



Attachment A
5 February 2020

Via email: rmreview@mfe.govt.nz

Dear Sir / Madam,

SUBMISSION: TRANSFORMING THE RESOURCE MANAGEMENT SYSTEM: OPPORTUNITIES FOR CHANGE – ISSUES AND OPTIONS PAPER

Thank you for the opportunity to present our feedback on Transforming the Resource Management System issues and options paper. Queenstown Lakes District Council (QLDC) fully supports the review of the existing system and considers this to be an exciting opportunity to develop a fit for purpose system that will provide better outcomes for our environment and communities.

As a high-growth council, under pressure from both resident and visitor numbers, the existing system presents a number of challenges. As one of the highest volume consenting authorities in the country, QLDC frequently tackles challenging and litigious matters that are outside of the norm. A significant percentage of our district is either an outstanding natural landscape or national park. Not only do we need to protect such landscapes, but we need to work toward improved environmental health.

A system that reduces complexity and improves resilience is required, focussing on outcomes rather than effects. Addressing climate change requirements has become increasingly difficult within the existing framework. QLDC is currently developing a spatial plan in partnership with central government and Kāi Tahu. This spatial plan offers considerable potential as a long term strategic planning tool and as such, we are keen to see such documentation afforded legislative weight.

The attached submission provides an initial overview of the position taken by Council officers in relation to the consultation process and QLDC look forward to continuing the conversation further. Please note that this submission reflects the standpoint of officers and has not been ratified by Council's elected members. We would welcome the opportunity to speak at any future hearings or to participate in focus group activities.

Thank you again for the opportunity to comment.

Yours faithfully,



Mike Theelen
Chief Executive

1.0 REDUCING COMPLEXITY

1.1 QLDC agrees that the current system is excessively complex, which creates uncertainty for users. The plan development and consents system both require simplification to increase clarity, ease of understanding and accessibility for the community.

- 1.1.1 Improved efficiency, consistency and therefore trust in the process enables ease of participation for our communities, many of whom will be looking for process and cost certainty.
- 1.1.2 Simplifying the system will reduce the confusion caused by split responsibilities and mandates i.e. the regional council responsibility for assessing community hazard tolerance and the district council responsibility for hazard assessment.
- 1.1.3 Greater simplicity and clarity will reduce the risk of litigation and inequality in the system, where currently only the wealthiest can afford to fight lengthy, complex legal battles.

2.0 OUTCOMES-BASED APPROACH

2.1 QLDC fully supports the focus on an outcomes-based system rather than an effects-based approach as this will provide clarity and certainty for all parties.

- 2.1.1 The shift to an outcomes-based system will ensure greater alignment with other outcomes-based environmental legislation e.g. National Environmental Standard (NESs)
- 2.1.2 An outcomes-based approach will provide a greater likelihood of consensus amongst parties as outcomes are typically easier to agree upon than effects.
- 2.1.3 Communities are more likely to relate to shared outcomes. In contrast, effects-based decisions often leave local communities incredulous as to the rationale behind these.
- 2.1.4 Clarity and certainty for all parties will reduce the risk of legal and/or academic technicalities over-riding desirable outcomes.
- 2.1.5 It will enable broad issues such as climate change to be tackled on a case by case basis.
- 2.1.6 An outcomes-based approach will enable greater consideration of community-building and placemaking concepts.

3.0 SYSTEM RESILIENCE

3.1 QLDC strongly believes the system should have a suitable degree of flexibility, specifically at a local level to build resilience across a wide range of rapidly evolving factors.

- 3.1.1 The system should ensure that there is the ability for discretion based on sound local knowledge, within the context of clear national guidance.
- 3.1.2 Streamlined processes should enable councils to address emerging issues in a manner that enables timely intervention rather than resulting in reactive solutions.
- 3.1.3 Such local discretion would be most obviously applied to the mitigation of risk in relation to natural hazards, which are unique to the district.
- 3.1.4 Furthermore, the system should enable the socio-economic externalities to be considered in relation to the resource management process. This will be particularly important in terms of climate change, housing affordability and maintaining the social licence of tourism to operate.

4.0 POLICY IMPLICATIONS AND STRATEGIC ALIGNMENT

4.1 QLDC strongly agrees that the system should be strategically aligned and integrated with other key policies and legislation, to ensure the pursuit of common outcomes across related work programmes.

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- 4.1.1 QLDC requests specific reference to and alignment with the upcoming Urban Development Bill.
- 4.1.2 An integrated system will reduce confusion and interpretive issues, resulting in a decrease in the time and cost of litigation.
- 4.1.3 A more agile district plan process will facilitate pace of change and progress for a high growth district.
- 4.1.4 Improved alignment reduces the risk of tension between key policies, i.e. the need to manage growth whilst also protecting the natural environment, landscapes and water-quality.
- 4.1.5 QLDC recommends that quality standards, performance monitoring and evaluation processes are consistent with the Building Control Act.

