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Clean Water Consultation 2017
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Ngāti Kahungunu Iwi
INCORPORATED

Submission to Ministry for the Environment on Clean Water 2017

NGĀTI KAHUNGUNU IWI INCORPORATED

Introduction

1. Ngāti Kahungunu waterways are not in a healthy state; their water quality has and continues to deteriorate with little sign for improvement. The over-allocation of water creates further negligent resource management that compounds the water quality issues creating further problems. Ngāti Kahungunu marae and communities have had the access to, and use of their traditional waterways limited or ceased entirely. The Clean Water 2017 – *consultation document*¹ does not go far enough to alleviate the major problems and has the potential to create or exacerbate existing problems. While, many logical and valid recommendations from iwi and hapū have not been actioned.
2. The overarching purpose of the current resource management act is sustainable resource management given their relationship the National Policy Statement on Freshwater Management would logically share the same overarching purpose. The Iwi is committed to ensure central and local government agencies and policy appropriately reflect our interests as they relate to sustainable resource management.

Background

3. **Ngāti Kahungunu Iwi Incorporated** (the Iwi / Iwi authority) is a mandated iwi organisation. Ngāti Kahungunu has the third largest iwi population (62,000¹) and the second largest tribal rohe and coastline, from Paritu and extending inland across the Wharerata ranges in the north to Turakirae in southern Wairarapa.
4. The Iwi authority maintains an independent position to advocate for the interests and rights, including values, beliefs and practices of all Ngāti Kahungunu tāngata whenua, whanau and hapū. Tāngata whenua hold significant cultural, economic and spiritual connections to the natural environment and have rights and interests to its resources. As kaitiaki, Ngāti Kahungunu have an obligation to protect and restore the mauri, and the physical and spiritual well-being of natural environment for future generations.

¹ 2013 Census of Population and Dwellings, New Zealand Kahungunu population only.

5. Ngāti Kahungunu Iwi Incorporated invests a significant amount of time, resources and energies in drawing together and considering the views and aspirations of Ngāti Kahungunu tāngata whenua mai Paritu ki Turakirae. Maintaining these networks and appreciating all perspectives is vital for a holistic over view and progressing towards enduring outcomes and solutions.
6. The Iwi has held or been privy to many hui for tāngata whenua that have had a focus on the natural environment and water in particular. Discussions have reiterated common values and interests and also highlighted the reoccurring adverse environmental impacts on them.

Swimmability

7. Ngati Kahungunu support the goal of increasing the number of swimmable rivers by 2040. However, the definition of 'swimmable' rivers is limited by only applying this goal to large rivers of the 4th order or greater. Smaller waterways are often used from primary contact or for tangata whenua to immerse themselves in. Smaller waterways need to be managed in order to ensure larger 'swimmable' waterways are able to achieve targets.
8. The aim for waterways to be within safe primary contact recreation more of the time is supported. However, this aim should apply to all waterways, not just larger rivers – should be improve policy frame work rather than maintain
9. The proposal to classify any water that do not exceed 540 *E.coli* per 100ml more than 5% of the time as 'excellent' is abhorant and backwards. In contrast 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 determines the source of contamination.
10. It is difficult to understand why this stance is proposed for 'clean water' when clear measures already exist to define swimmability. This appears to serve as giving the impression that the aim for swimmable rivers is genuine and increasing, when only the measures have changed to "look the part". However, these measures actually create significant public health risks in painting a false picture of the reality.
11. Ngati Kahungunu also recommend that measures for swimability go beyond *E.coli*, East Coast rivers have had occurances of cyanobacteria a standard approach to measuring this should be applied nationally. However, given the proposed definition change for swimable rivers the Ministry for Environment does not appear to be best placed offer any useful input for cyanobacteria. Given the potential risks associated any further misleading measures could have drastic if not fatal consequences.
12. Wider primary contact uses for freshwater need to be acknowledged .e.g. cultural uses and the uses of small waterways by children and families.

Stock Exclusion

13. Stock exclusion is priamry goal for Ngati Kahungunu whanau and hapu the proposal to do so supported. However, the proposal could do more, Ngati Kahungunu support a total ban of break feeding across waterways of any size. It seem's a waste of time to prevent contaminants from

entering a large waterway indirectly only for those contaminants to potential enter the larger water indirectly.

