

DELEGATIONS

Part 4

Delegation to Staff

Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; General Manager Planning, Regulation and Environment; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager

Introduction

The Council delegates the following functions to the positions listed below in respect to the Resource Management Act 1991, Local Government Act 1974, Local Government Act 2002 and the Unit Titles Act 2010.

Note

Section 34A (1) of the Resource Management Act 1991 states:

Delegation of powers and functions to employees and other persons

- (1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:
- (a) the approval of a proposed policy statement or plan under clause 17 of Schedule 1:
 - (b) this power of delegation

Officer Key

Development Planning Manager	1	<u>District Planning and Regulation Committee</u>	<u>11</u>
Planning Manager	2	<u>Planner</u>	<u>12</u>
Strategy & Business Manager	3	<u>Senior Compliance Officer</u>	<u>13</u>
Team Leader – Resource Consents	4	<u>Rates Officer</u>	<u>14</u>
Team Leader – Compliance	5	<u>Team Leader - Building</u>	<u>15</u>
Senior Planner	6	<u>Planning Administrator</u>	<u>16</u>
Planning Secretary	7	<u>Development Manager</u>	<u>17</u>
Project Development Unit Manager	8	<u>Property Manager</u>	<u>18</u>
Greenspace Manager	9	<u>Principal Planner</u>	<u>19</u>
General Manager Planning, Regulation and Environment	10		

Please click [here](#) for Workplace and the organisational chart for positions



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Resource Management Act

Section	Delegation	Officer
s. 10 and 10(2)	<u>Extension of existing use rights and granting of certificate.</u> 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).	<u>2, 4 & 10</u>
s. 10B	<u>Authority to allow certain building work to continue where it has been subsequently made unlawful by a district plan</u>	<u>2, 4 & 10</u>
s. 11(1)(b)	<u>Authority to sign certificates in respect of the subdivision of land being acquired or disposed of by the Council.</u> (For the avoidance of doubt, the delegation does not extend to a decision to enact a Public Works Act 1981 process or to decide on the use of s.11(1)(b)).	<u>2 & 10</u>
s. 36(3), 36(5), 36(6) and 149ZD	Authority to make decisions about additional administrative charges. 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.	<u>2, 4 & 10</u>
s. 36AAB	<u>Authority to remit the whole or part of a charge</u>	<u>2, 4, 6, 10 & 19</u>
s. 37 and 37A	Power to extend time periods and requirement to consider matters before extending a time limit	<u>1, 2, 4 & 10</u>
s. 39AA (4)	<u>Authority to direct that a hearing or part of a hearing may be conducted using 1 or more remote access facilities</u>	<u>1, 2 & 10</u>
s. 39B	<u>Appointment of persons who will be given hearing authority</u>	<u>1, 2 & 10</u>
s. 41B and 41C	<u>Power to direct applicant to provide evidence before hearings; power to make directions about conduct of hearings</u>	<u>1, 2, 4 & 10</u>
s. 41D	<u>Power to strike out a submission</u>	<u>1, 2, 4 & 10</u>
s. 42	<u>Power to make directions about hearings to protect sensitive information</u>	<u>1, 2 & 10</u>
s. 42A	<u>Powers regarding the preparation commissioning and provision of reports</u>	<u>1, 2, 4 & 10</u>



