



Submission on:

**Ministry for the Environment
Clean Water — 90% of rivers and lakes swimmable by 2040
and
Amendments to the NPS FW**

27 April 2017

Environment Network Manawatu Inc. (ENM) is a coordinating organisation and network that encourages and fosters Manawatu-based environmental initiatives. ENM was formed in 2000 (and incorporated in 2001) with the aim of improving communication, coordination, and cooperation between environmental community groups. ENM currently has over forty diverse environmental member groups, active in areas ranging from biodiversity to sustainable living and amenity. Our constitutional purposes are to:

- coordinate and communicate the efforts of the member groups to enhance the local environment;
- act as a central point of access to environmental information;
- advocate for ecological sustainability and matters of agreed environmental significance;
- work in partnership with hapū and iwi to recognise kaitiakitanga and environmental aims and objectives in common;
- liaise with similar organisations elsewhere in New Zealand and around the world as appropriate, to source and share ideas for environmental projects and issues.

This submission has been prepared on behalf of ENM member groups and a draft was circulated to all member groups for feedback before finalising.

We thank the Ministry for this opportunity to shape the proposal to raise the standards for clean water in New Zealand.

General comments

1. ENM supports the target of making 90% of our rivers and lakes swimmable and we applaud the government for listening to New Zealanders and raising the bar above wadeable, as was originally proposed in the Freshwater NPS in 2014.
2. While we support the intent and direction of the proposed package, we see there are still a range of issues that need to be addressed to ensure that real outcomes are achieved in improving water quality around the country. Our points below cover these issues.

Swimmability targets

3. The Ministry of Health guidelines for freshwater recreation classify *E. coli* counts of 260 per 100ml and below as 'good' or 'very good' for swimming, while levels of 261-550 are classified as 'fair' or 'poor' and should be subject to daily monitoring and surveys to determine the sources of contamination. In comparison, the standards in this document propose to classify any waters that do not exceed 540 *E. coli* per 100ml more than 5% of the time as 'excellent'.
4. We do not understand why this proposal has effectively redefined how to measure swimmability, when there are very clear guidelines from the MoH on what constitutes acceptable levels of risk for freshwater recreation. Under this proposal, waterways that are currently graded as fair or poor for swimming (according to MoH guidelines) will be re-graded as good or excellent at the stroke of a pen. The actual water quality itself will not have changed, only the description of it has. This provides a false picture to the public about the true state of our waterways.
5. ENM considers this approach is disingenuous at best and dishonest at worst. We submit that the standards need to align with New Zealand's established guidelines on swimmability as given by the Ministry of Health.
6. If the intent behind this proposal is to make rivers swimmable then this should be transparently stated, using the currently available standards. It is not acceptable to play on public opinion by calling the proposal swimmable when the actual intent is less than this. The proposal directs regional councils to implement a transparent programme of improvements, and we submit this proposal should be equally transparent.
7. There are inconsistencies in the proposed methodologies. Waters that do not exceed 540 *E. coli* more than 5% of the time are considered 'excellent', yet exceedances of the 260 *E. coli* per 100ml are to be subject to daily sampling and public notification. If the water quality is 'excellent', why would it need to be tested daily and the public notified? Are they going to be notified that it is risky to swim in 'excellent' grade waterbodies? In our view, this inconsistency has come about primarily because the proposal's definition of swimmable does not match the MoH guidelines. Aligning them properly would eliminate this confusion.
8. We suggest that suitability for swimming extends beyond *E. coli* and would like to see a consistent approach to cyanobacteria in rivers - as well as in lakes - adopted nationally.
9. We are also concerned that the majority of New Zealand's waterways are not included in this proposal. Again, we submit that this is a less than transparent approach because this has not been made clear in the proposal exactly what proportion of waterways would be subject to the standards.
10. Under this proposal, numerous smaller waterways that are currently used for swimming would not need to meet swimmability standards. We understand the logic behind this approach is that the higher order rivers are made up of the lower order rivers, therefore the smaller streams will have to be clean to ensure the larger rivers meet the targeted standards. The logic does not match reality because numerous smaller rivers could be highly degraded, but the dilution effect means further down the catchment the river may meet the targets.
11. We question the appropriateness of proposed Policy A5 requiring regional councils to state in regional plans whether rivers and lakes are suitable for immersion, because this may confuse the purpose of planning documents with that of state of the environment information. We would not want to see the public looking to a regional plan to decide whether a particular place is safe to swim on any given day.
12. Instead, it may be more useful to require regional plans to identify swimming spots where active management for contact recreation is being prioritised, and what plans are in place to maintain and improve suitability for swimming, along with target dates for meeting

standards. Checking for swimmability data in a more current form should be done through more dynamic information platforms, such as lawa.org.nz.

13. We also question the very broad timeframes proposed in this document, with goals set for 2030 and 2040 but no earlier or intervening goals. Reaching these goals seems to be reliant on waiting to see what the councils will come up with to address the targets but there is very little guidance given to the councils as to how the targets will be met. There needs to be a clearer framework developed with achievable goals throughout the time period.

