



5. RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL 2009 – DELEGATION OF POWERS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Environmental Policy and Approvals Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is to inform the Council about new decision making powers under the Resource Management (Simplifying and Streamlining) Amendment Bill 2009, relating to both the planning administration and district planning teams, which are recommended to be delegated to either the Hearings Panels, Officer Subcommittees or senior staff positions. It also recommends new delegations in response to the needs of planning administration, the removal of now redundant delegations and job position titles, and consequential changes to the wording of existing delegations to reflect the amended statute, new job position titles, and to correct errors.

EXECUTIVE SUMMARY

2. The Resource Management (Simplifying and Streamlining) Amendment Bill 2009 is proposed to be enacted and come into effect on 1 October 2009. It introduces a number of changes to the Resource Management Act 1991, with the aim of simplifying and streamlining the planning processes under the Act including in relation to development proposals of national significance. Many of these changes give the Council new powers in relation to processing resource consents.
3. The new powers for which delegations are required relate to the following:
 - Deciding on whether a notified resource consent application or an application to change or cancel a condition of a resource consent that has been notified, should be directly referred to the Environment Court at the request of an applicant, under section 87CA of the amended Act.
 - Deciding on whether to request the Minister for the Environment to call-in a resource consent application for a proposal of national significance, under section 145(1) of the amended Act.
 - Making suggestions to the Minister for the Environment for persons to sit on a board of inquiry to be appointed to hear a resource consent for a proposal of national significance, under section 149K of the amended Act.
 - To provide a discount on an administrative change imposed under section 36 in accordance with regulations made under section 360(1)(hj) of the Resource Management Act 1991, where a resource consent has not been processed within statutory timeframes.
 - Deciding on whether a notice of requirement for designation or a notice for a heritage order should be directly referred to the Environment Court at the request of a requiring authority or a heritage protection authority under sections 198BA or 198I.
 - Determining any notification issues for any notice of requirement for designation under sections 168A or 169 of the Resource Management Act 1991 or for any notice of requirement for a heritage order under sections 189A or 190.
 - To suggest conditions that should be imposed if the Environment Court decides to grant any of the applications in sections 87BA, 198A and 198H, that the Council has referred to the Court for decision, under sections 87D, 198C or 198J,
 - To make a further submission to the EPA under section 149D of the Resource Management Act 1991.
 - To determine that an application is incomplete and return it to the applicant pursuant to section 88(3) of the Resource Management Act 1991 (has been previously adopted but not included in the current delegations register).
 - To issue a certificate of compliance pursuant to section 139 of the Resource Management Act 1991 (a new delegation for the Resource Management Officer Subcommittee but deleted as an existing delegation to the Team Leaders).

