

Mayor and Councillors  
**COUNCIL**

18 APRIL 2013

Meeting Status: **Public**

Purpose of Report: For Decision

## **SUBMISSION ON "IMPROVING OUR RESOURCE MANAGEMENT SYSTEM - A DISCUSSION DOCUMENT"**

### **PURPOSE OF REPORT**

- 1 This report seeks the Council's approval of the attached submission (Appendix 1) on the Ministry for the Environment's "Improving our Resource Management System" discussion document.

### **SIGNIFICANCE OF DECISION**

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

### **BACKGROUND**

- 3 The Government's latest proposals for changes to resource management processes were released on 28 February 2013 in a discussion document titled "Improving our Resource Management System" (Appendix 2). The proposals represent the Government's third stage (following the 2009 Amendment Act and the 2012 Bill) of making resource management processes simpler, less costly and more effective.
- 4 Proposals in the document include amending Part 2 of the Resource Management Act (RMA) by updating the matters identified as being nationally important, and a new requirement for regional and district plans to be combined using a national template.
- 5 The Government has particular concern that the RMA has failed to provide the kind of clarity or predictability that is necessary to foster investment certainty, and that it appears, in its view, to be discouraging both strategic planning and innovation.
- 6 The Government also claims that, in practice, every step of the current resource management system has become overly complex and unclear. There is also a concern that the focus under the RMA has shifted too far towards avoiding effects on the environment and that too little emphasis is being placed on using planning to deliver positive outcomes, particularly in urban areas.
- 7 Submissions are being sought on whether the most important problems have been identified; whether the proposed changes would deliver more effective, efficient and environmentally responsible resource management (or whether better alternatives exist); and whether there may be unintended consequences.
- 8 Submissions on the discussion paper close on Tuesday 2 April 2013. Because the submission closing date did not allow sufficient staff time for consideration of the discussion document, given the District Plan workload, in order to ensure

timely approval of a submission by Council, the Chief Executive made a submission (Appendix 1), subject to retrospective approval by Council.

## CONSIDERATIONS

### Discussion Document

- 9 The discussion paper identifies six issues for consideration:
- complexity and cost of the current planning system;
  - resource management system that does not reflect up-to-date values;
  - tensions between different community values not resolved upfront;
  - insufficiently proactive and integrated planning for future needs, e.g., housing;
  - lack of a consistent service culture; and
  - learning the lessons of Christchurch: managing for hazards.
- 10 The reform package questions the respective decision-making roles of central and local government, and that of the court system, and considers how processes can be more proportionate to the activities involved. The reforms within the package are divided into six core objectives:
- greater national consistency and guidance;
  - fewer, better resource management plans;
  - an effective and efficient consenting system;
  - better natural hazard management;
  - effective and meaningful Māori participation; and
  - working with councils to improve their RMA service performance.

### Draft Submission

- 11 The attached draft submission responds to each of the issues identified in the discussion document and the proposals discussed to address these issues.
- 12 The issue identification is light on detail and lacks sufficient justification for some proposals. For example, the discussion document questions the need for consents if the majority of discretionary resource consent applications are approved. This suggestion fails to acknowledge that consent applications are assessed on their merits as well as the actual and potential adverse effects and are often amended during the application process to avoid or minimise identified adverse effects of the initial proposal.
- 13 Some of the potentially more significant proposed changes include:
- allowing for locally targeted national environmental standards (NES) and national policy statements (NPS);
  - extending central government powers to direct plan changes to allow the Minister to identify issues or outcomes to be addressed in a council plan, to direct a plan change and/or to directly amend an existing operative plan;

- significant changes are proposed to sections 6 (Matters of National Importance) and 7 (Other Matters) of the RMA, including, deleting several of the current section 7 matters, with the remaining matters moved to section 6. Surviving matters are almost all re-worded, combined with other matters, or new additions (in relation to the functioning of the built environment and land availability, natural hazards, and the provision of infrastructure);
- the provisions of regional policy statements, regional plans and district plans to be combined into a “single resource management plan”, in line with a national template, within 5 years;
- the scope of the Environment Court’s consideration of an appeal is proposed to be narrowed. The appeal would be by way of “rehearing”, rather than de novo (a “rehearing” relies on all the evidence originally provided, compared to the “de novo” process which allows new or updated evidence to be provided). This proposal would result in important implications for the conduct of the first instance hearing by councils; and
- a raft of other changes including changes to the resource consent process.

## Financial Considerations

- 14 There are no financial considerations arising directly from this report but there could be significant implications if the implementation of any of the proposed changes to the Resource Management Act proceeds. For example, additional resourcing to facilitate the preparation of a joint resource management plan may be needed.

## Legal Considerations

- 15 There are no legal considerations aside from the fact that this is a submission on a document which discusses possible legislative changes.

## Delegation

- 16 Council has the authority to approve this submission.

## Consultation

- 17 No external consultation has been undertaken on this matter.

## Policy Implications

- 18 This submission does not change Council policy but most of the proposed amendments presented in the discussion paper would set the legal framework within which the Council’s District Plan would be required to comply.

## Tāngata Whenua Considerations

- 19 Issues relating to iwi include a proposal to legislate for greater iwi engagement in the planning process. Currently, Council undertakes iwi engagement on a level above and beyond the minimum input recommended by the proposed RMA amendments.

## Publicity Considerations

- 20 It would be prudent to consider a media release in respect of these proposed changes. Some of the proposed amendments are likely to result in a greater cost to the ratepayer, for example, plan consolidation, and a reduction in communities' ability to appeal planning decisions made by the Council and/or the Environment Court.

## RECOMMENDATIONS

- 21 That the Council approves the attached submission (Appendix 1 to SP-13-844) to the Ministry for the Environment's "Improving our Resource Management System" discussion document.

**Report prepared by:**

**Approved for submission by:**

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**Policy Planner**

**Group Manager, Strategy and Partnerships**

## ATTACHMENTS:

Appendix 1: Submission to the Ministry for the Environment's "Improving our resource management system" discussion document.

Appendix 2: Ministry for the Environment's "Improving our resource management system" discussion document.