

# **Resource Management (Consultation With Landowners) Amendment Bill**

Member's Bill

## **Explanatory note**

The Resource Management Act 1991 was heralded as an enlightened piece of legislation, designed with the purpose of promoting sustainable management. The implementation of the provisions of the Act into district plans, by local authorities around the country, has produced a wide variety of outcomes ranging from popular support to intense public outrage.

A key element influencing these outcomes has been the degree to which the general public have been consulted over the effects of the provisions of the Resource Management Act in district plans. Although consultation is a recognised cornerstone of the Resource Management Act, many councils have chosen not to consult with landowners in an effective manner. Many landowners have in fact suffered devastating effects to their livelihood by having ecological designations placed on their property without being consulted in any way prior to the designation being imposed.

Since this action by councils is contrary to the spirit of the Resource Management Act, this bill seeks to ensure that councils are obliged to consult with landowners affected by designations designed to protect outstanding natural features and landscapes, areas of significant indigenous vegetation, and significant habitats of indigenous fauna before those designations are imposed.

In effect this Resource Management (Consultation with Landowners) Amendment Act would ensure that the consultative process that should be happening does in fact happen. This is of particular importance since most local authorities are producing their plans in proposed form rather than draft form. The effect is that the new proposed plan becomes law immediately. If mistakes have

been made, ratepayers have to live under the cloud of those mistakes, and suffer a lengthy and costly submission, hearing and appeal process that can take years. The bill seeks to avoid those mistakes happening in the first place.

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Owen Jennings

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The Parliament of New Zealand enacts as follows:

### 1 Title

- (1) This Act is the Resource Management (Consultation with Landowners) Amendment Act 2000.
- (2) In this Act, the Resource Management Act 1991<sup>1</sup> is called “the principal Act”. 5
- <sup>1</sup> 1991 No 69

### 2 Commencement

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

### 3 Purpose 10

The purpose of this Act is to amend the Resource Management Act 1991 to provide for consultation with landowners during the preparation of a proposed policy statement or plan.

### 4 Consultation with landowners 15

Clause 3 of Part I of the First Schedule of the principal Act is amended by adding the following subclause:

- “(4) Without limiting subclauses (1) and (2), no local authority may include in any proposed plan any controls designed to protect outstanding natural features and landscapes, or areas of significant indigenous vegetation, and significant habitats of indigenous fauna, without first consulting with the owners of the lands affected by the proposed controls.” 20