

# Delegations from Council Under the Resource Management Act 1991

Resource Management Act 1991		
Section	Description	Delegated to
10	Extension of existing use rights	Manager Planning Practice
10A	Authority to allow certain existing activities (now made unlawful/not permitted) to continue while application for resource consent is pending	Manager Planning Practice
10B	Authority to allow certain building work to continue where it has been subsequently made unlawful by a district plan	Manager Planning Practice
32	Duty to meet requirements for preparing s 32 reports and evaluations.	Planning Policy Manager
36(3) 36(3A) 36(5)	Authority to make decisions about additional administrative charges	Manager Planning Practice Team Leader, Resource Consents
37	Power to extend time periods as provided in this section	Manager Planning Practice Team Leader, Resource Consents Hearings Commissioner(s)
37A	Requirement to consider matters before extending a time limit.	Manager Planning Practice Team Leader, Resource Consents Hearings Commissioner(s)
39B	Selection of commissioners for specific hearings from pool of commissioners appointed by the Council.	General Manager, Planning and Development
41B 41C	Power to direct applicant to provide evidence before hearings; power to make directions about conduct of hearings	Manager Planning Practice Planning Policy Manager Team Leader, Resource Consents Hearings Commissioner(s)

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42	Power to make directions about hearings to protect sensitive information.	Hearing Commissioner(s)
42A	Powers regarding the preparation, commissioning and provision of reports	Manager Planning Practice Planning Policy Manager Team Leader, Resource Consents Senior Planner
44A	Power to amend plans to address national environmental standards	Planning Policy Manager
55(2)	Duty to amend plan or proposed plan if directed by national policy statement.	Planning Policy Manager
86D	Ability to apply to Environment Court for a rule to have legal effect.	General Manager, Planning and Development
87E 87F 87G	Power to determine Council position on a request for direct referral (87E), prepare reports (87F) and provide information to Environment Court (87G).	87E: Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.  87F and 87G: GM Planning & Development
88	Authority to receive consent applications and determine whether the information meets the minimum requirements of the Act.	General Manager Property and Infrastructure  General Manager Planning and Development  General Manager Corporate Services
88(1)	Authority to receive consent applications and determine whether the information meets the minimum requirements of the Act.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
88(3) & 3A	Power to determine an application is incomplete	Manager Planning Practice  Team Leader, Resource Consents  Senior Planner  Planner

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91	Power to determine not to proceed with a resource consent application on certain grounds	Manager Planning Practice
92 92A 23	Authority to request further information to be provided, or to commission a report	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
95 95A 95B 95C 95D	Requirement to comply with time limit on notification. Authority to determine whether the adverse effects on the environment of an application will be minor. Requirement for notification or limited notification of the application where applicable.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
95E	Duty to determine which persons may be adversely affected by an application and to serve notice of the application on them if required.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
99	Power to call pre-hearing meetings and invite or require parties to attend and the duty to prepare a report of the meeting.	Manager Planning Practice Team Leader, Resource Consents
99A	Power to refer parties who have made a resource consent application or submissions on the application to mediation	Manager Planning Practice Team Leader, Resource Consents
100	Authority to determine whether a hearing should be held in respect of any application for a resource consent	Manager Planning Practice
101	Authority to decide when and where a hearing is to be held within the constraints of section 37	Manager Planning Practice Team Leader, Resource Consents Team Leader Planning
102	Authority to determine issues concerning joint considerations by two or more consent applications in relation to the same proposal.	Manager Planning Practice Team Leader, Resource Consents

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103	Authority to determine issues concerning two or more consent authorities.	Manager Planning Practice Team Leader, Resource Consents
104	Duty to take matters into consideration and to exclude other matters when considering an application	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner Hearings Commissioner(s)
104A 104B 104C 104D 105 106	Power to determine resource consent applications and impose conditions     Power to decline subdivision consent	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
108 108A	Power to impose conditions on resource consent. Power to impose a bond as one of the conditions.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
108 108A	Power to execute documents to register a bond (whether cash or by registered guarantee) or covenant together with all ancillary administrative tasks	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
109	Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner Hearings Commissioner(s)

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109	Power to execute documents to discharge, cancel or vary bonds (in part or whole), together with all ancillary administrative tasks including certification and online registration of certificates as authorised officer.  Power to register a land charge (or remove a land charge) on the land for costs of performing works where costs exceed funds secured.	Manager Planning Practice Team Leader, Resource Consents Senior Planner
110	Power to refund financial contribution to consent holder where consent has lapsed.	Manager Planning Practice
113	Recording reasons for decisions on resource consent applications in writing.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
114	Authority to serve consent applicant and submitters with notice of the decision on an application	Team Leader, Resource Consents Planning Support
116	Authority to consent to commencement of consent which is subject to Environment Court appeal	Manager Planning Practice
120	Authority to lodge appeal on Council's behalf in Environment Court	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
124(2)	Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent	Manager Planning Practice
125	Power to grant extension of period after which a consent will lapse	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
126	Power to cancel a resource consent by written notice	Manager Planning Practice Team Leader, Resource Consents

