

**26 November 2015**

**Media release**

**EDS cautiously welcomes Resource Legislation Amendment Bill**



The Resource Legislation Amendment Bill, introduced in Parliament earlier today has been cautiously welcomed by the Environmental Defence Society.

“The Bill apparently puts in place a moderate set of progressive reforms. It has dropped the objectionable elements proposed earlier and in that respect is a significant win for our natural heritage and is consistent with our advocacy,” says EDS Chairman Gary Taylor.

“The core environmental protections in Part 2 of the RMA remain intact. There is one addition to section 6 to do with natural hazards which has been well signalled and has merit. There are no other changes to either section 6 or section 7 so the environmental bottom lines remain intact. That is very important.

“The earlier proposal to explicitly prioritise private rights has also been dropped. This is important because in the contest between private rights and the public interest in resource management, the public interest in nature generally loses out.

“The Bill also implements a number of recommendations from the Land and Water Forum. There is a collaborative plan-making track, plan templates, common definitions and some tweaking of national policy statements and national environmental standards.

“There are also changes to the EEZ Act to create what looks like the equivalent of a national policy statement which would set Government priorities for the offshore marine environment. This will need careful analysis. If it enables more weighting in favour of extraction, that would be unfortunate. But if it enables some marine spatial planning that would be helpful in reducing conflict.

“The one area that hasn’t been adequately addressed in this Bill is the disconnect that occurs at present between plan-making and consenting. We put a lot of effort into plans and they have to give effect to national directions. But when it comes to resource consenting, councils only have to “have regard to” plans. We need to tighten up the connections and there may be a need for amendments to section 104 of the RMA. This is we think the big gap in our RMA framework and needs fixing.

“There are potential areas of concern in the Bill that need careful consideration that relate mostly to processes.

The red flag areas include the third plan-making track for so-called urgent situations; the provision for blended hearings for RMA consents and approvals under other acts; further limitations on standing to be a submitter; the changes to the appointment process to EPA hearings; allowing councils to not require consents for minor issues; the reversal of the presumption on subdivision; and no doubt much more that will become evident after detailed analysis.

“This is a big Bill. The devil will be in the detail. We will take time to review it and will be making substantive submissions to the select committee. We expect that to be a thorough and constructive process, unlike normal select committee processes.

“EDS will be posting its analysis of the Bill on our website,” Mr Taylor concluded.