



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 26 OCTOBER 2006

AT 9.30AM

IN THE COUNCIL CHAMBER, CIVIC OFFICES

Council: The Mayor, Garry Moore (Chairperson).
Councillors Helen Broughton, Sally Buck, Graham Condon, Barry Corbett, David Cox, Anna Crighton,
Carole Evans, Pat Harrow, Bob Parker, Bob Shearing, Gail Sheriff, Sue Wells and Norm Withers.

ITEM NO	DESCRIPTION
1.	APOLOGIES
2.	CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 14.9.2006 AND 19.10.2006
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CORRESPONDENCE
6.	REPORT BY THE MAYOR
7.	DRAFT VISITOR STRATEGY
8.	QUARTERLY MONITORING REPORT AS AT 30 SEPTEMBER 2006
9.	PLAN CHANGE 12 TO CITY PLAN
10.	PLAN CHANGE 13 TO CITY PLAN
11.	OFFICER DELEGATIONS
12.	RESOURCE MANAGEMENT AMENDMENT ACT 2005 – DELEGATION OF POWERS
13.	NOTICES OF MOTION
14.	QUESTIONS
15.	RESOLUTION TO EXCLUDE THE PUBLIC

26. 10. 2006

- 2 -

- 1. APOLOGIES**

- 2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 14.9.2006 AND 19.10.2006**
Attached.

- 3. DEPUTATIONS BY APPOINTMENT**

- 4. PRESENTATION OF PETITIONS**

- 5. CORRESPONDENCE**

- 6. REPORT BY THE MAYOR**
Attached.

7. DRAFT VISITOR STRATEGY

General Manager responsible:	General Manager Public Affairs, DDI 941-8637
Officer responsible:	Acting Programme Manager, Economic Prosperity.
Author:	Lizzy Pearson, Policy Analyst, Strategy & Planning Group

PURPOSE OF REPORT

1. The purpose of this report is to recommended a Draft Visitor Strategy (Appendix 1) in preparation for consultation.

EXECUTIVE SUMMARY

2. Throughout 2006, work has been underway to develop a Visitor Strategy for Christchurch.
3. The development of the Draft Strategy has been led by the Christchurch City Council, in partnership with Christchurch and Canterbury Tourism, the Canterbury Development Corporation and the key tourism industry stakeholders in Christchurch.
4. The Draft Strategy is based on research and analysis of the current situation and challenges, which has led to the development of a strategic vision, goals and objectives for the destination management of Christchurch.
5. The strategic goals are to:
 - Develop Christchurch into a priority destination for all visitors.
To be achieved through providing unforgettable experiences for our visitors and ongoing product development across a range of quality attractions, activities, festivals and events. These will be supported by a variety of high-quality accommodation and visitor facilities and services.
 - Build a prosperous and enduring industry.
To be achieved through increasing yield, providing infrastructure to meet demand, addressing workforce issues and consistent and targeted marketing.
 - Ensure tourism continues to benefit our communities.
To achieve this, tourism will need to grow in accord with the needs and wishes of the local communities it affects.
 - Protect and enhance our natural and built environment.
The long-term success of our tourism industry depends on the protection and enhancement of our unique natural, built and cultural environment. In attaining this goal we will live up to the expectations of both our residents and visitors, and ensure that the 'assets' on which the industry is based are safeguarded to provide the best experience for both visitors and residents on an ongoing basis.
 - Lead the development of tourism in the South Island.
Destination management is inevitably a public/private partnership. Co-ordination and leadership is required between sectors, and across local authority boundaries. Christchurch will lead by example and promote the integration and co-ordination of the visitor experience across the South Island.
6. The general contents and direction of the Draft Visitor Strategy were discussed with Councillors at seminars on 28 March and 3 October 2006.
7. This report presents a Draft Visitor Strategy for approval for consultation by the Council.
8. The Draft Visitor Strategy is being developed in accordance with the decision-making procedures set out in the Local Government Act 2002. It is appropriate that the draft is now put out for consultation, in particular with the key public and private stakeholders. The Council is not required by the Act to adopt the special consultative procedure.

