



Environment, Conservation & Economy:

Foundations for the Future

ECO Annual Conference 2010

Friday 2 - Sunday 4 July
Living Springs Conference Centre,
Govenors Bay, Christchurch

New Zealand is facing some huge environmental challenges. New ways forward must be found to protect our country's environment, our economy and our quality of life. These challenges will be the focus of this years ECO conference.

The opening session will address what values need to be considered, what contributes to wellbeing, and international and indigenous perspectives, with Geoff Bertram from Victoria University, Peter Horsley from Massey University, and Aroha Mead, chair of the IUCN's commission aiming to integrate environment and social policy.

Water and the International Year of Biodiversity are also key topics. The conference will also cover the debate over the management of Canterbury water and the challenges faced nationally. Speakers include former ECan regional councillor, Eugenie Sage.

Saturday evening will include a showing of part of the documentary on the Ross Sea – the last Ocean.



Some attendees at the ECO Conference 2009. Photo © ECO

Registration is open to the public. The conference is a great way to learn about the challenges we face, gain new skills and become energised and inspired.

As part of the conference, ECO is holding a community groups expo on Saturday afternoon, to provide an opportunity for local community conservation groups to share their experiences and promote the work they are doing. The expo is also open to non-member groups. If your group would like to be involved, please contact the ECO office.

ECO's AGM will take place during the conference on Saturday afternoon. Two field trips are also being organised for Saturday, including a trip to the Windflow wind farm and around the Whakaraupo-Lyttelton Harbour Basin.

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*Programme and
registration inside!*

Early bird lower cost registrations close on 18 June. ECO Members and Friends also receive discounted rates.



The budget – an old fashioned vision

By Cath Wallace

Finance Minister Bill English and the rest of the Cabinet seem not to be aware of modern theories of what contributes to human or environmental well being. The Budget, and the Government’s strategy of promoting economic growth and catching up with Australia, show a lack of awareness of modern environmental economic thinking, and of the modern theories and evidence of what actually contributes to wellbeing. Most of all, this Budget missed the opportunity to re-gear the economy and to steer it on a sustainable pathway.

The Government’s growth strategy is an unenlightened low value resource exploitation model, whether the resources be fish, water or minerals, with a seeming disregard for the environment and ‘natural capital’. The focus is all on market values as measured by Gross Domestic Product, with little attention to what actually, according to empirical studies, makes people feel happier or the environment more productive.

One element of the sustainability goal swept aside by National, was to recognise that each of the natural, social, cultural and human-made capital needs to be maintained, and that the neglect of any of the first three will put the others and the economy at risk. Such recognition also underpins the idea that natural capital is critical and that the economy and human demands and short sightedness should be contained so that biophysical systems of the planet and our environment are able to continue producing. Unconstrained economic activity will not maintain these vital systems and the decay of natural systems means loss of social and cultural capital.

Instead the government stresses the goal of catching up with incomes in Australia – seemingly oblivious to the mounting evidence that it is not absolute but relative income that affects peoples’ sense of well being. Stressing the gap with Australia will in itself damage New Zealanders’ sense of well being because it is relative rather than absolute income that affects our happiness. The absolute difference in income is not such a significant factor in well being. After the equivalent of about \$26,000 per year, increases in income contribute progressively less to happiness, and even then the effect wears off. Other things make much more difference: for instance having a job, keeping personal relationships strong, having a good income compared to others, and having good health.

“The Budget shows an unawareness of modern environmental economic thinking, and of the theories and evidence of what actually contributes to well being”

Layard (2003), in his empirically-based book for instance, measures what causes the happiness index to drop. Common and Stagl (2005) extract figures from Layard’s work and present the following table:

Effects of Changes on Happiness Index

Source of Change	Fall in Happiness Index
Income Family income down 33% relative to average	1
Work Unemployed (rather than employed) Job insecure rather than secure Unemployment rate up 10% Inflation rate up 10%	3 1.5 1.5 0.5
Family Divorced (rather than married) Separate (rather than married) Widowed (rather than married)	2.5 4.5
Health Own health assessment down 1 point on a 5 point scale	3

Source: Common and Stagl 2005; 202

Importantly, Layard’s work demonstrates that assessments of happiness tend to be relatively stable.

On the basis of the information above, our government would be right to put high priority on ensuring stability of jobs and of social cohesion and removing damaging pressure on relationships, but income as such is not the major issue.

The tax cuts have been promoted as being designed to promote a switch from consumption to savings and investment, which would probably be good for the environment, so long as the investment is not in more roads, more mines, more dairy cattle and more irrigation – yet these seem to be the very things that the government has in mind.

By contrast, investment in natural capital – conservation and the environment has been savagely cut.

The Ministry for the Environment has suffered from cuts to a range of programmes including \$2m from the sustainable living programme (which ends), nearly \$1m from it’s sustainable procurement programme and \$1m from RMA changes and EPA creation, and \$0.5m from community initiatives and freshwater quality and allocation work.

The Department of Conservation has a baseline reduction of \$7.314m which includes cuts in natural heritage which will see a cut of 70,000 ha in land where possums are controlled, and a \$2m cut in biodiversity funds on private land. All this is happening in the International Year of Biodiversity.

Some of the change represents a move away from conservation towards spending on recreation, and in the case of the Ministry for the Environment, some funding has been moved to the Environmental Protection Agency, which seems primarily to have the task of speeding infrastructure projects such as irrigation and roads on their way in the call-in process under the government's changes to the Resource Management Act. It may need to be renamed as the Economic Promotion Agency, rather than Environmental Protection Agency.

One of the perverse aspects of the Budget has been the refocusing on economic growth at a time when the emerging evidence is that increasing environmentally exploitative and socially unconstrained growth can result in what Herman Daly has called 'uneconomic growth'. What he means by this is that the growth of the economy damages people and the environment's wellbeing more than it benefits it. It is well documented that in numerous western countries, when Gross Domestic Product (GDP) is adjusted for spending to cope with harms generated by economic activity and social dislocation and loss of social cohesion, for environmental losses and so on, increases of GDP do not correlate with increases in well being.

