10. 12. 98

REPORT BY THE CHAIRMAN OF THE RESOURCE MANAGEMENT COMMITTEE

2. PROPOSALS FOR AMENDMENT TO THE RESOURCE MANAGEMENT ACT

In examining the report the Committee noted:

1. The need for the Council to express its appreciation of the retention of amenity values as a matter to be considered in Section 7 and of subdivision as a means of achieving environmental outcomes.

2. That while "economic" was removed from the definition of environment, it was retained as part of the principles and purpose of the Act.

In regard to point 3.1 of the report:

(a) If resource consent processing were delegated, any issuing party, including a commissioner acting on its behalf, would feel obliged to enquire into the previous process and this could cause costs to increase.
(b) The "contracting out" of resource consent processing could lead to a loss of corporate knowledge and could be damaging to the operation of a number of Council units.

In regard to points 3.2, 3.3 and 3.4 of the report:

(a) Hearings would need to be more formal, although ordinary submitters would prefer less formality.
(b) Any slight and technical deficiency would be scrutinised since it may be the only grounds of appeal.
(c) Cross-examination would have to be allowed to all parties and potential for hostility could increase.
(d) The uncertainty about whether sufficient qualified commissioners would be available to make decisions able to be challenged on anything other than points of law.
(e) The likelihood that Councillors would have a better "feel" for community values than commissioners.
(f) The fact that fewer than 0.5% of all applications for a resource consent went as far as the Environment Court.
(g) The need for the community to retain ownership of the process.

In regard to point 3.7 of the report:

(a) The fact that the City Plan had been drawn up and hearings held with the consent categories of the 1991 Act in mind created difficulties in reasonably administering the plan.
(b) Some activities needed to be almost completely prevented in some zones, making the non-complying category more appropriate than discretionary in some instances.

In regard to point 3.9 of the report:

If plans, and presumably variations, did not become operative until all stages of appeal were exhausted, the ability of councils to respond to community needs would be negligible. The timeframe for implementing change would be far too prolonged.

In regard to Section 7 of the report:

(a) The removal of conservation of versatile soils from urban development was removed from the definition of "soil conservation" did not preclude it being taken into account as **one** factor in Section 5. It no longer had primacy.
(b) If activity on surface of the water is to become a regional council function, should it be restricted to regional rivers such as the Waimakariri, as opposed to the Avon?

In regard to criteria under revised Section 104:

If "economic benefit" were a matter to which councils and others must have regard, does that term include economic disadvantage? The committee believed the legislation as framed was unclear.

In regard to appeal period for references to plan decisions:

The move from 15 to 30 working days was good, but a period of 40 days was still more appropriate in view of the magnitude of decisions. This may save "pro forma" appeals.

GENERAL COMMENT

It was appropriate to point out that many members of the general public, when appearing before panels or making general comments, believed rules were a protection as well as a restriction.

Chairman's Recommendation:

1. That the Chairman's report, modified to incorporate the points noted by the Committee, be the Council's submission to the Ministry for the Environment.

2. That MPs be invited to attend a meeting on the subject, in order that they may be made aware of the Council's thinking behind its missions.

CONSIDERED THIS 10TH DAY OF DECEMBER 1998

MAYOR