

Draft Council Resource Management Act 1991 Delegations to Staff

109	•		
108A	•		
108	•		
106			
105	•		
104D	•		
104C	•		
104B	•		
104A	•		
104	•		
103			
102			
101			
100			
99A			
99	•		
98	•		
95F	•		
95, 95A-E	•		
92B	•		
92A	•		
92	•		
91F	•		
91	•		
89A	•		
88	•		
87G	•		
87F			
87E	•		
87BA-BB	•		
87AAD	•		
86D			
80			
58L-U			
58I			
55	•		
44A	•		
42A	•		
42	•		
41B	•		
38(5)			
37A	•		
37	•		
36AAB (1)	•		
36AA (1)	•		
36(5)			
35A	•	•	
35	•	•	•
32	•		
22	•		
10B	•		
10	•		
Delegations to positions under section 34A of the Resource Management Act 1991 (RMA)			
Resource Consents Project Officer			
Roading Contracts and Project Administrator			
Senior Roading Engineer			

240	•		
237 B-H	•		
237	•		
235	•		
234	•		
227	•		
226 (1)(e)	•		
224	•		
223	•		
222	•		
221	•		
220	•		
198 A-M			
195A			
194			
193			
190	•		
189A			
184			
181(3)			
178			
176A	•		
176			
175	•		
174			
173			
171			
169	•		
168A	•		
168	•		
149 ZD			
149W			
149G			
149B			
139A	•		
139	•		
138	•		
134			
133A	•		
132			
129	•		
128	•		
127	•		
126	•		
125	•		
124C			
124B			
124A			
124			
114	•		
113	•		
110			
Resource Consents Project Officer			
Roading Contracts and Project Administrator			
Senior Roading Engineer			

Note 2			
Note 1			
SCH12 c140(1)(b)			
SCH12 c139(3)			
SCH12 c139			
Sch 1 c135			
Sch 1 c134			
Sch 1 c129(2)			
Sch 1 c124			
Sch 1 c123			
Sch 1 c120A			
Sch 1 c120			
Sch 1 c116B			
Sch 1 c116			
Sch 1 c111			
Sch 1 c110A			
Sch 1 c18C			
Sch 1 c18B			
Sch 1 c18AA			
Sch 1 c18			
Sch 1 c17			
Sch 1 c16			
Sch 1 c15A			
Sch 1 c15			
Sch 1 c14A			
Sch 1 c14	•		
Sch1 c13B	•		
Sch 1 c13A	•		
Sch 1 c13	•		
Sch 1 c11A			
343C	•		
343B	•		
338	•		
336	•		
333	•	•	•
332	•	•	•
330	•	•	•
328	•		
327	•		
325A	•		
322-324	•		
314-321	•		
311			
268A(3)(b)			
267(1A)(b)			
267(2)			
243	•		
241	•		
Resource Consents Project Officer			
Roading Contracts and Project Administrator			
Senior Roading Engineer			

red = all delegations removed

yellow = delegations added/amended

For the avoidance of doubt:

- a reference in this document to an enactment, regulation or bylaw includes any amendment to the relevant provisions of that enactment, regulation or bylaw and any enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw; and

- a reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties.

Note 1 To the following positions, power to authorise, on Council's behalf , agreement to any consent orders arising from proceedings in the Environment Court (after consultation with the Chairperson or in their absence the Deputy Chairperson from the Council Committee with responsibility for managing planning or regulatory matters – at the time of making these delegations this is the Strategy and Operations Committee).

Note 2 To the following positions, power to write off sundry debts under the RMA 1991 to the value of \$1,000.

Section

Duties and restrictions under this Act

- | | |
|-----|---|
| 10 | Certain existing uses in relation to land protected |
| 10B | Certain existing building works allowed |

Miscellaneous provisions

- | | |
|----|----------------------------------|
| 22 | Duty to give certain information |
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Functions, powers, and duties of local authorities

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| 32 | Requirements for preparing and publishing evaluation reports |
| 35 | Duty to gather information, monitor, and keep records |
| 35A | Duty to keep records about iwi and hapu |
| 36 | Administrative charges |
| 36AAB | Other matters relating to administrative charges |
| 36AA | Local authority policy on discounting administrative charges |

Waivers and extension of time limits

- | | |
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| 37 | Power of waiver and extension of time limits |
| 37A | Requirements for waivers and extensions |

Enforcement officers

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| 38 | Authorisation and responsibilities of enforcement officers |
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Powers and duties in relation to hearings

- | | |
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| 41B | Directions to provide evidence within time limits |
| 42 | Protection of sensitive information |

