Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata

PO Box 10 241
Wellington 6140
Tel 64 4 495 8350
pce.parliament.nz

Hon Chris Bishop
Minister Responsible for RMA Reform

16 August 2024

Dear Minister

This is a long letter. It was not written to be handed to your officials – although I hope you will do that – but to be read by you on the basis that you are someone who reads stuff and asks questions.

You have announced that you are embarking on a major overhaul of the environmental regulation and planning framework that is currently contained in the Resource Management Act 1991 (RMA). That overhaul is currently being over-shadowed by a hail of ad hoc amendments that are not adding to the coherence of the system. I would encourage you to limit those distractions and pursue the big picture reform you have spoken about. This letter offers you some thoughts as you go about this heroic task.

The immediate background to this letter

You haven't sought my advice – neither did your predecessors. Your predecessors sought to pick up from where the land lay – to the point of re-engaging the very same legal mind, Tony Randerson, I had engaged thirty years earlier to review the draft Resource Management Bill. The upshot of that five-year adventure was two statutes – the Natural and Built Environment Act (NBEA) and the Spatial Planning Act - that were recognisably descended from the RMA but added much new material to make for even more pages of law.

As the person responsible for enacting the statute, I have had the dubious luxury of watching the RMA's progressive metamorphosis and dilation over three decades not to mention its near death experience during the last Parliament. My thinking has, like the Act, evolved over time. I make no claim to mastery of this vast field of human interaction and law – who could? – but I hope my insights may be of some utility.

As I understand it, your decision to rescue the RMA from the grave was merely out of a concern to see it more decisively interred. There is certainly a case for doing this. We seem to be a country in which a fresh start is often considered more appealing than

starting from where we are. This was undoubtedly Sir Geoffrey Palmer's conclusion. The advantage is that cleared decks are uncluttered and new ideas can germinate without risk of contagion from the pathologies of the past. The flip-side of the coin is the scale of upheaval and uncertainty that may be caused.

You must decide which is the better way forward, but whichever path you choose it has to interface with legislative terrain covering local government, transport, hazards – you name it. Regardless of your approach, one thing remains constant: the interests of almost the entire population and certainly, every property owner and Māori, are in play. And it is almost impossible to hermetically seal the future from the past. People's vital interests have been shaped by the regulatory environment in which they have acquired them. Changing the rules of the game can profoundly undermine those interests. For that reason, change that looks forward will always be preferable to change that seeks to upend settled arrangements.

What was the Resource Management Act designed to deal with?

One of the Resource Management Act's most significant achievements was to create a single, coherent, decision-making hierarchy so that from ministerial interventions to the creation of local by-laws, procedures for public consultation and decision-making were prescribed. The Act swept away a vast array of specialised Acts dealing with everything from the Kumara Sludge Channel Act of 1881 to the Noise Control Act of 1987 and set out to reverse-engineer the world of the Town and Country Planning Act 1977.

Inevitably, much of the past flowed into the future. That was not necessarily intended. At the time of the Act's enactment, I am recorded as having said this:

> *The Bill provides us with a framework to establish objectives with a biophysical bottom line that must not be compromised. Provided that those objectives are met, what people get up to is their affair. As such, the Bill provides a more liberal regime for developers. On the other hand, activities will have to be compatible with hard environmental standards and society will set those standards. Clause 4 sets out the biophysical bottom line. Clauses 5 and 6 set out further specific matters that expand on the issues. The Bill has a clear and rigorous procedure for the setting of environmental standards – and the debate will be concentrating on just where we set those standards.*

The world that evolved proved to be different. The more liberal regime for developers foundered amidst increasingly complex planning rules that were justified as necessary to limit environmental effects. On the other hand, successive governments have been wary of setting hard environmental standards. Your own is no exception. Perhaps the lesson we should draw is that legislative ambition should be more carefully calibrated to the inevitable limits that political processes confront in actually delivering effective regulation.

Unfortunately, the NBEA's creators had no such caution. The Act introduced a vast new array of outcomes that decision-makers had to promote transforming it into an economic, social, environmental and cultural statute. This is the world of 'sustainable development' which was expressly ***not*** followed in 1991. The notion of sustainable *management* of natural and physical resources was limited to processes that deal with the environment and the frictions of how people and businesses live alongside one another.

