

Report 11.128
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File E/11/01/04

Committee Council
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Appeals on the proposed Regional Policy Statement: delegation to enter into Consent Orders

1. Purpose

That the Council authorises Cr Wilde to enter into Consent Orders relating to appeals on the Regional Policy Statement.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

In 2005 the Council began the process of reviewing the operative Regional Policy Statement (1995).

The proposed Regional Policy Statement was publicly notified in March 2009.

On 18 August 2009 the Council established a committee (the Proposed Regional Policy Statement Committee (the Committee)) to hear and consider submissions on the proposed Regional Policy Statement. Following the hearings the Committee recommended that the Council amend certain aspects of the proposed Regional Policy Statement.

On 18 May 2010 the Council adopted the Committee's recommendations on the proposed Regional Policy Statement.

As required by the Resource Management Act 1991 (the Act) the Council notified its decisions to submitters. Submitters were given a period of time in which they could make an appeal of the Council's decisions to the Environment Court.

Eight appeals on the Council's decisions were lodged with the Environment Court. Fifteen submitters (including five of the appellants) joined as a section 274 party to these appeals.

The Act provides that appeals against the proposed Regional Policy Statement shall be resolved through the Environment Court. The resolution of the matters can be either through negotiation between the parties with the agreed outcome recorded in a Consent Order which is then tested and approved by the Court, or the Court can directly determine the matters via a hearing.

Once appeals are resolved the proposed Regional Policy Statement will be presented to the Council for final approval. The approved Regional Policy Statement will become operative at a date that will be determined by the Council.

4. Comment

There are no restrictions in the Act as to who has the ability to negotiate Consent Orders and make planned amendments to the proposed Regional Policy Statement.

It is important that the person, or body of persons, who negotiates the appeals and signs the Consent Orders is able to do so with confidence that the Council will approve the proposed Regional Policy Statement, which will incorporate amendments negotiated, or determined by the Environment Court, as part of the appeal process.

There are likely to be a number of small amendments resulting from the negotiated amendments, with some amendments being contingent on another amendment. There are also likely to be separate Consent Orders for different sections of each appeal. This makes sign off of the Consent Orders by either Council or a committee difficult.

Councillor Wilde was a member of the former Proposed Regional Policy Statement Hearing Committee and therefore she knows the proposed Regional Policy Statement in the level of detail necessary to agree to negotiated Consent Orders. She is the only member of the Committee on the Council in this triennium.

Officers propose that Councillor Wilde is delegated the ability to be the Council's signatory to Consent Orders relating to appeals on the proposed Regional Policy Statement. The amendments made by way of Consent Orders or determination by the Environment Court will be identified to Council when it comes to adopt the Regional Policy Statement.

5. Communication

No communication is necessary as a result of this report

6. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Authorises Cr Wilde to be the Council signatory to Consent Orders relating to appeals on the proposed Regional Policy Statement,***
4. ***Notes that amendments to the proposed Regional Policy Statement will be made as part of the negotiations that lead to the Council entering into Consent Orders with appellants.***
5. ***Notes that the Regional Policy Statement, as finalised through the Environment Court process, will be submitted to Council for approval.***

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