

Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington



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## **Re: COVID-19 Recovery (Fast-track Consenting) Bill**

Tēnā koe,  
Thanks for the opportunity to provide input into the Environment Select Committee deliberations on this Bill.

OraTaiao is a national Incorporated Society with over 700 health professional members, and the support of all the major health professional organisations.

We are Aotearoa New Zealand's only NGO focused on the links between resource management, climate change and health.

We know that the RMA is a crucial piece of health legislation, because it governs and shapes the building blocks of health and wellbeing, and health equity – fresh water, land use, urban planning, clean air and a safe climate.

While jobs and income are also important building blocks of health, they are only two among many important influences on people's wellbeing. As we've seen during the COVID-19 pandemic, the population is capable of weighing up these tensions and is willing to sacrifice some aspects of wellbeing for community protection from illness.

During post-COVID recovery, we must find ways of creating jobs and income that don't undermine the fundamental building blocks of health. Three intertwined public health crises for New Zealand are worth mentioning here: freshwater pollution, climate change and loss of biodiversity. Notwithstanding the current global pandemic, climate change remains the greatest threat to public health facing the globe this century.

It is not only a direct threat to health and fairness, including by making pandemics and outbreaks of infectious disease more likely, but also an indirect threat through loss of jobs and livelihoods. We are already seeing this with the threats to agricultural livelihoods from the Northland drought.

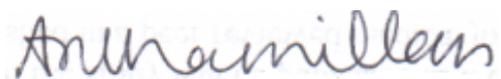
It is therefore crucial that creating short term jobs with this once in a lifetime government investment is achieved within some non-negotiable parameters, to ensure **all** investments are also healthy, equitable, reduce our greenhouse gas emissions and don't worsen other environmental crises bottom line criteria.

There is an unprecedented level of consensus about this among the health professions, demonstrated by the appended letter to the finance Ministers about principles for a post-COVID recovery budget. The recommendations made in the letter are highly relevant to the Select Committee in your consideration of this fast-tracking Bill.

Please find below our submission on this Bill.

We would like to be heard orally in support of our submission.

Ngā mihi

A handwritten signature in blue ink that reads "Alex Macmillan". The signature is written in a cursive, slightly slanted style.

Alex Macmillan  
Co-Convenor

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## General comments

We oppose the side-stepping of the participatory processes of the Resource Management Act 1991 (RMA). The basic purpose of sustainable development in the RMA is not reflected in the Bill, and nor is the major principle of community participation in resource management decisions.

For public health, health equity and hauora Māori expertise, this process is particularly important. Despite people's health and wellbeing being part of the definition of sustainable development in the RMA, there is no formal inclusion of health impacts in the resource consent process (except sometimes as part of Environmental Impact Assessment). This leaves health expertise to make submissions as a member of the public during the notification and consenting process.

We recognise and support the need for a rapid investment in infrastructure for job creation, and also see an opportunity for significant multisolving or win-wins for health, wellbeing and health equity in such investment, these are unlikely to be achieved without public health expertise. On the contrary, co-harms to health and health equity are more likely.

One of the purposes of the Bill is to “encourage projects that will promote New Zealanders’ future wellbeing and resilience”, and S19 (b) clearly states that “the project’s effect on the social and cultural wellbeing of current and future generations” is one of the matters for consideration, but there appears to be an assumption that this purpose can be met with no expertise on these matters.

If such a fast-tracking Bill is inevitable, there need to be significant strengthening of environmental bottom lines (particularly for greenhouse gas emissions, freshwater and biodiversity); a limited, rapid process for public consultation; and public health expertise part of the decision-making process.

## Detailed recommendations

### Recommendations – Bottom lines

The following eligibility bottom lines will be required to be added to the Bill to meet its purpose and the government’s obligations:

- 1. Comply with the Articles of Te Tiriti o Waitangi**
- 2. Address our responsibility to mitigate and adapt to climate change**
- 3. Enhance health and wellbeing**
- 4. End social and health inequities, prioritising structurally oppressed communities**
- 5. Improve economic resilience**

Projects must be excluded from investment if they will increase greenhouse gas emissions, or worsen health and social inequities. Further, the Bill should provide that in circumstances of uncertainty/dispute or inadequate information, the Panel should adopt a precautionary approach and favour environmental, health and health equity protection.

### Recommendations – climate change

We make the following further specific recommendations pertaining to the climate pollution impacts of potential projects.

1. Include in documents listed under Schedule 6 Clause 9(2) the Climate Change Response (Zero Carbon) Amendment Act 2019, which would require consent applicants to provide an assessment of the activity against the relevant legislative provisions that enshrine in law our commitment to the Paris Agreement.
2. Require applicants to disclose carbon budget of activity as part of information required for listed and referred projects notices under Schedule 6 Clause 9(1).
3. Require that an activity that causes significant carbon emissions be included as criteria for ineligibility of projects under Part 2 Clause 18(2).
4. Explicitly exclude any activity that facilitates the extraction of coal, oil and gas resources under the criteria set under Part 2 clause 18(2).

### Recommendations – health and health equity expertise

In addition to the bottom lines described above, to meet the stated purpose of the Bill to promote the wellbeing of New Zealanders, expertise in this area will be crucial. We therefore recommend that:

1. Clause 21 (6) Health and Disability be listed Ministerial portfolios
2. Schedule 5 Clause 3 that membership of panels must cover expertise in impacts on the environment and on human health and wellbeing and health equity, as well as hauora Māori and these should be covered likewise under skills and experience covered by the panel
3. Schedule 6 Clause 9 information required should have specific mention of human health, health equity and hauora Māori, while Clause 11 (d) should list health and health equity (not just under risk, since the health and health equity impacts of many projects may be positive)
4. Schedule 6 Clause 17 should specifically list the relevant public health unit that forms part of the DHB (4) (g) again should include Health and Disability portfolios; (6) should list at least one relevant environmental health NGO –OraTaiao holds the most expertise across RMA and human health/health equity issues of all the health NGOs

### Recommendations – limited public participation

The bill must be amended in a way which ensures that the process by which projects are assessed is public and participatory while still meeting the government's objective to streamline the application process. At a minimum, groups representing health and disability rights should have access to participation.

#### **Recommendations:**

1. Amend Schedule 6 Clause 17 to permit public notification;
2. If amendment to Schedule 6 Clause 17 isn't accepted, expand the mandate of the panel to consult with a variety of groups beyond those listed under Schedule 6 Clause 17 on a project-by-project basis;

3. At a bare minimum, expand the list of persons and organisations to be consulted with for referred projects under Schedule 6 Clause 17 (6j-u) to include the Parliamentary Commissioner for the Environment, and public health and disability justice advocates. In addition, local residents who are not directly affected parties, and NGOs who have specific expertise regarding the environmental harms related to the proposed activity, should be consulted on a project-by-project basis.