

Resource Management (Freshwater and Other Matters) Amendment Bill

Climate Justice Taranaki submission

to the Parliamentary Primary Production Committee, 30 June 2024

Introduction

1. Climate Justice Taranaki (CJT)¹ is a community group dedicated to environmental sustainability and social justice. This includes issues of inter-generational equity, notably in relation to climate change, which will increasingly impact present and future generations' inalienable rights to safe water, food, and shelter, crucial to sustaining livelihoods and quality of life. Composed of a broad range of people with varied expertise and life experiences, CJT has engaged respectfully with government on numerous occasions.
2. CJT has submitted on various consultation papers, policies and Bills over the past decade. Of most relevance to the current consultation are our submissions on the Ministry for the Environment's discussion document *Action for Healthy Waterways* (CJT, Oct 2019)² and that on the proposed amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (CJT, March 2022)³.
3. Below is our submission on the Resource Management (Freshwater and Other Matters) Amendment Bill (5 June 2024)⁴, responding to the given proposals.

Excluding the hierarchy of obligations within the National Policy Statement for Freshwater Management 2020 from resource consent applications and decision-making processes

4. We are strongly opposed to excluding the hierarchy of obligations in the National Policy Statement for Freshwater (NPS-FW) 2020 from resource consent processes.
5. The hierarchy of obligations in the NPS-FW incorporated from Te Mana o te Wai requires that we first protect the health and well-being of the water and then provide for people's needs, before enabling other uses of water⁵. This hierarchy is crucial in safeguarding the health of te taiao the environment, ecosystems and people, as pressures from commercial interests, extractive and polluting industries intensify while the impacts of climate change escalate.
6. Sixty-eight percent of 364 nationwide groundwater monitoring sites failed to meet the Ministry of Health *E. coli* drinking water standard on at least one occasion between 2014 and 2018⁶. The Havelock North Drinking Water Inquiry provided comprehensive analyses on the risks on our drinking water⁷.
7. Taranaki waterways have long suffered from industrial farming discharges as well as contaminants from the petrochemical industry^{8,9}. Elevated levels of nitrate in drinking water are common in rural areas, including households with private bores and those on town supplies¹⁰. Taranaki Regional Council scientists recently warned that^{11, 12}:
 - a. Over the past ten years, ecosystem health of nearly two-thirds of the monitored stream sites were likely or very likely degrading.
 - b. Nitrate concentrations have increased at four out of every five monitoring sites.
 - c. *E. coli* loads must halve or be slashed up to 80 percent in some catchments to reach minimum standards. It could take three decades to restore rivers to community expectations, e.g. more swimmable more often.

- d. Some eastern hill country rivers may never meet national bottom lines for sediment, due to climate change impacts, and despite ongoing soil conservation spending.
 - e. Over abstraction of water has adversely affected ecosystem health.
8. The mauri and wairua of many awa / rivers, related to the physical wellbeing of the water, have been severely impacted. As an example from North Taranaki, using 12 indicators, Te Rūnanga o Ngāti Mutunga conducted mauri compass assessments on the Urenui and Mimitangiatua awa in 2020 and revealed that the mauri of both had declined markedly since European settlement¹³. The indicators for species richness, abundance and health for tuna had each fallen by 80 percent, prompting urgent action for river restoration.
 9. Elsewhere, there has been rapid significant degradation of fresh and ground water in parts of the South Island over the past few decades following the massive expansion of dairying in marginal (unsuitable) habitat there, driven by irrigation¹⁴ and urea applications. Eight years before the sacking of the Canterbury regional council / Environment Canterbury (ECan) by Minister Nick Smith¹⁵, a 2020 report by an ECan groundwater scientist warned that the effects of land surface activities on groundwater nitrate concentrations were already clear¹⁶. It concluded that **intensification of agricultural land uses** in Canterbury could pose a significant threat to **groundwater** quality. That turned out to be prescient. The MfE and StatsNZ Our Freshwater 2020 report¹⁷ noted that rivers had worsening trends for nitrate-nitrogen, *E. coli*, and turbidity. The resulting irrigation expansion following that 2010 Ministerial decision has further worsened water quality, with significant risks to both environmental and human health. The multi-decadal costs to repair this damage will be significant. **Similar outcomes re water use and abuse risk being created with this Bill.**
 10. New Zealanders care deeply about freshwater. Eighty percent of New Zealanders identified the state of rivers, lakes, streams, wetlands and aquatic life as an issue, according to Statistics NZ's 2018 General Social Survey¹⁸.
 11. The removal of hierarchy obligations by the Bill would go against iwi expectations and the regional council's current efforts and plans, supported by the wider community, for more stringent local rules necessary to improve the health of Taranaki rivers and streams¹⁹. It would also undo the achievements of other recent efforts^{20,21} in halting the degradation of waterways and ensuring safe drinking water in other parts of the country.
 12. Moreover, the Taranaki Regional Council pointed out in their submission²² that *"The Ministry for the Environment has been unable to find any evidence that the hierarchy of obligations is causing consents to be declined due to a devaluing of economic matters. Further, the proposed changes risk unintended consequences that could in-fact reduce the space to consider economic matters when giving regard to Te Mana o te Wai."*