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Section	Delegation	Officer
s. 44A	Power to amend the plan or proposed plan to remove a duplication or conflict with a national environmental standard	<u>1 & 10</u>
s. 55, 58I and 58J	Recognition of national policy statements. Ability to amend each of its documents as directed by a national planning standard and take any action that is directed by a national planning standard, and to do so within the time specified	<u>11</u>
s. 58M, 58O, 58P, 58Q, 58R, 58S and 58T	Power to initiate a Mana Whakahono a Rohe (MWR) or enter into negotiations regarding a MWR if iwi initiated, determine the contents of the MWR, and to determine disputes that arise in course of negotiating MWR.	<u>11</u>
s. 58T	Power to review policies and processes to ensure they are consistent with the Mana Whakahono a Rohe (MWR), and to undertake reviews of the MWR as required	<u>1 & 10</u>
s. 80C	Decision to use the streamlined planning process to prepare a planning instrument	<u>11</u>
s. 86D	Power to direct officers to apply to the Environment Court for a rule to have legal effect from date other than standard date	<u>11</u>
s. 87BA and 87BB	Ability to notify person that activity is a permitted activity, give notice that boundary activity criteria are satisfied and notify the person of that and return information	<u>2, 4, 6, 10 & 19</u>
s. 87E, 87F and 87G	Power to determine Council position on a request for direct referral, prepare reports and provide information to Environment Court	<u>2 & 10</u>
s. 88(3)	Authority to receive a resource consent application and determine whether the application meets the minimum requirements of the RMA, and to return that application if incomplete.	<u>2, 4, 6, 10 & 19</u>
s. 88H	Power to exclude time periods in relation to non-payment of administration charges	<u>2, 4 & 10</u>
s. 91	Power to determine not to proceed with a resource consent application on certain grounds	<u>2, 4, 6, 10 & 19</u>
s. 92, 92A and 92B	The power to commission reports and or request further information in respect of a resource consent application and to set a time that the applicant has to provide the information and to inform the applicant of that time.	<u>2, 4, 6, 10 & 19</u>
s. 92C	To decide whether to return an application to the applicant or continue to process the application, if it has been suspended for a total of 130 or more working days.	<u>2, 4 & 10</u>
s. 95, 95A, 95B, 95C, 95D, 95E and 95F	The power to determine whether a consent application should be publicly or limited notified and all considerations/decisions needed within these sections	<u>2, 4, 6, 10 & 19</u>



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Section	Delegation	Officer
s.97(4)	To decide to adopt an earlier submission closing date for limited notified applications where all affected persons have provided the Council with a submission, written approval, or notice that they will not make a submission.	<u>2, 4 & 10</u>
s. 99 and 99A	The power to invite or require parties to attend pre-hearing meetings. The power to refer parties to mediation.	<u>2, 4 & 10</u>
s. 100(a)	<u>To delegate hearing powers to 1 or more hearings commissioners if requested by an applicant or submitter.</u>	<u>2, 4 & 10</u>
s. 101	<u>To determine the commencement date, time and place for the hearing of an application for resource consent. If the application is being heard by the Council's Hearing Committee, the decision should be taken in consultation with the Chair of the Hearings Committee.</u>	<u>2, 4, 6, 10 & 19</u>
s. 102 and 103	Authority to determine issues concerning joint considerations by two or more consent applications in relation to the same proposal	<u>2 & 10</u>
s. 104	<u>Duty to take matters into consideration and to exclude other matters when considering an application</u>	<u>2, 4, 6, 10 & 19</u>
s. 104A, 104B, 104C, 104D, 105, 106 and 113	Power to determine resource consent applications and impose conditions on resource consents. Power to decline resource consents.	<u>2, 4 & 10</u>
s. 108, 108AA, 108A and 109	To impose conditions on resource consents. To sign documents varying, cancelling or renewing bonds and covenants. (Refer also to section 220 for conditions on subdivision consents)	<u>1, 2, 4 & 10</u>
s. 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.	<u>1, 2 & 10</u>
s. 110	Power to refund financial contribution to consent holder where consent has lapsed.	<u>2, 6, 8 & 10</u>
s. 114	<u>Authority to serve consent applicant and submitters with notice of the decision on an application</u>	<u>2, 4, 10, 12 & 16</u>
s. 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.	<u>2, 4 & 10</u>
s. 125	Power 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.	<u>2, 4, 6, 10 & 19</u>
s. 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 5 years.	<u>2 & 10</u>



