



## Local Government - Key Legislation

### Local Government Elected Members (2010/11) (Except Auckland) Determination 2010

#### 7 Meaning of resource consent hearing

- (1) In this determination, **resource consent hearing** means—
- (a) a hearing arising from a resource consent application made under section 88 of the Resource Management Act 1991; or
  - (b) a hearing arising from a notice of requirement given under section 168 of the Resource Management Act 1991; or
  - (c) a formal pre-hearing meeting held under section 99 of the Resource Management Act 1991 as a preliminary step before a hearing referred to in paragraph (a) or (b); or
  - (d) a hearing relating to a private change in a district or regional plan or policy statement requested under clause 21 of Schedule 1 of the Resource Management Act 1991; or
  - (e) a mediation hearing in the Environment Court as part of an appeal from a decision of a local authority; or
  - (f) a hearing on an objection against a charge fixed by the local authority under section 36 of the Resource Management Act 1991.
- (2) In this determination, **resource consent hearing** does not include—
- (a) a hearing of submissions as part of the process of preparation of a district or regional plan or policy statement; or
  - (b) a hearing relating to a change or variation in a district or regional plan or policy statement requested by the local authority; or
  - (c) a hearing relating to a notice of requirement initiated by the local authority; or
  - (d) any other hearing not specified in subclause (1).

#### 8 Meaning of hearing time

- (1) In this determination, **hearing time**—
- (a) means the time spent by a member in hearing a resource consent hearing; and
  - (b) includes the time spent by a member—
    - (i) in formal committee deliberations; and

- (ii) at a formal pre-hearing meeting held under section 99 of the Resource Management Act 1991; and
  - (iii) at a formal site inspection as part of a group inspection or as part of a pre-hearing meeting; and
  - (iv) in determining a notified resource consent application where a formal hearing does not take place.
- (2) In this determination, **hearing time** does not include time spent by a member—
- (a) preparing for a resource consent hearing; or
  - (b) inspecting a site, except where subclause (1)(b)(iii) applies.

**9 Fees for attending resource consent hearing**

- (1) A member who acts as the chairperson of a resource consent hearing is entitled to be paid a fee of \$85 per hour of hearing time.
- (2) A member who is not the chairperson of a resource consent hearing is entitled to be paid a fee of \$68 per hour of hearing time.
- (3) For any period of hearing time that is less than 1 hour, the fee must be apportioned accordingly.
- (4) Despite subclauses (1) and (2), a resource consent hearing fee for a formal pre-hearing meeting held under section 99 of the Resource Management Act 1991 may be paid to only 1 member.
- (5) This clause is subject to clauses 5(2) and 6(2).