

17 February 2023

Environment Committee
Parliament Buildings
WELLINGTON

By email: en@parliament.govt.nz

Tēnā koutou

Canterbury Mayoral Forum submission on the Natural and Built Environment Bill

1. The Canterbury Mayoral Forum (CMF) thanks the Environment Committee for the opportunity to make a submission on the Natural and Built Environment (NBE) Bill.

Background and context

2. The CMF comprises the mayors of the ten territorial authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury) and is supported by our Chief Executives. The purpose of the CMF is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.
3. All Canterbury councils actively participate in the CMF: Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils, the Christchurch City Council, and Environment Canterbury.
4. The following submission has been developed with input from across Canterbury Councils and focuses on matters of general agreement. Most of our Councils will make individual submissions and we ask that the Committee carefully consider each of these individual submissions.
5. The Canterbury Mayoral Forum does wish to appear in support of this submission.

Mayors standing together for Canterbury.

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6. The CMF acknowledges the significant amount of work the Ministry for the Environment (MfE) has undertaken in developing the NBE Bill, and thanks the MfE for the consultation opportunities leading up to the NBE Bill, including the consultation on the Randerson Report and the exposure draft of the NBE Bill.

General

7. The CMF generally supports the need for a new resource management system, the intent of the NBE Bill including the five objectives of the new resource management system to:
 - a. protect/restore the natural environment
 - b. better enable development within environmental biophysical limits
 - c. give effect to the principles of te Tiriti o Waitangi
 - d. better adapt to climate change and its risks
 - e. improve system efficiency and effectiveness, while retaining local democratic input.
8. The CMF also generally supports the focus of the new system on outcomes that will be achieved, amongst other things, by environmental limits and targets. Further, it supports the consolidation of the multiple existing plans and policy statements into one combined integrated plan. The enhanced enforcement powers are also strongly supported, as is the ability to create sub-regional committees.
9. Notwithstanding, our general support, the CMF considers that a number of important amendments are required to ensure the NBE Bill meets the reform objectives. Our key comments on the NBE Bill are set out in the section below, while the specific amendments requested are provided in Appendix 1.

Key amendments requested

Time and cost during the Plan Making Period

10. The NBE Bill provides a four-year period to make the new combined NBE plan, with a two-year period to prepare the plan and a two-year period to make decisions on submissions. The CMF believes this period is far too short, especially for the first NBE plan, and attempting to comply with this timeframe will risk:
 - a. creating poor planning decisions and outcomes
 - b. not giving effect to the principles of the te Tiriti o Waitangi
 - c. inadequate community consultation
 - d. obtaining insufficient technical input
 - e. placing the resource management industry under extreme pressure.
11. Preparing a combined regional and district plan is an enormous and complex task in the Canterbury context which includes eleven local authorities and a range of environments from the Mackenzie basin to the Central City of Christchurch. It will potentially involve over 100 chapters of objectives, policy, rules, and standards that are interrelated and manage complex resource management issues for a range of different environments. Further, the

mixed governance of the Regional Planning Committee (RPC) and the collaborative approach to developing the NBE plan is expected to take longer than through a single Council. The responsibility placed on councils to fund and resource the Committee seems unfair given that any individual council has, in reality, variable influence over the activity they will end up overseeing.

