

Delegations of Authority from the CEO to Officers of Urban Development

The CEO has delegated certain statutory powers and functions to Officers of Urban Development. The exercise of delegated powers by officers only has effect if consistent with the following procedures and allocation of delegated powers and functions. The delegation of these powers and functions to the listed officer shall only continue in effect while that person remains an officer of Urban Development or until the delegation is revoked.

Subdivision Compliance

Many documents are authorised electronically through Land Information New Zealand's (LINZ) 'Landonline' system, by one officer with special authority. This authorisation replaces the historic use of the council seal on documents.

Any decision to authorise electronically, to sign a document or to use the seal on a document, must be peer reviewed and signed by two officers. Any exceptions to this are detailed in the individual delegation.

Resource Management Act 1991 (RMA)

Online certification (or document)

1. To decide whether to approve a survey plan and to certify that a survey plan has been approved under the RMA;
2. To decide whether to issue a certificate that conditions of subdivision consent have been complied with, or otherwise provided for, prior to the deposit of the survey plan under the RMA;
3. To decide whether buildings comply, or will comply, with the provisions of the building code described in Section 116A of the Building Act 2004, and to issue a certificate under the RMA;
4. To decide whether to endorse a survey plan with a certificate that a covenant against a transfer of allotments has been entered into and to sign any such covenant on behalf of the Council under the RMA;

Document

5. To decide whether to issue a consent notice under the RMA;

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

6. To decide whether to issue a completion certificate and to decide on extensions to the period to which the certificate relates, under the RMA;
7. To exercise all powers necessary to take and administer bonds-under the RMA. This delegation may be exercised by one officer;
8. To decide whether to issue a certificate that an allotment is in accordance with the district plan, a proposed district plan or a permission granted under the Town and Country Planning Act 1977, under the RMA. This delegation may be exercised by one officer;
9. To decide whether to approve plans or execute legal documents relating to esplanade reserves, esplanade strips and access strips, under the RMA;
10. To certify, on a survey plan, an existing interest is to remain affecting a reserve to vest in the Council under the RMA;

Document, or online authorisation, to cancel, revoke or consent

11. To decide whether to vary or cancel any condition imposed in a consent notice under the RMA;
12. To decide whether to cancel any covenant against a transfer of allotments and to endorse or certify that any such covenant has been cancelled under the RMA;
13. To decide whether to cancel a condition requiring amalgamation of allotments and to endorse or certify the cancellation of any such condition under the RMA;
14. To decide whether to consent to the surrender, merger or variation of an easement under the RMA;
15. To decide whether to revoke a condition of a subdivision consent requiring an easement under the RMA and to endorse or certify the cancellation under the RMA;

Note:

For delegations 5 - 9 a signature is required from one resource consent planner. Item 10 requires advice from a Parks, Sport and Recreation officer prior to making a decision.

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

Fees

16. To require payment of additional charges under the RMA. To exercise this delegation the document must be signed by the Team Leader Specialist Advice & Subdivision Compliance or the Compliance Manager;
17. To remit charges under the RMA, or discount charges or make any other decision which reduces charges imposed under the RMA. The exercise of this delegation must be in accordance with the financial delegations to remit from the Chief Executive Officer.

Unit Titles Act 2010 (UTA)

Online certification or document

18. To decide whether to certify that a unit plan is consistent with a proposed unit development plan under the UTA;
19. To decide whether to certify that every building on a unit plan has been erected, and the boundaries of every unit and the common property can be physically measured, and every principal unit conforms to the definition of principal unit, under the UTA;

Local Government Act 1974 and 2002 (LGA 1974, LGA 2002)

20. To decide whether to cancel a building line restriction under the LGA 1974;
21. To decide whether to withhold a certificate under section 224(c) of the Resource Management Act 1991, until a development contribution is paid, under the LGA 2002. This delegation may be exercised by one officer;
22. To require payment of additional charges under the LGA 2002. To exercise this delegation the document must be signed by the Team Leader Specialist Advice & Subdivision Compliance or the Compliance Manager;
23. To remit charges under the RMA, or discount charges or make any other decision which reduces charges imposed under the RMA. The exercise of this delegation must be in accordance with the financial delegations to remit from the Chief Executive Officer.

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

24. To exercise the general power of entry under the Local Government Act 2002. This delegation may be exercised by one officer.

Note:

No delegation is required to authorise a survey plan for a right of way (LINZ require it to be authorised online). Section 348 of the LGA 1974 only requires the permission of the Council, which is given by planning officers.