While my thinking has evolved on many issues, I remain of the view that sustainable development cannot be sensibly legislated for - or any form of development for that matter: hence my problems with bills that pick specific projects to be winners. A notion like sustainable development may be a useful heuristic device to ensure that we don't suffer from tunnel vision, whether of an economic or environmental nature. But it does not lend itself to regulating and managing conflicts.

Rules and regulations are essential where the environment is in play. It is a question of their reach and practical implementability. The Resource Management Act didn't lack ambition in attempting to deal with all of the frictions and trade-offs that arise in our interactions with the physical environment. That physical environment includes resources that are in public ownership – things like air, water and coastlines – and land that is in private ownership like farms, factories and private homes. The same physical environment – public and private – is of immense interest to Māori whether they have title to it or not.

Frictions and trade-offs arise because people want to use resources in ways that change or degrade public resources, and because people want to do things on their properties that have spill-over effects on their neighbours. The RMA created a framework for making rules about how we manage our relationship with the environment (e.g. how much air or water pollution we tolerate) and how we manage relationships between one another (e.g. the noise, odours and visual impacts adjoining property owners).

The RMA has also become a progressively important field for dealing with Te Tiriti and Māori interests, particularly those under article 2. This is not an area where I can or should speak with any authority. But I don't think I'm saying anything remarkable in observing that there is, inevitably, a conflict between the enduring interests of hapū and the land and water to which they whakapapa and the Crown or private property rights that overlap with them.

Whether that conflict is a manageable one depends on how the RMA or any successor deals with it. I believe the management of many land, water and biodiversity challenges will be the better for actively bringing Māori and the rest of us together, not in tribunals or court rooms, but close to the land where the problems lie. In saying that, I would

plead for a general acceptance that we are all facing challenges far bigger than any of us have any prior experience of, so recourse to fundamentalism – whether legal, institutional or cultural – is unlikely to be helpful.

None of the trade-offs or frictions I have mentioned will disappear if the Act is replaced. They will simply be fought out in different ways in different forums. What will remain unchanged is the question of how much environmental damage and how much nuisance we are willing to tolerate, at what scales and over what timeframes; and the on-going interest of Māori in te taiao of which they see themselves being a part. If the Resource Management Act did not exist, another legal framework would need to be invented to deal with these matters.

Dissatisfaction with the processes of the Act is often rooted in the unwieldy and protracted nature of the processes that have been allowed to grow around both the development of regulations and their implementation. The reform process that reached its conclusion in the short-lived NBEA succeeded in greatly thinning down the number of planning documents. It also envisaged much more national direction to simplify and standardize experience of the planning system on the ground. But it made little reduction to complex and time-consuming processes that were often excessive for the risks that were being managed.

Further reform that seeks to streamline and simplify implementation will be helpful. But it will never eliminate dissatisfaction. It has to be understood that the frictions and trade-offs referred to above are inevitably conflictual. People want different things, and they will always want to arrange trade-offs to their own benefit. Where differences engage conflicting interests that are entirely private, they may be able to be managed entirely between private parties. But that will rarely be the case where either public resources are in play or (as with some major infrastructure developments) the number of parties is large, and the leverage accorded to holding-out can be very costly.

The environment isn't the problem

I have spelt out the political economy of much of what is in play under the RMA because it would be naïve to believe that the discontents it arouses can be simply dispelled. Furthermore, those discontents lend themselves to easy diagnoses that simply lack evidence. I have lost count of the number of people who, without further qualification, airily nominate "the RMA" as the cause of their woes. Never mind if what they were running up against were building, geotechnical, health, biosecurity or workplace regulations under entirely different statutes.

I was, for instance, concerned to read the Minister for the Environment's claim that "we consider that the balance had swung too far towards environmental protection at the cost of not being able to get things done … and so, we consider there does need to be a rebalancing, not a disregard of the environment, but a rebalancing." The Minister did not

elaborate on the evidence to support her view. In response to an OIA request, she admitted that she "was not provided any specific advice or evidence from any agency to support my statement" and that "the information requested does not exist".

On most counts, evidence from state of the environment monitoring shows that the quality and integrity of our physical environment has continued to decline over the last three decades. If the Minister is correct that a re-balancing is required, the inescapable logic is that you will have to spell out how much *more* environmental degradation should have been acceptable and how much you will allow for going forward.

