

Submission to the Ministry of the Environment

On the

Clean Water Consultation 2017

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WHO WE ARE

The NZ Outdoors Party was formed in 2015 promote the protection and guardianship of our outdoors heritage. Our goal is to make our outdoors the heart of New Zealand.

Our seas, our rivers, our lakes, our beaches, our land all belong to the people of New Zealand. Our access and enjoyment of our natural environment is a given; it's part of our heritage, our culture, our way of life and it's why tourists come here.

Our unique outdoor environment has provided food, recreation and social benefit for generations and it should continue to do so, forever, without question, without compromise. Our high five policies to realise this vision are:

Our Marine Fisheries

*No more trawling of our coastal fisheries
Stop wasteful commercial practices
Promote marine abundance and diversity
Recognise the value of recreational fishing*

Our Freshwater

*Keep freshwater fresh
Keep our rivers and lakes full
Protect the natural character and life of waterbodies
Water is free and belongs to everyone
Polluters will pay*

Our Land

*Game animals managed as a valuable recreational, social and food resource
Cease aerial 1080
All public conservation land to be protected from development
Value not volume tourism
Value our foreshore and beaches*

Our Say

*Recreation given equal footing with conservation in the conservation estate
Game Animal Council to be publicly funded
Walking Access Commission role strengthened
Tenure review and overseas investments conditional upon public access
Inshore fisheries co-managed by recreational user groups
Regional councils to regulate not develop our natural environment*

Our Future

Establish a Futures Commissioner to determine:

- *The environmental limits to economic growth*
- *Our optimum place in global security and the economy*
- *Our population and visitor capacity*
- *Protection for our cultures, biodiversity and values*

1. 90% of Rivers Swimmable by 2040

This statement is incorrect as the 'swimmable' target only applies to 54,000 km of river and lake perimeter. There are 508,000 km of rivers and streams in New Zealand⁽¹⁾ and an estimated 15,000 km of lake edge, thus the proportion of swimmable freshwater is;

$$90\% \times 54,000 / (508,000 + 15,000) = 9.3\%$$

We recommend it is amended to "9% of New Zealand's rivers and lakes swimmable by 2040."

We also suggest that a target date of 2040 is sufficiently far off for Ministers to have either forgotten about or be unaccountable to such a target, or even more realistically – dead.

2. Striking At the Core

The standards are meaningless without a commitment by central Government to stop the causes of pollution – The Outdoors Party believes freshwater will only be improved if the following actions are taken:

- a) Set environmental limits to our economic and population growth,
- b) Stop further public subsidisation of private irrigation schemes (\$460M, 2011 to date),
- c) Ensure all polluters pay, rather than burdening the tax payer (\$450M 2011 to date).
- d) Set minimum environmental flows and levels for all freshwater bodies.
- e) Implement a whole-of-catchment approach to freshwater management.
- f) Amend s136(2)(b) of the RMS 1991 to cease water trading.

3. Environmental vs Economic Priorities

Section 3.5 of the Clean Water proposal document states that '*...regional councils must consider the community's economic well-being when making decisions about water...*'. This is in contradiction to the Resource Management Act, to which National Policy Statements refer, as Section 5 clearly states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The Outdoors Party sees this amendment to the NPS-FM as a way of perverting the RMA by stealth and recommends its removal.

4. *Te Mana o Te What?*

The proposed new policy CA2 is mentioned but neither provided nor clarified. It is therefore not possible to comment on such a proposal.

5. *Funding to Improve Freshwater*

We do not support the public funding of pollution created by private enterprises. The Rio Declaration of 1992, of which New Zealand is a signatory, sets out that the polluter pays under Principle 16. Fonterra, who generated \$17bn in revenue and \$834m profit after tax in 2016, are a major freshwater polluter and yet the tax payer is expected to subsidise their production and pollution mitigation since 2011 to the tune of nearly one billion dollars.

6. *Keeping Stock Out of Waterways*

Excluding large bodied domestic animals from waterways will help to protect river banks from erosion but will only contribute to freshwater improvement in a very minor way. DairyNZ claim to have excluded all cattle from waterways by May 2017 so the proposed timetable for dairy cattle exclusion is pretty poor.

