

DECEMBER 2021

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Welcome to Summer Edition Newsletter

2021 has been as busy as 2020 and we have all well and truly earned our Christmas Break.

Wishing you all a safe festive season with family and friends.

See you in 2022

Planning Ahead for the Christmas/New Year Break

If you are planning to lodge applications over the next couple months please factor in the following dates when estimating processing timeframes:

Council offices will be closed from **Friday 24 December 2021 at Noon**. Council offices will re-open on **Wednesday 5 January 2022** at 8.00 am.

Resource Management Act 1991 (RMA) non-working days are from **20 December 2021** until **10 January 2022** which means that from end of day **Friday 17 December 2021** until the end of the day on **Monday 10 January 2022** the RMA clock will be stopped. RMA timeframes are excluded during this period. It will be business as usual from **Tuesday 11 January 2022 at 8.00 am**. Council officers will however continue processing applications during this period, if available.



Reform of the Resource Management System - Implications for Resource Consenting

On the 29th June 2021 the exposure draft of the Natural and Built Environments Act (NBA) was released for public comment. The NBA will replace the Resource Management Act (RMA) once enacted. The exposure draft was only 14 pages and does not cover the full bill. The exposure draft is an initial working draft of the key parts of the final bill the Government wants to introduce. The NBA is intended to be integrated legislation that enables land use while protecting the environment. It will exist alongside the proposed Strategic Planning Act (SPA).

The NBA will set out how the environment will be protected and enhanced in the future resource management system. It intends to ensure people and communities use the environment in a way that not only supports their well-being but that of future generations.

This is to be achieved by:

- promoting positive outcomes for both the natural and built environments.
- ensuring that use, development and protection of resources only occur within prescribed environmental limits.

The NBA is also intended to improve recognition of te ao Māori and Te Tiriti o Waitangi. This includes reference to Te Oranga o te Taiao in the NBA purpose. This concept is intended to capture the intergenerational importance of the health and well-being of the natural environment and replaces the RMA concept of “sustainable development”. Decision-makers would be required ‘to give effect to’ the principles of Te Tiriti. This replaces the RMA requirement to ‘take into account’ those principles.

Under the NBA, the new National Planning Framework will provide a set of mandatory national policies and standards on specified aspects of the new system. These will include natural environmental limits, outcomes and targets.

Another fundamental change in the NBA will be a shift away from simply managing effects (as under RMA) to directing positive outcomes.

The draft NBA specifies 16 positive outcomes to be promoted, which include matters related to the built environment, such as well-functioning urban areas, development of housing supply and the provision of infrastructure services.

At this stage there is no hierarchy for the positive outcomes listed, although the National Planning Framework (NPF) is intended to provide direction on how to resolve conflicts between the outcomes. The NPF will also include direction about nine of the 16 outcomes, including urban areas, housing supply and infrastructure services. It is currently unclear why some, but not other, outcomes have been included in this mandatory list.

The NBA is intended to provide more national direction. The NBA requires a NPF to be prepared and maintained by the Minister, which will set out provisions directing the outcomes. The NPF is intended to provide integrated direction on matters of national significance and matters where ‘national consistency’ is desirable. The detailed process for preparation of the NPF is yet to be specified. This is a major shift from the RMA, which was more ‘enabling’ of development provided effects could be managed, and did not direct specific outcomes or prescribe bottom lines.

There will be one NBA Plan for each region which will mean reducing the current RMA Plans of which there are over 100 into approximately 15 NBA Plans. The NBA Plans will be developed by Planning Committees instead of local authorities. The Committees will be made up of representatives of the consenting authority (Councils), the Minister of Conservation, and tangata whenua. As the NBA Plans will be more specific about what can and cannot occur fewer resource consents will be required. Overall resource consents may have a reduced role but will still be required.

The NBA exposure draft details the intent and the process of achieving Combined Plans. To be developed is the detail of our core activities as resource management practitioners; specifically consent application preparation and processing and compliance, monitoring and enforcement. These tasks and activities which we undertake on a daily basis will still be the core of the new legislation. Consequently as key users of the legislation we are in the best position to guide the legislators on what activities need to be provided for and funded for this key legislation to be effective and enable it to successfully achieve its purpose.

Please take the opportunity to make submissions on draft statutes in this area.



Hearings Portal on Council's Website

There have been some recent changes to the way you can access documents filed in respect of hearings on application for resource consent. Currently all publicly accessible documents related to applications for resource consent can be accessed by the public via Council's website using the Property Files Online search tool. Documents are presented chronologically, reflecting the order in which they were saved to the file. This facility continues to be available.

Council developed an online portal platform for the Resource Management Plans review and the subsequent hearings on the Proposed Marlborough Environment Plan. Those of you who participated in this hearing process will be familiar with the system that allowed you to schedule your hearing attendance and upload your documents directly to the associated hearing event on the portal.

Recently we have included the use of the portal in our administration of hearings for resource consent applications. The use of the portal for resource consent hearings is solely intended to provide you with an alternate platform to access documents related to hearings. Parties to resource consent hearings are not required to use the portal to upload documents or schedule hearing appearances.

A separate event will be created on the portal for each hearing as they are scheduled. When you provide documents for a hearing to Council's Hearing Facilitator the documents will be uploaded to the portal.



Use this link to access the All Programmes list on the portal; <https://eservices.marlborough.govt.nz/programmes>. You can locate the hearing events under the All Programmes list and then selecting Resource Consent Hearings. There you will be able to select from the current and recent hearings. Click on the documents link to access the documents provided for the hearing. Once a decision has been issued for the application the application will no longer show on the portal. Thereafter you will be able to continue to access the records using the Property Files Online search tool.

Staffing Update

There have been a number of staffing changes in the RC Team over the last four months. Emma Hunter has been promoted into an Environment Planner position. Emma was a part time Resource Management Administration Officer in the RC Team. She is part way through a Masters in Planning degree.

Jenny Folster has had a change of title to Technical Lead - Land Use. The new title acknowledges Jenny's experience and contribution to the RC Team and the wider Council working in the area of land use consents.

Victoria Rhind has been admitted to Full Membership of NZPI and as a result of her recognised competency in water and discharge applications her title has been upgraded to Senior Environmental Planner.

Sadly the RC Team has lost two Environmental Planners with Oliver Rathmill leaving to work for MfE on the RMA Reform and Summer Denize leaving to work in consultancy for WSP in Blenheim.

The RC Team have welcomed a summer intern, Katelin Livingstone, who will be working on various projects over the university break.



Emma has recently started a new role within the team as an Environmental Planner. She first joined the Team in May 2019, taking up the role of a Resource Management Administration Officer. Emma has lived in Marlborough since moving to New Zealand in 2008 from North Yorkshire, UK with her husband and young family.

Working in the Education Department for a regional authority in the UK was Emma's first introduction to Local Government.

Prior to her role with MDC, Emma worked for the Marine Farming Association in an administrative position. Since joining the Resource Consent team Emma has embarked on the Master of Resource and Environmental Planning Course at Massey University, studying part time, and is now half way through her studies.

Although juggling work, study and kids is sometimes challenging she is really enjoying the course and having the opportunity to apply her learning to her new role.



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Autumn - 1 March 2022