Submission on Action for Healthy Waterways Consultation

Company name: Blind River Irrigation Limited

Contact person: Personal details

Address: Personal details

Phone: Personal

Email: Personal details

Agent: WilkesRM Solutions Ltd

Contact person: Personal

Address: Personal details removed

Phone: Personal

Email: Personal details

Introduction

Blind River Irrigation Ltd (BRIL) set up a private irrigation scheme with water sourced from an intake at the Awatere River, Marlborough. The BRIL scheme covers some 1750 hectares in the Blind River and Awatere Valley areas of rural Marlborough.

Many BRIL shareholders are involved in viticulture as vineyard owners and grape growers. Some shareholders are also involved in traditional pastoral farming.

While BRIL strongly supports the New Zealand Government’s intent to maintain and improve freshwater quality, the BRIL submission stresses how achieving these outcomes will affect farmers and vineyard owners and what trade-offs will be required.

The Ministry for the Environment is consulting on a discussion document and four types of regulation in relation to freshwater and wastewater management

a) Action for Healthy Waterways – A discussion document on national direction for our essential freshwater
b) National Policy Statement for Freshwater Management (NPS-FM)
c) National Environmental Standard for Freshwater (NES-F)
d) National Environmental Standard for Wastewater (NES-W)
e) Regulations for Stock Exclusion under Section 360

BRIL’s submission focuses on the Action for Healthy Waterways Consultation document, as well as b) c) and e) above.

BRIL also supports the New Zealand Winegrowers submission to the Ministry for the Environment on the Action for Healthy Waterways Consultation.
Section 8 is aimed directly at on-farm practices. It sets out proposals to restrict further intensification, aims to set new standards for high-risk activities and introduces freshwater modules to farm plans.

Some specifically relevant issues are outlined below:

Section 8.2 - Tight restrictions on further intensification

Intensification may only occur where there is evidence it will not increase pressures on freshwater. This will impact on land use changes such as grape growing, vegetable growing, dairy grazing, or pastoral farming, and expansion of irrigation.

A vineyard development usually results in a de-intensification. The NES-F should be drafted to capture only intensifying activities. At present, it captures activities that are unlikely to contribute to intensification in pressures on freshwater.

The approach to irrigation use in vineyards such as drip irrigation to individual vines also results in vineyards as a whole having a low risk of environmental impact.

The $>10$ ha limitation for the use of irrigation should be removed for low intensity water users such as viticulture. Precision irrigation especially in the vineyard context, controls nutrient application and limits leaching.

For example a vineyard development $>10$ha would only be granted a resource consent if there is no increase in nitrogen, phosphorus, sediment or microbial pathogen discharges above the property’s 2013 -18 baseline (average for this period). BRIL question how will this be determined as this proposal does not specify how these base levels are to be calculated?

This regulatory response (i.e. the requirement to obtain a resource consent), and the resulting compliance costs to be placed on the likes of grape growers is not comparable to the risk as grape growing has a low environmental footprint. Grape growers carefully manage irrigating vines and nutrient inputs, as excess volumes would result in excessive leaf and vegetation growth which needs to be removed, and can also result in diluted flavoured grapes, which does not make good wine.

In addition, crop rotation to produce healthy vegetables is a major part of good farming practice. There should be no limitation on the same amount of land swapped into irrigated lands and back out again. This type of farming practice should not be caught under the proposal to require changes in land use $>10$ha in irrigated pastoral, arable or horticultural production.

Section 8.3 - Mandatory Farm Environment Plans (FEP) and plans to include a freshwater module

This proposal requires that all farms should have FEPs and all FEPs shall include a module on freshwater management.

The time lines placed on getting these plans does not encourage quality plans. In addition, there are not enough suitably qualified people available to prepare such plans. The proposal identifies that an approved auditor must be a suitably qualified and experienced person approved by the Minister for the Environment and the Minister of Agriculture. The proposal however lacks details on what ‘qualifications’ would be acceptable for someone to peruse seeking approval to become an approved auditor.
For catchments that are deemed sensitive then the timeframe of 2022 is supported but for all other catchments 2025 should be the target and should be voluntary not mandatory.

Section 8.5 Excluding stock from waterways and riparian setbacks

Winter forage crops have been a successful approach to keeping animal health and condition high when done successfully. Something that cannot be highly achieved on reduced quantity and quality pastures during colder months when growth is slow. As long as the forage crops are not grown where run-off can directly pollute waterways then this type of farming should not be caught in the proposed NPS-F. For example a ground covered buffer can also work successfully between a forage paddock and a waterway as it filters run-off.

