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Councils’ use of the RMA and LGA in Coastal Development Decisions: Towards Sustainability

A thesis presented in fulfilment of the requirements for the degree of

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Abstract

The Resource Management Act 1991 (RMA) gave councils a mandate and an obligation to promote sustainability. Along with this it also introduced an expectation that the environment will be better managed than previously. Evidence shows that the environment is continuing to be degraded. This is especially evident in the coastal environment where in the early 2000s there has been unprecedented development pressure. The addition of the Local Government Act in 2002 (LGA) has strengthened councils’ sustainability mandate by stipulating a sustainable development approach and supporting processes and principles. Because the RMA and LGA have a similar sustainability directive there has been a push to utilise the compatible strengths that the LGA offers to enhance the outcomes achieved through RMA decisions, therefore, integrating and aligning the LGA and RMA.

This research used case studies, including interviews, to examine how councils use their RMA and LGA mandates in coastal development decisions. The research found that currently there is little integration of the LGA’s requirements and sustainability direction in RMA coastal subdivision decisions. The case study analysis showed that using the principles and processes in the LGA and also a council’s policies, strategies, and plans other than RMA documents would provide up to date policy direction and contextual information that would be useful for RMA decisions and could provide a more sustainable outcome if used.

The case studies identified a significant number of barriers to achieving sustainability through the RMA, including that much of the policy direction in RMA planning documents is not considered in deliberations. A number of these barriers are also likely to reduce attempts to integrate and align the LGA and RMA, unless they are addressed.
Acknowledgments

Investigation into a council’s decisions can be uncomfortable even though it adds to a body of research and understanding about particular situations. I am therefore very appreciative of the council officers and elected members interviewed at Horowhenua District Council and Gisborne District Council for their co-operation and honesty.

Special thanks to my supervisor Christine Cheyne for her time, guidance, knowledge, and support throughout this research. It has been a long road to completion and the encouragement given by Christine is truly valued. My previous supervisors Meredith Gibbs and Ryan Walker, thank you for guiding my original ideas and thoughts into something tangible.

My family and friends, thank you for supporting me throughout this very long process and understanding why I couldn’t enjoy spending long summer days with you. Special thanks to Hamish and Maureen.
List of Acronyms and Abbreviations

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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AEE</td>
<td>Assessment of Environmental Effects</td>
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<tr>
<td>ASCH</td>
<td>Area Sensitive to Coastal Hazards</td>
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<tr>
<td>CDEM</td>
<td>Civil Defence and Emergency Management</td>
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<tr>
<td>GDC</td>
<td>Gisborne District Council</td>
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<td>GUCS</td>
<td>Gisborne Urban Coastal Strategy</td>
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<tr>
<td>HYS</td>
<td>Horowhenua Youth Strategy</td>
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<tr>
<td>LGA</td>
<td>Local Government Act 2002</td>
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<tr>
<td>LGNZ</td>
<td>Local Government New Zealand</td>
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<tr>
<td>LIUDD</td>
<td>Low Impact Urban Design and Development</td>
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<tr>
<td>LTCCP</td>
<td>Long Term Council Community Plan</td>
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<tr>
<td>MAF</td>
<td>Ministry of Agriculture and Forestry</td>
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<tr>
<td>MfE</td>
<td>Ministry for the Environment</td>
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<tr>
<td>MHWS</td>
<td>Mean High Water Springs</td>
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<tr>
<td>NIWA</td>
<td>National Institute of Water and Atmospheric Research</td>
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<tr>
<td>NZBCSD</td>
<td>New Zealand Business Council for Sustainable Development</td>
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<tr>
<td>NZCPS</td>
<td>New Zealand Coastal Policy Statement</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>PAS</td>
<td>Positive Aging Strategy</td>
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<tr>
<td>PCE</td>
<td>Parliamentary Commission for the Environment</td>
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<tr>
<td>PUCM</td>
<td>Planning Under a Cooperative Mandate</td>
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<tr>
<td>PMA</td>
<td>Protection Management Area</td>
</tr>
<tr>
<td>SH</td>
<td>State Highway</td>
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<tr>
<td>RPDLW</td>
<td>Proposed Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
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<tr>
<td>RMA</td>
<td>Resource Management Act 1991</td>
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<tr>
<td>RPS</td>
<td>Regional Policy Statement</td>
</tr>
<tr>
<td>UNCED</td>
<td>United Nations Conference for Environment and Development</td>
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<tr>
<td>WCED</td>
<td>World Commission on Environment and Development</td>
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