# GE Free New Zealand

*In Food And Environment Inc.*
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14/3/2016

Re: GE Free submission to the Resource Legislation Amendment Bill select committee.

Dear Chair and Committee,

GE Free is calling on the Local Government and Environment Select Committee to reconsider the new amendments in the Resource Legislation Amendments Bill (RLA) and to remove them.

The Resource Legislation Amendment Bill, directly challenges the existing Resource Management Act (RMA) purposes, principles and Treaty of Waitangi responsibilities. These changes will remove the right of councils to manage their regions. It places undue power with the Minister of the day and the Environmental Protection Agency whose ability to respond to regional conditions has been shown to be inadequate.

The new Bill gives the Minister sweeping powers to dictate law to the regions across a wide range of issues that open serious risks of arbitrary and anti-democratic outcomes. These powers could be applied in ways that seriously undermine democratic process, community and stakeholder consultation, and good governance. An example of the potential abuse of this clause concerns the minister's ability to overrule local government plans and delete related clauses, on the basis that they duplicate central governance through the EPA. If this section remains in the proposed RLA bill it is highly likely that it will be used to sweep away comprehensive consultation that has led to policies, rules, and objectives to be placed in plans in the future or those that are in place.

The Bill would create uncertainty for local authorities; undermine decision making at a local level; undermine the duty of care to their constituents and the environment they manage; undermine the ability of local bodies to respond to community concerns; prevent councils from managing natural and physical resource in a sustainable manner; block councils from representing the special nature of their communities, and stop councils working in partnership with mana whenua to reflect policies of Iwi authorities in their respective rohe.

The changes would give the Minister for the Environment power to issue regulations to prevent, or remove, rules in council planning documents deemed to duplicate, overlap with, or deal with the same subject matter in other legislation.

The amendments in the RLA Bill are material and totally change the intent and ability of councils to carry out their responsibilities under the Act, namely to protect and avoid negative effects on their environment and communities. The Bill would remove the voice and choice for communities to protect their livelihoods or existing farming methods.

We ask that the Select Committee reinstate the original environmental protections that councils consider around hazardous substances in the proposed RLB namely –

**Schedule 4, 7(1)(f)** - *Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

We oppose the removal of this whole clause. To completely remove the clause eviscerates that part of the RMA and is therefore unacceptable. The removal of the clause forbids councils to consider hazardous substances in their regions and removes the councils right to take precautionary measures. This would undermine the councils duty of care that is answerable for the plan activities that are being carried out in their communities and cause the council to contravene their responsibility to their community, who may be endangered by the indiscriminate or dangerous use

of hazardous substances, e.g. the lead emissions from the Union Carbide battery factory in Lower Hutt and the potential impacts on residents.

This total and serious removal of the clause directly affects the democratic principles and decision making of the councils and their representation of the their communities. Schedule 4, 7(1) (f) must be reinstated.

**58N (3**) We oppose the insertion of this clause. We believe that the added sub clause in 58N (3), is in conflict with the first two sub clauses. As consultation must be able to be undertaken without the threat of the process and issue under discussion being commenced before resolution is finalised, sub clause 58N (3) must be removed.

**85 3B** *The grounds are that the provision or proposed provision of a plan or proposed plan—*
*(b) places an unfair and unreasonable burden on any person who has an interest in the land.*

Clarification needs to be given as to how broad "interest in the land" goes. For example if the land is of possible interest to people who at some future point might like to invest in the region, would it be considered an unfair and unreasonable burden if council placed land use rules upon it? Or would it allow the minister to override in the future the council policies? Yet again this is highly ambiguous and interferes with local bodies jurisdiction and will remove the ability for communities and businesses to secure their future livelihoods.

**360 D**– We oppose in total this new clause. We ask that the committee remove the extra wording *"made on the recommendation of the Minister"* and reinstate the original wording. The insertion of the extraordinary powers of ministerial decision making and opinions in the proposed RLA amendments give unacceptable powers to the minister alone and opens the legislation up to the ideology of the party in power. This added wording borders on direct annulment of the democratic processes, further undermining the rights of local bodies to consider activities that would directly affect their duties and responsibilities to their regions. The move to make the minister alone able to change legislation of another jurisdiction without due process becomes a dictatorship and is not what the New Zealand nation was founded on.

The proposed amendments to the RMA legislation touches on some significant human rights issues, where peoples no longer have the ability to freely express choice around their existing livelihoods. It removes councils responsibility for their communities and directs the Environmental Protection Authority (EPA) to consider international trade obligations over communities livliehoods and economies.

We acknowledge that the process may have cost recovery but such payment must not assume acceptance of an activity. Decisions must not be influenced by money and how much is paid for a process to happen. It is not acceptable that a government minister should be allowed to override council decisions on policies, rules or objectives.

The proposed changes to the RMA are deceptive and take away the right of governance that is directly pertinent to the separate regions and their valued flora and fauna. Further, they negate the principles and purposes of the RMA.

The communities, through local bodies must have the rights to make environmental policies on behalf of their regions.

We support the submission of the Environmental Defence Society.

We wish to be heard.

We give permission for the submission to be made public

Yours sincerely,

Jon Muller
Secretary GE Free NZ in Food and Environment