SUBMISSION CLEAN WATER CONSULTATION 2017 (DOC: ME1293)

TO: Clean Water Consultation 2017
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SPS is a Society dedicated to the conservation of the "treasures" of the New Zealand Surfing Community - our surf breaks - through the preservation of their natural characteristics, water quality, marine eco systems and low impact access for all. We strive to be Aotearoa's Kaitiaki "Guardians - Trustees" of our surf breaks and the natural environments that compliment them.

A number of versions of the National Policy Statement Freshwater Management (**NPSFM**) are referred to in this submission. The following abbreviations are used:

- NPSFM 2014 – referring to the 2014 iteration of the NPSFM.
- NPSFM-CDV – referring to the Consultation Document amended version of the NPSFM 2014.
- NPSFM – referring to the NPSFM generally, including in future form.

1. SPS welcomes the opportunity to comment on the consultation Document *Clean Water 2017* **(Consultation Document).**
2. SPS supports the submissions of the Environmental Defence Society (EDS), Forest and Bird (F&B), and Fish and Game. SPS is also endorsing the comprehensive submission from the Land and Water Forum. SPS has further information to add and seeks further relief.
3. SPS are very concerned that the Government has rejected most of the recommendations of the Land Water Forum a representative body of a wide range of stakeholders from farmers to Iwi to environmental groups that after nine years had agreed on key issues for the protection and management of Fresh Water in New Zealand. SPS is of the opinion that this process is flawed and propose relief to resolve this issue.
4. SPS strongly support the position of the EDS submission where; *Consistent and clear terminology should be used. The NPSFM should set a clear and definitive goal that water*

quality be suitable for ***primary contact recreation****.* The reason for this is that many more recreational activities occur in waterways and ocean than just swimming, swimming is only one of many activities involving immersion or primary contact.

5. SPS is concerned that Sir Geoffrey Palmer has reviewed the Ministers preferred changes to the NPSFM on behalf of Fish and Game, and has found that the Minister's discussion document would elevate economic considerations over the environment, should they be accepted. The result would relegate environmental impacts of Human activities and consent applications to a secondary consideration, this conflicts with the Principals of the RMA.

"SPS" and "importance of surf breaks"

6. SPS was a successful submitter to the Board of Inquiry (BOI)[1] to the New Zealand Coastal Policy Statement (NZCPS) gazetted 3RD December 2010.[2] The BOI found that "natural surf breaks are outstanding natural features in their own right." That "help constitute the natural character of the coastal environment."

7. In the NZCPS 2010 Nationally significant surf breaks are listed in schedule one of the national policy Statement (policy 16) as Outstanding Natural Features (ONF's) where adverse effects must be avoided. This includes *avoiding adverse effects of other activities on access to, and* ***use and enjoyment*** *of the surf breaks.*

Reasons for SPS Concerns

8. Policies 13 and 15 give direction to Regional Authorities to map or otherwise identify regionally significant ONF's, including surf breaks. A number of regional authorities have already done this, or are in the process of, in their own regional schedules of significant surf breaks, including; Greater Wellington Regional Council, Taranaki Regional Council, Bay of Plenty Regional Council, Auckland Council, Nelson City, Otago, and others that are in various stages of regional plan process.

[1] http://www.doc.govt.nz/Documents/getting-involved/consultations/closed-consultations/nzcps/NZCPS-2008-board-of-inquiry-vol-2.pdf
[2] http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010.pdf

