

**Mayor and Councillors**  
COUNCIL

1 MARCH 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 the Council delegations to Chief Executive and Staff, including amendments to the delegations to staff who work under the Resource Management Act 1991.

### **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 (CE) the discretion to sub-delegate to council staff, provided they have the delegated power from the Council to further sub-delegate. 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

### Delegations made by Council to Chief Executive and Staff

- 10 The Fire Services Act 1975 was repealed on 1 July 2017, by section 195(a) of the Fire and Emergency New Zealand Act 2017 and as such will be removed from the Council to CE and staff delegations. The Fire Safety and Evacuation of Building Regulations 2006 remain in place.
- 11 The Domestic Violence Act 1995 name is changing to the Family and Whānau Violence Act 1995 as of 1 July 2018 and as such is indicated within the current Council to CE and staff delegations.
- 12 Complete Council to CE and staff delegations can be found in **Appendix A** (including amendments on page 3).

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

- 13 The Council RMA 1991 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. Delegations are also reviewed on request by Council.
- 14 The following amendments (Table 1) to Council's RMA 1991 delegations to staff are recommended as a result of a review of the Resources Consents and Compliance team delegations.

<b>Table 1: Recommended amendments to Council delegations to staff under the Resource Management Act 1991</b>	
<b>Positions</b>	<b>Amendments to RMA delegations</b>
All staff	<b>Certain existing building activities allowed</b> Section <b>10A</b> to be removed from delegations as no powers for staff.
All staff	<b>Notification of applications</b> Sections previously repealed by the Resource Management (Simplifying and Streamlining) Amendment Act 2009 and remained in delegations for transitional purposes. Sections <b>93, 94, 94A, 94B, 94C</b> and <b>94D</b> are no longer required.
All staff	<b>Implementation of national environmental standards</b> Section <b>104F</b> to be removed from delegations as function sits with the Greater Wellington Regional Council.
All staff	<b>Special provisions relating to coastal permits for dumping and incineration</b> Section <b>138A</b> to be removed from delegations as function sits with the Greater Wellington Regional Council.
All staff	<b>Hearing by the Environment Court</b> <b>Schedule 1 clause 15</b> to be removed from delegations as no powers for staff.
All staff	<b>Mana Whakahono a Rohe</b> <b>Schedule 1 clause 26A</b> to be removed from delegations as no powers for staff.
Clerk of Works Development Control	Remove sections <b>37, 37A, 41B, 42A, 44A, 55, 87E, 87F, 87G, 88, 91, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 104, 104A, 104B, 104C, 104D, 105, 108, 108A, 127, 128, 129, 132, 149B, 149G, 149ZD, 168, 169, 221, 234, 235, 237, 237B-H, 322-324, 338</b> and <b>Sch 1 cl 3, 3A, 3B, 4, 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34</b> and <b>35</b> .
Compliance Officer	Remove sections <b>128, 129, 222, 223, 224</b> and <b>237B-H</b> .
Customer Services Officer	Remove sections <b>36(5)</b> and <b>103</b> and <b>Sch 1 cl 7, 11, 20, 29(2)</b> and <b>35</b> .
Development Control Team Leader	Add sections <b>325A</b> and <b>336</b> . Remove sections <b>Sch 1 cl 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34</b> and <b>35</b> .
Development Engineer / Senior Development Engineer	Remove sections <b>41B, 44A, 55, 91, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 100, 104, 104A, 104B, 104C, 104D, 105, 127, 132, 168, 169, 221, 322-324, Sch 1 cl 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34</b> and <b>35</b> .
Independent Planning Commissioners	Delegations to allow Independent Planning Commissioners to sign off resource consent decisions where there may be a conflict of interest. The Resource Consents team receive a number of non-notified resource consent applications in which the Kapiti Coast District Council is the consent Applicant. There is potential for a perceived conflict of interest in the Council being both applicant and decision maker on these applications.

