

Report	16.39
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Committee	Council
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Submission on the Resource Legislation Amendment Bill

1. Purpose

To seek the Council's approval of a submission on the Resource Legislation Amendment Bill.

2. Background

The Resource Legislation Amendment Bill (the Bill) had its first reading in Parliament on Thursday, 2 December 2015 and was referred to the Local Government and Environment Select Committee. Submissions close 14 March 2016.

The Bill is made up of over 200 individual amendments. A big focus of the proposed amendments is on district planning processes related to providing more affordable housing. Overall, the most significant changes appear at the three levels of planning that the Resource Management Act 1991 (RMA) provides for: national direction; regional and district planning functions; and resource consents.

2.1 National Direction

The Government is concerned about the lack of national direction provided to councils since the RMA came into effect, pointing to the development of very few National Policy Statements (NPS) and National Environmental Standards (NES) and the resulting 'individuality' of the plans developed by each council. The Bill contains a series of changes to the way the Government delivers national direction to councils, including templates, new regulation making powers, and changes to NES and NPS processes.

2.2 Regional and district planning functions

The Government has for some time been critical of the length of time taken to complete planning processes, including new plans and plan changes. The Government is also concerned about the way councils exercise their planning functions. The Bill contains a series of changes which will affect Council planning functions including: increased Maori participation; "collaborative"

and “streamlined” planning processes; requiring approval to exceed planning timeframes; changes to the duties and functions of councils; and ability for limited notification of plan changes.

2.3 Resource consents

The Bill contains a large number of amendments to the resource consent process, some of which give significant new powers and obligations to consent authorities, applicants, submitters, and central government. These include:

- a 10-day ‘fast track’ pathway simple consent applications
- powers for council to waive the need for consents in some circumstances
- a revised decision-making regime for notification of applications
- notifying, making submissions and hearings
- fixed remuneration for hearing panels and consents.

3. Comment

At the Council workshop on 3 February 2016, Councillors were briefed on the Bill and the implications for the Council and our operations. The following key points were raised and will be reflected in the submission:

- The inclusion of natural hazards in section 6 is a positive step. The development of some national direction would be useful to support the amendment. Improving national consistency through more NPSs, NESs and templates will be good for plan users. To be most useful, these tools must be developed by working parties that include local government officers and planning professionals, be well tested and consulted on.
- The new Council function ‘to ensure there is sufficient development capacity’ should also explicitly enable spatial planning.
- Fixed fees may force councils to overestimate the costs of consenting and hearing processes. An unintended result may be that applicants will face costs that are higher than the ‘actual and reasonable’ system we currently employ.
- Regional councils should be included in the list of those eligible to be affected parties in the notification of subdivision applications.
- GWRC supports collaborative planning as a concept and are already using collaborative processes as part of implementing the NPS on Freshwater Management. However, the process described in the Bill is complicated and could be simplified.

The draft submission will be provided to the Council at its meeting.

4. Communication

The final submission will be sent to the Local Government and Environment Select Committee. No further communications are proposed.

5. The decision-making process and significance

Officers recognise that the matters referenced in this report have a high degree of importance to affected or interested parties.

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

5.1 Significance of the decision

Part 6 requires Council to consider the significance of the decision. The term ‘significance’ has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance and engagement policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance, and that a formal record outlining consideration of the decision-making process is not required in this instance.

5.2 Engagement

Engagement on the matters contained in this report aligns with the level of significance assessed. In accordance with the significance and engagement policy, no engagement on the matters for decision is required.

6. Recommendations

That the Council:

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Approves the submission on the Resource Legislation Amendment Bill to the Local Government and Environment Select Committee.*
4. *Delegates to the Chair the ability to make minor editorial amendments to the submission.*
5. *Agrees that the Chair represent Council at the Select Committee hearing to speak to the submission.*

Report prepared by:

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