



31 October 2019

S19.25

## **Submission to the Ministry for the Environment on Action for healthy waterways**

### **Introduction**

- 0.1. The National Council of Women of New Zealand (NCWNZ) is an umbrella group representing over 200 organisations affiliated at either national level or to one of our 15 branches. In addition, about 450 people are individual members. Collectively our reach is over 450,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially, environmentally and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
- 0.2. This submission has been prepared by the NCWNZ Climate Change and Environment Standing Committee and is consistent with longstanding policy on the quality of our water, including: "That NCWNZ accept as a matter of policy the need for legislation stringently to control the quality of inland waters and to protect aquatic ecosystems. 1984."<sup>1</sup>
- 0.3. Further in 1998 NCWNZ submitted on the Proposed Freshwater Quality Monitoring standards and remains concerned today.

### **1. Overview**

- 1.1. NCWNZ congratulates the government on initiating significant review of New Zealand's freshwater quality to address the urgent need to improve the health of all waters.

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<sup>1</sup> <https://www.ncwnz.org.nz/wp-content/uploads/2013/06/115-years-Register-everything-2.pdf> Policy 7.1.4.3

## 2. 1.6 Questions

### *1. Do you think the proposals set out in this document will stop further degradation of New Zealand's freshwater resources, with water quality materially improving within five years?*

- 2.1. Clause 1.5 The Path Forward, and the urgency for change is fully supported by NCWNZ. The proposals are ambitious and are essential especially in light of the research that is coming through on nitrates in water that has serious health effects on children.<sup>23</sup>
- 2.2. NCWNZ believes it is unlikely that further degradations of New Zealand's inland waters will "stop" in five years because of the following reasons:
- There is a need for science to be resourced to advise on significant change and policy at national and regional and local levels.
  - There is significant variation across New Zealand on the contributors to degradation that it would take significant time and resourcing to address this.
  - There is some concern that present governance structures do not have the capability and independence to administer the changes required.
  - Significant time needs to be taken to train, set up and implement the most appropriate approach with all parties – government at its three levels, iwi and community.
  - There is a need for parliament to be of one mind in maintaining capacity through successive governments.
  - There will need to be considerable time for required changes to be set in and be measurable.
  - The need for ongoing leaching of nutrients from pastoral farming, that can take up to 50 years to resolve.<sup>4</sup>
  - Time and costs to address inadequate infrastructure, including cities such as Auckland will be significant.

### *2. Do you think the proposals will bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation?*

- 2.3. NCWNZ believe there may be some measurable improvement within a generation but it will take ongoing government commitment and resourcing for policy implementation together with continuous community education and buy-in to new practice and behaviours.
- 2.4. Furthermore, rising global temperatures will increase water temperatures that will in turn increase eutrophication; this will have the effect of slowing positive change and exacerbating negative change.

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<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6068531/>

<sup>3</sup> [https://www.atsdr.cdc.gov/csem/nitrate\\_2013/docs/nitrate\\_patient-education.pdf](https://www.atsdr.cdc.gov/csem/nitrate_2013/docs/nitrate_patient-education.pdf)

<sup>4</sup> <https://www.rnz.co.nz/news/regional/278824/target-reduction-of-nitrogen-into-lake-taupo-met>

***3. What difference do you think these proposals would make to your local waterways, and your contact with them?***

- 2.5. In the Auckland Council, local boards are taking initiatives in incentivizing community based clean ups of local waterways and small indigenous fresh water wildlife are reported to be re-colonising. (Auckland Council) and the positive momentum is likely to increase.
- 2.6. NCWNZ has some concern that local and regional government will take significant time to turn around the “business as usual approach” in strategy and significant land-use decisions may be made to serve short term expediency rather than a water quality based future vision.

***4. What actions do you think you, your business, or your organisation would take in response to the proposed measures?***

- 2.7. NCWNZ is committed to the improvement of the health and wellbeing of women and children and to gender equality, and is committed to supporting the education of women to achieve healthy waterways in local communities.

***5. What support or information could the Government provide to help you, your business, or your organisation to implement the proposals?***

- 2.8. NCWNZ is not directly involved in water quality protection, however individual members through other organisations contribute in other ways to achieve these outcomes.

***7. Do you think it would be a good idea to have an independent national body to provide oversight of freshwater management implementation, as recommended by KWM and FLG?***

- 2.9. NCWNZ strongly supports this and gender balance in the approach including appointments to a national water body. Independence of a national water body is critical. Women should be equally represented in appointments and in decision-making that relates directly to access to affordable drinking water and to clean water.
- 2.10. Further, an independent national water body would provide for greater accountability by regional and local government; provide for specialist advice to regions; oversee the quality of expertise in the setup of planning and monitoring of processes; address areas of challenge in terms of policy and implementation and fine tuning; provide a point of reference for collaborations with government, the private sector and communities.
- 2.11. There is risk that regional and local bodies may not be resourced adequately for the required expertise. Therefore, advice from an independent national body would be essential.

