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Note: We do NOT wish to speak to our submission.

### **Submission to the Select Committee on Resource Legislation Amendment Bill**

Environment Network Manawatu (ENM) is a network of over forty member organisations that fosters and encourages environmental initiatives in the Manawatu, in areas ranging from sustainable living to wildlife conservation. The network has a combined membership of about 1200 people.

ENM welcomes the opportunity to comment on the Resource Legislation Amendment Bill, which amends the Resource Management Act 1991, and several other related pieces of legislation.

We understand that the Bill seeks to make further amendments to improve the RMA to achieve sustainable management. We agree that there are problems with some aspects of the RMA and that these parts of the RMA need to be fixed. However, ENM submits that although some of the Bill's proposed amendments will help to solve these issues, others will not, and will instead lead to unintended outcomes and compromise sustainable management of New Zealand's natural and physical resources.

We have not provided a clause by clause analysis of the Bill, but have instead highlighted some key principles about which we are concerned. We support the clause by clause analysis provided in the Environmental Defence Society's submission.

ENM submits that through a number of isolated changes, the Bill results in the erosion of environmental bottom lines which compromises both protection and use of the environment.

Below are some examples from the amendments that illustrate this point:

- Amendments to section 104 propose mandatory consideration of offsets. Bringing greater emphasis onto the use of offsets, and away from the options of avoid, remedy, or mitigate, risks a much greater focus on addressing effects rather than directly avoiding, remedying or mitigating them. It also provides opportunity for offsetting to be implemented incorrectly or used when inappropriate.
- The proposed resource consent fast-track option allows activities that breach a plan rule in a "marginal or temporary" way to be treated as a permitted activity. A permitted activity is a clearly defined trigger point marking when it is no longer certain an activity will not compromise bottom lines and so requires consent. An exception for "marginal or temporary" non-compliance erases this bottom line.

- There is a proposed amendment that submissions on resource consent applications can only comment on adverse effects already identified in public or limited notification documents. This prevents a submission from alerting a consent authority to effects of an activity which it or the applicant has not identified.

We are also concerned about the potential loss of public participation and extended powers of the Minister of the day. By aiming for quicker outcomes, the Bill significantly extends Ministerial discretion and decision-making powers and simultaneously reduces public participation in RMA processes. ENM submits that Ministerial discretion provided for by the Bill is excessive and the reduction in public participation unjustified. The focus on quick decision-making will compromise good-decision making and good environmental outcomes.

With regard to the streamlined process, we have particular concern regarding the level of ministerial decision making in the processes. It is appropriate that the Minister has a role in the process but we consider that the proposals extend too far into determining outcomes.

We oppose the proposed new section 41D (Striking out submissions). ENM sees this as a significant shift in the participation principles embodied in the RMA, which will either exclude affected non-expert participants or increase their costs. The proposals will increase barriers to participation in resource management processes as a result of unequal access to expertise, as the right and ability to participate will be dependent on a participant's personal capacity and financial resources. A further barrier to submitters is that they will generally have only a short timeframe to respond to an application (unlike the applicant and consent authority), and may have difficulty obtaining appropriate expertise within that timeframe.

ENM agrees that not all decisions need or deserve the same level of public engagement. However, we believe the Bill's reduction of appeal rights and enhanced Ministerial powers swing the pendulum too far. Restriction of public participation appears to have been justified on the basis that this participation has held up the plan making and consenting process. However, the data on consent processing times do not support this hypothesis - therefore we do not agree that public participation needs to be reduced to the level proposed in the Bill.

We support the concept of the collaborative planning process; however we feel there are potential weaknesses in the way the process is proposed in the Bill. The process for selecting membership, whether or not there is an independent chairperson, the extent of appeal rights, and how matters on which consensus was not reached are dealt with are all areas of concern.

We request that the proposed amendments to the RMA are not adopted into law until such time as they are amended in accordance with our concerns outlined above.