12. Given the scope, complexity and challenges of this task, the CMF considers the four-year plan making period is completely unrealistic. The speed at which so much work will be required to meet the four-year timeframe will lead to poor planning decisions. The plan provisions resulting from these poor decisions could endure for over a decade and may subsequently result in poor on-ground outcomes that will endure for generations. The limited third-party appeal rights will exacerbate this, as appeal rights normally address poor decisions.
13. The short plan making period also has the potential to undermine engagement with Māori. This is concerning as giving effect to Te Tiriti o Waitangi is a key objective of the NBE Bill and one which Canterbury Councils take seriously. It is our experience that meaningful engagement with Māori takes time and is not well served by adherence to short timeframes.
14. Similarly, there is insufficient time for meaningful engagement with local communities. Considering the potentially daunting and intimidating nature of engaging with a regional policy document and considering the potential litigious nature¹ of engaging with the Independent Hearings Panel, community engagement in the NBE plan is likely to be low. Accordingly, adequate time needs to be provided at the start of the process to provide for meaningful community engagement. Ultimately, the planning system is intended to serve the community and therefore we see community engagement as a crucial part of the planning process. Sufficient time is needed to conduct this.
15. There is also a risk of not obtaining sufficient technical input required for the NBE plan. Canterbury Councils already experience long delays and shortages in obtaining technical input across a variety of technical areas. This is mainly due to the small market for specialised technical advice in some fields. A lack of sufficient technical input creates a risk that plans will not be based on robust technical evidence. Again, this could lead to poor plan provisions and subsequently poor on-ground outcomes.
16. The four-year plan making period is also expected to place the resource management industry in Canterbury under extreme pressure given:
 - a. the size, complexity and challenges of creating the new NBE plans discussed above
 - b. that RMA plan reviews/changes are still being progressed
 - c. that the planning industry in Canterbury and across NZ is already suffering from acute staff shortages.
17. The CMF believes that this pressure will have a seriously negative effect on the wellbeing of the people involved in it. The Christchurch City Council district plan review provides a recent example of a short statutory plan making period that led to staff burn out and loss of

¹ The reduced rights of appeal will result in the hearings necessitating greater scrutiny of the proposed NBE plan and greater evidential requirements.

staff from the industry. This is counterproductive to an industry that is short of human resources and contrary to an employer's health and safety obligations.

18. To inform the decision as to what regions should transition to the new system first, the Minister is requested to conduct a readiness assessment that would assess each region's capability and readiness to transition to the new system. Details of the readiness assessment are included in Appendix 1 and would assist in avoiding the issues identified above and ensure that the new legislative requirements are able to be progressed within the specific context of each regions ability to resource additional requirements.
19. In summary, the CMF believes the four-year plan making period is unrealistic. Attempting to comply with this timeframe will undermine confidence in the new NBE plan and NBE from the outset.

Amendment requested:

20. The plan preparation period is extended to 6 years overall, with a three-year period from commencement to notification of the plan and a three-year period from notification to making decisions on submissions.
21. The Minister decides the sequencing for the commencement of each plan having regard to a readiness assessment.
22. The Minister should fund in collaboration with local government, both the implementation and operational cost associated with RPCs and the Secretariat.

Increase public participation

23. The CMF is seriously concerned with the lack of public participation opportunities provided for in the NBE Bill, both through the plan making and consent processes.
24. Public participation in the plan making process has been limited throughout the NBE Bill, including by:
 - a. the limited 2-year plan making period that will significantly limit public engagement at the start of the plan making process
 - b. initial plan engagement consultation being limited to major regional policy issues, as opposed to district or local issues
 - c. RPCs being responsible for plan making, which limits local authorities' involvement in plan making
 - c. requiring evidence to be submitted with submissions, which will likely be an impossible task for most submitters given the scope of the combined plan
 - d. the Independent Hearing Panel process that will be litigious, expensive and daunting for most members of the public
25. One of the stated objectives of the NBE Bill is to retain local democratic input. The CMF considers this has not been achieved and that the public should be provided with reasonable and genuine opportunities to engage in plan making. We consider this a fundamental democratic right that is supported by s.82 of the Local Government Act 2002. Further, it is our experience that not providing adequate engagement opportunities

significantly reduces the quality of plans. Resource management issues by their nature are complex and affect people in different ways. The range of views the public bring to resource management issues in plan making processes is very helpful as it provides different perspectives not necessarily available to staff and decision makers. This greatly enhances the ability to make well-informed decisions.

