

Agenda

**Notice is hereby given of
an Open Workshop**

Tuesday 4 February 2025

9:30am

Function Room
Waimate Event Centre
Paul Street
Waimate

www.waimatedc.govt.nz

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Open workshops are an informal forum for staff to bring information items or presentations to Council which, if undertaken at a Council meeting, could take a significant amount of time, and therefore restrict other business from being transacted.

No decisions or resolutions will be made.

Brief agendas will be prepared and will be available on Council's website:

<https://www.waimatedc.govt.nz/council/meetings/agendas-and-minutes> and brief notes will be taken.

There are no legal requirements relating to a quorum.

Standing Orders do not apply.

Members of the public are welcome to attend but do not have speaking rights.

REPORTS

1 GENERAL BUSINESS

1.1 ANIMAL WELFARE ACT 1999: TERRITORIAL AUTHORITY NOMINATION FOR REPRESENTATIVE - 9:30AM
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Author: Dylan Murray, Regulatory and Compliance Group Manager

Authoriser: Dylan Murray, Regulatory and Compliance Group Manager

Attachments: Nil

PURPOSE

1. For Council to be presented with a proposal by Epivets Ltd to set up a local Ethics Committee in Waimate and explain the role of Waimate District Council in nominating a lay person to that Committee.

BACKGROUND

2. Epivets Ltd is a research and epidemiology business based in Te Awamutu. There are 4 main engines of the Epivets Ltd business:
 - Regulatory – supporting business to navigate the product registration process.
 - Research – trials on farms with production animals. Welfare-based studies, product registration studies, existing product research extension.
 - Epidemiology (statistical analysis) – building databases and carrying out machine-learning projects on colossal data sets.
 - Epidemiology (disease modelling) – modelling the outbreaks or outcomes of exotic diseases.
3. Tika Ethics Ltd is a wholly owned subsidiary of EpiVets Ltd.
4. Local veterinarian Ryan Luckman advised of a proposal to establish an Ethics Committee (Tika Ethics Ltd) in the 'Waimate Zone' on 2 December 2024, and informed Council of the name of a suitably skilled and willing person to undertake this role upon Council's approval.
5. Epivets Ltd wishes to set up a local, 'arms-length' Ethics Committee (Tika Ethics Ltd) that will use their expertise and common sense to ensure any planned study by Epivets Ltd has value, mitigates animal welfare issues, and minimises any manipulations.
6. As per Section 101 of the Animal Welfare Act 1999, this Ethics Committee is required to have at least 4 members including a veterinarian nominated by the New Zealand Veterinary Association; a person from the NZSPCA and a lay person nominated by a territorial authority or regional council.
7. Emma Cuttance, Epidemiologist and Managing Director of Epivets Ltd provided the supplementary information attached and will be available on Microsoft teams to answer any questions.

Legislation

8. Section 101 Animal Welfare Act 1999:

101 Membership

- (1) Each animal ethics committee is to consist of at least 4 members.
- (8) One member must be a person appointed by the code holder on the nomination of a territorial authority or regional council.
- (9) The person appointed under subsection (8) must not be—
- (a) a person who is in the employ of, or is otherwise associated with, the code holder; or
- (b) a person who is associated with the scientific community or an animal welfare agency.

OUTCOME

9. For Council to take the opportunity with Ms Cuttance to enhance their knowledge of Epivets Ltd; the purpose of Tika Ethics Ltd and the proposal regarding the nomination to the Tika Ethics Ltd 'Waimate Committee'; and
10. With such knowledge, commit to identify and formally nominate an appropriate local person to the Tika Ethics Ltd 'Waimate Committee' at the 18 March 2025 Ordinary Council Meeting.

1.2 RESOURCE MANAGEMENT REFORM UPDATE FOR COUNCIL

Author: Alex Macdonald, Senior Planner

Authoriser: Dylan Murray, Regulatory and Compliance Group Manager

Attachments: 1. Letter from Minister Bishop on RM Reform [↓](#) 

PURPOSE

1. The purpose of this report is to provide Council an update on the Government's resource management reform programme, including the implications for Council's planning office and indicative timeframes for submissions or responses.

Fast Track Approvals Act in force; process changes to manage applications to come

2. As Council is aware, the Fast Track Approvals Act (FTAA) 2024 is now in force.
3. The Environmental Protection Authority (EPA) has advised that applications will open on 7 February. We can expect to be involved in any applications that relate to us at any point after this date.
4. There are two listed projects in Waimate District: South Island Resource Recovery Limited's Waste to Energy Plant and NZ Transport Agency Waka Kotahi's Regional Bridges Upgrade Programme. Other projects that were not listed in the legislation may be referred to the panels in the future, so we may become aware of more projects.
5. Government is now in the process of preparing secondary legislation to manage applications under the FTAA before the process opens. This will address technical matters such as cost recovery. We hope to be able to cost recover for performing our statutory functions under the FTAA, noting that the EPA has not, at time of writing, published the details of the relevant regulations and process.
6. Given there remains significant uncertainty about how the process will work in practice, we note that there is the potential that our statutory responsibilities under the FTAA consumes significant time and resources. The planning department will keep Council informed about the progress of any applications, along with any implications.
7. We may also need to work on some process changes, for example amendments to delegations, to manage Council's statutory responsibilities. We will advise Council in due course if this is required.

Major national direction changes signalled in the Minister's letter to local authorities

8. In October, we (alongside other councils and stakeholders) received a letter from the Minister Responsible for RMA Reform, Minister Bishop, outlining his plans for resource management reform. All Councillors were forwarded the letter and a copy is attached.
9. We note that the upcoming changes to national direction¹ described in the letter are significant and will begin shortly.
10. Minister Bishop's letter signals amendments to 14 existing national direction instruments, with seven new ones to be developed. The Government is therefore proposing the most compressed and significant group of interventions under the RMA since it came into force in 1991.
11. The Ministry for the Environment (MfE) is indicating that consultation will be in 'early 2025' with amendments in force from the middle of the year. This timeframe is extremely ambitious, and, in our opinion, is unlikely to be met.

¹ 'National direction' is the general term for some types of RMA regulations which must be complied with and implemented by Council, including national policy statements and national environmental standards.

12. However, we note that this compressed timeframe is likely to result in poorly developed proposals and limited time for consultation, including time for Council to submit.
13. While the final impact on Council will not be known until the proposal (and final decisions) are released, we expect these amendments to direct significant changes to the Waimate District Plan and our consent decisions.

