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Report to Environment Committee
from Romae Duns, Senior Resource Advisor

Delegation of Resource Management Act 1991 Functions to Hearing Commissioners

1. Purpose

To appoint three Commissioners to hear and decide on resource consent applications from Telstra Saturn Ltd.

2. Background

Telstra Saturn Ltd propose to construct, install and maintain a submarine fibre optic cable between Auckland, Wellington and Christchurch to provide a trunk telecommunication network. The cable will come ashore at various locations to provide access to centres of population and to enable the fibre optic signal to be boosted.

Within the Wellington region, the cable comes ashore at Waikanae Beach, Paraparaumu Beach and Titahi Bay, where it crosses over land before heading south across Cook Strait from Lyall Bay.

Wellington Regional Council is processing two parts of the project. The first leg is from Lyall Bay, passing through Cook Strait into Marlborough District Council jurisdiction, before it comes ashore at Kaikoura and again at Waimairi Beach, both in Environment Canterbury jurisdiction. Leg two starts at Titahi Bay and comes ashore at Paraparaumu Beach, crosses overland and exits at Waikanae Beach passing into Horizons.mw jurisdiction before landing at Castlecliff Beach in Wanganui.

Telstra Saturn Ltd has submitted coastal permit and restricted coastal activity applications to the Wellington Regional Council, Environment Canterbury, Marlborough District Council and Horizons.mw for the cable project.

The applications to each of the councils are virtually identical in nature with the exception of the local variables. Consequently, the Councils involved and the applicant consider it prudent to hold joint hearings for each part of the project. The main benefits of having a joint hearing are:

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

In consultation with the other councils we decided that the appropriate make up of the committee would include a representative (councillor or commissioner) from each council and a representative from the Minister of Conservation, given that some applications are restricted coastal activities. The Minister of Conservation has decided to appoint Dr Ian Stewart. Dr Stewart is already on the Wellington Regional Council's list of approved commissioners and consequently does not need to be given the delegation under this report.

We propose that Sylvia Allen (Independent Commissioner and Canterbury Regional Council representative), Councillor Michael Briggs (Marlborough District Council representative) and Councillor Annette Maine (Horizons.mw representative) be appointed to hear and decide the Telstra Saturn Ltd applications.

3. **Relevant Statutory Provisions**

Section 34 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 any committee of the local authority established in accordance with the Local Government Act 1974 any of its functions, powers, or duties under this Act...*
- (3) *A local authority may delegate to any hearings commissioner or commissioners appointed by the local authority for this purpose, who may or may not be a member of the local authority, any of its functions, powers, or duties under this Act, other than -*
 - (a) *The approval of a policy statement or plan or any change to a policy statement:*
 - (b) *This power of delegation.*
- (4) *A local authority may delegate to any of its officers any of its functions, powers, or duties under this Act, other than -*
 - (a) *the approval of a policy statement or plan or any change to a policy statement or a plan:*
 - (b) *the making of a recommendation on a requirement for a designation or heritage order under Part VII:*

- (c) *the granting of a resource consent for a non-complying activity in respect of any application which is notified in accordance with section 93:*
- (d) *this power of delegation.*

4. **Communications**

Parties affected by this decision will be notified through appropriate Resource Management Act 1991 provisions.

5. **Recommendation**

That pursuant to section 34(3) of the Resource Management Act 1991, the Environment Committee, acting under authority delegated by the Wellington Regional Council under section 34(1) of that Act, appoints:

- *Sylvia Allen (Environment Canterbury); and*
- *Cr Michael Briggs (Marlborough District Council)*

To jointly hear and consider resource consent applications WGN000178 received by the Wellington Regional Council from Telstra Saturn Ltd, the submissions on those applications, and make a decision on those resource consent applications under section 102, 104, and 105 of that Act.

AND

That pursuant to section 34(3) of the Resource Management Act 1991, the Environment Committee, acting under authority delegated by the Wellington Regional Council under section 34(1) of that Act, appoints:

- *Cr Annette Maine (Horizons.mw)*

To jointly hear and consider resource consent applications WGN010003 received by the Wellington Regional Council from Telstra Saturn Ltd, the submissions on those applications, and make a decision on those resource consent applications under section 102, 104, and 105 of that Act.

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