

Full Council

13 February 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [2]

Department: Planning & Development

Title | Taitara: Request to update Officer Delegations under the Resource Management Act 1991

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to request approval from Council for an update to Council officer delegations under the Resource Management Act 1991 (RMA).

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report; and
2. **Approve** the updated Delegations Register in **Attachment A** to this report, which reflects changes to Council officer delegations under the Resource Management Act 1991.


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21 January 2025

Reviewed and Authorised by:



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22 January 2025

Context | Horopaki

1. Approval is being sought from Council to amend and update the Council Delegations Register for the Resource Management Act 1991 (RMA or Act) relating to officer delegations. The RMA is still in force and remains the primary planning legislation for the district. The amendments requested result from a legal review of the current delegations. This legal review identified that there were some changes to the RMA in recent years that had not been reflected within the current delegations. The proposed amendments are shown in Attachment A to this report.

Analysis and Advice | Tatāritaka me kā Tohutohu

2. The current delegations are set out at pages 32-65 of the Register of Delegations (and in **Attachment A** to this report). These set out the delegations for decision-making for each provision under the RMA.
3. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
4. Option 1 – Do not approve the proposed changes to the RMA delegations register.

Advantages:

- Given that the current delegations are not fit for purpose as they are not up to date with the current RMA legislation, there is no advantage in retaining these.
- There are no administrative advantages to retaining current delegations.

Disadvantages:

- Retaining the delegations as they are currently will preclude Council from fully carrying out its legislative requirements under the RMA.
 - The delegations for the functions of Council under the RMA will remain out of alignment with the roles and responsibilities prescribed in the legislation.
5. Option 2 – Approve the proposed changes to the RMA delegations register set out in **Attachment A** to this report.

Advantages:

- The Delegations Register will properly reflect the current RMA legislation and Council will be able to undertake all its required functions under this Act.
- The changes will improve efficiency within Council and provide more certainty for administering the RMA requirements.
- The changes will ensure timeframes and processes are adhered to.

- The changes ensure senior staff have the appropriate delegations to undertake their roles effectively.

Disadvantages:

- There is little disadvantage in updating the RMA Delegations Register except that the status quo would no longer exist.
6. This report recommends **Option 2** because it aligns Council’s delegations with legislative process, provides greater clarity on roles and responsibilities which will result in more efficient and effective practices around administering functions under the RMA.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

7. This matter is of medium significance, as determined by reference to the Council’s Significance and Engagement Policy 2024 because the current RMA delegations are not up to date with legislative requirements.

Māori Consultation | Iwi Rūnaka

8. The Council has not undertaken any consultation on this matter with iwi. The matter of delegating RMA functions from the Council to Council officers is not a matter that requires any consultation with iwi. None of the delegations or the changes sought to these pertain to consultation and engagement with iwi, nor changes to current practices and requirements for consultation.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

9. This matter relates to the Strategic/Political/Reputation risk category. It is associated with RISK10034 Inadequate resource management or building consent systems, processes and/or people capability results in poor development outcomes and liability within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
10. The approval of the recommended option will support the Council by allowing the risk to be retained at its current level. This shall be achieved because the recommended option will ensure that delegations reflect current legislative requirements.

Financial Implications | Kā Riteka ā-Pūtea

11. There are no operational or capital expenditure requirements in addition to existing approved budgets or the Annual/Long Term Plan.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

12. This report is requesting approval be given by Council to changes proposed to the Delegations Register for the RMA. As such no Council policies, strategies or bylaws have been considered.
13. This matter is not included in the Long Term Plan/Annual Plan.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

14. Council has a duty to administer efficiently its functions and duties under the RMA. It is therefore important legally that Council delegations are kept up to date with the current RMA legislation. The RMA provides that only full Council can delegate functions administered under it to Council officers. These delegations cannot be further sub-delegated as set out in section 34A of the RMA, which states that the power to delegate RMA functions cannot be delegated to Council Officers. The amendments proposed to the delegations are in line with this requirement.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

15. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The proposed changes to delegations will enable the appropriate workstreams of Council to use the powers given under the RMA while ensuring that Council fulfils the need for good quality and transparent decision making and the performance of its regulatory functions. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act;
16. The recommended option:
- Can be implemented through current funding under the Long Term Plan and Annual Plan;
 - Is consistent with the Council's plans and policies; and
 - Would not significantly alter 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.

Attachments | Kā Tāpirihaka

A	Proposed Amendments to RMA Delegations with tracked changes
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