

The RMA – tune-up, or out of tune?

Simon Carlaw

The current RMA tune-up is producing a lot of noise, most of it being made by people who can't imagine that human impact on the environment could ever be positive.

It's an attitude that prevents improvements to roading and energy infrastructure and prevents the investment needed to grow the economy and pay for our health, education and welfare systems into the future.

The RMA was conceived to be both pro-environment and pro-development, but so far it hasn't worked out this way. Why is it so difficult for governments to fix it?

There are few signs that this tune-up will go further than another limited agenda.

Projects of 'national significance' may get a helping hand, but some questions immediately arise. What are projects of 'national significance' and who says so? What happens to projects that may not appear to be of national significance until viewed through a different lens or by someone else? Why should there be any intrinsic bias towards very large – often taxpayer funded – projects over others?

There are a number of proposals now on the table as to how to collect and activate the wisdom that could at least get some major developments underway. And there is equal clarity that some of these proposals are more dangerous than others.

One in particular is Local Government New Zealand's apparent conclusion that the Minister responsible for the RMA would possess the necessary wisdom, prescience and objectivity to virtually unaided make the right call all the time. The past evidence for such an assertion is not reported, and the potential for political abuse would be concerning.

Another option is to borrow the environmental protection agency model in operation elsewhere, including Australia. This is not a bad idea, but what is daft is a further proposal that the Environmental Risk Management Authority (ERMA) should take on this role in New Zealand. ERMA is part of another problem, not a solution. If we are to have an EPA, let's have it fit for purpose.

At least the 'tune-up' character of this latest look at the RMA has had one positive outcome. It now seems pretty much agreed that the RMA's 'first-in, first-served' character is limited in dealing with major resource-use conflicts. A system for trading resource rights for, say, water, is clearly needed. But just like fisheries allocation mechanisms, the devil is in the detail. Getting it wrong by hurrying would only enrich lawyers for years to come. Further detailed consideration is required, certainly beyond the scope and timeframe of the present exercise.

The area that requires immediate action, without even waiting for a legislative 'tune up', is the failure of successive governments to provide anything approaching

effective leadership or direction for the 86 local authorities. The result is a plethora of different rules and standards up and down the country.

Only very recently has any attention been given to national environmental standards and it remains unclear as to whether or not adequate funding would be made available to ensure those hearing RMA applications are competent and formally accredited. This failure to adequately support the implementation of the RMA at the local government level is directly responsible for much of the uncertainty and unnecessary costs many applicants incur.

If this 'tune up' is to be any better than those that preceded it, central government will have to put a stake in the sand at last and be accountable for real improvement.

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