Transforming the resource management system: opportunities for change

Submission by the

New Zealand Fish and Game New Zealand Council

Introduction
1. This submission is presented on behalf of the New Zealand Fish and Game Council, established pursuant to s26B of the Conservation Act 1987 to … ‘represent nationally the interests of anglers and hunters and provide co-ordination of the management, enhancement, and maintenance of sports fish and game’.

2. New Zealand statute law has been clear since the passage of the RMA. The purpose of the Act is to promote the ‘sustainable management of natural and physical resources’ and includes three critically important components: the requirement to sustain the potential of natural and physical resources to meet the foreseeable needs of future generations; the requirement to safeguard the life supporting capacity of air, water, soil and ecosystems; and the requirement to avoid, remedy, or mitigate any adverse effects of activities on the environment. Further sections explicitly prohibit the discharge of contaminants into water, or onto or into land where they may enter water (s15); and establish a statutory duty on every person conducting an activity to avoid, remedy or mitigate any adverse effect on the environment (s17). The Act also provides for the preservation of the natural character of wetlands, lakes and rivers and their margins as a matter of national importance (s6).

3. The intent of Parliament has therefore been very clear for 28 years.

4. Successive Governments, and especially regional councils, have underperformed over this period and failed to honour the intent of Parliament in implementing the law. This has significantly undermined the ability of statutory bodies with species conservation responsibilities to achieve their statutory purpose. In particular, Fish and Game Councils have been obliged, unreasonably in this vacuum, to engage in political campaigning and expensive litigation for habitat protection to ‘manage, maintain and enhance sports fish and game’ (s26P Conservation Act 1987).

5. The Department of Conservation’s statutory function at 6(ab)… ‘to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats’ has been similarly compromised. Generally, if the habitat is protected the species that live there will largely look after themselves.

6. New Zealand’s natural environment is at the core of our national identity. It is intertwined with our social, cultural and economic prospects – and those of future generations. The risks involved to the integrity of New Zealand’s natural environment, already under
serious pressure, are palpable.

7. Fish & Game New Zealand notes that regional councils have failed to uphold the law for which they have been primarily responsible, leading to the degraded state of freshwater in New Zealand as now reported in a number of significant Government and PCE publications. In particular, each of the three components of “sustainable management” at ss5(2)(a),(b) and (c), and the explicit directions at s15 prohibiting contaminants entering water and s17 establishing the duty to avoid remedy or mitigate adverse environmental effects, all have a history of failing water quality in New Zealand. As a result, they have failed the New Zealand public.

8. The Resource Management Act represented a deliberate shift on the part of New Zealanders away from economic advancement at any cost towards long-term economic and environmental sustainability. It expressly acknowledged that the state of the natural environment and New Zealand’s economic development were inextricably linked. It was enacted with broad political support after years of public consultation.

9. The Resource Management Act 1991 did not develop in a vacuum. It was a response to a series of forces, both in New Zealand and overseas. Those forces aligned to demonstrate the need for a comprehensive integrated approach to decision-making with respect to the impact of human activities on the environment. They were:

   a. The fragmented, complicated and inefficient state of New Zealand’s resource management law prior to 1991.

   b. The concern on the part of many New Zealanders at the environmental costs of the so-called “Think Big” projects of the late 1970’s and early 1980’s.

   c. The growing international consensus around the notion of “sustainable development”.

10. The RMA was unashamedly intended to reform New Zealand’s law. It was intended to bring greater coherence, to provide for better decision making and opportunities for public participation, and to “promote the sustainable management of natural and physical resources.”

11. It would be a backwards step for New Zealand to revert to the pre-RMA days of compartmentalised planning law. Under the law before the Resource Management Act, activities were managed on a sectoral approach. There were different laws to manage different types of activities and types of effects. A single proposed activity could potentially involve rules under the Town and Country Planning Act 1977, the Water and Soil Conservation Act 1967, the Clean Air Act 1972, and the Noise Control Act 1982 to name but a few. 59 statutes and 19 regulations were repealed when the RMA was enacted. The RMA deliberately moved from an activities-based system to focus on the management of effects on the environment.

12. Part 2 of the Resource Management Act is supported by a detailed framework of measures, systems and procedures to realise its central purpose of sustainable management. A number of changes have been made to this framework over time – subtly
tilting the framework away from sustainability and back in favour of national
development, even as environmental pressures continue to grow.

