Full steam ahead for RMA reform

The Government is aiming to have the “most significant overhaul” of the Resource Management Act (RMA) since the Act’s inception 25 years ago introduced into the House and through the select committee process before the end of this year.

It only needs the Act Party’s vote to push the legislation through, and it already has that in the bag. However, the details of the policy are still sketchy and Environment Minister Nick Smith admits that there is a “power of work” ahead to finalise and draft the required Bill.

What’s new?

Most of the directions outlined in the Minister’s speech and press statement reflect what National was proposing last term. But the political packaging is now much more in the context of housing affordability, and the Government’s thinking looks to have moved in some areas.

Purpose & principles

National appears to have pulled back from the proposed Part 2 provisions, which would have stymied the Bill in the previous Parliament. But it will proceed with four additions to the principles:

- management of natural hazards
- recognition of the urban environment
- the importance of affordable housing, and
- provision for appropriate infrastructure.

The Minister has acknowledged that the Part 2 changes will require “careful drafting” and has said that the previous proposals will be reviewed “in light of the most recent case law” (which has to include the recent King Salmon decision that addressed the issue of ‘overall broad judgement’ versus environmental bottom lines).

Streamlined plan making

The reforms will simplify the plan making process and “provide new and alternative ways of producing good quality plans”. The Minister highlighted the need to pass special legislation “four times in recent years” to bypass slow plan making processes and signalled an intention to foster collaborative processes.

These comments suggest that the reforms will make a range of plan making processes available to councils, perhaps based on the Auckland Unitary Plan, Special Housing Areas
and freshwater collaboration processes. While faster plan making is desirable for all, new processes bring new challenges – as submitters involved in the current Auckland and Christchurch plan processes can attest.

National regulation
The Government intends that National Policy Statements and National Environmental Standards will be finalised and immediately implemented after a single round of national consultation, backed up by an instant fine.

Following on from National’s election promise, the Government wants to have a national regulation banning dairy cows from streams and rivers in place by July 2017. Such regulations could have immediate and significant effect on existing consent holders. For example, Dr Smith commented in his speech that it was ridiculous that a national requirement to fence dairy stock couldn’t be implemented until each farmer’s resource consent came up for renewal.

What’s unchanged?
Most of the changes National proposed in the last term are expected to be carried into the new Bill, in particular the requirement on councils to use standard planning templates and an explicit recognition of private property rights. The thrust of the reforms is still development friendly.

But a number of provisions proposed in National’s last term were not mentioned by Dr Smith yesterday so their future is unclear. For the full list, refer to the latest issue of Chapman Tripp’s quarterly Ground Cover publication.3

It is too early to judge whether the Bill will live up to the hype (including in relation to affordable housing) but we will monitor developments and comment as appropriate.

Footnotes