Environment

HIGHLIGHTS

Labour will:
- Uphold high environmental standards, recognising that a healthy economy depends on a healthy environment
- Future-proof New Zealand by transitioning to an environmentally sustainable, low-carbon economy and society
- Retain the Resource Management Act, while improving processes and ensuring that local communities can have their say.

Introduction

A healthy economy depends on a healthy environment. All things are interconnected, and we are kaitiaki of land, sea, freshwater and air. Labour rejects the notion of “balancing” the economy and the environment, an equation in which the environment always loses. There are environmental bottom lines that must not be crossed. Labour will uphold high environmental standards.

Labour will future-proof the New Zealand economy by transitioning away from our reliance on fossil fuels to a high-tech, low carbon economy – one that creates jobs by taking full advantage of renewable resources and existing and emerging technologies.

Labour will urgently address issues around water quality, deal more effectively and efficiently with waste, and ensure Kiwis are breathing clean air. And we will safeguard the right of local communities to have their say on proposals that affect their environment, regardless of wealth or status.

The Earth is warming rapidly, biodiversity is being lost at an alarming rate, and acidification is pushing the oceans close to their ecological limits. Under Labour, New Zealand will be part of the global solution to these problems.

The United Nations has a set of 17 Sustainable Development Goals for the period to 2030, within which environmental goals are integrated – clean water and sanitation, affordable and clean energy, sustainable cities and communities, climate action, life below water, and life on land. Labour’s approach to the environment is similarly all-embracing. It includes our policies in such key areas as Climate Change, Conservation, Economy, Energy, Water, Primary Sector and Transport. This Environment policy covers subjects not dealt with in those policies.

Promoting cross-party co-operation for sustainability

We in New Zealand must actively and scientifically assess the short, medium, and long-term risks facing our economy, environment and way of life, in order to develop credible plans to deal with them. Nowhere is this more important than when facing climate disruption and the need for a just transition to a low-carbon economy.
The “Wise Response” society is a broad coalition of individuals and groups, and includes many prominent Kiwis. It has for some years been calling for the development of a cross-party approach to dispassionately and comprehensively assess imminent risks New Zealand faces, and to draw up plans to deal with them. In a petition to Parliament in 2014, it stated that “our future depends on having genuine sustainability as our core goal”; and that “most scientists believe critical “thresholds” are upon us, [and] that the consequences are likely to be disastrous and irreversible if we do not make urgent fundamental changes.”

The five priority issues Wise Response identifies are: economic security, energy and climate security, business continuity, ecological security, and genuine well-being.

The potential of cross-party co-operation on sustainability issues was demonstrated in March 2017 by the Net zero in New Zealand report. This was compiled by Vivid Economics for GLOBE-NZ, a cross-party group of 35 MPs.

Labour will

- Work with other political parties to implement a comprehensive risk assessment framework to assess the risks in priority areas across our economy, environment and society, in order to design policies with cross-party support to avert, mitigate against, or adapt to, these risks.

See Labour’s Climate Change policy for more on a just transition to a low-carbon economy.

Leading by example

Labour believes government must set the standard and take a leadership role on environmental sustainability. We will focus on the development of better public sector business practice with clear criteria around how to operate sustainably. This includes a whole of government approach for energy efficiency and procurement of low-emission vehicles.

This public sector action will make it possible to establish benchmarks and standards for private businesses wishing to work with government agencies to provide goods and services.

Labour will:

- promote sustainable practice, and establish measurable standards, across the public sector
- implement a programme within government that
  - establishes benchmarks and standards for what sustainable businesses, products and services look like – such as Environmental Choice New Zealand certification promoted by the New Zealand Ecolabelling Trust
  - modifies the government contract tendering system to identify, and give a preferential weighting to, green businesses that comply with those benchmarks and standards and which want to tender for government contracts.
Making the RMA work well

The Resource Management Act 1991 (RMA) is the cornerstone of New Zealand’s environmental management. Its purpose (section 5) is “to promote the sustainable management of natural and physical resources”, including for future generations. Sections 6 (Matters of national importance) and 7 (Other matters) contain core decision-making principles that elaborate what is meant by “sustainable management”.

Having failed in an attempt to rewrite and weaken sections 6 and 7, National has tinkered extensively with the rest of the RMA and added considerable complexity to it with its controversial 2017 Amendment Act. This has invigorated calls from some quarters to start again with a new Act.