13. Tools that exist within the RMA have also been underutilised – such as, bonds, financial
contributions (reinstated after amendment to phase out), transfer of powers and joint
management and a lack of NPS s and NESs (key cornerstone of the framework)

14. Given the complexity of that task it is no surprise that the RMA is long and that some of
its procedures can be elaborate and time consuming. For councils, this puts the focus on
fulfilling statutory processing requirements for applicants. It is also no surprise that many
of those procedures can probably be simplified and improved. But the key advancement
of the RMA in establishing a single integrated set of legal rules should not be forgotten.

15. We note that two decades of case-law has built up in relation to the interpretation of the
Act has become critical to how the RMA works. If reform to Part Two is not carefully
considered there is a real risk that principles protecting the natural environment and its
recreational enjoyment will be consistently weakened, and principles promoting
development will be consistently strengthened.

16. Critical for Fish & Game is that the RMA (or any replacement):

   a. Increases the relative importance placed on environmental protection
      principles;
   b. Increases the extent of natural areas and natural waterbodies that receive
      protection under the Act;
   c. Enhances the level of protection given to the habitats of trout and salmon;
      and
   d. Prioritises the rights of the public to inherit a clean and ecologically
      functional natural environment.

Issue 1: Legislative architecture

17. Fish & Game New Zealand support keeping the RMA as an integrated statute, rather than
having separate Acts addressing environmental protections on the one hand, and urban
development on the other.

18. Separating the RMA into separate Acts would weaken environmental protection. Protecting
environmental matters e.g. water, air, climate and soil must be done alongside
land use planning. Otherwise there is a risk urban development will be considered as
‘outside the environment’ and that environmental matters will be considered ‘other
matters’ that are subservient to urban development when it comes to making urban
development decisions.

19. We are also concerned that splitting the RMA into two or more Acts could cause
considerable confusion and overlap, and risk extensive litigation to define boundaries and
jurisdictions.
20. Fish & Game believe that Part Two of the RMA is critical. However, we support EDS’s final report on its Resource Management Law Reform Project that Part Two of the Act be rewritten to include:

a. A clearer distinction between matters that require “true” bottom lines and those that involve balance;

b. Stronger direction about the pre-eminence of and need for environmental bottom lines;

c. Stronger recognition of the need to enhance the natural environment; and

d. Language that is more “outcomes-focused” and contemplates active positive change, not just “effects based” and responsive to harm.

21. As an example of the need for clearer protections and environmentally based bottom lines, in many parts of Canterbury land use consents are granted with nitrogen leaching limits based on what was historically leached from a farming property from 2009 – 2013, rather than what is sustainable for the waterways affected by that property. They may set a limit for a major river or lake, but nor for individual streams on their properties. This has led to a decline in water quality, even in formerly pristine high country streams.

22. Fish & Game believe it is appropriate to elevate the protection of our freshwater taonga to a matter of national importance. Section 6 of the RMA needs to include the maintenance and enhancement of the quality of freshwater habitat as a matter of national importance.

23. There is the need to provide a stronger normative “hook” for allocative decision-making.

24. The protection of the habitat of trout and salmon currently in section 7 must remain. Trout and salmon provide an enormously valuable recreational and cultural resource to over one hundred thousand New Zealanders. New Zealand’s trout fishery, specifically, is viewed as one of the world’s greatest fisheries and generates significant high-value tourism. Annually over 7,000 international anglers visit New Zealand, typically spending approximately three times the amount of money when compared to the average tourist. Trout and salmon further provide a strong avenue for environmental advocacy through organisations like Fish and Game and the 150,000 licence holders they represent. In this sense they are the canaries in the coalmine, spotlighting environmental harm resulting from human activity. Accordingly, the recognition of the importance of their habitat that is acknowledged in section 7 is to the benefit of all species, indigenous and introduced.

25. It is critical that Part Two recognizes the pre-eminence of environmental bottom lines, and the need to resolve allocative issues.

26. To date, decision makers in New Zealand have done a poor job of appropriately protecting the intrinsic values of ecosystems. This has resulted in a ‘nibbling away’ of ecosystem
extent and quality and the consequent loss of habitat and values. Inclusion of the “intrinsic values of ecosystems” in section 7 of the RMA gives this important concept too low a priority and as a result those intrinsic values merely get lip service in decision making.