4. In addition, a new delegation is sought in relation to the existing section 138 of the Act relating to the surrendering of resource consents. Section 138 enables a holder of a resource consent to surrender that consent in whole, or in part, by giving written consent to the Council. The Council may refuse to accept the surrender of *part* of a consent where it considers that the surrender would affect the integrity of the consent, or affect the ability of the consent holder to meet other conditions of the consent, or lead to an adverse effect on the environment. A delegation of this decision making power is sought for the Hearings Panels, and the Resource Management Officer Subcommittee.
5. In terms of the new powers relating to direct referral of an application to the Environment Court and requesting the minister to call-in an application, these processes will be used exclusively for either notified (in the case of direct referral), or nationally significant proposals (in the case of called-in applications). As such it is recommended that they be exercised by a Hearings Panel in recognition of their significance. They also align with similar powers the Hearings Panels currently have in respect of notified applications. In reality such powers may be rarely used as, for example, it is not envisaged that there will be many proposals that would qualify as a proposal of national significance in the Christchurch City Council area.
6. It is recommended that the new power to make suggestions to the Minister of the Environment for persons to sit on a board of inquiry to hear an application for a proposal of national significance be exercised by the Resource Management Manager or Planning Administration Manager. Currently these positions have the delegation to approve the composition of Hearings Panels to hear matters under the Resource Management Act 1991, and it is considered that the new power would align with these existing delegations. Again, it is considered that such a power will be rarely exercised within the Christchurch City Council area.
7. The new powers in relation to providing a discount on an administrative change for late consent processing and determining whether to accept a surrender of part of an existing resource consent are typical planning administrative manners which are considered appropriate to be exercised at Resource Management Officer Subcommittee level.
8. As a result of changes to the format and/or wording of existing provisions in the Act, consequential wording changes are also required to other existing delegations. With the exception of expanding the powers of the Resource Management Officer Subcommittee to appoint commissioners, the remainder of these changes do not in any way affect the substance or affect the power given by the existing delegations. They are necessary only to ensure consistency with the format and wording of the amended Act.
9. Changes to the current delegation to the Resource Management Officer Subcommittee to appoint commissioners is, however, recommended to broaden the powers of the Subcommittee to appoint commissioners to consider wider matters delegated to subcommittee level. This would include the ability to consider applications for change or cancellation of consent conditions, outline plans, certificates of compliance, and existing use certificates among other subcommittee powers. It is also recommended that the Subcommittee have the delegation to appoint commissioners to consider objections to additional fees charged on resource consents under sections 357B and 357D of the Resource Management Act 1991.
10. The broadening of these powers is considered necessary to allow commissioners to be appointed for such matters where the Council may have a conflict of interest in making a decision on the matter itself. This would also avoid the need to bring together Hearings Panels at short notice to instead delegate subcommittee powers to commissioners. Furthermore, the delegation of fee objections to commissioners is considered good planning practice to ensure that fee objections are considered in an independent and transparent manner.
11. At present the delegations from the Council give a Council Hearings Panel or a commissioner the power to hear matters such as plan changes and variations and make recommendations to the Council. The same applies to notices of requirement heard by a Council Hearings Panel (i.e. a recommendation is made to the Council which then makes a recommendation to the requiring authority). However, a commissioner hearing a similar matter has the power to make a recommendation direct to the requiring authority.

12. Previously there has been conflicting opinion as to the powers that could be delegated to a commissioner but recent case law (Kapiti Environmental Action Inc v Kapiti Coast District Council [EnvC W085/07]) gave some direction and the Act is now to be amended to clarify that a commissioner may be delegated the power to exercise any functions, powers, or duties under the Act other than the approval of a plan under Clause 17 of Schedule 1. Section 34 of the Act allows the Council to delegate to any committee any of its functions powers or duties.
13. The Committee may wish to consider recommending to the Council that the delegations to Council Hearings Panels be amended to allow a panel to make decisions rather than recommendations on plan changes, variations and the power to make a recommendation directly to a requiring authority. Such a change would have the effect of giving the same power to a commissioner because of the Council's delegation giving commissioners the powers of a Hearings Panel.
14. The Council is very limited in what it can do with a recommendation from a panel or commissioner. It cannot substitute the recommendation with its own decision nor can it vary a recommendation substantially. It can refer a recommendation back to a panel or commissioner and ask that particular matters be reconsidered or it could refer the matter to another panel or commissioner to be reheard. The need to have a panel or commissioner recommendation confirmed by the Council as its decision can result in a delay of a decision by up to six weeks.
15. If the Council is minded to delegate the functions discussed in paragraph 13 then the following resolution also needs to be made. [To amend the existing delegations (1(a), 1(b), 1(f) and 1(h)) to the Council Hearings Panels to allow a panel to make decisions rather than recommendations on plan changes, variations and the power to make a recommendation directly to a requiring authority].
16. Finally, some changes are also recommended to correct errors in the existing delegations, to reflect changed job position titles, and to remove redundant delegations for some job positions due to changes in the roles and responsibilities of those positions. This includes removal of some plan making delegations to the Environmental Policy and Approvals Manager which are no longer a role of that position. These now sit within the Strategy and Planning Group, and requisite delegations already exist for persons within that group to carry out those powers.
17. The three Tables below set out the changes proposed for the planning administration team, with Table 1 setting out the new powers together with the group or position to which it is recommended they be delegated. Table 2 sets out the consequential amendments to existing delegations required to ensure consistency with the amended Act. Table 3 sets out those amendments required to correct errors or remove now redundant delegations.

