



**SUBMISSION: DISCUSSION DOCUMENT -
IMPROVING OUR RESOURCE MANAGEMENT SYSTEM**

Date: 02/04/13
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A handwritten signature in black ink, appearing to read "Andrew Curtis", with a long horizontal stroke extending to the right.

(Andrew Curtis, CEO IrrigationNZ)

IrrigationNZ is happy to provide further comment as required.

OVERVIEW

1. IrrigationNZ (INZ) is a national body that promotes excellence in irrigation. INZ represents the interests of over 3,600 irrigators (irrigation schemes and individual irrigators) totaling over 350,000ha of irrigation (approximately 50% of NZ's irrigated area). It also represents the interests of the majority of irrigation service providers (over 140 researchers, suppliers, designers installers and consultants).

SUBMISSION

Proposal 1: Greater national consistency and guidance

Changes to sections 6 and 7 RMA

General Comment

2. INZ agrees that section 6 contains a predominance of environmental matters. To date the hierarchy between sections 6 and 7 has resulted in an underweighting of economic and social values when policies, plans, and regulations have been prepared, and also consent decisions made.
3. INZ also considers amendments to sections 6 and 7 are needed to better enable the balancing of 'use, development and protection of natural and physical resources' - section 5 (2). The Courts and government policy have consistently seen this as the RMA's intended purpose.

Decision Sought

Support the merging of sections 6 and 7, and the inclusion of a new section 6 (2) that clarifies there is no hierarchy within new section 6.

Specific Comments

Section 6 (1) (b), 6 (1) (c) & 6 (1) (g)

4. INZ supports the use of the term 'specified' in new sections 6 (1) (b) and 6 (1) (c). To clarify we understand this means that 'outstanding natural features and landscapes', and the 'areas of significant indigenous vegetation and significant habitats of indigenous fauna' will now need to be specified in policies and plans. This is extremely helpful as it will provide greater clarity in planning matters, and avoid unnecessary transaction costs in determining what is 'outstanding' and 'significant', as is currently the norm. It will also give developers a steer as to what is acceptable and where, and thus minimise the occurrence of divisive consent applications.
5. We also support the inclusion of a new section 6 (1) (g) regarding 'the benefits of the efficient use and development of natural and physical resources'. This is critical to recognising and providing for socio-economic growth in New Zealand.

Decision Sought

Support new section 6 (1) (b), 6 (1) (c) & 6 (1) (g)

Section 6 (1) (a)

6. The new section 6 (1) (a) should include the term 'specified', as in new sections 6 (1) (b) and (c), to provide greater clarity. This is needed as new section 6 (1) (a) requires 'the preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins' is recognised and provided for, i.e. this is an elevated responsibility from that provided to other parts of new section 6.

Decision Sought

Include the word 'specified'

Section 6 (1) (g)

7. The new section 6 (1) (g) should be split, i.e. 'the benefits of the efficient use of natural and physical resources' and 'the benefits of the development of natural and physical resources'. This will avoid problems with future interpretation. The concepts of beneficial use (right to use) and efficient use (how well used) are quite different in nature. They should therefore be considered separately on a case by case basis.
8. New section 6 (1) (j) should also be split into separate components i.e. 'the benefits of efficient energy use' and 'the benefits of renewable energy generation'. Again this will avoid problems with future interpretations, the concepts of renewable energy generation and efficient energy use (how well used) being quite different in nature.

Decision Sought

Split sections 6 (1) (g) and 6 (1) (j) as above

Section 6 (1) (l)

9. The new section (6) (1) (l) 'risk and impacts of natural hazards' could potentially have unintended consequences for some rural activities. Making common rural land management practices more arduous to undertake in natural hazard zones should be avoided. For example the grazing of land that occasionally floods, this would take in much of the NZ landscape, is a common occurrence. Rural land users have developed management practices to manage and adapt to these risks. If (6) (1) (l) is to be included there needs to be greater clarity within the provision itself (it is related to the built environment as opposed to rural land management) or alternatively accompanying guidance around what this pertains to.

Decision Sought

Qualify that this provision pertains to the built environment and not rural land management.

Section 7 (4)

10. Section 7 (4) has a focus on promoting collaboration between local authorities. There is also a need to promote greater collaboration with potentially affected stakeholders when developing and reviewing RMA policies, plans and other RMA instruments. Section 7 should be extended to include collaboration with all potentially affected stakeholders.

Decision Sought

Add in 'affected stakeholders'

Clarifying and Extending Central Government Powers to Direct Plan Changes

11. INZ is supportive of providing greater guidance as to how and when Ministerial powers might be used, however we do not see a need to extend these powers beyond what is already provided for. The existing section 25A is sufficient to allow Ministers to intervene on matters of national importance. Further extending Ministerial powers carries much risk and impinges upon local democracy.