Though the government's commitment to science was stressed by Bill English prior to the delivery of the budget, what he has done is reduce spending on public good science for the environment, to switch to science for business, part of the quest for economic growth. The Government has cut over \$19m from environmental research, over \$15.5m from the cross-departmental research pool over 5 years and \$0.5m in health and social research. For environmental research \$2.5m is being cut this year and \$3.6m next year.

The Ecological Economics literature shows that if you want to increase wellbeing, one of the most effective methods is to invest in government services or provision of public benefits such as protected areas that are available to all, as



“Investment in natural capital – conservation and the environment has been savagely cut”

are increases in environmental quality such as improved biodiversity through pest control, improved air and water quality, and dealing with climate change. This is because these benefits are shared by all, thus the benefits add up to a good deal. By contrast, spending on benefits to individuals only, has much more limited impact.

Spending on social quality and the early childhood experiences of the young may also pay dividends in the longer term. The social dysfunction, educational and health deprivation and other harm caused by the extremely harsh treatment of beneficiaries in the early 1990 period of Ruthanasia are now, according to academics like Bob Stephens, showing up in the statistics of poor health and crime.

Unfortunately, none of this modern understanding of human or environmental wellbeing seems to inform the Budget, or indeed the Government's overall goals, which seem to be firmly rooted in thinking from the 1950-70s.

For more information about the Budget 2010 visit www.treasury.govt.nz/budget/2010

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Social compact and environment harmed by mining proposals

By Cath Wallace

John Key and Gerry Brownlee's proposal for opening up prime conservation land and marine areas hitherto protected from minerals activity, would, if adopted, harm our environment, our reputation, and the social compact provided by the creation of Schedule Four protection from mining.

Schedule Four of the Crown Minerals Act 1991 and was introduced in 1997, as part of a compromise that allowed mining on a case by case basis on 60 per cent of conservation areas, but set most of the special conservation areas off-limits to exploration and mining.

The conflict in the 1980s over the impacts of exploration and mining had been in response to the arrival of large companies, often allied with small New Zealand partners, who wanted to do industrial mining and large scale exploration. Such exploration can cover very large areas, and may involve, after the initial aerial surveys, sampling and drilling, the clearance of forest and other vegetation for gridlines and roads, and at times, bulk sampling, on the scale of a high-way cutting.

Such impacts and activities caused communities all around the country to respond to the lack of respect for landscape, society and the environment by occupying drill sites, monkey-wrenching equipment, and whatever means came to hand to block the unwelcome activities.

Jobs were always promised in far greater numbers than eventuated, and at hearings into those cases that did go to the Environment Court or its predecessor, communities were led to believe that great benefits would occur, but these were usually overstated and short lived. The environmental consequences of mining can, as the occupants of subsiding houses in Waihi have discovered, appear decades after the departure of the mining itself.

Mining, when it does occur, is frequently open pit, and it is not, except occasionally in the case of coal, economic to return the overburden to the hole.

The Government's paper by the Ministry of Economic Development and DOC that proposes the removal of areas of high value protected areas greatly overstates the benefits from mining, relying as it does on the gross returns from mining, with no adjustment for the costs of mining, for the lost environmental capacity, quality and services, the damage to amenities such as landscape and to tourism and recreation, and the loss of reputation with the rest of the world.



Over 40,000 people march against the New Zealand Government's plans to mine thousands of hectares of prime conservation land, including National Parks, on Auckland's Queen Street, May 1st 2010. Photo © Greenpeace NZ.

The areas at risk of mining include:

- The Inangahua section of Paparoa National Park (3315 ha);
- Te Ahumata Plateau on Great Barrier Island (705ha);
- Over 2,574 ha in the Coromandel Peninsula which have high ecological or recreational values or are important for flood protection:
 - The area behind Thames township;
 - Tapu and Waiomu areas on the Thames Coast;
 - Broken Hills area near Hikuai;
 - Hauraki Hill, Tokotea-Kapanga and Matawai areas near Coromandel township.
- The Otahu Ecological Area (396ha) and Parakawai Geological Reserve (with spectacular cliffs) (68ha), near Whangamata.

The Government has received nearly 40,000 submissions, including that of ECO, on its proposals. ECO will be working to ensure the Government takes the submissions seriously and drops the proposals to undermine Schedule 4.

For more information check out the website www.2precious2mine.org.nz

Environment and democracy get the chop in Canterbury

By Barry Weeber

The Government's axing of the Canterbury Regional Council (ECan) is a major threat to the environment and democracy in Canterbury. The Government should have looked to strengthen rather than to scrap the regional council.

ECO was very concerned that these changes took place under urgency without public consultation or a select committee process; instead the Government rammed through legislation in one day.

The claims of the Minister for the Environment, Nick Smith, that these moves will better protect the environment, look very doubtful. The Prime Minister in opening Parliament this year stated: "The Government will take action this year to remove regulatory roadblocks to water storage and irrigation in Canterbury."

The Government seems to imagine that the current boom in dairy prices will continue indefinitely, and is therefore fixed on increasing irrigation in Canterbury without answering the question of whether there are alternative options for land-use apart from irrigated dairying.

Examination of how to deal with the impacts on lowland water quality, biodiversity and the internationally significant braided rivers ecosystem will be cursory and unaccountable with an unelected panel. There is only so much abuse that our lowland waterways can take.

"The government's move to replace an elected body with its hand picked appointees seems to be part of a wider trend to reduce democratic processes and to favour business interests"

The Ministerial review report's authors in many places thought that ECan was too green, repeatedly questioned the science focus of the Council, considered there was a "lack of balance in decision making.." and considered it had too much focus on "adverse natural environmental effects" in resource consents advice.

The report considered the number of water conservation orders to be "nationally unrepresentative" and wants to "unlock" the potential for "future agricultural development in Canterbury".

ECO was alarmed to see an undermining of the process and provisions of water conservation orders in the Canterbury Act. Water conservation orders have been in statute for over 30 years and there had been the key tool to protect rivers and their biodiversity.