Table 1 – New Powers Requiring New Delegations

New Delegation	Recommended Delegation
<u>To determine whether a notified resource consent application or an application to change or cancel a condition of a resource consent that has been notified, should be directly referred to the Environment Court at the request of an applicant, under section 87CA of the amended Act.</u>	Delegation (zn) to Hearings Panels.
<u>To determine whether to request the Minister for the Environment to call-in a resource consent application for a proposal of national significance, under section 145(1) of the amended Act.</u>	Delegation (zo) to Hearings Panels
<u>To make suggestions to the Minister for the Environment for members to sit on a board of inquiry to be appointed to hear a resource consent for a proposal of national significance, under section 149K of the amended Act.</u>	Delegation (zp) to Hearings Panels, Resource Management Manager (4), and Planning Administration Manager (I).
<u>To determine any discount under section 36AA of the Resource Management Act 1991 on an administrative charge imposed under section 36 in accordance with regulations made under section 360(1)(h) of the Resource Management Act 1991.</u>	Delegation (19) to the Resource Management Officer Subcommittee

New Delegation	Recommended Delegation
<u>To determine whether to accept the surrender of part of a resource consent under section 138 of the Resource Management Act 1991.</u>	Delegation (zr) to Hearings Panels, and the Resource Management Officer Subcommittee (20).
<u>To decide whether a notice of requirement for designation or a notice of requirement for a heritage order should be directly referred to the Environment Court at the request of a requiring authority or a heritage protection authority under sections 198BA or 198I.</u>	Delegation (zs) to Hearings Panels.
<u>To determine any notification issues for any notice of requirement for designation under sections 168A or 169 of the Resource Management Act 1991 or for any notice of requirement for a heritage order under sections 189A or 190.</u>	Delegation (zt) to Hearings Panels.
<u>To determine that an application is incomplete and return it to the applicant pursuant to section 88(3) of the Resource Management Act 1991.</u>	Delegation (zv) to Hearings Panels and Resource Management Officer Subcommittee (22). Previously recommended and adopted but not currently included in delegations register.
<u>To issue a certificate of compliance pursuant to section 139 of the Resource Management Act 1991.</u>	Delegation (21) to the Resource Management Officer Subcommittee. Was delegated to team leaders which is now deleted to maintain consistency with other delegations.
<u>Pursuant to sections 87D, 198C or 198J, to suggest conditions that should be imposed if the Environment Court decides to grant any of the applications in sections 87BA, 198A and 198H, that the Council has referred to the Court for decision.</u>	Delegation (zw) to Hearings Panels.
<u>To make a further submission to the EPA pursuant to section 149D of the Resource Management Act 1991.</u>	Delegation (zx) to Hearings Panel
<u>To lodge submissions on behalf of the Council on any proposed Regional Plan or variation to a proposed Regional Plan, or on any change to a Regional Plan.</u>	Delegation (zy) to Hearings Panel and Strategy and Planning General Manager.

Table 2 – Consequential Amendments to Existing Delegations

Amended Delegation (Crossed out text notates deletions, and underline text notates additions)	Current Delegation
To determine any notification issues in relation to any application for resource consent pursuant to sections 93, 94A, 94B, and 94C <u>95A – 95F</u> of the Resource Management Act 1991.	Remains delegated to Hearings Panels (c).
To lodge an appeal or a reference to the Environment Court, pursuant to either s.174 or Clause 14 of the First Schedule to the Resource Management Act 1991, against any decision of a Requiring Authority.	Remains delegated to Hearings Panel (i).
To hear and make decisions on any objection, made under <u>sections 357 and 357A</u> of the Resource Management Act 1991, to any Council decision.	Remains delegated to Hearings Panels (j) .
To give the consent of the Council as the requiring authority to the use of land which is subject to a designation, pursuant to sections 9(2)(3) , 176 and 178 of the Resource Management Act 1991.	Remains delegated to Hearings Panels (q).
To determine whether an application for a resource consent need not be notified pursuant to <u>sections 94 95A to 95F</u> of the Resource Management Act.	Remains delegated to Resource Management Officer Subcommittee (2). Amendment reflect new numbering.

