

Greater Christchurch Urban Development Strategy

Report To: UDS Implementation Committee
Subject: Central Government Policy
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1. Purpose of Report

To update the UDSIC regarding the new government's priority to amend the RMA during its first 100 days in office.

2. National's RMA policy

The new National government will make amending the RMA a priority for its first 100 days in office. It's policy on the RMA (see attached) does not give great detail as to the nature or full extent of the amendments but some conclusions can be reached given what we do know.

3. Definition of Environment

The National government policy states that "The definition of the environment is too broad, which allows costly and time-consuming arguments over irrelevant issues...National will simplify the Act by limiting the definition of environment to natural and physical resources." The definition of environment contained in Part 1, s2 of the RMA states:

Environment includes-

- (a) Ecosystems and their constituent parts, including people and communities; and
- (b) All natural and physical resources; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters

On face value it looks as though National will delete subsections (a), (c) and (d). The deletion of (c) Amenity values, is particularly troubling from a planning perspective.

4. Environmental Protection

This change sits well with the desire of the new government to limit the RMA to an environmental protection piece of legislation, with MFE slimmed down and superseded by a larger ERMA recast as a national Environmental Protection Agency which will monitor scientific thresholds and standards for things like air pollution and water pollution etc.

The implications of such a shift in emphasis are unclear – but the shift in focus from MFE to an EPA will have consequences for the priority given to such projects as the proposed NPS on

Urban Design and the recent work across government agencies on sustainable urban communities.

5. Regional and District Plans

The National party also seems to favour unitary district planning. Dr Smith comes from a unitary region of the country in districts like Marlborough or Tasman. They point the way to simplified regional and district plans with the following statement:

“We will encourage regional and district councils to develop a single plan”

6. Effect on RPS PC1

At this stage, i.e. without seeing a proposed Amendment Bill, it is hard to estimate the effect of the policy on RPS PC1. That there will be an effect, however, is clear. Certainly by early in the New Year we should expect to have a Bill sent to Select Committee for consideration, and the timing of this will be very interesting given the likely timing of PC1 Hearings.

More detailed reporting will follow, once more is known.

7. Recommendation

- 7.1 *That the report of the Implementation Manager on the Government's RMA policy be received.*

Resource Management

INTRODUCTION

National supports the underlying principles of the Resource Management Act (RMA), notably sustainable management, integrated decision-making, and an effects-based approach. But we believe the Act needs to be reformed to reduce unnecessary delays, uncertainties, and costs.

We want to improve environmental and economic outcomes, and develop more efficient decision-making processes. Our focus will be on:

- a. Simplifying and streamlining the processes of the Act.
- b. Providing greater central government direction on its application.
- c. Increasing the use of economic instruments rather than regulations.

Our reform programme will involve amendments to the RMA, greater use of national policy instruments such as National Environmental Standards and National Policy Statements, and institutional changes.

These reforms are a major undertaking. The first phase of reforms, principally around improving the processes of consents, will be advanced quickly. The second phase – to improve decision-making around infrastructure, water, and urban design – will be on a slower track to allow greater sector engagement and to ensure we get the detail right.

Note:

National has already released our [Environment Policy](#). For background information on this Resource Management policy and our Environment policy, please refer to [National's Bluegreen Discussion Paper](#).

PHASE I – STREAMLINING AND SIMPLIFYING THE ACT

National will introduce into Parliament, within 100 days of forming a new Government, a Resource Management Amendment Bill to streamline and simplify the Act, and we will advance this into law within six months.

This bill will improve the process of resource consent decision-making. It will also provide institutional reforms including the creation of an Environmental Protection Authority.

Simplifying the Act

National believes that the Act is unnecessarily complicated. The definition of environment is too broad, which allows costly and time-consuming arguments over irrelevant issues. There are too many consent categories, and the vague references to the principles of the Treaty of Waitangi are poorly understood and open to abuse.

National will simplify the Act by limiting the definition of environment to natural and physical resources, and prohibiting objections with respect to trade competition.

We will also reduce the number of consent categories and replace the broad reference to Treaty principles with specific requirements for iwi consultation.

Priority Consenting

The existing process for consenting large infrastructure projects is cumbersome. In many cases, it takes longer to process consents for large projects through the RMA than it takes to build

them. Such delays act as a brake on the economy and are unfair on affected communities.

National's Resource Management Amendment Bill will provide for 'Priority Consenting' of major infrastructure projects. Consents for these projects will be processed by the newly established Environmental Protection Authority (EPA). The EPA will be required to make decisions within nine months.

Improving Consent Processing

The problems with consent processing are not confined to major infrastructure projects. Tens of thousands of people every year apply for smaller consents and are frustrated by breaches in statutory processing times, excessive fees, and unreasonable requests for further information from consenting authorities

The bill will provide an independent complaints mechanism for these issues, where there will be a power to discount or waive consent-processing fees where statutory processing times are breached.

