

## Overhauling the RMA

On 21 January 2015 Environment Minister Dr Nick Smith outlined the Government's plans to 'substantially overhaul' the Resource Management Act (RMA). The changes are certainly more than mere 'tinkering' but they do not remove any current fundamentals from the RMA. Opinion will be divided on whether the changes will achieve the objectives the Government seeks, and whether or not they will result in a more 'pro-development' focus that weakens environmental protection or undermines the input of local communities.

To date there is little detail around any of the proposed amendments. The Government's aim is to have the changes passed into law by the end of the year. A draft Bill will be introduced in the first half of the year and a full select committee process undertaken, which will enable public submissions on the Bill.

The Minister outlined ten areas for change. The first four changes will be achieved by adding to the principles in Sections 6 and 7 of the RMA. These 'principles' sections currently provide for the protection of coastlines, landscapes, historic heritage, lakes, rivers and significant indigenous vegetation as matters of national importance.

**1. Add management of significant natural hazards.** This change was foreshadowed in the reforms that were raised in 2013 and is not considered contentious. Councils already manage natural hazards in planning documents so this reform will simply make those management responsibilities more explicit in section 6 or 7.

**2. Recognise the urban environment.** The Minister stated "*The careful design of our urban environments so we have places to live, work, shop and play and the appropriate transport links to travel between them is core to the proper functioning of the Resource Management Act.*" It will be interesting to see the detail of the drafting that gives recognition to urban planning.

**3. Prioritise more affordable housing.** The Minister referred to a report commissioned by Treasury and the Ministry of Business, Innovation and Employment, which claimed that environmental regulations in Auckland added \$15,000 to the cost of a new home and \$30,000 to the cost of a new apartment, and a number of housing projects had been abandoned because of the delays and uncertainties in the RMA.

The Minister indicated that the reforms would require councils to free up sufficient land for development in order to keep pace with growth, and would require councils to explicitly consider housing supply and affordability alongside factors like amenity, natural character and heritage when assessing applications for consent.

**4. Acknowledge the importance of infrastructure.** The Minister considers it anomalous that there is no mention in the RMA of the importance of infrastructure, when good transport, communication, water and energy infrastructure is essential to the functioning of a modern nation.

**5. Greater weight given to property rights.** The amendment will apparently limit the degree to which councils "*meddle in people's lives*". The Minister also indicated the amendment will provide councils with greater discretion to waive the need for resource consents where the wider environmental effects are negligible. It is not clear how any of these aspirations will be achieved.

**6. National planning templates.** New Zealand has a wide range of variation between council plans. The intention here is to provide standardised planning templates that will provide a range of rules for councils to choose from for different areas.

**7. Speed up plan-making.** The Government has in recent years passed special legislation to circumvent the RMA's plan change and development process. This has included the Government appointed panels in Canterbury and Auckland to decide on the planning documents, along with a significant restriction on appeal rights. Whether the additional amendments will significantly shorten processes and promote well informed, sound decisions where potential environmental effects are appropriately evaluated and addressed or not remains to be seen.

**8. Encouraging collaborative resolution.** The RMA currently provides mechanisms for collaboration when developing plans. A recent example was the Otago Regional Council's plan change 6A which was resolved through consultation and mediation with no need to go to the Environment Court. The Government intends to facilitate and encourage parties to collaborate. In the proposed 2013 RMA reforms it was proposed that an additional method for producing plans could be added to the RMA that was based on collaboration, in addition to the existing RMA process. Councils would have the option of choosing one or the other process. The alternative collaborative process would provide for early community buy-in and would change the appeal rights

to incentivise collaboration. It is not yet known if this is the specific amendment proposed. However, it is likely that the Government will at least change appeal rights in the current reform.

**9. Strengthening national tools.** The drive here is to enable Government to make regulations (National Environmental Standards) and national policy directions (National Policy Statements) via a simpler process than the current consultation and Board of Inquiry requirements. The proposal is for national regulations to come into force after one round of national consultation. The Minister has indicated that a rule will be introduced for dairy cows to be banned from streams and rivers by July 2017.

**10. Internet for simplicity and speed.** The intention here is to decrease paperwork currently generated by the submission process by making information available online and to require councils to make their plans available online in a form that is readily accessible and understandable to the general public

The amendments could already be passed into law since National has the support of the Act Party, but the Minister indicated he would like broader support for the changes.

We will follow the development of the Bill and outline the key changes once it has been released.

This Minister's speech to the Nelson Rotary Club discussing the proposed changes to the RMA is available at <https://www.beehive.govt.nz/speech/overhauling-resource-management-act>.