There had been a consistent failure of successive governments and their officials in working out the legislative problems with water management.

The Government would be better to require regional councils to produce water plans under the Resource Management Act and to strengthen the footing of regional councils under the Act. The development of national standards and national policies for water is long over-due, tied to a comprehensive national policy on water and soil management.

The absence of national policy and standards for water, and the weak provisions in dealing with non-point pollution arriving from intensified dairying have also exacerbated the problem of water management in the region.

The Government's review of the Canterbury Regional Council's performance and its recommendations are a great leap backwards to the 1970s in resource management and local Government accountability. The report proposed to get rid of an elected regional council and in part replace it with a narrowly focused water board reminiscent of the outdated catchment boards of the 1970s and 1980s. The report's authors failed to consider the impact on water quality, of water use and land management.

ECan was gifted a huge task which it has had difficulty in tackling, but the same equally huge task awaits the appointed commissioners. Canterbury is the area with the most intensive conflict between water irrigators for intensive dairying and the community who want to protect the environmental integrity of rivers and water quality. Canterbury has 15 percent of the national dairy herd and it has grown by 60 percent between 2002 and 2009. It also has over 66 percent of New Zealand's irrigated land and about 55 percent of the total amount of water allocated under water consents.

The government's move to replace an elected body with its hand picked appointees seems to be part of a wider trend by this government to reduce or remove democratic processes and to favour business interests.

More information

Copies of the Government's report on the Canterbury Regional Council can be downloaded from the MFE website at www.mfe.govt.nz/publications/rma/investigation-performance-environment-canterbury

For more information on ECan and local opposition to the change see www.ourwaterourvote.org.nz and www.ecaninexile.wordpress.com

The ECan Act a staggering use of legislative power

By Ann Brower,

Senior Lecturer of Public Policy, Lincoln University

Of the recent changes to Canterbury water governance, sacking the council is the least offensive to constitutional etiquette. The ECan Act shows a breathtaking use of parliamentary power, and could be a game-changer in New Zealand environmental law.

Imagine a situation where a government gives a minister the power to ignore the law without asking Parliament. Government did just that in section 31 of the ECan Act -- formally called The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010. Section 31 grants the Minister for the Environment, Hon. Dr. Nick Smith, special powers to decide where and when New Zealand environmental law applies in Canterbury.

Associate Professor of Law Andrew Geddis described this as a “Henry VIII Clause”, by which the minister may disapply the Resource Management Act without asking Parliament, (see The Press 27/04/2010). This gives Nick Smith the power to let the appointed ECan commissioners ignore inconvenient sections of the RMA, just as Henry VIII beheaded inconvenient wives.

Allowing the Minister for the Environment to summarily avoid applying sections of environmental law in Canterbury until he calls another regional election is so exceptional that it bears no further comment.

“The ECan Act shows a breathtaking use of parliamentary power, and could be a game-changer in New Zealand environmental law.”



Hurunui River at Hurunui, Canterbury. Photo by Bob Zuur.

Next, imagine a situation where one team changes the rules of the game at half-time because its side might lose. Sections 46-61 do just that to Canterbury Water Conservation Orders, often called the national parks of rivers.

A Water Conservation Order protects outstanding ecological, recreational, cultural, or wild and scenic characteristics of a river, and is affirmed in the RMA. The ECan Act section 46 suspends that part of the RMA until the next regional election in Canterbury. And there are no guarantees when that might be.

Under the Water Conservation Order law that still applies in all other regions, decision makers prioritise the protection of nationally outstanding characteristics before allowing resource use, unless the economic potential was important on a national scale. The ECan Act changes the order, so conservation loses its priority status. In other words, it takes the conservation out of Water Conservation Orders.

The Hurunui Water Conservation Order had been through hearings, and the Environment Court appeal was scheduled to begin 30 May 2010. In other words, it was half-time for the Hurunui. Changing the rules of the game at half-time is as unpalatable to the rule of law as it is to sports. In a case in 2000, His Honour Justice Thomas considered changing the rules at half-time to be constitutionally objectionable because it violates the principle of equal application of the laws.

Finally, imagine a situation in which Aucklanders have the right to appeal their regional government’s decisions, but Cantabrians do not. Section 52 of the ECan Act does just that for water conservation orders and regional plan decisions. Until the next ECan election, only the appointed commissioners will hear scientific evidence, and this evidence will never be cross-examined. This beheads the Environment Court, but again, only in Canterbury.

The suspended jurisdiction of the Environment Court means those interested in Canterbury water have lost a long-standing right of substantive appeal that citizens of other regions still enjoy. The right to appeal the substance of a decision to a specialist court is very different to, and much broader than, the right to appeal on a point of law.

This selective beheading of the Environment Court seems anathema to the guarantee of natural justice in NZ’s Bill of Rights Act 1990. Different treatment



Hanmer, Hurunui District, Canterbury. Photo by Bob Zuur:

under the law is just as constitutionally unpalatable, if not more so, than changing the rules when your side is losing.

This is why the special powers of the Henry VIII clause, the changed rules for the water conservation orders, and the suspended jurisdiction of the Environment Court raise far more constitutional alarm bells than sacking the regional council.

How can Parliament pass bills that its own Ministry of Justice deems constitutionally unpalatable (see The Press 24/04/2010)?

NZ's Constitution Act 1986 recognises Parliament has "full power to make laws" (s. 15). Professor of constitutional law Philip Joseph describes this power as "unlimited and illimitable." Illimitable parliamentary power places great faith in what Justice Baragwanath called the "good sense of parliamentarians". If parliament wishes to violate the Bill of Rights Act, it may, if the actions are "demonstrably justified."

Whether the ECan Act passes the 'demonstrably justified' test is in the eye of the beholder. Because Parliament is sovereign (or all-powerful), it subsumes the beholder's eye. So the beholder is legally irrelevant, but can be politically pivotal.

