

23. 9. 99

**RESOURCE MANAGEMENT COMMITTEE
9 SEPTEMBER 1999**

**A meeting of the Resource Management Committee
was held on Thursday 9 September 1999 at 1.30pm**

PRESENT:

Resource Management Committee:

Councillor Charles Manning (Chairman),
Councillors Carole Evans, Lesley Keast and
Sue Wells.

Legislation Subcommittee:

Councillor David Close

APOLOGIES:

Apologies for absence were received and accepted
from Councillor David Buist.

The Committee reports that:

**PART C - REPORTS ON DELEGATED DECISIONS
TAKEN BY THE COMMITTEE**

1. RESOURCE MANAGEMENT ACT AMENDMENT BILL

The Committee received a discussion document from the Legal Services Manager, containing the comments of various Council officers as the basis for preparing submissions on the Resource Management Act Amendment Bill.

In considering the discussion document, the Committee noted the following matters:

(i) Definition of "Notice of decision"

The proposal for notice summarising certain decisions and stating where the decisions are publicly available, was not seen as serving any useful purpose.

(ii) Definition of "working day"

While applicants for resource consent hearings preferred an earlier starting date in January it was important to maintain the current composition of the hearing exclusion period.

Resource Management 9.9.99

1 Cont'd

(iii) **Definition of “environment”**

It was considered that this would only achieve the exact opposite of that which was really sought, the Marlborough Port case being an example.

(iv) **Commissioner hearings**

The City Council’s current practice is that where there is a suggestion of any conflict of interest or perception of bias, then the Council appoints a Commissioner. This system works well.

In some aspects it was seen as a move towards centralisation, rather than to communities, and there were the matters of loss of expertise and ability to monitor, to consider.

As an alternative, local authorities should be able to prepare their own registers of Commissioners.

(v) **Clause 10 – Section 32 Reports**

Panels were aware, when coming to a decision, that they were covering a Section 32 evaluation. The requirement for a second evaluation should be deleted.

(vi) **Clause 13 – Consent Processors**

If Councils were constrained by this measure, then this would affect the level of administration that provides the checking process. There are a number of Council sections that feed into the process, which is best dealt with within the confines of a Council structure.

Where any overload of the system occurs, then the Council utilises the services of outside consultants to meet the demand.

(vii) **Clauses 39 and 52 – Direct Referral and Direct Applications to the Environment Court**

The current Council practice related to the informal nature of a Council hearing is a process that eschews informality and is of particular assistance to applicants and submitters.

If there is to be any direct referral, then it should be at the local authority’s direction rather than an applicant’s right.

(viii) **Clause 41 – Matters to Consider When Making Decisions**

There are many significant issues to be taken into account in determining discretionary activities.

23. 9. 99

Resource Management 9.9.99

1 Cont'd

(ix) **Clause 59 – Notification of Decisions of Requiring Authorities**

Reference to Section 168(a) needs to be made in the same submission.

(x) **Proposed Plans**

Comment on this needs to be prepared.

(xi) **Implications for cascade model**

Submissions on this need to be prepared. The critical standards are standards which the Council regards should not be breached.

(xii) **Non-complying activities**

The non-complying category should be retained, but if only one category is to be retained, then there is need for an appropriate definition to be made.

CONCLUSION

The Committee **resolved:**

1. That the Select Committee be requested to hear submissions on the Bill in Christchurch, as well as Wellington.
2. That it be left to the Chairman and Legal Services Manager to finalise the Council's submissions on the Bill.

The meeting concluded at 2.45pm.

CONSIDERED THIS 23RD DAY OF SEPTEMBER 1999

MAYOR