NEW ZEALAND ECOLOGICAL SOCIETY

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Submission on Resource Management (Freshwater and Other Matters) Amendment Bill
30 June 2024
The New Zealand Ecological Society
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Friday, 30 June 2024

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SUBMISSION ON:
The Resource Management (Freshwater and Other Matters) Amendment Bill

The New Zealand Ecological Society (NZES) was formed in 1951 to promote the study of ecology and the application of ecological knowledge in all its aspects. NZES is the leading professional society for pure and applied ecology and publishes the *New Zealand Journal of Ecology*, the primary peer-reviewed publication for ecological science and research in the country. We have over 300 members, most of whom work with New Zealand's ecosystems and species through scientific research or applied management and policy. Our members serve as conservation managers, research scientists, applied ecologists, and academics who work within the country's universities, Crown Research Institutes, central and local government, private consultancies, and community groups. Many of our members have extensive experience in consenting processes and conducting and reviewing impact assessments and effects management responses.

NZES has a long standing interest in government policy and funding for the protection and management of indigenous biodiversity, and continues to make comprehensive submissions to the government on these matters. For example, in recent years NZES has submitted on proposed and Exposure Drafts of the National Policy Statement for Indigenous Biodiversity (NPS-IB) (2011, 2020, 2022) and the Natural Built Environment Bill (2021, 2023), the discussion document exploring a biodiversity credit system for New Zealand (2023), the Department of Conservation's Biodiversity Strategy (2019) and draft Threatened Species Strategy (2017), and the Fast-track Approvals Bill (2024).

In summary:

NZES **opposes** the changes proposed in the Bill which will accelerate the degradation of New Zealand's environment, specifically:

- Excluding the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) from resource consenting.
- Repealing the low slope map and associated requirements from stock exclusion regulations.
- Repealing the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the National Environmental Standards for Freshwater (NES-F).

- Aligning the provisions for coal mining with other mineral extraction activities under the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM and NES-F.
- Suspending for three years requirements under the NPS-IB for councils to identify new Significant Natural Areas (SNAs) and to include them in district plans; and extending some SNA implementation timeframes to 31 December 2030.

NZES is also concerned that proposed streamlining national direction processes in the Bill will potentially reduce opportunities for public participation, especially by limiting the opportunity for submissions. Further, NZES is concerned that streamlining evaluation reports may mean in practice that proposals to change national direction are not robustly evaluated.

NZES submits that the Environment Select Committee must recommend that these aspects of the Resource Management (Freshwater and Other Matters) Amendment Bill **do not proceed** through further stages in Parliament.

A STRONG ECONOMY IS DEPENDENT ON A HEALTHY ENVIRONMENT.

NZES submits that the changes proposed in the Bill will weaken New Zealand's economy while degrading its environment. This Bill will erode rather than sustain the natural capital on which the economy depends.

New Zealand's economy relies on the environment in many ways. Biodiversity and healthy ecosystems regulate the climate, prevent erosion, cycle nutrients, capture and filter water, pollinate crops, provide drinking water and reduce the risk of floods[1,2]. These ecosystem services underpin our primary production and tourism sectors[3] and also provide cultural services including recreational opportunities and our sense of national identity[4].

One study[5] estimated New Zealand's land-based ecosystem services contributed NZ$57 billion to human welfare in 2012 (27% of the country's GDP). Freshwater wetlands alone were estimated to provide benefits with an estimated value of more than $5 billion per year in 2012.

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1 McAlpine, K.G. & Wotton, D.M. (2009). Conservation and the delivery of ecosystem services: a literature review. Department of Conservation, Wellington.

2 Dymond, J.R., ed. (2013) Ecosystem services in New Zealand: conditions and trends. Manaaki Whenua Press, Landcare Research, Lincoln.

3 Ibid.

4 Roberts, L., Brower, A., Kerr, G., Lambert, S., McWilliam, W., Moore, K., Quinn, J., Simmons, D., Thrush, S., Townsend, M., Blaschke, P., Costanza, R., Cullen, R., Hughey, K., & Wratten, S. (2015). The nature of wellbeing: how nature's ecosystem services contribute to the wellbeing of New Zealand and New Zealanders. Department of Conservation, Wellington. Pp. 145.

5 Patterson M.G., Cole A.O. (2013). "Total economic value" of New Zealand's land-based ecosystems and their services. In Dymond J.R., ed. Ecosystem services in New Zealand

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The tourism industry contributes over $6 billion to GDP, and is highly dependent on New Zealand's native biodiversity and ecosystems[6].

