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Resource Management Review Panel
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Tena koe Chair, Hon Tony Randerson QC and other Panel Members

Resource Management System Reform – Comments on the Issues and Options Paper

Thank you for providing Tauranga City Council (TCC) with the opportunity to comment on the Issues and Options Paper (the Paper) on the comprehensive review of the Resource Management System.

TCC has a number of comments to share with the panel on many of the issues set out within the Paper. Although this response does not cover all issues in depth it is acknowledged that many of these issues are intertwined and that comments made below do have relevance across other issues identified by the panel. The primary focus of the comments set out below cover the following issues:

- Legislative architecture **(Issue 1)**
- Purpose and principles of the Resource Management Act 1991 **(Issue 2)**
- Recognising Te Tiriti of Waitangi and Te Ao Māori **(Issue 3)**
- Strategic integration across the resource management system **(Issue 4)**
- Addressing climate change and natural hazards **(Issue 5)**
- National direction **(Issue 6)**
- Policy and planning framework **(Issue 7)**

TCC see that these are core issues, and if addressed appropriately will set up an ongoing framework for implementation going forward.

Legislative architecture (Issue 1)

TCC does not consider it necessary to create additional legislation that separates environmental management and land use planning. Rather the current integrated approach is preferred. It is considered that through refinement and greater clarity of national direction (i.e. National Policy Statements, National Environment Standards and enhance planning standards) that the overall framework will offer greater resilience into the future. An important aspect of this will be creating greater integration between the various legislative frameworks that the local government must operate within and creating collaborative solutions to obstacles associated with funding critical infrastructure.

Improving the alignment between key legislation and the priority and function that these have in the overall resource management process is considered critical. An example of this is the relationship between the RMA and the Building Act 2004 particularly in terms of natural hazard management. The relationship between the purposes of the LGA, RMA BA and CDEM provide other challenges in their implementation. Review of these interrelationships between legislation is supported and is considered necessary to remove duplication of process, ensure alignment and to assist in setting a clear suite of functions across these Acts.

Purpose and principles of the Resource Management Act 1991 (Issue 2)

TCC does not consider that the purpose and principles of the Resource Management Act 1991 require significant change. Separate statements of principles for environmental values and development will likely make the legislation confusing and add further complexity when trying to balance the competing interests associated with these matters and applying these to local settings. Further, case law has largely been established for implementation of the RMA, and this should not be lost through this reform process. TCC would however be in favour of more clarity being given within these sections to the delivery of infrastructure and housing/ urban development. At present it is difficult to reconcile the delivery of affordable and sustainable urban communities (as a national priority) with the many other matters of national importance, however these are now the core issues faced by many communities which are grappled with through both RMA planning and LGA processes. As such, having clear direction on how these often competing priorities should be balanced will be critical to achieving desired outcomes.

Recognising Te Tiriti of Waitangi and Te Ao Māori (Issue 3)

TCC does not consider that changes to section 8 of the RMA are required, however it is recognised that considerable time and resource is required by iwi and hapu to participate meaningfully in resource management processes. In this respect the need to create greater levels of resourcing and capacity building is considered important. TCC supports ongoing engagement and partnership building with Tangata Whenua through the RM system.

Resourcing and capacity building are considered a critical issue moving forward across the entire sector to address the nationwide lack of technical expertise (across all levels) to deliver on the range of resource management frameworks (current and proposal national policy statements etc). This is considered an ongoing issue that requires collaboration across a range of institutions.

Strategic integration across the resource management system (Issue 4)

TCC supports a move to legislatively mandate spatial planning (including strategies, such as the SmartGrowth Strategy and draft Tauranga Urban Strategy), and guidance on how these are implemented through resource management plans, and consenting processes. This provides an opportunity to address the need for continual community input throughout the current resource management process where critical matters can instead be addressed and agreed at a spatial planning stage (and then supported through a simplified consenting process). TCC supports a land use planning process where collaboration between many stakeholders, including iwi can more effectively and efficiently address local environmental and growth issues. TCC is of the view that addressing these matters will have positive flow on effects in terms of local policy and planning frameworks (Issue 7) and consents/ approvals (Issue 8).

Addressing climate change and natural hazards (Issue 5)

There is a need to have national direction on natural hazards and climate change and it is considered that this sits within a single piece of legislation and is led by central government.

