

Improving our resource management system - discussion document

Outline of Wellington City Council's submission to MfE

The RMA reforms as identified in the discussion paper are proposed in order to address the following

- Uncertainty and costs for communities, businesses and councils
- Reliance on consents and appeals to plan priorities
- National issues (eg housing affordability)

The aims of the reform are:

- Greater focus on meeting future needs
- An easier to use and more predictable system
- Less duplication (ie fewer plans) and costs

To achieve these aims Central Government has identified six key areas of proposed reform, these being:

1. Greater national consistency and guidance
2. Fewer and better RMA plans
3. More efficient and effective consenting
4. Better natural hazard management
5. Effective and meaningful iwi/Maori participation
6. Working with Councils to improve practice

1. Greater national consistency and guidance

- 1.1 Combine sections 6 and 7 into one provision – (s6 and s7 list the matters of national importance that Council must consider when making planning related decisions). Support the proposal subject to the following matters:
- Landscape and natural habitats – support that Council must specifically identify areas in the District Plan to be protected for ecological / landscape reasons. Appropriate that this is addressed at plan level rather than on case by case basis.
- Historic heritage – the submission seeks to avoid the weakening of legislative mandate providing for the safeguarding of NZ's historic buildings and suggests the wording be amended to "*the protection **and management** of historic heritage from inappropriate subdivision, use and development*"
- Natural Hazards – Council supports the proposal to elevate natural hazards but seeks national guidance on natural hazards relating to sea level rise and flooding matters. The elevation of natural hazards would allow landuse and subdivision consents to be refused on natural hazard grounds. Council is currently working with Wellington regional emergency management office, Greater Wellington Regional Council and other TAs in the Wellington region to develop a regional natural hazard strategy.

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Built environment and land supply – supports recognition of the built environment but seeks clarification that this encompasses urban design. Seek re-insertion of ‘maintenance and enhancement of amenity values’ as directly relates to good planning and urban design outcomes. Remove emphasis on land supply and growth issues to housing capacity and provision of employment opportunities.

- 1.2 Addresses national issues / guidance – Criteria/guidance is to be developed giving clarity on how and when the government might intervene (NPS, NES call-in powers, plan change directives). Guidance is supported subject to 1c.
- 1.3 Introduces Government powers to direct plan changes – Council does not support the extension of central government powers to direct plan changes. The use of ministerial intervention powers could represent a shift away from local decision making. At this stage, the use of central government intervention powers appear focused on growth management and affordability.
- 1.4 Improved NPS / NES – Council supports the streamlining of the process. No further details are available and Council seeks clarification as to the role that local government will have in setting the agenda for NPSs and NESs.

2. Fewer and better RMA plans

- 2.1 Single resource management plan - involves all councils having a single plan in place within 5 years (per district or a boarder area by Councils in that area). Regional and district councils would develop their own plans and insert them into a new single plan template developed by central government. The template would include standardised terms, definitions, zones and rules for particular activities.

The proposal does not address the complexity and cost of transitioning from the current approach to a national plan over a 5 year period. Plan development would impose significant costs on local government sector. Council recommends that a national plan template be introduced via the quality planning website as a non-regulatory guidance tool and seeks assistance from central government.

- 2.2 obligation to plan positively for future needs (eg land supply) – Council supports changes to sections 30 and 31 that will require Councils to be future focussed and managing for positive effects. Council does not support the requirement for an adequate land supply to provide for at least 10 years of projected growth in demand for residential land. The supply and demand for land is dependent on a range of external factors which are outside Council's control. Suggest the focus should be on providing local authorities with ‘legislative tools’ to enable assembly of underutilised land and buildings to open up areas for urban development.
- 2.3 Preparation of single resource management plans via a joint process with narrowed appeals to the Environment Court – Plan partnership agreements with district and regional councils to bind the parties to collaborate, pre-notification engagement and collaboration, draft policy statement, working with communities, joint policy statement and rules combined for notification into a single plan. This proposal appears aimed at allowing regional councils

to effectively combine their plans. The Council therefore neither supports nor opposes this provision.

