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Hon Dr Nick Smith
Local Government and Environment Committee
Christchurch.

SUBMISSION ON THE RESOURCE MANAGEMENT ACT (SIMPLIFYING & STREAMLINING) AMENDMENT BILL 2009

SUBMITTER: Dr Cliff Mason
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The Resource Management Act is the most important piece of legislation for the protection of the natural environment in New Zealand. It is more essential than ever that it retains its effectiveness in this role in these times of increasing demands upon the natural environment and when some of the most essential of its life-supporting functions are increasingly compromised. For these reasons, this submission **opposes** several of the proposals of the Amendment Bill that would weaken the protective function of the Act and diminish the ability of the public and organisations to participate in the processes of resource management. These points are detailed below as suggested deletions of certain clauses of the Bill and a few modifications or additions.

1. Delete Clause 68 to retain the presumption of notification of Resource Consent Applications and the importance of any adverse effects, including those limited to the local environment, as criteria for assessing the requirement for notification.
2. Delete Clause 60 to retain effective public participation at Local Authority level. Referral to the Environment Court should not be at Applicant's discretion.
3. Delete Clauses 131 and 148 to allow interested parties to join Environment Court proceedings when they are representing a relevant aspect of the public interest and to allow further submissions by new parties during Consent proceedings.
4. Delete Clauses 132,171 and 148 to retain the right to appeal policy statements and plans as a fundamental right of the New Zealand justice system and to enhance the quality of statements and plans.
5. Delete Clauses 16 and 59 to avoid a rush of applications before new and possibly more restrictive regulations become operational.

6. Delete Clause 133 as costs security will prevent many relevant and valuable appeals. The proposed fee increase is also opposed as an unnecessary deterrent given the very low incidence of frivolous and vexatious appeals in practice.
7. Delete Clauses 20, 82 and 83 retaining the ability of the Minister of Conservation to approve or decline an application for a restricted coastal activity.
8. Retain the 10 year review schedule for plans in Clause 56. The time required could be abbreviated by the existence of more National Policy Statements and Environmental Standards that could simply be adapted to local conditions.
9. Retain the general protection rules for trees.

10. Retain the category of non-complying activity (Clauses 147 and 152) as an important signal that proposed activity must meet more stringent requirements before approval and strengthen the test for non-compliance by changes to s104D of the Act. Present activities designated as non-complying should not have this classification arbitrarily changed.

11. Most importantly, it is essential to produce a comprehensive suite of National Policy Statements and National Environmental Standards to support the Act, as has always been intended but so poorly put into practice. This has been a major contributor to the suboptimal functioning of the Act and its perception as an obstructive piece of legislation. More NPSs would do more to simplify and streamline the functioning of the Act than any other changes and would not compromise democratic participation as the current Bill threatens to do.

Thank-you for the opportunity to make this submission. I wish to present my submission in person at any hearing into the Bill.

Yours sincerely,

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