5.0 PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT 1991

5.1 QLDC agrees it is necessary to review *Part 2: Purpose and principles* of the RMA 1991 also to focus more on outcomes and less on effects. Wellbeing should be amplified throughout this process.

- 5.1.1 An outcomes-based approach will help to deliver quality urban environments, community facilities, amenities and recreation areas.
- 5.1.2 The effects of climate change must be embedded into the process to enable mitigation and adaptation activity to occur.
- 5.1.3 The review should encourage planting and the protection of appropriate species to encourage carbon sequestration. It should fully account for the species used at specific sites.

6.0 PLAN REVIEW AND CONSENTING PROCESS

6.1 QLDC strongly believes the repetitive multi-phased process for plan reviews and consent decisions needs to be changed. QLDC experiences extreme disadvantages within this multi-phased decision process.

- 6.1.1 QLD processes an extremely high volume of consents, and the fast pace of growth we are seeing in our district is set to continue. The multi-phased processes put unnecessary pressure on time and resources, keeping costs for both local government and developers inflated.
- 6.1.2 These high financial stakes for developers amplified by high land, material and labour costs contribute to the litigious nature of the district further pressurising local government resources.
- 6.1.3 Crucially there are high stakes for the environment with local government and the Environment Court making piecemeal decisions on environmental protections rather than having a clear and cohesive national direction that allows focussed and effective local level decision making.
- 6.1.4 The current system could be considered hyper-legalistic, and this approach to decision making is not fit for purpose, disengaging the community and interest groups. In turn, this

- reduces participation and calls into question whether or not the system itself is fit for purpose.
- 6.1.5 Alternative models may provide better outcomes for the community, council officers and the environment, alongside improved time and cost efficiencies for the industry and local government.
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7.0 MONITORING AND ENFORCEMENT ACTIVITY

- 7.1 QLDC agrees that a more rigorous approach to monitoring and enforcement is required and welcomes a detailed review.
- 7.1.1 Developers should be held to their commitments through a rigorous system of monitoring and enforcement to ensure the desired outcomes are delivered.
- 7.1.2 Alternative funding streams must be provided to ensure monitoring and enforcement can be implemented. Within the normal consenting process costs are recoverable, however where issues sit outside of that process there is less opportunity to support monitoring and enforcement activities.
- 7.1.3 Appropriately skilled and experienced resources must be ensured so that monitoring and enforcement activity takes place effectively to ensure plans and processes are not undermined by inconsistent enforcement of rules and conditions.
- 7.1.4 The functions and responsibilities of regional councils should be prioritised and appropriately resourced beyond the main urban centres.

8.0 SPATIAL PLAN INTEGRATION

- 8.1 QLDC supports the requirement for proactive strategic planning and supports the introduction of spatial planning that holds legislative weight. A clear relationship and greater alignment between spatial plans and structure plans within district plans, and within a district will follow.
- 8.1.1 Spatial planning with legislative backing will reinforce the importance of taking an outcome-based approach.
- 8.1.2 Communities, individuals and private enterprise will have long term security as to where development can and cannot occur.
- 8.1.3 The definition and protection of the requirement for open spaces, cultural sites and heritage sites will enable the development of liveable, well designed neighbourhoods.
- 8.1.4 The provision of effective integration of land use planning and the funding and delivery of transport and infrastructure will enable connected resilient communities.
- 8.1.5 Urban and rural environmental protections can be clearly delineated, allowing for appropriate management of the distinct built and natural environments.
- 8.1.6 Legislative guidance will clearly define the interplay between spatial plans within the wider regional area.
- 8.2 QLDC is currently undertaking a spatial planning exercise with a broad partnership from across central government. The spatial plan will address transport, infrastructure, 3-waters, housing, community infrastructure and tourism. A high level of community consultation has been included in the process and the spatial plan represents a considerable commitment to strategic planning and community building in the district. Our guiding principle is whaiora 'grow well', focussing on sustainability, resilience and wellbeing.

9.0 ADDITIONAL MATTERS

9.1 QLDC believes further government support is required by both local and regional councils in the implementation of a new, consistent and effective resource management system.

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- 9.1.1 QLDC supports the reinstatement of Financial Contributions and supports more consideration of the benefits of Economic Instruments in supporting the regulatory approach in the revised resource management system.
- 9.1.2 Government support will enable compliance through building capability, skills and understanding for all actors in the system.
- 9.1.3 Working alongside central government will allow councils to develop robust and consistent monitoring and evaluation protocols.