

New Directions for Resource Management in New Zealand

Report of the Resource Management Review Panel

(June 2020; Tony Randerson et al.)

A Summary

Overarching Findings For Change



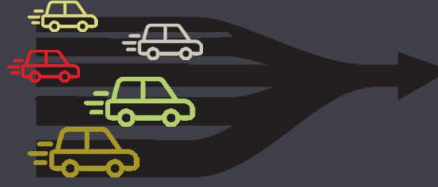
Positive Outcomes & Obligations

The current 'effects based system' is not conducive to successful environmental protection & development.



Stronger Tikanga & Te Tiriti Compliance

Implementation & recognition of these aspects must be clearer & is required.



Strategic Integration

Legislation, national direction, planning, data sharing, decision making mechanisms, & mana whenua participation need to be better integrated.



Feedback Loops

Current monitoring is not effective. New independent groups need to be supported to manage environment & Te Tiriti compliance.



Clarity & Efficiency

Roles & responsibilities, consents, environmental limits & targets need more clarity & enforceability for success.



Responsive Not Reactive

The current 'status quo' mentally needs to be replaced with forward thinking for resilience to climate change & environmental degradation.



Guidance & Support

Relationships between central & local government & mana whenua are often weak. More direction, funding & support is needed from central government.



Capacity & Capability

There is a lack of funding for expert staff & training for a complex system. Supporting increased understanding of mātauranga Māori is key.

Major Recommendation:

Repeal the RMA & replace it with...

The Natural and Built Environments Act;

focusing on enhancing the quality of the environment and on achieving positive outcomes to support the wellbeing of the present and future generations.

Strategic Planning Act;

focusing on long term goals & integration of legislative functions across the management system.

Other Key Recommendations:

- Create a Managed Retreat & Climate Change Adaptation Act.
- Address and effectively resolve the issue of Māori & freshwater.
- Add the concept of Te Mana o te Taiao into the purpose
- Te Tiriti clause should be strengthened to "give effect to".
- 'Mana whenua' to replace 'iwi authority' and 'tangata whenua'.
- National policy statements required for Te Tiriti o Waitangi and Climate Change.
- Positive obligations be placed on local authorities to investigate opportunities to use the transfer of powers and joint management agreements.
- Outcomes of the new Act to relate to tikanga Māori.
- Repeal sec 33(4)(c) & 36B(1)(b) to better support transfer powers.
- Creation of the National Māori Advisory Board with a range of functions including providing advice & oversight to the government & monitoring Te Tiriti o Waitangi compliance.
- Funding should be provided to Māori undertaking resource management duties in the public interest.
- Creation of an 'Open portal' for consent applications to coordinate agency.
- New regional hubs established for compliance monitoring.
- Combine Regional Plans- to have only 14 instead of over 100.
- Eligibility for 'designation powers' to be centred on the public good.

Drivers of the Review:

- Aotearoa's environment is under significant pressure from past unsustainable practices.
- The threat of climate change has added to this pressure and there is an urgent need to reduce emissions.
- Population growth means urban areas are struggling to keep up and provide for housing and traffic needs.
- Māori still do not have an effective or consistent role in the resource management system that is compliant with Te Tiriti o Waitangi.
- Criticisms of the RMA and the barriers to its success and efficiency.

Over **160** organisations, trusts, rūnanga, councils, businesses and individuals submitted to this review.

Including...



39 individuals



30 councils & local boards



17 rūnanga Māori trusts & groups.



15 environmentally focused groups & trusts.



8 farming, horticulture & hunting groups.



7 Power companies & infrastructure, planning and property groups

6 heritage & historic places groups



3 law firms & associations



2 water focused groups

“We propose to refocus our system of resource management on enhancing the quality of the environment through pursuit of a defined set of ‘outcomes’ and ‘targets’ within specified environmental limits.” pg 42.

