



**Tourism
Industry
Association
New Zealand**

Tourism Industry Association New Zealand

Initial Comments on the Review of the Resource Management Act

July 2004

About Our Association and Industry

The Tourism Industry Association New Zealand (TIANZ) represents the interests of over 3,500 businesses in the tourism industry.

Tourism is a \$16.5 billion industry and contributes 4.9% of industry's total contributions to GDP. The tourism industry employs 1 in 10 New Zealanders in a diverse range of businesses – the majority of which are small and medium sized enterprises. Not only is tourism important because of its size. It is also:

- Highly employment intensive;
- Regionally dispersed;
- Has the flexibility to change its target markets quickly as conditions change;
- Can offer a good return on investment.

The tourism industry in New Zealand consists of more than 15,000 small and medium sized businesses. Of these businesses, most employ less than five people.

New Zealand welcomes more than two million overseas visitors to its shores every year. The domestic tourism industry is also important in helping to sustain a vibrant tourism industry. TIANZ estimates that over 75 million visitor nights are spent by New Zealanders every year.

TIANZ welcomes this review of the Resource Management Act and is making comments to serve as guidance on the issues we believe must be tackled as part of this review.

Overall Comments

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The tourism industry directly benefits from a high level of environmental quality and biodiversity. Natural features and environments represent an important component of the New Zealand tourism product and the marketing of that product.

Tourism is also able to contribute to enhancing and maintaining environmental quality through the creation of an economic value for the environment, through environmental interpretation, increasing visitor awareness, support for the environment, and sound environmental practices.

Given the strong interrelationship between the environment and tourism, TIANZ supports in principle legislative frameworks such as the Resource Management Act, which serve to minimise negative effects on the natural environment from activities undertaken by people.

We also wish to acknowledge there have been several resources that have been prepared, at both central and local government level to assist professionals that work in the field of resource management. These include the development of:

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- A Quality Planning website organised by the Ministry for the Environment (now defunct due to funding issues)
- A resource consent template
- A summary of case law on notification under the RMA.

Local government has also prepared useful resources, including:

- A Free Lunch or a Fair Deal-a good practice guide for resource consent processing
- A Resource Management Enforcement Manual
- The State of Strategic Planning in Local Government –a survey.

At the same time, there are a number of concerns which the business community has with the current provisions of the RMA, and its effectiveness. We welcome this review as an opportunity to carefully consider the shortcomings of the Act and to develop amendments that improve the way it works in practice.

These are the key issues that our industry believes should be addressed out of this exercise:

Local effects versus national benefits

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TIANZ believes there are shortcomings with the Act when it comes to the consideration of projects where there are local impacts but where the project would generate wider benefits to the regional and /or national community. We suggest the amendment of the framework to provide for wider consideration where an application would have benefits outside of the boundaries of the community making a decision. There would also need to be a clear definition as to what constitutes a “wider benefit”, including an appropriate trigger point whereby a local benefit is considered to become a regional or national benefit.

Purpose and principles of the Act

TIANZ is aware that considerable efforts are being put into economic development at both the national and local level. This is evidenced by the large number of new initiatives that have been rolled out by New Zealand Trade and Enterprise and the economic development agencies, over the past four years. We are supportive of these initiatives but we see it as essential that legislation such as the RMA does not counteract them by creating an environment that discourages developments that have positive benefits.

TIANZ suggests that Part 2 of the Act be amended to enable wider national and regional economic benefits to be taken into account in weighing up a proposal.

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Other issues

Other issues of concern include:

- An inconsistent approach is often taken by different authorities to the processing and consideration of applications. While we recognise that this partly reflects the different communities each local authority serves, it is also due to different resourcing levels, and different approaches to customer service between local authorities
- Requirements that consent applicants must obtain the agreement of particular cultural groups, or groups holding particular spiritual beliefs
- The ability of individuals to make vexatious claims in respect of an application, and to slow down or even disrupt projects that may have wide benefits.

Suggested solutions to address these issues

TIANZ recommends that central government progress the review in the following ways:

- To continue to develop and maintain through adequate funding, initiatives that promote ‘best practice’ by professionals working at central, regional and local levels in the resource management profession. This includes the funding of the Quality Planning website.
- To consider a special category of definition where a project is being considered locally but clearly has wider regional and national implications. A question to consider is what mechanisms might be put in place to relieve the tensions inherent in an application involving local determination and local uses that may have a national impact
- To review Part Two of the Act and consider whether inclusions are needed to acknowledge the positive impacts that can come from development proposals made under the Act.
- For projects heard at a local level, there should be a limited right of appeal to the Environment Court and cases should not be heard *de novo*. We suggest that cases should only be able to be appealed only on specific impacts, or on points of law.
- The removal of provisions for objections that are not fully based on objective, and quantifiable parameters that apply to an entire community.

- To develop proposals to enable multi-jurisdictional projects to be heard through a single process but with hearings taking place in all of the jurisdictions that the proposal pertains to.

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