26. People should also be provided with appropriate opportunities to participate in consent processes when they are affected by a development and when it is outside of what is expected by a plan. However, the new consent notification provisions in the NBE Bill appear as if they have been designed to significantly constrain affected party involvement. For instance:
 - a. The new ability to weigh positive effects of an activity against its adverse effects has the potential to dismiss important adverse effects when considered against the broader positive effects of an activity.
 - b. The new requirement to consider whether information from the potentially affected person is necessary to understand the effects of an activity and whether their involvement will result in information that will make a material effect on the decision, both has the potential to dismiss an affected party's unique point of view and their local knowledge about the effects of the activity in that location. It will be difficult to know if the information held by a potentially affected person will have a material effect without first knowing their views.
 - c. The absence of special circumstances means that consents cannot be notified/limited notified in situations which are unanticipated. For example, when a NBE Plan does not give effect to the NPF.
27. To constrain people's involvement in consenting processes that affect their property limits their rights in relation to something which has very high importance. People have made substantial investments in their properties, in many cases their life savings. They are also often emotionally invested in their properties and the amenity and attractiveness of their property contributes to their wellbeing and is a key source of pride and social status. It is our experience that not providing people affected by development with participation rights in consent processes creates substantial discontent. Accordingly, the CMF requests amendments to ensure consent notification is triggered by an adverse effects threshold.
28. With these matters in mind, the CMF requests several amendments to increase public participation.

Amendments Requested:

29. Provide a 6-year plan making period to help ensure adequate community engagement.
30. Broaden the scope of the regional planning committee's engagement policy to include district and local issues.
31. Not require evidence to be submitted with submissions.
32. Ensure that public and limited notification of resource consents is triggered by adverse effects thresholds.

Reduce political interference

33. The NBE Bill provides opportunities for central government political interference in plan making including the Minister's ability to:
- a. appoint a substitute to the regional planning committee (s.632)
 - b. direct the preparation of a plan change or variation (s.633)
 - c. direct a plan review to commence (s.634)
 - d. direct any other action to be taken (s.635)
 - e. direct the preparation, change and variation to plans that relate to the coastal marine area (s636)
 - f. direct exemptions to environmental limits (s.44).
34. The CMF considers this is contrary to good governance practice, which, as outlined by the auditor general², should separate governance from management. In this context, central government should focus on creating appropriate legislation and national policy, while RPCs should focus on implementing that legislation and national policy through the NBE plan.
35. As proposed the NBE Bill potentially politicises the planning system by providing an opportunity for the government of the day to make changes for political gain. Such changes could be unintended by the government that passed the NBE Bill.
36. The CMF acknowledges the need to review the performance of the regional planning committees and the need to direct changes in the interest of national importance. However, it considers that it would be more appropriate for the Minister to direct an independent authority (e.g. the Environment Court) to investigate and direct those changes. It is important that any such authority is not appointed or aligned with a political organisation. This would ensure planning decisions are based on evidence and good practice as opposed to political motivations, or a result of lobbying. The CMF considers it vital to protect the integrity of the planning system.

Amendments Requested:

37. Amend sections 632 to 635 and section 44 of the NBE Bill so that the Minister can only refer these matters to Environment Court for their consideration and determination.

Clarify the Bill's purpose

38. A particular issue with the NBE Bill is that its purpose is unclear. It has two purposes that are inconsistent and overlap each other. The CMF requests amendments to the purpose of the NBE Bill to help address these matters and clarify its meaning. It is vital the purpose of the Bill is clear as it will affect the interpretation of the remaining parts of the Bill, the National Planning Framework and NBE Plans.

Amendments Requested:

39. Amend section 3 to help clarify the purpose of the NBE Bill.

² Good Practice Summary: Good Governance (oag.parliament.nz/good-practice/docs/good-governance.pdf)

Address the Bills conflicting objectives

40. Another important issue is that system outcomes under section 5 of the NBE Bill are not prioritised and conflict with each other. This is concerning as it creates on-going confusion about what the system is trying to achieve. If clarity is not provided, it will be difficult for the National Planning Framework and NBE Plans to resolve these conflicts. Leaving these conflicts to be resolved through the National Planning Framework also provides the opportunity for the government of the day to pick and choose what is prioritised. It took years for the Environment Court to clarify that section 6 of the RMA constitutes environmental bottom lines. Not only was this costly to resolve, but it also resulted in years of inconsistent decision-making and poor on-ground outcomes. Accordingly, the CMF requests amendments to resolve the potential for conflicting system outcomes. Ideally this would constitute a list of prioritised system outcomes. Other amendments to section 5 have also been suggested in Appendix 1.

