

5. DELEGATIONS FOR PUBLIC NOTICES PERMITTING TEMPORARY ACCOMMODATION UNDER THE CANTERBURY EARTHQUAKE (RESOURCE MANAGEMENT ACT PERMITTED ACTIVITIES) ORDER 2011

General Manager responsible:	General Manager, Regulation & Democracy Services Group
Officer responsible:	Environmental Policy & Approvals Manager
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PURPOSE OF REPORT

1. This report seeks the delegation for issuing site specific public notices under the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 be delegated to a group of commissioners.

EXECUTIVE SUMMARY

2. At the 31 March 2011 the Council meeting, a report was considered relating to the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 and the issuing of Public Notices under that Order. The report is attached (**Appendix 1**). At the meeting, the Council made a number of resolutions (see **Appendix 2**). One of the resolutions required a follow up report to be considered by the Council. Resolution (e) is detailed below:

“(e) That the confirmation of the Commissioners to be used to administer applications under this process be considered and confirmed at a future meeting of the Council.”

3. The 31 March 2011 report to the Council recommended three sole practice commissioners. It is understood the Council requested a larger pool of names from which to select commissioners to deal with applications for temporary activities which do not comply with the rules in the Public Notice. This report provides a larger pool of names and sets out some selection criteria.
4. The criteria used to select the three commissioners put forward in the report considered by the Council on 31 March 2011 were:
 - (i) They are Christchurch residents with a good knowledge of the city and its environs.
 - (ii) The three day turnaround from the time an application is received until the time a decision is released means the Commissioners must be available and able to make decisions quickly. The three nominated commissioners have agreed to make dealing with these applications a priority.
 - (iii) They are all very experienced planning practitioners capable of making the quick, practical decisions which will be required in the circumstances.
 - (iv) They are sole charge practitioners whose principal or only work is as commissioners. This reduces the potential for conflicts of interest. They are also able to quickly determine whether they have a conflict. On this matter one of the problems using commissioners from larger planning and legal firms is the need for them to check with their colleagues about potential conflicts. They are also likely to represent a number of applicants seeking approval for temporary accommodation. This can be a time consuming process and where conflicts are identified the Council then has to try and find an alternative commissioner.
5. The above criteria were also used to select the additional commissioners names included in the list below. With one exception however, all the new names are members of larger planning or legal firms thus increasing the potential for conflicts of interest to arise. Brief CVs of all of the commissioners in the list are attached (**Appendix 3**).

David Mountfort	Sole charge consultant/commissioner
David Collins	Sole charge consultant/commissioner
Ken Lawn	Sole charge commissioner
Max Barber	Sole charge commissioner
Darryl Millar	Planning consultant – RMG
David McMahon	Planning consultant – RMG

5 Cont'd

Rachel Dunningham	Lawyer – Buddle Findlay
Bob Batty	Planning consultant – Planit
Johnathan Clease	Planning consultant – Planit
Bob Nixon	Planning consultant – Planit
Ken Gimblett	Planning consultant – Boffa Miskell

6. All the commissioners listed are experienced resource management practitioners and have a wide range of experience as can be seen from their CVs. All of them would be able to act as commissioners to determine applications for proposals which do not comply with the standards in the Temporary Activities Public Notice.
7. The anticipated number of applications and the truncated application process however, mean that a pool of three commissioners would be adequate for the task. A pool of three would also enable a greater degree of consistency of decision making than a larger number.
8. In view of the very tight three day timeframe to process applications it is critical that the appointment of commissioners is able to be done quickly and that delays are minimised. Sole charge practitioners, particularly those who specialise in commissioner work, are less likely to have conflicts of interest and are also able to determine whether they have a conflict more rapidly than those in larger practices. There are four sole charge practitioners in the above list and it is recommended that three of the four be selected to act as commissioners to deal with applications for proposals which do not meet the standards in the Temporary Activities Public Notice.

FINANCIAL IMPLICATIONS

9. There is no Council approved fee which applies to these type of applications, consequently the processing costs will be met from rates. Staff estimate an annual cost of approximately \$300,000.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

10. Not applicable.

LEGAL CONSIDERATIONS

11. Refer to Appendix 1.

Have you considered the legal implications of the issue under consideration?

12. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Refer to Appendix 1.

ALIGNMENT WITH STRATEGIES

14. Refer to Appendix 1.

Do the recommendations align with the Council's strategies?

15. Refer to Appendix 1.

CONSULTATION FULFILMENT

16. Refer to Appendix 1.

5 Cont'd**STAFF RECOMMENDATION**

That the Council appoint three sole practice practitioners to the approved list of commissioners who can determine applications for activities which do not comply with the rules in the Public Notice for Temporary Accommodation.