

26. DELEGATION TO PARTICIPATE IN MEDIATION

| | |
|---|---|
| Officer responsible General Manager Regulation and Democracy Services | Author David Punselie, Planning Officer, DDI 941-8527 |
|---|---|

PROPOSAL/PURPOSE OF REPORT

The purpose of this report is to seek a delegation from Council to enable officers to participate in a mediation of any proceeding before the Environment Court other than a proceeding under the Resource Management Act 1991.

FINANCIAL IMPLICATIONS

Approval of the delegation sought will not result in any additional expenditure. The Council is legally empowered to grant the delegation, pursuant to the provisions of the Local Government Act 2002.

BACKGROUND TO DELEGATION SOUGHT

The Environment Court has referred to mediation a proceeding arising from a Council decision, made under the provisions of the Local Government Act 1974. While the Council has recently delegated to the Council Hearings Panel and to the City Plan References Subcommittee the power to authorise officers to participate in mediation before the Environment Court those delegations are limited to proceedings under the Resource Management Act 1991.

This delegation is sought to enable officers approved by either the Legal Services Manager or the Environmental Services Manager to participate in a mediation of proceedings before the Court except for those under the Resource Management Act. The delegation sought excludes the power to commit the Council to a binding agreement on any matter where the decision appealed against was made by the full Council.

STAFF RECOMMENDATION

It is recommended that the Council Hearings Panel be delegated the power to authorise any officer approved by either the Legal Services Manager or the Environmental Services Manager to participate in a mediation of any proceeding before the Environment Court other than a proceeding under the Resource Management Act. Except on proceedings arising from decisions made by the full Council the authority shall include the power to commit the Council to a binding agreement to resolve the proceeding and shall be on such terms and conditions as the Panel considers appropriate.