Amended Delegation (Crossed out text notates deletions, and underline text notates additions)	Current Delegation
To require additional fees to be paid over and above any prescribed fees, in order to enable the Council to recover its actual and reasonable costs in respect of the matter concerned, pursuant to <u>sections 36(3) and 149ZD</u> of the Resource Management Act 1991.	Remains delegated to the Resource Management Officer Subcommittee (6) .
To appoint any commissioner or commissioners where, in the opinion of the subcommittee, it is desirable that a commissioner or commissioners be appointed for the purpose of deciding whether: <p>(a) an application should be notified or non-notified under s94 <u>section 95A and 95B</u>;</p> <p>(b) to hold a hearing of the application if required;</p> <p>(c) to determine whether to grant consent to the application.</p> <p><u>(d) any other matter delegated to the Resource Management Officer Subcommittee.</u></p> <p><u>(e) to hear, consider, and make a decision on an objection to the additional fees charged by the Council under sections 357B and 357D of the Resource Management Act 1991.</u></p>	Remains delegated to the Resource Management Officer Subcommittee (11) .
That pursuant to section 34A of the Resource Management Act 1991 the Council delegate to the Resource Management Officer Subcommittee the power to: <p>(a) Make decisions on any notification issues in relation to resource consent applications under sections 92–94D <u>92 – 95F</u> of the Resource Management Act 1991;</p> <p>(b) The powers of the Council under sections 37 and 37A of the Resource Management Act 1991;</p> <p>(c) The power to provide an estimate of the additional fees likely to be imposed on <u>under</u> section 36 of the Resource Management Act 1991.</p>	Remains delegated to the Resource Management Officer Subcommittee (13.) .
To determine which persons and bodies shall be served with a copy on any notified resource consent application, and to arrange its public notification, and erection of signs, pursuant to section 93(4) <u>sections 95A to 95F</u> of the Resource Management Act 1991.	Remains delegated to Environmental Policy and Approvals Manager (c) , Planning Administration Manager (b) , Area Development Officers (2) , Team Leader Subdivisions (2) , and Planning Team Leader (b) . Amended to reflect new sections.
To determine which persons shall be required to give their written approval for any resource consent which is not to be publicly notified, pursuant to section 94 <u>sections 95A to 95F</u> of the Resource Management Act 1991.	Remains delegated to Planning Administration Manager (c) . Amended to reflect new sections.
To lodge submissions on behalf of the Council on any proposed district plan or variation to a proposed district plan administered by the Council, or on any Council initiated or privately initiated change <u>to</u> a district plan administered by the Council, or on any notice of requirement for a designation or on any notice of requirement for a heritage order.	As a result of restructuring delegation to Programme Manager Liveable City and Programme Manager Healthy Environment deleted and re-allocated to General Manager, Strategy and Planning (3) and to Programme Manager District Planning (7) . Also to Council Hearings Panel (zu) .

<p>The power, pursuant to Section 34(4) of the Resource Management Act 1991, To make submissions on individual notified regional land use consents and water, discharge and coastal permits where:</p> <p>(a) There are special matters of metropolitan importance; or</p> <p>(b) There are special matters of importance to the local community or local environment; or</p> <p>(c) There are technical skills or knowledge which the Council can contribute to achieving a better outcome for the community.</p>	<p>Delegation (1) remains with Programme Managers Liveable City and Healthy Environment. Section 34(4) was repealed several years ago</p>
<p>The power, pursuant to Section 34(4) of the Resource Management Act 1991, To make submissions on applications for resource consents applied for in territorial authority districts adjoining the city.</p>	<p>Delegation (2) remains with Programme Managers Liveable City and Healthy Environment. Section 34(4) was repealed several years ago</p>

Table 3 – Removal of Redundant Delegations and Correction of Errors.

