
REPORT 3
(1215/53/IM)

TEMPORARY PROCESS FOR APPOINTMENT OF RESOURCE CONSENT HEARINGS COMMISSIONERS

1. Purpose of Report

To establish an interim process for selecting resource consent hearings' commissioners for the period affected by the upcoming election.

2. Executive Summary

The Chair of the Regulatory Processes Committee, in consultation with the Mayor, currently has the delegation from Council to select hearing panels for resource consent hearings. This process cannot be continued in the period immediately following the election.

In order to meet statutory timeframes under the Resource Management Act 1991 and so officers can continue to deliver this core function efficiently, interim arrangements are sought to avoid delays while a process for determining the membership of hearing committees is established following the election.

The key change sought is for a short term delegation of the selection of resource consent hearings committees to the Chief Executive.

In addition, the current list of independent commissioners is considered out of date. Officers therefore propose to revise this list through seeking expressions of interest with the revised list reported back to Council for adoption.

3. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Recommend to Council that it delegate authority to the Chief Executive for the period from 17 October 2007 until an alternative delegation is approved, to assign appropriate hearing commissions to hear and determine resource consent applications, in consultation with the Mayor / Mayor Elect.*
- 3. Note that officers will undertake a process to revise the current list of independent commissioners and report back this revised list for adoption at a later date.*

4. Background

The Chair of the Regulatory Processes Committee, in consultation with the Mayor, currently has the delegation from Council to select hearing panels (both elected members and independent hearings commissions) for resource consent hearings.

During the period immediately following the elections there will not be a process for the selection of panels to hear notified resource consent applications, due to there not being a Chair of the Regulatory Processes Committee.

This would affect the ability of the Council to meet its statutory obligations in terms of time frames for holding hearings on resource consent applications under the Resource Management Act 1991. This in turn would affect the Council's ability to deliver this core service in an efficient manner.

Independent commissioners are recommended from an extensive list. This is however considered to be out of date and needs to be revised to ensure that the Council has available to it the full range of specialist skills and experience required in order to make good decisions on resource consent hearings.

5. Discussion

An interim process that would allow for the appointment of hearings commissioners to occur, independent of the Council elections, is sought in order to maintain timeframes for processing notified resource consent applications for the period immediately following the elections.

It is recommended that the Chief Executive be granted delegation to appoint hearings commissioners for the period from 17 October 2007 until an alternative delegation is approved.

It is noted that for the period from 17 October 2007 to 30 October 2007 the Chief executive (in conjunction with the Mayor / Mayor Elect) would only be able to appoint independent commissioners from the existing list of approved commissioners.

Following 30 October 2007 when the newly elected members are expected to be sworn in as Councillors, the selection of suitably experienced Councillors to hear resource consent applications will also be possible.

It is proposed that, officers will seek expressions of interest from suitably qualified people to act as independent commissioners for the Council. A revised list will then be brought back to the appropriate committee for approval. The selection criteria will be based around the following key matters:

- A wide range of specialist skills
- Depth and breadth of experience
- Previous experience as commissioners
- Completion of the 'Making Good Decisions' training programme
- Avoiding conflicts of interest
- Costs

6. Conclusion

The process of an interim delegation to the Chief Executive will provide for continuity for the hearing of resource consent applications for the period immediately following the election on 13 October 2007. This interim delegation is critical for meeting statutory and customer service obligations.

The recommended interim process for the selection of resource consent hearings commissioners is a temporary measure only and a general arrangement will need to be determined following the election and the establishment of Council committees.

The process proposed to revise the list of commissioners will ensure that the Council has available to it a range of suitably qualified people to assist it in making good decisions on key resource consent applications.

Contact Officer: Dougal List, Development Guidance Manager, Urban Development and Transport

Supporting Information

1) Strategic Fit / Strategic Outcome

The paper supports the Council's ability to undertake its statutory functions under the Resource Management Act 1991. The paper will also help ensure that the Council makes good decision on key development projects, thereby supporting the Council's strategic vision.

2) LTCCP/Annual Plan reference and long term financial impact

Project C479 includes all revenue and costs associated with resource consent hearings

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-Making

This is not a significant decision. The report sets out a number of options and reflects the views and preferences of those with an interest in this matter who have been consulted with.

5) Consultation

a) General Consultation

Not required.

b) Consultation with Maori

Not required.

6) Legal Implications

Wellington City Council must formally delegate decision making under the Resource Management Act 1991.

7) Consistency with existing policy

This report is consistent with existing Wellington City Council policy.