

**Mayor and Councillors**  
COUNCIL

6 DECEMBER 2018

Meeting Status: **Public**

Purpose of Report: For Decision

## **AMENDMENTS TO THE COUNCIL DELEGATIONS TO CHIEF EXECUTIVE AND STAFF**

### **PURPOSE OF REPORT**

- 1 This report seeks Council's approval of amendments to Council delegations to the chief executive and staff including Resource Management Act 1991 delegations.

### **DELEGATION**

- 2 Council has the authority to consider this matter.
- 3 The delegations comply with the provisions of the Local Government Act 2002 (clause 32, schedule 7), which empowers the Council to consider an appropriate governance structure and associated delegations.
- 4 It also meets the requirements of section 10 of the Local Government Act 2002 which prescribes the purpose of local government.
- 5 The delegations will be available to be audited by Council's auditors EY as part of their scheduled audits.

### **BACKGROUND**

- 6 The Council has certain statutory powers it can exercise and duties it must fulfil. Various statutes recognise that it is not efficient or practical for Elected Members to have to deal with every aspect of their functions, duties and powers.
- 7 Various Acts of Parliament provide the Council with the legal authority to delegate to officers. In particular, Council has the authority to delegate to officers under clause 32 of Schedule 7 of the Local Government Act 2002. Clause 32 also sets out certain powers that cannot be delegated as follows:

*32. Delegations—(1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*

- (a) the power to make a rate; or*
- (b) the power to make a bylaw; or*
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
- (d) the power to adopt a long-term plan, annual plan, or annual report; or*

- (e) *the power to appoint a chief executive; or*
  - (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.*
  - (h) *the power to adopt a remuneration and employment policy.*
- 8 Delegated authority allows for administrative efficiency and ensures timeliness in the conduct of Council's daily business activities.
  - 9 The majority of the Acts allow the Chief Executive the discretion to sub-delegate to council staff. However, some Acts prescribe the way delegations must be made. For example, the Resource Management Act 1991 (RMA 1991) does not allow the Chief Executive the power to sub-delegate.

## Issues

- 10 The Council delegations to the Chief Executive and staff are monitored on a regular basis and reported back to Council for amendment as required, in response to changes in staff or legislation.
- 11 The recommended amendments are outlined below and detailed in the appendices.

### **Council to Chief Executive and Staff Delegations**

- 12 A staff review of the current Class 4 Gambling and the TAB Board Venue Gambling Policies identified the requirement for staff to be delegated powers and duties under the Racing Act 2003.
- 13 As a result of the group restructure announced 23 October 2018, a Reserves Act 1977 delegation (section 74 of the Reserves Act to issue and cancel licences to occupy reserves temporarily) previously with the Group Manager Community Services will be transferred to the Group Manager Place and Space, once the position is filled.
- 14 Staff have recommended the removal of the following Local Government Act 2002 delegation. This delegation is outdated. The reference to the LTP is no longer accurate as the current LTP does not contain the references to land acquisition that existed when the delegation was put in place in 2012. The removal of this delegation will not impact on decisions relating to land accepted as reserve contributions under section 108 of the Resource Management Act as these decisions do not require a Local Government Act 2002 delegation.

*approve, in accordance with the LTP, any recommendation in relation to the acquisition of land or new assets in lieu of money, as a reserve contribution under the Resource Management Act 1991 and any associated acquisition in addition to those reserve contribution requirements up to a total value of \$250,000;*

- 15 The amended delegations from Council to Chief Executive and Staff delegations can be found in Appendix A.

### **Resource Management Act 1991 Delegations made by Council to Staff**

- 16 The amendments to Council's RMA 1991 delegations to staff in the following table are recommended as a result of staff changes.

- 17 The new titles as a result of the restructure announced 23 October 2018 will come into effect when the positions are filled.

