

Attachment A

PART B - SUB-PART 1 – LEGISLATIVE DELEGATIONS

1. **Resource Management Act 1991**

Delegations made under the authority of sections 34 and 34A of the Resource Management Act as the case may be.

The Deputy Mayor and the Chief Executive are delegated the authority to appoint Hearings Panels on matters under the Resource Management Act 1991.

RMA Hearings Panel ¹	HP
Commissioner	C
General Manager Infrastructure, Planning & Regulatory Services	GMIP
Head of Planning and Consents	HPC
Manager Resource Consents	MRC
Team Leader Planning	PTL
Principal Advisor – Resource Consents	PAR
Senior Planner	SP
Planner or any person who is engaged as a consultant planner to the Council	P
Manager Planning	MP
Team Leader City Planning	CPT
Principal Advisor, Planning	PAP
General Manager Resources	GMR
Head of Regulatory Compliance	HRCP

Manager Property Consultancy	MPC
General Manager Citizens and Community	GMCC
Head of Transport and Waste Management	HOT
Head of Parks	HOP
Head of Legal and Democratic Services	HOL
Manager Legal Services Delivery – Public, Regulatory and Litigation	MLS
Senior Legal Counsel – Public, Regulatory and Litigation	SLC

Section	Delegation	HP	C	GMIP	HPC	MRC	PTL	PAR	SP	P	MP	CPT	PAP	HRCP	GMR	HOT	HOP	MPC	GMCC	HOL	MLS	SLC	
10(2)	To consider and make a decision on an application to extend the period for which existing use rights apply, including identifying people for affected party approval under section 10(2)(ii).	✓	✓	✓	✓	✓	✓	✓															
11(1)(b)	Authority to sign certificates in respect of the subdivision of land being acquired or disposed of by the Council.														✓	✓		✓					
34A	To appoint a commissioner or commissioners.	✓		✓	✓	✓	✓	✓			✓	✓											
36(5) and 149ZD	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 of processing an application.	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓									
36(6)	To provide an estimate of the additional fees likely to be imposed.			✓	✓	✓	✓	✓	✓		✓	✓		✓									
36AAB	To remit the whole or part of a charge.			✓	✓	✓	✓				✓	✓		✓									
37	To waive or extend any time limits.	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓										
38	To authorise persons to be enforcement officers under this section.			✓										✓									
39AA	To direct that a hearing or part of a hearing may be conducted using 1 or more remote access facilities.	✓	✓	✓	✓	✓	✓				✓	✓											
39B(3) and (4)	To determine whether there are exceptional circumstances that warrant not all of the persons being accredited.			✓							✓												
40	To exercise the powers under section 40(2) and 40(3) in relation to hearings.	✓	✓																				
41B	To direct the applicant and submitters to provide briefs of evidence before a hearing.	✓	✓																				
41C	To make directions and requests before or at hearings.	✓	✓																				
41D	To make a direction striking out a submission, before, at, or after a hearing	✓	✓																				
42	To make an order in relation to the protection of sensitive information.	✓	✓																				

¹ An RMA Hearings Panel may include elected members appointed as hearings commissioners under s34A of the RMA

Section	Delegation	HP	C	GMIP	HPC	MRC	PTL	PAR	SP	P	MP	CPT	PAP	HRCP	GMR	HOT	HOP	MPC	GMCC	HOL	MLS	SLC
104A 104B 104C 104D 105 106	To consider and make a decision on any resource consent application, including hearing the application if required.	✓	✓																			
108 108A 108AA 109	To impose conditions on resource consents, and to sign documents varying, cancelling or renewing bonds and covenants. (Refer also to section 220 for conditions on subdivision consents).	✓	✓	✓	✓	✓	✓	✓	✓													
109(3) –(5)	To decide that officers and/or agents of the consent authority will enter onto the land subject to bonded work, to ascertain whether the work has been completed, and to complete the work, if the consent holder fails to do so. To decide to recover the cost from the bond, and to register the shortfall as a charge on the land.			✓	✓	✓								✓								
110	If a resource consent lapses, is cancelled or is surrendered and the activity does not proceed, to refund a financial contribution to the consent holder less a value equivalent of the costs incurred by the consent authority in relation to the activity and its discontinuance.			✓	✓	✓																
124	To exercise the consent authority's discretion to allow exercise of an existing consent while applying for a new consent, in accordance with this section.		✓	✓	✓	✓																
125	To consider and make decisions on an application to extend the lapse period of a resource consent, where the original application was not publicly notified and did not require a hearing.			✓	✓	✓	✓	✓	✓													
125	To consider and make decisions on an application to extend the lapse period of a resource consent.	✓	✓																			
126	To cancel a resource consent, and consider and make a decision on an application to revoke the cancellation notice and state a period after which a new notice may be served, for any consent that has been given effect to but has not been exercised for a continuous period of five(5) years.	✓	✓	✓	✓	✓																
127	To consider and make decisions to change or cancel any condition imposed on a resource consent, including notification decisions, where the original application was not publicly notified and did not require a hearing.			✓	✓	✓	✓	✓	✓													
127	To consider and make decisions to change or cancel any condition imposed on a resource consent, including notification decisions and hearing the application if required.	✓	✓																			
128 to 132	To decide to serve notice on a consent holder of the Council's intention to review the conditions of a resource consent, and decide as to notification, and to consider and make a decision on the review, including cancellation of the consent.	✓	✓	✓	✓	✓	✓	✓														
133A	To issue an amended resource consent.	✓	✓	✓	✓	✓	✓	✓	✓													
138	To determine whether to refuse to accept the surrender of all or part of a resource consent.	✓	✓	✓	✓	✓	✓	✓	✓													
139	To issue a certificate of compliance.		✓	✓	✓	✓	✓	✓	✓													
139(4)	To require further information to be provided in order to determine if a certificate of compliance must be issued.		✓	✓	✓	✓	✓	✓	✓	✓												
139A	To issue an existing use certificate.	✓	✓	✓	✓	✓	✓	✓	✓													
139A(3)	To require further information to be provided in order to determine if an existing use certificate must be issued.	✓	✓	✓	✓	✓	✓	✓	✓	✓												
139A(8)	To revoke an existing use certificate if it was issued based on inaccurate information.	✓	✓	✓	✓	✓																
142	To request the Minister to make a direction to call in a matter that is or part of a proposal of national significance.			✓																		
149T	To give notice on Council's behalf under s274 of a matter of national significance that the Minister has called in and directly referred to Environment Court.			✓																		
149V	To lodge appeal to the High Court on question of law on Council's behalf.			✓																		
149W(2)	To amend the proposed plan, change or variation under clause 16(1) of Schedule 1 as soon as practicable after receiving the notice of decision of the Board or Court.											✓										
149ZD	To recover costs incurred by the Council from the applicant and to provide an estimate of costs when required to do so by the applicant.			✓																		
168A	Authority to lodge notice of requirement on behalf of Council.														✓					✓		

