUSION

47. I endorse the exclusion of sheep from the stock exclusion policy, as the water quality benefits from excluding sheep from waterways are questionable and negative impacts may in fact result.
48. I also endorse the exemption for stock exclusion on farms with a low stocking rate. Costs to exclude sheep and to exclude stock in low intensity farm areas are well beyond the benefits likely to be achieved. In many cases, far better outcomes could be achieved if funds were directed to other, more targeted mitigations such as sediment control.
49. If these rules were altered to include sheep or low intensity areas, this would push some farmers in more extensive areas to destock, as the enforced costs will make these farms unprofitable. This would likely result in other negative environmental impacts due to the resulting absence of pest and weed control, and more purchases by carbon farming interests.
50. A further challenge to consider with this rule is flooding and weather events. Rivers in these areas can change very quickly, and it is not possible or safe for farmers to be able to get to stock under those conditions. Cattle are very strong swimmers in any conditions but once they have a foot or leg caught on a fence their chance of survival is almost zero. Likewise in extreme weather events, particularly snow, stock need to be able to move freely to find shelter (which is not necessarily trees). These are two of many reasons that farmers limit the scale of fencing on extensive properties.
51. I also question the Policy 18(1) requirement to manage sheep in critical source areas and in catchments where *e-coli* could preclude contact recreation for a number of reasons. Unfortunately the tests to identify *e-coli* do not identify its source, and until that is addressed, the impact of excluding sheep from these areas cannot be justified as it may not address the issue (especially if the dominant source of *e-coli* is avian as suggested in the scientific reports obtained by Southland Regional Council), and the *e-coli* present (if predominantly from waterfowl) may not even pose a risk to human health.

52. In addition, every catchment in Southland has contact recreation and it is unclear from this policy how far the requirement to “manage sheep in critical source areas” will go or what that management will require. Critical source areas are extremely widespread throughout Southland, and particularly in the areas used for sheep farming which tend to have contour. For the reasons outlined above, I am deeply concerned about any requirement to exclude sheep from waterways, and the requirement to exclude them from critical source areas would be crippling for the Southland economy.

INTENSIVE WINTER GRAZING

53. As mentioned early in my evidence, intensive winter grazing (**IWG**) has undergone major improvements over the last 10 years as farmers’ understanding of the environmental risks it poses has improved. This has largely happened without regulation. There is no doubt that some farmers have been slow to adopt improvements, and some of them will not do so without regulation to force them to adapt.
54. However, it is vital to note that IWG is very bespoke depending on factors such as (but not limited to) the farming system, stock class, soil type, and contour. Implementing prescriptive rules will simply encourage farmers to focus on the rules, rather than innovating and doing the best they can.
55. This was very plain to see after the introduction of the first version of the Essential Freshwater regulations. Until then, much industry wide discussion was occurring about things like critical source area management, buffers, grazing strategies, and adverse event management. When the Essential Freshwater regulations were delivered, the conversation shifted to maximum slope, maximum area, resowing dates, pugging depth – all of which, in the mind of farmers, became targets and hard limits to work to the extent of. This occurred despite the fact that farmers knew that those limits would not achieve the desired environmental outcomes. The innovative conversations became focussed on how to do as much as possible within the rules, or how to get around the rules, instead of how to achieve the goals of the winter period with the least impact. Conversely, when the implementation was delayed, conversation and

industry attention went straight back to achieving best practice.

56. This is why I am deeply concerned about the regulation of specific good management practices, and the maximum IWG area limit. I acknowledge that these things can be avoided with a resource consent, but as outlined previously, most farmers (particularly non-dairy) will avoid a resource consent if they possibly can – and generally consider the requirement to get a consent to be the same as an activity being prohibited.

Maximum area

57. The maximum winter grazing area limit removes decision making options from the farmers' tool box.
58. For example, fodder beet has gone through a period of popularity, but some farmers are now choosing to shift back to brassicas for a combination of environmental, animal health, management and cost reasons. The problem the rules create is that fodder beet grows much higher yields, so less land area is required to feed the same amount of stock. If the farmer is close to their maximum allowable winter grazing area, this rule may see them forced to stay with fodder beet to avoid a resource consent process. A high yielding fodder beet crop requires full tillage cultivation of the ground, significant input of chemicals, a high percentage of supplement feed, and a high stocking rate per ha to fully utilize the crop. Because of these things it usually results in a much higher environmental footprint than a swede or kale crop. Swedes and kale on the other hand can be grown using a range of low or no tillage cultivation options, require much less chemical input and lower percentage of supplement feed, and can be fed out at a lower stocking rate per ha. But more land area is required to generate the same yield, and a farmer may not be able to make this choice if 10% land area does not generate sufficient yield.
59. Another example of when the maximum area limit is a real concern is in the case of poor conditions during the cultivation period resulting in a poor crop germination, and therefore the need to plant additional crop. With a maximum area limit, this will not be possible on some farms which will drive the farmer to alternative practices that may result in poorer outcomes for stock and/or environment.

