

Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill

06/02/2025

Summary

We oppose all the proposed changes in the Resource Management (Consenting and Other System Changes) Amendment Bill that limit the ability of regional councils to regulate fishing impacts through the Resource Management Act (RMA). These changes would significantly weaken environmental protections in coastal and marine areas, shifting decision-making away from regional councils and local communities toward the Ministry for Primary Industries (MPI), which prioritises fisheries extraction over ecosystem health.

About STET

STET is a social enterprise that supports restoration and conservation projects in New Zealand. Much of our paid, discounted and volunteer work is focused on improving the health of the Hauraki Gulf. Clients for this work include the Department of Conservation, Auckland Council, the Hauraki Gulf Forum, and many community groups. We worked on the last four State of the Gulf reports.

Shaun Lee is one of the company directors, he is a diver and citizen scientist who works on active and passive restoration initiatives in the Gulf. He is also a trustee of the Mussel Reef Restoration Trust involved in the Revive Our Gulf project.

RMA Protection Areas Serve a Different Purpose from Fisheries Management

The proposed changes incorrectly assume that rules limiting fishing under the RMA are about fisheries management, which is already governed by the Fisheries Act 1996. However, RMA protection areas, created under the 'Motiti Decision' are not created for fisheries reasons but to protect indigenous biodiversity based on cultural, scientific, ecological or even aesthetic values.

Cultural values: Many iwi and hapū place significant spiritual and historical importance on specific marine areas. RMA tools provide a legal pathway to protect these sites beyond the Fisheries Act.

Scientific values: Some areas require protection for research and biodiversity conservation, independent of fisheries stock management.

Ecosystem protection: Fishing activities, particularly bottom trawling and dredging, can destroy benthic habitats, impacting biodiversity far beyond fish stocks. The RMA allows for habitat-based protection rather than species-specific management.

Aesthetic values: New Zealanders value marine environments for their natural beauty, recreation, and tourism, which can be degraded by unregulated fishing impacts. The experience of abundance and diversity provided by limiting fisheries impacts is an amenity value.

The necessity requirement under RMA law ensures biodiversity protections remain justified and science-based. The differences in the abundance and diversity in protected areas vs non protected areas shows that fishing is **the** primary cause of biodiversity loss in the coastal marine area. Restricting councils' ability to establish these protections undermines their ability to fulfil their responsibilities to protect indigenous biodiversity.

The Fisheries Act does not protect indigenous biodiversity

The Fisheries Act has failed to protect marine biodiversity, as seen in most of Northeastern New Zealand, where overfishing of snapper and crayfish has led to unchecked kina populations stripping vast areas of kelp forest, creating barren rocky reefs. The Act focuses on managing fish stocks rather than maintaining ecosystem health, allowing habitat degradation to continue. This failure is further highlighted by the complete collapse of the commercial scallop fishery, which is now shut down nationwide due to years of destructive dredging. These issues demonstrate why regional councils must retain their ability to regulate fishing impacts under the RMA.

New Zealand's track record on marine protection

In New Zealand, special interest groups, particularly within the commercial fishing industry, have exerted significant influence over fisheries management, often prioritising short-term economic gains over long-term environmental sustainability. This dominance has led to marine protection policies that are misaligned with public expectations. A recent poll indicates that a majority of New Zealanders support protecting at least 15% of the country's oceans, yet currently, only 0.4% is under protection¹. This places New Zealand's marine conservation efforts on par with nations like Russia and China². The disparity between public sentiment and actual marine protection measures underscores the need for a more balanced approach that reflects the environmental values of New Zealanders.

10-Year Closures: A Balanced Approach to Ecosystem Recovery

The RMA allows councils to impose long-term protections where necessary, and a 10-year closure period strikes the right balance between allowing ecosystem recovery and ensuring social acceptability. This timeframe provides enough stability for habitats to regenerate while remaining flexible enough to be reviewed and adjusted based on scientific and cultural considerations. Unlike marine reserves, which are permanent and difficult to establish, and Fisheries Act section 186 rāhui, which are temporary and require ministerial approval, RMA-based closures provide a pragmatic and community-driven solution. The 10-year protection period under the RMA aligns with the United Nations' 'high protection' standards, which require long-term, durable conservation measures to qualify as meaningful protection. By meeting this threshold, RMA protection areas contribute to New Zealand's international obligation under the '30 by 30' initiative, which aims to protect 30% of the world's oceans by 2030³.

¹ <https://newsroom.co.nz/2025/01/20/poll-finds-overwhelming-political-mandate-for-protecting-oceans/>

² <https://www.nzgeo.com/stories/how-did-we-fall-so-far-behind/>

³ <https://www.mfat.govt.nz/en/environment/biodiversity-and-species-conservation>

⁴ <https://eds.org.nz/wp-content/uploads/2025/02/Final-EDS-Submission-on-RM2-Bill-20250205.pdf>

The Role of Regional Councils in Coastal Protection

A holistic management approach is essential to reduce continual ecosystem decline. It is more efficient for a single agency to oversee all environmental issues within a given area rather than having multiple agencies with conflicting mandates. Regional councils are best placed to integrate land-based pollution control, habitat protection, and marine conservation into a cohesive strategy. Fragmenting responsibility between different government departments creates inefficiencies and weakens enforcement, ultimately undermining the ability to protect ecosystems. Regional councils have a legal mandate to manage environmental effects in the coastal marine area under the RMA. The courts have upheld that this includes regulating fishing when it is necessary to protect biodiversity, as seen in the ruling that created the Motiti Protection Areas. Removing this ability takes away a proven, locally responsive tool for marine conservation.

The Environmental Defense Society which has clearly articulated how case law has defined the unique purpose and role for this marine protection measure⁴. We also disagree with the discussion document which argues there is complexity and duplication of effort in the current process. There is little effort going into marine protection in Aotearoa as evidenced by the Country's poor track record. The suggested requirements are contradictory because if councils are required to seek MPI's concurrence this adds complexity and a duplication of the review process.

The proposed bill would require councils to seek concurrence from the MPI before implementing any fishing-related rule. All the proposed changes create an unnecessary bureaucratic barrier and place decision-making in the hands of an agency primarily focused on fisheries extraction rather than the broader role of Councils. This role extends beyond the RMA (environmental management) to long-term planning, which considers factors like tourism, recreation, and community wellbeing. Given New Zealand's poor track record on marine protection the proposed changes will likely result in a reduction in the benefits of marine protection, which includes benefits to fisheries (spillover effects, larval export, stock recovery), ecosystems (habitat restoration, biodiversity conservation, trophic balance), and communities (amenity, tourism, cultural values).

Furthermore the proposed amendments are anti-democratic, preventing communities from having a say in marine protection through regional planning.

Conclusion

The bill will reduce New Zealand ability to meet international obligations on marine protection and not meet public expectations for marine protection.

I urge the Select Committee to:

- Reject the proposed restrictions on regional councils' ability to manage fishing-related environmental impacts under the RMA.
- Retain the ability for councils to establish RMA-based marine protections for cultural, scientific, aesthetic, and ecological reasons.
- Recognise the importance of 10-year closure periods as a balanced and effective tool for ecosystem recovery.
- Ensure that marine protection decisions remain with local councils and communities rather than centralised under MPI.

New Zealand's oceans are facing unprecedented pressure from overfishing, habitat destruction, and climate change. Now is the time to strengthen, not weaken, our ability to protect marine biodiversity.

Thank you for considering our submission.

Shaun Lee
Director
STET Limited

shaun@stet.co.nz

021 555 425