

Mayor and Councillors
COUNCIL

26 JULY 2014

Meeting Status: **Public**

Purpose of Report: For Decision

AMENDMENTS TO THE GOVERNANCE STRUCTURE AND DELEGATIONS (2013-2016 TRIENNIUM)

PURPOSE OF REPORT

- 1 This report seeks Council's approval of a number of amendments to the 2013-2016 Governance Structure and Delegations document (17 April 2014 version).

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy

BACKGROUND

- 3 The Council adopted a Governance Structure and Delegations at the commencement of the Triennium; the most recent amendments to the document were at the 17 April Council meeting.
- 4 There are two types of amendment proposed today:
 - a) changes to job titles following changes to the organisational structure
 - b) the deletion of clauses 7.40 and 7.41 which would remove the power of the Regulatory Management Committee to appoint a 'pool' of Hearing Commissioners.
- 5 Proposed amendments are shown at Appendix 1.

CONSIDERATIONS

Issues

- 6 The changes to job titles are self-explanatory. The Sustainable Development Manager is now the Environmental Planning Manager (job responsibilities remain the same). Regulatory Services which were previously managed under the Community Services Group will now be managed through a new Group - Regulatory Services - with a new Group Manager. (The intention in making the change was two-fold; to provide further strengthening and focus for the new 'Open for Business' initiative, and to allow the Group Manager Community Services to focus on her dual role as Deputy Chief Executive and as Group Manager of a large team looking after Council-owned properties, parks and reserves, swimming pools, libraries, arts and museums.)
- 7 The second group of amendments is intended to reflect both recent amendments to the Resource Management Act (RMA) 1991 and progression with the Proposed District Plan Review process.

- 8 Deletion of clauses 7.40 and 7.41 Part B.2 will remove the authority of the Regulatory Management Committee to appoint a pool of Hearing Commissioners. This is proposed because the original delegation was put in place before the institution of a formal RMA accreditation process. With the RMA now amended, all Hearing Commissioners (including Elected Members) must be accredited, and a pool is no longer required as a register of all accredited Hearing Commissioners is maintained by the Ministry for the Environment.

Financial Considerations

- 9 There are no financial considerations.

Legal Considerations

- 10 These amendments have been reviewed by Legal Counsel.

Delegation

- 11 Only the Council has the authority to make this decision.

Consultation and Policy Implications

- 12 There are no consultation or policy implications.

Tāngata Whenua Considerations

- 13 There are no tāngata whenua considerations.

Publicity Considerations

- 14 An amended Governance Structure and Delegations will be published on the Council website.

RECOMMENDATIONS

- 15 That Council approves an amended Governance Structure and Delegations document as shown at Appendix 1 to Report Corp-14-1244.
- 16 That Council authorises the Chief Executive to publish an updated Governance Statement.

Report prepared by:

Approved for submission by:

Vyvien Starbuck-Maffey
Democratic Services Team Leader

Wayne Maxwell
Group Manager Corporate Services

ATTACHMENTS:

- Appendix 1 Proposed amendments to the Governance Structure and Delegations document (17 April 2014 version).

Appendix 1 – extract from Governance Structure and Delegations 2013-2016 Triennium (17 April 2014 version)

B.2 REGULATORY AND MANAGEMENT COMMITTEE

Consent orders

7.39 The Chairperson or in their absence the Deputy Chairperson, of the Regulatory Management Committee shall be consulted before the following staff agree to or authorise agreement to any consent orders on the Council's behalf:

- The Sustainable Development Environmental Planning Manager, and the Group Manager Strategy and Partnerships with regard to consent orders arising from proceedings in the Environment Court in relation to the Proposed District Plan, plan changes and variations;
- The Resource Consents and Compliance Manager and the Group Manager Community Regulatory Services in relation to consent orders arising from proceedings in the Environment Court in relation to enforcement, resource consents, designations or heritage orders.

Appointment and Delegations to Hearings Commissioners

Appointment of Pool of Hearings Commissioners

~~7.40 Authority to appoint a pool of Hearings Commissioners which shall include all Elected Members and Community Board members with accreditation and Accredited Independent Commissioners, pursuant to Section 34A of the Resource Management Act 1991, with the relevant delegated powers set out in Part B.2A and Part B.2B (except as relating to the Proposed District Plan) as are relevant to each commissioner. Prior to the selection of any Hearings Commissioner from the pool, the Chairperson or in their absence, the Deputy Chairperson of the Regulatory Management Committee must consult with the Mayor about that selection.~~

~~7.41 Authority, following consultation between the Chairperson or in their absence, the Deputy Chairperson of the Regulatory Management Committee and the Mayor, to delegate authority to any Hearings Commissioner to make a decision on plan changes, as part of a panel, pursuant to clause 10 or clause 29(4) of Schedule 1 of the RMA, in addition to the authority given in Parts B.2A and B.2B.~~

Power of Chair of Regulatory Management Committee (RMC) to select Hearing Commissioners

7.42 The Chairperson or in their absence, the Deputy Chairperson of the Regulatory Management Committee has authority, after consultation with the Mayor, to select Hearing Commissioners, being accredited Councillors and/or Community Board members and/or Independent

Accredited Hearings Commissioners from the pool of Hearings Commissioners maintained by the Ministry for the Environment for the purpose of resource consent hearings. ~~appointed by the Regulatory Management Committee~~. Hearing panels must comprise at least three Commissioners but may consist of one Hearing Commissioner if the Commissioner is an Independent Hearing Commissioner.

(Note: (a) those appointed have no further powers to delegate and (b) accreditation is attained by way of completing the Ministry for the Environment Hearing Commissioners training course.

Section B.4 DISTRICT LICENSING COMMITTEE

MEETING FREQUENCY:

- 4 The Committee will meet at any time and place as decided by the Chair in consultation with the Group Manager ~~Community~~ Regulatory Services.

Section B.6 APPEALS HEARING COMMITTEE

Development Contributions hearings

- 7.5 In response to appeals against determinations made by the Chief Executive or the ~~Sustainable Development~~ Environmental Planning Manager regarding requests for remissions of development contributions or where the remissions request exceeds the delegated authority of the Chief Executive, the authority to convene and conduct hearings of such appeals.