7 Cont'd

FINANCIAL AND LEGAL CONSIDERATIONS

9. The Christchurch City Council is, directly and indirectly, the largest tourism operator in Christchurch. The Council manages many of the resources on which tourism relies, provides core infrastructure and attractions such as the Botanic Gardens, facilities such as parking, and supports regional marketing and visitor information. Expenditure is spread across a number of activity management plans in the LTCCP.
10. Following consultation on the Draft Visitor Strategy, an Implementation Plan will be prepared detailing financial implications for the Council. To achieve the attached Draft Visitor Strategy there will be a need to ensure that tourism needs are considered when implementing many of the existing activity management plans in the current LTCCP. The 'cross-Council' approach to implementing the Strategy would also imply indirect costs to the organisation as staff and other resources within existing budgets would be utilised on work related to the Visitor Strategy.
11. However, implementation may also require additional or reprioritised funding. Any additional financial outputs will need to be incorporated through both the amended LTCCP in 2007 for any agreed short-term actions, and then more fully as part of the full LTCCP review in 2009. The Implementation Plan will provide a more definitive picture of the resourcing required to achieve the Strategy. However, the issue is noted here, to signal that the Council will have the opportunity to discuss this further.
12. A Council seminar has been arranged in December which will report back on the feedback from consultation and recommend an Implementation Plan (including financial implications and governance arrangements) to support it.
13. The Draft Visitor Strategy has been developed in accordance with the decision making and other provisions of the Local Government Act 2002. A period of broad consultation should now be undertaken. The decision making and other provisions of the Local Government Act 2002 which, according to the Auditor General's Office, imposes significant obligations for public participation, openness and accountability in local authority decision-making. The obligation to consult may be implied in legislation or an obligation may arise out of a "legitimate expectation" on the part of the public, which is the case for the Draft Visitor Strategy. The Strategy will need the buy-in of all the key public and private stakeholders to succeed, therefore thorough consultation is imperative.

STAFF RECOMMENDATION

It is recommended that the Council approve the Draft Visitor Strategy (Appendix 1) for consultation.

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BACKGROUND ON DRAFT VISITOR STRATEGY

14. Christchurch is the gateway for tourism in the South Island. Our airport, port, scenic rail and road connections bring more than nine million visitors a year into our city. In 2005 alone, these visitors accounted for nearly \$2 billion of expenditure in Christchurch, contributing to the richness and variety of services available to residents as well as the economic prosperity of the city. Tourism is the largest export industry in Christchurch and Canterbury, and employs 12% of the city workforce and more than 50% of Akaroa's workforce.
15. In 2003, Lincoln University research highlighted the need for a Visitor Strategy to provide a framework for the management of Christchurch as a destination, particularly due to the importance of tourism as an economic driver, the need to plan for growth, increasing competition from neighbouring destinations and the need for stakeholders to work together as a city.
16. As the largest 'tourism operator' in Christchurch, the City Council is a crucial player in Christchurch's tourism industry. In the 'Strategy Map' the Council identified the Visitor Strategy as a priority for development in 2006.
17. The brief for the Visitor Strategy and the current situation and challenges, were discussed with Councillors at a seminar in March 2006. Since that time staff, working with Lincoln University, have been developing the Draft Visitor Strategy. In general terms the process used has been as follows:
 - Relevant research, published articles, strategies (such as the National Tourism Strategy) and other information has formed the analysis of the current situation. Based on the current situation, eight focus groups identified the key challenges facing tourism
 - In May the Strategy Steering Group (comprising the Council, Christchurch and Canterbury Marketing and Canterbury Development Corporation, chaired by Ian Hay and subsequently Stephen Hill), agreed the strategic Vision and Goals of the Strategy.
 - In July and August four working groups comprising Christchurch City Council and industry representatives developed the objectives and specific actions of the Strategy. Their findings are recorded in separate technical reports on hard infrastructure, soft infrastructure, visitor experience and marketing.
 - In September staff drafted a Draft Visitor Strategy, presented to Councillors on 3 October 2006.
18. In the 2006–2016 Community Plan, the City Council identifies its vision for the future of Christchurch, which represents the Council's long-term focus and priorities in contributing towards achieving the Community Outcomes:

"Our future Christchurch is a world-class boutique city, where people enjoy a sustainable lifestyle, a healthy environment, a strong economic base and the diverse landscapes of the City and Peninsula.

Christchurch will be...

The Visitor Strategy will achieve the Community Plan vision by:

...a place where people enjoy living.

- ✓ Supporting a prosperous tourism industry that will provide the economic stimulus that allows activities, cafes and restaurants to develop, helping to build a vibrant City that people enjoy living in.

7 Cont'd

- ...a place of inclusive communities.* ✓ Fostering community understanding of other cultures through the visitors from around the globe that come to see Christchurch.
 - ...a thriving, healthy environment.* ✓ Protecting and enhancing our most important asset – the environment – through monitoring the impacts of visitors and enhancing the experience of our unique environment for both residents and visitors.
 - ...the most attractive city in New Zealand.* ✓ Ensuring our Garden City reputation is second to none, and that we provide unforgettable experiences for our visitors.
 - ...a global economic destination.* ✓ Putting Christchurch on the map, as an attractive, vibrant city in which to locate business.
19. The Draft Visitor Strategy has important linkages with other Council strategies, and in particular is very closely aligned to the Draft Events Strategy and the Central City Revitalisation Strategy. Staff working on these various strategies have worked closely to ensure they are co-ordinated. The Draft Visitor Strategy has also been aligned with the draft Greater Christchurch Urban Development Strategy.
 20. Following approval of the Draft Visitor Strategy by the Council, a process of general consultation will be undertaken. The anticipated period of consultation will overlap the Draft Events Strategy consultation. It is envisaged that the consultation on these two strategies will be dovetailed for those organisations interested in visitors and tourism to present a seamless approach in the documentation and presentation for these stakeholders.
 21. Consultation on the Draft Visitor Strategy will be completed by the end of November 2006. It is intended that the Visitor Strategy will be completed by the end of January 2006.

8. QUARTERLY MONITORING REPORT AS AT 30 SEPTEMBER 2006

General Manager responsible:	General Manager Corporate Services, DDI 941-8540
Officer responsible:	General Manager Corporate Services
Author:	Roy Baker

PURPOSE OF REPORT

1. The purpose of this report is to update the Council on the first quarterly performance of the 2006/07 financial year.

EXECUTIVE SUMMARY

2. Attached are appendices showing:
 - Operating Performance as at 30 September 2006 (Appendix 1)
 - Significant Capital Projects as at 30 September 2006 (Appendix 2)
3. This is the first quarterly monitoring report for the 2006/07 financial year. At this stage of the fiscal year, it appears that overall we are generally on track to deliver at both an operating and capital level.
4. There are some individual areas that need to be examined and they are as follows.

Operating Costs

5. Within the Streets and Transport activities, there are signs that contract costs for street sweeping and litter collection will exceed budget by \$1.9m by year end (currently they are \$570k over budget). We need to investigate these contracts further to better understand whether the cost drivers (volume and price) are permanent or temporary. If they are permanent, and they are greater than that forecast in the LTCCP for 2007/08 and onwards, then to maintain the current LOS they will result in a greater rate impact than forecast.
6. The storm and flood damage work undertaken in July/August was clearly not sufficiently budgeted for, so at this point in time this item has contributed a \$415k over spend.
7. Savings in other areas of City Environment contracts have helped offset the above.

