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Report 98.409

4 September 1998

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[Report1998409:ajw]

Report to the Environment Committee
from Paula Bullock, Acting Account Manager

Delegation of Resource Management Act 1991 Functions to Hearings Commissioners

1. **Purpose**

To approve the delegation of functions under the Resource Management Act 1991 to a group of Hearings Commissioners.

2. **Background**

The authority to hear and decide all resource consent applications has been delegated by the Wellington Regional Council to the Environment Committee which has in turn delegated these responsibilities to any duly appointed Hearings Committees or Hearings Commissioners.

Currently, the power to appoint Hearings Commissioners is delegated to the Chairperson, Environment Committee, and the Divisional Manager, Environment. We believe it is prudent to have potential commissioners approved by the Environment Committee, so that the Committee is not being seen to subdelegate their decision making powers under section 34 of the Resource Management Act 1991.

In October 1997 a report was submitted to the Environment Committee with a list of recommended Hearings Commissioners.

The list submitted to the Committee did not include anyone with a special knowledge of Maori issues. Further, we have since found that we are short of engineering skills.

3. Relevant Statutory Provisions

Section 34 of the Resource Management Act 1991 provides for the delegation of functions, powers, or duties by local authorities. The relevant extracts are:

- (1) *A local authority may delegate to any committee of the local authority established in accordance with the Local Government Act 1973 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) *A local authority may delegate to any of its officers 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 or a plan:*
 - (b) *the making of a recommendation on a requirement for a designation or heritage order under Part VII:*
 - (c) *the granting of a resource consent for a non-complying activity in respect of any application which is notified in accordance with section 93:*
 - (d) *this power of delegation.*

4. Recommended Commissioners

The following are persons who we recommend be added to the list of Hearings Commissioners. We will be endeavouring to add to this list as we find more suitable people.

- (1) Engineers

David Hutchison: David currently holds the position of Principle Consultant (Technical Development) at Opus International. He is responsible for the management of his unit executing the technical and planning aspects of road design and rehabilitation through New Zealand and Asia, including providing integrated planning and engineering advice for the City Bypass proposal.



David has a multi-cultural background having lived and worked in several different countries and communities including the Peoples Republic of China.

(2) Maori

John Clarke: John is presently the *Director, Maori*, at the Ministry of Justice and from 1992 to 1995 he was the Race Relations Conciliator of New Zealand. John is also an appointed member of the Waitangi Tribunal.

His skills from previous employment and memberships would make him a valuable member of a hearing committee.

Te **Taru** White: Currently Te Taru is a Private Sector Consultant dealing with Indigenous Economic Development. Prior to this Te Taru has held a diverse range of public sector management positions. Te Taru also has a scientific background which would be a useful asset to any hearings committee.

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, appoint the following Commissioners to hear and consider resource consent applications received by the Wellington Regional Council and the submissions on those applications, and make a decision on the resource consent application under section 104 and 105 of that Act and, when necessary, jointly hear, consider, determine and recommend under section 102 of the Act any applications to any other council when these applications are being dealt together..

*David Hutchison
John Clarke
Te Taru White.*

Report prepared by:

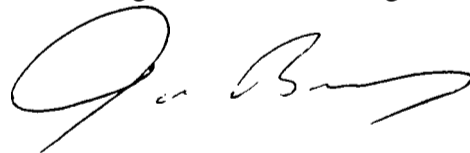


PAULA BULLOCK
Acting Account Manager

Approved for submission:



ROB FORLONG
Manager, Consents Management



JANE BRADBURY
Divisional Manager, Environment



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Environment Committee

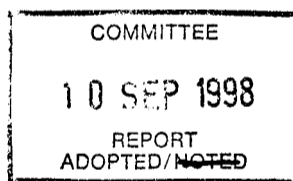
Minute extract from meeting held on 10 September 1998

Delegation of Resource Management Act 1991 Functions to Hearings Commissioners

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, appoint the following Commissioners to hear and consider resource consent applications received by the Wellington Regional Council and the submissions on those applications, and make a decision on the resource consent application under section 104 and 10.5 of that Act and, when necessary, jointly hear, consider, determine and recommend under section 102 of the Act any applications to any other council when these applications are being dealt together:

*David Hutchison
John Clarke
Te Taru White*



Darroch
D.J. DARROCH
COMMITTEE SERVICES

Dr. Bradbury *BR*