

DELEGATIONS

Part 4

Delegation to Staff

General Manager Planning, Regulation and Environment

Introduction

The Council delegates the following functions to the General Manager Planning, Regulation and Environment to maintain the separation between the Council's regulatory and service delivery functions. For times when the General Manager Planning, Regulation and Environment is absent, the Council approves these delegations to the General Manager: Strategy, Engagement and Economic Development:

Resource Management Act 1991

1. Delegations as follows:

Section	Delegation
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.
36	To provide an estimate of the additional fees likely to be imposed.
36(3), 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(5)	To remit the whole or part of a charge.
37 and 37AA	To waive or extend any time limits.
38	To authorise persons to be enforcement officers under this section.
38(1) and (2)	To authorise Waimakariri District Council Officers and other persons to carry out the functions and powers as an enforcement officer.
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.
42	To make an order in relation to the protection of sensitive information.
42A	To require the preparation of a report.
44A	To amend the plan or proposed plan to remove a duplication or conflict with a national environmental standard.
55(2)	Duty to amend the plan or proposed plan if directed by national policy statement.
87E	To make a decision on a request by the applicant for an application to be referred directly to the Environment Court.
87F	To approve the content of a consent authority report on an application that has been directly referred to the Environment Court.
88(3)	If an application does not include an adequate assessment of environmental effects or the information required by regulations, to, within 5 working days after the application was first lodged, determine that the application is incomplete and return the application, with written reasons for the determination to the applicant.
91	To determine not to proceed with the notification or hearing of an application on the grounds that other resource consents are required (in accordance with this section.).



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Section	Delegation
91C(2)	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.
92, 92A	To require further information to be provided or to commission a report under section 92, and to set a timeframe for provision of the information under section 92A(2).
95A,-95F	To determine all notification matters under these sections.
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.
99	To invite or require an applicant and/or submitters to attend a pre- hearing meeting.
99	To appoint a person to be the chairperson of a pre-hearing meeting(the chairperson must prepare a report for the authority before the hearing).
99A(1)	To refer an applicant and/or submitters to mediation.
99A(3)	To refer to mediation an applicant and submitters, with the consent of all of the persons being referred; and to appoint a mediator and report the outcome of the mediation to the consent hearing meeting (Pre- hearing mediation.)
100	To determine whether a hearing in respect of a resource consent application is necessary.
102	To determine that a joint hearing is unnecessary.
103	To determine that a combined hearing is unnecessary.
104A 104B 104C 104D 105 106	To consider and make a decision on any resource consent application which has not been publicly notified and does not require a hearing.
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 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.



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Section	Delegation
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.
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.
149Q	To receive report from EPA and to make comments on minor or technical aspects of it.
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, having been considered by the Council.
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 and approve it under clause 17 of Schedule 1 and give public notice of it under clause 20 of Schedule 1.
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.
168A	To determine all notification matters under this section and associated sections, and make associated prehearing decisions under sections 99 to 103..
168A	To consider a notice of requirement by the territorial authority and decide to confirm, modify, impose conditions on or withdraw the requirement.
169	To determine all notification matters under this section and associated sections, and all decisions under sections 96 to 103
169	To request further information on a notice of requirement.
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.
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.
174	To appeal to the Environment Court against a decision of a requiring authority on a designation, having been considered by the Council.



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Section	Delegation
176 and 178	The power to give the consent of the Council as the requiring authority to the use of land subject to a requirement or designation for which they are responsible.
176A(2)	To waive the requirement for an Outline Plan
176A(4)	To request changes to an Outline Plan
176A(5)	To appeal to the Environment Court against a decision by a requiring authority not making the changes to an outline development plan requested by the Council.
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.
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.
181(3)	To agree to an alteration to an existing designation in a district plan, or a requirement in its proposed district plan.
182(5) and 196	To decline to remove part of a designation or heritage order from the district plan.
184 184A	To consider and make decisions on an application to extend the lapse period of a designation.
189A	Authority to lodge notice of requirement for a heritage order on behalf of Council
189A	To determine all notification matters under this section and associated sections, and make associated prehearing decisions under sections 99 to 103.
189A	To consider a notice of requirement for a heritage order by the territorial authority and decide to confirm, modify, impose conditions on or withdraw the requirement.
190	To request further information on a notice of requirement for a heritage order.
190	To determine all notification matters under this section and associated sections, and make associated prehearing decisions under sections 99 to 103.
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.
193	To give written consent in relation to the land protected by the Council's heritage order.
195	To appeal to Environment Court against heritage protection authority's decisions under sections 193 or 194.
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.
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.
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.



