

PRESENTERS

Phil Gursney, Manager – Resource Management for the Ministry for the Environment

Phil Gurnsey is the Resource Management Manager with the Ministry for the Environment. Phil led the recent whole of government review of the RMA for the Ministry and was an adviser to the Select Committee on the Resource Management and Electricity Legislation Amendment Bill. He describes himself as a “planner at heart” and is an active member of the NZPI and the RMLA. Phil has a background in both local government and consulting, having worked for Environment Canterbury and as a consultant in Otago and Southland. Phil is a “mainlander” although has been with MfE in Wellington for three years, and this is his 5th amendment to the RMA in that time.

David Kirkpatrick, Barrister, Auckland

David specialises in advising on administrative and resource management issues. He has considerable expertise in all areas of local government, building and resource management work and is a specialist in financial contributions. He has considerable experience in litigation at all levels and regularly presents seminars to both clients and professional groups in his specialist areas.

Eileen von Dadelszen, Chairman, Hawke’s Bay Regional Council

Eileen von Dadelszen is a member and a councillor of the New Zealand Planning Institute. Since 1995 she has been an elected member of the Hawke’s Bay Regional Council and is now its Chairman. Eileen has recently been certified as a decision-maker under the “RMA: Making Good Decisions” programme

The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

CONTENTS

A MINISTRY FOR THE ENVIRONMENT PERSPECTIVE ON THE RESOURCE MANAGEMENT AMENDMENT ACT 2005.....	1
BACKGROUND TO THE REVIEW.....	1
“AN EXEMPLARY MODEL”.....	2
A STRONGER LEADERSHIP ROLE FOR CENTRAL GOVERNMENT	3
<i>The right tools for the job</i>	3
<i>Improving the development of national policy statements</i>	4
<i>Consistency of standards</i>	5
<i>Non-local decision-making</i>	6
PLANNING WITH A CAPITAL “P”	8
IMPROVING PRACTICE AT THE ENVIRONMENT COURT.....	9
EMPHASIS ON LOCAL AUTHORITY HEARINGS.....	10
CONSULTATION AT THE PLAN STAGE.....	11
SPEEDING UP PLANS	12
OTHER MATTERS.....	13
THE PACKAGE OF IMPROVEMENTS	13
OUTCOME?	14
RESOURCE MANAGEMENT AMENDMENT ACT 2005: PERSPECTIVE OF A PLANNER AND COUNCILLOR.....	15
EILEEN VON DADELSZEN’S SEMINAR ROLE	15
<i>Lack of coordination and lack of certainty</i>	15
<i>Processes too long and complicated</i>	15
LACK OF COORDINATION AND LACK OF CERTAINTY?	16
CENTRAL GOVERNMENT	16
LOCAL GOVERNMENT	19
REGIONAL AND DISTRICT PLANS	20
REGIONAL POLICY STATEMENTS	21
RECORDS OF IWI AND HAPU.....	22
PROCESSES TOO LONG AND COMPLICATED?.....	22
RESOURCE CONSENT APPLICATIONS.....	23
NOTIFICATION.....	23
PRE-HEARING AND HEARING PROCESSES.....	23
FURTHER INFORMATION REQUESTS.....	24
CONDUCT OF HEARINGS	24
ENVIRONMENT COURT HEARINGS.....	25
CONCLUDING COMMENTS	25
THE RESOURCE MANAGEMENT AMENDMENT ACT 2005: EVOLUTION OR REVOLUTION? A LAWYER’S PERSPECTIVE.....	27
BACKGROUND TO THE AMENDMENT ACT	27
ALLOCATION	28
CENTRALISATION.....	33
PROCEDURE	35
NOTIFICATION.....	38
DISCUSSION OF FUTURE PROSPECTS	41