A grand old theory of politics predicts that, in a battle between irrigators and environmentalists, the relative size and strength of the groups does not matter as much as which side the public takes. The stronger side usually seeks to minimise the scope of the debate so as to engage the public as little as possible. But public engagement is the weaker side's only hope.

When the fight breaks out, the crowd plays the decisive role. Although Parliamentary sovereignty is absolute, what is legally possible might be politically untenable because it attracts the crowd's attention.

But because Parliamentary sovereignty is absolute, Cantabrians lack firm constitutional recourse. Cantabrians are left to sputter that wonderful line from the Australian movie *The Castle*, where in an early courtroom scene the hopelessly inept but ultimately triumphant small-town solicitor summarises his argument by claiming: "There is no one section, it's just the vibe of the thing. ... And, uh, no, that's it. It's the vibe."

Whether or not Parliament overstepped its admittedly porous constitutional bounds with the ECan Act, The Press reports almost daily on a growing sense of betrayal and unfair treatment among Cantabrians. It seems that the proverbial fight has broken out, and the crowd is taking sides.

Herein lies the irony of the ECan Act. Suspending both regional elections and appeals to the Environment Court clearly minimizes the scope of debate over crucial water issues by eliminating many of the players from the field. However, these actions have attracted attention from many who had never noticed before.

Parliament can do as it pleases. But while parliamentary actions perceived as unfair may escape judicial rebuke, they might attract public opprobrium. This public opprobrium can be more damaging to a coalition government and to the legislation itself, than judicially imposed change. Witness the Electoral Finance Act 2007.

Though the ECan Act might leave a bad taste in the mouth constitutionally, it is legal because parliament is sovereign. But politically, that bad taste might come back to haunt the Government, the ECan Act, and Canterbury water itself.

Ann Brower is senior lecturer of public policy at Lincoln University, and author of the book *Who owns the high country?* (2008: Craig Potton Publishing). She serves as Lincoln University's delegate to the International Union for the Conservation of Nature, and is the staff adviser for the campus IUCN club, called Lincoln International Friends of the Environment (LIFE).

Controlling motor vehicles on beaches

By Fred Murray

In the early 1970s the Christchurch City Council closed vehicle access to the city's beaches – no consultation, no agonising over 'recreation', and no public reaction. Wise and timely move – for the city! At the time Japanese four wheel drives were virtually unheard of in New Zealand, off-road motorbikes were uncommon, and four wheel ATVs were not even a glint in the eyes of Messrs Honda, Yamaha and Suzuki. The few people affected (incredibly, back in those days most people using beaches walked on them) either gave up or moved to the nearest alternatives, the beaches of Waimakariri and Hurunui Districts, stretching from Kairaki Beach on the north of the Waimakariri River to the Waipara Rocks at the northern end of Pegasus Bay.

A decade later, in 1984, the Department of Lands and Survey published a study of the beaches of Hurunui County, of their values, and the threats to those values. Off road use of motor vehicles was identified as a major threat to these beaches. In 1993 a study by John Kearvell of the Ornithological Society of NZ, identified vehicle use as the single greatest avoidable cause, ahead of predation, of nesting failures of banded dotterels (*Charadrius bicinctus*) on the Ashley Spit.

By the late 1990s district and regional councils were receiving frequent complaints about the increasing intrusion of motor vehicles on these beaches. Both Waimakariri and Hurunui district councils had developed plans, with similar rules. The rules reflected then current importance of sand dunes as protection from coastal erosion by requiring resource consent to operate a motor vehicle within a sand dune area. Both plans expound the importance of coastal ecosystems, but morph this concern into looking after sand dunes, acknowledging that the seaward boundary at the time the rules were made, was Mean High Water Springs (MHWS). On the ground, attempts to control vehicle use seemed to founder on the impossibility of deciding whether a vehicle was above or below MHWS, defined by the Canterbury Regional Council (ECAN) as 900mm above



Photo by Bob Zuur.

Mean Sea Level in northern Pegasus Bay – so a vehicle less than 900mm below MSL would be under regional jurisdiction.

The plan rules were a source of embarrassment to both councils, Hurunui actually issuing one consent, the terms of which were, despite a written complaint, never enforced, and Waimakariri issuing no consents. Neither council seems to have a record of the number of complaints received about motor vehicle use on its beaches.

Concerns about biodiversity focused mainly on nesting birds, and, confusingly, much of the 'educational' material produced by the regional council portrayed birds nesting in sand dunes (in North Canterbury the dunes are covered in dense marram grass, and a bird could only nest if it used a slasher to clear the nesting site) and completely overlooked the habitat/feeding values of the intertidal zone.

The regional council led a series of meetings/consultations, commencing in 1999, which eventually led to their "Non-Statutory Management Plan for Northern Pegasus Bay", adopted in November 2008. Being non-statutory, the plan was treated as the basis for the development of bylaws by the district councils, both of which had extended their boundaries to Mean Low Water Spring (MLWS), effectively eliminating the boundary dispute mentioned earlier.

Both districts addressed the issue late in 2009, Hurunui asking for submissions on a bylaw, and Waimakariri biting the bullet and proposing both a bylaw and a plan change under the promotional title of a 'Better Beaches' campaign.

A number of submitters, most notably Forest & Bird, sought to have the area covered by resource consent requirement extended from MHWS to MLWS, following the extension to the districts' boundaries, so that RMA scrutiny was applied to the operation of motor vehicles on the entire beach. The rationale was that some motor vehicle use would be acceptable provided it went through a formal process and was properly managed.

For the Waimakariri hearings, a planner's report advised rejection of the requested extension of the plan rule cover, on the grounds that the existing rule, which covered active sand dunes, and wetland margins of waterbodies, already covered the intertidal zone of the beach. That recommendation was targeted during the hearing, when it was pointed out that the RMA definition of wetland specifically excludes the Coastal Management Area, and the planner admitted that his interpretation was incorrect.

During May Waimakariri adopted the plan rule change proposal without alteration, following a new recommendation from the planner that the requested



Banded dotterel nesting on the beach. Vehicle use has been identified as major cause of nesting failures of the species.

