

BEFORE THE ENVIRONMENT COURT

ENV-2010-WLG-000148

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal under Clause 14 of the First Schedule to the Act

BETWEEN **FEDERATED FARMERS OF NEW ZEALAND**

APPELLANT

AND **MANAWATU-WANGANUI REGIONAL COUNCIL**

RESPONDENT

STATEMENT OF EVIDENCE OF LYN NEESON

Federated Farmers of New Zealand
159 Khyber Pass
Private Bag 92-066
AUCKLAND 1142
Phone (09) 379-0057
Fax: (09) 379-0782
Contact Person: Richard Gardner

Introduction

1. My name is Lynette Jean Neeson. I have a BA ARTS in New Zealand History from Massey University and a BTEACH from Waikato University.
2. I am a farmer living at 1651 Tokirima Road, Taumarunui. My husband and I purchased the original 345 hectares farm in 1987 but now farm 1200 hectares effective as a sheep and cattle farm of a total area of 1500 hectares. The farm is at the junction of the Ohura and Whanganui Rivers. Our winter stock units are 4500 ewes and 250 Angus beef cows and all their progeny are finished and sold to the freezing works.
3. I am President of Ruapehu Federated Farmers and on the Meat and Fibre executive of Federated Farmers National. I am also current Chair, Trustee and Co-ordinator for the Ruapehu/Wanganui Rural Support Trust.

Scope of Evidence

4. In this evidence I present a picture of the nature of farming in the Ruapehu District and I comment on some of the implications of the Proposed One-Plan from a practical perspective.

Farming in the Ruapehu District

5. The Ruapehu District is largely hill country, and the farming of it presents many challenges. This land has been some of the most recently developed farmland in the country. It is young, steep papa country, highly naturally fertile but with a large bank of weed seeds, particularly manuka and ring fern which requires particular grazing policies to reduce the impact of regrowth.
6. On a regular basis, roughly once every 5 years, these and other weeds are sprayed by helicopter using a chemical that does not kill grass or more mature native trees. In the past the weeds were cut and burned, which did have an affect on the native tree survival rate.

7. There has also been the introduction of weeds such as blackberry and gorse which are highly invasive and require constant vigilance and removal or they quickly dominate gullies and river banks.
8. The farmland remains productive because of the constant attention to fences which allow tight stock grazing policies and tracks which creates access for mustering and maintenance, including weed control by hand. The tracks also enable stock to more easily graze the whole of a paddock.
9. Tracks are essential for access to various blocks on a farm. For instance on my farm I have at least 3 main tracks which stretch about 30 km giving me access to 3 distinctive blocks. These blocks are separated by terrain and also by areas of bush. The tracks run for some of their distance through thick bush or near the banks of the two main rivers. Two of these tracks are very old access routes, which Maori historically used to travel through from the coast to the lakes in the central North Island. They have been steadily upgraded depending on the type of vehicle used and now are wide enough for a quad (4 wheel all terrain vehicle) to drive through, and are usually maintained by diggers or bulldozers. Due to the terrain the easiest tracks are run parallel to the waterways, and often end up quite close to the waterway.
10. Ideally paddocks are centrally raced which means that all paddocks muster down to a central, fenced laneway. As this farmland is, generally speaking, young, improvements are on-going and constant.
11. Farms that are more remote than ours have still not reached their productive capacity and require extra inputs such as fencing to create smaller, more manageable paddocks, and other general infrastructure. It is also more expensive to farm in the more remote areas because of the cost of transport and extra time it takes to travel the long distances.
12. Drinking water for stock is primarily from the numerous ephemeral streams that have their source in the guts of the countless gullies. Stock also drink from the rivers and creeks, but usually at a common point where the water is closest to the banks. There are also many natural springs and wet areas in the hills where stock traditionally know they can source water, especially during the drier months.

