

## RMA AMENDMENT BILL TABLED IN PARLIAMENT

On 2 December, the Government tabled the **Resource Management and Electricity Legislation Amendment Bill**.

As predicted in our lead article in the last Ecolink, (October), “**Government Sacrifices Environment to Business (yet again)**”, this bill will create a radical change to the Resource Management Act by massively increasing the power of central government, creating new powers for local government to act like the judiciary, weakening the role of the Environment Court and making it much, much harder for community groups to defend the environment. The changes will also allow “Think Big” style precedence for a whole host of policies and projects that qualify under new “nationally significant” criteria; processes, and rules. This change will demote consideration of the environment and fast track some policies and projects.

One can't help but consider that the Labour Government is endeavouring to emulate their American friend, President Bush, in his plans to dismantle 30 years of environmental laws: [www.nzherald.co.nz/index.cfm?c\\_id=2&ObjectID=9001810](http://www.nzherald.co.nz/index.cfm?c_id=2&ObjectID=9001810)

### This Bill Poses a Serious Threat to Environmental Protection under the RMA

#### The Resource Management and Electricity Legislation Amendment Bill:

- Gives wide powers for central government to over-ride local authorities
- Requires regional councils to promote infrastructure
- Creates a fast track process for making decisions on ‘nationally significant’ proposals
- Gives new powers to local authorities to strike out or ignore submissions
- Creates three new provisions worth supporting

Until the Bill is referred to Select Committee after its 1<sup>st</sup> reading, probably the week of 13<sup>th</sup> – 17<sup>th</sup> Dec, we will not know the time frame for submissions but the government will likely press for this to be as short as



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### **ECO STREET APPEAL!!!**

Wellington City Council has advised ECO that we have been allocated a date in January when we can go out onto the streets with our collecting boxes. Friday January 21 it is, and an excellent time of year, when the weather is usually warm and fine, and people beginning to feel generous again with Christmas a month past.

Please would all Wellington Friends of ECO consider offering to join the collection team, and getting their friends too to participate. Statistics suggest that there is a direct ratio between the number of people on the streets, and the amount of money collected, so we can conclude that more is better.

*Kate, at 385 7545, or [eco@reddfish.co.nz](mailto:eco@reddfish.co.nz), and Elizabeth at 476 9809 or [geoff.lee@xtra.co.nz](mailto:geoff.lee@xtra.co.nz), will be happy to hear from you if you want to be a collector.*

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possible.

What follows is an initial analysis of key clauses in the bill by Geoff Keey of Forest & Bird. Further analysis and details of the timeframe for submissions will be available on [www.eco.org.nz](http://www.eco.org.nz) as soon as available.

## Think 2 Big Proposals

These proposals increase central government powers and reduce public participation in central government decisions:

### **New powers for Environment Minister to direct action from a local authority (Clause 6)**

The Minister for the Environment will have the power to direct that a local authority take any action relating to its functions. The Minister will have the power to put civil servants into local authorities to ensure the action is carried out.

This new power should be seen in the context of the expanded function of regional government to promote infrastructure.

There is no apparent constraint on the exercise of this power, except that it has to relate to the functions of a local authority under the Act. This new power is open to serious abuse.

### **New powers for Environment Minister to force changes to district and regional plans (Clause 7)**

The Minister for the Environment will have the power to force changes to district and regional plans in order to address a resource management issue relating to the district or regional council's functions. For example, the Minister for the Environment could force a regional council to change its regional plan so that it promotes the 'timely and effective provision' of infrastructure.

There is no apparent constraint on the exercise of this power, other than the plan formation process itself. This new power is open to serious abuse.

### **New requirement for regional councils to promote infrastructure (Clause 9)**

Regional councils will be required to promote the timely and effective provision of infrastructure and to also promote the integration of infrastructure with land use policies. The Government will be able to use its new powers (in clauses 6 and 7) to force regional councils to carry out these new functions.

### **Absolute national standards (Clause 21)**

The default for national standards will be that they are absolute. Local authorities will not be able to set more stringent standards than those set by the Government unless the Government specifically allows them to. This power is open to abuse by any Government that wished to lower environmental standards throughout the country.

### **Sloppy process for developing National Policy Statements (Clause 25)**

The Minister for the Environment will have the choice of either using the statutory process for developing National Policy Statements or creating his or her own process. The only safeguard is that the Minister must be satisfied that the process he or she has created is adequate. One would presume that the Minister would by definition be satisfied with any process he or she has created.

### **Call-in expanded to cover designations and plan changes (Clause 54)**

A new process for making decisions on major projects has been created and will replace the existing process. This new process will also cover designations and private plan changes which is a major expansion of call-in powers. A Ministry for the Environment draft paper in June listed 39 projects that were considered 'possible candidates' for this new process. **These included mines, hydroelectric schemes, electricity transmission lines, ports, coal fired power station and a prison.**

### **Environment Court stripped of role when major projects called-in (Clause 73)**

The Environment Court will no longer be allowed to consider appeals under the new process for call-in. Appeals would only be allowed to the High Court on points of law only. The effect of any Government's decision to call-in a major infrastructure project would be to immediately strip submitters of Environment Court appeal rights.

### **New powers for councils**

These are new powers for council hearing processes and will result in a transfer of formality from the Court to the Council hearing stage:

Councils can require briefs of evidence, limit the scope of evidence, strike out submissions, direct that submissions not be presented, put time limits on submissions (Clause 18)

These changes would give wide and largely unfettered powers to local authorities to exclude submissions they do not like or to undermine the presentation of submissions. This has the potential to seriously undermine community advocacy.

