

## **Transforming the Resource Management System - Issues and Options Paper (IOP)**

The RMLA National Exec has prepared a summary of the IOP to assist members in providing feedback. We are co-ordinating responses through Knowledge Hubs and Regional Committees and will prepare and submit an RMLA response to the Panel by 3 February 2020. We need your feedback no later than **5 p.m. Friday 13 December**. All feedback should be compiled and emailed to [karol.helmink@rmla.org.nz](mailto:karol.helmink@rmla.org.nz)

The Panel has indicated it is particularly interested in hearing from the RMLA around practical and implementation issues, including solutions to better support efficient outcomes. We encourage you to focus on several key issues and to ensure your suggestions are aligned with RMLA's principles of being practicable, effective and efficient; assisting to promote best practice; and producing high quality environmental outcomes.

### **Key reasons identified in the IOP for the system not being effective:**

- Lack of sufficient environmental protections
- Emphasis on negative environmental effects management and limited recognition of positive benefits of development (particularly housing and infrastructure)
- Cumbersome processes resulting in lack of positive outcomes for built environments
- Bias towards existing users at expense of future generations, poorer communities, Māori
- Lack of recognition of strategic planning (limited weight and disconnect with RMA plans)
- Lack of integration between land use and infrastructure plans, processes and funding, through poor alignment between the RMA, LGA and LTMA.
- Overall complexity and uncertainty created by variation across the country and interface between RMA and other legislation
- Lack of a national direction through slow and piecemeal development of NPS and NES
- Insufficient recognition of the Treaty and Māori participation in RMA processes
- Proliferation of complex and varied planning documents adding complexity and cost
- Slow plan processes, making emerging/timely issue response difficult
- Weak compliance, monitoring (including data collection) and enforcement undermining rules protecting the environment, and weak penalties for non-compliance
- Capacity challenges in central and local government through insufficient resourcing

### **Options to consider:**

1. ***Should there be separate legislation for land use and natural resource planning or the status quo combined approach continued?***
2. ***Should Part 2 RMA be amended?*** Options include providing new statements for environmental values, urban development issues, and Te Ao Māori, and reframing sections to clearly provide for maintenance and enhancement of the environment, outcome based planning, provision of urban development capacity and climate change.
3. ***Are changes needed to address Māori interests and engagement?*** Options include strengthening the s8 reference to the Treaty, removing barriers to increase uptake of joint management arrangements (s 36B) and transfer of powers (s 33), clarifying the meaning of Iwi and Hapū authorities in the RMA and consultation processes, providing funding to support participation, monitoring councils' performance in relation to Treaty requirements, and providing capacity and a role for other bodies (e.g. Independent Māori Statutory Boards).
4. ***How can spatial planning be best provided for?*** Options include creating an overarching strategic planning statute, providing for spatial planning within existing legislation, or improving legislation linkages. Legal weight and integration with other

planning documents requires consideration, with possible options including provision at a regional level only, when triggered by legislation, or for growth areas only.

5. ***Should the RMA be used to address climate change mitigation, and what changes are required to address adaptation and natural hazard management? How should the RMA be amended to align with the Climate Change Response Act 2002?*** Options include adding climate change as a Part 2 matter, developing a greenhouse gas NES, creating national direction for development in high risk areas, and clarify changes required for existing use rights in the context of managed retreat.
6. ***What role should more mandatory national direction have?*** Options include making greater use of NES, requiring a mandatory suite of national direction including direction on the Treaty, and further developing national planning standards.
7. ***How can plan contents and process certainty be improved?*** Options include requiring regionally combined plans, reconsider the functions of regional and district councils, move towards outcome based plan content, provide step and timeframe flexible plan making processes, adopt a single stage plan making process, and expand or restrict the ability to apply for private plan change.
8. ***How can consent processes be improved to enhance outcomes whilst preserving public participation opportunities?*** Options include simplifying activity statuses and processing tracks, removing the need for AEEs for some minor consents, establish a separate permitting process for residential activities with localised effects (e.g. boundary activities), and simplifying notification decisions by notifying all activities and removing automatic hearing and appeal requirements, requiring plans to specify notifiable activities, or clearly defining who is an affected party or when special circumstances apply.
9. ***Is the RMA the appropriate legislative vehicle for economic instruments?*** Options include strengthening provisions for financial contributions, charges for use of public space (e.g. coastal areas), and offering councils a broader range of economic tools.
10. ***Should the RMA guide resource allocation, and should the use of resources such as water and coastal space be dealt with under the RMA or separately?*** Options include retaining or modifying the 'first in first served' principle, providing new allocation tools at national or local level, modify consent duration, change consent renewal basis, and giving more or less power to authorities to cancel or vary consents.
11. ***What changes are needed to improve monitoring of the resource management system, including data collection, management and use, and who should oversee these functions?*** Options include greater oversight by central government or an independent body (e.g. Parliamentary Commissioner for the Environment), a local or national policy response to outcomes of reporting, and developing culturally appropriate monitoring systems.
12. ***What changes are required to improve compliance, monitoring and enforcement, and who should deliver, oversee and bear the cost of these?*** Options include retaining the existing devolved system with stronger centralised guidance and monitoring, provide for escalation of enforcement issues to a central body, increase statutory powers and penalties, and improve cost recovery.
13. ***Are changes to the functions and roles of institutions exercising authority needed, can existing bodies be rationalised or improved, and are new bodies required?*** Options include central government role expansion (for example expanding EPA function),

pooling central and local government planning resources, providing for combined territorial and regional decision making processes, expanding the role of Environment Court Judges and commissioners to other bodies (e.g. Independent Hearing Panels), providing independent oversight through increasing the PCfE or EPA role, establishing a water, or broader, resource management commission, establishing a National Maori Advisory Board on Planning and the Treaty, and creating accountability mechanisms within larger councils.

14. ***Generally, what changes to the RMA should be made to reduce complexity (including removing unnecessary detail), improve accessibility and increase efficiency and effectiveness? Are there interface issues between the RMA and other legislation (not LGA or LTMA)?***