9. The full spectrum of participation in surfing culture includes the most basic of learner experiences and the thrill of 'being' in the ocean, to descriptions of transcendental and profoundly spiritual experiences from surfers who feel a part of the flow of nature (Moore, 2011; Stranger, 1999; Taylor, 2007). Surfing as an experiential attribute of Natural Character provides therapeutic benefits recognised in medical circles[3] internationally as having a balancing effect on sufferers of Post-Traumatic Stress Disorder, Autism, depression, and other mental conditions. It has often been said that; "Only a surfer knows the feeling" Multiple World surfing champion Kelly Slater who is a patron of surf Therapy cites surfing as "being the ultimate connection with nature." Simply immersing oneself in water (be it freshwater or salt) is also recognised as being beneficial to one's own state of mind.
10. SPS asserts that it should be noted that many of New Zealand's recognised surf breaks[4] occur at river mouths or estuary entrances, the remaining surf breaks are often not too far distant. When it comes to water quality at these river mouth's surfers are at the bottom of the food chain for receiving pollutants from upstream. Fresh water travels at the top of the water column along with all the pollutants added by human activities. Surfing is a primary contact recreation activity that also exists in the top of water column. It is common terminology for Territorial Authorities to refer to these recognised surf breaks as "mixing zones" for the purpose of dissolution of human waste (e.g. Whangamata Bar, Lyall Bay etc.).
11. The MfE guidelines[5] for sampling waterways (especially estuaries) is flawed in that the guidelines recommend sampling be undertaken at depths between 15 and 30 cm. Waste water (and storm water) occupy the top of the water column, as fresh water is lighter than saltwater, therefore accurate sampling is compromised.
12. It's ironic that out of all water users, surfers have the best legal protection for water quality through the NZCPS in that "the use and enjoyment of surf breaks" is protected yet surfers often receive the poorest water quality. There are higher standards and stricter enforcement for hygiene at cowsheds than there is for the beach.
13. For example, Whangamata has two estuaries, the Whangamata estuary entrance hosts the world famous Whangamata Bar while the Otahu estuary holds a regionally significant surf

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[3] "High-Intensity Sports for Post-Traumatic Stress Disorder and Depression: Feasibility Study of Ocean Therapy With Veterans of Operation Enduring Freedom and Operation Iraqi Freedom" Carly M. Rogers; Trudy Mallinson; Dominique Peppers 2014;
"The Concept of Flow" Jeanne Nakamura & Mihaly Csikszentmihalyi

[4] The Wavetrack New Zealand Surfing guide lists 470 recognised surf breaks or surf break areas, the Wavetrack guide was also accepted as a legitimate identification proxy by the NZCPS Board of Inquiry (2009a, pp. 132–133) for identifying breaks of national significance.

[5] http://www.mfe.govt.nz/publications/international-environmental-agreements/microbiological-water-quality-guidelines-marine#notehii (Note H(ii): Techniques for taking and analysing samples Where to sample)

break at its entrance. The MFE website hosts a swimming quality maps page where you can search online for water quality status for New Zealand Rivers.[6] The Otahu estuary is rated as intermittent. The 2nd lowest category on the scale. The Whangamata estuary receives fresh water from five tributaries yet has no rating as water quality standards are either not measured or published by the Wiakato Regional Council. The Whangamata Bar at the estuary entrance is one of New Zealand's nationally listed surf breaks as listed in schedule 1 of the NZCPS where adverse effects must be avoided.

14. The Whangamata estuary receives numerous unconsented wastewater discharges that continue to this day and has been the subject of a Parliamentary Commissioner of the Environments Report[7] to the tune of $1.5 million dollars where the report's recommendations have been largely ignored by both councils named in the document (TCDC and WRC). The Bay of Plenty for example has numerous recognised surf breaks that are registered as poor or intermittent (Whakatane Heads, Little Wahi, and Airports/Rangitaiki) on the MfE swimmable maps page. Many other recognised surf breaks in the BoP form where small streams and waterways meet the sea (e.g. Matata Straights) where no sampling is undertaken. Stent Road one of New Zealand's top 3 rated surf breaks also listed in schedule one of the NZCPS is susceptible to cow dung leaving a slippery residue on rocks as surfers enter the water, the residue comes from farm drains that empty onto the coast…

15. Raglan is also a surf break area that is recognised in the NZCPS as being a surf break of international significance as listed in schedule 1 of the NZCPS. Raglan is a series of point breaks, with associated beach breaks in Manu Bay (Ngarunui beach) that are located near the entrance to the Whaingaroa estuary. The MfE water quality swimming maps web page measures two waterways that are tributaries to the Whaingaroa estuary, the Waitetuna River rated poor, and the Waingaro River, also rated poor, while just a couple of kilometres upstream it is rated as intermittent. It should be noted that the local Raglan community have put in a huge effort over recent years to improve water quality by way of riparian planting in the Whaingaroa estuary.
16. The majority of New Zealand surfing beaches are either of poor or intermittent quality for primary contact recreation (including swimming) or not monitored at all.

