



Ministry for the
Environment
Manatū Mō Te Taiao

Summary of submissions: improving our resource management system

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Abbreviations used

EPA	Environmental Protection Authority
NES	national environmental standard
NGO	non-government organisation
NPS	national policy statement
RMA	Resource Management Act 1991
WWF-NZ	World Wildlife Fund – New Zealand

Introduction

Objectives of the discussion document

The discussion document *Improving our resource management system* presented a series of proposals for reforming the Resource Management Act 1991 (RMA). These proposals are designed to improve the planning aspects of New Zealand's resource management system by making the system easier to use and more predictable, with less duplication and cost, and with more effective safeguards for environmental, economic, social and cultural outcomes.

The consultation following the release of this document sought New Zealanders' views on the proposals outlined within it, particularly with respect to how they would affect individuals, communities, businesses and other organisations. The Government was also keen to hear whether there are any alternative approaches that would better improve the resource management system.

Consultation

Public consultation on the discussion document was held from 28 February to 2 April 2013. An electronic copy of the document was placed on the Ministry's website and hard copies were sent to the Mayors and Chairs of all regional, district, and unitary councils. In addition, notices announcing the consultation were placed on the Ministry's website, and advertisements were placed in nine major daily newspapers.

From 8 to 27 March 2013 the Ministry held 20 meetings with local authorities and a further 28 public meetings, including 13 hui. The purpose of the meetings was for those attending to discuss particular issues in the discussion document that affected them. All hui and some public meetings addressed both the resource management reforms and the freshwater reforms. (See Appendix 1 for a full list of meetings.)

This report deals only with the analysis of written submissions received by the Ministry for Environment during the consultation period on the resource management reforms.

The Ministry received 13,277 written submissions. (See Appendix 2 for the full list of submitters.) The document will also be available on the Ministry's website (www.mfe.govt.nz).

Approach to analysis

All submissions received were assigned a unique identification number and entered into a central database. Each submission was classified according to the type of

submitter (individual, local government, non-governmental organisation, etc) and whether it partially or entirely comprised campaign form text.

Each submission that contained unique text (ie, that was not entirely campaign form text) was analysed, and the analysis was recorded in a central database. As part of the analysis it was noted whether the submitter addressed each of the proposals; whether they opposed, supported, conditionally or partially supported a proposal; and whether they provided any other comments or information.

Submitters did not always identify which changes their views applied to, so these are not necessarily accounted for in the analysis of individual proposals.

Some parties provided more than one submission document or correspondence. In these cases all documents were logged as a single combined submission to avoid duplication.

Analysts were given a process induction and guidance to ensure that analysis across all submissions was as consistent as possible. Every effort has been made to ensure that the report accurately summarises the overall feedback on issues regarding the discussion document and the proposals outlined within it. However, we cannot guarantee that all views are reflected in this report.

Notes on conventions used in this document

Where numbers and percentages are used when referring to the number of submitters who supported or opposed specific proposals, these are based on analysts' interpretation of the submissions. Protocols were established to ensure as great a degree of consistency in interpretation as possible.

For the purpose of analysis, submissions that expressed 'serious concerns' about any proposal in the discussion document were classified as having opposed it.

Selected quotes from submissions have been included in the summary document. They have been selected for their value in illustrating issues raised by submitters or because they articulate issues in a way that is difficult to paraphrase without losing the original meaning. Their inclusion in this document does not imply that they have been given more weight over and above submissions that have not been cited specifically.

Where quotes from submissions are used, any unexplained acronyms or minor typographical errors have been amended to allow for improved readability. Every effort has been made to ensure citations of submissions are accurate. However, where these have been manually typed there may be some minor errors.

Percentages referred to in this document have been rounded to the nearest whole number. As such, in some cases total values may not equal 100 per cent.

Some parties have addressed issues regarding the RMA that are outside the scope of the current reforms. These have not been considered as part of this summary process. However, these issues and suggestions have been identified for further consideration.

Submissions received

All submissions have now been received. We are confident that all key themes and views on the 22 proposals outlined in the discussion document have been captured.

Numbers and types of submissions

In total 13,277 submissions were received on the discussion document. This is less than the initial estimate of 14,000. The final count was less due to the high number of duplicate submissions received.

Over 95 per cent of the submissions received contained standardised text from one of four campaigns. The vast majority of these (11,900) form submissions came from the Greenpeace ‘Save the RMA’ campaign. Others came from campaigns organised by the Green Party Aotearoa (118), Forest and Bird (7), and Fish and Game (322). Examples of these form submissions or campaign texts are attached in Appendix 3.

Of the submissions received:

- 1545 contained unique text
- 905 were entirely unique submissions
- 619 contained a combination of unique text and form text.

Types of submitters

Of the submissions received:

- 66 were from local government representatives
- 89 were from business representatives (these included companies and industry groups from several sectors, including primary industries, energy and minerals, infrastructure provision, and building and industry)
- 86 were from non-government organisations (NGOs), including environmental groups, community groups, recreational organisations and trusts
- 40 were from iwi, hapū or Māori organisations
- 10 were from companies or individuals that were identified as specialists in planning issues
- 6 were from law firms and/or legal experts
- 39 were from organisations that could not be classified according to any of the categories listed above – these were classified as ‘other’ submissions.

The remaining 13,027 submissions were received from individuals.

Form submissions / campaigns

The Greenpeace, Green Party and Forest and Bird campaigns opposed changes to Part II of the RMA on the grounds that they perceived the changes would shift the focus of the RMA from environmental protection to economic development. In addition, they opposed changes that would increase ministerial powers, impose limits on consent conditions, impose limits on people's ability to make submissions on consent matters, and limit the role of the Environment Court in resource management decision-making.

The Green Party Aotearoa expressed support for a standard structure and definitions for resource management plans, and for more and better use of national policy statement (NPS) and national environmental standard (NES) tools. The Forest and Bird campaign expressed support for certain proposals such as streamlining consenting and Environment Court processes. The Fish and Game campaign opposed changes to Part II of the RMA that would shift the focus of the RMA from environmental protection to economic development and reduce protection for habitats and landscapes, with particular reference to freshwater habitats.

For the purpose of this analysis, text from each campaign has been logged once in the analysis system and identified as a campaign. The significant number of submitters whose views are represented by these forms has been taken into account during the analysis process.

In cases where submitters have provided both form text and unique text, the form text has been counted under the analysis of the campaign submission and the unique text has been analysed separately.

The organisations listed above, and/or their regional branches, also submitted comments on the discussion document in addition to the campaigns. These submissions have been analysed independently of the campaign forms.

Overarching themes emerging from the submissions

Submitters generally in favour of the proposed changes commented that:

- the review of the RMA is timely and reflects changes experienced across New Zealand
- the RMA is complex and cumbersome, and amendments that will make the legislation clearer and easier to use are welcomed
- variation in application and interpretation of resource management tools across the country creates uncertainty for resource users
- greater consistency in planning and consenting processes is supported.

Submitters generally opposed to or concerned with proposed changes commented that:

- the values of New Zealanders have not fundamentally changed in the 20 years that the RMA has been in place, and such an extensive review of the principles is not warranted
- the focus of the RMA is moving from environmental protection to encouraging economic development, which will change the character of New Zealand and undermine the nation's resource base
- many of the changes, especially relating to ministerial intervention and new processes for submissions and appeals for plans and consents, run counter to the principles of participatory democracy and subsidiary governance.

Submitters in general commented that:

- issues and proposals set out in the discussion document do not appear to be well researched or developed, and little evidence is provided to support them
- the timeframe for consultation and submission was very short – these submissions expressed a general concern that the reform process was being rushed
- they wished to be involved in future development of the proposals outlined in the discussion document (this was particularly noted in submissions from councils and iwi groups).

Summary of submissions from local government

Sixty-six submissions were received from local government representatives, including district councils, regional councils, unitary councils and Local Government New Zealand.

Local government tended to support some aspects of the proposed changes to sections 6 and 7 but had reservations about others. Fifty-eight per cent of local government submissions indicated partial or conditional support for the proposals, with many indicating that a review of these sections was welcome and that the incorporation of all matters into a single section 6 was supported. Ten per cent expressed unconditional support for the proposal, while a further 20 per cent expressed opposition to or serious concerns with the proposal.

However, concern was raised in several submissions about the potential implications of these changes for existing case law. Several suggested that the proposed additional matter 6(1)(k) relating to “the functioning of the urban environment” should also refer to “urban design”. Many councils opposed the deletion of “amenity values” and

“quality of environment” from the existing section 7, and also questioned whether the proposed section 7 on ‘Methods’ was necessary or appropriate for legislation in Part II of the Act.

Seventy-four per cent of local government submissions addressed the proposal for more efficient and effective use of NPSs and NESs, with 76 per cent of these indicating full or partial support. Generally, councils were in favour of streamlined and/or combined processes for NPS and NES development but opposed the introduction of locally targeted tools.

Fifty-eight per cent of local government submissions that addressed the proposal for a single resource management plan indicated provisional or conditional support for it, while 28 per cent opposed it. The general theme across these submissions was that integrated planning was a good idea in principle, but that it would be more appropriately implemented through more flexible, voluntary initiatives than through statutory requirements. In addition, support for the joint planning proposal was limited, mainly on the basis that it would limit the role of the Environment Court.

Local government submissions generally indicated strong support for limiting the scope of participation in consent submissions on the basis that this would reduce the number of vexatious submissions. Local government also supported changing consent appeals from *de novo* to merit, as *de novo* appeals are considered to be resource intensive. There was significant opposition to the introduction of 10-day time limits for consents, and to improving transparency around consenting fees.

Local government submissions generally supported the proposal to enable Māori participation, but also expressed some reservations. A number were concerned about the availability of resources to enable iwi to engage in some areas; others indicated that processes and tools associated with engagement needed to be flexible across regions and districts to account for local circumstances. Many councils also noted that they had already adopted collaborative processes with Māori, and also that it was not clear what (if any) changes from the *status quo* would be required.

Fifty-three per cent of the local government submissions that addressed the proposal for improving accountability measures indicated unreserved support, while a further 26 per cent expressed partial or conditional support. This support was generally based on demand from local government for the provision of clearer expectations and accountability measures from central government. Some councils indicated that local government should be actively involved in the development of these measures and criteria. Those submissions that opposed the proposal, or expressed strong reservations, suggested that this would put increased pressure on council resources and raised questions about links with local government performance measures currently being developed by the Department of Internal Affairs.

Summary of submissions from business and industry

In general, business and industry submitters were more supportive of the overall package of reforms and of many of the individual proposals.