Land Transfer Act 1952 (LTA)

Documents

25. To decide whether to execute on behalf of the Council an interest in an easement in gross under the LTA;
26. To decide whether to execute on behalf of the Council an interest in an esplanade strip under the LTA;
27. To decide whether to consent to a surrender or partial surrender of a right of way subject to conditions of consent in a K Document under the LTA;

Public Work Act 1981 (PWA)

Documents

28. To decide whether a compensation certificate is to be discharged under the PWA;

Building Act 2004 (BA)

Documents

29. To decide whether to issue and authenticate a certificate that states an allotment shall only be transferred or leased in conjunction with one or more other allotments under the BA;
30. To decide whether to remove a restriction on the transfer or lease of allotments under the BA and to issue and authenticate any certificate required;

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

Consent as an Encumbrancee

Documents

31. To decide whether to consent on behalf of the Council as an encumbrancee to the deposit of a unit plan under the UTA.
32. To decide whether to consent on behalf of the Council as an encumbrancee to the registration of a document under the Land Transfer Act 1952;

Examples are introduction of unit title ownership, the variation of a mortgage, the registration of an easement, and the variation or surrender of an easement. The Council's interest in the property usually concerns heritage protection and advice is sought from a heritage planner.

The consent of Council as an encumbrancee requires the use of the Council common seal.

General Authority

33. To use the Council common seal and exercise authority to sign documents physically or electronically on behalf of the Council that are consistent with the role of subdivision compliance officer as they relate to the Resource Management Act 1991, Unit Titles Act 2010, Local Government Act 2002, Building Act 2004, Land Transfer Act 1952 and the Public Works Act 1981.
34. To use the seal and exercise authority to sign documents on behalf of the Council, on the request of the Team Leader Compliance & Monitoring or the Compliance Manager, in relation to conditions of land use consent under the Resource Management Act 1991.
35. To apply the seal to any Council document to authenticate a copy of it, or part of it. This delegation may be exercised by one officer.

Delegated Officers

- s7(2)(a) [REDACTED]
- s7(2)(a) [REDACTED]
- s7(2)(a) [REDACTED]

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

Interpretation:

Delegation List with the Relevant Sections the Acts

Resource Management Act 1991 (RMA)

Online certification (or document)

1. To decide whether to approve a survey plan and to certify that a survey plan has been approved under the RMA;

[Section 223](#)

2. To decide whether to issue a certificate that conditions of subdivision consent have been complied with, or otherwise provided for, prior to the deposit of the survey plan under the RMA;

[Section 224\(c\)](#)

3. To decide whether buildings comply, or will comply, with the provisions of the building code described in Section 116A of the Building Act 2004, and to issue a certificate under the RMA;

[Section 224\(f\)](#)

4. To decide whether to endorse a survey plan with a certificate that a covenant against a transfer of allotments has been entered into and to sign any such covenant on behalf of the Council under the RMA;

[Sections 240\(1\) & \(3\)](#)

Document

5. To decide whether to issue a consent notice under the RMA;

[Section 221](#)

6. To decide whether to issue a completion certificate and to decide on extensions to the period to which the certificate relates, under the RMA;

[Section 222](#)

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

7. To exercise all powers necessary to take and administer bonds-under the RMA. This delegation may be exercised by one officer;

[Sections 108A & 109, , but can cover other sections if necessary](#)

8. To decide whether to issue a certificate that an allotment is in accordance with the district plan, a proposed district plan or a permission granted under the Town and Country Planning Act 1977, under the RMA. This delegation may be exercised by one officer;

[Section 226](#)

9. To decide whether to approve plans or execute legal documents relating to esplanade reserves, esplanade strips and access strips, under the RMA;

[Sections 234\(7\), 237\(3\) & \(4\), but can cover other sections if necessary](#)

10. To certify, on a survey plan, an existing interest is to remain affecting a reserve to vest in the Council under the RMA;

[Section 239\(2\)](#)

Document, or online authorisation, to cancel, revoke or consent

11. To decide whether to vary or cancel any condition imposed in a consent notice under the RMA;

[Section 221\(3\)](#)

12. To decide whether to cancel any covenant against a transfer of allotments and to endorse or certify that any such covenant has been cancelled under the RMA;

[Sections 240\(4\) & \(5\)](#)

13. To decide whether to cancel a condition requiring amalgamation of allotments and to endorse or certify the cancellation of any such condition under the RMA;

[Sections 241\(3\) & \(4\)](#)

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

14. To decide whether to consent to the surrender, merger or variation of an easement under the RMA;

[Section 243\(a\)](#)

15. To decide whether to revoke a condition of a subdivision consent requiring an easement under the RMA and to endorse or certify the cancellation under the RMA;

[Section 243\(e\)](#)

Note:

For delegations 5 - 9 a signature is required from one resource consent planner. Item 10 requires advice from officers in Parks and Recreation prior to making a decision.

