

### **Submitter Information:**

Name of Submitter: **Lakes and Waterways Action Group Trust (LWAG)**  
[withheld]

### **Introduction**

Lakes and Waterways Action Group Trust (LWAG) is a leading advocate for the protection of Lake Taupo, its waterways and other local catchment environments.

LWAG participated in the Waikato Regional Council Variation 5 and relevant Taupo District Council processes aimed at reducing the nutrient loadings to Lake Taupo. We are fully supportive of the Lake Taupo Protection Strategy. We continue to actively seek the enhancement of water quality within the Lake Taupo catchment and firmly advocate for “Sustainable Development thinking” with regards to any development in the Lake Taupo catchment.

LWAG has been advocating on environmental issues in the Taupo area, but particularly water quality issues since about 2000 and we have approximately 100 members.

We would like to preface our submission on the proposed fresh water reform with the observation that the current version of the RMA contains much that is good for local communities and New Zealand. A very important benefit of the RMA, has included the ability to incorporate land management with water management. Without this, we would doubt that several key community initiatives, which aim to protect and improve the environment, would have been possible. These key programmes include Lake Taupo Protection and Rotorua lakes restoration. Many other developing initiatives (e.g., community-based water management in Canterbury) also rely of the co-management of land and water as provided by the RMA. Therefore, LWAG would be very concerned if this important benefit of the RMA was removed or lessened by proposed revisions to the fresh water management/RMA legislation.

### **Key points of previous submission to “Freshwater reform 2013 and beyond”**

LWAG agreed that a high level of water quality and a plentiful supply is a major advantage to New Zealand (pg7). As noted, tourism is a major revenue generator for the New Zealand economy. Therefore, in our opinion the quality of the environment is a key issue for New Zealand.

We voiced concern that reforms to freshwater legislation don’t simply result in palliative care for water systems struggling under the effects of water use by the productive sector.

We agreed that putting the community at the centre of fresh water management is a key to the future. We pointed out that this approach was successful in developing the Lake Taupo protection project. However there are two key problems with the wording of the proposed reforms: 1) “community” is not defined; therefore catchment-based management, as defined in the RMA could easily split into sub-catchment management (e.g. with farmers in an upper catchment requiring different water quality standards from urban population in the lower reaches of the same catchments); and 2) dispute resolution options are not codified. Currently the last arbitrator is the courts – we need this retained under any reforms.

In our opinion funds raised from productive sector users should be used to manage the water resource including processes for priority setting, monitoring, modeling and remediation. In the case of Lake Taupo consent costs paid by farmers entirely meet the costs of monitoring their farming practices and farmer education.

Further we believe it would be useful for this current document to initiate the discussion around the need for consumers to begin to contribute to water quality. In the long term, the environmental costs of food production need to be internalized into the price of such food. The document emphasizes the central role of the community in resolving water quality issues. The consumer - both locally and in our overseas markets needs to be seen as part of that community.

Our specific comments in relation to elements of the proposed amendments to the NPS are as follows.

We wish to be heard.

### **NPSFM in Context of Other Environmental Legislation and Guidance**

- LWAG would like to see the freshwater reform (NPSFM) tie in with the proposed National Environmental Standards on Ecological Flows and Water Levels (NES). In particular, we would like to see the NES increase its scope from the proposed “attributes” (indicators) to cover: nutrients and water quality, biological invertebrate health measures (Macro-invertebrate Community index), limits for nitrogen and phosphorus to prevent nuisance algae growth, limits to trace toxic contaminants, biological invertebrate health and fish health, and

water temperature and ecological health (e.g., where water is used for cooling); (refer to our comments on Appendix 2).

- LWAG would also like the Environmental Reporting Bill (ERB) to align with the monitoring framework for the NPSFM. Consistent definition between NPS and the ERB of fresh water management units (FMU) will enable the aggregation of data to the national level. Criteria for selecting FMUs need to be determined and applied consistently to both NPS and ERB.

### **The NPS for Freshwater Management 2011 – conflict resolution and implementation period**

Conflict resolution is a critical gap in the NPS. This is the really tough issue of water use as the proposal will likely create “winners” and “losers”.

LWAG is concerned that the outcomes from the proposed amendments will not be achieved with the urgency that is required in many catchments. Requiring councils to set freshwater objectives by 2030 is wasting a lot of time that could be better used taking action and achieving improved environmental outcomes. As suggested in our submission to the discussion document this could be more quickly achieved via regulation such as standards.

### **The Proposed Amendments**

#### **Proposal 1 - Accounting for Water Quality and Quantity**

- **Submission point 1.1**

LWAG is fairly confident that robust and sophisticated catchment modelling and freshwater accounting is taking place within the Lake Taupo catchment, our focus area. However, we appreciate and support the need for improved accounting in other catchments.