<b>Recommended amendments to Council delegations to staff under the Resource Management Act 1991</b>	
<b>Positions</b>	<b>Amendments to RMA delegations</b>
Compliance Officer - Armourguard	Armourguard are replacing the Main Security duties. Compliance Officer – Main Security will be removed and the RMA delegations transferred to the new role. Position to include <b>Sections 22, 35, 35A, 322-324, 327, 328 and 332.</b>
District Planning Manager	A replacement title for Manager, Research, Policy and Planning as a result of the restructure announced 23 October 2018. Position to include <b>10, 10B, 22, 32, 35, 35A, 36 (5), 36AA (1), 36AAB (1), 37, 37A, 41B, 42A, 44A, 55, 58L-U, 80, 86D, 87E, 87F, 87G, 88, 89A, 91, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A, 124B, 124C, 125, 126, 127, 128, 129, 132, 133A, 138, 139, 139A, 149B, 149G, 149W, 149 ZD, 168, 168A, 169, 171, 173, 174, 175, 176A, 181(3), 184, 189A, 190, 195A, 198 A-M, 220, 221, 222, 223, 224, 226 (1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(2), 267(1A)(b), 268A(3)(b), 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B, 343C, Sch 1 cl1A, Sch 1 cl3, Sch 1 cl3A, Sch1 cl3B, Sch 1 cl4, Sch 1 cl4A, Sch 1 cl5, Sch 1 cl6, Sch 1 cl7, Sch 1 cl8, Sch 1 cl8AA, Sch 1 cl8B, Sch 1 cl8C, Sch 1 cl10A, Sch 1 cl11, Sch 1 cl16, Sch 1 cl16B, Sch 1 cl20, Sch 1 cl20A, Sch 1 cl23, Sch 1 cl24, Sch 1 cl25, Sch 1 cl29(2), Sch 1 cl34, Sch 1 cl35, Sch 1 cl37 and Note 1.</b>
Group Manager Community Services	This title has been superseded by the new Group Manager titles below as a result of the restructure announced 23 October 2018.
Group Manager People and Partnership	A new title as a result of the restructure announced 23 October 2018. Position includes enforcement decision group delegations sections <b>311, 316, 338, 343B and 343C</b> and <b>sections 35, 35A, 333 and Note 1.</b>
Group Manager Place and Space	A new title as a result of the restructure announced 23 October 2018. Position includes enforcement decision group delegations sections <b>311, 316, 338, 343B and 343C</b> and <b>sections 35, 35A and Note 1.</b>
Group Manager Regulatory Services	Additional sections required as result of restructure announced 23 October 2018. Position to include section <b>80</b> and schedule 1 clause <b>1A, 4A, 5, 10A and 37.</b>
Group Manager Strategy and Planning	This title and delegations will remain in place until the new Group Manager positions are filled.
Independent Planning Commissioner	Additional section <b>42A</b> required.
Parks and Recreation Planning Officer	Additional title as result of structure change in Parks and Recreation team. Position to include <b>Sections 35, 35A and 333.</b>
Principal Adviser, Regulatory Services	A new title as a result of group restructure. Position to include <b>10, 10B, 22, 32, 35, 35A, 36(5), 36AA (1),</b>

