



Environment Select Committee Fast-track Approvals Bill

SUBMITTER DETAILS

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Introduction

1. The New Zealand Plant Conservation Network thanks the Environment Select Committee for the opportunity to make a submission on the Fast-track Approvals Bill (hereafter referred to as the Bill).
2. *Rōpū hononga Koiora Taiao ki Aotearoa* the New Zealand Plant Conservation Network (NZPCN) was established in April 2003 and now has >1,000 members. The NZPCN's vision is that "the rich, diverse and unique plant life of New Zealand is recognised, cherished and restored." We work to provide accurate, easily accessible information about plants (including their identification) and to foster conservation best practice. Our full strategy can be accessed [here](#). Our primary means of advocacy is via our website which contains factsheets describing both the introduced and native flora of Aotearoa New Zealand. Our [website](#) holds comprehensive information on plants and receives 1.8 million page views per year.
3. The NZPCN strongly **opposes** the Bill.

Summary of key points from the NZPCN submission

- The Bill is being proposed at a time when we are in a biodiversity (points 4, 5, 7, 8, 11, & 12b) and climate crisis (points 11, 12b & 16).
- The criteria for entering the fast-track process are too broad (point 12).
- The proposed Bill is undemocratic (point 13).
- Fast-tracking projects will likely lead to legacy effects that outweigh any short-term economic benefits (point 14).
- We are concerned that projects that have already been declined under existing decision-making frameworks or would usually trigger public input will be considered for fast-tracking (points 15 & 17).
- We are discouraged to see the inclusion of access arrangements under the Crown Minerals Act 1991 (points 18 & 19).
- This Bill puts our good international reputation at risk (point 21).
- The **NZPCN opposes this Bill and calls for it to be abandoned altogether** (points 23 & 24).

Setting the scene – the Fast-track Approvals Bill in the context of the Aotearoa New Zealand flora

4. **Aotearoa New Zealand has 72 naturally uncommon ecosystems and of these 45 are threatened.** These ecosystems form many of the iconic landscapes that make Aotearoa New Zealand a world-famous tourist destination. But they are also the most at risk of becoming obliterated by fast-tracked projects. For example, [sandstone pavement ecosystems](#) (Figure 1) are naturally rare¹ and Endangered², but are at risk from proposals for open cast coal mines. [Strongly leached terraces and plains](#) (Figure 2) are a Critically Endangered ecosystem in the South Island high country, threatened by intensification of farming and tree planting for mānuka honey or carbon forestry. And [ephemeral wetlands](#) (Figure 3) are a special type of wetland that are intermittently dry (thus, sometimes, making them appear to not be a wetland). Ephemeral wetlands are threatened by land conversion for agricultural intensification, potentially by the installation of solar farms (the Mackenzie Basin has numerous small ephemeral wetlands), and by planting for production forestry or carbon farming. These are just three examples of naturally rare and threatened ecosystems that are put at extraordinary risk from this Bill.



Figure 1. An example of a sandstone erosion pavement, a naturally rare ecosystem that has a threat status of Endangered. Photo: Jane Gosden CC-BY-NC-SA.

¹ [Williams et al. 2007. New Zealand Journal of Ecology.](#)

² [Holdaway et al. 2012. Conservation Biology.](#)



Figure 2. An example of a strongly leached terrace ecosystem (sometimes referred to as (Wilderness vegetation'), a naturally rare ecosystem with the threat status of Critically Endangered. Photo: Jane Gosden CC-BY-NC-SA.



Figure 3. An example of an ephemeral wetland in its dry state, a naturally rare ecosystem with the threat status of Critically Endangered. Photo: Jane Gosden CC-BY-NC-SA.