Note our comments regarding the development of criteria for consistency between NPS and ERB in defining FMUs. It will also be important that all water bodies (surface and groundwater) in a region are covered by FMUs.

- **Submission point 1.2**

LWAG feels that groundwater should be included in the FMU. It is only looking at half the picture in particularly geothermal areas such as Taupo District if groundwater is not included.

- **Submission point 1.3**

LWAG supports the benefit of long term records maintained by regional councils and we are concerned about inconsistent requirements for sampling below a discharge. Sampling below discharge (point and non-point) should be paid for by the consent holder and added to renewed consents at time of renewal.

- **Submission point 1.4**

With regard to Objective A2, water quality should be maintained or improved in EACH FMU in the region, and not over the region as a whole, in LWAG’s opinion.

- **Submission point 1.5**

More detail needs to be provided with regard to selection criteria for FMUs. The ‘catchment’ (i.e., surface water and/or groundwater) should be an upper size limit for FMUs.

#### **Proposal 2 – National Objectives Framework**

- **Submission point 2.1**

LWAG is not convinced that the extremely long timeframe involved in setting the policy (i.e., 2030), let alone implementation of the NOF is going to address many of the issues that it needs to. We would encourage the use of more blunt tools such as NES regulation to more quickly address degraded water ways.

- **Submission point 2.2**

LWAG is concerned that the NOF could result in water bodies being managed down to the national bottom line. We note the existing requirement to maintain or improve overall waterway quality within a region, however we believe that the average improvement should not be at the expense of individual waterways i.e., individual waterways should not be allowed to decline to the national bottom line whilst others are managed up to the bottom lines.

- **Submission point 2.3**

LWAG would like to see estuaries included in the National Objectives Framework. The policy should recognise that improvements need to be made to reduce sediment and nutrient loads to estuaries, particularly from areas of intensive lowland agriculture and urban areas.

- **Submission point 2.4**  
LWAG is concerned that government is touting the NFO as a solution to reduce litigation in courts. However, the NPS still does not provide guidance on how to prioritise conflicting user groups and therefore these cases will still end up in court.
- **Submission point 2.5**  
The provision of science once at a national level will be useful for a few basic indicators. However, LWAG cautions that this will not significantly reduce the cost to regional councils at a local level where “the devil is in the detail” and environmental variability, sometimes over the small scale and short time-frames, is crucial to environmental assessment. Regional Councils will need to continue to work with the scientific community to provide a sound basis for their regional policy and consents.

### Proposal 3 – Compulsory Values

- **Submission point 3.1**  
It is not clear if the compulsory values have priority in consideration over the ‘additional national values’ so this needs clarification.
- **Submission point 3.2**  
LWAG is disappointed that the compulsory national value of human health only provides for secondary contact recreation. This should be made more stringent to provide for contact recreation such as swimming, kayaking, canoeing, waka ama and waterskiing.
- **Submission point 3.3**  
LWAG supports the inclusion of ‘ecosystem health’ as a compulsory national value.

### Proposal 4 – National Bottom Lines

- **Submission point 4.1**  
LWAG is concerned that bottom lines will be set too low and this will not result in improvements to water for those communities.
- **Submission point 4.2**  
LWAG suggests that national bottom lines should address the issue of water quantity. In fact there is usually a direct correlation between the quantity of flow and the quality of the water and so it makes sense for water quantity to be included in the NES
- **Submission point 4.3**  
As noted above, LWAG would like the NES to cover a broader range of national bottom lines. Please note that it is our preference to see regulation or NES for many of the above indicators as we believe this would address the problems in our waterways with more urgency (i.e., in a shorter time period).
- **Submission point 4.4**  
Regarding policy CA1(d) where water bodies are currently above the NBL, that regional councils must assign an attribute state which is equal to or above the current state (i.e. maintain or improve).

### Proposal 5 – Exceptions to National Bottom Lines

- **Submission point 5.1**  
Exceptions to water quantity need to also be addressed. Quantity should be an attribute as the amount of water flow often impacts on the ability of the waterway to meet values and measures, particularly where water has been removed upstream for agriculture, hydropower and geothermal, etc, uses.
- **Submission point 5.2**  
LWAG is concerned about the vague nature of definition of exemptions from the national bottom lines. Criteria and scope of exemptions should be defined and definition included for “naturally occurring processes”, “historic”, “regionally significant infrastructure”. We are concerned that too many waterways will qualify for the exemption (Policy CA2) and that it will result in the avoidance of fixing up the most severely degraded waterways and waterways in need of restoration (FMU). The exceptions policy is objectionable as it could mean preservation of severely degraded water environments in the long term. Generally, any degraded environment can be improved in the long term if there is political will to do so.