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Positions	Amendments to RMA delegations
	36AAB(1), 37, 37A, 38(5), 41B, 42A, 44A, 55, 58L-U, 80, 86D, 87AAD, 87BA-BB, 87E, 87F, 87G, 88, 89A, 91, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A, 124B, 124C, 125, 126, 127, 128, 129, 132, 133A, 134, 138, 139, 139A, 149B, 149G, 149W, 149 ZD, 168, 168A, 169, 171, 173, 174, 175, 176, 176A, 178, 181(3), 184, 189A, 190, 194, 195A, 198 A-M, 220, 221, 222, 223, 224, 226 (1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(2), 267(1A)(b), 268A(3)(b), 311, 314-321, 322-324, 325A, 327, 328, 330, 332, 333, 336, 338, 343B, 343C, Sch 1 cl1A, Sch 1 cl3, Sch 1 cl3A, Sch1 cl3B, Sch 1 cl4, Sch 1 cl4A, Sch 1 cl5, Sch 1 cl5A, Sch 1 cl6, Sch 1 cl7, Sch 1 cl8, Sch 1 cl8AA, Sch 1 cl8B, Sch 1 cl8C, Sch 1 cl10A, Sch 1 cl11, Sch 1 cl16, Sch 1 cl16B, Sch 1 cl20, Sch 1 cl20A, Sch 1 cl23, Sch 1 cl24, Sch 1 cl25, Sch 1 cl29(2), Sch 1 cl34, Sch 1 cl35, Sch 1 cl37, <b>Note 1 and Note 2.</b>
Senior Engineer – Water Safety and Resilience Programme	Additional title as result of structure change in the Water and Wastewater Asset team. Position to include <b>Sections 35, 35A, 332 and 333.</b>
Specialist Engineer Water and Wastewater	Additional title as result of revision of an existing role in the Water and Wastewater Asset team. Position to include <b>Sections 35, 35A, 332 and 333.</b>
Stormwater and Coastal Project Manager	Additional title as result of structure change in the Stormwater and Coastal Asset team. Position to include <b>Sections 35, 35A, 332 and 333.</b>

18 The amended RMA delegations can be found in Appendix B.

## CONSIDERATIONS

### Policy considerations

19 The proposed delegations support the Council's Governance Structure and Delegations.

### Legal considerations

20 This paper has been reviewed by the Council's Senior Legal Counsel.

### Financial considerations

21 There are no financial considerations relating to the process of making these amendments.

### Tāngata whenua considerations

22 There are no tāngata whenua considerations relating to the process of making these amendments.

## **SIGNIFICANCE AND ENGAGEMENT**

### Degree of significance

- 23 This decision has a low level of significance under the Council's Significance and Engagement policy. No engagement required.

### Consultation already undertaken

- 24 This is a technical procedure to enable staff to perform their roles efficiently. No engagement and no consultation is necessary.

## **RECOMMENDATIONS**

- 25 That the Council adopts the revised Council to Chief Executive and Staff Delegations as shown in Appendix A of Report SP-18-632.
- 26 That the Council adopts the revised Resource Management Act 1991 Delegations to Staff as shown in Appendix B of Report SP-18-632.

**Report prepared by:**

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## **ATTACHMENTS**

- Appendix A Amended Council to Chief Executive and Staff Delegations
- Appendix B Amended Council Resource Management Act 1991 Delegations to Staff
- Appendix C Glossary of Resource Management Act 1991 sections

**DELEGATIONS MADE BY COUNCIL TO  
CHIEF EXECUTIVE AND STAFF**

Legislation and Authority	Powers Delegated
<p><b>Local Government Act 2002 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, <b>except</b>:</p> <ul style="list-style-type: none"> <li>the powers set out in clause 32(1)(a) to (h) of Schedule 7 of the Act;</li> <li>any Local Government Act 2002 power expressly reserved to the Council or expressly delegated by the Council to a committee;</li> <li>where sections 138 or 140 of the Local Government Act 2002 apply; or</li> <li>as limited by the conditions set out below.</li> </ul> <p>Delegation of authority to affix the Council's common seal:</p> <ul style="list-style-type: none"> <li>to any warrants issued by the Council where the warrants authorise entry onto private land on behalf of the Council;</li> <li>to any deed entered into by Council (Note that leases, easements, instruments and other land-related documents are deemed to have the same effect as deeds and should be executed as deeds. See clause 13 of the Land Transfer Regulations 2002);</li> <li>to any document that has been prepared to implement a resolution previously made by the Council; and</li> <li>in any other situation where the Council is directed by legislation to use its common seal;</li> </ul> <p>providing that the signature of the Chief Executive followed by that of the Mayor or Deputy Mayor and one Councillor have first been obtained and that the use of the common seal is recorded in a register and advised to Council on a weekly basis via the Elected Members Bulletin.</p> <p>Without limiting the powers delegated to the Chief Executive above, the Chief Executive may:</p> <ul style="list-style-type: none"> <li>implement any proposal or decision contained within the Council's Long Term Plan (LTP) or Annual Plan or other adopted Council policy;</li> <li>issue warrants under the Local Government Act 2002 or any other enactment under which Council officers may be warranted;</li> <li>appoint enforcement officers under section 177 of the Act;</li> <li>give approval to matters or activities relating to land or buildings under the control, authorisation or ownership of the Council, except as limited by clause 32(1)(c) of Schedule 7 of the Act;</li> <li><b>approve, in accordance with the LTP, any recommendation in relation to the acquisition of land or</b></li> </ul>

