

QLDC Council
23 June 2017

Report for Agenda Item: 5

Department: Planning & Development

Amendments to Resource Management Act 1991 Register of Delegations

Purpose

The purpose of this report is to amend the Resource Management Act 1991 (RMA) Register of Delegations to enable the efficient and effective conduct of Council matters relating to the RMA.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Amend** from 23 June 2017, the existing Resource Management Act delegations to Council officers and appointed Commissioners as set out in **Attachment A**.

Prepared by:



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9/06/2017

Reviewed and Authorised
by:



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Background

- 1 The current Resource Management Act (RMA) delegations were adopted by Council at its meeting in November 2016 when all RMA delegations were considered by Full Council following the establishment of the Planning and Strategy Committee.
- 2 Changes to the Register of Delegations are necessary for a variety of reasons described below.

(a) Changes to Organisational Structure

- 3 Following an independent external review of the Resource Consent and Planning Policy teams in 2016, the Resource Consent Manager role was reinstated after being disestablished in 2015. This position sits alongside the current Manager of Planning Practice Position. The current two Team Leader: Resource Consent positions report directly to the Resource Consent Manager.
- 4 The Resource Consent Manager is responsible for the strategic and business level operations of the Resource Consents team, with the Team Leaders (based in Queenstown and Wanaka) having direct oversight of day to day resource consent processing and staff management / mentoring. Going forward, the Team Leader positions will have less delegation responsibility than they had previously. The Manager of Planning Practice is akin to a 'Principal Planner' type role focused on technical planning matters. The addition of the Resource Consent Manager and down-sizing of the Team Leader positions need to be reflected in the delegations.

(b) Changes to Position Titles

- 5 The current delegations refer to position titles that no longer exist or have been modified. There was a change of title for the Subdivision and Property Supervisor to Team Leader Subdivision and Property to provide consistency of titles within Planning and Development. The Team Leader, Subdivision and Property has direct oversight of the signing and sealing certification process and this needs to be reflected in the delegations. These changes are as follows:

Previous Position Title	Current Position Title
Subdivision and Property Supervisor	Team Leader, Subdivision and Property

- 6 The delegations have consequently been updated with the new position titles (refer to track changes in Register of Delegation appended as **Attachment A**).

(c) Delegation of s104 to Adonica Giborees

- 7 An opportunity has presented where a former QLDC Senior Planner will be available during the first quarter of the 2017/2018 financial year to provide support to our internal senior staff in the decision-making space. This will provide cover until the full complement of three additional senior planners currently advertised are recruited and on-boarded. This will require a specific fixed delegation of authority under s104 of the RMA as Ms Giborees will be acting as a consultant not as an employee.

Comment

- 8 This report proposes amendments to the delegations from Council to officers pursuant to Section 34A of the RMA. The proposed changes to the RMA Register of Delegations are in response to a number of matters are set out in **Attachment A**.
- 9 The changes primarily arise from changes to the organisational structure and job titles. Making the changes will enable the efficient implementation of the Council's RMA functions.

Options

10 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:

11 Option 1 – Adopt the amendments to the Register of Delegations.

Advantages:

12 The change in position titles to reflect the current organisational structure and position titles and will ensure that decisions of the relevant staff members are not open to challenge on this matter.

13 The delegation of s104 decision-making authority to Adonica Giborees will provide an additional decision-making resource to the resource consent team during the period that Ms Giborees is able to assist QLDC.

Disadvantages:

14 No known disadvantages.

15 Option 2 – Retain the Status Quo

Advantages:

16 None identified.

Disadvantages:

17 Would not reflect organisational and job title changes and would continue uncertainty around who has what delegation.

18 The Senior Planner and management group within the resource consent team will continue to absorb additional decision-making demands during workload peaks. This will come at the cost of not getting other consent processing and business improvement work completed in a timely fashion.

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

Significance and Engagement

20 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

21 This matter related 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.

22 The recommended option considered above mitigates the risk by:

Treating the risk - putting measures in place which directly impact the risk.

Financial Implications

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

Local Government Act 2002 Purpose Provisions

24 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

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

Legal Considerations and Statutory Responsibilities

26 The proposed amendments to the existing delegations are in accordance with the powers delegated under the RMA.

Attachments

A Proposed amendments to the QLDC – Register of Delegations Resource Management Act 1991

B General Rules Applying to all Delegations