

## A better planning system for the future

- **Repeal and replace the Resource Management Act 1991 (RMA)**
- **Create jobs through fast-track consenting projects to help with the COVID-19 recovery**
- **Strengthen the resource management system to deliver better outcomes for natural and urban environments.**

Labour will ensure that New Zealand's resource management system is fit for the future, and performing properly for our natural and urban environments by delivering better outcomes.

In our first term in government, we have improved how the environment is managed, including by:

- Passing the Resource Management Amendment Act 2020 to reduce complexity, increase certainty, and make significant improvements to environmental outcomes
- Encouraging affordable housing, better urban planning and making it easier for our cities to grow up and out by issuing the new National Policy Statement on Urban Development
- Starting to clean up our rivers and lakes through the new National Policy Statement for Freshwater Management and National Environmental Standards, and providing for better and faster freshwater planning processes so that the national policy statement can be implemented more quickly and effectively
- Giving the Environmental Protection Authority (EPA) new enforcement functions, to supplement enforcement by local councils
- Aligning the RMA with the Zero Carbon Act, so that councils making RMA decisions will be required to consider emissions reduction and adaptation plans and be allowed to consider greenhouse gas emissions when granting consents (once national direction on these matters is complete).

While these initial improvements are an important start, the current system is still too costly, takes too long, and has not adequately protected the environment. The RMA has not effectively controlled the environmental impacts it sought to avoid, or delivered good urban development outcomes.

Urban areas hold 86 percent of our population and 99 percent of our population growth occurs there, especially in major cities like Auckland. Instead of allowing cities to respond to population growth sustainably, poor quality and restrictive planning has contributed to a lack of certainty and unaffordable housing. Also, our waterways have deteriorated to the point many are no longer swimmable; our greenhouse gas emissions have grown; and around 4,000 species in New Zealand are threatened or at risk of extinction.

Local government planning processes under the RMA often take too long. So can consenting, even though the vast majority of resource consents are eventually granted (99.7 percent in 2018/19, with most of those declined relating to residential building and subdivision activity). Planning and consenting delays cause cost and frustration for all involved.

These outcome and process problems is why in our first term we undertook the most comprehensive review of the resource management system in 30 years, through a panel chaired by retired Court of Appeal Judge Hon Tony Randerson QC (Randerson report). The Randerson report, *New Directions for Resource*

*Management in New Zealand*, sets out a vision for reforming the RMA to deliver better outcomes for both natural and urban environments.

## Replacing the RMA

Since the RMA was introduced in 1991, it has been repeatedly amended – becoming much longer and more complex. There are now in excess of 100 policy statements and plans made under the RMA throughout the country, with unnecessary differences between them. Plans and plan changes can take several years to make and create considerable costs for councils.

The median council fee for a non-notified consent in 2018/19 was \$2,128, while for a notified consent it was \$18,414. This doesn't take into account the significant costs involved in preparing applications, or holding costs while waiting for a consent to be approved.

The statutory timeframe for a resource consent to be processed in most cases is 20 working days. For notified consents, the median time taken in 2018/19 was 206 working days. For all resource consents, the average time taken was 70 working days. Appeals can add a year or two to these timeframes.

A clearer planning framework and stronger national direction would help reduce these costs and timeframes while improving environmental outcomes.

The Randerson report has recommended the RMA be replaced with two new pieces of legislation:

- A Natural and Built Environments Act to focus on enhancing the quality of the environment and improving wellbeing. This would include stronger national direction and replacing the numerous council plans with a single combined plan for each region (down from over 100 to 14)
- A Strategic Planning Act to set long-term strategic goals and facilitate decision-making across the resource management system. This would include strategic planning for urban growth, responding to the effects of climate change, and identifying areas of significance to Māori.

The Strategic Planning Act would sit above the Natural and Built Environments Act, Local Government Act, Land Transport Management Act, and Climate Change Response Act, to facilitate the integration of their legislative functions.

The Randerson report also recommended the development of a Managed Retreat and Climate Change Adaptation Act to help with the complexity of dealing with managed retreat from areas affected by climate change.

Labour is committed to implementing the core recommendations of the report, and to working through other details, including by way of a select committee process.

Labour will replace the RMA with a Natural and Built Environments Act and a Strategic Planning Act – and move, as the Randerson report recommends, to an outcomes-based approach rather than the current RMA approach of controlling effects. We also agree that climate adaptation legislation is needed. We aim to introduce and pass the three bills within the next parliamentary term. The drafting process for the Natural and Built Environments Act will commence immediately after the election.

Labour agrees that the number of local government resource management plans should be drastically reduced to a plan per region, and that there should be more national direction to better protect environmental bottom lines for biodiversity and ecosystems, and enable urban development. These measures will remove complexity and inconsistency in plan-making and decision-making, improve environmental outcomes, and reduce costs and frustration for all involved.

