

MfE Clean Water Package 2017

28/4/2017

Submitter Information:

Name of Submitter: Lakes & Waterways Action Group Trust (LWAG)

Contact person: Jane Penton (Secretary)

Address for Service: Box 407, Taupo, 3330

[REDACTED]

[REDACTED]

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 within the Lake Taupo area.

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

We recently submitted to the Waikato Regional Council Plan Change 1: Healthy Rivers/Wai Ora and some of our comments below reflect our more local concerns.

As per our submission in 2016, Lakes and Waterways commend the objectives in the latest draft policy for being generally consistent with some of the Land and Water Forum’s (LWF’s) recommendations.

We are however concerned by the lack of detail in the policies regarding water quality targets as well as the lack of urgency for water quality improvement while pressures on water quality and quantity continue to increase.

Moreover, the recent OECD Environmental Performance Review of New Zealand notes that Government's financial and other support for irrigation and intensive agriculture, ahead of operational rules being in place to protect water quality and quantity, will likely increase pressures on water resources. The OECD review seeks a review of irrigation funding for instance and wants more national direction and support for regional councils.

We understand that many of our water bodies are deteriorating in quality including in regards to increases in nitrogen as stated in the latest Ministry for the Environment "Our Fresh Water 2017 report."

The report states that the country has one of the world's highest rates of agricultural land intensification over recent decades with nitrogen levels getting worse at 55 percent of monitored river sites across New Zealand and getting better at only 28 percent of sites.

It says that pressures on fresh water from agricultural practices include increased use of fertiliser; urine and faeces from livestock; irrigation; accelerated erosion from forestry, livestock, and cultivated soils; and infrastructure development.

Lakes and Waterways Action Group believe that appropriate land use, stocking rates, farming practices and management of urban water have become widely debated issues of national importance.

We ask for strong leadership from Government on this urgent issue because water is the top environmental concern for New Zealanders

We appreciate the opportunity to comment on the Clean Water consultation document as per our submission below.

We would like to be heard.

Detail of submission

- 1) Overarching Comment: LWAG generally supports many of the National Policy Statement Clean Water objectives as proposed. However, we have concerns about some details in the policies including limits-based water management, as noted below.
- 2) Freshwater Improvement Fund:

Comment: LWAG supports the Freshwater Improvement Fund (\$100 Million over 10 years for projects < \$400,000 or more). However, we advocate that the Government should allocate more funding because of the costs of improving freshwater. As an example, we note the costs of Lake Taupo protection, which has been over \$100 Million across a number of contributory organisations (MfE, Waikato Regional Council and Taupo District Council).

Relief sought: The Government gives serious consideration to providing significant extra funding to the Freshwater Improvement Fund. In addition, the Government should also consider obtaining matching funding from regions and districts. The Lake Taupo Protection Project funding model gives a hint of the ability of the Government to lever funding from regional and local government, and LWAG recommends that the Clean Water initiative takes such an approach to maximise the budget, and value, of the spend.

3) Stock exclusion:

Comment: LWAG supports excluding cattle, pigs and deer from waterways and staged approach. Stock exclusion is a complex issue requiring site-specific information. However, we support the Land and Water Forum's call for a public process reviewing existing riparian management and setback assessment tools.

Relief sought: Further detail in the proposed policy relating to the production of a mandatory tool for stock exclusion practice at the local scale, with national application.

4) E. coli target for swimmability

Comment: LWAG support the general concept of achieving water quality suitable for swimming over time. However, the proposed E. coli limit is too high. The shift in levels under the new standards means that a river or lake is now classed as "A" for swimming when under the previous standards it would have been a "C", with a greater than 5% chance of infection if swimming.

The grading of a river as 'excellent' when it can be so polluted that one person in 20 gets sick from a waterborne disease is not supported. We therefore oppose the proposed amendments to the Human Health for Recreation attribute table, which would weaken the standard for swimmability.

Much of the E. coli is coming from activity on sensitive soils where intensification over the last 20 years has increased the risk for pathogen loss. Fencing hill country will not change this. Note also that other water targets are required to ensure that waters are swimmable (see # 7 and #8).

Relief sought: That the E.coli standard for swimmability is below 270/100ml for 80% or more of the time.

5) Timeframes:

Comment: The NPS should specifically include in its objectives and policies the requirement for regional councils to meet water quality targets within specified timeframes. The Clean Water Package goal to make 80% of rivers and lakes swimmable by 2030 and 90% by 2040 requires significant improvement in water quality. We seek for this improvement to be completed earlier than 2040.

Relief sought: That the Clean Water Package goal to make 90% of rivers and lakes swimmable by 2030.