- 2.4 Faster resolution of Environment Court proceedings – the changes are supported and address the following: increase Environment Court’s power to enforce agreed timeframes; strengthen provisions to require alternative dispute resolution; and change the law to enable electronic case management. Council suggests that consideration also be given to introducing maximum timeframes for release of a decision post hearing.

3. **More efficient and effective consenting**

- 3.1 New 10 working day timeframe – criteria yet to be determined but simple consents to be processed in 10 days, currently all non-notified consents have a 20 day timeframe. Unlikely to make meaningful difference as front loads the process and pre-lodgement requirements combined with 10 working day timeframe anticipated to equate to existing 20 working day timeframe. Significant resource implications for Council and is not supported.
- 3.2 Exemption for minor breaches – Very minor breaches to be ‘deemed permitted’ ie do not need to apply for a resource consent. Support in principle but there needs to be further consideration as to how it will work in practice. Requires a flexible approach as on one site an addition of 0.5 m² will have only minor effects, whilst on another it could shade a neighbour.
- 3.3 Non-notification – The Regulations could direct national non-notification for certain activities. The submission does not support this. Any non-notification clause would effectively remove affected parties (neighbours) from the consent process. Without awareness or consideration of local issues, a generic response will not take account of the local environment.
- 3.4 Limit scope of public participation in consent submissions and appeals – submissions and appeals are limited to the matters that required the application to be notified and only on effects directly related to those matters. The onus will be on Councils to identify all the separate categories of effects, clearly identifying who is directly affected and by what (eg height). The Council does not support the imposition of constraints on rights of public participation at both first instance and on appeal.
- 3.5 Changing consent appeals from de novo to appeals by way of re-hearing – The Environment Court will no longer hear consent appeals on a ‘start from scratch’ basis, but will instead rely on earlier evidence. The robustness and quality of Council’s evidence and decision will be of heightened importance. Council supports changes that will lead to the more timely resolution of appeals.
- 3.6 Transparent council fees and accounts – introduces fixed fee or mandatory estimates. Council does not support fixed fee as could lead to consent processing being heavily subsidised by the ratepayer. Council does not support preparation of mandatory estimates as they take time leading to additional cost to applicants. Estimates are currently provided to applicants on request. Councils would be required to produce an account disclosing

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balance of revenue and expenses in relation to resource consent activities. Transparency is supported but there is concerned that there will be variations between Councils. Council neither support nor oppose.

- 3.7 Crown body to process consents (similar to EPA process) – Crown body to process applications on ‘nationally important issues’ in 3-4 month timeframe. Council does not support an alternative decision making body. Council has capacity and demonstrates ability to meet statutory timeframes (non-notified 100% since 2009). A crown body risks ad hoc decisions being made.
- 3.8 Tool to prevent land banking – new powers for territorial authorities to reduce the timeframe for subdivision consents from 8 years to 5 years. Council is concerned that the proposed ‘tool’ will not address the perceived problem. Council neither supports not opposes this provision.

4. Better natural hazard management

Proposal is that natural hazards are added to RMA principles, all natural hazards are considered in consents in terms of both likelihood and magnitude. The proposal makes it clear that consideration of natural hazards is to be included in consenting as well as plans. Council supports this proposed change.

5. Effective and meaningful iwi/Maori participation

Overview

- Where an arrangement is not in place there would be a requirement for Council to have an agreement with local iwi regarding the provision of advice during plan development.
- Requirement to consult with iwi when developing NES
- Improve tools for participation

Council supports in principle initiatives that will ensure effective engagement of iwi in plan development processes. WCC, Hutt and Upper Hutt City Council are currently involved in developing plan provisions and protocols consistent with this proposal. Clarification is sought as to timeframes around consultation and who pays (how much).

6. Working with Councils to improve practice

Proposal is to improve community accountability, develop measures with Councils and public performance data. Council supports in principle however reporting requirements need to be developed in collaboration with local government. Capturing and reporting of information has cost and resource implications and therefore assistance is sought from central government.