

# Resource consents

## Notification decisions & public interest

24 September 2024

# About notified resource consents

- Notified consents allow members of the public, specific people or groups to give feedback on applications that adversely affect them.
- The RMA enables the use of land, unless a plan or National Environment Standards restricts it.

# Who makes the decision?

- Council's planner prepares a report. Public notification is addressed first and then limited notification is then addressed if public notification is not required.
- Planners must move through a sequential mandatory step-by-step process in making the notification decision – prescribed in the RMA.
- Planners must only consider the **adverse effects** of the development for notification assessments - not any positive effects.

# Options for notification

## Publicly notified consent

- if the application adversely affects the wider environment, including the broader community, to a 'more than minor' extent.
- invites people to make a submission, present at a hearing and have their submission taken into account when making a decision on a resource consent application.

# Options for notification

## Limited notified consent

If specific persons will be adversely affected by the proposal (the applicant is given the opportunity to seek their written approval first).

- a fact and degree assessment is made by the planner if a person or group is affected in a 'more than less than minor" manner
- just because some people and organisations may have an interest in a proposal, does not mean they may be affected.
- case law has shown that an affected person is one who is 'affected in a manner different from the public generally'.
- being 'interested' in a manner different from the public generally has not been enough.

# Options for notification

## Non-notified consent

- if national standards or the district plan has rules that preclude notification.

Note: Plan Change 2 introduced 32 rules that precluded notification

- if the application will have ‘no more than minor’ adverse effects on the environment and there are considered to be no ‘adversely affected persons’

# Special circumstances

Defined under case law:

- for cases which are out of the ordinary
- for unusual or exceptional circumstances, but may be less than extraordinary or unique
- public opinion may be a contributing factor but will not be determinative – it is not the criteria

# MfE statistics for 2022/23

- **37,996** resource consent applications were processed in NZ.  
KCDC – 187 resource consent applications
- The proportion of new consents notified was **2.36%**.  
KCDC - notified **0.53%** of applications
- Councils continued to grant over **99%** of all new applications.  
KCDC - granted **100%** of applications



# Elected members & concerned neighbours



## CONFUSING BOUNDARIES

There may be an unclear distinction between your role as an elected representative and the role of Council staff and management.



## COMPETING DEMANDS

Balancing the demands of constituents, council staff, and other stakeholders is hard, particularly if Council's priorities are unclear.



## COMPLEX PROCESSES

Navigating decision-making processes, committees, and protocols can be extremely difficult, especially if you have a pressing concern.



## COMPLICATED RELATIONSHIPS

Building productive relationships with community, staff, and other Councillors is tricky - especially with politics and personal agendas.

Responding to community requests: a guide for councillors and executive management, Alicia McKay:

[www.aliciamckay.co.nz](http://www.aliciamckay.co.nz)

# Operational intervention can lead to:

1

## **DUPLICATED EFFORT**

Some enquiries are double-handled when customers who are impatient or dissatisfied with the official response turn to Councillors.

2

## **DECREASED EFFICIENCY**

When established processes are disrupted and undermined, the resolution of more important issues may be impacted.

3

## **DELAYED OUTCOMES**

Ad-hoc issue management creates disorganisation and overload in operational teams. This can lead to delays in service delivery.

4

## **INCREASED WORKLOADS**

Demanding instant or urgent turnaround on individual issues creates time pressure on operational staff who already have a full workload.

5

## **LOST TRUST**

Intervention shows mistrust in the expertise and judgement in operational staff – and undermines their trust in governance too.

6

## **LOW MORALE**

Operational staff are undermined and demoralised when they are bypassed by elected members, affecting morale and productivity.

7

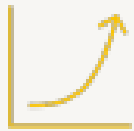
## **REDUCED ACCOUNTABILITY**

Intervention creates confusion amongst staff and managers about who is responsible for a specific issue.

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# Redirect & Reply



## REDIRECTION

If the request is complex or beyond your jurisdiction, escalate it to the appropriate department or person.

Let them know what to expect.

Dear [Constituent],

Thank you for reaching out to me regarding [issue]. I understand the importance and urgency of this matter, and I'm committed to helping you find a solution.

To ensure the quickest and most efficient resolution, the best option is to submit a service request to [council website/service request portal/operational department contact].

This will allow Council's operational teams to assess the issue and provide a timely and appropriate response.

As an elected member, I am here to represent your interests and provide a voice for our community. However, it is important that operational issues are addressed through the appropriate channels to maintain fairness and efficiency for everyone.

I appreciate your understanding and look forward to hearing about the resolution of this matter

Sincerely,

[ Councillor ]

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# And finally...use your 'Rules' lever

Every time you find yourself frustrated with a decision or outcome, redirect that frustration toward the structures that led you there:

- What is the policy involved?
- What opportunity is there to change the ground rules?

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