

TO: Council

FROM: Group Manager Corporate Services

MEETING DATE: 7 October 2013

SUBJECT: **DELEGATIONS DURING THE ELECTION PERIOD**

SUMMARY

This report addresses several miscellaneous delegations required during the interregnum, including:

- Arrangements for ensuring decision making between election day and the inaugural meeting for the new triennium
- The appointment of Hearings Commissioners for the interregnum.

IMPLICATIONS FOR:

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| (i) Policy: | Yes – Updates the Committee Structure and Delegations Manual for the period between the election day and the inaugural meeting for the new triennium (12 October – 29 October 2013). |
| (ii) Approved Annual Budget: | No. |
| (iii) LTCCP/ Funding Policy: | No. |
| (iv) Activity Management Plans: | No. |
| (v) Community Boards: | No. |
| (vi) Sustainability: | No. |

RECOMMENDATIONS

That the Council resolves to approve the following appointments and powers:

- 1 That Councillors Weatherall, Noone and Wilson (with Crs MacTavish and Vandervis as alternates where one of the other Councillors is not available) be appointed to act together as Commissioners to undertake the responsibilities of the Hearings Committee from 12 October 2013 until the Commissioners have completed their decisions and/or recommendations on all matters they have started to consider before a new Hearings Committee is appointed by the new Council. Note: the new Hearings Committee appointed after the election is to consider any new matters which require a hearing

after that new Committee is formed.

- 2 That from 12 October 2013 until a new Hearings Committee is appointed by the new Council, the Chief Executive in consultation with the Resource Consents Manager or City Development Manager as appropriate, be authorised to appoint one or more independent commissioner(s) for hearings where:
 - a) The Council is the landowner, lessee, applicant, requiring authority, has a financial interest, or a commissioner appointed as set out above is unavailable, or the Council has any other role where the Council is unable to be clearly seen as being fully objective and impartial in its quasi-judicial decision making capacity which affects the perception of impartiality; or
 - b) A Commissioner(s) appointed as provided for in the above circumstances is unavailable or not willing to act.
- 3 That from 12 October 2013, Andrew Noone be delegated the power to negotiate and/or resolve any appeal on the District Plan, until a new Hearings Committee is appointed by the new Council.
- 4 That from 12 October 2013, until a new Hearings Committee is appointed by the new Council, Andrew Noone is authorised to:
 - a) Determine any matters regarding minor alterations to designations
 - b) Initiate or join any Environment Court proceedings under the Resource Management Act 1991
 - c) Negotiate and resolve or withdraw from any proceeding arising from (b) above
 - d) Select the chairperson or mediator for pre-hearing meetings pursuant to s99 and s99A of the Resource Management Act 1991.
- 5 That from 12 October 2013 until the inaugural meeting of the Council the Chief Executive is authorised to make decisions in respect of urgent matters. Where the Mayor elect is known, this will be in consultation with the Mayor elect.

DISCUSSION

Appointment of Hearings Commissioners for the Triennium Interim Period

The Council needs to make provision for the responsibilities currently fulfilled by the Hearings Committee for the interim period between the election and the establishment of a new Council committee structure.

The new Committee structure will not be confirmed until the inaugural meeting, which will be held on 29 October 2013. There will therefore be at least two weeks following the election when interim arrangements need to be in place to ensure that the Council avoids "unreasonable delay" in carrying out its functions, powers and duties pursuant to s21 of the Resource Management Act.

Due to the statutory requirements in relation to accreditation, it is recommended that Crs Weatherall, Noone and Wilson (with Crs MacTavish and Vandervis as alternates where one of the other Councillors is not available) be appointed Commissioners for the interim period, with the further requirement that three of the appointees be required to "act together" in order to ensure consistency with the present quorum of the Hearings Committee, as set out below:

- 1 That Councillors Weatherall, Noone and Wilson (with Crs MacTavish and Vandervis as alternates where one of the other Councillors is not available) be appointed to act together as Commissioners to undertake the responsibilities of the Hearings Committee

from 12 October 2013 until the Commissioners have issued decisions and/or recommendations on all matters they have started to consider before a new Hearings Committee is appointed by the new Council. Note that the new Hearings Committee appointed after the election is to consider any new matters which require a hearing after that new Committee is formed.

- 2 That from 12 October 2013, until a new Hearings Committee is appointed by the new Council, the Chief Executive, in consultation with the Resource Consents Manager or Planning Policy Manager as appropriate, be authorised to appoint one or more independent commissioner(s) for hearings where:
 - a) The Council is the landowner, lessee, applicant, requiring authority, has a financial interest, or a commissioner appointed as set out above is unavailable, or the Council has any other role where the Council is unable to be clearly seen as being fully objective and impartial in its quasi-judicial decision making capacity which affects the perception of impartiality; or
 - b) A Commissioner(s) appointed as provided for in the above circumstances is unavailable or not willing to act.
- 3 That from 12 October 2013, Andrew Noone be delegated the power to negotiate and/or resolve any appeal on the District Plan until a new Hearings Committee is appointed by the new Council.
- 4 That from 12 October 2013, until a new Hearings Committee is appointed by the new Council, Andrew Noone is authorised to:
 - a) Determine any matters regarding minor alterations to designations
 - b) Initiate or join any Environment Court proceedings under the Resource Management Act 1991
 - c) Negotiate and resolve or withdraw from any proceeding arising from (b) above
 - d) Select the chairperson or mediator for pre-hearing meetings pursuant to s99 and s99A of the Resource Management Act 1991.

Urgent Decisions from Election Day until the Inaugural Meeting

To ensure that the Council is able to respond to any urgent matters that arise in the interim period, it is recommended that from election day (12 October 2013) until the Inaugural meeting of the Council, the Chief Executive is delegated the authority to make all lawful decisions in respect of urgent matters, including those that would ordinarily be reserved to the Council or a Committee. Where the Mayor elect is known, such decisions must be taken in consultation with the Mayor elect.

Prepared by:

Approved for submission by:

Sandy Graham
**GROUP MANAGER CORPORATE
SERVICES**

Paul Orders
CHIEF EXECUTIVE

Date report prepared: 27 September 2013