60. These are just two examples, there are likely many more.
61. In my view, if the appropriate controls are in place to manage the effects of winter grazing – specifically appropriate buffers to waterways and protection of critical source areas – risk is not created by a larger area of winter grazing.
62. I strongly oppose any measure to tighten the maximum area of winter grazing for a farm, and in fact believe there would be far better outcomes if this restriction was removed entirely.

Regulation of GMPs: Rule 20(a)(iii)(3)

63. A number of good management practices (**GMP**) have become widely accepted as useful in the mitigation of environmental impact from IWG. However GMPs are intended to be considered and implemented according to what is most appropriate on each farm. Regulating so that some GMPs must occur on every farm where IWG is operating within a specified distance from a waterway can have a perverse effect if they force farmers to undertake an activity in a way which may not be the most appropriate in their situation. Further it may have the perverse effect of focusing farmer attention on a narrow suite of GMPs, when others may have better outcomes. Each one of the GMPs included in the regulation has alternatives that may be more appropriate. There are also other GMPs which may have much more positive effect. It may be appropriate to suggest that farmers should consider a list of GMPs, but one-size-fits all prescription of GMPs will not be effective. I explain this below.
64. (A) Grazing from top of slope to the bottom is widely accepted as useful for sediment run-off, however it is often not great for stock or for soil damage. It is much more difficult for stock to graze facing down hill, and they use their front feet like brakes – pushing the soil forwards in front of them, onto the food they are trying to eat. This results in “steps” being carved into the slope, requiring extensive tractor work to repair in the spring. The “last-bite strip” alternative is helpful, but not always necessary. Perversely, if the paddock is adjacent to a waterway, there will already be a compulsory buffer there as required in this rule, and if an additional buffer is necessary

from a protection point of view, we shouldn't be encouraging it to be grazed at all in the winter period – even as a “last bite”. Many undulating paddocks have multiple “tops and bottoms” of slope. Often grazing in long strips across the slope is the easiest management method, works well for cattle and staff, and causes no sediment run-off, particularly if critical source area management is employed where required. Farmers are naturally incentivized to avoid sediment being shifted to the bottom of slopes as there is a lot of work involved in returning it in the spring to avoid lost fertility. A critical source area management rule would provide adequate protection, and leave the farmer to determine appropriate grazing management for the paddock.

65. (B) Back fencing of stock can result in increased pugging as animals are contained in much smaller areas. It can also cause farmers to be in breach of animal welfare requirements or GMPs that require the provision of a “dry” laying area and shelter from adverse weather. In recent years, the use of back fencing has become much more prevalent and it is definitely a useful tool to keep stock out of wetter areas once they have been eaten. Requiring this in all cases however will not always produce the best outcomes for stock or environment, and particularly not for deer. Further, the current wording of this rule requires stock to be kept out of previously grazed areas. This means they would only have access to the current day's allocation of feed, which will result in much more trampled and wasted food and lack of resting area for the stock. It is also worth noting that this requirement seems unrelated to proximity to waterways, so I find it hard to understand why it is imposed as a result of grazing within 20m of a waterway. Especially given that it is normal practice to graze toward the waterway.
66. (C) I have no concern with the requirement to keep stock on intensive winter grazing away from and out of waterways, however there should not be a requirement to provide transportable water troughs. Paddock sizes and layouts vary and it can be possible to adequately provide for stock water using permanent troughs. Portable troughs have their own challenges, including frequently leaking or over running (causing sediment run-off issues of their own), and health and safety for staff who need to move them. They are not the best option in all cases and should not be required by regulation.

67. (D) The requirement to use portable feeders to provide supplementary feed does not consider the range of methods or types of feed available. Portable feeders have their own limitations as they cause cattle to congregate heavily in a small area. Other methods such as feeding out along the fenceline, particularly when the ground is relatively firm, may be better for the stock without a negative impact on water. This should be left to the individual farmer to determine the most appropriate method for their situation. It is also difficult to understand why this is a particular requirement for grazing within 20m of a waterway. I support the recent removal of this control through the expert conferencing process.
68. (E) The restriction of mob size gives no flexibility for farmers to work according to a range of factors such as stock class, crop yield, paddock size. In our recent experience, 30 two year old bulls was plenty in one mob, but much higher numbers of calves or heifers are fine. This needs to be left to the farmer to determine according to their system. I support the recent removal of this control through the expert conferencing process.
69. (F) I believe that critical source areas within and adjacent to winter crop paddocks should not be planted with fodder crops and should be protected during the IWG period, and I was part of the Southland Winter Grazing Advisory Group that made this recommendation. The suggestion of grazing these last is no longer considered good practice— instead they should be left uncultivated and ungrazed throughout the IWG period.
70. My strong view regarding IWG regulation is that less is more. I believe that regulation in this area needs to focus solely on buffer zones adjacent to waterways, and management of critical source areas within IWG paddocks, irrespective of proximity to waterways. These two focus areas, if implemented appropriately, will effectively mitigate sediment run-off from winter grazing paddocks. Everything else is unnecessary prescription and has the potential to provide perverse outcomes that undermine the likely benefits.