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Section	Delegation
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.
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 give 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(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).
269-291	Authority to determine and direct Council involvement in Environment Court proceedings.
292	Authority to seek that Environment Court remedy defect in plan.
294	Authority to seek that Environment Court review a decision or rehear proceedings.
299-308	Authority to determine and direct Council involvement in High Court and Court of Appeal proceedings.
310 and 311	To apply to the Environment Court for a declaration and all steps incidental to seeking that declaration.
316 to 320	Authority to initiate enforcement order and interim enforcement order proceedings, and take all steps incidental to seeking the order.
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.
321	To apply to the Environment Court to change or cancel an enforcement order.
325A	To consider applications to change or cancel an abatement notice.
332 and 333	To provide written authorisation to enforcement officers under these sections.
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.
338	Authority to initiate any prosecution and make decisions on any matter relating to any such prosecution.
357D	To hear and make decisions on any objection made under section 357 or section 357A.
357D	To consider and determine an objection to the conditions imposed on a resource consent under section 357A.



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Section	Delegation
357D	To hear and determine an objection to additional fees under section 357B.
Sch 1 cl3, 3C	To determine whether consultation has already occurred under other enactments, and to decide who to consult with under cl 3(2).
Sch 1 cl 6	To make submissions on Council's behalf.
Sch 1 cl8,	To make further submissions on Council's behalf.
Sch 1 cl8AA	To invite submitters to a meeting or refer matters to mediation.
Sch 1, cl8C	To determine whether hearing is required.
Sch 1 cl9(1)	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.
Sch 1. cl9(2)	To consider a notice of requirement by the territorial authority and decide to confirm, modify, impose conditions on or withdraw the requirement.
Sch 1 cl10	To hear and consider submissions and make recommendations on provisions and matters raised in submissions.
Sch 1 cl14	Authority to lodge an appeal with the Environment Court.
Sch 1 cl16	To amend the proposed plan in the circumstances set out in this clause.
Sch 1 cl16A	To hear and consider submissions on any variation and to recommend decisions to Council.
Sch1 cl20A	To amend the operative plan to correct minor errors.
Sch1 cl23	To require further information to be provided under clause 23(1) or to commission a report under clause 23(3).
Sch1 cl24	To decide to modify a request.
Sch1 cls25(2)(a) and 10, and 29	Power to hear and make recommendations on provisions and matters raised in submissions.
Sch1 cl 28	Power to send a notice and deem a plan change request to have been withdrawn
Sch1 cl32	Authority to certify as a correct copy material incorporated by reference
General	To appoint a commissioner or commissioners.
General	To instruct counsel to represent the Council where the Council is a party in any proceedings before the Environment Court, as the case may be.
General	<p>To authorise an officer holding one of the authorised positions listed below to participate in mediation of any proceeding before the Environment Court that does not arise out of the First Schedule of the Resource Management Act 1991, including the power to commit the Council to a binding agreement to resolve the proceeding provided it does not require any Council expenditure not authorised by a Council delegation.</p> <p>The authorised positions are as follows:</p> <ul style="list-style-type: none"> • Development Planning Manager • Plan Implementation Officer • Team Leader: Resource Consents • Senior Planner.

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Section	Delegation
General	To authorise any officer to participate in a mediation of any proceedings before the Environment Court other than a proceeding under the Resource Management Act 1991. 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 appropriate.
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.
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.
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.
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.
General	To make submissions on individual notified regional land use consents and water, discharge and coastal permits where (a) there are special matters of district importance; or (b) There are special matters of importance to the local community or local environment; or (c) There are technical skills or knowledge which the Council can contribute to achieving a better outcome for the community.
General	To make submissions on applications for resource consents applied for in territorial authority districts adjoining the district.

Building Act 2004

2. Delegations as follows:

Section	Delegation
s36	Development contribution. Decide if a contribution is payable and attach a notice to the PIM.
s37	PIM decide if a resource consent is required and attach consent notice.
s45,48,49, 50, 51 & 67	Building Consents. Determine adequacy of information, process consents, grant and issue consents, refuse consent, grant subject to a waiver or modification of the code.
52	Determine applications for extension of time in which to start building work
71-74	Determine matters relating to the grant or refusal of a building consent for building/ alterations on land subject to natural hazards and to determine if any hazardous land entry on a title is no longer required.