***3. 4.7 Te Mana o te Wai***

***9. Do you support the Te Mana o te Wai hierarchy of obligations, that the first priority is the health of the water, the second priority is providing for essential human health needs, such as drinking water, and third is other consumption and use?***

- 3.1. This concept is supported as a framework, based on bi-cultural application with the Treaty of Waitangi/Te Tiriti o Waitangi. NCWNZ believes it is important that engagement with Maori and non-Maori values with respect to water and its management be undertaken with an underlying respect for gender equality.

- 3.2. However, NCWNZ believes that the access to clean affordable drinking water is a basic human right and that it should be available to all peoples. With the increasing disparity of wealth in New Zealand, if this right is not the first priority, some will be left behind. The following illustrates how urgent change is and why.
- 3.3. Water New Zealand's chief executive John Pfahlert said New Zealand's {sic drinking water standards} overall compliance levels of 80 percent were totally inadequate when compared to somewhere like the United Kingdom, where compliance was almost always above 99 percent.<sup>5</sup>
- 3.4. Further, climate change is likely to affect our water, and women and children are most affected. The UN established Committee for the Elimination of Discrimination against Women highlights the added adversity faced by women.<sup>6</sup>
- 3.5. Its General Recommendation addresses several areas of concern where women are especially at risk due to the impacts of climate change, including the right to an adequate standard of living (including food, water and sanitation) the right to education and gender based violence against women.
- 3.6. It must not be overlooked that New Zealand has one of the highest rates of family violence in the OECD.<sup>7</sup>
- 3.7. NCWNZ recommends that the right to affordable drinking water for all, must be the first priority.
- 3.8. ***10. Do you think the proposals will have the desired effect of putting the health of the water first?***  
***NCWNZ does not agree with putting the health of water first*** The primary basic human right should be provision of clean affordable drinking water. Water should always remain in public ownership and its pricing managed in a manner that enables women and the poor to have secure access to affordable drinking water.  
***11. Is it clear what regional councils have to do to manage freshwater in a way consistent with Te Mana o te Wai?***
- 3.9. The framework appears clear to NCWNZ, however it will take time to develop and to learn the processes, to secure skilled advisors, to educate the community and to ensure the governance processes are fit for purpose.  
***12. Will creating a long-term vision change how councils and communities manage freshwater and contribute to upholding Te Mana o te Wai?***  
***New Māori value***
- 3.10. NCWNZ believes that a long-term vision is essential provided there has been robust community engagement and that the vision is responsive to changing environmental conditions. This will give a focus to provide for certainty of direction.

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<sup>5</sup> <https://www.rnz.co.nz/news/national/337490/nz-s-drinking-water-compliance-totally-inadequate-water-nz>

<sup>6</sup> <https://www.business-humanrights.org/en/un-cedaw-committee-adopts-general-recommendation-on-states-womens-rights-obligations-with-climate-related-disaster-risk-reduction>

<sup>7</sup> <https://www.stuff.co.nz/national/politics/90657034/nzs-highest-rate-of-family-violence-in-the-developed-world--amy-adams-has-had-enough>

**13. Do you think either or both of these proposals will be effective in improving the incorporation of Māori values in regional freshwater planning?**

3.11. In principle NCWNZ supports Proposal 1 for reasons determined by Kahui Wai Maori.

**14. Do you foresee any implementation issues associated with either approach?**

3.12. Resources will be a key factor in the success of implementation, both in securing appropriate training and in the breadth of the significant areas that need to be addressed.

**17. Do you support the proposal for a faster freshwater planning process? Note that there will be opportunity to comment on this proposal in detail through the select committee process on the Resource Management Amendment Bill later this year.**

3.13. NCWNZ believes integration of the role of statute and National Policy Statement is important to achieve balance and effective action, however inconsistencies remain that need addressing to achieve an effective process.

**18. Does the proposal make the roles and responsibilities between regional councils and territorial authorities sufficiently clear?**

3.14. NCWNZ notes that the importance of roles and responsibilities of each public sector organisation being clearly defined and integrated to achieve comprehensive and overarching systems for fresh water management. This requires collaboration and connected decision-making.

3.15. The Whanganui River case that provided legal personhood provides illustration of the importance of this approach.<sup>8</sup>

#### **4. Exceptions for major hydro schemes**

**19. Does the proposal to allow exceptions for the six largest hydro-electricity schemes effectively balance New Zealand's freshwater health needs and climate change obligations, as well as ensuring a secure supply of affordable electricity?**

4.1. The exception is not supported by NCWNZ unless there is an effective balance in the tensions between fresh water quality and climate change obligations. A *creative* tension is supported.

