

#### 4. DELEGATIONS

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The purpose of this report is to recommend that the Council amend its Register of Delegations to enable the Council Hearings Panel to hear and make recommendations on requirements notified by the Council in its capacity as a requiring authority. In addition, the report recommends that the Council ratify the actions taken to date by the Hearings Commissioner in respect of the Council requirement for the Blenheim Road deviation.

#### BACKGROUND

In the Register of Delegations as at 1 March 2002, the Council has delegated to the Council Hearings Panel certain powers in respect of notices of requirement and heritage orders. This is delegation 1(e) on page 9 of the Register which reads as follows:

*“(e) to hear and make recommendations on any requirement or heritage order served on the Council by any requiring authority, pursuant to ss.171 or 191 of the Resource Management Act or Clause 9 of the First Schedule of the Resource Management Act 1991.”*

A notice of requirement is part of the process by which a requiring authority obtains a designation. The requirement is the application for the designation. Requirements and designations fall into two categories in the Act. The first category is requirements/designations sought by a requiring authority that is not a territorial authority. These are dealt with under the process established in section 171 of the Resource Management Act. The second category is requirements/designations sought by territorial authorities in their capacity as requiring authorities. These are dealt with under the process established in section 168A of the Act.

It will be apparent from the above that the Council has not delegated its power to make decisions on requirements notified by the Council as a requiring authority. This means that currently such matters should be heard and decided by the full Council.

The matter has come to light as part of the hearing of the notice of requirement for the Blenheim Road deviation. This matter is to be heard by an independent Hearings Commissioner (Mr Robert Batty) who will make a recommendation back to the full Council. Hearings commissioners can be delegated the same powers as the Hearings Panel. Attached is a copy of the powers delegated to hearings commissioners.

Under current delegations, the Hearings Panel and (when appointed) hearings commissioners have full decision making powers in respect of notices of requirements by requiring authorities other than the Council as well as in respect of any application for resource consent. In some cases, the power of decision in respect of resource consents may be more significant than designations. Recent examples of significant resource consent applications sought by the Council and dealt with by hearings commissioners include the Westpac Trust Centre and the redevelopment of Jade Stadium.

In the circumstances, I recommend that it is appropriate to amend delegation 1(e) to the Hearings Panel to include the power of decision on notices of requirements notified by the Council as requiring authority.

In terms of the notice of requirement for the Blenheim Road deviation, the Commissioner has already been appointed and part heard submissions on the requirement. To avoid the need to reappoint the Commissioner and start the hearing process again, I recommend that the Council ratify all actions taken by the Commissioner to date in respect of the requirement. The Commissioner has adjourned the hearing to a date in July. No substantive decision has been made on the requirement by the Commissioner.

- Recommendation:**
1. That delegation 1(e) to the Council Hearings Panel (page 9 of the Register of Delegations as at 1 March 2002) be amended by inserting a reference to section 168A so as to read:  
  
*“(e) to hear and make recommendations on any requirement or heritage order served on the Council by any requiring authority, pursuant to ss.168A, 171 or 191 of the Resource Management Act or Clause 9 of the First Schedule of the Resource Management Act 1991.”*
  2. That the Council ratify all actions taken by Commissioner Robert Batty to date in respect of the notice of requirement for the Blenheim Road deviation.

(Note: The Chair (Councillor Sue Wells) retired from the discussion and voting on that part of the report relating to the notice of requirement for the Blenheim Road deviation, when Councillor Lesley Keast temporarily assumed the Chair.)