Physical exclusion of animals alone is not sufficient for the following reasons:

- 6.1. The distance from fence to waterway edge has an influence on the effectiveness of exclusion. Not addressing this will encourage fencing for profit which means leaving as little unproductive land between the fence and water's edge as possible.
- 6.2. Fencing will not stop transport of sediment, nitrogen, phosphorus and pathogens into waterways.
- 6.3. Fencing and riparian planting can further assist pollution retention but is ineffective for surface nitrogen removal. Research⁽²⁾ has identified that riparian strips be at least fifty metres wide to have any effect.
- 6.4. Fencing constrains public access to fisheries, both in terms of negotiating electric fences and attempting to pass through the resultant vegetative growth, often blackberry, broom and other scrub.
- 6.5. Freshwater management requires a whole-of-catchment approach, taking into account not only contour but soil types, local climate, vegetation, fertiliser regimes, effluent management, farm practices and stocking levels. None of the exclusion proposals will have any effect on the seriously degraded waterways of Canterbury for instance.
- 6.6. The proposed infringement fines are too low and given Council's historical ineffectiveness at prosecuting polluters we have no faith that they will suddenly start imposing fines.

We support a catchment based approach to freshwater management which will require determining what farm activities the catchment is capable of sustainably supporting. This is absent in the Clean Water proposals.

7. Freshwater Allocation

Environmental limits are again mentioned but there is no initiative to define these. A draft NES on minimum river flows was produced in 2008 but has not been progressed. We fully support focussing on determining minimum flows which support a healthy aquatic ecosystem.

We are also very supportive of future research which can drive us from a polluting short-term growth agenda to a high value, low input, environmentally driven farm industry.

8. Proposed Amendments to the NPS-FM 2014

large rivers

The interpretation of 'Large Rivers' refers to rivers 'fourth order or above'. We suggest few people understand this and given the swimmable standard only applies to large rivers that the definition is made clear in standard English for everyone to understand.

e.coli

The benchmark of 540 e.coli CFU/100ml water is an unambitious target set to enable continued farm intensification. For context the European Union Bathing Water Directive (DIRECTIVE 2006/7/EC) has set e.coli levels for excellent quality at 500cfu/100ml for inland freshwater and 250cfu/100ml for coastal/transitional waters. So a post-industrial economic powerhouse of a region with:

- 15 times the land area,
- 113 times the population,
- 7.5 times the population density,
- 4 times the number of dairy cattle,
- Human occupation for at least 59,000 years prior to the first human NZ arrivals;

Has higher freshwater standards your proposed freshwater standards. This is unambition personified.

that E word again

The NPS Preamble, Objectives A2, B1 and CA2 talk of 'economic growth', 'productive economic opportunities' and 'economic well-being' within set environmental, water quantity and quality limits. The NPS and by definition the RMA's focus is on sustainable outcomes, not economic imperatives. Furthermore there are no water quantity limits currently. We recommend striking out all references to economic growth and economic opportunities as these have no place in environmentally grounded legislation.

water quantity

The condition that the life-supporting capacity of fresh water must be countered by economic well-being has no place in the NPS. This is a subversion of Section 5 of the RMA and should be removed.

There is no guidance or standard to define 'over-allocation' and so Part B as it stands has little value. We urge the Ministry to develop minimum environmental flows and volumes for water bodies.

water quality attributes

The Outdoors Party is deeply disappointed that limits for all attributes have remained as-is with nitrates still set at levels toxic to fish and other attributes set at low levels to assure continued intensification of our land and pollution of our rivers. Although MCI is supposedly included as a metric for water quality there is no guidance on numbers.

9. Contact Details

We would be pleased to further discuss and clarify any of our submission if you desire. Our contact for this is:

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References

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- (2) Mayer, Paul et al. "Riparian Buffer Width, Vegetative Cover, and Nitrogen Removal Effectiveness: A Review of Current Science and Regulations". EPA Publication EPA/600/R-05/118, October 2005