Business and industry submitters who addressed the proposed suite of changes to sections 6 and 7 were generally supportive of them. Some of these submitters also suggested that the amendments should be more closely aligned with the Technical Advisory Group's recommendations. Thirty-one per cent of these submitters indicated unreserved support for the proposals, and a further 50 per cent indicated partial or conditional support. Business and industry submitters were particularly in favour of urban design and infrastructure being addressed in section 6 of the RMA.

Fifty-nine per cent of business and industry submitters addressed the proposal for more efficient and effective NPSs and NESs. Many of these stakeholders indicated that they have found existing NPSs and NESs useful and would like to see more of them promulgated in the future. Several also expressed frustration with the slow and unpredictable development processes exercised under the *status quo* and indicated general support for streamlining processes for the development of these tools.

In general, businesses strongly supported the introduction of fewer, more standardised plans, as outlined in proposal 3.2.1 of the discussion document. However, several raised concerns about whether the five-year timeframe for implementation is realistic.

Many submitters from business and industry organisations supported, in principle, the proposals relating to more efficient consenting, on the basis that this would reduce the time and costs associated with the consenting process. However, many raised concerns or questions about the implementation of these measures. Several raised concerns that some or all of the proposals risk increasing uncertainty for RMA users due to the increased number of steps required for consenting procedures.

Proposal 3.3.7, on increased transparency for consent fees, received relatively more attention from business and industry submissions than from other categories of submitters. Of the 38 per cent of this group of submitters who addressed it, 74 per cent expressed unreserved support for it; a further 18 per cent expressed partial or conditional support, or did not express a clear opinion. The main reason given for support was that this measure would provide greater certainty for resource consent applicants.

Fewer than half of the submissions from business and industry addressed the proposals relating to the management of natural hazards, enabling Māori participation, or improving local government accountability measures. However, among those that did, the majority expressed unreserved, partial or conditional support for them.

Summary of submissions from NGOs, environmental groups and community groups

NGOs, environmental groups and community groups were, on the whole, strongly opposed to the proposed changes to sections 6 and 7. Eighty-three per cent of these submissions addressed proposal 3.1.1, and 85 per cent of those that did indicated opposition or serious concerns. Opposition to the addition and removal of matters, the merging of the two sections and amendments to directional wording was predominantly based on the view that these changes represent a substantial shift in the purpose of the RMA away from environmental protection and sustainable management and towards unsustainable economic development.

Specific concerns raised included the degradation of the quality of life of New Zealanders, and the fact that the New Zealand economy relies heavily on its natural resource base, which could be compromised without adequate environmental protection. The potential continued degradation of freshwater bodies for recreational purposes, the importance of New Zealand's natural environment for the tourism industry, and the value of the 'clean and green' brand exports were also raised as serious concerns about the reform package.

Submissions from NGOs, environment groups and community groups also addressed proposals that were considered to have a negative impact on the process of participatory democracy. Specifically, the proposal to clarify and extend central government's ability to direct plan changes was opposed by 88 per cent of submissions from NGOs, environment groups and community groups that addressed it. Similarly, proposal 3.3.5 to limit the scope of participation in consent conditions and appeals was opposed by 89 per cent of those that addressed it.

Apart from the proposal outlined above, fewer than half of these submissions addressed proposals relating to planning and consenting. Those that did tended to be more opposed to those proposals that would limit the role of the Environment Court (eg, 3.2.3, 3.3.6 and 3.3.9) and more supportive of those to increase the transparency of consent fees (3.3.7) and prevent land banking (3.3.10).

Fewer than half of the submissions from non-government organisations, environment groups and community groups addressed the proposals relating to the management of natural hazards, enabling Māori participation, or improving local government accountability measures. However, among those that did, the majority expressed unreserved, partial or conditional support for them.

Summary of submissions from iwi, hapū and Māori organisations

Fifty-nine per cent of submissions from iwi, hapū and Māori groups opposed or had serious concerns with the proposed changes to sections 6 and 7. This was

predominantly on the basis that these amendments would compromise environmental protection and sustainable management under the RMA. A further 17 per cent indicated partial support for the proposal. Several of these submissions noted that, as phrased under the proposed s 6(1)(e), kaitiakitanga appeared to be classified as a form of taonga – which is inaccurate. On these grounds, it was suggested that kaitiakitanga should remain a separate matter.

Seventy per cent of these submissions addressed the proposal for a single resource management plan based on a standard template. Forty-six per cent of those that addressed it indicated partial support, and a further 21 per cent indicated unreserved support. Several submissions supported a single plan on the basis that it could create more opportunity for the engagement of tangata whenua in planning processes. However, many also recognised that more work is required on the details of the proposal to ensure its successful implementation.

The proposal to enable more effective Māori participation in resource management planning was addressed in 88 per cent of these submissions. Opinions were divided, with 20 per cent of these submitters indicating unreserved support, 40 per cent partial or conditional support, and 11 per cent opposition or serious concerns; 29 per cent did not express a clear position.

A general theme emerging from iwi, hapū and Māori groups was that although there is support in principle for better engagement of Māori in resource management processes, the proposals do not go far enough to achieve this. For example, several submissions suggested that greater statutory weight should be given to iwi management plans under council processes, and that resourcing should be made available to facilitate Māori engagement. Some submitters made further suggestions for amendments that would require greater involvement of Māori/iwi, both during the planning stages and in day-to-day resource management. A number of submissions stated that Māori participation should not refer to ‘iwi’, which narrows the scope of participation, but to ‘Māori’ or ‘tangata whenua’ more generally.

Analysis of existing issues and opportunities for improving resource management

Seventy-five per cent of unique submissions and 99 per cent of all submissions addressed issues relating to improving the resource management system, as identified in chapter 1 of the discussion document. Eighty-four per cent of these submissions responded to the question regarding whether the correct issue and opportunities had been identified.

Issues and opportunities were addressed in text from all four campaigns. These all expressed general opposition to the suggestion that New Zealanders' values have significantly changed since the enactment of the RMA and concern at the potential impacts of the proposed reform package.

Across all submissions, the majority of comments that were made in relation to this chapter were expressions of concern that the issues and opportunities, and the proposals derived from them, did not appear to be based on sufficiently robust or detailed analysis. Submitters were also concerned that there was an absence of reliable evidence – beyond anecdotes and case studies – for the statements made. Such concerns were evident irrespective of the submitter's position regarding the intent of the discussion document.

The 13 per cent of unique submissions that both addressed the issues and opportunities identified in the discussion document and expressed clear agreement with them focused on a handful of key areas. The following opinions were evident across this group.

- The RMA focuses too much on environmental protection, to the detriment of economic and social benefits.
- RMA processes are overly complex and cumbersome (this was noted especially in comments made by local government).
- More central direction is needed across the resource management system (this was noted especially in comments made by business).
- The environmental governance and decision-making to date has been *ad hoc* and inconsistent.

Fifty-eight per cent of submitters disagreed that the correct issues and opportunities relating to the RMA had been identified in the discussion document (95 per cent including campaign submissions). The extent of disagreement from submitters varied greatly: from those who suggested there were additional issues that had not been considered, to those who were highly critical of the perceived change in direction and purpose the RMA would undergo as a result of the proposed reforms. Following are some of the key concerns expressed by these submitters.

- The proposed changes will undermine environmental quality and will make the RMA too “development focused”.
- Contrary to the idea posed in the discussion document, the core values of New Zealanders have not fundamentally changed since the introduction of the RMA in 1991.
- The proposed changes will undermine fundamental democratic principles.
- The proposed changes will make the RMA overly focused on short-term benefit, to the detriment of long-term sustainability.
- Some of the problems have been exaggerated, especially in relation to the proportion of consents that are fully notified and cases referred to the Environment Court. The general feeling among these submitters is that the real impact of costs and delays associated with these processes is much less than suggested in the discussion document.

The remaining 30 per cent of unique submissions either indicated partial agreement with the issues and opportunities raised (20 per cent) or did not express a clear position (10 per cent).

Analysis of greater national consistency and guidance

Proposal 3.1.1: Changes to the principles contained in sections 6 and 7 of the RMA

This was the most commented-on proposal in the discussion document, addressed in 73 per cent of unique submissions and 99 per cent of total submissions. The proposal generated opinions both for and against different aspects of the suggested changes from across the full spectrum of submitters.

This proposal was addressed in text in all four campaigns. These all expressed serious concern or opposition in relation to most aspects of the proposal. Overall, 68 per cent of the unique submissions that commented on the proposal expressed opposition or serious concern regarding it. This figure increases to 99 per cent when form submissions are included.

Many of those opposed to the proposal were concerned that the amendments would increase uncertainty regarding resource management decisions as a result of less directive wording and the need to establish new case law around interpretation. There was also significant concern that the proposed changes would result in lowering standards for New Zealand's "environmental bottom line" (Royal Forest and Bird Protection Society – Wellington Branch, #9588), and consequential ecological and natural resource degradation.

Nine per cent of unique submitters who commented on the proposal indicated unreserved support. The majority of the remaining 23 per cent of submitters supported some aspects of the proposal but had reservations about others.

Areas discussed by submitters generally focused on five key aspects of the proposed changes. These are analysed individually below.

Merging current sections 6 and 7

This proposal was generally supported by councils because it aligns with current interpretations adopted by the Environment Court. It was also generally supported by businesses, especially those involved in building and development, infrastructure provision, and energy production and transmission, who indicated that the removal of the hierarchy better reflects the importance of the built environment and the social and economic issues addressed by matters in the current section 7.

Foodstuffs NZ (#9524) stated that the "separation of section 6 and section 7 has led to environmental matters being given importance over social, economic and cultural considerations". In addition, Contact Energy (#9555) argued that

All the factors that should be considered by the decision maker should be in one section and should include nationally important principles drawn from the full range of wellbeings (social, economic, cultural and environmental) that constitute sustainable management in section 5.

This proposal was strongly opposed by submissions that perceived it as reducing the importance of environmental matters in favour of those with “short term private interests” (submitter #5017); or as lowering the standards of national “environmental bottom lines” and thus fundamentally altering the purpose of the RMA. From the perspective of many submitters opposing this proposed change, elevating the relative consideration that would be given to energy, infrastructure and urban environments, in combination with the addition and deletion of particular matters (discussed below), will fundamentally change the RMA from an “environmental protection act” to an “economic development act” (Greenpeace form submission, #5024).

Some submissions were concerned that the removal of the hierarchy would “result in the loss of the significant body of case law available to the parties and decision makers; and will create years of uncertainty as litigation on the new section 6 proceeds” (Central Otago District Council, #9024). Submitter #389 thought that the weakened hierarchy “introduced confusion not clarity”.

