

Time for leadership, not yet more reform

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In 2015 the Productivity Commission began an inquiry into New Zealand's urban planning system. The Commission released its report titled Better Urban Planning on 29 March 2017.

The Commission's report criticised the functioning of the current system, focusing largely on perceived problems with the Resource Management Act 1991 (RMA). The Commission discussed the RMA's "ambiguous and broad language", which in its view has led to overly restrictive rules, a failure to give due regard to urban issues and the built environment, and unclear priorities for the natural environment. The Commission's recommendations included an overhaul of the RMA to favour integrated planning that recognises and provides for the different regulatory requirements of, respectively, the natural and built environments.

The Commission concluded that the current system fails to cope with challenges of high-growth cities and adequately protect the natural environment. It noted future planning systems need to be able to respond and adapt to unpredictable changes in urban environments, create more space for development within clear environmental limits, ensure plans are more cohesive, and provide for longer-term infrastructure and land-use planning. These are all worthy objectives that can, and should, be achievable under the RMA now. For example, there has long been the ability to implement National Policy Statements (supported if necessary by National Environmental Standards) to achieve desired outcomes.

On the back of this inquiry, Prime Minister Bill English has stated that the RMA "could be at the end of its life." Recommending wholesale reform is nothing new; in its Briefing to the Incoming Minister after the last election, the Ministry for the Environment suggested rewriting the RMA. However, the delay in passing the recent Resource Legislation Amendment Bill reinforces that any wholesale reform of the RMA will be challenging and require a significant amount of political support.

There is no denying the increasing complexity and cost of the resource management system in New Zealand. This trend is getting worse, not better. The blame repeatedly falls on the RMA and we make regular ad hoc amendments to the RMA that, can at times add greater regulation, complexity, uncertainty and cost despite intentions to the contrary. Reactive policy development has not delivered the long-term solutions that New Zealand needs.

The tools already exist (and the recent Resource Legislation Amendment Bill adds many more) to achieve the outcomes sought through the Commission's report. While successive reforms have not necessarily delivered, wholesale reform carries significant risks, uncertainties and costs. In the end we may well simply end up in a similar, position with legislation trying to balance development and environmental aspirations - as the RMA currently does. Experience very much suggests that those calling for wholesale reform of the RMA should 'be careful what they wish for'. It is time to make the most of existing tools, to deliver the outcomes New Zealand needs rather than committing huge resource to yet more legislative reform.

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