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| Resource Management Act 1991 | CCC logo Black&White |
| **Appointment of Commissioner(s) for** **resource consent application** |

**Application Number: RMA/+**

**Applicant: +**

**Site address: +**

**Description of Application:** +

***OR***

**Applicant:** Various (refer applications listed above)

**Site address:** Various (refer applications listed above)

**Description of Application:** Various (see applications listed above)

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| **Introduction** |

The purpose of this report, pursuant to Section 34A of the Resource Management Act 1991, is to appoint an independent Commissioner with delegated authority to consider certain matters in relation to the above resource consent application*/*s*.*

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| **Delegation** |

Hearings Panels and Persons (acting alone) who hold the positions listed below are delegated the authority to appoint a Commissioner under Section 34A of the Resource Management Act 1991:

* Head of Resource Consents, Planning Team Leader and Principal Advisor - Resource Consents.

The delegation provides for Commissioners to consider the following matters under the Resource Management Act 1991 in relation to resource consents: *(below tasks are not exhaustive in terms of delegated powers, but are commonly used with more complex applications, if you want to appoint them to consider additional matters, first check the Delegations Register to confirm it is allowed and quote the task from that document in your report. The CURRENT* [*Delegations Register*](http://intranet.ccc.govt.nz/community/Documents/CURRENT%20Delegations%20Register.pdf) *is available on the intranet. Part B, sub-part 1, section 4 lists RMA delegations)*

*(For simple applications those tasks in blue may potentially be deleted to simplify the report)*

* To require additional fees to be paid over and above any prescribed fees, in order to enable the Council to recover its actual and reasonable costs of processing an application under sections 36 (3) and (5)
* To waive or extend any time limits under sections 37 and 37AA
* To make decisions in relation to persons who may be heard at hearings under section 40(2) and (3)
* To make an order in relation to the protection of sensitive information under section 42
* To determine all notification matters under sections 95A-95F
* To invite or require an applicant and/or submitters to attend a pre-hearing meeting under section 99
* To determine whether a hearing in respect of a resource consent application is necessary under section 100
* To issue an amended resource consent under s133A
* To consider and make a decision on any resource consent application, including hearing the application if required under sections 104A-104D, 105 and 106
* To impose conditions on resource consents under section 108.

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| **Discussion** |

The delegations above provide for resource consent applications under the Resource Management Act to be considered by an independent Commissioner or Commissioners.

*Draft discussion to fit the particular circumstances of why a Commissioner is being recommended on this occasion, examples below, or draft to suit.*

Where a resource consent application is to be heard or otherwise determined by a Hearings Panel, it is the Council’s practice to appoint a Panel comprising a Commissioner sitting with two elected representatives (unless there is a conflict of interest). In this instance there is no conflict of interest therefore the application will be heard by a Hearings Panel, and a Commissioner is required to be appointed to the Panel.

*OR for applications where an officer decision has determined a need for public notification or a requirement to hold a hearing (and where managers have decided to use a Commissioner rather than a Hearings Panel):*

Where a resource consent application has been publicly notified and/or is required to have a hearing, Officers have no delegations of these powers. In this instance a Hearings Panel or Commissioner is required to make the decisions under sections 104A-104D, 105 and 106. The application was publicly notified and/or will have a hearing, and in this instance, it is recommended that a Commissioner be appointed.

*(List specific reasons for using Commissioner rather than Hearings Panel if there are any – eg limited availability of Panel; likely complexity and length of Hearing; technical nature of the issues; consistency and/or efficiency in dealing with issues already considered in other applications by a Commissioner/s; conflict of interest)*

*OR for potentially controversial applications*

It is the Council’s current practice to appoint a Hearings Panel or Commissioner to determine applications that may be potentially controversial. In this case it is not practical to use a Hearings Panel due to the statutory timeframes involved, therefore it is recommended that a Commissioner be appointed.

*OR if the applicant or submitter has requested that a Commissioner/s hear and decide a notified resource consent application:*

Section 100A of the RMA1991, requires that the Council must appoint one or more independent hearing Commissioner(s) who are not members of the Council to hear and decide a notified resource consent application where requested by an applicant or submitter. In this instance, the applicant / a submitter has requested that the Council appoint a Commissioner to hear and decide the application.

*OR if there is a conflict of interest:*

*Discuss briefly why there is a conflict and an appointment of an independent commissioner is considered to be appropriate in this instance, e.g.*

This matter relates to an objection to additional fees therefore it is appropriate that it be determined by an independent Commissioner.

The applicant is the Christchurch City Council/or + (eg CIAL, LPC) a company part owned by Council, it is therefore considered appropriate that the application (including notification decision) be determined by an independent Commissioner.

The Christchurch City Council owns the land on which the proposed activity is to be situated/adjacent to the site of the proposed activity therefore it is appropriate that the application (including notification decision) be determined by an independent Commissioner.

*OR if the hearing is for an objection to additional fees:*

A Commissioner is required to be appointed to hear, consider, and make a decision to an objection to additional fees charged by the Council under sections 357B and 357D of the Resource Management Act 1991. Consideration of an objection to fees by an independent Commissioner is recognised as good practice so as to ensure independent and transparent decision making.

*OR if the application is for a telecommunications facility (e.g. cell site or other facility emitting radio frequency radiation)*

It is the Council’s practice to appoint a Commissioner to determine resource consent applications for telecommunication facilities, due to the potentially controversial nature of these facilities and to ensure consistency in decision-making. *+* is familiar with the NES for telecommunications facilities and has determined a number of applications for telecommunication facilities within the City.

*Or*

An independent Commissioner is considered to be appropriate to consider this/these resource consent application due to high workload and consent numbers requiring consideration in order to meet the statutory timeframes.

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| **Recommendation** |

That + be appointed as Commissioner to consider, and make decisions in relation to any of the above matters that may be delegated and which are relevant to the resource consent application for + at +.

*Or (for a report covering multiple applications being delegated)*

That + be appointed as Commissioner to consider and make decisions in relation to any of the above matters that may be delegated and which are relevant to the resource consent applications listed above at various locations.

*Or*

That + be appointed as Commissioner to determine the objection to additional fees pursuant to Sections 357B and 357D of the Resource Management Act 1991.

*(Or create your own specific recommendation relevant to the circumstances)*

**Reported and recommended by:** + *(insert name and title)* **Date:** +

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| **Decision** |

That the above recommendation be adopted for the reasons outlined in the report.

***(Note: Senior Planners do not have delegated authority to appoint Commissioners.)***

***Ensure Conflict of Interest Form*** ***P-426*** ***is signed by commissioner and returned with decision***

**Delegated officer:**

[Insert signature]