Photo © Nga Manu Images.

inclusion of the intertidal zone addition be rejected because “The management of vehicles in the wider coastal environment outside the active dune or wetland margin area is provided for by the proposed Pegasus Bay Bylaw.” Exactly the same argument could have been used at the pre-hearing stage, but in any case, it fails to address the reasons why that change was sought.

Waimakariri also adopted a slightly changed bylaw proposal, including a permit system for Waikuku, providing, although this aspect was not discussed when the bylaw was approved, for permits to be issued to unregistered motor vehicles.

Council’s promotion of the bylaw suggests that there will be ‘monitoring’ of the effects of motor vehicles on biodiversity, but unless the activity is subject to resource consent one suspects that the outcomes of any monitoring will be as effective at controlling motor vehicle use as was Kearvell’s 1993 study, mentioned in the second paragraph.

Council is still preparing notification of this decision to submitters, but has approved a Plan Rule change following a planning recommendation which does not address the reason for a change suggested by a number of submissions, after an earlier recommendation was shown to be factually incorrect. Any submitter has the option of appealing the decision to the Environment Court.

Also, the new Waimakariri Pegasus Bay Bylaw, by allowing the issue of a permit to the driver of an unregistered vehicle, appears to be permitting an activity (the use of a motor vehicle in a public place), which a statute (the Land Transport Act) expressly forbids, and therefore, being repugnant to the Land Transport Act, can be appealed, by anyone, to the High Court.

“Better Beaches”? Must be a Tui ad!

Need for national approach

Vehicles on beaches is a national issue which has involved conflict with recreational users of beaches including several high profile accidents and the impacts on coastal seabirds and sand dunes.

For example, Environment Waikato has set a maximum speed limit of 10 km/hr as part of measures to control permitted vehicle use on beaches. Other councils have also put speed limits in place. Speeds limits have only worked with co-operation from the police to monitor coastal areas.

In addition to the impact on coastal seabirds and sand dunes, vehicles on beaches also are likely to detrimentally affect the habitat value of the intertidal beach. Issues include disturbance of feeding or resting birds, and the potential to kill species, including shellfish, found in intertidal beach sands. Driving a vehicle over the beach dries out the sand and stresses or kills species which live in the sand on the beach.

The report to Government by the Board of Inquiry into the New Zealand Coastal Policy Statement, recently released, states:

“There is a need to take a stronger position to address the conflict between vehicle access to beaches, foreshore, seabed and adjacent public land and other important values. Vehicle traffic (apart from emergency vehicles) should be prohibited where there is damage to dune or other geological systems and processes, harm to ecological systems or indigenous flora and fauna including bird breeding areas and shellfish beds, danger to other beach users, disturbance of the peaceful enjoyment of the beach environment.”

Regional and District Councils need to be proactive in ensuring that the measures they adopt will avoid or mitigate the effects of vehicles on New Zealand beaches, both to ensure biodiversity/habitat protection, and to recognise that the presence of motor vehicles, even if driven ‘safely’ detracts significantly from the quality of access enjoyed by people who savour the natural ambience of our coastline.

Public participation cuts: Government driven

By Cath Wallace

Public participatory processes of government apparently are being cut in many areas under this government. It has become noticeable in a range of areas that government agencies, and the Cabinet itself, are backing away from public participation and are instead privileging businesses and business interests which are being given the inside running in a host of areas to do with conservation, the environment and particularly natural resources.

The summary dismissal of the elected Canterbury Regional Council, in a Parliamentary Bill that also undermined the protection given by Water Conservation Orders, and passed with urgency and no Select Committee deliberation, was perhaps one of the most egregious examples of this trend. The appointment of numerous technical advisory groups without public participation is another.

These are simply the tip of the iceberg. The Ministry of Fisheries has developed a slew of policies and measures in close consultation with the fishing industry but only cursory and late 'consultation' with recreational and customary fishers, and environmental groups. This appears not just to be bad practice but to be policy. In the Chief

Executive, Wayne McNee's paper on internal restructuring, he wrote that consultation by the Ministry would be reduced to the minimum legally required. Since then, he has worked on plans which could devolve aspects of fisheries management to industry groups, knowing that this move is opposed by virtually every other stakeholder. The Ministry of Fisheries is currently looking at joint projects with the fishing industry in research, observer services, and discarding.

It is also apparent that the government, and particularly Gerry Brownlee, Minister of Economic Development (MED), has allowed the minerals and oil and gas industries to have an inside track to the government on their wish to see protected areas opened up to exploration and mining.

The sequence of investigations of the mineral potential of different areas protected from most exploration and mining by Schedule Four of the Crown Minerals Act allows one to see how large the mining industry agenda for mining protected areas is, with no disclosure to the public. In March the Minister of Energy and Resources set aside very large areas of protected land around the country in addition to the 7000 ha, to investigate their mineral potential.

These areas include:

- Coromandel and Great Barrier conservation areas
- Paparoa National Park
- Rakiura National Park and virtually all of Stewart Island
- Central Northland (from Kaitaia to Whangarei including the Bay of Islands and Hokianga)
- East of Nelson from Cape Soucis (Raetihi) to Tophouse including Richmond Conservation Park
- Inland Kaikoura Range (centred on Tapuae-o-uenuku)
- South Westland World Heritage Area north of the Haast River
- Longwood conservation area and range

"...Government agencies are backing away from public participation and are instead privileging businesses and business interests"

The Ministry for the Environment under Acting Chief Executive Officer, Howard Fancy, developed an improved and productive consultative relationship with ENGOs, but since he left the Ministry, there have been no meetings with NGOs at all. Years of commitment to consultation have been quietly dropped.

The Department of Conservation (DOC) was apparently badly shaken by the leak about the Government's plan to allow explorers and miners into the no-mining areas of the Conservation estate, and Gerry Brownlee's apparent willingness to allow huge areas of protected land and water to be opened to mining. Ministers and the State Services Commission have so intimidated DOC with their inquiries into who leaked the plans, that regular meetings with the Department have been summarily postponed, and DOC has refused to discuss the mining plans. This, even though we know of no evidence that such a leak did come from DOC rather than from MED or from Parliament itself.