Legislation and Authority	Powers Delegated
	<p><b>new assets in lieu of money, as a reserve contribution under the Resource Management Act 1991 and any associated acquisition in addition to those reserve contribution requirements up to a total value of \$250,000; - to be removed</b></p> <ul style="list-style-type: none"> <li>• grant leases of residential properties (see note above about deed execution);</li> <li>• grant leases of Council land or non-residential buildings where the term of the lease is 1 year or less, or where the annual rent is \$22,000 or less (see note above about deed execution);</li> <li>• grant licences to occupy Council land where the term of the licence is 1 year or less; and</li> <li>• grant easements over land (see note above about deed execution).</li> </ul> <p>The following conditions apply to the exercise of the Chief Executive's delegated powers under the Act:</p> <ul style="list-style-type: none"> <li>• The Chief Executive may commit Council expenditure for any contracts or agreements up to \$2.4million, for any one contract or agreement, including the authority to enter into such a contract or agreement, providing that before exercising these powers the Chief Executive is satisfied that full allowance has been made and remains for the proposed expenditure in an approved budget and that, if applicable, all tenders accepted over a value of \$250,000 are reported to the Operations and Finance Committee;</li> <li>• The Chief Executive may sub-delegate the authority to commit the Council to expenditure for any contracts or other agreements under approved circumstances eg mediation, for a lesser amount than \$600,000 for any one contract or agreement, including the authority to enter into such a contract or agreement, providing that before exercising these powers the sub-delegate is satisfied that full allowance has been made and remains for the proposed expenditure in an approved budget and that, if applicable, all tenders accepted over a value of \$250,000 are reported to the Operations and Finance Committee;</li> <li>• The Chief Executive (with the power to sub-delegate) may write off sundry debts (excluding rating debts) to the value of \$1,000.</li> </ul>

Legislation and Authority	Powers Delegated
<p><b>Racing Act 2003 and any regulations made under that Act</b></p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	<p><b>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.</b></p>



Legislation and Authority	Powers Delegated
<p><b>Reserves Act 1977 and any regulations made under that Act</b></p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers* of the Council in its role as an Administering Body, and as a delegate of the Minister of Conservation, under the Reserves Act 1977 and any regulations made under the Act and management plans <b>except</b>:</p> <ul style="list-style-type: none"> <li>a) the power to declare land to be a reserve and the power to hear objections and make a decision on whether to confirm the resolution under section 14 (other than the power to attend to gazettal under section 14(4);</li> <li>b) the power to exchange reserve land for other land under section 15;</li> <li>c) the power to classify reserves, by Gazette notice, according to their principal or primary purpose under section 16(1);</li> <li>d) the power to give full consideration to objections and submissions under 16(4);</li> <li>e) the power to change a classification or purpose of a reserve, consider objections and form an opinion that the change in the classification of a scenic, nature, scientific or historic reserve is justified under section 24(1), 24(2)(e), 24(3) and 24(5);</li> <li>f) the power under section 25(1) to dispose of land in such manner and for such purposes as the Minister specifies following the revocation of the reservation of any public reserve (or part of one) under section 24;</li> <li>g) the power to approve reserve management plans under section 41(1);</li> <li>h) the power to give or decline approval for the erection of shelters, huts, cabins, lodges etc on any recreation or scenic reserve under section 45;</li> <li>i) the power under section 55(2)(a), (d), (e), (f) and (g) to decline or give consent to specific activities on a scenic reserve;</li> <li>j) the power under section 58(b) to set apart and use part of a reserve as a site for residences and other buildings;</li> <li>k) the power under section 73(5) to consent or decline consent in writing to a member of an administering body becoming the lessee of any land under the control of that body;</li> <li>l) the power under section 75(1) and (2) to consent or decline to consent to the afforestation of a recreation or local purpose reserve;</li> <li>m) the power to make bylaws under section 106;</li> <li>n) the power to grant licences pursuant to Section 48A of the Reserves Act 1977 for the use of a reserve for a communications station (such granting of licences to be subject where appropriate to the approval of the appropriate Minister of the Crown and the provision of the First Schedule of the Reserves Act 1977);</li> <li>o) the power to hear and report to Council on</li> </ul>

