

Te Upoko Taiao - Natural Resource Management Committee

1 Purpose

Promote the sustainable management of the region's natural and physical resources, particularly their use, development and protection, by overseeing the Council's regulatory responsibilities in relation to resource management, including the review and development of regional plans.

2 Specific responsibilities

1. Review and develop regional plans
2. Review operative regional plans.
3. Prepare proposed regional plans.
4. Prepare any variations to proposed regional plans.
5. Prepare any plan changes in relation to operative regional plans.
6. Recommend to the Council that proposed plans, proposed variations and proposed plan changes proceed to public notification.
7. Review any provisions which the Council may refer back to the committee for further consideration.
8. Oversee consultation as required under the First Schedule of the Resource Management Act 1991.
9. Appoint hearing committees or hearings panels to hear and decide upon submissions on proposed regional plans, proposed variations and proposed plan changes. (Such hearings committees or panels may include members of the Committee and may include non-elected members chosen for their particular skills, attributes or knowledge relevant to the functions and powers of the hearings committee or panel.)
10. Oversee the Council's resource management consenting and monitoring responsibilities
11. Ensure that the Council effectively reports on the state of the region's environment and recommend a formal report on the State of the Environment for adoption by the Council every six years.

12. Consider and determine applications for resource consents in the region.
13. Appoint hearing panels, subcommittees and commissioners to hear and determine notified resource consents that require a hearing.
14. Ensure the Council adheres to national policy statements, environmental standards and other regulatory requirements.
15. Monitor the implementation of regional plans, compliance with the Resource Management Act and the Council's oversight of resource consents.

3 Membership

- 3.1 Seven Councillors.
- 3.2 Seven non-Councillor members, each appointed by Council for their skills, attributes or knowledge relevant to the work of the committee and including their knowledge of the rohe of the relevant iwi authority to which they belong. (In making such appointments Council will have regard to the recommendation of each of the seven iwi authorities represented on the Ara Tahi inter-iwi representative group.)

4. Chairperson

- 4.1 The committee will have two Co-Chairs:
 - A Councillor member of the Committee, and
 - the non-Councillor member of the Committee who also has the role of Ara Tahi Chairperson. In the event that the Chairperson of Ara Tahi is not a member of the Committee then the non-Councillor Co-Chair will be appointed by the Committee on the recommendation of the non-Councillor members of the Committee.
- 4.2 At the commencement of each triennium:
 - The Council shall appoint the Councillor Co-Chair
 - The Committee, on the recommendation of the non-Councillor members of the Committee, shall appoint the non-Councillor Co-Chair if the Chairperson of Ara Tahi is not a member of the Committee.

- 4.3 Each Co-Chair shall be the presiding member at meetings of the Committee on an alternate basis. If a Co-Chair is absent from a meeting of the Committee for which they are scheduled to be the presiding member, then the other Co-Chair shall preside at the meeting.
- 4.4 The Councillor Co-Chair of the Committee shall be the presiding member when the Committee is meeting to recommend to Council:
- the notification of proposed regional plans, proposed variations or proposed plan changes; or
 - the commencement of the preparation of a variation of a proposed regional plan, or
 - the commencement of the preparation of plan changes in relation to operative regional plans.

5 Voting entitlement

- 5.1 Members of the committee have full speaking rights and voting entitlements.
- 5.2 A casting vote will only apply when the Committee is meeting to make a recommendation to Council relating to any of the matters set out in section 4.4.

6 Quorum

- 6.1 Four Councillor and four non-Councillor members of the Committee.
- 6.2 All (seven) Councillor members of the Committee must be present when the Committee is meeting to make a recommendation to Council relating to any of the matters set out in section 4.4.

7 Remuneration

The remuneration of the non-Councillor members of the Committee will be determined and approved by the Council.

8 Delegated powers

- 8.1 The Council delegates all the functions and powers of the Council under the Resource Management Act 1991 to the Te Upoko Taiao - Natural Resource Management Committee which are necessary for it to carry out the specific responsibilities listed above relating to the review and development of regional plans.

- 8.2 The Te Upoko Taiao - Natural Resource Management Committee may delegate to any hearing committee or hearing panel appointed by it all necessary powers under the Resource Management Act 1991 to hear and decide submissions on proposed regional plans, proposed variations and proposed plan changes.
- 8.3 Council delegates the following statutory powers to the Te Upoko Taiao - Natural Resource Management Committee relating to its resource management consenting and monitoring responsibilities:

Resource Management Act 1991	
The power to decide on charges for resource consents as outlined below.	
Section of Act	Power, Function, Duty
36(3)	Require the person who is liable to pay the charge fixed in accordance with s36(1) to also pay an additional charge to the Council where that charge is above the amount council staff can charge in Council's charging policy. Additional payment can only be required where the initial charge is inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned
36(5)	Remit the whole or any part of any charge of a kind referred to in this section which would otherwise be payable where the charge is above the amount council staff can remit in Council's charging policy.
37(1)	Extend a time period specified in the Act or in regulations; and waive compliance of time or requirement to provide information, or method of service of documents
37A(5)	Extend a time period so that the extended time period exceeds twice the maximum time period specified in the Act.
The power to decide whether or not to include consequential alterations arising out of submissions as outlined below.	
Section of Act	Power, Function, Duty
Schedule 1, cl 10(2)	When making a decision for the purposes of Schedule 1, decide whether or not to include any consequential alterations arising out of submissions and any other relevant matters considered relating to matters raised in submissions
The power to hear and decide on resource consents. This includes the specific powers set out below.	
Section of Act	Power, Function, Duty
40(3)	Elect to proceed with a hearing in the absence of an applicant or submitter, if it is fair and reasonable to do so
41(4)	Request and receive, from any person who makes a report under s42A of the Act, or who is heard by the authority or who is represented at

