

**QLDC Council
31 January 2019**

Report for Agenda Item: 7

Department: Planning & Development

Amendments to RMA Register of Delegations

Purpose

The purpose of this report is to amend the Resource Management Act 1991 (RMA) Register of Delegations following the disestablishment of the “Manager Planning Practice” role and the creation of the “Principal Planner Resource Consents” role.

Recommendation

That Council:

1. **Note** the contents of this report; and
2. Amend from 31 January 2019, the existing Resource Management Act 1991 delegations to Council Officers and appointed Commissioners [**as set out in Attachment A**].

Prepared by:



Katrina Ellis
Resource Consents Team
Leader

15/01/2019

Reviewed and Authorised by:



Tony Avery
General Manager, Planning &
Development

17/01/2019

Background

- 1 The current Resource Management Act (RMA) delegations and the ‘General Rules Applying to all Delegations’ were adopted by the newly elected Council at its first meeting on 15 December 2016. Further minor amendments to the RMA delegations have been adopted by Council on numerous occasions since then.

Comment

- 2 Changes to the Register of Delegations are necessary of a variety of reasons which are described below:
 - (a) Changes following the disestablishment of the “Manager Planning Practice” role and creation of the “Principal Planner Resource Consents” role;

- (b) Deletion of reference to “Planning Officer” as any reference to “Planner” is intended to be inclusive of any “Planning Officer”; and
 - (c) To enable more roles to have delegated authority against certain provisions of the RMA to align with job responsibilities and manage capacity better by having more people with a particular delegation.
- 3 The role Manager Planning Practice was disestablished after the person in that role resigned. Alternative roles were created which were a better fit for the Planning Department’s needs, including the role “Principal Planner Resource Consents”. The majority of changes proposed to delegation are a direct change from “Manager Planning Practice”, to “Principal Planner Resource Consents”.
 - 4 There are also two references in the delegations to “Planning Officer”, which were added in following the changes to the RMA on 18 October 2017, where Planning Officers were listed as having delegation against two new provisions. However through the rest of the delegations table, Planning Officer is not listed, as reference to “Planner” is intended to be inclusive of “Planning Officer”. I note that our team has “Planners”, which are intermediate level planners, and “Planning Officers” are our more junior planners. Intermediate planners typically tend to get more complex work than the juniors, however they all have the same responsibilities and delegations.
 - 5 Delegation has been included against a number of provisions to Team Leader, Resource Consents and one additional delegation for Senior Planners (Resource Consents). These changes are to align better with the relevant job descriptions and responsibilities, as well as increase the number of people that have delegation for the subject RMA provisions for efficiency purposes.
 - 6 All modifications are shown in track changes in **Attachment A**.

Options

7 Option 1 Adopt the amendments to the Register of Delegations

Advantages:

- a) Will ensure staff have the appropriate delegation to make decisions and will tidy up other areas of the delegations.
- b) Will ensure that decisions of the relevant staff members are not open to challenge on this matter.
- c) Other changes will enable the efficient implementation of the Council’s RMA functions.

Disadvantages:

- a) Increased persons with delegations can lead to inconsistencies in decision making. However the persons proposed to be added to the delegation have the correct expertise for each task and there are limited persons in each role (currently there are three Resource Consents Team Leaders). As such the risk of inconsistency occurring is low.

8 Option 2 – retain the Status Quo

Advantages:

- a) None identified

Disadvantages:

- a) Would not enable staff to act under their full job description and capabilities.
- b) Would not tidy up errors and other issues with the current set of delegations.

9 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

10 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it is a decision relating to the administration of Council affairs.

Risk

11 This matter relates to the operational risk OR011 "Decision Making: Staff Delegations" as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because there are potential political, economic, technical and legal risks associated with the determination of resource consent applications. The recommended option considered above mitigates the risk by treating the risk – putting measures in place which directly impact the risk.

Financial Implications

12 There are no financial implications as a result of this proposal.

Council Policies, Strategies and Bylaws

13 The following Council policies, strategies and bylaws were considered:

- None applicable.

14 This matter is not included in the 10-Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions

15 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

16 No persons are considered to be affected or interested in this matter.

Legal Considerations and Statutory Responsibilities

17 The proposed amendments to the QLDC-Register of Delegations Resource Management Act dated December 2018.

Attachments

A Proposed amendments to the QLDC-Register of Delegations Resource Management Act dated December 2018.