

Finance and Performance Committee
MINUTES ATTACHMENTS

Date: Thursday 24 February 2022
Time: 9.00am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

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The **Environmental Impacts of activities** are controlled by the Resource Management Act through the requirement to apply for resource consents as well as through any conditions for permitted activities included in the relevant Regional or District Plan.

The RMA Act classifies activities into six categories- really in fact 4 as permitted and prohibited * are clear from them outset.

Permitted *

Controlled

Restricted Discretionary

Discretionary

Non Complying

Prohibited *

Rules in the Regional And District Plans determine which category an activity falls within.

NON COMPLYING ACTIVITY

A Non complying activity requires a resource consent before it can be carried out. The applicant must establish that the adverse effects of the activity on the environment will be minor **or** that the activity will not be contrary to the objectives of the relevant plan or proposed plan.

If the threshold test is met the consent authority can exercise full discretion as to whether or not to grant the consent and as to what conditions to impose on the consent if granted.

****Non complying activity status is a way to signal that activities will be subject to a greater degree of scrutiny and indicates to the community areas and indicates to the community areas where such activities are likely to be inappropriate.**

Environment Foundation Supported by the Law Foundation. {Direct Quotation}

Due: 28 February 2022

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Christchurch City Council comments on 'Our future resource management system – Materials for discussion'

1. Christchurch City Council (the Council) thanks the Ministry for the Environment (the Ministry) for the opportunity to comment on its document 'Our future resource management system – Materials for Discussion' (2021).
2. This submission is broken into two parts:
 - a) General Comments
 - b) Answers to the List of Resource Management reform Questions for Discussion.
3. We value the opportunity to provide comments through this submission process, but would also like to add that our elected members and staff continue to be available to assist with the Resource Management (RM) reform programme on a less formal basis. As practitioners of the Resource Management Act, local government authorities have a breadth of experience of challenges and opportunities of the current resource management system, which are an invaluable resource for the RM reform programme.

Part a) – General Comments

4. In our July 2021 submission on the exposure draft of the Natural and Built Environment Bill (NBA),¹ we expressed the Council's broad support for the government's planned reform of environment and planning legislation. This support continues, however, we remain concerned about the constrained timetable – particularly for engagement. The Council acknowledges that since July last year, the Ministry has built in additional time for engagement; established the Local Government Steering Group; and has committed to a partnership-based engagement approach. We would suggest that more time spent engaging at this stage of the reform process will pay dividends into the future. We also note that engagement with, and support for, local government needs to continue over the 10-year transition and implementation period, and must not stop once the legislation has been enacted.
5. Given Ngāi Tahu holds rangatiratanga within its takiwā, as affirmed in Te Tiriti, and under the Ngāi Tahu Settlement Act 1998, Council expects to see Ngāi Tahu representation on any subsequent national level authority and on regional joint committees. . We are interested to see how the Ministry plans to elevate its engagement with Iwi within the RM reform programme.

¹ Christchurch City Council, Submission on the Natural and Built Environments Bill exposure draft, available at: <https://ccc.govt.nz/assets/Documents/The-Council/Request-information/2021/Christchurch-City-Council-submission-on-NBA-exposure-draft.PDF>.

6. The RM reform programme presents an opportunity for the Government and Māori to co-design resource management programmes and policy, and to make decisions together. Representation and composition of subsequent local governance entities should be a matter of consultation between mana whenua and local authorities. Concerns are again raised on capacity of Māori to engage without significant funding support from both central and local authority level. This is exacerbated when considering similar, concurrent engagement across Three Waters Reform and Local Government Reform. The Council looks forward to central Government intent on resolving capacity and funding matters.
7. We note that the RM reform is being carried out in parallel to the Review of Local Government, and suggest that the outcome of the latter may have significant implications for the design of any future RM system – specifically regional-level planning and the make-up of joint committees.
8. We acknowledge that the *Our future resource management system* focuses on specific areas. However, we are awaiting further clarity on a range of topics, raised in our submission on the NBA, that are not covered in the discussion document. These include:
 - **The role of the Joint Committees.** The discussion document proposes how these will be made up, but does not offer the requested clarity about the committees' purpose and function/s.
 - **How public participation will be encouraged, and increased, in the new system.** Our submission on the NBA called for increased opportunities for the public to be involved (e.g. through the Independent Hearings Panel processes). The discussion document suggests that local government will be required to represent public views and makes no mention of how the system design will cater to greater levels of engagement.
 - **Planning toward transition and implementation of the new system.** While we appreciate the RM reform is in its initial stages, we would expect that work is already underway on the transition and implementation of the new system and would appreciate sharing our views.
 - **Treatment of technical matters** e.g. ensuring quality built environments; management of natural hazards and climate change; heritage outcomes; and recognition of incompatible activities. While we appreciate that the detail on these matters will come from the subsequent draft versions of the legislation, we would appreciate further information as to how they will be treated.
9. We would appreciate clarification of the above matters as soon as possible.
10. We would like to acknowledge the time that Ministry staff have spent in recent months, engaging with the Christchurch City Council about its experiences with different planning mechanisms in the post-earthquake context, and hope to continue this dialogue over the coming months.