### **Councils can ignore submissions if submitters don't attend pre-hearing meetings (Clause 42)**

Councils will be able to ignore submissions if they think submitters did not give reasonable excuse for not being able to attend a pre-hearing meeting. Submitters will not be able to appeal such a decision. This has the potential to seriously undermine community advocacy.

### **Environment Court appeals narrowed in scope (Clause 74)**

The scope of Environment Court appeals on plans and resource consents will be significantly reduced. This has the potential to seriously undermine community advocacy.

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## Proposals worth supporting

There are three proposals worth supporting. These proposals are needed to protect the public interest and lift the performance of local government.

### Councillor accreditation (Clauses 16 & 17)

The requirement for some resource management decision-makers to become accredited should be supported because it will lift the performance of local government.

### Public interest waivers for Environment Court fees (Clause 72)

With the increase in Environment Court fees, a public interest waiver should be supported to promote public

participation.

### Appeals on notification (Clause 82)

Appeals on notification should be supported as it provides the means to enable local authorities to be held to account when they wrongfully do not publicly notify an application.

### Note

This is an initial analysis of key clauses in the bill. Further analysis and details of the timeframe for submissions will be circulated as soon as it becomes available.

If you have contacts with other groups in your area that take part in RMA processes on behalf of environment and

## Time to Engage on our Energy Future

The government has released a **Sustainable Energy** document as part of the Government's Sustainable Development Programme of Action.

While ECO applauds the government for finally providing a focus for some demand-side management options we believe the framework this is part of will prevent a move to really sustainable energy planning and use. However ECO does believe the document provides an opportunity for the community and the environment movement to engage the government on renewable energy issues and urges members and others to engage.

Unusually there is no fixed submission date. The government plans to use the document as a basis for discussion with key stakeholders in energy over the next six months. It says it will draw on the results of these discussions and build on the ideas expressed in these documents as it develops policies to take New Zealand further towards a sustainable energy system.

As the Minister says in his introduction the place to begin is not with supply, but with demand. However it is the Government's emphasis on a high rate of economic growth

that creates conflicts as that is a key aim of its Growth and Innovation Framework. Its objective is to return New Zealand's per capita income to the top half of the OECD rankings over time, which requires growth rates consistently above the OECD average for a number of years.

Moves to build a new transmission backbone suggest the supply-side players are determined to pre-empt discussions of such topics as distributed generation, net metering and the like that should be to the forefront of any discussion on sustainable energy. That is a battle the community and environment movement must fight. More on that soon.

Energy is one of four action areas identified in the programme. The others are the quality and allocation of freshwater, sustainable cities, and investment in child and youth development.

The full paper is available from:

The Ministry of Economic Development

Telephone (04) 472 0030, Fax (04) 473 4638

Website: [www.med.govt.nz](http://www.med.govt.nz)

Email: [sustainableenergy@med.govt.nz](mailto:sustainableenergy@med.govt.nz)

## ECO CONFERENCE 2005: 24 - 26 June 2005, Wellington

Planning has already begun for the conference next year. The theme will be "From the Mountains to the Deep Sea," which covers a fair bit of ground. As 2005 will be Election Year, the venue will be in Wellington, so that we can assemble MPs from as many political parties as possible to give an account of what their parties' environmental policies will be, at some stage of the conference.

In order to fulfil all the requirements of proximity to the centre of the city, to transport routes, and to Parliament, we have booked the premises of the Central Baptist Church in Boulcott Street. It is an attractive building, with a large kitchen, two big rooms for meeting, and disabled access, and it is just across the road from one of Wellington's architectural heritage sites, Antrim House, where the Historic Places Trust has its National Office.

Matters that will be considered at the conference are : energy options, the marine environment and the state of fish

stocks, climate defence, protection of water supplies and quality, biodiversity and biosecurity, and probably the degree of commitment of any potential government to environmental protection and conservation values, as measurable by the amount of funding it would be willing to provide for these things.

We hope to be able to offer at least two interesting field trips, and as usual there will be time set aside for socializing, networking, catching up with old friends and so on. ECO is committed to trying to keep costs to a minimum, so as to enable as many people as possible to attend its conferences, and receive the benefits therefrom.

Ideas for specific topics and speakers will be gratefully received – just e-mail them to Kate at [eco@reddfish.co.nz](mailto:eco@reddfish.co.nz) with "ECO Conference" in subject line. Ideas for sponsors to approach for funding *more* than gratefully received; donations likewise.

# TIDE RUNS OUT ON BOTTOM TRAWLING

By Cath Wallace  
ECO

International opinion has turned against bottom trawling, with several strong statements about its unacceptable impacts. In November the UN General Assembly discussed the need for controls on bottom trawling but ducked taking action, under pressure from trawling nations, particularly Spain, Iceland and others. New Zealand took a "multipronged" approach – reflecting its conflicted position, as fishing interests and environmental concerns compete.

Cath Wallace (ECO) and Barry Weeber (Forest and Bird) joined colleagues in the Deep Sea Conservation Coalition at the Bangkok IUCN World Conservation Congress 15-25 November 2004 to push through a Resolution and a Recommendation from IUCN to the UN General Assembly 2005 and to States for action in November 2005 and 2006.