Revenue

8. Parking fee income is currently behind budget by \$600k. We will need to monitor use (now that all the new meters and parking bylaws are operational) and see if the revenue continues to fall behind budget. At this stage we are not forecasting it to be the case.
9. Vesting of assets are behind budget by \$500k. This is a difficult area to forecast and it is too early to say if it will be a timing issue only. There is no rate impact as development contributions are reflected in the "surplus".
10. LTNZ subsidies are also behind budget by \$1.5m.

Capex

11. There are a number of areas that need comment.
12. Ocean Outfall: With the contract now finalised and work commenced, we have a more definite cash flow picture. We are forecasting to spend \$7.3m more than the 2006/07 budget – but we will be within the overall project budget.
13. Fifth and Sixth Digester: The project is due to be completed in September/October 2007. We are forecasting to spend \$5.6m more than the 2006/07 budget, but again will still be within the overall project budget.

8 Cont'd

14. Western Interceptor Stage I: This project, which has seen the work scope extended, is not expected to start construction until March 2007. This will see us only spending 770k of the \$4.9m 2006/07 budget.
15. Strategic Land Purchases: These represent \$13.8m of our budget. While we are forecasting to spend the total amount, this remains a difficult area to predict and one of risk to us, regarding delivery of the capital programme.

LTCCP KPIs

17. We are currently reviewing the first output from our Horizon system that is designed to report our performance against delivery of the KPIs from the LTCCP.
18. As we go to print, we do not have detail to attach to this report. Indications are that we are in relatively good shape, although we already know one or two KPIs will not be met, e.g. four or fewer wet weather sewer overflows.

STAFF RECOMMENDATION

It is recommended that the Council receive the report.

9. PLAN CHANGE 12 TO CITY PLAN

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
Author:	Ronald Windass, Planner, City Plan

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council notify Plan Change 12 to the City Plan.

EXECUTIVE SUMMARY

2. Plan Change 12 seeks to change the zoning of a section of the current Special Purpose (Wigram) Zone to a combination of residential, commercial and conservation zonings. This Plan Change is on the Council's list of priority Plan Changes.
3. The purpose of the Plan Change is twofold. Firstly, it will facilitate future urban development of land which currently forms part of the Wigram Airfield which is no longer required for airfield operations, is not required by the Crown for defence purposes and has been returned to Ngai Tahu. Secondly, the Plan Change will bring into line land located in the Special Purpose (Wigram) Zone that has been built and developed for residential purposes. Additional reasons for undertaking the Plan Change over this portion of land include:
 - The land is an integral part of the south-west Christchurch growth area currently being developed in accordance with the objectives and policies of the City Plan.
 - The current Special Purpose (Wigram) Zoning has lost its relevance as aviation related businesses and activities have ceased, over time, to operate from and use the Wigram airfield and associated facilities.
 - The frequency, volume and type of aircraft movements per year have substantially decreased from 40,000 per annum during RNZAF occupation and utilisation of the airbase to approximately 5,900 movements per annum. This has meant that the influence of airfield operations on adjoining land, in particular noise, is substantially reduced.
 - It will meet a market demand for residential development in close proximity to established commercial and recreational services, with convenient access to the central city in a form that is consistent with the urban growth aspirations in the City Plan.
 - It will bring a significant area of land into line with the urban growth aspirations of the city that is consistent and compatible with the existing City Plan framework and existing land uses.
 - It will assist, by recognising the decrease in airfield operations and the corresponding reduction in the air-noise contours, in facilitating future urban growth options for land in the south-west of Christchurch.
4. At its meeting on 12 September 2006, a seminar introducing the proposed plan change was presented to the Riccarton/Wigram Community Board. A public open day was held on 13 September 2006. Property owners living in close proximity to land subject to the plan change were directed invited to attend and provide oral and written feedback on the proposal.

FINANCIAL AND LEGAL CONSIDERATIONS

5. A decision to notify the plan change is in accordance with the Resource Management Act 1991. There are no financial implications.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Adopt the attached assessment under section 32 of the Resource Management Act 1991.
- (b) Publicly notify Plan Change 12 to the City Plan.