Removal or Correction (Crossed out text notates deletions, and bold text notates additions)	Delegated to
<p>To resolve by consent order any proceedings before the Environment Court other than proceedings arising from a decision of Council on submissions to the proposed City District Plan.</p>	<p>Remains delegated (l) to Hearings Panels, Reference to “proposed” removed and broadened to include City Plan and Banks Peninsula District Plan.</p>
<p>Pursuant to s34A(1) of the Resource Management Act 1991, the power To appoint any hearings commissioner or commissioners any functions, duties powers of the Council except those described in section 34A(1)(a) and (b)</p>	<p>Delegation (u) to Council Hearings Panel amended. The reference to s34A(1) is incorrect (the correct section is section 34) and unnecessary as the wording is a repeat of the words under the heading. The deletion of the words at the end is necessary because it amounts to a sub-delegation. The Commissioner’s powers are delegated directly by the Council</p>
<p>(ii) Any authority given under this delegation shall be on such terms and conditions as the Panel considers appropriate.</p> <p>Authorised positions:</p> <ul style="list-style-type: none"> • Environmental Policy and Approvals Manager • Resource Management Manager • Planning Administration Manager • Team Leader, Civic Planning Team Leader • Team Leader, Subdivisions • Senior Planner • Specialist Planner – Professional Development • Subdivisions Officer • Solicitor, Legal Services Unit 	<p>Remains delegated to Hearings Panel. Position title amended to reflect new title (y)(ii).</p>

Removal or Correction (Crossed out text notates deletions, and bold text notates additions)	Delegated to
That the Council Hearings Panel be delegated the power to authorise any officer approved by either the Legal Services Manager, or the Environmental Policy and Approvals Manager, <u>or the Strategy Support Unit Manager</u> to participate in a mediation of any proceeding before the Environment Court other than a proceeding under the Resource Management Act. Except on proceedings arising from decisions made by the full Council the authority shall include the power to commit the Council to a binding agreement to resolve the proceeding and shall be on such terms and conditions as the Panel considers appropriate.	Remains delegated to Hearings Panels. Position title amended to reflect new title (ya) .
To hear and consider submissions on the Proposed City Plan <u>District Plan</u> and to recommend decisions to the Council.	Remains delegated (zg) to Hearings Panels. Reference to "Proposed City" deleted to broaden to both City Plan and Banks Peninsula District Plan.
To make hear and make decisions on any notified application or non-notified application which requires a hearing under the Resource Management Act 1991, including directions pursuant to Section 41B (provision of evidence) <u>and/or</u> Section 41C (order of business and provision of reports and information).	Remains delegated (zm) to Hearings Panels. Amendments clarifies purpose of delegation.
<p>(b) Any authority given under this delegation shall be on such terms and conditions as the Subcommittee considers appropriate.</p> <p>Authorised positions:</p> <ul style="list-style-type: none"> • Resource Management Manager • Team Leader, City Plan • Solicitor, Legal Services Unit • Senior Planner, City Plan • <u>Programme Manager District Planning</u> • <u>District Planning Team Leader</u> • <u>Principal Advisor Planning</u> 	Remains delegated to District Plan Appeals Subcommittee. Position titles amended to reflect new titles (3)(b) .
<p>To authorise any two or more officers who, for the time being, hold any of the following positions to jointly consider, and resolve by consent order, any appeal to the Environment Court against a decision of Council on submissions to the City Plan or District Plan, where the appeal relates to an alteration of minor effect or the correction of a minor error.</p> <p>Authorised positions:</p> <ul style="list-style-type: none"> • Resource Management Manager • Team Leader – City Plan • Senior Planner – City Plan • <u>Programme Manager District Planning</u> • <u>District Planning Team Leader</u> • <u>Principal Advisor Planning</u> • <u>Solicitor, Legal Services Unit</u> 	Remains delegated to District Plan Appeals Subcommittee (4) . Position titles amended to reflect new titles.

