

Mā tō tātou takiwā
For our District

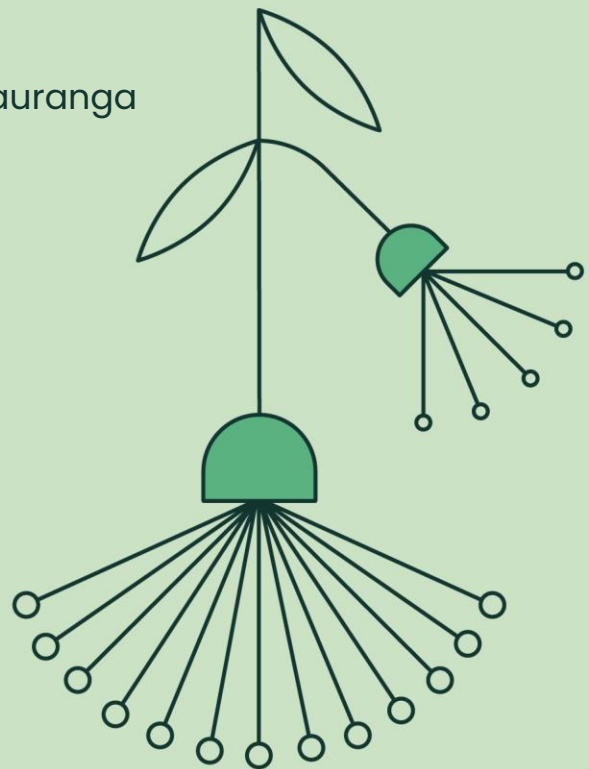
Strategy and Policy Committee

Kōmiti Rautaki me Kaupapa Here

SPC25-3

Thursday, 27 March 2025, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Strategy and Policy Committee

Membership:

Chairperson	Mayor James Denyer
Deputy Chairperson	Cr Murray Grainger
Members	Cr Tracey Coxhead Cr Grant Dally Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Laura Rae Deputy Mayor John Scrimgeour Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
Quorum	Six (6)
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be deployed.
- Development, review and approval of strategies and plans in accordance with legislation including

- determination of the nature and extent of community engagement approaches to be deployed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Endorsement of the Future Development Strategy and sub-regional or regional spatial plans.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).
- Where un-budgeted financial implications arise from the development or review of policies, bylaws or plans, recommend to Council any changes or variations necessary to give effect to such policies, bylaws or plans.
- Listen to and receive the presentation of views by people and engage in spoken interaction in relation to any matters Council undertakes to consult on whether under the Local Government Act 2002 or any other Act.
- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of community wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed legislation, plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards.
 - Community Committee.

Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.
- Should there be insufficient time for Strategy and Policy Committee to consider approval for a final submission to an external body, the Chair has delegated authority to sign the submission on behalf of Council, provided that the final submission is reported to the next scheduled meeting of the Strategy and Policy Committee.

Notice is hereby given that a Strategy and Policy Committee Meeting will be held in the Council Chambers, 1484 Cameron Road, Tauranga on: Thursday, 27 March 2025 at 9.30am

Order Of Business

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1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT**3 IN ATTENDANCE****4 APOLOGIES****5 CONSIDERATION OF LATE ITEMS****6 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

7 PUBLIC EXCLUDED ITEMS**8 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer relationship management system as a service request, while those requiring further investigation will be referred to the Chief Executive.

9 PRESENTATIONS

10 REPORTS

10.1 SUBMISSION ON RESOURCE MANAGEMENT ACT REFORM AMENDMENT BILL (CONSENTING AND OTHER SYSTEM CHANGES)

File Number: A6661875

Author: Tracey Miller, Resource Management Strategic Advisor

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

1. For the information of the Strategy and Policy Committee, this report presents a submission made by the Western Bay of Plenty District Council on the Resource Management – Consenting and Other System Changes Amendment Bill.

RECOMMENDATION

1. That the Resource Management Strategic Advisor's report dated 27 March 2025 titled 'Submission on Resource Management Act Reform Amendment Bill (Consenting and Other System Changes)', be received.
2. That the submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.