Removing the Ministerial Veto on Coastal Consents

The ministerial veto on coastal consents adds time and unnecessary uncertainty to applications. This was emphasised by the political interference of the Conservation Minister in the Whangamata Marina decision.

We believe the Minister has enough influence over coastal consents, without having a veto. The Minister approves the National Coastal Policy Statement and the Regional Coastal Plan, appoints a representative on any consents committee, and has the right to make a submission on any application and then appeal.

We think it is wrong that a Minister can overturn a decision when a hearings committee or court has heard days or weeks of evidence. The bill will, therefore, remove the ministerial veto on coastal consents.

Preventing Vexatious and Frivolous Objections

Vexatious and frivolous objections add to the unnecessary costs and delays involved in obtaining consents.

The bill will address this by reinstating the Environment Court's power to award security for costs so there is some financial accountability where the court believes the merits of an appeal are weak and there is a real risk of costs not being paid. The bill will also provide new powers to reject vexatious and frivolous objections.

Simplifying Council Plans

The bill will simplify the process for councils amending and updating their plans. The policy to reduce the number of consent categories will reduce the complexity of plans. We will encourage regional and district councils to develop a single plan. We will also encourage greater use of the Internet to replace onerous paperwork requirements. We will provide for a system of approved contractors in areas like tree trimming to reduce the number of minor consents required.

Establishing an Environmental Protection Authority

Central government needs to take more of a lead in improving decision-making around natural resource management. National will provide that lead by reforming the existing institutions responsible for the RMA and making greater use of existing provisions for national standards and policy statements.

National will expand the Environmental Risk Management Authority (Erma) into an Environmental Protection Authority (EPA). This new authority will be modelled on successful EPAs around the world. It will have responsibility for the national regulatory functions of the RMA such as Priority Consenting, National Environmental Standards, and National Policy Statements. It will also be responsible for Erma's functions under the Hazardous Substances and New Organisms Act.

We will expand Erma into an EPA by reprioritising some of the resource currently allocated to the Ministry for the Environment. There will be no extra bureaucrats.

National will investigate giving the new authority the power, not currently in the RMA, to prosecute the Crown for breaches of resource consents. This flaw was identified in the Parliamentary Commissioner for the Environment's critical report on the clean-up of the Mapua toxic site.

We will work with key stakeholders to make greater use of National Environmental Standards and National Policy Statements. We envisage new National Policy Statements on water, biodiversity protection, coastal management, and home affordability. We want to work with industry and environmental groups to develop consistent National Environmental Standards in areas like forestry, telecommunications, housing development, agriculture, and energy.

Other Issues

National will retain the legal aid fund to ensure communities can have an effective say in consents. Greater emphasis will be put on technical advice and supporting mediation.

National will:

- **Introduce an RMA Reform Bill**

Introduce an RMA reform bill in the first 100 days in office to reduce the costs, delays, and uncertainties in the Act, and pass this into law within six months.

Amendments will include provision for simplifying the Act, Priority Consenting (consents must be completed within nine months), improving consent processing, removing the ministerial veto on coastal consents, preventing vexatious objections, and simplifying resource management plans.

- **Establish an Environmental Protection Authority**

Expand the existing Environmental Risk Management Authority (Erma) into an Environmental Protection Authority (EPA) with increased responsibilities, including:

- The national regulatory functions of the Resource Management Act, including Priority Consenting.
- Developing National Policy Statements and National Environmental Standards.
- Its existing functions under the Hazardous Substances and New Organisms Act.

PHASE 2 – SECTOR-SPECIFIC REFORMS

National's second phase of RMA reforms cover complex areas where wider consultation and a slower process is required.

Infrastructure

National will review infrastructure regulation and, in particular, the interaction between the RMA and the Public Works Act.

We want a streamlined process where landowners who have to relinquish their land for public infrastructure are more generously compensated. We believe the fiscal cost of increased compensation is well worth the economic benefits from faster approval of critical infrastructure.

Water

We need new direction in water policy. The Labour Government's water programme of action was established in 2003 and has been described as a programme of inaction, with no tangible outcomes after five years. The issues of water quality and allocation are hugely important and need addressing.

We will initiate a collaborative governance process that will engage key stakeholders – water users, recreational users, iwi, and environmentalists – to develop a better framework. We will put on hold the widely condemned draft National Policy Statement on Freshwater Management, and give the collaborative governance process the opportunity to come up with a better approach.

Urban Design

National will initiate a review around urban design. There is legitimate concern among planners and developers that the RMA is not working well for our major cities. New approaches need to be supported, and legislative reform may be necessary to make them work effectively.

National will initiate a wider review of the RMA. This will include:

- Improving infrastructure provision by providing more generous compensation for landowners in the Public Works Act, and a streamlined and better-integrated process.
- Considering alternative approaches to water allocation for a fairer and more efficient system of fresh water management.
- Exploring new approaches to city development. We will encourage more collaboration between planners and developers.