

24 March 2016

Local Government New Zealand
PO Box 1214
WELLINGTON 6140

Attention: Clare Wooding

via email: clare.wooding@lgnz.co.nz

Dear Clare

**SUBMISSION FROM CHRISTCHURCH CITY COUNCIL -
A 'BLUE SKIES' DISCUSSION ABOUT NEW ZEALAND'S RESOURCE MANAGEMENT SYSTEM**

1. Introductory comments

The Christchurch City Council (the Council) welcomes the opportunity to submit on the 'Blue Skies' discussion paper¹ by Local Government New Zealand (LGNZ). This 'thinkpiece' document *'reflects LGNZ's desire to stimulate a robust discussion about a fit-for-purpose resource management system in New Zealand'*.

In general terms, the Council considers that some adjustments to our national and regional resource management and planning frameworks are required to provide for more effective integration in decision making and the delivery of outcomes, including the implementation of policy.

The Council, in general, also considers that significant changes to the current planning system are required now in the face of economic, environmental and social changes being experienced in New Zealand. It agrees that the focus of attention should be primarily on the Resource Management Act (RMA), Local Government Act (LGA), and the Land Transport Management Act (LTMA), in particular to achieve better integration of the planning, funding and delivery of outcomes. Its recent experiences with development and implementation of post-earthquake planning processes would suggest the timing is right for a wider review.

We note the LGNZ paper is a consultation process running alongside three similar consultation processes on proposed changes to the Resource Management Act (RMA), urban development and urban planning. We make note that Council is also making, or has recently made, submissions on:

- The *Resource Legislation Amendment Bill* (the Bill): In March the Council made a submission on proposed changes to resource management-related legislation;
- The (proposed) *National Policy Statement - Urban Development* (NPS-UD, Ministry for the Environment-led): The Council made a submission in February;
- *Better Urban Planning* (Productivity Commission-led): Council has not made an independent submission but supports a submission prepared by the Greater Christchurch Urban Development Strategy Implementation Committee (UDSIC)².

¹ Website: <http://www.lgnz.co.nz/home/our-work/publications/a-blue-skies-discussion/>

² The Council is a member of the Urban Development Strategy Implementation Committee

2. Comments on the discussion document

In relation to the feedback we have provided on the above documents, we are broadly supportive of the views expressed in the document A *'Blue Skies' Discussion about New Zealand's Resource Management System* but would like to see a greater focus on strengthening community participation in planning processes.

In Section 4.2 (p. 28), the report states: *'The complexity of the RMA and the cost of engaging experts to buttress one's position makes it more difficult for individuals to compete with corporate entities, and is a barrier to community participation'*.

The Council agrees. Complexity and costs have led to a progressively weaker voice for the non-professional community. These barriers are enhanced by the increasing 'professionalisation' of planning and the lack of public notification in matters of wide public interest. The Council would like to see this issue addressed to give greater confidence to communities and individuals that their voice will be heard.

In this submission, we address in particular Part 6 (pp. 38-41), *'What would a fit for purpose resource management system look like?'*

The Council supports the proposed stepped programme of reform. It also supports a system that can achieve particular outcomes and increasing the weight given to the achievement of positive outcomes, not just the avoidance, remediation or mitigation of effects.

Step 1: Continued improvement of the system (p. 39)

With reference to the programme of improvement listed, the Council is in agreement - with these points in particular:

- Point 5 - considers greater provision and incentives to use collaborative processes as a positive step; Council is already working collaboratively, e.g. as part of the Zone Implementation Committees for water management. In the Council's experience, collaborative processes have proved in the main to be highly successful, albeit time-consuming;
- Point 7 - agrees with a central government-led programme of monitoring and disseminating lessons emerging from 'prototype' frameworks around the country for councils dealing with difficult resource management issues, e.g. freshwater and urban growth management;
- Point 8 - sees merit in introducing a framework that enables environmental offsetting to achieve no net loss of environmental value, rather than natural values being 'balanced out' against positive social or economic effects;
- Point 10 - agrees that negative discounting should be utilised when evaluating the impact of development proposals on ecosystems that are rare or irreplaceable, or deliver significant ecosystem services thereby increasing the regard that must be given to their value in the medium and long term.

The Council agrees with the identified need to appropriately value the nation's natural capital to address issues such as the downward trend in freshwater quality and biodiversity, and the loss of productive soils. The Council would, in particular, add groundwater to that list. Christchurch (along with many other cities and districts) has sites of valuable and nationally recognised natural ecosystems of significance. Maintaining them in perpetuity would also provide significant economic, social, cultural, health and inter-generational benefits.

Council does not, however, agree with tenets in relation to:

- The need for wider national policy direction through such mechanisms as a requirement to implement a national planning template. The Council agrees with the need for more, and clearer, national direction on issues that are more appropriately decided at a national level, for example, clear direction on the degree of sea-level rise that should be allowed for in planning documents. It is inefficient and ineffective if each coastal territory takes its own approach or has to 'reinvent the wheel'. However, there are adequate existing mechanisms available to achieve this, e.g. National Policy Statements;
- Some issues are better dealt with at a local level to reflect local circumstances and outcomes sought by the local community, and should not be subject to national directions;
- Limiting the abilities of parties to appeal the merits of decisions. We also assert this point in our submission on the Bill;
- The appointment of statutory managers;
- Any mandatory increase in the use of independent hearing panels (IHPs) and advisory panels.

The Council's recent experience strongly suggests that while statutory management and IHPs may be appropriate in some context, we consider that caution be used when applying these approaches. Council has commented as such in its Bill submission.

Step 2: Over-writing the core statutes within the resource management system (p. 40)

The Council agrees there is a need to improve the clarity of the RMA, LTMA and LGA; and to reduce their complexity and enhance their integration in the ways suggested. However the Council would be concerned with the extent to which the suggested 'suite of new provisions' for dealing with metropolitan growth management issues and small proposals may include mandatory Plan provisions or reduce submission or appeal rights.

Step 3: Moving beyond evolution (pp. 40-41)

Council supports the need to ultimately review governance and institutional arrangements, acknowledging the potential for substantial disruption, uncertainty and cost. For example, the possible future provision of public transport services to greater Christchurch presents challenges under the current planning framework that would need to be overcome to allow a single entity to take responsibility for providing services and infrastructure. It agrees that such a review needs to be done through a multi-party and collaborative process.

It also agrees that the 'time is ripe' for moving beyond evolution. Matters of policy often require social and value judgements, judgements that are better decided by politically accountable bodies, rather than lawyers and courts whose function is to ensure that the law and natural justice are applied appropriately. The Council agrees that the three options listed in this section need to be amongst the options considered.

3. Concluding Remarks

The Council again would like to thank LGNZ for the opportunity to make this late submission and trusts the feedback provided by the Council will assist in its final report on review of resource management and urban planning frameworks.

It also recommends that LGNZ draws upon submission points made in Council's NPS-UP and Bill submissions and the UDSIC submission on *Better Urban Planning*; these can be provided upon request.

If you require clarification on the points raised in this submission, or additional information, please contact Richard Osborne, Head of Planning and Strategic Transport (03 941 8407 or richard.osborne@ccc.govt.nz).

Yours sincerely



Karleen Edwards
CHIEF EXECUTIVE



Hon. Lianne Dalziel
MAYOR