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Report to Environment Committee
from Francie Pedersen, Resource Advisor

Delegation of Resource Management Act 1991 Functions to Hearings Commissioners

1. Purpose

To appoint one Commissioner, who is not on our approved list, to hear and decide on resource consent applications from Transit New Zealand.

2. Background

At the last Environment Committee meeting on 7 August 2001, the Committee was asked to appoint two Commissioners for the SH2 Dowse to Petone Upgrade hearing. Due to Transit requesting a change in hearing date at the last minute, a change in recommendation was made to the Committee requesting that only Richard Fowler be appointed as Commissioner, because Roger Lane was not available for the new hearing dates.

A new hearing has now been set for the first week in October (1 October 2001 to 5 October 2001). None of the Wellington Regional Council's approved Commissioners with an engineering background are available for the hearing. Hutt City Council, as lead agency, have now proposed that Barry Butcher be appointed as a Commissioner for the hearing.

Barry Butcher is not on the Wellington Regional Council's list of approved commissioners. However, we consider that Barry has the appropriate experience and qualifications to be a Commissioner for the proposed hearing.

Barry Butcher is a Civil Engineer and holds a Bachelor of Engineering degree and is a member of IPENZ of which he has been a past president. In August 2001 he was a Commissioner for the SH2 Mangatawa/Truman Interchange hearing and the Sandhurst Drive Extension requirements to designate.

Over the last 10 years he has worked for organisations such as Ministry for the Environment, Transit New Zealand, Ministry of Works and Electricorp mainly in advisory roles dealing in large scale roading and flood protection schemes.

Prior to that he worked for the Ministry of Works and Development as an Engineer for 24 years and was the District Commissioner of Works, Hamilton for a further 10 years.

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:

- *Barry Butcher*

To jointly hear and consider resource consent applications WGN010151 received by the Wellington Regional Council from Transit New Zealand, the submissions on those applications, and make a decision on those resource consent applications under sections 102, 104, and 105 of that Act.

Report prepared by:

Approved for submission:

FRANCIE PEDERSEN
Resource Advisor, Consents Management

PAULA BULLOCK
Manager, Consents Management

JANE BRADBURY
Divisional Manager, Environment