	the hearing, any information or advice that is relevant and reasonably necessary to determine the application
42(1), 42(2)	By a motion made by the Committee or on the application of any party to any proceedings, make an order that the whole or part of any hearing shall be conducted with the public excluded, in certain circumstances (detailed in provision)
42A(2)	Consider any report of the type referred to in s42A(1) at a hearing
102(3)	Jointly or separately decide applications where those applications are heard jointly
104, 104A, 104B, 104C, 104D	Grant or refuse (except in the case of applications for controlled activities) resource consent applications where the application is notified or notice is served
104F	Where an application is notified or notice is served, grant the application with or without conditions, or decline it, as necessary to implement any regulations made in accordance with s43 of the Act in relation to climate change
107(2), 107(3)	Where an application is notified or notice is served, grant a consent to a discharge that would otherwise contravene s15 of the Act in certain circumstances (listed in provision). Any such consent may be subject to certain conditions requiring the applicant to undertake work in stages throughout the term of the permit
108, 108A	Where an application is notified or notice is served, impose any condition considered reasonable upon a resource consent, including the provision of a bond or financial contribution
131(2)	As the result of a review of consent conditions, include a condition requiring the holder of a discharge consent or coastal permit to adopt the best practicable option to remove or reduce any adverse effect on the environment. This only applies to applications that are notified or require notice to be served
138A(1)	At any reasonable time before the hearing (or, if there is no hearing, the determination) of an application for discharge that would otherwise contravene s15A(1), by written notice to the applicant, require the applicant to provide, by way of further information, an explanation of those matters. This only applies to applications that are notified or require notice to be served
357D	Uphold or reject an objection in respect of a relevant decision under section 357
369(4)	Grant a discharge permit, or a coastal permit to do something that would otherwise contravene s15, that does not meet the minimum standards of water quality as required by a regional rule, in certain circumstances (listed in the provision)

The power to appoint a commissioner or commissioners.
The power to establish a hearing panel where required.
The power to establish a hearing subcommittee where required.
The power to choose on a case by case basis whether to conduct a hearing through a single commissioner, hearing panel, or a hearing subcommittee.
The power to decide on a case by case basis the composition of a hearing panel or hearing subcommittee or appropriate commissioner.
The power to delegate to hearing subcommittees or hearing panels (the composition of which is to be determined on a case by case basis) or commissioners the power to hear and decide on resource consent and restricted coastal activity applications.

9 Delegation to resource consent hearing appointments group

The Council delegates to the two Co-Chairs of the Committee and the Chair of the Environment Committee (resource consent hearings appointments group), acting jointly, the following powers, which are to be exercised in consultation with the General Manager, Environment Management:

- The authority to appoint appropriately qualified people to act as commissioners on behalf of the Council.
- The power to establish a hearing panel.
- The power to choose, on a case-by-case basis, whether to conduct a hearing through a single commissioner, or a hearing panel.
- The power to decide, on a case-by-case basis, the appropriate commissioner or composition of each hearing panel.

10 Delegation to a commissioner or panel of commissioners appointed by the Te Upoko Taiao - Natural Resource Management Committee or the resource consent hearing appointments group

Where a commissioner or panel of commissioners is appointed by the Te Upoko Taiao - Natural Resource Management Committee, or the resource consent hearing appointments group, to determine a particular matter, the Council delegates to that commissioner or panel of commissioners all those functions and powers that are provided to the Te Upoko Taiao - Natural Resource Management Committee, under its terms of reference, necessary to hear and decide on resource consent and restricted coastal activity applications.

11 Duration of the Committee

In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Te Upoko Taiao - Natural Resource Management Committee is deemed to not be discharged following each triennial election.

12 Review of the Committee

A review of the Committee's terms of reference will be undertaken when the regional plans become operative.

13 Special terms of reference

- 13.1 A role of the Committee and all members of the Committee is to objectively overview the development of proposed plans, variations and plan changes in accordance with the requirements of the Resource Management Act 1991. In particular the Committee must apply the purpose and principles of the Act and section 32 to its decision-making and recommendations.
- 13.2 The Committee may make recommendations to the full Council as to the readiness of plans, variations and plan changes for notification. After receiving any recommendation from the Committee the Council may proceed to authorise the public notification of a proposed plan, proposed variation or proposed plan change pursuant to clause 5 of the First Schedule of the Resource Management Act 1991 or may refer the document or parts of the document back to the committee for further consideration.
- 13.3 The Committee, when appointing hearings committees or panels, shall appoint members for their particular skills, attributes or knowledge relevant to the work of the Committee or panel and shall so far as possible ensure that none of the members is open to perceptions or allegations of bias or predetermination.
- 13.4 The role of the non-Councillor members is to apply their particular skills, attributes and knowledge of Māori relationships to land, water and taonga, including knowledge relating to their particular rohe, to assist the committee in carrying out its responsibilities under the Resource Management Act 1991 and in particular its functions under sections 6 (e), 7(a) and 8 of the Act.
- 13.5 It is not the role of any member (elected or otherwise) to represent or advocate for any particular interest.
- 13.6 It is not intended that the participation of non-Councillor members on the Committee be a substitute for any consultation with iwi authorities required under the First Schedule of the Resource Management Act 1991.

13.7 The participation of Māori on the Committee is consistent with the Council's obligations under the Local Government Act 2002 to facilitate participation in decision-making.