

## By email

27 June 2024

Email to: [pp@parliament.govt.nz](mailto:pp@parliament.govt.nz)

Office of the Chairperson  
100 Cuba Street  
Wellington T 04 384 5708  
[www.gw.govt.nz](http://www.gw.govt.nz)

Tēnā koutou katoaa,

## **Resource Management (Freshwater and Other Matters) Amendment Bill – Greater Wellington Regional Council Submission**

Greater Wellington Regional Council (Greater Wellington) thanks the Primary Production Select Committee for the opportunity to make a submission on this Amendment Bill.

It is our role as a regional council to protect our environment while also meeting the cultural, social and economic needs of our communities. We are specifically responsible for environmental management, flood protection and land management, provision of regional parks, public transport planning and provision (through Metlink), and metropolitan bulk water supply.

A number of our statutory functions are of relevance to this Bill, including environmental regulation, planning and policy. Greater Wellington is responsible for consenting, compliance monitoring, enforcement and plan-making functions under legislation and policy including the Resource Management Act 1991 (RMA), the National Policy Statement for Freshwater Management (NPS-FM), the National Policy Statement for Indigenous Biodiversity (NPS-IB) and regulations that sit under the RMA.

Greater Wellington supports the Te Uru Kahika submission which has been developed across the regional sector. We provide our submission to highlight specific areas of interest to Greater Wellington.

### **Our submission – wait for wider resource management reform**

Greater Wellington has concerns about the long-term environmental impact of the proposed amendments that would favour economic development in RMA decision-making (under the guise of reducing regulatory burden). These changes will inevitably have negative impacts on te taiao, te wai, and many taonga species across the motu.

### **Excluding the Te Mana o Te Wai (TMoTW) hierarchy of obligations from consent decision-making**

We oppose the removal of TMoTW hierarchy from consent decision making. There is little evidence that the Hierarchy of Obligations is causing a significant issue for consent decision making. As per the Ministry for the Environment's analysis, few applications are known to have been declined on this basis, and they would likely have been declined on effects under the RMA regardless. Greater Wellington has not declined any resource consent applications on this basis.

Central to the Te Mana o Te Wai framework is the recognition that protecting the health and mauri of freshwater protects the health and well-being of the wider environment. Greater Wellington strongly supports this approach. This amendment, along with the other signals Ministers have provided about the longer-term replacement of the NPS-FM and intention to rebalance Te Mana o Te Wai, are not supported by Greater Wellington because they would compromise our ability to improve freshwater outcomes in our region.

We expect that they will also be of deep concern to our mana whenua / tangata whenua partners and Māori. Te Mana o Te Wai is an integral element of the NPS-FM that progresses Māori freshwater rights and interests. Weakening Te Mana o Te Wai has the potential to cause negative and irreversible impacts on freshwater quality. Over the past 13 years, Greater Wellington has implemented community collaboration Whaitua processes as the foundation for our RMA plan-making. During these processes we have consistently heard that improving water quality and the health of ecosystems and waterways are of utmost importance to Māori and our local communities.

Under the current drafting, there is clear direction in the NPS-FM about the criteria that must be applied to decisions on consents. The hierarchy is integral to Te Mana o Te Wai, and it is woven through the NPS-FM (and increasingly regional planning documents). 'Unpicking' the framework by disapplying the hierarchy for consent decision making would result in a much more complex system, adding to cost and uncertainty.

This amendment does not add clarity or efficiency. In fact, the proposed amendment is likely to reduce clarity as there would be conflicting direction given that consenting authorities would be unable to have regard to the Hierarchy of Obligations while still being compelled to have regard to the remainder of TMoTW. Consent decision making must have regard to "relevant provisions" of any National Policy Statement (i.e. s104(1)(b) RMA), not just objectives and policies. Even if regard was limited to objectives and policies, Policy 1 of the NPS-FM is "Freshwater is managed in a way that gives effect to Te Mana o Te Wai.". TMoTW is defined in the NPS-FM as Part 1.3, i.e. it is more than just the Hierarchy of Obligations (1.3.5). It also includes the Concept (1.3.1 and 1.3.2) and Framework/Principles (1.3.3 and 1.3.4).