27. The concept of Te Mana o te Wai and its underlying hierarchy of principles that put the health and mauri of nature first is supported and would be an appropriate approach to ensure that the inherent intrinsic values of waterbodies are protected. This should extend to wetlands and estuaries as well. Currently the definitions of ‘freshwater’ ‘water’ and ‘wetland’ in the RMA separates estuaries from their connected freshwaters because they are saline, and the land making up a wetland from its water and interconnected lake and river systems. Those definitions need reform.

Issue 3: Recognising Te Tiriti o Waitangi / the Treaty of Waitangi and te ao Māori

28. Fish & Game recognize the important role Māori have in environmental decision making and it is important that the RMA better reflect this.

Issue 4: Strategic integration across the resource management system

29. While Fish & Game believe that at the heart of the resource management system there needs to be an integrated RMA that encompasses air, water, land and marine domains, we do agree that there is currently misalignment between different Acts that influence decisions in the environmental sphere. We believe that there is a place for spatial planning to be utilised to ensure there is greater consistency and better outcomes.

30. Spatial plans for urban development should deal with environmental considerations and outcomes holistically and from the outset of the planning process, and as a matter of primary importance. They should also be created though a clear process for community engagement. If this occurs at the strategic planning stage of development planning (including growth and structure planning) the community can be assured the resulting urban development will be sustainable and consistent with desired environmental outcomes. Then, and only then, could considerations different to those of the rest of the environment be used to make decisions about the details of that urban development.

31. The current system does not achieve integration and protection of environmental considerations. Growth or structure plans are usually formulated under the LGA. There is little explicit consideration of environmental considerations at play in LGA processes?. Once those growth plans are in place they may influence decisions under the RMA without necessarily reflecting Part Two or providing for appropriate environmental protection. For example, a structure plan prepared by a district council may identify an area for housing growth, but not have considered the values of the streams in that area, the habitat they provide and how they may be affected by subsequent stormwater discharges or even piping and culverting.
32. Fish & Game’s experience is that environmental concerns get side-lined in structure planning processes, as the focus is catering for urban growth.

33. Even good, holistic and inclusive structure planning processes can be gazumped or frustrated by private plan changes by developers. If good process has been followed through a structure plan providing for environmental outcomes it should not be able to be overridden by private processes.

34. There is potential for comprehensive land use planning to have utility in the rural and natural environments. Land use planning that identifies the environmental suitability of the land for specific uses, and the avoidance of certain activities in particular geographic locations, could be a useful way to provide certainty, reduce environmental effect and avoid allocation debates.

**Issue 5: Addressing climate change and natural hazards**

35. Climate change mitigation is a significant gap in the current RMA framework.

36. While we agree that climate change decisions need to happen consistently at a national level, the RMA does have a role to play in mitigation. We support EDS’s call for insertion of climate change mitigation into Part Two of the RMA and for an obligation for the government to provide for mitigation measures.

37. Climate change adaptation also needs great recognition in the framework. Currently the obligation on decision makers is to ‘have particular regard to’ the effects of climate change in section 7. This is far too weak to ensure that decisions made today provide for a resilient environment and community in the future.

38. For example, a changing climate means that water flows in rivers are likely to be lower in many parts of the country in the future. This will happen within the lifetime of a resource consent granted today. It should be compulsory for decisions relating to water allocation, setting minimum flows and maximum water takes, to be done in a way that means they will still provide for environmental bottom lines that appropriately reflect the changing environment as a result of climate change. Likewise, increasing temperatures may lead to increased algal growth seasons, so nutrient limits in rivers and lakes should be set lower now to account for this future change.

39. Climate change is further likely to lead to increased flood frequency and severity in many parts of the country. Mitigations put in place now to improve water quality, such as riparian fencing and setbacks for activities, need to be resilient. Such proactive mitigations need to account for the increased hazard in the future.

40. However, providing for climate change adaptation should not have such a high priority that it negates other values. For example, one response to increased flooding may well be a demand for more frequent or more widespread flood protection works in rivers. Activities such as river channel realignment, gravel raking, and instream erosion protection works can be hugely damaging to instream habitat. In some rivers engineering works for flood protection schemes are the primary cause of habitat loss in those rivers. Proactive spatial planning including a managed retreat of houses and communities, as well as not locating future developments in future flood prone areas, are vital to ensure
that increased demand for instream river engineering work does not negatively impact on other values.