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Section	Delegation
91	Issuing Code Compliance Certificates, including where a building consent was issued by another Building Consent Authority
93,94 & 95	Determine whether to issue a code compliance certificate and can require further information.
77(1),77(3) (a), 83	Building on two or more allotments. Grant consent, authenticate certificate, determine application for removal of entry.
96-99	Certificates of Acceptance. Determine whether to issue certificate, require further information and make qualifications.
102, 103	Compliance Schedules. Determine content of schedule. Issue Schedule.
106,107, 109 and 110	Determine schedule amendment applications and require annual reports.
112(1)	Issue consent for alterations to existing buildings.
112(2)	Allow alteration without full code compliance in certain circumstances.
113	Determine conditions and issue consent for buildings with specified intended lives.
115	Determine whether to permit change of use and give notice
116,116A	Determine whether to permit extension of life and subdivision
124 125 126	Dangerous, earthquake-prone, & insanitary buildings. Determine if building is one of these categories. Give notice. Apply to District Court to carry out work and recover costs.
164 167(1) 167(2)(4)	Notices to Fix Determine if any circumstances apply and if so issue notice. Inspect or arrange inspection. Confirm or not that a notice has been complied with and if refused give reasons and issue further notice.
177-190	Apply to DBH for a determination, withdraw an application and enforce directions.
219	TA may impose a fee or charge. Determine if a fee or charge should be waived or reduced.
220, 221	Apply to District Court for an order authorising the Council to carry out building work by default and recover costs.

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Section	Delegation
222 (1) and (4)	<i>The power to authorise a Waimakariri District Council officer to carry out inspections and to enter land or premises.</i>
227	<i>The power of an authorised officer to apply to the District Court for an order to authorise entry into a household unit.</i>
363A	Certificate of Public Use. Determine whether to issue certificate, require further information and make qualifications.
371(B)(2)	Authorise a Waimakariri District Council officer to issue infringement notices under section 372 of the Building Act 2004.
371(B)(3)	Authorise Enforcement officers with a warrant that clearly states that the enforcement officer has been authorised to perform or exercise under this Act
377	Territorial Authority or Chief Executive may file a charging document for an offence under this Act.

Machinery Act 1950 and Amusement Devices Regulations 1978

3. Delegations as follows:

Section	Delegation
All	All of its responsibilities, duties, and powers under this Act and Regulations and regulations made under these Regulations.

Criminal Procedure Act 2011 and regulations

4. Delegations as follows:

Section	Delegation
All	All of its responsibilities, duties, and powers under this Act and regulations made under this Act

Dog Control Act 1996 and any regulations made under that Act

5. Delegates all of its responsibilities, duties, and powers under this Act and regulations made under this Act except:

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Section	Description of function that is not delegated
6(2)(b)	making grants
7	appointing a joint committee
10 & 10AA	adopting and reviewing a dog control policy
16(2)	entering into a written agreement with another territorial authority in respect of dog control services
20	making dog control bylaws
22	hearing and determining an objection to a probationary owner classification
23	terminating a probationary owner classification
26	hearing and determining an objection to a disqualified owner classification
31	hearing and determining an objection to a dangerous dog classification
33B & 33D	determining an objection to a menacing dog classification
37	setting dog control fees
55	hearing and determining an objection to a barking dog notice
67	entering into an agreement with another territorial authority for the provision of pound facilities
68	setting pound fees

Food Act 2014 and the Food Hygiene Regulations 1974

6. Delegates all of its responsibilities, duties, and powers under this Act, and these regulations, except

Section	Description of function that is not delegated
8P	considering written submissions
8ZA	transferring the Council's responsibilities, duties, and powers

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Gambling Act 2003

7. Delegates all of its responsibilities, duties, and powers under this Act except –

Section	Description of function that is not delegated
100	granting consent (otherwise than in accordance with the Council's policy on class 4 venues)
101 & 102	adopting a policy on class 4 venues

Hazardous Substances and New Organisms Act 1996 and any regulations made under this Act

8. All of its responsibilities, duties, and powers under this Act.

Health Act 1956 and any regulations made under this Act (including without limitation the Camping-Grounds Regulations 1985, the Health (Registration of Premises) Regulations 1966, the Health (Hairdressers) Regulations 1980, the Health (Burial) Regulations 1946)

9. Delegates all of its responsibilities, duties, and powers under this Act and regulations made under this Act except –

Section	Description of function that is not delegated
27	borrowing money
64	making bylaws
regulation 22	the powers and functions under the Housing Improvement Regulations 1947 that may not be delegated
regulation 13	setting fees under the Health (Burial) Regulations 1946
regulation 7	setting fees under of the Health (Registration of Premises) Regulations 1966

Housing Improvement Regulations 1947

10. All of its powers or functions under these regulations that are not by these regulations required to be exercised by the local authority by resolution or by special order

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Impounding Act 1955 and any regulations made under that Act

11. Delegates all of its responsibilities, duties, and powers under this Act, and these regulations, except–

Section	Description of function that is not delegated
14	setting poundage fees and sustenance charges
33 & 34	declaring, under section 34, that section 33 does not apply to a specified road in the district

Litter Act 1979

12. Delegates all of its responsibilities, duties, and powers under this Act except –

Section	Description of function that is not delegated
10	hearing objections
11	making grants
12	making bylaws
13	adopting an infringement notice regime

Council Bylaws

13. Delegates functions, powers and duties relating to the Council bylaws in respect to the activities under the Manager: Regulation