<b>Table 1: Recommended amendments to Council delegations to staff under the Resource Management Act 1991</b>	
<b>Positions</b>	<b>Amendments to RMA delegations</b>
	Position to include sections <b>10, 10B, 35, 35A, 36(5), 36AA(1), 36AAB(1), 37(1), 37(2), 37A(6), 41B, 87AAD, 87BA-BB, 87E-G, 88, 89A, 91, 92, 92A, 92B, 95, 95A-95F, 98, 99, 99A, 100, 101, 102, 103, 104, 104A-D, 105, 106, 108, 108A, 109, 110, 113, 114, 124, 124A-C, 125, 126, 127, 128, 129, 132, 133A, 138, 139, 139A, 149B, 149G, 149W, 149ZD, 168, 168A, 169, 171, 173, 174, 175, 176A, 181(3), 184, 189A, 190, 195A, 198A-M, 220, 221, 222, 223, 224, 226(1)(e), 227, 234, 235, 237, 237B-H, 240, 241, 243, 267(1A)(b), 268A(3)(b), 314-321 and 330.</b>
Group Manager Infrastructure Services	Add section <b>108</b> .
Group Manager Regulatory Services	Add section <b>267(2)</b> .
Planning Technician (Resource Consents)	Remove sections <b>80, 87F, 99A, 100, 132, 149ZD, 173, 181(3), 314-321, 322-324, 325A, 327, 328, 336 and 343B</b> and <b>Sch 1 cl 1A, 4A, 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34 and 35</b> .
Resource Consents Planner	Remove sections <b>99A, 100, 132, 267(1A)(b), 268A(3)(b), 314-321, 322-324, 325A, 327, 328, 336 and 343B</b> and <b>Sch 1 cl 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34 and 35</b> . <i>Please note when referencing delegations Resource Consents Planners are no longer broken down into intermediate and graduate. Senior Resource Consents Planners have been split off from the Resource Consents Planners. See below for Senior Resource Consents Planner.</i>
Resource Consents Project Officer	Remove sections <b>87F, 99A, 100, 101, 102, 103, 106, 109, 110, 132, 134, 314-321, 322-324, 325A, 327, 328, 336 and 343B</b> and <b>Sch 1 cl 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34 and 35</b> .
Resource Consents Service Planner	Add section <b>87AAD</b> . Remove sections <b>86D, 99A, 100, 101, 102, 103, 109, 110, 132, 222, 224, 226(1)(e), 234, 235, 237, 237B-H, 241, 243, 314-321, 322-324, 325A, 327, 328, 336 and 343B</b> and <b>Sch 1 cl 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34 and 35</b> .
RMA Compliance Officer	Add sections <b>36(5), 36AA(1), 36AAB(1), 109 and 338</b> . Remove sections <b>223 and 224</b> .
Senior Resource Consents Planner	Remove sections <b>99A, 100, 132, 314-321, 322-324, 325A, 327, 328, 336 and 343B</b> and <b>Sch 1 cl 6, 7, 8, 8AA, 8B, 8C, 11, 16, 16B, 20, 20A, 23, 24, 25, 29(2), 34 and 35</b> .

- 15 The following amendments (Table 2) to Council's RMA 1991 delegations to staff are recommended as a result of staff changes:

<b>Table 2: Recommended amendments to Council delegations to staff under the Resource Management Act 1991</b>	
<b>Positions</b>	<b>Amendments to RMA delegations</b>
Roading Network Engineer and Roding Network Planner	Positions to include sections <b>35, 35A, 330, 332</b> and <b>333</b> to align with Access and Transport delegations.

- 16 Complete RMA delegations (including amendments) can be found in **Appendix B**. New delegations are highlighted **yellow** and removed delegations are highlighted **red**.

## **CONSIDERATIONS**

### Policy considerations

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

### Legal considerations

- 18 This paper has been reviewed by the Council's Legal Counsel.

### Financial considerations

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

### Tāngata whenua considerations

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

## **SIGNIFICANCE AND ENGAGEMENT**

### Degree of significance

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

### Consultation already undertaken

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

## RECOMMENDATIONS

- 23 That the Council adopts the revised Council Delegations to the Chief Executive and Staff as shown in Appendix A inclusive of amendments specified in Report SP-18-414.
- 24 That the Council adopts the revised Resource Management Act 1991 Delegations to Staff as shown in Appendix B inclusive of amendments in Table 1 and Table 2 of Report SP-18-414.

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## ATTACHMENTS

- Appendix A Council to Chief Executive and Staff Delegations (including amendments in Report SP-18-414)
- Appendix B Council Resource Management Act 1991 Delegations to Staff (including amendments in Report SP-18-414)
- Appendix C Glossary of Resource Management Act 1991 sections

## DELEGATIONS MADE BY COUNCIL TO CHIEF EXECUTIVE AND STAFF

The Council makes its delegations under the various powers of delegation referred to in this instrument. In the absence of a reference to a specific power, the Council makes the delegation under clause 32 of Schedule 7 of the Local Government Act 2002.

For the avoidance of doubt:

- a reference in this document to an enactment, regulation or bylaw includes any enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw;
- a reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties; and
- all financial limits stated in these delegations are GST exclusive.

Note: all delegations are subject to the restriction set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, that the following powers are not included in these delegations:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a chief executive;
- (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;
- (g) the power to adopt a remuneration and employment policy.