**Issue 6: National direction**

41. It is critical that there is more mandatory national direction and setting of environmental standards at the highest level to aid in environmental protection. The failure of the RMA over the past 30 years to protect the environment is in large part due to a lack of mandatory national direction. There needs to be strong NPS’s, on all domains covering matters of national importance. There also needs to be consistent standards for activities, monitoring and enforcement set in NES.

42. There can often be a reluctance by applicants (and in some cases the processing council, particularly for existing activities seeking consent renewal) to accept the relevance of nationally developed and applicable guidelines, such as the fish screening, guidelines for surface water takes or fish passage guidelines for instream structures. The development of national environmental standards would assist in this regard and they could be based on existing guidelines.

43. The national direction itself needs to be internally consistent. Different policy directions pulling in different directions do not aid the achievement of common goals. For example, the current NPS on Urban Development Capacity has a singular focus on zoning for more houses. It does not address the effects on the environment of that urban zoning, or direct councils to ensure that their zoning provides for other matters of national importance. If future national direction on urban development is to be provided it is vital that it is integrated and consistent with the other direction on the natural environmental.

44. The development of mandatory national direction and environmental standards that achieve the purpose of the RMA is strongly supported. These standards need to be specific, measurable and enforceable. Looking forward, we believe New Zealand can enhance the environment and restore existing ecological damage with appropriate national direction setting.

**Issue 7: Policy and planning framework**

45. Fish & Game’s experience with plan making processes is that the quality of those processes is very variable. Councils have too much discretion about how they make plans and are permitted to publicly notify a plan for submissions even if they do not fulfil the requirements of the RMA. Currently we spend many thousands of dollars every year submitting, providing expert evidence and appealing plans that do not fulfil the requirements of the RMA, just to make sure they do. It should not be up to the public alone, through organisations like Fish & Game, to ensure that councils are doing their job. There should be an independent oversight body that checks and approves plans before they are notified to ensure they comply with legal requirements.
46. Too often in the current plan making process it is the parties with the most money that hold sway and get plan provisions that suit them. It is not a level playing field. For example, plan making by Zone committees in Canterbury simply have not worked as a result of an economic power imbalance where people who have a vested financial interest in an outcome can drive the agenda and are better resourced to review and provide information. Those with a vested interest in the status quo are also less likely to be collaborative; in the Selwyn-Waimakariri Zone in Canterbury the zone committee has not been able to gain agreement to reduce water allocation in a heavily overallocated red zone. The collaborative plan making provisions should be removed from the RMA.

47. The RMA should provide for an independent body to provide public interest support and pursue issues independently.

**Issue 8: consents / approvals**

48. In our experience, major issues with processing non-notified consents relate primarily to:

   a. The poor quality of applications received, particularly from self-represented / lay applicants. It is not uncommon to receive applications that make little, if any, reference to effects on habitats / ecosystems; and

   b. Applicants being actively encouraged to have all the written approvals for their consent application in hand before formally lodging the application – this appears to be driven by the desire of the processing Council to comply with statutory time frames for processing consent applications.

49. This can result in substantial time being spent by affected parties trying to get a decent understanding of what is actually being proposed in an application and to get the applicant to agree to a suite of relatively ‘standard’ investigations to assess, and standard conditions to address, potential effects of the activity.

50. Minimum standards for consent applications need to be compulsory, and councils must be required to send back applications that do not meet those criteria (it is currently optional in the RMA). Minimum professional criteria for those applying for resource consents should also be considered, with appropriate sanctions and withdrawal of accreditation for practitioners who do not meet the necessary standards. A council would not accept an engineering assessment from someone who was not a registered engineer, so they should not accept planning applications from people who are not appropriately qualified and accredited planners.

51. In Fish & Game’s experience the processing of resource consents focusses too heavily on individual adverse effects, and too little on cumulative adverse effects and compliance with the relevant limits set in plans. This has resulted in ad-hoc decision making and a ‘death by a thousand cuts’ of our natural environment. The current legislation and case law encourage individual assessment rather than collective focus on desired outcomes. This situation needs to be reversed, and more emphasis put on cumulative limits and objectives in plans in consent decision making. This is the only way we can ensure that each and every decision is moving us closer to desired environmental outcomes, not further away.
52. Reducing public participation in decision making will not lead to better outcomes. It may lead to faster outcomes, but not better. Public submissions are the only method by which councils and applicants are held accountable. If that check and balance is removed we can expect poorer outcomes for the environment, not better. In the natural environment, even developments that might appear ‘minor’ when viewed in combination with other activities may compound an already bad situation. To address this, better rules and transparency around notifying consents must be put in place.