Unsurprisingly, I don't share this analysis. Rather, I would diagnose much public resentment of regulation as being the result of the wrong levels of government imposing the wrong solutions in the absence of good quality information about the nature of the risks and the trade-offs we face. The current system is seen to have made burgeoning demands for costly information and imposed costly delays without adding much benefit in many cases. But the evidence that excessive care for the environment is at the heart of the nation's problems is almost wholly lacking.

I remain of the view that the purpose of the RMA, as set out in section 5, remains a useful and coherent formulation of what it is that an environmental statute should seek to achieve. I reproduce it here because it is worth a careful reading:

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

A great deal of care went into the drafting of this clause. It is important to note that there is much more specificity about the specified environmental outcomes in paragraphs (a), (b) and (c) than the economic (and social and cultural) outcomes that are 'enabled'. That's as it should be in a market economy. It is not for the Government to claim it can deliver all manner of outcomes that are in the hands of businesses, households and community groups. If the Government wants to help businesses, households and communities it has means other than an environmental statute to do that.

This is where, in my view, the NBEA went too far with its rich cocktail of outcomes. But it *is* reasonable for the Government to spell out in a statute the outcomes that it is aiming for as the steward of the natural environment. That is what paragraphs (a) to (c) are – a high-level environmental outcome designed to guide the exercise of regulatory power. In simple, contemporary language you could say that the section is about living within the

carrying capacity of the physical environment which delivers so many services on which we rely. As a biological economy, we rely on them more than most countries.

Without managing access to those resources and treating them as 'free' we will almost certainly degrade them. Living within the carrying capacity of those resources will be even harder with a higher population. There are almost 2 million more inhabitants than there were when the RMA was passed. It will be harder still with negligible growth in per capita productivity. In the last ten years, we have 'enjoyed' productivity growth of around 0.2% per annum. This lamentable performance is not unrelated to the fact that we support, in all sorts of ways, industries that seek to leverage natural rather than intellectual capital.

Ironically, low productivity growth is arguably one of the biggest threats to environmental quality. By failing to 'work smarter' and add value through innovation and technology, New Zealand has made on-going resource exploitation relatively more attractive than it would be in a more productive economy. We wave a flag to celebrate the quantum of growth we wring out rather than its composition. The environment is often the loser.

Calling for a more 'balanced' approach keeps alive the narrative that at its heart the debate about the RMA is all about the health of the economy versus the health of the environment. It isn't. We need both, and each of them in good health. A call for a better balance between risk and regulation might be a better place to start.

How can we do environmental management and regulation better?

If the claim that the problem with the RMA is that it is too 'green' is set aside, as it should be, we are left with the challenge of how we can do environmental management and regulation better. To do that requires legislation that starts with the physical and spatial reality of the world people live in rather than some abstract ideal of planned development or some theory of individual and political rights. We'll never agree on ideal worlds or ideal rights but we should be able to agree on what the physical world offers and what impact we're having on it.

I find it useful to think about this in terms of **layers**. The foundational layer is the land, the whenua, and the water and biodiversity that it carries. We didn't put it there – it preceded us. That bio-geophysical foundation constitutes the resources we rely on (and all too often fail to value) including soil, water and biodiversity. These natural resources provide a wide range of services from pollination to stormwater management that underpin human health and industries like agriculture, fisheries and tourism. You know all this. And they are sensibly protected through public regulation.

In an ideal world, we would have settled the land in a way that was attuned to that bio-geophysical foundation - I have referred to it as 'the grain of the landscape'. But we don't

live in an ideal world, and there is inevitably a conflict between the way we live and the environment's capacity to absorb the pressures we impose on it.

Having created initial havoc in their arrival, Māori got to grips with the land they had walked into and would, by the time of European arrival, have considered they understood the grain of the landscape pretty well. My forbears (who arrived in the 1850s) set about transforming it with all the confidence that ignorance provides. We're still coming to grips with the consequences.

Understanding and mapping that underlying physical 'layer' is essential to any sensible environmental policy. It applies everywhere. This is where I part company with those who talk about 'natural' and 'built' environments as different things. There are certainly very different issues at stake for policy and regulation, but the biophysical layer – with all its opportunities and constraints – underlies the urban world as much as it does the rural world.

