

Submission on Fast-track Approvals Bill by Stet Limited

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About Stet Limited

1. Stet is a limited liability company formed in 2011 by Shaun Lee. The term 'stet' comes from the publishing industry and means undo changes. Stet is a social enterprise that supports restoration and conservation projects in New Zealand.
2. Stet Limited strongly oppose the Bill.
3. The Fast Track Approvals Bill transfers authority from the public and specialists to three politicians. Despite being presented as a means to expedite legal processes, this legislation instead acts as a vehicle for environmental harm. It systematically undermines the nation's environmental safeguards.
4. A commitment to sustainability is crucial for businesses to maintain their social license, yet the Bill in question falls short by sanctioning projects that may receive technical approval but lack sustainability and societal support, negatively impacting industry and

commerce. Additionally, this legislation marks a significant departure from established fast-track processes by endowing development ministers with excessive, unchecked powers to authorize projects and by unjustifiably curtailing public involvement.

Principal concern #1: Numerous damaging projects qualify for expedited processing

5. Some projects will be directly named in the Bill and allowed to proceed to a panel review, bypassing the usual requirement for a detailed eligibility assessment for fast-tracking. Yet, no specific projects have been identified in the Bill as it was introduced. This situation implies that numerous projects, potentially over a hundred, could evade public examination before becoming part of the final legislation, a practice that strays from proper legislative procedure. Normally, it's the job of the Select Committee to pore over the details of our laws, informed by thorough submissions from experts, stakeholders, and the public.
6. Stet Limited is seriously worried that the projects eventually listed might include ones that have previously been turned down, those that would likely face rejection under current Resource Management Act (RMA) protocols, or those with significant environmental impacts warranting public discussion. To bypass previous consenting processes through legislation would be incredibly disrespectful to all those who have participated in good faith in the past, essentially disregarding their contributions and overturning prior decisions.
7. Stet Limited expresses concerns over certain types of projects that may be included in the legislation and their prolonged environmental effects. As specialists in seafloor restoration with firsthand experience beneath aquaculture farms, Stet Limited highlights the urgent need for strict regulatory oversight. Without adequate control, these operations can significantly harm marine ecosystems through pollution, destroying habitats, and spreading diseases to wild fish stocks.
8. Mining is identified as inherently unsustainable, causing lasting ecological harm, pollution, and social issues. Stet Limited points out that, given New Zealand's unique biodiversity and largely unspoiled landscapes, it's crucial for the country to proceed carefully to minimise its impact on these delicate ecosystems.
9. Additionally, Stet Limited brings up serious concerns about dam construction and its permanent effects on natural habitats, water flows, and local ecosystems. The firm suggests that further research into innovative and sustainable water management practices is necessary before resorting to dated solutions like dams.
10. Stet Limited also notes that the negative impacts of these projects may not be immediately noticeable but will burden future generations with externalities. This stance underlines the need for expert advice and comprehensive scrutiny in shaping laws that govern such impactful projects, ensuring sustainable development and mitigating environmental impacts.

11. In addition to listed projects, the Bill lets Ministers pick and choose projects for the fast-track process. Government can thus be the developer, the regulatory gatekeeper and the ultimate decision maker. This is an inappropriate distribution of power in the executive.
12. Stet Limited would like to highlight serious reservations about granting Ministers the authority to fast-track specific projects. The possibility of bias due to existing working relationships is a significant concern, potentially leading to a preference for projects linked to those in power over those that genuinely benefit the environment and the public. This risk undermines the fairness of the selection process, suggesting that personal connections could sway decisions more than the actual merits of the projects.
13. Furthermore, the lack of specialised expertise among Ministers in areas related to environmental science or technical aspects of projects raises doubts about their ability to thoroughly evaluate the potential long-term impacts and technical viability of proposed projects. This gap in knowledge could result in the green-lighting of projects with unforeseen detrimental effects on our ecosystems or projects that fail to deliver due to overlooked complexities. The concentration of such decision-making power also opens doors to potential corruption, making the process susceptible to undue influence from private interests. Stet Limited strongly advocates for a selection process that is more transparent, based on expertise, and free from bias, ensuring that project approvals are in the public interest and contribute to sustainable development in New Zealand.
14. The criteria for referral, defined as "significant regional or national benefits," are subject to Ministerial discretion and overly broad, potentially encompassing nearly all types of activities. The Bill needs to be more specific in its targeting.
15. The only projects that ought to be fast-tracked are those with undeniable ecological benefits, such as initiatives that will significantly reduce carbon emissions and other forms of pollution.
16. There are scant instances where projects are automatically disqualified from fast-tracking on environmental grounds, raising significant concerns. Notably alarming is the provision that makes activities previously banned under the Resource Management Act (RMA) due to their environmental risks now eligible for fast-tracking. These bans were instituted to prevent the most ecologically harmful activities, yet this Bill seeks to permit them, undermining critical environmental protections.
17. Moreover, the Bill lacks safeguards to prevent the fast-tracking of projects that could exacerbate greenhouse gas emissions, contribute to species extinctions, contaminate freshwater resources, endanger human health, pollute waterways protected by water conservation orders, or violate international marine dumping laws. Such oversights are entirely unacceptable. While Ministers have the authority to reject projects based on environmental considerations, this power is discretionary and influenced by the