### **Amending Resource Management (Stock Exclusion) Regulations 2020 Relating to Sloped Land and repealing most of the Specific Intensive Winter Grazing Regulations and Conditions**

We generally support these amendments. This support is contingent on our ability to switch back to regional planning rules with a provision to be stricter if required. A national approach to this issue has always been problematic for regions where winter grazing is not a widespread practice and has added cost to our processes. It is better for regions to design local solutions to match local issues.

## **National Direction Processes**

We support the speeding up of minor changes and the removal of the long Board of Inquiry process. However, we do not support the changes to make national direction 'easier' with less analytical rigour. We do not believe there is an issue here given that the requirements are already quite 'light' compared with what local government must go through for plan and statement changes (RMA Schedule 1 requirements).

The Regulatory Impact Statement process is not a replacement for the Section 32 process and this will lead to sub-optimal policy. Changes to national direction have been made through this Section 32 process that has resulted in better outcomes and this step should remain. For example, a full cost-benefit analysis identifies significant areas of cost and enables the generation of advice to change the proposal to better meet its objectives at a lower cost.

The whole Section 32 process for both central and local government should be addressed as part of wider resource management reform.

## **National Policy Statement for Indigenous Biodiversity: Significant Natural Areas (SNA) Suspension**

Greater Wellington has had a requirement in the Regional Policy Statement for the Wellington Region for Territorial Authorities (TAs) to identify Significant Natural Areas since 2013; some TAs are yet to implement this step. The proposal to defer the NPS direction to identify SNAs would add more complexity for our region since it could be perceived as creating conflicting direction. We expect that if the amendments are made, then some TAs and landowners may push back on the Regional Policy Statement's requirements to identify SNAs, or seek that mapping be disregarded where SNAs are already identified.

This amendment creates issues for protecting key habitats, especially if they have not yet been identified. Section 6(c) of the RMA makes protecting significant indigenous vegetation and significant habitats of indigenous fauna a matter of national importance. Current regulatory tools have had limited success in delivering that protection. They have enabled continued biodiversity decline, contrary to section 6(c) and international commitments.

Delaying the requirements to identify SNAs will work against regional programmes such as Whaitua (Mana whenua and community NPS-FM committees) and Mauri Tūhono (our Regional Biodiversity Framework), increase flood and erosion risk, and generally result in a loss of natural values from the Wellington region at a time when there has been severe decline and restoration is required (as we are doing on GW land). We would support the Government to develop more effective regulatory tools for achieving the same purpose, but only removing SNAs when a suitable replacement is developed as part of wider resource management reform.

We do not support the amendment without a suitable tool in place to identify and protect significant biodiversity. However, if the amendment is to proceed then we seek that the Committee adjusts the Bill to be very clear that existing higher order direction is not to be ignored. This would ensure consistency with the long-standing requirements under Wellington Region's RPS.

## **Consenting Pathway for Coal Mining**

While there are no coal deposits in the Greater Wellington region to our knowledge, we are concerned about broader environmental and climate change direction with this amendment. Aotearoa New Zealand has international commitments as a party to the decision at the COP28 United Nations summit in Dubai specifically to phase down unabated coal power and transition away from the use of fossil fuels in energy systems. Adding to the production of coal for use of energy by consenting continued or increased coal mining in Aotearoa New Zealand would be inconsistent with this commitment<sup>1</sup>.

Fuller analysis would be required to understand the net greenhouse impact of higher local coal production and use versus using imported coal to help meet present and future demand. Regardless, anything that increases coal use within Aotearoa New Zealand (say as a result of increasing its supply) runs counter to both our international climate change commitments, including our Nationally Determined Contribution (NDC) for 2030, and our domestic carbon reduction targets and budgets under the Climate Change Response Act.

## **Closing remarks**

Greater Wellington Regional Council once again thanks the Primary Production Select Committee for the opportunity to provide feedback on the Resource Management (Freshwater and Other Matters) Amendment Bill.

As you can see from our submission, many of the proposed amendments will not have the outcomes that the government is seeking in terms of efficiency and managing costs. In many cases, it will be more effective and efficient to integrate the changes proposed in this Bill into broader resource management reform.

We welcome further discussion of this submission should the opportunity arise and would like to speak to our submission.

Ngā mihi nui,



## **Adrienne Staples**

Deputy Chair, Greater Wellington Regional Council

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<sup>1</sup> <https://unfccc.int/documents/636608>