The IUCN motions call for a November 2005 interim prohibition on bottom trawling on the High Seas in the 70% of the High Seas where there is no competent governing authority. Where there is a competent authority – such as a Regional Fisheries Management Organisation or the Convention on the Conservation of Antarctic Marine Living Resources, CCAMLR, IUCN recommends to states and the UN General Assembly that an interim prohibition be introduced in 2006 if there is no effective action by then to protect sea floor biodiversity (see the text below). IUCN also called for marine protected areas in the high seas and new governance arrangements to protect marine biodiversity in the high seas.

These recommendations take on new urgency with the release in London on 7 December 2004 of the UK's authoritative Royal Commission on Environmental Pollution (RCEP) report **Turning the Tide - Addressing the Impact of Fisheries on the Marine Environment**. It includes specific calls for the European Commission and was launched in Brussels 8<sup>th</sup> December. The Royal Commission is an independent standing body set up to advise the Queen and the UK government.

The report makes recommendations across a number of issues including bottom trawling.



These recommendations include:

“11.40 Bottom trawling has a major environmental impact across wide areas of the sea. High seas bottom trawling has led to the serial depletion of deep-sea fish stocks. There are also high rates of bycatch in deep-water fisheries and trawling can cause irreparable damage to important seabed features such as seamounts. We therefore recommend that the UK government should immediately halt any deep-sea trawling taking place in UK waters or being carried out by UK vessel (9.51).

11.41 We also recommend that the UK Government should press the European Commission to ban bottom trawling, gillnetting and long-lining for deep-sea species in EU waters (9.51).

11.42 We recommend that the UK government should promote measures to prohibit destructive deep-sea fishing practices and promote the establishment of a system of marine protected areas on the high seas. In addition, it should press for international controls on high seas bottom trawling, and for their proper implementation and enforcement under, for example, the UN Straddling Stocks Agreement and the UN Convention on the Law of the Sea (9.53).”

The Commission Press Release covers the key findings. See <http://www.rcep.org.uk/news/04-12.htm>

The RCEP report contains the findings and recommendations of leading scientists and fisheries experts. The threats which they have identified apply equally to any area of the world, hence the Commission's call for UK bottom trawlers to be prevented from fishing within and beyond UK waters. New Zealand needs to do the same – despite the protests of the trawling industry that has already done immense damage in NZ's EEZ and on the High Seas.

These findings support the moves which pro-protection governments have been taking and point clearly to the failure of those governments which have opposed any measures to protect the oceans from High Seas bottom trawling.

This report is the latest in a series of studies and reports calling for action to protect deep

sea species from bottom trawling. It is also one of the most significant, coming from the respected RCEP.

The fact that the RCEP has extended its recommendations to the European Commission helps to ensure that this will remain a dominant issue within the EU in 2005.

See: <http://www.rcep.org.uk/about.htm#1> for further information

The IUCN Resolution and Recommendation include these action points (which is our record but which need to be checked against the final published form): “The World Conservation Congress at its 3<sup>rd</sup> session in Bangkok, Thailand, 17-25 November, 2004:

REQUESTS the IUCN Director General to promote and strive to ensure the conservation of seamounts, deep sea corals and other vulnerable deep sea habitats by:

1 Calling upon members of regional fisheries management organizations [RFMOs] or arrangements without the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems to expand the competence, where appropriate, of their organizations or arrangements in this regard;

2 Calling upon States to urgently cooperate to establish new regional fisheries management organizations or arrangements, where necessary and appropriate, with the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystem[s] in areas where no such relevant organization or arrangement exists.

3 Calling upon States to effect controls, consistent with international law, over their vessels, nationals and ports, to eliminate destructive fishing practices including unregulated bottom trawling on the high seas.

4 Calling upon the UNGA at its 60<sup>th</sup> [2005] session, for areas not covered by RFMOs and/or other management arrangements with the legal competence to manage bottom fisheries, to urgently adopt a resolution calling for an interim prohibition on high seas bottom trawling, until such time as a legally binding regime is developed and adopted to conserve and protect high seas biodiversity from the impacts of destructive fishing practices including bottom trawling and protect biodiversity, consistent with the UN Convention on the Law of the Sea (1982), the UN Fish Stocks Agreement (1995), the FAO Compliance Agreement

(1993), the Convention on Biodiversity (1992) the FAO Code of Conduct for Responsible Fisheries (1995) and the UNFAO International Plan of Action to prevent, deter and eliminate Illegal, Unregulated and Unreported Fishing (2001).

5 Calling upon the UNGA at its 61<sup>st</sup> session (2006) to adopt a resolution calling for the elimination of destructive fishing practices in the High Seas, and for an interim prohibition on bottom trawling in areas covered by RFMOs and other management arrangements, until such time as effective conservation and management measures to protect the deep sea environment have been adopted in accordance with international law.

6 Ensuring that the IUCN Programme is adequately resourced to maintain its active involvement in international fora, including the UNGA, which address destructive fishing practices.”

Iceland, Canada and Japan spoke against these resolutions which passed with a vote in the government “house” of IUCN of 62 in favour, 35 against and 17 abstentions on the Resolution and 62: 22: 24 on the Recommendation (with similar language). The Non-governmental vote was overwhelmingly in favour at 281 to 5 against and 13 abstentions on the first vote and 176:2:10 on the second (by which time many had left the Congress).

New Zealand did not support the original call for an immediate moratorium on bottom trawling but played a constructive role in the discussions between non-governmental organizations and countries opposed to the moratorium. The text above is the product of a closely argued consensus – a step on the way to international action.

