NEW ZEALAND INSTITUTE OF ARCHITECTS INCORPORATED

Submission on the Resource Management (Simplifying and Streamlining) Amendment Bill

The Institute supports the intent of this Bill.

Our interest in this Bill falls broadly into two categories.

Firstly, Architects in general are frustrated at the time and cost in gaining Resource Consents for projects in which they are involved. Although the direct costs involved in the Resource Consent process are normally paid by our clients, the time Architects spend working the project through the Council process is generally not reflected in the fees paid to us by our clients.

Any moves to streamline the process are therefore very welcome.

Secondly, Architects are concerned at the overall quality of the built environment, especially in our larger towns and cities. The way that the Resource Management Act has been interpreted and applied by Councils over the last 17 years has sometimes resulted in a deeply conservative management of the built environment, one where any development is viewed as a negative effect requiring mitigation, any visionary thinking about new ways of building our cities is discouraged, and a continuation of the status-quo is the default option.

This may be an unintended consequence of the 1991 Act, but evidence of the failure of the Act surrounds us in our generally poor urban environments.

While the first point is possibly addressed by this Bill, we acknowledge that the second point is more to do with the Phase Two review of the Act, scheduled for later this year.

We now comment on each of the '**Specific Problems and Preferred Policy Options**" [pages 22 to 29 of the Bill] with reference to the above two over-arching points.

A. Frivolous, vexatious and anti-competitive behaviour:

This is supported. The Institute supports the concept of community involvement in environmental matters and would be disappointed if the threat of financial penalties at the Environment Court meant community activity was suppressed. This has more to do with the operations of the Court itself than the contents of this Bill.

B. Decisions on proposals of National importance:

This is supported.

C. Environmental Protection Authority:

This is supported.

D. Improving Plan Development and change process:

This is supported. The time taken to achieve an operative District Plan is too long, and the dispensing of procedures such as the making of Further Submissions and the requirement to

summarise submissions will generally be supported by the majority of members. This support does vary by geographic region.

The restriction of the ability to appeal matters to the Environment Court is supported, although how that works in reality may reveal unintended consequences.

However, the basic point here is that Councils need a stronger ability to determine the form of the built environment, particularly concerning issues around the integration of transport systems and urban form in our cities. The need to improve the urban design of Auckland especially has been emphasized in the Royal Commission's report on Auckland governance.

Urban Design and the RMA [at least in the way it is currently administered] are inherently in conflict: considerations of urban design involve a wide vision of the long-term form of an aspect of the city whereas the RMA focuses on bio-physical effects immediately surrounding a site over a short time-frame.

E. Improving Resource Consent processes:

This is supported. The threat of matters being appealed to the Environment Court has made the majority of Councils extremely risk-averse, and reluctant to make decisions themselves. The robustness of the Councils' decision making is critical if the Resource Consent process is to be improved.

Much of the time and cost in the Resource Consent process is incurred through the engagement of external consultants, who the Councils use to, in effect, make the decisions for them. The number of consultants involved, both on behalf of the applicant and on behalf of the Council, has grown well beyond that necessary to achieve sensible outcomes.

Part of the problem here has been the difficulty Councils have faced in attracting suitable staff to make in-house decisions, and that issue needs addressing. Councils must be empowered to make most decisions on the range of issues involved in an ordinary Resource Consent themselves, without the threat of legal action forcing them into very expensive risk-shedding measures. Again having Councils with the necessary expertise on board to review applications will reduce this practice.

F. Improving Central Government direction:

This is supported, although the intention of the policy is not entirely clear.

Last year the Institute supported the idea of a National Policy Statement on Urban Design, because we believed that the RMA was not supporting essential urban design initiatives. As expressed in point D above, there is a fundamental conflict in this area which urgently needs resolution.

Whether National Policy Statements are appropriate to the issues that concern us is not clear. We note that, in a discussion paper last year on Sustainable Urban Communities, the Department of Internal Affairs proposed completely eliminating the RMA in designated urban development areas. This suggests a more radical overhaul of the RMA as it is applied in cities, not just a bolt-on National Policy Statement.

Overall, the focus of resource management in our cities needs to shift from a perspective of protection of the natural and existing built environment to one that is more forward-looking; one that takes account of heritage and character, but which also looks to create totally new

and/or urban environments and integrates analysis of all the costs and benefits of change within cities.

G. Improving effectiveness of Compliance mechanisms:

This is a neutral issue for Architects.

H. Improving decision making processes:

This is supported with some qualification.

Architects generally support more qualified Commissioners on panels hearing District Plan and Resource Consent matters. This should lead to higher quality decision-making, which will be essential if rights of appeal are to be curtailed.

The idea of bypassing the Council hearing and proceeding directly to the Environment Court may be useful in some circumstances, but appears to ignore the apparently large number of applications that are decided at a Council hearing, subsequently appealed to the Environment Court, but are settled by Consent Order before being heard in that Court.

I. Other matters to improve workability:

This is supported.

Many of the issues we have raised are more to do with how the Act is implemented than the Act itself. Achieving a more attractive, sustainable and efficient type of built environment in our cities will require a coordinated approach, utilising new skills and increasing capacity in key areas.

We look forward to Phase Two of the review of the Act when these issues are more fully addressed.