Amendments Requested:

41. Amend section 5 to prioritise system outcomes and address the amendments requested in Appendix 1.

Promote good urban design

42. The CMF is disappointed that there is nothing in the NBE Bill that specifically promotes good urban design outcomes. The need to maintain and enhance amenity as required by section 7 of the RMA has not been included and nothing in the NBE promotes good urban design. It should be noted that the term 'well-functioning urban area' in section 5 is not itself defined and does not address urban design, or the quality and liveability of the built environment.

43. Approximately 87% of New Zealand's population reside in urban areas. Accordingly, it is appropriate that the planning system meets people's aspirations and contributes to making urban areas attractive places so that people want to live and work there.

44. The CMF acknowledges there is a need for change in urban areas over time and that it is not always appropriate for existing character and amenity to be retained. However, it is important that the new system promotes good urban design outcomes that consider context, provide connections, encourage creativity, creates/enhances identity and character, and achieves a reasonable level of amenity.

45. The risk of not providing for good urban design as a system outcome is that good urban design will no longer be required or prioritised. Urban development will be left to the market, which if left unfettered by NBE plans to provide good urban design, will produce substandard development that adversely affects the lives of thousands of people. These effects will endure for decades. There are already too many examples of poor urban design, in Canterbury, New Zealand and internationally. The conception of urban areas as purely functional has been comprehensively decried. Urban areas are places for humans and human nature appreciates the aesthetic appearance of things and the amenity that it provides. The CMF believes it is crucial for the well-being of people that good urban design is promoted in the NBE Bill. It is our experience that plans with discretion to consider design produce considerably better urban design outcomes than those that do not.

Amendments Requested:

46. Amend the system outcomes to include good urban design.

Reduce the human resources required to implement the Bill

47. While system efficiency is a stated objective of the NBE Bill, the CMF believes that several amendments need to be made to ensure that objective is achieved. Human resourcing is a particular issue for Canterbury Councils as there has been on-going shortages of qualified and experienced planning staff across Canterbury for years. This has been a major constraint in implementing the RMA. Also, there is uncertainty for host councils around responsibility of employment for the secretariat to host CEO and to the regional committee. The CMF believes there is no merit in creating a system that cannot be properly implemented. The impact on resourcing should therefore be a key consideration in the select committee's deliberations on the NBE Bill.
48. As discussed above, the short four-year plan making period is likely to create acute resourcing shortages for Canterbury Councils. Not only is creating a combined regional plan an enormous and complex task that will take all of Canterbury's resource of policy planners to achieve, but the existing resource of policy planners is already entirely taken up dealing with plan changes and reviews under the RMA. To resolve that situation, the CMF requests the extension of the plan making period (as stated above). It also requests that transitional arrangements under the NBE Bill allow Councils that are working on plan changes and plan reviews under the RMA to have discretion as to whether to put their resources into continuing with their reviews or to focus their resources on transitioning to the new system. It would be non-sensical for Council's to start full plan reviews now.
49. The CMF also believe that proposed Permitted Activity Notices (PANs) will create significant resourcing issues as they will need to be prepared by planners (or someone with a high degree of training) and will need to be monitored for compliance. This will exacerbate the existing shortage of planners and monitoring staff. While PANs are not compulsory, we request more limitations are placed on their use so that they do not create significant resourcing issues.

Amendments Requested:

50. Extend the plan making period to 6 years as already discussed.
51. All Councils discretion as to whether they continue with RMA plan processes.

Improve the clarity of the Bill

52. There are numerous sections of the NBE Bill that require clarification. Several key terms are not defined, while many other sections just require more detail to ensure that their meaning can be readily understood. Our submission addresses these matters in detail in Appendix 1. The CMF requests clarification of these sections to ensure they do not lead to confusion, misinterpretation and costs associated with seeking clarification through the courts. It took years of costly litigation to resolve the interpretation issues with the RMA and accordingly, Canterbury Councils would like to avoid repeating that situation.

