Attachment A: QLDC's Submission on the RMA reforms

OPPOSITION:

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached RIS)*	**Reason for opposing / requesting policy changes**	**Recommended action for Select Committee**
Regulation making powers to enable the Minister to prevent and remove certain council planning provisions and to permit certain activities (p17-19 of the RIS) *This gives the Minister power to change Council planning policy without agreement from Council.* *Some of these powers will expire when the NPT comes into effect (expected to be around mid-2018).*	We oppose this as it gives central government an effective veto power over local decision making processes made following the submission and further submission process set out in the First Schedule. It also goes against the devolved decision making principles of the RMA and has the potential to be inappropriately used politically by the Minister. Instead it is recommended that greater involvement by the Ministry for the Environment in the local plan writing process be undertaken, with MfE acting as a submitter. We also seek more significant changes to the First Schedule process so RMA plans can be changed more quickly than at present when problems are identified.	QLDC would like this proposal to be removed from the Bill. Instead greater involvement of MfE in the plan change process, and further changes to the First Schedule process should be implemented to make it easier and quicker for Council's to change their RMA plans.
Consent exemption for boundary infringements with neighbour's approval (p40-41 of the RIS) *This would enable an activity that requires a resource consent because of a boundary breach to be treated as permitted provided written approval from the affected neighbour is obtained.*	We oppose this because it is confusing 'effects on people' with 'effects on the environment'. Just because a neighbour signs off does not mean it is a good physical outcome on the ground. For example, it could result in a built form completely out of character with the local context in zones such as the Residential Arrowtown Historic Management Zone. It also has the potential to be abused by sub-dividers in situations where the same person owns the surrounding land. For example at the time of subdivision, all lots are in the ownership of the developer, so there is significant potential for these owners to approve their own boundary infringements. This could result in developments with no boundary setbacks, resulting in loss of daylight and solar access, privacy, views and noise reduction etc of occupiers of the dwellings for at least the next 50 years	QLDC would like this proposal to be removed from the Bill.
10 day fast-track consenting process for simple applications (p42-43 of the RIS) *This represents a 50% reduction in the existing time allowed for processing consents. Controlled activities (not including subdivisions) and activities defined in regulations would be subject to this new fast-track process.* *Consent decisions that do not meet the 10 day timeframe would result in the application fee being reimbursed.*	We oppose this because there is a significant difference between making a quick decision and making a quality decision. QLDC endeavours to process all consents within the existing 20 day timeframe, and our current average is 17 days. Over the past 5 years we have had an average of 948 resource consent applications per annum. While Council always strives to process consents as quickly as possible, moving to a 10 day timeframe would put additional resourcing pressures on QLDC and likely result in a reduction in the quality of decisions made. In addition, having to provide a refund on those applications that do not meet this 10 day timeframe would mean rate-payers would be subsidising the cost of development, creating further pressure on resourcing at QLDC. This fast-track option would result in a subsidy of complex and poorly-prepared resource consents by the rate-payers and others who submit well-prepared consents. Some applications are also not as simple as they first appear. This could result in some applications being put through the 10 day fast track process that will end up taking significantly longer. For example, a controlled activity consent for a new commercial building at Remarkables Park Shopping Centre provides certainty to the developer that the consent will be granted. These consents are not simple however as the Council has to exercise control over 14 different matters. While the policy intent is to speed up consent turn-arounds the reality would mean a disproportionate potential loss to ratepayers compared to a possible gain of two weeks by developers. It should also be recognised that the 20 working days for non-notified consents is already short compared to comparable consent processes in Australia (60 days) and the United Kingdom (40-65 days).	QLDC would like this proposal to be removed from the Bill. Instead of the change proposed, amend section 113 of the RMA to allow Council's to cover off less matters when making a decision on certain applications.