Underlying this debate is also an issue of whether the controls – if any - of fishing should be left with fisheries organizations which are dominated by fisheries agencies, or whether this control should be shifted to possibly new agencies with environmental and biodiversity protection and management as their main focus.

## Weak Marine Protected Areas Policy Statement Released

The Government has released for public submissions a weak and limited Marine Protected Areas Policy Statement and Implementation Plan. The Plan has been developed by officials from the Department of Conservation and the Ministry of Fisheries.

It is clear by the draft that the Ministry of Fisheries has had the upper hand in the development of the Plan. Ministry officials have been hostile to the development of marine reserves and have slowed down the approval of marine reserves. The Minister of Fisheries is still to approve marine reserve proposals for North Nelson and Paranihi both of which were approved by the Minister of Conservation over 4 years ago.

In a move to be resisted, the Policy aims to limit the scope of reasons for Protected Areas. It focuses only on biodiversity conservation and not other reasons to create marine reserves including scientific, amenity for observing marine life in its natural state or protection of areas for other reasons or aspects such as geological features.

The policy includes a statement that: “the policy does not directly address protection of marine historic or cultural or non-extractive uses (eg diving), tourism or recreational opportunities. Such issues will be considered in the development of the Oceans Policy.” Everyone knows the Oceans Policy is currently going nowhere and has made little progress in nearly 3 years. It is essential that this Policy does address these other reasons for having marine protected areas. We need to watch that Fisheries officials and interests do not try to amend the Marine Reserves Bill to constrain reasons for their creation.

The “policy is about protection of habitats and ecosystems, rather than particular species”. For this reason, a network of

marine protected areas may not include marine mammal sanctuaries under the Marine Mammals Protection Act or reserves and sanctuaries under the Wildlife Act.

Marine protected areas in the policy statement are defined to include marine reserves, Fisheries Act tools (including mataitai reserves, taiapure reserves, and section 186 closures), Resource Management Act tools for protecting significant conservation value, and marine parks. Cable protection zones may be included in networks.

The Marine Reserves Act is not seen as the primary tool for implementing the statement, rather it is just one tool to be used.

The Policy includes three sets of principles:

- ◆ Generic principles to guide management, planning and monitoring, including taking a precautionary approach. Surprisingly none of these principles include implementing international obligations including the agreements at Johannesburg to protect the marine environment;

- ◆ Network principles to assist design and monitoring progress including protecting the full range of natural marine habitats and ecosystems, based on agreed classification of environment types.

- ◆ Site and tool selection principles to assist MPA site and tool selection and monitoring of individual MPA performance.

The Policy includes a draft implementation plan which proposes a regionally based implementation plan.

The Department is looking at development of expert groups working on marine classification and then regional consultation. The regional process is looking at:

2004 – Hauraki Gulf; Fiordland (implementation); and Sub Antarctic Islands;

2005 – Bay of Islands; Taranaki; Kaikoura; South Island West Coast;

2006 – Northland East Coast; Wairarapa/Wellington; Canterbury; Southland;

2007 – Bay of Plenty; East Coast; Nelson/Marlborough; Otago;

2008 – Northland West Coast; Hawke’s Bay; Waikato.

There is no priority for Auckland West Coast, Coromandel or the Chatham Islands. Surprisingly there is no role proposed for the New Zealand Conservation Authority or Conservation Boards in implementing the plan.

MFish proposes to implement the Policy through their, yet to be consulted on, stock strategies. The Policy is based on a risk approach which has also yet to be consulted on. There is no legal basis to these strategies. The Ministry also proposes to use voluntary agreements as part of its contribution to marine protected areas. This approach ignores the protection needed in the marine environment and is contrary to the international calls for greater controls on the impacts of fishing in the marine environment.

No public meetings are proposed but both Ministries are available for consultation. The main contacts are Jim Nicolson (DoC) (04-471-3098) and Jennie McMurrin (MFish) (04-470-2668).

*Submissions close on 21 January with Lean Neoh, Ministry of Fisheries, PO Box 1020, Wellington or email submissions to [MPA@fish.govt.nz](mailto:MPA@fish.govt.nz). There is some possibility that the submission deadline may be extended into February. Officials are to report to Ministers by the end of February in the revised version.*

## ECO succeeds at 3<sup>rd</sup> IUCN World Conservation Congress

The critical losses of environmental quality, species, ecosystems, and effective and equitable measures to address these problems were the focus of a four yearly congress in Bangkok. The 3<sup>rd</sup> IUCN World Conservation Congress from 15-25 November focused global attention. ECO was represented by Cath Wallace, Prue Taylor and Cassandra Phillips.

IUCN mapped out a comprehensive programme for the next four years to pursue conservation to be done by its member bodies (more than 70 countries and 1000 non-governmental organisations), its national and regional offices and Swiss-based head office, and its six expert commissions. The Commissions are the Species Survival Commission, the World Commission on Protected Areas, the Commission on Environmental Education, the Commission on Environmental Economic and Social Policy and the Commission on Ecosystem Management. Chairs of these commissions were also elected.

ECO's nominee, Diana Shand, formerly of ECO member body Agenda 21, now working in Wellington on the international local government initiative on climate change, was elected one of three Regional Councillors for Oceania. She replaces the hard working Wren Green who could not re-stand after putting in eight year's hard labour. Christine Milne of Australia and Leonard Gibson of Fiji are Oceania's other regional councillors.