<sup>1</sup> See also powers to execute instruments for the Property Law Act 2007 in the QLDC Register of Sub-delegations

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127	Power to change or cancel conditions imposed on a resource consent	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
128 129	Power to review a resource consent and to give notice of review.	Manager Planning Practice
132	Power to change the conditions of a resource consent on a review under s128, or to cancel resource consent	Manager Planning Practice Hearings Commissioner(s)
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant).	Manager Planning Practice Team Leader, Resource Consents Senior Planner
138	Authority to issue a notice of acceptance of surrender of consent	Manager Planning Practice Senior Planner
139 139A	Authority to issue certificate of compliance, other powers and existing use certificates.	Manager Planning Practice Team Leader, Resource Consents Senior Planner
149B	Duty of local authority to provide EPA with all related information to a matter (where the Minister has called in a matter and the local authority has been served with a direction under s149A).	General Manager, Planning and Development
149E	Power to make a submission on behalf of Council on a matter of national importance.  Duty to prepare	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
149G	Duty to prepare a report commissioned by the EPA.	General Manager, Planning and Development
149Q	Authority to receive report from EPA and to make comments on it.	General Manager, Planning and Development
149T	Power to give notice on Council's behalf under s274 of matter referred directly to the Environment Court.	General Manager, Planning and Development
149V	Power to lodge appeal to the High Court on question of law on Council's behalf.	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
149ZD	Power to recover costs incurred by the Council from the applicant.	General Manager, Planning and Development
149V 149ZD	a report commissioned by the EPA.  Authority to receive report from EPA and to make comments on it	Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy

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149W(2) (a) and (4)	Power to implement decision of Board or Court about proposed plan or change or variation.	General Manager, Planning and Development
168 168A	Duty to receive notice of requirement	Manager Planning Practice Team Leader, Resource Consents Senior Planner
168A	Authority to lodge notice of requirement on behalf of Council	Chief Executive Officer General Manager Planning and Development General Manager Property and Infrastructure
168A	Power to determine whether to publicly notify Council's notice of requirement for a designation	Hearings Commissioner(s) Manager Planning Practice Team Leader, Resource Consents
168A	Power to make decision on Council's notice of requirement for a designation	Manager Planning Practice Manager Planning Policy Team Leader, Resource Consents Hearings Commissioner(s)
169	Power to request further information and determine whether to publicly notify notice of requirement for a designation	Manager Planning Practice Manager Planning Policy Team Leader, Resource Consents Senior Planner
171	Power to consider and make recommendations on requirements for a designation	Manager Planning Practice Manager Planning Policy Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
173	Power to give notice of requiring authority's decision on designation	Team Leader, Planning Support Planning Support
174	Power to appeal to Environment Court against requiring authority's decision on designation	General Manager, Planning and Development
175	Authority to include a designation in district plan	Policy Planning Manager

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176	Power to give written consent in relation to land subject to Council designation  NOTE: (this is where Council has designated the land, and another party seeks to undertake an activity within Council's designation)	General Manager Property and Infrastructure  General Manager Planning and Development  Parks and Reserves Planning Manager
176A	Power to lodge an outline plan  Power to request changes & to waive requirement for an outline plan	General Manager Property and Infrastructure Parks and Reserves Planning Manager Manager Planning Practice Team Leader, Resource Consents Senior Planner ( <i>to request changes or waive requirement only</i> )
181	Power to receive application for alterations to designations  Power to determine applications for alteration of designations	Manager Planning Practice Team Leader, Resource Consents Senior Planner  Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
182	Authority to receive withdrawals of designations and to amend the District Plan accordingly	Planning Policy Manager
184	Power to extend designation which has not been given effect to	Planning Policy Manager
189	Duty to receive notice of requirement for heritage order	Manager Planning Practice Team Leader, Resource Consents Senior Planner
189A	Authority to lodge notice of requirement for a heritage order on behalf of Council	General Manager, Planning and Development
189A	Power to determine whether to publicly notify Council's notice of requirement for a heritage order	Hearings Commissioner(s)
189A	Power to make decision on Council's notice of requirement for a heritage order	Hearings Commissioner(s)
190	Power to request further information and determine notification of notice of requirement for heritage order	Manager Planning Practice Team Leader, Resource Consents Senior Planner
191	Power to make recommendations on notice of requirement for heritage order	Manager Planning Practice Team Leader, Resource Consents