Decision Sought

Clarify the purpose and use of section 25A
Do not further extend Ministerial powers

Making NPS's and NES's More Efficient and Effective

12. INZ is generally supportive of the proposal to make NPS and NES more adaptive. However, greater detail is needed on how this is to be achieved. There is much risk in streamlining the development of national documents, particularly if the process results in reduced input from affected stakeholders. Officials are often disconnected from what is practical. The reform could potentially be counter-productive and result in national instruments that are blunt and difficult to implement.

Decision Sought

Provide further detail on the process of how flexibility is to occur, importantly including how stakeholders are to be involved in the process.

Proposal 2: Fewer Resource Management Plans

A Single Plan

13. INZ is supportive of the single plan concept based on a national planning template. This will save a lot of time and effort that currently goes into, firstly Council's ensuring the interacting plans are consistent and secondly for applicants in translating multiple plan requirements.
14. Of particular interest is the use of standardised terms and definitions, and rules for particular activities. For example rules with regard to the use of irrigation currently vary from region to region in an arbitrary fashion. INZ has developed practical industry based Codes of Practice and Standards for irrigation. It would be logical to universally give effect to these.

Decision Sought

Progress proposed changes

Obligation to Positively Plan

15. INZ is extremely supportive of an obligation to plan positively. This provision has potentially very broad application. Critically, we see this as introducing an obligation to anticipate and respond to resource management needs. For example, realising the multiple opportunities for the better management of water quantity in New Zealand through a plan taking a positive leadership in multiple-use water storage.

Decision Sought

Progress proposed changes

Empowering Faster Resolution of Environment Court Proceedings

16. INZ supports these proposals, particularly the strengthening provisions to require parties to undertake alternative dispute resolutions.

Decision Sought

Progress proposed changes

Proposal 3: More Efficient and Effective Consenting

10 Working Day Time Limit

17. INZ supports this proposal. Straightforward consents (albeit with yet to be defined criteria) that have clear and complete application documents, including any necessary written approvals, should be processed within defined minimum timeframes at a fixed cost. This ensures transaction costs are minimised - reflecting the scale of the activity to be undertaken and also its potential adverse environmental effect.

Decision Sought

Progress proposed changes

'Approved Exemption'

18. INZ supports of the concept of an 'approved exemption'. The increased flexibility will allow for a common-sense approach to planning. We believe this is an effective and pragmatic measure for managing minor issues removing the need for unnecessary complex rule frameworks. It is not practicable to plan for the extreme minority, this pathways provides a far more sensible approach.

Decision sought

Progress proposed changes

Specifying Some Applications Should be Non-notified

19. INZ supports the specification of some activities (that are broadly consistent with the plan or anticipated by plans) to be processed as non-notified, as this will reduce unnecessary transaction cost.

Decision sought

Progress proposed changes

Limiting the Scope of Consent Conditions

20. INZ is supportive of the suggested measures. INZ's members have frequently found there are inconsistencies with consent conditions from region to region and also within a region, very much depending upon the current whim of the Council. It would therefore be sensible to set the types of conditions that can be placed on the different classes of consents to give clarity.

Decision sought

Progress proposed changes

Scope of Participation in Consent Submissions and Appeals

21. INZ is supportive of the proposed measures for limiting scope to enable more focused processes.

Decision sought

Progress proposed changes

Consent Fees

22. INZ is extremely supportive of the suggested measures for improving the transparency of fee structures. INZ's membership frequently comments on the perceived lack of 'value-for-money' in the substantial application and compliance costs for irrigation consents, and also the considerable inconsistencies between regions. Improving transparency around fee structures will help remove some of these concerns.

Decision sought

Progress proposed changes

Allowing a Crown body to process some types of consent

23. INZ is supportive of the proposal to allow processing of some consents by a Crown-established body, particularly given the resourcing pressure the processing of some of these proposals are likely to place on council resourcing.

Decision sought

Progress proposed changes

Reducing EPA costs

24. Most measures proposed in relation to reducing EPA costs are clearly sensible and INZ is supportive. However, INZ is opposed to the removal of the draft decision stage. This provides an opportunity for comment on drafts is an important step towards getting a quality decision. Its removal would be counter-productive.

Decision sought

Progress proposed changes with the exception of the draft decision stage

Effective and Meaningful Māori Participation

25. INZ is supportive of the provisions in relation to enabling more effective Māori participation.

Decision sought

Progress proposed changes

Working with Councils

26. INZ is supportive of the proposals for improving council accountability. However, these will not be effective in isolation. Council performance cannot be improved through a focus on accountability alone. Councils require support in order to develop their capability and capacity. INZ believes that government must develop a support programme for councils as part of the implementation programme. While guidance may assist with interpretation of statutory changes, guidance is also subject to interpretation. Significant time and cost can be saved by working with councils, and for that matter Council's assisting other Council's to provide support - training, direction and feedback.

Decision sought:

Progress proposed changes. However, in collaboration with Council's and other stakeholders, central government to develop an implementation programme to support, define and drive excellence in resource management planning

INZ SUBMISSION ENDS