The proposal for setbacks between the fence and the waterway of five metres on average across a farm represents a ‘one size fits all’ approach. This potentially overrides the good work already completed by farmers in fencing off waterways that do not meet the five metre setback.

Further clarification is needed about how the five-metre average setback will be assessed and validated, particularly if this is to be actively measured and enforced. If the expectation is to use a surveyor this would be overly excessive and costly from BRILs perspective.

BRIL questions the practicality and financial feasibility of fencing off waterways on hill country with its many connecting water tributaries. Not only will this be cost-prohibitive for many hill country farms, but in many cases this type of fencing will require earthworks to establish clear fencing lines, increasing the risk of sediment entering waterways.

Proposed National Environmental Standards for Freshwater (NPS-FM)

The NPS-FM appears to be targeting dairy farming (including milking platforms, dairy support) and vegetable growing but the ‘by-catch’ of the proposed legislation is other farming types with significantly less potential water quality issues / environmental footprint, for example viticulture.

Viticulture does not lead to the same leachate issues as dairy farming and vegetable growing and should be exempt from much if not all of the proposed provisions e.g. what is the justification for requiring resource consent for changing land use by more than 10 ha from dryland mixed farming to an irrigated vineyard or kiwifruit orchard as required by S34 of the NES-FM?
National Environmental Standard for Freshwater (NES-F)

- **Part 2 Wetlands, rivers, and fish passage, Subpart 1 - Wetlands**
  
  The definition of **vegetation destruction** means *destroying any significant indigenous vegetation*. However, **significant indigenous vegetation** is not defined.

- **S5 – Standard wetland monitoring obligation**

  There is little incentive under S5 for farmers and other land owners to construct or even notify regional councils about wetland habitats on their land when they could face additional regulatory oversight and compliance costs in the monitoring and reporting on the state of wetlands to councils.

  BRIL would encourage a more enabling framework for activities related to the enhancement of wetland areas, rather than additional regulatory requirements that are likely to discourage some people from undertaking enhancement activities in these areas.

- **S10 General earth disturbance – discretionary activity**

  Does earth disturbance include ploughing, cultivation and if so why then is there a 10m setback required especially if there is a 5m riparian setback (s10 & 11 of proposed NES-F).

- **S15 Water take activities – meaning, and S17 Water take activities – non-complying activity**

  It is not clear how these will be determined. Clarification is required how to determine if the abstraction causes change in the natural wetlands seasonal fluctuation. For example historic takes with no wetland monitoring there would be no data of natural seasonal fluctuation.

- **S24 Dams, fords and non-passive flap gates**

  There is no exclusion for off-stream dams. Fish passage should not be required for off-stream dams.

- **Part 3 Farming**

  The definition of a **farm** includes horticultural farming. That captures grape growing & viticulture which is a low intensity water user and should therefore be excluded. The NES-F definition for a farm should exclude vineyards.

  The definition of **intensive winter grazing** does not define what stock densities are captured by this.
Subpart 2 – Intensification

S34 Irrigated farming this covers vineyards, which is a low intensity water user and should therefore be excluded.

Subpart 3 – Freshwater module of farm plans

S37 sets out the timeframes for farms to have an FW-FP.

The timeframe to meet this target represents a significant challenge as there is currently insufficient capability and capacity for appropriately qualified people in the market to develop certified FW-FPs.

The timeframe in which an FW-FP remains in effect has not been identified within the NES-F. This would suggest that regional councils would determine the length of time an FW-FP would remain valid.

The FW-FP should be seen as a living document that can continually evolve and adapt to incorporate innovative on-farm practices and adopt new technologies to improve on-farm performance and better environmental outcomes.

BRIL recommends that the NES-F specify a timeframe in which an FW-FP remains in effect to avoid any doubt. This would enable farmers and growers to plan and budget for the next revision of their FW-FP and incorporate changes into the farm system to improve water quality outcomes on-farm.

It is recommended that FW-FPs remain valid for ten years.

Further clarification also needs to be given as to how an FW-FP can be changed should the farmer or grower change their farm system, or should budget constraints during a market downturn impact on planned improvements.

S39 – Obligation to provide FW-FP is required

This clause suggests that regionals councils can decide whether or not to obtain a copy of an FW-FP. BRIL seeks clarity on the conditions in which FW-FPs are not likely to be required by regional councils.

Regulations for Stock Exclusion under Section 360

The definitions under dairy cattle at points 2 and 3 contradict themselves and need to be better clarified.