	<p>submissions and to make recommendations to Council on decisions, relating to the revocation of reserve land;</p> <p>p) the power to determine from time to time whether a park has Districtwide importance and is therefore not a “local” park;</p> <p>q) any power that is expressly required by the Act to be exercised by resolution of the Council;</p> <p>r) the power to grant leases, licences, permits and easements for reserve land.</p> <p><b>For the avoidance of doubt:</b></p> <ul style="list-style-type: none"> <li>- exceptions b) and p) do not preclude the power to recommend or report to the Strategy and Policy Committee or Council on these matters;</li> <li>- exception r) does not include the powers relating to licences under section 74 as delegated to the Chief Executive and other officers below.</li> </ul> <p>* For leases, easements, transfers and other documents dealing with land, see notes about deed execution under the Local Government Act 2002 delegations</p>
To the Chief Executive, the <b>Group Manager Place and Space</b> and the Parks and Recreation Manager with no power of sub-delegation.	Delegation of the power under section 74 of the Reserves Act to issue and cancel licences to occupy reserves temporarily.

Appendix B to SP-18-632 – Council Resource Management Act 1991 Delegations to Staff

Delegations to positions under section 34A of the Resource Management Act 1991	10	10B	22	32	35	35A	36 (5)	36AA (1)	36AAB (1)	37	37A	38(5)	41B	42	42A	44A	55	58L-U	80	86D	87AAD	87BA-BB	87E	87F	87G	88	89A	91	92	92A	92B	95, 95A-E
Compliance Officer – Armourguard			•		•	•																										
Compliance Officer – Main Security			•		•	•																										
District Planning Manager	•	•	•	•	•	•	•	•	•	•	•		•		•	•	•	•	•	•			•	•	•	•	•	•	•	•	•	•
Group Manager Community Services					•	•																										
Group Manager People and Partnership					•	•																										
Group Manager Place and Space					•	•																										
Group Manager Regulatory Services	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Group Manager Strategy and Planning	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Manager, Research, Policy and Planning	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Parks and Recreation Planning Officer					•	•																										
Principal Adviser, Regulatory Services	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•
Senior Engineer – Water Safety and Resilience Programme					•	•																										
Specialist Engineer Water and Wastewater					•	•																										
Stormwater and Coastal Project Manager					•	•																										

red = delegations removed

yellow = delegations added

**For the avoidance of doubt:**

- a reference in this document to an enactment, regulation or bylaw includes any amendment to the relevant provisions of that enactment, regulation or bylaw and any enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw; and
- a reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer

Appendix B to SP-18-632 – Council Resource Management Act 1991 Delegations to Staff