The next layer is the social, economic and cultural layer of the society we live in. This is the layer of private property boundaries, Māori land and water interests and public infrastructure. It is a world of potentially conflicting interests. But the conflicts don't exist on the same scale, and they don't necessarily require the same policy tools.

Different sorts of conflicts

As I alluded to above there are at least three sorts of conflict we aim to manage:

- Managing the intrusion and proximity of public infrastructure into the world of private landowners – the frictions are around things like noise and amenity and relate to transport and its impacts, energy, water and sewerage reticulation.
- Managing the use of public resources such as water and the widespread, diffuse impacts of pollution to air and water. Individually, these can seem trivial in the scheme of the wider environment. But cumulatively they can be immense and affect entire populations – those in a catchment who live downstream of pollution or all of us who benefit from biodiversity. While the environmental impacts in aggregate can be well-described, people feel quite distant from them and powerless to act alone.
- Managing the direct discontents and frictions that can arise between adjoining landowners. These are felt at a much more micro scale and include things like noise, odour, light and, more controversially, visual amenity and ambience. It is here that fine-grained planning has often become extraordinarily detailed and inflexible.

The first class of conflicts requires a coordinating role of government as a regulator and planner. This is where spatial planning, done well, can ensure that development happens *with* the grain of the land. But you have to know what that grain contains. The quality and accessibility of environmental information rears its head here. But in simple

terms, we can surely identify ‘go’ areas and ‘no go’ (or perhaps ‘go slow’) areas when it comes to thinking about future development. Climate change has alerted us to the dubious wisdom of building in flood plains and some coastal locations.

The value of coordinated development of transport, energy and other infrastructure can yield both environmental and economic benefits. It can also usefully provide for ‘amenity’ on a scale that makes sense. The biophysical environment is something people need access to, and the sort of far-sighted approach Wellington has taken from the Town Belt of earliest days of European settlement through to the chain of regional parks of today is testament to what a long-term spatial horizon can deliver. It is at this level that I for one have no problem with some landscape controls. Protecting Auckland’s volcanic cones or Queenstown’s view of The Remarkables provides public benefits to all and goes to the heart of each city’s identity. But protecting individual views is not the business of national regulation.

Spatial planning on a large urban scale is not new but runs up against unhelpful territorial local government boundaries in places like Tauranga, Hamilton and Wellington. The move to a more metropolitan focus (facilitated by the amalgamation of councils in Auckland) is overdue. But it doesn’t need a separate statute. Neither does spatial planning have to cover every hectare of New Zealand. It will make sense in Queenstown or Napier-Hastings, but there is no reason to drag large areas of distant rural New Zealand into the process.

The second class of conflicts requires governmental intervention to cure the classic problem of managing the private use of public resources and managing within a carrying capacity or load that will maintain environmental quality. It’s about the load of things like nitrogen or fine particulate matter that a watershed or airshed can stand. While managing within finite limits requires an authority to set them and enforce compliance, either regulatory functions or market mechanisms can be used to allocate within a cap. The Taupo nutrient trading scheme is one of our most developed exemplars of the latter approach. Their appeal as a tool to advance the efficiency with which resources are allocated is matched by their complexity and the need for vast amounts of information.

The third class of conflicts invites a wide range of tools. You can regulate everything. You can leave it entirely to agreement – or litigation – between adjoining landowners. Zoning rears its head here and, along with subdivisional controls, is at the heart of urban and peri-urban conflict. I am aware that there is some enthusiasm to jettison much of this in favour of expanding the range of activities property owners can undertake as of right subject to their meeting pre-determined performance requirements which must then be enforced. Such an approach shifts the complexity of the informational, process and litigation burden from *ex* ante to *ex post* considerations, but they remain formidable.

We will all have our own views about the extent to which reliance on property rights or zoning is a least cost approach. From my point of view, as long as what is proposed runs with the grain of the underlying biophysical limits, managing these issues is not 'environmental' in the sense that managing water or air quality is.

Where should regulatory power reside?

Cutting across all these considerations is a question about who should be legally empowered to impose regulatory controls where those are deemed to be needed. The RMA of 1991 embodied a determination to hand decision-making powers down to regional and local levels. For environmental regulation, that was a significant change with major responsibilities devolved to the then new Regional Councils. For the 'trivia' of much micro-level regulation it was business as usual (and indeed was interpreted as such in as much as town and country planning had been around for half a century or more). Central government gave itself very significant powers but chose, for a decade or more, not to use them very actively. Neither did it invest significantly in providing the support regional councils needed to do their job.