Legislation and Authority	Powers Delegated
<p><b>Building Act 2004, any regulations made under that Act, and the Building Code (Schedule 1 to Building Regulations 1992)</b> To the Chief Executive with power of sub-delegation to officers.</p>	<p>Under section 232 of the Building Act 2004 – delegation of authority to exercise and administer all responsibilities, duties and powers of the Council as a Territorial Authority and Building Consent Authority under the Building Act 2004, any regulations made under that Act and the Building Code (Schedule 1 to the Building Regulations 1992) including delegation to the Chief Executive (with the power to sub-delegate) to write off sundry debts to the value of \$1,000, <b>except</b>:</p> <ul style="list-style-type: none"> <li>• the adoption, amendment or replacement of the Council's policy on dangerous, earthquake prone and insanitary buildings as required by sections 131 and 132;</li> <li>• the making of arrangements to transfer functions to another building authority under section 213;</li> <li>• the transfer of functions, duties or powers of a territorial authority to another territorial authority under sections 233-236;</li> <li>• the setting of fees or charges under section 219.</li> </ul>



Legislation and Authority	Powers Delegated
<p><b>Burial and Cremation Act 1964 and any regulations made under that Act, including the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967</b></p> <p>To the Chief Executive with power of sub-delegation to officers except that the Chief Executive may not sub-delegate the power to appoint officers under section 19 of the Act.</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>including</b> but not limited to the power to:</p> <ul style="list-style-type: none"> <li>• manage cemeteries as set out in sections 8 and 9;</li> <li>• sell burial plots under section 10;</li> <li>• appoint officers under section 19 to assist in execution of Act;</li> <li>• enable burials of poor persons to take place free of charge under section 49;</li> <li>• prosecute in relation to offences under sections 54AA to 57;</li> <li>• give notice, advertise and remove dilapidated or neglected monuments or tablets under the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.</li> </ul>

Legislation and Authority	Powers Delegated
<p><b>Criminal Procedure Act 2011 and any regulations made under that Act</b></p> <p>To the Chief Executive with power of sub-delegation to officers and the Enforcement Decision Group.</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.</p>

Legislation and Authority	Powers Delegated
<p><b>Dog Control Act 1996 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 under the Act and any regulations made under the Act, <b>including</b> but not limited to the power to:</p> <ul style="list-style-type: none"> <li>• appoint dog control officers and dog rangers under section 11 and section 12;</li> <li>• classify a person as a probationary owner under section 21, remove that classification under section 23 and require that person to undergo probationary training under section 23A;</li> <li>• disqualify a person from being an owner of a dog under section 25;</li> <li>• classify a dog as dangerous under section 31;</li> <li>• provide consent for disposal of dangerous dog to other persons if satisfied that conditions are met as set out in section 33;</li> <li>• classify as menacing by behaviour, characteristic or breed as set out in section 33A and section 33C, and require a menacing dog to be neutered under section 33EB;</li> <li>• authorise persons other than dog control officers to issue infringement notices under section 66;</li> <li>• impound and subsequently dispose of a dog under section 69;</li> <li>• dispose of or return under section 70 a dog impounded for barking;</li> </ul>

Legislation and Authority	Powers Delegated
	<ul style="list-style-type: none"> <li>retain a dog threatening public safety under section 71;</li> <li>dispose of dog seized as set out in section 71A.</li> </ul>

Legislation and Authority	Powers Delegated
<b>Domestic Violence Act 1995 (amended to Family and Whānau Violence Act 1995 as of 1 July 2018) and any regulations made under that Act, including the Domestic Violence (Public Registers) Regulations 1998</b> To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under Part 6 “Non-publication of information relating to protected person on public registers” of the Domestic Violence Act ( <b>Family and Whānau Violence Act 1995</b> ) and any regulations made under the Act.

Legislation and Authority	Powers Delegated
<b>Fencing Act 1978 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	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.

Legislation and Authority	Powers Delegated
<b>Fire Safety and Evacuation of Building Regulations 2006</b> To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the regulation.

Legislation and Authority	Powers Delegated
<b>Food Act 1981 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	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>including</b> but not limited to the processing of exemptions from Food Hygiene Regulations 1974 under section 8N of the Act.

Legislation and Authority	Powers Delegated
<b>Food Act 2014 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	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 except those powers specified in section 34 of the Act (which relates to the power to grant an exemption).