“..of 78 local authorities, 35 have one or fewer FTEs [full time equivalent staff] for resource management CME (control, monitoring, enforcement) . Of these, 11 have no FTEs for resource management CME, all of which are territorial authorities...At the time of writing, the Ministry for the Environment has only one FTE dedicated to resource management CME issues. This is woefully inadequate and reduces the Ministry’s ability to be an effective system steward. ” pg. 400

“National Māori Advisory Board should have an active duty to maintain records and assist local authorities and mana whenua groups to identify who to engage with on resource management matters.” pg.113

“Māori involvement in the resource management system has tended to be at the later stages of resource management processes, and there is an opportunity in a new system to provide for a greater role for Māori at the strategic end of the system.” pg. 88

“Directly funding Māori engagement in spatial planning, combined planning and other resource management processes to ensure under-resourcing no longer prevents Māori from participating effectively. Funding could come from central government and local government...” pg.96

***“In a complex system that involves multiple layers of decision-making, clarity of objectives is required to ensure results are delivered.”
pg.103***

Chapter Summaries

- 1.** Integrating land use planning & environmental protection
An integrated approach to land use and environmental protection (one key piece of legislation for natural and built environment) is still relevant.
- 2.** Purpose & Principles
Part 2 of RMA is not sufficiently protecting the environment or supporting development. An outcomes approach with new goals, targets, limits, direction & language will help to both restore & develop our environment.
- 3.** Te Tiriti o Waitangi me te ao Māori
Outlines the need for stronger recognition of Te Tiriti o Waitangi & implementation of mechanisms for collaboration & partnership in decision making with mana whenua. Recommends numerous ways to encourage this, such as the National Māori Advisory Board & funding.
- 4.** Strategic Integration & planning
Introduces the purpose of the new Strategic Planning Act, including processes for mandatory regional spatial planning that sets long term objectives for land use that takes into account Māori values & climate change.
- 5.** A more responsive system: addressing status quo bias
In order to be a more responsive system, better reviewing of consents & use rights is needed in a way that aligns with balanced, sustainable & equitable principles.
- 6.** Climate change & natural hazards
Discusses changes in the approach to climate change management, including more clarity in Part 2 wording & outcomes, national direction, funding and controls to reduce & not just to relieve effects.
- 7.** National direction
Many recommendations made here about how to improve the effectiveness and efficiency of national direction instruments; including mandatory national direction on Te Tiriti o Waitangi & a single board of inquiry process for preparation and review.
- 8.** Policy & planning framework
Focuses on improving local authorities planning processes which are often complex, poor quality & not well integrated. Two key recommendations; clarifying roles of different local authorities & providing combined regional plans prepared by a joint committee that includes mana whenua.
- 9.** Consents & approvals
A more holistic approach to the consent process is required, that balances efficiency with access to justice, including access for mana whenua in the process and more specific rules for when & how notification should occur.
- 10.** Designations, heritage & water conservation orders
Discusses that each of these order processes (designations, heritage & water conservation) needs to be simpler & better protect coastal areas & involve mana whenua.
- 11.** Allocation of resources & economic interests
Allocative functions under the RMA should remain in the new Act. However, changes to principles, consent systems & economic instruments are recommended to ensure a sustainable, efficient and equitable allocation process.
- 12.** System oversight
Monitoring & oversight of the resource management system needs to be responsive, not reactive with better data storage & analysis capability & accountability for reaching goals & responding to identified issues. Including integration of tikanga & mātauranga Māori monitoring.
- 13.** Compliance, monitoring & enforcement
New regional hubs should manage monitoring in conjunction with progress towards goals. Penalties for breaking consent rules should be strengthened & include creative options e.g. cleaning up the area that has been degraded.
- 14.** Institutional roles & responsibilities
Weak relationships between central & local governments is identified as a key issue, alongside inconsistency in Te Tiriti o Waitangi compliance. Recommendations for more resourcing & newer or adapted roles for key players to reduce complexity. E.g. DoC, EPA.
- 15.** Reducing complexity
Recommends simpler language to be used in the new Act, with a focus on removing unnecessary complexity. Describes the proposed outline of new Act.
- 16.** Transition to a reformed system
Focuses on the timeline for new legislation & how to best support its integration & a change in culture in the next 10 years; including expectations that proposals in this review are in place by the time the COVID-19 recovery legislation expires in 2022.