Delegations to positions under section 34A of the Resource Management Act 1991	95F	98	99	99A	100	101	102	103	104	104A	104B	104C	104D	105	106	108	108A	109	110	113	114	124	124A	124B	124C	125	126	127	128	129	132	133A
Compliance Officer – Armourguard																																
Compliance Officer – Main Security																																
District Planning Manager	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Group Manager Community Services																																
Group Manager People and Partnership																																
Group Manager Place and Space																																
Group Manager Regulatory Services	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Group Manager Strategy and Planning	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Manager, Research, Policy and Planning	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Parks and Recreation Planning Officer																																
Principal Adviser, Regulatory Services	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Senior Engineer – Water Safety and Resilience Programme																																
Specialist Engineer Water and Wastewater																																
Stormwater and Coastal Project Manager																																

red = delegations removed

yellow = delegations added

**Note 1** To the following positions, power to authorise, on Council’s behalf , agreement to any consent orders arising from proceedings in the Environment Court (after consultation with the Chairperson or in their absence the Deputy Chairperson from the Council Committee with responsibility for managing planning or regulatory matters – at the time of making these delegations this is the Operations and Finance Committee for regulatory matters and Strategy and Policy for planning matters).

Appendix B to SP-18-632 – Council Resource Management Act 1991 Delegations to Staff

Delegations to positions under section 34A of the Resource Management Act 1991	226 (1)(e)	224	223	222	221	220	198 A-M	195A	194	193	190	189A	184	181(3)	178	176A	176	175	174	173	171	169	168A	168	149 ZD	149W	149G	149B	139A	139	138	134
Compliance Officer – Armourguard																																
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Manager, Research, Policy and Planning																																
Parks and Recreation Planning Officer																																
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Appendix B to SP-18-632 – Council Resource Management Act 1991 Delegations to Staff

Delegations to positions under section 34A of the Resource Management Act 1991																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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red = delegations removed

yellow = delegations added

Appendix B to SP-18-632 – Council Resource Management Act 1991 Delegations to Staff

Delegations to positions under section 34A of the Resource Management Act 1991	Sch 1 c16	Sch 1 c17	Sch 1 c18	Sch 1 c18AA	Sch 1 c18B	Sch 1 c18C	Sch 1 c10A	Sch 1 c11	Sch 1 c16	Sch 1 c16B	Sch 1 c120	Sch 1 c120A	Sch 1 c123	Sch 1 c124	Sch 1 c125	Sch 1 c129(2)	Sch 1 c134	Sch 1 c135	Sch 1 c137	Note 1	Note 2
Compliance Officer – Armourguard																					
Compliance Officer – Main Security																					
District Planning Manager	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Group Manager Community Services																					•
Group Manager People and Partnership																					•
Group Manager Place and Space																					•
Group Manager Regulatory Services	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Group Manager Strategy and Planning	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Manager, Research, Policy and Planning	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Parks and Recreation Planning Officer																					
Principal Adviser, Regulatory Services	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•		•	•
Senior Engineer – Water Safety and Resilience Programme																					
Specialist Engineer Water and Wastewater																					
Stormwater and Coastal Project Manager																					
<div>red = delegations removed</div> <div>yellow = delegations added</div>																					

Appendix C: Glossary of Resource Management Act 1991 Sections Delegated to Staff

**Section**

10	Certain existing uses in relation to land protected
10A	Certain existing activities allowed
10B	Certain existing building works allowed
22	Duty to give certain information
32	Requirements for preparing and publishing evaluation reports
35	Duty to gather information, monitor, and keep records
35A	Duty to keep records about iwi and hapu
36(5)	Administrative charges - Except where regulations are made under section 360F, if a charge fixed under this section is, in any particular case, inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned, the local authority may require the person who is liable to pay the charge to also pay an additional charge to the local authority
36AA(1)	Local authority policy on discounting administrative charges
36AAB(1)	A local authority may, in any particular case and in its absolute discretion, remit the whole or any part of any charge of a kind referred to in section 36 that would otherwise be payable
37	Power of waiver and extension of time limits
37A	Requirements for waivers and extensions
38(5)	Authorisation and responsibilities of enforcement officers - The local authority or Minister shall supply every enforcement officer with a warrant, and that warrant shall clearly state the functions and powers that the person concerned has been authorised to exercise and carry out under this Act
41B	Directions to provide evidence within time limits
42	Protection of sensitive information
42A	Reports to local authority
44A	Local authority recognition of national environmental standards
55	Local authority recognition of national policy statements
58L-U	The mana whakahono process (iwi participation arrangement process)
80	Combined regional and district documents



