

Report 08.71
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File E/06/02/04

Committee Council
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Terms of reference of the Regulatory Committee

1. Purpose

To seek Council's approval of a proposed amendment to the terms of reference for the Regulatory Committee

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

On 29 November 2007 the Council approved the terms of reference for its committees. The terms of reference for the Regulatory Committee provide that one of the specific responsibilities of the committee is to "Appoint hearings committees to hear regional plans and recommend plans to Council for approval."

4. Comment

Officers are concerned that the current wording relating to regional plans does not align to the procedural steps prescribed in the Resource Management Act 1991, in that the responsibility vested in the committee does not explicitly enable it to appoint a hearing committee to make a decision on a proposed regional plan, taking into account the submissions received.

The consideration of a regional plan is also a quasi-judicial process; the principles of natural justice require that a hearing panel hear any submissions on a proposed plan and make a decision on the proposed plan, taking the submissions into account.

For these reasons it is considered appropriate that the wording of the committee's responsibility be changed to the following: "Appoint hearing

committees to hear submissions on proposed regional plans, make decisions on submissions and recommend approval of regional plans to the Council.”

5. **Communication**

No external communications are required as an outcome of this report.

6. **Recommendations**

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Amends the terms of reference for the Regulatory Committee, to enable the committee to appoint hearing committees to hear submissions on proposed regional plans, make decisions on submissions, and recommend approval of regional plans to Council.***

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