10. PLAN CHANGE 13 TO CITY PLAN

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
Author:	Ronald Windass, Planner, City Plan

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council notify Plan Change 13 to the City Plan.

EXECUTIVE SUMMARY

2. Plan Change 13 seeks to reduce the noise contours within the section of the Special Purpose Wigram Zone associated with the Wigram Airbase, to reflect the current aviation activity. This Plan Change is on the Council's list of priority Plan Changes.
3. The purpose for the Plan Change is threefold. Firstly, it will facilitate future residential development as the affected land will no longer be constrained by the presence of noise contours. Secondly, the Plan Change will better reflect the current level of operation experienced at the Wigram airfield. Thirdly, it has been identified that current noise contours in the City Plan are in error. A copy of the proposed Plan Change is attached to this report.
4. At its meeting on 12 September 2006, a seminar introducing the proposed plan change was presented to the Riccarton/Wigram Community Board. A public open day was also held on 13 September 2006. Property owners living in close proximity to land subject to the plan change were directed invited to attend and provide oral and written feedback on the proposal.

FINANCIAL AND LEGAL CONSIDERATIONS

5. A decision to notify the plan change is in accordance with the Resource Management Act 1991. There are no financial implications.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Adopt the attached assessment under section 32 of the Resource Management Act 1991.
- (b) Publicly notify Plan Change 13 to the Christchurch City Plan.

11. OFFICER DELEGATIONS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
Author:	John Gibson

PURPOSE OF REPORT

1. The purpose of this report is to comment on issues elected members may have about the present level of delegation to Council staff under the Resource Management Act 1991. In particular, they relate to:
 - Concern about Council staff making decisions on the notification/non-notification of resource consent applications.
 - Concern that elected members (Councillors and Community Board members) should be more involved in making decisions on the notification/non-notification of resource consent applications.
2. The proposed updating of the Delegations Register to reflect recent changes to the Resource Management Act makes it timely to consider these issues. At this stage the updating does not propose to change the current delegations to Council staff in relation to the notification/non-notification of resource consent applications.

EXECUTIVE SUMMARY**Background**

3. There are a wide range of powers delegated to senior Council staff and the Resource Management Officer Subcommittee under the Resource Management Act. Most of these have been in place since 1991. I think it is fair to say that all of these delegations are in place to ensure that the Council carries out its responsibilities for processing resource consent applications in a timely and efficient manner. This is particularly important in view of the large number of resource consent applications which are received by the Council, the tight time-frames imposed for their processing by the Resource Management Act and customer expectations.
4. When the Resource Management Act became law in 1991 the Council delegated the power to make decisions about notification/non-notification of resource consent applications to the Resource Management Officer Subcommittee (comprising two senior staff), Council Hearings Panels (of elected members) and Commissioners. Since 1991 every notification/non-notification decision in Christchurch City has been made by been one of these three groups.

Considerations

5. Determining whether a resource consent application should be processed on a notified or non-notified basis is not a political decision by the Council. It is a quasi judicial decision which has to be made in accordance with the clear statutory criteria in Section 93 of the Resource Management Act. Any decision by the Council, whether it is made by the Officer Subcommittee, a Hearings Panel, or Commissioner, may be subject to judicial review by the High Court so the Council has to be very careful about observing the legal principles in any decision making. Notification decisions are the most frequent cause of judicial reviews against councils nationally.
6. Each resource consent application must be assessed on its merits within the planning framework and the Council cannot notify an application simply because it may be controversial. Neither can the Council decide to notify an application because it may be opposed by a large number of people or there may be a clamour for public notification. An application which is unpopular but which slips through a gap/loophole in the City Plan rules cannot be notified for that reason.

