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Report to Environment Committee
from Kirsten Forsyth, Policy Advisor

Amendments to the Resource Management Act 1991

1. Purpose

To inform the Committee about progress of the amendments to the Resource Management Act 1991 proposed in the Resource Management Amendment Bill 1999.

2. Background

The Resource Management Amendment Bill 1999 was introduced to Parliament in July 1999 by the former Minister for the Environment, the Right Hon Simon Upton.

Many of the provisions contained in the Resource Management Amendment Bill (the Bill) were designed to improve the implementation of the Resource Management Act (the Act). The changes were intended to reduce duplication, uncertainty and the cost of compliance and to improve the practice and procedures of the Act, without compromising environmental outcomes or reducing opportunities for public participation.

Some key amendments proposed in the Bill (and the WRC view expressed in our submission) were:

- Delete the reference to social and economic matters in the definition of “environment” (opposed)
- Allow private sector and authorised persons to process resource consent applications, known as contestable consent processing (opposed)
- Allow applicants or submitters to choose between a council or an independent commissioner to hear and decide notified applications (opposed)
- Allow for direct referral of resource consent applications to the Environment Court (opposed)
- Introduce a limited notification regime for resource consent applications with minor effects (supported)
- Facilitate the s 33 transfer of functions between authorities to remove confusion about final accountability (supported)

- Introduce “aquatic ecosystems” management into the policy and rule making functions of regional councils (supported)
- Make regional policy statements optional (opposed).

The Bill also introduced provisions as a result of the Historic Heritage Management Review. The purpose of these amendments was to enhance the provisions of the Act for historic heritage, and to transfer the regulation of archaeological sites from the Historic Places Act 1993 to the Resource Management Act 1991.

Written submissions on the Bill, to the Local Government and Environment Select Committee closed on 1 October 1999. Greater Wellington – The Regional Council’s submission was presented to the Select Committee by Councillor Ian Buchanan and Dr Wayne Hastie (then Manager, Resource Policy).

3. **Recommendations of the Select Committee**

A summary of the Select Committee Report, updated by the Ministry for the Environment in September 2002, is attached to this report.

The Local Government and Environment Select Committee considered the Bill and reported its recommendations back to the House on 8 May 2001. The Committee reported that many submissions on the Bill highlighted that administration of the Act by local government has so far been variable both in quality and in approach. On this matter, its report said:

“It is difficult and perhaps undesirable to legislate for the worst cases, and we consider the best way to reduce uncertainty and costs arising from the Act is for local authorities to seek and adopt models of best practice... Concerns about the Act will only cease when local authorities have all adopted better practices that result in efficient and cost-effective processes, improved consultation and enhanced environmental outcomes. Councils that do not make sufficient progress in this regard are answerable to their own communities. The Ministry for the Environment must also continue to place great emphasis on monitoring the implementation of the Act and promoting best practice.”

There were several provisions that the Committee recommended should not proceed. These included the provisions summarised in this report that were opposed by Greater Wellington. In addition, the Committee recommended against the introduction of limited notification of resource consent applications, which Greater Wellington had supported. The Government subsequently announced in December 2001, as part of its response to the Business Compliance Costs Panel report, that it would put limited notification back into the Bill during the Parliamentary debate.

The Committee decided against transferring the archaeological controls from the Historic Places Act 1993 into the Resource Management Act 1991. However, it supported strengthening the recognition of historic heritage by including the protection of historic heritage as a new matter of national importance in s 6 of the Act.

The Committee recommended that regional and district councils have a new function to maintain indigenous biological diversity. This goes further than what was proposed

in the Bill as introduced. The Bill proposed giving regional councils a new function in relation to terrestrial ecosystems. The Select Committee changed the terminology to indigenous biological diversity and gave the function to district councils as well.

4. **Debating the Bill in Parliament**

The Resource Management Amendment Bill 1999 was one of twelve bills to go before Parliament when it went into urgency last month. Unfortunately, other bills took precedence and, because of its length, it now won't be debated until next year.

The Minister for the Environment, Hon Marion Hobbs, suggested that the existing 18 parts of the Bill be recast into between three and five parts. This will include a Supplementary Order paper covering "limited notification" and new provisions relating to National Environment Standards. Parliamentary Counsel have begun this task and it is likely that the recast Bill will be reported back by March 2003.

5. **Communication**

Progress of the Resource Management Amendment Bill 1999 is central government's responsibility and there is no need for Greater Wellington to undertake any external communication on this matter.

6. **Recommendations**

It is recommended that the Environment Committee:

- (1) *receive the report; and*
- (2) *note the contents.*

Report prepared by:

KIRSTEN FORSYTH
Policy Advisor

Approved for submission:

NICOLA SHORTEN
Manager, Resource Policy

JANE BRADBURY
Divisional Manager, Environment