## **Section**

86D	Environment Court may order rule to have legal effect from date other than standard date
87AAD	Overview of application of this Part to boundary activities and fast track applications
87BA	Boundary activities approved by neighbours on infringed boundaries are permitted activities
87BB	Activities meeting certain requirements are permitted activities
87E	Consent authority's decision on request
87F	Consent authority's subsequent processing
87G	Environment Court determines application
88	Making an application
89A	Applications affecting navigation to be referred to Maritime New Zealand
91	Deferral pending application for additional consents
92	Further information, or agreement, may be requested
92A	Responses to request
92B	Responses to notification
95	Time limit for public notification or limited notification
95A	Public notification of consent application
95B	Limited notification of consent applications
95C	Public notification of consent application after request for further information or report
95D	Consent authority decides if adverse effects likely to be more than minor

## **Section**

95E	Consent authority decides if person is affected person
95F	Status of protected customary rights group
98	Advice of submissions to applicant
99	Pre-hearing meetings
99A	Mediation
100	Obligation to hold a hearing
101	Hearing date and notice
102	Joint hearings by 2 or more consent authorities
103	Combined hearings in respect of 2 or more applications
104	Consideration of applications
104A	Determination of applications for controlled activities
104B	Determination of applications for discretionary or non-complying activities
104C	Determination of applications for restricted discretionary activities
104D	Particular restrictions for non-complying activities
104F	Implementation of national environmental standards
105	Matters relevant to certain applications
106	Consent authority may refuse subdivision consent in certain circumstances
108	Conditions of resource consents
108A	Bonds
109	Special provisions in respect of bonds or covenants
110	Refund of money and return of land where activity does not proceed
113	Decisions on applications to be in writing, etc
114	Notification
124	Exercise of resource consent while applying for new consent
124A	When sections 124B and 124C apply and when they do not apply
124B	Applications by existing holders of resource consents
124C	Applications by persons who are not existing holders of resource consents
125	Lapsing of consent

## **Section**

126	Cancellation of consent
127	Change or cancellation of consent condition on application by consent holder
128	Circumstances when consent conditions can be reviewed
129	Notice of review
132	Decisions on review of consent conditions
133A	Minor corrections of resource consents
134	Land use and subdivision consents attach to land
138	Surrender of consent
138A	Special provisions relating to coastal permits for dumping and incineration
139	Consent authorities and Environmental Protection Authority to issue certificates of compliance
139A	Consent authorities to issue existing use certificates
149B	Local authority's obligations if matter called in
149G	EPA must provide board or Court with necessary information
149W	Local authority to implement decision of board or Court about proposed regional plan or change or variation
149ZD	Costs of processes under this Part recoverable from applicant
168	Notice of requirement to territorial authority
168A	Notice of requirement by territorial authority
169	Further information, notification, submissions, and hearing for notice of requirement to territorial authority
171	Recommendation by territorial authority
173	Notification of decision on designation
174	Appeals
175	Designation to be provided for in district plan
176	Effect of designation
176A	Outline plan
178	Interim effect of requirements for designations

**Section**

181(3)	Alteration of designation - Circumstances where a territorial authority may alter a designation in its district plan
184	Lapsing of designations which have not been given effect to
189A	Notice of requirement for heritage order by territorial authority
190	Further information, notification, submissions, and hearing for notice of requirement to territorial authority
193	Effect of heritage order
194	Interim effect of requirement
195A	Alteration of heritage order
198A	Sections 198B to 198G apply to requirements under section 168 or 189
198B	Requiring authority or heritage protection authority's request
198C	Territorial authority's decision on request
198D	Territorial authority's subsequent processing
198E	Environment Court decides
198F	Residual powers of territorial authority
198G	When territorial authority must deal with requirement
198H	Sections 198I to 198M apply to requirements under section 168A or 189A
198I	Territorial authority's decision
198J	Territorial authority's subsequent processing
198K	Environment Court decides
198L	Residual powers of territorial authority
198M	When territorial authority must deal with requirement
220	Condition of subdivision consents
221	Territorial authority to issue a consent notice
222	Completion certificates
223	Approval of survey plan by territorial authority
224	Restrictions upon deposit of survey plan