- 5. New Zealand is undergoing a biodiversity crisis.** Many people may not be aware that due to the 80 million years of isolation, Aotearoa New Zealand supports a very diverse and unique range of biota. For example, over 85% of our indigenous vascular plants are endemic, meaning they occur nowhere else on earth. For these endemic plants, extinction here represents global extinction. Since human settlement a hitherto novel range of pressures have been brought to bear on our native biota with devastating effects. Forty-six percent of indigenous vascular plants are Threatened with extinction or are At Risk of becoming Threatened³. Similarly the collective conservation status of other lifeforms is dire: 19% of hornworts and liverworts, 14% of lichens, 94% of reptiles, 82% of birds, 80% of bats, 75% of frogs, 22% of marine mammals, and 76% of freshwater fish⁴ are also Threatened or At Risk. These figures do not include the multitude of species which have already become extinct within the period of human settlement in Aotearoa New Zealand. Furthermore, these assessments are likely to be an underestimate of threat status, as a further 24% of species (across all groups listed above) are classified as Data Deficient, meaning the expert panels did not have enough information to make a more

³ [Conservation status of New Zealand indigenous vascular plants, 2017.](#)

⁴ [Extinction threat to indigenous species.](#)

accurate conservation status assessment. Thus, there is a need to strengthen protection of our indigenous biodiversity– the opposite of what this Bill is proposing to do.

6. **Threatened and At Risk plants in New Zealand span the full spectrum from the iconic to the obscure.** Well-known Threatened and At Risk plants include the kākābeak (*Clianthus* species) and the purple hebe (*Veronica speciosa*) (Figure 4). Some of the species that are classified as Threatened or At Risk are also recognised as culturally significant to Māori, including dozens that are specifically named in legislation, such as pīngao (*Ficinia spiralis*, At Risk – Declining)⁵.



Figure 4. The Threatened – Nationally Critical kākābeak (*Clianthus maximus*) on the left and the At Risk – Declining purple hebe (*Veronica speciosa*) on the right. Photos by Malcolm Rutherford and Wayne Bennett CC-BY-NC respectively.

Examples of more obscure, but no less important, Threatened and At Risk plant species include a Nationally Critical limestone cress (*Cardamine magnifica*) and a coral broom (*Carmichaelia crassicaulis* subsp. *crassicaulis*) (Figure 5).



Figure 5. The Threatened – Nationally Critical limestone cress (*Cardamine magnifica*) on the left and the At Risk – Declining coral broom (*Carmichaelia crassicaulis* subsp. *crassicaulis*) on the right. Photos: Jane Gosden CC-BY-NC-SA.

7. In the New Zealand Threat Classification System Threatened - Nationally Critical is the highest classification for an extant species with the next classification up the list being Extinct. Of the 403 vascular plant species listed as Nationally Critical⁶, the Department of Conservation (DOC) considers around 90 of these to be at imminent risk of extinction,

⁵ One of the dozens of [taonga species](#) named in The Ngai Tahu Deed of Settlement Act 1998, s. 288.

⁶ [Conservation status of New Zealand indigenous vascular plants, 2017.](#)

calling these “species on the brink”⁷. Examples of plant species “on the brink” include a limestone buttercup (*Ranunculus paucifolius*) with less than 70 plants remaining and a miniscule daisy (*Brachyscome linearis*) that has an extremely specialised lake margin habitat (Figure 6).

Of the “on the brink” plants, 90% are found nowhere else in the world. Extinction of these species means they are gone globally, and we lose a component of what makes Aotearoa New Zealand unique. Therefore, these are species that require enhanced protection, not a substantial erosion of what protections they currently have, as this Bill will cause.



Figure 6. Examples of DOC’s “species on the brink” plants. The Castle Hill buttercup (*Ranunculus paucifolius*) on the left and a minute daisy *Brachyscome linearis* on the right. Photos: Jane Gosden CC-BY-NC-SA.

8. **The NZPCN, is extremely concerned about the effects that this Bill will have on New Zealand's native flora, most of which (85%) is found nowhere else.** Additionally, 15% of our indigenous vascular plants already have a decreasing population trend even before the potential impacts of this Bill are felt⁸. Unlike the Wildlife Act which affords some protection to our native fauna, there is no equivalent legislation offering protection to native plants. Furthermore, not all Threatened and At Risk plant species are found solely on protected land. Populations of Threatened and At Risk plants frequently occur on private land, and in some cases, exist *only* on private land. Indeed, the main reason many of these plants are Threatened in the first place is the habitats they naturally occur in are low altitude, fertile and easily accessible lands that are significantly modified by past and present human activities. In many cases, there is a strong correlation between unusual geological and climatic conditions and the rarity and high conservation status of a plant—for example, ultramafic geology or limestone in the eastern South Island⁹. Current protection of Threatened or At Risk plants on private land is primarily and imperfectly achieved through the Resource Management Act (RMA). It is completely unacceptable that this Bill proposes to override the meagre protections Aotearoa New Zealand plants currently have.
9. Further to point 8 above, **we are very concerned that this Bill overrides sections of the Wildlife Act, the Conservation Act, the Reserves Act, and, potentially, the National**

