



## Resource Management Act Framework

### Description

The primary purpose and principle of the Resource Management Act (RMA) is the promotion of the 'sustainable management of natural and physical resources'. The act provides a comprehensive framework for land use planning, water and soil management, management of coastal waste disposal, pollution control and subdivision of land, and as such plays a crucial role in the regulatory planning of many tourism activities. The Act applies to all land other than the conservation estate (see [Conservation Act framework](#) 🌿), as well as coastal marine areas. Some [marine planning](#) 🌿 mechanisms are also linked to the RMA.

The RMA is designed to provide a comprehensive, consistent and integrated approach, with responsibilities from local government through level to central government level. A significant change from past legislation is the move away from prescribed allocation of resources to an effects-based regime. The effects-based nature means that tourism (as well as other key economic sectors) is not mentioned specifically in the Act.

Participation is a key feature, with the RMA representing a more participatory approach than previous New Zealand approaches, including the requirement to recognise and provide for the traditional relationships of Maori with their lands, water and taonga, and for the principles of the Treaty of Waitangi. Consultation processes are provided through plan and policy preparation / development and resource consent procedures.

With respect to implementation, the Act is implemented at a district and regional level. At a district level, Territorial Local Authorities (District or City) have responsibility for the integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the district. This is both a policy and regulatory role and a service provision and operational role. At a regional level, Regional Councils have responsibility for the integrated management of natural and physical resources (similarly both a policy and regulatory role and a service provision and operational role). Territorial authorities and regional councils sometimes have overlapping responsibilities.

Development proposals (resource consent applications) are assessed within a framework of Regional Policy Statements and regional and district plans covering a range of resources. Regional Policy Statements are currently being revised in many regions. Policy statements and plans are in turn developed within the statutory context of the Act itself, and national guidance in the form of national policy statements (NPS) and national environment standards (NES). There is one operative NPS, the NZ Coastal Policy Statement, which is currently being reviewed, and one NES covering air quality standards. There are a number of other NPS and NES currently being developed or scoped which potentially affect tourism activities.

### How and when the tool is used

The regulation of tourism and associated activities at regional and district levels is undertaken primarily through the RMA. Many tourism activities, as well as the infrastructure required to support them, might require resource consent where the activity is assessed under the RMA in terms of their effects on the environment.

The implication of the RMA's relevancy to tourism is that the tourism industry has a clear stake in the successful operation of the Act, being both developer and user of natural resources. Maintenance of environmental resources and qualities is critical to the long term viability of the New Zealand tourism industry.

Guidance on tourism planning under the RMA focuses on how the industry and local government can work within the RMA to achieve good environmental outcomes, accepted by the community. There is a clear role in relation to sustainable management for local authorities both in terms of host community satisfaction and resource conservation.

The RMA is implemented at the local and regional levels. Costs of dealing with the adverse effects of a proposal must be met by developers rather than the public. At the local level the operation of the Act is perceived to be creating a certain amount of 'investment uncertainty' for developers who have perceptions of lengthy and costly planning procedures. There can be instances of different interpretation and therefore implementation of the Act at each location. Disparities between the resources available for different local authorities to implement the Act are a concern.



The RMA requires both regional and district councils to monitor aspects of the environment.

In relation to tourism, Regional Councils monitor most biophysical parameters (e.g. air and water quality), territorial councils monitor land use changes, and both territorial and regional councils monitor visitor numbers, often through Regional Tourism Organisation activities. Most monitoring carried out does not focus on directly measuring the effects of visitors on the environment. The paucity of detailed industry monitoring data is an impediment to effectively managing the environmental effects associated with tourism. The paucity of specific indicators relevant to the environmental effects associated with tourism is a further barrier to assessing the effects of sustainability of tourism, although recent work by Lincoln University has helped in this regard (see [monitoring](#) 🌱).

The development of plans and assessment of a consent application are dependent on good information base. The standard of the information base was widely criticised in the late 1990's. There is now much better information base for national tourism planning (tourism flows, tourism satellite account, regional tourism studies etc) but there appears, as yet, to be little coordination between tourism studies and major areas of concern.

## **Application**

It is now widely accepted that the RMA is the appropriate legislative vehicle for managing environmental effects associated with tourism (see [Environment Impact Assessment](#) 🌱). This judgement reflects the desirability of one statute for the management of the effects associated with tourism. Some commentators contend that there is no serious conflict between RMA and tourism development at any level, while others are more cautious and merely note that the RMA provides integrated planning framework.

Respective benefits for tourism developers and applicants relating to the RMA include the opportunity for the tourism sector to be proactive and influence implementation of RMA. In particular, they can get involved in the preparation of RMA plans and policies to ensure that the need and interests of industry better understood.

The RMA requires consultation with local communities, stakeholders and tangata whenua in relation the plan preparation consent applications for specific projects. Tangata whenua input is provided for in Part II of the RMA. Indeed, Maori acting either corporately or as tangata whenua have a key role in RMA processes. Users and the local community should be consulted through requirements for consultation at key stages. Social impact assessment is not mandatory under the RMA; however many applicants increasingly recognise the need for such assessment in order to gain consent and acceptance for large developments. The preparation of policy statements and plans provide a further opportunity for community input into strategic planning. There is concern about the costs facing those wishing to participate, however.

A number of concerns with RMA implementation remain. These include concern about conflicting regulatory and tourism promotional roles within local authorities, and inconsistencies in the way local authorities approach their roles. Some large local authorities do not seem to see themselves as having a role in tourism management.

There is also recognition and concern about the difficulties local authorities face when managing and servicing tourism and its effects with inadequate resources, especially the financial impact on small local authorities or providing infrastructure and managing tourism growth. Resourcing from central and local government agencies is often seen as inadequate, although there is some funding available through the Ministry of Tourism, such as the Tourism Demand Subsidy Scheme for water and sewerage infrastructure.

Where environmental effects are cumulative and where they adversely effect natural areas or natural values, there is concern that the cumulative impact of these effects may compromise or even destroy the values for which those areas were protected. Under the RMA it is difficult to consider cumulative effects, or to consider tourism effects in an integrated way.

Although there is increasing participation in non-statutory tourism planning at the local and regional level (see [Regional and District Tourism Strategies](#) 🌱), some commentators have been very critical of the lack of a national framework for such planning, and for infrastructure funding and strategy development. Arguably, through implementation of the Tourism Strategy, some of these identified problems have been addressed.



### **Our evaluation**

As a legislative document, the RMA is undoubtedly a key method in planning for all tourism in New Zealand. Some RMA implementation problems have been recently addressed, and through the next few years of plan preparation there is a real opportunity for the environmental requirements of the RMA to be addressed within the requirements for sustainable tourism, in such a way that it can become part of the promotion and marketing of New Zealand's tourism profile.

Further progress needs to be made to:

- address concerns with regard to pressures on local authorities (and the Department of Conservation) in their conflicting roles of both managing and regulating the environmental effects associated with tourism;
- address cumulative environmental effects; improve understanding of the roles, jurisdictions and internal operations of the parties;
- ensure greater clarity amongst all stakeholders about the responsibilities and limitations of other groups and agencies; and
- improve coordination of the different component parts of the system.