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Section	Delegation	Officer
s. 127, <u>128</u> , <u>129</u> , <u>130</u> , <u>131</u> , and <u>132</u>	Power to change or cancel conditions imposed on a resource consent, power to change the conditions of a resource consent on a review under s128, to give notice of a review, or to cancel resource consent	<u>2, 4, 6, 10 & 19</u>
s. 133A	To issue an amended resource consent that corrects minor mistakes or defects in the consent.	<u>2, 4, 6, 7, 10 & 19</u>
s. 138	To refuse the surrender of a consent	<u>2 & 10</u>
s. 139 and 139A	To require further information to be provided in order to determine if a certificate of compliance must be issued. To issue an existing use certificate. To require further information to be provided in order to determine if an existing use certificate must be issued. To revoke an existing use certificate if it was issued based on inaccurate information.	<u>2, 4 & 10</u>
s. 149Q, 149T, 149W(2) and 149ZD	To receive a report from the EPA and make comments on minor or technical aspects of it. To give notice on Councils behalf under s274 of a matter of national significance that the minister has called in and directly referred to Environment Court 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 and approve it under clause 17 of Schedule 1 and give public notice of it under clause 20 of Schedule 1.	<u>1, 2 & 10</u>
s. 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.	<u>2, 4 & 10</u>
s. 168A	Authority to lodge notice of requirement on behalf of Council. Power to determine whether to publicly notify Council's notice of requirement for a designation, and to either confirm, modify, impose conditions or withdraw the requirement	<u>1 & 10</u>
s. 169	Power to determine whether to publicly notify a notice of requirement for a designation.	<u>1, 2 & 10</u>
s. 169	To request further information on a notice of requirement.	<u>2, 4, 6, 10 & 19</u>
s. 170	If proposing to publicly notify a proposed plan within 40 working days of receipt of a requirement, to include the requirement in the proposed plan, with the consent of the requiring authority.	<u>1, 2 & 10</u>
s. 171	To consider a notice of requirement and any submissions received and recommend to the requiring authority that it confirm, modify, impose conditions on or withdraw the requirement.	<u>2, 4 & 10</u>
s. 176A(2)	To waive the requirement for an Outline Plan	<u>2, 4, 6, 10 & 19</u>



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Section	Delegation	Officer
s. 176A(4)	To request changes to an Outline Plan	<u>2, 4 & 10</u>
s. 181(1) and (2)	For an alteration of a designation, the same delegations as those set out above under sections 168A to 176 for a new designation.	<u>2, 4 & 10</u>
s. 181(3)	To alter a designation in the plan or a requirement in the proposed plan if the alteration is a minor change in effects or boundaries.	<u>2, 4 & 10</u>
s. 181(3)	To agree to an alteration to an existing designation in a district plan, or a requirement in its proposed district plan.	<u>1, 2 & 10</u>
s. 182(5) and 196	To decline to remove part of a designation or heritage order from the district plan.	<u>1, 2 & 10</u>
s. 184 and 184A	To consider and make decisions on an application to extend the lapse period of a designation.	<u>1, 2 & 10</u>
s. 189A	Authority to lodge notice of requirement for a heritage order on behalf of Council. To determine all notification matters under this section and associated sections and make associated prehearing decision under sections 99 to 103.	<u>2 & 10</u>
s. 190	To request further information on a notice of requirement for a heritage order. To determine all notification matters under this section and associated sections, and make associated prehearing decisions under sections 99 to 103.	<u>2 & 10</u>
s. 191	To consider a notice of requirement for a heritage order and any submissions received and recommend to the requiring authority that it confirm, modify, impose conditions on or withdraw the requirement.	<u>2 & 10</u>
s. 195A(1) and (2)	For an application by the Heritage Protection Authority to alter a heritage order, the same delegations that apply with respect to sections 189 to 195.	<u>1, 2 & 10</u>
s. 195A(3)	To alter a heritage order in the plan or a requirement in the proposed plan if the alteration is a minor change in effects or boundaries.	<u>1, 2 & 10</u>
s. 198D	To approve the content of a consent authority report on a requirement that has been directly referred to the Environment Court.	<u>1, 2 & 10</u>
s. 220	To impose conditions on a subdivision consent.	<u>2, 4, 6, 10 & 19</u>
s. 221	The authorisation of a consent notice.	<u>2, 4, 7 & 10</u>
s. 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.	<u>2, 4, 6, 10 & 19</u>
s. 222	To issue a completion certificate for matters subject to performance bonds, and to extend the time period for completion.	<u>1, 2, 4, 8, 10 & 17</u>
s. 223	To determine whether or not a survey plan, which has been submitted to the Council for approval, conforms with the relevant subdivision consent or certificate of compliance.	<u>2, 4, 7, 8, 10 & 17</u>



