



07 February 2025

Hon Scott Simpson
Environment Committee
Parliament Buildings
Wellington

Tēna koutou,

RE: THE RESOURCE MANAGEMENT (CONSENTING AND OTHER SYSTEM CHANGES) AMENDMENT BILL

Thank you for the opportunity to submit on the Resource Management (Consenting and Other System Changes) Amendment Bill. This submission reflects the views of Engineering New Zealand and has been developed with support from several members with significant experience operating within the resource management system.

Engineering New Zealand supports the direction of this Bill and appreciates the Government's commitment to improving the efficiency of infrastructure development that New Zealand needs most.

Our submission highlights enhancements we would like to see made to the Bill. We are supportive of efforts to improve the Resource Management system, particularly those that make the system easier to navigate and use. This submission is structured to follow the themes in the general policy statement of the Bill for ease of analysis. Please note, the farming and primary sector theme is omitted as we have no substantive comments.

General comments

We have questions about the way the reform is being sequenced and the impact it will have on this consultation and the broader enabling environment for critical infrastructure.

Strategic direction of Government reform

We see an opportunity to better connect some concurrent and related Government reforms. As an example, aspects of the water reforms (Local Government (Water Services) Bill) do not align well with the objectives of this Bill and in some cases override provisions of the Resource Management

Act 1991 (RMA). We recommend a strategic approach to the various interconnected Government reforms that are underway. Reforms should be clearly sign posted and interdependencies carefully managed.

National direction

This Bill heavily relies on national direction to achieve its objectives, this is challenging to comment on from an infrastructure perspective as there is no information about the upcoming National Policy Statement for Infrastructure.

Need for training and support

The success of many proposals within this Bill will require support, training, guidance and monitoring of consent authorities to ensure the system is applied consistently across the country and the intent of this Bill is achieved.

System improvements

Engineering New Zealand is supportive of efforts to improve the coherence and certainty within the resource management system. Overall, these proposals should help improve the process to apply for, and receive, resource consents and enable quicker development of critical infrastructure.

We have some comments that would help improve the workability of some of the system improvement proposals, as follows:

- Clause 28 (changes to making an application) is welcomed but would benefit from being refined to include consideration of the receiving environment. There is potential for the clause, as currently drafted, to conflict with Schedule 4, s2(3)(c). Clause 28 could be amended to include the effects of the activity on the environment or that it is subject to Schedule 4 requirements.
- Clause 30 (additional considerations a consent authority must have before requesting further information) is sound and could result in faster consenting processes. This change is ideally coupled with support for consent authorities to ensure their practices change in line with the intent of the clause.
- We support clause 38 (that applicants be given the opportunity to request draft conditions for a resource consent before a consent is granted). However, we recommend the Committee consider extending (d) to include all comments rather than just minor or technical ones. This would allow consenting authorities to use any comment that is helpful.
- We support the change to notices of requirement in clause 49. This could be enhanced by amending the assessment considerations to include relevant RMA provisions and changing a “national policy statement” to “national direction” (to capture the full suite of national direction tools).
- Engineering New Zealand welcomes efforts to improve compliance and enforcement. However, we would like to see consideration of an applicant’s compliance history narrowed. Narrowing this consideration should still achieve the intent of the proposal while maintaining a level of fairness. Options to do this could include- similar or related consents;

history within a specified timeframe (ie. 5 years); or only cases of persistent non-compliance.

Hearings

We are not supportive of the restriction on hearings (clause 34). This is a significant change from the status quo that has the potential to cause unintended consequences. While we understand the intent of this clause, hearings have a range of benefits that are beyond information gathering.

Hearings can benefit applicants to deliver better quality project. They can help resolve disputes, improve environmental outcomes, test evidence, refine approaches, and reflect a range of voices/perspectives. There is a concern that this clause could result in worse outcomes for submitters and applicants alike. If this proposal is retained, we recommend making the process for decision making without a hearing much clearer.