Barry Weeber and Maj DePoorter represented Forest and Bird while the New Zealand Government was represented by DoC Director-General Hugh Logan, Mike Donoghue (DoC) and David MacDowell, a former Director-General of IUCN. Kerry Marshall represented the NZ Conservation Authority, Klaus Bosselmann, represented Lincoln University (though he hails from Auckland University's Centre for Environmental Law) and Aroha Mead, for four years a co-opted member of IUCN's council pressed indigenous peoples' concerns.

Successes by ECO and Forest and

Bird at the Congress included the passage of motions to promote better governance and protection of the High Seas, particularly from bottom trawling; on intensified efforts by the Antarctic Treaty System and IUCN to protect Antarctica and to manage human impacts including advocacy for measures for the whole of the Ross Sea; measures for marine protected areas in the High Seas, measures for control of invasive species and much more including agreement to scope a voluntary network of interpreters and translators.

ECO worked with colleagues from South and Central America, Asia, Europe and America in the Deep Sea Conservation Coalition. We successfully pressed for motions urging the UN General Assembly and nations to promote an interim prohibition on bottom trawling in the High Seas from late 2005 where there are no competent multilateral or regional managing authorities and from late 2006 where there are such authorities but where effective measures for the protection of marine biodiversity on seamounts and other sensitive ecosystems have not been progressed.

The Precautionary Principle and the Earth Charter were the subject of particular efforts by Prue Taylor and Klaus Bosselmann and motions on these were put and won – despite strident opposition from those opposed to precaution for the sake of the environment and those who want an anthropocentric ethos rather than an ecocentric stance.

The practice of shark finning was condemned and the need to protect shark populations was supported.

The new Red List of Threatened Species was presented and measures for ecosystem and species protection considered and recommended. The Congress heard of many success stories and some accounts of failed initiatives.

IUCN passed motions aimed at checking the spread of genetically modified organisms; on a conservation framework for adapting to climate change; on military activities and their

environmental impacts; on energy and biodiversity conservation, on water conservation and much more. In some cases the debate was intense with fishing industry and other interests hotly contesting conservation calls. The full text of the final text of the Resolutions and Recommendations will eventually be posted on the IUCN web site [www.iucn.org](http://www.iucn.org) under the World Conservation Congress section of the website.

The Union elected Mahammed Valli Moosa, former South African Environment Minister and chair of the World Summit on Sustainable Development. He is largely unfamiliar with the work of IUCN and its structure, so he will need time to become fully acquainted with the operation of IUCN.

There were intense debates about the role of IUCN and conservation with respect to poverty and poverty alleviation and on how to engage with the private sector and affected local communities. There was wide agreement that some forms of community conserved areas needed to be encouraged.

Cath Wallace, on a panel on the use of market based instruments for conservation, presented evidence of fish stock declines under our fisheries Quota Management System. She warned that simplistic faith in market based property rights solutions, which neglected environmental and social objectives in favour only of harvesting interests, can result in disastrous environmental outcomes.

Measures to modify the governance of IUCN were motions passed as were to increase the transparency and availability of the Council's deliberations and decisions. ECO succeeded in derailing one proposed change that would have made it virtually impossible for environmental organisations in one part of the world to challenge the activities of states in another part of the planet.

**GreenPages**

visit: [www.greenpages.org.nz](http://www.greenpages.org.nz)

## Water Programme of Action Released for Comments: Consultation Meetings late February, and Deadline 18 March

The Ministers for Agriculture (Jim Sutton) and Environment Minister Marian Hobbs released on 9 December 2004 a discussion paper on the Water Programme of Action. Proposals for action range from education to much more central government control to water trading and trading in discharge (pollution) permits. ECO members and ECOLink readers are urged to engage. The full text is available free from the Ministry for the Environment or from the Web at [www.mfe.govt.nz](http://www.mfe.govt.nz). Here we reproduce the concluding page from the report with details on process and below that the actions proposed. The original paper has much more detail including material on alternatives to each action proposed – so you need to look at those too. The rest of the paper canvasses the issues and considerations behind these proposed action. Please help ECO formulate our submission by sending us your views.

From the Discussion paper:

### 5 Next Steps

New Zealand's freshwater resources are under pressure. We no longer have sufficient water to meet all needs, in all places and at all times. Declining water quality - largely the result of changing land uses - is an increasing concern.

Freshwater is subject to greater competition than ever before - competition between uses and between the different ways in which New Zealanders value water.

At such a time, we need an effective water management system that is able to make good choices between competing demands, encourage efficient water use, maintain water quality, and ensure water is used in ways that have most value to the community.

The Water Programme of Action is about finding the best ways to manage the freshwater resources that are important to New Zealand. It is about ensuring our rivers, lakes, wetlands and other freshwater resources are fairly used, protected and preserved - now and for future generations. Our freshwater resources should be managed and used in ways that make the greatest possible

contribution to New Zealand's sustainable development.

To help achieve the best possible results, the Government wants to hear the views of all New Zealanders. There are no pre-determined outcomes: public input can shape the development of Government policy, and help guide future changes to water management.

So please, have your say. Make a submission, or discuss the issues in person. Remember:

- a series of consultation meetings will be held in February 2005 throughout New Zealand
- written submissions on this document should be made by 18 March 2005
- a report on feedback from public consultation will be made publicly available.