Legislation and Authority	Powers Delegated
<p><b>Freedom Camping Act 2011 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>including</b> but not limited to the power to appoint enforcement officers under section 32 of the Act.</p>
<p><b>Gambling Act 2003 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.</p> <p>Delegation does not include the adoption, amendment or replacement of a class 4 venue policy under sections 101 – 102.</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>including</b> but not limited to the power to consider applications for territorial authority consent for class 4 venue licenses in accordance with the class 4 venue policy and:</p> <ul style="list-style-type: none"> <li>• grant consent with or without specifying the maximum number of machines that can be operated at the venue; or</li> <li>• not grant consent.</li> </ul>
<p><b>Health Act 1956 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>including</b> but not limited to:</p> <ul style="list-style-type: none"> <li>• the power to appoint Environmental Health Officers under section 28;</li> <li>• the power to issue cleansing orders under section 41;</li> <li>• the power to issue repair or closing orders under section 42;</li> <li>• issuing consent for the establishment of any offensive trade under section 54;</li> <li>• the power to initiate proceedings under section 33 in respect of nuisances;</li> <li>• the Council's powers in relation to back-flow prevention systems and devices under section 69ZZZ;</li> <li>• the power to cleanse and disinfect premises or articles under section 82.</li> </ul>
<p><b>Impounding Act 1955 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>including</b> but not limited to the power to appoint poundkeepers, deputies and rangers under section 8 and section 9 for the proper carrying out of the provisions of this Act, <b>except</b> the powers contained in section 14(1) of the Act (setting pound fees).</p>

Legislation and Authority	Powers Delegated
<p><b>Land Transport Act 1998 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 Council under the Act, any regulations made under that Act and associated requirements of the Land Transport Rules <b>including</b> but not limited to the power to:</p> <ul style="list-style-type: none"> <li>• appoint parking wardens under section 128D.</li> </ul>

Legislation and Authority	Powers Delegated
<p><b>Litter Act 1979 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>including</b> but not limited to the powers to:</p> <ul style="list-style-type: none"> <li>• appoint litter control officers as set out in section 5;</li> <li>• require the provision and maintenance of litter receptacles under section 9;</li> <li>• issue notices under section 10 in relation to litter;</li> <li>• make grants or spend money on campaigns for the abatement or prevention of litter under section 11;</li> <li>• issue infringement notices under section 14.</li> </ul>

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>

Legislation and Authority	Powers Delegated
	<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>• 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;</li> <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</li> </ul>

Legislation and Authority	Powers Delegated
	budget and that, if applicable, all tenders accepted over a value of \$250,000 are reported to the Operations and Finance Committee; <ul style="list-style-type: none"> <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
<b>Local Government (Rating) Act 2002 and any regulations made under that Act</b> To the Chief Executive, the Group Manager Corporate Services, Financial Controller, Acting Group Manager, Finance and the Rates Manager.	Delegation, under section 132, 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> : <ul style="list-style-type: none"> <li>• the power to make further delegations;</li> <li>• functions, powers and duties conferred by subpart 2 of Part 1 (key provisions on what is rateable, i.e. who must pay rates, and kinds of rates that may be set);</li> <li>• functions, powers and duties conferred by subpart 1 of Part 5 (replacement of rates).</li> </ul>

Legislation and Authority	Powers Delegated
<b>Local Government Act 1974 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	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>including</b> but not limited to the power to: <ul style="list-style-type: none"> <li>• repair local roads (section 319(a));</li> <li>• make various alterations to roads, such as levels, etc (section 319(c) to (i) and (k) to (j));</li> <li>• allocate property numbers (section 319B);</li> <li>• contribute to an adjoining districts road maintenance (section 324);</li> <li>• seek payments for betterment (section 326);</li> <li>• construct footpaths and channels (section 331); cycle tracks (section 332); dividing strips (section 333); monuments, etc (section 334); lighting (section 334A); vehicle crossings (section 335); transport shelters (section 339);</li> <li>• require alterations to pipes and drains and apparatus on or under roads (section 337);</li> <li>• grant rights to lay pipes (section 338);</li> <li>• enable construction of motor garages (section 340) (subject to RMA process);</li> <li>• enter into leases of air space or subsoil (section 341);</li> <li>• contribute to the cost of railway, subways or bridges (section 341A);</li> <li>• enable gates and cattle stops (section 344);</li> <li>• contribute towards Maori road ways (section 324A);</li> <li>• declare roads to be limited access roads;</li> <li>• permit the construction of private roads;</li> <li>• permit the construction of cellars or excavation in the vicinity of road (section 354);</li> <li>• require the removal of overhanging trees (section 355);</li> <li>• remove abandoned vehicles from roads (section 356);</li> <li>• prosecute in relation to penalties for damage to roads (section 357);</li> </ul>

Legislation and Authority	Powers Delegated
	<ul style="list-style-type: none"> <li>• provide parking places in buildings and transport stations under section 591;</li> <li>• make and maintain drainage channels (sections 509 to 511);</li> <li>• make allowances (grants) to the owner of land to enable work to keep drainage channels clear (section 514); and</li> <li>• issue infringement notices and prosecute for offences under the Act.</li> </ul>

