

3. PROPOSALS FOR AMENDMENT TO THE RESOURCE MANAGEMENT ACT

The Committee had before it a report from the Chairman of the Committee, setting out those matters contained within the document entitled, "Proposals for Amendment to the Resource Management Act", which were considered to be of greatest interest to Christchurch City, along with some comments.

These matters were seen as being:

- 3.1 Contestability of resource consent processing.
- 3.2,
- 3.3 &
- 3.4 Removal and modification of de novo appeal rights; and commissioner hearings direct referral of consent applications to the Environment Court.
- 3.7 Consent categories
- 3.9 Limiting the effect of a Proposed Plan.

SECTION 7 - REDEFINITION OF FUNCTIONS

In examining the report, the Committee noted:

- A need for a consent process, as rules cannot be written to cover the provisions of good design.
- A role of a Commissioner and his/her entitlement to enquire into the process.
- The effect of the removal of the word "economic" from the definition of environment.
- Level of support to be given to the retention of "amenity values", as part of the environment.
- The inconsistencies of the wording used (9.1.b).
- The belief, based on previous experience, that costs may well increase, both for Council and applicants.
- The effect of any slightest technical deficiency in an application, likely to be fatal to both applicant and submitter.
- Cross-examination having to be allowed to all parties.
- The potential for hostilities between opposing sides.
- The level of experience and expertise that would be needed to determine any decision.
- The need for the community to retain ownership.
- Whether or not a commissioner would have a better feeling for community interests than an elected member hearing panel.
- The fact that members of the public are likely to prefer less formally structured hearing by an elected member panel.
- The success of the current City Council resource consent hearing process was reflected in the low number of appeals made to the Environment Court.
- The danger of losing corporate knowledge, such is passed from one unit to another under the current system.
- The fact that the proposed new City Plan was drawn up with a separation of discretionary from non-complying activities in mind, which would have to be changed.
- The need to prevent some discretionary activities taking place in a particular zone.

- The timeframe that would apply to the implementation of any changes to the City Plan.
- The need for provision to be made to ensure the proper transfer of functions from one type of local authority to another (ie control of activities on the surface of the water).
- Whether or not disadvantages as well as advantages were properly spelt out.
- The need to reiterate the point that rules can sometimes be for people's protection.
- The need to retain subdivision control as part of the Act.
- The fact that soil conservation should just be one of the matters to be taken into account.
- The need for a 40-day appeal period to be provided for.

The Committee **decided** that:

- (i) The report by the Chairman of the Committee be amended by the inclusion of the various comments made, and forwarded to the Ministry of the Environment as the Council's submission.
- (ii) 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.