Removing additional controls for coal mining consents, aligning consent pathways with those for other mineral extraction activities in or around wetlands and Significant Natural Areas (SNAs)

13. The Bill²³ extends the consenting pathway for coal mines to new coal mines and removes the sunset clause on consent pathways for thermal coal, allowing these to occur in or around wetlands and SNAs. This is totally unacceptable because:
 - a. All credible science and international agencies have strongly advised against any new fossil fuel development, to have a chance to keeping global warming to 1.5°C.
 - b. We need to urgently transition to a much smaller energy and material footprint to avoid further ecological overshoots.

- c. Repo or wetlands are taonga Māori, with historical, cultural, economic and spiritual significance. Aotearoa has lost too much of its wetlands²⁴ and indigenous biodiversity already. Only around 10 percent of our historic wetlands remains, and only two percent of that was rated as in good or very good health between 2016 and 2020 (MfE, 2023)²⁵. The government, as Te Tiriti partner, has the responsibility to protect all remnant wetland ecosystems and work to restore such ecosystems and the indigenous biodiversity supported by SNAs, rather than exposing them to destruction, degradation and threats from mining and associated activities.
- d. Wetlands also play a role in sequestering carbon²⁶ and provide other ecosystem services, notably slowing down water flow through a catchment, thus offering some buffer against flooding and droughts²⁷. Destroying or degrading wetlands would exacerbate climate impacts and reduce climate resilience of farms, infrastructure and communities.

Suspending requirements for councils to identify, and include in plans, new SNAs under the National Policy Statement for Indigenous Biodiversity (NPSIB) 2023 for three years / Extending the time for councils to identify new SNAs under the NPSIB until December 2030

- 14. We have a biodiversity crisis globally and in Aotearoa. Identifying SNAs and including them in plans under the NPSIB is a necessary first step to safeguarding them as remnants of what was once widespread, engaging landowners and hopefully restoring and creating corridors for biodiversity and ecosystem health^{28, 29}.
- 15. The identification and management of SNAs on Māori land should be Māori led.
- 16. Rather than suspending the SNAs process and extending it to December 2030, greater efforts should go into more in-depth community education, engagement and collaboration and data collection to enable the best outcomes.

Removing low slope land requirements regulating the access of farm animals to water bodies

- 17. Stock exclusion from waterways is essential in avoiding further degradation of the mauri and water quality of rivers and wetlands. The low slope land map is a useful tool and land-based trigger for some stock exclusion and can be used to inform effective regional plan rules and freshwater farm plans. It should be retained rather than repealed.
- 18. The Department of Conservation expressed that the proposed *“change is out of step with where the majority of the drystock sector is heading (see, for example the farm planning guidance provided by Beef+Lamb and DINZ)...”* and creates unwelcomed uncertainty for farmers and catchment groups³⁰.

Removing requirements relating to intensive winter grazing

- 19. We are strongly opposed to revoking the National Environment Standards for Freshwater (NES-F) Regulations over intensive winter grazing³¹. On the contrary, the regulations should be much strengthened to better protect waterways, soil and animal welfare.

Expediting the creation or amendment of national direction under the RMA.

- 20. We do not support expediting the creation or amendment of national direction because national direction, notably national standards, are developed through comprehensive natural and social science and analyses built over time. Expediting it would risk losing the scientific rigour and integrity of the work, with even greater vulnerability to industry interference, much like the proposed Fast Track Approvals process³². It would also create uncertainties that are unhelpful in resource management, and everyone involved including farmers, investors and community groups.

21. The Taranaki Regional Council is concerned that expediting national direction changes could be *“subject to less onerous assessment requirements than what even the smallest council is required to do. Having two sets of assessment criteria could also be problematic when it comes to implementing national direction through a local plan change”* (TRC, June 2024)³³.

Concluding remarks

22. Many farmers across Aotearoa are already transitioning to regenerative agriculture^{34, 35}, reducing fertiliser inputs, imported feeds and stock numbers, diversifying³⁶ to support local food resilience³⁷, protecting waterways³⁸ and retiring parcels of land for biodiversity^{39, 40}. There is a momentum that would create cascades of positive change at multiple levels from environmental to socio-economic and animal welfare, if the government would just stop sabotaging it.
23. The Bill is foolhardy, risks escalating impacts to human health and environmental integrity, both of which are key to economic sustainability.
24. We are opposed to the Bill in its entirety and ask that it does not proceed further.

