

27. 6. 2002

**SUPPLEMENTARY REPORT BY THE
CHAIR OF THE REGULATORY AND CONSENTS COMMITTEE**

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. DELEGATION

Officer responsible Environmental Services Manager	Author Jane Donaldson, DDI 941-8651
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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 make decisions in respect to Section 40 of the Resource Management Act 1991.

Section 40 states:

“Persons who may be heard at a hearing:

- (1) At any hearing described in section 39, the applicant and every person who has made a submission and stated that they wished to be heard at the hearing, may speak (either personally or through a representative) and call evidence.
- (2) Notwithstanding subsection (1), the authority may, if it considers that there is likely to be excessive repetition, limit the circumstances in which parties having the same interest in a matter may speak or call evidence in support.
- (3) If –
 - (a) The applicant; or
 - (b) Any person who made a submission and stated they wished to be heard at any such hearing –fails to appear at the hearing, the consent authority may nevertheless proceed with the hearing if it considers it fair and reasonable to do so.”

There is currently no delegation in respect to Section 40, which means that any requests for the Council to exercise its powers in this regard would need to be considered by the full Council. It seems more practical to delegate this to the Council Hearings Panel, which already exercises most of the Council's powers under the Resource Management Act.

**Recommendation
from the Chair:**

That the following delegation to the Council Hearings Panel be added to the Register of Delegations:

“1(y) To exercise the powers of the Council under section 40 of the Resource Management Act 1991.

CONSIDERED THIS 27TH DAY OF JUNE 2002

MAYOR