53. Some smaller councils are often poorly resourced to address major issues. They may not have in house expertise to, for example, peer review an ecological assessment. The cost of seeking this review externally, in our experience, puts many councils off properly reviewing consent information. Extra funding for councils to resource this work, or a central agency with resources that could be called on by smaller councils, would be useful.

54. Consents need to be reviewed regularly. This is permissible under the current RMA, but Councils show reluctance to review existing consents and are particularly reluctant to review complex groups of consents for one activity, or groups of individual consents that are linked (for example all the water takes in a particular catchment). Consents that are inconsistent with limits set in national direction or in plans should not be able to persist. Councils should be required to (rather than having the option to, as is the current situation) to review consents (and this must be done collectively where appropriate) to ensure compliance within a limit. That review ought to be able to go so far as to collectively reduce the amount of the resource used, if that is necessary, without concerns about derogation holding sway over environmental outcomes.

55. An example of a council’s reluctance to review consents leading to persistent poor environmental outcomes is the Selwyn River. This river is in a red zone, where it is over allocated. It suffers from severe low flows and dries up frequently over summer. This is a very contentious issue for the people of Canterbury who remember the Selwyn as an outstanding trout fishery that attracted anglers from all over the world. Attempts to review consents in this catchment have failed miserably and so the status quo remains and the regional council has no appetite to try again.

**Issue 9: Economic instruments**

56. Fish & Game would require more information before forming a firm view on the use of economic instruments. We are initially concerned about this concept as it may allow resource users to ‘buy their way out of trouble’ if a situation where ‘offset’ or ‘compensation’ was allowed to hold sway over avoiding or remediying adverse effects on the environment in the first place. This could allow a reduction in the quality of the environment with uncertain future use of the money.

**Issue 10: Allocation**

57. Two significant issues arise in relation to allocation, namely:

   a. The ‘first in first served’ principle encourages inequitable allocation of scarce resources, particularly when early applicants are rewarded with more than their
fair share and the ‘non-derogation’ principle subsequently serves to lock in allocation as full allocation thresholds are approached (this is particularly true in relation to water and nutrient allocation); and

b. Considering consent applications on an individual basis inevitably leads to a focus on individual effects rather than cumulative effects. As a result, the focus on overall allocation, especially if full allocation has not been reached, and the cumulative effects of it can become a secondary consideration.

58. Further, the current approach to dealing with overallocation is typically to wait for the consent renewal process to arise before overallocation is substantively addressed. This can lead to the effects of allocation not being addressed in the short to medium term, especially where long duration consents exist. Typically, Councils are reluctant to call in a block of consents early due to the demands of doing so.

59. The allocation of resources such as water should be sorted out during the regional plan development phase under the RMA. If left to the consenting phase we end up with overallocation.

60. It is important that the RMA provide principles to guide local decision making about resource allocation.

61. The RMA needs to address over-allocation in a meaningful way. The RMA must allow that consents to use natural resources may be reviewed, and that that review must be able to affect volume, nature and effects of the use, even where the result of that review is a reduction or even a removal of the right to use that resource. This is discussed above in relation to Issue 8. Failure to do this will result in over-allocation persisting, sometimes for a generation or more, in which time irreversible environmental damage will have been done.

Issue 11: System monitoring and oversight

62. Inadequate oversight for the last 30 years by Government has led to some of the key failures of the RMA. It is time for independent oversight to become the default.

63. Both the EPA and the Parliamentary Commissioner for the Environment have an important role to play in system monitoring and oversight. However, currently no organization has an active role in national level oversight to provide independent national oversight of local government activities in resource management.

64. The roles of either or both of these organisations could be strengthened, including to have a role in auditing data collection, management and use.

65. It is also time to consider if an ‘environmental ombudsman’ should be established to take on these oversight functions. It is Fish & Game’s experience that councils fail to undertake their responsibilities properly, either due to a lack of funding or a lack of political will. Oversight by another political body (such as MfE or the EPA) is unlikely to reduce political interference in environmental decision making. However, an independent body could provide independent oversight. This role would be particularly important if public participation or rights of appeal are reduced in a future system.
66. There further need to be requirements and oversight about what happens when environmental trigger levels are met or exceeded. Currently there is no requirement for a council to review a plan when an environmental limit is exceeded, or when rules or methods in that plan are proving ineffective and leading to environmental degradation. For example, many lakes in the Canterbury high country have decreasing water quality, as shown on the LAWA website. These lakes breach the trigger levels in the Canterbury Land and Water Plan but there is no mandatory action required once breach has occurred, nor is there a requirement to review consents or amend the plan.