⁷ As of 20 November 2023, for species that are likely to go extinct in the next 5-10 years. Information provided by DOC.

⁸ [Extinction threat to indigenous species.](#)

⁹ [Heenan and Rogers \(2019\) Conserving the plants of eastern South Island limestone Ngā tipu ō te pākeho.](#)

Parks Act– all of which were formed to provide protection to vulnerable species and to protect the wild places of New Zealand so that these species and places can exist in their own right, and future generations of New Zealanders can enjoy them.

10. **A healthy environment is essential to a healthy economy.** A healthy environment provides clean drinking water, fresh air, functional soils, and a more stable place to live. Our unique environment is also a major drawcard for many international tourists and investors. Indeed, our wondrously quirky plants and ecosystems have served as the backdrop to many movies and have arguably made Aotearoa New Zealand a world-famous tourist destination. Protecting our environment is, therefore, not just a ‘nice to have’, it is essential to sustain wellbeing, and to ensure that future generations are afforded the same privilege and benefits of our unique biodiversity which we currently enjoy.
11. **The NZPCN is extremely concerned that projects that are fast-tracked under this Bill will lead to an exacerbation of climate change.** Of particular concern is any project that involves mining coal for burning either in Aotearoa New Zealand or abroad. We are already seeing the impacts of climate change on our economy and the lives of our people. It should therefore come as no surprise that we are also seeing the impacts of climate change on our indigenous ecosystems and plants. With further effects of climate change still to come, we are worried about the ongoing survival of our indigenous plant species that will be particularly vulnerable to increasing levels of climate change. For example, some of our high-altitude alpine plants, like the buttercup *Ranunculus grahamii* (At Risk – Naturally Uncommon; Figure 7), live in a very small climate window. As temperatures rise the habitat for this species will disappear as it runs out of mountain to retreat up. This is a trend that has already been observed in Aotearoa New Zealand alpine invertebrates as they follow the retreating snowlines¹⁰. An extreme example of the effects of rising temperatures on Aotearoa New Zealand plants, could be the loss of all alpine habitat from the Marlborough Sounds, where tiny ‘islands’ of subalpine vegetation are found on the summit of Mt Stokes. The loss of this habitat could lead to complete extinction of some plant species that are only found in the vicinity of Mt Stokes, such as the mountain daisy *Celmisia macmahonii* var. *macmahonii* (At Risk – Naturally Uncommon; Figure 7).