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193	Authority to give written consent in relation to land protected by Council's heritage order	General Manager, Planning and Development
195	Power to appeal to Environment Court against heritage protection authority's decisions under sections 193 or 194	General Manager, Planning and Development
195A	Power to receive application for alterations to heritage order	Manager Planning Practice Team Leader, Resource Consents Senior Planner
	Power to determine applications for alteration of heritage order	Hearings Commissioner(s)
196	Power to receive withdrawals of heritage orders and to amend the District Plan accordingly	Manager Planning Practice Team Leader, Resource Consents Policy Planning Manager
220	Power to impose conditions on subdivision consents	Manager Planning Practice Team Leader, Resource Consents Senior Planner Subdivision and Property Supervisor Hearings Commissioner(s)
220(1)(a) and(2)(b)	Authority to undertake registration of certificates as authorised officer	Manager Planning Practice Team Leader, Resource Consents Subdivision and Property Supervisor
221(2)	Authority to issue and sign a consent notice	Manager Planning Practice
221(3)	Authority to vary or cancel a condition specified in a consent notice	Manager Planning Practice Team Leader, Resource Consents Senior Planner Subdivision and Property Supervisor Hearings Commissioner(s)

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222	Powers related to the issues of completion certificates enabling the deposit of survey plan	Manager Planning Practice Subdivision and Property Supervisor
223	Powers related to approval of survey plan as authorised officer	Manager Planning Practice Subdivision and Property Supervisor
224 (c), (f)	Authority to certify compliance of survey plan as authorised officer (includes circumstances where a bond is registered)  Authority to issue certificate of approval as authorised officer, and all ancillary tasks including the execution of documents for consent notices, bonds and completion certificates.	Manager Planning Practice Subdivision and Property Supervisor
226(1)(e)	Authority to certify any plans of subdivision or copy thereof, which has not had a previous statutory approval.  Authority to issue a certificate for cancellation of an amalgamation condition  Authority to confirm compliance with relevant district plan rules.  Authority to execute all documents (as authorised officer) for registration  Authority to undertake online deregistration of certificates as authorised officer.	Manager Planning Practice Subdivision and Property Supervisor
234	Power to vary or cancel esplanade strips on application	Manager Planning Practice Subdivision and Property Supervisor  <b>NOTE:</b> Decisions will be considered on a case-by-case basis and will be escalated to full Council where appropriate.
235	Power to agree on Council’s behalf to creation of esplanade strip	Manager Planning Practice Subdivision Planner  <b>NOTE:</b> Decisions will be considered on a case-by-case basis and will

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<sup>2</sup> See also powers to execute instruments for the Property Law Act 2007 in “QLDC Register of Sub-delegations”

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237B	Power to acquire an easement for access strip	Manager Planning Practice Subdivision and Property Supervisor
237C	Authority to close access strips and give notice of closure	Manager Planning Practice Subdivision and Property Supervisor
237D	Authority to agree to transfer of access strip to Crown or regional council	Manager Planning Practice Subdivision and Property Supervisor
237H	Authority to object to compensation valuation determination	Manager Planning Practice Subdivision and Property Supervisor
239	Authority to certify survey plans subject to specified interests and undertake online registration of certificates as authorised officer.	Manager Planning Practice Subdivision and Property Supervisor
240	Authority to cancel an existing amalgamation condition (in whole or part) and undertake online de-registration of certificates as authorised officer	Manager Planning Practice Subdivision and Property Supervisor
240(3) and (4)	Authority to certify survey plans subject to an amalgamation covenant against transfer of allotments and execute as authorised officer all documents (includes online de-registration of certificates).	Manager Planning Practice Subdivision and Property Supervisor
241(1) and (3)	Authority to deal with amalgamation conditions and undertake online registration of certificates as authorised officer.  Authority to issue a certificate for cancellation of an amalgamation condition and execute all necessary documents (including online deregistration of certificates) as authorised officer.	Manager Planning Practice Subdivision and Property Supervisor Manager Planning Practice Subdivision Planner Hearings Commissioner(s)

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243 Authority to deal with survey plans subject to grant or reservation of easements and undertake online registration of certificates as authorised officer, includes variation and cancellation of easement instruments.  
Manager Planning Practice  
Subdivision Planner

