

6. RESOURCE MANAGEMENT AMENDMENT ACT 2003 - DELEGATIONS

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The purpose of this report is to advise the Council that it will be necessary to change some existing delegations in line with the requirements of the Resource Management Amendment Act 2003.

BACKGROUND

Most of the changes in the 2003 Amendment Act were technical in nature but other amendments which must be noted include:

- Significant amendments to the notification provisions for applications for resource consents in Part 6 of the Act. There are new notification provisions and these also introduce the power of limited service of applications for resource consent.
- The lapsing period for resource consents in section 125 has been extended from two years to five years.
- The use of the term “references” in Clause 14 of the First Schedule has been deleted and replaced by the term “appeal”.
- The powers of the Council to waive non-compliance with timeframes and other requirements of the Resource Management Act in section 37 have been refined.
- Section 36 relating to administrative charges has been amended by inserting a new provision requiring the Council to provide an estimate of fees upon request.

With the commencement of the Resource Management Amendment Act 2003, there is a need to make some amendments to existing delegations. There are no new delegations proposed in the recommendations below.

Committee

- Recommendation:**
1. Pursuant to section 34 of the Resource Management Act 1991 the Council Hearings Panel be delegated the powers of the Council:
 - (a) Contained in sections 92 to 94D of the Resource Management Act 1991 (relating to notification of resource consents);
 - (b) Contained in section 126 of the Resource Management Act 1991 (cancellation of resource consent);
 - (c) Contained in section 34A(1) of the Resource Management Act 1991, to appoint any hearings commissioner or commissioners and delegate to any hearings commissioner or commissioners any functions, duties or powers of the Council except those described in section 34A(1)(a) and (b);
 - (d) To agree to an operation of existing designation in the district plan, or a requirement in the proposed district plan, pursuant to section 181(3) of the Resource Management Act 1991;
 - (e) To lodge references or appeals against decisions of the Canterbury Regional Council and neighbouring territorial authorities on proposed regional policy statements, proposed regional plans, proposed district plans, resource consents and on variations and changes to proposed or operative regional policy statements, regional plans and district plans;
 - (f) To exercise the powers of the Council contained in sections 37 and 37A of the Resource Management Act 1991, and to make decisions under those sections.

2. That pursuant to section 34A of the Resource Management Act 1991 the Council delegate to the Resource Management Officer Subcommittee the power to:
 - (a) Make decisions on any notification issues in relation to resource consent applications under sections 92-94D of the Resource Management Act 1991;
 - (b) The powers of the Council under sections 37 and 37A of the Resource Management Act 1991;
 - (c) The power to provide an estimate of the additional fees likely to be imposed on section 36 of the Resource Management Act 1991.

3. That pursuant to section 34A of the Resource Management Act 1991 the Council delegate to the Area Development Officer, Civic Planning Team Leader, Environmental Services Manager, Planning Administration Manager and the Team Leader Subdivisions (all severally) the powers of the Council contained in:
 - (a) Sections 92 to 94D of the Resource Management Act 1991;
 - (b) Section 126 of the Resource Management Act 1991;
 - (c) Section 34A(1) of the Resource Management Act 1991, to appoint any hearings commissioner or commissioners and delegate to any hearings commissioner or commissioners any functions, duties or powers except those described in section 34A(1)(a) and (b);
 - (d) To agree to an allocation of an existing designation in the district plan, or a requirement in the proposed district plan, (section 181(3) of the Resource Management Act 1991);
 - (e) To exercise the powers of the Council contained in sections 37 and 37A of the Resource Management Act 1991, and to make decisions under those sections.