



8. AMENDMENTS TO DELEGATIONS

Officer responsible Environmental Services Manager	Author David Punselie
Corporate Plan Output: City Plan	

The purpose of this report is to seek amendments to delegations from Council.

DELEGATIONS TO COMMISSIONER OR COMMISSIONERS APPOINTED BY A RESOURCE MANAGEMENT HEARINGS PANEL

The delegations to Commissioners need amendment in two respects.

Firstly, during the process of hearing submissions on the City Plan a number of hearings were conducted by Commissioners because the Council had some pecuniary or other interest in the matter being considered. The Council's decisions on some of these matters have been referred to the Environment Court on appeal.

Some of the matters that were heard by Commissioners and which have been referred to the Court may be able to be resolved by negotiation. A subcommittee of the Resource Management Committee has delegated authority to consider and resolve by consent order any references to the Environment Court against a decision of Council on submissions to the Proposed City Plan. However it is more appropriate that a Commissioner, rather than the subcommittee, deal with those matters where the Council has a conflict of interest and it is recommended that Commissioners be delegated the same authority as the subcommittee.

Secondly, the delegations to a Commissioner or Commissioners make reference to the Resource Management Hearings Panel. This panel was renamed "Council Hearings Panel" in 1998 and the delegations should be amended to reflect this. Delegation 4 also makes an incorrect reference to the City Plan Hearings Committee.

DELEGATION TO ENVIRONMENTAL POLICY AND PLANNING MANAGER

Delegation 3 to this officer authorises him, in conjunction with the Chairman of the Resource Management Committee, to make submissions on:

- applications for resource consents and
- proposed District Plans, variations to proposed District Plans and changes to District Plans of territorial authorities adjoining the City (subject to regular reports being provided to the Resource Management Committee for information).

The terms of reference of the Resource Management Committee are limited to the City Plan. It is therefore more appropriate that the reference to the Resource Management Committee in this delegation be deleted.

DELEGATION TO COUNCIL HEARINGS PANEL

Delegation 3(e) to the panel authorises the lodging of any appeal against a decision of a Requiring Authority pursuant to Section 174 of the Resource Management Act 1991. This section of the Act relates only to decisions on notices given by Requiring Authorities under Section 168.

The provision in the Resource Management Act that provides a right of appeal against decisions of Requiring Authorities on any provision included in a proposed District Plan is Clause 14 of the first Schedule. The delegation should be amended to reflect this.

- Recommendation:**
1. That the Council amend its delegations to Commissioners by
 - deleting “Resource Management Hearings Panel” from the heading and substituting “Council Hearings Panel”
 - and by deleting Delegation 4 and substituting the following:

“Any other delegation given by the Council to the Council Hearings Panel, the City Plan Hearings Committee, the Resource Management Officer Committee or to the Resource Management Subcommittee.”
 2. That the Council delete Delegation 3 to the Environmental Policy and Planning Manager and substitute the following:

“The power to make submissions on:

 - *Applications for resource consents*
 - *Proposed District Plans, Variations to proposed District Plans and Changes to District Plans*

of territorial authorities adjoining the City (subject to regular reports being provided to the appropriate Committee for information).”
 3. That Delegation 3(e) to the Council Hearings Panel be deleted and substituted by the following:

(e)To lodge reference to the Environment Court, pursuant to either Section 174 or Clause 14 of the first Schedule to the Resource Management Act 1998, against any decision of a Requiring Authority.

Chairman’s

Recommendation: That the officer’s recommendation be approved.