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

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Angela Maureen Bell

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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.

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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.

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List of Acronyms and Abbreviations

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

RMA	Resource Management Act 1991
RPS	Regional Policy Statement
UNCED	United Nations Conference for Environment and Development
WCED	World Commission on Environment and Development

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