Many iwi submissions that opposed the proposals indicated concerns about merging the existing sections 6 and 7. Following are some of the reasons given.

- It would diminish the importance of provisions of particular importance to Māori that secure the position of tangata whenua in resource management (Te Arawa River Iwi Trust, #10346; Waikato-Tainui Te Kauhanganui Incorporated, #9583).
- It would create new tension within section 6 (Te Whare Tapu o Nga Puhi, #8035). It was noted that the benefits of infrastructure are easier to identify than the loss of kaitiakitanga and other values of importance to iwi.
- The relative importance of environmental matters in decision-making will be reduced (Te Arawa River Iwi Trust, #10346).

Addition of new matters to section 6

Considered in isolation from the other proposed changes, many submitters supported the additions. Two Degrees Mobile (#9573) said that the addition of infrastructure “will ensure that the positive economic and social effect of network infrastructure ... is considered throughout New Zealand’s RMA framework”.

Submitters who opposed the addition of matters relating to the built environment and provision of infrastructure generally did so because of concerns that this would reduce the importance of environmental matters under the RMA, particularly in the context of having merged sections 6 and 7. The submission from the Environmental Defence Society (#9560) outlines the rationale behind this concern:

In many projects there is a conflict between the benefits and a section 6 matter: for example, the provision of infrastructure may conflict with the protection of the natural character of the coastal environment ... The benefits that ... an infrastructure project will provide are often able to be easily quantified. On the other hand losses to a value such as natural character are difficult to quantify and, because natural character is a finite resource, in some respects cannot be quantified. However, there is a natural tendency for decision-makers to favour outcomes which are quantifiable.

The majority of submitters supported the addition of natural hazards as a matter for consideration under section 6, although several indicated that the wording could be improved. Environment Canterbury (#9582) suggested that the new risk section be redrafted to read “risk of natural hazards” or “likelihood and impacts of natural hazards”.

Some councils suggested alternative wording for the urban / land supply provision. A number of councils, planners and businesses proposed that the wording be amended to account for “urban design” rather than just expansion. Auckland Council (#10312) noted that built environments need to “respond to the identity of a place ... support increasingly diverse communities and cultures, ... integrate into the wider surroundings ... and ... encourage the efficient use of resources”. It also argued that “urban expansion is only one method of dealing with the availability of land and housing supply”.

Many councils expressed concern that ‘urban expansion’ could be interpreted as being either the sole focus of the provision or a mandatory requirement under the RMA, which would not be appropriate in many districts of New Zealand.

Some iwi, including Te Arawa River Iwi Trust (#10346) and Tainui Te Kauhanganui Incorporated (#9583), opposed the addition of matters relating to urban environment and infrastructure. The introduction of these matters was generally perceived as risking reducing the importance of those environmental and cultural matters important to Māori. It was also noted that urban and infrastructure matters are easier to measure and observe than many environmental ones, which may create tensions in terms of how well different matters could be recognised and provided for.

Deletion of matters from current section 7

Many submitters who commented on this aspect of the proposal were strongly opposed to the deletion of these matters. Many of their submissions considered that removal of some or all of these matters would undermine the purpose of the RMA by limiting the opportunity for consideration of environmental issues in decision-making.

Particular concern was raised regarding the deletion of the ‘amenity values’ matter, which many submitters perceived as a threat to core aspects of New Zealanders’ way of life and/or important sectors of the economy, especially domestic and international tourism. Among submissions from individuals and NGOs, this opinion was especially prevalent in submissions from those who expressed interest in outdoor pursuits.

Some councils and planning practitioners, while indicating overall opposition to the deletions, were particularly strongly opposed to the deletion of ‘amenity values’ and ‘quality of the environment’ because they considered these were of particular importance in justifying many of the decisions made in making plans. For example, Auckland Council (#10312) argued that this proposed change would “undermine important planning mechanisms used by the Council to ensure good planning outcomes that are aligned with community expectations for their city and neighbourhoods”. Matamata-Piako District Council (#9508) stated that “amenity values and the quality of environment are the cornerstones of district planning but not seen as being of national importance”. In addition, Porirua City Council (#9023) stated:

The historical absence of natural hazards as a consideration within sections 6 and 7 is an example of how difficult it is for local authorities to recognise and provide for something that is not specifically listed. This demonstrates that it is not sufficient to rely on the provisions of section 5 of the Act to plan for important environmental matters, and should serve as clear warning at the proposed removal of the other section 7 matters.

In addition, several submitters expressed concern that the retention of kaitiakitanga, but not the “ethic of stewardship”, creates “an imbalance if kaitiakitanga applies only to Māori values” (Tasman District Council, #9020). Submitter #8051, who opposed the loss of the ethic of stewardship, argued that “New Zealand should lead the way in this area, by example and through deliberate intent”.

By contrast, many of the submitters who supported the removal of these matters from Part II expressed the view that in the absence of these provisions “overall balance is still provided by s5, which I understand will not be changed” (submitter #379). A number of organisations, such as Horticulture New Zealand, supported the proposed deletions on the grounds that this would bring an end to local “amenity provisions” that “prevent the use of rural land from changing in a manner that has supported

innovating farmers to develop the range of rural production activities present in New Zealand today” (#9570).

Amendments to wording

The majority of submissions that addressed the proposed changes to directional wording in the suggested section 6 opposed them.

Many expressed opposition to amendments to sections 6(b) and (c) to protect only “specified” outstanding landscapes and habitats. This opposition was on the basis that it would limit the areas that could be protected under the Act. Several submitters, including #5006, noted that there would be considerable “confusion over what is significant [as the] definition is not ... mentioned anywhere”. This would create significant potential for new litigation to determine what would be considered under the new terminology.

Opposition to the introduction of the term “significant” to these sections was noticeably stronger in relation to the protection of habitats than for landscapes or natural features. A number of submitters noted that habitats that would not necessarily be considered ‘significant’ could still support important species and ecosystems.

Many submitters also opposed the deletion of reference to existing wording that directs how plans must provide for the “maintenance and enhancement” of public access and the “protection” of historical heritage. This opposition was generally on the basis that the absence of these words, and their replacement with “importance” and/or “value”, would weaken decision-makers’ obligations to protect these matters. The Fish and Game campaign text explicitly referred to its opposition to the “removal of specific reference to ‘protect’, ‘preserve’, ‘maintain’ and ‘enhance’ from Section 6 and 7” (#6513).

Horticulture New Zealand (#9570) supported the addition of considering the benefits of the use and development of resources, and suggested this proposed change would be strengthened by the addition of recognising “the benefits of production”.

New ‘Methods’ section 7

The majority of submissions that commented on this proposal (predominantly councils) did not support it. Key concerns revolved around the question of whether methods for achieving the purpose of the RMA are suitable for inclusion within Part II, or even in the Act at all.

Environment Southland (#9005) suggested that the contents of this proposed section are examples of existing good practice adopted by local government, and as such may be more appropriately legislated for in Part III of the RMA, ‘Duties and Restrictions’. Several councils also expressed the view that the matters addressed in the proposed

section 7 are already provided for elsewhere in the RMA (Waimakariri District Council, #9589; Matamata-Piako District Council, #9508).

Submitter #379 noted that the matters listed in this section “may represent existing best practice, but aren’t of a nature that could be legally challenged or enforced.” This opinion was echoed by a number of other supporters, including Taranaki Regional Council (#8034). Submitters were also seriously concerned that these methodological requirements cannot be easily or clearly demonstrated, and that including them in legislation would create potential for new litigation (for example submitter #9069).

Particular concern was raised about proposed sections 7(3) and 7(5). Some submitters, such as WWF-NZ (#10358), questioned whether these could be considered “process issues” that would apply to a methods section, or whether they should be dealt with separately to the other issues covered in this section. However, Dairy NZ (#9506) recognised the benefits of sections 7(3) and 7(5) in “addressing the fundamental tension that has always been present in the RMA when managing voluntary conservation and the delivery of public benefits through actions undertaken by private individuals”.

Additional concerns regarding the 7(3) provision for voluntary compensation or offsetting was perceived by some submitters, including Friends of Nelson Haven and Tasman Bay (#13822), as potentially detrimental to the environment. This was generally on the basis that off-setting schemes have not been demonstrated to successfully reduce or prevent ecological degradation.

Several issues were also raised about proposed section 7(5). These included questions as to how it could be enforced, and concerns that the meaning and implications of the provision were not clear. For example, Transpower New Zealand (#9557) stated its concern regarding the “impacts of any method that requires a balancing of public and private interests in land” and recommended “that its inclusion in the RMA be carefully considered to ensure that there are no unintended consequences for application of Electricity Act access, Public Works Act compensation and NPSET implementation”.

Proposal 3.1.2: Improving the way central government responds to issues of national importance and promotes greater national direction and consistency

This proposal received conditional or full support from the 46 per cent of submitters who addressed it. Forty-five per cent of submitters either opposed or had serious concerns about the proposal. The remaining 9 per cent of submissions that addressed the proposal did not express a clear opinion.

In general, submitters supported the opportunity for clarification of the use of existing tools for central government's response to matters of national importance. A high proportion of submitters in support recognised the need for greater direction of how and when each national tool or combination of tools would be used and consistency in regards to issues of national importance. The Fertiliser Association of New Zealand (#10351) noted that an "NPS is ... one example of a process for non-urgent issues with high degree of consultation".

The key opposition to the proposal related to streamlined processes and the extension of powers for ministerial intervention. For example, Westfield NZ (#10325) "Opposes the use of streamlined process for proposed rules unless it is very carefully circumscribed and used only in specific situations". Concerns relating to the ministerial intervention tool are discussed in more detail below.

Many submitters were reluctant to take a firm stance on this proposal because they felt the details for its implementation were unclear, which meant it was not possible to fully assess the potential effects and implications. The Employers and Manufacturers Association (Northern) Inc (#9586) suggested that policies that gave more power to central government in relation to local government could create "fertile ground for dissension and possibly dysfunction". Many submitters felt the proposal would benefit from further analysis and clarification of what the relevant amendments would entail.

Proposal 3.1.3: Clarifying and extending central government powers to direct plan changes

This proposal was addressed in text from the Greenpeace, Green Party, and Forest and Bird campaigns. These all expressed opposition to the proposal.

The proposal was opposed by 75 per cent of the unique submissions that addressed it (99 per cent of all submissions that addressed it, including form text). The vast majority of these submissions argued against extending the Minister's power over the content of plan changes and giving the Minister the ability to direct specific changes without a full consultation process. There was concern that this would restrict the ability for communities to determine resource management practices through council decision-making, and would undermine citizens' democratic rights. In addition, there was concern that these powers could create the risk of local planning decisions becoming politicised (submitter #5020; Greenpeace, #13813).