The slow grind of addressing rural water pollution through n-editions of a National Policy Statement on Freshwater Management and accompanying regulations between 2011 and 2020 is the story of central government wanting to leave difficult decisions to other people but finding itself dragged back into regulating as evidence of environmental degradation mounted. The rash of policy statements and regulations issued by your predecessors (in both National and Labour-led governments) represents a highwater mark of central intervention which your government has recently continued by intervening to impose less-demanding standards.

Any rewrite of the law has to determine what should appropriately be the domain of central government and what should be left to local decision-making. The answer to that question should, in my view, be influenced by the capacity of different levels of government to make high quality decisions within legally defined limits of competence (including the power to use a variety of financing tools).

A simple – and possibly simplistic – answer to that question would be that central government should deal with genuinely national level externalities that aren't differentiated by locality or are of national importance (like inter-regional infrastructure or threatened species); regional government should take care of biophysical externalities that *are* dependent on the spatial and landscape-level setting; and territorial government (or in the case of mega-cities like Auckland, community boards) should take care of the micro 'place-making' issues that define how people live – things like the livability of public spaces (e.g. trees in streets) and where particular services are inserted (e.g. the siting of bus stops or community facilities).

Something like trying to improve the quality of water in some of our most degraded catchments must ultimately be determined at the level of the catchment. Central government has a role to play in overseeing progress but hard limits need to be imposed catchment by catchment and those who are causing the problem incentivised to solve it. *Going with the Grain* suggests using catchment or sub-catchment groups to tackle an issue that cannot be handled at the level of property boundaries.

Something like urban density does not have to be prescribed from Wellington provided spatial planning has successfully knitted together biophysical constraints and the future direction of infrastructure together with its funding. I note that you have matched removing urban limits with the requirement for accompanying infrastructure to be fully funded. This should, in a dynamic marketplace, see greenfield development *provided* the costs of doing so are fully internalised. That means services being fully priced to residents along with road-pricing and while avoiding environmentally sensitive areas.

Something like urban trees doesn't belong in the hands of either central or regional government. Local communities can surely reach decisions at the level of suburbs starting with the use of public space (twenty per cent of our cities by surface area are road corridors) and, if they wish, both incentivizing and limiting greenery on privately owned land. Neither trees nor regulators live forever. We are not talking about irreversible tipping points requiring the heavy artillery of a central government statute or direction.

Good information and robust analysis are crucial

Whatever the division of responsibilities or the tools deployed, nothing can be achieved without good information. This brings me to a foundational question – one that previous governments – and your own to date – have ignored: confidence in the evidence on which policies and regulations are based. There are two arms to this problem – environmental information and economic analysis.

There is no shortage of environmental information. Over the life of the RMA the volume of environmental information has, by definition, expanded enormously as techniques for gathering it have improved. But being able to gather information does not mean it is gathered in ways that are useful for repeat usage and even when it is, that it will be accessible. Developers and businesses seeking to use publicly available information will often encounter data sets that are incomplete, expensive to access and not easily cross-referenced with other data sets.

If there is a data commons, it is one that is marred by innumerable carve outs and omissions. Access to data about public resources is troubled both by assertions of ownership (by entities like CRIs) and resource users distrustful of the regulators to whom they supply compliance reporting. I have set out in *Going with the Grain* the case for making comprehensive, publicly funded data freely available to all resource users

who in return should have to make their information about resource use available to regulators.

If the Government wants to make greater use of objective criteria to support permitted uses and dispense with case-by-case approvals, it needs an information ecosystem that can support such an approach. It also needs state of the art tools to assist resource users to estimate the impact of their proposals. I have just reviewed freshwater modelling in New Zealand. An incredible 75 models have been deployed, many only once. There is no national centre for water modelling that can evaluate and recommend the best tools for the job. Similarly, when it comes to chemicals, we are using models that are way behind countries we would like to be compared with (as we are for gathering data on fine particulate in air PM2.5 and a host of other pollutants).

This stuff is not 'nice-to-have'. It's essential if we are to make good decisions and point public expenditure in the right direction. I am in danger of sounding like a cracked record on this topic but neither this government nor your predecessors have shown the slightest interest in understanding its significance.