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached RIS)*	**Reason for opposing / requesting policy changes**	**Recommended action for Select Committee**
Consent decisions to be issued with a fixed fee (p50-51 of the RIS) *Councils would be required to set certain consenting charges at a fixed fee (which would be set by the Council).*	Whilst it is recognised a fixed fee provides increased certainty for applicants, we consider that Councils already have the ability to switch to fixed fees if they so desire. No legislative change is necessary. Officers can see the benefits of a fixed fee system however 'user pays' is arguably fairer as it does not result in large development consents being subsidised by applicants for more minor consents. We request that the requirement for a fixed fee is deleted from the Bill as Council's already have the ability to choose to use a fixed fee system.	QLDC would like this proposal to be removed from the Bill.
Enable the Environment Court to allow Councils to acquire land where planning provisions have rendered land incapable of reasonable use and placed unfair and unreasonable burden on the landowner (p64-66 of the RIS)	The proposal is not supported as legislative change is not necessary for this to happen. The change is very weakly worded, such that the Environment Court might "allow" Councils to acquire land. Council can acquire land already without the Environment Court allowing it to happen, provided there is a willing buyer and willing seller, and is able to fund the purchase. There is a concern this could be used as a threat to try and achieve a developers' preferred outcome and cost rate-payers considerably in terms of court costs to defend Council's decision. The proposal would enable persons to apply to the Court or appeal at any time, rather than the discrete opportunities currently provided.	QLDC would like this proposal to be removed from the Bill.

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached RIS)*	Reason for opposing / requesting policy changes	Recommended action for Select Committee
Changes to plan making processes (p29-30 of the RIS) *The proposal will:* • *introduce limited notification as an available option for plan changes where directly affected parties can be easily identified. This would limit public participation to only those people directly affected;* • *require councils to request approval from the Minister for the Environment to extend the two year time limit for making decisions on a proposed plan or plan change; and* • *clarify that councils may give effect to a proposed RPS when preparing a combined plan that includes a proposed RPS*	Council supports the principle of streamlining the plan making process; however we do not think the proposed amendments go far enough. The two year timeframe for making decisions on a Proposed District Plan is already set out in the RMA so this is an unnecessary step. Officers do not think that requiring approval of central government to take longer than two years to make decisions on submissions adds value, because it is unclear what it would achieve (would the Minister say 'no, start again'?). It could take longer than two years to make decisions on submissions due to legal challenges or the number of submissions received. No Council wants its hearings of submissions to drag on for more than two years, but the RMA with its focus on processes rather than outcomes does not facilitate this. Limited notification of some small plan changes could be useful as an option to speed matters up, however it risks shutting the public out of changes that incrementally could have wider implications, for example minor rezoning of land across the Wakatipu Basin. Given the widespread use of experienced independent commissioners for Plan Change hearings, and how thorough the local hearing has now become, officers would prefer either (all proposals are from the Governments original Phase 2 reform proposals): • limiting or removing appeal rights on plan changes on Council policy decisions (recognising the robustness of the local decision using experienced Commissioners who have completed the 'making Good Decisions' programme) • remove the 'de novo' nature of Environment Court appeals i.e. don't start again. • greater accountability for timely decisions from the Environment Court be inserted into the Bill, because evidence shows most time taken to make a plan change or proposed plan operative is at the appeals stage. For example, the QLDC first generation District Plan was notified in 1995, decisions on submissions were issued in 1998 (3 years), but the appeals were not substantially resolved until 2003 (5 years) and not fully resolved until 2007 (9 years after the 'decisions on submissions' were issued). Plan Change 19 which sought to enable development by rezoning land from Rural General to mixed use urban, was publicly notified in June 2007, decisions on submissions were issued on October 2009, but the plan change was not made operative until December 2014 (approximately 5 years in the appeals phase). Council also seek: • legislative change so that submitters cannot seek to physically expand the geographical area of a plan change (the "me too" submitters) and unnecessarily hold up plan changes with 'scope' issues • plan changes that have recently be made operative following the publication of a Proposed District Plan, can be incorporated into that Proposed District Plan without further formality or opening them up to submission again. The RMA does not have a mechanism to recognise that parts of an operative plan require review, and other parts do not.	QLDC request that the need to obtain Ministerial approval for exceeding the two year timeframe is removed from the Bill. We also request that a specific time limit be imposed on the Environment Court to hear and decide appeals. We would like this proposal to be changed so that recently made Plan Changes can be incorporated into a Proposed District Plan without having to do a variation or opening them up to submission again. The RMA does not deal well with plan changes that are caught 'mid process' by a Proposed District Plan coming out. We request legislative change so that submitters cannot seek to physically expand the geographical area of a plan change ("me too" submitters) and unnecessarily hold up plan changes with 'scope' issues. We request legislative change so that plan changes that have recently be made operative following the publication of a Proposed District Plan, can be incorporated into that Proposed District Plan without further formality or opening them up to submission again.