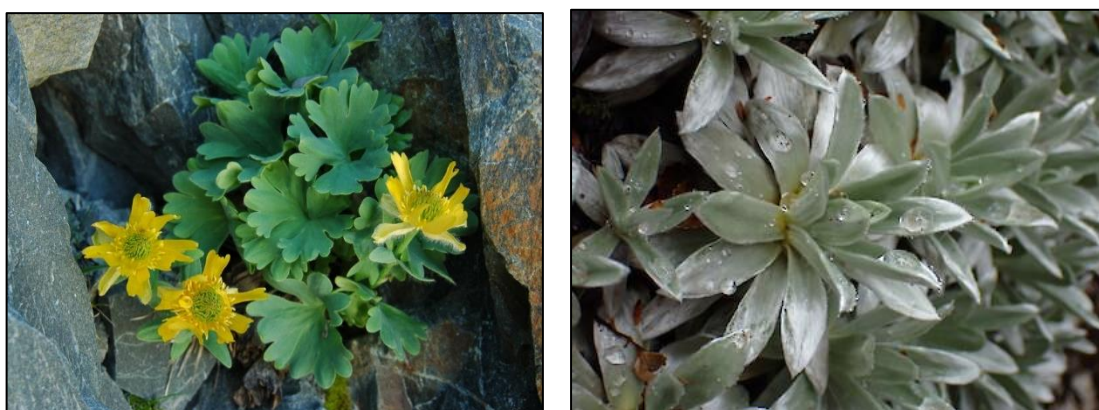


Figure 7. *Ranunculus grahamii* (At Risk – Naturally Uncommon), photo by Hamish Brown CC-BY-NC taken from www.inaturalist.nz (left) and *Celmisia macmahonii* var. *macmahonii* (At Risk – Naturally Uncommon), photo by Jane Gosden CC-BY-NC-SA (right).

¹⁰ [Chinn and Chinn \(2020\) Arctic, Antarctic, and Alpine Research.](#)

Plants of coastal ecosystems (Figure 8), many of which are already squeezed between human developments and the advancing sea, will likewise have nowhere to go as sea levels rise. Examples of threatened coastal plants facing an uncertain future are the Cook's scurvy grasses (*Lepidium* species), the taonga species pīngao/pikau (*Ficinia spiralis*, At Risk - Declining) and a native hibiscus (*Hibiscus diversifolius* subsp. *diversifolius*, Threatened – Nationally Critical).



Figure 8. Examples of coastal plants that will suffer as sea levels rise. Pīngao (*Ficinia spiralis*; At Risk - Declining), photo by John Sawyer CC-BY-NC (left); and a species of Cook's scurvy (*Lepidium flexicaule*; Threatened – Nationally Endangered), photo by Jane Gosden CC-BY-NC-SA (right).

Furthermore, while alpine and coastal species are most obviously vulnerable to climate change, other habitats and their plants will also be affected. For example, species which occupy islands within braided rivers like the forget-me-not *Myosotis uniflora* (At Risk – Naturally Uncommon; Figure 9) will likely be exposed to increased flooding. Whilst at first appearing counterintuitive that a braided river species is at risk from flooding, it is the increased intensity and frequency of the floods constantly removing its island habitat that will be detrimental to the riverbed forget-me-not.



Figure 9. The riverbed forget-me-not (*Myosotis uniflora*; At Risk – Naturally Uncommon) in full flower. Photo: John Barkla CC-BY.

The effects of climate change are not limited to those outlined above. Changes in pest animals (including insects, that are also a major threat to our agricultural industry), will likely follow. An example of potential pest impacts on plants is the expansion of rodents into higher altitude areas where they feed on the seeds of native species. The loss of seeds from rodent predation can lead to a process called recruitment failure, whereby populations of plants are unable to produce viable offspring. In fact, the many impacts of climate change will likely interact in complex ways to create a cascade of pressures on plants (as well as our ecosystems and agricultural systems) than we can comprehend from our current viewpoint. Although, what we are observing now should be enough to scare us into climate action.

Why the NZPCN opposes the Bill.

12. The criteria for entering the fast-track process are too broad.

- a. The Bill allows almost any activity to be referred to the fast-track process. There are very few cases where environmental reasons make an activity ineligible for fast-tracking. Of enormous concern to the NZPCN is that activities that are currently *prohibited* under the RMA become eligible for fast-tracking under this Bill. Prohibited activities under the RMA were prohibited for sound reasons.
- b. Furthermore, the Bill contains no requirements to stop referral of projects that would contribute to species extinctions (when most of our indigenous species are found nowhere else and many are already threatened with extinction¹¹), pollute

¹¹ [Extinction threat to indigenous species.](#)

freshwater (when our freshwater ecosystems are already in a precarious state¹²), increase greenhouse gas emissions (when we are already feeling the adverse effects of climate change), cause risks to human health (when we are still feeling the effects of a global pandemic), or contravene water conservation orders (when these were put in place to protect iconic water bodies of importance to all people of Aotearoa New Zealand), or contravene several international treaties and free-trade agreements. This is completely unacceptable.

