CJT Submission on TRC Freshwater Consultation 2024

Climate Justice Taranaki (CJT) is a community group dedicated to environmental sustainability and social justice. This includes issues of inter-generational equity, notably in relation to climate change. Composed of a broad range of Taranaki locals, with varied expertise and life experiences from environmental and social scientists and a lawyer to parents, market gardeners, conservation workers and farmers, CJT has engaged respectfully with local, regional and central government on numerous occasions, for almost 15 years now.

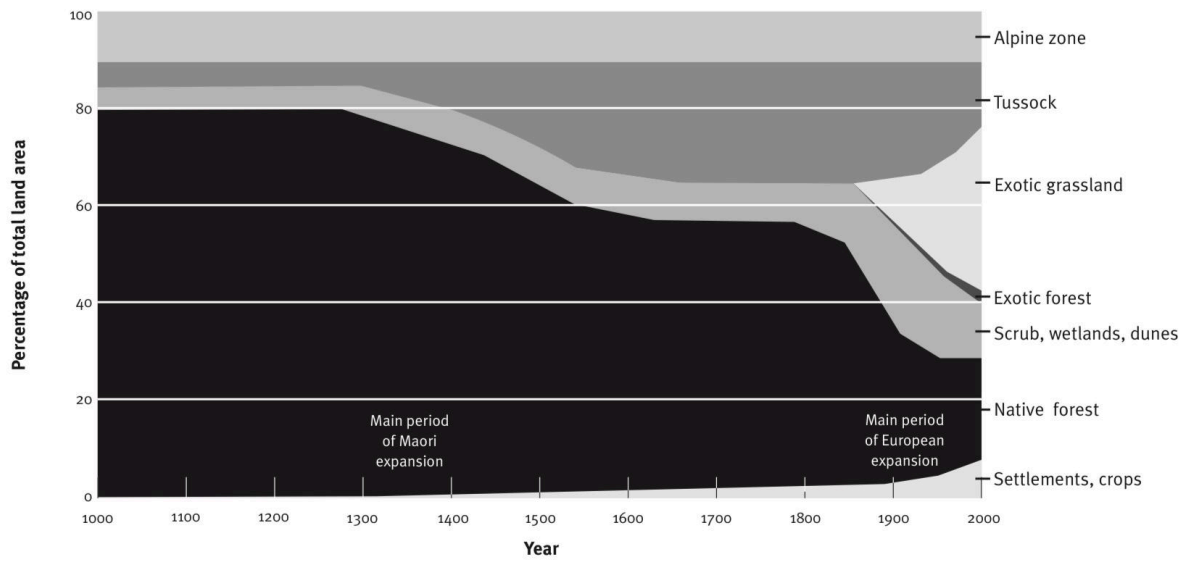
CJT welcomes the opportunity to comment again on Taranaki Regional Council's latest Freshwater Consultation documents.

Fairness and your 'Summary: Taranaki Economy and Freshwater Management'

Our community strategy *Toitū Taranaki 2030* analyses the main ways our country and Taranaki contribute to climate change and why, offering a range of pathways for a just transition to an economy that prioritises collective wellbeing, equity, and long term care for people living within our ecological boundaries. A central theme of the analysis is the need to massively reduce our energy and resource consumption and restore decentralised, community-led circular economies that avoid waste. This is how people lived for millenia without creating the harm that now threatens our very existence.

It is from that context, that while not surprised, we are disappointed to see many of the questions in the consultation documents aimed at collecting farmers' opinions, and with biased comments like "Taranaki is one of New Zealand's traditional dairying regions." We all know that the regional council has been dominated by farmers since its conception but as your documents state, two thirds of our people in Taranaki now live in urban areas. Assuming a dairying economy that has existed for just over a century is "traditional" to this area, denies many more centuries of Maori economies on this whenua, economies that pollen data (graph below) demonstrates an equilibrium was found so people lived peacefully for centuries within ecological boundaries, until colonial settlement.

