
**SUBMISSION ON RESOURCE MANAGEMENT REFORM BILL
2012**

1. Purpose of report

This report outlines a draft Wellington City Council submission on the Resource Management Reform Bill 2012 (“the Bill”). A copy of the draft submission is attached as Appendix One to this report.

2. Executive summary

The amendments proposed in this Bill aim to streamline resource management processes and to make technical and operational changes. Officers support this intent.

The amendments are largely process related and mostly affect technical and regulatory planning duties/requirements. There are, however, potential implications for Council because some proposed changes will increase the cost and time involved in drafting new planning documents, increase the information requirements for resource consents, and change the time frames for resource consents.

It is officer's view that some of the proposed changes could potentially counteract the Governments intention of streamlining planning processes.

Currently, this Council is a top performer nationally in terms of meeting statutory frames. This has been achieved by appropriate level of resourcing / skills and clear processes. While officers are confident that the Council can adapt to amended timeframes, there is a concern that there could be a negative impact for applicants.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to the submission (attached in Appendix One) to the Local Government and Environment Committee*
3. *Delegate to the Built Environment Portfolio Leader and the Chief Executive the authority to make any minor editorial changes required as part of finalising the submission.*

4. Background

The Government introduced the Resource Management Reform Bill 2012 in the House for its first reading on 11 December 2012 and intend to report back to the House on 11 June 2013. The closing date for submissions is 28 February 2013.

This is an omnibus bill that proposes amendments to the Resource Management Act 1991 (“RMA”), the Local Government (Auckland Transitional Provisions) Act 2010, and to the Local Government Official Information and Meetings Act 1987. The Bill aims to make improvements to the consenting regime, provide for the delivery of the first combined plan for Auckland, provide further powers to make regulations, and make technical and operational changes.

While largely technical, the Bill is important, and has implications for both plan making and resource consent processes. Key areas of focus for Wellington City Council are:

- The amendments to Section 32
- Streamlining consent timeframes
- The introduction of numerous technical changes

A Council submission on this Bill is important because, while largely technical in nature, it does have the potential to impact on the cost and time involved in two regulatory functions of Council – resource consents processing and making changes to the District Plan.

While the intent of some of the clauses is clear, other amendments are less certain as to the outcomes or are not likely to achieve the outcomes anticipated.

5. Discussion

5.1 Amendment to Section 32

Section 32 of the RMA sets out requirements that councils and the government need to follow when bringing in a new plan, policy statement or regulation. Among other things, it requires evaluation of the costs and benefits of a proposed change to a district plan, the reasoning why a particular regulation or method is needed, and a process for working out how best to deal with environmental issues.

Some of the proposed amendments to S32 are useful. Other amendments, however, will increase the cost and time involved in carrying out section 32 evaluations, without necessarily providing a commensurate benefit to the public. As an example, the Bill proposes a new requirement to specifically consider economic growth and employment opportunities. This, however, is already covered by ‘economic effects’ under another section of the RMA. The specific requirement to consider economic growth and employment opportunities appears (though is not explicit) to make specialised economic advice mandatory for all plan changes. This would require costly reports to be

undertaken each time but would not necessarily result in more weight being given to economic and employment opportunities when balanced against the existing obligation to consider social, economic, cultural and environmental values.

Appendix One provides detail on the specific areas of concern.

5.2 Streamlining consent timeframes

The Bill introduces a 6-month consenting timeframe for notified and limited notified applications for resource consent.

This will affect a small number of applications. Central Government is hoping that specified timeframes will create certainty for applicants. The key concerns from the Council's perspective are that:

- The proposed amendments will raise the threshold for information at the front of the process possibly leading to an increase in rejected applications and cost to applicants.
- Once in the process, the prescribed timeframes will restrict the Council's ability to work through issues with an applicant. This is likely to lead to an increasing number of declined applications.

As it stands, this Council is already meeting these times frames. The proposed amendments, however, seek to introduce absolute deadlines which have the effect of squeezing interim steps e.g. hearing duration, voluntary suspension by the applicant etc (currently not included in the calculation of time frames). While officers are confident that the Council could adapt and continue to meet timeframes as proposed, it is considered that the changes could have unintended consequences for applicants e.g. increased costs, less ability to work through issues and as a result, more applications being declined.

5.3 Introduction of numerous technical changes

The following list is not exhaustive, but summarises the intent of various proposed amendments:

- Increases the requirements of what applicants need to address in their applications
- Changes to the timeframes for accepting and notifying applications and completing hearings
- Changes to when the 'clock is stopped' in terms of processing timeframes for Council
- Further information requests are to be limited on notified applications

Each of the changes is addressed in the attached draft submission contained in Appendix One. These changes are accompanied by specific recommendations but in general, the concern is that the technical amendments may in fact reduce certainty for all parties and have unintended consequences in terms the quality of decision making.

5.4 Consultation and Engagement

Advice has been sought from DLA Phillips Fox.

5.5 Financial considerations

The implications on future work programmes and priorities relate to the additional resourcing/costs involved in drafting new planning documents and information requirements for resource consents, as well as adjusted consenting time frames.

5.6 Climate change impacts and considerations

No direct impacts.

5.7 Long-term plan considerations

The impact on long-term planning, if any, is uncertain at this stage.

6. Conclusion

The Resource Management Reform Bill 2012 introduces a number of changes to the Act which will have an impact upon local authorities with regard to the setting of policy and plan changes and Council's regulatory role.

Some of the changes will be advantageous and others less so – or possibly impediments to efficient process. While officers fully support the intent of the Bill, it is questionable as to whether the amendments, as currently proposed, will in fact deliver on the stated aims. At the very least, further clarification is required to enable local authorities to implement the amendments in a coherent and consistent manner.

As a matter of current practice, economic impact is considered for all proposed plan changes, as required under the RMA. The degree to which the matter is analysed and reported will vary on a case by case basis. Such considerations are then balanced against social and environmental impacts. This does not change under the proposed amendments.

This Council has met the statutory time frames on all resource consent applications for the last four years. This has been achieved through the implementation of clear work processes, regular monitoring of skill / resource requirements and the development of quality assurance protocols. Officers are constantly looking at ways of improving our implementation of the RMA and are eager to work with Central Government to refine the legislation in a way that delivers on the purpose and principles of the RMA while improving the process for all participants. The attached draft submission has been prepared in that vein and sets out the issues for the Local Government and Environment Committee.

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SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The submission aligns with Council's overall goal of 'open for business' and encouraging public participation in decision making.

2) LTP/Annual Plan reference and long term financial impact

The impact on long-term planning, if any, is uncertain at this stage.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications

4) Decision-making

The submission identifies a range of issues and suggested options for the committee to consider.

5) Consultation

a) General consultation

General discussion has taken place with LGNZ. Officers support LGNZ's submission, but have distilled the Council submission to key points of particular concern to this Council's functions and responsibilities

b) Consultation with Maori

Mana whenua have not been consulted on the proposed submission.

6) Legal implications

DLA Phillips Fox has been consulted during the development of this report.

7) Consistency with existing policy

The submission is consistent with current WCC practice and existing measures.