<p>Members 7.11.07 Environmental Policy & Approvals Manager Resource Management Manager Planning Administration Manager Team Leader City Plan Team Leader Subdivisions Civic Planning Team Leader Area Development Officers Subdivision Officers Senior Planners Specialist Planner – Professional Development Programme Manager, District Planning District Planning Team Leaders Principal Advisors, Planning</p> <p>(Quorum: any two members)</p>	<p>Delegated to the Resource Management Officer Subcommittee. Position titles amended to reflect new titles and remove redundant titles.</p>
<p>To waive or extent any time limited pursuant to s.37 and 37A of the Resource Management Act 1991</p>	<p>Remains delegated (4) to the Resource Management Officer Subcommittee.</p>
<p>To reduce any fees in respect of resource consent applications in the following cases:</p> <ul style="list-style-type: none"> • Where the application is a voluntary or community organisation (maximum reduction 50%). • Where the application is minor and the actual and reasonable costs of the Council are less than the prescribed fee. 	<p>Authority to waive fees remains under section 36 delegation. This delegation gives impression such organisation will receive 50% reduction (5).</p>
<p>To request any changes to any Outline Plan submitted pursuant to s420(4) section 176A(4) of the Resource Management Act 1991.</p>	<p>Remains delegated (7) to the Resource Management Officer Subcommittee.</p>
<p>COMMISSIONER OR COMMISSIONERS APPOINTED BY A COUNCIL HEARINGS PANEL</p>	<p>Reference to appointment by a Hearings Panel removed as commissioners not just appointed by Hearings Panels.</p>
<p>To hear and make a recommendation to the requiring authority on any requirement for a designation or heritage order.</p>	<p>Remains delegated (3) to commissioner. Reference to designation included.</p>
<p>Any other delegation given by the Council to the Council Hearings Panel, the City Plan Hearings Committee, the Resource Management Officer Subcommittee or to the Resource Management Officer Subcommittee District Plan Appeals Subcommittee.</p>	<p>Remains delegated (4) to Commissioner or Commissioners appointed by a Council Hearings Panel. Redundant committees deleted.</p>
<p>To determine which persons shall be required to give their written approval for any resource consent which is not to be publicly notified, pursuant to section 94 of the Resource Management Act 1991.</p>	<p>Delegated to Environmental Policy and Approvals Manager, Planning Administration Manager, Area Development Officers, Team Leader Subdivisions, and Planning Team Leader. Deleted as this delegation duplicates Resource Management Officer Subcommittee delegation.</p>

<p>To issue a certificate of compliance pursuant to section 139 of the Resource Management Act 1991.</p>	<p>Delegated to Environmental Policy and Approvals Manager, Planning Administration Manager, Area Development Officers, Team Leader Subdivisions, and Planning Team Leader. Deleted as this delegation duplicates Resource Management Officer Subcommittee delegation.</p>
<p>(Delegations 1 to 7 above can also be exercised severally by Environmental Services Policy and Approvals Manager, Resource Management Manager or Planning Administration Manager or Team Leader Subdivisions).</p>	<p>Delegation under Area Development Officer. Amended to reflect new titles and title also rationalised.</p>
<p>The powers of the Council contained in:</p> <p>(a) Sections 92 to 94D of the Resource Management Act 1991;</p> <p>(b) Section 126 of the Resource Management Act 1991;</p> <p>(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);</p> <p>(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);</p> <p>(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.</p> <p>(Delegation 9 can also be exercised severally by Civic Plan Team Leader, Environmental Services Manager, Planning Administration Manager and Team Leader Subdivisions).</p>	<p>Area Development Officer delegation (9). Deleted as this delegation duplicates Resource Management Officer Subcommittee delegation.</p>
<p>To issue an amended resource consent pursuant to Section 133A of the Resource Management Act 1991.</p>	<p>Delegated to Environmental Policy and Approvals Manager, Planning Administration Manager, Area Development Officers, Team Leader Subdivisions, and Planning Team Leader. Deleted as this delegation duplicates Resource Management Officer Subcommittee delegation.</p>
<p>CIVIC-PLANNING TEAM LEADER</p> <p>That pursuant to section 34(4) 34A of the Resource Management Act 1991, the following delegations of powers and functions under that Act be made to the Civic Planning Team Leader.</p>	<p>Remains delegated to the Planning Team Leader. Amendment to section and position title.</p>
<p>(Can also be exercised by Environmental Services Policy and Approvals Manager, Planning Administration Manager or Resource Management Manager, Team Leader Subdivisions or Area Development Officers).</p>	<p>Under Planning Team Leader. Position titles amended to reflect new positions and also positions rationalised.</p>

