

Combined Forum:

Auckland Council independent commissioners and Resource Management Law Association

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Resource Management Law Association
of New Zealand Inc.



RMA Consent Processing at Auckland Council : Practice Update

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Content

- Context
- Non-notified consents
- Process options (delegated, Duty Commissioner, Hearing Committee, Fast Track)
- Notified consents & timeframes
- Schedule 4 & s88
- Notified consents & six-month timeframes

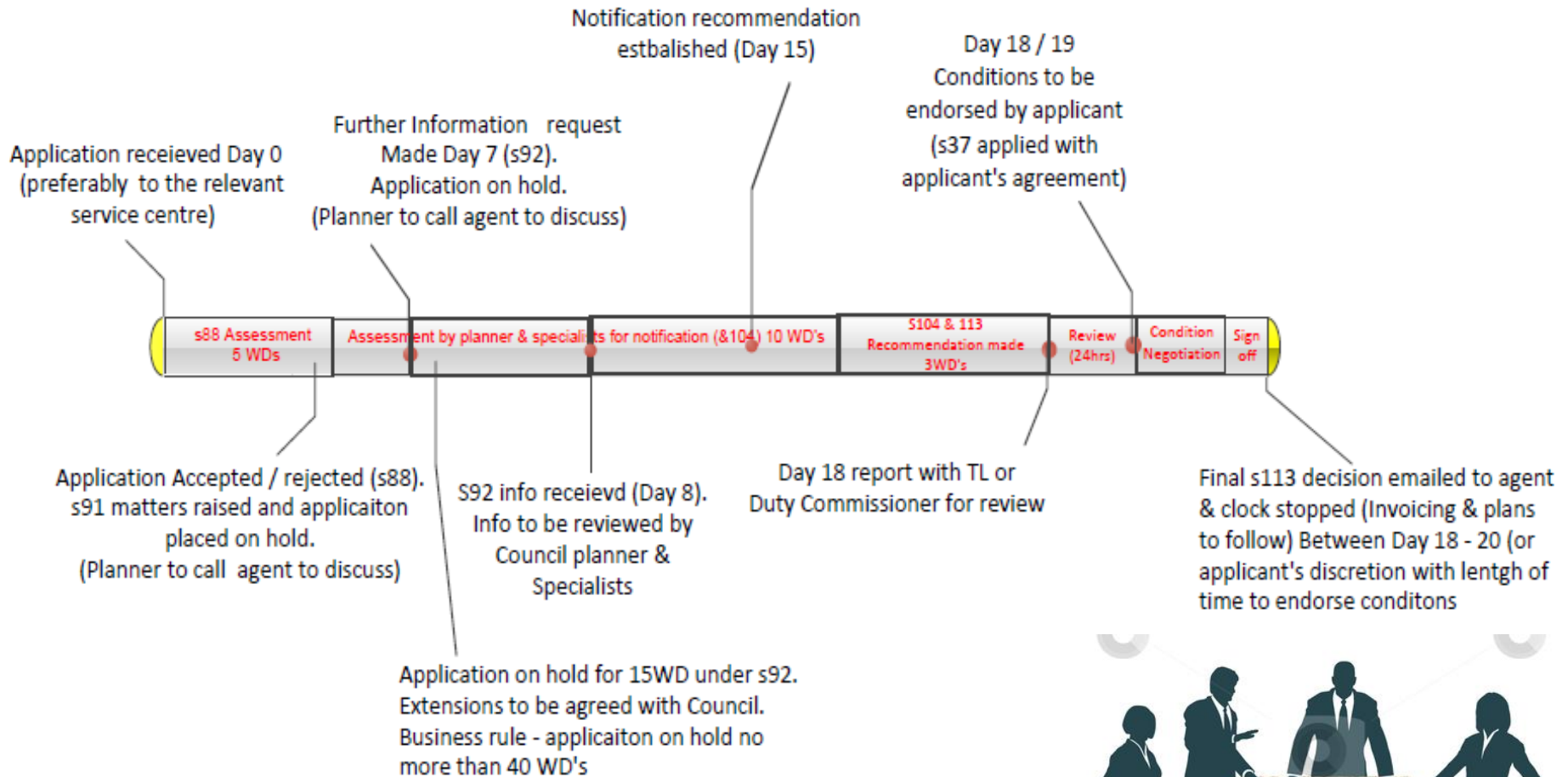
Resource Consents : Who are we?