Section	Delegation	HP	C	GMIP	HPC	MRC	PTL	PAR	SP	P	MP	CPT	PAP	HRCP	GMR	HOT	HOP	MPC	GMCC	HOL	MLS	SLC
195B(5)	To make a written objection or submission to the Minister on the Minister's proposal to transfer responsibility for an existing heritage order to another heritage protection authority.			✓																		
195C	To amend the district plan by noting a transfer of responsibility for a heritage order.			✓																		
198C	To make a decision under section 198C on a request made under section 198B for direct referral of a notice of requirement for a designation or heritage order to the Environment Court.	✓																				
198D	To approve the content of a consent authority report on a requirement that has been directly referred to the Environment Court.			✓	✓	✓																
220	To impose conditions on a subdivision consent.	✓	✓	✓	✓	✓	✓	✓	✓													
221(2)	To be an "authorised person" to sign a consent notice.			✓	✓	✓	✓	✓	✓	✓												
221(3)	To vary or cancel any condition contained in a consent notice with the same delegations as set out above for a resource consent application under sections 88 to 121.	✓	✓	✓	✓	✓	✓	✓	✓													
222	To issue a completion certificate for matters subject to performance bonds, and to extend the time period for completion.			✓	✓	✓	✓	✓	✓													
223(3)	To be an "authorised officer" to certify that a survey plan has been approved.			✓	✓	✓	✓	✓	✓	✓												
224(c)	To be an "authorised officer" to certify compliance with the conditions of a subdivision consent, or, in respect of the conditions that have not been complied with, that a completion certificate, a consent notice has been issued or a bond has been entered into.			✓	✓	✓	✓	✓	✓	✓												
224(f)	To be an authorised person to provide the certificate under this section for a subdivision effected by the grant of a cross lease or company lease or by the deposit of a unit plan.			✓	✓	✓	✓	✓	✓	✓												
226(1)(e)	To certify as an "authorised officer" any plan of subdivision or copy thereof, which has not had a previous statutory approval.			✓	✓	✓	✓	✓	✓													
232 & Sch 10	Where an esplanade strip is created, in relation to the instrument to be registered, determine matters to be included, excluded etc; Power to do all things necessary to effect registration of the instrument.			✓	✓	✓	✓	✓	✓									✓				
234	To vary or cancel the instrument creating an esplanade strip as set out in this section.	✓	✓	✓	✓	✓	✓	✓	✓													
234(7)	To certify as an "authorised officer" specifying the variations to the instrument or that the instrument is cancelled as the case may be.			✓	✓	✓	✓	✓	✓													
235	To enter into an agreement to create an esplanade strip for any of the purposes specified in section 229.														✓	✓		✓				
237B	To agree with the registered proprietor of land to acquire an easement over the land and to execute the easement and to agree to vary or cancel any such easement.														✓	✓		✓				
237C	To close an access strip or esplanade strip during periods of emergency or public risk likely to cause loss of life, injury, or serious damage to property.														✓	✓		✓				
237D	To given written agreement to all or part of an esplanade reserve ceasing to be vested in and administered by the territorial authority and instead vesting in the Crown or regional council.														✓	✓		✓				
239	Authority to certify survey plans subject to specified interests.			✓	✓	✓	✓	✓	✓													
240	To sign covenants pursuant to section 240(3) and certify cancellation of covenants under section 240(5)(b), as an "authorised officer".			✓	✓	✓	✓	✓	✓													
241	To cancel an amalgamation condition under section 241(3), and to certify cancellation as an "authorised officer" under section 241(4)(b).	✓	✓	✓	✓	✓	✓	✓	✓													
243	To provide written consent for the surrender, transfer or variation of an easement under section 243(a), to revoke a condition requiring an easement under section 243(e), and to certify cancellation of the condition as an "authorised officer" under section 243(f)(ii).	✓	✓		✓	✓	✓	✓	✓													
267	To participate in a conference and make decisions on behalf of the Council.			✓	✓	✓	✓	✓	✓		✓	✓	✓							✓	✓	✓

