



*caring about you & your environment*

## **Report 00.813**

13 November 2000

File: K/3/2/4

[Report 2000.Env00813.RGF:mm]

Report to Environment Committee  
from Rob Forlong, Manager, Consents Management

### **Delegation of Resource Management Act 1991 Functions to Maori Hearings Commissioners**

#### **1. Purpose**

To delegate functions under the Resource Management Act 1991 to Maori hearings commissioners.

#### **2. Background**

At present the authority to hear and decide all resource consent applications has been delegated by the Wellington Regional Council to the Environment Committee, which has in turn delegated these responsibilities to any duly appointed hearings committees or hearings commissioners.

The commissioners are drawn from a list of people who have been appointed by the Environment Committee as hearings commissioners. The selection of commissioner/s to hear a specific application is delegated jointly to the Chairperson of the Environment Committee and the Divisional Manager, Environment. The selection is based on factors such as availability and expertise.

Over the past year or so, Councillors and staff have been working with Iwi of the Region to improve the ability of Tangata Whenua to participate in the resource management process. Improved participation in the resource consent decision making process was considered to be one way to assist Tangata Whenua to meet their Kaitiaki obligations. In addition, it represents a positive way that the Wellington Regional Council can ensure that it complies with those sections of Part II of the Resource Management Act 1991 that refer to Maori values.

At its meeting on 3 August 2000, the Policy and Finance Committee adopted the following recommendations from Report 00.576

1. *That the Committee recommends that Council adopt a policy of appointing a Maori as a commissioner to all resource consent hearings.*
2. *That the Iwi representatives of Ara Tahi be invited to nominate Maori as hearing commissioners.*
3. *That the Council provide training for Maori and non-Maori commissioners as outlined in this report.*
4. *That the Council and Iwi evaluate the success of the policy one year following its implementation.*

The Wellington Regional Council subsequently approved the recommendation.

Since the report, Ara Tahi Iwi representatives have nominated four people as hearing commissioners. Before those nominees can hear and decide a consent application, the Environment Committee must appoint them as commissioners.

### 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. **Recommended Commissioners**

- **Te Akapikirangi Arthur:** Aka is of Ngati Toa Rangatira and Ruahine descent. He is retired and holds a number of public positions. Aka is a Kaumatua for the Wellington Region Police District and a member of the committee for appointing Police District Managers. Aka is also a member of the Governing Council for Whitireia Polytechnic and the Wellington Conservation Board
- **Liz Mellish:** Liz is of Te Atiawa descent. Her hapu are Ngati Te Whiti, Ngati Tawhirikura and Ngati Hamu/Te Matehau. Liz is employed by Te Puni Kokiras Te Kaiwhakrite. She is also the Executive Officer for the Wellington Tenth Trust.
- **Miria Pomare:** Miria is principally of Ngati Toa Rangatira, Te Atiawa, Ngati Mutunga, Ngati Kahungunu, Rongowhakaata and Te Arawa descent. She is presently employed by the Ngati Toa Runanga as a Treaty Claim Co-ordinator.
- **Turoa Royal:** Mr Royal is principally of Ngati Raukawa, Ngati Toa Rangatira, Ngati Marutuohu, Ngati Wharara and Ngati Hine. Mr Royal is a former CEO of the Whitireia Polytechnic. He also lectures part time at Victoria University and is the current Chairperson of the Manu Whakahaere of Te Wananga o Raukawa.

#### 5. **Implementation**

5.1 A Maori Hearings Commissioner will be included in all future notified consent hearings. They will be selected and engaged under current procedures.

5.2 Hearing Committee memberships will vary to reflect different circumstances such as:

(i) ***Normal Hearing***

One Maori Hearings Commissioner plus one or possibly two Regional Councillors

(ii) ***Hearing of a Regional Council Application***

One Maori Hearings Commissioner and one or more other 'list' Commissioners

(iii) ***Joint Hearings with a District Council***

One Maori Hearings Commissioner and Regional Councillors/District Councillors/Commissioners as agreed to be appropriate.

#### 6. **Communications**

Parties affected by this decision will be notified through appropriate Resource Management Act 1999 provisions.

## 7. 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, appoint the following Commissioners to hear and consider resource consent applications received by the Wellington Regional Council and the submissions on those applications, and make a decision on the resource consent application under section 104 and 105 of that Act and, when 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 together:*

*Te Akapikirangi Arthur  
Liz Mellish  
Miria Pomare  
Turoa Royal*

Report prepared by:

Approved for submission:

ROB FORLONG  
Manager, Consents Management

JANE BRADBURY  
Divisional Manager, Environment