

POSITION PAPER #3

JANUARY 2015



Review of The Resource Management Act

Situation

The RMA when introduced in 1991 was a ground breaking piece of legislation, which in the intervening period has been amended 19 times. The current review in the main has arisen as a result of how the courts have interpreted the Act since its introduction.

The balance between environmental and cultural sensitivities have been afforded greater weighting by the courts than those of economic development.

In essence the courts have taken an “overall broad judgement” approach to decision making and have been guided by the contents of sections 6 and 7 of the act, which it is argued were never intended to be an exhaustive list of matters that the courts should take into account.

Consideration

The ability of key strategic pieces of logistics and transport infrastructure at both a regional and national level to keep pace with international trends and developments is of critical importance in ensuring that the international competitiveness of our traded sectors is not compromised by inefficient and outdated supply chain systems.

Accordingly the council is of the view that protecting the ability of key assets to develop and expand as required over time is necessary to retain if not enhance the ability of our exporters and importers to compete.

Contacting your executive team

Chairman Mike Knowles Mike.Knowles@zespri.com

POSITION PAPER #1 THE NEW ZEALAND SHIPPERS COUNCIL



Review of the resource Management Act

NZSC requirements

Therefore and specifically the council would like to see section 6 of the Act to be amended to require the planning, design and function of significant infrastructure to include the reasonably foreseeable availability of land for expansion use and development.

This is consistent with the requirements when planning for urban expansion and would require land transport corridors both road and rail to be planned and protected to take account of future freight volumes.

The council would like to see more use made of Government Policy Statements to provide guidance on particular industries, these could include Ports, Rail and Roads deemed strategically significant from a freight perspective.

The Council also supports amendments to the current requirement for ports to reapply for 30 year consents to access and use the sea bed and waterways required to operate efficiently. In particular the current requirements restrict ports in developing long term solutions with cargo owners on wharfs and reclaimed areas as long term security of tenure necessary for large scale capital projects is not able to be provided. As a result increasing the risk profile of the investment with the consequential flow on effect on the cost of doing business.

NZSC Position

The Council welcomes a review of the RMA on the basis that Infrastructure that is of strategic importance both at a National and Regional level is not afforded sufficient weighting in the current Act.

As a result we believe that the courts do not give consideration to the protection and development of Infrastructure issues when making rulings in the Environment Court.

The council is supportive of the retention of sections 6 and 7 as is but would like to see more emphasis placed on the importance of supply chain infrastructure to enable adequate weighting to be placed when courts are making determinations.