## **Section**

226(1)(e)	<p>Restriction upon issue of certificates of title for subdivision - [The Registrar-General of Land] shall not issue a certificate of title for any land that is shown as a separate allotment on a survey plan (being a certificate issued to give effect to the subdivision shown on that survey plan), unless he or she is satisfied, after due inquiry, that— The territorial authority has [given a certificate signed by the principal administrative officer or other authorised officer to the effect]—</p> <p>(i) That there is no district plan for the area to which the survey plan relates, and that the allotment is in accordance with the requirements and provisions of the proposed district plan; or</p> <p>ii) That the allotment is in accordance with the requirements and provisions of the district plan and the proposed district plan (if any) for the area to which the survey plan relates; or</p> <p>(iii) That the allotment is in accordance with a permission or permissions granted under Part 2 or Part 4 of the Town and Country Planning Act 1977</p>
227	Cancellation of prior approvals
234	Variation or cancellation of esplanade strips
235	Creation of esplanade strips by agreement
237	Approval of survey plans where esplanade reserve or esplanade strips required
237B	Access strips
237C	Closure of strips to public
237D	Transfers to the Crown or regional council
237E	Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares
237F	Compensation for taking of esplanade reserves or strips on allotments of 4 hectares or more
237G	Compensation
237H	Valuation
240	Covenant against transfer of allotments
241	Amalgamation of allotments
243	Survey plan approved subject to grant or reservation of easements
267(1A)(b)	Authority to make decisions on behalf of Council during conferencing under section 267
267(2)	Request an Environment Judge to convene a conference

**Section**

268A(3)(b)	Authority to make decisions on behalf of Council during alternative dispute resolution under section 268
311	Application for declaration
314	Scope of enforcement order
315	Compliance with enforcement order
316	Application for enforcement order
317	Notification of application
318	Right to be heard
319	Decision on application
320	Interim enforcement order
321	Change or cancellation of enforcement order
322	Scope of abatement notice
323	Compliance with abatement notice
324	Form and content of abatement notice
325A	Cancellation of abatement notice
327	Issue and effect of excessive noise direction
328	Compliance with an excessive noise direction
330	Emergency works and power to take preventive or remedial action
332	Power of entry for inspection
333	Power of entry for survey
336	Return of property seized under sections 323 and 328
338	Offences against this Act
343B	Commission of infringement offence
343C	Infringement notices

*Schedule 1*

*Preparation, change, and review of policy statements and plans*

**Clause**

1A	Mana Whakahono a Rohe to be complied with
1B	Relationship with iwi participation legislation
3	Consultation
3A	Consultation in relation to policy statements
3B	Consultation with iwi authorities
4	Requirements to be inserted prior to notification of proposed district plans
4A	Further pre-notification requirements concerning iwi authorities
5	Public notice and provision of document to public bodies
5A	Option to give limited notification of proposed change or variation
6	Making of submissions under clause 5
7	Public notice of submissions
8	Certain persons may make further submissions
8AA	Resolution of disputes
8B	Hearing by local authority
8C	Hearing not needed
10A	Application to Minister for an extension of time
11	Notification of decision
15	Hearing by the [Environment Court]
16	Amendment of proposed policy statement or plan
16B	Merger with proposed policy statement or plan
20	Operative date
20A	Correction of operative policy statement or plan
23	Further information may be required
24	Modification of request
25(1)	Local authority to consider request
26A	Mana Whakahono a Rohe
29(2)	Procedure under this Part
34	Consultation on proposal to incorporate material by reference
35	Access to material incorporated by reference

**Clause**

37                      Choice of collaborative planning process