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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

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

Kāpiti Coast District Council (the Council) welcomes the opportunity to make a submission on the Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill). The Bill proposes to make amendments to the Resource Management Act 1991 (RMA) as part of phase 2 of the Resource Management reform. The key priorities outlined in the Bill include:

- Streamlining consent processes for infrastructure, renewable energy, housing, and the primary sector;
- Reducing regulatory barriers to boost renewable energy investment and meet emissions reduction targets;
- Increasing investment certainty and supporting growth in the farming and primary sector;
- Providing councils flexibility to opt out of medium-density residential standards (MDRS) with ratification requirements;
- Unlocking land for housing and infrastructure through the Going for Housing Growth policy;
- Improving port operations and international supply networks; and
- Simplifying the planning system.

Council broadly supports the objectives of the Bill in better achieving the sustainable management of resources. However, certain amendments raise concerns regarding their alignment with these objectives and their practical implications.

There are two parts to this submission:

- I. General commentary on the Bill's overarching themes
- II. Specific feedback on various themes of the Bill, presented in a detailed table

Part I – General commentary on the Bill

This section provides Council's perspectives on the positive aspects of the Bill and areas of concern / areas requiring further consideration to ensure its effectiveness and minimise risks.

Positive aspects

1. Flexibility in MDRS implementation

The Bill introduces greater flexibility in implementing the MDRS, enabling councils to adapt their intensification strategies to local context. This represents a positive and pragmatic approach.

2. Improved clarity

The Bill enhances clarity in the Resource Management (RM) system by introducing new definitions, mechanisms, and tools. Notable improvements include changes to the Streamlined Planning Process (SPP) and associated hearing mechanisms, which provide a clearer pathway for local decision-making. Additionally, provisions for long-lived infrastructure and MDRS pathways, contribute to more transparent and effective planning processes.

3. Empowering Local Authorities

Council supports amendments that enable local decision-making, such as:

- Local authority discretion in determining Independent Hearing Panel (IHP) recommendations for SPP processes.
- The ability to decline consents for land use in significant hazard areas.
- Immediate legal effect for natural hazard regulations, which strengthens risk management and emergency responses (we also support the ongoing ability for councils to resolve that rules should only have effect once operative).

4. Proportionality in Application Processes

Proposed amendments to sections 88 and 92 of the RMA ensure that information requirements and further information requests are proportionate to the scale and significance of the activity. This will reduce unnecessary costs and delays for both applicants and councils, promoting efficiency in the consenting process.

Areas of concern

1. Scope of MDRS and NPS-UD implementation

Council notes that Tier 1 authorities, when implementing their Intensification Planning Instruments (IPIs), were required to intensify not just by implementing MDRS but also around town, local and other centres as per Policy 3 of the National Policy Statement on Urban Development 2020 (NPS-UD), with limitations restricted only to qualifying matters as per Policy 4 of the NPS-UD.

Council seeks the necessary amendments to enable ratification decisions and subsequent plan changes to address both MDRS and NPS-UD-driven intensification through the same streamlined planning process. This would avoid fragmented and inefficient processes and development patterns. Further, Council seeks amendments to the bill (and/or the revised NPS-UD as necessary) to provide for the values inherent to

existing special character areas as a specific qualifying matter (not as an “other matter” which has a higher threshold). This reflects that many councils may not decide to ratify their intensification planning instruments due to community concerns about MDRS and Policy 3 NPS-UD intensification unreasonably affecting special character values.

2. Fragmented approach to reform

The Bill’s reliance on future national directions introduces uncertainty, particularly around housing growth strategies. The absence of updated guidance from the NPS-UD limits councils’ ability to comment on the appropriateness of the 30 year housing supply target.

3. Increased complexity and cost implications

While the Bill aims to simplify the RM system, it introduces additional layers, such as expanded Ministerial powers, new planning tools, and revised growth mechanisms. These changes risk increasing administrative burdens and implementation costs for councils, potentially counteracting the goal of simplification. Adjustments to the SPP and revised consenting mechanisms may also further impose significant costs. Proper funding, support, and integration are critical to ensuring effective implementation.

4. Limited focus on integration

It is not apparent that the Bill properly integrates housing growth, infrastructure planning, and environmental protection. Without a holistic approach, the Bill risks prioritising short-term growth at the expense of long-term sustainable development.

We call for clear integration of environmental considerations into the housing and infrastructure planning process, ensuring that growth aligns with local capacities and long-term sustainability goals.

We would support any amendment to the Bill that incorporates an integrated and sustainable manner to development.