Amendments Requested:

48. Amendments to various provisions of NBE Bill as set out in Appendix 1

Further information

53. Our secretariat is available to provide any further information or answer any questions about our submission. Contact details are Maree McNeilly, Canterbury Mayoral Forum Secretariat, secretariat@canterburymayors.org.nz, 027 381 8924.

Nāku iti noa, nā

A handwritten signature in blue ink, appearing to be 'Nigel Bowen', with a small dot at the end.

Nigel Bowen
Mayor, Timaru District Council
Chair, Canterbury Mayoral Forum

Appendix 1 – Amendments Requested

The proposed amendments sought are described below. The reasons for the requested amendments are also explained below unless it is explained in the main body of the submission. Also provided below are some specific comments in support of certain provisions the CMF wants to draw attention to.

Purpose of the Act

1. Amend section 3 to clarify the purpose of the NBE Bill and avoid any inconsistency or overlap between its parts.
2. The following other specific amendments are request:
 - a. The word 'sustainable' should be included as it qualifies the phrase 'use, development, and protection of the environment'. The concept of sustainability is more relevant now than ever, is used in a range of national and international environmental legislation and policy and will positively influence the interpretation of the remaining parts of this section. We consider it can co-exist along with the concept of te Oranga o te Taiao.
 - b. Stronger language than 'promote' is needed in section 3(a)(ii) of the NBE Bill to ensure outcomes that benefit the environment are not something that are just encouraged.

System outcomes

3. Amend section 5 to:
 - a. Prioritise system outcomes. The reason for this amendment is stated in the main body of the submission.
 - b. Make restoration of degraded environments proportional to the scale of the development and the effects created otherwise it will lead to perverse outcomes.
 - c. The term 'rural areas' should be removed from sub-section(c) as the subsections beneath it primarily relate to urban matters. A separate section should be added to define the criteria for a well-functioning rural environment or provided through the NPF.
 - d. Delete the word 'land' from section 5(c)(ii) and replace with 'at least significant development capacity' as the ample supply of land does not necessarily mean there will be an ample supply of development. 'At least sufficient development capacity' is consistent with the NPD-UD that recognises that land is only one component of development capacity. The words 'to avoid inflated land prices' should be deleted as that would incorrectly attribute supply side factors to rises in land prices where, in reality, market dynamics are much more complex.
 - e. Change 'the word 'affordability' in section 5(c)(ii) to 'affordable options' as 'affordability' implies that all the houses must be affordable. That is unlikely ever to be feasible from a commercial viability perspective or desirable from a market demand perspective (e.g. some people want expensive houses). Use of the term 'affordable options' will ensure that development provides some options for affordable housing.
 - f. The words 'natural and open space' are requested to be inserted into section 5(e)(iv) as it is a key requirement for a well-functioning urban environment and is

consistent with Policy 1 of the NPS-UD that relates to a well-functioning urban environment.

- g. Add an additional subsection to section 5(c) to ensure that 'good urban design outcomes' is included as a system outcome. The reason for this amendment is explained in the main body of this submission.
- h. In relation to section 5(g) we request adding the word 'significant' as, without it, this section could lead to perverse outcomes of protecting any heritage despite its lack of significance. We also request to add the words 'inappropriate, subdivision and development' to section 5(g) as a qualifier which allows the appropriate development of heritage items, which can help their conservation.

Decision making principles

4. Amend section 6 to delete sub-section (e) and include 'cumulative effects' in sub-section (d). The reason for this request is to ensure cumulative effects are managed so that they achieve and do not undermine outcomes.

Effects management framework

5. Amend section 62 so that the effects management framework applies to all effects, unless otherwise stated in the NPF. The reason for this request is to provide guidance as to the management of effects, otherwise the easiest option will be taken.