The recent history of New Zealand's land cover[1].



[1] Vegetation areas and timing of changes are approximations only

Those Maori economies were not based on farming animals. They were based primarily on gardening, gathering and hunting from forests, wetlands, reefs and water. All habitat that has been severely damaged by dairy farming in particular, to feed England and other countries. Farmers that for many reasons including racial arrogance, greed and jealousy, pressured the newly formed colonial government to illegally confiscate most Taranaki whenua by force from the traditional Maori kaitiaki. So before we worry so much about fairness to farmers, let's not conveniently rewrite our history. Let's not forget either, the very current and ugly lobbying of those stolen-farm descendants in groups like the Taxpayers Union, who are hypocritically and arrogantly pointing the finger again at Maori, claiming Maori are lazy and spoiled. Maori want the land back, to heal the whenua and to heal the intergenerational trauma.

So consider fairness. On one hand you have private business owners selling fossil-fuel, polluting and injustice-soaked commodity products to other lands while importing blood-soaked phosphates and palm kernel extract, and exploited migrant workers from poor countries. On the other hand you have the rest of the community, working our jobs, not wanting a burning planet, polluted waterways and this spiralling mass species extinction. While there are pockets of farmers who are embracing regenerative practices to produce food and fibre for local consumption, they are largely sidelined by industry lobby groups driven by profit-focussed investors, and stuck within extractive systems that result in entropic outcomes.

We all want a fair society and a chance for our descendants to have a safe and healthy future on this planet but some of us are doing more harm than we might want to admit. This doesn't need to be an us versus them situation but it does need to be fair and it does need to work rather than just lowering our goals because we believe it's too hard to get what is actually needed to protect our waterways and our communities. Our farmers can still produce food and our city folk can still buy it and process it through land-based wastewater treatment systems but most of the product we grow and ship overseas, and import, is unsustainable and needs to stop, while we also restore our carbon-rich forests and soils. That's a reduction or redirection of 70-95% of product going in and out of the country. This means **the focus of farming needs to downsize and change to local consumption needs and we need to rebuild our manufacturing industry and plant billions of trees**. This will provide healthier food and more jobs, all with better wages, if done properly. If we don't make this transition together, we will face a crashing economy when cheap fossil fuels stop the flow of imports and exports. The chaos and violence that comes might be unstoppable.

Feedback on options and other consultation documents:

1. <u>Understanding Water Quantity and Water Allocation</u>

1.1 Anything less than 100% species protection is an unacceptable goal. This accepts losing more species while we are already enduring the planet's sixth mass species extinction with many threatened and at risk native freshwater species in Aotearoa. Sadly, 80 or 90% species protection may be a realistic result but it should never be a target you aim for.

As one of our members puts it: “when we borrow from the bank, do we need to pay both principal and interest or only pay 90% of the loan? Why do we borrow from mother earth and only want to pay back 90%. Who will pay the rest? Who will pay for the costs already incurred?”

To say the only way to achieve 100% protection is to have no water takes and is “not realistic”, assumes the community would never agree to this and therefore why try. It also does not take into account the accumulative effects from other impacts such as direct/indirect discharge, current degradation and climate change. The consultation document mentions your research (which is not provided) which indicates a 10% loss in habitat has “minimal effect” on river health. We would challenge that, given that over 90% of our wetlands have been destroyed alongwith most of our forests and estuaries (as we see around the planet), yet now we have global warming and the rest of the polycrisis. We know that even a 10% over-allocation of MALF would lower water levels and put at risk several taonga species such as Piharau and Inanga that depend on high flows. It is hard to imagine another 10% habitat loss would have minimal effect.

We support the call from Te Korowai o Ngā Ruahine for 110% protection and recommend consent pathways which allow water takes during heavy rain periods only alongwith land-based water storage. Ideally all commercial water users such as industrial factories and dairy farms convert to rainwater catchment and storage only.