A full schedule of venues and dates for meetings is available on-line at [www.mfe.govt.nz](http://www.mfe.govt.nz) or [www.maf.govt.nz](http://www.maf.govt.nz). You can also receive this information by writing to the Ministry for the Environment, PO Box 10-362, Wellington, or the Ministry of Agriculture and Forestry, PO Box 2526, Wellington.

### Action 1: Develop national policy statements

Central government could develop national policy statements that would:

- specify national priorities for freshwater
- stipulate requirements for regional plans - for example, to determine the amount of water that can be allocated, and set allocation limits
- require regional councils to set catchment-based targets for water quality.

### Action 2: Develop national environmental standards

Central government could develop standards that would specify either methods or procedures for:

- setting environmental bottom lines (ie, minimum standards for acceptable water quality) and allocation limits
- addressing the management of diffuse discharges.

### Action 3: Address nationally important values

Address nationally important values by:

- identifying water bodies with nationally important values (for example, ecological, energy generation or recreational values) and making this information widely available [Preliminary work has developed possible ways of identifying water bodies with nationally important values, see Further Reading for background reports on Potential Water Bodies of National Importance.
- prioritising for action those water bodies with nationally important values that are under threat.

These steps may require new tools to be developed and changes to the RMA - for example, an examination of the current water conservation order provisions.

Alternative or complementary approaches:

- A schedule could be attached to the RMA, specifying individual water bodies and their nationally important values.
- National monitoring and reporting of water bodies with nationally important values could be required. Aspects of tourism, historic heritage, industrial uses, population growth, recreational use, energy generation and land use practices could be measured as part of this monitoring programme.

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- National environmental standards could be developed setting particular environmental standards and management processes for water bodies that are nationally important.

#### **Action 4: Increase central government participation in regional planning**

Possible ways for central government to participate include:

- providing information and guidance
- lodging submissions, either on a departmental basis or using the whole of government approach proposed in the RMA review.

#### **Action 5: Increase central government's support for local government**

Central government could help build councils' capacity, and disseminate good practice in the following areas:

- strategic planning for water
- setting environmental bottom lines and allocation limits
- engaging effectively with Maori, as proposed in the RMA review
- how to progressively constrain (clawback) existing allocations and transfer of water permits
- efficient water use.

#### **Action 6: Develop special mechanisms for regional councils**

Regional councils may need additional tools to enable them to deal more effectively with situations where water is over-allocated or quality is declining. One option is to give councils powers to progressively constrain (clawback) existing consents to take water or to discharge contaminants. This is likely to involve changes to the RMA.

#### **Action 7: Enhance the transfer of allocated water between users**

In a time of greater demand for water and variable supply, the transfer of water between users (existing and new)

becomes more desirable. Approaches that could be introduced to make it easier to transfer water include:

- the development of a pilot registry system to record water transfers, which councils could choose to use
- more central government facilitation and encouragement for local councils to consider water transfers.

The following related initiatives have already been proposed under the RMA review:

- a mechanism for taking into account existing investment when considering applications to renew consents
- enabling regional plans to provide for temporary transfer of consents
- criteria for determining when an application to renew a consent should be considered before a competing application.

#### **Action 8: Develop market mechanisms to manage diffuse discharges**

Market mechanisms could be developed to encourage land users to find the lowest cost ways of reducing discharges of particular contaminants or offsetting the effects of discharges on water quality.

Approaches that could be developed include:

- mechanisms to trade permits to discharge particular contaminants within a catchment, with a cap on total discharges. The RMA review provides a framework for this by introducing the ability to transfer discharge permits between users
- the development of a pilot registry system to record permit transfers, which councils could choose to use
- establishing catchment based pilot projects to evaluate use of market mechanisms.

#### **Action 9: Set requirements for**

#### **regional freshwater plans to address key issues and challenges**

Central government could require regional councils to prepare regional plans in areas where water resources are under pressure. The implementation of such plans could also be linked to achieving community outcomes in the long term council community plans that councils have to prepare under the Local Government Act. Key issues may include:

- water allocation and quality
- addressing the national interest in water
- exploring the development of infrastructure.

In combination with Action 11, this would allow councils to take a more strategic approach to water allocation and quality management. Plans could consider approaches to address local and regional issues - including partnership arrangements with central government, local government, industry, iwi and landowners.

This action builds on proposals in the RMA review.

#### **Action 10: Enhance Maori participation**

Enhance Maori participation by:

- clarifying the involvement of Maori in planning at both national and regional levels, as proposed in the RMA review
- providing central government guidance for better engagement between Maori and local government, consistent with the RMA review.

#### **Action 11: Enable regional councils to allocate water to priority uses**

More strategic allocation of water could be achieved by allowing councils to:

- compare applications for resource consents against each other and against community priorities
- identify local priority uses for water, and develop criteria to guide allocation decisions

# Leftovers or Waste or Rubbish?

By John Kenderdine  
Far North Environment Centre

Nature has always worked in a way that leaves zero waste, and until recently when we became infatuated with growth, consumption and packaging, most of our waste was re-usable by someone or something.

One of the great challenges today for people who are concerned about our environment is, "How do we alert everyone to the dangers of growth and development without sounding like doom and gloom merchants, denying others the right to have fun and enjoy life, use their creative imagination and to be entrepreneurial?"

Inevitably there is a reaction to too much negative opinion so that people end up deciding that it is all too much for them, they can do nothing about it, and they might as well carry on as usual.

