



Submission on the: Resource Management (Consenting and Other System Changes) Amendment Bill

Submitter details:

Full name: Audrey van Ryn
Organisation name: **Civic Trust Auckland**
Phone contact: 021 035 4431
Email address: cta@civitrustauckland.org.nz
Postal address: P.O. Box 29002, Epsom, Auckland 1344

Background

1. Civic Trust Auckland (CTA) is a non-profit public interest group formed in 1968 with activities and interests throughout the greater Auckland region. It is a regular submitter on matters of interest to it, mostly at a local government level but also on occasion at a national level on matters where they may affect the Auckland region. The aims of the Trust include the:
 - protection of natural landforms
 - preservation of heritage in all its aspects
 - encouragement of good planning for the city and region.
2. For all its good intentions, the Resource Management Act is complex and has been considered by some to be an obstacle to development and some people's ability to provide for their economic well-being. At the same time, people and communities concerned with environmental degradation have found that the RMA has not provided the desired protections that enable them to provide for their social and cultural well-being.
3. The current Government is advancing its resource management reforms to achieve its desired outcomes. The Explanatory Note to the Bill includes a general policy statement which, in its introductory sentences appear innocuous, but which as greater detail emerges through the Bill, in conjunction with the various documents released with the Bill give CTA grave cause for concern for the future of this country's historic heritage. The statements in their shortest form appear innocuous

Submission

4. The Resource Management (Consenting and other system changes) Amendment Bill (the Bill) intends driving economic growth and increased productivity by making it easier to 'get things done'. The objective of the Bill is to amend the Resource Management Act 1991 (RMA) to progress the following Government priorities:

- making it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector
- cutting red tape to unleash the investment in renewable energy for New Zealand to meet its emissions reduction targets
- making the Medium Density Residential Standards (MDRS) optional for councils, with the need for councils to ratify any use of MDRS, including existing zones
- implementing the Going for Housing Growth policy to unlock land for housing, build infrastructure, and allow communities to share the benefits of growth
- facilitating the development and efficiency of ports, and strengthening international supply networks
- simplifying the planning system.

NB. the objectives and priorities set out in the disclosure statement were prepared by the Ministry of the Environment with the assistance of the Ministry of Business, Innovation, and Employment, and the Ministries of Transport, Heritage and Primary Industries.

Infrastructure and energy

5. CTA supports progressing investment in renewable energy so that New Zealand can meet its emissions reduction targets. We therefore support reducing delays in consenting for renewable energy generation by requiring 1-year decision making for renewable energy generation consents.
6. The Bill proposes specifying default maximum time frames for consent processing and establishing default consent durations for renewable energy and infrastructure consents. CTA opposes this change because it is not needed.
 - A longer lapse period can already be granted where appropriate and we consider it is Councils which should decide when an extension of time is appropriate.
 - The risk of locking up resources for longer than the proposed default period of 10 years should be avoided, and shorter consents could be used in the case of significant changes of circumstances such as the need for managed retreat from areas of coastline or natural disaster, and also for temporary construction contracts.
 - Different default lapse periods could also be achieved through suitable policies in national direction.

Farming and primary sector

7. CTA notes the Bill's intention of removing the regulatory overlap between the RMA and the Fisheries Act 1996 to change the balance between marine protection and fishing rights. We consider the Bill weakens the ability to implement controls on fishing to protect marine biodiversity, and this is inconsistent with New Zealand's obligations under the Convention on Biological Diversity.
8. CTA considers stronger rather than weaker protections are needed to ensure sustainable future fish stocks, and to manage pest species. Consequently, we consider the current balance as determined by the courts to be appropriate and do not support the changes proposed by the Bill.
9. CTA supports the increased suite of rules to deal with natural hazards and emergency events, which will strengthen disaster resilience planning.

10. We support the intention that plan changes introducing new natural hazard rules should have immediate legal effect upon notification

