

Ministerial or Community Power and the Resource Management Act

ECO Conference 2013



Major shake up of environmental legislation

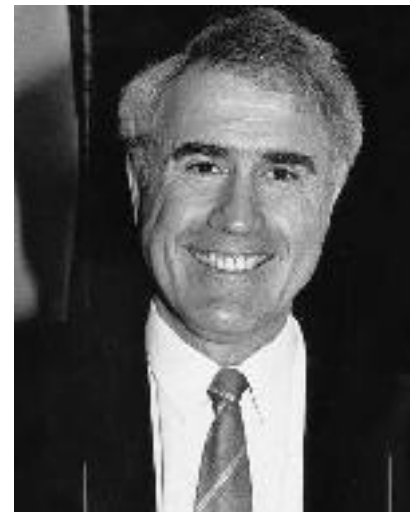
- Exclusive Economic Zone Act 2012
- Crown Minerals Amendment Act 2012
- Local Government Amendment Act 2012 – removal of community well beings
- Resource Management Act changes x 3
- Housing Accords and Special Housing Areas Act 2013



Resource Management Act 1991

“The purpose of this Act is to promote the sustainable management of natural and physical resources.”

“The two key principles of the act are environmental protection and community participation.”



Rt Hon Sir Geoffrey
Palmer



Hon Simon Upton

NO MINING

San. Mhangana
Davao-Laurens Bay

சென் மங்கனா
டாவோ லாurenஸ் பே

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Resource Management (Simplifying and Streamlining) Amendment 2009

Urban trees

Removed Conservation Minister's right to say no to high impact coastal activities



Construction of Whangamata Marina

RMA Reform Act 2013

Six month time limit for notified applications.

Council can't decline request for direct referral for applications above an investment threshold

Landowners can fell urban trees unless they are identified in a Plan schedule

Streamlined provisions for Auckland Unitary Plan –likely new model for other plans

Anti-regulation with more onerous s32 requirements (cost benefit analysis) – economic growth and employment



Rationale and rhetoric behind the RMA "reforms"

"The costs, uncertainties and delays of the current resource management system are affecting jobs, infrastructure and productivity and place an unfair burden on communities." Hon. Amy Adams

"....today's values and priorities are not well enough reflected in the RMA." RMA discussion document 2013



RMA – beyond the rhetoric

More than 36,000 resource consents are processed by local authorities each year

- 94% of consents are non-notified
- 95% of applications processed on time
- more than 99% of applications are approved

Around one per cent (350 per year) resource consent applications are appealed to the Environment Court

99.9% of cases are settled without a hearing in the Environment Court

www.mfe.govt.nz



RMA – beyond the rhetoric

Resource consent processes for major roading infrastructure projects with significant community and environmental impacts take on average just 12 months, including appeals to the Environment Court.

<http://www.mfe.govt.nz/publications/rma/roading-delays-feb03.html>



RMA – beyond the rhetoric

- Huntly Power station 1430 MW Genesis Energy

Renewal of consent – granted in 5 months by Waikato Regional Council – no appeal.

- Te Mihi 234 MW Contact Energy

Application called in 2007-08 – granted in 14 months by Board of Inquiry. No appeal.



RMA - beyond the rhetoric
100 % Pure New Zealand ?





“Improving RMA” proposals are anti environment

Changes to Part 2 include:

- no more matters of national importance – hierarchy in sections 6 and 7 pancaked
- environmental criteria deleted or weakened
- new economic criteria inserted
- outstanding landscapes need to be specified in plans
- only “significant” habitats of trout and salmon to be maintained

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WE'RE
RE-BRANDING
THE
ENVIRONMENT.



BEAUTIFUL!

THE DEVELOPMENT



PCE on “Improving RMA” proposals 2013



“ Since its inception, the function of the RMA has been to provide an environmental balance to the economic imperatives of the marketplace, but these changes tilt the Act toward promoting economic development. These changes are far more radical than any previous amendments to the RMA.”

Sir Geoffrey Palmer Sept. 2013

“ The RMA represented a deliberate shift on the part of NZ'ers away from economic development at any cost towards long-term economic and environmental sustainability. It expressly acknowledged that the state of the natural environment and NZ's economic development were inextricably linked. The Govt.'s proposals fundamentally erode that commitment to sustainability.”

Anti - regulation

Councils cannot restrict the use of private land unless this is “reasonably required” to achieve the RMA purpose

New subdivision allowed unless Plan rules says otherwise



Reduced public participation

“Straight forward” consents to be non-notified and who is an “affected party” to be “refined”

Applications consistent with Plan objectives and policies
– not notified

New powers for councils to strike out submissions

Limiting scope of submissions and consent conditions to reasons application notified and related effects

Less ability to appeal plan decisions. If councils use a collaborative process for water plans - no appeal to Environment Court

More power to Ministers

More limited role for councillors in Plan decisions.

New powers for Minister to specify activities which cannot be notified for public comment.

Minister able to direct that Council change an operative plan and then direct commissioner to draft.



Christchurch and a truncated RMA - No submissions on demolition



Weaker local government

- Changes to Local Govt. Act
- Bigger is better belief
- Unitary authorities with weak local and community boards instead of councils
- Major restructuring – significant amalgamation proposals

What you can do

- Contact your local MP
firstname.surname@parliament.govt.nz
- Ask Peter Dunne and Maori Party to stand firm in opposing changes to Part 2
- Watch for RMA Bill 2013, make a submission and ask to be heard
- More information: www.greens.org.nz/rma





stand up!
for the **environment**
Protect our Law





RMA – beyond the rhetoric

– Demographic reality

Population declining in 37 % of territorial authorities.







