

Tasman District Council Resource Management (Freshwater and Other Matters) Amendment Bill Oral Submission to Primary Production Committee, 17 July 2024

1.0 Introduction

We welcome the opportunity to make further comments on the Resource Management (Freshwater and Other Matters) Amendment Bill.

Tasman recognises the Bill's attempt to improve national direction process, enabling government to be more responsive. Having the ability to make quick minor changes could be beneficial to our regions if regulations remain current and abreast of best practice. The Bill however has missed many opportunities to design and deliver improvements for all resource management matters affected by the Bill.

The Council's main concerns centre on:

- Elevated Ministerial discretionary powers to make changes to national policies without due consultation.
- Increased duplication, inefficiencies and gaps for reporting and evidence requirements.
- Removal of consultation on matters of significant public interest.
- The hierarchy of obligations being excluded from consenting.
- Intensive Winter Grazing (IWG) and slope land requirements that are not responsive to actual issues nor provide the best solutions to address regional differences.
- The missed opportunity to interlink a carrot and the stick approach to support identification and protection of biodiversity.
- Lack of control of Greenhouse Gas Emissions (GHG) through coal mining.

2.0 Tasman's key recommendations for improvement

DECISION MAKING POWERS

1. Fetter the streamlined process and Ministerial decision-making powers by e.g.
 - **Only allowing the streamlined process to amend national policy direction if minor changes are required e.g.**
 - To align with updated industrial and legal standards.
 - To support the use of new and improved technologies.
 - **Retaining the Board of Inquiry process where there are national direction matters that have significant public interest.**
 - **Deleting the clause which allows the Minister to decide what is considered "adequate time and opportunity to make a submission" on the subject matter of the proposal.**
 - **If the Minister's discretion is allowed, requiring that discretion to be tied to specific criteria that supports sound and fair judgment.**

REPORTING REQUIREMENTS

2. Strengthen section 32 and 46 reporting requirements by e.g.
 - **Removing duplication and inefficiencies where similar information is being required in s32 reports, a Regulatory Impact Statement and s46A(4)(c) reports.**
 - **Providing a more robust evaluation process by requiring e.g.**
 - more substantial evidence for the proposed s32AB reports.
 - a benefits and cost analysis.
 - a risk assessment for a proposed activity.

CONSULTATION LIMITS

3. Encourage investment in and compliance to new national direction by e.g.
 - **Making consultation mandatory on matters of significant public interest.**

- **Providing greater certainty and clarity as to when NES provisions would be considered “no longer required as a consequence of changes to legislation” (cl.10(3)(e)).**

HIERARCHY OF OBLIGATIONS AND CONSENTING

4. Provide clarity and consistency by e.g.
 - **Deleting Schedule 4 clause (2A) that proposes to remove Te Mana o Te Wai hierarchy in the resource consenting process.**

STOCK EXCLUSION

5. Ensure stock exclusion occurs in the right place for the right reason by e.g.
 - **Permitting local authorities, the discretion to create and edit their own regional stock exclusion maps.**
 - **Deleting the provision which prevents local authorities from restricting all stock from wetlands.**

INTENSIVE WINTER GRAZING (IWG)

6. Address location specific issues and potential for environmental harm by e.g.
 - **Allowing local authorities to design fit for purpose IWG regional rules, for example:**
 - **Retain the provision which directs farmers to avoid CSAs and have a 5-metre vegetated buffer from water bodies when undertaking IWG.**
 - **Any farm that does IWG, whether on a slope or not, in order to avoid environmental harm should be required to specify in their freshwater farm plans the actions that they will take to manage or mitigate adverse effects.**

BIODIVERSITY PROTECTION

7. Provide a combination of tools to local authorities to identify and protect regional biodiversity, as well as fulfil national and international biodiversity goals and priorities by e.g.

- **Recognising the economic value associated with biodiversity protection.**
- **Providing a carrot and stick regime that combined incentivises biodiversity identification and protection and calls to task non-compliant or unacceptable resource management.**

COAL MINING

8. Reduce greenhouse gas emissions (GHG) and climate change impacts by e.g.
 - **Requiring the Bill to align and implement provisions in accordance with national and international GHG reduction obligations.**
 - **Making it mandatory for coal mining developments to provide stringent cost benefit analyses and Environmental Impact Assessments on all applications for new or extended activities.**

3.0 Closing comments

Tasman would have welcomed the Bill if it provided benefits and improvements to current resource management practices. Unfortunately, the Bill has missed an opportunity to enhance at both the regional and national level, long term and fit for purpose solutions to legacy environmental issues. Tasman asserts our recommendations to the Primary Production Committee are integral to improving resource management for freshwater, land and soil and biodiversity protection.

Thank you for the opportunity to speak to our submission.