

1. How was consultation carried out on the Bill?

- The Bill was introduced to Parliament on 26 November 2015 and had its first reading on 3 December 2015. The period for public submissions ran from 10 December 2015 to 14 March 2016. The Local Government and Environment Select Committee received 803 submissions (including supplementary submissions) from 764 submitters and heard 160 oral submissions.

2. How does the reform fit within the Government's broader resource and housing reforms?

- The Government set out a two-phase Resource Management Act (RMA) reform programme in 2009. The first phase was the less complex changes around setting up the Environmental Protection Authority, restraining trade competition objections and providing for more efficient consent processing. The second, more complex, phase of work has been supported by technical advisory groups on urban design, and the principles of the Act, the advice of the Land and Water Forum and reports from the Productivity Commission.
- The Government's short-term response to the housing supply and affordability challenges has been the Special Housing Areas (SHAs), where the medium and long-term response has been the National Policy Statement on Urban Development Capacity and these RMA reforms.

3. What are some of the key elements of the reforms?

- The reforms as proposed include more than 40 individual changes which will deliver substantive, system-wide improvements to the resource management processes by providing:
 - Stronger national direction
 - Better plan making
 - Simpler consenting
 - Earlier resolution of issues
 - Improved Māori participation

4. How will the management of natural hazards be improved?

- Natural hazards have been included in Part 2 of the RMA to ensure a risk-based approach in to decision making. This delivers on the recommendations of the Canterbury Earthquake Royal Commission.

5. How will the RMA changes improve housing affordability?

- The Productivity Commission found tight land regulation under the RMA was one of the biggest factors driving up house prices. Plans made under the existing RMA have tended to constrain land supply, and the planning system is not designed to respond to a rapidly growing population and increased demand for housing.
- This Bill introduces a new explicit responsibility for councils to ensure there is sufficient capacity for housing and business land to meet expected long-term demand. This builds on the momentum we have achieved from establishing SHAs. The Bill also streamlines the consenting process for residential development once areas have been zoned for that purpose.

6. How will the reforms speed up the plan-making process?

- Current plan-making processes are cumbersome, expensive and slow.
- The reforms include:
 - A streamlined planning process which will enable councils, with Ministerial approval, to formally adopt a plan-making process that suits their local circumstances instead of needing ad hoc law-making to deal with new or urgent issues

7. How will the reforms reduce duplication between the RMA and other Acts?

- Some activities under the RMA also require approvals under other Acts. Multiple approvals can be time consuming and complex, and applicants have to provide information several times to different decision makers for the same activity. For large projects, this can make a difference to whether they are viable or not.
- The reforms will remove the ability for a council to charge a financial contribution and make it clear that the costs of servicing new growth should be met through development contributions under the Local Government Act 2002.
- Other areas of legislative duplication the reforms will:
 - Create an optional joint process of public notification, hearings and decisions for proposals that involve private plan changes and/or resource consents under the RMA and recreation reserve exchanges under the Reserves Act 1977
 - Align the notified concession process under the Conservation Act 1987 with notified resource consents under the RMA at key steps
 - Remove the explicit function of regional councils and territorial authorities to manage hazardous substances under the RMA, as this is already covered by the Hazardous Substances and New Organisms Act 1996.

8. How will the reforms impact freshwater management?

- This reform will:
 - Create new regulation-making powers to exclude stock from water bodies (in accordance with recommendations made by LAWF)
 - Provide equal treatment for individuals, companies and trusts who take water for stock
 - Remove now redundant provisions on water quality classes
 - Facilitate community decision making for freshwater management through collaborative planning processes
 - Enable improved iwi participation through the new arrangements.

9. How will the reforms reduce litigation?

- The reforms refine the notification regime by removing some applications from public notification and specifying who can be involved in limited notified resource consent applications.
- One of the key themes of the reforms is to encourage resolution of disputes as early as possible in planning and consenting processes. There are two aspects to this:
 - Encouraging more engagement in plan-making processes generally, rather than engagement on individual consents
 - Providing avenues for resolving disputes as early as possible, avoiding appeals to the Environment Court.

10. What changes were made to the consenting proposals following submissions?

- Provide a five-year lapse period for unimplemented exemptions, to stop an exemption from remaining 'live' indefinitely if not implemented
- Provide a 10 working day statutory processing timeframe for boundary activity exemptions in line with the new fast-track process.
- Clarify that written approval is only required from the owner(s) of the property to which a boundary rule applies
- Exclude activities requiring regional consents from the fast-track process; the nature of "regional consents" (i.e. water permits, discharge permits, coastal permits and regional land use consents) is such that they can be complex and often require technical review, scientific assessment or assessment of cultural effects. This complexity is largely reflected in data which demonstrates that applications for such regional consents often take longer than 10 working days to process
- Allow applicants to 'opt-out' of a fast-track route if they wish

11. What changes were made to the process improvement proposals following submissions?

- Increase the maximum infringement fee for breaches of new regulation-making power to require stock to be excluded from water bodies from \$750 to \$2000, to ensure there is sufficient incentive to comply with the regulations.

12. What changes were made to the national direction proposal following submissions?

- Provision of a single process for the development of national direction, which will replace the consultation processes for NES, NPS and regulations with a process similar to that currently used for NES
- Renaming “National Planning Template” to “National Planning Standards”, to better reflect the instrument’s role to provide both a structure for policy statements and plans, as well as some mandatory content.
- Requiring that the first set of National Planning Standards cover:
 - Structure and format of policy statements and regional and district plans
 - Some standardised definitions
 - Electronic delivery requirements
- Removing parts 1(a) (b) and (c) of the new s360D regulation-making powers, but retain section (d). This will reduce the scope of the new powers and signal more clearly the areas of duplication and redundancy that the proposals primarily aim to address. The remaining regulation making power would enable the Minister to prohibit or remove rules that duplicate or overlap with other legislation.

13. What are the main changes the Government has agreed to make to the iwi participation arrangements?

- Incorporates the dual name Mana Whakahone ā Rohe/Iwi Participation Arrangement
- Removes the requirement for local authorities to initiate arrangements and instead iwi authorities may initiate one.
- Extends the time for concluding a relationship arrangement from six to 18 months.
- Adds guiding principles to arrangements covering working in good faith, transparent communications, commitment to meeting statutory timetables, minimising cost delays and recognising any Treaty settlement legislation.