

Submission to the Ministry for the Environment

Discussion Document *Clean Water* and Proposed Amendments to the National Policy Statement for Freshwater Management 2014

Submission by

Waimakariri District Council

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Are you submitting on behalf of an organisation? Yes No

If yes, which organisation are you submitting on behalf of?

Waimakariri District Council

1 Introduction

Thank you for the opportunity to comment on the proposed amendments to the National Policy Statement (NPS) for Freshwater Management, as detailed in the consultation document *Clean Water*.

The following submission is on the basis of Waimakariri District Council's (WDC) responsibilities under the *Resource Management Act 1991* (RMA) and the *Local Government Act 2002* (LGA).

WDC generally support the proposed changes to the NPS and the Ministry's target that 90% of rivers and lakes are swimmable by 2040.

The Waimakariri District Context

The Waimakariri District lies to the north of the Waimakariri River in North Canterbury and extends from Pegasus Bay in the east to the Puketeraki Range in the west. It is bounded to the north by the Hurunui District.

The major urban areas are Rangiora and Kaiapoi. There are other urban settlements including Woodend/Pegasus and Oxford, as well as a number of village and beach settlements.

The District had a population of 49,989 as at the March 2013 census, and an estimated 57,800 as at 30 June 2016. The District has experienced a rapidly growing population that is predicted to continue to increase in the short to medium term.

2 Specific comments on proposals

1. 90% of rivers and lakes swimmable by 2040.

This Council supports the Ministry's goal of improving the water quality of lakes and rivers in order to improve swimmability, however there needs to be more robust criteria in defining swimmability. The discussion document defines swimmability in rivers as 540 *E.coli* per 100 mls, and swimmability in lakes as toxic algae of 1.8 cubic millimetres per litre, and where these guideline values are met more than 80% of the time. It is suggested that these water quality parameters for swimmability are too narrow. The public are also interested in nitrate, phosphorous, and turbidity levels (and toxic algae levels in rivers) for the District's waterways to be swimmable.

It is noted that the Ministry of Environment's classification of vulnerable catchments in New Zealand that was released as part of the eligibility criteria for the Freshwater Improvement Fund, is that no catchments were classified as vulnerable in the Waimakariri District. These eligibility criteria developed by the Ministry appear to lock this District out of applying for projects under the Freshwater Improvement Fund. These criteria have prevented this District from applying for projects from the Fund for the Kaiapoi River catchment with its tributaries Silverstream, Cust River and Cam River, which have various issues with nutrient loads and sedimentation, and are currently not classified as swimmable.

It is requested that the Ministry reconsider the criteria used to identify vulnerable catchments so that catchments such as the Kaiapoi River catchment, which needs

attention to meet the National Objectives Framework's key attributes, can apply to the Freshwater Improvement Fund.

2. Better Information on Water Quality for Swimming

The maps of the swimmability of lakes and rivers in the Discussion Document and on the website are not at a scale that is particularly helpful at a District Council level. The Discussion Document claims to show any river deep enough to swim in,, but in this District has omitted the Okuku River (which includes the popular swimming spot of Taffy's Glen), the Garry River, Coopers Creek (a tributary of the Eyre River and which includes the popular swimming spot at the Mt Oxford trail head), and the pristine Townshend and Whistler Rivers in Lees Valley. If the mapping information is to be useful to the public, the scale will need to be at a finer resolution than is currently depicted. The map also seems to have included a water race drain in this District (water race R3 A) which is not suitable for swimming, not because of its water quality, but because of its amenity and function as a water race. Better Information on swimmability should be ground-truthed with local knowledge.

In addition the Discussion Document states that the maps use a combination of data gathered from monitored sites and modelled data. It is understood that this has included data gathered from the Waimakariri Zone current state reports for the Canterbury Water Management Strategy (CWMS), in compiling the on-line tool that shows water quality for swimming.

3. Amending the National Policy Statement (NPS) for Freshwater Management 2014

3.1 Swimming and Recreational Values

The proposed amendments to the NPS to require Regional Councils to report how often lakes and rivers are suitable for swimming is supported. In the Waimakariri District in particular, the Ashley, Eyre and Waimakariri Rivers are currently classified in the Discussion Document as meeting the swimmability criteria (either fair, good or excellent), leaving only the Kaiapoi River catchment with its tributaries Silverstream, Cust River and Cam River as either intermittent or poor.