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached RIS)*	**Reason for opposing / requesting policy changes**	**Recommended action for Select Committee**
Streamlining of the notification and hearing process (p44-46 of the RIS) *There are a range of proposal under this heading including:* • *to clarify the notification provisions for certain types of applications and set out a new stepped approach for determining whether to notify an application.* • *to refine consideration of affected parties for limited notification of district land use activities, creating a two-step test for district council land use consents.* • *to require councils to identify the specific adverse effects that bring them to decide to notify an application; record those specific effects and include them in the public notice; and require submissions to be focussed on those effects.* • *To require that if submissions on notified resource consent applications do not meet certain criteria (e.g. they must be supported by evidence), they must be struck out.* • *to include a new regulation making power to enable regulations that can specify applications which must be processed without public notification, and restrict the persons who may be considered affected by that activity to certain types of named person (identified in the regulations)*	Officer's share the concern of central Government that the notification decision has become more important than the actual decision. In many respects, a decision to notify an application can mean it does not proceed due to the cost of a notified hearing and the potential for appeals. However the reform proposals do not simplify or streamline matters, instead they tinker with the existing tests for notification. They changes would introduce a new layer of assessment of submissions for Council's in terms of now having to determine whether they meet the indicative criteria that submissions must: • be related to the reasons for notification; • be supported by evidence; • have a sufficient factual basis; • if pertaining to be independent expert evidence, be made by a person with suitable experience and qualifications. The proposed changes also restrict the ability for submitters to be involved and identify issues of concern (based on their local knowledge) that a Council officer may not be aware of. We do not support these reform proposals because they do not fundamentally address the big issue of notification decisions being made on the qualitative test of whether environmental effects are more than "minor". The test to too subjective when it relates to effects on amenity values that frequently arise in urban areas. Greater specification of consents that must be notified (such as a list of applications that will or will not be notified) would provide greater certainty for applicants and Councils', rather than endless arguing over whether environment effects are more than minor. The reforms also confuse 'effects on people' with 'effects on the environment', and introduce regulation making powers that allow the Minister to ignore the tortuous First Schedule process that Councils' are forced to go through in the plan making process.	QLDC would like this proposal to be removed from the Bill. More fundamental changes to the notification test are required to provide complete certainty to applicants and councils over what types of consents will be publicly notified. For example listing the types of consents or rule breaches that will be notified.

SUPPORT / CONDITIONAL SUPPORT:

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached Regulatory Impact Statement (RIS) appended as Attachment B)*	**Reason for support / requesting policy changes**	**Recommended action for Select Committee**
Streamlined Planning Process (SPP) (p31-33 of the RIS) Councils can request use of a SPP from the Minister to deal with urgent issues, including: • Implementation of national direction; • A significant community need or urgency; and • Unintended consequences of a plan. The council would have to send its draft decision on the proposed plan to the Minister for approval. This would provide a quality control check as no appeal rights, except for judicial review, would be allowed. *This will enable faster planning processes for urgent issues, or where there is community need, as well as faster implementation of national direction. This flexibility will avoid the need for special legislation and provide greater certainty within the system compared with developing ad-hoc legislation e.g. Christchurch Replacement District Plan or Auckland Unitary Plan.*	Council agrees that the length of time it takes to prepare a Proposed Plan or Plan Change is too long due to the fraught First Schedule process. Significant reform of the First Schedule process is required. We support the proposal as it gives a different option to the First Schedule process which is incredibly slow and inefficient. This would increase the ability of QLDC's District Plan to respond to urgent emerging issues. The ability to request the SPP should only be for Council led plan changes and not to private plan changes. Private plan changes that are 'accepted for processing' rather than 'adopted' have little or no Council input and have led to the proliferation of special zones in the Queenstown Lakes District. The proposed changes do not go far enough.	Support the proposal as an alternative to the fraught First Schedule process. We would also like to confirm support for the proposal only applying to Council led, and not private, plan changes.
Improving processes for specific housing consents (p47-49 of the RIS) • Reverses the presumption in favour of subdivision, so that subdivision is allowed unless it is restricted by a rule in an NES, a plan or proposed plan; and • Restricts public input on subdivision/residential activities at the consent stage and prevent public objections to consent applications stopping developments consistent with the zoning from occurring; and • Prevents Environment Court appeals for subdivisions, residential activities in a residential zone and boundary infringements to be precluded unless they have non-complying status. *Where subdivisions have been anticipated in residential zones in QLDC's District Plan, we would be able to rapidly grant subdivision applications.* *Encourages public input at the plan making stage rather than consenting stage.* *Risk that reduced opportunities for public input through the notification of consent proposals may result in potentially important effects remaining unexamined, or decisions being made that no longer reflect the aims of the community.* *A risk of removing appeal rights will mean that applicants or submitters have no avenue for overturning poor decision making.* *Judicial review will remain as an avenue for the revisiting of decisions where an error in law has been made*.	This proposal would mean that where subdivisions have been anticipated in residential zones in QLDC's District Plan, we would be able to rapidly process subdivision applications. It also encourages public input at the plan making stage when zonings are set, rather than at the resource consent stage. In general these changes are supported as developers should be able to get on and develop residential activities on land zoned for residential development without the concern of notification or Environment Court appeals. The provisions would enable consents to be granted or declined on a non-notified basis. However the important safety valve of the 'non-appeal provisions' not applying in the case of a non-complying activity must be retained. The Council also has the safety valve of "special circumstances' under the RMA to notify an application if for some reason public comment should be essential for an application that is not non-complying.	Support the proposal provided the exclusion for non-complying activities remains.

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached Regulatory Impact Statement (RIS) appended as Attachment B)*	**Reason for support / requesting policy changes**	**Recommended action for Select Committee**
National Planning Template (NPT) (p20-22 of the RIS) A mandatory NPT with: • Standardised formatting and structure; • Incorporated national direction; • Standardised definitions; and • Electronic functionality and accessibility of planning documents. Councils will still be able to develop local content for their plans. *This will reduce the complexity of RMA plans and policy statements, improve the consistency and usability of plans and speed up decision making.*	We support this, with some changes, as it will speed up plan making processes and enable faster decision making. The NPT should not go as far as specifying outcomes (beyond those established in National Policy Statements (NPSs) and National Environmental Standards (NESs), as these are best decided at the local level. For example we would not support a suite of 15 zones say that has been developed by central Government and being told to use only those 15 zones in the District Plan. Measures should also be put in place to ensure it is easy to move operative district plan provisions over to the NPT without undue formality so the planning process does not need to be repeated. This is particularly relevant to QLDC given we are in the early stages of a Proposed District Plan.	Support the proposal provided that the NPT does not specify outcomes (beyond those established in Part 2 of the RMA, National Policy Statements (NPSs) and National Environmental Standards (NESs), as these are best decided at the local level. Measures should also be put in place to ensure it is easy to move operative district plan provisions over to the NPT without undue formality (and without opening them up to submission again) so the planning process does not need to be repeated. This is particularly relevant to QLDC given we are in the early stages of a proposed District Plan.
Fixed remuneration for hearing panels and decisions issued with a fixed fee (50-51 of the RIS) *This would require Councils to pay independent commissioners on a fixed fee basis, and to set the applicant's fee for consent and plan hearings before they start.*	Whilst we recognise this provides increased certainty and fairness for applicants, there is a risk it will become difficult to attract more experienced commissioners under a fixed fee system. Commissioners could simply earn more doing their regular work (for example as a planner, or lawyer) and opt out of being a Commissioner. Submitters usually speak last at a hearing and if the applicant spoke for longer than expected, pressure would be placed on submitters to speak quickly as the hearing has gone over the estimated time and none of the Commissioners would be being paid to be there. We do not think the policy intent of this proposal would be achieved and that it would result instead in shorter plan hearings, with reduced public participation, and lower quality decisions being made.	We support the policy intent of this proposal however we are not convinced that a fixed fee system is the most appropriate tool for achieving the desired outcome.
Enhanced council monitoring requirements to: • **prescribe how local authorities monitor the efficiency and effectiveness of RMA processes;** • **require monitoring to be undertaken in accordance with any regulations; and** • **prescribe how councils must carry out their monitoring obligations, including what information must be collected, what methodologies must be used, and how and when information is to be reported** (p78-79 of the RIS) *This is to ensure standardised data is collected for the National Monitoring System.*	In principle we support the idea of providing data to the National Monitoring System and think this will result in better quality decisions being made at a high level about the future of the RMA. However, we have considerable concerns about the vagueness of this proposal and the requirements that will be placed on councils. In particular, it is concerning that this is being proposed without an assessment of the potential costs of system change on councils.	We request that this proposal is removed from the Bill until an assessment of the likely costs imposed on councils for the resultant system change is carried out and steps put in place to limit the extent of these costs.
Require all councils to publish key resource management content online and to publish public notices as short summaries, with website links for further information (p76-77 of the RIS) *Reduced length, and increased readability of, public notices - encouraging increased public engagement with them.* *Reduced costs and timeframes for serving public notices.*	We support this and we largely already do this. We also recognise that there is still value in having hard copies of publications available for access by those without internet access.	We support the proposal.