11 Cont'd

7. The Council has only 10 working days from the time it receives a complete application for making the decision about notification/non-notification. This time frame requires that an efficient system is in place to deal with the large number of applications the Council receives. In the 2005/06 year, for example, the Council processed 2,520 applications. For all but a handful of these, the decision about notification/non-notification was made by an Officer Subcommittee.
8. The current delegations, which enable decisions about notification/non-notification to be made by the Resource Management Officer Subcommittee, provide efficiency and enable statutory time-frames and KPI's to be met. Reducing this delegation or having elected members make more decisions on notification/non-notification would, in my view, slow processing times and make it more difficult to achieve KPI's. In this regard I note that because of Councillor and Community Board member workloads and commitments it is sometimes difficult to assemble panels of elected members who have undertaken the "Making Good Decisions" training for hearing the relatively low number of applications which have been notified or limited notified. In view of this, it would in my view be unrealistic to expect elected members who have done this course to also be involved in making decisions about notification/non-notification on anything other than a small number of the resource consent applications the Council receives.
9. Given that the Council has already decided to adopt the national training programme and has paid for the elected members who chose to be trained, it would seem to be inconsistent for the Council to decide that elected members who have not received any training should be involved in making decisions about notification of applications.
10. While most decisions on notification/non-notification are made by the Officer Subcommittee, in cases where applications are potentially controversial or arouse widespread public interest, the standard practice is for the Officer Subcommittee to decline to exercise its power and to refer decision making to a Hearings Panel of elected members or a commissioner. In other words elected members or commissioners make the decisions on controversial applications. This has been the case for many years.
11. The track record on decisions about notification/non-notification by the Resource Management Officer Subcommittee, Hearings Panels and Commissioners is exceptionally good. Since the Resource Management Act became law there has not been a single case of such a decision made by the Christchurch City Council being taken to the High Court for a judicial review. Given the controversial nature of some of the applications involved, this indicates the decisions made have been both robust and procedurally sound. I say this because I am aware that on a number of occasions legal input has been obtained by aggrieved parties as to the likelihood of a successful challenge.
12. Copies of applications and decisions on applications which are potentially controversial are circulated to the elected members in whose ward the application site is located. This is done in accordance with the Planning Administration Team's communication strategy so that elected members are aware of these applications and how they have been processed.
13. There are a number of significant benefits which flow from the delegation of decision making about notification/non-notification of resource consent applications to senior staff:
 - It enables the large number of applications received and processed by the Council at four Service Centres to be dealt with in an efficient and timely manner. This in turn enables a high degree of compliance with meeting statutory time-frames (and hence KPI's) and meeting customer expectations.
 - It enables a high degree of quality control. Senior staff are familiar with the requirements of the Resource Management Act and current case law regarding notification/non-notification issues. In addition, senior staff who make up the Resource Management Officer Subcommittees meet frequently to discuss how various types of applications are being processed in order to ensure consistency.
 - The Resource Management Officer Subcommittee can meet as and when required. This provides an ability to deal with applications quickly where urgency is required.
 - It encourages a close mentoring relationship between senior staff on the Officer Subcommittee and reporting officers. This results in an upskilling in report writing.

11 Cont'd

14. It is relevant that the only large local authority which until recently had elected members making most of the decisions about the notification/non-notification of most resource consent applications, North Shore City, is now moving towards delegating those decisions to staff. The main reason for this change is to achieve greater quality control in decision making and more efficient processing time-frames. In 2003/04, only 40% of decisions about notification/non-notification and granting and refusing resource consent applications at North Shore City were made by delegated staff. One of the consequences of that low level of delegation was the low percentage of applications processed within statutory time-frames – 61% for land use consents and 65% for subdivision consents compared with Christchurch City – 91% for land use consents and 76% for subdivision consents.
15. I am aware that some elected members refer to the way applications are dealt with in Southland as a model which could be used in Christchurch. My understanding from talking to senior planning staff in Southland Council is that the decision on notification/non-notification is normally made by a Senior Planner. Potentially controversial applications are referred to a committee of elected members for a decision. Copies of applications which have been notified are circulated to the relevant Community Board for information purposes.