1.2 Similarly, **any over-allocation is unacceptable**. While, yes some consented allocations may not be entirely used up, this may change in the future with increasing droughts and ageing infrastructure or increasing storm damage. It is also noted that most water takes are permitted only for drinking water for people and stock and are not metered or calculated accurately into your data considerations, nor are they monitored.

Iwi kaimahi and other locals have been finding illegal pipes for years in areas such as Te Papakura o Taranaki (National Park) or leading to milking sheds for wash down and irrigation.

Previous official information response from council revealed that the water used in hydraulic fracturing (fracking) operations at many well-sites are permitted, taken and trucked in from a municipal supply or taken onsite, usually on a farm. With the government’s push for more fossil fuel extraction, there will be more fracking, requiring more water. The emerging ‘green hydrogen’ industry will add extra pressure on water use if allowed to go ahead.

Given the limited oversight, data collection and monitoring protocols, we can assume more water is taken from all waterways than we know about, particularly from small waterways.

We recommend water takes for any other purpose than drinking water should need consent. We recommend all farm plans include assessment of water takes and any water takes must be consented to fit within water allocation rules. We suggest TRC ensure all district council building consents, well sites and trucking companies in particular, permit water takes for human and stock drinking water purposes within maximum daily limits only.

2. Understanding Animal Effluent

2.1 We note the comment in your document that effluent discharges to waterways "has been phased out in most other regions, including Waikato, Manawatū-Whanganui, Canterbury, Southland and Otago, including areas with high rainfall". Therefore, **we do not support any of the three options presented** as the wait is too long, but **recommend a fourth option: all animal effluent discharge consents expire in 2027**. This gives farmers 3 years to comply, which should be sufficient given this was indicated to come into legislation by the previous government and council documents. We understand some upper ringplain, high rainfall farms will struggle to comply. We encourage TRC to assist farms to transition out of intensive dairy farming by providing community education and extension services on alternatives. [For more information on extension services, this science paper is useful.]

2.2 We support the proposal to have different rules for liquid and solid effluent. We are deeply concerned however that no further proposals are made to deal with the large number of indirect animal effluent discharges. Your document notes that reduction from removing dairy effluent discharged to water only influences 20% of reductions needed to reduce E.coli across the region. Shifting to land discharge just diverts that bacteria loading to indirect discharge. Moreover, the issue of elevated nitrate levels in drinking water supplies, both surface and groundwater, needs to be monitored and managed carefully, because of the documented health impacts on local communities. Recent scientific studies indicate that nitrate levels much lower than the national safety standard are associated with increased health risks such as bowel cancer. **We recommend increased monitoring of indirect effluent discharges and increased requirements for wider riparian planted margins, particularly on steep gradients and soil types with poor infiltration such as papa clays and high infiltration such as sandy soils.**

2.3 There is insufficient information to support allowing small discharges to land without a consent. How would it be monitored and compliance enforced? Would there be consideration of soil characteristics, gradient, receiving land area, discharge rate or timing? Farm plans and existing annual inspections could be a useful tool here but without this information we do not support this proposal.

2.4 We tentatively support the use of a Dairy Effluent Storage Calculator if all components are considered such as gradient of receiving land and crop height and root depth. We have said for many years that washdown water needs to be restricted. This would reduce water takes and liquid effluent discharge.

3. Understanding Stormwater and Wastewater Discharges

3.1 We support the proposed changes to stormwater management for new discharges and using level of risk to the environment for the management of stormwater from industrial and trade processes. **We recommend a ten year timeframe to complete transition of existing urban**

reticulation stormwater networks based on a priority approach that will maximise reductions in pollution and overloading of wastewater reticulation systems.

Wind-blown chemicals from unprotected industrial sites, fertiliser factories and trucks, as well as litter thrown, blown or washed into waterways, needs more monitoring and prevention mechanisms put in place such as behaviour change education, truck cover rules and rubbish management.

