



# **Resource Management Act 1991**

Public Act 1991 No 69

Date of assent 22 July 1991

## The Role of the RMA in Integrated Land Management

13 November 2017

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# Key Questions and Observations

- What does the RMA say in relation to integrated management of natural and physical resources?
- What obligations does that put on the regional and district councils?
- What does "integration" mean in this context and does ILM qualify?
- How have councils been doing in this respect?
- Is there any prospect of more attention to integration in the new RPS and subordinate plans?

# RMA's Directive Provisions

## **30 Functions of regional councils under this Act**

(1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:

- (a) the establishment, implementation, and review of objectives, policies, and methods to **achieve integrated management of the natural and physical resources** of the region

...

## **31 Functions of territorial authorities under this Act**

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) the establishment, implementation, and review of objectives, policies, and methods to **achieve integrated management of the effects** of the use, development, or protection of land and associated natural and physical resources of the district:

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# Instrument Hierarchy of the RMA

Resource Management Act

National Policy Statement

National Environmental Standard

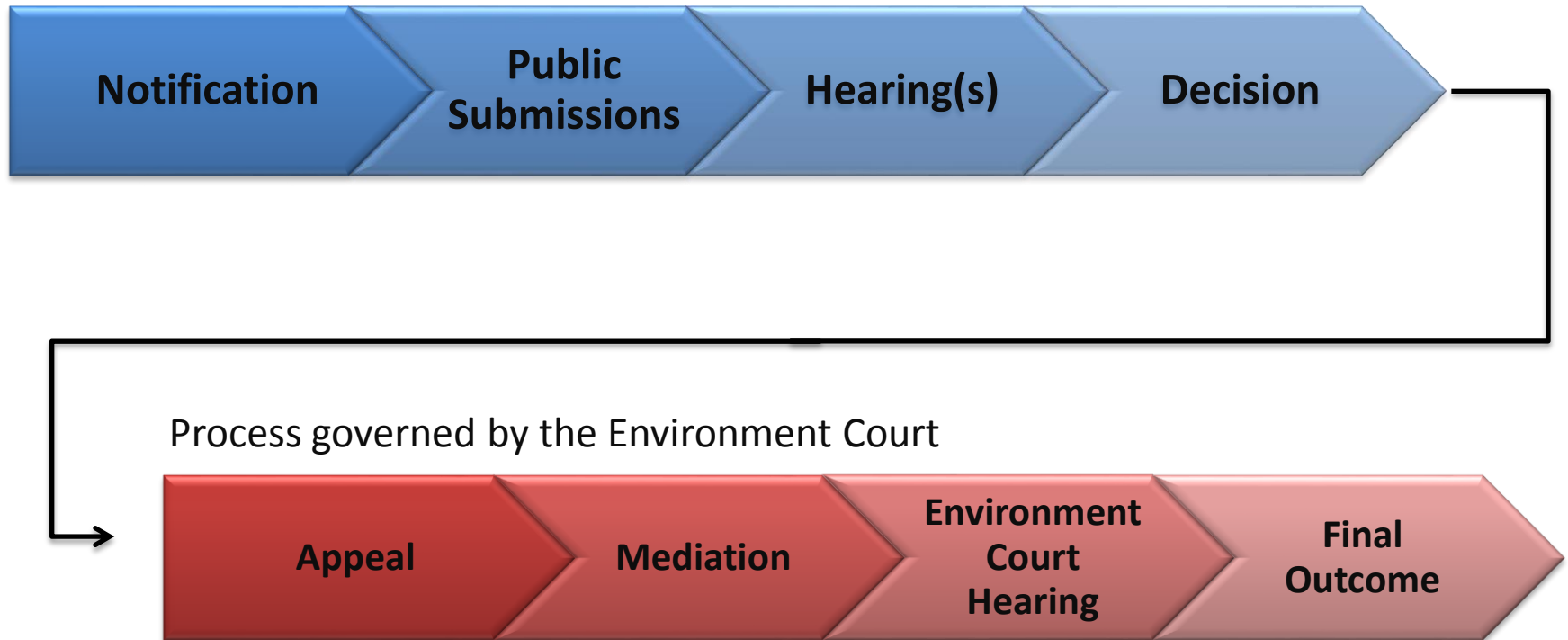
Regional Policy Statement

Regional Allocation Plan(s)

District Plan

# Evolution of a Policy Instrument

Process governed by the public authority (e.g. ORC, DCC)



# Role of Councils

*Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council* - [2000] NZRMA 59

HELD: The purpose of the Act is to promote sustainable management of resources not the environment. **The role of councils under the RMA in relation to social, economic and cultural activities is essentially a passive one.** It is to enable people and communities to provide for their wellbeing, not to direct how that is to be achieved.

# Key Questions and Observations

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# Interpretation of “Integrated Management”

*Terrace Tower (NZ) Pty Ltd v Queenstown Lakes District Council* [2001]

NZRMA 23

HELD: 1) **integrated management** - the purpose of RMA is to sustain natural resources - the role of Councils under RMA is essentially a passive one, not to direct communities on how to achieve it - it is a role of **justified reasonable regulation**.

The proposed policy was not reasonable with the general policy settled by the *Environment Court in Wakatipu Environmental Society v QLDC*

QLDC had already undermined its own policy by segregated development.

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# (Proposed) Otago Regional Policy Statement

## **PART B Chapter 1      Resource management in Otago is integrated**

This first chapter recognises that the different parts of the natural and physical environment are interconnected. The integrated management of natural and physical resources and human values is essential to safeguard the life-supporting capacity of the environment and enable the social, cultural, and economic wellbeing of all people and communities.

### **Chapter overview:**

#### **Objective 1.1**

**Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.      Page 11**

Policy 1.1.1      Integrated resource management      Page 11

Policy 1.1.2      Economic wellbeing      Page 11

Policy 1.1.3      Social and cultural wellbeing and health and safety      Page 12

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# Will there be more attention to ILM? (My Own View)

- We're talking now about the integration of stakeholder input in addition to looking at resource management holistically (*i.e. in an integrated way*)
- Case law permits councils to set policy and to be passive
- Methods in the proposed RPS (that are not contested) will permit but not compel early discussions between stakeholders
- This will be a learning process for councils—they need to see and appreciate the benefits of early involvement and seem to be doing so
- Conservationists must continue to speak up and inject submissions upstream from plan/policy notification in order to achieve better outcomes

Thank you!