Resource Management (Freshwater and Other Matters) Amendment Act in force

14. The first RMA bill (Freshwater and Other Matters) has been passed and is in force. The relevant change for us in this bill is the pause to identification of significant natural areas (SNAs) however most of the National Policy Statement for Indigenous Biodiversity remains in force.

Government to use Emissions Trading Scheme (ETS) to reduce incentives for afforestation, while removing ability of councils to control afforestation

15. The Government has announced limits on ETS registrations for forests. This change will ban registrations on Land Use Capability (LUC) classes 1-5, and restrict ETS registrations on LUC class 6.
16. By preventing ETS registration, the incentive for afforestation is greatly reduced, and we would therefore expect this change to result in a significant reduction in afforestation on LUC class 1-5 land.
17. As most of Waimate District's hill country is LUC class 6 or higher, this policy does not prevent afforestation on this land. Ultimately, the detail of the restrictions for LUC class 6 land, including the exemption for up to 25% of a farm to be forested, will determine how effective the policy is.
18. Additionally, the government will remove the ability of councils to have rules relating to afforestation in their district plans. Assuming no changes to the proposal, this will reduce the ability for us to manage forestry.
19. Legislation to give effect to the announcement will be introduced this year, and we will presumably have the opportunity to submit through select committee process.

Government seeking proposals to undertake afforestation of Crown land

20. The Government is also soliciting proposals to undertake afforestation on Crown land, including council-owned land, conservation land (other than national parks), and Crown pastoral lease land. The indicative areas they are considering are shown below, although the proposal explicitly notes that land that is not shown on the map may also be considered.
21. The identified Crown land includes a significant area within the Waimate District, as shown on the figure below. It is unclear what further process will occur prior to afforestation beginning. We will keep a watching brief on any changes but ultimately may not become aware of any proposal in our district, until afforestation is about to begin.

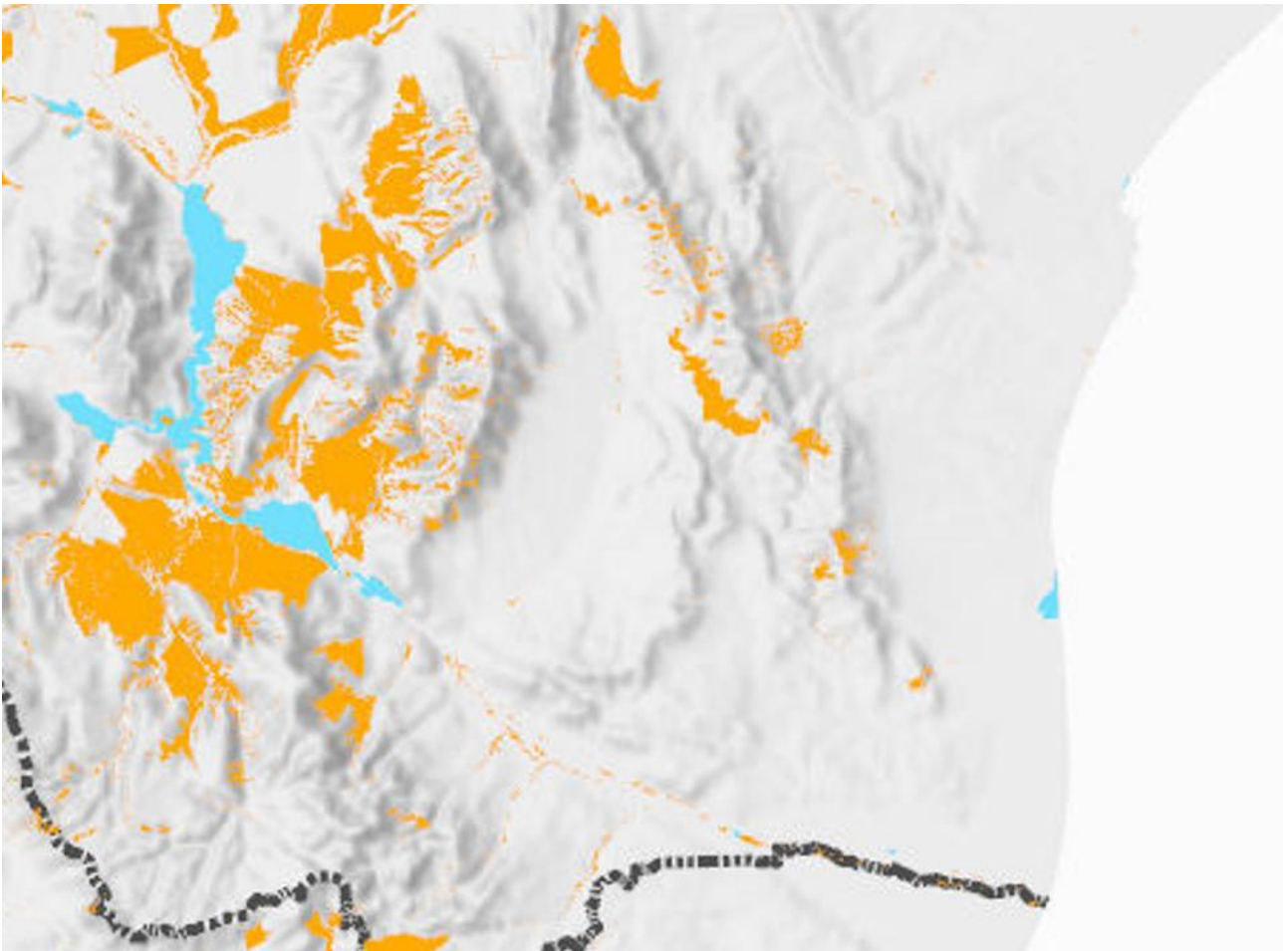


Figure 1: MPI Indicative Areas for Afforestation

22. The information notes that the Crown would have to negotiate with any person with an interest in the land. If a third party expresses interest in Council-owned land, we may be expected to engage with the Ministry for Primary Industries on the proposal.

OUTCOME

23. For the information of Council.

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



CB-COR0836

14 October 2024

Tēnā koe,

I am writing to inform you of the progress we have made to improve the resource management system and meet the Coalition Government's objective for a faster growing, more productive economy.

It is widely accepted that the resource management system is not fit for purpose. Consensus on that point was reached almost a decade ago. We need a resource management system that protects the environment not by resisting growth but by setting clear rules, so growth occurs within limits.

Progress to date

I would like to update you on the progress we have made over the last year.

We have divided our reform into three phases.

