



Established 1968

New Zealand Freshwater Sciences Society

28th February 2013

NEW ZEALAND FRESHWATER SCIENCES SOCIETY (NZFSS)

SUBMISSION ON THE RESOURCE MANAGEMENT REFORM BILL 2012

Dear Select Committee,

The New Zealand Freshwater Sciences Society (Inc.) was established in 1968 as the New Zealand Limnological Society. It is a constituent society of the Royal Society of New Zealand. It has some 430 current members, drawn from the community of freshwater academic and research, teaching and resource management professionals. The Society's members have a diversity of freshwater research interests and promote freshwater science in the community. The New Zealand Freshwater Sciences Society is the key professional body for those working in freshwater science and management in New Zealand and maintains linkages with associated and similar societies internationally.

The Society holds an annual conference to facilitate exchange of information and ideas. Last year, the decline of freshwater ecosystems, the setting of limits for water, collaboration and increased involvement of the Society in freshwater resource management issues were key topics. Workshops were held devoted to discussing the limit setting process and waimaori (iwi values and involvement in water resource management). Following the Dunedin conference in December, the Society released a media statement outlining our concerns about the decline of aquatic biodiversity and water quality, which can be found on the Society's webpage¹.

Discussion amongst Society members on the proposed RMA reforms has been included in this submission. We wish to be heard on behalf of the NZFSS membership.

Yours faithfully,

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For the New Zealand Freshwater Sciences Society (Inc.)

¹ <http://freshwater.science.org.nz/index.php/news/media-statement-nzfss-key-closing-messages/>

**SUBMISSION ON THE RESOURCE MANAGEMENT REFORM BILL
NEW ZEALAND FRESHWATER SCIENCES SOCIETY**

Introduction

1. The New Zealand Freshwater Sciences Society (“NZFSS”) was established in 1968 as the New Zealand Limnological Society. It is a constituent body of the Royal Society of New Zealand and has some 430 members. The society’s membership spans the breadth of academics and researchers to resource managers in the field of freshwater and is the key professional society for practitioners in freshwater science and management in New Zealand. The society aims to “establish effective liaison between all persons interested in any aspect of fresh or brackish water research in New Zealand, and to encourage and promote these interests”.
2. The society is concerned about the widespread decline in aquatic biodiversity and water quality in New Zealand.
3. NZFSS welcomes the opportunity to comment on the Resource Management Reform Bill (“the Bill”) which amends the Resource Management Act 1991 (“RMA”), Local Government (Auckland Transitional Provisions) Act 2010 (“LGATPA”), and the Local Government Official Information and Meetings Act 1987.
4. This submission addresses the following matters:
 - a. Amendments to section 76 of the RMA
 - b. Amendments to section 32 of the RMA

Amendments to section 76 of the RMA

5. NZFSS opposes the proposed restrictions on district plan rules relating to tree protection, particularly in relation to established riparian (stream-bank) trees and associated vegetation.

Why are trees important?

6. Trees are important for many reasons and provide a number of ecosystem services, including: habitat for biodiversity (both terrestrial and aquatic), improved water quality, reduced storm water run-off, reduced erosion, and absorption of carbon dioxide from the atmosphere.

7. The health of aquatic ecosystems is intrinsically linked with the surrounding landscape and the quality of the riparian environment, particularly in small, lowland streams, common to urban environments. Riparian trees and vegetation provide aquatic ecosystems with inputs of food and carbon through the addition of leaf litter and terrestrial invertebrates and provide habitat and shelter to aquatic life through over-hanging branches and roots, bank stability and woody debris.
8. Shade provided by riparian trees has important functions in reducing nuisance algal growths and lowering water temperature, which in turn increases dissolved oxygen available to aquatic life.
9. New Zealand's native fish are under threat due to loss of lowland habitat, forest and riparian vegetation. Trends in native fish diversity show significant declines in urban, pasture and tussock habitats¹. Further decline in fish diversity is likely as lowland urban and pastoral streams, lakes and wetlands are developed, modified and denuded of trees.
10. Many of New Zealand's native freshwater fish species require bankside forest or vegetation to complete their life-cycle. For example, some Galaxid fish species (such as the koaro or shortjaw and giant kokopu) spawn in bankside forests after autumnal rises in stream flow. To put it concisely, fish need trees.
11. The functions trees perform and the values trees provide are highly important in urban environments, particularly in cities and towns where intensification is occurring and freshwater ecosystems are under significant threat from channelisation and undergrounding for development. The severity of threat, and rarity of the remaining habitat, elevates the significance and value of urban water bodies that still have established riparian trees and vegetation. Local body protection of trees in these environments should be made as easy as possible through the statutory framework.

The statutory context

12. The purpose and principles of the RMA (Part 2, section 5) provide for the use, development, and protection of natural and physical resources to meet social, economic and cultural well-beings, *whilst* meeting the reasonably foreseeable needs

¹ Joy, MK 2009. Temporal and landcover trends in freshwater fish communities in New Zealand's rivers: an analysis of data from the New Zealand Freshwater Fish Database 1970-2007. Prepared for the Ministry for the Environment, Wellington, New Zealand.

of future generations and safeguarding the life-supporting capacity of air, *water*, soil and *ecosystems* (emphasis and paraphrasing added). The retention of trees associated with water bodies in urban environments is essential to meet the reasonably foreseeable needs of future generations and to safeguard the life-supporting capacity of air, water, soil and ecosystems, for the reasons set out above. Without protection of riparian trees, water and aquatic ecosystems will not be safeguarded in the urban environment.