3.2 It needs to be clarified more how all discharges to land will occur. We prefer wastewater treatment facility direct discharges to freshwater shifting to prohibited but accept the shift to a non-complying activity on the condition that this enables treatment before discharge such as evaporation ponds, methane capture and wetland treatment. This **must include all of the wastewater reticulation network, not just the treatment plant,** so that current sites that allow storm overspill of wastewater to waterways are resized and upgraded to cope with increasing storms **and stormwater inputs are majorly reduced** through managed slow-release or reuse stormwater storage systems on large buildings for example and water use behaviour change education of businesses and the community.

3.3 We don't support the three options that lead to a phase out by 2041 at the earliest as it is too long. **We recommend all discharge consents to water expire in 2030** and major municipal discharge plants are supported if needed, though rates reallocation and advocacy to central government for funding to help them comply on time eg. NPDC WWP. Councils need to prioritise these infrastructure upgrades urgently as flooding will increase with climate change.

3.4 We do not support discharges of drilling, fracking and other petrochemical wastes to water or to land, above or below ground, including landfarming and deep-well injection. For many years we have expressed our concern about the short well-casing lifespans (eg. 60 years) and integrity, risks from seismic and induced seismic activities, impacts of landfarming on soil health and food safety, limited to no responsibility of petroleum companies in the long term once consents expire, and the limited to no scientific evidence to allay community fears that waste could leak into groundwater aquifers that exit into the sea, rivers or could have groundwater bores takes from them.

3.5 We support a permitted activity pathway for existing septic tanks, pit latrines and compost toilets without consent as proposed, and recommend appropriate soil type and gradient are also considered as a condition to be met. We recommend rules for new septic tank, compost toilet and pit latrine installers to ensure installation sites do not allow any adverse effects to human health or the environment, such as minimum distances from neighbours, waterways, highest seasonal water tables and soil type assessments.

These forms of toilets have been used for many generations by indigenous and rural people as an affordable and sustainable method. We encourage council to also look into rural area or large land parcel septic tank conversions for black water only and separate grey water disposal systems, as a possible sustainable method that, like some well-managed pit latrines, may not require emptying while still allowing indoor flushing toilets. "*If the pit has been dug deep enough and is not used too often, it may never become full. The waste will slowly decompose and the volume will remain stable. A good rule of thumb is to allow a depth based on a volume of at least 0.06 m3 per person/per year.*

For this and more information, please refer to the Factsheet 3.4 Simple Pit Latrines http://www.who.int/water_sanitation_health/hygiene/emergencies/fs3_4.pdf for more information." - https://www.gw.govt.nz/assets/Userguide-for-Pit-Latrine-Permitted-Activity.pdf

3.6 We recommend comparing monthly shallow and deep groundwater data before and after the shift from discharge to waterways to discharge to land to assess impacts of the two methods. Please make this data public.

4. Understanding How Farm Practices Can Help Water Quality:

4.1 **The Riparian Management Programme needs to be extended beyond just farmers** so that everyone in the community has access to subsidised tree planting assistance. We encourage TRC to reach out and offer assistance to iwi, hapū, pā, community groups and known individuals that have been doing tree planting work, often voluntarily.

The requirement to pre-spray planting areas is unfair and not backed by evidence and should be scrapped. Many of our members have been doing riparian planting for many years and found that planting without using sprays reduces costs, resources, waste, risks to human and environment health, and labour.

Riparian fencing and planting should be assessed on farms so that poor and inadequate fencing and planting can be repaired. Too often we see inappropriate placement of heavy plants like harakeke planted on stream edges which cannot take the weight and end up increasing erosion. Too often we see fencing so close to water channels and wetlands or done so badly that stock continue to enter wet or steep ground and damage the soil which increases sediment and effluent discharges to waterways.

4.2 **Stock exclusion rules should extend to all hooved stock** such as sheep, goats, pigs, steers, bulls, llama, alpaca, horses, deer **and free-ranging farm birds**.