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached Regulatory Impact Statement (RIS) appended as Attachment B)*	**Reason for support / requesting policy changes**	**Recommended action for Select Committee**
Strengthen requirements for councils to improve housing supply and provide for development capacity (p25-26 of the RIS) This proposal involves: • Additional function of councils to ensure development capacity meets long-term demand. • Phases of national direction – council to assess demand for and supply of development capacity and give effect to findings in plans through rezoning. Options for methodology for assessment and options for more national direction. • Aims at embedding a Housing And Special Housing Areas Act (HASHAA) type policy into the RMA long term. HASHAA expires later this year. *This is the proposal which aims to embed Housing And Special Housing Areas Act (HASHAA) type policy into the RMA long term. HASHAA expires later this year.*	We support this proposal and largely already do this. Council's dwelling capacity model (DCM) accurately measures the potential number of dwellings that could potentially be developed under existing zones. The DCM has been used as an important tool to inform Council's planning over a number of years. We would support a consistent methodology applied nationally so that assessments of dwelling capacity are consistent between districts. The regulatory impact statement is silent on what the "long-term demand" means. For example: providing zoning for business and residential growth in Queenstown for 50 years could mean massive rezoning right now. If consideration was given to this kind of time period, there should be an ability to identify deferred zones, recognising that long term housing needs and infrastructural requirements must be planned and funded in tandem. The change will result in additional costs to Council arising from additional plan changes required to meet the findings of the assessment of development capacity. In the Queenstown Lakes District, a large proportion of the housing stock is lost for residents as it is used for the more lucrative visitor accommodation. In this district we need the ability to ensure that development for housing supply is in a residential capacity and not visitor accommodation.	Condition support provided a definition is given for "long-term demand". We request to add a 'deferred zone' capability, so that land suitable for complete urbanisation on the edge of urban areas is not lost to rural residential development.

