

Thomas Coughlan: Resource Management Act war heads towards final battle

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People with an interest in large infrastructure fear the new legislation's tougher line on environmental damage. Photo / Alex Burton

OPINION

You're always fighting the last war.

The problems in the Resource Management Act (RMA) the Government is trying to solve through its reforms, legislatively embodied by the Natural and Built Environments Bill and Spatial Planning Bill, reopen problems the RMA was itself trying to solve.

In the 1970s, in response to skyrocketing oil prices, the Muldoon government embarked on a series of nation-building industrial infrastructure projects, underpinned by equally nation-building electricity generation projects - retrospectively known as "Think Big".

Building massive dams - even in the '70s and '80s - was no easy task. New Zealand suffered under a Balkanised resource management system, which was spread across dozens of occasionally-conflicting pieces of legislation.

5th Government's solution was not to untangle this Gordian Knot of planning, but to cut through it with the National Development Act, which gave Cabinet the ability to suspend 28 different acts of Parliament to block any national development project.

TOP

The bill also provided that the validity of Orders in Council made under it could not be challenged or called into question by any court.

Labour MP Geoffrey Palmer, then in Opposition and not yet a Sir, thought the bill particularly odious, writing later that it was an example of Muldoon's Machiavellian logic that the ends justified the means; Cabinet should not override Acts of Parliament. Palmer fought the bill so hard in Parliament that he developed kidney stones.

The Fourth Labour Government repealed the act in 1986, and, by then the Minister for the Environment, Palmer embarked upon wholesale resource management reform - ironically this began with an expensive consultation, partly financed by abolishing the Ministry of Works. Expensive consultation, it seems, was imprinted into the DNA of the legislation at conception.

What emerged was the Resource Management Act. In its original form, it repealed 54 different acts and created a single national system for how we administer the nation's resources (in its original form mined minerals were also included - although these were spun out after National took office in 1990).

The problem with the RMA is that regardless of the way it was designed, its administration by central and local government has led to a sclerotic, bothersome planning process, which has enabled a small number of people to stymie development, often against what might be deemed the national interest.

Governments have become increasingly frustrated with the RMA's localistic approach to development, and have frequently sought ways of circumventing it, whether through fast-track legislation, or quick fixes like Special Housing Areas. The "cutting red tape" logic of the Muldoon approach no longer seemed like such a bad idea - although no recent government, it must be said, took that approach to such sinister lengths.

On the other side, the RMA's supporters acknowledge it hasn't adequately protected the environment.

Hearing submissions over David Parker's two bills replacing the RMA concluded last week, and the Environment Committee will shortly report back to Parliament.

Submitters warned the reforms centralised control to the extent that they ignored local voices.

Local Government New Zealand said that the new regional approach, designed to simplify planning by making key decisions earlier in the process, could see an imbalance in the power between rural and urban councils. In some areas, a large metropolitan council might be overpowered by smaller rural councils - in other areas, the opposite might be true.

In seeking to simplify planning by forcing councils to the table together, the legislation, they fear, elides the very real and important distinctions between these councils.

On the other side, people with an interest in large infrastructure fear the new legislation's tougher line on environmental damage - which leans less heavily on "mitigation" of environmental damage than the existing RMA, ditching this in favour of sterner "bottom lines" on what sorts of environmental change is and isn't allowed - will make it too difficult to build the infrastructure we desperately need.

Ironically, this infrastructure is of the very complicated, environmentally-contentious kind that the much hissed-at National Development Act tried to empower.

A report delivered by Transpower in Labour's last term noted that the electrification of the country energy use, swapping people to electric cars and the like, might require as much as a doubling in renewable energy generation.