[6] http://www.mfe.govt.nz/fresh-water/freshwater-management-reforms/water-quality-swimming-maps
[7] http://www.pce.parliament.nz/media/pdfs/Whangamata_full_report.pdf

17. SPS has alerted a number of authorities over the years to contamination events due to the effects of agricultural runoff (and waste water plant discharges) SPS has observed a lack of willingness to investigate these events by local authorities.

One such example is a "Phytoplankton bloom" highlighted along the Christchurch coastline including to a popular surf break Taylors Mistake. In a Dominion Post article on Jan 26 2017.[8]

The reporters contacted Environment Canterbury who released a stock standard

Photo Courtesy JOHN KIRK-ANDERSON/FAIRFAX NZ,

response with limited information: *"Environment Canterbury (ECan) said it was a Phytoplankton bloom, based on water samples. It was not toxic and the water was safe to swim in."…* "*The blooms are caused by microscopic plants concentrating in a sunlit part of the ocean."*

18. SPS were not satisfied by this and questioned ECan further. The response we received from ECan Senior Water Quality Scientist Dr Lesley Bolton-Ritchie provided a little more information:

"In my opinion the current bloom has been caused by an influx of nutrients. The bloom has likely been triggered by the change in salinity caused by the input of freshwater in combination with the inflow of nutrients. There has been significant rainfall in the alps and hence high flows in the Waimakariri River over the last week (see figure below). As well there has been local rainfall with 12.4 mm of rain recorded by the LPC rain gauge on Sunday 22 January. The Waimakariri river water will be the main source of the nutrients within Pegasus Bay."

The MfE website swimmable maps page notes that the Waimakariri River has a rating of

[8] http://www.stuff.co.nz/dominion-post/news/national/88805739/Popular-Christchurch-beaches-turn-green

excellent, however the Kaiapoi River which runs through the town of Kaiapoi and connects with the Waimakariri river just over a couple of kilometres from the sea, is rated as poor. One of the tributaries to the Kaiapoi links up to main drain Rd, which collects much runoff from North Canterbury Dairy farms. The regionally significant surf break Pines is located near the entrance to the Waimakariri river mouth.

19. Regional Authorities around New Zealand release only limited information when such contamination events occur, and are putting at risk the health of the general public, specifically primary contact recreation users – including surfers. The advice from many if not all regional authorities is that the public should not enter coastal waters up to 48 hours after a rainfall event. How does this established norm integrate the vague objectives and policies of the NPFSM 2014 in regard to the NZCPS? The objectives and policies of the NPFSM are inadequate in that the reference or guidance to territorial authorities is fundamentally weak.

20. No reference in the NPSFM is made to the inter-tidal zone. The Inter –tidal zone includes estuaries and other contact points where the land and waterways meet the sea. Inter – tidal zones – including estuaries rate as very high in regard to biodiversity, are highly reproductive areas and are sensitive to increased sediment flows, increased nutrient – overloads. Akin with surfers, the inter – tidal zone is at the receiving end of the degradation of our water ways by human activities. The NPFSM gives no direction on integration with policy 21 of the NZCPS; Policy 21 Enhancement of water quality, except in the case of a target date of 2040 for swimmable limits for rivers and lakes that correspond with a newly introduced threshold for E.coli by the minister for the Environment. SPS states that the new threshold and target date limits are unacceptable.
21. Fitzroy Beach, East End in New Plymouth, and Oakura, also in Taranaki, are the only three beaches in NZ certified with an 'International Blue Flag' eco-label for their environmental, education and safety status. The beaches did (and still do) meet the Blue Flag criteria but the NPDC did not renew the registration, one can only presume due to the nominal costs involved..
22. Surfers are essentially tourists in that more often than not travel from a home location to a surf beach, either locally or to other regions further afield in N.Z. New Zealand over recent years has seen an explosion of international surf tourism.
23. Considering Tourism is New Zealand's largest export industry in terms of foreign exchange earnings, we need to take care of our tourism assets, i.e. surf breaks and the environment

that supports them. A Massey University report[9] highlights this very real conflict between intensive dairying, and the negative impacts on the environment (that sustains our tourism industry): "*At the higher end, the estimated cost of some environmental externalities surpasses the 2012 dairy export revenue of NZ$11.6 billion and almost reaches the combined export revenue and dairy's contribution to Gross Domestic Product in 2010 of NZ$5 billion. For the dairy industry to accurately report on its profitability and maintain its sustainable marketing label, these external costs should be reported. This assessment is in fact extremely conservative as many impacts have not been valued, thus, the total negative external impact of intensified dairying is probably grossly underestimated.*"