The ecosystem services provided by our native biodiversity are already under pressure[7]. Degraded ecosystems can fail to provide these services, and can reach a tipping point in which they are providing disservices (e.g. eutrophication of freshwater systems). Any reduction in the capacity of native biodiversity to provide ecosystem services will result in considerable economic impacts. For example, the economic losses of soil erosion alone (192 million tonnes lost annually) is estimated at $250–$300M per year[8].

CHANGES FOCUSED ON THE PRIMARY SECTOR, AND ITS IMPACT ON FRESHWATER

NZES is extremely concerned that

- while the NPS-FM is being reviewed and replaced, resource consent applicants will no longer need to show that their proposed activities follow the Te Mana o te Wai hierarchy of obligations under the NPS-FM;
- non-regulatory measures are to replace the use of low slope maps to decide where stock should be excluded from
- the requirement for farmers to obtain winter grazing consents will be removed before the 2025 season.

These changes will worsen and accelerate the degradation of fresh water and the species which depend on it.

Non-regulatory measures have not slowed the decline of fresh water: regulation is essential. As well as environmentally and economically devastating, mob stocking on low slope land, and winter grazing ('mud farming') as practiced in many parts of New Zealand is an abuse of animal welfare standards and taints New Zealand's reputation.

We submit that these changes show irresponsible disregard for the environment and will have serious, permanent, and intergenerational impacts on New Zealand's waters and native biodiversity, and on the wellbeing of communities who value and depend on them. The changes disregard the evidence base which shows the need for urgent regulation and reform: for example

> *Our freshwater sources are degraded in areas where land has been transformed by human activities.* ***Ministry for the Environment - Environment Aotearoa, 2022.***

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6 Dymond, J.R., ed. (2013) Ecosystem services in New Zealand: conditions and trends. Manaaki Whenua Press, Landcare Research, Lincoln.

7 Ibid.

8 Ministry for the Environment (2019). New Zealand Environmental Reporting Series: Environment Aotearoa 2019. MfE and StatsNZ, Wellington.

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> *Many of our lakes and rivers have unnaturally high levels of nutrients due to leaching and run-off from urban or agricultural sources.* ***Ministry for the Environment - Environment Aotearoa, 2022.***
>
> *Models estimated that of 3,813 lakes in Aotearoa, 46 percent rated poor or very poor in terms of nutrient enrichment (as measured by Trophic Level Index) between 2016 and 2020.* ***Ministry for the Environment - Environment Aotearoa, 2022.***
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> *Of the 976 freshwater species assessed under the NZTCS (2019), 136 (14%) are ranked as 'Threatened', with a further 176 (17%) as 'At Risk' (Fig. 19). Nearly a quarter of freshwater species (218 species; 22%) assessed under the NZTCS (2019) are assessed as being 'Data Deficient' .* ***Department of Conservation - Biodiversity in Aotearoa an overview of state, trends and pressures 2022.***

NZES submits the Te Mana o te Wai hierarchy of obligations under the NPS-FM is also essential to give effect to Te Tiriti o Waitangi. The process for consents must ensure that further negative impacts on the relationship of Māori with their culture, traditions and taonga (not just Treaty settlements) are avoided, and that there are proper processes, responsibilities, and adequate timeframes to consult meaningfully and give effect to kaitiakitanga rights of iwi and hapū in freshwater.

CHANGES TO SMOOTH THE WAY FOR COAL MINING

NZES submits that loosening constraints on coal mining by aligning the consent process with other mining activities under the NPS-IB, NPS-FM, and NES-F at this time flies in the face of all reliable evidence and advice. It is well accepted that:

> *To reach net-zero carbon emissions by 2050, there is a need to address the 70% of energy currently sourced from fossil fuels.* ***Energy Efficiency and Conservation Authority - New Zealand's energy-related emissions | EECA 2024***
>
> *Increasing our supply and use of renewable, low carbon energy is critical in achieving our emissions targets and playing our part to address climate change* ***Energy Efficiency and Conservation Authority - New Zealand's energy-related emissions | EECA 2024***

It is senseless and irresponsible to introduce an RMA change now that will facilitate coal extraction and prolong New Zealand's dependence on fossil fuels. There is abundant evidence that fossil fuel use has already exceeded bounds that have sustained a safe environment for all species on earth, including humans. Every effort must be made – and policy formulated – to cease the extraction of fossil fuels and to replace their use across all facets of human life.