Bill's overarching emphasis on development. Furthermore, the decision-making responsibility falls to the Ministers for Regional Economic Development, Infrastructure, and Transport, notably excluding the Minister for the Environment and the Minister of Conservation for coastal marine areas, which is an inappropriate arrangement given the environmental stakes involved.

Principal concern #2: The procedures and criteria used to grant approvals under the Resource Management Act (RMA) are unsuitable.

18. The Bill's approach and the standards it sets for approving projects under the Resource Management Act (RMA) are severely lacking. Once projects are forwarded by Ministers, the fast-tracking essentially becomes a formality, with little to no rigorous evaluation involved. Moreover, it's improper that the Bill's focus on development overshadows the need to account for environmental considerations. The foundational purpose and principles of the RMA, alongside national guidelines, council plans, and other RMA measures, are unjustly relegated to secondary importance. The RMA and its protective instruments should not be sidelined or diminished in importance.
19. Stet Limited has previously been involved in opposing a development that bypassed standard regulatory procedures. The Point England Development Bill 2017 drew considerable media attention, consumed a lot of people's time, and ultimately fell short largely because it sought to circumvent Resource Management Act (RMA) processes designed to safeguard biodiversity and amenity values. I foresee this bill leading to similar disputes and disappointing results, indicating a pattern of attempting to sidestep established environmental protections with counterproductive consequences.
20. The absence of reference to section 8 of the Resource Management Act (RMA), which embodies the Treaty of Waitangi principles, in the bill is concerning. This oversight means that panels tasked with making recommendations aren't obliged to consider Treaty principles. Additionally, there's no directive for panels to prioritize reducing greenhouse gas emissions, crucial for New Zealand's international emissions reduction commitments.
21. The current setup allows Ministers to accept or reject panel recommendations, potentially pursuing a different path. This setup is problematic as it gives decision-making power to Ministers who may lack the expertise of panels, reducing panels to advisory roles that can be disregarded. Moreover, it's inappropriate for development-focused Ministers to make these decisions. This direct political decision-making exposes Ministers to legal and political risks, with no clear guidance on managing conflicts of interest provided by the bill.
22. The involvement of Ministers Shane Jones, Chris Bishop, and Simeon Brown in decision-making raises significant concerns, particularly regarding the potential revival

of what are termed "zombie projects." Projects such as the Te Kuha coal mine and the Ruataniwha dam and irrigation scheme, previously rejected by courts, could resurface under the proposed legislation. For instance, the Te Kuha coal mine, despite facing multiple rejections in resource consent processes and court rulings against its development, could potentially be greenlit under this act, bypassing established legal barriers.

23. Moreover, the legislation grants Ministers unprecedented powers, allowing them to override court decisions and determine project approvals. This parallels historical instances, such as the Muldoon era, where parliament intervened to push forward contentious projects like the Clyde Dam against judicial rulings. However, the current legislation extends beyond previous precedents by vesting decision-making authority directly in Ministers' hands, bypassing expert opinions and parliamentary oversight. This concentration of power raises concerns about accountability and transparency, especially in cases involving potential conflicts of interest, such as projects associated with political donors.
24. Stet Limited concur with University of Otago law professor Andrew Geddis, who questioned the justification for granting such sweeping executive authority to Ministers, particularly outside of exceptional circumstances like the Covid-19 pandemic. The lack of a clear rationale for empowering Ministers to this extent underscores the need for careful consideration of the implications of granting them unchecked decision-making powers in today's political environment.

Principal concern #3: There is a notable absence of public involvement and other essential checks and balances.

25. The Bill effectively dismantles the robust public involvement mechanisms that act as the environmental Health and Safety rules for New Zealand's natural resources. By removing these checks and balances, it exposes our environment to significant risks.
26. When making referral decisions, Ministers are required to solicit input from local government, relevant Ministers, and various Māori entities. However, there's a glaring absence of any obligation to notify landowners or occupiers whose property rights may be impacted by a project, which is both unjust and misguided.
27. Furthermore, panels are not permitted to publicly notify projects either. Instead, they are only mandated to seek input from a limited range of individuals and groups, with the discretion to include others they deem "appropriate." This lack of public involvement excludes vital scrutiny and oversight, with even the Parliamentary Commissioner for the Environment left out of the loop. Additionally, the Minister for the Environment, who should be accountable for environmental outcomes, is notably excluded from the feedback process.
28. These omissions are deeply troubling, especially considering that the projects likely to be referred to panels are those with significant adverse environmental effects,

necessitating the thorough scrutiny and expert input typically provided by non-governmental organizations through submissions and evidence.

