

## Oral submission to the Parliamentary Environment Committee on the Natural and Built Environment Bill and Spatial Planning Bill, 28 Feb 2023

Taranaki, where we are based, has suffered hugely from industrial dairying and the fossil fuel and petrochemical industries.

The RMA is long overdue for reform and replacement by something that has environmental wellbeing at its core.

We do not support the Bills in their current form however, because many substantive amendments are needed.

## The Natural and Built Environment Bill

As EDS and many other submitters pointed out, the **purpose** of the NBEB should be better crafted as a single, tightly defined purpose statement that is expressed as a hierarchy, conceptually similar to Te Mana o te Wai in the National Policy Statement (NPS) for Freshwater Management.

### System outcomes

In terms of **system outcomes**, we need to incorporate the **urgent drawdown of excessive development and material throughput**. This is needed if we are serious about achieving the Purpose clause 3(a)(iii) “*complies with environmental limits and their associated targets*”. The bill should incorporate clear recognition and outcomes in terms of **circular economy and degrowth**, failing which there is little chance of protecting or restoring ecological integrity and the life-supporting capacity of our natural environment.

We’re concerned that the long list of system outcomes in the Bill bears **no internal weighting or hierarchy**. A number of the outcomes have the potential to conflict with each other. Notably 5(b)(ii) the removal of GHG from the atmosphere, such as through **large-scaled monoculture of carbon forest plantations**, could destroy or severely degrade ecological integrity. We’ve just witnessed the enormous devastation caused by [pine forestry slash during cyclone Gabrielle](#) – of course this is just the tail end of the devastation. What has been lost when land was first converted into pine forests?

Another listed system outcome – clause 5c(ii) “*the ample supply of land for development, to avoid inflated urban land prices*” is another cause of concern for us. Not only does it have huge potential to directly contradict with the protection or restoration of ecological integrity, it is also wrong to blame purely the shortage of supply of land as the cause of inflated urban land prices and housing costs. The systemic deregulation of the housing and rental markets, and the failure to invest in state and social housing, are the main causes of Aotearoa’s perpetual housing crisis.

In terms of land for primary production under clause 5d, we proposed new wordings “*the availability of productive land for **diverse, sustainable land-based primary food production***”. We don’t support making more productive land available for industrial scaled, monoculture, export driven primary production like dairy products, or emerging biofuel crops. Facing unprecedented climate and social crises, any new or reformed law and policies must prioritise food security and resilience for Aotearoa and the Pacific Islands, over profit-driven exports.

### Decision-making principles

The polluter pays principle is missing. This principle is needed to determine who is liable and therefore must pay for things like clean ups of waterways or coastlines from pollution and oil spills; compensation for victims of groundwater contaminated by industrial agriculture and those who have lost their homes and livelihoods from [forestry slash during extreme weather events](#).

## Discharges

Since oil was discovered 150 years ago, Taranaki has been subject to contaminant discharges to air, land and water, from the oil and gas and petrochemical industries. The RMA has failed to protect Taranaki's environment and the health and wellbeing of local communities. We don't see how **Clause 22 of the bill – Restrictions on discharging contaminants** – would improve the situation and restore environmental health.

A case in point, many jurisdictions have now **banned or imposed a moratorium on hydraulic fracturing** or fracking, because of documented environmental and social impacts, the precautionary principle, and human rights to health, water, food, access to information, etc. Yet fracking is allowed to go on around Taranaki, as well as the **discharge of contaminated drilling wastes and produced water** on/into land, near water and at sea, both in the coastal marine areas and in the EEZ. How would the bill address these, to safeguard the environment and people's health?

## Notification and affected person

In Taranaki, all too often regional and district councils would avoid public notification or identifying affected persons, when it comes to oil and gas resource consents. That's why nearly all consents are granted non-notified, with just a few being limited notified. Councils have too much discretion in determining whether an application should be notified and who, if anyone, is an affected person. Alarming, some households included in oil companies' **emergency evacuation plans** were not deemed 'affected parties' by the local councils and were unaware of the risks. We are worried that similar situations could be re-created with the **push for the Hydrogen economy**, its production, storage, refuelling and use – all being hazardous activities.