Housing

11. The Bill amends the RMA making it optional for councils to implement the MDRS while providing plan-making processes to deliver required housing. CTA supports the Bill enabling councils to opt out of the MDRS if they can demonstrate 30 years of housing growth capacity, and while we note that provisions regarding 30 years of housing growth are to be updated in revisions of the NPS-UD to be consulted on in March 2025, we further note that in Auckland's case, the imposition of MDRS across the city was uniquely unnecessary for this *Tier 1* city, because there was already enough well-planned and integrated capacity under Auckland's newly consulted-upon Unitary Plan which Aucklanders expended so much time and money achieving, with its aim of more development certainty and enough growth enablement to meet the 30 year high growth projections of the 30-year spatial plan, the *Auckland Plan*, while ensuring, of particular interest to CTA, the protection of historic heritage.
12. CTA considers the MDRS provides for more capacity in an ad hoc manner that runs the risk of unwanted urban design outcomes, and we support the removal of the MDRS from the AUP as per s. 77FA(1)(c).
13. The Bill introduces new powers for the Minister to ensure compliance with national direction, enabling the Minister to direct a local authority to prepare or amend any document to meet the requirements of the NPS, or direct the authority to prepare and make a plan change or variation to address any non-compliance with an NPS, including which planning process must be used.
 - CTA does not support these new powers, as they would give what we consider excessive power to central government. Further, because there is a range of national policy statements and they will soon be undergoing change, this could have wide implications for the resource management system and restrict the ability of councils to have regard to local circumstances in their plans.
 - CTA considers the proposals to be unnecessary, as local authorities must already take any action that is directed by an NPS, and the Minister may already make recommendations to improve the planning of local authorities and compel compliance with an NPS. CTA considers it would be more effective to include implementation directives in NPSs. This would enable interested parties, including the public and special interest groups, to have a say.
14. CTA has submitted to Auckland Council and to central government (e.g., Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill) on "ghost houses," of which we understand there are about 40,000 in Auckland and many more thousands around the country. We have suggested that accessing this housing stock would usefully contribute to increasing the availability of housing.
15. CTA notes the introduction of provisions strengthening the implementation of national direction, and noting the work undertaken by the Ministry of Culture and Heritage towards the creation of a NPS on Heritage was well-advanced in 2018 but has not progressed since, we encourage that workstream be advanced at speed alongside the NPS-UD.

Systems Improvements

16. The Bill amends the RMA to enhance compliance and enforcement, reduce regulatory uncertainty, address system gaps, and clarify policy intent to support a well-functioning resource management system. CTA supports consideration of an applicant's compliance history in consent decisions, changes to simplify the consenting regime by clarifying the scope of further information requests and allowing applicants to review consent conditions before decisions, and we also support cost recovery for consent reviews due to national direction.
17. The Bill proposes to remove mandatory hearing requirements and to restrict the council's discretion to hold a hearing. Specifically, the Bill provides that a council must not hold a hearing if it determines that it has sufficient information to decide an application. CTA opposes this proposal. The Bill should retain the requirement for a hearing if a submitter or applicant requests it. Councils are able to impose conditions to address environmental effects as far as councils understand them, but hearings provide the opportunity for public participation, for discussion of contentious matters, and for the testing of evidence with expert input, as well as the discovery of important information.
18. The Bill provides for heritage buildings and structures to be listed or delisted using simplified planning processes (SPP). Clauses 20 and 21 provide for a new SPP for de-listing/de-scheduling heritage buildings or structures that are in District or Unitary Plans. This would enable faster and easier delisting of heritage buildings or structures than the existing process, which allows the opportunity for public submissions, hearings and appeals. These provisions are contrary to S6(f) and S7 of the RMA. The protections currently in place are well established and internationally recognised and CTA seeks all provisions enabling the delisting of heritage buildings or structures by providing access to a SPP be removed from the Bill.
19. Further to the note in para 4 above, CTA notes, the Ministry of Culture was consulted with and it was concluded that: *"Better managing outcomes for historic heritage by enabling delisting of heritage buildings and structures through a streamlined planning process' received a Does Not Meet outcome from the Ministry for Culture and Heritage and the Ministry for the Environment RIA Panel. It was further determined that "the RIS does not meet the standards required to demonstrate robust regulatory analysis of the objective, problem and options put forward; and that more time would be required to enable the analysis in the RIS to be further developed. Currently there is a lack of clarity on the problems, little evidence supporting the problems and their impacts other than anecdotes, and a lack of connection between the outcomes of the preferred option and the Government's objectives."*
20. The primary problem identified appears to be that some owners of heritage buildings consider heritage protection unduly restricts their property rights. CTA acknowledges the fragile nature of significant heritage places and mindful of the permanent effect of demolishing historic heritage as per RMA s3(b), CTA supports the retention of the integrity of the city's heritage schedules and lists. We consider the rules associated with consents for modifying heritage buildings are not onerous, and likewise consider plan changes about changes to the heritage schedule are well served by informative input from various submitters through a hearings process, including the owners of heritage buildings, and we are strongly of the opinion that hearings should continue to be held for that purpose.

Conclusion

We grateful for the opportunity of making this submission and time permitting welcome the opportunity to appear in person.

Date of submission: 10 February, 2025

Signature:

A handwritten signature in black ink, appearing to read "Audrey van Ryn". The signature is written in a cursive style with a large, stylized initial 'A'.

Audrey van Ryn
Secretary, Civic Trust Auckland