

18. RESOURCE MANAGEMENT ACT (SIMPLIFYING AND STREAMLINING) BILL - COUNCIL SUBMISSION TO SELECT COMMITTEE

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Environmental Policy & Approvals Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek approval of the Council's submission to the Local Government and Environment Select Committee on the Resource Management Act (Simplifying and Streamlining) Bill 2009.

EXECUTIVE SUMMARY

2. The Government's Resource Management Act (Simplifying and Streamlining) Bill ("the Bill") had its first reading in Parliament in February 2009. This Bill is phase one of amendments to the Resource Management Act 1991 ("the Act") that the Government has indicated it will introduce. Phase two will be a separate Bill at a later time.
3. Parliament has invited submissions on the Bill to the Local Government and Environment Committee and these must be received by the Committee on 3 April 2009. The submissions will be reported to the Select Committee on 19 June 2009 and hearings will be scheduled after that date.
4. Staff and the Council's solicitors have reviewed the Bill and supporting information and identified the potential key amendments and issues for the Council. Councillors and Community Board members attended a workshop with staff and external advisers on 13 March and staff have prepared the draft submission (as attached) for the Council's consideration. This review has been undertaken with some urgency so that a submission can be prepared, approved by the Council, and forwarded to the Select Committee by 3 April.
5. The Council can request the opportunity to appear and present the Council's submission before the Select Committee. The Select Committee hearing dates have yet to be advised.
6. The intention of the Bill is to simplify and streamline the consenting and plan making aspects of the Act. The Bill has nine objectives:
 - (i) To reduce costs and delays arising from submissions and appeals that are frivolous or vexatious or motivated by anti-competitive behaviour.
 - (ii) To reduce the time it takes to reach decisions on proposals of national significance while still maintaining effective public participation and promoting the sustainable management of natural and physical resources.
 - (iii) To establish an Environmental Protection Authority to provide efficient and timely administration of proposals of national significance.
 - (iv) To facilitate timely and cost effective development and updating of planning documents that enables rapid responses to changing conditions or emerging environmental issues while retaining an appropriate degree of public participation.
 - (v) To reduce time and costs associated with resource consent processes while maintaining an appropriate degree of public participation.
 - (vi) To increase the efficiency and effectiveness of the development of national RMA instruments and their implementation.
 - (vii) To ensure that the RMA enforcement regime acts an effective deterrent to non-compliance.
 - (viii) To increase the efficiency and workability of decision-making processes under the RMA.
 - (ix) To remove and replace redundant technical provisions with enforceable ones, and to make minor procedural changes to avoid unnecessary delays and improve processes.

FINANCIAL IMPLICATIONS

7. A discount policy will need to be developed which will provide discounts for the applications that go over time. The impact of this change will be absorbed into operational accounts. The cost of attending Environmental Protection Agency hearings on matters of national significance will be an additional cost, dependant on the number of attendances each year. It is currently anticipated that this will be met from the RMA appeals budgetary provision. However, this will need to be reviewed annually.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Not applicable.

LEGAL CONSIDERATIONS

9. There is some legal comment on the possible consequences of the Bill in the draft submission. Advice on the legal aspects was provided at the Council workshop held on 13 March 2009.

Have you considered the legal implications of the issue under consideration?

10. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Not applicable.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

12. Not applicable.

ALIGNMENT WITH STRATEGIES

13. Not applicable.

Do the recommendations align with the Council's strategies?

14. Not applicable.

CONSULTATION FULFILMENT

15. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the Council's submission on the Government's Resource Management Act (Simplifying and Streamlining) Bill in the form attached and authorise the filing of the submission with the Local Government and Environment Select Committee.
- (b) Advise the Select Committee that the Council wishes to appear before the Select Committee in person to present the Council's submission.
- (c) That two Councillors be appointed to attend the Select Committee hearings to present the Council's submission.