292	Authority to seek that Environment Court remedy defect in plan	Planning Policy Manager
294	Authority to seek that Environment Court review a decision or rehear proceedings	General Manager, Planning and Development
299 - 308	Authority to determine and direct Council involvement in High Court and Court of Appeal proceedings	General Manager, Planning and Development
311 312	Authority to initiate declaration proceedings and take other necessary steps	General Manager, Planning and Development
314 - 321	Authority to initiate enforcement order and interim enforcement order proceedings and take other necessary steps	Chief Financial Officer Regulatory Manager
325	Authority to consent to a stay of abatement notice	Regulatory Manager
325A	Power to cancel abatement notice	Regulatory Manager
330	Power to take preventative or remedial action in emergency circumstances	General Manager, Property and Infrastructure
331	Power to seek reimbursement of Council's costs for emergency works	General Manager, Property and Infrastructure
336	Duty to return property seized under warrant or otherwise dispose of property if not claimed	Principal Enforcement Officer
338	Authority to commence prosecution for breach of the Act	Chief Financial Officer Regulatory Manager
357D	Power to consider and determine objections	Hearings Commissioner
Sch 1 Cl 3, 3B	Duty to consult on proposed plan, including consultation with local iwi	Planning Policy Manager
Sch 1 Cl 3C	Authority to determine whether consultation has already occurred under other enactments	Planning Policy Manager
Sch 1 Cl 4	Duty to invite requiring authorities by written request on designations in proposed plans.	Planning Policy Manager

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Sch 1 CI 5	Authority to prepare s32 report and publicly notify proposed plan	Planning Policy Manager – but subject to authority of Planning & Strategy Committee Planning
Sch 1 CI 6	Authority to make submissions on Council's behalf	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 CI 7	Duty to give public notice of submissions on proposed plan	Planning Policy Manager
Sch 1 CI 8, 8A	Authority to make further submissions on Council's behalf	General Manager, Planning and Development
Sch 1 CI 8AA	Authority to invite submitters to meetings or refer matters to mediation	Planning Policy Manager
Sch 1 CI 8B	Duty to give notice of hearings	District Plan Administrator
Sch 1 CI 8C	Authority to determine whether hearing is required	Planning Policy Manager
Sch 1 CI 8D	Authority to withdraw proposed plan	General Manager, Planning and Development
Sch 1 CI 9	Power to hear and make recommendations and decisions on requirements	Hearings Commissioner(s)
Sch 1 CI 10	Power to hear and make recommendations on provisions and matters raised in submissions	Hearings Commissioner(s)
Sch 1 CI 11	Duty to give notice of decisions	District Plan Administrator
Sch 1 CI 14	Authority to lodge appeal with Environment Court	General Manager, Planning and Development

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Sch 1 CI 16(1)	Duty to amend proposed plan if directed by Court	Planning Policy Manager
Sch 1 CI 16(2)	Authority to amend proposed plan to correct minor errors	Planning Policy Manager
Sch 1 CI 16A	Authority to initiate variation to proposed plan	General Manager, Planning and Development
Sch 1 CI 20	Duty to give notice of plan becoming operative	Planning Policy Manager
Sch 1 CI 20A	Authority to amend operative plan to correct minor errors	Planning Policy Manager
Sch 1 CI 21	Authority to request change to regional plan or regional policy statement	General Manager, Planning and Development
Sch 1 CI 23	Power to seek further information relating to private plan change requests	Planning Policy Manager Senior Policy Planner Policy Planner Hearings Commissioner(s)
Sch 1 CI 24	Power to modify plan change request	General Manager, Planning and Development
Sch 1 CI 25	Power to determine how to proceed with plan change request, including power to reject request	General Manager, Planning and Development, subject to authority of Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 CI 26	Authority to prepare and notify plan change request	Planning Policy Manager

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Sch 1 CI 28	Power to withdraw plan change request	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 CI 29(4)	Power to hear and make recommendations on plan change request	Hearings Commissioner(s)
Sch 1 CI 29(2) and (5)	Duty to send submissions to person who made plan change request and serve copy of its decision	District Plan Administrator
Sch 1 CI 29(9)	Power to vary plan change request	Planning Policy Manager
Sch 1 CI 32	Authority to certify material incorporated by reference	Planning Policy Manager
Sch 1 CI 34	Duty to consult on incorporation of material by reference	Planning Policy Manager
Sch 1 CI 35	Duty to make information available and give public notice regarding material incorporated by reference	District Plan Administrator
MISCELLANEOUS		
Alternative dispute resolution	Authority to enter into and participate in mediation for appeals under the Resource Management Act 1991 and to reach a mediated agreement within guidelines and parameters set by the Appeals Subcommittee.	Manager, Planning Practice Team Leader, Resource Consents

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