

Sea changes and stormy weather ahead

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The long-awaited, and much-debated Resource Legislation Amendment Bill should finally pass into law in 2017. But any new regime must meet the needs of a very different world to the one envisaged a quarter of a century ago when the legislation first came into effect.

AT THE BEGINNING OF THE new year, it's timely to reflect on the old one. Last year was largely dominated by earthquakes, which have caused damage to infrastructure, people and the natural environment. Local government has a big role to play at such times and by-and-large it has handled those responsibilities competently. No doubt improvements can and will be made in how we respond to disasters in the future.

Experts say we are entering the Anthropocene Era during which the impacts of people will dominate the planet for the first time. But despite this, geological forces can still put the place of humans into perspective.

Predator free New Zealand

During 2016 we saw a big shift in appreciation of the intrinsic values of nature. After decades of environmental advocacy, the government (and most non-government parties) made a surprise commitment to predator free New Zealand by 2050, including predator free offshore islands by 2025. The latter is only nine years away, and includes Stewart Island and Great Barrier Island, both of which will be quite a challenge.

New Zealand has 985 threatened species: 80 percent of our birds, 88 percent of our lizards and 72 percent of our freshwater fish. The decline is continuing, mostly due to introduced predators, so predator free New Zealand is a hugely welcome aspirational goal.

To get there we'll need new tools and may need to involve gene manipulation: a controversial issue for local government.

Freshwater reforms

We also saw progress last year, albeit slow, on freshwater reforms.

The Land and Water Forum delivered another set of recommendations and will finalise its key remaining tasks in 2017. That will include completing the population of the National Objectives Framework and reviewing the efficacy of the National Policy Statement.

The government is implementing Land and Water Forum

reforms but very slowly: the public is demanding faster action. All of this has big implications for regional councils and plan making, as well as for farmers. The burden of change will be significant and the challenges of achieving such change very real. There will be hiccups along the way. The Environmental Defence Society (EDS) is challenging one of the more proactive regional councils over its plan implementation.

But the overall objective – to maintain and improve freshwater quality over time – is now clear.

Environmental bottom-lines

A related change that is still bedding into resource management decision-making is the move away from applying an overall broad judgement approach to implementing environmental bottom lines.

Too much RMA discourse is based on hyperbolic anecdote.

This is a big shift in resource management jurisprudence that demands real rigour from councils. The old days, when wise men and women could reach a decision after weighing up a menu of competing statutory requirements, are gone. Now we must work within environmental limits.

Marine issues

A sometimes forgotten responsibility of local government is the marine environment out to 12 nautical miles.

The Ministry for the Environment's marine domain report charts a distressing story of ongoing coastal degradation and loss of marine biodiversity. Much work is needed to turn negative trends around. Better catchment management and the creation of more marine protected areas can help. But there's also a clear need for a national conversation about

reform of New Zealand's fisheries management system: our 30-year-old quota management system is no longer fit for purpose.

In Auckland, the collaborative process developing a marine spatial plan for the Hauraki Gulf – *Seachange Tai Timu Tai Pari* – has been completed after three years of effort. This is a major achievement.

Implementing the Gulf Plan will be another big challenge. The present configuration of local and central government, with split responsibilities for the Gulf, doesn't lend itself to efficient and innovative governance. Special legislation may be needed to operationalise the plan including the creation of a revamped Hauraki Gulf Forum with more powers and iwi involvement.

The Gulf approach is a useful pilot for marine spatial planning in other areas where there are complex environmental and allocation issues to be addressed.

Climate change

Another big challenge for councils is how to respond to the burgeoning effects of climate change especially on coastal communities.

This is an area where greater national leadership is required to frame the choices that councils make. Noting inundation risks on a LIM should be mandated so it is not an option that pits locals and councils against each other. We will need to adopt a managed retreat solution in some places and that will be hard. It is not economically or environmentally feasible to fortify all New Zealand's coastline with engineered solutions.

Resource management reform

In 2017 we can expect to see the Resource Legislation Amendment Bill finally pass into law. It has been a long time

coming. While it has been in gestation, EDS looked at the question of how well the RMA has been delivering for the environment. The answer from our comprehensive report is "not very well" and it's largely, but not exclusively, due to poor implementation.

At the same time others, including LGNZ, have been thinking about what regime might replace the RMA in the longer term.

We think it's time to have that conversation, but it needs to embrace the entire resource management system: the legislation, who should implement it, funding and connections with other relevant statutes.

The RMA is 26 years old and New Zealand is quite a different place to what it was in 1991. We have population pressures, environmental deficits, climate change and a much faster moving world. The RMA is having difficulties keeping up with the pace and nature of change. There is a larger divide between urban and rural needs: much resource management reform tries to address the former to the detriment of the latter.

There is a range of options. One scenario is to replace the RMA with something new. Another is to insert an urban part into the Act. We could look at separate town planning and environment acts. Do we need so many councils? Are unitary authorities more efficient? Should the EPA have an expanded role in regulatory enforcement? Is spatial planning a helpful tool meriting wider deployment?

All of these questions need to be addressed but any change needs to be based on solid research and evidence. Too much RMA discourse is based on hyperbolic anecdote.

I favour setting up a properly independent and wide-ranging Royal Commission to lead the conversation and working towards a multi-partisan solution based on what would work best for New Zealand for the next 25 years.

Meantime, let's hope for a less shaky 2017. **LGP**

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