Freshwater Improvement Fund

14. The only way any sort of swimmability target will be met is through significant investment in clean-ups, infrastructure and river restoration work. This work does not come cheap and the scale of the problem is such that to make a difference, a real commitment to funding this work will need to be made.
15. We submit that \$100 million over the next ten years will make virtually no difference on a national scale when it comes to cleaning up our waterways. To put this in perspective, in the Horizons region where ENM is based, over \$46 million has been spent to date on cleaning up the Manawatu River in the past six years and this river is still far from clean, with reaches of the river well below swimmable standard for significant periods of the year.
16. We understand that the FIF will attract additional funding from councils, industry and other partners, therefore the sum to spent will exceed \$100 million, however we still submit that a far greater investment in the fund will be required if the clean water targets are to be met.

Te Mana o Te Wai

17. ENM considers Te Mana o Te Wai to be an important element of freshwater management and supports the greater clarity provided in proposed NPSFM amendments.

Stock exclusion regulations

18. We support national guidelines on stock exclusion because this is well overdue, but submit that the proposed requirements are not adequate. Waterways under 1 metre in width, or that are not permanently flowing) cannot be ignored for their importance in improving water quality. There are many thousands of kilometres of waterways that will not need to be fenced, despite these regulations and this is a lost opportunity to gain further improvements.
19. We support including all dairy cattle (including dairy support cattle) from waterways. This should not be any different from the requirements for dairy cows on a milking platform, and submit that the dairy support timeframes should be tightened up, rather than allowing another 5 years of stock in waterways.
20. There will need to be some degree of flexibility in these exclusion guidelines. For example, on hill country in some areas it is not practical or feasible to fence all water ways. Alternative systems such as installing reticulated water systems so that stock do not need to enter waterways as frequently, or investing in emerging technology in the fencing system will be required to make these regulations workable. Setting unworkable standards will not result in the required improvements to water quality.

Monitoring

21. ENM agrees that the proposed monitoring will provide valuable data and information for future management of our waterways and increased understanding of how to make improvements.
22. However, there is a cost to the increased level of monitoring that is required. Some regional councils are currently monitoring only a fraction of the water bodies that will need monitoring under this proposal. The proposal is silent on who would pay for what may be an incredibly steep increase in costs in some regions and it is not acceptable to merely transfer this cost to the ratepayer.
23. We also suggest that the focus on increased monitoring, for example in Appendix 5 where daily sampling must occur when 260 *E. coli* per 100 ml is exceeded, will come at a large cost with comparatively little beneficial outcome. Daily sampling will not fix the problem and investment in things such as faecal-source tracking or mitigation actions such as planting

and fencing may be a better use of resources, particularly in areas where there are known issues that may take several years to address.

Appendix One

24. We are concerned about the wording used in appendix one around the Extractive Uses. Under the section on irrigation, it states 'The freshwater management unit meets irrigation needs for **any purpose**' (emphasis added). Although we accept this is unchanged from the 2014 version, this wording is concerning because it could be interpreted in a number of ways.
25. There is a direct and distinct conflict between providing for clean water and allowing irrigation needs for any purpose to be met. This wording needs to be clarified and the focus on clean water needs to remain paramount in any re-wording.
26. We are also concerned with the focus on economics that has been inserted into the National Objectives Framework in Policy CA(f)iaaa (this numbering is out of sequence but is what is written in the document). Economic considerations are already taken into account in the RMA under Section 5 and again in the Section 32 analysis.
27. Our concern with this clause is that it places economic considerations on equal footing with environmental considerations, whereas the RMA makes it very clear in Section 5 that economic well-being is to be provided for **while** ensuring the life-supporting capacity of water (amongst other things). Requiring councils to consider how to provide for economic well-being, including productive economic opportunities at 'all relevant points in the process' appears out of place in a document guiding how to address freshwater issues. We submit that this clause should be removed to ensure the focus is retained on providing for clean water rather than making economic concerns a primary goal of the NPS.

Appendix Two

28. A further item that remains unchanged from 2014 but requires attention is the bottom line for nitrate. This national bottom line remains set at an annual median of 6.9 mg, which is essentially where nitrate becomes toxic to aquatic life. This is not helpful to have a bottom line this low because detrimental effects from nitrate impact on aquatic life well before the level of toxicity is reached.
29. We submit that the bottom line for nitrate should be moved to at least band C, if not band B, because this is an unacceptable level as it is proposed at present.
30. We also note the proposal includes the intention to require macroinvertebrate monitoring as part of the assessments of ecosystem health. We fully support this intention, but note the Appendix has not been changed to include this attribute, therefore it is not possible to provide feedback on the proposed methods for monitoring macroinvertebrates.

Thank you for the opportunity to comment on this proposal.

Yours sincerely

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