A number of submissions expressed the view that central government already has sufficient opportunity to influence plan content, either through existing s 25A (Dairy NZ, #9506; Progressive Enterprises Limited, #10332), or through NPSs and NESs (TrustPower Limited, #9523, #451). Foodstuffs New Zealand (#9524) stated that:

Central government intervention risks undermining the intent of the current regime to allow local communities to manage their own resources in such a way that meets the local community needs and any power to intervene must therefore be exercised with appropriate caution and safeguards.

Some submitters (eg, Federated Farmers #10340) expressed conditional support for the proposal, suggesting that there needs to be strict and transparent criteria around the use of these powers.

Unreserved support for these proposals was expressed by fewer than 13 per cent of the submitters who commented on them. Generally these submitters supported the cohesion that this proposal will produce between local and national policy; that councils need to be provided with more governance; and that the powers of central government need clarification. A number of submitters in support perceived this proposal as an extension of powers that already exist in the Act.

Proposal 3.1.4: Making NPSs and NESs more efficient and effective

This proposal received significantly less attention from submitters than the others in the ‘National consistency and guidance’ section of the discussion document, with only 34 per cent of unique submitters addressing it.

This proposal was addressed in the Forest and Bird campaign, which indicated partial support. It was also addressed in the Green Party campaign, where “prioritising NPSs and NESs” was supported. This has been interpreted as ‘unreserved support’.

The response from submissions that addressed the issue was generally in favour of more and better use of these tools, with 63 per cent expressing partial, conditional or full support for the proposal (79 per cent including form submissions). Twenty-eight per cent did not support the proposal, and the remaining 9 per cent did not express a clear position.

Submissions that were in favour of the proposal generally supported a streamlined process (provided that meaningful consultation is maintained) and a combined process. Waikato Regional Council (#9515) commented that:

With two instruments open at the same time and subject to the same decision making process, an integrated approach can be taken and then the respective elements can be identified and placed in the appropriate [policy or planning] document.

Overall, the reaction to regionally or locally targeted NPSs and NESs was less positive. Several submitters appeared to be concerned that this change would tip the balance of power towards central rather than local government (submitter #453; The Catalyst Group, #10367). Others considered amendments for local targeting to be unnecessary because “in practice, regions already naturally interpret their local level of relevance to the NPS or NES” (WWF-NZ, #10358).

Although significant support was expressed for improvements in the efficiency and effectiveness of NPS and NES implementation in principle, several submitters were concerned that the introduction of a three-year agenda for matters to be addressed using these tools would risk politicising issues of national importance – depending on the process adopted for setting this agenda.

Beyond the suggested additional matters in sections 6 and 7, are there any matters of national importance that should be covered in Part II of the RMA?

This question was answered by 15 per cent of submitters. Of these, 18 per cent indicated that there were no additional matters that should be covered in Part II of the RMA. Suggestions for additional matters were wide ranging, but those most frequently referred to included provision for urban design, encroachment of development on rural land, and soil quality.

What matters should additional NPSs and NESs cover?

This question was answered by 12 per cent of submitters. Of these, 11 per cent indicated that there were no additional matters that should be covered in NPSs and NESs. Suggestions for additional matters were wide ranging, but those most frequently referred to included policies and standards for indigenous biodiversity (12 per cent of submitters that answered the question), climate change (8 per cent), urban design (8 per cent), forestry (4 per cent) and soil quality.

Analysis of fewer resource management plans

Proposal 3.2.1: Require single resource management plans using a national template that would include standard terms and definitions

This proposal was addressed in the Forest and Bird and the Green Party campaign forms, both of which indicated support for a standardised structure and definitions for plans. This was interpreted as ‘unreserved support’.

Forty-five per cent of unique submissions addressed this proposal, and 39 per cent of these supported it. Counting form submissions, 54 per cent of those that addressed the proposal supported it. Support was mainly on the basis that the adoption of templates and standard definitions should increase consistency across planning documents. Some of these submitters also indicated that they felt it would make plans more accessible and easier to comprehend (Rotorua District Council, #10316). Thirty-six per cent of submitters expressed partial or conditional support, or did not hold a clear position, and the remaining 25 per cent of submitters opposed the proposal.

Eighty-five per cent of business and industry submitters addressed this proposal. Of these, 47 per cent indicated unreserved support and 35 per cent indicated partial or conditional support. Twelve per cent of these submitters were opposed to, or had serious concerns with, the proposal.

Ninety-one per cent of local government bodies addressed the proposal, and 10 per cent of these indicated unreserved support for it. Predominantly, councils indicated provisional or conditional support (47 per cent of local government submitters that addressed the proposal). Twenty-eight per cent of councils were opposed to, or had serious concerns with, the proposal.

The submissions that expressed partial or conditional support included several that supported the proposal in principle but had reservations about its implementation. Of particular concern was the five-year timeframe for the development of the template plan: this was considered too short. Many submitters drew attention to the fact that considerable time and effort had been invested in the development of current first- and second-generation plans, and that a single plan structure should not undermine or disregard this.

In addition, a number of councils argued that integrated planning is an example of existing best practice and is not necessarily appropriate for inclusion in legislation. These and other councils advocated that this proposal should be progressed as a voluntary option (potentially supported by non-regulatory guidance) as opposed to a

statutory requirement. A number of councils also advocated the adoption of an online platform for planning documents as an approach to making them more accessible.

Two non-government submitters (WWF-NZ and Fonterra) suggested that single resource management plans by region would be more effective than those implemented by district.

Twenty-five per cent of those submitters who addressed the proposal either opposed it or expressed serious concerns. These submitters generally felt that combined/integrated planning documents could not adequately account for local variation. Many who did not support the proposal were also of the view that a single plan approach would not provide any material benefit to the development and operation of plans, and some felt that it would actually make them more difficult to use. The concern about the five-year implementation timeframe was also prevalent among these submitters.

Proposal 3.2.2: An obligation to plan positively for future needs, including land supply

Thirty-three per cent of submitters who addressed this proposal expressed unreserved support, and many noted that forward planning has often been overlooked in the past. Of the submitters who addressed this proposal, 38 per cent opposed it, while another 16 per cent expressed partial/conditional support and 13 per cent did not state a clear position. These submitters generally suggested that there is a need to better define what constitutes a 'future focus'.

A number of councils and non-government submitters raised the issue that land supply is not a problem in all parts of New Zealand and there is no need to provide for/encourage urban growth in these areas.

Councils raised a number of concerns with this proposal. These included the need for the proposal to be aligned with provisions under the Local Government Act 2002 in order to achieve its objective, and the view that 10 years is not long enough to constitute the 'future', and a 20- or 50-year focus would yield greater benefit. They also noted that land supply is determined by a number of different factors, many of which are beyond the scope of the RMA.

Some councils, including Hawke's Bay Regional Council (#10352) and Rotorua District Council (#10376), noted that they are already engaged in future-focused planning.

Proposal 3.2.3: Enable preparation of single resource management plans via a joint process, with narrowed appeals to the Environment Court

Fifty-one per cent of the submissions that addressed this proposal opposed it, 21 per cent expressed partial support, and 20 per cent indicated unreserved support.

The majority of submitters opposing the proposal referred to the limitations on appeals, while those expressing partial support were in favour of adopting a joint process but did not support limiting appeal rights to the Environment Court. A common response from submissions that did not support the proposal was that they believed it signalled a rolling out of the Auckland Unitary Plan process across New Zealand, which would not be suitable for other areas of the country. This view was expressed in the Forest and Bird campaign.

A number of councils – including Horowhenua District Council (#9541), Mackenzie District Council (#9511) and Thames-Coromandel District Council (#9543) – opposed the introduction of mandatory hearings panels.

NGOs and iwi/Māori groups expressed particular concern that this process would not sufficiently account for local variation. Local Government New Zealand (#9552) suggested that better incentives would be required to encourage the adoption of joint processes.

Submitters generally supported this proposal on the basis that it will reduce complexity in planning documents and lead to a more unified approach to planning. A number of submitters in support stated that it would encourage communities and businesses to engage early in the plan-making process and avoid drawn out litigation on outlying concerns raised by determined submitters. Waikato District Council (#9002) stated the three Wairarapa district councils have clearly demonstrated that it is possible to prepare a single integrated plan and that is a positive example for other councils to follow.

Proposal 3.2.4: Empower faster resolution of Environment Court proceedings

Fifty per cent of submissions that addressed this proposal indicated unreserved support for it. It was generally perceived to be a “practical and low risk” means of improving the efficiency and effectiveness of the Environment Court (Todd Energy, #9544). This view was also expressed in the Forest and Bird campaign. The majority of submissions that supported this proposal were strongly in favour of ‘electronic media’ and strengthening provisions for alternative dispute resolution and mediation. Federated Farmers (#10340) stated that “alternative dispute resolution is a key tool in retaining an accessible alternative method to resolving resource management

problems as well as retaining the ability for individual landowners to continue to participate in the process where an appeal relates specifically to their property”.

Nine per cent of submitters indicated partial or conditional support or did not express a clear position. The reservations from submitters expressing partial or conditional support revolved around the possibility of changing or reducing the Environment Court’s powers, which was not perceived as being beneficial. Westfield NZ Ltd (#10325) supported “local decision making on resource management plans, but believes that it is important for the Environment Court to retain ultimate oversight”.

Thirty-six per cent of submitters opposed the proposal or expressed serious concerns. Many of the submitters who opposed the proposal did so on the grounds that only a small minority of plan and consent cases reach the Environment Court.

Do you agree with our assessment that better-quality plans and plan-making processes would significantly reduce costs and delays, including those associated with consenting and appeals?

Fourteen per cent of submitters answered this question. Of these, 56 per cent agreed that better planning would significantly reduce costs and delays. Many indicated that this was because it would form the basis of a more efficient system and that better plans should reduce appeals. A number of submitters noted that better quality plans will reduce costs and delays, and that important tensions between different community values would be resolved up-front in the plan-making process.

Twenty-one per cent disagreed with the assessment in the discussion document. Fifty per cent of these submitters gave reasons for their answer. Some of these submitters disagreed on the basis that faster decisions did not necessarily mean better decisions, while others disagreed that the proposed changes would lead to better or more efficient planning processes.

Eight per cent of submitters who addressed the question agreed in part, and the remaining 10 per cent did not state a clear position.

Who should be responsible for making final decisions on resource management plans?