One consultant informed ECO last year that the government had issued a general instruction to government agencies to consult with business but not with the public. From what we are now observing, this seems to be the case.

The government in its so-called 'streamlining' of the Resource Management Act has already diminished opportunities for the public to participate, and removed the presumption of public disclosure for resource consents. Further changes are coming, and we have no confidence that these will do anything other than harm the opportunities for you and me to have a say, or to tilt decision-making in favour of economic interests over the environment.

This has also involved reduction in the role and status of the Environment Court and more centralised appointed enquiry boards.

Fishing industry seeks to control fisheries management and research

By Cath Wallace

Under the beguiling title of ‘Managing our own Ship’, the SeaFood Industry Council wants to further capture fisheries’ management and research. Returning to an agenda that environmental and recreational interests fought off in the late 1990s, fisheries quota owners want much more say over how and when they fish, what research is done and by whom, and what fisheries management services are purchased.

The big problem with this proposition is that the fish are not theirs, nor is the ocean, yet fishing has a massive impact both on fish stocks and the marine environment.

The Minister, Phil Heatley, has apparently been won over to the fishing industry’s proposition, and appears to be relying on the Ministry of Fisheries developing standards to which the fishing industry may be asked to conform. The difficulty with such a proposal is that it is extremely difficult to, for instance, specify research to be commissioned, or fisheries services produced, in a way that will prevent the strong vested interests of fishing companies, particularly the dominant five or so, from damaging the integrity of research or of fisheries management.

In the late 1990s the fishing industry persuaded the then Minister of Fisheries John Luxton to look at using fishing industry observers on vessels instead of some of the government’s trained and funded observers. The results were startling. Vessels with government observers on board were recorded as having a much higher chance of capturing or killing marine mammals, about twice that of industry observers, and those vessels in turn recorded far more than vessels with no observers. The trial was abandoned because the figures showed conclusively that, notwithstanding the assurances of the industry, the evidence showed industry observers were reporting at a much lower rate and those vessels with no observers were recording virtually none.

The plan, as outlined at the SeaFic May 2010 conference at Te Papa, is couched as simply an opportunity for the fishing industry to gain efficiencies and not “to take over Government’s crucial role in overseeing fisheries for the benefit of all New Zealanders.” It would however “redefine the industry’s relationship with Government.”

ECO knows that this is an agenda for the industry to manage the fisheries for fishing industry objectives and not for public objectives. Particularly once the commissioning and conduct of research, and of fisheries plans and fisheries management services are handed over to the fishing industry, both the public interest and the marine environment will suffer.

Cleaning up New Zealand’s e-waste

By Tushara Kodikara

Electronic waste (e-waste) is a major waste stream. Due to technological advances, electronic equipment quickly becomes obsolete within years of initial purchase. The problem with electronics is the material make-up of the products. They contain hazardous substances such as heavy metals, including lead, cadmium, mercury, and brominated flame retardants.

New Zealanders dispose of around 80,000 tonnes of e-waste every year, much of which ends up in landfills. According to the www.sustainability.govt.nz website, there are 3.3 million mobile phones in New Zealand. Around 25 per cent of these are no longer in use. In addition, 250,000 unused computers are hiding away within households.

The Waste Minimisation Act (2008) allows for product stewardship of certain products through accreditation. Product stewardship allows for producers and consumers to share responsibility of the life of a product. This means ensuring the reduction, recycling or recovery of valuable resources and reducing the environmental harm that arises from the product once it becomes waste. The government is yet to accredit e-waste within a product stewardship scheme.

There are several ways you can deal with your unwanted electronic equipment. You can donate these goods to other organisations or on-sell it to secondhand shops or via TradeMe. You can recycle any old equipment through various schemes. You can contact your local council for further information about these schemes in your local area.

National eDay is another avenue for recycling your old computers. eDay is a cars-only drive-through recycling event which gives you the opportunity to recycle old computers or mobile phones in an environmentally sustainable way.

eDay 2009 was held on Saturday 12th September and saw over 16,430 cars drop off 83,536 items across the country. Around 1000 tonnes of e-waste was diverted from New Zealand landfills.

“New Zealanders dispose around 80,000 tonnes of e-waste every year. Much of this ends up in landfills”

For information about dealing with your eWaste contact your local council, or visit the eDay website at www.eday.org.nz

Introduction to ECO's latest member body - The Island Bay World Service

By Dr John Robinson

The world is in deep trouble. This has all been said before, many times, by Rachel Carson (in *Silent Spring*), by Dr Seuss (the word of the Lorax seems perfectly clear. Unless someone like you cares a whole awful lot, nothing is going to get better. It's not), by Walt Kelly (in the words of Pogo we have met the enemy and he is us); by the Club of Rome (principally in the 1972 report to the Club, *The Limits to Growth*), and by so many others.

The global model of *The Limits to Growth* raised the question of how far this human plague might spread before it begins to die out - how many people could squeeze into this finite planet before the absolute limits were reached. Their estimate was for around 8-12 billion people with collapse around 2050.

The denial surrounding this concern is remarkable – a majority are happy to run the risk of widespread starvation (as well as mass extinctions, environmental degradation, resource depletion, climate change and more). The push for growth continues unabated.

We are living within the forecast decades-long transition period as such limits set in. Our further research and analysis point to a crunch point a little earlier, with the maximum of 8-9 billion people reached around 2030. The CSIRO in Australia has released a report showing that the world is tracking along the forecast of *The Limits to Growth* but the holistic science of the long term died in New Zealand with the demise in 1982 of the Commission for the Future; the Royal Society of New Zealand has refused to debate the issue. With such blockage from the establishment, it is left to community groups to speak out. So here we are.

Much environmental thinking is guided by a simple principle of think global, act local. This means that local action is guided by that global awareness. It should also imply a constant attention to the global situation. The challenge is now to speak out about the extent of the looming crisis, despite the implications - that the information required challenges current conventional wisdom and demands significant changes to the economy and to lifestyles.