3.2 Monitoring macroinvertebrates

This Council supports the concept of using the Macroinvertebrate Community Index (MCI) to assess ecosystem health. However caution is needed in using the MCI as a surrogate for measuring water quality. Specific MCI and sampling regimes will be required for different kinds of water bodies, ecosystems and contexts including land use and seasonal factors. There are key questions around sampling processes, timing and scale, and determining appropriate processes and scale for particular Freshwater Management Units. Some water bodies may have a low MCI but still be healthy representatives of their ecosystem type.

3.3 Maintain or Improve Overall Water Quality

The proposed requirement to maintain or improve water quality within a Freshwater Management Unit (FMU) rather than across the whole Region is supported. This approach is compatible with the Canterbury Water Management Strategy (CWMS) Zone structures and could be applied on a catchment or sub-catchment basis. Logically, water quality assessment should be undertaken at the smallest level

possible (catchment or sub-catchment) to enable comparatively rapid identification of issues as they arise, and consequential remedial action. However this needs to be balanced with the practicality and costs involved for councils. The NPS should enable measurement of water quality at a scale proportionate to perceived risk.

It is important that movements of water quality measures within an attribute band are tracked and managed. Overall quality within a Freshwater Management Unit would be based on the band, but monitoring and reporting of trends within the band is also important. A downward pattern over time of water quality measures within a band, or a cluster of measures at the bottom end of the band, should be identified and proactively addressed. Similarly improved measures within a band and the contributing factors should be highlighted.

3.4 Managing Nitrogen and Phosphorus

The proposed amendments to the NPS to clarify that Regional Councils must establish in-stream objectives for concentrations of dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorous (DRP) are supported.

3.5 Economic well-being

The proposed amendments to the NPS, to make clear that economic well-being needs to be considered when establishing environmental limits, is supported.

3.6 The Effect on National Bottom Line on Infrastructure

The proposal to provide further direction for the processes for exceptions to the national bottom line for freshwater quality where significant infrastructure affects water quality, is not supported. It is essential that whatever direction is provided does not undermine community aims for local and regional management of freshwater and water bodies, or the processes through which communities, tangata whenua and local authorities work together to determine local priorities and long term goals. The CWMS processes in Canterbury has already established an effective framework for managing the impacts of major infrastructure and factoring in these effects as part of wider planning and limit setting. The CWMS integrates the value and benefits of energy security and efficiency as one of the ten priority target areas.

3.7 Coastal Lakes and Lagoons

Removing the footnote so that the “lakes attribute” does not apply to coastal lakes and lagoons that intermittently open to the sea, is a sensible reform, provides clarity to the NPS, and is supported.

4. Funding to Improve Freshwater

As noted in point 1 above, no catchments were classified as vulnerable in the Waimakariri District according to the Ministry’s eligibility criteria for the Freshwater Improvement Fund. These eligibility criteria developed by the Ministry appear to lock this District out of applying for projects under the Freshwater Improvement Fund. These criteria have prevented this District from applying for projects from the Fund for the Kaiapoi River catchment with its tributaries Silverstream, Cust River and Cam River, which have various issues with nutrient loads and sedimentation, and are currently not classified as swimmable.

It is requested that the Ministry reconsider the criteria used to identify vulnerable catchments so that catchments such as the Kaiapoi River catchment, which needs

attention to meet the National Objectives Framework's key attributes, can apply to the Freshwater Improvement Fund.

5. Stock exclusion from water bodies

The Discussion Document outlines the timing for stock exclusion from water bodies and sets out a program for the regulation to apply to types of farming activities and stream types. These parameters are supported in-principle, however until the regulation is drafted, it is difficult to provide further comment on the detail.

The Local Government and Environment select Committee report on the *Resource Legislation Amendment Bill* have made comment on this proposed regulation to exclude stock from water bodies on page 18 of their report. The Committee's comments on a more effective deterrent, and a more stringent rule in a plan prevailing over the regulation, are supported.

The stock exclusion requirements are proposed to apply to the beds and banks of lakes, natural wetlands, and permanently flowing waterways on plains (including rivers, streams and drains). "Drains" in this context needs to be clearly defined in the Regulation, and exclude a constructed channel for the purpose of conveying water.

Thank you for the opportunity to comment on the *Clean Water* Discussion Document.