

#### 4. REPORT ON DELEGATIONS

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Corporate Plan Output: City Plan	

The purpose of this report is to recommend amendments to various delegations from Council.

A review of the delegations to the Resource Management Committee, the City Plan Hearings Committee, the Council Hearings Panel, and to some officers has revealed a number of omissions and inconsistencies. The following amendments to the delegations from Council are recommended.

##### **CITY PLAN HEARINGS COMMITTEE**

Delegation 1 appears to have some words missing. I recommend that it be deleted and substituted by the following:

- 1. The power to hear submissions to the proposed City Plan and to recommend decisions under Clauses 9 and 10 of the First Schedule to the Resource Management Act 1991.*

##### **RESOURCE MANAGEMENT COMMITTEE**

Delegations 1 and 3 are poorly worded. Delegation 2 gives authority to named officers, two of whom are no longer employed by the Council. It is recommended that delegations 1, 2 and 3 be deleted and substituted by the following delegations with consequential renumbering of Delegations 4 to 6 as Delegations 7 to 9.

Included in the recommendation is a delegation, at present exercised by the Council Hearings Panel, in respect of Plan Changes. The existing delegation does not have regard to the distinction in the Act between a Council initiated Change and a request for a change. I recommend that, for consistency, this rewritten delegation be exercised by the Resource Management Committee rather than by the Council Hearings Panel.

The recommended rewording is:

- 1. The power to recommend that Council initiate a variation under clause 16A of the First Schedule to the Resource Management Act 1991.*
- 2. The power to recommend that Council prepare a change to the District Plan under Clause 21(4) of the First Schedule of the Resource Management Act 1991.*

3. *The power to consider any request for a change to the District Plan, and to decide whether to:*
  - *Adopt the request or part of the request as if it were a change proposed by the Council itself or*
  - *Accept the request, in whole or in part or*
  - *Deal with the request as if it were an application for a resource consent or*
  - *Reject the request in whole or in part on the grounds specified in Clause 25(4)(a)-(e) of the First Schedule.*
4. *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.*

Authorised Positions:

*Team Leader – City Plan*  
*Senior Planner – City Plan*  
*Senior Planner – Planning Policy*  
*Senior Planner - Conservation Planning*  
*Planner – Planning Policy (Project Team Leader – Business)*

5. *A subcommittee of not less than three members of the Resource Management Committee is authorised to consider, and resolve by consent order, any reference to the Environment Court against a decision of Council on submissions to the Proposed City Plan, other than those matters referred to in Delegation 4.*

#### **COUNCIL HEARINGS PANEL**

The recommended changes to the Panel's delegations are a consequence of recognising the distinction between Council initiated Changes and those that are requested, to provide authority for the hearing of submissions on Variations, and to reword a delegation in respect of consent orders to provide clarity.

I recommend that paragraphs (a), (c) and (h) under Delegation 3 be substituted by the following delegations with consequential renumbering of paragraphs (b), (d) to (g) and (i) to (t).

- (a) *In respect of a request for a change to the District Plan dealt with under Clause 25(2)(b) of the First Schedule to the Act, the power to hear and consider submissions on the requested change and to recommend decisions to Council under Clause 29(4) of the First Schedule.*

- (b) *In respect of*
- (i) *a plan change prepared by the Council under Clause 21(4) of the First Schedule to the Act; or*
  - (ii) *a request for a plan change dealt with under Clause 25(2)(a),*  
*the power to hear and consider submissions on the change and to recommend decisions to Council under Clause 10 of the First Schedule to the Act.*
- (c) *To hear and consider submissions on any variation initiated under Clause 16A of the First Schedule of the Act and to recommend decisions to Council.*
- (h) *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 Plan.*

#### **ENVIRONMENTAL POLICY AND PLANNING MANAGER**

The delegations to this officer do not provide for the lodging of submissions on Variations to the Council's Proposed Plan. Nor do they provide for the lodging of submissions on Proposed Plans, Variations to Proposed Plans and Changes to Plans of adjoining territorial authorities. It is recommended that Delegations 1 and 3 be deleted and substituted by the following:

- (1) *The power to lodge submissions on behalf of the Council in respect of any proposed District Plan, or Variation to a proposed District Plan or Change to a District Plan, administered by the Council.*
- (3) *The power, in consultation with the Chairman of the Resource Management Committee, to make submissions on:*
  - *applications for resource consents*
  - *proposed District Plans, Variations to proposed District Plans and Changes to District Plans of territorial authorities adjoining the City (subject to regular reports being provided to the Resource Management Committee for information)*

#### **ENVIRONMENTAL SERVICES MANAGER OR TEAM LEADER CITY PLAN**

These officers at present have delegated authority to lodge submissions on the Council's Proposed District Plan and on Changes to the District Plan but not on Variations to the Proposed Plan. I recommend that Delegation 2 to the Environmental Services Manager or Team Leader City Plan be deleted and substituted by the following:

*To lodge submissions on behalf of the Council in respect of any proposed District Plan, Variation to a proposed District Plan, or a change to a District Plan administered by the Council.*

**Recommendation:** That the Committee recommend to Council that it amend its delegations as set out in this report.

**Chairman's**

**Recommendation:** That the reviewed delegations as scheduled in the report be approved.