

Your submission to Clean Water

Nicky Snoyink

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What are your thoughts on the proposed swimming targets, for example, on the timeframes and categories?

Notes

The proposed swimming targets are ambiguous, confusing, weak, and dangerous to public health and the time frame is too long. Please strengthen the targets and reduce the time frame to reflect the urgency of this issue.

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What do you think about the proposed amendments to the Freshwater NPS?

Notes

Water Quality Objective A2 The overall quality of fresh water within a freshwater management unit is maintained or improved while: a) Protecting the significant values of outstanding freshwater bodies; b) Protecting the significant values of wetlands; c) Improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated. Then providing for economic well-being, including productive economic opportunities, within environmental limits. Objective A2 appears to prioritize overall fresh water quality and environmental limits ahead of providing for economic wellbeing. I applaud this. However this objective contains some ambiguity and leaves considerable room for broad interpretation. The objective seems to apply only to water bodies or water management units identified as outstanding; or to significant values of wetlands. There is no explanation of outstanding or significant. Are these significant values ecological or economic? To achieve meaningful freshwater quality outcomes and send a clear message to Regional Councils and communities, this objective should clearly state that significant values are ecological values and such values should be identified. The objective should aim to improve the ecological health of all water bodies region wide, regardless of how degraded from human activities. Given that more than 90% of New Zealand's wetlands have been destroyed, and as an environmental limitation, any remaining wetlands should be considered significant, where adverse effects should be avoided. Please reword Objective A2 to provide a stronger signal for protecting ecological values of all water ways ahead of productive economic opportunities. Please ensure this directive applies to all water bodies and remaining wetlands. This sends a clear message that environmental considerations for water quality are given priority, preventing further damage to water bodies and avoiding further cumulative potentially irreversible effects. Water Quality Objective A3 The quality of fresh water in large rivers and lakes is improved so the risk to human health is reduced and they are suitable for immersion more often. Water Quality Objective A3 is meaningless as it appears to apply only to large rivers. What is the definition of a large river? This proposal appears to exclude smaller rivers, which are primarily the rivers where most communities want to swim. Please reword Objective to A3 so that it applies to all rivers, not just large ones. Water Quantity Objective B1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water, while providing for economic well-being, including productive economic opportunities. The use of the word 'while' and the addition of 'including productive economic opportunities' in Objective B1, suggests placing economic needs ahead of environmental considerations. The wording of Objective B1 is inconsistent with the wording of Water Quality Objective A2 which suggests environmental limits are prioritized over economic needs. There is absolutely no point to setting environmental limits for water quality without doing the same for water quantity. This caveat and the use of 'while' in Water Quantity Objective B1 fails to give effect to the sustainable management purpose and principles of the Resource Management Act 1991 (RMA). The RMA purpose and principles provide for environmental bottom lines (safe guarding ecological life supporting capacity, providing for the foreseeable needs of future generations and avoiding adverse effects on the environment) ahead of economic use and development. The intent of the RMA Part 2 prioritises the need for ecological health ahead of economic well-being. In *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38 [17 April 2014], the Supreme Court highlighted that sustainable management requires environmental bottom lines which cannot be compromised. The Supreme Court decision reinforces that adverse effects on the environment must be avoided, and explains that avoid means 'do not do it'. This implies environmental bottom lines must not be compromised in favour of so called 'productive economic opportunities'. The directive by the court to apply un-compromisable environmental bottom lines is a significant shift away from the overall broad judgement approach where in the past decision makers have weighed economic benefits against environmental effects. Please amend Water Quantity Objective B1 to prioritise ecological health ahead of economic wellbeing. Please remove the caveat 'while providing for economic well-being, including productive economic opportunities'. This ensures Water Quantity Objective B1 is consistent with Water Quality Objective A2 where environmental considerations are weighted more heavily than economic productivity. Rewording this amendment provides consistency between objectives and will more likely achieve the sustainable management purpose of the RMA. This sends a clear message that environmental considerations for water quantity are given priority, preventing further damage to water bodies and avoiding further cumulative potentially irreversible effects. Water Quantity Policy B3 By every regional council making or changing regional plans to the extent needed to ensure the plans state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water. If water has been allocated and is no longer required, then it should be returned to the natural environment. Without clear ownership rights, it is difficult to understand how water trading could occur. Can I please suggest an independent inquiry into this activity to establish whether water trading is appropriate? In my view unused water should be returned to the natural environment and transfer of water permits should be prohibited. Returning unused water to a catchment could help restore degraded ecological values and may assist clawing back the volume required to address over allocation problems experienced in some catchments. Please include a policy which directs councils to require a condition where unused water will be returned to the catchment. See: <http://www.stuff.co.nz/environment/91957274/when-the-river-runs-dry-the-true-cost-of-nz-water>

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What are your thoughts on the proposed stock exclusion regulation, for example, the timeframes and stock types to be excluded?

Notes

The stock exclusion rules are confusing. The proposed stock exclusion regulation does not send a clear message and will not achieve the purpose of the RMA. Too many variables mean the proposed regulation will be difficult for land managers to clearly understand and for council staff to enforce. The proposed regulation does not provide the safe guards required. A simpler approach would be to prohibit all large cloven hooved animals (beef cattle, dairy cows, dairy support cows, pigs, deer, and any other large animals being farmed) and from entering water ways including rivers, streams, water races, lakes and wetlands of any size. The practice of mob stocking of sheep or goats or any other small farm animals in water ways should also be discouraged. A requirement that farm systems include an adequate reticulated stock water system appropriate to their operation should also be included. The use of water ways as large farm animal drinking holes no longer acceptable. Please re-write the proposed amendments to stock exclusion regulation and establish a requirement for "Farming Best Management Practice" which directs a reconfiguration of farming systems that avoids (avoid having the same meaning as in EDS vs King Salmon = don't do it) heavy cloven hooved animals entering any water ways. Given that most farms already have fences and defined paddocks, this approach avoids the need for land managers (and regulatory authorities on behalf of the public) to fund the fencing off of waterbodies. This approach sends a clear signal that large cloven hooved animals (and large mobs of small farm animals) entering any waterbody is not appropriate. The time frame for achieving this should be brought forward to 1 July 2017 for all waterways regardless of size, slope and location, to reflect the urgency of this issue.

