Otago South River Care Submission on Action for Healthy Waterways

Information:
Otago South River Care

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Submitter type: Catchment Group
Background

Otago South River Care is located in South Otago and represents five catchment groups the Waiwera/Kaihiku, Tuapeka/Waitahuna, Lake Tuakitoto, Owaka and Tokomairiro catchment groups.

Our catchment groups have been formed in response to the Otago Water Plan, and have been operating in various forms since 2015. Our main work programme to focus on improving water quality throughout the area, and this has included the following work streams:

- The testing of water quality throughout the area.
- Facilitation of on-farm discharge testing.
- The promotion of good management practices (GMP).
- River health education and enhancement days.
- Field days aimed at promoting GMP and enhancing biodiversity.

We now have over 170 farmers signed up as subscribers to Otago South River Care.
General responses to the proposals:

*Questions 1 – 8.*

Otago South River Care supports the overall objectives of the proposals to ensure the health of our freshwater systems. However, we do have some concerns over some of the details of the proposals. We believe there are instances where a prescriptive approach at a national level will not lead to better water quality outcomes.

Over the past few years, catchment groups have been developed to target the deterioration of water quality throughout the area. These groups have been successful in addressing water quality with median values at all State of the Environment sites measured within the area improving for all parameters with the exception of Waiwera for DIN and *E. coli*, Waitahuna for *E. coli*, and Clutha at Balclutha for turbidity (see Table 1).

**Table 1:** State of the Environment sites from the Otago South River Care area, showing median results, with trends highlighted. Green for improving; yellow for no trend; and red for deteriorating.

<table>
<thead>
<tr>
<th>2013-2018 SOE TESTS</th>
<th>DIN</th>
<th>DRP</th>
<th>E Coli</th>
<th>Turbidity</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW A5 YEAR MEDIAN</td>
<td>Trend</td>
<td>Trend</td>
<td>Trend</td>
<td>Trend</td>
</tr>
<tr>
<td>1</td>
<td>0.18</td>
<td>540</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waitahuna at Tweeds Bridge</td>
<td>0.173</td>
<td>0.015</td>
<td>320</td>
<td>4.5</td>
</tr>
<tr>
<td>Waiwera at Maws Farm</td>
<td>0.760</td>
<td>0.024</td>
<td>170</td>
<td>2.9</td>
</tr>
<tr>
<td>Catlins at Houipapa</td>
<td>0.430</td>
<td>0.027</td>
<td>140</td>
<td>3.3</td>
</tr>
<tr>
<td>Clutha at Balclutha</td>
<td>n/a</td>
<td>0.001</td>
<td>35</td>
<td>3.0</td>
</tr>
<tr>
<td>Tokomairiro at West Branch Bridge</td>
<td>0.283</td>
<td>0.001</td>
<td>145</td>
<td>2.8</td>
</tr>
</tbody>
</table>

We believe the improvements have been due to the output based approach encouraged by the Otago Water Plan and this has allowed for innovation in farming practices, with the resulting environmental improvements. We submit that any changes in environmental policy will allow an appropriate policy mechanism put in place that continues to allow innovative individuals and groups, such as our own, to continue to develop effective alternative solutions that enhance water quality outcomes.

ORC action targets are already working well and should continue. We believe we need to be supported in the work already being undertaken, and with strong bottom lines for slow adopters, and we will see strong improvements in freshwater management very quickly.

We support the current approach being undertaken by the Otago Regional Council, and would rather see money being spent on making improvements, as opposed to spending money on getting resource
consents and the cost of compliance, when there will be little environmental gain from some approaches suggested.

We support the need for some farmers to improve their environmental practices; however, we do not support the unintended consequences these rules will bring. We believe a farmer-led catchment management approach, where farmers work together to find localised solutions to complex problems, will work best.

**Q. 9.** We support Te Mana of te Wai, “the mana of the water” referring to the fundamental value of water, in its current form and with the understanding as outlined in the 2017 NPS-FM amendments. We question “prioritising the health and wellbeing of water before providing for human needs and wants.” (NPS-FM 1.5). We must view the need to protect the water in conjunction with the requirements for water for both human consumption and stock water. We believe that measures need to be put in place to ensure these essential requirements are met along with the health of freshwater systems. Protection of the health of freshwater should align with the provision of safe water to drink and recreate in.

**Q 13.** We support Proposal 2 in principle, however, feel that once iwi and hapū have identified freshwater values, these values are openly discussed and agreed to by the wider community in conjunction with iwi and hapū.