The first phase, repealing the Natural and Built Environment Act and Spatial Planning Act, was completed in December 2023. We did not take the decision to repeal those Acts lightly, but they would not have achieved the objectives needed for New Zealand to grow and thrive.

The goal of Phase Two is to improve the performance of the Resource Management Act 1991 (RMA) by removing unnecessary regulations for primary industries and barriers to investment in development and infrastructure while maintaining environmental protections.

Phase Two includes:

- The *Fast-track Approvals Bill* to create a one-stop shop for approvals, consents and permissions to speed up the delivery of regionally and nationally significant projects. This Bill is currently in front of the select committee and we expect it to be passed into law by the end of 2024. You can find more information about this process here - [Fast-track Approvals Bill | Ministry for the Environment](#)
- Targeted amendments to the RMA will relieve the most significant issues in the Act through the:
 - *Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill*
 - *Resource Management (Freshwater and other Matters) Amendment Bill* which includes changes to freshwater management, stock exclusion and winter grazing rules, marine farming consents, and Significant Natural Areas. This Bill also streamlines the process for changes to national direction. It is currently before select committee, and we also expect it to pass by the end of this year.
 - *Resource Management Act Amendment Bill (RMA Amendment Bill Two)* is currently in development. We expect to introduce it before the end of 2024 and passed into law by mid-2025.

- A package of National Direction – including amendments to 14 current National Policy Statements (NPS) and National Environmental Standards (NES), as well as seven new national direction instruments. We will consult on these in early 2025 and along with the second Bill they are expected to be passed into law in mid-2025.

We have focused our changes to the RMA on the things that will have the largest impact in the short term and contribute to the Coalition Government's priority programmes: Electrify NZ, Infrastructure for the Future, Going for Housing Growth and the Primary Sector Growth Plan.

The second RMA amendment bill and the new national direction package gives effect to these coalition commitments and changes to the RMA will unlock development and drive a more efficient and effective resource management system. These changes will transition into the new system once it is in place.

The changes can be grouped in four distinctive packages. These are:

- Infrastructure and Energy
- Housing
- Farming and primary sector
- Emergency response and natural hazards

Infrastructure and Energy

This package will develop further national direction to enable a range of productivity-boosting energy and infrastructure projects, including a new NPS-Infrastructure. It will also provide a consistent approach to quarrying and extend the duration of port coastal permits by a further 20 years. Changes to the NES-Telecommunications Facilities will keep up to date with technological developments and give telcos greater certainty and reduced consenting costs as they upgrade their infrastructure. The Government's Electrify NZ reforms will make it easier to consent and re-consent renewable energy.

More information on our Electrify work programme is available here - [Next steps on Electrifying New Zealand | Beehive.govt.nz](#).

Housing

The housing package will contain reforms needed to enable the first pillar of the Government's Going for Housing Growth policies. These changes will require councils to provide for 30-years' worth of housing growth while providing flexibility for councils to opt out of the Medium Density Residential Standards. Changes are also being made to the National Policy Statement on Urban Development and the National Policy Statement for Highly Productive Land, along with guidance for effective heritage management and developing new national direction to enable granny flats and papakāinga housing.

More information on our Going for Housing Growth work programme is available here - [Going for Housing Growth speech | Beehive.govt.nz](#)

Farming and the Primary Sector

The primary industries package will contain changes to drive primary sector productivity. This package will mainly give effect to National Party Manifesto promises and coalition agreements. We are amending the National Policy Statement for Highly Productive Land to make it clear that indoor primary production and greenhouses are permitted on highly productive land, as well as specifying that farmers are also allowed to build new specified infrastructure such as solar farms on that land.

More information on our Farming and the Primary sector work programme is available here - [Government confirms RMA reforms to drive primary sector efficiency | Beehive.govt.nz](#)

Emergency Response and Natural Hazards

This package provides a comprehensive, nationally consistent framework for addressing the risks posed by natural hazards, including risks from climate change. Rather than a two-step process as previously intended, we have decided to progress this work as a single instrument. This will provide direction to councils on how to identify natural hazards, assess the risk they pose, and how to respond to that risk through planning controls. The RMA Amendment Bill Two will include improved emergency provisions to better enable rapid responses to disasters.

A list of specific items under these four areas is available in Appendix One. You can find out more about Phase Two in my recent [Speech to the Local Government New Zealand Conference | Beehive.govt.nz](#).

Replacing the RMA

The reforms of Phase Two will carry over into the long-term replacement for the RMA which is the focus of Phase Three of the RM Reform programme. This phase advances the Coalition Government's commitment to replace the RMA by a new system that will be rules-based and embed respect for property rights and the rule of law.

Cabinet has agreed the new resource management system will have three core tasks:

- unlocking development capacity for housing and business growth
- enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
- enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining)

It must achieve these objectives while also:

- safeguarding the environment and human health
- adapting to the effects of climate change and reducing the risks from natural hazards
- improving regulatory quality in the resource management system
- upholding Treaty of Waitangi settlements and other related arrangements

There are ten principles that underpin the new system. These will be tested and refined by a Resource Management Expert Advisory Group (EAG). The EAG will develop a blueprint of the new system over the next three months – a workable and practical plan that officials can quickly turn into new legislation. This blueprint is due back to me before Christmas.

The EAG will bring fresh thinking, expertise and practical knowledge, working closely with officials from across government to make sure Ministers can make the decisions needed to draft the new legislation as quickly as possible. It will be chaired by Janette Campbell and comprises experts with relevant technical knowledge ranging from resource management law to planning and te ao Māori. Members are Christine Jones, Paul Melville, Rukumoana Schaafhausen, Kevin Counsell, Gillian Crowcroft and Mark Chrisp.

Public consultation on the proposals will occur primarily through the select committee process.

Key aspects of the resource management system

Principles guiding the development of the new system are the following:

- narrow the scope of the resource management system and the effects it controls
- establish two Acts with clear and distinct purposes – one to manage environmental effects arising from activities, and another to enable urban development and infrastructure
- strengthen and clarify the role of environmental limits and their development
- provide for greater use of national standards to reduce the need for resource consents and to simplify council plans, such that standard-complying activity cannot be subjected to a consent requirement
- shift the system focus from consenting which happens before the event to strengthening compliance, monitoring and enforcement
- use spatial planning and a simplified designation process to lower the cost of future infrastructure
- realise efficiencies by requiring councils to jointly prepare one regulatory plan for their region
- provide for rapid, low-cost resolution of disputes between neighbours and between property owners and councils
- uphold Treaty of Waitangi settlements and the Crown's obligations
- provide faster, cheaper and less litigious processes within shorter, less complex and more accessible legislation.

