

Greenies GET IT RIGHT

BY JUSTINE INNS, BA, LLB SOLICITOR WITH OCEANLAW NEW ZEALAND



No, your eyes do not deceive you – I really did say that. It's not a viewpoint that's often expressed around marine farming circles, but hear me out...

A month or so ago, former All Black Anton Oliver penned a widely published opinion piece entitled 'Gutting the RMA – it's time to be concerned'. The article discussed changes to the Resource Management Act that were mooted in a consultation document released by the Ministry for the Environment in February this year. The period for submissions on the document closed in early April and the Government is understood to be considering the feedback it received from the public.

The stated objectives of the proposed RMA reforms were ones that marine farmers would generally support, including making the system easier to use, increasing certainty and predictability, and reducing unnecessary duplication and costs. But the document also contained a pretty clear subtext of seeking to promote development, with the Government's desire to encourage the development of new housing in particular being well publicised. As businesses that have frequently had to battle through RMA processes to establish new developments, this sounds like an aim that marine farmers should support.

The proposed reforms are the first since the RMA's inception in 1991 to recommend a significant overhaul of the "Purpose and Principles" part of the Act, by combining the section six "matters of national importance" and the section seven "other matters" into a single set of principles to be considered by decision makers in making an "overall broad judgement" to achieve the purpose of the Act. As part of the proposed rationalisation, the principle of "maintenance and enhancement of amenity values" would be axed. It's hard to see marine farmers weeping for that, given the number of times that particular principle has been relied upon by objectors who really just don't like aquaculture spoiling their view.

On the other hand, I'm inclined to agree with Anton Oliver that removing "the maintenance and enhancement of the quality of the environment" as a matter to which particular regard should be had is significantly more worrying.

Marine farmers are well used to having to meet high standards of performance when it comes to the impacts they have on the environment. Even some environmentalists have reluctantly acknowledged that mussel farming is largely an environmentally benign activity, if only when campaigning against salmon farms. Other forms of aquaculture, such as finfish farming, do have environmental effects, but these can be almost entirely mitigated by good management practices.

As tempting as a shift in the balance the RMA currently

strikes between the environment and economic development might sound, it's possible that marine farmers would have more to lose than they would gain. At the end of the day, marine farming is an activity that is heavily reliant on unpolluted coastal waters and a "quality environment". Waikare Inlet remains a testament to the damage that is done to marine farmers when environmental standards are not maintained.

That's not to say that there isn't much in the RMA that couldn't be improved. As Minister for the Environment Amy Adams said in her foreword to the consultation document, "the costs, uncertainties and delays of the current resource management system are affecting New Zealand jobs, infrastructure and productivity, and they place an unfair burden on communities." There's no doubt that marine farmers have over the years faced more than their fair share of those costs, uncertainties and delays, and the document included a number of sensible proposals for improving and simplifying RMA plans and processes, such as reducing the number of overlapping plans and policy statements that have factored into decision making.

The reality, though, is that Ministry for the Environment statistics for the year ended June 30 2011 (the most recent year for which information is available) show that across the country:

- 36,154 resource consent applications were processed through to a decision.
- 95 percent of those were processed on time.
- Four percent were publicly notified.
- 0.56 percent were declined.
- One percent of resource consent decisions were appealed.

The numbers hardly paint a picture of development being choked off by the RMA in a way that would justify the potential for a significant re-balancing of the emphasis decision makers are to put on environmental protection.

The fact that pressure for change is coming largely from dairy farming, irrigation and housing sub-division interests should also give marine farmers pause. Those are all perfectly legitimate activities, but ones that have undeniable effects on water quality in particular. And marine farmers occupy the space downstream from all of them and therefore have to deal with the consequences on a daily basis. If those consequences include degraded water quality, the costs of the changes for marine farmers will certainly outweigh the benefits.

So, have I convinced you – in this case at least – that the Greenies might be on to something?



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