

Title	Demonstrate knowledge of the principles, roles, and decision-making requirements, for Resource Management Act hearings		
Level	4	Credits	2

Purpose	<p>This unit standard is for people working in, or who intend to work in, local authorities as administrators processing Resource Management Act (RMA) applications through the hearings process. It is also relevant to people working in the resource management sector who would benefit from understanding the legislation, and the processes used for hearings held under the RMA.</p> <p>People credited with this unit standard are able to describe: the key principles and actions required to meet standards of natural justice for hearings held under the RMA; describe the differences between a plan change hearing and a resource consent hearing, and the method in which parties are heard at those hearings; the roles that the administrator fulfils at a hearing under the RMA; the role that the hearings administrator has in relation to minute taking processes for hearings under the RMA; and the structure and process of decision-making in relation to RMA hearings and the appeal process.</p>
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Classification	Compliance and Law Enforcement > Compliance and Regulatory Control
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Available grade	Achieved
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Guidance Information

- 1 References
 Commissions of Inquiry Act 1908;
 District and Regional Plans;
 Health and Safety at Work Act 2015;
 Human Rights Act 1993;
 Local Authorities (Members' Interests) Act 1968;
 Local Government Acts 1974 and 2002;
 Local Government Official Information and Meetings Act 1987;
 Resource Management Act 1991;
 NZS 9202:2003 *Model Standing Orders for Meetings of Local Authorities and Community Boards*, available at <http://www.standards.co.nz>;
 and all subsequent amendments and replacements.

- 2 The primary reference for this unit standard is *An Everyday Guide to the Resource Management Act Series* (Wellington: Ministry for the Environment, 2008). This is

available at <http://www.mfe.govt.nz/>. This is a series of guides about everyday matters under the RMA. The following guides are relevant to this unit standard: 1.1 *Getting in on the Act*; 2.1 *Applying for a Resource Consent*; 3.3 *Appearing at a Resource Consent Hearing*; and 5.2 *Appearing at a Council Plan or Plan Change Hearing*.

Outcomes and performance criteria

Outcome 1

Describe the key principles and actions required to meet standards of natural justice for hearings held under the RMA.

Performance criteria

- 1.1 The description explains the principle of natural justice and its application for matters being heard in formal hearings meetings in accordance with Section 39 of the RMA, and the primary reference.
- 1.2 The description explains the actions that a hearings administrator can take to assist persons acting for or on behalf of the council understand the principles of natural justice and the application of those principles in accordance with the primary reference.
- 1.3 The description explains the need to hold hearings in public and without undue formality, balanced by the need for meeting procedures to be followed. This includes the types of advice the administrator would be expected to be able to provide to the panel hearing the application on the meeting process and the principle of fairness to all parties in accordance with Section 39 of the RMA, and the primary reference.

Outcome 2

Describe the differences between a plan change hearing and a resource consent hearing, and the method in which parties are heard at those hearings.

Performance criteria

- 2.1 The description explains the differences between the process for holding a regional or district plan change hearing, and a resource consent hearing in accordance with Section 39 of the RMA, and the primary reference.
- 2.2 The description explains the options available to a hearings panel conducting a hearing to make directions on procedural matters before or at the hearing, including the order of business, in accordance with Sections 39–42 of the RMA, and the primary reference.
- 2.3 The description explains the information required to be included in the Council report which will be provided to all parties to the hearing in accordance with the primary reference.

Outcome 3

Describe the roles that the administrator fulfils at a hearing under the RMA.

Performance criteria

- 3.1 The description explains the range of advice on procedures that the administrator would be expected to be able to provide to the hearings panel in accordance with Sections 39–42 of the RMA, and the primary reference.
- 3.2 The description explains the role that the administrator would be expected to take to assist the public attending resource consent or plan or plan change hearing in accordance with the RMA, and the primary reference.
- 3.3 The description explains the principles relating to conflict of interest by hearings panel members or staff involved in a hearing, and the types of actions an administrator would take in regard to those persons in accordance with commonly accepted principles of natural justice, and Section 7 of the Local Authorities (Members Interests') Act 1968, and the primary reference.
- 3.4 The description explains the administrative functions that the administrator is accountable for during a hearing in accordance with the RMA, and the primary reference.

Outcome 4

Describe the role that the hearings administrator has in relation to minute taking processes for hearings under the RMA.

Performance criteria

- 4.1 The description explains the requirements for minutes to be kept in terms of content in accordance with Sections 41C, 101, 104, and 113 of the RMA, and Clauses 3.17 and 3.18 of Model Standing Orders, and the primary reference.
- 4.2 The description explains the content that hearings administrators' supporting notes can have for assisting decision-makers, and the principle of discovery related to those notes in accordance with Part 1 and Part 7 of the Local Government Official Information and Meetings Act, and the primary reference.
- 4.3 The description explains the times and circumstances when sensitive information can be protected and the process to record such an occurrence in accordance with Section 42 of the RMA, Part I of the Local Government Official Information and Meetings Act, and Clause 2.16 of Model Standing Orders, and the primary reference.

Outcome 5

Describe the structure and process of decision-making in relation to RMA hearings and the appeal process.

Performance criteria

- 5.1 The description explains who should participate in the decision-making process, including the principle of natural justice in relation to hearings panel members who have not attended the full hearing and the role that council reporting officers or expert advisors are expected to take in supporting the decision-making process in accordance with Sections 39–42 of the RMA, and the primary reference.
- 5.2 The description explains the role the hearings administrator has in the deliberation process of a hearing in taking notes, and assisting with decision formulation in accordance with the RMA, and the primary reference.
- 5.3 The description explains the elements required for the form of a decision in accordance with Section 113 of the RMA, and the primary reference.
- 5.4 The description explains the elements required for the release of a decision and the rights of appeal in accordance with Sections 113–115, 120–121 of the RMA, and the primary reference.

This unit standard is expiring. Assessment against the standard must take place by the last date for assessment set out below.

Replacement information	This unit standard, unit standard 25196, unit standard 25197, and unit standard 25198 replaced unit standard 19421.
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	18 September 2009	31 December 2023
Review	2	23 May 2019	31 December 2023

Consent and Moderation Requirements (CMR) reference	0046
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.