

Resource Management Act Hearings

Terms of Reference

Membership

Comprised of two (2) Councillors (who shall be Chairperson and Deputy Chairperson of the committee).

Functions

1. The Hearings Committee will have responsibility and authority to approve and make changes to the council's list of hearings commissioners under the Resource Management Act 1991 (comprising councillors, sitting as hearings commissioners, and independent commissioners). All persons on the list will be accredited.
2. The Chairperson or Deputy Chairperson of the Hearings Committee will have the authority to delegate the council's functions, powers, and duties under sections 37, 37A, 39, 40-42A, 100-114, and 133A of the Resource Management Act 1991, where they relate to hearing and making a decision on a resource consent application or an objection received under sections 357-357B of the Act to any person(s) on the list referred to in (1) above. This delegation will be made pursuant to section 34A(1) of the Resource Management Act 1991 and the appointed person(s) will deal with any procedural issues from the date of any appointment until the delivery of the decision.
3. The Hearings Committee will have the authority to delegate the council's functions, powers, and duties referred to in (2) above to any person(s) not on the list referred to in (1) above in situations where a technical expert or specialist is considered appropriate to appoint. Preference will be given to person(s) who are accredited but this is not mandatory provided the make up of the hearings panel complies with section 39B of the Resource Management Act 1991 (which requires that over half the hearings panel are accredited).

Delegated Authority – Power to Act

1. The Hearings Committee does not have the powers of the council to act in the following instances as specified by Clause 32 (1) of Schedule 7 of the Local Government Act 2002:
 - a) make a rate;
 - b) make a bylaw;
 - c) borrow money, or purchase or dispose of assets, other than that in accordance with the current Long Term Plan or Annual Plan;
 - d) adopt a Long Term Plan, or Annual Plan, or Annual Report;
 - e) appoint a Chief Executive; or
 - f) adopt policies required to be adopted and consulted on under this Act in association with a Long Term Plan or developed for the purpose of the Local Governance Statement.

2. The Hearings Committee will have delegated authority to carry out all the activities within its Terms of Reference.
3. The Chairperson of the Hearings Committee will have delegated authority to carry out activity (2) in the Terms of Reference.
4. The Deputy Chairperson of the Hearings Committee will have delegated authority to carry out activity (2) in the Terms of Reference.