

# Copy of your submission



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Releasing submissions

1. Do you agree that overall water quality should be maintained or improved within a freshwater management unit rather than within a region? Why or why not? Yes

Why or why not?

There is too much risk that some waterbodies would be sacrificed, if improvements could be made elsewhere. There are also more technical challenges in accounting for changes across a region that within a management unit, especially if not every waterbody is monitored, or if only some quality attributes are measured. In addition there is little agreement about the relative weighting that could be ascribed to each attribute in calculating "overall quality".

2. How should the attributes be applied, or the values protected, in giving effect to the requirement to maintain or improve overall water quality? Please explain.

Because there is little agreement about the relative weighting that should be assigned to different attributes (Eg microbiological versus ecological health) the first step would be to negotiate these weighting for each FMU based upon the values agreed for protection.

3. What is an appropriate way to include measures of macroinvertebrates in the National Policy Statement for Freshwater Management? What alternative measures could be used for monitoring ecosystem health?

There are 3 differing forms of MCI, depending upon the precision required. There are also softbottom and hardbottom versions, and Northland requires a regionalised version. Care should be taken in assigning the appropriate version to different sections of stream. For lakes it would be appropriate to use LakeSPI which we developed to provide an integrative measure of ecosystem health and natural character across all types of lakes. While this has been applied extensively in Northland, Nelson Lake and some other regions, it has not been adopted elsewhere.

4. What information should be required in a request to include significant infrastructure in Appendix 3 of the National Policy Statement for Freshwater Management, and why would this information be important?

5. Do you agree with applying lake attributes and national bottom lines to intermittently closing or opening lakes or lagoons? Why or why not?

Do you agree with applying lake attributes and national bottom lines to intermittently closing or opening lakes or lagoons? Why or why not?

These should be applied to such lakes and lagoons because the openings or closures are human induced or influenced. Because they usually fall outside of the CMA boundary, they are not covered by NZCPS, so should be managed as freshwater. There are also some small estuaries (eg Pipiroa Estuary) which were excluded from the CMA because of errors in mapping the Cross Boundary river mouths in the 1990s. These should also be covered as lagoons.



6. What information should be required in a request to list a water body in Appendix 4 of the National Policy Statement for Freshwater Management, and why would this information be important?

Information should include proposals for compensatory offset works to improve other water quality attributes in the same or related parts of an FMU. For example if it is not possible to remove all tannin/lignin stains from a river with a pulp mill discharge, then offset works could improve the neighbouring dairy impacted tributaries, such as within the lower Tarawera catchment.

7. Do you agree with the proposed requirements and deadlines for excluding livestock from water bodies? Why or why not? Yes

7. Do you agree with the proposed requirements and deadlines for excluding livestock from water bodies? Why or why not?

8. Should standards for efficient water use be developed?

Yes, these are necessary but not sufficient. They were used extensively under the 1967 WASCA Act, but were discarded under the RMA91 to rely solely on effects-based controls. This approach enables wasteful use and abuse of water resources as long as effects are less than minor. This is not equitable when pressures increase and the first-in-first-served approach creates anomalies such as earlier wasteful uses blocking later more efficient best practice uses.

9. Do you support easier transfer of consents? Do you think the changes outlined in Proposal 2.4 would better enable transfers? What other changes would better enable transfers?

At present consents may be transferred to new owners or lessees of the site at which the use (take or discharge or dam) occurs. The long debated issue is NOT transfer, but relocation to another site, which is more difficult to assess and consent, primarily because the effects are likely to be different depending upon how far up or down the watershed the relocation is proposed. A quantum of discharge (or take) on a 1 cumec stream would have a very different effect to one associated with 10 cumecs. For lake or groundwater resources with little recharge this may be practical, but for streams extremely difficult. If change is necessary, then trial it on lakes and groundwater first.

10. How should the Government help councils and communities address over-allocation for water quality and water quantity? Should it provide guidance, rules or something else (please specify)?

The Crown should provide both guidance and rules and clear accountability measures, because the Crown vested in itself all rights (except a specified few) in respect of natural water under s.21 of WASCA Act in 1967. This "statutory seizure" (as described by Prof Richard Boast of Victoria Uni) of property rights was "saved" by s.354 of the RMA91. Unfortunately the Crown has devolved most of its powers regarding those rights to Regional Councils, which are NOT part of the Crown. The best way for the Crown to better align its authority with accountability is to ensure the Councils are better accountable to the Crown for performance.

11. Should councils have greater flexibility in how they meet the costs of improving freshwater management? For example, by recovering costs from water users and those who discharge to water? Please provide examples.

The costs of managing fresh and marine waters is increased in proportion to the extent of use of those resources for human benefit. No usage requires little management. Therefore it makes sense to recovery all management costs on a pro-rata basis from those who make beneficial use of the resource. This should not apply to those who make passive use of the water, such as anglers and swimmers.

12. How can the Government help councils and communities to better interpret and apply Te Mana o te Wai in their region?

Despite it being a bit of a misnomer (should be Te Mauri o te Wai) there is a need for the Crown (as Treaty partner)



to help Councils (as Crown agent) and communities better recognise those iwi and hapu rights that were "seized" in 1967. This assistance should include making explicit the nature of the pre-1967 rights held by hapu, and the steps needed to redress that grievance.

13. Should councils be required to identify and record iwi/hapu relationships with freshwater bodies, and how should they do it?

Firstly iwi/hapu should identify their claimed relationships, as these will overlap and sometimes conflict with those of other hapu. If and when agreement is reached, then Councils and the Crown should record these. (we are Northland based)

14. What would support councils and iwi/hapu to engage about their values for freshwater bodies?  
Some additional resourcing and training for hapu representatives would be a good start.

15. What are your views on the proposal for a new rohe-based agreement between iwi and councils for natural resource management? What type of support would be helpful for councils and iwi to implement these to enable better iwi/hapu engagement in natural

It will be necessary (but not sufficient) to do this to provide appropriate redress for the 1967 seizure of rights.

16. What are your views of the proposed amendments to water conservation orders? Outline any issues you see with the process and protection afforded by water conservation orders?

WCOs were established as a mechanism to create aquatic National Parks, not as a resource allocation tool, although some have developed that way. Councils and iwi have consistently opposed the establishment of WCOs, and the proposed amendments would likely abort any future WCOs.

17. If you are involved with a marae or live in a papakāinga, does it have access to clean, safe drinking water? What would improve access to clean, safe drinking water for your marae or papakāinga?

18. Do you agree with the proposed criteria for the Freshwater Improvement Fund? Why or why not?  
Generally agree, but suggest they should also apply to estuarine waters where the primary impacts on quality come from landuse effects, rather than from consentable direct discharges. We have received earlier MfE funding, so have some experience with this.

19. Do you have any further comments you wish to make about the Government's proposals?