**Q 14.** We support in principle the strengthening of Maori values in freshwater management, however we wonder how these values will be appropriately resourced.

**Q 19.** We do not support exempting major hydroelectric schemes from providing sufficient water to allow essential habitat for stream health.

**Q 22.** We support the protection of indigenous freshwater species.

**Q 23.** We support the provision of safe passage for fish to breed, but believe there needs to further protection of indigenous fish so that they are safe from introduced species such as trout, in areas that are not valued recreational fisheries.

**Q 25.** We strongly support the provisions for the protection of wetlands, and support the enhancement of wetlands.

**Q 36.** We support the establishment of swimming water standards and the requirement for more regular testing in popular swimming spots.
Q 37. We support the setting of minimum flows to better manage water allocation.

Q 39. We support the setting of environmental bottom lines for agriculture as long as they will achieve improved water quality and are practical, achievable and can be enforced.

There has been significant improvement in the quality of water throughout the catchment over the past few years. We hope the outputs based approach taken by the ORC can be maintained, as this has proven to be very effective in the catchments, which we are part of.

Q 41. We support the need for environmental bottom lines with regards to contaminant levels, but have some concerns regarding the levels set in the NPSFM.

Otago South River Care has been testing waterways throughout the catchment for three years now, so we have a large amount of information about the quality of water in the catchments in the area. Testing from sites, which would be deemed to be natural reference conditions i.e. they proceed from areas of native bush and are not farmed, show that natural conditions can have levels of both phosphorus (DRP) and nitrogen (DIN) above the levels set forward in the NPSFM as bottom lines.

We would like clarification on where the samples would be tested at, i.e. should all stream reaches be achieving these national bottom lines, or should these levels be achieved at State of the Environment sites?

We support NPS-FM 3.23 allowing flexibility for Regional Councils to implement the NPSFM, and in cases such as those described above, there is room for an understanding that natural reference conditions are above the levels the national bottom lines set forward in the NPSFM, and therefore the management of the catchment areas in question will be treated differently.

Q 43. We support the delivery of safe drinking water and the corresponding requirement for tighter management controls around drinking water sources.

Q 50. We support the setting of minimum standards for storm water and wastewater management.

Restricting further intensification:

Otago South River Care support in principle the restrictions on further intensification of land use.
**Q 51.** We support measures to restrict further intensification is to stop land use change to dairy grazing or dairy farming in the interim. However, we do not support measures to restrict the ability to increase intensity of the current land use if it is sheep/beef/deer/arable.

We do not support grand parenting in any way, and are concerned this may be the unintended consequence of such a restriction.

We believe this proposal will restrict farmers who do not have conventional breeding and finishing systems, and young (starting) farmers who do not own their own stock and grazing farms. Removing the farmers’ flexibility to change stock types will limit their ability to take full advantage of the markets and climate.

We do not support bullet point #3 regarding forage cropping, believing that it will create unnecessary and unenforceable requirements regarding the past five-year’s cropping. In addition, we do not support the minimum thresholds for new winter grazing applicants, as these can be seen as inequitable.

We believe there is the risk of unintended consequences inhibiting young people from getting into farming if you cannot trade stock.

Under extreme weather events e.g. drought, leading to reduction in stock numbers, we would like to maintain the flexibility to be able to purchase different classes of stock to suit affordability. We believe farmers need flexibility for changes in seasons, weather, markets, and other pressures to run our farms in an environmentally, economically, socially and culturally sustainable way.

Otago South River Care supports that restrictions are put in place to limit conversion to dairy grazing and dairy support; however, there should be room for increased intensity and flexibility within existing systems.

**Farm plans:**

Otago South River Care supports the overall farm plan approach, but think we should have a standard template to work to for each industry and area.

**Q 54.** We support the fact that farm plans will be mandatory, so everyone is working to the same standards.

We would support farmers using a standardised and auditable template, where they can do most of the farm plan themselves, e.g. standard physical information. Having a tailored farm plan (FW-FP) will provide property owners and their staff a template as to best practice to minimise their business’s impact on the environment.
Q 55. We support the minimum content of the farm plans. An aspect of this farm plan should be farm specific identifying possible contaminant losses to the property and the mitigations actions required to minimise any effect to the environment.

Q 56. We support the timeframes and priorities suggested it the proposed NES. However, we would like the government to clarify NES 38, 3 (f) to ensure it cannot be construed that sheep are included in stock exclusion.