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Do you have any other comments on the contents of the Clean Water discussion document?

Notes

Thank you for the opportunity to submit on the NPSFWM Clean Water Package 2017. I support the concept of a NPSFWM and central government direction on environmental management. However I feel that the objectives and policies proposed by the NPSFWM amendments do not go far enough and will not achieve the freshwater outcomes desired by many New Zealanders. Fundamentally, the key objective of the NPS should signal to decision makers and citizens that protection and preservation must be prioritized over and above productive economic opportunities. Without healthy ecosystems and fresh water, New Zealand's economy will flounder in the long term. While swim-ability of the nation's waterways is an issue of significant interest to the New Zealand public, I am disappointed that swimming has been used as a "straw man" in an attempt to slip through amendments to the NPSFWM which appear to undermine the sustainable management purpose and principles of the RMA. The NPSFWM should be consistent with the purpose of the RMA and is an instrument which can direct Regional and District Councils to prioritise fundamental environmental protection of freshwater resources over economic development and use "like the New Zealand Coastal Policy Statement (NZCPS) for example, which assists decision makers determine the appropriateness of a particular activities in particular places. I am disappointed that the Next Steps for Freshwater discussion document continues to promote the "Overall Broad Judgement" or balancing approach to achieve sustainable management of the planet's most precious natural resource "freshwater. Water Quantity Objective B1 appears to go so far as to elevate economic considerations above environmental considerations. This is absurd. This approach has oft been used to guide RMA decision making and has regretfully resulted in cumulative effects causing irreversible damage to some of New Zealand's treasured water ways, landscapes and biodiversity. The economy is a subset of the natural environment and therefore cannot be elevated higher or even balanced against the natural environment and ecological health. The economy must be subservient to ecological health. Ecological health must be prioritized ahead of economic needs if this amended NPSFWM is to give effect to the purpose and principles of the RMA. This NPSFWM is a profoundly important instrument. The NPSFWM provides a directive to Regional Councils for sustainable management of freshwater. Many Regional Councils throughout New Zealand appear to have failed miserably at this, which reinforces the necessity for this instrument. Therefore the construction of the objectives and policies within this instrument must reflect that there are limits to growth in a natural resource based economy, such as New Zealand's. There is a large body of science and research that demonstrates that there are limits to growth in an economy dependant on natural resources. See the Stockholm Resilience Centre's research on Planetary Boundaries <http://www.stockholmresilience.org/research/planetary-boundaries.html> And Elinor Ostrom's research on "managing the commons" <http://www.onthecommons.org/magazine/elinor-ostroms-8-principles-managing-commons> Such research identifies that clear boundaries (environmental limits) and rules are necessary for long term sustainability of natural systems, natural resources, communities and their economies. Leadership The effects of the lack of central leadership and subsequent devolved management of freshwater in New Zealand has been highlighted by the media throughout New Zealand in recent times. The effects of this lack of leadership have been experienced by communities throughout New Zealand and most significantly in Hawkes Bay last year where a water borne disease outbreak affected more than 5000 people, and consequently crippling the local economy. Adopting a damage prevention principle will prevent the public (and future generations) from having to subsidize polluters by paying to rehabilitate degraded water resources. Adopting the precautionary principle for freshwater management, as in NZCPS Policy 3, would also add strength to the NPSFWM. This is what economic efficiency, effectiveness and productivity should look like. Integrated Management Freshwater cannot be managed in isolation. Ensuing issues associated with climate change and the current level of resilience in New Zealand communities have made it blindingly obvious that tipping points have been reached in many places. Some examples of tipping points include rates pollution of lowland streams, depletion of groundwater, extinction of species, loss of landscape integrity and coastal erosion. There is a need to adopt national objectives, policies and standards for freshwater management that align with biodiversity protection and economic activities such as farming, forestry, fishing, tourism, urban expansion and any other land base industries. These national objectives, policies and standards must prioritise environmental health ahead of economic growth and productivity. This approach must be the underpinning principle for decision making. There will not be long term prosperity without clear rules of the game, and without which New Zealand communities will not easily adapt to conditions presenting as the climate changes. Intensive farming is a massive driver of declining water quality, reduced water quantity and loss of biodiversity and landscape values throughout New Zealand. I encourage a moratorium on intensification, especially in the high country and strongly discourage dairy farming in the South Island high country. I support a massive reduction in the number of dairy cows. I am disappointed that the discussion document does not address these serious issues as managing them are an integral part in restoring damage and future protection of freshwater. It is disappointing that after 9

years of collaborative talks, less than 20% of the Land and Water Forum's recommendations for freshwater management have been adopted by the Ministry in previous versions of the NPS for freshwater management and the preparation of this document. And given that almost all environmental groups have chosen to walk away from this forum, suggests a radical new approach is needed, fast. The lack of Central government leadership on freshwater management is possibly one of the largest leading intergenerational inequities of our time. Meaningful leadership is overdue and most certainly an urgent matter of national importance. Thank you for the opportunity to submit.