14. Do not support provisions excluding break-feeding or general exclusions from waterways wider than 1 metre. Smaller waterways and headwater stream serve important ecological functions and must be protected from stock trampling of habitat. Contamination of headwaters from sediment and stock defecation should be avoided
15. The introduction of excluding break-feeding practices around waterways is strongly supported – this practice has significant adverse effects on water quality and stream and bank habitat. Support exclusion of dairy support and break-feeding deer and break-feeding cattle from all waterways by 2022, although note that break-feeding is usually practiced with temporary fencing and does not require additional infrastructure or moving of permanent fencing in most cases so time frames could be brought forward considerably.
16. Exclusion of pigs and dairy cattle (being milked) from flat land could be made immediate, rather than mid-2020. Dairy support cattle should be treated in the same manner as milking dairy cattle

Amendments to the NPS-FM

17. Preamble: New paragraph 11 should refer not just to improve beyond bottom lines as well as “meeting” them. Reference should be made to ensuring there are no long-term effects (i.e. extinction of threatened species) as well as being economically viable for communities.
18. The Society supports the inclusion of the new section on the national significance of Te Mana o te Wai.
19. Interpretation: “contact with freshwater” should include non-recreational uses of water for primary contact (i.e. cultural uses).
20. Reference only to “large rivers and lakes” should be removed – see above
21. AAA. Te Mana o te Wai Objective and Policy AAA1 are supported by the Society
22. Objective A2: Changes to refer to freshwater management units are supported.
23. The addition for economic well-being is not supported, this is already provided for by s32 RMA
24. Objective A3: references to “immersion” in this objective and throughout the amendments should instead refer to uses of water for primary contact
25. Policy A5: remove reference to “large” rivers and lakes – this should apply to all waterways
26. Objective B1: do not support reference to economic wellbeing as this is covered by s32
27. Policy C1: reference to ki uta ki tai is supported, as is the inclusion of specific reference to cumulative effects in relation to integrated management.
28. Policy CA2: iiii – maintenance of overall water quality – use of the term “overall” is misleading and has caused councils to assume flexibility contrary to Act and their functions.
29. Policy CA3: Additional guidance around existing infrastructure is supported, however this is tempered by the comments within the discussion document that the government does not intend to populate Appendix A3 at this time. An alternative approach is to define existing infrastructure and enable communities to deal with the individual water quality and ecosystem health issues that may arise from each on a case by case basis, relevant to the type of infrastructure.
30. Objective BC1: inclusion of reference to the values is supported. However, methods to monitor these values are needed, in particular tangata whenua values

31. CB1aa: is generally supported, particularly reference to E.coli exceedences over time, measures of the health of indigenous flora and fauna and mātauranga Māori. This policy would benefit from specific reference to native fish and threatened species. The NPS-FM makes no mention of fish, a critical component of ecosystem health.
32. Provisions for the monitoring of invertebrate communities is also supported. As previously stated by the iwi the inclusion of macroinvertebrates as an attribute, requiring a national bottom line.
33. CB1 d: requires linkage to policy effectiveness monitoring, action plans are needed. Measuring and monitoring of this type is critical to the success of the NPS-FM to improve water quality and provide for ecosystem health over time. Such an important policy should be included in other sections of the NPS-FM, for example in policy CA NOF.
34. Policy E f: also requires linkage to policy effectiveness monitoring over time to ensure measurement and monitoring can provide adequate information on the success of the NPS-FM in a particular region and at the national level at the time of any review.
35. Appendix 1: Add specific reference to native fish within the definition of ecosystem health.
36. Human health for recreation: should refer to primary contact (rather than "connect with").
37. Tangata whenua values such as Wai Tapu or Mahinga Kai should make reference to the need for water to be free from human and animal faecal waste and potentially excess sediment too.
38. References to extractive uses is supported. Some inclusion of reference to use within allocation limits and section B policies is needed here.
39. Appendix 2 Attribute tables: Inclusion of reference to macrophytes in lakes should refer to "native macrophytes" of some similar term as confusion between nuisance macrophytes and desirable macrophytes is likely.
40. The note requires some rewording as "In setting an objective for periphyton, using this attribute maximum concentrations of dissolved inorganic nitrogen and phosphorus will need to be determined as limits for the management unit." The wording at present is confusing and seems to imply setting N and P and then determining a periphyton attribute. The note should provide for councils to set N and P limits to meet periphyton objectives.
41. We strongly support the inclusion of a reference to downstream receiving environments.
42. The footnote on toxicity should be added instead to the nitrate attribute table, rather than the periphyton one.
43. Dissolved oxygen attribute table: remove reference to below point sources and apply to rivers and lakes – Ministry officials noted this was intended for this round of NOF amendments but it has not been included. Technical work on required dissolved oxygen attributes states has been completed since prior to the 2014 introduction of the NOF. Dissolved oxygen is critical to life-supporting capacity and ecosystem health and should be included in the NOF immediately.
44. Appendix 5: Monitoring methodologies for Policy CB1: this section requires significant work in conjunction with regional councils and specialist in risk for microbiological contaminants. There are significant cost ramifications for Councils of changes to bathing safety monitoring.
45. An update of the MoH guidelines is needed urgently to support Councils in implementing the proposed framework.
46. There is a lack of continuity between earlier policy changes to reflect 'swimmability' goals and monitoring requirements of Councils. Shifting of goal posts has ramifications for this framework. Councils are required to notify when there are exceedences of the 260 Ecoli/100ml threshold, and yet the attribute states do not identify this as high risk. Will Councils therefore need to notify and exceedence of 260 but still consider this "swimmable" using the new 540 Ecoli/100ml approach of the attribute table? A national Policy Statement is supposed to provide clarity however, this creates confusion.