

**Environment Committee's  
Submission on Resource  
Management  
Amendment Bill**

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For more information please contact:  
Jane Murray  
NMDHB Public Health Service  
Email: [jane.murray@nmdhb.govt.nz](mailto:jane.murray@nmdhb.govt.nz)  
Phone: (03) 543 7805

## **Submitter Details**

1. Nelson Marlborough District Health Board (NMDHB) (NMH) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NMH has a duty to reduce of adverse environmental effects on the health of people and communities and to improve, promote and protect their health pursuant under the New Zealand Public Health and Disability Act 2000 and the Health Act 1956. NMH welcomes the opportunity to comment from a public health perspective on the Resource Management Amendment Bill (the Bill).

## **General Comments**

2. NMH supports the overarching objectives of the Bill to restore public participation opportunities, reduce complexity and support the urgent need to improve freshwater management and outcomes.
3. The conditions in which people live are impacted by a range of environmental, social and behavioural factors which are referred to as the 'social determinants of health'. Councils formulate and administer policies in a number of key areas and offer a broad range of services related to land use, infrastructure, and community facilities which shape the contexts and environments in which individuals live.
4. NMH is pleased to see that public participation is being reinstated (Clause 24 S95A). Public participation in public decision making and problem solving gives people a way of contributing to the communities they live in. This contribution is an important aspect of people's wellbeing; it can bring an ability to influence decisions, as well as opportunities to connect with others in the community and to learn and understand. Underpinning the process is the sense of being valued by community leaders and others in the community and this has a positive effect on people's mental wellbeing.
5. Public notification can result in the identification of unanticipated effects that were not originally considered. Public notification may mean that adverse health effects can be discovered which can lead to improved health outcomes. Notification allows health boards to consider the potential health effects of applications and public health officials are able to work closely with council officers to establish ways to best mitigate effects.
6. NMH supports changes to Clause 26, S120 in regards to reinstating the right of appeal. The appeal process is an important process that ensures that Councils are being accurate in regards to their decision making. Reinstating the right of appeal allows for correct judicial process and consistency around decision making.
7. NMH supports Clause 58 of new Part 4 of Schedule 1 – the inclusion of a freshwater hearings commissioner with an understanding of tikanga Maori and

matauranga Maori. This aligns with embedding Te Mana o Te Wai as a fundamental value to protecting freshwater in New Zealand.

8. NMH supports changes to the subdivision rules (Clause 6, S11). NMH agrees with the original RMA rules that subdivisions are presumed to be restricted unless explicitly permitted by the district plan rule. This aligns with the proposed National Policy Statement on Urban Development that enables Councils to provide development capacity to meet the diverse demands of communities and encourage quality urban environments.<sup>1</sup> The current rules could lead to ad-hoc development that does not enable Councils to plan and supply appropriate infrastructure.
9. NMH supports Clause 71, Section 360D,E,G,H being repealed. The powers given in Section 360(D)(1) restricted the ability of local authorities to tailor rules that suit the local environment or to adopt rules that are insufficient in other legislation. Currently community groups are unable to request a level of service or a series of regulations specific to their area for example localised rules relating to noise restrictions. By repealing Section 360D, local councils will be able to introduce specific regulations as appropriate to their area.
10. NMH supports changes that will enable the review of conditions of multiple resource consents concurrently (Clause 28 S129). This will enable Councils to consider applications against a number of environmental factors. This will reduce unintended consequences and lead to better environmental outcomes.
11. NMH supports Clause 4 S2 Clause 8 S38; Clauses 53-58 S311,316,324,325,425b; Clauses 60-61 S332-336; Clause 66 Part 12A, S343 that will empower the Environmental Protection Authority to take enforcement action. This will assist Councils to investigate incidents which will lead to fewer breaches of the RMA and this will have improved environmental health outcomes.
12. NMH supports (S259, S261) that will allow the Environment Court to appoint special advisors to provide technical assistance in complex cases, and that these technical advisors are protected against legal proceedings for actions they take while acting in good faith in the performance of their duties. Public Health advisors may be called on to give technical advice on specific matters and it is important that Health Boards are not lumbered with legal costs as a result of providing advice.
13. NMH supports the proposed specialised planning process for freshwater (Clause 13 Part 4 Part 5). NMH also supports the appointment of freshwater hearings

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<sup>1</sup> <https://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/planning-successful-cities-discussion-document-proposed-nps-on-urban-development.pdf>

commissioners that have an understanding of tikanga Maori and matauranga Maori as this aligns with embedding Te Mana o Te Wai as a fundamental value to protecting freshwater in the New Zealand.

14. NMH notes that the proposed changes to the RMA have not included making climate change a matter of national significance (S6). The introduction of the Zero Carbon Bill could be supported by changes to the RMA by requiring decision makers to take into account the effects of greenhouse gas emissions.

### **Conclusion**

15. NMH supports the revised changes to the Act as these will result in better health outcomes for local communities.
16. NMH does not wish to be heard in support of this submission.
17. NMH thanks the Environment Committee's for the opportunity to comment on the Resource Management Amendment Bill.

Yours sincerely



Peter Bramley  
**Chief Executive**  
Peter.bramley@nmdhb.govt.nz