



**Report**                    **03.428**  
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**Committee**            **Policy, Finance and Strategy**  
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## Resource Consent Processing Delegations

### 1. Purpose

To ask Council to delegate certain powers, duties and functions for processing resource consents under the Resource Management Act 1991 (RMA).

### 2. Background

The Council has a number of delegations in place to enable the efficient and effective processing of resource consents. Since the commencement of the RMA, the Council's philosophy has been to delegate its decision-making functions to the lowest competent level. The delegations need to be updated from time to time, when legislation is amended, or there are significant alterations to Council's operating structures.

On 19 May 2003 the RMA was amended by the Resource Management Amendment Act 2003 (RMAA). The alterations have resulted in several changes to the way resource consents are processed. Some changes, therefore, need to be made to the current RMA delegations to enable the present decision-making framework to be retained. In addition to these changes, officers are recommending a more specific allocation of some existing delegations.

### 3. Delegations

The delegations being sought are listed in **Attachment 1** to this report. The proposed structure of delegation levels is outlined in **Attachment 2**.

In some cases the same power needs to be delegated to several different levels e.g. section 104(1A). This is because the appropriate person to make a decision will depend on the way a consent is processed i.e. notified, limited notified or non-notified. For example, when it is decided that a consent is notifiable and the application must be heard by a hearings committee, the power to disregard adverse effects if the plan permits an activity with that adverse effect, will be delegated to the hearings committee.

Where this is the case, it is recommended that:

- Level 7 be authorised to make decisions for non-notified consents, and limited notified not requiring a hearing
- Level 3 be authorised to make decisions for notified consents not requiring hearing
- Level 11 be authorised for both notified and limited notified consents requiring a hearing.

For a consent to require limited notification, the effects must be minor. It is, therefore, essentially the same as a non-notified consents with written approval.

In terms of process, the RMAA is internally inconsistent with respect to delegation provisions. Current legal advice is that a delegation should be made by the Council directly to a particular employee, officer or commissioner with the chief executive approving the delegation. If the Council approves the delegations proposed in this report, approval will be sought from the Chief Executive.

#### **4. Transitional Provisions**

Section 112 of the RMAA requires that applications received before 1 August 2003 continue to be processed in accordance with the principal Act as if that Act had not been amended. In changing delegations it is therefore necessary to continue existing delegations for applications falling under section 112. It is recommended that this be achieved using parallel wording to that used in the RMAA.

#### **5. Communications**

There are no communications required as a result of this report.

#### **6. Recommendations**

*That the Committee recommends that Council:*

- 1) *Notes that recent amendments to the RMA introduce new resource consent provisions that are not covered by existing delegations.*
- 2) *In accordance with section 34A of the Resource Management Act 1991, delegates the duties, functions and powers as specified in Attachment 1 of this report.*
- 3) *Processes resource consents received prior to 1 August 2003 in accordance with delegated functions, powers and duties as if any amendments to these delegations as a result of this report had not been made.*

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