

Delegations from the Council to its Committees

The Council's powers, functions and duties are all prescribed either expressly or implied by the Local Government Act 2002 and various other acts and regulations. The Council delegates to the Policy, Finance and Strategy Committee, Environment Committee, Landcare Committee, Passenger Transport Committee, Regional Land Transport Committee, Rural Services and Wairarapa Committee, and Utilities Services Committee those of its powers, functions and duties that each committee requires to carry out:

- a) their responsibilities as outlined in the *Terms of Reference* the Council approved for the committee, and
- b) those responsibilities that are common to all standing committees as outlined in the *Terms of Reference* the Council approved for the committee, and
- c) the relevant, specific powers, functions and duties provided for in legislation, as set out in Attachment 1, and
- d) any powers, functions and duties outlined in any minute of the Council making special delegation to the committee.

These delegations will be recorded in the Council's *Delegations Manual*.

1. Environment Committee

1.1 Resource Management Act 1991

1.1.1 Decide on charges for resource consents

Section of Act	Power, Function, Duty
36(3)	Require the person who is liable to pay the charge fixed in accordance with s36(1) to also pay an additional charge to the Council where that charge is above the amount council staff can charge in Council's charging policy. Additional payment can only be required where the initial charge is inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned
36(5)	Remit the whole or any part of any charge of a kind referred to in this section which would otherwise be payable where the charge is above the amount council staff can remit in Council's charging policy.

1.1.2 Hear and make recommendations to Council on submissions made on regional policy statements and regional plans

1.1.3 Decide whether or not to include consequential alterations arising out of submissions

Section of Act	Power, Function, Duty
Schedule 1, cl 10(2)	When making a decision for the purposes of Schedule 1, decide whether or not to include any consequential alterations arising out of submissions and any other relevant matters considered relating to matters raised in submissions

- 1.1.4 Direct the Chief Executive Officer to delegate the powers to decide on and appoint the pool of hearings commissioners and their remuneration
- 1.1.5 Determine the appropriate composition of each hearings committee and select any hearings committee members as the hearings committee chairperson
- 1.1.6 Direct the Chief Executive Officer to delegate to hearings committees or hearings commissioners the powers relating to:
- hear and decide all resource consent applications, which are listed in the table below
 - hear and make recommendations on submissions made on regional policy statements and regional plans.

This excludes the power to make decisions on applications which, in the opinion of the delegator, involve a conflict of interest.

Section of Act	Power, Function, Duty
40(3)	Elect to proceed with a hearing in the absence of an applicant or submitter, if it is fair and reasonable to do so
41(4)	Request and receive, from any person who makes a report under s42A of the Act, or who is heard by the authority or who is represented at the hearing, any information or advice that is relevant and reasonably necessary to determine the application
42(1), 42(2)	By a motion made by the Committee or on the application of any party to any proceedings, make an order that the whole or part of any hearing shall be conducted with the public excluded, in certain circumstances (detailed in provision)
42A(2)	Consider any report of the type referred to in s42A(1) at a hearing
102(3)	Jointly or separately decide applications where those applications are heard jointly
104, 104A, 104B, 104C, 104D	Grant or refuse (except in the case of applications for controlled activities) resource consent applications where the application is notified or notice is served
104F	Where an application is notified or notice is served, grant the application with or without conditions, or decline it, as necessary to implement any regulations made in accordance with s43 of the

	Act in relation to climate change
107(2), 107(3)	Where an application is notified or notice is served, grant a consent to a discharge that would otherwise contravene s15 of the Act in certain circumstances (listed in provision). Any such consent may be subject to certain conditions requiring the applicant to undertake work in stages throughout the term of the permit
108, 108A	Where an application is notified or notice is served, impose any condition considered reasonable upon a resource consent, including the provision of a bond or financial contribution
117(6)(b)	Make a recommendation on an application for a restricted coastal activity to the Minister of Conservation after exercising any of the powers, duties, rights, and discretions set out in ss91, 92, and 99 to 108 of the Act
131(2)	As the result of a review of consent conditions, include a condition requiring the holder of a discharge consent or coastal permit to adopt the best practicable option to remove or reduce any adverse effect on the environment. This only applies to applications that are notified or require notice to be served
138A(1)	At any reasonable time before the hearing (or, if there is no hearing, the determination) of an application for discharge that would otherwise contravene s15A(1), by written notice to the applicant, require the applicant to provide, by way of further information, an explanation of those matters. This only applies to applications that are notified or require notice to be served
357(7)	Uphold or reject an objection in respect of a relevant decision under section 357
369(4)	Grant a discharge permit, or a coastal permit to do something that would otherwise contravene s15, that does not meet the minimum standards of water quality as required by a regional rule, in certain circumstances (listed in the provision)

These delegations shall be made to commissioners at the time of appointment to the pool of hearings commissioners, subject to the condition that no hearings commissioner is authorised to exercise their powers until they are actually appointed to a hearings committee.

