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Christchurch City Council submission on the *Resource Management (Consenting and Other System Changes) Amendment Bill*

Introduction

1. Christchurch City Council (the Council) thanks the Environment Committee (the Committee) for the opportunity to make a submission on the Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill).

2. The Council acknowledges the intent of the proposed changes and commends the Government's efforts to progress these targeted amendments in the short-term ahead of wider reforms to the resource management system. Notwithstanding this, we raise reservations around the practical implementation of certain changes and make recommendations to ensure the proposed changes are fit-for-purpose and can be delivered effectively by councils.

Submission

Housing Growth

Medium Density Residential Standards

3. The Bill introduces measures to increase flexibility to deliver housing growth by enabling councils to opt-out of the Medium Density Residential Standards (MDRS). While we support any such provision, the Bill does not provide for a simple and cost-effective means to withdraw those parts of the MDRS that are undecided. Since the introduction of MDRS we have raised significant concerns with the one-size-fits-all approach and the implications for our city. The proposal to enable MDRS optionality is a pragmatic change and must be amended to support Tier-1 councils to plan for and facilitate growth in a manner that best suits the needs of their cities and residents.

4. With regards to timings for optionality, the optionality provisions do not come into force until a year after Royal assent or a date set by an Order in Council. This timeframe is likely to be too long for this Council, as the current ministerial direction for Council to issue decisions on its IPI (PC14) is December 2025. We seek that the process is accelerated, or the Minister will need to extend the timeframe for this Council to complete PC14.

5. Provisions proposed within the Bill permit a means to opt out of the MDRS, which are foreshadowed by requirements to consequently proceed with a new Streamlined Planning Process (SPP) to give effect to the revised NPS-UD. Importantly, the Bill provides no flexibility to address Christchurch's unique position where the MDRS has only been applied within Policy 3 areas under the NPS-UD. Given the infancy of the in-part decision on our IPI, we are strongly opposed to any requirement to enter into a multi-year plan change process so soon after decisions have been made and request that proposed section 77FA(6)(b) is removed.

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6. It is also noted that it is difficult to fully understand the implications given the revised NPS-UD has not been released and councils that opt out of MDRS will need to comply with the NPS – particularly in terms of cost, resource and time of any subsequent plan change required. We are concerned that if councils are required to implement the revised NPS-UD by initiating an additional plan change, that this is both inefficient and burdensome given the process that we have been through to date in respect of the IPI.

Streamlined planning process

7. In principle we support the proposed changes to the SPP for plan changes related to housing development, however, request specific amendments to ensure the process is fit-for-purpose.

8. The Bill enables the Minister to appoint up to half of the members of the panel. We do not consider it appropriate for the Minister to have this level of discretion and request that the Bill is amended to remove this provision. While we accept that the Minister should have the ability to provide direction on the expertise of the panel, the final appointment of panel members should sit with councils. Removing this provision also eliminates any risk of political bias, whether actual or perceived.

9. The Bill does not specify any timeframe for the minister to issue their direction following an application by a council to use the SPP. To afford councils with greater certainty in their planning and timeframes and to ensure an efficient process, we request that a timeframe for the Minister to respond with their direction be provided for in the Bill. We consider it reasonable that the Minister has three months from receiving a request to provide such direction to the relevant local authority.

Heritage

10. In principle we support enabling the Council to seek to use the SPP for listing and delisting heritage buildings and structures. The streamlined process still supports robust consideration of heritage values and provides for appropriate public participation. We do not see that heritage items, or their values, will be compromised from the proposed process. However, to ensure this we recommend that the composition of a panel deciding on a heritage matter must include panel members that have experience in this field.

11. Notwithstanding this, our concerns raised above regarding the SPP for plan changes related to housing development are also applicable to its use for the listing and delisting of heritage buildings and structures and seek the amendments requested above.

Infrastructure and Energy

12. We agree with the proposed change to increase the lapse period for designations from 5 to 10 years to allow more time to deliver infrastructure. This is a pragmatic amendment that enables greater certainty to be provided in progressing infrastructure projects.

13. The Bill also removes the requirement for designating authorities to consider alternatives where they are the sole land holder, if there are not significant adverse effects. As an infrastructure provider, we acknowledge that this change has the potential to lead to a more efficient and cost-effective process for some small-scale designations, reducing delays associated with evaluating alternatives. As a territorial authority, we agree that consideration of alternatives should not be required if adverse effects are not significant, and the requiring authority has a controlling interest in the land.