29. Public involvement in decision-making is essential for upholding democratic principles, promoting transparency, and ensuring accountability. By engaging the public, governments can tap into diverse perspectives and expertise, leading to more informed and comprehensive decisions. This process fosters trust between government bodies and the public while holding decision-makers accountable for their actions. Ultimately, public involvement leads to better decision outcomes that reflect the will and interests of the people affected by those decisions.

Principal concern #4: Undermining conservation protections

30. Stet Limited is worried that the Bill undermines critical conservation protections.
31. The Bill introduces changes to the approval process under the Wildlife Act 1953, enabling offsetting and compensation for wildlife impacts, a significant departure from the Act's existing framework that prohibits harm to wildlife. This departure raises concerns as there are no specified limits on the extent of harm permitted, potentially endangering Threatened, Data Deficient, and At-Risk species. This approach heightens the risk of species being driven closer to extinction, especially when their habitats intersect with new infrastructure projects such as highways, mines, or dams. Conservation plans are vital to safeguarding biodiversity and ecosystems, ensuring that human activities are balanced with the preservation of wildlife and their habitats.
32. Stet Limited is proud to have extensive experience in working with numerous endangered species, notably shorebirds, seabirds, and native fish such as the dotterel, fairy tern, and shortjaw kokopu. These species' habitats face significant threats from the types of development projects that the bill proposes to allow. For instance, shoreline development for infrastructure projects like highways or industrial sites can encroach upon crucial nesting grounds for shorebirds and seabirds, disrupting their breeding and foraging habitats. Similarly, dam construction and waterway alterations associated with the bill's proposed developments can adversely affect native fish populations by obstructing migratory pathways, altering water flow patterns, and degrading water quality. Such disturbances pose substantial risks to these already vulnerable species, exacerbating their precarious conservation status and further endangering their survival. Stet Limited's expertise underscores the urgent need for robust conservation measures to mitigate the impacts of these development projects on endangered species and their habitats.
33. It is deeply troubling that the Bill considers access arrangements under the Crown Minerals Act 1991 as eligible for fast-tracking, particularly because these approvals facilitate mining activities on Crown-owned conservation land. This provision could potentially open up stewardship land, conservation parks, forest parks, local reserves, and other protected areas to mining operations without public notification. What is most alarming is the lack of clarity in the Bill regarding the prohibition of projects seeking to conduct open coast mining, such as coal mining, in ecologically sensitive

areas like national parks or reserves. As a passionate advocate for environmental conservation, I vehemently oppose the notion of allowing mining activities to encroach upon our precious conservation lands, which serve as invaluable habitats for endangered species and irreplaceable natural ecosystems.

Principal concern #5: The justification behind the Bill lacks strength and coherence

34. The Bill extends far beyond what is necessary to tackle the issues supported by concrete evidence. I draw attention to the Ministry for the Environment's remark that the analysis conducted was not as comprehensive as typically anticipated for a Bill of such significance. Additionally, the Ministry explicitly cautions against adopting most of the fundamental design measures outlined in the Bill.

In conclusion

35. The Bill represents a monumental shift in environmental consenting in this country. It is a radical disruption of the system which will undoubtedly lock in environmental degradation for decades to come. It bears little resemblance to existing fast-track processes, which are currently operating adequately. Fast tracking under the Covid-19 legislation, which went nowhere near as far as this Bill and is largely replicated in the current fast track process retained from the Natural and Built Environment Act, has shaved 18 months off the average consenting timeframe. There is simply no need for the Bill. It should not be passed.
36. The Bill marks a significant departure in environmental consenting practices in New Zealand. It represents a radical overhaul of the system, with potential consequences of locking in environmental degradation for years to come. Unlike existing fast-track processes, which are functioning adequately, this Bill introduces drastic changes that are unnecessary. Fast-tracking measures implemented under Covid-19 legislation, which were less extensive and largely mirrored in the current fast-track process from the Natural and Built Environment Act, have already proven effective in reducing consenting timeframes. Therefore, there is no compelling need for this Bill to be passed. I express my gratitude to the Select Committee for the opportunity to submit on this Bill. While I do not wish to speak in support of my submission, I anticipate being vocal in my opposition to the numerous projects facilitated by the Bill.