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached Regulatory Impact Statement (RIS) appended as Attachment B)*	Reason for support / requesting policy changes	Recommended action for Select Committee
Changes to National Policy Statements (NPSs) and National Environmental Standards (NESs) (p15-16 of the RIS) • Combined development process for National Policy Statements (NPSs) and National Environmental Standards (NESs) to streamline the development of national direction. *Increased speed, and reduced cost, of national policy development.* • Provide more specific direction about how objectives and policies should be implemented in plans. *Improved certainty about how these instruments can be used and more flexibility in their use allowed.* • Allowing NPSs to be developed in relation to a specific area to address a local resource management issue that has national significance. *Alignment of process with NESs and therefore increased certainty about when national instruments can be targeted to a specific area.* • Enabling council rules to be more lenient than the NES. *Development of NESs realised.* • Allowing NESs to specify councils may charge to monitor activities permitted by an NES. *More activities permitted with greater assurance of compliance monitoring.* • Enable NESs to specify requirements for councils. *Increased central government ability to influence council actions for achieving environmental standards.* *Better alignment and integration across the system.*	We support this as greater central government direction on these policy areas provides increased certainty for their implementation. There will be opportunities to submit QLDC's views on the specifics of each NPS and NES when the regulations are developed by central government.	Support the proposal.
Requirement to invite iwi to participate (p37-38 of the RIS): • Council required to invite iwi to form participation arrangements i.e. how iwi and council will work together in planning process. • Council required to provide draft plan to iwi for comment/advice. • Council required to have particular regard to any advice received – report on summary of advice. • Council required to consult with tangata whenua on commissioner appointments • Iwi members required in Collaborative Planning Process (CPP). *Maori issues better represented in planning documents. Encourage better participation and will produce more robust plans, limit litigation costs.*	We support this with some changes/more information. We agree with the overall purpose of this proposal however there are areas where we would request more information. The requirement to form participation arrangements with iwi is largely already required by the RMA and already something we do at QLDC. We already provide iwi with draft chapters etc. for comment/advice. We would like more information on this as to whether it would require sending iwi a complete full draft of a Proposed District Plan. Having particular regard to iwi advice is not going far enough – we currently 'take into account' iwi advice. We do not support requiring consultation with tangata whenua on commissioner appointment – where appropriate we appoint iwi representatives as commissioners for particular issues. We do not see that requiring to consult with tangata whenua on commissioner appointments would improve the representation of Maori issues in planning documents, this would be more likely to result in consultation fatigue with iwi representatives. We already collaborate with iwi in the planning process.	We support the intent of this proposal, however, we would like to see more information about what providing a draft plan to iwi for comment/advice fully entails and whether this would require providing full drafts or just the relevant chapters. We request that the requirement to consult with tangata whenua on commissioner appointments be removed from the Bill. We request that the wording be changed so that Council will be required to 'take into account' iwi advice.

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached Regulatory Impact Statement (RIS) appended as Attachment B)*	Reason for support / requesting policy changes	Recommended action for Select Committee
Adding risk management from natural hazards to Matter of National Importance (p23-24 of the RIS) *Increases importance of issue and mandates consideration of risk management from natural hazards when making plans/consent decisions.*	We support this proposal as it will increase the ability of QLDC to take a risk management approach to planning and consenting. This recognises hazards are everywhere in the Queenstown lakes district and cannot be completely avoided, however some tolerability is appropriate. .	We request that this proposal remains within the Bill provided it does not become overly restrictive, recognising that the majority the QLDC district is subject to many natural hazards.
Clarify the scope of consent conditions (p52 of the RIS) • Clarify that the scope of consent conditions imposed by councils. must be directly connected to either: o the provision which is breached by the proposed activity; or o the adverse effects of the proposed activity on the environment; or o content that has been volunteered or agreed to by the applicant. *Effectively putting case law into practice to make consenting decisions easier.*	We support this proposal as it will make the process of making consenting decisions easier.	We request that this proposal remains within the Bill.
Improve management risks from natural hazards in subdivision applications (p58 of the RIS) • Enable decision-makers to decline or place conditions on subdivision consents where there are significant risks from natural hazards. *Extend the existing requirement for consenting officers to consider the effects of land subsidence on subdivision applications to cover all natural hazards.*	We support this extension of an existing process as it will increase the ability of QLDC to take a risk management approach to subdivision applications. This will result in safer outcomes for the community.	We request that this proposal remains within the Bill provided it does not become overly restrictive, recognising that the majority the QLDC district is subject to many natural hazards.
Independent commissioner to hear objections (p60-61 of the RIS) Applicants will have the right for objections on the following issues to be heard by an independent commissioner (who can call for further evidence) • object to refusal of resource consent • object to a decision for a change or cancellation of a condition • object to a decision on a review of the conditions • object to a decision to vary or cancel a condition. *More cost-effective for applicant than appealing to the Environment Court.* *This proposal will provide an alternative option for objection proceedings, which will contribute to the increased flexibility and adaptability of processes and decision-makers.*	We support this and we already use independent commissioners to hear all objections	We request this proposal remains within the Bill.