4.3 Regarding the table of environmental actions and their impacts on contaminants, we support what is written and also recommend:
- native tree planting not just poplars for erosion control on steep hills
- bridge crossings have gutter systems to stop run-off into waterways
- encourage native and edible hedges for stock which increase run-off barriers, wildlife habitat, wind shelter and carbon sequestration while providing nutrient rich stock feed.

There is no land use planning map to show that Taranaki is going to reduce big dairy farms and convert to horticulture farms or other alternatives (eg. forestry, mixed agriculture-renewable energy). If big dairy farms continue to be licensed, it is hard to achieve the targets.

4.4 Areas of cultural significance are often found along waterways, particularly where there is mahingakai, and often on land confiscated in the Land Wars. Protection of these areas in partnership

with mana whenua, and allowing access would increase good community relations and reduce historical trauma of tangata whenua, while also improving the health of waterways, which increases the health of all communities. **We recommend protection of culturally significant areas is included in TRC good farming practice guides**. We also recommend suggestions for good practices for environmental and social justice such as declining imported goods such as phosphates from occupied Western Sahara, and PKE from the destruction of rainforests for monocrop palm oil farms.

4.5 We support the use of farm plans to reduce resource consenting burdens where possible as long as inspections are thorough and cover the whole farm, not just a quick drive-by visible inspection. **We strongly recommend enabling approved and trained iwi and hapu staff to be allowed a formal role in environmental and cultural monitoring and compliance**.

4.6 **We support proposals** to reduce further intensification of farming and acknowledge law changes later this year that might allow increased intensification and the need to urgently prevent that. We **also strongly recommend the council look beyond just stopping increases and propose reductions to current intensive farming practices** as well.

4.7 We encourage diversification that enables local economies to cover their needs, increase carbon sequestration, improve the environment, increase good employment for local communities and reduces harm to animals.

4.8 We support the proposals for encouraging the remediation of fish passage and recommend the remediation work be done as soon as possible. Our lakes, estuaries and wetlands are of particular concern

4.9 We recommend monitoring sea water intrusion into streams, estuaries and aquifers due to sea level rise from climate change, along the coastal area. Seawater intrusion will impact farmland, potable water, remove habitat for freshwater species, and affect groundwater quality.

4.10 As new legislation under Taumata Arowai and climate change make more businesses and communities shift to bore water, we recommend increasing monitoring and reporting for hazardous chemicals in the surface water and groundwater. Lessons must be learnt from Dow Agrisciences, South Taranaki diesel fracking and recent chemical spills from Remediation, Fonterra and Silverfern to prevent similar or worse pollution. Precautionary principles and indeed expanding knowledge, regulations & monitoring of the many new chemicals being used is wise.

5. <u>Understanding E.coli:</u>

5.1 We are deeply disappointed at the baseline state of our waterways and lack of significant improvement projected in future targets for E.coli. This is unacceptable. While council estimates 86% of required streams have been fenced, we have seen many inadequate fences and missed areas that should be fenced - understanding of course that there is still an estimated 14% to fence off. We

recommend all fences and waterways are assessed urgently during annual farm inspections or other visits, and desktop satellite map assessment to test if they are adequate.

5.2 Given E.coli counts are still high despite so much riparian protection, we **strongly recommend that riparian margins are increased** to create wider buffer zones to direct and indirect discharges. This could be a requirement of all new fencing work and a transitional requirement for areas already fenced so that any fence replacements must allow an increased riparian protection area. Riparian fencing should ideally follow visible floodplain margins in the environment, with fences set back at least a metre from the top edge of the floodplain bank, further back if the floodplain is narrow with space wide enough to grow at least 3 layers of plants eg. wīwī, pūrei and toetoe closest to the waterway, followed by harakeke, TĪ kouka, karamū, taupata etc and then larger trees. One metre distant fencing with or without planting is totally insufficient.

5.3 We recommend high risk areas to sea level rise, increased flooding, drought and porous or compacted soils, have more stringent rules such as larger setback margins, thorough planting requirements and reduced animal size or stock numbers to reduce effluent leaching.