13. Section 6 of the RMA provides that the following matters of national importance should be recognised and provided for; the natural character of the coast and fresh water bodies, outstanding natural landscapes and features, and, significant indigenous vegetation and significant habitats of indigenous fauna. The retention of trees in urban environments is essential to recognise and provide for these matters. Of particular relevance is preserving the natural character of fresh water bodies due to the number of our cities and towns which are located adjacent to freshwater. We are also concerned of the effect these amendments may have on the protection of significant natural areas which must be protected under section 6(c).
14. Section 31 of the RMA sets out the functions of territorial authorities. The functions include: the establishment of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated resources and the control of the effects of the use, development, or protection of land for the purpose of the maintenance of indigenous biological diversity. Trees play an essential role in the performance of these functions, for the reasons set out in paragraphs 6 to 11. For example, riparian zones are essential in the maintenance of aquatic biodiversity as described above.
15. Objective A1 of the National Policy Statement for Freshwater Management (2011) focuses on safe-guarding life-supporting capacity, ecosystem processes and indigenous species and their associated ecosystems while sustainably managing the use and development of land. Without the ability to provide direct protection for riparian trees, or to direct such biodiversity protection through regional policy statements, regional and territorial authorities do not have adequate tools to meet this Objective.
16. Local authorities require tools (such as tree protection rules) to achieve these requirements. If the proposed amendments are enacted local authorities will not

have the tools they require to achieve the purpose and principles of the RMA, fulfil their statutory functions or give effect to the NPS Freshwater Management.

Why are the proposals flawed?

17. It is clear that the proposed Bill is intended to address the time and cost devoted to resource consent applications which are seen as achieving little benefit.
18. However, the paragraphs above demonstrate the considerable benefits that retaining trees has for communities and the environment. Those benefits are not 'minor matters'. The loss of trees in urban areas is likely to have significant cumulative effects on freshwater and other values.
19. The amendments would require a council to invest an unduly onerous amount of time and expense identifying in their plans each individual property on which groups of trees are located. This would result in a pointlessly lengthy and complex set of provisions and it would be prohibitively costly and resource-consuming. The amendments will significantly increase costs on those communities who opt to retain protection in recognition of the numerous benefits trees provide, or will mean that councils opt out of tree protection, instead transferring the costs onto the environment.

Preferred outcome

20. The discussion above demonstrates the considerable services and values trees provide. It also points out that tree protection rules are a necessary 'tool' to enable councils to achieve their functions under the RMA, the NPS Freshwater and other legislation.
21. For these reasons, we do not support the proposed amendments to section 76.
22. Alternatives have been provided in submissions from groups such as the Environmental Defence Society (EDS) and we support such pragmatic, solution-based alternatives that will provide more efficient protection of trees in urban areas.
23. However, in the event that the proposed amendments to section 76 are adopted we submit that provisions for the protection of all trees associated with water bodies in urban areas are added to the amendments as a necessity to meeting the requirements of the RMA and the NPS Freshwater to safe-guard the life-supporting capacity of water, ecosystems, indigenous species and water quality.

Amendments to section 32 of the RMA

24. As noted in paragraph 2 above the NZFSS is concerned about activities that have caused a decline of freshwater biodiversity and water quality in New Zealand. Ecosystem services and intrinsic, ecological, recreational and cultural values are difficult, if not impossible to account for in an economic or monetary sense. Section 32 of the RMA currently allows for the benefits and costs of policies, rules and other methods to be evaluated more generally. The current provisions do not constrain an evaluation to focus on economic assessment, meaning the costs and benefits of various policy approaches to ecological and other values can be reported more holistically.
25. The proposed 'economics over environment' approach to evaluating the costs and benefits is short-sighted and may result in an under-valuing of environmental benefits or costs in favour of economic growth. Such an approach holds risks for threatened or declining ecosystems and is unlikely to result in positive outcomes for freshwater ecosystems in New Zealand.
26. We oppose any amendments that draw particular attention to the opportunity costs for economic growth and employment (proposed section 32(2)(a)(i) and (ii)). We believe it is inappropriate for an environmental statute to place greater weight on economic costs and benefits than environmental costs and benefits and that these amendments will not achieve the purpose of the Act. We request that the proposed subparagraphs (section 32(2)(a)(i) and (ii)) are deleted.

Conclusion

27. The New Zealand Freshwater Sciences Society requests that:
 - a. The proposed amendments to section 76 are rejected;
 - b. If the proposed amendments are adopted (either in full or in part) the society submits that a mechanism providing for the protection of trees associated with urban water bodies is added;
 - c. The proposed amendments to section 32 are rejected.

The NZFSS wishes to be heard by the select committee in respect of this submission.