Eleven per cent of submitters answered this question, the majority of whom either thought that councils should be responsible for making final decisions on resource management plans or that the Environment Court should. A number stated a preference for both of these institutions playing a role in decision-making as a way of ensuring checks and balances.

Analysis of more efficient and effective consenting

Proposal 3.3.1: A new 10-day time limit for straightforward non-notified consents

This proposal received mixed reactions from submitters. Local government had a stronger tendency to oppose the suggested change, and business and industry organisations were more likely to support it. Overall, 47 per cent of unique submissions that addressed the proposal did not support it. Thirty-two per cent indicated strong support for the proposal, while 11 per cent indicated qualified support – including those that contained text from the Forest and Bird campaign.

The majority of submissions that strongly supported the proposal identified areas requiring further consideration and development to ensure its successful implementation. Some of the submitters who are likely to be consent applicants (businesses, infrastructure providers and individuals) indicated that this proposal would increase the speed and clarity of the consent process. This view was shared by submitters who provided full or partial support.

In particular, submitters who unreservedly supported the proposal noted that clear criteria for determining what constitutes ‘straightforward’ consents need to be carefully developed, and they recognised that to achieve this would be a significant challenge. Submitters considered that these criteria should include what types of activities are to be processed within the time limit, who is considered to be an affected party, and which applications require affected party approval. The absence of these would create a risk of liability for councils. Telecom (#9585) and Thames-Coromandel District Council (#9543) suggested that such criteria could be incorporated in a template plan (as referred to in proposal 3.2.1).

Some concern was also expressed about ensuring that councils have sufficient capacity and capability to put the proposed system into practice, and affected parties have sufficient opportunity to participate in the consenting process. Approximately 19 per cent of submissions that opposed the proposal suggested that shorter timeframes for processing consents would lead to a reduced quality of decision-making, including those from Te Runanga a Iwi o Ngapuhi (#9566) and three of the regional Fish and Game Councils (#10313, #10315 and #13808).

Many submissions that did not express support for the proposal outlined several key areas of concern. These included the challenge of determining criteria for straightforward consents; whether councils have the resources to implement them; and whether the proposed approach would allow for adequate public participation.

Submitters opposed to the proposal were broadly of the opinion that the suggested measures would increase pressure on council resources, with no material benefit in terms of processing efficiency. For example, various councils, including Napier City Council (#9521) and Otago Regional Council (#9026), as well as New Zealand's three major Oil Companies (Z Energy, BP and Mobil, #9569), indicated that the proposal would divert planning staff from other important work and add further complexity and additional administrative function, taking away from the core function of RMA responsibilities. A range of submitters, including Vodafone (#9581), Mackenzie District Council (#9511), Beca Ltd (#9516) and the Upper Clutha Environmental Society (#377), suggested that pressure to increase the speed of reaching decisions would adversely affect the quality of those decisions.

In addition, Local Government New Zealand (#9552) suggested that the difference between 10 and 20 working days is not necessarily significant for the majority of consent applicants but has the potential to cause difficulty for councils. The Poultry Industry Association of New Zealand Inc and Egg Producers Federation of New Zealand Inc (#10393) argued that, from their experience, "there are very few 'complete' applications that would qualify... [And the proposal] is unlikely to actually reduce overall time taken to obtain resource consents".

Proposal 3.3.2: A new process to allow an 'approved exemption' for technical and minor rule breaches

Thirty-four per cent of submitters addressed this proposal, and opinions were divided over the impacts of the proposal. Fifty-six per cent of submitters who addressed the proposal expressed opposition or serious concerns – including those who were part of the Forest and Bird campaign. Twenty-six per cent indicated unreserved support for the proposal, while 18 per cent either expressed conditional support or did not give a clear position.

The general feeling among opposing submitters appeared to be that these measures would increase complexity and reduce clarity around RMA processes. In addition, they would allow activities to occur that would eventually impose high public costs through the cumulative degradation of resources. The Ngaa Rauru Kii Tahī and Rangitaane o Manawatu and Ngati Rangi Trust (#9559) felt that setting standards that allowed for certain areas of non-compliance is a risk, and they stated that "a breach is a breach and should be considered as such".

The majority of submitters in support of this proposal did not state a clear reason why. Those that did state a reason, perceived it as significant improvement that would provide for flexibility in the practical application of consents. Generally, those in support still had reservations about the development and implementation of the

proposal. The majority of these submitters noted that clear assessment criteria need to be developed, along with careful consideration of what is considered to be ‘minor’ and the types of activities this proposal could apply to. Beef and Lamb New Zealand (#10343) cautioned that “legislators should be wary of the possibility that permitting technical and minor breaches will lead to creep”. It was suggested that central government work closely with local authorities to set categories and criteria that would be appropriate. Concern was also expressed about the charging mechanisms that would be available for councils to explicitly provide for cost recovery in granting such an exemption, to ensure costs are not cross-subsidised by ratepayers (Federated Farmers, #10340, #9006).

The proportion of submitters in support of the proposal was significantly higher among business and industry submitters, 65 per cent of whom addressed the proposal. Within this group, 62 per cent expressed unreserved support for it. The proposal is perceived by these submitters as a very practical solution for activities that are nearly permitted but still have to go through the time consuming consent process.

In general, councils both supporting and opposing this proposal noted that one day is not a realistic timeframe for determining whether a technical or minor rule breach is eligible for an approved exemption.

There was significant concern from submitters both supporting and opposing the proposal that this proposal will expose councils to judicial review.

Proposal 3.3.3: Specifying that some applications should be processed on a non-notified basis

Sixty-one per cent of submissions that addressed this proposal opposed it. Twenty-five per cent of submitters expressed unreserved support: these were mostly businesses and generally did not state the reasons for their support. Fourteen per cent of submissions that commented on this proposal expressed conditional support 4 per cent or did not state a clear position 10 per cent.

Many submissions that opposed the proposal expressed concern that it would reduce local control over resource management decisions. Some submitters also felt that the RMA already sufficiently provides for this process, making legislative change unnecessary.

Submitters opposed to the proposal were broadly of the opinion that it is unjustified. Reasons for this opinion included:

- few applications are notified
- there are other ways to achieve similar outcomes

- this is already provided for in the RMA
- directing non-notification can be achieved through a national environmental standard.

Submitter #389 expressed concern with the proposal and stated that “any proposed activity which involves public space, especially Coastal Marine Area, must be notified”. Another concern expressed by those in opposition was that central government is too far removed from communities to make these decisions. Also, Christchurch City Council (#10365) stated that “regulation directing non-notification as a nationwide standard for some activity types carries with it the risk of denying potentially affected parties any input”.

Several submitters opposed this proposal and requested that it be removed, without providing a reason why.

A number of submitters who expressed unreserved support for the proposal said they supported it because it would reduce unnecessary litigation in the process. Sixty-two per cent of business and industry submitters who addressed this proposal expressed unreserved support.

Submitters who indicated conditional or partial support, or who did not express a clear position, tended to have concerns that clear guidelines are needed to clarify which activities this proposal will cover and which it will not. Submitters both for and against this proposal expressed the need for decisions to be made locally.

Proposal 3.3.4: Limiting the scope of conditions that can be put on consents

This proposal was addressed in text from the Greenpeace and Green Party campaigns, both of which expressed opposition to it.

Sixty per cent of unique submissions that addressed this proposal opposed it (99 per cent including form submissions). Twenty-three per cent indicated unreserved support for the proposal and 6 per cent indicated partial or conditional support. The remaining 10 per cent did not express a clear position. Seventy-five per cent of business and industry submitters addressed this proposal, 67 per cent of whom expressed strong support.

Many submissions that opposed the proposal argued that there is no need to impose further limitations, because sufficient provision for ensuring conditions are within scope are already in place. Others opposed restricting the councils’ abilities to impose conditions that are locally relevant or appropriate.

Many submissions that objected to the proposal suggested that it would be more appropriate for central government to provide education and good guidance for setting conditions. This would encourage consistency among councils but not limit the flexibility and discretion of local authorities.

Many of those who did not express clear support for or who opposed the proposal questioned whether a problem actually existed. Many noted that there are existing tests and criteria for setting conditions, including sections 87A and 108 of the RMA, case law and the Newbury test, and that these are generally perceived to be fit for purpose. Others wanted more information on the scope of the limitations before expressing a firm opinion on the proposal.

Many submissions expressed concern that the proposal may limit conditions too much, and many submitters felt that applications need to be assessed on a case-by-case basis. Some believed that the proposal would reduce the focus on environmental effects, because it required the council to predict the range of conditions that might be foreseeable at the beginning of the process. This was not seen as a realistic expectation.

There were also concerns about limiting local input into the process, as well as limiting the flexibility of decisions that are made by local authorities. Others thought that the proposal may lead to councils classifying more activities as discretionary, or may increase the number of matters over which they have discretion or control.

Submitters who indicated unreserved support for the proposal felt that it would provide increased consistency among councils and improve clarity for applicants. Some of these submitters were concerned that the current consent process has led to inappropriate and irrelevant conditions being imposed and felt that the proposal would address these issues. Submitters in support also thought the proposal would reinforce best practice, although some were sceptical as to whether this reinforcement was required in primary legislation.

Proposal 3.3.5: Limiting the scope of participation in consent submissions and in appeals

This proposal was addressed in text from the Greenpeace, Green Party, and Forest and Bird campaigns, all of which expressed opposition to it.

The proposal received a lot of comment in comparison with many others in the consenting section. Forty-seven per cent of unique submissions addressed the issue. Seventy-one per cent of submitters opposed the proposal (99 per cent including form submissions), 16 per cent indicated strong support, 8 per cent indicated partial or conditional support, and the remaining 3 per cent did not express a clear position.

Opposition to the proposal was largely based on the grounds that it would restrict the ability of affected parties to be heard and would undermine the democratic process currently in place. One individual submitter (#5014) stated that “people need power over decision-making which involves their own and their children’s future”.

Submitters had different reasons for considering public participation to be important. These included promoting better-informed decisions, better public–government relations, the inclusion of iwi, the potential for more expertise to be part of the process, as well as the values of the community being considered. Other submitters were concerned that the risk of judicial review, litigation and challenge from disenfranchised potential submitters would increase significantly.

Support for the proposal was generally on the basis that it would reduce costs and delays associated with the process. Support for this proposal was more prevalent among business and industry submitters, 43 per cent of whom indicated unreserved support. A further 29 per cent indicated partial or conditional support.

Supporters of the proposal considered that it presents novel ways to reduce the costs of public consultation for small-scale developments. Supporters also felt that the proposal would improve clarity and certainty for all concerned in the process. Many thought it would make the process simpler, quicker, cheaper and more focused because it would prevent parties from submitting on consent applications where they had no involvement and were not directly affected. Some of those who supported the proposal did, however, suggest that this change would require more robust notification decisions by consent authorities.