6. <u>Understanding Sediments</u>:

6.1 While natural soil types and climate change effects make reducing sediment load in some places difficult, we must not use that as an excuse to not reduce impacts from deforestation, earthworks, inadequate stock exclusions and riparian planting. **We strongly and urgently recommend increasing stock exclusion protections and reforestation on high risk areas and high sediment load catchments.**

7. <u>Understanding Earthworks and Land Disturbance</u>

7.1 We note the many concerns identified in your document and support proposals to shift to consenting pathways for large-scale earthworks. We are uncomfortable about letting small-scale earthworks continue as permitted. It is our experience that the many small earthworks across Taranaki have, over decades, buried and redirected waterways, wetlands and estuaries, allowed undocumented landfilling of many dangerous and contaminated items, as well as causing extensive damage to waahi tapu, areas of cultural significance, and caused other harm to natural landscapes eg. mining of lahar mounds. With the rise of trained and certified cultural monitors in Taranaki, we will see a rise in reporting of this kind of earthworks damage and subsequent stress and administrative and compliance work. A lot can be done to avoid this through training and education of machinery operators. Incorporating this education and monitoring in farm plans would be helpful.

7.2 We encourage council to work with mana whenua to identify areas of cultural significance and waahi tapu in a manner that does not hand protection over to council or landowners but creates a partnership of kaitiakitanga and allows access to mana whenua.

7.3 There are also permitted or discretionary earthworks allowed in rivers which needs reviewing. We question the right for example, to regularly realign the Hangatahua awa because a farm is at risk of the awa reforming its natural path. There are several farms formed on the floodplain that just need to retreat, as rivers will flood more with increasing storms due to climate change.

7.4 We question the necessity of many earthworks. The term digger happy did not come out of thin air. A pathway with more oversight from the community is preferred so that effects on the community and environment can be avoided.

8. Understanding Nutrients and Periphyton

8.1 We look forward to the new Target Attribute States for nutrients, sediment, E.coli and periphyton. In the meantime, the situation looks a bit bleak yet solutions seem obvious. Yes, riparian fencing, planting and native reforestation helps but cannot be the only tool used, as your data shows. We must reduce the impacts of intensive farming by reducing stock numbers, stock size, where and when stock can graze, and reduce inputs such as fertiliser, herbicides and effluent from reaching water bodies.

8.2 We note the nitrogen cap introduced recently is very rarely breached. This could be interpreted as good farming management but we would argue the cap is set far too high and your data backs that up. The particular zone of high nitrate and phosphorus concentrations in southern Taranaki could be blamed on soil type and localised low rainfall but there just happens to be a giant fertiliser factory in the middle of this area. We regularly see trucks and farm vehicles transporting uncovered loads of fertiliser that blow out and spill out into the environment. Nga Hapu o Nga Ruahine and Ngati Ruanui have experienced several fish kills over the years from multiple factory chemical spills and toxic levels of nutrients and depleted oxygen in their tupuna awa, affecting their taonga species, not just in awa but on their reefs. Many of their reefs are so damaged from pollution and silting they are unfit for mahingakai.

Conclusion

In summary, we return to the concept of fairness. We have a current government set on stripping Maori of any recent gains in legislation to remove racism-based harms and to restore social equity. We can see the harm industrial farming has done to Maori and the environment in Taranaki and we can see the failures in municipal and industrial wastewater treatment systems. We must not bend to the wants of private businesses who profit by putting their costs on the environment and communities. There are some farmers who are trying to grow food differently, within social and ecological boundaries. They see the writing on the wall: their kids don't want to farm like their parents and have left or are leaving the industry and at times, the country. The fossil fuels are going to be unaffordable soon and so too the whole import-export commodity product economy. Business owners can blindly drive trucks off cliffs pretending we can continue like this forever or they can stop and be part of a planned collective transition. New freshwater legislation could be a stick and a carrot to help businesses redesign a way to coexist fairly with everyone else on this planet.