31 October 2019

Ministry for the Environment
PO Box 10362
Wellington 6143

Via email: consultation.freshwater@mfe.govt.nz

RE: SUBMISSION BY UPPER CLUTHA LAKES TRUST – ACTION FOR HEALTHY WATERWAYS

Submitter Name: Upper Clutha Lakes Trust (UCLT)
Submitter Address: C/- The Secretary, 51 Forest Heights, Wanaka

Contact Person: Personal
Email: Personal details removed
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INTRODUCTION

1. Upper Clutha Lakes Trust (UCLT) is a future-focused, action-oriented charitable trust working to protect or enhance the health of the lakes, rivers, streams, creeks, wetlands and aquifers within the Upper Clutha catchment area; much of it is within the Otago Regional Council Upper Lakes Rohe of the Clutha/Mata-Au Freshwater Management Unit.

2. UCLT is currently working with the community on behalf of the Otago Regional Council (ORC) to prepare an Integrated Catchment Management Plan for the Upper Clutha Catchment. This is a Ministry for the Environment Freshwater Improvement Fund work programme. UCLT is also establishing the Alpine Lakes Research and Education Centre in Wanaka, which is available as a community venue to support environment-related education and research activities.

3. The UCLT is a multi-faceted body which focuses on both urban and rural land use and their respective impacts on water quality, and is seeking meaningful change through its engagement with the broader community.

4. The UCLT is advocating for a formal process for assessing, introducing and reviewing evidence-based catchment and water body management decisions based on whole community stakeholder engagement.
GENERAL COMMENTS

5. UCLT supports the intent of the policy direction as set out in the Essential Freshwater Package to improve the water quality of our streams, rivers and lakes, and to stop further degradation of our freshwater resources. This goal closely aligns with our own goals for improving water quality within our region.

6. UCLT supports the setting of targets with respect to water quality attributes and recognises the need for National Bottom Lines. Within the Upper Clutha area our deepwater lakes and many of our rivers are likely to fall into the attributes band “A” or better, and it would be UCLT’s desire for the lakes and all rivers feeding and leaving the lakes to maintain or improve on this existing level of water quality.

7. The UCLT is concerned with the lack of social and economic impact analysis that has accompanied the Essential Freshwater Package to understand the economic cost-benefit of the proposed changes. We note that the Science and Technical Advisory Group (STAG) recognised that the recommendations in their report to the Minister for the Environment on the proposal could have very significant economic and social implications for individuals and communities in some parts of New Zealand.¹

8. UCLT also has some questions around the practicality of some of the proposals with respect to the ability to adopt and implement the changes sought.

9. UCLT fully supports the proposal to require all farms to operate under a Farm Environmental Management Plan (FEMP). However, we urge the Government to consider that farmers too are qualified to assess and manage the effects of farming operations on the environment and should therefore be in a position to prepare their own FEMPs. Enabling and supporting farmers to prepare their own plans forms an integral part of UCLT’s Integrated Catchment Management approach.

10. UCLT believes it would be beneficial to provide clear metrics for the audit of FEMPs, including detailing the process for dealing with non-conformance that arises as a result of an audit being undertaken. UCLT also supports the ability for third parties to undertake audits of FEMPs, a process which should enable regional councils to approve and audit the third-party auditors. This approach is similar to that undertaken by Environment Canterbury.

11. UCLT adopts a holistic approach to the overall management of water within its catchment, and is actively engaging with the entire community on improving water quality and improving processes to achieve this. This means that we are also encouraging businesses (other than farms) and the District Council to manage the impacts of their activities on the environment, and also operate under suitable evidence-based environmental management plans.

12. UCLT has some concerns that a highly prescriptive approach as outlined in the Essential Freshwater Package runs the risk of stifling innovation to solving the challenges of

¹ Freshwater Science and Technical Advisory Group Report to the Minister for the Environment; Page 5.
improving water quality. The UCLT is currently developing the Alpine Lakes Research and Education (ALREC) in Wānaka, whose purpose is to be an environmental hub supporting research and education activities relating to water, land, biodiversity, ecosystem health and climate change.