I have instructed my officials to test these principles with key partners and stakeholders in parallel with the EAG and I will report back to Cabinet on this feedback too.

Key aspects of the new resource management system will go to Cabinet for agreement at the beginning of 2025, and legislation will be introduced and passed before the next election.

You can find out more about these principles in the [Speech on replacing the Resource Management Act](#) and [Replacement for the Resource Management Act takes shape | Beehive.govt.nz](#).

Looking forward

I know our timeline is ambitious, but we have critical issues to solve if we are to turn New Zealand's economy around, increase productivity and make things easier to do. I am acutely aware of the need to reset the resource management system in a way that is pragmatic and targets the most significant issues first.

The instruments from Phase Two, and other important elements of the existing system such as plans will transfer over, with a “switching off” of any elements incompatible with the new system.

This is critical to accelerate and smooth the transition, lightening the load on councils and those who use the resource management system, and avoiding long implementation times. Some RMA settings will be retained for this work to be carried forward with minimal disruption, and to uphold Treaty settlements.

The proposed Phase Three changes will be designed to be implemented as quickly as possible and to minimise disruption on those who use the system. By limiting scope and targeting council effort to more complex issues, the replacement system will deliver reduced costs to both councils and ratepayers.

Our goal is to replace unnecessary regulation with clear rules to unlock the double dividend of higher growth and better environmental outcomes.

By redirecting only a fraction of the resources consumed by RMA processes, we can protect the environment and provide clear pathways for investment and growth within environmental limits.

We look forward to your working with you as we do this.

Yours sincerely



Hon Chris Bishop
Minister Responsible for RMA Reform

Appendix One: Detailed items under RMA Amendment Bill 2 and the National Direction Package

The national direction policy proposals described below are still in development. We have provided this content to support engagement and to seek your initial thoughts on the direction of travel. We expect to formally consult on more detailed policy proposals in early 2025.

RMA Amendment Bill 2
Fisheries Act and RMA
<ul style="list-style-type: none"> • Reduce regulatory overlap between the RMA and the Fisheries Act 1996 to provide certainty for fishers
Port permits
<ul style="list-style-type: none"> • Extension of port permits duration – section 384A of the RMA
Consenting
<ul style="list-style-type: none"> • Amend the RMA to require renewable energy generation consents (excluding hydro and geothermal) to be decided within one year of application.
<ul style="list-style-type: none"> • Establish a one-year limit to re-consent existing renewable electricity generation assets
<ul style="list-style-type: none"> • Require resource consents for wood processing facilities to be decided within one year
<ul style="list-style-type: none"> • Improve flexibility and encourage innovation for existing marine farms by providing more certainty for change of consent conditions
<ul style="list-style-type: none"> • Enable Councils to recover cost for reviewing consent conditions when the review is a result of national direction
<ul style="list-style-type: none"> • Amendments to provide greater clarity on the scope of further information requests and requirements for consents
<ul style="list-style-type: none"> • Progress default 35-year consent durations for renewable energy and long-lived infrastructure
<ul style="list-style-type: none"> • Increase the lapse period for designations from 5 to 10 years to provide more time to progress infrastructure projects
<ul style="list-style-type: none"> • Increase the default lapse period so the time to give effect to a renewable energy consent is 10 years or longer
<ul style="list-style-type: none"> • Provide certainty for discharge rules under section 70
Housing Growth
<ul style="list-style-type: none"> • Ratification vote and allowing relevant councils to opt-out of the Medium Density Residential Standards (MDRS), provided they demonstrate 30 years' worth of housing growth
<ul style="list-style-type: none"> • Intervention powers to ensure compliance with National Direction

<ul style="list-style-type: none"> • Planning change processes for opting out of the MDRS and for councils still undertaking intensification streamlined planning processes (including Auckland Council)
<p>Heritage management</p>
<ul style="list-style-type: none"> • Heritage management (focusing on approaches to listing and de-listing heritage buildings)
<p>System improvements</p>
<ul style="list-style-type: none"> • Amend part 9A of the RMA to provide more flexibility for farm plan regulations • Improvements to compliance regime, including increased penalties and limiting access to insurance • Technical improvements to DOC functions to manage discharges, compliance and enforcement
<p>Natural Hazards and Emergency Response</p>
<ul style="list-style-type: none"> • Improvement to emergency provisions, including a new regulation-making power for emergency responses and clarification of notification of entry requirements • Ability to decline land-use consents, or attach conditions, where there are significant risks of natural hazards • New plan rules relating to natural hazards have immediate legal effect from notification
<p style="text-align: center;">Integrated National Direction Package</p>
<p>Infrastructure and Energy</p>
<ul style="list-style-type: none"> • NES Telco Facilities • Update the maximum pole heights in residential areas to reflect requirement for Medium Density Residential Development through the NPS-UD • Update cabinet sizes in residential areas to support infrastructure resilience and the roll out of 5G technology • Update antenna dimensions (eg, size and height) to reflect 5G technological developments and to avoid larger radio frequency fields from entering the public domain • Consider the expansion or amendment of some permitted activities under the NES-TF, in particular to accommodate temporary facilities or emergency activities
<ul style="list-style-type: none"> • NPS Infrastructure (new) • NPS to provide consistent consenting pathways for enabling the development, operation, maintenance and upgrade of infrastructure while managing its effects across a range of natural environments • The interface between infrastructure activities and other activities and people, including in the built environment.
<ul style="list-style-type: none"> • NPS Renewable Electricity Generation • NPS Electricity Transmission

<ul style="list-style-type: none"> • New content for National Policy Statement for Renewable Electricity Generation (NPS-REG) • New content for National Policy Statement for Electricity Transmission (NPS-ET) • These amendments will create more directive and enabling national direction for renewable electricity generation, transmission and distribution. • Work on national environmental standards for renewable electricity generation, electricity transmission and distribution will follow the national policy statements. The national environmental standards will include nationally consistent rules for these activities, such as specifying activities that can be undertaken without consent, provided the standards are met. • The standards will replace the rules in Regional and District Council, meaning that consent processes will be more certain, and due to the enabling nature of the standards, be more likely to gain approval.
<ul style="list-style-type: none"> • NES Electricity Transmission Activities • Amendments to NES-ETA
<ul style="list-style-type: none"> • NZ Coastal Policy Statement • Targeted review of policies 6, 8, 11, 13 and 15
<p>Housing and Urban Development</p>
<ul style="list-style-type: none"> • NPS Highly Productive Land • Amend the NPS to free up land for urban development and remove unnecessary planning barriers, while managing HPL. This includes: <ul style="list-style-type: none"> • Reviewing the definition of HPL as part of the Going for Housing Growth work programme. • Ease the urban rezoning tests. • Other changes to the NPS-HPL are being considered as part of the wider national direction amendment package (definition of Specified Māori Land, and consistency in mineral extraction and quarrying pathways).
<ul style="list-style-type: none"> • NPS Urban Development • Set requirements for housing growth targets • Enable better spatial planning by aligning Future Development Strategy requirements with housing growth objectives • Change the responsiveness policy to better enable developers to bring forward areas of growth • Strengthen the intensification provisions • Better enable mixed use development • Better manage outcomes for heritage buildings
<ul style="list-style-type: none"> • Enabling granny flats