When the concept of Zero Waste was introduced to our waste disposal operators, it was seen as an exciting and challenging idea, and I have seen a whole council chamber rise and applaud spontaneously after a Zero Waste presentation. Councils and organisations around the country have signed up to the concept with much enthusiasm and fanfare, but the reality for those who have to implement the policy is that the initial enthusiasm has been slow to transform into real, practical support. Waste audits have been disappointing with one Zero Waste council being told that eighty per cent of what they were sending to the landfill could have been recycled.

Yet everywhere we go we find people keen to do their bit for the environment – from primary school pupils to ninety

year olds. Why then do we still have so much material going to landfills? Are governments, central and local, doing enough to help? Expectations have built up over the years that if we pay our rates, it is then the responsibility of the council to take care of our leftovers, from packaging to sewerage.

But we have some responsibility in the matter. When we buy a bottle of drink, we are buying the container as well as the contents, and it up to us to think about the later disposal of both, rather than leave it up to the council to take care of that part of the consumption cycle.

There are things which could be readily done by governments to make things easier. At present we see government papers full of high-sounding phrases such as "developing waste management plans," "updating plans," "initiating policies," "exploring opportunities," "collection of information," "voluntary industry-led schemes" and so forth, but who is doing the work? Actually, much of it is for us to do. There is an excellent source of information on how to reduce our waste on [www.reducerubbish.govt.nz](http://www.reducerubbish.govt.nz), while [www.mfe.govt.nz/issues/sustainable-industry/govt3/walk-the-talk](http://www.mfe.govt.nz/issues/sustainable-industry/govt3/walk-the-talk) tells how the Ministry for the Environment is encouraging central government agencies to act sustainably itself, leading the way by reducing its own rubbish output by fifty per cent.

This is a laudable start, but many people are:

- still waiting for a levy on all drink containers;
- wondering why we can't find recycled oil from Dominion Oil any

more;

- confused by seeing empty glass bottles being smashed when they used to be washed and used again;
- waiting for action on plastic bags
- looking aghast at the 1.3 million trees used each year used in manufacturing disposable nappies;
- trying to find a safe way of disposing of used batteries.

The Govt3 programme has nineteen participating agencies but conspicuous by their absence (on 01.07.04) were the Ministries of : Fisheries, Agriculture and Forestry, defence, Te Puni Kokiri and Youth Affairs. If the government seriously wants to solve our waste problems, the most powerful tool at their disposal is their own purchasing departments' policy. The Department of Conservation – an agency that has signed up to Govt3 - is still using unrecyclable plastic envelopes, for which it has been suggested that the only further use is as body bags for feral cats, and disposable plastic drinking cups. If all government agencies were to purchase only re-usable or recyclable goods, then supplying industries would pretty smartly produce goods to fit the criteria.

It needs to be said that government has the right ideas. But it now needs to ensure that they are put into practice.

There have been achievements through diligent work and commitment, and they should be known – see [www.zerowaste.co.nz](http://www.zerowaste.co.nz). In the end, it comes down to us each taking responsibility to achieve zero waste personally.

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within the comparative framework. For example, minimum efficiency levels for abstracting water from catchments could be specified

- use 'market tools' (such as auctions or tenders) as a means of strategically allocating water, as part of a wider comparative assessment of resource applications.

## Action 12: Raise awareness of freshwater problems and pressures, and promote solutions

Central government, in collaboration with key stakeholders, could develop communication and education programmes which raise public awareness of the issues and promote local action. These may lead to the formation of voluntary agreements that encourage water users to change their behaviour and lead to better water quality outcomes.

## Action 13: Collaboration between central and local government, scientists and key stakeholders, on pilot projects to demonstrate and test new water management initiatives

Research and technology projects aimed at developing innovative ways to assess and mitigate the impacts of land use on water quality, and to evaluate the effectiveness of management techniques.



## COMMUNITY ENERGY ACTION 10 Years of Community Energy Initiatives in Christchurch



Photo courtesy of CEA, "Hamish Salmon installing insulation in typical tight fitting area"

In 2004 Community Energy Action (CEA) celebrated 10 years of locally based energy efficiency activities in Christchurch.

We set out with a simple mission - *to provide energy solutions that are good for people and good for the environment*. In particular, we wanted to focus on households that would otherwise struggle to invest in better energy options – those on low incomes, in rented properties, the elderly.

A number of issues come together in a unique way in Christchurch. It's a cold, damp city in the winter. It's one of NZ's air pollution hot-spots, with an inversion layer trapping smoke from open fires and inefficient wood burners. And, Christchurch has high numbers of poorly insulated houses.

Since our very first project – working with 24 households from the Te Whare Roimata inner city community - we've now provided energy efficiency improvements in about 8,000 homes in Christchurch. And, there are still many thousands of houses left to do if we are to achieve our goal of seeing all households in Christchurch with decent standards of energy efficiency and efficient, clean heating appliances.

CEA provides home energy checks and advice, insulation services (ceiling and underfloor, hot water cylinder wrapping) and draughtstopping. We've also provided heating appliances in some projects, and have undertaken a number of research projects.

CEA is the longest running community energy initiative in the country. Clearly, one of the reasons for this is that Christchurch provides a large base of needy houses. Also, some of our work is a spin-off from the initiatives of local councils (Christchurch City Council and ECan).

Other important reasons that have helped sustain CEA's activities are:

**Institutional support from Orion** – from the start CEA has had a special relationship with local lines company Orion (originally Southpower). Orion provides CEA's premises, and we receive stellar support from their staff and management. We have found that the partnering of a community focussed initiative and the local lines company is a good fit.