1.2 Local Government Act 2002

Section of Act	Power, Function, Duty
Schedule 7, cl 30(2)	A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority
Schedule 7, cl 30(5)	A committee may discharge or reconstitute a subcommittee
Schedule 7, cl 31(1)	Local authority may appoint or discharge any member of a subcommittee
Schedule 7, cl 31(2)	A committee may appoint or discharge any member of a subcommittee appointed by the committee

2. Regional Land Transport Committee

2.1 Regional Land Transport Act 1998

2.1.1 Monitor the implementation of any Regional Land Transport Strategy and make recommendations to the Council as appropriate

Section of Act	Power, Function, Duty
175(1)	Make recommendations on the preparation of a Regional Land Transport Strategy for the region
176 (2)	Recommend changes to any operative Regional Land Transport Strategy in accordance with this section of the Act

2.1.2 Hear any submissions on any draft Regional Land Transport Strategy and make recommendations to Council on the outcome of these submissions

Section of Act	Power, function, duty
179	Recommend for approval by the Council a consultation programme to be followed when preparing the Regional Land Transport Strategy to meet the requirements of s179 of Land Transport Act 1998. Carry out the approved consultation programme in respect of hearing submissions and making recommendations to Council on

	the outcome of the submissions.
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2.2 Land Transport Management Act 2003

Section of Act	Power, function, duty
15 (1)	Responding to consultation from Transit on its land transport programme

2.3 Local Government Act 2002

Section of Act	Power, Function, Duty
Schedule 7, cl 30(2)	A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority
Schedule 7, cl 30(5)	A committee may discharge or reconstitute a subcommittee
Schedule 7, cl 31(1)	Local authority may appoint or discharge any member of a subcommittee
Schedule 7, cl 31(2)	Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee

3. Rural Services and Wairarapa Committee

3.1 Biosecurity Act

Section of Act	Powers, functions, duties
45(4)(a)	Ask the responsible Minister to declare a pest to which a regional pest management strategy relates to be an organism notifiable within the region
71	Prepare a proposal for a regional pest management strategy
74(3)	Where considered appropriate, require a person who has given notice in writing (requesting that Council notify a proposal for a regional pest management strategy) to pay all or part of the

	costs of processing the proposal
80D(1)	Where considered appropriate and upon such conditions as considered appropriate, exempt any person from any specified requirement in any rule included in a regional pest management strategy in accordance with the Act
80D(3)	Upon such conditions as considered appropriate, exempt all persons or any specified class of persons, persons in any specified place, or persons responsible for specified goods or things, from any requirement in any rule included in a regional pest management strategy made under this Act, where satisfied that events have occurred that make the prescribed requirements unnecessary or inappropriate
88A(3)	Make minor amendments to a regional pest management strategy, in certain circumstances, without undertaking a review of the strategy in accordance with s88

3.2 Resource Management Act

3.2.1 Decide on charges for resource consents

Section of Act	Power, Function, Duty
36(3)	Require the person who is liable to pay the charge fixed in accordance with s36(1) to also pay an additional charge to the Council where that charge is above the amount council staff can charge in Council's charging policy. Additional payment can only be required where the initial charge is inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned
36(5)	Remit the whole or any part of any charge of a kind referred to in this section which would otherwise be payable where the charge is above the amount council staff can remit in Council's charging policy.

- 3.2.2 Determine the appropriate composition of each hearings committee for the Wairarapa constituency and select any hearings committee members as the hearings committee chairperson
- 3.2.3 Direct the Chief Executive Officer to delegate to hearings committees or hearings commissioners the powers relating to hear and decide all resource consent applications, which are listed in the table below. This excludes the power to make decisions on applications which, in the opinion of the delegator, involve a conflict of interest.

Section of Act	Power, Function, Duty
40(3)	Elect to proceed with a hearing in the absence of an applicant or submitter, if it is fair and reasonable to do so
41(4)	Request and receive, from any person who makes a report under s42A of the Act, or who is heard by the authority or who is represented at the hearing, any information or advice that is relevant and reasonably necessary to determine the application
42(1), 42(2)	By a motion made by the Committee or on the application of any party to any proceedings, make an order that the whole or part of any hearing shall be conducted with the public excluded, in certain circumstances (detailed in provision)
42A(2)	Consider any report of the type referred to in s42A(1) at a hearing
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104F	Where an application is notified or notice is served, grant the application with or without conditions, or decline it, as necessary to implement any regulations made in accordance with s43 of the Act in relation to climate change
107(2), 107(3)	Where an application is notified or notice is served, grant a consent to a discharge that would otherwise contravene s15 of the Act in certain circumstances (listed in provision). Any such consent may be subject to certain conditions requiring the applicant to undertake work in stages throughout the term of the

	permit
108, 108A	Where an application is notified or notice is served, impose any condition considered reasonable upon a resource consent, including the provision of a bond or financial contribution
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369(4)	Grant a discharge permit, or a coastal permit to do something that would otherwise contravene s15, that does not meet the minimum standards of water quality as required by a regional rule, in certain circumstances (listed in the provision)

3.3 Local Government Act 2002

Section of Act	Power, Function, Duty
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Schedule 7, cl 30(5)	A committee may discharge or reconstitute a subcommittee
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Schedule 7, cl 31(2)	A committee may appoint or discharge any member of a subcommittee appointed by the committee
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4. Landcare Committee

4.1 Reserves Act 1977

Section of Act	Power, Function, Duty
41	All the powers of an administrative body that is required to consult on and draft management plans. This does not include the power to approve management plans.

4.2 Local Government Act 1974

Section of Act	Power, Function, Duty
619D – 619I	All the powers required to consult on and prepare management plans for regional parks. This does not include the power to approve management plans.

4.3 Local Government Act 2002

Section of Act	Power, Function, Duty
Schedule 7, cl 30(2)	A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority
Schedule 7, cl 30(5)	A committee may discharge or reconstitute a subcommittee
Schedule 7, cl 31(1)	Local authority may appoint or discharge any member of a subcommittee
Schedule 7, cl 31(2)	A committee may appoint or discharge any member of a subcommittee appointed by the committee

4.4 Reserves Act 1977

Section of Act	Power, Function, Duty
23(3)	Local authority may from time to time, by public notice, prohibit access to the whole or any specified part of a local purpose reserve vested in it
77(1)	Recommend to Council whether it should treat and agree with the owner or lessee for a covenant to provide for the management of that land in a manner that will achieve the particular purpose or purposes of conservation