

Submission of Ngā Uruora Kāpiti Project on the Fast-track Approvals Bill

SUBMITTER DETAILS

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Introduction

1. Ngā Uruora – Kāpiti Project (Inc), hereon referred to as Ngā Uruora, is a community conservation project, established in 1997 to halt and reverse the decline of coastal forest and its species on the Kāpiti – Porirua coast. The project covers a 292-hectare strip of land between Paekākāriki and Pukerua Bay.¹
2. Our project area includes the Paekākāriki Escarpment, a very popular section of the Te Araroa Trail² that provides sustainable and long term economic and social benefit to the local community. The Paekākāriki Escarpment is recognised as an Outstanding Natural Landscape (ONL) in the Kāpiti Coast District Plan³ in accordance with the Greater Wellington Regional Policy Statement. This is a community led project, run with dedicated volunteers, who have done amazing restoration work over the past 25 years.
3. Ngā Uruora strongly opposes the Fast-track Approvals Bill.

Ngā Uruora rejects this Bill on the basis that it is undemocratic

4. Ngā Uruora's primary concern is that the Bill dispenses with almost all opportunities for the public to be involved in decisions that have significant effects on New Zealand's environment and natural resources. This is undemocratic.
5. When making referral decisions, Ministers must invite written comment from local government, other relevant Ministers and various Māori entities.⁴ There does not appear to be any requirement to notify owners or occupiers of land (such as Ngā Uruora). This is unfair and wrong.
6. Our community group exists to protect the escarpment for everyone. The escarpment is a landscape familiar to anyone that has travelled by car or train in and out of Wellington along the old State Highway One. The escarpment is far from pristine, famous landforms such as Te Ana o Hau and the papakāinga at Te Paripari were destroyed by quarrying for and construction of the Centennial Highway and the Main Trunk Line.⁵
7. If the quarry on the escarpment was to be resurrected in the name of "significant regional or national benefits" then the community it affects, community groups with knowledge of the area and a long history of engagement with the land in question, and frankly the wider New

¹ Ngā Uruora – Kāpiti Project (Inc) – Bringing Kāpiti Island's dawn chorus back to the coast (kapitibush.org.nz)

² <https://www.teararoa.org.nz/the-trail/wellington/>

³ ONFL11, page 25: https://www.kapiticoast.govt.nz/media/g4hp0sgw/sched4-outstandingnaturalfeaturesandlandscapes_251_28-aug-2023.pdf

⁴ Clause 19.

⁵ <https://paekakariki.nz/the-ballad-of-the-triple-track/>

Zealand public, should be able to advocate, to speak out against environmental destruction and represent the environment that is explicitly excluded from this Bill.

8. Public and limited notification is not permitted in this Bill.⁶ Panels must invite comment from a narrow range of people and groups and can choose to invite comments from any person that they consider “appropriate”. But there is no requirement that the public be involved in the process.
9. Furthermore, our democratically elected MP is not required to be notified under this Bill. It is the job of our MP to advocate on behalf of her constituents, she will not be able to do her democratically elected duty under this legislation.
10. The Bill is particularly concerning because the very projects that are likely to be referred to panels are also the ones that are likely to have significant adverse environmental effects and warrant the additional scrutiny provided through submissions and expert evidence from non-governmental organisations.
11. Ngā Uruora is a community-based project operating on publicly owned land restoring the Paekākāriki Escarpment on behalf of all New Zealanders. Groups and communities like ours are dedicated to restoring and protecting the local environment in which we live. As locals who live and breathe this area, public participation is key. We are concerned that if an industry wanted to apply for a fast-track within the confines of our conservation area, and it was deemed to fit the criteria of this Bill, we would have no voice. This is totally unconscionable.

Ngā Uruora is concerned that the Bill overrides key conservation protections

12. The Bill allows for changes to how approvals under the Wildlife Act 1953 are made. The ability to provide for offsetting and even compensation⁷ for impacts on wildlife is a major departure from the Act, which does not allow authorisation of harm to wildlife. There are no parameters around the extent of harm that can be caused – even to Threatened, Data Deficient and At-Risk species. The approach provided for in the Bill will increase the risk of species being pushed towards extinction where they inconvenience new highways, mines or dams.
13. A key priority of Ngā Uruora’s restoration project over the past twenty-five years has been the protection of lizards. We have pioneered trials to determine the levels of mouse control required to protect lizards on the escarpment.⁸ We have restored habitat and created lizard-centric environments to enable our threatened herpetofauna to flourish. Apparently, none of this would matter if an industry purporting significant regional or national benefits applied for a fast-track within our project area under this Bill.

Ngā Uruora opposes the broad eligibility criteria for referral of projects

14. The criteria for referral of projects: “Significant regional or national benefits” are discretionary, open to Ministerial interpretation and capture almost all activities.
15. There are also only very few cases where projects are specifically *not* eligible to enter the fast-track for environmental reasons. One of the most concerning aspects is that prohibited RMA

⁶ Schedule 4, cl 20.

⁷ Schedule 5, cl 1(2)(e).

⁸ https://www.researchgate.net/publication/319176883_Paekakariki-Pukerua_Bay_Escarpment_Lizard_Protection_Trial

activities are specifically made eligible. These outright bans are for the most environmentally dangerous activities, which this Bill will enable.

16. There is also no requirement to stop the referral of projects that would increase greenhouse gas emissions, contribute to extinctions, pollute freshwater, cause risk to human health, pollute water bodies covered by water conservation orders, or even breach international law on marine dumping. This is completely unacceptable.
17. Although Ministers *can* refuse projects on environmental grounds, this is discretionary and is made in the context of the Bill's development-focused purpose.
18. It is also inappropriate that the "joint ministers" responsible for referral decisions are those for Regional Economic Development, Infrastructure and Transport, and do not include the Minister for the Environment (or the Minister of Conservation in the coastal marine environment).⁹
19. 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.
20. Under the Bill, Ministers can make decisions on individual projects; there are no meaningful environmental criteria; participation rights by local communities and environmental groups are limited; local government may be shut out of the process; and appeal rights are severely constrained.

Conclusion

21. 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.
22. Despite its name, the Bill is not just about making decisions faster. We would support that aspiration. It is about circumventing environmental controls to make development easier, irrespective of the environmental cost. We do not support it.
23. We thank the Select Committee for the opportunity to submit on this Bill.
24. We request that the Fast-track Approvals Bill is rejected.
25. We wish to be heard in support of our submission.

⁹ Despite that Minister being responsible for core legislation being overridden by the Bill.