

Clutha District Council

ITEM FOR DECISION

Report	RMA delegations
Meeting Date	22 October 2009
Item Number	21
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File Reference	SP15/1
Policy Reference	n/a

REPORT SUMMARY

This report addresses updates required to delegations as a result of the recent amendments to the Resource Management Act.

RECOMMENDATIONS

1. That Council amends the section references and text of the Delegations Manual so that delegations R125, R126, R134, R135, R160, R161 and R192 read as follows:

No	Section	Situation / Description
R125	95A	Authority to notify application
R126	95D to 95F	Determining whether an activity will have or is likely to have adverse effects on the environment that are more than minor, and determining whether any person is an affected person or affected order holder
R134	104B	Authority to determine applications for discretionary or non-complying activities where no hearing is required
R135	104B	Authority to determine applications for discretionary or non-complying activities where hearing is required
R160	139	Authority to consider and issue Certificates of Compliance for any activity which could be lawfully done in a particular location without a resource consent
R192	357 to 357D	Authority to decide objections against a decision

2. That Council makes the following new delegations:

No	Section	Situation / Description	Delegated Authority
R160A	139A	Authority to consider and issue existing use certificates	Chief Executive
R160B	149G(3)	Authority to provide Environment Court or Board of Inquiry a report on key issues for a matter of National Importance	Chief Executive

R160C	149Q(4)	Authority to provide comments on a draft report produced by a Board of Inquiry	Chief Executive
R160D	149V	Authority to appeal a decision on a Matter of National Importance	Chief Executive
R160E	149ZD	Power to recover Council's costs in complying with Part 6AA of the Act	Chief Executive
R175A	198C	Authority to decide on request to have a designation or heritage order considered by the Environment Court instead of Council	Chief Executive

3. That Council repeals the following delegation:

R161	150	Authority to prescribe fees or charges for a certificate, authority, approval, permit, consent form or inspection
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REPORT

With the recent amendments to the Resource Management Act, there are a number of changes to the detail of the Act that affect Council's existing delegations. These are outlined below. Where the changes only affect the section references or wording of existing delegations, no changes are made to the level of delegation. New delegations are recommended to only apply to the Chief Executive, as the powers involved are likely to only be required very occasionally so there is no need to delegate to a lower level.

- R125 Section number changes from s93 to s95A, effect is unchanged.
- R126 Section number changes from 94 to 95D-F, and the wording is altered to reflect the new steps in determining effects and affected persons.
- R134 Correction to wording error in existing delegation (replacing "non-controlled" with the correct term "non-complying").
- R135 Correction to wording error in existing delegation (replacing "non-controlled" with the correct term "non-complying").
- R160 Updated wording to make the delegation more general, as it now applies to matters covered by National Environmental Standards as well as the District Plan.
- R160A New delegation, covering new provisions for Matters of National Importance.
- R160B New delegation, covering new provisions for Matters of National Importance.
- R160C New delegation, covering new provisions for Matters of National Importance.
- R160D New delegation, covering new provisions for Matters of National Importance.
- R160E New delegation, covering new provisions for Matters of National Importance.
- R161 Existing delegation is redundant as the relevant section has been repealed (replaced by Part 6AA, with the ability to recover costs in new delegation 160E).
- R175A New delegation relating to 'fast tracking' of designations and heritage orders.
- R192 Section number changes to now include 357A-D.