At the very least, the Bill should allow notification of persons not deemed as 'affected' by consent authorities, to 'have their say', if they have reasons to believe they are 'affected'.

## Fast-track consenting

We remain opposed to fast-track consenting, as we did in 2016 when it was first introduced, and reiterated in 2020 over the 'shovel-ready' infrastructure projects under the name of Covid recovery. Since then, at least two **hydrogen projects** have been fast-tracked in Taranaki, without robust environmental and economic impacts assessment or public inputs. One of these is to replace **New Plymouth wastewater treatment plant's thermal dryer** with one that'd take a hydrogen-natural gas blend with \$37m from central government's shovel-ready infrastructure fund. In December last year, it was revealed that ratepayers most likely would have to carry the burden of a **\$40 million budget blowout**. Council management admitted that the rush to secure the funds had resulted in the project not having the "level of review" it normally would. The budget estimates were apparently based on **incomplete design**.

The **eligible activities** for fast-track consenting listed under clause 316 of the Bill are wide ranging, from gas distribution network to housing development, airport, roads, flood control, wastewater treatment and defence facilities, etc.

We know there is the urge to rebuild quickly following the widespread disasters brought by cyclone Gabrielle, but it's useful that we reconsider the advice from the Climate Change Commission back in May 2020:

*"We understand and support efforts to support economic and social recovery from the shock of COVID-19. We strongly believe that in doing so we also need to avoid creating future problems and potentially large public and private costs and losses. If we lose sight of climate change during this time, we may end up compounding today's crisis with a future one."*

Clearly, the rebuild, and in some cases relocation, will need to be carefully planned, assessed and consulted with genuine public participation and inputs from tangata whenua, local communities and experts, not just bureaucrats and developers. Rather than a rushed, rebuild of 'like to like', we have the opportunity for transformation to **much more resilient and sustainable** communities and public infrastructure, with not only smaller carbon footprints, but deliver positive outcomes for the environment and people.

## Spatial Planning Bill

It's of critical importance that the Spatial Planning Bill supports the Natural and Built Environment Bill. As such, any regional spatial strategies and implementation plans must be **consistent with** the relevant natural and built environment plans.

Indeed integration with other pieces of legislation like the Land Transport Management Act and Local Government Act is important. We mustn't forget about integration with the Climate Change Response Act and the upcoming **Climate Change Adaptation Act**. Surely any spatial strategy needs to have climate change mitigation and adaptation at the centre.

Moreover, any exploration and development plans under the government's **Minerals and Petroleum Strategy 2019-2029** and the upcoming **NZ Energy Strategy** must be consistent with the relevant NBE plans and regional spatial strategies.

Take an example, there is now huge and growing business interest in building massive **offshore wind farms** off Taranaki and elsewhere, both within the **coastal marine areas and in the EEZ**. How will the spatial planning bill address this and make sure that NZ's international obligations to protect and restore threatened marine species populations, notably the Maui dolphin, the nursing ground of our pygmy blue whales, kororā the little penguin and migratory seabirds?

The Parliamentary Commissioner for the Environment wrote to MBIE in December and warned that:

*"There are potentially far too many competing claims over too few resources for each of these different projects to be considered in isolation from the rest of the energy system... the Government must undertake a comprehensive **whole-of-system energy analysis** that compares different energy scenarios on a fair and consistent basis **prior to any decisions being made to advance specific options.**"*

Clearly, the implications of any major energy development would not be confined to the rest of the energy system, but also affect the natural and built environments on land and offshore, climate outcomes, and people's wellbeing. It is therefore crucial that any major energy development proposals are **put on hold**, as the Commissioner advised, and that the **Energy Strategy being formulated must be consistent** with the NBE and regional spatial plans.

We are not only worried about fossil fuels, but also the **unsatiable appetite for more and more energy including renewables**. With the urgent need to transition away from coal, oil and gas, there're colossal demands for minerals like steel, copper & aluminium for wind turbines, or cobalt and lithium for EVs, etc. All these require extractive mining and/or fossil fuels to process or produce. We are gravely concerned that **without** a genuine respect of ecological and biophysical limits or indigenous rights, and **the commitments to economic degrowth**, the push for rapid renewable energy expansion will lead to widespread, irreversible environmental and social harm, in Aotearoa and overseas.