FARM ENVIRONMENTAL MANAGEMENT PLAN (FEMP)

71. My thinking on farm plans has changed a lot since the early stages of the pSWLP. When the pSWLP was first notified, FEMPs were a relatively new concept for Southland, and largely in the domain of the most sustainably focused farmers. We were trying to encourage more farmers to take them up, and my views were based on avoiding barriers that might prevent this. That included seeking to avoid a certification and auditing regime.
72. Since then, there has been widespread uptake of GMPs and improved practices, and FEMPs are largely accepted as either part of farming business or inevitable in the very near future. There is also a real desire within and outside of the farming community to see the performance of the laggards lift, and FEMPs with certification and auditing are seen by the majority as a way to achieve this without imposing prescriptive regulation on farmers.
73. So my focus now is ensuring that the pSWLP allows for this, without creating a regime that will be in contradiction to or onerous beyond the national requirements, and supports and enhances the great work already being done rather than forcing farm plans to become another folder on the bookshelf. I believe there are some key things that will be essential to getting the balance right that will ensure farm plans lift the bottom end, while not being a huge imposition and/or wasted effort for those who already doing a good job.
74. For this reason I led an industry workshop to determine the likely success criteria for a farm planning system with certification and auditing. Noting that this was being considered beyond Southland, the points identified are relevant in my view and were:
 - a. Appropriately match scale of operation and level of risk to environment with the investment required (including developing, certifying and auditing plans).
 - b. Provide for regional and catchment level values/goals/systems/challenges. Known as 'catchment context' (or enable this to be added in the future).

- c. Be available as a trial / pilot for winter grazing 2022 and full Southland / Otago rollout to all who require it to comply with new rules for winter grazing 2023.
 - d. Foster environmental improvements and increased GMP uptake over time, without the need for a consenting regime.
 - e. Add value for farmers and help capture value from the market - farm plans will be a useful working document, not just a regulatory requirement.
 - f. Reward good performers and provide the required “teeth” to lift those who are not meeting required standards.
 - g. Build on existing good work being done by farmers and industry and be flexible to allow for a range of farm planning templates and models across the different farming industries.
 - h. Align with existing quality assurance and market programmes.
 - i. Be cost and resource effective, including creating a competitive marketplace for the certification/audit processes.
 - j. Be a credible and trusted process for all parties – farmers, local communities, NGOs, Govt, Councils, consumers.
75. At the time of the first submission on the pSWLP, I and others in Federated Farmers were opposed to a certification and auditing process. I am no longer opposed to that – there has been a big shift in thinking for many farmers in this regard. I am sick of farming having to defend itself in the face of the laggards who let us down, and in my view a certified and audited farm plan system will be the best way to fix that problem. However I know that a poorly implemented system will be a disincentive to the majority of farmers who are already actively working to improve outcomes and operate sustainably. If that happens, the negative outcomes for water will far outweigh any positives. It is therefore essential to focus on the points above to get the balance right.

FEED PADS / FEED LOTS / SACRIFICE PADDOCKS

76. The recent expert conferencing has recommended changes to the feedpads / feedlots / sacrifice paddocks rules that address many of my concerns. I support those changes and provide an explanation why below.

77. Feed pads, including wintering sheds, are increasingly being adopted by farmers in Southland to reduce some of the effects of paddock wintering. They are not the solution in all cases, particularly due to the huge capital investment required, but also due to the careful management that is needed to ensure that one problem is not replaced by another.
78. However, when a farmer is motivated to implement this option, regulation should not pose an undue barrier. Arbitrary rules that limit stock numbers and the period of time the feed pad is used do not appear to provide a benefit, but may be an unnecessary hindrance. For example, in a very wet autumn, getting cattle off the paddock and into the wintering shed can have immense benefits to the stock as well as soil and waterways, as can holding them inside for longer during the spring. Limiting their time inside to a 3 month period does not even match the winter period designated in other parts of the same Plan.
79. A further arbitrary rule that does not appear to have logical reasoning was the requirement for additional feed pads to be built more than 50m apart. It makes sense to locate feed pads in close proximity so that logistics such as power, water, effluent management, and machinery to feed stock are efficient. In the case of our property which is very rolling, suitable locations are few and the less flat land we take out of pasture the better. I struggle to think of a sensible reason for this rule (35A(a)(iii)(1)).
80. The inclusion of sacrifice paddocks in the definition of Feedpad/feed lot was a massive concern. Sacrifice paddocks are not defined in the plan, but in my experience they are a selected paddock on the farm, used under an “emergency” situation to ensure that cattle are looked after while minimizing the area of pasture and soil they “damage”. Three recent reasons for use of sacrifice paddocks have been: during the M.Bovis when stock were not able to be removed from farms as expected; during the HT swedes issue when winter crop was killing stock and stock had to be moved off the crop and onto grass paddocks with baleage; after the 2020 floods when many winter crops were extensively damaged so cattle had to be returned home from winter grazing early.

