

Resource management system reform - Issues and options paper released for comment

The Resource Management Review Panel has released an Issues and options paper identifying fourteen issues and some initial options for reform of the resource management system.

In July 2019 the Government announced it would undertake a comprehensive review of our resource management system, and established a Resource Management Review Panel (the **Panel**) to lead that review (see [Resource Management Act overhaul announced](#)).

The Panel is seeking feedback on a wide range of questions set out in its Issues and options paper (the **Paper**) to inform its reform proposals. Submissions on the Paper close on **3 February 2020**. The Panel will then release its proposals for reform in May 2020. Engagement with iwi/ Māori, stakeholders and the public will continue after this.

A summary of the issues and options identified in the Paper is provided below.

Issue 1: Legislative architecture

The Paper seeks feedback on whether the statutory frameworks for land use planning and environmental protection should remain integrated or be separated into two statutes.

Issue 2: Purpose and principles of the RMA

The RMA's purpose and principles have been criticised as not sufficiently protecting the natural environment or recognising the needs for housing and infrastructure development. Options for discussion include amending the sustainable management purpose of the Act, more explicitly requiring environmental limits to be set, addressing housing and urban development issues, and better reflecting te ao Māori.

Issue 3: Recognising Te Tiriti o Waitangi/ the Treaty of Waitangi and te ao Māori

Some consider the Treaty and Māori interests are not well recognised and protected. There are also reports of consultation issues, and a lack of resourcing for Māori participation in processes. Options include strengthening references to the Treaty, making provision for new approaches and partnership arrangements in the management of resources, and providing funding mechanisms to support Māori participation.

Issue 4: Strategic integration across the resource management system

The Paper considers better coordination between central and local government is required, particularly in relation to land use and infrastructure planning, and management of cumulative effects. Feedback is sought on creation of an overarching strategic integrated planning statute, and provision of a framework for spatial planning.

Issue 5: Addressing climate change and natural hazards

The RMA currently only has a limited role in addressing climate change. Potential options for mitigation include changes to Part 2 of the RMA, developing national direction for transition to a low carbon economy, and development of a national environmental standards to control greenhouse gas emissions. Options for adaptation include national direction for development in high risk areas and changes to existing use rights in the context of managed retreat.

Issue 6: National direction

A lack of national direction has made it difficult for local authorities to execute day-to-day decision-making. Instruments developed can be difficult for councils to implement. Options include making greater use of directive national instruments, and requiring a mandatory suite of national direction, including provision for regular review.

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Issue 7: Policy and planning framework

The Paper considers that the quality of plans varies, and there is often poor integration between plans. Recent reviews have found insufficient protection for the environment and unnecessary land use regulation in urban areas. Plan making processes tend to be complex, slow and litigious. The Paper seeks feedback on options including introduction of regional spatial planning, review of functions of regional and district councils, adopting a single stage process for plan making with limited appeal rights, and establishment of a central authority to assist councils with plan making.

Issue 8: Consents / approvals

Obtaining a resource consent can be complex and costly. Options include simplifying activity categories and processes, providing a separate permitting process for activities with localised/minor effects, and only requiring certain applications to undertake a full assessment of effects.

Issue 9: Economic instruments

Economic instruments remain underused, in particular for managing diffuse pollution of waterways from agriculture. Options include broadening provisions for financial contributions, requiring mandatory charges for use of public resources (such as coastal space), providing national direction, and offering councils a broader range of economic tools.

Issue 10: Allocation

Allocation of resources has generally been on a "first in first served" basis, with an expectation that consents will extend over a long period and be renewed. This approach creates issues for new and highest value use of scarce resources, as well as access for Māori. The Paper seeks feedback on development of new resource allocation methods and criteria, and changes to duration and renewal of consents.

Issue 11: System monitoring and oversight

There is insufficient monitoring and collection of data and information on the state of the environment and performance of the resource management system. There is also a lack of use of the data that does exist. Options include having greater oversight and monitoring by central government.

Issue 12: Compliance, monitoring and enforcement

Enforcement is expensive and outcomes can be uncertain. In some regions and many districts' resourcing is insufficient. The Paper suggests a number of options including stronger support/guidance from central government, a central agency with enforcement functions, and strengthening statutory powers and penalties.

Issue 13: Institutional roles and responsibilities

The current system involves a large number of institutions central and local governments. While major institutional reform is not a focus of this review, the Paper queries whether some change may be needed to ensure functions are allocated to institutions with the right incentives and capability.

Issue 14: Reducing complexity across the system

Overall, the wider resource management system is considered to be unnecessarily complex, and decision making processes are time consuming and costly. A coherent, systemic approach is required to reduce complexity. Feedback is sought as to how this could be achieved.

Want to know more?

More information is available on the Ministry for the Environment's [website](#)

If you would like to discuss the impact of the reforms on you or your business, or for assistance in preparing a submission, please contact our specialist [Environment, Planning and Natural Resources team](#).