

SUBMISSION on the Resource Management (Simplifying and Streamlining) Amendment Bill

To: The Local Government and Environment Committee

Introduction

This submission on the Resource Management Act (Simplifying and Streamlining) Amendment Bill is from Resilient Organisations.

The Resilient Organisations research group is a multi-disciplinary group of researchers and practitioners that is New Zealand based and with global reach. A collaboration between top New Zealand research Universities and key industry players, including the University of Canterbury and the University of Auckland, Resilient Organisations is funded by the NZ Foundation for Research, Science and Technology. The research group represents a synthesis of engineering disciplines and business leadership aimed at transforming NZ organisations into those that both survive major events and thrive in the aftermath. The research group consists of 17 core researchers and dozens of industry partners and advisors.

We are committed to making New Zealand organisations more resilient in the face of major hazards in the natural, built and economic environments. Resilient organisations are able to rebound from disaster and find opportunity in times of distress. They are better employers, contribute to community resilience and foster a culture of self reliance and effective collaboration.

A major aspect of research embarked upon by the research team is the analysis of New Zealand's legal frameworks for reconstruction – specifically the CDEM Act, RMA and Building Act. The research looks at the relevance of these Acts to post-disaster reconstruction, and to determine whether they would help or hinder significant post-disaster reconstruction programmes.

There is strong research evidence to suggest that the RMA (which is the focus of our current submission) and other legislation will constrain reconstruction efforts in New Zealand should there be a major national disaster. We are therefore of the opinion that the current review and realignment of the RMA is timely. We are hopeful that the review will result in a

robust framework for both environmental and other physical re-development programmes after a major disaster.

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Should you consider that an oral defence is necessary in support of this submission, Resilient Organisation wishes that the following be allowed to appear before your committee:

- Dr Erica Seville, University of Canterbury
- Associate Professor Suzanne Wilkinson, University of Auckland
- James Rotimi, Unitec

Summary

Resilient Organisations is in support of the intent of this Amendment Bill. A simplified and streamlined framework for considering resource management decisions will be of particular importance in a post-disaster environment, when the sheer volume and complex nature of consent applications are likely to overwhelm current arrangements.

We therefore make specific suggestions under some of the themes that have been identified by the Ministry for Environment.

Specific Suggestions

Theme 2: Streamlining processes for projects of national significance

The Ministry for Environment has proposed key changes for streamlining projects of national significance through the proposed formation of the Environmental Protection Agency (EPA). We provide the following suggestions:

- There needs to be great clarity on projects that could be considered nationally significant. Criteria such as the cost of a project, scale of the project, sphere of influence on the public etc. may be established; most importantly there should also be a specific criterion added that identifies reconstruction programmes following large-scale disasters as nationally significant.

We suggest the criterion should refer to Level 4 and 5 disaster event types (which are regionally and nationally significant respectively, as defined in CDEM Group Plans). We believe this is consistent with the provisions for *immediacy, necessity and sufficiency* contained in **Section 330** of the Act.

Theme 3: Creating an Environmental Protection Authority (EPA)

The Ministry for Environment has proposed the establishment of the EPA as an independent business unit to handle nationally significant consent applications. We suggest the following:

- That a Recovery Manager or National Recovery Coordinator (if appointed) be co-opted into membership of the Agency or any Board of Inquiry set up to review environment matters in the event of a large scale disaster.

Membership of the EPA by key officer(s) engaged in recovery programmes is essential so that consenting of nationally significant re-instatement projects could be better facilitated.

Theme 4: Improving plan development and plan change processes

Recommendations made by the Ministry for Environment for improving plan development and plan change processes are to be commended. However we wish to make the following specific suggestions:

- That the revised RMA should require Territorial Authorities and Councils to give greater consideration to recovery after disasters in their regional and district plans. We observe that the current focus of regional and district plans is skewed towards the prevention, avoidance and mitigation of hazards (pre-event planning). Whilst not limiting the importance of this current focus, we are of the opinion that Councils could be made more proactive by considering and incorporating post-event issues into their plans.
- That upon consideration and inclusion of recovery issues, there is a need to ensure neighbouring areas align their regional and district plans as differences can impede the implementation of reconstruction projects that may spread across geographical boundaries.

Theme 5: Improving resource consent process

We are in support of the recommendations made by the Ministry for Environment concerning the improvement of the current RMA consent process. Such recommendations will go a long way to reducing the current procedural burden experienced by consent applicants.

Resilient Organisations are very concerned by an expected spike in consent applications for minor works in the aftermath of a major disaster. Our research indicates there are likely to be severe limitations in the capacity of Councils to process these applications within the timeframes required, significantly hampering the community's ability to recover. An improvement in the consent process particularly for *minor repairs and replacements* will be beneficial to post-disaster recovery efforts as to business as usual construction.

Theme 6: Improving national tools (NPS/NES)

Resilient Organisations suggest the development of a National Policy Statement on Recovery that will provide an overarching framework/guideline for post-disaster reconstruction work. We consider this is a responsibility for all disaster management agencies including the Ministry for Environment.

Such a NPS would bring all post-disaster considerations into a single document. We suggest a cross-reference system within this NPS with associated legislation like the RMA, Building Act, and other environmental standards.

Some of the issues that could be covered by this National Policy Statement include (but are not restricted to):

- Definition of hazard types that will be referred to in the policy.
- Guidelines on collaboration of stakeholders towards recovery and mechanisms by which recovery considerations transcend existing commercial decisions and silos.
- Addressing external aid and assistance e.g. training requirements for external resource persons during a catastrophic response and recovery programme.
- Process-based information on recovery and the reconstruction of the physical environment under different disaster scenarios
- Description of the relationships between all disaster-related legislation (and development and re-development control guidelines). This will provide a framework for the alignment of all related legislation so that the differences that exist under the current system are eliminated.

Conclusions

While Resilient Organisations is in support of the intent of this Amendment Bill, our submission highlights the need to ensure that the unique challenges posed by a post-disaster environment are addressed.

Our research indicates that there are significant barriers created by the current RMA arrangements that would significantly hamper an efficient and effective post-disaster reconstruction effort. The proposed amendments, with minor changes as suggested, create a real opportunity for New Zealand to be in a better position to rebuild and recover when a major disaster strikes.