



Report **04.351**
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File WAR/04/00/57

Committee **Council**
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Delegation of Resource Management Act 1991 Functions to Hearing Commissioners

1. Purpose

To approve the delegation of functions under the Resource Management Act 1991 to hear and decide the East Leigh Ltd subdivision application.

2. Background

East Leigh Ltd (as applicant) proposes to develop land for a residential subdivision comprising 140 lots at their Riversdale terraces site. A resource consent application was lodged on 6 April 2004, to install and operate an appropriate stormwater management system, sewage treatment and disposal system, a culvert, and a process to achieve sediment erosion control through the bulk earthworks phase. The application was publicly notified under Section 93 of the Resource Management Act 1991.

The applications lodged with Greater Wellington and Masterton District Council are inextricably linked. Consequently, in accordance with section 102 of the Resource Management Act 1991, Greater Wellington and Masterton District Council consider it prudent to hold a joint hearing for the applications. The main benefits are:

- the applicant and submitters will only be required to present their evidence once, reducing time and cost; and
- a consistent decision will be made for the project.

After consultation with Masterton District Council, staff consider that the make up of the Committee to hear these applications should comprise legal counsel with specialist knowledge of the Resource Management Act, and an engineer with specific expertise with sewage treatment systems.

It is proposed to appoint Richard Fowler (a partner in Phillips Fox) who has the appropriate resource management expertise, and Roger Lane (retired registered civil engineer) who is suitably qualified and experienced in relation to sewage treatment systems. Mr Lane has already been appointed to the Greater Wellington list of approved commissioners (Wellington schedule) but Mr Fowler has not. Neither Messrs Fowler nor Lane has been appointed to the Wairarapa list of approved commissioners.

3. Relevant Statutory Provisions

Section 34A of the Resource Management Act 1991 provides for the delegation of functions, powers, or duties by local authorities. The relevant extracts are:

(1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:

(a) The approval of a policy statement or plan:

(b) This power of delegation.

4. Communication

Masterton District Council and the applicant will be advised of the delegations.

5. Recommendation

That pursuant to section 34A of the Resource Management Act 1991, the Council appoints

- Richard Fowler, and*
- Roger Lane*

to jointly hear and consider resource consent application WAR 040057 received by the Wellington Regional Council from East Leigh Ltd, the submissions on the application, and make a decision on the resource consent application, and to rule on all incidental and related matters including but not limited to those under sections 42A, 102, 104 (including s.104A and s.104B), and 105 of that Act, at a hearing date yet to be confirmed.

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