That is the task that we have set ourselves. We call for far more robust debate and for much stronger action. We have asked the United Nations Fund for Population Affairs to take population numbers into consideration, and to call for population control (with no success), and we have suggested that councils discontinue policies that encourage population increase. We have commenced a "Rugby World Cup – don't come" campaign, asking overseas fans to stay home and watch on television rather than add to climate change with



Island Bay - Tapu Te Ranga Motu (the Island) and the South Coast, Wellington. *Photo by Barry Weeber.*

massive contributions of greenhouse gases. Members raise many other issues such as evidence of possible rapid sea-level rise and a need to stop coal exports.

We would like to join in discussion with others, so please make contact if you would like a speaker or if you would like to debate points of disagreement. Information (including our manifesto) is available on our blog at www.ibws.blogspot.com and the central contact point is by email at johnrob@paradise.net.nz. We have meetings in central Wellington most months; those interested can join the email list for ongoing information.

We have printed a free 20-page giveaway 'Twenty years to disaster' and published a 110-page book 'New Zealand 2030, the world's lifeboat' (available at cost, \$12 plus \$1 postage). We have copies of Derek Wilson's 491-page book 'Five holocausts' (\$25 plus postage) and John Robinson's 207-page 'Excess Capital' (\$20 plus postage) available as well as a submission by George Preddey to MPs and local councillors.

We have met with local body politicians and Members of Parliament. and have joined in activities with other organisations – such as with Transition Towns in the cathedral, giving a presentation at the Climate Camp, and had a joint meeting with the Appropriate Technology for Living Association on "Geological evidence and physics of rapid sea level rise". Our hope in joining ECO is to extend such contacts and increase awareness of the serious global situation.

For more information visit the Island Bay World Service blog at www.ibws.blogspot.com or email johnrob@paradise.net.nz

By Kate Scarlet

Gecko is an environmental group on campus at Victoria University of Wellington. We have been a member of ECO for a number of years. Gecko organises a range of activities related to the environment, conservation, sustainability and awareness-raising.

Our primary goal is to enable our members to work on activities related to the environment in which they are most interested. We provide our members with expertise, resources and support to aid them in their own goals.

Since Gecko began we've established recycling on campus, got VUWSA and Victoria University to establish environmental policies, organized many fundraising events from bake sales to concerts, awareness raising events from stalls to festivals, been active in politics including going on marches and submission writing and helping to support many other local groups.

“Our strength lies in the enthusiasm of our members and strong networks both on and off campus.”

Our strength lies in the enthusiasm of our members and strong networks both on and off campus. We are also a very flexible group, highly resourceful and with a positive attitude.

In addition to our broader community-orientated work we also organise various speakers to come and talk to our members about a wide variety of things from how to become more involved in the democratic process to education relating to the state of whaling politics in the current international climate and volunteering opportunities for our members.

Coming up this year we are re-planting our garden on campus, helping with environment week including a concert to raise funds for this year's 10.10.10 campaign and several awareness raising stalls.

More information

If you would like to learn more about Gecko, suggest something our members might be interested in or if you would like to join us or the mailing list please don't hesitate to contact us at gecko.vic@gmail.com.

10:10 New Zealand - cutting carbon emissions by 10%

By Rhys Taylor

Recently arrived in New Zealand, after a spectacular start in the UK, is the people's movement called 10:10 that encourages useful reduction in carbon emissions now, without waiting for international political agreements. 10:10 was devised as a follow-up by the team who brought you the 2009 documentary-drama Age of Stupid, including Lizzie Gillett from Dunedin.

They like to say, over there, everyone's doing it: including 2,600 businesses, 1,650 education bodies, 1,500 organisations and 79,000 people plus now, the UK Government. The Con-Lib coalition has signed up to their 10 per cent carbon emission reduction target for the next 12 months, alongside more ambitious targets set for later years, putting our New Zealand Government's efforts to shame.

Your actions could be:

- trim use of vehicle and aviation fuels (less fossil carbon burned);
- cut peak-time electricity consumption (affects fossil carbon again from coal and gas burning on top of the geothermal and hydro base load)
- avoid sending paper and organic waste to landfill (methane production avoided), and
- eat less red meat and dairy products (avoiding livestock gut-methane 'burped' plus ammonia and nitrous oxides from their urine).

Getting involved

- Join up at the 1010NZ website, www.1010nz.com making a pledge of reduced carbon emissions, starting now!
- Measure your last 12 months' emissions, using websites such as [carboNZero](http://carboNZero.com) as a baseline
- Encourage others to take part - organisations, schools, businesses, MPs etc.
- Plan and take part in Work Party events on Sunday 10th October, with workshops and partying to highlight the need for practical action across society (This date 10:10:10 is just 10 weeks before the Mexico climate summit)
- Write to make contact: nz@1010global.org
- Feedback welcomed to help make the NZ web pages more clear and effective. Volunteers with skills to share or funds are especially welcome!

In this section, we bring you access to information on ecological and environmental issues from a variety of sources. We hope that this information will be useful, and if you would like to contribute a book, website, article, film or anything else, please let us know. Email us at eco@eco.org.nz, with 'Information Review' in the subject line with all of your suggestions!

Book Review

By Elizabeth Lee

The Freedom Paradox. Towards a post-secular ethics

By Clive Hamilton.
Published by Allan &
Unwin, 2008
\$39.00



Clive Hamilton, one of Australia's leading public intellectuals, was a guest speaker at the 2002 ECO conference. The thesis he presented then was that you can't have both economic growth and a pristine environment – the two are mutually exclusive, and he explained why, finishing with the thought that even though in the developed world today we are vastly more affluent than our grandparents were, we are beset by psychological problems probably resulting from the separation of our consumption-driven lives from the natural world – the environment.

