

Submission



Natural and Built Environment Bill – Exposure Draft

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SUBMITTED TO: Committee Secretariat
Environment Committee
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Introduction

1. Ashburton District Council (Council) welcomes the opportunity to submit on the Natural and Built Environments Bill Exposure Draft.
2. Council understand that there may also be submissions from the Canterbury Mayoral Forum on this matter and will provide support on these where appropriate, however this submission reflects matters of emphasis for the Ashburton District Council.
3. Located an hour's drive south of Christchurch, more than 35,300¹ residents live in the district, with the main town of Ashburton accounting for over 50% of residents. The rest of our residents live rurally or in smaller towns or villages.
4. Ashburton district has experienced moderate and sustained population increase since the mid-1990's, increasing by 23% between 2006 and 2013 (a 3.3% increase per year). This growth, however, is now slowing, with an average growth of 1.3% per year since 2013. The expansion of irrigation and agricultural diversification on the Canterbury Plains have been major factors in this growth.
5. The majority of the income of this District is derived directly or from the support of agricultural activities.
6. Ashburton District Council recognises the shortcomings of the Resource Management Act as has been detailed in the report of the Resource Management Review Panel and subsequent publications. Furthermore it supports the overall holistic intention to protect the environment while better enabling development. That said, it respectfully offers the following comments for the consideration of the Committee.

¹ Source: Statistics New Zealand Population Estimates 30 June 2020

Environmental Limits

7. While Council generally supports the provision of environmental limits, it has become clear through other regulation (particularly the NPS on Freshwater) that “one size fits all” regulation is not always the best solution to an issue.
8. Furthermore, while the intention to adopt a more spatially based system for planning is supported, Council would note that the natural environment does not always conform with defined parameters or cadastral boundaries. Examples of this locally to Ashburton are water takes and the changing behaviour of braided rivers which are rarely static or follow a single channel over long periods of time. Council respectfully requests that provision is made for sufficient flexibility within legislation to respond to local conditions which may vary between areas and specific situations.
9. Council understands that a spatial planning framework is likely to result in more permitted and prohibited activities than under the current system. Plan making is an important part of democracy as it provides the public the opportunity to comment on proposed documents and a spatial process makes this stage even more important. It is unclear to Council what level of public involvement will be provided within the plan making process but would advocate for public participation to be an important part.

Local Democratic Participation

10. Improved affirmation is needed of the local councils’ policy/plan role. The exposure draft limits the involvement of local elected members in decision making and therefore appears to be lacking in ensuring local democratic input. Council respectfully suggests that the Bill should specify that councils remain consent authorities and have proportionate roles in the planning committees in relation to sections of the NBA plans that address issues in their districts. There may not be a meeting of the minds on all issues in a region and councils should have the ability to continue to pursue outcomes through submissions, hearings and appeals that are in the interests of their communities. Territorial authorities should be the consent authority for all types of resource consent, except those currently administered by regional councils.
11. Furthermore, it is unclear from the published documents whether Councils would be able to apply for plan changes. Given the local knowledge of a District or area and the representation of its ratepayers, Council would advocate for Councils to retain this ability and that a process be provided for it.
12. Additionally, it is somewhat unclear what if any involvement local elected officials would have on setting limits or controls as opposed to Joint Committee or national processes. Council considers that potential limits and provisions which would affect the economy and environment of the District should be able to be consulted on at a local political level and would respectfully request that this is considered when developing provisions for environmental limits.
13. Ashburton District Council notes that the changes to the resource management system are expected to increase costs for local government. Council expects assistance from Central Government to be provided to ensure that the burden of these increased costs do not fall on local ratepayers.

Environmental Outcomes

14. While noting and supporting the aspirational desire for Councils to “contribute to the affordability of housing” in part 8(l)(ii) it is respectfully suggested that in a market led environment the market will dictate the volume and price of housing. While Councils have a role to play, central government intervention is seen as being the best way to leverage affordable housing and to compel lower cost accommodation.
15. More generally, Council considers that Section 8 considers competing priorities, in increasing environmental outcomes while also enabling further development. It may be that this seeming conflict is addressed as more detail of the legislation and in particular the National Planning Framework is released and would hope that this area provides strong direction and clarity for administrators.
16. As a farming district, Council supports the protection of highly productive land from inappropriate subdivision, use and development. Land fragmentation is of concern to Council and its explicit protection under part 8(m)(iii) is supported.

Transitional Arrangements

17. The Bill is silent on transitional arrangements. These are of particular interest as the NBA and RMA have explicitly different purposes. Clarity on these matters is important for authorities so that they can make the appropriate preparations.
18. We understand that NBA plans are intended to be consistent with and give effect to regional spatial strategies (developed under the Strategic Planning Act). This in turn, raises questions around how to address the timing and sequencing of developing the new plan framework. Development of spatial strategies in advance of NBA plans would be the most efficient way to ensure strategic integration across the region.
19. If planning committees throughout New Zealand are expected to deliver NBA plans on the same timeframe, there is likely to be a shortage of resource and funding throughout the planning industry. There are also likely to be capacity implications for other sectors which are expected to engage in the planning process.

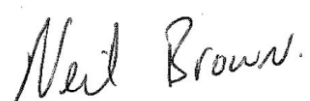
General Questions and Comments

20. While Council generally supports the intentions of the document regarding recognition of Treaty issues and Maori involvement in planning processes, it is noted that this will require considerable resource by Councils and Runanga/Iwi for full participation. Council would be grateful for clarity on how participation is expected to be resourced.
21. In relation to Section 23, it is unclear who constitutes an “Independent Panel” and whether members would be required to attain appropriate accreditation prior to sitting on such a panel. Council would advocate for accreditation and would also respectfully request further clarity on participation.

Ngā mihi

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Hamish Riach
Chief Executive

Handwritten signature of Neil Brown in black ink.

Neil Brown
Mayor