Legislation and Authority	Powers Delegated
<p><b>Local Government Official Information and Meetings Act 1987 and any regulations made under that Act</b></p> <p>To the Chief Executive with power of sub-delegation to officers and, in respect of Parts 2 to 5 of the Act, to employees.</p>	<p>Delegation, under section 42 of the Local Government Official Information and Meetings Act 1987, of authority to exercise and administer all responsibilities, duties and powers of the Council under Parts 2 to 5 of the Act and any regulations made under the Act, <b>except</b> those in section 32 (which relates to responses to recommendations made by the Ombudsman under section 30(1)).</p> <p>Delegation, under clause 32 in Schedule 7 of the Local Government Act 2002, of authority to exercise and administer all responsibilities, duties and powers of the Council under section 44A of the Act.</p>

Legislation and Authority	Powers Delegated
<p><b>Machinery Act 1950 and any regulations made under that Act, including the Amusement Devices Regulations 1978</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 under the Act and any regulations made under the Act including the Amusement Devices Regulations 1978, <b>including</b> but not limited to the power under section 21A of the Act to authorise, permit and carry out inspections in relation to amusement devices.</p>

Legislation and Authority	Powers Delegated
<p><b>Privacy Act 1993 and any regulations made under that Act</b></p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation, under section 124 of the Privacy Act 1993, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.</p>

Legislation and Authority	Powers Delegated
<p><b>Public Works Act 1981 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 under the Act and any regulations made under the Act, <b>including</b> but not limited to the power to:</p> <ul style="list-style-type: none"> <li>• deal with trees on roads (sections 133 to 135);</li> <li>• enter onto land (under section 234) to repair public works;</li> <li>• control excavations near public works (under section 237);</li> <li>• remove property abandoned on land for a public work</li> </ul>

Legislation and Authority	Powers Delegated
	(under section 239); <ul style="list-style-type: none"> <li>• bring action for damages to public works (under section 238) and to recover land from persons holding illegal possession (under section 240);</li> <li>• prosecute in respect of offences against the Act.</li> </ul>

Legislation and Authority	Powers Delegated
<b>Railways Act 2005 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	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>including</b> but not limited to: <ul style="list-style-type: none"> <li>• the section 74 duty to maintain drains above or under railway infrastructure;</li> <li>• the section 83 duty to maintain level crossings.</li> </ul>

Legislation and Authority	Powers Delegated
<b>Rates Rebate Act 1973 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	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.

Legislation and Authority	Powers Delegated
<b>Rating Valuations Act 1998 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	Delegation, under section 50(1) of the Rating Valuations Act 1998, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.

Legislation and Authority	Powers Delegated
<b>Reserves Act 1977 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	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> : <ol 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</li> </ol>



	<p>24(1), 24(2)(e), 24(3) and 24(5);</p> <p>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;</p> <p>g) the power to approve reserve management plans under section 41(1);</p> <p>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;</p> <p>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;</p> <p>j) the power under section 58(b) to set apart and use part of a reserve as a site for residences and other buildings;</p> <p>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;</p> <p>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;</p> <p>m) the power to make bylaws under section 106;</p> <p>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);</p> <p>o) the power to hear and report to Council on 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>
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To the Chief Executive, the Group Manager Community Services 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.
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Legislation and Authority	Powers Delegated
<b>Residential Tenancies Act 1986 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Residential Tenancies Act 1986 and any regulations made under the Act.

Legislation and Authority	Powers Delegated
<b>Resource Management Act 1991 and any regulations made under that Act</b> To the Chief Executive and the Deputy Chief Executive with no power of sub-delegation	Delegation, under section 34A of the Resource Management Act 1991, 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>including</b> delegation to the Chief Executive to write off sundry debts to the value of \$1,000, <b>except</b> : <ul style="list-style-type: none"> <li>• the power of delegation; or</li> <li>• the power of approval of a policy statement or plan under clause 17 of Schedule 1.</li> </ul>

Legislation and Authority	Powers Delegated
<b>Sale and Supply of Alcohol Act 2012 and any regulations made under that Act</b> To the Chief Executive.	<ul style="list-style-type: none"> <li>• Delegation of the power in section 197(5) to appoint a chief licensing inspector.</li> <li>• The Chief Executive is provided with general authority to exercise his/her power of delegation under section 198 of the Act.</li> </ul>

Legislation and Authority	Powers Delegated
<b>Summary Proceedings Act 1957 and any regulations made under that Act</b> To the Chief Executive with power of sub-delegation to officers and the Enforcement Decision Group.	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.

Legislation and Authority	Powers Delegated
<b>Trespass Act 1980</b> To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council as occupier of any place or land.

