

23. 3. 2000

REPORT OF THE LEGAL SERVICES MANAGER

1. RESERVES ACT 1977 - APPOINTMENT OF COMMISSIONERS

Officer responsible Legal Services Manager	Author Peter Mitchell
Corporate Plan Output: Legal Advice	

The purpose of this report is to seek authority from the Council for the Council Hearings Panel to be delegated authority to appoint commissioners for hearings held under the Reserves Act 1977.

It is the Council's intention to appoint a commissioner for the Reserves Act hearing regarding a proposal to lease part of Hagley Park for a mini golf operation. Upon examination of the relevant delegations it has become apparent that as currently written they do not authorise the Council Hearings Panel to make such an appointment and consequently it is necessary, on this occasion, for the Council itself to make the appointment and to authorise the Panel to make subsequent appointments in the future.

Section 120 of the Reserves Act 1977 provides the process by which the Council is to hear objections in relation to leasing proposals.

Section 120(1)(c) provides in part:

“Where the objector or person or organisation making the submission so requests in his or its objection or submission, the...administering body...shall give the objector...reasonable opportunity of appearing before...a person nominated by the administering body...”

So clearly the Council has the power to appoint any person to hear such objections or submissions under the Reserves Act and on this occasion it is proposed to appoint Mr John Milligan, Barrister, as that person for the purpose of the mini golf hearing.

As noted above, it is also necessary to amend the delegations to the Council Hearings Panel to authorise future appointments.

- Recommendation:**
1. That Mr John Milligan, Barrister, be appointed by the Council to hear objections and submissions in relation to the mini golf proposal for Hagley Park and that he be given the power to make a decision on those objections on behalf of the Council.

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1 Cont'd

2. That the Council Hearings Panel be delegated the power to make appointments pursuant to section 120(1)(c) of the Reserves Act 1977 of persons to hear submissions and objections in relation to the Reserves Act 1977.

CONSIDERED THIS 23RD DAY OF MARCH 2000

MAYOR