ATTACHMENTS

1. **Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill** 
2. **Strategy and Policy Committee - Workshop Notes - 5 February 2025** 



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10/02/2025

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

By email: en.legislation@parliament.govt.nz

Name: Mayor James Denyer
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Western Bay of Plenty District Council submission on the Resource Management (Consenting and Other System Changes) Amendment Bill

1. Western Bay of Plenty District Council (WBOPDC) thanks the Environment Committee for the opportunity to make a submission on the Resource Management Act Consenting and Other System Changes Amendment Bill (the Bill). We support the general intent of the Bill, in particular making it easier to consent large-scale infrastructure and enable housing and improve resource consent processes to ensure greater efficiencies.
2. This submission covers the following points:
 - Consenting and planning processes
 - Medium Density Residential Standards (MDRS)
 - Appointing Streamlined Planning Process panel members
 - Fixing administrative charges (compliance & enforcement tools)
 - Section 70 discharge rules
 - Natural hazards and risk assessments
 - Infrastructure and energy efficiency.

Consenting and planning processes:

3. We support the proposals in the Bill to improve efficiency in consenting and planning processes, noting WBOPDC already seeks these efficiencies in our consenting practices. In particular, under Section 92 the requirement to consider new matters before requesting additional information in order to reduce the length and number of Section 92 related delays and provide greater certainty for applicants.

Further, aligning the extent of information requested to the size, scale and complexity of the application itself is an appropriate amendment. This assists in providing clarity to applicants and consent planners and reinforces the differences between information needed to process applications and information required later through engineering approval phases once the consent is granted.

4. WBOPDC is concerned with altering the presumptions on holding a hearing. In particular, the Bill proposes that a hearing must not be held if the council has sufficient information to decide on an application, removing the ability for an applicant or submitters to request a hearing. Council is concerned that taking this right away negatively impacts on people's ability to have their say and for independent decision-making where necessary. There is also the possibility that it actually results in less efficient processes, as there could be an increase in appeals, judicial reviews and objections to decisions without the ability to resolve matters through a hearing.

Medium Density Residential Standards

5. Council seeks further clarity on the proposal to make the Medium Density Residential Standards (MDRS) optional and the need to demonstrate 30 years of housing growth capacity. In addition, Council would like the ability to seek a joined up approach to capacity requirements under this Bill and those under the NPS-UD in situations where an urban growth partnership and/or sub-regional spatial plan (in our case, the SmartGrowth Strategy 2024-2074) and Future Development Strategy demonstrate that growth has been planned cohesively across territorial land authorities. Applying a joint approach between councils for housing (and industrial land) capacity would address sub-regional housing capacity agnostic of council boundaries and without forcing development in unsuitable locations. However, it would be important to manage carefully over the longer term to ensure efficient use of existing urban land remains a priority.

We have concern over the requirement to revisit decision-making on MDRS that has already been implemented following RMA amendments in 2021. Revisiting MDRS should be optional. In our view, there is little value in revisiting decisions already made, and in any event, prior to there being clarity on the wider Going For Housing Growth policy framework.

Streamlined Planning Process and use of Independent Commissioners

6. The Bill identifies that any resulting MDRS plan changes will proceed via a Streamlined Planning Process with the use of a panel of independent accredited commissioners. This has the potential to remove local representation and local knowledge over significant plan making processes affecting our district.

It also has the potential to significantly reduce the current community input of elected members who are accredited RMA commissioners. Councils should have the ability to continue to use elected members in plan making processes, alongside independent commissioners where necessary. This will ensure community representation / input is able to be maintained. Assessment can be undertaken on the nature/scope of the specific planning process being considered, in accordance with Council's Appointment of Independent Hearing Commissioners Policy so that there is transparency for all parties involved and sufficient expertise to deal with the plan change matters at hand.

Fixing administrative charges (compliance & enforcement tools)

7. WBOPDC supports the ability for local authorities to fix administrative charges, however, is concerned that there may be an issue with staff needing to investigate unfounded claims of breaches of rules in relation to disputes. There is a risk that the person or parties being investigated may be found to be compliant yet still subject to a fee as a result of a vexatious claim from a neighbour or other disgruntled party. There needs to be an element of discretion to manage potentially unfounded or vexatious complaints.

Section 70 discharge rules

8. Council is concerned that the Bill proposes a relaxation of s70 discharge rules, and that this may lead to degradation of waterways. Much work has been done in our District to improve water quality, and we do not want to see this compromised. We seek standards to be introduced to manage discharges where there is the potential for significant adverse effects to aquatic life irrespective of whether there are existing significant adverse effects in the receiving waters. It is important that monitoring and enforcement provisions in relation to this requirement are feasible and that firm timelines are in place.