<p>B. Delegations under the Resource Management Act 1991:</p> <p>(1) To lodge submissions on behalf of the Council in respect of any proposed district plan, variation to a proposed district plan or change to a district plan administered by Council.</p> <p>(2) To require further information or to commission a report, in order to consider a request for a plan change, pursuant to clause 23 of the 1st Schedule of the Resource Management Act 1991 (can also be exercised by the Team Leader City Plan).</p> <p>(3) To determine which persons and bodies shall be served with a copy of any proposed district plan, or change to a district plan, or variation to a proposed district plan, or requirement for a designation.</p> <p>(4) To carry out the following powers, duties, and functions:</p> <p>(a) To make submissions on individual notified regional land use consent and water, discharge and coastal permits where:</p> <ul style="list-style-type: none"> • There are special matters of metropolitan importance; or • There are special matters of importance to the local community or local environment; or • There are technical skills or knowledge which the Council can contribute to achieving a better outcome for the community (also delegated to the Urban Development Policy Leader). 	<p>Remove redundant delegations to the Environmental Policy & Approvals Unit Manager (B).</p>
<p>((e) to (i) can also be exercised by Environmental Services Policy and Approvals Manager, Resource Management Manager, Planning Administration Manager, Team Leader Subdivisions, Planning Team Leader or Area Development Officers.)</p>	<p>Under Planning Administration Manager. Amended to reflect new titles and also rationalise positions.</p>
<p>SENIOR PLANNER – CITY PLAN</p> <p>Any two or more officers who, for the time being, hold any of the following positions are authorised to jointly consider, and resolve by consent order, any reference to the Environment Court against a decision of Council on submissions to the Proposed City Plan, where the reference relates to an alteration of minor effect or the correction of a minor error.</p> <p>Authorised Positions:</p> <p>Team Leader – City Plan Senior Planner – City Plan Senior Planner – Planning Policy Senior Planner – Conservation Planning Planner – Planning Policy (Project Team Leader – Business)</p>	<p>Deleted as position superseded by reorganisation in Strategy and Planning Group.</p>

<p><u>TEAM LEADER CITY PLAN DISTRICT PLANNING TEAM LEADER</u></p> <p>1. To determine which persons and bodies shall be served with a copy of an proposed District Plan, or Change to a District Plan, and to arrange public notification of, pursuant to clause 5 of the First Schedule of the Resource Management Act 1991.</p> <p>2. To lodge submissions on behalf of the Council in respect of any proposed District Plan, Variation to a proposed District Plan or Change to a District Plan administered by the Council.</p> <p>31. To require further information, or to commission a report, in order to consider a request for a plan change, pursuant to clause 23 of the First Schedule of the Resource Management Act 1991.</p> <p>42. To determine which persons and bodies shall be served with a copy of any proposed District Plan, or Change to a District Plan, or Variation to a Proposed District Plan, or Requirement for a designation <u>or Requirement for a heritage order.</u> (can also be exercised by the Environmental Services Manager).</p> <p>53. Any two or more officers who, for the time being, hold any of the following positions are authorised to jointly consider, and resolve by consent order, any reference <u>appeal</u> to the Environment Court against a decision of Council on submissions to the Proposed City Plan or <u>Banks Peninsula District Plan</u>, where the reference relates to an alteration of minor effect or the correction of a minor error.</p> <p>Authorised Positions: Programme Manager, District Planning <u>District Planning Team Leader</u> <u>Principal Advisor, Planning</u> Team Leader – City Plan Senior Planner – City Plan Senior Planner – Planning Policy Senior Planner – Conservation Planning Planner – Planning Policy (Project Team Leader – Business)</p> <p>6.4. That the Council delegate to the <u>District Planning</u> Team Leaders City Plan the power during the interregnum to appoint independent commissioners and any two or more persons declared elected as Councillors following the Electoral Officer's declaration of the election results in October 2004 for any triennial Council election as commissioners to:</p> <p>1. Consider and resolve any consent orders requested in respect of any proceedings before the Environment Court arising out of the Council's decisions on the City Plan; and</p> <p>2.1. Exercise any of the powers presently delegated to the <u>City Plan References District Plan Appeals</u> Subcommittee; and</p> <p>3.2. Exercise the following powers presently delegated to the Council Hearings Panel:</p> <p>1(c) The power to hear and consider submissions on any variation and to recommend decisions to Council, and</p> <p>1(f) The power to lodge an appeal to the Environment Court against the decision of a requiring authority, and</p> <p>1(t) The power to agree to an alteration to a designation-</p>	<p>Delegations allocated to new positions following restructuring. Delegations 1 and 2 deleted as they are a repeat of delegations 3 and 4 (now renumbered 1 and 2). New delegation 2 amends to include reference to requirements for heritage orders.</p> <p>Renumbered delegation 3 deletes reference to an obsolete term and amends authorised positions following a staff restructuring. Renumbered delegation 4 has been amended to allow the delegates to appoint commissioners during the interregnum following any Council triennial election.</p>
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<p>That the Council resolve that, for the following purposes:</p> <p>(a) Section (5)(1)(g) of the Unit Titles Act 1972 (b) Section 221(2) of the Resource Management Act 1991.</p> <p>The Principal Administrative Officer of the Council <u>or the person authorised to sign consent notices</u> shall be the Team Leader Subdivisions, or any Subdivision Officer.</p>	<p>Remains delegated (9) to Team Leader Subdivisions.</p>
<p>That pursuant to section 34(4) 34A of the Resource Management Act 1991 the Council delegates to Team Leader Subdivisions, or to any Subdivision Officer, the power to vary or cancel any condition imposed on a Consent Notice pursuant to section 221(3) of the Resource Management Act 1991.</p>	<p>Remains delegated (10) to Team leader Subdivisions.</p>
<p>That the Council resolve, pursuant to section 34(4) 34A of the Resource Management Act, that for the purposes of sections 223, 240(3) and 5(b), 241(4)(b) and 243(f)(ii), the authorised officer shall be the Team Leader Subdivisions or any Subdivisions Officer.</p>	<p>Remains delegated to Team Leader Subdivisions (11).</p>
<p>The power, pursuant to Section 34(4) of the Resource Management Act, to lodge submissions on behalf of the Council in respect of any proposed District Plan, or Change to a District Plan, administered by the Council.</p>	<p>Delegation 1 to Programme Manager Liveable City and Programme Manager Healthy Environment deleted and re-allocated to General Manager Strategy and Planning and Programme Manager District Planning.(Council Hearings Panel also has this power.)</p>