Labour is not persuaded that the RMA needs to be replaced. Any replacement would need to contain similar key features. While objectionable changes made by National need to be reversed, the RMA can be made to work well.

Labour will:

- Retain the RMA and reverse objectionable changes made to it by National.

These objectionable changes include:

- draconian ministerial powers (the section 360D powers) to override council functions and plan provisions, thus preventing local communities from making planning decisions about their local environments
- the power to standardise plan formats and definitions extending inappropriately to the content and substantive provisions of plans
- limits to public notification and participation
- insufficient safeguards to ensure that single-step processes are fair and robust when appeal rights are abrogated; and
- appeal rights being curtailed to the detriment of adversely affected private parties, councils, communities, and the environment.

Ensuring the RMA remains fit for purpose

Reversing National’s objectionable changes will not make the RMA perfect. Labour will be open to improving how the Act works in having all environmental impacts of activities considered together in an integrated way – and in encouraging community input to find local solutions to local issues. Even before the 2017 amendments, the RMA had been amended many times since its passage in 1991. There is a case for a “stocktake” of whether the collective outcome of all the changes is best serving the Act’s purpose and principles.

Labour will:

- Convene a panel of resource management, process and public participation experts to evaluate the collective outcome of amendments to the RMA since it was passed in 1991, and to advise on how to ensure the Act remains fit for purpose.
Improving processes
Meantime, it is clear that RMA processes can be improved and delays and costs reduced – without compromising the Act’s purpose and principles or removing opportunities for local communities to readily have their say.

Labour will:
- Promote meaningful community participation in resource management decision-making
- Ensure that NGOs and community groups can get fair access to the Environmental Legal Assistance Fund
- Ensure that local government engages effectively with iwi in planning, policy-making, and decision-making
- Support local government, RMA practitioners and stakeholders to develop best practice in the use of the Act
- Work with the Environment Court to encourage shorter hearings and limit expensive and complex expert evidence
- Investigate opportunities for better integrating processes between the RMA and other legislation.

Monitoring consent conditions
A large number of activities approved by consents, or guided by plans, are subject to conditions to ensure good environmental performance. Consent authorities throughout the country have for many years under-resourced the work of monitoring compliance with consents and conditions, and enforcement action has been patchy.

Labour will:
- Mandate either the Audit Office or the Environmental Protection Authority (EPA) to audit the work of RMA consent authorities in monitoring consent or plan condition compliance and ensuring that conditions are complied with.

See Labour’s Water policy for additional auditing, reporting and enforcement measures in relation to protecting freshwater.

Using National Policy Statements and National Environmental Standards
Significant improvements can be made to RMA implementation by having more guidance from central government to local government on issues of contention or where consistency is desirable. This can be achieved through issuing National Policy Statements (NPSs) under the RMA or making National Environmental Standards (NESs).

NPSs set environmental policy on matters of national significance, which local authorities must give effect to. NESs prescribe national standards or rules that may prohibit or allow an activity, and which prevail over any local authority plans or rules.

NPSs have been issued on coastal policy, electricity transmission, renewable electricity generation, urban development capacity, and freshwater management. An NPS on indigenous biodiversity has
been prepared. NPSs are required in other areas as well. A full suite of NPSs will make the RMA much more effective.

**Labour will:**
- Use NPSs and NESs to provide clearer central government guidance on issues of national importance
- Strengthen or replace existing or proposed NPSs and NESs where they are clearly inadequate (such as the NPS for Freshwater Management 2014¹)
- Complete the NPS on indigenous biodiversity (on private land) and bring it into effect
- Introduce NPSs –
  - to protect estuaries²
  - on affordable housing
  - to protect highly productive elite and versatile soils, such as those around Pukekohe from urban subdivision
  - on onshore oil and gas exploration to provide direction to councils, as recommended by the Parliamentary Commissioner for the Environment.³

**Protecting urban trees**
National has amended the RMA so that urban trees can now be protected only if they are identified in a district plan or located within a reserve. Labour believes that councils, on behalf of their communities, should be able to choose how they protect their own significant local trees, especially against development pressures.

**Labour will:**
- Review section 76 of the RMA to ensure that significant urban trees have a proper level of protection.

