

RMA Discussion Document – Submission Form

Submitter Information

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<input type="checkbox"/> I am making this submission as an individual	
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<p>**If you are making this submission as a representative for an organisation, the name of that organisation will be used in any reports on the submissions, but your name will be withheld. If you are making this submission as an individual, your name will be used in any reports on the submissions unless you request otherwise.</p>	
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On behalf of the Central Otago Environmental Society, I offer the following submission regarding the discussion document, **Improving Our Resource Management System** and the proposed changes to the **Resource Management Act**:

Background

1. The Central Otago Environmental Society (COES) is an incorporated body with charitable status which, at last count numbered 80 plus core members, reflecting a cross-section of the Central Otago community. In essence, Society members subscribe to the notion that we all share the responsibility for good stewardship of our environment including our landscapes, our natural resources and our heritage.

2. The Society has recently appealed three cases to the Environment Court, achieved successful outcomes in two of those cases and is presently waiting on a decision regarding the third. Our comments are therefore based on actual experience of working with District Plan and RMA processes for the past seven years. We therefore applaud genuine efforts to refine these processes which have often proved baffling, tortuous, and more concerned with fine legal definitions than with facts, fairness and common sense.

3. We can easily agree with proposals to make the RMA clearer and easier to understand. Standardised definitions and environmental terminology (e.g. landscape and heritage classifications, environmental values), standard consenting procedures and the use of agreed outline templates across regions and districts, are all essential and long overdue reforms which will reduce expense and costly delays.

Change of Purpose?

4. The Society submits that the RMA, as originally conceived, was intended to provide a balance between two competing but equally important imperatives. Growth, development and the use of resources are necessary for the economic maintenance of our society but the fragile environment in which we exist also needs to be protected and sustained in order to provide for our well-being and quality of life.

5. Notwithstanding the inclusion of sensible proposals worthy of support, the Society considers the discussion document to be based on an underlying assumption that continuing growth and development is desirable and largely ignores the finite nature of the resources on which growth relies and the fact that their continued consumption at present rates is unsustainable. Masquerading as concern for economic security, many of the proposals conceal an ideological determination to extract maximum profits from available resources without regard for the consequent costs to our society and environment.

6. Effectively, the document proposes changing the purpose of the RMA from that of a statute designed to allow development while managing any consequential adverse environmental affects, to one which actively promotes development at the expense of environmental concerns. Among the underlying reasons given for the proposed changes are the reduction of compliance costs, streamlining the process for stakeholders, reducing the investment risk and growing business.

7. These might be considered laudable objectives if there were also provisions to reduce the cost of expressing genuine concerns regarding potential adverse effects, make it easier to put an alternative case for wider environmental social and cultural concerns and ensure that such considerations were equally and fairly weighed by an impartial authority. Not only are the proposed objectives blatantly one-sided, they also appear to reflect an undemocratic intent to silence, or at least make it more difficult for opposing voices to be heard.

8. The Society disagrees that “...the focus under the RMA has shifted too far towards avoiding effects on the environment ...” We insist that positive outcomes are not limited to cases where the applicant succeeds but that decisions giving priority to protecting our environment or preserving heritage are of equal value to our society. The statement overlooks the proven fact that many ‘think big’ schemes claimed by their designers to be of ‘national importance’ have proved to be fatally flawed and overlooks the role of responsible opposition which has, at considerable private expense and personal effort, exposed those flaws.

Amalgamation of Section 6 & 7

9. Specifically, the proposal to combine Sections 6 & 7 is a fundamental change. The importance of Sec 6 matters would be diminished by no longer being referenced as the matters of national importance which successive environmental court judgements have confirmed, while the importance and power of Sec 7 matters will be elevated by way of them having to “*be recognised and provided for*”, rather than “*have particular regard to*”. The proposed wording retains an obligation to ‘do something’ but is no longer an obligation to do something positive.

10. Far from reducing uncertainty as claimed, the Society considers that the changes are likely to create greater uncertainty and confusion, requiring the courts to re-interpret the new section. They will certainly reduce the level of protection for landscapes, coastal margins, aquatic resources and native flora and fauna, as in practice, environmental concerns for adverse affects are likely to be routinely outweighed, an outcome which the Society finds unacceptable.

Input and Dissent

11. Importantly and worryingly, the document appears to discount the value and importance of community input into resource consent matters and instead, proposes changes likely to reduce the opportunity, or make it more difficult, for community voices to be heard. Not only does this dismissal deprive the process of valuable local knowledge, it is also reflects a dictatorial and undemocratic disregard for the good sense and broader perspective of informed citizens.

12. The Society takes strong exception to the document’s unsupported assertion that our values and priorities may have changed and they are no longer, “well enough reflected in the RMA.” The Society contends that if there has been a change, then it is towards a much wider public recognition that our continued prosperity is inextricably linked with preserving our natural environment and conserving its resources. This recognition is evidenced for example, by the public outcry against mining in public conservation areas and the Government’s consequent abandonment of that proposal.

13. Indeed the Society argues that the proposed changes are likely to encourage greater public opposition to projects perceived as trampling on environmental principles and democratic processes. Without recourse to fair hearings in an objective legal setting, protesters may see no option but to express their dissent by means of direct protest and disruptive action.

Conclusion

14. Better, we suggest, that the original intent of the RMA must be preserved and that any reforms be designed to strengthen its effectiveness as an instrument which maintains balance between competing imperatives. By providing certainty that the claimed benefits and potential environmental costs of any scheme will be fairly considered and weighed equally, the RMA will

reassure the public that future decisions are well-founded and have taken account of the best interest of communities, the nation and future generations.

15. Maintaining a balance between growth, development and our wider environment is the continuing task of those elected to manage our affairs. While purporting to offer proposals which will *"improve our resource management system"*, the discussion document instead skews the purpose of the present RMA towards facilitating growth and development at the expense of environmental protection and the ethic of good stewardship which both national and regional governance is bound to uphold.

16. For this reason, the Central Otago Environmental Society rejects the proposed reforms as dictatorial and undemocratic.

DG Shattky MBE
for
Central Otago Environmental Society

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