13. The fast-track bill is undemocratic.

- a. Even submitting on draft this Bill is not a fully democratic process as we cannot see the list of proposed projects to be fast-tracked that will be included in the final Bill. This is despite specific projects already being considered by Ministers. This is not how laws should be made– the select committee should examine proposed laws based on detailed submissions from experts, stakeholders, and the public. As we do not know what the specific fast-tracked projects included in the final bill will be, our submission is limited as a result and therefore, making this entire process as flawed as the Bill it introduces.
- b. This Bill is putting an inordinate amount of power in three Ministers who will be able to choose projects for the fast-track process, thereby making Ministers the developer, the regulatory gatekeeper, and the decision maker- this is an incredibly inappropriate distribution of power.
- c. Having this inordinate amount of power in three Ministers (as outlined in 13.b. above) opens huge potential for conflicts of interest. In 2023 Aotearoa New Zealand was ranked 3 from 180 countries in the Transparency International's 'Corruption Perceptions Index'¹³. We must not pass a Bill which sets up conflicts of interest that could lead to decisions that undermine our good international reputation or destabilise trust in our democratic processes.
- d. With such a narrow decision-making process, inherent biases will likely outweigh good scientific and technical advice. Furthermore, if advice is sought under urgency for a substantial number of projects from Government departments already under significant resourcing pressure, this sets up a process likely to fail the environment. Whilst there is a provision for advice to be sought from expert panels, the scope of that advice appears to be quite limited. For example, reference to section 8 of the RMA is absent, meaning Panels are not required to consider the principles of Te Tiriti o Waitangi/Treaty of Waitangi when making their recommendations. Alarming, Ministers can choose to reject the advice of the Panels entirely. All of this is of immense concern when the Ministers who are making the calls are development-focused and therefore likely to be bringing their development-focused biases to the decision-making table.

14. Whilst we agree that there are some overly bureaucratic processes when it comes to regulatory frameworks like the RMA, we do not believe that this is good rationale for advancing this Bill. We believe this proposed fast-track process (which allows almost anything to be considered and which does not guarantee the acquisition or utilisation of

¹² [Our freshwater 2023.](#)

¹³ [Transparency International: New Zealand.](#)

adequate advice) invites a high likelihood for severe, unintended, and irreversible consequences. These unintended consequences will become a liability for the communities where fast-tracked projects occur, particularly extractive industries like coal mining which contribute economic value for a short time but have long-term adverse environmental and climatic effects. The legacy effects (such as environmental remediation following mining) can be enormous and could far outweigh any short-term benefits derived from the project itself. Landing these legacy effects on communities who have not been able to have their say in the project's development is undemocratic.

15. **We are deeply concerned that projects that have already been declined under the existing RMA are being considered under this Bill.** This is an outright dismissal of previous work that has been through the legal process, and it is an insult to those who went through these legal processes in good faith. Furthermore, projects that have already been turned down will have failed to meet criteria around things like environmental protection, adequately accounting for what will be lost (i.e., underestimating the natural or cultural significance of a site), or because the cost of the development on the environment is too high. Therefore, there is a huge potential for the concerns laid out in point 14. above to play out.
16. **We are especially uneasy about the potential of extremely damaging activities to be fast-tracked under this Bill.** Of particular concern is the potential inclusion of coal mines in the Bill. Firstly, because sites with coal reserves are often those with extremely high natural values. For example, the naturally uncommon and threatened ecosystems of the West Coast coal measure plateaux. These coal measure plateaux are home to species found nowhere else in Aotearoa New Zealand. Secondly, it is irresponsible to mine coal when the burning of coal directly contributes to climate change. Furthermore, the extraction and burning of coal undermines our international commitments to reduce carbon emissions.
17. Likewise (to point 16) **we are concerned that projects that would otherwise have triggered public consultation processes will be considered without allowing local communities or other interested parties to have a say.** The potential adverse or positive effects of a project are usually best considered at local scale where stakeholders, experts, mana whenua, and the public can apply their local knowledge to the proposed project. This Bill disregards the interest and rights of the public to have their input into projects that will likely have enormous effects (including legacy effects, as discussed in point 14 above) in their neighbourhoods.
18. **The NZPCN disquieted by the inclusion of access arrangements under the Crown Minerals Act 1991, as an “approval” eligible for fast tracking under the Bill.** This could enable mining of all levels of conservation land without the public being notified. Alarming, the Bill does not clearly prevent the referral of projects that seek to conduct open cast mining in National Parks. In 2010 an estimated 50,000 people marched against the Government's proposal to mine on Conservation land, which was a clear demonstration of the high regard Aotearoa New Zealand citizens have for the protection of our natural places¹⁴.