Q 57. Our view is that there will be considerable cost, and unnecessary expense required to ensure suitably qualified farm environment planners are trained. We believe the farmer in conjunction with industry bodies or other Farm Plan providers should complete FW-FP. The farm plan needs to be personalised to get maximum traction. A consultant prepared farm plan could be seen as merely a tick box exercise. This approach will allow farmers to take ownership of their farm plans, to development meaningful responses and actions.

We support the concept that farm plans should be audited, and believe the frequency of audits could align with the risk associated with the particular property. Factors such as whether the farm is a member of a catchment group, their catchment area, using good management practices, whether they are conducting soil and water tests, and whether they have met previous agreed farm actions, should all feed into associated risk for each farm.

Questions we consider need to be addressed are:

- Who will be auditing these plans and who will train these people?
- How will their time be charged?
- Will there be a standardised risk assessment criteria used?

Otago South River Care believes a standard template for FW-FP should be developed. The farm owner in conjunction with industry bodies can develop the FW-FP. The FW-FP be audited as per the local regional council’s risk profile for the property. FW-FP are not used as a regulatory tool but as an information platform and action plan.

Immediate action to reduce nitrogen loss:

Q 58. We support Option 1, but question whether Overseer is the best tool to measure this.

Q 63. Are there other ways to improve N loss? For example, reducing stocking rate, reducing N use, examining plant species being used.
Excluding stock from waterways:

**Q 65.** Otago South River Care supports the move to exclude certain stock classes from waterways in principle.

However, a number of practical questions arise:

- Who determines how wide a waterway is? Do we need to get sign off by Regional Council?
- How will weeds be managed in riparian areas? Moreover, if large amounts of herbicide are used, will this ultimately effect water quality?
- How will these rules be enforced?

We question how much land is going to be lost. There are unintended economic consequences arising from stock exclusion, for example, it is much more expensive to fence hill country, than flat land.

**Q 66.** We support the different approaches for larger and smaller waterbodies.

**Q 67.** We believe any setback should be measured from the wet edge of the waterway.

We note that the definition of ‘setbacks’ in Action for Healthy Waterways, as “space between the fence and the waterway” pg. 75. This definition differs from that in the Draft Stock Exclusion Section 360 Regulations – “setback: means the distance from the edge of the bed [or edge of the wetted bed] to the exclusion mechanism (eg fence) as averaged across each river or lake on a property”. We suggest there is a need for consistency here, especially as the requirements allow for the use of other technology e.g. virtual fencing and smart collars.

**Q 68.** We agree the intensity of stock rates should be considered in this rule. We consider blanket setback rules may not always achieve the greatest environmental outcomes. We consider an average setback of 5 metres may at times be appropriate, however, if the margin is in long grass or planted in riparian plants a smaller margin may be appropriate. The adoption of good management practices can have a significant impact on contaminant loss to waterways, for example targeting the protection of critical source areas, laneways and gateways, could result in far greater environmental improvements compared to a blanket 5 metre stock exclusion area.

We would prefer flexibility in this rule, which without being prescriptive takes into account:

- stock class,
- density,
- soil type,
- slope,
• susceptibility to flooding, and
• climate.

We believe in placing emphasis to achieve the greatest environmental outcomes, and these should be identified in the farm’s FW-FP.

We do not support the removal of fences that are currently under 5m. We would support an output approach to managing this however. For example, if there were adverse effects occurring in a stream that had stock excluded 2m from the waterway, we would support moving this fence. If there are no negative impacts, and stock are excluded we do not see the need to reposition the fence. These contaminant threats could be highlighted through farmers’ FW-FP.

Our submission is that this proposal be amended to provide greater flexibility for on farm decisions to maximize the benefits to the waterways, while not impeding the ability to farm the area. Excluding stock from waterways would sit within our FW-FP.

**Controlling intensive winter grazing:**

Otago South River Care would like to point out, that in our climate we have approximately 100 days (late April – August) where there is little to no grass growth, therefore there is a need for the provision of winter crops for animal welfare reasons. Currently, on average, we estimate requiring a minimum of 10-20% of our land to grow winter-feed crops.

If winter feeding is restricted in some areas, it will have the unintended consequences of farmers being required to grow heavier crops on smaller areas, which will lead to more stock on these areas, greater nutrient loadings and deteriorating soil conditions. In other cases, it may lead to farmers putting feed pads or barns on their land, which will result in additional effluent management issues. Many farmers will not get financial support for capital improvements to allow stock to be stood off during the winter months.