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Improve Environment Court processes for resolution of appeals (p62-63 of the RIS) • limit the scope of appeals to matters raised in the submission; • require Alternative Dispute Resolutions (ADR) unless an Environment Court judge agrees otherwise; • requiring representatives who attend hearings on behalf of others to have delegated authority to make decisions on their behalf; • Enable judges and commissioners to sit alone buy giving them more delegated power; and • Require Judges to have particular regard to council's decision and any pre-hearing meetings. *Increasing efficiency. ADRs will mean quicker resolutions where possible; focus on key issues and potential settlement options. Increased flexibility and adaptability of Court processes.*	We generally support these changes although many are already in place. For example requiring representatives who attend hearings on behalf of others to have delegated authority to make decisions on their behalf is part of the Environment Court practice note. We also think that enabling Judges or commissioners to sit alone is a positive proposal from an efficiency perspective. Whilst we think some efficiency gains will be made from Environment Court processes by these changes, we do not think they go far enough to achieve significant improvements. They represent tinkering around the edges, rather than tackling the real issues with RMA appeals process: • Government should immediately initiate a non-legal 'written representations' approach to appeals as the default option for RMA appeals. By this method, an appellant submits in writing their appeal to an independent commissioner appointed by central government. The Council then submits their version of events. The independent commissioner visits the site and makes a decision. This is the process used for the majority of appeals in the UK and results in a decision in 6-10 weeks and does not require the input of lawyers. • Retain the full Environment Court process only for major projects or matters referred on by the Independent Commissioner under the 'written representations' process. • There is no maximum on the time the Environment Court can take to make a decision. We support the Environment Court having a specific six month time limit for making a decision.	Oppose the proposals as they do not go far enough to address the inefficiency of a Court led appeal process. Government should immediately initiate a non-legal 'written representations' approach to appeals as the default option for RMA appeals. By this method, an appellant submits in writing their appeal to an independent commissioner appointed by central government. The Council then submits their version of events. The independent commissioner visits the site and makes a decision. This is the process used for the majority of appeals in the UK and results in a decision in 6-10 weeks and does not require the input of lawyers. Retain the full Environment Court process only for major projects or matters referred on by the Independent Commissioner under the 'written representations' process. There is no maximum on the time the Environment Court can take to make a decision. We support the Environment Court having a specific six month time limit for making a decision.
Requiring decision makers to: • **use timely, efficient, consistent, cost-effective, and proportional processes;** • **ensure that policy statements and plans only include matters relevant to the purpose of the RMA and use clear and concise language; and** • **promote collaboration between, or among, local authorities on common resource management issues** (p75 of the RIS)	Whilst we support the policy intent of this proposal, we do not think this will be achieved by the current policy. The inclusion of the word "must" is likely to increase challenge and litigation, on the basis that decision makers have not met the criteria set out in that section when exercising functions and powers. This would have the perverse effect of increasing cost and uncertainty of processes, rather than promoting procedural efficiency.	We request that the word "must" is replaced with the words "must endeavour to".