FINANCIAL IMPLICATIONS

18. There are no direct financial considerations.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

19. There are no LTCCP budgetary implications.

LEGAL CONSIDERATIONS

20. The statutory requirements of the Resource Management Act 1991 as amended by the Resource Management (Simplifying and Streamlining) Amendment Bill 2009.

21. In addition to resolving on the new and amended delegations recommended in this report, it is also recommended that the Council confirm all existing delegations made under the Resource Management Act 1991, in light of the extensive changes made by the Amendment Bill, so there is no doubt in the future that the Council intended that those other delegations are to be continued.

Have you considered the legal implications of the issue under consideration?

22. Yes. The recommended delegations will meet the powers of delegation in the Act as amended by the Bill.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. Page 156 of the 2009-2019 LTCCP – Level of Service under Democracy and Governance.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

24. Yes. Supports the level of service that Council and Community Board decisions comply with statutory requirements.

ALIGNMENT WITH STRATEGIES

25. Not applicable.

Do the recommendations align with the Council's strategies?

26. Not applicable.

CONSULTATION FULFILMENT

27. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the new delegations and amended delegations set out in the above tables 1-3.
- (b) Confirm all existing delegations made by the Council under the Resource Management Act 1991.

COMMITTEE RECOMMENDATION

It is recommended that the Council:

- (a) Approve the new delegations and amended delegations set out in the above tables 1-3 with the following amendments:
 - i. Table 1: Delegations (zo), (zp) and (zy) to be delegated to the Council.
 - ii. Table 1: Update reference regarding delegation (zo) from section 145(1) of the Resource Management Act to section 142(1).
 - iii. Table 1: Update reference regarding delegation (zx) from section 145(1) of the Resource Management Act to section 149(F).
 - iv. Table 2: Delegation (j) regarding section hearings and decisions under section 357A of the Resource Management Act to be delegated to the Resource Management Officer Subcommittee.
- (b) Confirm all existing delegations made by the Council under the Resource Management Act 1991, as recorded in the attached document.
- (c) Agree that the Regulatory and Planning Committee review the governance structure of and delegations to the Council Hearings Panel.