<ul style="list-style-type: none"> • Direction on enabling ‘granny flats’ (up to 60m²)
<ul style="list-style-type: none"> • Enabling Papakainga • New national direction for Papakāinga
<ul style="list-style-type: none"> • National Direction on Heritage • Better manage outcomes for heritage buildings
<p>Farming and the Primary Sector</p>
<ul style="list-style-type: none"> • NPS NES Freshwater • Scope of amendments to National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F) to be confirmed. Expect targeted amendments to be completed through this combined national direction package and further work may follow • Enable on-farm water storage (ie, as a permitted activity under the RMA, or otherwise)
<ul style="list-style-type: none"> • Stock exclusion regulations • Tie stock exclusion rules to local conditions to limit unintended consequences • Replace nationwide low-slope maps with catchment-level rules that are more consistent with local conditions
<ul style="list-style-type: none"> • NES Drinking Water • Amending clauses 7, 8 and 10 and two new rules for mapping requirements and targeted activity controls
<ul style="list-style-type: none"> • NPS Indigenous Biodiversity • Applying consistent and defined tests for extractive activities across the NPS-FM, NPS-HPL and NPS-IB • Amendments to significant natural areas (SNA) provisions in the NPS-IB
<ul style="list-style-type: none"> • NES – Commercial Forestry • Reverse changes that increased council discretion for afforestation • Repeal National Environmental Standards for Commercial Forestry (NES-CF) clauses (6)(1)(a) and (6)(4)(a) • Review of slash settings
<ul style="list-style-type: none"> • NES Marine Aquaculture • Amend to increase flexibility to innovate, improve management of existing marine farms and make minor and technical amendments
<p>Natural Hazards and Emergency Response</p>
<ul style="list-style-type: none"> • Natural Hazards National Direction • Develop new direction for natural hazards that applies to all natural hazards. It may consist of National Policy Statement and National Environmental Standards.

- The objective is to reduce the risk from natural hazards to people, property and infrastructure by providing direction on: identifying natural hazards, and assessing and responding to the risks they pose in a consistent way.

1.3 DRAFT SUBMISSION ON THE RESOURCE MANAGEMENT (CONSENTING AND OTHER SYSTEM CHANGES) AMENDMENT BILL

Author: Alex Macdonald, Senior Planner

Authoriser: Dylan Murray, Regulatory and Compliance Group Manager

Attachments: 1. **Draft Submission Resource Management (Consenting and other System Changes) Amendment Bill** [↓](#) 

PURPOSE

1. The purpose of this paper is to seek feedback from councillors on the draft staff submission on the Resource Management (Consenting and Other System Changes) Amendment Bill (Bill 2).

BACKGROUND

2. Submissions have been called for on the Resource Management (Consenting and Other System Changes) Bill, and are due by 10 February 2025.
3. This bill amends the Resource Management Act 1991 (RMA) to progress Government priorities and makes changes in five broad areas:
 - a. Infrastructure and Energy - the changes will give effect to the Government's 'Electrify NZ' reforms, making it easier to get renewable energy built, as well as improving how ports run.
 - b. Housing - this includes reforms to enable the first pillar of the Government's 'Going for Housing Growth' policy. It will allow councils to opt out of the Medium Density Residential Standards as well as providing councils with ways to make faster plan changes. It will also provide new intervention powers for the Minister for the Environment to ensure councils comply with national direction.
 - c. Farming and the Primary Sector - the changes will reduce the regulatory overlap between the RMA and the Fisheries Act 1996. They will provide flexibility and certainty for marine farming consent processes. Additionally, the changes will make farm plan certification more practical and cost-effective. Finally, they will ensure that resource consent applications for wood processing are decided within one year.
 - d. Emergency and Natural Hazards - this Bill will make responses to natural hazards and emergencies more efficient and effective as well as ensure that the planning system is not allowing inappropriate development in areas with significant natural hazard risk.
 - e. Resource Management System Improvements - These include higher fines for non-compliance, changes to how resource consent applications are managed, as well as providing councils with a quicker process for delisting heritage buildings.

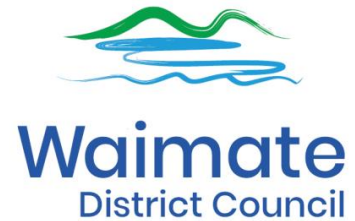
A Council staff submission can focus on system improvements

4. We attach a draft staff submission for Council's information and discussion. Our view is that, given Council will face implementing the huge number of changes proposed, we should advocate for a system that is clear, efficient, outcome focussed, and consistent.
5. As proposed, this bill is likely to introduce greater complexity, we should use this as an opportunity to push back in a constructive way, giving the Government alternative ways to deliver their objectives, while supporting a system that enables housing growth and infrastructure.

6. Staff recognise that we are a relatively pro-development planning department and district. In a resource management system that – at a national level – is more risk adverse than us, Council can be a voice that advocates for a clear and simple planning system. We should use this opportunity to help shape the future system to the extent we can, in a way that will enable us to deliver for our district.

OUTCOME

7. To seek feedback from Council.



[Click to enter a date]

[Click to enter name]
 [Click to enter job title]
 [Click to enter company name]
 [Click to enter address]
 [CLICK TO ENTER CITY AND POSTCODE]

Dear [Click to enter name]

SUBMISSION ON RESOURCE MANAGEMENT (CONSENTING AND OTHER SYSTEM CHANGES) BILL

Introduction

Waimate District Council welcomes the opportunity to submit on the Resource Management (Consenting and Other System Changes) Bill. We are supportive of the Bill's objective, being to simplify and streamline the Resource Management Act (RMA) and enable housing, infrastructure, and primary industries.

This is a staff submission. Due to the consultation period for this Bill occurring over the summer break, our Council has only had time to discuss this content in workshop. They are comfortable with the content of the submission, but have not had the opportunity to formally endorse this letter.