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached Regulatory Impact Statement (RIS) appended as Attachment B)*	Reason for support / requesting policy changes	Recommended action for Select Committee
Collaborative Planning Process (CPP) for preparing or changing a plan (p34-36 of the RIS) • CPP to be <u>optional</u> for all planning matters. The council have to appoint and resource the Collaborative Group (CG) who produce a report, council prepares plans in accordance with the position reached by the CG. Iwi invited to comment on proposed plan. Plan then notified. Review panel considers CG report, submissions, iwi comments, and the draft plan then recommend changes to draft plan to ensure consistency with CG and legislative requirements and submission issues. Council can accept or reject (must propose alternatives) to recommendations. Limited appeal rights on final plan. *Improve ability to gain collaborative consensus on contentious issues within the community. Greater representation of community views early on in planning process (more durable plans). Maori values incorporated.* *Increased costs to council up front, possible decrease of litigation costs further down the line. Limited appeal rights encourage more community collaboration early on.*	In theory, we see value in CPPs for specific planning issues that involve a limited number of easily identifiable affected parties, such as freshwater management issues. However we do not support councils having to fund the CPP. We think it would be more appropriate if affected parties participated in these processes out of a will to do so, rather than because they are being paid to participate. We also do not think it is realistic to expect that an entire district plan could be produced through a CPP. If councils felt a CPP was an appropriate tool to use, they could already choose to do so. They do not need legislative change to enable this to become an optional process.	We are neutral on whether this proposal is kept in, or removed from, the Bill. However if it remains in the Bill, we request that the requirement for councils to financially resource this group is removed from the Bill.
Create a new regulation making power to require that stock are excluded from water bodies (p95-96 of the RIS)	We support this proposal as water quality is generally very high in the Queenstown Lakes District and the proposal will assist in keeping it that way.	QLDC support the proposal.
Enable an optional joint process of public notification, hearings and decisions for proposals that involve publically notified plan changes/resource consents and recreation reserve exchanges (p68-70 of the RIS) *This will mean that if QLDC is the administering body for both the recreation reserve exchange and the decision maker on the plan change/resource consent application, a joint process could be used. An applicant could request this joint process and it would only be approved if QLDC felt it was appropriate.* *This would exclude the need to gain approval from the Minister for Conversation.*	We support this as it is an optional process and would provide for efficiency gains. In particular we think that giving council the right to consider this process appropriate in a case by case situation is critical.	QLDC support the proposal.

NEUTRAL:

Summary of proposed amendment to the RMA *(A greater level of detail is provided on the indicated page numbers of the attached RIS)*	**Reason for neutrality**	**Recommended action for Select Committee**
A minor change to water quality classes to pave the way for the National Policy Statement for Freshwater Management to become the main tool for freshwater management (p97 of the RIS)	This proposal is more relevant to Otago Regional Council than QLDC.	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.
Provide regional councils with the discretion to remove unconsented structures that do not warrant a formal inquiry under the Marin and Coastal Area Act 2011 (p94 of the RIS)	This proposal does not affect QLDC.	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.
A more equitable approach to managing environmental effects of stock drinking water takes, based on managing environmental effects rather than classes of user (p92-93 of the RIS)	This proposal is more relevant to Otago Regional Council than QLDC.	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.
Changes to the Public Works Act 1981 to increase compensation payments to landowners who have their land compulsorily acquired by the Crown (p90-91 of the RIS)	This proposal does not affect QLDC.	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.
Simplify charging regimes for new developments by removing financial contributions (p83-85 of the RIS)	This proposal is unlikely to affect QLDC as we only have financial contributions in place for hydroelectric dam development. There is only one consented in the District and it is unlikely to be developed (the landowner is selling off the land).	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.
Reduce Board of Inquiry cost and complexity (p80-91 of the RIS)	QLDC has not had any matters in its district go before a BOI. .	QLDC are neutral on whether this pol proposal icy is kept in, or removed from, the Bill.
Prevent Heritage Protection Authorities that are body corporate from giving notice for a heritage order over private land (p86-88 of the RIS)	This proposal does not affect QLDC.	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.
Align process timeframes under the Conservation Act 1987 with those for resource consents under the RMA (p71-73 of the RIS)	At QLDC we rarely do notifications alongside the Conservation Act, this proposal does not affect QLDC.	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.
Enable the EPA to support RMA decision making processes where major hearings are held (p82 of the RIS)	This proposal does not affect QLDC.	QLDC are neutral on whether this proposal is kept in, or removed from, the Bill.