Fees

16. To require payment of additional charges under the RMA. To exercise this delegation the document must be signed by the Team Leader Specialist Advice & Subdivision Compliance or the Manager Compliance & Specialist Advice;

[Section 36](#)

17. To remit charges under the RMA, or discount charges or make any other decision which reduces charges imposed under the RMA. The exercise of this delegation must be in accordance with the financial delegations to remit from the Chief Executive Officer.

[Section 36](#)

Unit Titles Act 2010 (UTA)

Online certification or document

18. To decide whether to certify that a unit plan is consistent with a proposed unit development plan under the UTA;

[Section 25\(5\)](#)

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

19. To decide whether to certify that every building on a unit plan has been erected, and the boundaries of every unit and the common property can be physically measured, and every principal unit conforms to the definition of principal unit, under the UTA;

[Section 32\(2\)](#)

Local Government Act 1974 and 2002 (LGA 1974, LGA 2002)

20. To decide whether to cancel a building line restriction under the LGA 1974;

[Section 327A](#)

21. To decide whether to withhold a certificate under section 224(c) of the Resource Management Act 1991, until a development contribution is paid, under the LGA 2002. This delegation may be exercised by one officer;

[Section 208](#)

22. To require payment of additional charges under the LGA 2002. To exercise this delegation the document must be signed by the Team Leader Specialist Advice & Subdivision Compliance or the Manager Compliance & Specialist Advice;

[Section 150](#)

23. To remit charges under the RMA, or discount charges or make any other decision which reduces charges imposed under the RMA. The exercise of this delegation must be in accordance with the financial delegations to remit from the Chief Executive Officer.

[Section 150](#)

24. To exercise the general power of entry under the Local Government Act 2002 . This delegation may be exercised by one officer.

[Sections ?](#)

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

Note:

No delegation is required to authorise a survey plan for a right of way (LINZ require it to be authorised online). [Section 348](#) of the LGA 1974 only requires the permission of the Council, which is given by planning officers.

Land Transfer Act 1952 (LTA)

Documents

25. To decide whether to execute on behalf of the Council an interest in an easement in gross under the LTA;

[Referred to in Section 243 RMA](#)

26. To decide whether to execute on behalf of the Council an interest in an esplanade strip under the LTA;

[Referred to in Section 232 RMA](#)

27. To decide whether to consent to a surrender or partial surrender of a right of way subject to conditions of consent in a K Document under the LTA;

[Section ?](#)

Public Work Act 1981 (PWA)

Documents

28. To decide whether a compensation certificate is to be discharged under the PWA;

[Sections 19\(7\)](#)

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

Building Act 2004 (BA)

Documents

29. To decide whether to issue and authenticate a certificate that states an allotment shall only be transferred or leased in conjunction with one or more other allotments under the BA;

[Section 77](#)

30. To decide whether to remove a restriction on the transfer or lease of allotments under the BA and to issue and authenticate any certificate required;

[Section 83\(3\)](#)

Consent as an Encumbrancee

Documents

31. To decide whether to consent on behalf of the Council as an encumbrancee to the deposit of a unit plan under the UTA.

[Section 32\(1\)\(d\), Unit Titles Act 2010](#)

32. To decide whether to consent on behalf of the Council as an encumbrancee to the registration of a document under the Land Transfer Act 1952;

[Section ?](#)

Examples are introduction of unit title ownership, the variation of a mortgage, the registration of an easement, and the variation or surrender of an easement. The Council's interest in the property usually concerns heritage protection and advice is sought from a heritage planner.

The consent of Council as an encumbrancee requires the use of the Council common seal.

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.

General Authority

33. To use the Council common seal and exercise authority to sign documents physically or electronically on behalf of the Council that are consistent with the role of subdivision compliance officer as they relate to the [Resource Management Act 1991](#), [Unit Titles Act 2010](#), [Local Government Act 2002](#), [Building Act 2004](#), [Land Transfer Act 1952](#) and [the Public Works Act 1981](#).
34. To use the seal and exercise authority to sign documents on behalf of the Council, on the request of the Team Leader Compliance and Monitoring or the Manager Compliance & Specialist Advice, in relation to conditions of land use consent under the Resource Management Act 1991.

[Referred to in Section 109\(1\) RMA, Land Transfer Act 1952](#)

35. To apply the seal to any Council document to authenticate a copy of it, or part of it. This delegation may be exercised by one officer.

[Section ?, Act ?](#)

Note: The job titles cited in this document are current as at 25 January 2013. In the event of a change of job title or unit/team title the functions currently performed by the positions named shall be carried forward to staff of an equivalent management tier to those named positions.