**Managing our oceans wisely**
New Zealand has jurisdiction over one of the largest ocean areas in the world. Our Exclusive Economic Zone (EEZ) and Extended Continental Shelf (ECS) cover an area more than 20 times New Zealand’s land area. As a signatory to the UN Convention on the Law of the Sea (UNCLOS) New Zealand has sovereign rights to explore and exploit resources in the EEZ and ECS, subject to an obligation to protect and preserve the marine environment.

Labour’s vision is for healthy oceans that are wisely managed. We believe in integrated oceans legislation to ensure the sustainable use and environmental protection of marine resources.

**Labour will:**
- Improve existing legislation affecting the marine environment⁴ as a precursor to putting a comprehensive oceans policy in place.

¹ See Labour’s Water policy.
² For more on protecting estuaries through an NPS, see Labour’s Water policy.
³ Parliamentary Commissioner for the Environment, Drilling for oil and gas in New Zealand: Environmental oversight and regulation, June 2014.
⁴ e.g. the EEZ Act, and marine protection legislation (see Labour’s Conservation policy).
The RMA regulates activities in the territorial sea, i.e. out to 12 nautical miles. The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) regulates activities in the EEZ (from 12 to 200 nautical miles) and the Extended Continental Shelf (ECS) beyond. (For convenience, the EEZ and ECS are referred to below as just the “EEZ”.)

Labour is concerned at the inconsistencies between the RMA and the EEZ Act. Given that the line drawn between the two is jurisdictional only, it makes sense to have the two regimes as closely aligned as possible. This would provide more certainty for industry and local government, as well as reassurance for the public about protection of the marine environment.

Exploitation of the EEZ seabed is relatively new, and applications must be carefully and responsibly assessed, and outcomes be transparent. And what happens at sea beyond 12 nautical miles impacts on communities, and they need to be properly engaged in EEZ Act processes.

Labour will:
- Ensure that the EEZ Act complies with New Zealand’s international obligations under UNCLOS
- Ensure greater consistency between the EEZ Act and the RMA so that
  - the EEZ Act’s purpose and principles are more comparable to the RMA’s
  - the Minister administering the Act has much less power to decide (by regulation) what is a “permitted” or “discretionary” or “non-notified” discretionary activity
  - affected communities are not shut out of the marine consenting process.

See Labour’s Energy policy for upgrading onshore and offshore environmental standards for: development of petroleum resources, and monitoring and response capability.

Improving the effectiveness of the EPA

Labour supports a stand-alone EPA, with a high level of technical capability, and independent from the government.

Labour will:
- Strengthen the EPA so that it is a comprehensive, transparent and strong environmental regulator with clear powers and purposes including, above all, protection of the environment (a function that it currently lacks)
- Review the governance of the EPA to ensure that it is fit for purpose and that the EPA Board includes an appropriate balance of industry and environmental expertise and iwi representation.

The EPA currently administers the “call-in” process under the RMA following a determination by the Minister for the Environment that an application for resource consent, plan change, or designation, is “nationally significant”. The Minister refers such applications to the Environment Court or to a Board of Inquiry.

Concerns have been raised around the politicising of the call-in process, particularly in relation to controversial applications. Conflicts of interest can arise where the Minister responsible for determining whether or not a project is called in, for appointing the members of any Board of
Inquiry, and for decisions on the extension of statutory timeframes has also publicly endorsed that project.

Labour believes that transparency and independence are crucial for securing the confidence of stakeholders and the community. As such, Labour believes that the EPA should have more control over the call-in and Board of Inquiry process.

Labour will:

- Ensure that the EPA has a role to play in whether or not an application should be called in and, if so, whether it should be referred to the Environment Court or a Board of Inquiry
- Transfer to the EPA responsibility for the appointment of members of Boards of Inquiry convened to determine proposals of national significance
- Review other decision-making powers currently held by the Minister for the Environment to determine which, if any, should also be transferred to the EPA, and will consult publicly as to what the criteria for transfer would be
- Give the EPA power to extend the standard nine month timeframe for a Board of Inquiry process in complex or controversial applications.

Managing waste and hazardous substances better

Labour wants to encourage New Zealanders to reduce initial waste, re-use resources where possible, and recycle (or compost) as much of the remainder as we can –while maximising commercial opportunities. More emphasis could be applied to “front-of-pipe” solutions focused on reducing the potential for waste at the very beginning of design and production.