13. It is important that stock have various access to water sources because this limits the amount of walking they have to do to get a drink. This in turn helps reduce the impact of stock movement on the grass cover and soil structure.
14. Water reticulation schemes are not common in the hill country because there generally isn't enough flat land to have a central trough where all stock can congregate, and it is not desirable for stock to gather at central points. It is also very expensive to have water tanks placed at high points to store the water for the troughs and the maintenance of pipes feeding all troughs is very time consuming and vulnerable. Water to fill the tanks must be sourced from a large reservoir which usually requires electricity for pumps, not normally available at the back of the farm.
15. As I understand it, approximately 50% of the Ruapehu district is covered in areas of native vegetation, in other words native bush, of which 24% of this bush is on private farmland. Thus the Tongaririo and Whanganui National Parks, which are both in the Ruapehu District, make up only part of the indigenous biodiversity in the District. I, like most farmers in the area have blocks of native bush on my property, which I actively manage.
16. The fact that we are on relatively young farmland meant that clearance of the land was much more circumspect than in other farming areas and we are extremely proud of our bush. On my farm I have approximately 300 hectares of bush, with one block being approximately 100 hectares. I share common boundaries with the Department of Conservation including one with the Whanganui National Park. Every paddock has some native vegetation in it, from individual trees for shade to faces that were too steep to cut when the land was brought in and now have beautiful examples of native trees.
17. The steepest papa bluffs are home to various native plants and many wet guts and gullies are habitat for native trees. This bush is in much better shape now than when I first began farming because of the effort the Regional Council, Animal Health Board and ourselves have put into reducing the possum population. Goats and pigs are a problem and are hunted on the fringes of the bigger areas of bush.

18. I note that the Department of Conservation has been seriously absent in any pest control around my farm.
19. Like most farmers in the area, we treasure our trees and I truly believe that if a survey was done of the state of indigenous biodiversity in Ruapehu now, compared to 25 years ago, then it would be in a more healthy state.
20. I do not generally fence off blocks of bush. Some of the blocks of bush are so large and dense that stock do not go into them and they naturally regenerate. Some of them are not so big and stock use them for shelter and shade. But these trees are a seed bank for other areas.
21. I have already described the various sources of water for stock in the hills, and I think many of them would probably come within the definition of a wetland. It is definitely not practical to exclude stock from these areas although I have fenced off springs in my flat hay paddocks to reduce stock pugging by large mobs of cattle being fed more intensively on hay.
22. I have been involved in the negotiations around the One Plan since it was notified in 2007. I have attended countless meetings with Horizons staff, submitted to the Hearing's Panel and have been involved in the mediation process both for the Land and Biodiversity Chapters. Consequently I believe I have a comprehensive understanding of the potential impacts of Chapter 7 and how it relates to rules in other chapters. This in-depth knowledge has resulted in me having serious concerns regarding chapter 7 and its accompanying schedule E.
23. I will outline some of the practical implications of what is currently in the decisions versions, but first I note that, while chapter 7 does not require stock exclusion from waterways, other chapters such as chapter 12 state that no land disturbance such as new tracking or vegetation clearance is permitted within 5 metres of certain water bodies and within 10 metres of other water bodies, including schedule AB trout spawning areas, or in any areas that are schedule E habitats. I also note that, in the most recent version of the chapter 13 rules proposed by Horizons, the exclusion of dairy cattle, other cattle and deer is also required from wetlands and lakes that are rare or threatened and

beds of rivers that are permanently flowing or have an active bed width of 1m. This is practically and economically impossible to comply with.

24. We had a track going up to a ridgeline which needed to be reinstated so that some fencing equipment could be carted up to the fence there that needed repair. In order to ensure that the track stayed without slipping for more than a season an alignment along a less steep slope was used. But this required the removal of a kaihikatea tree and 2 whitey woods which were situated on the fringes of what is likely to be a schedule E habitat. If the One Plan had been in place at the time this would have involved an ecologist visiting on site to give approval. Even though, for the moment, the approval would have been cost free to the farmer, it would have involved a 6 hour, 600 km round trip for the Council's ecologist to come from Palmerston North. With the digger on the ridge wanting to do the job when the weather and time permitted, waiting for an ecologist would not have been a realistic option.
25. I note in passing that, while the cost of such ecological assessments are cost free to the farmer for the moment, that is a matter that comes up for review each year as part of the Council's Long Term Plan or Annual Plan, and there is no guarantee that the present arrangements will continue. In any event, if the costs of the ecologist are not met by the farmer, then they are met by the ratepayers, some of whom are, of course the farmers who are using the service.
26. As I have explained, my farm is covered in potential Schedule E habitats and, although the descriptions of the various habitats are given in Schedule E I am uncertain of their exact locations and I would have to consult an ecologist before carrying out even minor maintenance in a considerable area of my farm. This is especially true around wetlands. There are countless wet areas on my farm and it is impossible to determine whether any given wetland is a significant wetland or not.
27. Regardless of that, with limited flat areas in which to work, often tracks, fences and other infrastructure are sited within 10 metres of these wet areas.
28. Because Schedule E wetlands, habitats, etc, are referenced in so many of the One Plan permitted activity rules, there are countless circumstances

where they will be infringed upon. I state again that most of the larger wetlands on my farm remain because I have avoided damming them up or clearing them out and turning them into a reservoir for a water reticulation scheme and they remain because stock access for drinking water takes place at an extensive, wide ranging level and so does not impact negatively on the health or survival of the wetlands.

