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Committee Secretariat  
Local Government and Environment  
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## **NZCID Submission on the Resource Legislation Amendment Bill<sup>1</sup>**

The New Zealand Council for Infrastructure Development (NZCID) is the peak industry body for the infrastructure sector and promotes best practice in national infrastructure development through research, advocacy and public and private sector collaboration. NZCID members come from diverse sectors across New Zealand and include infrastructure service providers, investors and operators.

We welcome this opportunity to provide feedback on the Resource Legislation Amendment Bill (the Bill).

### **We support the Bill**

NZCID supports the Bill.

We consider the Resource Management Act 1991 (the Act, RMA) to be incompatible with integrated planning, funding and delivery of infrastructure and national and regional development and in immediate need of revision.

As interim measures, streamlined processes, standardised templates for planning, and promotion of collaboration in plan making and the development of National Policies and Environmental Standards are all supported by NZCID.

### **The Bill does not address the root causes of RMA and planning issues**

However, the problems with the RMA are, in our view, rooted within the governing structures responsible for overseeing the Act, in how decisions are resourced and how governance, funding and planning all work together.

That is, the principal causes of concern with the RMA are not in fact the product of the RMA alone. We are, therefore, not convinced these issues will be addressed in any substantive way by the Bill.

For this reason, we have not undertaken a detailed review of the Bill, but submit that more fundamental reform of the RMA and planning laws is urgently needed.

Governance, specifically, responsibility for oversight of the RMA, is only partially influenced by Act itself. Other pieces of legislation, notably the Land Transport Management Act 2005 and Local Government Act 2002, heavily influence decisions made under the RMA.

It is known that releasing land, for example, in order to promote the objectives of the RMA, is conditional upon local infrastructure decisions under the LGA.

Yet funding for some of this infrastructure, notably roads, is determined by the LTMA.

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<sup>1</sup> This submission represents the views of NZCID as a collective whole, and may not necessarily represent the views of individual member organisations.

Contentious resource allocation decisions under the RMA, meanwhile, are likely to result in governance repercussions every three years when local body elections take place.

Rating policy through these elections may subsequently impact the ability for a council to promote the objectives of the RMA.

These are but a fraction of the multiple challenges afflicting New Zealand's planning and local governance framework which are discussed in detail in the report *Integrated Governance, Planning and Delivery*, attached as an appendix to this submission.

How will the changes set out in the Bill address these issues?

We do not consider that changes within the Bill will remove inconsistency and complexity across existing RMA plans, which, as per the attached document, is systemic.

We do not consider there will be a significant reduction in the number of plans, which increases the opportunity for inconsistency and complexity.

Standard templates and encouraging councils to work together will help, but institutional arrangements will still involve up to 76 regional and district plans which may or may not be consistent with the templates.

Even if standardisation and planning partnerships can be agreed (which the track record to date has shown to be complex), this will be a lengthy and difficult process.

It may not, furthermore, result in clear alignment on planning, investment and funding as there is no statutory requirement that decisions under the LGA and LTMA will be integrated with RMA.

A standing, observable example of the disjoint between planning, governance and funding can be seen in Auckland. The Auckland Growth strategy, developed in 1999, was at the time heralded as a revolution in integrated planning and decision making for the region.

A decade of failed implementation followed as governance was only ever notionally aligned with planning and funding remained distinct from both.

Amalgamation of the Auckland councils has now addressed much of the disconnect between planning and governance (full alignment is impeded by the separation of duties across central and local government), but because the majority of funding prerogatives sit with central government, decision making in a critical planning area like transport remains a problem.

If transport funding under the LTMA cannot be aligned to support strategic planning under the LGA, land release under the RMA is much more difficult. Consequent property prices, congestion and poor overall public outcomes are the natural product.

We are not convinced that the extensive list of changes outlined in the Bill will address the fundamental problem with the RMA, which is misalignment across planning statute in general.

After two and a half decades of constant revision, we do not consider that the RMA can be made workable.

Thus, while we support the changes set out in the Bill, and consider they will improve the functioning of the RMA, we do not consider it realistic that they will have a more than minor impact on New Zealand resource management and allocation.

The Act must be replaced and new legislation put in place to ensure integrated governance, planning funding and delivery of infrastructure and national and regional development. The attached report details a proposal for substantive reform and how this might be brought to fruition.