

Resource Management Amendment Act – Delegation Changes

(Additional delegations are in bold, large type.)

Section	Duty, Power, Function Delegated	Delegation Level	Change
37(1)(a) and 37A(2)	Extend a time limit.	Levels 7 and 8	Replace 37(1)
37(1)(b) and 37(2)(a)	Waive compliance of time or method of service of documents.	Levels 7	Replace 37(2)
37(2)(b)	Direct that an omission or inaccuracy be rectified on such terms as thinks fit.	Levels 7, 8 and 9	Replace
88(3)	Determine whether an assessment of environmental effects is adequate.	Levels 7, 8 and 9	Add
92(1)	Request for further information.	Levels 7, 8 and 9	Replace
92(2)	Commission a report.	Levels 7 and 8	Replace
93(1)	Decision on notification.	Levels 7, 8 and 9	Replace 93
94(1) and 94(2)	Decision on limited notification and non-notification.	Levels 7, 8 and 9	Replace 94
94A	Form an opinion as to whether adverse effects are minor or more than minor.	Levels 7, 8 and 9	Add
94B	Form an opinion on who may be adversely affected.	Levels 7, 8 and 9	Add
94C(2)	Notification due to special circumstances.	Levels 7, 8 and 9	Add
104(2)	Ability to disregard adverse effects if the plan permits an activity with that effect.	Levels 6 and 7 Level 3 Level 11	Add

104(5)	Decision to grant a particular type of activity, regardless of the type of activity the applicant applied for.	Levels 6 and 7 Level 3 Level 11	Add
104 A	Determination of application for controlled activities.	Level 11 where notified under 93(1), or serve notice under 94(1) and hearing required Level 3 where notified under 93(1), but hearing not required Levels 6 and 7 where serve notice under 94(1), but hearing not required Levels 6 and 7 where non-notified under 94(2)	Add
104 B	Determination of application for discretionary or non-complying activities.	Level 11 where notified under 93(1), or serve notice under 94(1) and hearing required Level 3 where notified under 93(1), but hearing not required Levels 6 and 7 where serve notice under 94(1), but hearing not required Levels 6 and 7 where non-notified under 94(2)	Add

104 C	Particular restrictions for restricted activities.	<p>Level 11 where notified under 93(1), or serve notice under 94(1) and hearing required</p> <p>Level 3 where notified under 93(1), but hearing not required</p> <p>Levels 6 and 7 where serve notice under 94(1), but hearing not required</p> <p>Levels 6 and 7 where non-notified under 94(2)</p>	Add
104D	Particular restrictions for non-complying activities.	<p>Level 11 where notified under 93(1), or serve notice under 94(1) and hearing required</p> <p>Level 3 where notified under 93(1), but hearing not required</p> <p>Levels 6 and 7 where serve notice under 94(1), but hearing not required</p> <p>Levels 6 and 7 where non-notified under 94(2)</p>	Add
105			Delete this section
108A	Imposing conditions relating to bonds.	<p>Levels 6 and 7</p> <p>Level 3</p> <p>Level 11</p>	Add

125(1)	To fix upon an application a period of longer than 5 year before an unexercised consent lapses.	Levels 6 and 7 Level 3 Level 11	Replace 125
125(1)(b)	Grant extension if applied for.	Levels 6 and 7	Add
126(1)	To cancel a resource consent not exercised for a continuous period of 5 years.	Level 3	Replace 126
126(2)(b)	To revoke cancellation.	Level 3	Replace 126(b)
127(4)	Determine who is adversely affected by the change or cancellation of a consent condition.	Levels 7, 8 and 9	Add

Replace = Revoke previous delegation under this section and replace with the new one.

*Add = This is a new delegation and must be added to the list **of** delegations.*

Delete = Delete this delegation as it is no longer provided for in legislation.

Proposed structure of delegation levels

Level	Delegation entity
1	Council
2	Council Chairperson
3	Environment Committee Rural Services and Wairarapa Committee
4	Committee Chairperson
5	Chief Executive
6	Divisional Manager
7	Department Manager
8	Section Leader/Account Manager
9	Resource Advisor
10	Enforcement Officers
11	Hearing Committee
12	Hearing Committee Chairperson