This piece of legislation is best continued to be provided within RMA especially where national environmental standards can be used as a tool for achieving national consistency. Ultimately, in regard to the natural hazards and risk functions of the RMA, TCC is of the view that greater direction from central government, including the expected outcomes to better enable a standardised approach across New Zealand is required. The benefit of this consideration is that it will result in a holistic response to natural hazards, rather than requiring each regional or local authority to address natural hazard management in a variety of ways, and or through other statutes. Further, as part of this review process of the RMA it is suggested that there be promotion of greater alignment between the Local Government Act, Civil Defence Emergency Management Act and Building Act on natural hazard management to remove the currently disparate functions/process considered through each.

National direction (Issue 6)

A key theme of these comments, through the aforementioned sections is the need for national direction on a range of key issues, which sit within the RMA (i.e. matters of national importance). This includes the development of a suite of National Policy Statements, supported by National Environmental Standards. To date, whilst the mechanisms are in place for the government to produce these, little national direction has been forthcoming, and when it does, it is not aligned under one overall standardised framework. It is TCC's view that this reform process be utilised to develop a clear national policy direction and implementation across a range of core issues, such as the section 6 matters, rule frameworks and infrastructure standards. It is considered that addressing these matters will have benefits in of terms of improving planning processes (Issue 7) and the efficiency of consent processes (Issue 8).

TCC considers national direction to be a critical component of the resource management framework. However, there remains a need to develop a clear planning hierarchy of these, particularly given the recent drafting of further national directions. These directions have competing interests and do not reflect the complexities of local issues. An example of this would be the recently released draft NPS on Indigenous Biodiversity and the requirement to achieve a 10% indigenous landcover within urban areas. For a growing coastal urbanised city that has both requirements to ensure adequate land supply for urban development, and has for a number of years had a rule framework in place to protect areas of significant ecological importance, such a requirement does not satisfactorily take into account the local setting.

Further, the way in which national direction is drafted and then interpreted by the court creates issues when attempting to balance these interests at a local level. As such, TCC supports the panels consideration towards the establishment of a hierarchy of National Policy Statements, a review of existing national direction documents and identifying what other national direction should be required. In this respect TCC would support the

- development of national direction on the management and assessment of risk associated with natural hazards.
- revisiting the national planning standards to provide additional support to councils in the development of zone and rule frameworks.
- a program for review of existing and the development of new National Environment Standards to aid in consistency of approaches without the added cost and complexity of continual local plan updates. The development of clear guidance on the implementation of national standards would be critical to assist with this approach.

Policy and planning framework (Issue 7)


There needs to be improvements made to the mechanism that enables changes to a district plan. The timing that changes take to become operative do not keep pace with the urgency or relevance of the issues at a local level. The introduction of other legislative tools (such as the former Housing Accords and Special Housing Areas Act and the Urban Development Bill) reflect the need for agility and speed and indicate that the current RMA process cannot be relied on to progress matters in a timely fashion. In addition, the requirement to work within the bounds of national direction, which may become reinterpreted at a judicial level and Regional Policy Statements that can also become obsolete in light of changing national direction and priorities, becomes problematic when trying to advance plan changes at a local and district level. For a city that is working towards delivering residential intensification and improved urban outcomes the ability to utilise a more streamlined approach to plan making is considered to be crucial.

Engagement on Reforms

In respect to further engagement on this reform, councils are considered a key stakeholder in this process and as such TCC support future engagement including a series of roadshows across the country where the panel were given the opportunity to talk over the conclusions reached in their final report and engage with councils. It is also considered necessary that future engagement on this include clarity on timeframes for implementation as many territorial authorities will shortly be commencing work as part of their district plan reviews to meet the National Planning Standards notification date of April 2024. It is envisaged that possible future reform will have an impact on these review processes, and whether they are able to proceed at all. Therefore, there is a need to be very clear on timelines and process to avoid review processes beginning and quickly becoming supplanted with new outcomes of RMA reform, resulting in cost to ratepayers.

Once again, thank you for the opportunity to comment. If you wish to seek clarification on any of the point raised, please do not hesitate to contact Andrew Mead, Manager: City and Infrastructure Planning at andrew.mead@tauranga.govt.nz.

Nga Mihi



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