We address our key themes below, which focus on the system improvement aspect of the Bill, while Appendix 1 contains specific feedback on specific issues or clauses, and specific actionable changes that could better deliver government objectives.

We endorse the content of the **Canterbury Mayoral Forum and Taituarā** submissions. Our submission complements their views, by providing an insight from one of the smallest planning departments in the country, where our 1.6 FTE staff have to be across every issue – from community and neighbour concerns about local projects to managing legislative, national direction changes and maintaining our District Plan.

Key theme 1: Waimate District Council supports the government's objective of improving the resource management system

In general, we support the objective of the Bill. The resource management system has become costly for us and our community, and we need clear direction to enable infrastructure, housing, the primary sector while adequately protecting our community's values.

Additionally, we recognise that many of costs and inefficiencies in RMA processes come from system and process requirements that require our planning department to spend

considerable time and energy (and therefore, community or applicant money) addressing issues or requirements that add little value for our community.

Ultimately, we do not believe that this Bill is bold enough to address the fundamental challenges and process inefficiencies that have come to define the resource management system. While we have some specific suggestions below, we urge the government to develop system improvements alongside local government, applicants, developers and NGOs to ensure that system improvements with broad support can be included in the reform process.

We therefore recommend that the government work more closely with stakeholders, including us, and experts on resource management processes to identify system improvements with broad support and efficiencies.

Key theme 2: The Bill does not recognise the fundamental constraints and incentives of small local authorities and therefore risks not achieving its objectives.

We understand that the government has lost trust in the ability of local government planning departments to act swiftly and efficiently, in a way that maximises benefits, enables development, while minimising applicant, community, and environmental costs. We see this Bill as attempting to address that.

Unfortunately, the Bill does not recognise the fundamental incentives and constraints we face and, without recognising and directly addressing these challenges, the Bill is unlikely to achieve its policy objectives.

Government needs to recognise that in an environment where we are strongly fiscally constrained, and status quo bias dominates the expectations of communities, neighbours, stakeholders and advocates, it will always be “easier” to ask for more information, delay, or impose extensive conditions than to enable an activity. While our small planning department does its best to ‘cut through’ these challenges and stay outcome focussed, many RMA processes are obstacles, rather than enabling, and ‘cutting through’ significantly increases the risk to us in the event someone is unsatisfied with a decision. We believe that targeted system changes can enhance local authority incentives, and with clear direction, empower us to make decisions rapidly and efficiently.

Finally, the proposed housing reforms are too targeted to major cities, and we would support the expansion of housing and development reforms to smaller centres, with appropriate modifications, to confirm that even small districts for ours should plan for and enable growth.

We therefore recommend that the government find ways to empower decision makers, limit documentation and process requirements (and the consequences for minor errors), and provide speedy ways to resolve issues.

Our specific suggestions to achieve this include:

1. Providing the ability for a government body, either the Environmental Protection Authority or the Ministry for the Environment, to issue binding guidance and opinions on RMA issues, including interpretation of national direction, policy statements, and

plans, as an alternative to the Environment Court. Such powers could be modelled on Inland Revenue Department's guidance and binding ruling powers and/or Ministry of Business, Innovation and Employment's Building Act determinations, and if well designed would be more efficient and cheaper than current processes.

2. Broaden tools like Intensification Planning Instrument or Streamlined Planning Process to make them the default planning processes for councils to deliver policy changes, with appropriate modifications, as Schedule 1 has become too information heavy, costly, slow, and litigious. This would enable councils like us to enable growth more easily and efficiently.
3. Place greater emphasis on private plan changes as the primary mechanism for all types of stakeholders and interested groups to achieve their objectives or address concerns they have with a council plan, rather than enabling relatively narrow issues to delay entire plan reviews, or implementation of key policy changes.
4. Limit the ability for concerned persons to challenge a decision, whether a resource consent or plan change, on the basis of inadequate information or relatively technical errors. Such provisions could be modelled on the provisions of subpart 5 of the Fast Track Consenting Act, with appropriate modifications.

We recognise that each of the four suggestions above would need to be subject to appropriate safeguards.

Key theme 3: The pace of government reform, alongside the ad-hoc nature of some proposals risks creating churn and costs that are disproportionate to the benefits achieved.

While clear national direction and straightforward law can assist us, the rapid sequence of changes, alongside the government's upcoming national direction changes will create significant challenges, uncertainty and scope for litigation. All of these will slow down local government, increase confusion among applicants and stakeholders and force us to spend more time resolving issues.

The large number of substantially duplicate processes, industry and activity specific provisions, and overlapping requirements also increase the chance of error, increase uncertainty and therefore ultimately costs of the system.

Some provisions of this Bill therefore further increase the weight of complexity in the RMA, when it should reduce it.

We therefore recommend that a range of 'targeted' proposals are removed from the Bill, and either delivered by national direction or addressed through the government's reform programme by fixing the root causes of system problems.

Specific examples of these targeted proposals that can be removed are:

1. The specified energy and wood processing facility processing timeframe, noting the scope of this exemption is so broad it would capture a backyard firewood processing operation (of a type that we have recently granted consent for).

2. Specific duration requirements for renewable energy and long-lived infrastructure, which appears to reduce the duration for some long-lived infrastructure, by applying a duration limit to district land use consents (such as for cell towers, which we grant for an unlimited duration).
3. Specific requirements for lapsing of renewable energy consents, which is the clearest example of a provision applying to a specific activity without clear rationale of why the intervention is warranted.
4. The specific change to s127 of the principal act, as there is no clear reason why a change of conditions for aquiculture can have an activity status, while no other s127 change can. If the issue is the *prima facie* unlawful activity status imposed by regulation 38(1)(a) of the National Environmental Standard (NES) for Marine Aquaculture, the Bill should address that directly (or enable an activity status to be imposed for all types of s127 change).

These examples illustrate the weight of complexity that the Bill imposes, without even addressing the root problem of such issues that are already in the RMA. A government that is truly courageous about delivering a more straightforward resource management system would not continue to contribute to the problem by adding to the complexity that a small planning department such as ours has to manage.

Concluding comments

We do not intend to be heard in relation to this submission. If the committee, or departmental staff, have any questions regarding the content of this submission please contact Council's lead author, senior planner Alex Macdonald, by email at alex.macdonald@waimatedc.govt.nz.

We thank the committee for considering our submission.