DRAFT NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

13. UCLT supports the concept of Te Mana o te Wai. UCLT take a whole ecosystem approach to the integrated and holistic health and wellbeing of waterways, that gives expression to Te Mana o Te Wai.

14. UCLT support the use of more meaningful metrics for determining ecosystem health in relation to lakes, including QMCI and Lake SPI. UCLT also believe that other quantitative metrics especially in respect to micro-organism biodiversity would also be beneficial for determining overall lake health.

15. The draft NPSFW proposes new bottom lines for water quality and ecosystem health. UCLT supports the need to reduce contaminant (nitrogen, phosphorous, sediment and pathogen) levels and protect or enhance ecosystem function in our waterways, but are concerned that large hydro schemes such as the Clutha River schemes would be exempt from meeting the same water quality standards as other resource users. We believe that this matter should be addressed on a case by case basis through a regional council plan change process.

16. The National Objectives Framework (section 3 in the MfE discussion document) states 3.8 (1) that “Every regional council must identify the current state of each attribute”. In (3) it states that: “If a regional council does not have complete and scientifically robust data on which to establish the current state of an attribute, it must use its best efforts to identify a current state using the information that is available, including partial data, local knowledge, and information obtained from other sources.” While this option may not be unreasonable, UCLT are concerned that this situation will be used as a reason for not investing in appropriate research, and could condemn us to ongoing weak freshwater management decisions not based on strong evidence.

17. On page 13 in the MfE discussion document the Information Notes section states “The following table identifies the values, components, and attributes of the compulsory values, and the minimum interventions that regional councils must use to achieve the target attribute states.” On the second page of that table, item 15 refers to the attribute “fish”, but mentions only “rivers”. This item should also include lakes.

DRAFT NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER

Part 2 – Wetlands, Rivers & Fish Passage

18. UCLT supports the proposed approach to the protection of natural wetlands, including the provisions requiring consent for earth disturbance and vegetation destruction within 10m of a natural wetland.
19. UCLT also supports the requirement for the inclusion of fish screening on all new structures as set out in Clause 19. We would also support the requirement for any existing structures to be required to meet these standards upon the renewal or replacement of existing consents.

Part 3 – Farming

Clause 37 – FW-FP

20. UCLT supports the requirement for all farms to prepare and operate in accordance with a Farm Environmental Management Plan. UCLT has concerns around the capacity of the industry to be able to prepare the number of plans that will be required within the next 2 to 5 years.

Clause 41 – Audit of FW – FP

21. UCLT supports in principle the requirement for FW-FPs to be audited on a two-yearly cycle with the option for the auditor to extend the audit period to three years. Further detail on the decision-making process as to what will be required to achieve a three-yearly audit.

22. UCLT also seeks further detail on what happens if there is a failed farm audit, or if there are non-conformance areas that require remedial action, who will be responsible for ensuring that these aspects are undertaken between audits.

DRAFT STOCK EXCLUSION SECTION 360 REGULATIONS

23. UCLT acknowledges that stock exclusion is one of the most effective measures for reducing contaminants entering waterways and supports the requirement to exclude stock from waterways.

24. UCLT is however concerned that the areas which have already been fenced will need to be shifted at or before 2035. UCLT believe that where a waterway is already fenced that these fences shall remain in place without the need to relocate them. The ‘one size fits all’ approach to fencing is in our view a crude tool for reducing contaminants entering waterways. Fencing when undertaken in accordance with good management practices will mean that a site-specific approach is needed taking into account variables such as slope, crop type, rainfall and state of the receiving environment.

25. Having read the discussion documents we have been unable to identify any research which informs the five-metre minimum set-back, as it is likely that effective set-backs will be site specific.

Signed By:  

Date: 31 October 2019