Submissions that supported the proposal included some suggestions for improvement. These included having explicit guidance for limiting the scope of provisions, particularly in relation to content and relevance. Others suggested ensuring discretion in the RMA to allow submissions that are deemed out of scope to be considered if necessary. Another suggestion was to confine the proposal to apply only to discretionary activities under district plans.

Those who opposed the proposal did so because they believed it would increase the pressure on councils. The submission from Beef and Lamb New Zealand (#10343) suggested that the proposal relied too heavily on a “robust notification decision being made by council officers before a full examination of all the issues at the hearing”. Other submitters agreed and thought that putting this pressure on the notification stage would create significant difficulties.

Some submissions that opposed the proposal shared concerns regarding costs and also questioned whether a significant problem existed. These submitters noted that only 6 per cent of consents are notified and that the proportion of consents publically notified

has already reduced. Some questioned whether the proposal would save time, as they felt that it was just as quick to let each person have their say as to debate whether or not they were allowed to say it.

Submissions that opposed the proposal suggested instead that central government should constrain who can lodge appeals or amend section 96 of the RMA to provide clearer guidance on the format and content of submissions.

Proposal 3.3.6: Changing consent appeals from *de novo* to merit by way of rehearing

This proposal was addressed in text from the Greenpeace, Green Party, and Forest and Bird campaigns, all of which expressed opposition to it.

Sixty-four per cent of submitters who addressed the proposal in unique submissions opposed it (99 per cent including form submissions). Twenty-three per cent indicated unreserved support and a further 7 per cent indicated conditional or partial support. Six per cent did not express a clear position.

Among business and industry submitters who addressed this proposal, 27 per cent expressed unreserved support and a further 13 per cent indicated conditional or partial support.

Submitters in support of the proposal felt that it would free up court time, reduce delays and extra costs, and would likely result in more timely resolution of appeals. Submitters felt that it is more appropriate to have robust decision-making processes at the council level rather than rely on the Environment Court to conduct *de novo* appeals. Others thought that the rehearing offered the potential for improved participation and focus earlier in planning and consenting processes. However, there was also concern that the proposal would remove the incentive to bring forth new evidence or defer full involvement until the appeal stages.

Both supporters and opponents of the proposal to introduce a tribunal process stated that they needed more information before they felt comfortable providing comment or suggestions.

Those who supported the proposal suggested that training of hearing commissioners would also be necessary. Others thought that parties should have the power of cross examination at the first hearing. Because the proposal would put more pressure on councils, many noted that central government would need to provide extra funding for councils to take on the more intensive first hearing process.

Many of the submissions that addressed the proposal and opposed it were concerned that the deep legal and environmental knowledge which the Environment Court

contributed to resource management would be lost. Their position was that any loss of the Environment Court's independence, oversight, expertise and check on quality and legality of decisions would be detrimental. WWF-NZ (#10358) stated that it

is crucial that modifications and new evidence are allowed in Environment Court appeals, not least due to the fact that environmental resources are dynamic and that scientific information related to quality, monitoring and standards is constantly updated.

Other opponents were concerned that local and community input into the consenting process would be lost. Many expressed concern about increasing pressure on the first hearing, and many were concerned that the quality of first hearings was not sufficient to take on this extra pressure or increased role in the process. Submitters were also worried that the proposal would reduce appeal rights, and that plan provisions and consent applications often evolve during the appeal period.

The main reason for opposition to the tribunal proposal was that submitters considered that the introduction of another decision-making body is unnecessary, and that it would make the appeals process more complex.

Instead of a tribunal, submitters suggested that the Environment Court be directed to focus on contested evidence. Others thought that central government needs to improve resources for the Environment Court, to allow for more hearings in shorter timeframes. One submitter suggested that another way to shorten timeframes would be to appoint associate judges to deal with minor applications, consent orders and cost objections.

Proposal 3.3.7: Improving the transparency of consent-processing fees

Twenty-four per cent of submitters addressed this proposal. Fifty-eight per cent of the submissions that addressed the proposal indicated unreserved support for it, and 14 per cent indicated partial or conditional support. Twenty-four per cent opposed it. The remaining 3 per cent did not express a clear opinion.

Many of the submitters who supported the proposal suggested that it would provide more consistency among councils and greater certainty for applicants. Submitters noted that increased transparency could dispel any public suspicion surrounding council consent-processing fees and increase the accountability of councils. Many thought that the proposal would encourage greater focus, discipline and efficiency for councils when processing consent applications.

Supporters of the proposal suggested that there should be flexibility in the Act, such as a provision for councils to recover costs in exceptional circumstances. Others

suggested that the scope of the proposal be reduced to include only simple and non-notified consents, because “fixed charges work best for simple consents where councils can be sure of actual costs” (Environment Southland, #9005). Submitters also thought that supporting guidance from councils on best practice for preparing consent applications would reduce the risk of councils receiving poor-quality applications.

The main argument used in submissions that opposed the proposal was that fees should be directly related to the costs associated with processing the application. Many submitters felt that the costs of processing an application are affected by various uncertainties, including the quality of the application and the nature and number of submissions. Submitters also felt that the range of applications and resulting fees are so varied that the proposal is unworkable.

Many of the submissions that addressed the proposal and did not support it were concerned that the proposal would cause cross-subsidisation. For example, there may be a complex case that would require more resources than the fixed rate covered. This would mean that those who had a more simple case would be subsidising those with more complex cases. Westfield New Zealand (#10325) said they were “opposed to applicants for larger proposals effectively subsidising fees for minor applicants... fees should be equitable and directly related to the costs associated with processing an application”.

Some submitters who neither supported nor opposed the proposal felt that not enough information was provided on the details of the proposal, such as information about how the benchmark was going to be set (average, median or a range of costs) and whether councils would be able to waive fees for minor consents.

Proposal 3.3.8: Memorandum accounts for resource consent activities

Fifty-nine per cent of submissions that addressed this proposal expressed unreserved support for it, and a further 9 per cent indicated partial or conditional support. Twelve per cent of submissions that addressed the proposal opposed it. The remaining 10 per cent did not express a clear position.

Submitters who indicated unreserved support for the proposal supported the alignment with the Local Government Act 2002. Many thought the proposal would increase transparency, resulting in a better understanding of fee setting. The Property Council New Zealand (#13041) thought that the proposal would also “allow for comparisons across councils [and] increase accountability”. Some thought that the proposal would be likely to improve consistency across councils.

Many of the submitters who commented on the proposal and did not support it thought that it would result in an additional administrative burden for councils, because it would increase the amount of monitoring and reporting required. Some believed that the issue was with Local Government Act 2002 financial impact statements, not with councils, so felt the proposal was unnecessary. Some submitters suggested other mechanisms for reporting financials, such as increasing internal and external auditing, or creating a national template for reporting.

Proposal 3.3.9: Allowing a specified Crown-established body to process some types of consent

This proposal was addressed in text from the Greenpeace, Green Party, and Forest and Bird campaigns, all of which expressed opposition to it.

Seventy-seven per cent of unique submissions that addressed this proposal opposed it (99 per cent including form submissions). Sixteen per cent of submissions that addressed the proposal indicated strong support for it, and the remaining 7 per cent either indicated conditional or partial support 3 per cent or did not express a clear position 4 per cent.

Many of the submitters who supported the proposal did so because they believed it would take resourcing pressure off councils, increase flexibility and help timely decisions, and felt it has the potential to make decision-making more independent. Other supporting submissions indicated that a threshold should be set so that applications are only referred to the decision-making body in exceptional circumstances. Submitters also thought that this body should focus on the quality of the process, as well as timeliness.

Most of the submissions that did not support the proposal opposed the creation of another decision-making body. Many believed that the current system of call-ins and direct referrals to the Environment Court is adequate. Kiwi Income Property Trust (#9016) suggested that the Environment Court “promotes a degree of consistency in decision making at a national level while allowing for local input at the first instance hearing”. Submitters were also concerned that the proposal would have implications for the ability to implement integrated developments.

Other opponents of the proposal were concerned about moving the decision-making process from local to central government. Many felt that decisions are best made at a local level, by elected authorities. Others thought that the proposal would decrease transparency and meaningful iwi involvement.

Some submitters who neither supported nor opposed the proposal felt that not enough information was provided on the details of the proposal, especially on the scale of the consents that would be referred to this body.

Proposal 3.3.10: Providing consenting authorities with tools to prevent land banking

Forty per cent of submitters who commented on this proposal supported it without reservation, while a further 11 per cent expressed partial or conditional support. Thirty-seven per cent of submissions that commented on the proposal opposed it. The remaining 12 per cent did not indicate a clear position.

The submitters who commented on this proposal and supported it did so because they believed land banking has a negative impact on town planning and infrastructure development. Some supporters of the proposal suggested that the scope of such a tool could be limited by allowing it to be used only for nationally significant applications. Others thought that the proposal could go further by introducing penalties for not following through with development, or by establishing a national body with responsibility for managing urban expansion.

Some of the submissions that expressed conditional support indicated that land banking is a problem but did not agree that the proposal would stop land banking. Some suggested that developers will either opt not to get consents until they are ready to develop the land or they will let consents lapse and reapply for consents later. Others thought that the problem of land banking is better addressed when the subdivision is initiated by the developer. Porirua City Council (#9023) supported the proposal in principle but considered “that the proposed changes to section 223 are inadequate and will not prevent land banking or increase the number of sections being put on the market... [the proposal] is a small tool that may be of limited use”.

Many of the submissions that opposed the proposal disagreed that land banking is a problem, and some cited land banking as an example of strategic thinking and forward planning. Others that opposed the proposal suggested that it would restrict the freedom of developers to determine the economic viability of development.

Some opponents of the proposal suggested alternative tools that could be used by central government to reduce land banking. For example, central government could restrict an individual or company from owning more than 20 per cent of the vacant residential land in a council jurisdiction. Another suggestion was that central government could create fines and taxation to discourage land banking. However, submitters also suggested that central government should provide incentives for developers to develop land quickly, such as reducing the costs of consents and giving discounts on development contributions if sections are provided in a short timeframe.

Some of the submissions that neither supported nor opposed the proposal argued that not enough information was provided on the details of the proposal, especially in relation to any additional processes required and whether the decision could be appealed.

Proposal 3.3.11: Reducing the costs of the Environmental Protection Authority's nationally significant proposals process

Forty-six per cent of submissions that commented on the proposal expressed unreserved support for it, while a further 15 per cent indicated conditional or partial support. Thirty per cent of submissions that addressed the proposal were opposed to it. The remaining 9 per cent did not express a clear position.