<b>Legislation and Authority</b>	<b>Powers Delegated</b>
<b>Unit Titles Act 2010</b> To the Chief Executive with power of sub-delegation to officers.	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>Legislation and Authority</b>	<b>Powers Delegated</b>
<b>Waste Minimisation Act 2008 and any regulation made under that Act.</b> To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act except the power to: <ul style="list-style-type: none"> <li>• prepare, adopt, amend or revoke a waste management and minimisation plan; or</li> <li>• make or review a bylaw.</li> </ul>

<b>Legislation and Authority</b>	<b>Powers Delegated</b>
<b>Kapiti Coast District Council General Bylaw and all other Bylaws</b> To the Chief Executive with power of sub-delegation to officers	The Council appoints the Chief Executive as an authorised officer under the Kapiti Coast District Council General Bylaw, and as the appropriate officer designation under all other Bylaws. Delegation of authority to exercise and administer all responsibilities, duties and powers of Council under the Kapiti Coast District Council General Bylaw and all other Bylaws, <b>including</b> but not limited to authority to do all things necessary to: <ul style="list-style-type: none"> <li>• implement and uphold the Kapiti Coast District Council General Bylaw and all other Bylaws;</li> <li>• appoint Council staff members as authorised officers under the Kapiti Coast District Council General Bylaw, and appoint Council staff members as officers with the appropriate officer designation under all other Bylaws;</li> <li>• sub-delegate generally and particularly any of those powers conferred upon the Chief Executive under the Kapiti Coast District Council General Bylaw and all other Bylaws.</li> </ul>

Delegations to positions under section 34A of the Resource Management Act 1991	10	10A	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
Access and Transport Manager																																
Building Compliance Officer																																
Building Consents Technical Support																																
Building Inspections Team Leader																																
Building Team Manager																																
Building Officer																																
Clerk of Works Development Control																																
Clerk of Works Stormwater and Coastal Assets																																
Compliance Monitoring Officer																																
Compliance Officer – Main Security																																
Compliance Officer																																
Construction Manager Town Centres																																
Customer Services Officer																																
Development Control Team Leader																																
Development Engineer / Senior Development Engineer																																
Engineer Cadet																																
Environmental Health Officer																																
Environmental Health Team Leader																																
Environmental Restoration Officer																																
Environmental Standards Manager																																
Environmental Standards Team Leader																																
External Member – Enforcement Decision Group																																
Group Manager Community Services																																
Group Manager Corporate Services																																
Group Manager Infrastructure Services																																
Group Manager Regulatory Services																																
Group Manager Strategy and Planning																																
Independent Planning Commissioner																																
Infrastructure Programme Delivery Manager																																
Manager, Corporate Planning and Reporting																																
Manager, Research, Policy and Planning																																
Open Space Manager																																
Operations Manager																																
Parks and Recreation Manager																																
Parks and Recreation Planner																																
Planning Technician (Policy)																																
Planning Technician (Resource Consents)																																
Policy Planner (Senior, Intermediate, Graduate)																																
Principal Policy Planner																																
Principal Resource Consents Planner																																
Programme Coordinator																																
Programme Manager Biodiversity																																
Programme Manager CWB																																
Researcher																																
Resource Consents and Compliance Manager																																
Resource Consents Planner																																
Resource Consents Project Officer																																
Resource Consents Service Planner																																
RMA Compliance Officer																																
Roading Asset Engineer																																
Roading Network Engineer																																
Roading Network Performance Team Leader																																
Roading Network Planning Team Leader																																
Roading Network Planner																																
Senior Advisor, Corporate Planning and Reporting																																
Senior Development Engineer																																
Senior Parks Officer																																
Senior Resource Consents Planner																																
Senior Roading Engineer																																
Senior Water and Wastewater Engineer																																
Stormwater and Coastal Asset Manager																																
Stormwater and Coastal Engineer																																
Team Leader Building Approvals																																
Team Leader Resource Consents																																
Traffic Engineer																																
Transport Engineer																																
Utilities Infrastructure Manager																																
Water and Wastewater Asset Engineer																																
Water and Wastewater Asset 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 position and involves substantially the same duties.