¹ <https://climatejusticetaranaki.info/>

² <https://climatejusticetaranaki.info/wp-content/uploads/2019/10/cjt-submission-on-mfe-action-on-freshwater-oct2019-v3-final.pdf>

³ <https://climatejusticetaranaki.info/wp-content/uploads/2022/03/cjt-submission-on-mfe-nes-drinking-water-consultation-6mar22-.pdf>

⁴ https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCPRIP_SCF_25161950-A4FC-47B4-ADA3-08DC7AB031FE/resource-management-freshwater-and-other-matters-amendment

⁵ <https://environment.govt.nz/publications/guidance-on-the-national-objectives-framework-of-the-nps-fm/clause-1-3/>

⁶ <https://environment.govt.nz/assets/publications/our-freshwater-2023.pdf>

⁷ <https://www.dia.govt.nz/Report-of-the-Havelock-North-Drinking-Water-Inquiry---Stage-2#Part-3>

⁸ <https://trc.govt.nz/council/plans-and-reports/monitoring-reports/consent-compliance-monitoring-reports>

⁹ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/2023/23-05-Remediation-New-Zealand-Ltd-Uruti-Composting-Facility-Monitoring-Programme-Annual-Report-2022-2023-31768643202384.PDF>

¹⁰ <https://www.greenpeace.org/aotearoa/story/nitrate-map-drinking-water-contamination-levels-new-zealand/>

¹¹ <https://haveyoursay.trc.govt.nz/next-steps-our-freshwater/help-shape-rules>

¹² <https://www.teaonews.co.nz/2024/06/17/blunt-truth-on-degraded-waterways/>

¹³ <https://www.mauricompass.com/uploads/1/0/9/8/109843396/trc.pdf>

¹⁴ <https://newsroom.co.nz/2021/11/02/ecan-exposed-regulator-hides-damning-report/>

¹⁵ <https://www.newshub.co.nz/general/ecan-elected-board-sacked-by-nick-smith-2010033017>

¹⁶ <https://newsroom.co.nz/2021/11/02/ecan-exposed-regulator-hides-damning-report/>

¹⁷ <https://environment.govt.nz/publications/our-freshwater-2020/>

¹⁸ https://www.stats.govt.nz/news/freshwater-quality-kiwis-biggest-environmental-concern/?utm_source=actionstation&utm_medium=email&utm_campaign=blast3148&source=actionstation&bucket=blast3148

¹⁹ <https://www.teaonews.co.nz/2024/06/17/rivers-fight-goes-public-across-taranaki/>

²⁰ <https://www.beehive.govt.nz/release/new-100m-fund-improve-water-quality>

²¹ <https://www.eli.org.nz/alil-consent-case>

²² <https://trc.govt.nz/assets/Documents/Meetings/Ordinary/2024/Ordinary-Council-Agenda-June-2024.pdf>

²³ https://www.legislation.govt.nz/bill/government/2024/0047/latest/d24613e2.html?search=sw_096be8ed81e47314_coal_25_se&p=1&sr=0

²⁴ <https://static1.squarespace.com/static/60de62c0cd4622007f238e05/t/60e5183802da410b40df8ff0/1625626709874/ROOT-CAUSES-OF-WETLAND-LOSS-IN-NZ.pdf>

²⁵ <https://environment.govt.nz/assets/publications/our-freshwater-2023.pdf>

²⁶ <https://www.forestandbird.org.nz/resources/restoring-peat-wetlands-our-climate-change-secret-weapon>

²⁷ <https://climateandnature.org.nz/solutions/new-zealand-ecosystems/wetlands/>

²⁸ <https://www.rnz.co.nz/news/national/444466/significant-natural-areas-snas-what-you-need-to-know>

²⁹ <https://www.rnz.co.nz/news/ldr/457833/snas-great-if-you-have-the-space-west-coast-farmer>

³⁰ <https://www.greenpeace.org/aotearoa/press-release/oia-reveals-department-of-conservation-advised-against-scrapping-freshwater-protections/>

³¹ https://www.legislation.govt.nz/regulation/public/2020/0174/latest/LMS376713.html?search=sw_096be8ed81dc542d_winter_25_se&p=1&sr=3

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- ³² <https://climatejusticetaranaki.info/wp-content/uploads/2024/04/cjt-submission-fast-track-approvals-bill-19apr24.pdf>
- ³³ <https://trc.govt.nz/assets/Documents/Meetings/Ordinary/2024/Ordinary-Council-Agenda-June-2024.pdf>
- ³⁴ <https://info.toha.network/announcements/regen-ag-science-roadmap>
- ³⁵ <https://www.taranakiregen.nz/>
- ³⁶ <https://www.tandfonline.com/doi/full/10.1080/00288233.2023.2298922>
- ³⁷ <https://newsroom.co.nz/2024/02/11/the-security-of-our-food-system>
- ³⁸ <https://www.wai-kokopu.org.nz/>
- ³⁹ <https://www.farmersweekly.co.nz/opinion/better-farming-for-a-better-future/>
- ⁴⁰ <https://www.calmthefarm.nz/casestudies>