NZES submits that the government's focus must be on ensuring that sustainable renewable energy replaces fossil fuels to the fullest extent possible as a matter of extreme urgency. New

Zealand is falling far behind other nations in this[9]. The aim must be to rapidly electrify industry, households and transport in a transition to net zero economy.

CHANGES TO REQUIREMENTS TO IDENTIFY NEW SIGNIFICANT NATURAL AREAS (SNAS)

NZES submits that the NPS-IB resulted from a long process of stakeholder engagement and compromise, including with farming, mana whenua and other private landowner interests. It was agreed that safeguarding New Zealand's indigenous biodiversity on private land was critical for itself, for our markets, and for honouring our international obligations. Protecting SNAs on private land was agreed as the primary way to achieve this. Evidence was clear that voluntary actions, while many and admirable, had not.

For example:

> *Land-use change and intensification is putting pressure on the unique ecosystems and native species of Aotearoa. Change in land cover is driving fragmentation of habitats and allowing invasive species to spread, a process being exacerbated by climate change* ***Ministry for the Environment - Environment Aotearoa, 2022***
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> *Wetlands are one example of a rare ecosystem with high biological, cultural, and disaster resilience values that are under threat. It is estimated that 90 percent of wetlands have been lost since pre-human settlement (Dymond et al, 2021) due to draining, ploughing, or burning, with approximately 60 percent of remaining wetlands in a moderately to severely degraded state* ***Ministry for the Environment - Environment Aotearoa, 2022***
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> *The most recent recorded trend for conversion of indigenous land cover between 2012 and 2018 continues the overall pattern observed between 1996 and 2018. Despite some gains from habitats reverting to native cover naturally or through restoration, the net loss of native forest, scrub, shrubland and grassland amounted to 12,900 ha* ***Department of Conservation - Biodiversity in Aotearoa an overview of state, trends and pressures 2022***
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> *Records show that more than 95% of all native vegetation that has been lost disappeared from land that was not legally protected* ***Department of Conservation - Biodiversity in Aotearoa an overview of state, trends and pressures 2022***

[9] For example, the IEA states that our "key challenge will be to decarbonise other end-use sectors through clean power and support investments in new technologies to achieve deeper emissions cuts across all sectors" (https://www.iea.org/countries/new-zealand). Yet according to their data, New Zealand added just 13kw/hr per capita of clean power in last 10 years, against a target of 200kw/hr per capita per annum (https://www.energyinst.org/statistical-review).

Aotearoa's indigenous biodiversity is renowned internationally for its distinctive and unusual character, the vulnerability to extinction of numerous species, and the high rate of extinctions that followed human settlement in some groups. Remarkably high levels of endemism, the presence of unusual and often ancient biota, and extraordinary diversity in particular groups are collectively unique to New Zealand. Much of this native biodiversity is found only or mainly on private land, where ecosystems and habitats for indigenous species were most reduced in area and altered by human impacts in the past. Private land and crown leases contain most of our 45 endangered or vulnerable naturally uncommon ecosystems, and thousands of our threatened or at risk plant species and reptile, bat and freshwater fish species. If these ecosystems and species are lost here, they are lost to the world.

It has been councils' role since 1991 to identify and protect Significant Natural Areas (SNAs) (areas of significant indigenous vegetation and significant habitats of indigenous fauna). Those responsibilities were met in a number of districts, where most landowners quietly, but solidly, supported SNA identification and opportunities to take part in their protection.

Now removing councils' responsibility to identify and protect new SNAs favours those few landowners who are disposed to entrench the decline and fragmentation of natural ecosystems, species and their habitats. The pace of loss through land use intensification, urban development, and invasions of introduced species is likely to accelerate. The changes further renege on New Zealand's international obligations to conserve indigenous biodiversity and in our trade agreements, and will reflect poorly with our key consumers and trading partners.

CHANGES TO SPEED PROCESSES FOR NATIONAL DIRECTION

NZES submits that there has been limited analysis and little consultation on the changes proposed in the Bill to speed processes for amending national direction. While the Supplementary Analysis Report[10] states that the changes to improving evaluation reports are 'largely' adopted from the NBA, the implications of the other changes have not been evaluated in the light of data and evidence. **The Society submits** that it is essential that meaningful public participation is retained in the development of national direction, and that the evaluation of proposals for national direction are robust and full.

[10] Supplementary Analysis Report: Streamlining national direction processes - 14 May 2024 - Ministry for the Environment (treasury.govt.nz)

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