Many of the submissions that expressed unreserved support thought the proposal would be cost effective and save the Environmental Protection Authority (EPA) time, as well as increasing the efficiency of the EPA without detracting from the rigour of the process. These submissions suggested that in addition to the proposal, the Board of Inquiry should be required to provide cost estimates to applicants in advance of the process, and to conform to those estimates. Others thought the Board of Inquiry should remain in place for a transitional period to assist councils to take over designations and/or consents, and/or plan changes approved by the Board of Inquiry, and to correct minor grammatical mistakes or other minor errors in decisions.

Submissions that indicated opposition to the proposal were mainly concerned about removing the draft decision stage of the process, and about reducing the period for commenting from 20 to 10 working days. In general, these aspects of the proposal were considered to reduce consultation and transparency.

Some submitters who opposed stopping the process if charges incurred have not been paid in full did so because they thought the cost and time pressure are already significant for applicants, submitters and the Board. Therefore, they argued, the process should not be stopped at any time for administrative reasons. Those who opposed reducing the period for commenting from 20 to 10 working days did so because they thought it was better to allow a considered review and comment on drafts. Submitters felt that a reduction would favour applicants or large-scale submitters who have the resources to focus on a shortened timeframe.

Some submitters who did not clearly either support or oppose the proposal felt that not enough information was provided on the details of the proposal, especially in relation to the costs actually faced by the EPA, so it was hard to identify whether there was a problem or not.

Analysis of better natural hazard management

Proposal 3.4.1: Learning the lessons from Canterbury

The proposal to strengthen natural hazard management under the RMA was generally supported. Thirty per cent of submissions addressed this topic and the reaction was strongly positive: 62 per cent of respondents expressed unreserved support, and an additional 19 per cent expressed conditional and/or partial support (including form text from the Forest and Bird campaign). Eleven per cent of submissions that addressed the proposal opposed it, and the remaining 8 per cent did not express a clear position.

The majority of submissions that supported this proposal were strongly in favour of increased consideration of natural hazards in development. In addition, several supported a more consistent approach to the management of natural hazards. The reservation expressed in submissions indicating partial or conditional support was that further national guidance and support would be required for successful implementation. Recurring suggestions for such guidance and support included:

- national criteria for risk assessments
- financial support from central government
- the development of an NPS or NES for the management of natural hazards
- training for local authorities
- identification of best practice examples to inform implementation.

Some submitters expressed concern at the inconsistencies in the use of the term 'natural hazard' across New Zealand legislation and felt that alignment across statutes is important; examples of legislation given were the Civil Defence Emergency Management Act 2002, Local Government Official Information and Meeting Act 2004, Building Act 2004 and RMA.

A number of submitters, irrespective of whether they supported the proposal or not, questioned how locally specific factors would be appropriately considered and how councils would be given the ability to specify hazards locally.

Several submissions expressed the view that this proposal did not go far enough to ensure adequate natural hazard management, and that the proposed measures should be strengthened.

Although there was significant support for this proposal, there were three concerns raised in the submissions that did not support this proposal. Some indicated that the measures are an overreaction to the Canterbury earthquakes. Others suggested that councils do not have the capacity to implement better natural hazard management. Finally, some suggested that natural hazards are so difficult to anticipate that planning for them is impracticable.

Analysis of effective and meaningful iwi/Māori participation

Proposal 3.5.1: Enabling more effective iwi/Māori participation in resource management planning

This proposal received relatively little comment, with only 32 per cent of submissions addressing the issue of Māori participation. Fifty-nine per cent of submissions that discussed the issue supported the proposal without reservation; 17 per cent of these also indicated areas for potential improvement. Thirteen per cent of submissions that addressed the issue either expressed conditional support. Seventeen per cent of submissions that addressed the proposal did not support it. The remaining 11 per cent did not express a clear position.

Submitters in favour of this proposal supported the intent of the proposal, which is the proposed engagement of iwi/Māori in policy development and the alignment of iwi consultation requirements. Several submitters were concerned that consultation was currently a ‘tick box’ exercise and that guidance is needed to improve the tools used. A few suggested enhancing the status of iwi management plans or providing guidance through an NPS or NES for Māori participation.

Several submitters suggested that the proposal fails to address the key factors that limit Māori engagement in resource management planning. Some identified funding (or a lack thereof) as a core problem, and suggested that central government should provide more financial support for iwi/Māori wishing to engage in these processes. Others suggested that council staff lack expertise in iwi/Māori engagement and participation. In these submissions it was suggested that council staff should be provided with the skills to effectively engage with Māori, and that they should be required to develop strong networks with iwi/Māori to provide effective participation.

Iwi/Māori submitters suggested that this proposal does not go far enough and that higher priority should be given to advice provided by iwi/Māori. A few submitters suggested that a transfer of powers and co-management should be provided. It was also noted that Treaty arrangements must prevail over any process of iwi/Māori engagement in the development of a single plan.

Councils were broadly of the opinion that there needs to be local flexibility to enable councils to establish appropriate representation at a local level. Bay of Plenty Regional Council [#9574] noted that there are 35 iwi groups and numerous hapū they consult with and argued that this proposal should accommodate councils with a high level of consultation complexity.

The most common reason given for opposition to the proposal was that there should not be separate processes for engagement of Māori and non-Māori citizens in resource management decision-making. Submitters who did not support the proposal saw this as a huge cost to the ratepayer and an erosion of democracy. Several submitters perceived this as a discriminatory proposal, as they believed that the proposed measures would give special privileges to some New Zealand citizens while limiting participation in planning and consenting processes for others.

How flexible or prescriptive should tools for iwi/Māori participation be?

Seven per cent of submissions answered this question. Opinions were generally divided over whether the tools should be more flexible or more prescriptive. Several of these submissions noted that irrespective of the final nature of the tools, Māori should play an active role in helping to develop them.

Analysis of working with councils to improve practice

Proposal 3.6.1: Improving accountability measures

This proposal was addressed by 28 per cent of respondents, among whom it was widely supported. Sixty-one per cent of submissions that addressed the proposal indicated support for improving accountability measures, and a further 15 per cent indicated partial or conditional support. Fifteen per cent of submissions that addressed the proposal opposed it, and the remaining 9 per cent did not indicate a clear position.

Many submissions indicated strong support for the increased transparency and accountability associated with this proposal. Further support was expressed for improvements to the standards of council performance, as it would enable future policy to reflect lessons learnt from past experience. However, many of these submitters also noted that the proposal is focused on process rather than outcomes, and suggested the need for more incentives and penalties for councils not meeting outcome requirements.

Opinion was divided among submitters regarding who should set the rules and expectations outlined in this proposal. Many of those in opposition indicated that expectations should be generated entirely by local authorities and the community. Those who supported the proposal generally suggested that rules should be set by central government, and that local authorities and communities should set local expectations.

Submissions both in support of and opposed to this proposal shared two concerns. The first was the added pressure additional reporting requirements would place on councils' resources. The second related to the narrow approach of these accountability measures. Some submissions suggested that the scope of requirements could be broadened to include environmental outcomes, design and quality of development, measures of participation and Māori values.

Several submitters questioned whether it is premature to develop RMA accountability measures while the Government is reviewing the wider performance of local government.

The majority of submissions that opposed this proposal did so on the basis of the additional statutory requirement implied for councils. Several council submissions expressed the view that they are already fulfilling significant reporting and performance measures, and that this proposal would be difficult to achieve due to the

limited benefits of monitoring. In addition, they noted that the proposal fails to take account of existing council initiatives.

How flexible or prescriptive should reporting requirements be?

Six per cent of submitters answered this question. Twenty-four per cent of those that did suggested that reporting requirements should be more prescriptive. Many of the remaining submissions that addressed this question did not state a clear position, but referred to the need for central government to provide support to local government in meeting the reporting requirements, and also to the benefits of these requirements being developed in collaboration with local government.

Appendix 1: Consultation meetings held

Date (March)	Type of meeting	Topic	Location	Approx. number of attendees
Mon 11	Council meeting	RM*	Dunedin	15
	Public meeting	RM		70
Tues 12	Council meeting	RM	Greymouth	20
	Public meeting			22
	Council meeting		Westport	11
	Council meeting	RM	Wellington	60
	Public meeting	Water** & RM		90
Wed 13	BoP councils meet	RM	Tauranga	40
	Council meeting	RM	Gisborne	23
	Hui	Water & RM		80
	Auckland Council staff	RM	Auckland	10
Thurs 14	Public meeting	Water & RM	Rotorua	25
	Council meeting	RM		25
	Hui	Water & RM		25
Fri 15	Public meeting	Water & RM	Invercargill	25
	Council meeting	RM		45
	Council meeting	RM	Whangarei	25
	Public meeting	Water & RM		25
	Hui			20
Mon 18	Council meeting	RM	Tauranga	20
	Council meeting			30
	Public meeting			27
	Hui	Water & RM		35

Tues 19	Council meeting	RM	Hawke's Bay	30
	Public meeting	Water & RM		80
	Hui			40
Wed 20	Council meeting	RM	Queenstown	30
	Mayor meeting			
	Public meeting			25
	Hui	Water & RM	Taupo	50
Thurs 21	Public meeting	Water & RM	Palmerston North	60
	Council meeting			50
	Hui	Water & RM	Whanganui	50
	Council meeting	RM	Hamilton	110
	Public meeting			69
	Hui			Water & RM
Fri 22	Public meeting	Water & RM	Christchurch	120
	Council meeting			80
	Hui			20
Mon 25	Hui	Water & RM	New Plymouth	35
	Public meeting			13
	Council meeting	RM only		50
	Public meeting	Water & RM	Auckland	75
	Hui			20
Tues 26	Council meeting	RM only	Nelson	40
	Public meeting	Water & RM		51
	Hui			19
Wed 27	Hui	Water & RM	Wellington	40

*Public consultation on the proposals outlined in the “Improving our resource management system” document

** Public discussion on the “Freshwater reform 2013 and beyond” document.

Appendix 2: List of submitters

The list of submitters has been prepared as a separate document on the MfE website.
<http://www.mfe.govt.nz/rma/reform/phase-two/index.html>

Appendix 3: Campaign text

Greenpeace

To Whom it may concern,

Regarding the discussion document titled 'Improving our resource management system', I wish to make the following submission:

I oppose the short time (five weeks) for public comment on these major changes.

I oppose the claim that the change in New Zealanders' values justifies major change to what comprises sustainable management. There is no evidence that New Zealanders want urban sprawl or loss of the natural character of the coast or want environmental matters downgraded.