## Creating COVID recovery jobs

To help our economy recover and rebuild faster in response to the impacts of COVID-19, Labour in government changed the law to allow projects to go through a fast-track consenting process. The COVID-19 Recovery (Fast-track Consenting) Act 2020 (Fast-track Act) allows, for two years, fast-track consenting of projects that can urgently promote employment and support our economic recovery, while protecting environmental standards and Treaty of Waitangi obligations.

This process replaces existing RMA approval processes for eligible projects with an Expert Consenting Panel, chaired by a sitting or retired Environment Court Judge or a senior RMA lawyer. Under the RMA, notified applications for resource consents typically take up to 130 working days to process, and appeals can sometimes add a year or two to the approval process. Under the Fast-track Act, projects that meet the relevant criteria are likely to get approval within 45 to 70 working days of being referred to a Panel, much faster than under RMA processes and with more limited appeal rights.

The criteria for a project to be considered eligible for fast-tracking include:

- the economic benefits to communities or industries affected by COVID-19
- the impact on social and cultural wellbeing
- how much the project would be sped up
- other public benefits like coastal or freshwater quality, air quality, indigenous biodiversity, waste minimisation, or mitigating climate change.

The Fast-track Act will create an estimated 1,700 jobs through the 17 specific projects listed in the Act, and more through further projects referred for fast-tracking by the Minister for the Environment. A number of applications are already going through the process.

## Delivering better outcomes

Next parliamentary term, alongside putting in place the recommendations from the Randerson report, Labour will address the following matters:

### *Planning for long-term growth and removing barriers to housing*

Labour recognises that government should have a much stronger role to play in the urban planning system. Central government should be an enabler of urban development that creates communities where people want to live, work, and play.

Traditionally New Zealand cities have struggled with second-generation growth in our cities. Second-generation projects require work on network infrastructure, fragmented land titles, balancing different interests, and creating high urban design standards through the myriad of different statutes that govern urban development. This means such projects can be too complex and risky for the private sector to do on its own.

In our first term we passed the Urban Development Act 2020 to bring these processes together; and to enable Kāinga Ora to partner with the private sector, iwi, and local government to de-risk these projects so that people will invest in them and make them happen. Labour will use these powers to accelerate large-scale urban development.

Overly restrictive planning rules are one of the leading causes of high house prices. An artificial scarcity of land on the outskirts of cities, or of floor space in city centres, can be created by councils setting inappropriately tight urban boundaries and then preventing density within those boundaries. This drives up the cost of land and constrains the construction of housing.

The Government's Urban Growth Agenda aims to remove unnecessary barriers to the supply of land and infrastructure for housing. We have made real progress through the National Policy Statement (NPS) on Urban Development. It directs councils – particularly in the most expensive housing markets – to free up their planning rules while focusing on well-functioning neighbourhoods and communities. These changes will enable more homes to be built.

Local councils are already starting to incorporate the NPS's requirements. Once fully incorporated into local plans, the NPS will have a significant impact across New Zealand. Initial work by two local authorities indicated they will increase development capacity by up to 40 percent to meet new requirements under the NPS. This will enable more housing options and more affordable housing.

Labour will monitor the implementation of the NPS and its incorporation into local plans. We will also examine other potential barriers to affordable housing, such as minimum lot sizes, height to boundary rules, and the use of covenants on property titles.

Labour will continue to support standards for quality urban design; integrate planning and investment in urban development, infrastructure and transport; set transformational environmental restoration and enhancement targets; and provide for long-term growth. This will require collaborative partnerships with local government, iwi, businesses, relevant government agencies, and communities.

Labour will also consider how councils can most appropriately and effectively protect significant urban trees and tree cover.

### *Protecting farmland*

While increased forestry provides environmental benefits for New Zealand, we do not want to see our most productive farm land planted in exotic pine trees. We also need to avoid trees being planted in areas where they could cause wilding tree problems, or in water-short areas where they could impact significantly on currently available water resources. Labour will focus on ensuring that the right tree is planted in the right place for the right purpose.

Labour will revise the National Environmental Standards for Plantation Forestry in the first six months of our next term in government, to enable councils to determine what classes of land can be plantation and carbon forests. We will require resource consents for the establishment of such forests on higher quality land, i.e. Land Use Capability Classes 1-5 (often known as elite soils) above a threshold of 50 ha per existing farm, to allow farmers flexibility in creating small plantations.

## *Supporting environmental protection*

The Environmental Protection Authority deals with some of our most significant resource consent applications and plan changes. People need to have confidence that its decision-making processes are appropriate and put sufficient environmental protections in place. We also need to ensure that environmental decisions are based on the best information. The Parliamentary Commissioner for the Environment has found that there are huge gaps in data and knowledge which undermine our ability to protect the environment.

Labour will ensure that the objectives and functions of the EPA are fit for the purpose of protecting the environment.

Labour will improve New Zealand's environmental reporting system, informed by the Parliamentary Commissioner for the Environment's 2019 report, *Focusing Aotearoa New Zealand's environmental reporting system*.