

**QLDC Council**  
**24 March 2015**

**Report for Agenda Item: 6**

***Department:***

**Planning & Development**

**Amendment to Delegation of Authority and Terms of Reference to Facilitate Decisions under the Housing Accords and Special Housing Areas Act 2013**

**Purpose**

- 1 This report seeks Council's approval to amend the Delegations Register and the Terms of Reference for the Resource Consent Commissioner Appointment Subcommittee.

**Recommendation**

**2 *That Council:***

- a. **Approve** the delegations pursuant to the Housing Accords and Special Housing Areas Act 2013, as proposed and described in Annexure A;
- b. **Authorise** the Senior Solicitor to:
  - i. amend the terms of reference of the Resource Consent Commissioner Appointment Subcommittee to give effect to Council's decision;
  - ii. amend the delegations register to give effect to Council's decision to delegate.

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Reviewed and Authorised by:



Senior Solicitor

Marc Bretherton

9/03/2015

10/03/2015

**Background**

The Housing Accords and Special Housing Areas Act 2013 ("the Act") is intended to facilitate an increase in housing supply.

In October 2014, the Queenstown Lakes District Council entered into a Housing Accord with the Minister of Housing. This enables Council to recommend to the

Minister of Housing the establishment of Special Housing Areas, and criteria that developments must meet if they wish to locate within a SHA. Developments that meet the qualifying criteria set by Council can be assessed under a streamlined process, rather than the full resource consent process under the Resource Management Act 1991.

### **Comment**

- 3 Council needs to ensure that appropriate processes and procedures are in place in advance of receiving applications under the HASHAA 2013. Therefore, Council's delegations need to be extended to include the process provided for under the HASHAA 2013. Under the HASHAA 2013, the Council can only delegate some functions to an Accord Territorial Authority Panel (ATAP)<sup>1</sup>. An ATAP may be appointed by Council and must comprise at least one elected member and two other persons with knowledge appropriate to the application.
- 4 The streamlined process for considering development applications under the HASHAA 2013 is similar to the resource consent process under the Resource Management Act 1991.
- 5 The broad proposal is to assign delegations under HASHAA 2013 to the persons and subcommittees with similar functions under the Resource Management Act 1991. As any delegated power may also be exercised by any person in a direct reporting line above the specified officer the schedule of delegations assigns a task to the lowest appropriate officer level.
- 6 The proposed delegations are set out in Annexure A, however they can be broadly summarised as follows:
  - a. Administrative decisions or matters preliminary to a decision by Council or an ATAP (i.e. notification, hearings, fixing of charges) – are assigned to the Manager, Resource Consenting;
  - b. Consideration of request or variation for a plan change, and duty to give decision within the specified timeframe – assigned to Accord Territorial Authority Panel;
  - c. Power to appoint an Accord Territorial Authority Panel – assigned to the Resource Consent Commissioner Appointment Subcommittee.
- 7 It is not proposed to delegate the following decisions to recommend:
  - a. the establishment of a Special Housing Area;
  - b. qualifying criteria for development proposals;
  - c. the disestablishment of a Special Housing Area (i.e. termination of the Special Housing Area);

The above matters remain a decision of full Council.

### **Options, Advantages and Disadvantages:**

- 8 Two options are considered:
  - a) Adopt the officer recommendation;

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<sup>1</sup> In effect, an ATAP is the equivalent of Council's Hearings Panels appointed to hear resource consent applications.

b) Declining the officer recommendation (i.e. keep the status quo);

- 9 The advantage of adopting the officer recommendation is that the Council will have a process in place that is analogous to and consistent with the current practice for processing resource consents. The process will be in place before the Council receives applications for processing under the HASHAA 2013. No disadvantages for adopting the officer recommendation have been identified.
- 10 No advantages of declining the officer recommendation have been identified. The disadvantage of declining the officer recommendation is that all matters must be decided by Council as staff would be unable to process the applications. Every decision on an application would need to be heard by full Council. If no delegations are made, Council is at risk of contravening its duty to make decisions within a specified time frame, or alternatively it will be necessary to call extraordinary meetings in order to meet statutory timeframes.

