

4. TRAINING FOR COUNCIL HEARINGS PANELS

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The purpose of this report is to propose that the Council adopt a new training and accreditation scheme for elected members who wish to serve on resource consent hearings panels.

For many years the main training for all elected members who are interested in being on hearings panels has been provided 'in-house' by senior Council planning staff, a local planning consultant and the Council's Resource Management Solicitor. The in-house training has often been complemented by additional training workshops and seminars provided by Ministry for the Environment, Local Government New Zealand, the Resource Management Law Association and the New Zealand Planning Institute. Elected member attendance at these sessions has been encouraged but has not been a pre-requisite to serving on panels. The bulk of the in-house and external training takes place shortly after local body elections. In addition, there is mid-term training for all potential panel members and specialist training is provided for panel chairpersons. The training has been both cost effective and of a high standard. This is reflected in the quality of Christchurch City Council resource consent decisions and the small number of decisions that are appealed to the Environment Court.

In 2003 the Government proposed the idea of a national training and accreditation scheme for elected members who wished to be panel members. The scheme would use external providers and was in response to criticism about the standard of decisions on resource consent applications made by some councils.

The Government asked for submissions on this proposal, and the Council made a submission on this. In essence, the Council supported the principle of a training and assessment scheme for Resource Management Act decision makers but opposed the recommended option for the scheme for a number of reasons.

The Government has pursued the concept of a national training scheme and the present situation is set out in the following extract from the Ministry of the Environment's web site:

"The Ministry for the Environment, in partnership with Local Government New Zealand, is establishing a professional development scheme to give councillors and independent commissioners the practical skills they need in considering notified applications for resource consents. The accredited training will take the form of workshops and participants will also be required to undertake assignments and other activities to demonstrate their knowledge and understanding of the Resource Management Act (RMA) and its processes.

The first round of workshops in this voluntary scheme will run in February/March 2005, shortly after the next local government elections, giving newly-elected councillors an opportunity to take part."

LGNZ will be posting registration details for the training scheme to all elected members shortly after the local body elections.

It is fair to say that the proposed Professional Development Scheme will involve considerably more work and time for elected members who wish to be panel members than the in-house training. It also involves more cost with the initial indications indicating \$1,000 per registrant. If all Councillors and community board members wish to attend the training sessions this could result in a cost to the Council of up to \$43,000.

It should be noted that it is intended that there be a report to the new Council regarding the composition and selection of Council Hearings Panels. This report will recommend that only elected members who had undergone the national training (if the council agrees with the staff recommendation below) on the relevant provisions of the Resource Management Act would be able to be appointed to a Council Hearings Panel, to ensure that Panel decisions have regard to the appropriate statutory requirements.

Although the scheme is voluntary, the Council will need to make a decision about whether it continues with its own in-house training scheme or adopts the national training scheme. The view of staff is that while the in-house training provided by the Council is of a very high standard and cost effective, it would be best to shift to the national training programme, to ensure that the public perceive hearings panel decisions as being credible.

If there is a national training programme and the Council continues to use its in-house training scheme, there is a risk that applicants and submitters may consider their case will not be heard by a properly trained panel. Put simply, if the Council continues to use an in-house training scheme, its decisions may be considered inferior to those provided by panels who have been through the national training programme. This could result in criticism of the way the Council runs hearings and Council decisions.

Committee

Recommendation: That the Council adopt the new national training and accreditation scheme for elected members who wish to be panel members.