- Department Structure
 - Part of operations, 600 staff, 50% professional planners
 - Geographic processing teams (4 units 7 offices)
 - Specialist teams (PPR, NRSI)

Resource Consents : What do we do?

- Consent numbers
- 2010/2011 9,715 consents
- 2013/2014 14,000 consents
- 40% increase continuing at this level
- Process options
- Other work

Non-Notified Process



New Schedule 4 & Section 88

- A new Schedule 4 has been included which sets out all the information needed in applications for resource consents when they are lodged (now called information required in application for resource consent)



Schedule 4 update

1. Information must be in sufficient detail
2. Information for all applications (description, **site, owners, activities, other consents, assessment of Part 2, relevant provisions, objectives and policies, s6 and s7**)
3. Additional info (**permitted activities**, section 124 or 165ZH(1)(c), customary marine title)
4. Subdivision information (boundary drawings, esplanades, CMA, new roads)
5. Reclamation information
6. Assessment of effects (actual and potential effects, alternative locations, hazards, discharges, mitigations, monitoring)
7. Matters that must be addressed (social, economic, cultural, landscape, visual, natural and physical resources, risk)

Expectations of applicant: new s88 & Schedule 4.

- Pre-applications
- Incomplete applications (agents / lay applicants) & rejection timeframe
- Quality of information
- Schedule 4 “must be provided”
- Mind-set shift – what is required to determine.

Behind the scenes:



- Team leader role –
 - Reporting
 - Duty Commissioner applications
 - Hearings Committee
 - Sharing of conditions
 - Post consent administration