Appendix B to SP-18-414 – Council Resource Management Act 1991 Delegations to Staff

Delegations to positions under section 34A of the Resource Management Act 1991	93	94	94A	94B	94C	94D	95, 95AE	95F	98	99	99A	100	101	102	103	104	104A	104B	104C	104D	104E	105	106	108	108A	109	110	113	114	124	124A	124B
Access and Transport Manager																																
Building Compliance Officer																																
Building Consents Technical Support																																
Building Inspections Team Leader																																
Building Team Manager																																
Building Officer																																
Clerk of Works Development Control	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Clerk of Works Stormwater and Coastal Assets																								.	.	.	.	.	.	.	.	
Compliance Monitoring Officer																																
Compliance Officer – Main Security																																
Compliance Officer																																
Construction Manager Town Centres																																
Customer Services Officer									.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Development Control Team Leader	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Development Engineer / Senior Development Engineer	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Engineer Cadet																																
Environmental Health Officer																																
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Environmental Restoration Officer																																
Environmental Standards Manager																																
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External Member – Enforcement Decision Group																																
Group Manager Community Services																																
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Group Manager Infrastructure Services																																
Group Manager Regulatory Services	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Group Manager Strategy and Planning	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Independent Planning Commissioner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
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Planning Technician (Policy)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Planning Technician (Resource Consents)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Policy Planner (Senior, Intermediate, Graduate)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Principal Policy Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Principal Resource Consents Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
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Programme Manager Biodiversity																																
Programme Manager CWB																																
Researcher	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Resource Consents and Compliance Manager	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
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Resource Consents Project Officer	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Resource Consents Service Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
RMA Compliance Officer																									.	.	.	.	.	.	.	
Roading Asset Engineer																																
Roading Network Engineer	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Roading Network Performance Team Leader	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Roading Network Planning Team Leader	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
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Senior Advisor, Corporate Planning and Reporting																																
Senior Development Engineer	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Senior Parks Officer																																
Senior Resource Consents Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
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Stormwater and Coastal Asset Manager																																
Stormwater and Coastal Engineer																																
Team Leader Building Approvals																																
Team Leader Resource Consents	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Traffic Engineer																																
Transport Engineer																																
Utilities Infrastructure Manager																																
Water and Wastewater Asset Engineer																																
Water and Wastewater Asset Manager																																

red = delegations removed

yellow = delegations added



Delegations to positions under section 34A of the Resource Management Act 1991	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		
Access and Transport Manager																																		
Building Compliance Officer																																		
Building Consents Technical Support																																		
Building Inspections Team Leader																																		
Building Team Manager																																		
Building Officer																																		
Clerk of Works Development Control				*	*						*	*	*	*	*								*	*				*	*	*	*	*	*	
Clerk of Works Stormwater and Coastal Assets																																		
Compliance Monitoring Officer																							*	*	*	*	*	*	*	*	*	*	*	
Compliance Officer – Main Security																							*	*	*	*	*	*	*	*	*	*	*	
Compliance Officer						*	*	*						*									*	*	*	*	*	*	*	*	*	*	*	
Construction Manager Town Centres															*								*	*	*	*	*	*	*	*	*	*	*	
Customer Services Officer																																		
Development Control Team Leader				*	*	*	*	*			*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Development Engineer / Senior Development Engineer				*	*						*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Engineer Cadet																																		
Environmental Health Officer																							*	*	*	*	*	*	*	*	*	*	*	
Environmental Health Team Leader																							*	*	*	*	*	*	*	*	*	*	*	
Environmental Restoration Officer																																		
Environmental Standards Manager						*	*	*															*	*	*	*	*	*	*	*	*	*	*	
Environmental Standards Team Leader						*	*	*															*	*	*	*	*	*	*	*	*	*	*	
External Member – Enforcement Decision Group																						*	*											
Group Manager Community Services																						*	*											
Group Manager Corporate Services																						*	*											
Group Manager Infrastructure Services																						*	*											
Group Manager Regulatory Services	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Group Manager Strategy and Planning	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Independent Planning Commissioner	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Infrastructure Programme Delivery Manager																												*	*	*	*	*	*	
Manager, Corporate Planning and Reporting																																		
Manager, Research, Policy and Planning	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Open Space Manager																																		
Operations Manager																							*	*										
Parks and Recreation Manager																																		
Parks and Recreation Planner																																		
Planning Technician (Policy)				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Planning Technician (Resource Consents)				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Policy Planner (Senior, Intermediate, Graduate)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Principal Policy Planner	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Principal Resource Consents Planner	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Programme Coordinator																																		
Programme Manager Biodiversity																																		
Programme Manager CWB																																		
Researcher				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Resource Consents and Compliance Manager	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Resource Consents Planner				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Resource Consents Project Officer				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Resource Consents Service Planner				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
RMA Compliance Officer						*	*	*						*								*	*	*	*	*	*	*	*	*	*	*	*	
Roading Asset Engineer																							*	*	*	*	*	*	*	*	*	*	*	
Roading Network Engineer	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Roading Network Performance Team Leader																												*	*	*	*	*	*	
Roading Network Planning Team Leader																												*	*	*	*	*	*	
Roading Network Planner	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Senior Advisor, Corporate Planning and Reporting																																		
Senior Development Engineer				*	*						*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Senior Parks Officer																																		
Senior Resource Consents Planner				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Senior Roading Engineer																						*	*	*	*	*	*	*	*	*	*	*	*	
Senior Water and Wastewater Engineer																												*	*	*	*	*	*	*
Stormwater and Coastal Asset Manager																												*	*	*	*	*	*	*
Stormwater and Coastal Engineer																												*	*	*	*	*	*	*
Team Leader Building Approvals																												*	*	*	*	*	*	*
Team Leader Resource Consents	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Traffic Engineer																											*	*	*	*	*	*	*	*
Transport Engineer																											*	*	*	*	*	*	*	*
Utilities Infrastructure Manager																							*	*				*	*	*	*	*	*	
Water and Wastewater Asset Engineer																											*	*	*	*	*	*	*	*
Water and Wastewater Asset Manager																											*	*	*	*	*	*	*	*