Natural hazards and risk assessments

9. WBOPDC would like more information on the ability for councils to refuse or grant land use consent subject to conditions based on an assessment of risk from natural hazards. We expect that existing information held in District Plans (or outside of regulatory documents) may be at times out of date, and risk assessments could provide more up to date and more relevant site-specific information. We note that risk assessments may provide more information than Council holds, and this enables staff to make more informed decisions. Section 106A(1) refers to 'existing risk' and 'significant risk' which are not defined in the RMA, which will be difficult for staff to provide clear rationale and justification. Clear guidance on when risk assessments will be needed, in order to provide transparency to the public as well as robust decision-making practices.

Infrastructure and Energy Efficiency

10. Council is supportive of the changes proposed regarding faster decision-making for renewable energy projects. Extending the duration of consents related to renewable energy generation and long-lived infrastructure projects as well as the introduction of longer lapse periods for renewable energy consents.

Yours sincerely,



James Denyer

Mayor

Western Bay of Plenty District Council

STRATEGY AND POLICY COMMITTEE WORKSHOP

DATE:	Wednesday, 5 February 2025 at 10.00am
HELD:	Council Chambers
TOPICS:	1. RMA Amendment Bill – Consenting and other system changes amendment Bill
GENERAL MANAGER RESPONSIBLE:	E Watton (Acting GM Strategy and Community/ Strategic Policy and Planning Programme Director)
FORUM MEMBERS PRESENT:	Mayor J Denyer, Cr G Dally, Cr T Coxhead, Cr M Grainger, Cr A Henry, Cr R Joyce, Deputy Mayor Scrimgeour, Cr A Sole, Cr M Murray-Benge, Cr L Rae and Cr A Wichers.
ABSENT:	Cr D Thwaites
STAFF IN ATTENDANCE:	J Holyoake (Chief Executive), A Henderson (GM Corporate Services), E Watton (Acting GM Strategy and Community/Strategic Policy and Planning Programme Director) via Zoom), C Crow (GM Infrastructure Services), N Rutland (Environmental Planning Manager), T Miller (Resource Management Strategic Advisor), R Garrett (Governance Manager), R Gallagher (Acting Policy and Planning Manager), H Wi Repa (Governance Systems Advisor), and P Osborne (Senior Governance Advisor).

RMA Amendment Bill – Consenting and other system changes amendment Bill

The Resource Management Strategic Advisor supported by the Environmental Planning Manager facilitated a discussion regarding the RMA Amendment Bill – Consenting and other system changes amendment Bill.

INTRODUCTION

This workshop focused on the latest RMA Reform Bill, focusing on its impact on the district plan. They covered six major themes within the Bill, including consenting and planning processes, and the potential for a submission.

SUMMARY OF KEY THEMES

RMA Reform Bill Discussion and Impact

The Bill aimed to enable renewable energy and infrastructure delivery, unlock housing development, and support growth in the primary sector. The Bill proposed to alter the presumption on holding a hearing, which would remove the ability for an applicant or a submitter to request a hearing. They also discussed the role of independent hearing commissioners and the need for a no surprise policy for Councillors.

RMA Amendments and Housing Growth

Discussion was held on the proposed changes to the MDRS, which would allow councils to decide whether to retain, alter, or remove them. There were also implications from the proposed changes on housing growth and the need to demonstrate 30 years of housing growth capacity. The discussion touched on the proposed changes to the National Policy Statement on Urban Development and the potential impact on existing plans. Councillors also discussed the compliance and enforcement measures proposed in the Bill, with some concerns raised about payment being required even when a breach is not found and the impact of fines on small and medium enterprises (SMEs).

Bill Discussion and Risk Assessments

Councillors led a discussion on various aspects of the Bill, focusing on the relaxation of discharge rules, the introduction of a specific provision for wood processing and specified energy activities, and the inclusion of a new section allowing a consent authority to refuse or grant land use consent based on an assessment of risk from natural hazards. Concerns were expressed about the potential for excessive fines on SMEs, the need for clear guidelines on when to use risk assessments, and the balance between property rights and environmental protection.

DIRECTION	RESPONSIBLE
<p>The Committee preferred to make a submission on the RMA Reform Bill with submission points on the following:</p> <ul style="list-style-type: none"> Concerns about the presumption of not holding hearings and the role of Elected Members in hearings. 	<p>Resource Management Strategic Advisor</p>

- | | |
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| <ul style="list-style-type: none">• Supporting efforts to make requests for information not excessive.• Expressing concern about the potential impact of costs of compliance investigations and increased fines on SMEs.• Query about special treatment of wood processing and specified energy activities.• Requesting a clear framework or guidance for when risk assessments can be used outside existing Regional Council mapping arrangements and natural hazards. | |
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The workshop finished at 11.00am