Submission to the Ministry for the Environment

on the National Policy Statement for Freshwater Management 2014

To: Ministry for the Environment

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Name of Submitter:

[withheld]

Friends of Oakley Creek Te Auaunga believe that the proposed reforms provide some valuable ideas to improve the current freshwater management system. It is critical that objectives are set and binding limits are imposed on how much water should remain in; how much can be taken out of freshwater systems; and how much pollution can be put into them in order to meet those objectives.

2. Our perspective derives largely from experience in caring for an urban stream and associated wetlands http://oakleycreek.org.nz/, Friends of Oakley Creek Te Auaunga expected a clear set of objectives, values, measures and attributes which would lead to an improvement in the standard of our rivers where currently 68% of native fish are threatened and over 90% lowland pastoral and urban rivers unswimmable.[i]

3. We support the recommendations from the three reports of The Land and Water Forum.

   - "National bottom lines" should be set for the state of New Zealand's rivers, lakes, streams, wetlands and aquifers. Within those bottom lines, specific water quality objectives for each catchment, and the appropriate management measures to achieve them, should be set through an inclusive and transparent process of collaboration – with greater recognition and involvement of iwi.
   - Limits can only be effective if all activities within a catchment - both water and land uses - are managed in an integrated way and properly measured, monitored and enforced.
   - Management measures should be supported by a better, fairer and more efficient system of allocating water to users.

   We are disappointed to note that less than half of the 153 recommendations of the Land and Water Forum have been included in the reforms.[ii] Below are some changes we propose should be included.

4. Fundamentally stream health is a product or outcome of the way the land in its catchment is used. It is essential that freshwater management achieves integrated land use and water planning. Essentially we need to prescribe in district and regional plans and policies ***water sensitive design in land use*** that takes into consideration impacts on our waterways, eg low impact urban designs in cities to protect riparian margins and prevent bank erosion. Many Auckland urban waterways are showing significant drops in base flow – ie reductions in volume, as increased impermeable surfaces reduce the recharge of the aquifer.

   In our view lack of compliance monitoring and adherence to the district and regional plan principles are the major reason for deterioration of urban streams. Freshwater management standards need to recognise this. It is especially important in urban environments

5. The proposed "National Objectives Framework" leaves it open for communities to decide what values they want to place on freshwater, and what limits they want to impose to protect those values. For fresh water standards to be maintained or improved, we believe there is a need to include a statement of principles against which those values will be selected. As the RMA stands, the overriding objective must be sustainable management – as defined in section 5 and supported by sections 6 and 7.

6. Since only two values in the proposed amendments to the NPS are mandatory – "ecosystem health" and "human health for secondary contact", it is possible that limits for nutrients (like nitrogen) or bacteria (like E. coli) could be set too high to allow for safe swimming or mahinga kai (food gathering). Likewise, water flows or levels of dissolved oxygen could be set too low to allow native fish to survive. That outcome is inconsistent with the approach taken by the Land and Water Forum – which emphasised that swimming, fishing and mahinga kai (food gathering) are "important activities which need to be addressed".234 It is also inconsistent with the sustainable management objective of the Act,[iii]

7. Friends of Oakley Creek Te Auaunga recommends that the framework include a legal commitment that objectives will be set with reference to the purpose and principles of the RMA as currently drafted, and that all water bodies will be "maintained" or "improved" from their current state.

8. Friends of Oakley Creek Te Auaunga recommends that "Te Mana o te Wai" be included as a key national value. This recognises the intrinsic value of streams to communities and the environment well beyond their utilitarian function.

Te Mana o te Wai recognises the ability of a water body to provide for:

- te hauora o te tangata, which means the health of the people
- te hauora o te taiao, which means the health of the environment, and
- te hauora o te wai, which means the health of the waterbody.

Te Mana o te Wai describes the all-encompassing health of freshwater that both iwi and the wider community are seeking, and have right to.