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Section	Delegation	Officer
s. 224	To determine whether or not the conditions of a subdivision have been complied with. 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.	<u>2, 4, 7, 8, 10 & 17</u>
s. 226(1)(e)	To certify as an “authorised officer” any plan of subdivision or copy thereof, which has not had a previous statutory approval.	<u>2, 4, 7 & 10</u>
s. 234	To vary or cancel the instrument creating an esplanade strip as set out in this section.	<u>2, 4 & 10</u>
s. 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.	<u>2, 4, 7 & 10</u>
s. 235	To enter into an agreement to create an esplanade strip for any of the purposes specified in section 229.	<u>2, 4 & 10</u>
s. 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	<u>2, 10 & 18</u>
s. 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	<u>9</u>
s. 237D	To give authority to transfer an esplanade to the Crown or Regional Council	<u>9</u>
s. 239	Authority to certify survey plans subject to specified interests	<u>1, 2 & 10</u>
s. 240	To sign covenants pursuant to s240(3) and certify cancellation of covenants under s240(5)(b) as an “authorized officer”	<u>2, 4, 7 & 10</u>
s. 241	To cancel an amalgamation condition under s241(3) and to certify cancellation as an “authorized officer” under section 243(f)(ii).	<u>2, 4, 7 & 10</u>
s. 243	To provide written consent for the surrender, transfer or variation of an easement under section 243(2), 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).	<u>2, 4, 7 & 10</u>
s. 269-291	Authority to determine and direct Council involvement in Environment Court proceedings.	<u>1, 2 & 10</u>
s. 316-320	Authority to initiate enforcement order and interim enforcement order proceedings, and take all steps incidental to seeking the order.	<u>2 & 10</u>
s. 315	To seek consent of the Environment Court and to comply with an enforcement order on behalf of a person who has failed to comply with an order.	<u>2 & 10</u>
s. 321	To apply to the Environment Court to change or cancel an enforcement order.	<u>2 & 10</u>
s. 322 -325	To issue abatement notices	<u>2, 5 & 10</u>
s. 325A	To consider applications to change or cancel an abatement notice.	<u>2, 5 & 10</u>



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Section	Delegation	Officer
s. 330 and 330A	Emergency works and power to take preventive or remedial action.	2 & 10
s. 332 and 333	To provide written authorisation to enforcement officers under these sections.	2, 4 & 10
s. 336	To decide on an application for property seized under sections 323 or 328 to be returned, and to dispose of the property where authorized under section 336.	2 & 10
s. 338	Authority to initiate any prosecution and make decisions on any matter relating to any such prosecution.	10
s. 343B and 343C	To initiate and serve an infringement notice	2, 5, 10 & 13
s. 357AB	To delegate to a hearings commissioner the ability to hear and decide on an objection if requested by an applicant	2, 4 & 10
s. 357D	To hear and make decisions on any objection made under section 357 or section 357A. This delegation also extends to the power to decline an objection	2, 4, 6, 10 & 19
s. 357D	To consider and determine an objection to the conditions imposed on a resource consent under section 357A.	1, 2, 4 & 10
s. 357D	To hear and determine an objection to additional fees under section 357B.	2 & 10
CI 3, 3C, Sch. 1	To determine whether consultation has already occurred under other enactments, and to decide who to consult with under cl 3(2).	1 & 10
CI 6, Sch. 1	To make submissions on Council's behalf.	1, 2 & 10
CI 8, Sch. 1	To make further submissions on Council's behalf.	1, 2 & 10
CI 8AA, Sch. 1	To invite submitters to a meeting or refer matters to mediation.	1, 2 & 10
CI 8B Part 1, Sch. 1	Duty to give notice of, and hold hearings on submissions	1, 2 & 10
CI 8C Part 1, Sch. 1	Authority to determine whether hearing is required	1, 2 & 10
CI 9 Part 1, Sch. 1	Power to hear and make recommendations and/or decisions on notice of requirements	1, 2 & 10
CI 10, Part 1, Sch. 1	Power to hear and make recommendations on provisions and matters raised in submissions.	1, 2 & 10
CI 14, Sch. 1	Authority to lodge an appeal with the Environment Court.	1, 2 & 10
CI 16, Sch. 1	To amend the proposed plan in the circumstances set out in this clause.	1, 2 & 10
CI 17, Part 1, Sch. 1	The approval of a plan or change to a plan.	1, 2 & 10
CI 20, Sch. 1	Setting of Operative date	1, 2 & 10
CI 20A, Part 1, Sch. 1	Power to amend an operative policy statement or plan to correct minor errors	1, 2 & 10



