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Report to Environment Committee
from Nigel Corry, Account Manager, Consents Management

Delegation of Resource Management Act 1991 Functions to Iwi Hearing Commissioner

1. Purpose

To appoint Jack Rikihana to act as an Iwi Hearing Commissioner to hear and decide on resource consent applications.

2. Background

The Wellington Regional Council currently has four Iwi hearing commissioners who are delegated to hear and decide resource consents. These four commissioners are:

- Liz Mellish (Te Ati Awa/Wellington Tenth)
- Te Akapikirangi Arthur (Ngati Toa Rangatira)
- Miria Pomare (Ngati Toa Rangatira); and
- Turoa Royal (Ngati Raukawa ki te Tonga)

Members of Ara Tahī endorsed the nominations of all of the above commissioners. In endorsing their nominations, the members of Ara Tahī agreed that they would be happy for any of the nominated Iwi commissioners to hear a resource consent application in their own rohe. To date, the appointment process and use of Iwi commissioners has worked effectively.

On 27 February of this year, a letter was received from Te Ati Awa ki Whakarongotai nominating Jack Rikihana as a commissioner to sit on resource consent hearings. Consistent with past procedures, this nomination was considered and duly endorsed by the members of Ara Tahī.

As such, this paper seeks your approval to formally delegate Jack Rikihana with the authority to hear and decide on resource consent 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. **Communication**

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:

- *Jack Rikihana*

To hear and consider resource consent applications received by the Wellington Regional Council and the submissions on those application, and make a decision on the resource consent application under section 104 and 105 of that Act and, where necessary, jointly hear, consider, determine and recommend under section 102 of the Act any applications to any other council when these applications are being dealt with together.

Report prepared by:

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