

Report 99.580

17 October 2000

File: WGN 990257 &

WGN 000007

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Report to the Environment Committee
from Susan Shearer, Resource Advisor

Appointment of Commissioners to Hear and Decide on the Resource Consent Application from Marathon Developments Limited and Porirua City Council

1. Purpose

To allow the Committee to consider whether to appoint two commissioners to hear and decide on a resource consent application by Marathon Developments Limited and Porirua City Council to develop the southern end of Taupo swamp.

2. Background

Marathon Developments Limited and Porirua City Council have applied to the Wellington Regional Council (WRC) and the Porirua City Council (PCC) for the resource consents they require to construct playing fields and an industrial site located at the southern part of the Taupo Swamp, adjacent to 3 –29 Ulric Street, Plimmerton.

The PCC consents deal with the earthwork issues, and the WRC consents deal with the excavation of peat and the deposition of cleanfill in the wetlands, and works in Taupo Stream.

In accordance with our normal procedure, the applications have been processed jointly with PCC. However, as PCC is one of the applicants, commissioners are required to make a decision on their applications. It is proposed that along with the two commissioners recommended by PCC, that a representative of the Wellington Regional Council Environment Committee is included in the Hearings Committee.

PCC has selected two commissioners (Sally Baber and Graham Miller) to hear and decide on the applications at the hearing, and have supplied details of the commissioners' relevant expertise (Attachments 1 and 2). While both of these people will be well known to many of you, neither is named in our Council approved delegated commissioners' list (Report 97.373 and Report 98.409). Therefore the

Committee needs to determine whether to appoint these two commissioners to hear and decide on the applications made to the WRC.

We consider Graham Miller and Sally Baber to be appropriately qualified and skilled to hear and decide on the resource consent applications by Porirua City Council and Marathon Developments Limited. The Hearing is currently scheduled for the third week of November.

3. **Relevant Statutory Provisions**

The Chairman of the Committee, in conjunction with the Divisional Manager, Environment, has the delegated authority to appoint commissioners. However, our legal advice states that the Chairman and Divisional Manager can only appoint commissioners who have first been approved by the Environment Committee. Your power to approve commissioners arises from section 34 of the Act, which states:

- (1) *A local authority may delegate to any committee of the local authority established in accordance with the Local Government Act 1974 any of its functions, powers, or duties under this Act...*
- (3) *A local authority may delegate to any hearings commissioner or commissioners appointed by the local authority for this purpose, who may or may not be a member of the local authority, any of its functions, powers, or duties under this Act, other than -*
 - (a) *The approval of a policy statement or plan or any change to a policy statement:*
 - (b) *This power of delegation.*

4. **Conclusion**

Both Graham Miller and Sally Baber have sufficient skills and expertise to be approved as hearings commissioners.

5. **Recommendation**

That pursuant to section 34(3) of the Resource Management Act 1991, the Environment Committee, acting under authority delegated by the Wellington Regional Council under section 34(1) of that Act, approve;

- *Graham Miller*
- *Sally Baber*

to jointly hear and consider resource consent applications WGN 990257 and WGN 000007 received by the Wellington Regional Council from Marathon

Developments Limited and Porirua City Council, and make a decision on those resource consent applications under section 102, 104, and 105 of that Act.

Report prepared by:

Approved for submission:

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Attachments: 2