Conclusion

16. In my view, the current level of delegation to the Resource Management Officer Subcommittee, Hearings Panels and Commissioners to make decisions on notification/non-notification works very well. Most importantly, it enables decisions on the large number of resource consents received to be made speedily, for decisions to be consistent, robust and procedurally sound. Long standing practice means that potentially controversial applications or those which have aroused widespread public interest are made by a Hearings Panel of elected members or by Commissioners who have been trained and accredited.
17. For the reasons set out above, I consider that the present delegations for decisions on notification/non-notification should remain unchanged.

FINANCIAL AND LEGAL CONSIDERATIONS

18. Nil.

STAFF RECOMMENDATIONS

It is recommended that the present delegations for decisions on the notification/non notification of resource consent applications remain unchanged.

12. RESOURCE MANAGEMENT AMENDMENT ACT 2005 – DELEGATION OF POWERS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
Author:	John Gibson, Planning Administration Manager

PURPOSE OF REPORT

1. The purpose of this report is to set out new powers provided to the Council in the Resource Management Amendment Act 2005 relating to planning administration and to recommend the Hearings Panels, Officer Subcommittees or senior staff position to which they should be delegated. It also makes a recommendation on the delegation of a power provided in the Resource Management Amendment Act 2003 which was omitted in an update to the delegations in 2004.

EXECUTIVE SUMMARY

2. The Resource Management Amendment Act 2005 came into effect in August 2005. It introduced a number of changes to the Resource Management Act focusing on ways to improve the quality of decisions and processes. Many of these changes give councils new powers in relation to processing resource consents.
3. These powers fall into two general categories:

First, there are new powers which relate primarily to resource consent applications requiring a hearing and to hear a wider range of objections made under Section 357 of the Resource Management Act requiring a hearing. These powers involve:

- Requiring or inviting an applicant and submitters to attend pre-hearing meetings and declining to process an application or consider a submission if a person fails to attend (Sections 99 and 998).
- Referring an application to mediation if all the parties agree (Section 99A).
- To delegate the power to mediate an issue or matter arising from a resource consent application (Section 99A(3)).
- To direct an applicant and submitters to provide briefs of evidence before a hearing (Section 41B).
- To direct the order of business of a hearing including the order in which evidence and submissions are presented (Section 41C).
- To direct that all or part of a submission be struck out if it is considered that the submission is frivolous or vexatious (Section 41C).
- To hear a wider range of objections made under Section 357. These objections relate to:
 - striking out submissions under Section 41C(7)
 - existing use certificates
 - requests for further information and for commissioning of reports
 - decisions to decline to process an application or consider a submission.

These processes will be used almost exclusively in relation to applications and objections requiring a hearing. It is therefore appropriate that they be delegated to Council Hearings Panels to administer.

4. Second, there are process related powers which involve decisions which need to be made on a day to day basis. These include matters such as:
 - Issuing an existing use certificate (Section 139A).
 - Requiring a person to provide any further information needed to determine whether an existing use certificate should be issued (Section 139A(3)).
 - Revoking an existing use certificate when it was issued based on inaccurate information (Section 139A(8)).
 - Varying or cancelling a condition specified in a consent notice (Section 221(3)).
 - Inviting an applicant and submitters to attend pre-hearing meetings (Section 99).
 - Issuing an amended resource consent (Section 133A).

12 Cont'd

5. In most cases decisions on these matters will need to be made frequently and within short statutory timeframes. So that they can be administered quickly it would therefore be appropriate for them to be delegated to the Resource Management Officer Subcommittee and in some cases senior Council staff. On occasions though, decisions on these matters may be contentious and therefore need to be referred to a Hearings Panel. They should therefore also be delegated to Hearings Panels of elected members.
6. Set out in the table below are the new powers together with the group or position to which it is recommended they be delegated.

