

Section 92 – Further information requests

AGREED: Ability to request s92 remains the same in accordance with current legislation (i.e. not limited to one request). However, upon receipt of further information or the applicant informs the council that they are not going to provide information, the clock starts again and cannot subsequently be stopped (i.e. further information requests will not stop the clock). (Therefore essentially get one opportunity to stop the clock)

[Withheld under Section 9(a) of the Official Information Act]

S92A

- (a) provide the information to the consent authority in response to that request; or
- (b) advise the consent authority ...



FURTHER
INFORMATION REQU

The suggested amendment to s104 - Members expressed disquiet about council processes and expressed desire to add something further.

10 yearly review

AGREED – removal of 10 year review requirement for unitary authorities district planning functions but review must be retained for public resource requirements (regional functions)

Interim effect

AGREED - Interim effect of rules in a proposed plan (paper below) amendments to s20AA with insertion of (1)(a)(iii) “the rules governing the activities that may be undertaken on any land are more restrictive than those applying hither to; and”



INTERIM EFFECT OF
RULES IN A PROPOSE

Significant projects

AGREED – significant projects - \$50 million

Report – keen on the idea of concept approval – need to flag that further work will need to be required on this.

AGREED – board set up by the EPA is the decision maker taking over the role of the first order hearing.

TAG keen on principle of joined approvals. Phase 1 those matters currently appealable to the Environment Court. Phase 2 considerations: the Conservation Act and Crown Minerals Act.

AGREED - For significant project track B2(xiv) right of appeal on point of law only and to the Court of Appeal. Where local authorities are required to provide advice to the board of inquiry they have the ability to recover costs.

At present leave s104 the way it is at the moment (see 'Interim effect of proposed plans' paper attached above) – expressed disquiet on council processes and expressed desire to add something further – deferred for further consideration or phase 2 (water allocation) **Action** – *[Withheld under Section 9(a) of the Official Information Act]*

RCA's

AGREED – as part of phase 1 remove RCA's but flag that in phase 2 a key piece of work is required to deal with allocating coastal resources particularly looking at the land owner framework.

Notification

- no more than minor regardless of who/what =non notified
- more than minor where affected parties consent has been received - non notified, otherwise limited notified or notified..
 - o if only one person in disagreement give option to submit. If they do not submit a hearing is not required

TAG attracted to the term “directly affected” not just affected which is affected in more than a de minimus way.

- wider environmental effects beyond the intermediate area = notified

Insert 'directly affected' s94 - wanted MfE/drafters to look at/consider page 30 Owen McShane 'Proposed Amendments to the RMA' paper.

Independent commissioners

AGREED – 1 independent commissioner must be on all panels (some members expressed interest in the independent commissioner being the chair)

AGREED – If a council is a submitter or otherwise seeks to appear cannot have any councillors on the hearing panel

Leave required to appeal to High Court

Withdraw idea that leave required to appeal to High Court on plans

Affordable housing

Suggested that requires further consideration and should be a phase 2 issue not a simple exercise of just inserting something into s6 or 7 **Action:** *[Withheld under Section 9(a) of the Official Information Act]*

Suggest that if this is a matter for national consideration/of national significance – possible mechanism for this is an NPS (as opposed to changing the Act)

Don't believe should make changes to ss6 and 7 in Phase 1. s7 needs rewording generally and requires further consideration **Action:** *[Withheld under Section 9(a) of the Official Information Act]*

Section 32

Action: *[Withheld under Section 9(a) of the Official Information Act]*

Further Submissions

Alan to draft note, drop further submissions but allow those directly affected by submissions to be informed and participate at hearing. Person lodging a submission that directly affects a particular property may be required to serve those directly affected property owners.

Duffill Watts Limited

AGREED – s224 doesn't need to be changed

Definition of working day

Definition of working day — no change – leave any changes to MfE.

AGREED – paragraph 21 'Strike out or home run? Streamlining the resource consent process' paper (7 January 2009) – closing date for appeal



Doc5.pdf

AGREED – fees and allowances repeal s149B(1)

Report – if not attracting high quality people for Boards of Inquiry etc – issue needs to be addressed

Improving call-in – Chapman Tripp submission (pp 10-11)



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12.1 – no

12.2 – supported AGREED

12.3 – goes against what have been talking about – no action

12.4 – no

12.5 – no issue

13 – already dealt with

16.1 – already done

16.2 – already done

16.3 – already done

Reverse sensitivity

Phase 2 – may want to flag that this is potentially a growing issue.

RMA Ombudsman

AGREED – report to recommend that Ombudsman should develop increased capacity to deal with RMA complaints/beef-up understanding of RMA issues. MfE should be tasked to deal with system complaints and research how RMA performing. (Attention as non-regulatory matter for report)

Governance issues

Multi-layering of political governance (refer to Guy Salmon paper - below). Reform to local government issue for agenda. In establishing EPA this will need to be addressed – should be up for discussion Phase 2.

Agreed with overall approach taken by paper produced by Guy Salmon 'Report of the Technical Advisory Group on the Resource Management Act: draft of 7 January 2009'.



TAG report - draft of first section 7 Jan 09.

Improving enforcement and compliance F5 of policy package
Will need to come back to Thursday (MfE)

Enforcement

Raising level of fines from 200,000 to 600,000 TAG requested further justification – is this an issue? Some members of opinion that this is not a problem (F4)

Action: MfE to circulate enforcement papers

AGREED – (F2 Policy Package paper) “the information that an enforcement officer can direct a person suspected of committing an offence is to include date of birth”.

Environment Court

Recommend - Allow court to charge daily hearing charge on consent appeals and direct referral (not plan appeals)

Simpson Grierson paper – Bill Loutit

Agree to do away with notices of reply

Action: *[Withheld under Section 9(a) of the Official Information Act]*

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Damages (trade competition part of cabinet paper) MUST be included