Governance

6. Delete clause 23 Schedule 8 and add 'voting arrangements for the regional planning committee' to clause 3(1) schedule 8. The reason for this amendment is that it provides an opportunity to determine voting in an equitable way in tandem with composition arrangements.
7. Amend clause 2(2) schedule 8 to clarify that each local authority in the region of the committee may appoint at least 1 member which may be an elected member or a non-elected member. The reason for this amendment is to clarify that this clause provides discretion as to whether members of the RPC need to be elected or not. The CMF considers it advantageous that local authorities have discretion for the member to be an elected or a non-elected member. While most Canterbury Councils have a preference for elected members on the RPC, they also see benefit in using non-elected members as non-elected members may have skills that elected members do not have. Non-elected members may also be preferable for plan processes that span election cycles. Elected members can change over election cycles leading to inconsistency, lack of knowledge and buy-in. The Christchurch City Council and Waimakariri District Council do not agree with this position. Their submissions will address this matter.
8. The CMF specifically supports clause 3(2)(d) schedule 8 that provides that local authority membership of RPC has been agreed with 'consideration' of the different populations of the individual local authorities and the desirability of applying some weighting in respect of that. While the Christchurch City Council submission will seek weighting for population to be mandatory, the other Canterbury Councils do not agree with this position. The other Canterbury Councils consider mandatory population weighting unhelpful. It will lead to one

geographic area of Canterbury dominating membership of the RPC, rather than a representative model that reflects the diversity and breath of Canterbury.

9. The CMF also specifically supports clause 31 that provides that an RPC may not delegate its power to make decisions on a plan or a regional spatial strategy. The Christchurch City Council and Waimakariri District Council do not agree with this position and their submissions will address this matter. The other Canterbury councils consider that it is important that the RPC retain overall decision-making powers to ensure that sub-committees do not make decisions that conflict with the RPC decisions.
10. Amend schedule 8 to ensure RPC members have adequate training for their role.

Plan making

11. Amend the plan making period in clause 2, schedule 7 to a 6-year overall period, with a three-year period from commencement to notifying the plan and a three-year period from notification to make decisions on submissions. The reasons for this amendment are stated in the main body of the submission.
12. Amend clause 2, schedule 7 to require the Minister to determine the sequencing for the commencement of each plan having regard to a readiness assessment. This readiness assessment would include an assessment as to whether:
 - i. the baseline information is available to complete the plan
 - j. the technical resources are available to complete the plan
 - k. the human resources are available to prepare the new plan
 - l. Māori have sufficient resources and information to prepare the plan
 - m. the budget is in place to finance the new plan
 - n. the maturity of the existing plans/policy statement is a reason to proceed urgently with the review or not.
13. Amend clause 16, schedule 7 to broaden the scope of the RPC's engagement policy to include district and local issues. This will help public participation. Refer to the main body of this submission for a more detailed explanation for this amendment.
14. Amend the permitted activity category in section 153 to differentiate between permitted activities that require a permitted activity notice and permitted activities that do not. The concern is that there will be a lack of understanding of the need to require a permitted activity notice as permitted activities under the RMA did not have this requirement. This will lead to confusion and inefficient administration, compliance, monitoring and enforcement. We recommended naming permitted activities that require a permitted activity notice 'registered permitted activities'.
15. Amend the controlled activity category under section 153 as it will give rise to confusion with controlled activities under the RMA which have a different meaning. If consent can be refused, we recommend retention of the term restricted discretionary activities.
16. Reconsider section 106 that states that iwi and hapū can provide statements of te Oranga o te taiao to the RPC. Local interpretations of te Oranga o te Taiao could potentially cause confusion and conflict with the purpose of the Act, its definition of te Oranga o te Taiao, system outcomes and the national planning framework. We suggest this section is replaced

with a statement as to the 'resource management issues of significance to iwi and hapū' and 'the resource management outcomes sought by iwi and hapū'. As there has been no time to obtain Ngāi Tahu's feedback on this matter, the Select Committee is requested to consult with Ngāi Tahu regarding this amendment.