New Provision	Delegated to
1. To issue an existing use certificate pursuant to Section 139A of the Resource Management Act 1991	Council Hearings Panels; the Resource Management Officer Subcommittee
2. To require pursuant to Section 139(A)(3) of the Resource Management Act 1991 that a person provide further information needed to determine if an existing use certificate must be issued	Council Hearings Panels; the Resource Management Officer Subcommittee
3. To revoke an existing use certificate if it was issued based on inaccurate information pursuant to Section 139A(3) of the Resource Management Act 1991	Council Hearings Panels; the Resource Management Officer Subcommittee
4. To vary or cancel a condition specified in a consent notice pursuant to Section 221(3) of the Resource Management Act 1991	Resource Management Officer Subcommittee
5. To invite an applicant and submitters to attend a pre-hearing meeting pursuant to Section 99 of the Resource Management Act 1991	Civic Planning Team Leader; Planning Administration Manager; Resource Management Manager; Area Development Officers, Team Leader Subdivisions; Environmental Policy and Approvals Manager
6. To issue an amended resource consent pursuant to Section 133A of the Resource Management Act 1991	Council Hearings Panels; Planning Administration Manager; Resource Management Manager; Civic Planning Team Leader; Area Development Officers; Team Leader Subdivisions; Environmental Policy and Approvals Manager
7. To hear and make decisions on any notified application or non-notified application which requires a hearing under the Resource Management Act 1991, including directions pursuant to Section 41B (provision of evidence), Section 41C (order of business and provision of reports and information)	Council Hearings Panels

12 Cont'd

New Provision	Delegated to
8. To invite or require an applicant and submitters to attend a brief hearing meeting, pursuant to Section 99 of the Resource Management Act 1991 and to decline to process an application or to consider a submission pursuant to Section 99(8) on the grounds that the person required to attend a meeting fails to do so and does not give a reasonable excuse	Council Hearings Panels
9. To refer to mediation a resource consent application and some or all of the persons who have lodged a submission, pursuant to Section 99A of the Resource Management Act 1991	Council Hearings Panels
10. To delegate the power to mediate on an issue or matter arising from a resource consent application, or appoint a mediator pursuant to Section 99A(3) of the Resource Management Act 1991	Council Hearings Panels
11. To hear and make decisions on any objection, made pursuant to Sections 357 and 357A to 357D of the Resource Management Act 1991, to any Council decision	Council Hearings Panels

7. The power which was omitted in the 2004 delegation update stems from a new Section 88 introduced in the Resource Management Amendment Act 2003. This provides for an application to be rejected by the Council if it does not include an adequate assessment of environmental effects or the information required by regulations. The Council has to provide reasons for such a decision and has to make the decision in five working days. As decisions on this matter will need to be made quickly and frequently it is recommended that this be delegated to the Resource Management Officer Subcommittee. In order to deal with potentially contentious or controversial applications it is recommended that it also be delegated to Council Hearings Panels.

FINANCIAL AND LEGAL CONSIDERATIONS

8. Nil

STAFF RECOMMENDATION

It is recommended that the Council approve the delegations set out in the above table and paragraph 7.

13. NOTICES OF MOTION

(a) **LAKE ISAAC**

To consider the following motion, notice of which has been given by Councillors Bob Shearing and Graham Condon pursuant to Standing Order 2.16.1:

“Given previous commitments, the Council support the Lake Isaac Rowing Course, subject to the Lake Isaac Trust gaining a resource consent.”

(b) **SOCKBURN POOL**

To consider the following motion, notice of which has been given by Councillors Bob Shearing and Helen Broughton pursuant to Standing Order 2.16.1:

“That staff be requested to urgently provide appropriate reports setting out the practicalities and issues surrounding the possibility of a private individual or organisation leasing and redeveloping the Sockburn Pool site for recreational use.”

14. QUESTIONS

15. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.