

**QLDC Council
30 June 2015**

Report for Agenda Item: 5

Department: CEO Office

Council Delegations to Officers and Hearings Commissioners

Purpose

- 1 To enable the efficient and effective conduct of Council's affairs by updating the delegations register.

Recommendation

- 2 That Council:
 1. **Note** the contents of this report;
 2. **Amend** as from 30 June 2015, the existing delegations to the other officers in the manner set out in **Attachment (A)**.


Prepared by:
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Solicitor

15/06/2015

Reviewed and Authorised by:
Meaghan Miller



General Manager
Corporate Services

15/06/2015

Background

- 3 This report considers an amendment to the delegations from Council to Officers.

Comment

- 4 With respect to the delegations to Officers and Hearings Commissioners under the Resource Management Act 1991 (**RMA**) and the Local Government Act 1974 (**LGA 1974**), the following minor amendments have been made to provide for:
- a. Section 37 RMA – to make the Hearings Commissioner powers consistent with the powers of Officers. The reason for this particular change is that our processing procedures have improved.
 - b. Sections 88, 176 and 176A RMA – to provide for resource consents and outline development plans to be lodged by an instructing department of Council. These amendments are simply to recognise that there have been changes to job descriptions under the recent restructuring.
 - c. Section 348 LGA 1974 – to provide for Hearings Commissioners and Officers to grant approvals, so that they can be considered contemporaneously with Resource Consents. The reason for this amendment is that we want to be able to deal with applications under both the RMA and LGA at the same time to avoid unnecessary delays.
- 5 It is expected that these changes will maintain efficiency in carrying out statutory functions.

Options

- 6 This report does not consider alternative options as the changes are purely administrative in nature.

Significance and Engagement

- 7 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it is a matter of administration of Council's statutory processes.

Risk

- 8 This matter relates to the strategic risk SR2 Business Capability and Planning, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it concerns setting the appropriate delegations to carry out administrative functions of Council.
- 9 The recommended option considered above mitigates the risk by: 'Treating the risk - putting measures in place which directly impact the risk.' It ensures that the appropriate level of authorisation is available to make decisions without delay.

Financial Implications

- 10 As the assignment of delegated powers is an administrative matter, there is no budget or cost implication arising from Council's decision to assign delegations. However, it should be noted that the amendments to the delegations are necessary to efficiently conduct the statutory functions of Council.

Council Policies, Strategies and Bylaws

- 11 No other Council policies were considered.
- 12 This matter is not directly included in the 10-Year Plan/Annual Plan, as it concerns the administration of Council's statutory functions. However, the recommended option is consistent with achieving the KPIs for the Council's processing of resource consents.

Local Government Act 2002 Purpose Provisions

- 13 The delegations proposed in Attachment (A) achieve the purpose of the Local Government Act as they provide for the efficient and effective conduct of Council's administration of activities.

Consultation: Community Views and Preferences

- 14 As delegations concern the administration of Council affairs, there are no consultation or publicity requirements.

Attachments

- A Proposed amended delegations

Attachment A
Delegations from Council to Officers under the RMA and LGA 1974

Resource Management Act 1991		
Section	Description	Delegated to
37	Power to extend time periods as provided in this section	Resource Consenting Manager Hearings Commissioner
88	Power to lodge a resource consent application	General Manager Infrastructure General Manager Planning and Development General Manager Corporate Services
176	Power to give written consent in relation to land subject to Council designation	General Manager Infrastructure General Manager Planning and Development Manager Parks and Commercial Operations
176A	Power to request changes & to waive requirement for an outline plan Power to lodge an outline plan	General Manager Infrastructure Manager Parks and Commercial Operations Resource Consenting Manager

Local Government Act 1974		
Section	Description	Delegated to
348	Power to grant or decline an application to lay out or form any private road or private way, or grant or reserve a right of way over any private way, in the district.	Senior Planner Subdivision Planner