The problem flows into economic analysis. When it comes to natural resources in public ownership, trade-offs with environmental harm are unavoidable. As an advanced economy one would hope that we were not having to trade too much away to secure high living standards. Cost-benefit analysis should enable us to make these trade-offs transparently and be able to defend them. We won't always agree on trade-offs but if they're transparently made and supported by evidence, we can at least be confident that those exercising regulatory power are taking well-informed risks.

That was supposed to be one outcome of the RMA which requires, under section 32, that regulatory interventions are subject to comprehensive evaluation including costs and benefits.

It is an extremely wordy section and has generated extremely wordy reports but the analytical tools behind them are often threadbare. We have been imposing the cost of preparing them without any idea of whether they are making a difference. A rigorous approach to cost-benefit analysis (which in turn relies on good environmental information) could help the public understand why trade-offs are necessary rather than live in a binary world of good or bad depending on your preferences. Your government has talked about the need for evidence-based decision-making. I would applaud that. But the poverty or even absence of regulatory impact analysis associated with a raft of legislative amendments you have promoted is taking us in the opposite direction.

To give confidence that future policy will be based on evidence, serious cross-agency engagement on how information can be used to support both environmental quality and economic growth is urgently required. On this score, I believe centralisation rather than localism is the right answer. Many of the shortcomings the Government faces, both in

terms of its own analytical capability and its ability to support and guide local government, come back to the absence of serious technical capability at the centre.

This is what a properly equipped environmental protection agency should be able to provide. As you know, our EPA is a strange animal that has been handed an eclectic bunch of tasks (chemicals, the continental shelf, GM, some RMA compliance and now handling fast-track applications). Meanwhile, roles concerning monitoring, compliance and technical advice remain devolved to the regional tier of government where a lack of critical mass in skills and tools almost guarantees sub-par outcomes.

Recent governments have grasped the need to deal with infrastructure in a more joined-up way under central government oversight. An equally powerful case exists to do the same for environmental information.

In conclusion

I'm sure you will feel you know much of what I have discussed in this letter. I hope, like me, that you find it helpful to see how other people bring together complex material. I certainly hope it will spark some questions in your mind. I would be more than happy to discuss them with you.

Whether you decide to replace the RMA or amend it will be a decision rooted in presentational considerations. The reality is that we need an enduring framework which can adapt to changing circumstances. It can be strung across separate statutes, or it can be contained within one. My preference would be one to minimise the potential for gaps and overlaps. But changing the law won't change implementation. That will happen because new information and new tools are used sensibly in processes that make a difference without imposing unnecessary costs.

Your decision to permit the construction of small structures like granny flats and allow small businesses and services to locate themselves in urban settings could be hugely liberating and popular provided the means exist, at the appropriate level, to deal with frictions which will be inevitable. An equally innovative approach to implementing real water quality improvement strategies in rural New Zealand could be similarly popular.

But, and it is a big but, none of this is about jettisoning environmental quality as something that New Zealanders care about. Meeting public standards for resource use cannot be optional.

I would close simply by noting that the environmental management system has to deal with the long term – both the intergenerational consequences of decisions taken today in an increasingly constrained world, and the long-term interests and expectations of citizens who have property and other interests that endure beyond the election cycle. For a legal code to deal effectively with these interests, *it has to be an enduring one*.

The failure of the last Government to win a broad cross-party consensus for its reform proposals together with your announced intention of promoting an alternative brings us to a moment of opportunity – and risk.

The opportunity is an enduring reform that can survive changes of government as the RMA did for three decades and deliver a degree of stability to investors, developers and citizens alike. The risk is further ideological disagreement leading to the promise of more change down the road that will be costly for the economy, society and the environment. The former is clearly the preferable outcome.

On this of all reforms, I would encourage you to reach out to practitioners who have to make developments and regulations work and the public who have to live with their handiwork. There is a high level of dissatisfaction with much that happens day to day in the RM 'industry'. There is also a great deal of goodwill to be tapped if solutions are pragmatic, workable and provide social license. This is not stuff that can just be 'legislated for' on the advice of an expert group. We know a bit too much about how to legislate for everything. We're less adept at implementing the abstractions we dream up.

If there is any way, consistent with the independence of my office, that I can assist you and all other parliamentarians to deliver durable change, I would be happy to do so.

With kind regards

Simon Upton
Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata