

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

14 MARCH 2013

Meeting Status: **Public**

Purpose of Report: For Decision

SUBMISSION ON RESOURCE MANAGEMENT REFORM BILL

PURPOSE OF REPORT

- 1 This report seeks the Committee's approval of the attached submission (Appendix 1) on the Resource Management Reform Bill.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy.

BACKGROUND

- 3 The Government has embarked on a programme of reform to the resource management system, with a key focus on the Resource Management Act 1991. In December 2012 the Resource Management Reform Bill was introduced to Parliament and is being considered by the Local Government and Environment Select Committee. Submissions closed on 28 February 2013. The Bill is available at:

<http://www.legislation.govt.nz/bill/government/2012/0093/latest/whole.html>.

- 4 Because the submission closing date did not allow sufficient staff time for consideration of the Bill, given the District Plan workload, in order to ensure timely approval of a submission by this Committee, the Chief Executive made a submission (Appendix 1), subject to retrospective approval by this Committee. The submission supports the Local Government New Zealand (LGNZ) submission (Appendix 2) and makes additional comments about the urban tree provisions described below.

CONSIDERATIONS

Issues

- 5 Local Government New Zealand highlighted the most significant proposals in the Bill as:
 - The introduction of regulations regarding a duty to gather information, monitor and keep records
 - Changes to Section 32 evaluations for plan and policy making (including requiring detailed evaluation reports rather than summary reports, and explicit consideration of economic growth and employment)
 - Amendments to resource consent processing timeframes and the way they are calculated, as well as additional information requirements for applicants

- Special provisions for the hearings process for Auckland's Unitary Plan
- 6 In addition to this, the Bill clarifies that urban trees cannot be protected unless they are specifically listed with addresses, thus removing the ability for 'blanket' tree rules such as those applying to all trees of a certain species and/or size. This is an issue of relevance to Council because both the operative and proposed District Plans have these types of rules to protect locally indigenous urban trees. In anticipation of this change, the Council has conducted a thorough inventory of these trees, so it can list them in the District Plan via a future plan change if required. However, the cost involved in this exercise, including the initial tree inventory, has been significant enough to suggest that nationwide removal of all 'blanket' tree rules is not an efficient proposal.
 - 7 The LGNZ submission (Appendix 2) is considered to be thorough and well-written. The attached Council submission supports it in its entirety, with the exception of the Auckland-area provisions which are not considered to be of direct concern to this Council.
 - 8 The attached Council submission specifically underscores some of LGNZ's concerns regarding Section 32 reports, resource consent processing, and monitoring and reporting. It also expresses concerns regarding the urban tree provisions discussed above.
 - 9 Because the workload of District Plan staff did not allow this submission to be brought to an earlier committee meeting, and the submission date has now passed, the Council is able to give retrospective approval to this submission, or it can withdraw the submission. It may also be able to make amendments to the submission, but this would be subject to acceptance by the Select Committee.

Financial Considerations

- 10 There are no financial considerations.

Legal Considerations

- 11 There are no legal considerations aside from the fact that this is a submission on legislation.

Delegation

- 12 The Regulatory Management Committee has the delegated authority to approve submissions:

7.35 Authority to review and approve any Kāpiti Coast District Council submission on any issue that is being made on behalf of Council.

Consultation

- 13 No consultation has been undertaken on this matter.

Policy Implications

- 14 This submission, and the RMA itself, do not change Council policy, but the RMA sets the legal framework with which Council policy documents such as the District Plan must comply.

Tāngata Whenua Considerations

15 There are no considerations specifically relating to tāngata whenua.

Publicity Considerations

16 No publicity actions are necessary.

RECOMMENDATIONS

17 That the Regulatory Management Committee approves the attached submission (Appendix 1 to SP-13-837) to the Local Government and Environment Select Committee on the Resource Management Reform Bill.

Report prepared by:

Jim Ebenhoh

Sustainable Development Manager

Approved for submission by:

Gael Ferguson

Group Manager, Strategy and Partnerships

ATTACHMENTS:

Appendix 1: Submission to the Local Government and Environment Select Committee on the Resource Management Reform Bill.

Appendix 2: Local Government New Zealand submission to the Local Government and Environment Select Committee on the Resource Management Reform Bill.