9. We recommend that a value related to threatened species should be included, in recognition of the significance to New Zealanders of our unique native fauna and flora.

10. We are concerned that safe swimming is generally not supported by the attributes of the NOF framework. Swimming is an optional value in the NOF, at the discretion of regional councils. This will increase health risks to river users. Friends of Oakley Creek Te Auaunga supports 'Safe to swim' rivers as a fundamental objective.

11. We do not understand the omission of sediment, and the "industrial" use of streams as drains for both stormwater and sewage eg through combined sewers. There must be some recognition of the current problems in this area and some bottom line expectations of councils to improve on the current state. Ignoring them in this policy is not the answer. Deposited sediment together with nutrients is one of the biggest stresses for New Zealand freshwaters. Both water quality and water quantity must be monitored.

12. We recommend additions to the attributes proposed in this version of the framework indicators for nitrogen concentration, phosphorus concentration, aquatic insects (MCI), fish health (index of biological integrity) and deposited sediment in rivers. We also note that water quantity is crucial for water living organisms.

    - MCI – this is the single best measure of ecosystem health that we currently have in New Zealand. It is very strongly linked with high nutrients, is used by every Regional Council, as a measure, and is understood by a large segment of the public.
    - Nitrate for ecosystem health i.e. not just for toxicity
    - Dissolved Reactive Phosphorus (DRP)
    - Deposited sediment –there are MfE guidelines on how to measure deposited sediment.

13. Water clarity guidelines (or bottom lines) should be added. It is integral for Ecosystem and Human Health values. Poor clarity can affect the migration of native fish species. Clarity-reducing sediment loads carried by rivers have significant adverse impacts on estuaries, depositing mud and enabling the growth of nuisance algae. Clear rivers also mean safer recreation, desirability for use for swimming or wading and suitability for fishing and boating.

14. Further the level of deposited sediment in rivers is closely associated with water clarity. National guidelines for deposited sediment in rivers have been developed by regional and central government, and should be utilised within the NOF.

15. Ecosystem Health is also dependent on critical attributes such as dissolved oxygen and water temperature.

    Water temperature is critical to the survival, reproductive success and distribution of aquatic species and should be included in the Ecosystem Health attributes. Enough is known about the effects of water temperature (on organisms like aquatic macroinvertebrates) to use water temperature as an attribute in the NOF, with recommendations for managing freshwater to achieve temperature attributes.

    Dissolved oxygen is also critical for life and yet it is only present as an attribute where it relates to point-sources.

16. We are concerned that many scientists[iv] state that the levels set for national bottom lines have been set too low and, if applied, would represent a worsening of the health of rivers such as the Manawatu which are already shown to be highly polluted. We recommend that these be reassessed and set at levels consistent with agreed national guidelines so that the quality of our rivers can be improved.

17. Friends of Oakley Creek Te Auaunga is actively involved with the protection of wetlands. We see estuaries as an integral part of a river system given the crucial role they play in assimilating nutrients, sediment and other contaminants; as pathways and nurseries for native fish; and the significant role of estuaries for recreational and cultural uses.

18. In volcanic areas of Auckland many of the waterways are highly dependent on water from springs fed by aquifers. If aquifers are contaminated then so is the stream.

    We recommend the inclusion of aquifers / groundwater and estuaries in this framework to ensure their protection.

19. In Oakley Creek, as in many other urban streams, considerable reaches have been piped, over the years, by local authorities, which has resulted in barriers to the migration of native fish. We recommend that guidelines on fish barriers and fish passages be included in the framework.

[i] M Joy, Massey University 2013.

[ii] New Zealand Society of Freshwater Scientists Inc. *Feedback on the Freshwater Reforms Discussion Document* (8 April 2012)

[iii]Sir Geoffrey Palmer QC PROTECTING NEW ZEALAND'S ENVIRONMENT Sir Geoffrey Palmer QC September 2013

[iv] New Zealand Freshwater Sciences Society and Catalyst Group