81. All of these examples were unexpected and required rapid decision making to deal with unforeseen situations. Sacrifice paddocks, as long as selected and managed appropriately (buffers to waterways and critical source area protection), are the best way to manage an unforeseen situation while minimizing the long term negative effects on the farming operation. By their nature, sacrifice paddocks do not have a constructed, impermeable base so cannot meet the rule. However removing them from a farmers' toolbox during critical times is simply not an option.

EPHEMERAL WATERWAYS / CRITICAL SOURCE AREAS

82. The recent expert conferencing has recommended changes which address my concerns about unnecessary stock exclusion from ephemeral waterways and critical source areas. I support those changes and provide an explanation why below.
83. I was deeply concerned at the suggestion by some parties that stock should be excluded from ephemeral waterways or critical source areas all year round. My interpretation of the difference between the definitions of ephemeral waterways and critical source areas is direct connection to a permanent waterway. The way I read it, the definition of ephemeral waterway could include any lying water. For example, as defined it could include any ponds that form around where a bale feeder was located, around a water trough, or any low point in the paddock. Whereas a critical source area is a pathway that water runs through on its way to a permanent waterway.
84. I believe our attention needs to be focussed solely on critical source areas – those areas that water can travel through on its way to a permanent waterway.
85. As discussed previously, I fully support the requirement to avoid IWG in critical source areas. However I do not support the protection of these areas year round. There are other ways that water flowing through these can be slowed to avoid sediment loss to waterways, and there can be advantages to cultivating them when it is done with due care.

86. Our farm is very rolling and has extensive critical source areas throughout but the nearest formed waterway is multiple paddocks from our farm in the neighbour's property. Our focus is on preventing the departure of sediment from our farm, rather than on protection of the extent of the critical source area network throughout the whole farm. This allows us to mitigate our effects on water quality, while remaining productive and viable. We have installed simple and cost-effective peak run-off control structures in some of the critical source areas at their point of exit from our property, some have natural elevation which slows the movement of water through them, and some have permanent ponds established prior to or at their point of exit from our farm.
87. At times we have intentionally cultivated critical source areas including those within an IWG paddock. We have done this to ensure that the protected area will in fact slow the travel of water. If grass is left unimproved, it becomes rank and eventually dies off, to be replaced with thistles or just bare ground. In that situation it provides no flow reduction to the water travelling through it, and therefore lets the sediment travel straight through to the waterway. By direct drilling it at the same time as the winter crop is planted, to sow a quick growing Italian or rye grass, very quickly a lush pasture is established that has excellent effect at slowing down the flow of water and holding back sediment. Similarly, when paddocks are sown in the spring, we sometimes direct drill or oversow the same area again with oats or similar to ensure the area will be better protected when the paddock is resown after the winter crop.
88. These are just a small number of innovative approaches that can be taken in these areas if regulation does not remove flexibility.

Bernadette Ellen Hunt
20 December 2021

**ATTACHMENT TO THE EVIDENCE OF BERNADETTE ELLEN HUNT
FEDERATED FARMERS**

Critical source areas / Ephemeral waterways - Huge extent of these through our property (and many others)



Critical source area protection – various options to protect the exit points of CSAs – this should be the focus rather than protecting the full extent all year round



^^ Peak run off control – slows water so that sediment is dropped out before exiting



^^ Planted / fenced area at exit point



^^ Pond just prior to exit point

Winter grazing



^^ Back fencing limits natural laying areas, and if paddock isn't particularly wet and/or stock aren't heavy, provides minimal benefit – see laying patches on photo



<< ^^ Appropriate critical source area and buffer zone protection provides excellent mitigation against sediment run-off, negating the need for other regulated sediment control measures

Cultivation Direct drilling (min till) creates minimal soil disturbance and leaves good cover on paddocks – very minimal, if any, sediment movement as a result.



Cultivation – spray and pray (no tillage – helicopter or tractor is used to spray off paddock and then broadcast seed) is used to renew pasture on slopes without soil disturbance. Without this option, slopes above 20 degrees will become unproductive and a breeding ground for weeds