**50. Do you have any other comments**

#### **5. Aligning Resource Management Act national direction.**

5.1. NCWNZ emphasizes the importance of providing a national direction and an integrated approach between government sectors. The UN Sustainable Development Goals [SDGs] lay out 17 Goals. Goal 17 is about Partnerships.<sup>9</sup>

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<sup>8</sup> <https://www.parliament.nz/en/get-involved/features/innovative-bill-protects-whanganui-river-with-legal-personhood/>

<sup>9</sup> <https://www.un.org/sustainabledevelopment/>

- 5.2. NCWNZ supports the SDGs including integrated management and joined up thinking at every level of the public and private sector.
- 5.3. NCWNZ notes the apparent silence in the discussion document on the management of mining in New Zealand. Some of the most polluted rivers are downstream from current mining. In the words of the Parliamentary Commissioner for the Environment, “Mining of some minerals and other resources will continue to be a part of New Zealand’s future, but we must ensure that it is done with far more sensitivity, discrimination, and good environmental management than it has been done in the past.”<sup>10</sup>
- 5.4. NCWNZ recommends that a national direction is established to take account of the Parliamentary Commissioner for the Environment findings, and recommends that regional councils must be held to account to monitor and enforce compliance with existing licencing and consents.
- 5.5. NCWNZ also recommends that the quality of drinking water be monitored especially in areas displaying river and ground water pollution from mining.
- 5.6. The Ministry of Business, Innovation and Employment [MBIE] has recently consulted the public on the Minerals and Petroleum Resources Strategy. A significant lithium mineral reserve is referred to in an area close to the Rotorua lakes and Waikato River. There is no mention in this discussion document or National Policy Statement of mining processes despite lithium mining being a significant known water polluter. It is recommended that clear frameworks are put in place to manage mining practices, whether in the public or the private domain, in relation to adverse effects on the quality of water.<sup>11</sup>
- 5.7. It is suggested that the Ministry of the Environment engage with MBIE and other government departments including the Ministry for Women on matters raised in this submission.
- 5.8. NCWNZ suggests that there will be increased pressures created by the National Policy Statement that require added checks and balances that may not be in place. Examples include:
- Lack of integration of values beyond water in catchment assessments e.g. outstanding natural landscapes.
  - A new risk that seems to be unrecognised appears where land is destocked creating pressure for urbanisation in outstanding natural areas. Adequate controls are not apparent in the NPS for his eventuality.
  - The compulsory inclusion in regional and district plans of “mitigation of cumulative adverse effects” as a planning tool is challenged and requires review. It is a tool that has

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<sup>10</sup> [https://www.pce.parliament.nz/media/1336/stockton\\_mine.pdf](https://www.pce.parliament.nz/media/1336/stockton_mine.pdf) p.7

<sup>11</sup> <https://www.mbie.govt.nz/have-your-say/draft-minerals-and-petroleum-resource-strategy-public-consultation/>

been used in decades of consents, that some would argue has contributed to incremental water quality degradation. This requires addressing in the RMA review also.

- Reference should be made to indigenous plantation as a land use option in water sensitive areas. This is believed to be the highest quality of use to protect water quality rather than rezoning for housing; the latter option that could be used to serve political or financial outcomes at regional and local level, ahead of water quality outcomes. To protect water quality, the use of indigenous planting requires support in the NPS, and in the wider context of carbon offsets.
- Inconsistency of definitions of the term “Environment” Resource Management Act [RMA] Part 1 Section 2 and the Definition of “Environmental outcome” Section 6 the National Policy Statement, with the latter's definition is narrow and must be consistent with the RMA definition intent.
- **Freshwater Management Units** There appears to be no recognition given to the effect of climate change in the identification and monitoring requirement of Freshwater Management Units. Both climate change and the heating of the planet’s water directly affect water quality.
- **Water temperature** should be one of the indicators that is regularly and seasonally measured. NCWNZ draws attention to the findings of Dr Warwick Vincent concerning “increased risk of harmful cyanobacterial blooms in northern high latitude lakes through climate warming and phosphorus enrichment.”  
At a public meeting that Dr Vincent addressed in Rotorua in 2018 he confirmed that the heating of lakes and rivers was a significant risk to their health especially so with the added factor of phosphorus, nitrogen and other enrichments and toxins from land use, and the potentially negative consequences for higher trophic levels.<sup>12</sup>

5.9. NCWNZ also supports the joint statement on water “Healthy Water” put out by The Public Health Association, Forest & Bird, Fish & Game New Zealand, Environmental Defence Society, Recreation Aotearoa, Greenpeace, Water New Zealand, Whitewater NZ, and Choose Clean Water.<sup>13</sup>

## 6. Conclusion

6.1. In general, NCWNZ supports this timely review of water health, however a number of recommendations are outlined to ensure such a review achieves a positive outcome for all.

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<sup>12</sup> Przytulska, A., Bartiowicz, M. and Vincent, W.F. 2017. Increased risk of harmful cyanobacterial blooms in northern high-latitude lakes through climate warming and phosphorus enrichment. *Freshwater Biology* 62: 1986-1996, doi:10.1111/fwb.13043.

<sup>13</sup> <https://www.forestandbird.org.nz/resources/groups-unite-freshwater-policies-healthy-water>

A stylized, handwritten signature in black ink, appearing to be 'Pip Jamieson', enclosed within a large, loopy circular flourish.

Pip Jamieson  
NCWNZ Board

A handwritten signature in black ink that reads 'Christine Caughey'.

Christine Caughey  
Convenor: NCWNZ Standing Committee for  
Climate Change and the Environment