Increased time for notification

Existing process

Application accepted → **10 WDs** → s95 decision

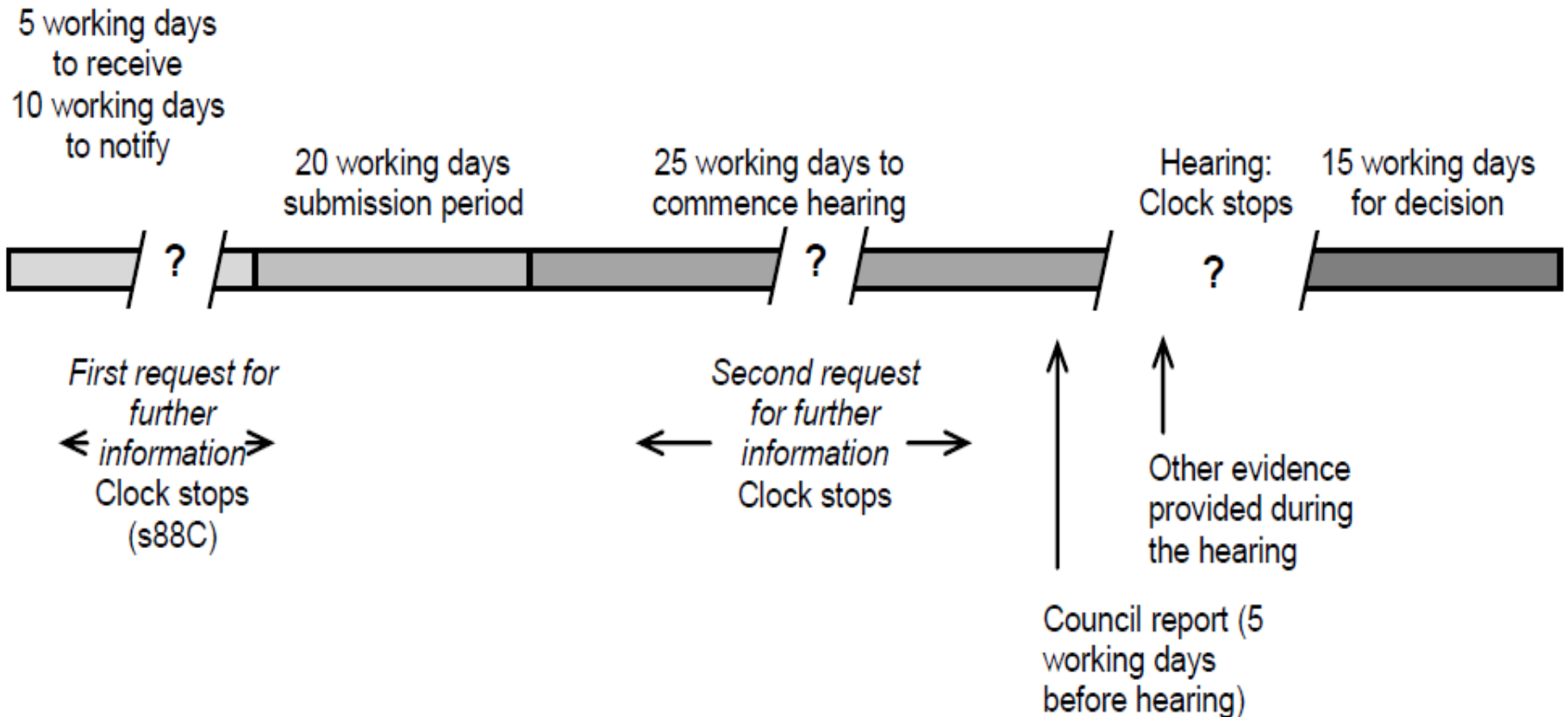
New Process

Application accepted → **20 WDs** → s95 decision

- Report to your Team Leader / DC with enough time!
- No surprises for the applicant

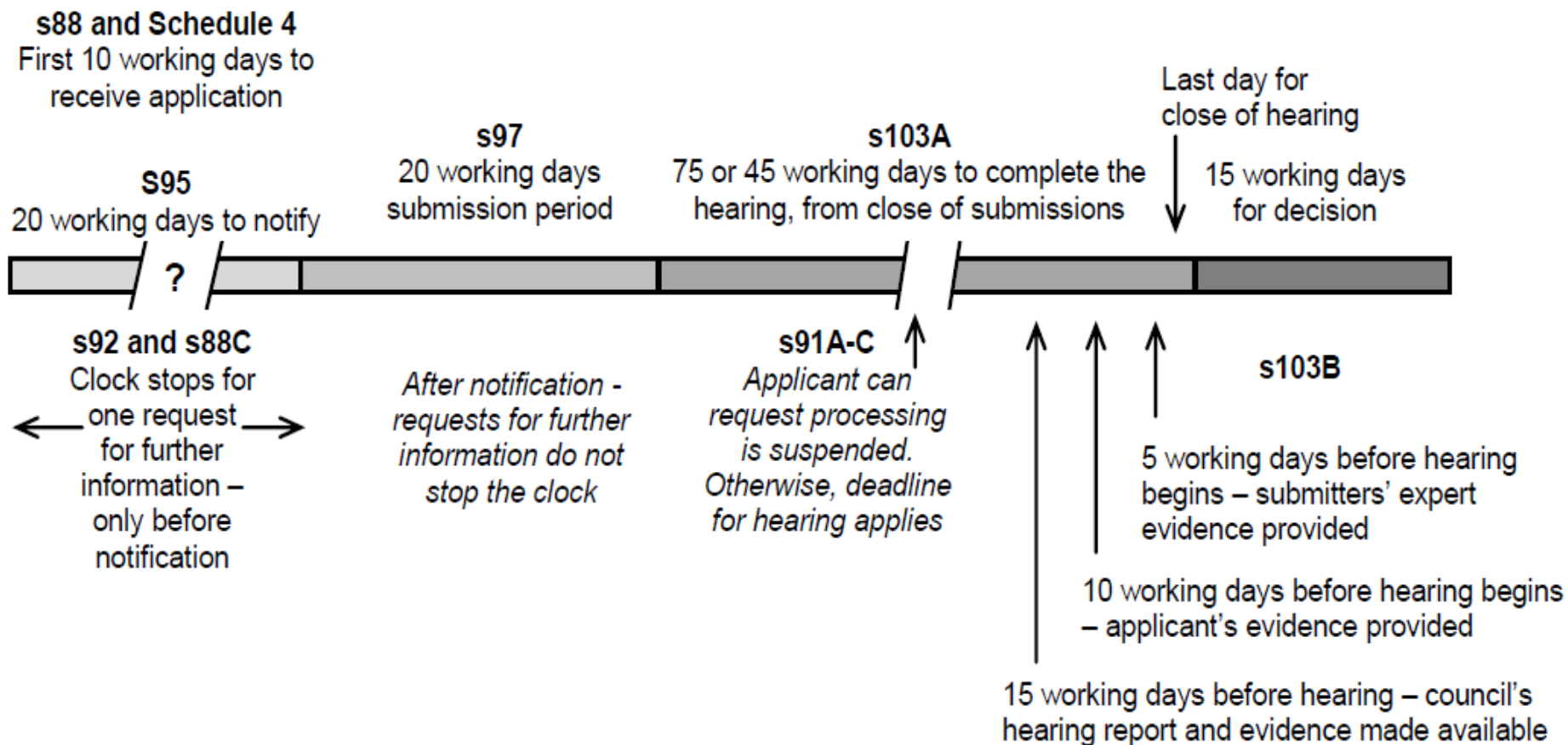
Revised timeframes for notified hearings