### Proposal 6 – Tangata Whenua Values

- **Submission point 6.1**

LWAG does not think that the two compulsory values (ecosystem health and human health) are adequate to be described as Te Mana o te Wai and that additional values are required. Furthermore, the value expressed as human health for secondary contact is insufficient to satisfy this concept.

LWAG also asks if the 'compulsory national values' (ecological health and human health) are priority values over the 'additional national values' (natural form and character, food gathering, cultivation, recreation, sacred waters, drinking water, commercial and industrial use, irrigation, hydro, fire fighting, navigation and transport).

- **Submission point 6.2**

The values section fails to provide a priority for conflicting user groups. Some policies (e.g., Environment Waikato's Variation 6 includes a priority list for water allocation, partly following the RMA). We assume that each of the 'additional national values' are independent and do not form any sort of priority in accordance with the listing.

- **Submission point 6.3**

LWAG asks why geothermal power generation is not also included with Hydro power generation. Please also refer to our previous comments regarding the inclusion of ground water resources.

### Proposal 7 – Monitoring

- **Submission point 7.1**

LWAG would also recommend that guidance be provided on the ways monitoring programmes should be aligned to recognise Tangata Whenua values and interests in freshwater quality outcomes.

- **Submission point 7.2**

LWAG would like to know how "existing water quality" shall be determined and suggests that regional plan dates or NPS promulgation dates be used in defining this.

- **Submission point 7.3**

LWAG supports policy CB1(C) which "recognises the importance of long-term trends in monitoring results".

- **Submission point 7.4**

LWAG further recommends the measurement of time lags in catchments, including groundwater, because of the link between land use and water quality. Understanding time lags (especially in response to changing land use) is key to the resulting water quality, and therefore water policy. In terms of non-point source discharges to land we believe this should be more clearly detailed in terms of long-term and historic cumulative effects.

### Implementation (pg 34)

LWAG supports the general suite of proposals for the implementation of the NPS-FM and notes the standing of the *Waikato - Tainui Raupatu Claims (Waikato River) Settlement Act 2010*.

### Water Conservation Orders

LWAG supports that the proposed amendments will not affect existing WCOs and we await the outcome of the RMA amendments regarding this matter (and other issues that we submitted upon).

### Specific Comments Regarding the Amended NPS policy

Regarding Objective B4 – "to protect significant values of wetlands and outstanding freshwater bodies", LWAG is concerned that only some of the wetland's values and a small portion of freshwater bodies will qualify in terms of water quantity. This is thereby prioritising all other values above ecological values. The wording should be revised to say "To protect values of wetlands and freshwater bodies".

### APPENDIX 2 – Attribute Tables

- It is good to see the inclusion of urban contaminants so that the focus is national, not just rural. It would be helpful to provide direct measures for urban stream health.
- With regard to the Lakes attributes - they may be appropriate for shallow eutrophic lakes but are inappropriate for deep oligotrophic lakes. Thus different tables should be provided depending on the trophic status of the lake.
- LWAG does not support the 'exclusion' of groundwater. The NOF needs to provide a statement about where groundwater is valued as a source of drinking water, then the attributes of the NZDWS and that the setting of limits should provide for the values of hydraulically linked surface water. There should be a requirement, when setting limits for surface waters, of accounting for hydraulically linked groundwater.

- There needs to be consistency between the national freshwater monitoring protocols - in our opinion, there are cost implications for not providing consistency.
- LWAG generally supports the LGNZ submission, but particularly the submission points listed under “attributes” (i.e., in response to appendix 2) in their submission.

LWAG also supports the Green Party’s concerns regarding the gaps in the national indicators (“attributes”) for human health:

- Water clarity.
- Periphyton cover which is a measure of how much algae, bacteria and detritus is covering the river bed. The indicators (“attributes”) for ecosystem health should include the Macro-invertebrate Community Index is a well-used and understood measure of river and stream health to monitor changes in the number and diversity of aquatic insects such as mayflies and caddisflies.
- There needs to be a limit on nitrogen and phosphorus as nutrients in waterways. The proposed bottom line for nitrate is the level where it is toxic to fish and other aquatic life. This will not prevent nuisance algal blooms.
- There needs to be a limit on deposited sediment. Soil belongs on the land not in rivers. Sediment smothers spawning areas and habitats.
- A measure for dissolved oxygen across a river, not just in relation to point source discharges. Dissolved oxygen is critical for life and can vary hugely between day and night.

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