

Resource Management (Controlled and Discretionary Activities) Amendment Bill

Member's Bill

Explanatory note

This bill empowers local authorities to make better use of available environmental expertise in carrying out their functions under the Resource Management Act 1991. It promotes the timely but robust resolution of resource consent applications by enabling regional and district plans to provide for activities to be permitted subject to assessment of effects by approvals agents authorised by the local authority. This move will go a long way to achieving environmental objectives, while seeing greater efficiencies of resource use in the approvals process.

There exists a highly competent body of environmental expertise, built up over the last decade, and well-versed in resource management law. Such expertise commonly extends across a number of boundaries, providing an appreciation of the common underpinnings of district and regional plans, as well as the unique differences and matters of specific local or regional interest.

This bill also recognises the importance of reducing excessive workloads on local authorities and encouraging applicants with the expertise within their local communities to take more responsibility and participate more fully in the resource management process. This will allow local authorities more time to focus on the important broader issues of resource management administration.

This bill provides certainty in relation to the ability of councils to include rules in district and regional plans which allow for a step-down for controlled or discretionary activities to permitted activity status in certain circumstances.

This clarity should be particularly welcome to smaller local authorities, who may currently face difficulties in maintaining

expertise across the full range of areas required and often find themselves contracting consent work at significant cost.

Applicants will also appreciate the opportunity to go directly to an authorised agent for an assessment of effects, thus enabling activities with no adverse effects to proceed more rapidly, and activities with minor effects to be addressed effectively, without unnecessary delay or cost.

Broadly, there is a need for the environmental objectives of the Resource Management Act to be better understood within the community and the acceptance of this Bill is intended to strengthen this understanding.

Clause 4 of the Bill inserts a new subsection into section 68 of the principal Act, which deals with rules in regional plans. The new subsection makes it clear that councils may include rules relating to controlled and discretionary activities which provide for a step down to permitted activity status in certain circumstances. The new subsection contains requirements for assessment of such activities in accordance with the regional plans, and allows approvals agents other than the council to carry out such assessments. A definition of **authorised approvals agent** is included.

Clause 5 of the Bill inserts a new subsection into section 76 of the principal Act, which deals with rules in district plans. This has a similar impact as the subsection inserted by *clause 4*, but in relation to territorial local authorities and their district plans.

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Resource Management (Controlled and Discretionary Activities) Amendment Act **2001**.
- (2) In this Act, the Resource Management Act 1991¹ is called "the principal Act".

¹ 1991 No 69

2 Commencement

This Act comes into force on the date on which it receives the Royal assent.

3 Purpose

The purpose of this Act is to clarify the ability of councils to include rules in regional and district plans which provide for a step-down to permitted activity status under certain conditions. 10

4 Regional rules

- (1) Section 68 of the principal Act is amended by inserting, after subsection (3B), the following subsection: 15
- “(3C) Where a rule in a regional plan makes provision for any controlled or discretionary activity, the regional council may also include a rule which provides for such activity to be 20

treated as a permitted activity if the agreement of an authorised approvals agent has been obtained in accordance with the regional plan.”

- (2) Section 68 of the principal Act is further amended by adding the following subsection:

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“(11) For the purposes of this section, **authorised approvals agent** means any person who has applied to the regional council for registration as such, and has been assessed by the regional council as demonstrating the required proficiencies for assessing any applications for resource consent under the regional plan.”

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5 District rules

- (1) Section 76 of the principal Act is amended by inserting, after subsection (3B), the following subsection:

“(3C) Where a rule in a district plan makes provision for any controlled or discretionary activity, the territorial authority may also include a rule which provides for such activity to be treated as a permitted activity if the agreement of an authorised approvals agent has been obtained in accordance with the district plan.”

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- (2) Section 76 of the principal Act is amended by adding the following subsection:

“(5) For the purposes of this section, **authorised approvals agent** means any person who has applied to the territorial authority for registration as such, and has been assessed by the territorial authority as demonstrating the required proficiencies for assessing any applications for resource consent under the district plan.”

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