Reports

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| 42A | Reports to local authority |
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National environmental standards

- | | |
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| 44A | Local authority recognition of national environmental standards |
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National policy statements

- | | |
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| 55 | Local authority recognition of national policy statements |
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National planning standards

- | | |
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| 58I | Local authority recognition of national planning standards |
| | <i>Subpart 2—</i> |
| | <i>Mana Whakahono a Rohe: Iwi participation arrangements</i> |
| 58L | Definitions |

Purpose and guiding principles

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|-----|----------------------------------|
| 58M | Purpose of Mana Whakahono a Rohe |
| 58N | Guiding principles |

Initiating Mana Whakahono a Rohe

58O	Initiation of Mana Whakahono a Rohe
58P	Other opportunities to initiate Mana Whakahono a Rohe
58Q	Time frame for concluding Mana Whakahono a Rohe

Contents

58R	Contents of Mana Whakahono a Rohe
58S	Resolution of disputes that arise in course of negotiating Mana Whakahono a Rohe
58T	Review and monitoring
58U	Relationship with iwi participation legislation

Combined documents

80	Combined regional and district documents
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Legal effect of rules

86D	Environment Court may order rule to have legal effect from date other than standard date
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Resource consents

87AAD	Overview of application of this Part to boundary activities and fast-track applications
87BA	Boundary activities approved by neighbours on infringed boundaries are permitted activities
87BB	Activities meeting certain requirements are permitted activities

Streamlining decision-making on resource consents

87E	Consent authority's decision on request
87F	Consent authority's subsequent processing
87G	Environment Court determines application

Application for resource consent

88	Making an application
89A	Applications affecting navigation to be referred to Maritime New Zealand
91	Deferral pending application for additional consents
91F	Non-notified application may be returned after certain period

Further information

92	Further information, or agreement, may be requested
92A	Responses to request
92B	Responses to notification

Public notification and limited notification of applications

95	Time limit for public notification or limited notification
95A	Public notification of consent applications
95B	Limited notification of consent applications
95C	Public notification of consent application after request for further information or report

95D	Consent authority decides if adverse effects likely to be more than minor
95E	Consent authority decides if person is affected person
95F	Meaning of affected protected customary rights group

Submissions on applications

98	Advice of submissions to applicant
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Pre-hearing meetings and mediation

99	Pre-hearing meetings
99A	Mediation

Hearings

100	Obligation to hold a hearing
101	Hearing date and notice
102	Joint hearings by 2 or more consent authorities
103	Combined hearings in respect of 2 or more applications

Decisions

104	Consideration of applications
104A	Determination of applications for controlled activities
104B	Determination of applications for discretionary or non-complying activities
104C	Determination of applications for restricted discretionary activities
104D	Particular restrictions for non-complying activities

Decisions on applications relating to discharge of greenhouse gases

105	Matters relevant to certain applications
106	Consent authority may refuse subdivision consent in certain circumstances

Decisions on applications relating to non-aquaculture activities

108	Conditions of resource consents
108A	Bonds
109	Special provisions in respect of bonds or covenants
110	Refund of money and return of land where activity does not proceed
113	Decisions on applications to be in writing, etc
114	Notification

Duration of consent

124	Exercise of resource consent while applying for new consent
124A	When sections 124B and 124C apply and when they do not apply
124B	Applications by existing holders of resource consents
124C	Applications by persons who are not existing holders of resource consents
125	Lapsing of consents
126	Cancellation of consent
127	Change or cancellation of consent condition on application by consent holder

Review of consent conditions by consent authority

128	Circumstances when consent conditions can be reviewed
129	Notice of review
132	Decisions on review of consent conditions
133A	Minor corrections of resource consents

Transfer of consents

134	Land use and subdivision consents attach to land
138	Surrender of consent

Certificates of compliance or existing use

139	Consent authorities and Environmental Protection Authority to issue certificates of compliance
139A	Consent authorities to issue existing use certificates

How matter processed if direction made to refer matter to board of inquiry or court

149B	Local authority's obligations if matter called in
149G	EPA must provide board or court with necessary information

Process after decision of board of inquiry or court on certain matters

149W	Local authority to implement decision of board or court about proposed regional plan or change or variation
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Costs of processes under this Part

149ZD	Costs of processes under this Part recoverable from applicant
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Designations