17. Amend section 108(b) to (d)(iii) to clarify and refine the NIMBY³ provisions. Presently subclause (d) is too broad, and it could be interpreted to mean that any adverse effects must be disregarded from the use of land by people of low income; people with special housing needs; or disabled people that require support. This would mean these people could get consent for any land use, no matter how significant the adverse effects. There is also no definition of these terms, which means they could have broad and unintended consequences.
18. Amend sections 643 and 645 regarding statements of regional environmental outcomes (SREO) and statements of community outcomes (SCOs) to require them to be consistent with the purpose and related matters listed under subpart 1 Part 1 and the NPF. Otherwise, there is potential for misalignment between the SREO and SCOs and the purpose and outcomes of the NBE Bill and the NPF. It also has the potential to raise expectations of the community that these statements will influence decision making despite potentially conflicting with the purpose and related matters under subpart 1 Part 1 and the NPF.
19. To ensure the SREOs and SCO's have a sound basis, it is also requested that sections 643 and 645 are amended to require Councils to conduct public consultation to inform these statements, unless public consultation on similar matters has been previously conducted within the last year.
20. Amend part 1, schedule 7 to require RPCs to provide the proposed NBE plan to the councils in its region for review prior to making their final decision on the NBE plans. Also require the RPC to provide reasons why any recommendations from the Councils were not accepted.
21. Amend clause 34, schedule 7, to delete the requirement for evidence to be submitted with primary evidence. Generally, it is very difficult for submitters to review an entire plan or policy statement and make a submission within the statutory time-period. This will only be exacerbated with NBE plans combining both regional and district responsibilities. It would be near impossible for most submitters to provide evidence with their submission, particularly if it relates to multiple parts of the plan. It also does not provide the opportunity to respond to the officer's report. Providing impossible deadlines and not providing an opportunity to respond to the officer's report is not in accordance with the principles of natural justice.
22. Amend section 107 to require RPCs 'to have particular regard to all relevant statements and plans prepared under the Water Services Entities Act 2022' when making NBE plans.
23. Request that the Minister is required to provide operational guidance or suitable regulations to govern the operation, procedures and processes of the planning committee, secretariat and Independent Hearings Panel (IHP). Specifically in relation to the IHP, we request this

³ Not in My Back Yard

guidance or regulations clarify how the IHP is resourced and supported. To avoid a conflict of interest, support for the IHP should not be from the secretariate.

Consents

24. Amend section 302 to place limitations on Permitted Activity Notices (PANs) so they do not create significant resourcing issues. PANs will create significant resourcing issues as they will need to be prepared by planners (or someone with a high degree of training) and will need to be monitored.
25. Amend section 223(2)(f) to clarify whether the track record provisions apply to company directors and whether it should apply to all non-compliances or just significant non-compliances.
26. Amend section 223(8) to address the issues with NIMBY provisions as stated in paragraph 17 above.
27. Amend sections 223 and 512 to require decision makers on resource consents and designations 'to have particular regard to all relevant statements and plans prepared under the Water Services Entities Act 2022'.
28. Provide sufficient lead in time to change existing Council consent systems and processes to effectively manage the new system. It is our experience that IT programs associated with resource management systems can take several years to scope, budget for and implement. These changes can also have consequential effects on other Council systems (records, finance, GIS etc.).

Functions, powers and duties of Ministers

29. Amend sections 632 to 636 and section 44 so that Ministers can only refer these matters to Environment Court for their consideration and determination. The reason for these amendments is explained in the main body of the submission.

Transitional arrangements

30. Amend clause 6, subpart 2, Part 1, Schedule 1 to require the Minister considers the impact on council resourcing in any amendment to existing RMA national direction.
31. Amend Schedule 1 to provide certainty around the transition times so that Long Term Plan budgets can be confirmed to implement the new system.
32. Provide more details regarding the model plan process about what it really means and what is involved.
33. Amend schedule 1 to:
 - a. stop appeals for extant plan review processes under the RMA so that Councils can concentrate their limited resources on transitioning to the new system.
 - b. make progressing plan reviews under the RMA voluntary.

34. Amend schedule 1 to provide clarification regarding how to resolve conflicting plans and the weighting to be given to the NBE plan. Note the legal effect rules under clause 2(5) schedule 1 and the timing that RMA plans cease to have legal effect, means that there will be a period of two years that two plans made under two different Acts apply. For those Councils currently undertaking plan reviews, there could potentially be three plans to consider. This will potentially create a complicated transition period where two or three plans made under two different acts apply.