24. It has been asserted by many organisations submitting to this discussion paper that looking after our waterways will improve our international profile, and the once lauded 100% pure promotion. Over the last 30 years New Zealand has seen a massive increase in intensive dairying of which no one can deny is a major contributor to environmental degradation while the Government and influential lobby groups (e.g. Fonterra and federated Farmers) are paralysed in a state of plausible deniability, forever painting themselves into a corner.
25. The monitoring of fresh water standards in New Zealand is exercised in an ad hoc fashion by territorial authorities that rarely enforce breaches of safe limits for primary contact recreational activities such as surfing, kite surfing, windsurfing, stand up Paddle boarding, swimming, diving, fishing, etc. Many town and city wastewater treatment plants are inadequate to cope with even light to moderate rainfall events, or increased tourist numbers.
26. SPS notes that this review provides options for the Minister to consider:
The Minister for the Environment intends to seek an independent review of the implementation and effectiveness of this national policy statement in achieving all its objectives and policies and in achieving the purpose of the Act, no later than 1 July 2016.The Minister shall then consider the need to review, change or revoke this national policy statement. Collection of monitoring data to inform this review will begin at least two years prior to the review.

27. The MfE has just released its "Our Fresh Water 2017" report just one day before submissions close on this discussion document. The MfE report highlights widespread extinction of a

[9] **New Zealand Dairy Farming: Milking Our Environment for All Its Worth**; Kyleisha J. Foote, Michael K. Joy, Russell G. Death

significant number of native species and calls for urgent action to protect and restore our waterways. This coincides with many of the recommendations of the Land Water Forum being rejected by the Minister, which has resulted in a significant number of stakeholder groups resigning from the forum as a consequence.

In light of these events the Minister needs to give serious consideration to his options on implementation or otherwise, of a revised NPSFM.

Key findings from the report are:

- nitrogen levels are getting worse at 55 percent and getting better at 28 percent of monitored river sites across New Zealand

- phosphorus levels are getting better at 42 percent and getting worse at 25 percent of monitored river sites across New Zealand

- of the 39 native fish species we report on, 72 percent are either threatened with or at risk of extinction

- *E.coli* levels are 22 times higher in urban areas and 9.5 times higher in pastoral rivers compared with rivers in native forest areas

- 51 percent of water allocated for consumptive use is for irrigation, and 65 percent of that is allocated to Canterbury.

28. The concerns of the MfE report reflect those of the OECD report "Environmental Performance Reviews – New Zealand 2017" One of the recommendations of the OECD report is to accelerate implementation of water management reforms. And New Zealand should; *build on its well-developed research and innovation system to export higher-value products, and it should decouple growth from natural resource use* (emphasis added).

29. The OECD report notes that: In potential conflict with the freshwater management policy, the government wants one million ha of land under irrigation by 2025. It also seeks to double primary industry exports in real terms between 2012 and 2025. To that end, it has established grants and concessionary financing for irrigation projects. However, this financial support lacks systematic consideration of environmental and community costs.

30. In other words, any reference to balancing environmental objectives against economic growth or expansion, especially where our waterways are polluted by increased nitrogen inputs from intensified dairying, and irrigation, will run counter to the overriding objectives to improve water quality in the NPSFM.

In summary.

Both the NPSFM 2014 and the NPSFM-CDV do not lend any reference to the New Zealand Coastal Policy Statement, except for the preamble of the NPSFM 2014 in which its states: *"The New Zealand Coastal Policy Statement 2010 addresses issues with water quality in the coastal environment. The management of coastal water and fresh water requires an integrated and consistent approach."*

The objectives of the NPSFM 2014 lend no reference to protecting receiving coastal waters from the impacts of human degradation of fresh water inputs. This should be resolved by inserting a new objective that the NPFSM must support the NZCPS, not undermine it, as water quality in our coastal waters are directly influenced upstream by fresh water entering the coastal environment.