168	Notice of requirement to territorial authority
168A	Notice of requirement by territorial authority
169	Further information, notification, submissions, and hearing for notice of requirement to territorial authority
171	Recommendation by territorial authority
173	Notification of decision on designation
174	Appeals
175	Designation to be provided for in district plan
176	Effect of designation
176A	Outline plan
178	Interim effect of requirements for designations
181	Alteration of designation
184	Lapsing of designations which have not been given effect to

Heritage orders

189A	Notice of requirement for heritage order by territorial authority
190	Further information, notification, submissions, and hearing for notice of requirement to territorial authority
193	Effect of heritage order
194	Interim effect of requirement
195A	Alteration of heritage order

Streamlining decision-making on designations and heritage orders

198A	Sections 198B to 198G apply to requirements under section 168 or 189
198B	Requiring authority or heritage protection authority's request
198C	Territorial authority's decision on request
198D	Territorial authority's subsequent processing
198E	Environment Court decides
198F	Residual powers of territorial authority
198G	When territorial authority must deal with requirement
198H	Sections 198I to 198M apply to requirements under section 168A or 189A
198I	Territorial authority's decision
198J	Territorial authority's subsequent processing
198K	Environment Court decides
198L	Residual powers of territorial authority
198M	When territorial authority must deal with requirement

Subdivision and reclamations

220	Condition of subdivision consents
221	Territorial authority to issue a consent notice
222	Completion certificates

Approval and deposit of survey plans

223	Approval of survey plan by territorial authority
224	Restrictions upon deposit of survey plan
226	Restrictions upon issue of certificates of title for subdivision
227	Cancellation of prior approvals

Esplanade reserves

234	Variation or cancellation of esplanade strips
235	Creation of esplanade strips by agreement
237	Approval of survey plans where esplanade reserve or esplanade strips required
237B	Access strips
237C	Closure of strips to public
237D	Transfers to the Crown or regional council
237E	Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares
237F	Compensation for taking of esplanade reserves or strips on allotments of 4 hectares or more
237G	Compensation
237H	Valuation

Conditions as to amalgamation of land

240	Covenant against transfer of allotments
241	Amalgamation of allotments

Conditions as to easements

243	Survey plan approved subject to grant or reservation of easements
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Conferences and additional dispute resolution

- 267 Conferences
- 268A Mandatory participation in alternative dispute resolution processes

Declarations

- 311 Application for declaration

Enforcement orders

- 314 Scope of enforcement order
- 315 Compliance with enforcement order
- 316 Application for enforcement order
- 317 Notification of application
- 318 Right to be heard
- 319 Decision on application
- 320 Interim enforcement order
- 321 Change or cancellation of enforcement order

Abatement notices

- 322 Scope of abatement notice
- 323 Compliance with abatement notice
- 324 Form and content of abatement notice
- 325A Cancellation of abatement notice

Excessive noise

- 327 Issue and effect of excessive noise direction
- 328 Compliance with an excessive noise direction

Emergency works

- 330 Emergency works and power to take preventive or remedial action

Powers of entry and search

- 332 Power of entry for inspection
- 333 Power of entry for survey

Return of property

- 336 Return of property seized under sections 323 and 328

Offences

- 338 Offences against this Act

Infringement offences

- 343B Commission of infringement offence
- 343C Infringement notices

Schedule 1 Preparation, change, and review of policy statements and plans

Clause

1A	Mana Whakahono a Rohe to be complied with
3	Consultation
3A	Consultation in relation to policy statements
3B	Consultation with iwi authorities
4	Requirements to be inserted prior to notification of proposed district plans
4A	Further pre-notification requirements concerning iwi authorities
5	Public notice and provision of document to public bodies
5A	Option to give limited notification of proposed change or variation
6	Making of submissions under clause 5
7	Public notice of submissions
8	Certain persons may make further submissions
8AA	Resolution of disputes
8B	Hearing by local authority
8C	Hearing not needed
10A	Application to Minister for an extension of time
11	Notification of decision
16	Amendment of proposed policy statement or plan
16B	Merger with proposed policy statement or plan
20	Operative date
20A	Correction of operative policy statement or plan
23	Further information may be required
24	Modification of request
25	Local authority to consider request
29(2)	Procedure under this Part
34	Consultation on proposal to incorporate material by reference
35	Access to material incorporated by reference

Schedule 12 Preparation, change, and review of policy statements and plans

Part 6 Provisions relating to Natural and Built Environment Act 2023

Clause

39	Determine the duration of consent for an affected resource consent.
39(3)	Determine the duration of consent for an affected resource consent.
40(1)(b)	Determine that clause 39 does not affect the duration of the consent after being satisfied that the application is primarily for an activity described in subclause cl40(3).