¹⁴ [Huge protest says no to mining on conservation land.](#)

19. **There is a perception that stewardship land is of “low value” when much of it is in fact of extremely high value for both biodiversity and recreation.** Stewardship land is like a ‘holding pen’ for conservation land that has not yet been assessed and reclassified into an appropriate reserve category. Two examples of high value stewardship land include large parts of the Te Wāhaipounamu - South Westland World Heritage Area and the Denniston Plateau in North Westland. Furthermore, much of the Public Conservation Land in the eastern South Island high country is also Stewardship land because of recent Tenure Review processes. The incorrectly held perception of Stewardship land being of low value makes these places highly vulnerable to developments under the fast-track Bill.

20. **The proposed Bill takes place against the backdrop of other proposed erosion of environmental legislation in Aotearoa New Zealand.** For example, the simultaneous proposals to remove the protections wetlands received under the NPS-FM and NES-F, the potential removal of protection for significant natural areas (SNAs) in district plans, and the recent discussion of freshwater farm plan work to be halted¹⁵. Removal of these rules in addition to this Bill matters immensely to plant conservation. For example, wetlands in Aotearoa New Zealand have been reduced to 10% of their former range and are incredibly vulnerable to further losses, therefore, reduced protection of these ecosystems is unacceptable.

Furthermore, there is also the proposal to “change the law so game animals are not pests.”¹⁶ Deer, other introduced ungulates, and lagomorphs (hares and rabbits) are a leading cause of indigenous plant declines in Aotearoa New Zealand. For example, deer have had a significant contribution to the ecological destruction of native forests in the Raukumara Ranges¹⁷. Additionally, deer have been demonstrated to have a significantly negative impact on primary production as a recent Southland study has shown¹⁸. Now is not the time to be cutting back on control of wild animals.

Lastly, the ongoing cuts to the Public Service are particularly concerning when it comes to DOC, the National Institute of Water and Atmospheric Research (NIWA), the Ministry for the Environment (MfE) and the Ministry of Primary Industries (MPI). These cuts will limit the ability of these organisations to provide free and frank advice on applications for activities on both public and private land. In addition, the cuts to the public sector will limit the ability of central government agencies to monitor the activities and their effects as well as their ability to carry out compliance work to ensure that the environment is adequately protected. Furthermore, each of these agencies play a role in biosecurity and good biosecurity practices are essential to preserving both our natural environment and healthy primary industries. Altogether, the proposed changes to our environmental laws, the proposed status change of feral ungulates, and the cuts to the public sector will create compounding effects of irreversible damage to New Zealand’s natural environment.

21. **Our good international reputation is being put at risk by this proposed Bill.** As a country, we are signatories to multiple agreements and conventions including the UN Convention on Biological Diversity, the Kyoto Protocol, and the Paris Agreement. We risk being named and shamed by our international peers because of developments that originate from this Bill. The Bill may also be a breach of free-trade agreements we are party

¹⁵ [Fresh water farm plans rollout to be reviewed, work underway may be halted.](#)

¹⁶ [National Party statement on Hunting & Fishing.](#)

¹⁷ [Our dying forest and the community mission to bring it back to life.](#)

¹⁸ [Makarewa Headwaters Revival Project: Feral animal management in our catchment.](#)

to, including those with the EU and the UK. Some of these free-trade agreements require us to uphold environmental protections.

In conclusion

22. We wholeheartedly and unreservedly **oppose** the Bill. The Bill is not a “fast-track” proposal to reduce burdensome bureaucratic processes, it is a proposal to bypass environmental controls that have been developed over time to protect the species and places that make Aotearoa New Zealand the special place we call home.
23. We call for **this Bill to be abandoned** altogether.
24. The NZPCN thanks the Select Committee for the opportunity to submit on this Bill.
25. We wish to be heard in support of our submission.

Jesse Bythell (NZPCN President) | Jane Gosden (NZPCN Council Member)