**Issue 12: Compliance, monitoring and enforcement**

67. Compliance monitoring needs to shift from reactive (responding to complaints) to proactive (actively looking for compliance or non-compliance). This reactive focus is why many permitted activities are not monitored.

68. Their geographic location means a lot of sensitive and remote areas, such as the high country, are seldom monitored for compliance with permitted activity rules. These areas are often inaccessible to the public, so breaches of rules are seldom observed or reported.

69. Resultantly, environmental destruction, such as clearing indigenous vegetation or draining wetlands, may be not be observed until many years after the fact. Enforcement action is then seldom taken, due to time constraints or lack of baseline data.

70. The cost of monitoring should not fall to the rate or tax-payer. Councils are at liberty to set their own funding policy, and this is not always based on the fundamental principle of ‘polluter pays.’ If you are undertaking a consented or permitted activity you should pay for all compliance costs, including monitoring. Effectively, the environmental cost of an activity must be internalised within that activity.

71. There is room for a greater use of technology for compliance functions of the RMA to improve efficiency and effectiveness. For example, satellite imagery and aerial photos may be used to establish baseline vegetation (e.g. areas of biodiversity), which can then be monitored for compliance with indigenous vegetation rules. Technology could also be used to assess breaches to stock exclusion rules. This technology should be developed by Government and provided free of charge to councils to assist in their environmental management role. A lack of baseline data or real time monitoring data is why, for example, no enforcement has ever been taken in North Canterbury for breaches to indigenous vegetation rules despite numerous complaints over the years.

72. Institutional responsibility for delivery and oversight of compliance, monitoring and enforcement should remain with regional councils. However, they need to step up to the plate, given they have traditionally failed at this – as repeated reports show. An independent body, or the EPA, needs to be empowered to have a strong independent national oversight of council enforcement activities.

**Issue 13: Institutional roles and responsibilities and Issue:14: Reducing complexity**
73. Reform to regional councils that would ensure they adequately fulfil the functions of the RMA is required. There needs to be greater political accountability by regional councillors to deliver on their role to protect the environment for future generations.

74. Currently regional councils are not delivering on their responsibilities under the RMA. Water quality continues to decline in many catchments and biodiversity continues to decline generally, yet councils are not being held to account for this. The focus of reporting from regional councils has been on process rather than environmental outcomes. For example, number of consents monitored, FEPs audited, timeframes for processing consents.

75. Data on environmental outcomes is collected, albeit not consistently or comprehensively, but there is a failure to deliver on trigger levels (e.g. lake water quality trigger levels).

76. Therefore, there continues to be an attitude from regional councils that poor performance when it comes to environmental outcomes has no consequence.

77. An independent body that assesses councils against their environmental outcomes and holds them to account is vital. A body like this should have powers to mandate action when outcomes are not met. This body should also be able to review council decisions in response to complaints, reducing the time and cost associated with relying entirely on the Environment Court in these situations.

78. One suggestion is that the PCE, or the proposed environmental ombudsman, should appoint a proportion of regional councillors. This would ensure there are regional councillors whose sole focus is on protecting the environment for future generations, not short term political considerations.

79. We also submit that management of vegetation clearance should clearly become a function of regional councils, not shared inconsistently with district councils as is the current situation. In Canterbury few of the district councils have ecologists on staff, even though they are responsible for processing consents for vegetation clearance, and earthworks. They simple do not have the requisite expertise to assess landscape values, yet they are responsible for issuing consents that affect outstanding landscapes.

80. We do not support RMA planning involving a single-stage hearing process. This would remove an important check and balance at the Environment Court level. Our experience with single stage hearing processes in Canterbury and the Board of Inquiry for the Tukituki River is that they are expensive, time consuming and because they have to deal with every issue (not a reduced set of issues at appeal) many details are forgotten or gotten wrong in the decision. Too often, Fish & Game have had to rely on the Environment Court to fix bad council decisions.

