

14 March 2016

Submission on the Resource Management Amendment Bill

Secretariat

Local Government and Environment Committee
Select Committee Services
Parliament Buildings
WELLINGTON 6160

Personal details

This submission is from David Mead. I wish to appear before the committee to speak to my submission.

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Submission

I support the amendment to Section 6 of the Act to include reference to natural hazard risks. However to give fuller effect to the intent of the amendment:

1. The new section 6 matter needs to state a positive outcome such as the **reduction** of risk from natural hazards or similar, not the management of risk. The term 'management' has a wide range of possible meanings and is not appropriate in a section setting out matters of national importance.

The new matter must state an objective outcome. Use of a term like 'reduction' is consistent with other section 6 matters (e.g. protection of outstanding natural landscapes and preservation of the natural character of the coastal environment). It also accords with the Civil Defence and Emergency Management Act which refers to risk reduction in its purpose.

2. It is not clear how climate change is to be taken into account when assessing natural hazard risks. Climate change significantly amplifies hazards like flooding and coastal inundation. Section 7 of the RMA currently refers to 'the effects of climate change'. Section 7 are matters to 'have regard to'. This is a step down from Section 6 and confusing in relation to the intent of Section 6. Are the climate change-related effects of natural hazards of lesser importance?

The New Zealand Coastal Policy Statement address this issue by combining the two matters, as per Objective 5 of that Statement: "To ensure that coastal hazard risks taking account of climate change..."

So the new section 6 matter could be: "The reduction of risks from natural hazards, taking into account the effects of climate change', or similar.

2. Section 106 of the RMA needs amendment at the same time to bring the content of that section into line with the amended section 6. Section 106 refers to material damage, not risks, for example, while the range of hazards addressed is narrower than the wider definition used for natural hazards. As it stands, section 106 refers to:

the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source;

Natural hazards not covered include wild fires, for example.

It is not clear if 'material damage' is a subset of natural hazard risks (i.e. a specific consequence of the likelihood/consequence equation) or a different test altogether.

The consequences of exposure to a natural hazard event are increasingly social and economic in nature, rather than structural. Therefore the term 'material damage' implies that so long as the building or structure can withstand damage, then consequences are minor. Yet the main lasting effects of natural hazard events are on people, communities and the reliability of infrastructure.

The revised section could state:

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

- (a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to significant risks from natural hazards; or
- (b) any subsequent use that is likely to be made of the land is likely to accelerate or worsen significant risks experienced by that land or structure, or other land or structures, from any natural hazard;

4. The definition of natural hazards needs review and amendment to reflect all relevant natural hazards. As it stands, natural hazard means "any atmospheric or earth or water-related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment".

It is not clear if liquefaction is within the terms of this definition, for example.

As per the discussion related to climate change, the definition should refer to the long term effects of climate change.

5. A risk-based approach to natural hazard management is supported, but there needs to be a definition as to what is meant by 'risk'.

Currently, there is no definition of risk in the RMA. A definition needs to be inserted. The CDEMA defines risk as: 'the likelihood and consequences of a hazard'. This definition should be used. It would be helpful for the RMA to also set out what it means by 'consequences' - are these just environmental, or are they also social, economic and cultural consequences? The latter is needed in my opinion. Vulnerability is also an important concept in assessing consequences. Without a full definition, then the assessment of consequences will be fraught,

given the perceived ambit of the RMA on managing externalities in relation to natural resources and amenity.

David Mead