Part II – Specific feedback on various themes of the Bill

Proposed Amendment / Section	Position	Issue	Comment
General			
Clause 17, Section 77FA,	Strong support	No specified timeframe by when the Council must publicly notify a subsequent plan change in the event it does not fully endorse its plan change (that incorporated MDRS into its district plan).	This works in favour of Council, allowing sufficient time and opportunity to consider options. For instance, if Council were to decide it wishes to amend its application of the MDRS and NPS-UD Policy 3 (assuming that Policy 3 amendments could be included), Council could initially follow this decision with a targeted review of its growth strategy <i>Te Tupu Pai</i> . This strategy was finalised by Council in 2022 under the obligations of the time to implement MDRS and Policy 3 NPS-UD, and it is possible Council may not have chosen this strategy had it had more discretion at the time regarding how and where to intensify its existing urban environments. It could then follow its strategy review with notification of the RMA plan change.
Amended Section 2	Concern	Exclusion of Three Waters from the interpretation of 'long-lived infrastructure'	The Bill defines 'long-lived infrastructure' but excludes Three Waters infrastructure, which is also long-lived and provides crucial public services. This exclusion could potentially create uncertainty and hinder long-term investment and planning for essential water systems. Including it would ensure consistency and support the development and improvement of critical infrastructure.
Heritage listing and delisting Streamlining	Concern	Risk of insufficient robustness in heritage listing/delisting processes	While streamlining can improve efficiency, processes must ensure that significant heritage values are preserved and that robust assessments underpin decisions.
Regional Council Discharge Rules	Concern	Uncertainty in short-term and long-term environmental protections	Methodologies must be robust to protect waterways, flora, and fauna while achieving long-term positive outcomes.
Proposed changes to Section 104 Non-Compliance	Concern	Potential risks to fairness and proportionality in declining consents	Natural justice principles must be upheld, thresholds for non-compliance must be appropriate, and mechanisms must not affect applicants adversely.
Clause 25(1), Section 86	Support	Immediate legal effect for natural hazard rules	Provides stronger tools for managing risks, enhancing emergency response capabilities, and supporting informed local decision-making. We also support the ongoing ability for councils to resolve that rules should only have effect once operative, if they choose to do so – particularly any rules which relate to areas where risk is more uncertain (for instance, in areas only modelled to be at risk in the longer term).
Consenting			
Sections 88 / 92 amendments	Strong Support	Proportionality in information requirements	Reduces unnecessary costs and delays for applicants, promotes efficient consenting processes, and improves accessibility for smaller-scale or resource-constrained applicants.
Clause 32, Section 92AA	Support	Consenting Authority (CA) may determine application as incomplete if applicant fails to respond to requests	Helps to maintain accountability and ensures that incomplete or non-responsive applications do not delay processing related to works already completed prior to consent.

Proposed Amendment / Section	Position	Issue	Comment
Clause 33, RMA Section 92B amended	Support	CA no longer required to consider application if applicant does not respond as required	Encourages timely applicant responses and prevents resources being wasted on incomplete applications.
Clause 36, RMA Section 104 amended	Support	CA may consider applicant's previous non-compliance under RMA Section 104, Clause 36	Provides a necessary constraint against repeat non-compliance and promotes responsible applicant behaviour.
Clause 39, RMA Section 108 amended	Support	Conditions may mitigate risk of non-compliance by applicant	Enables councils to address potential risks proactively and ensure compliance through tailored consent conditions.
Enforcement			
Clause 10, RMA Section 36 amended	Support in part	Local authorities may fix administrative charges for monitoring and enforcement	Support (1)(caab) and (1)(caac) as they align with the "polluter pays" principle. Oppose (1)(caaa) as it may unfairly penalise compliant individuals. Charging for monitoring when no rule is breached seems unjust and could undermine trust in the system.
Clause 34, RMA Section 100 amended	Support in part	CA must not hold hearing unless it determines further information needed	The amendments streamline the process by holding hearings only when necessary, creating clear timelines for decisions. Consultation with iwi ensures the Treaty of Waitangi (the Treaty) obligations are met. Reducing hearings encourages wider participation through written submissions, saving time and costs while improving efficiency, transparency, and accountability. This may, however, have unintended consequences of increasing appeals and objections.
Clause 59, Section 314A	Support	Local authority or EPA may apply to Environment Court to revoke or suspend consent due to ongoing, significant, or repeated non-compliance	Offers an impartial pathway to address significant or ongoing breaches, protecting both the environment and the integrity of the consent system.
Clause 60, RMA Section 322 amended	Support	Scope of abatement notice made more consistent with enforcement order	Improves clarity and consistency in enforcement measures, reducing uncertainty for all parties involved.
Clause 61, RMA Section 327 amended	Support	Period of excessive noise directions extended from 72 hours to 8 days	A reasonable and proportionate timeframe for addressing ongoing noise issues, providing better outcomes for affected communities.
Clause 62 RMA Section 330 amended	Support	Notifying absent occupier of place where preventive or remedial action required	Aligns with general powers of entry, ensuring transparency and accountability in enforcement actions.
Clause 65, RMA Section 339 amended	Support	Increased penalties for specified offences	Reflects inflationary adjustments and ensures penalties remain a warning. Larger fines align with the principle that penalties should match the gravity of offences.
Clause 66, Section 342A	Support	Prohibition on insurance contracts for fines or fees under the RMA	Preventing insurance for fines upholds the integrity of punitive measures and ensures that penalties serve as meaningful warnings.
Clause 67, RMA Section 352 amended	Support	Methods of service of documents updated	Updates the RMA to reflect current technology and communication methods, ensuring efficiency and reliability in service processes.

Council recognises the challenges involved in reforming the resource management system and values the Committee's dedication to engaging with local government, iwi authorities, and other key stakeholders throughout this process.

The Kāpiti Coast District Council is committed to achieving a balance between growth and environmental sustainability, while honouring our treaty partners. We believe that careful consideration of the concerns raised in this submission will help ensure that the Resource Management reform supports both our environmental and development goals.

Thank you for considering our submission. We appreciate the opportunity to contribute and look forward to our continued collaboration.

If you have any questions regarding our submission, please feel free to contact Kris Pervan at kris.pervan@kapiticoast.govt.nz.

Ngā mihi



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