81. We also contend that Farm Environment Plans should not be used in place of regulation or environmental limits. Farm environment plans have failed to deliver on environmental outcomes. In the Ashburton lakes lake and water quality is degrading due to nearby land use changes yet all high country stations in the vicinity have achieved A or B gradings for their Farm Plans. This highlights the lack of impact that such plans have, and the critical role that environmental limits will play in ensuring sustainable resource
management in New Zealand.

Other issues

Water Conservation Orders

82. Attached to this submission is a copy of advice on reform options for the Resource Management Act on Water Conservation Orders. We recommend this be adopted. Regional plans (which are subject to change and review on a regular basis) are not a substitute for Water Conservation Orders.

About Fish & Game New Zealand

83. Fish & Game New Zealand is a statutory entity established by Parliament under the Conservation Act 1987 to manage, maintain and enhance sports fish and gamebirds and their habitats throughout the country. This model is unique in the world as it requires Fish & Game New Zealand to manage a public resource for the benefit of all present and future New Zealanders.

84. Fish & Game New Zealand directly represents 150,000 licence holders who value the cultural traditions of trout and salmon fishing and game bird hunting, the skills associated with these pursuits and the recreational opportunities and time outdoors they afford.

85. As well as the Conservation Act, Fish & Game New Zealand has specific responsibilities under several other Acts of Parliament, including the Wildlife, Resource Management, Walking Access, Public Finance and Overseas Investment Acts.

86. Fish & Game New Zealand (the collective 13 councils) is made up of the national body (New Zealand Fish and Game Council) and 12 regional Fish and Game councils. Each council reports to the Conservation Minister and provides an annual report to Parliament.

87. Fish & Game New Zealand receives no public money or financial support from central or local government. All funding is provided by freshwater anglers and gamebird hunters and totals around $11 million a year.

88. Fish & Game New Zealand’s staff are committed, professional and experts in their fields.

89. By fulfilling its legal obligation, Fish & Game New Zealand has become one of this country’s leading environmental organisations.

90. The list of species, including indigenous and valued introduced, for which Fish & Game New Zealand has a statutory mandate to manage is as follows:

Sports Fish: (As set out in Schedule 1, Freshwater Fisheries Regulations 1983)

i. Brown trout.

ii. Rainbow trout.
iii. Brook trout.
iv. Lake trout or char
v. Chinook salmon.
vi. Sockeye salmon.
vii. Atlantic Salmon
viii. Perch.
ix. Tench.
x. Rudd (in the Auckland/Waikato Fish and Game Region only)

Game Birds (as set out in Schedule 1, Wildlife Act 1953):
i. Black Swan.
ii. Grey duck.
iii. Mallard duck.
iv. Paradise shelduck.
v. Spoonbill (Shoveler) duck.
vi. Pukeko.
vii. Chukar.
viii. Red legged partridge.
ix. Pheasant.
x. Australian or brown quail.
xi. Californian quail.
 xii. Virginian or bobwhite quail.

91. But these are not the only species that Fish & Game New Zealand protects with its dedicated environmental work. Its defence and restoration of rivers, lakes and wetlands, and the habitat they provide, ensures protection for endangered indigenous species like bittern, fernbirds, marsh and spotless crake, mudfish, eels and galaxiids.

92. Its advocacy for clean water ensures the protection of the habitats indigenous fish and birds rely on. When the Department of Conservation was not prepared to join the case to protect the Nevis River’s Gollum galaxiid, or stop the Tukituki River being destroyed by dam developers, it was Fish & Game New Zealand’s judicial advocacy funded by licence holders’ money that secured the best environmental outcome for both sports fish and indigenous freshwater species. A waterbody protected for sports fish is also protected for indigenous fish!

93. Throughout the country, Fish & Game New Zealand devotes time, resources and funds attempting to ensure local government properly protects waterways and complies with
the Resource Management Act. But as we now know from successive government State of the Environment Reports, and reports by successive Parliamentary Commissioners for the Environment, freshwater quality has continued to decline, primarily caused by inadequately regulated intensification of agriculture.

94. Against this Fish & Game New Zealand has been responsible for funding and securing the vast majority of Water Conservation Orders – 12 out of 15 - to better protect our valuable rivers and lakes. Water Conservation Orders are recognised as the equivalent of national parks for waterways.

95. All this work plays a vital role in protecting wildlife species and their habitat. Hence, Fish & Game New Zealand supports Parliament’s efforts to provide increased certainty, better and long overdue protection for New Zealand’s biodiversity and to improve its freshwater management and outcomes.