Yours sincerely

[Click to enter signatory's name]
[CLICK TO ENTER SIGNATORY'S JOB TITLE]

APPENDIX 1 – SPECIFIC COMMENTS FOR CLAUSES IN THE BILL

Provision or proposal	WDC Position	Comment and suggested solution if applicable
Clauses 6 and 7 (s25A)	Support	We support the intent – it is important that a backstop for government to have the power to direct compliance with national policy statements (NPSs). It is unclear why it applies narrowly to just NPSs, when similar ministerial powers could avoid situations where the government expects councils to change policy on the basis of announcements (such as the recent moratorium on freshwater planning instruments). Appropriately designed powers could avoid the situation where separate primary legislation is needed each time the government of the day intervenes in local resource management decision making; reducing uncertainty, costs and risk with each intervention, and ensuring there are appropriate safeguards for any intervention.
Clause 10 (s36 Amendments)	Support, with amendments	Clarify interaction with s36(cc), to ensure that charging for monitoring of permitted activities in a NES is enabled. Confirm that charges will stand, under (caaa), (caab), and (caac), even if there is no non-compliance, or abatement notice etc. subsequently overturned, provided charges are reasonable (i.e. charges are in the discretion of enforcement officer). Enable s357A objection, or similar, for monitoring charges (but not charge out rates confirmed under the Local Government Act).
Clause 11 (s37)	Oppose	See commentary above, and on clause 29.
Clause 28	Support with amendments	Add clarifying note that if accepted, considered to satisfy requirements of section, to prevent acceptance of an application with potential deficiencies being a reason for decline under s104(6) or similar
Clause 29	Oppose	See commentary above – proposal not needed. If proposal retained, amend clause to confirm that time under 36AAB(2) can be excluded to prevent applicants lodging without payment, and beginning the clock imposed by this section.
Clause 32 (s92AA)	Support with amendments	Use transitional provisions to confirm that this section applies to applications lodged before it comes into force.

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		Clarify 'intention to return' in subsection (2) that either the applicant has to provide the information within 10 working days, or the application will be returned under subsection (3).
Clause 36 (s104)	Support with amendments	Expand to enable consideration of the compliance record of substantially the same persons or activity (e.g. a situation where a developer has a separate holding company for each development). Link subsection (6A) to s108, and enable a consent authority to assume an effect will occur if it considers that a consent holder is unable or unwilling to comply with a condition that would mitigate an effect if complied with.
Clause 37 (s106A)	Support with amendments	Clarify subsection (2) to confirm that a significant risk is in the context of costs and benefits of declining consents under this activity, otherwise there is a risk that case law under this section interprets 'significant risk' in a way that is inconsistent with risks people take in their day-to-day life. (i.e. potential loss of life a 1 in 1000-year flood is <i>significant</i> and therefore case law could suggest it be declined, irrespective of the costs, benefits, and alternatives).
Clause 38 (s107)	Support with amendments	Amend to: <ol style="list-style-type: none"> 1. Enable consent authority to undertake a review on its own initiative, and if it does so can stop clock in accordance with (2)(a), but only once. Sometimes an applicant may not ask when they should, or it would be beneficial. 2. Confirm that if an applicant requests draft conditions, the consent authority only has to comply at some point before a decision is made and issued (as currently, if a request is made, we <i>must</i> provide conditions, even if they do not exist yet).
Clause 39 (s108)	Support with amendments	Amend as shown to capture historic conduct "[...] by the applicant that is <u>or has been</u> subject of an abatement order [...]".
Clause 42 (s123B)	Oppose	Refer commentary above.

Provision or proposal	WDC Position	Comment and suggested solution if applicable
		Note that, as drafted applies, this would apply to all resource consents, and does not allow unlimited duration consents – therefore preventing a territorial authority from granting an unlimited duration which we can currently do under s123(a).
Clause 59 (s314A)	Support	
Clause 60 (s322)	Support	
Clause 61 (s327)	Support	
Clause 62 (s330A)	Support	
Clause 64 (s331AA)	Support with amendments	We support the intent of the section, noting repeated use of similar powers however we note that the expansive powers provided by the section, and recommend a reporting power to be introduced, requiring the Secretary of the Environment (or an independent official) to publish, after the expiry of any regulations under the section, a report describing the extent any powers or requirements under the regulation were used, and the impact, so that the public can understand how consistent the regulations were with the matters in subsection (2)(a), (b) and (c).
Clause 65 (s339)	Support	
Clause 66 (s342A)	Support	

1.4 RECENT RESOURCE CONSENTS GRANTED UPDATE FOR COUNCIL
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Author: Alex Macdonald, Senior Planner
Authoriser: Dylan Murray, Regulatory and Compliance Group Manager
Attachments: Nil

PURPOSE

- The purpose of this report is to update Council on recent resource consents granted by the planning office.

Recent Consents Granted

- As previously requested by Council, this report lists recent consents granted under delegated authority. This list covers the period 1 July to 31 December 2024.
- A decision has been made on the following 33 applications. All were granted except RM240026, which did not meet the technical requirements for a s226 certificate, and the substantive proposal was subsequently granted as RM240031

Table 1: Consents granted under delegated authority

Identifier	Details	Decision notified
Land use		
RM240003	To undertake afforestation on approximately 242ha to establish a commercial forest located within the Hill & High Country Zone. Glencairn Limited 617 Mill Road Processing days = 77 out of 10	8 July 2024
RM240009	To achieve a boundary adjustment with the adjoining land parcel (Lot 1 DP 415286); and For retroactive consent to operate an industrial activity (existing firewood processing business) John Edmondston & Odette Edmondston 194 Horsnells Road Processing days = 99 out of 20	29 October 2024
RM240011	To subdivide to achieve two rural allotments within the Rural zone in an area of flooding risk with a reduced dwelling setback for the proposed internal boundary from the existing dwelling Dale Rhodes & Carmen Rhodes 49 Lyall Road Processing days = 132 out of 20	21 October 2024
RM240015	Earthworks associated with gravel extraction within the area of the Waihao Riverbed identified as a Significant Natural Area Rooney Earthmoving Limited Multiple Locations on Waihao Riverbed Processing days = 147 out of 20	16 December 2024