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Section	Delegation	Officer
CI 23, Sch. 1	To require further information to be provided under clause 23(1) or to commission a report under clause 23(3).	<u>1, 2 & 10</u>
CI 24, Sch. 1	To decide to modify a request.	<u>1, 2 & 10</u>
CI 28, Sch. 1	Power to send a notice and deem a plan change request to have been withdrawn	<u>1, 2 & 10</u>
CI 29(4) Part 1, Sch. 1	<u>Power to hear and consider a plan or change, and make recommendations on such plan change requests</u>	<u>1, 2 & 10</u>
CI 31, Part 3, Sch. 1	<u>Effect of amendments to, or replacement of, material incorporated by reference in plans and proposed plans. To amend the proposed plan in the circumstances set out in this clause.</u>	<u>1, 2 & 10</u>
General	To appoint a commissioner or commissioners.	<u>1, 2 & 10</u>
General	To instruct counsel to represent the Council where the Council is a party to any resource management related proceedings before Court.	<u>1, 2, 8 & 10</u>
General	Authority to participate in mediation of any resource management related proceeding before the Court, including the power to commit the Council to a binding agreement to resolve the proceeding provided it does not exceed the individuals financial or other delegated authorities.	<u>1, 2, 8 & 10</u>
General	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 to 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.	<u>1, 2 & 10</u>
General	To lodge submissions on behalf of the Council on any Proposed Regional Plan or variation to a Proposed Regional Plan, or any change to a Regional Plan. This also includes any Proposed Policy Statement or variation or change to a Policy Statement.	<u>1, 2 & 10</u>
General	To lodge submissions on behalf of the Council on any proposed District Plan or variation to a Proposed District Plan in neighbouring territorial authority districts.	<u>1, 2 & 10</u>
General	To lodge appeals against decisions of the Canterbury Regional Council and of 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.	<u>1, 2 & 10</u>



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Section	Delegation	Officer
General	Once considered by Council, to make submissions on individual notified regional land use consents and water, discharge and coastal permits where: there are special matters of district 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.	<u>1, 2 & 10</u>
General	To make submissions on applications for resource consents applied for in territorial authority districts adjoining the district.	<u>1, 2 & 10</u>
RMA	<u>All RMA functions, powers or duties not otherwise delegated to any committee, and/or to an employee and/or hearings commissioner.</u>	<u>10</u>

Local Government Act 1974

Section	Description	Delegate
<u>s. 319B</u>	<u>Allocation of property numbers.</u>	<u>14</u>
<u>s. 348</u>	<u>Council's powers and functions in respect of private ways.</u>	<u>2, 4 & 10</u>

Local Government Act 2002

Section	Description	Delegate
<u>s. 163</u>	<u>Authority to remove works in breach of bylaws.</u>	<u>2, 5, 10 & 13</u>
<u>s. 164</u>	<u>Authority to seize property not on private land.</u>	<u>2, 5, 10 & 13</u>
<u>s. 168</u>	<u>Power to dispose of property seized and impounded.</u>	<u>2, 5, 10 & 13</u>
<u>s. 171, 173, 174 and 181</u>	<u>To be an authorised officer to act and enter private land.</u>	<u>2, 5, 10 & 13</u>
<u>s. 172, 178 and 182</u>	<u>Power of entry for enforcement purposes and require certain information.</u>	<u>2, 5, 10 & 13</u>
<u>s. 245</u>	<u>Issue of Infringement Notices.</u>	<u>2, 5, 10 & 13</u>
<u>s. 249</u>	<u>Authority to act, on behalf of local authority, in proceedings directly related to the area of responsibility</u>	<u>2, 5, 10 & 13</u>



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Unit Titles Act 2010

Section	Description	Delegate
<u>s. 32</u>	<u>Power to issue certificate so that a unit plan can be deposited</u>	<u>2, 10 & 15</u>