Product stewardship schemes under the Waste Minimisation Act 2008 need to be widely deployed. Implementation of the Act has languished under National, and few schemes have been established. Producers, importers, retailers and consumers should take responsibility for the environmental effects of their products in a “cradle-to-grave” approach, including for particularly difficult waste such as electronic goods.

Waste plastic has become a global scourge. It is a major pollutant of oceans and shorelines and harms marine life. Much plastic in New Zealand finds its way into the environment. Plastic recycling is patchy with thousands of tonnes, especially soft plastics, being dumped in landfills. We can do much better. Microbeads in personal care products are being phased out but further measures are needed.

Labour will:

- Work in partnership with local government to provide adequate recycling and composting services in all regions
- Actively explore means of substantially reducing plastic waste, and work with all relevant sectors and the public to do so
- Ensure that product stewardship schemes, including for tyres, are widely deployed to reduce waste and to encourage ways of commercialising waste where there is a potential market
- Require that policy and practice for the management and disposal of hazardous waste is monitored and reported on and, where appropriate, enhancements implemented.
Improving air quality

There are areas around New Zealand with high air pollution, from sources such as vehicle exhausts and where home heating by open fires or wood burners. This pollution has significant health effects. There is opportunity for local authorities to take leadership in reducing emissions in their areas.

**Labour will:**
- Assist regional councils to implement the National Environmental Standards for Air Quality by
  - encouraging homeowners to adopt energy-efficiency measures and install cleaner sources of home heating
  - improving the quality and efficiency of our vehicle fleet
- develop tools for local authorities (with reference to international guidelines) that will assist in the development and implementation of emissions reduction programmes.

See Labour’s Energy policy for more on energy efficiency at home and in businesses.

Encouraging environment centres and capacity building

Labour values the role environment centres play in providing advice and guidance to their local communities and in bringing people together to take action to protect and enhance the environment. However, many areas of the country do not yet have environment centres.

Many other environmental groups throughout the country also make valuable contributions to environmental education and capacity-building.

**Labour will:**
- encourage the development of a network of environment centres around the country, and support them in delivering guidance and leadership on sustainable business practice within their communities
- support environmental groups that assist in building capacity and knowledge in communities about how to participate in RMA and other processes.

See Labour’s Conservation policy for the Enviroschools programme.

Regulating genetic modification

The Royal Commission on genetic modification (GM) reported in 2001. The Commission recommended a precautionary approach whereby New Zealand’s unique environment would be protected but future options to take advantage of this science would not be closed off. Labour endorsed that approach, and still does.

Labour strengthened New Zealand’s system of managing genetically modified organisms (GMOs) to being one of the most robust and stringent in the world. We believe accountability and traceability of GMOs is necessary to protect New Zealand’s unique environment.

New “gene editing” GM techniques raise significant economic risks due to uncertainty about consumer acceptance and their regulatory status in export markets. Nonetheless they may be important for predator control to protect indigenous birds and other biodiversity. Use of gene editing techniques currently requires EPA approval under the Hazardous Substances and New Organisms Act 1996 (HSNO). This requirement protects food exporters, ensures safety assessments are done, and keeps options open.

The safety decision on whether to allow the release of any GMO is a nationwide issue. That safety decision should be taken on the basis of science by the EPA under HSNO. Local authorities do not
have the expertise to make those decisions. And medical uses of GMO medicines approved by the
EPA are for clinicians, not councils. Council plans should not interfere.

However, communities through their councils and consultative plan-making processes should be
able to decide whether and where release of and commercial use of GMO plants and animals is
allowed. This decision should be taken depending on their view of the economic consequences
(e.g. the effect on prices for Hawkes Bay apples sold overseas). The council decision should not be
about safety.

In any event, non-GM producers must be able to maintain GM-free production and identify their
products as such. We must ensure New Zealand’s credibility as a market supplier of high quality,
GM-free products in a world that is increasingly demanding such products.

Labour will:

- insist on zero tolerance of unapproved GMOs
- maintain the status quo of new GM techniques requiring EPA approval for use
- maintain a robust segregation and traceability regime for GM plants
- ensure mandatory labelling of GM propagation material at the point of sale, and of GM foods
- maintain the ability of councils to decide on economic grounds whether and where release
  and commercial use of GMO plants and animals is allowed
- protect farmers who do not wish to adopt GM technology by ensuring the liability regime for
  use of GMOs that cause harm is strengthened.