Identifier	Details	Decision notified
RM240016	<p>For the construction, operation and maintenance of a cycle trail including all earthworks, vegetation clearance, culverts and bridges between Waimate and Waihao Forks</p> <p>Pro-Ject Waimate Incorporated</p> <p>Multiple locations between Waimate Gorge and Waihao Forks Bridge</p> <p>Processing days = 16 out of 20</p>	9 October 2024
RM240017	<p>To extend a haybarn within the road boundary setback</p> <p>Q D Paul</p> <p>28 Wains Crossing Road</p> <p>Processing days = 18 out of 20</p>	12 July 2024
RM240019	<p>For the storage and retail of hazardous substances at 12 Shearman Street</p> <p>PGG Wrightson Limited</p> <p>12 Shearman Street</p> <p>Processing days = 25 out of 20</p>	2 August 2024
RM240020	<p>To relocate a dwelling to a site in an area of flooding risk which also infringes on a neighbour's boundary</p> <p>R G Lamb & Sheryl Roberts</p> <p>27 Horsnells Road</p> <p>Processing days = 22 out of 20</p>	31 July 2024
RM240023	<p>To build a new house in an area of flooding risk</p> <p>Clarkefield Holdings (1996) Limited</p> <p>4195 Hakataramea Highway</p> <p>Processing days = 13 out of 20</p>	29 August 2024
RM240028	<p>Earthworks to extract gravel from the Pareora River bed</p> <p>Paul Smith Earthmoving 2002 Limited</p> <p>Pareora River Bed</p> <p>Processing days = 19 out of 20</p>	3 October 2024
RM240034	<p>Erect dwelling and sheds which breach site coverage and setback requirements</p> <p>C R Kebble</p> <p>Manchester Street, Waimate</p> <p>Processing days = 9 out of 20</p>	19 September 2024
RM240044	<p>To relocate a second-hand dwelling and sleepout to an area of flooding risk</p> <p>C L Stewart</p> <p>9 Meehan Place</p> <p>Processing days = 1 out of 20</p>	26 November 2024
RM240048	<p>To establish and operate a telecommunication facility at 135 Springbank Road.</p> <p>Fortysouth Limited</p>	10 December 2024

Identifier	Details	Decision notified
	135 Springbank Road Processing days = 11 out of 20	
RM240052	Earthworks exceeding 50m2 on a slope of more than 20 degrees. K J Buckingham Parkers Bush Road Processing days = 8 out of 20	29 November 2024
RM240057	Boundary adjustment Gum Tree Flat Road D E and M T Cochrane 809 Gum Tree Flat Road Processing days = 6 out of 20	16 December 2024
Subdivision		
RM230034	To subdivide to achieve one rural living allotment, the balance rural allotment and a minor boundary alteration with an adjoining property at Mill Road, Waimate Jonathan Sutherland & Johanna Sutherland 309 Mill Road Processing days = 143 out of 20	27 September 2024
RM240018	Amend condition (a) of RM220062 relating to the installation of a domestic sewage treatment and disposal system within the Otaio Makikihi Water Supply Protection Area. Isabel Urquhart Trustee Company Limited 2310 Back Line Road Processing days = 83 out of 20	15 October 2024
RM240021	To create two Rural allotments from one existing Record of Title within the Rural zone in an area of flooding risk and without provision for esplanade strips Caithness Farm Limited 181 Willowbridge Road, Willowbridge Processing days = 45 out of 20	14 October 2024
RM240025	To subdivide to achieve two rural allotments Kerry Small & TP Trustees 2021 (2) Limited 164 Faulkners Road Processing days = 16 out of 20	6 September 2024
RM240029	To create two allotments in the Rural zone C Sullivan, T Sullivan, Raymond Sullivan Trust Ltd 163 Tavistock Road Processing days = 18 out of 20	5 September 2024
RM240031	Two rural titles using existing boundaries Meridian Energy Limited 415 Upper Hook Road Processing days = 10 out of 20	6 September 2024

Identifier	Details	Decision notified
RM240039	<p>To create four rural allotments and two corner splays from two existing Records of Title</p> <p>PJ & RG O`Donnell & Woollcombe Trustees 7 Ltd 260 Waituna School Road, Waituna Processing days = 19 out of 20</p>	11 November 2024
RM240041	<p>To subdivide the land contained in Records of Title CB31F/315 into two new rural allotments, in an area of flooding risk</p> <p>Thanet Farm 2017 Limited 503 Ikawai Middle Road Processing days = 19 out of 20</p>	11 November 2024
RM240046	<p>To achieve two residential allotments from one existing Record of Title</p> <p>Colin Cameron & Rosemary Cameron 32 Augustine Street, Waimate Processing days = 10 out of 20</p>	19 November 2024
RM240051	<p>Change condition of RM240025 - Modify approved plan changing consented lot sizes</p> <p>Kerry Small & TP Trustees 2021 (2) Limited 164 Faulkners Road Processing days = 2 out of 20</p>	19 November 2024
RM240053	<p>Create three Rural allotments from one existing Record of title within the Rural zone on the south side of Hook School Road.</p> <p>M W & R E Medicott 357 Hook School Road Processing days = 14 out of 20</p>	23 December 2024
Other actions		
RM240022	<p>Outline Plan: Work within designation 3 for a section of State Highway 1 between the Pareora River and St Andrews</p> <p>NZ Transport Agency Waka Kotahi SH1 between Pareora and St Andrews Processing days = 20 out of 20</p>	20 August 2024
RM240024	<p>Deemed Permitted Boundary Activity: To build an extension to an existing shed within the boundary setback</p> <p>Waimate Golf Club Incorporated 45 Browns Road Processing days = 24 out of 20</p>	24 September 2024
RM240026	<p>S226 Certificate: To achieve two separate titles from existing surveyed allotments pursuant to s226</p> <p>Meridian Energy Limited 415 Upper Hook Road Processing days = 11 out of 20</p>	22 August 2024

Identifier	Details	Decision notified
RM240032	<p>Deemed permitted boundary activity: To build a `mudhouse` within the Residential 2 internal boundary setbacks</p> <p>F A Brown 15 Browns Road Processing days = 3 out of 10</p>	5 September 2024
RM240033	<p>Outline Plan: 3 Relocated single classrooms, Glenavy School</p> <p>Glenavy School 19 Ruane Street Processing days = 4 out of 20</p>	10 September 2024
RM240045	<p>Temporary or Marginal Non Compliance – Retrospective Opening Hours Variation New World Waimate</p> <p>New World Waimate (Luso Holdings Ltd) 95 Queen Street Processing days = 1 out of 20</p>	30 October 2024
RM240047	<p>LGA Right of way: For a right of way access in favour of Lot 2 DP 560837 (Record of Title 990749) reserved over Lot 1 DP 560837 (Record of Title 990748)</p> <p>Daniel Adams & Ellen White Elephant Hill Road Processing days = 13 out of 20</p>	4 December 2024

OUTCOME

4. For the information of Council.