red = delegations removed

yellow = delegations added

Appendix B to SP-18-414 – Council Resource Management Act 1991 Delegations to Staff

Delegations to positions under section 34A of the Resource Management Act 1991	343C	Sch 1 cl1A	Sch 1 cl3	Sch 1 cl3A	Sch 1 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 cl15	Sch 1 cl16	Sch 1 cl16B	Sch 1 cl20	Sch 1 cl20A	Sch 1 cl23	Sch 1 cl24	Sch 1 cl25	Sch 1 cl26A	Sch 1 cl29(2)	Sch 1 cl34	Sch 1 cl35	Sch 1 cl37	Note 1	Note 2	
Access and Transport Manager																																	
Building Compliance Officer																																	
Building Consents Technical Support																																	
Building Inspections Team Leader																																	
Building Team Manager																																	
Building Officer																																	
Clerk of Works Development Control	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Clerk of Works Stormwater and Coastal Assets	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Compliance Monitoring Officer	.																																
Compliance Officer – Main Security	.																																
Compliance Officer	.																																
Construction Manager Town Centres																																	
Customer Services Officer											.						.											.	.	.	.	.	
Development Control Team Leader	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Development Engineer / Senior Development Engineer	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Engineer Cadet																																	
Environmental Health Officer	.																																
Environmental Health Team Leader	.																																
Environmental Restoration Officer																																	
Environmental Standards Manager	.																																
Environmental Standards Team Leader	.																																
External Member – Enforcement Decision Group	.																																
Group Manager Community Services	.																															.	
Group Manager Corporate Services	.																															.	
Group Manager Infrastructure Services	.																															.	
Group Manager Regulatory Services	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Group Manager Strategy and Planning	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Independent Planning Commissioner																																	
Infrastructure Programme Delivery Manager																																	
Manager, Corporate Planning and Reporting																																	
Manager, Research, Policy and Planning	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Open Space Manager																																	
Operations Manager																																	
Parks and Recreation Manager																																	
Parks and Recreation Planner																																	
Planning Technician (Policy)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Planning Technician (Resource Consents)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Policy Planner (Senior, Intermediate, Graduate)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Principal Policy Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Principal Resource Consents Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Programme Coordinator																																	
Programme Manager Biodiversity																																	
Programme Manager CWB																																	
Researcher	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Resource Consents and Compliance Manager	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Resource Consents Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Resource Consents Project Officer	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Resource Consents Service Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
RMA Compliance Officer	.																																
Roading Asset Engineer																																	
Roading Network Engineer																																	
Roading Network Performance Team Leader																																	
Roading Network Planning Team Leader																																	
Roading Network Planner																																	
Senior Advisor, Corporate Planning and Reporting																																	
Senior Development Engineer	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Senior Parks Officer																																	
Senior Resource Consents Planner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Senior Roading Engineer																																	
Senior Water and Wastewater Engineer																																	
Stormwater and Coastal Asset Manager																																	
Stormwater and Coastal Engineer																																	
Team Leader Building Approvals																																	
Team Leader Resource Consents	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Traffic Engineer																																	
Transport Engineer																																	
Utilities Infrastructure Manager																																	
Water and Wastewater Asset Engineer																																	
Water and Wastewater Asset 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).

**Note 2** To the following positions, power to write off sundry debts under the RMA 1991 to the value of \$1,000.



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
93	When public notification of consent applications is required
94	When public notification of consent applications is not required
94A	Forming opinion as to whether adverse effects are minor or more than minor
94B	Forming opinion as to who may be adversely affected
94C	Public notification if applicant requests or if special circumstances exist
94D	When public notification and service requirements may be varied
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
149Q	<b>Board to produce draft report</b>
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) 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]—
- (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
  - 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
  - (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
- 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