

Road Controlling Authority Forum: Review of the Resource Management Act

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NZ TRANSPORT AGENCY
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Local Government New Zealand
le pūtahi matakokiri

Overview of process

- RMA Review announced December 2008
- Phase 1
 - focus on simplifying and streamlining
- December 2008 - Invitation to submit
- February 2009 - Rpt from Technical Advisory Group
- March 2009 – Release of Bill, Submissions to select committee
- April/May – select committee hearings
- 1 July 2009 – RMA reform proposed to be in place
- Phase 2 to follow
 - Matters requiring a longer term focus

Central Government

- Proposals of national significance
 - Environmental Protection Authority
 - 9 month ‘processing’
 - Appeals
- National Policy Statements and National Environmental Standards
- Designations and Outline Plans
 - Decision-making powers
 - Conditions

The decision maker

- Environmental Protection Authority (EPA) established. Application, NoR, or plan change can be lodged with EPA. The EPA assesses the adequacy of the application, makes a recommendation to the Minister about call-in, and services the Board of Inquiry.
- Direct referral to the Environment Court with the agreement of the consent authority.
- **Commissioner hearings at request of applicant or submitter on notified resource consent.**
- Decision-maker on designations to be territorial authority rather than requiring authority.

Consenting process

- Only one request for further information that stops the clock. Consent authority must consider an application even when requested information not supplied.
- Significant amendment to the notification provisions
 - Neutral on notification rather than in favour of notification.
 - Public notification when effects beyond immediate environment more than minor.
 - Significant increase in the threshold of “affected person” (de minimis to minor).
- Council must develop a “discounting policy” in relation to overtime consents at fault of council.

Plan process and content

- Further submission process removed but new provision requiring councils to consult with parties who might be affected by a matter raised by a submission.
- Trade competitors: stronger provisions to limit trade competitor rights to make submissions or appeals. Effects of trade competition excluded from consideration.
- **Plan rules will not have effect until decisions on submissions publicly notified.** Exceptions for regional matters and historic heritage.

Plan process and content

- Appeals on plans limited to points of law. Appellants can apply to Environment Court to extend scope of appeal where certain exceptions met (significant impact of property rights, fails to give effect to Part II).
- **Non-complying activities removed to simplify plans.**
- Restricted Coastal Activities no longer decided by Minister of Conservation.
- 10 year review requirement removed for district plans.

LGNZ recommendations for Phase II

- Review time periods for processing resource consents. In particular, differentiation between simple and complex applications, and also equity of timeframes for different tracks
- Recognising the role and importance of planning for urban outcomes in the Act
- Reviewing the place of policy statements and plans in the consent decision-making process to give effect to these policy statements / plans in a more streamlined manner.
- Reviewing the NES development process.

LGNZ recommendations for Phase II

- Consider new options for activity classes, particularly to deal with simple matters more simply.
- Fully reconsider designations and outline plans in their entirety in phase 2 of this review.
- Consider options for increasing the effects threshold for affected persons without such significant impact on practice and case law.
- Recognising and providing for the interface with other legislation and plans/processes/policies, in particular LGA, Building Act, LTMA and HSNO.

Questions?????