6) Water quantity

Comment: Water quantity (flow) is of concern as reduction of, or interference with, natural flow rates and levels is a significant factor in the degradation of water quality. LWAG are concerned that irrigation schemes both increase land intensification and consume freshwater from rivers and groundwater aquifers. The above results in more nutrient load, often more E.coli load and all this is concentrated as a result of the consumed water taken out of the rivers.

Relief sought: Regional councils are required to consider have swimmability targets in their water quantity management policies.

7) Dissolved inorganic nitrogen (DIN) & dissolved reactive phosphorous (DRP)

Comment: Requirement for instream concentrations for DIN and DRP as recommended by the LWF have not been incorporated into the Clean Water Package policy with sufficient detail. We support the adoption of all the recommendations made by the Land and Water Forum to assist regional councils to limit two key nutrients, nitrogen and phosphorous, in our rivers and lakes. We are concerned that nitrate levels have been set at almost 10 times the levels defined as a maximum by the Australia-NZ guidelines for fresh and marine water quality.

The long-accepted and scientifically robust Australasian (ANZECC, 2000) standard to protect freshwater ecosystems from algal blooms is less than half a milligram – 0.44 mg/l – of nitrate-nitrogen per litre of water.

Under the new MfE regime, the allowable level has been set at 6.9 mg/l (15 times Anzecc guidelines). The associated 'water quality bands' for nitrate are farcical; sites with nitrate levels more than double the previous (ANZECC) limit score an 'A', while sites with more than four times the old limit score a 'B' and those with up to 15 times the limit score a 'C'.

Relief sought: Objectives for concentrations of DIN and DRP should be set by regional councils as per the flow chart to the LWF's letter to Ministers of 19 August 2016. A table should be developed to support objectives relating to DIN and DRP concentrations.

8) Other water quality indicators and targets

Comment: The amount of E. coli in the 54,000 km of measured swimmable water is the only metric measure by which swimmability is assessed. Nitrate is still set at levels toxic to some fish, and there is nothing on turbidity, temperature or pH yet it would still pass as swimmable, providing E. coli is below 540/100ml for 80% or more of the time.

Sediment coming off land clogs up rivers affecting the habitat and food supply of aquatic life, such as fish and aquatic birds, and the growth of aquatic plants. It can also impact on the aesthetic values and recreational use of rivers and streams.

Relief sought:

In addition to DIN, DRP and A Suite of water quality indicators important for swimming and ecological health are developed with freshwater state objectives for:

- Water clarity relating to deposited and suspended sediment (Noting that alongside water clarity targets, a mandatory tool for stock exclusion practice should be developed as per our submission point (3) above.)
- pathogens other than E.coli, e.g. cyanobacteria.
- dissolved oxygen, i.e. diurnal variation in water temperature.
- pH and temperature.

9) Macroinvertebrate Community Index:

Comment: new data on the state of our freshwater invertebrates, and freshwater plants in the recent Our Fresh Water report shows that 34 percent of invertebrates and 31 percent of plants are threatened or at risk of extinction, alongside 72 percent of our freshwater fish. While we support the Cleanwater Package Policy for councils being required to monitor the macroinvertebrate communities, along with other environmental advocates, including EDS and Forest and Bird, we feel more direction is needed.

Relief sought: As per LWF's recommendations, a policy be included requiring regional councils to adopt a minimum Macroinvertebrate Index (MCI) for waterways including for regional plans to include a trigger for action if there is a downward trend in MCI, or it falls below 80.

10) Targets re; definitions of waterbodies

Comment: Regional prioritisation of swimmable water bodies of all sizes, including below order of 4, should be included within policy regarding swimming standards. For instance, each region could consult towards the creation of an index identifying importance of streams and reaches to recreational users, particularly swimmers.

Relief sought: Policy relating to regional prioritisation of swimmable water bodies.

The inclusion of smaller rivers and streams (below order 4) in the swimming standards, as these are the places that are often used by local communities to swim and play.

11) Economic wellbeing

Comment: LWAG are concerned that there is now a hierarchy of interest open to interpretation by regional policy makers through the NPS proposal to introduce a new test requiring environmental and ecological considerations to be weighed against economic ones. This could be interpreted to set freshwater objectives or quantity limits that do not achieve ecosystem health, which is unacceptable. We understand that the Land and Water Forum used this principle of economic and environmental balancing when achieving its consensus on recommendations.

Relief sought: That the Resource Management Act Section 5 maintains supremacy with regard to balancing social, economic and cultural criteria. Should this not be the case, then remove the requirement for balancing environmental considerations against economic ones through any new test in water quality and water quantity policies.

With regards,

Paul White
Chairman Lakes & Waterways Action group Trust (LWAG)

