

DELEGATIONS TO COMMISSIONERS

Powers of Commissioner

186. Those persons appointed from time to time by the Council as Hearings Commissioner under the Resource Management Act have the power to either individually or jointly with any other hearings commissioner hear and determine any matter raised under the Resource Management Act 1991, including such functions as Resource Consents, Variations, Plan Changes and Designations, except those functions expressly excluded by Section 34A. The power to process any of the aforementioned matters includes the power to decide whether to require any further information and whether the application is to be notified or non-notified. Each member of the Hearings Committee shall be deemed for the purposes of this delegation to be a Hearings Commissioner.

Assignment of Commissioners

187. .1 The Corporate Secretary (in liaison with the General Manager *City Future* or her/his nominee, and/or the General Manager *City Contact*, or his/her nominee has the responsibility for assigning one or more Hearings Commissioners appointed by the Council to carry out the function of processing hearings and determining any matter or any other Council function under the Resource Management Act 1991 as anticipated by Section 34A.
- .2 The assignment shall be made in accordance with the Council's policy on the appointment of Hearings Commissioners, seeking input from the Chairperson and/or Deputy Chairperson of the Hearings Committee, and/or his/her nominee from the committee, and shall be reported for information at the next meeting of the Planning and Environment Committee. The Hearings Commissioners responsibilities and powers shall commence immediately upon assignment by the Corporate Secretary.
3. Notwithstanding the above, no member of the Hearings Committee may be assigned to consider a matter unless in conjunction with at least one commissioner who is not a Committee member.

NOTE: A list of persons appointed as Commissioners appears in *Miscellaneous Council Resolutions, Policies and Procedures (see Part 4 of this Manual)*.

When Assignment Required

188. A Hearings Commissioner or Commissioners shall be assigned to consider any matter or any other Council function under the Resource Management Act 1991 as anticipated by Section 34A, when one or more of the following applies:

1. The Council is the applicant.
2. The organization (applicant) is one in which the Council has a significant and/or pecuniary interest.
3. The project applicant is one in which the Council has a significant and/or pecuniary interest.
4. In the view of the Hearings Committee or Council, the subject of the hearing is highly political, and elected members' objectivity is compromised due to previous political and community debate.
5. In the view of the Hearings Committee or Council, the highly complex and technical nature of the issues to be addressed in the hearing requires specific expertise. (Care is needed in this regard, as technical issues should always be discussed at the hearing in a manner which is understandable to the layperson.)

NOTE: In the event such circumstances arise under clauses 188.4 and 188.5 above, the Hearings Committee will advise the need for Councillors to be appointed.

Report on Assignment:

189. A report is to be made to the Planning and Environment Committee by the Corporate Secretary each time an assignment is made and a discussion has been given, outlining:

- The reasons for the assignment.
- The criteria that have been met.
- The estimated cost of the appointment.
- The delegations necessary to hearing the application, as required by Section 34A of the Resource Management Act 1991.
- The decision made.

Appointment of Non-Listed Commissioner:

190. In the event an appointment of a Commissioner is sought, who is not on the schedule, the appointment will be made by either the Hearings Committee or the Council.