14. In general, we agree with the addition of infrastructure-related provisions, but seek the following changes:
    a) The 35-year maximum duration for resource consents should not apply to land use consents. Most of our infrastructure consents are granted for an unlimited duration, so the proposed 35-year duration will be more restrictive than the status quo.
    b) The 1-year maximum processing timeframe differs from the shorter statutory timeframes for non-notified and notified applications, so some consequential amendments may be needed.

Natural Hazards and Emergencies

15. The proposed amendments to enhance decision-making and efficiency in managing natural hazards and responding to emergencies are welcomed. These changes strengthen councils' ability to decline land use consents or impose conditions where significant natural hazard risks exist and ensures that plan changes introducing new natural hazard rules take immediate effect. The latter limits the risk of further development occurring in areas of high-risk during the course of the plan change process. Specific recommendations to strengthen the provisions have been provided for in Appendix 1.

16. While supportive of these changes in the short-term, we do acknowledge that further changes are necessary to ensure that the resource management system is adequately considering both natural hazard risk and enabling emission reduction and expect to see further changes in the upcoming reforms.

System Improvements

Compliance and Enforcement

17. We strongly support the targeted amendments to compliance and enforcement provisions provided for in the Bill. These amendments are beneficial to councils and their ability to act on compliance matters and deter further non-compliance.

Consenting changes

18. We support the proposed consenting amendments regarding information requirements, further information requests, service of documents, and the review of draft conditions. These are practical changes useful to both applicants and councils, formalising what in many cases are already considered to be best practice. However, we do not see it as necessary to limit the number of times an application can be suspended for review of draft conditions, as conditions are often refined and recirculated several times.

19. We do not support the proposed amendments to hearing provisions and request that the current provisions are reinstated. The proposed amendments to s100 will add an inefficient procedural step for consent applications. Before deciding an application, decision-makers will be required to determine if they have sufficient information to make a decision without needing a hearing. In practice we do not see that this amendment will result in many changes to status quo. For example, it is highly unlikely that a decision-maker will proceed without a hearing if there are submitters in opposition, who oppose the consent due to concerns about adverse effects. In our experience, hearings can be extremely useful for decision-makers to ask questions of council, the applicant and submitters to ensure that they have all the necessary information to make an informed decision.

20. We oppose the Bill removing the ability for an applicant an/or submitter to request a hearing. Applicants may wish to be heard in relation to a recommendation to decline consent, to respond to matters raised by submitters, or on the specifics of conditions. Submitters may wish to elaborate or call expert evidence on their submissions or respond to amendments made to an application after submissions closed. Furthermore, asking submitters whether they wish to be heard (as per Form 13) and later removing that ability could confuse and frustrate submitters. If the proposed change to s100 is intended to address the issue of hearing inefficiencies, ss41A-41D of the RMA already provide the hearing commissioners with the powers needed to make the process efficient.

Other matters

21. While generally supportive of many of the changes proposed in this Bill, we wish to express our broader concerns regarding the impacts of ongoing reforms to the resource management system on local authorities.

22. Resource management reform over recent years has already placed significant pressure on councils and their

ratepayers. While recognising the priorities of facilitating housing and business growth and enabling infrastructure, we are consistently shouldering the costs to implement 'piecemeal' reforms. For example, it is anticipated that the recent IPI process will cost upward of $7 million, not including staff time.

23. If further plan changes are required to implement changes and new national direction expected this year as part of resource management reform, such as the revised NPS-UD referenced in this Bill, the financial burden will once again fall on local government and its ratepayers. It also demands significant resource from councils to deliver, diverting resource away from existing work programmes. Consequently, this means that other priority work for councils and their communities are delayed. We request that consideration is given to ensure that processes being asked of councils are well integrated, avoiding inefficiencies and unnecessary costs.

Conclusion

24. The Council appreciates the opportunity to submit on the Bill. We look forward to further discussion with Government and its agencies on reforms to the resource management system.

For any clarification on points within this submission please contact Mark Stevenson, Head of Planning and Consents (mark.stevenson@ccc.govt.nz)

Yours faithfully

Phil Mauger
Mayor of Christchurch