Infrastructure and energy

Engineering New Zealand strongly supports efforts to enable infrastructure and improve the supply of renewable energy. We have some suggested improvements, listed below, within this theme.

Long-lived infrastructure definition

The proposed definition of long-lived infrastructure (clause 4) misses out some key types of infrastructure. We recommend amending the definition to include water infrastructure (fresh, waste and storm) and structures and facilities associated with transport by water. Additionally, we recommend amending (d) to explicitly include bridges. We acknowledge that there is a regulatory power for the Minister to amend this later, but we consider it is important that the definition is robust from the beginning. Having a robust definition will help support clarity and transparency for users of the resource management system from the outset.

Default 35-year duration

Engineering New Zealand strongly supports the default 35-year duration for time-limited consents for renewable energy and long-lived infrastructure in clause 42. This will help provide more certainty and stability for long-term investment. In saying this, it is important that this clause is narrowed to avoid the unintentional capture of land use consents granted under sections 9 and 11 of the RMA (as these consents do not expire). Additionally, this clause should include the operation of long-lived infrastructure when considering any adverse environmental effects.

Lapse periods for renewable energy consents

We question the proposal for longer lapse periods for renewable energy consents in clause 43. Rent-seeking and land banking are already problems in the status quo (as acknowledged in the Regulatory Impact Statement). This proposal looks to add to this existing problem. We would support looking at ways to improve the existing process to seek an extension rather than a blanket approach.

Housing growth

MDRS

Engineering New Zealand does not support the proposal to make MDRS optional for consent authorities. It is critical that growth is effectively managed and planned for. Urban sprawl can have negative impacts for infrastructure, transport, the environment, carbon emissions, and costs. From an infrastructure perspective, it is exponentially more expensive to develop infrastructure at urban limits rather than in preexisting residential areas. Densification also supports greater levels of infrastructure resilience. The removal of MDRS will likely risk further urban sprawl that will have negative impacts on New Zealand cities.

Heritage buildings

We support consent authorities being enabled to access a streamlined planning process for listing and de-listing heritage buildings (clause 20). This should help protect structures with heritage value and delist structures that pose risks to public health and safety. However, we understand that the streamlined planning process, which already exists, is not well used so it is unclear how much relief this will provide consent authorities.

Alignment with national direction

The proposal to allow the Minister to issue a direction for consenting authorities to align with national direction (clauses 6 and 7) should make the application of the consenting system more consistent across the country and improve the delivery of infrastructure.

Natural hazards and emergencies

Engineering New Zealand strongly supports the proposals surrounding risks relating to natural hazards. These proposals support more resilient and future proofed infrastructure development—helping stop inappropriate development in areas with high risk of natural hazards. It will also help reduce future need for remedial work and insurance claims.

Our main comment relates to clause 37 (amendment to s106A that allows consent authorities to refuse or grant conditions to a consent in areas with high risk of natural hazards). We recommend this be amended to “must” rather than “may”. We are unaware of any situation where this wouldn’t be required, and it would help provide more certainty to users of the system.

We are interested in how these proposals will be operationalised. We urge the Government to develop a risk-based approach to the application and identification of areas at high risk of natural hazards to be used nationwide. This would help mitigate issues with the variance in how the consenting system is applied region to region and help ensure decision making is supported by clear practice. This approach could be a component of the National Policy Statement for Infrastructure.

Conclusion

Engineering New Zealand supports the direction of this Bill and the intent to enable critical infrastructure to break ground faster. Our suggested improvements will help with the overall workability and clarity of the Bill.

Engineering New Zealand appreciates the opportunity to provide feedback and looks forward to supporting the next phase of resource management reform.

If we can be of any assistance or provide further information, please do not hesitate to contact us.

Nāku, nā

A handwritten signature in grey ink, appearing to read 'R. Templer', written in a cursive style.

Dr Richard Templer
Chief Executive