Existing consent process – notified applications



Revised timeframes for notified hearings

New 'six month' consent process (130 days) – notified application



Revised timeframes for notified hearings

- Post submission closing – allow time ~ 2 weeks for testing of issues & discussion with applicant
- Setting the hearing date
 - timetable 25 to 30 days out
 - applicant agreement (certainty)
 - commissioner appointments (directions)
- Web page for circulation of reports and evidence

Suspending the application

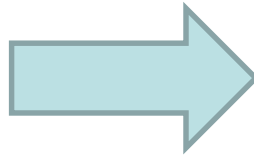
- **91A** Applicant may have processing of application suspended
- **91B** When suspension of processing ceases
- **91C** Application may be returned if suspended after certain period

- s37 does not change



Adopting the application information in your s42A report

Audit Template – adopt the AEE!



Direct referral & hearing commissioners



Wrap up – new provisions

- New Schedule 4 – planners still have discretion
- Increased timeframes but business rules apply
- Adopt the AEE – use audit templates
- Apply to all consents lodged after 3 March 2015
- s92 only stops clock before notification
- s91A stops clock only after notification

Introducing our team: Hearings

**Marguerite Delbet (Manager
Democracy Services)**

**Jason Marris
(Manager Governance Support)**

**Liz McKenzie
(Principal Advisor Hearings)**

**Maea Petherick
(Hearings Team Leader)**

Democracy advisors

Wendy Stephenson

Andrea Aranha

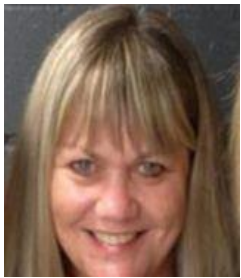
Paulette Gagamoe

Emma Petrenas

Matt Foster

Melissa Warmenhoven

Tania Bonsall



Types of hearings

Wide range of hearings including:

- Resource consents
- Plan changes / notices of requirements
- Pre-hearing meetings
- Bylaw dispensations
- Alcohol licensing (District Licensing Committee)
- Special consultative procedures including bylaw reviews
- Reserve management plans
- Section 357 objections
- Outline plan of works
- Special Housing Areas – fast track resource consents & Plan Variations

Future hearings:

- Development contribution objections

Our involvement

- Confirm date/panel and venue – notify to all parties
- Prepare agenda
- Pre-circulation of evidence
- Prepare hearing schedule



- Clean up and farewell
- Key point of contact for questions
- Provide important information to chair (e.g. confirm appearances)
- Liaise with chair and receive final decision
- Send decision to the relevant planning team for release

- Room set-up
- Meet and greet
- Record who is present and inform chair
- Ensure equipment is available
- Run 'interference' between panel/applicant and submitters
- Take 'administrative' notes
- Provide procedural advice

5 MINUTE BREAK