I oppose the RMA becoming an "economic development Act" which will facilitate the Government's "growth at any cost agenda". The rewriting of the matters of national importance in Part 2 will see the importance of protecting the environment give way to more pollution and the destruction of natural beauty in our neighbourhoods.

I oppose the removal of environmental bottom lines which include five important principles such as the ethic of stewardship, maintaining and enhancing the quality of the environment and amenity values, intrinsic values of ecosystems, and finite characteristics of natural and physical resources. The Government will undermine good environmental outcomes through the proposed changes to Sections 6 and 7 - the core of the RMA - and through the new heavy-handed central planning line being taken. Now, more than ever, we need to improve our environmental safeguards to catalyse clean, safer prosperity, not reduce them.

I oppose the Minister for the Environment having the power to insert provisions directly into council plans with no consultation. Several of the powers that are proposed go well beyond government 'direction' and are more akin to law making in Russia or Eastern Europe, not New Zealand. They are about government taking control - a return to the 'Think Big' days of Muldoon's National Development Act and are anti-democratic.

I oppose the proposed limits on conditions that can be put on resource consents. It is important that conditions can be imposed which relate to all environmental effects to ensure developments enhance our communities and well-being.

I oppose the proposed limits on the ability to make submissions. Public participation promotes better informed decisions and the interests of big business should not be placed above the public's right to participate in decision-making. This massive erosion of public participation is not only anti-democratic but removes the right of people to have a say in their own environment - in matters big, or national, and small, such as their

own parks and green spaces. This approach runs directly counter to the western European emphasis on public participation, access to justice and access to environmental information.

I oppose the proposals to either increase the Minister for the Environment's powers to direct that some "nationally important issues" (eg new oil and gas exploration or land availability for housing) which means Government can override those decisions made by the local council. This is a huge anti-democratic proposal which will strip away the necessary process for local communities to have their say in what happens in their neighbourhood.

And I oppose the proposed limits on appeal rights and reduction in the Environment Court's role. The Court's independence and oversight is an important check on the quality and legality of decisions.

<http://www.greenpeace.org/new-zealand/en/take-action/Take-action-online/Save-the-RMA/>

Green Party Aotearoa of New Zealand

Points you might like to make in your submission

Oppose the short time (five weeks) for public comment on these major changes.

Oppose the claim that the change in New Zealanders' values justifies major change to what comprises sustainable management. There is no evidence that New Zealanders want urban sprawl or loss of the natural character of the coast or want environmental matters downgraded.

Oppose the RMA becoming an "economic development Act" through the rewrite of the matters of national importance in Part 2 and less weight being given to them.

Oppose the removal of five important environmental principles such as the ethic of stewardship, maintaining and enhancing the quality of the environment and amenity values, and intrinsic values of ecosystems. We need to improve our environmental performance not reduce it.

Oppose the Minister for the Environment having the power to insert provisions directly into council plans with no consultation. This cuts across Council decisions and community involvement. The Minister can better promote national consistency through national policy statements and national standards rather than arbitrary changes to individual plans.

Oppose the proposed limits on conditions that can be put on resource consents. It is important that conditions can be imposed which relate to all environmental effects.

Oppose the proposed limits on the ability to make submissions. Public participation promotes better informed decisions.

Oppose the proposals to either increase the Minister for the Environment's call in powers or allow the Minister to direct that some "nationally important issues" (eg new oil and gas exploration or land availability for housing) should be decided by a Crown agency rather than the local council. ("Call in" is the ability for the Minister to decide that they or the EPA will make the decision as opposed to local council).

Oppose the proposed limits on appeal rights and reduction in the Environment Court's role. The Court's independence and oversight is an important check on the quality and legality of decisions.

Ask for faster progress on consolidated, nation-wide, state of the environment reporting.

Support having a standard structure for resource management plans and definitions of commonly used terms.

Support prioritising national policy statements and national environmental standards.

<http://www.greens.org.nz/takeaction/submissionguides/protecting-rma-submission-guide>

Fish and Game

POINTS YOU MIGHT LIKE TO MAKE IN YOUR RMA SUBMISSION:

- Oppose the short (just five weeks!) submissions timeframe as completely inadequate for public consultation and comment on such major changes. Ask for explanation why these environmental protections are being removed.
- Oppose the Government's claim that changes are necessary when no analysis has been provided to indicate the current RMA is not working.
- Oppose the Government fundamentally changing the context of the RMA from 'environmental protection' to 'economic development'.
- Oppose all amendments that weaken or remove the protection currently afforded to freshwater habitats and fisheries and for recreational use and amenity value.
- Oppose the removal of specific reference to "protect", "preserve", "maintain", and "enhance" from Section 6 & 7 and demand such protections are retained.

<http://www.fishandgame.org.nz/rma-reforms>

Forest and Bird

The Government's Resource Management proposals will weaken core environmental protections and reduce community input into decision making

HAVE YOUR SAY AT THE UPCOMING PUBLIC MEETINGS

The Government recently released a discussion document which sets out proposals for changes to New Zealand's resource management system.

These proposals are of serious concern to environmental NGOs (including Forest & Bird, the Environmental Defence Society, Ecologic, Fish and Game, Greenpeace NZ, WWF, ECO New Zealand, and the Sustainability Council), the Law Society, the Resource Management Law Association, Local Government New Zealand, Councils, many businesses, and many others.

Mrs Adams says that in her view, the Act has done a good job for environmental protection. In truth, it has not succeeded in halting the decline in water quality, biodiversity loss, soil quality, and other adverse environmental impacts; nor does it address climate change. Nevertheless, the government wants economic concerns to carry even more weight.

Overall, the proposals:

- Significantly affect your right to have a say in what happens where you live, by shifting decision making power away from communities and into the hands of the government.
- Remove important checks and balances on power of government (in summary, you might say they mistake 'direction' for 'dictatorship'...).
- Limit independence, giving powers to government instead, at every stage from submissions and decision-making, through to appeal.
- Continue Cabinet's disturbing pattern of trampling on constitutional and procedural safeguards, and writing off environmental bottom lines.
- Freedom for Ministers to decide for themselves if the environmental impacts of their latest pet project can be overlooked, and the project pushed forward.

In a very rushed consultation process, public meetings and hui are being held throughout the country from the 11th to the 27th of March 2013. We are encouraging you to attend these meetings and have your say. To find out when your nearest public meeting or hui will be held go to: www.mfe.govt.nz/rma/reform/phase-two/2013-consultation.html

The following is a brief overview of the proposals: the good, the bad and the ugly.

The Good

The Discussion Document does contain *some* useful ideas. These include:

- A standard structure for all resource management plans and standard definitions for commonly used resource management terms
- An agenda setting out priorities for creating more national policy statements and national environmental standards (which provide guidance on matters of national importance)
- A new time limit for straight-forward minor resource consents
- A number of changes to case management, such as better utilisation of electronic processing, to improve the efficiency of Environment Court proceedings

As a general statement, Forest & Bird supports better plan-making processes, and better national direction of the kind that was always intended to support local authorities, in exercising their functions under the RMA. However, what is proposed in this document will be highly damaging: see further below.

We also support RMA amendment, to ensure natural hazards are considered adequately; beyond doubt, this must be a priority. We doubt, however, that this ought to occur, as proposed, in sections 6 or 7 of the Act - as opposed to correcting problems identified in a number of other provisions and parts of the planning process. We do not consider that the government has properly analysed or addressed this issue.

The Bad: ideas that need further work

The discussion document contains some ideas which are of some concern, but require more detail and further thought. These include:

- Changes to streamline the process for developing national policy statements and national environmental standards – the appropriateness of this depends on whether the integrity of the process and opportunities for public participation are maintained
- Encouraging councils to develop a single resource management plan for each district. (We agree that New Zealand has too many plans, for a country of its size; although, the standard structure and definitions proposed above would assist with this.)
- Introducing exemptions for ‘technical or minor’ rule breaches – this will create a scenario of ‘environmental creep’ whereby each exemption to a rule weakens the strength of the rule

The Ugly

The Discussion Document contains some proposals which are of serious concern - they will erode our environmental wellbeing and our democratic processes. These proposals must be scrapped:

- Rewriting the Resource Management Act’s matters of national importance as a set of ‘principles’ - including removing key environmental matters, and adding economic ones. In our view, sections 6 and 7 of the Act ought to remain unaltered – certainly the proposed redraft of them is not acceptable

- Deleting some environmental principles (such as maintaining the quality of the environment and enhancing amenity values) altogether - these are key provisions which are essential to ensure decision-makers value intangible environmental values just as highly as tangible economic returns
- Weakening others - e.g. only significant indigenous vegetation, habitat and outstanding landscapes that are “specified” would qualify for protection (meaning areas that are identified only when a developer seeks consent would not qualify, yet this is when detailed surveys are usually carried out)
- Allowing Ministers to directly intervene in local decision-making, including powers to direct Councils, and amend operative local plans. This risks exposing planning decisions, currently independently done, and subject to Environment Court oversight, to lobbying influence
- Creating a Crown-established decision-making entity as an alternative consenting body - this body would not be elected or representative and would be under the control of Ministers
- Reducing the Environment Court’s role in resource management, by limits on appeal rights in some cases and the scope of appeals. The Environment Court provides important independent expert oversight of consent and planning processes, and ensures high quality outcomes are achieved
- Reducing the involvement of the public, by limits on submissions and appeals - public participation is a key aspect of our resource management system. It increases the diversity and quality of information available to decision makers, and leads to better outcomes
- Badly targeted recommendations relating to the housing market problems, which are complex and require a refined, not knee jerk, response - e.g. introducing an obligation for councils to ensure there is adequate land supply to provide for at least 10 years’ of growth in demand for residential land, which is likely to result in environmentally and economically-unsustainable urban sprawl
- Rolling out the “Auckland plan-making process” nationwide, in preference to focusing on correcting relatively minor faults in the existing processes - it is remiss to extend this new plan-making process until the success of the ‘Auckland trial’ is determined
- Introducing a requirement to achieve a balance between public and private interests in the use of land – the RMA is already about “enabling” the use of resources, and this provision shifts the balance further towards private interests

The RMA is not perfect, but these changes are completely unacceptable.

The quality of the policy analysis in the discussion paper is extremely poor, both in terms of objectively defining the problem, and analysing options for addressing it. It appears to rely heavily on anecdote and prejudice, not research.

It doesn’t address what could be done by more fully and effectively utilising the tools that already exist under the legislation.

<http://www.forestandbird.org.nz/files/file/Brief%20Overview%20of%20Proposals%20for%20Public%20Meetings%20FB%20version.pdf>