

19 May 2017

Clean Water Consultation 2017
Ministry for the Environment
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To whom it may concern

Clean Water 2017 – supplementary submission

Thank you for the opportunity to make a supplementary submission to the Government's Clean Water proposals for 2017. An essential element of the proposal is that 90 per cent of rivers and lakes should be swimmable by 2040.

LGNZ supports the initiative to set swimming targets. As noted in the National Policy Statement for Freshwater Management (NPSFM) councils are required to identify waterways and waterbodies for improvement and set the pathway and timeframes for doing so.

The focus of this supplementary submission is the proposed criteria that suitability for "swimmability" be determined as well as the associated monitoring regime. Regional councils' responsibility for the monitoring regime and how "swimmability" is defined and conceptualised has implications for all. At the outset, we want to stress that **local authorities are committed to improving water quality** within the functions and duties they perform.

Regional councils have raised concerns in their primary submissions about the assessment of the current "swimmability" of New Zealand rivers and lakes as contained in the consultation document and have previously spoken to these:

- There are problems with relying on data based on large-scale land use and climate modelling, rather than actual measurements from monitoring sites in the field.
- Requiring year-round data regardless of river flows, prevailing weather conditions or likely actual recreational usage. The proposed monitoring regime is at odds with the Government's own 2003 protocols for monitoring recreational bathing sites. This creates confusion between monitoring of long term water quality improvements and surveillance monitoring for public health.
- The proposed amendments to the NPSFM require a higher frequency of regular sampling, regardless of prevailing weather conditions and river flow, with an increase in sampling intensity should any sample not meet the standard. This will mean a significant increase in resourcing requirements for all regional councils.
- The European Union allows for up to 15 per cent of samples to be discarded due to short-term pollution prior to evaluation of the remaining results for categorisation of the suitability class. The Clean Water proposals require increased sampling in conditions of short-term pollution, with such results to be included in determination of the suitability class.

The simplicity of the 2003 protocols is that monitoring is focused on the times when people actually want to swim. As conceptualised, if “swimmability” is not based on the 2003 protocols, it will be more difficult and more costly to achieve. The consequence of how “swimmability” is defined will be very significant for all sectors.

The two reports¹ made available do not address the fundamental flaw - that the selection of sites and the sampling methodology is inconsistent with overseas practice and with when and where people wish to swim.

Both reports carry an implied acknowledgement that this issue still awaits resolution.

The Office of the Prime Minister’s Chief Science Advisor² has identified that higher E.coli counts would most often occur when the river is “unswimmable” for other reasons (eg during or after heavy storms). This comment points to the flawed approach of the proposed regulation that requires increased monitoring when people would/should not be swimming.

Sir Peter notes³: *“Because storm events in particular can lead to a transient high count due to faecal runoff and/or wastewater overload, it is logical to have a rating system that considers the possibility of such extreme measures and focuses on the anticipated range of measurements when swimming is likely.”*

LGNZ fully supports the logic of Sir Peter’s suggested approach to monitoring.

In conclusion, LGNZ asks that further consideration is given to how “swimmable” is defined, with regard to the proposed monitoring regime. If this is not done, we caution that the water quality in many catchments will “fail” and the consequences will be significant regarding the investment/divestment that will be required to meet the targets for “swimmability”.

Yours sincerely



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¹ NIWA Technical Background report for MfE ‘Clean Water’ Swimmability Proposals for Rivers’ - Technical report FWWQ1722

² New Zealand’s fresh waters: values, state, trends, and human impacts, p xiii

³ New Zealand’s fresh waters: values, state, trends, and human impacts, p xxiii