This book is really a continuation of that line of thought, focusing however more on metaphysics than market values. We in the Western world have freedom almost unlimited when compared with our ancestors and with some groups of people in other parts of the world. We have freedom of speech, freedom to choose political representation, freedom of association, of religion, of sexual orientation, of social behaviour – yet in many ways we are less free than our forbears because there are fewer obvious guidelines to contain our behaviour but very obvious punishments when we overstep the unseen marks. And so, because of our uncertainties, we seem to be less happy than our forbears, despite being richer and liberated.

Clive Hamilton explores this paradox, and wonders how both as individuals and as a society we can bring together again freedom and happiness. In the past, the practice of religion which set very clear rules about what you could and could not do brought the two together – you knew where you stood in relation to a higher good and to your neighbours, and so you were happy, but secularism has displaced religion and with it, its certainties. Some philosophers have suggested that the exercise of reason can help us to lead the good and therefore the happy life, but

Clive Hamilton points out that reason can lead to some very unfortunate outcomes if the original premise upon which the reasoning is based is faulty.

After discussing some philosophical approaches to the problem, especially those of Kant and Schopenhauer, and defining what is meant by political and individual liberties, both of which are so much greater than in the past, he turns to examine that freedom which risks steady erosion by exposure to the rapid social and political changes of the past half century – our inner freedom. If we are enslaved by the pursuit of all those temptations that beckon alluringly, we lose our inner freedom, and it is only by turning in the direction of living to serve others, that we gain inner freedom; we are in control of our lives, and can use that control as a basis for working effectively to educate, protect, advocate and encourage. Which means, in short, that we live moral lives; lives committed to the welfare of others, shaped by the constraints of consideration for what is best for all.

The book is perhaps too long at 250 pages, but the writer probably felt that he had to give adequate explanation of his source material. Why should ECO members read this book, since it is probably preaching to the converted? Because it justifies the moral, committed and meaningful life as a source of contentment not only to the individual who lives thus, but also to those others influenced by that life. If you are feeling overwhelmed or downhearted by all the mountains to climb, take heart from Clive Hamilton's message – in the service of others, you will find perfect freedom.

For more information about Clive Hamilton, check out his website at www.clivehamilton.net.au

HELP ECO GO AROUND!

Why not share info about ECO with a friend or workmate? You could leave ECOLink in the breakroom at work, the doctor's waiting room, or the bus stop or pass it on to a friend who is interested in the environment

PASS IT ON!

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Please place me on your e-mail list for notices and information or contact us by e-mail eco@eco.org.nz

Groups - Join ECO:

- Please send information on becoming a member of ECO. Membership is by application for groups involved in the protection of the environment. Subscriptions for member organisations are determined by the size of the organisation:
- 1-100 members: \$80 p.a.
 - 101- 1000 members: \$125 p.a.
 - 1000 + members: \$430 p.a. (all GST inclusive)
 - Student Groups \$30 p.a.

Individuals - support ECO by:

- subscribing as a 'Friend of ECO'
 -\$40 P.A. (GST inc.) 'Friends of ECO' receive this quarterly newsletter, mailings and invitations to ECO gatherings.
- subscribing as a sustaining 'Friend of ECO'
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Introducing ECO's new fundraising partner...



If you are prepared to sign up with our fundraising partner, Buzz Channel Ltd (Buzz) to do the occasional survey by email, each time you complete a survey we'll get a donation!

Every time you complete a survey, Buzz gives a minimum donation of \$1 to ECO. This is where you can help by signing up to Buzz and nominating ECO as the charity that receives your survey earnings when you join online.

There are also lots of chances for you to win prizes, including two \$10,000 cash prizes each year.

The sign up process takes about 5 minutes, and you can opt off the panel at any time. Thanks for your support!

To sign up go to www.buzzthepeople.com

Attention photographers: help build ECO's image library

Are you a photographer or perhaps you just enjoy taking photos? Do you have New Zealand nature photographs ECO could use? ECO needs images for this newsletter, our website and other publications. Please consider donating your photos for ECO's image library.

If you can help us please contact the ECO office on 04 385 7545 or email eco@eco.org.nz.

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ECO MEMBER ORGANISATIONS

Action for the Environment
Appropriate Technology for Living Association
Auckland Civic Trust
Bay of Islands Coastal Watchdog
Baywatch Hawkes Bay Environment Group
Buller Conservation Group
Clean Stream Waiheke
Clean Water Clean Water Whangamata
Coromandel Watchdog of Hauraki
Cycling Advocates Network
Dunedin Environment Centre
East Coast Bays Coastal Protection Society
East Harbour Environmental Association
Eastern Bay of Islands Preservation Society
Eco Fest Educational Charitable Trust
Engineers for Social Responsibility
Environmental Futures
Environmental Law Centre
Far North Environment Centre
Federated Mountain Clubs of NZ
Foundation for Environmental Education New Zealand
Friends of Golden Bay
Friends of Lewis Pass and Hurunui Catchment
Friends of Nelson Haven and Tasman Bay
Friends of the Earth - NZ
Friends of the Shoreline
Gecko, Victoria University Environment Group
GE-Free New Zealand in Food and Environment
Greenpeace NZ
Guardians of Pauatahanui Inlet
Initial Volco Trust
Island Bay Marine Education Centre
Island Bay World Service
Kaipatiki Project
Kakariki - Canterbury University Environment Group
Lincoln Environment Group
Marlborough Environment Centre
Massey Environmental Group
Monarch Butterfly New Zealand Trust
National Council of Women of NZ
Nelson Environment Centre
New Zealand Institute of Landscape Architects
Nga Uruora - Kapiti Project Charitable Trust
Orari River Protection Group
Organics Aotearoa New Zealand
Pacific Institute of Resource Management
Save Mahinerangi Society
Save the Otago Peninsula
Soil and Health Association of NZ
South Coast Environment Society
Students for Environmental Action
Surfbreak Protection Society
Sustainable Otago Christchurch
Sustainable Whanganui Trust
Sustaining Hawke's Bay Environment Centre
Tasman Environmental Education Trust
Te Aroha Earthwatch
Thames Coast Preservation and Protection Society
The Sandy Walker Group
Toxins Action Group
Wakatipu Environmental Society
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