An alternative would be to reduce stock numbers (some estimating by up to 30%), which will impact farm profitability. If this was the case there may be a need to convert land to pine forests, which would reduce biodiversity and reduce water flows in the rivers to levels which would be incompatible with ecosystem health.

**Q 69.** We believe that co-operating together to work towards good management practices will be more effective, as opposed to a rules and confrontation based system. Therefore, Otago South River Care supports industry agreed good management practices, with environmental bottom lines that are practical and enforceable. – Option 2.

**Q 70.** We support an output based approach. Any rules based on slope, area and pugging would be too restrictive. Rules for minimum riparian setback and CSA management would be manageable.
The pugging rule in South and West Otago is unrealistic due to the nature of our soils. Therefore we cannot support the pugging regulations, as we believe they will be very difficult to police.

We believe these rules should be based on science, and completely support the adoption of good management practices.

We believe if you can mitigate the effects of winter grazing regardless of slope or drainage, then we are not adversely affecting the environment, and we should be allowed to continue. Mitigation options we would support are good management practices, sediment mitigation (e.g. traps, sediment cloth), and wetland areas.

We do not support NES 30.1 (f): “the grazed paddock is re-sown within 1 month, or as soon as practicable, after the end of the grazing.” In South West Otago this would be impractical in some years, as conditions are often not suitable for working. We consider words to the effect “as soon as practical” would be more pragmatic.

Questions we would like clarification on:
- How do you calculate slope on your property? – is this paddock level, property level or a larger area?
- Are all regions going to be treated the same way?
- Does this legislation override the Animal Welfare Act?

Feedlots:

Q 71. Otago South River Care does not believe 80 days is enough, but we view 150 days would be more reasonable.

Stock holding areas:

Q 72, 73. We found the proposals to be confusing and ambiguous, and therefore as they stand, do not support them. A number of questions arose when considering this section:
- Why does a sacrifice paddock need to be 50m from waterway when intensive fodder beet only needs to be 5m?
- What is the definition of a standoff pad?
- Is a springer paddock considered a sacrifice paddock?
- If beef cattle are wintered in a forestry block, is this considered a standoff pad? We view this area as being drier and would have a lower stocking rate.
- If there is effective mitigation of critical source areas in sacrifice paddocks, then why can these paddocks not be used?
**Q 74.** We would suggest the Government reconsider its policy on sacrifice paddocks to take into consideration the following points:

- Provided CSAs are isolated and protected within paddocks, allow paddocks with CSAs to be used as sacrifice paddocks. This is important as some farms do not have any paddocks without CSAs.
- Owners should have flexibility to decide and make management decisions regarding sacrifice paddocks – this is part of our cropping and re-grassing policy.
- Sacrifice paddocks need to have the same rules as crop paddocks.

There is a difference in the definition of a ‘sacrifice paddock’ between the NES and the Action for Healthy Waterways consultation document. If it is an area sacrificed without any CSA as in the discussion document, it could be workable with the use of temporary fencing. If it is a whole paddock without CSA then it would be very problematic for most farms with rolling contour

**Q 75.** We do not believe this proposal can be effectively implemented as it stands and needs to rewritten to reflect points raised, and to ensure that:

- Calf-rearing facilities are specifically excluded from the stock holding area rules.
- That the requirement for there to be no critical source areas in sacrifice paddocks be amended, rather we would support the need to effectively manage CSAs.

**Draft proposed National Environmental Standards for Freshwater**

**Q 76.** We support the timeframes and priorities suggested in the proposed NES. However, we would like the government to clarify NES 38, 3 (f) to ensure it cannot be construed that sheep are included in the stock exclusion policy.

**Conclusion**

In principle, we support the overall direction and intention of the Government’s Action for Healthy Waterways. However, we worry about the social and economic impacts that could arise if a prescriptive approach is taken in freshwater management. We believe an output based approach works very well, and we are encouraged by the progress we have made in Otago through the Otago Water Plan. Any changes in environmental policy should continue to allow innovative individuals and groups, such as our own, to continue to develop effective alternative solutions that enhance water quality outcomes. Otago South Water Care supports an output based approach, backed by clear regulation and environmental bottom lines, and believes this will be effective in improving the overall health and wellbeing of our freshwater systems throughout New Zealand.