**Skilled staff** - for the last 5-6 years the organisation has been sustained at the level of employing about a dozen people. CEA is of sufficient size that it can attract and sustain skilled and talented people.

**Governance and management** – CEA is constituted as a charitable trust, but has kept trust membership small and stable. This has enabled a consistent and focussed effort on the

tasks we have set ourselves.

**Partnerships** – CEA's model is to seek partnerships with other community agencies, energy companies, landlords, and local and central government. For some of our projects we work with a network of up to 40 community agencies.

**EECA projects** – CEA has successfully bid in to EECA's residential grants programme each year since the mid-1990s, and this has provided the year-to-year support necessary to sustain a base of projects.

While CEA's activities are focussed on low income households, it is not exclusively so. Last year about one-quarter of CEA's turnover was from unsubsidised activities, mostly insulation services provided to private households in Christchurch.

Earlier in the year we carried out an exercise to estimate the environmental impact of CEA's activities. Using EECA's methodology we estimated the "lifetime energy savings" (ie total discounted savings) of the measures installed at over 50M kWh. It would be tempting to claim the environmental benefit of these savings as real, but we also appreciate that actual savings will be a lot less because of the well recognised characteristic of "take-back". In NZ's under-heated houses, quite a large chunk of the theoretical energy savings provided by efficiency measures gets used to provide a warmer, healthier, more comfortable home. In fact we now know from the recent Healthy Homes research carried out by the Wellington School of Medicine that the health benefits of efficiency measures far outweigh the energy savings benefits.

For the future we have just appointed a research and education co-ordinator, which will provide CEA with exciting opportunities to expand our activities over the next couple of years. New projects focussed on at-risk elderly, and working with budget advisory services are being developed.

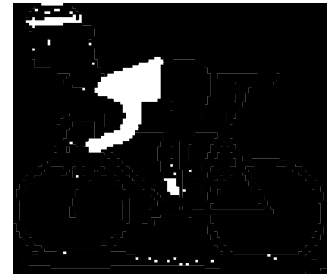
# 2005 NZ Cycling Conference

October 14 & 15 2005

Little Theatre, Hutt City

## *Changing Lanes: cycling in the mainstream*

Deadline for Abstracts: 30 April 2005



There is something of a boom going on in cycling. There are cycling events up and down the country, and bike sales have blossomed. Cycle tourism looks set to increase, and the NZ Conservation Authority recently provisionally recognized mountain biking as a legitimate alternative to tramping on selected New Zealand back-country tracks.

But is this boom in recreational cycling crossing over into cycling as transport?

In theory, cycling has changed lanes and entered the mainstream, witnessed by Government recognition of cycling as a key component to sustainable transport. It forms part of the fabric of the *NZ Transport Strategy*, contributes to the outcomes of the *Land Transport Management Act 2003*, and increasingly features in local strategies designed to improve the sustainability of urban and rural land use. The national walking and cycling strategy (*Getting There On Foot By Cycle*) is due to go to Cabinet in mid-December, and expectations are it will be approved. Meanwhile, significant progress has been made in providing practical standardized guides on cycle route planning and implementation.

But the difficulty is getting people back on bikes for day-to-day use. Despite knowing that, compared to driving a car, cycling is better for you (in terms of health) and the planet, very few people choose this option. Cycling numbers in most places around New Zealand have been declining since a peak around 1981-1986. In 1981, 62,367 people biked to work (4.7% of travellers); by 1996 that was 50,811 (4.0%), and in 2001 it was 40,665 (3.1%). It can also be argued that, in terms of sustainability, the boom in recreational cycling stimulates more demand for oil consumption as many require motorized transport to get to suitable cycling areas or events.

The fifth NZ Cycling Conference, to be held on 14 & 15 October 2005 at Hutt City's Little Theatre, tackles these and related issues. Apart from considering the relationship

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A further interest is in moving beyond the limitations of retrofitting older houses, and getting best energy practices into affordable packages for new houses. Earlier this year we commissioned Christchurch architecture firm Wilson & Hill to provide us with a concept plan and model. With the Beacon Pathway project now underway in Auckland, we are looking forward to seeing a much more focused effort put into sustainable house design in New Zealand.

### CEA contact details:

Website: [www.cea.co.nz](http://www.cea.co.nz)

Email: [info@cea.co.nz](mailto:info@cea.co.nz)

Tel: (03) 374 5698 (Bede Martin, Chief Executive)

between recreational and day-to-day cycling, the mix will include:

- how cycling contributes to sustainable transport and interrelated goals in health, education, environment and economic development – and whether different arms of government are really working together to realise these goals;

- the importance of local initiatives for promoting sustainable transport options, including work-place and school-oriented travel plans; and community-based travel planning;

- how the engineering and planning communities are shifting in their approach to cycling;

- the effectiveness of national, regional and local cycling strategies;

- the influence of local government reforms, particularly moves towards participatory democracy and medium-term planning horizons;

- the Astrid Anderson effect: whether you can have competitive cycling in a risk-averse culture;

- the place of off-road cycling in the transport and recreation mix;

- cycle tourism; and

- the creation of a national cycling network.

The organisers welcome abstracts for papers. Please send these as email texts where possible, or as a Word attachment, by 30 April 2005 for consideration to

Stephen Knight

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E-mail: [stephen@bikenz.org.nz](mailto:stephen@bikenz.org.nz)

<http://www.can.org.nz/events/2005NZCyclingConf/>

Please feel free to suggest papers outside the topic areas

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