The inclusion of any new test that requires a balancing of environmental considerations against economic ones in the NPFSM will constrain desired outcomes for both the NPSFM and the NZCPS and will specifically undermine the objectives and policies of the NZCPS. Any overriding emphasis on facilitating agricultural expansion as noted in paragraph 29 will hinder, delay, or perhaps even neutralise the urgent action that is required to restore our waterways to a point that they can sustain life and be suitable for primary contact recreation (i.e. also including swimming).

Policy A1 of the NPFSM 2014 is too vague in its relation to impacts on receiving coastal waters;
Policy A1;

a) establish freshwater objectives in accordance with Policies CA1-CA4 and set freshwater quality limits for all freshwater management units in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:

iii ***the connections between freshwater bodies and coastal water;***

Objectives and policies B and C are similarly vague in reference to integrated management of freshwater and coastal water relationships.

The NPSFM-CDV is also limited with vague reference to the relationship between freshwater and receiving coastal waters, and any prescription or reference points to improving water quality.

However the NPSFM-CDV does acknowledge that; *it is important that we deal with water quality issues within whole catchments – literally from the mountains to the sea.*

It must be recognised that many other recreational activities occur in and around surf breaks, many of which are located at coastal and holiday and tourist towns made popular by surfing itself (e.g. Raglan Whangamata, the Mount) surf lifesaving clubs are often situated nearby, with associated training and carnival activities taking place, New Zealand is based on an outdoor coastal culture.

SPS assert that it would be logical to give priority to improving water quality to those waterways that empty out to the ocean where surf breaks are located. As mentioned previously the Wavetrack New Zealand Surfing Guide. This compliments our assertion that the NPSFM needs to lend greater focus on intertidal zones where fresh water meets the sea, where 75 % of threatened native fish species breed, feed, and reside, and are under pressure from human activities upstream.

The NPSFM needs to recognise and provide clear objectives and policies that reflect the urgency that the inter – tidal zone is under threat from pressures upstream, which are diminishing our nation's biodiversity both in the waterways and on the coast itself.

Essentially, Monitoring of water quality, and the highest water quality standards, must be set at the inter - tidal zone of our waterways, where the ocean meets the sea. The inter –tidal zone must reflect the environmental bottom line for both the NPSFM and the NZCPS.

The NPSFM should include policy that gives direction to avoid adverse effects on Surf breaks of National significance as listed in Schedule One of the NZCPS. The NPSFM should also contain policy that gives direction to Territorial Authorities to avoid adverse effects on regionally significant surf breaks (the mapping and identification of regionally significant surf breaks in regional plans is a requirement of the NZCPS policies 13 and 15) as per the BOI to the NZCPS the list of regionally significant surf breaks is not to be seen as finite and may include surf breaks that may be identified in the future. As far as the NPSFM is concerned there should be opportunity to map and identify areas of any *primary contact recreation* in waterways and where these waterways meet the sea.

Relief sought:

That the Minister appoint a Board of Inquiry led by environment Court judges and commissioners consulted by appropriately qualified experts in the field of fresh water ecology and other associated disciplines. The BOI should be open to a full public consultation process.

If the Minister were to decline the BOI option then the following relief is sought:

That the objectives of the NPSFM include an Objective that states:

Objective xx
The NPSFM complements and supports the NZCPS where waterways connect with, or influence water quality on receiving coastal waters.

The NPSFM include policy that gives priority to improving waterways that are in the vicinity of National and Regional surf breaks.

The NPSFM include policy that gives priority to improving waterways that are in the vicinity of National and Regional surf breaks.

Policy xx Waterways.
Waterways that influence coastal water quality at surf breaks of National significance as listed in schedule one of the NZCPS do not adversely affect the surf breaks.

Policy xxx

Adverse effects of human activities on Waterways that unduly adversely influence water quality or amenity at surf breaks of regional significance be avoided.

Adverse effects of human activities on Waterways that have a minor or greater adverse effect on water quality or amenity at surf breaks of regional significance be avoided, remedied or mitigated.

The Surfbreak Protection Society appreciates your consideration of the points we have raised.

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