### **Financial Implications**

- 11 No budget or cost implications resulting from the decision to delegate have been identified. However, the delegation of functions will ensure the efficient progress of applications processed under the Act.

### **Local Government Act 2002 Purpose Provisions**

- 12 The purpose of the Local Government Act 2002 is met, as the efficient processing of applications under the Act will ensure that the community can better meet the demand for housing within the Queenstown Lakes District.

### **Council Policies**

- 13 The following Council Policies were considered:
- Significance and Engagement Policy 2014 – this matter is considered of low significance as it concerns matters of an administrative nature.
  - Queenstown Lakes District Housing Accord 2014 – the recommended option is consistent with giving effect to the Accord.
  - QLDC Lead Policy – Housing Accord and Special Housing Areas - the recommended option gives effect to the details of this policy.

### **Consultation**

- 14 Consultation is not required, as this is an administrative decision for Council which is consistent with Council policies.

### **Publicity**

- 15 A press release in October 2014 has outlined the proposal and process for establishing Special Housing Areas. The recommended changes to the delegations register and the terms of reference are of an administrative and technical nature. It is considered that no further publicity is required on this item.

### **Attachments**

- A Proposed Delegations

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**Annexure A: Delegations - Housing Accords and Special Housing Areas Act 2013**


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Note: Where provisions of HASHA apply provisions of the RMA by reference (with or without any necessary modifications), the delegation of the HASHA power has been treated as included within the existing delegation of the RMA power referred to.

Section	Description	Delegation
26	Power to require applications for consent to be made in conjunction with requests for plan changes or variations to proposed plans	Manager, Resource Consenting
29	Duty to comply with time limit for decision whether to notify; authority to decide whether to notify specified persons; and notification	Manager, Resource Consenting Planning support coordinator (as to notification)
30 31	Duty to hold a hearing if required by s 30; authority to determine whether to hold a hearing if s 30 does not apply; duty to comply with time limits for any hearing	Manager, Resource Consenting
33	Authority to agree whether joint hearing unnecessary	Manager, Resource Consenting
34	Duty to have regard to specified matters; authority to direct affected infrastructure provider to provide information	Manager, Resource Consenting
36 37	Power to determine application for resource consent and impose conditions; refuse application for inadequate information	Hearings Commissioner(s) Senior Planner
40 41	Duty to provide reasons and notify decision in time	Hearings Commissioner(s) Senior Planner
52	Power to notify or hold hearing in relation to application for change or cancellation of conditions	Manager, Resource Consenting
53	Power to notify or hold hearing in relation to application for review	Manager, Resource Consenting
61	Duty to consider request for plan change or variation to proposed plan and have regard to specified matters	Accord Territorial Authority Panel (ATAP) (see section 90)
62	Duty to determine request for plan change or variation to proposed plan; duty to comply with time limits for notification of decision and decision	ATAP (see section 90) Planning support coordinator (as to notification)
65	Duty to determine request for plan change or variation to proposed plan; duty to comply with time limits for notification of decision and decision	ATAP (see section 90) Planning support coordinator (as to notification)
66	Power to decline, treat as withdrawn, amend, or withdraw and lodge replacement, concurrent application	ATAP (see section 90)
67	Duty to prepare and notify plan change or variation to proposed plan	ATAP (see section 90) Planning support coordinator (as to notification)
68 69	Duty to notify submission that land to which plan change or variation relates should expand; duty to hold hearing; duty to comply with time limits	ATAP (see section 90) Planning support coordinator (as to notification)
70 71 72	Duty to give decision on request for plan change or variation to proposed plan; duty to consider and determine concurrent application; duty to comply	ATAP (see section 90)

	with time limits	
74	Power to adopt request or part or request for plan change or variation to proposed plan	ATAP (see section 90)
75	Authority to treat certain submissions or requests as having been withdrawn; duty to notify	ATAP (see section 90) Planning support coordinator (as to notification)
77	Power to fix charges	Manager, Resource Consenting
89	Power to appoint Accord Territorial Authority Panel (ATAP)*	RCCAC

\* The power to appoint the Accord Territorial Authority Panel will also be included as an amendment to the terms of reference of the Resource Consent Commissioner Appointment Subcommittee (RACCAC).