29. Siting of even simple infrastructure like an offal pit or a rubbish dump becomes a minefield of problems. Both receptacles are essential when we live 100 km round trip from the closest council dump and we need to be able to dispose of dead stock or offal in a proper manner. But their location is dependent on access because they have to be close to where the deaths are likely to occur, such as the stockyards, woolshed or killing shed, and high enough to avoid potentially contaminating the water table, which would affect stock drinking water and the natural decomposing of the waste matter in question.
30. To my mind the rules as they are stated would make these other practical considerations redundant and we would end up having to site such facilities in less appropriate locations.
31. My sheep yards are built around a number of brilliant native trees to afford shade for stock waiting in the yards. Once again, if I were to change the layout of the yards I may need to cut down one or more of the trees. Just because I have protected them for this long should not penalise me for improving my stock handling facilities. Effectively I am being penalised for allowing the trees to get established.
32. It seems to me that one outcome would be that farmers would become reluctant to leave such trees growing to avoid the potential of prosecution should they not follow the rules when they no longer wanted the trees. To me that is not logical.
33. I would also consider replanting but the rules do not encourage this because they do not provide for offsetting and they are so restrictive that I would be hesitant to do something that may create a problem in future years. By

offsetting in this context I mean the planting, protection or enhancement of another area of similar types of trees.

34. While we would never cut down a living tree without there being a genuine reason, if one falls down and is easily accessible, it becomes our firewood for the next winter. The regulation of this activity by Horizons will be impossible to enforce, and it is ridiculous to put such a rule in the Plan and expect land owners to abide by it.
35. I have endeavoured to get a clear understanding of the implications of the proposals in the One Plan and I have had numerous discussions with policy people in Horizons. I have also organised a field trip with farmers and Horizons staff to discuss the on farm practical effects Schedule E and Chapter 7 will have to our way of farming.
36. I have been assured that staff are only too happy to come out and visit on site if we want to do any work around our indigenous biodiversity but I know that this will be costly to the council and will also not work at a practical level because farmers are working the land all the time and if a job needs doing then it gets done there and then, it isn't left until some sort of a permission is granted. As I stated earlier, there is no guarantee that the costs of such visits will continue to be borne by the Council.
37. And decisions like siting a track are made on the job, not planned months in advance so that someone can come and check it out. I asked if local Land Management Officers would be up-skilled to give the required permission but was informed that this is a specific role only able to be undertaken by an experienced ecologist.
38. I am also concerned that Schedule E is so open to interpretation that individual ecologists might have differing opinions of what are rare, threatened or at risk. And if the farmer does not agree with the council appointed ecologist then he has to get a second opinion, at his own cost.
39. The relationships farmers have developed with the local Horizons Regional Council Land Management Officers (LMO) is threatened by them not having the authority to OK reasonable requests. This is only going to result in the

reluctance of farmers to engage with LMOs at any level, something that is already happening in my area. This will be the reverse of what the One-Plan is trying to develop.

40. Landowners and councils must have a positive relationship in order to work effectively and have good outcomes for the farm and the land but this chapter does not foster this critical relationship, in fact it hinders it.
41. A more practical approach to what is a challenging problem may include:
 - a) the up-skilling of the land management officers who already have fostered good relationships with farmers and are local. They are likely to be on farm at least once a year as we discuss planting regimes for erosion control which is done on many farms in the Ruahepu district.
 - b) The option of realistic offsetting so that in consultation with the land management officers, if there is no avoidance of impact on a schedule E habitat in order to carry out a required farming activity, then a solution that provides enhancement or protection of another area is negotiated.
 - c) The mapping of areas of schedule E habitats, most particularly those areas that are rare and including schedule E wetlands, as well as sites of significance aquatic, to ensure the level of protection that is sought by schedule E is actually achieved.
 - d) The development of a work-stream by Horizons which focuses on the dissemination of further information about the rules and methods regarding indigenous biodiversity including materials such as handbooks to farmers, landowners and the wider community.
42. As a farmer I see a solid working relationship with the regional council is an important part of our business and should be fostered to ensure a great outcome for the land, the landowner and the community. In order to ensure that robust relationship the rules have to be practical.

Lyn Neeson

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