

Management report to Council

Agenda item 6.5

Review of Delegations under the *Road Management Act 2004*

Council

Presenter: Michael Tonta, Director Governance

29 March 2022

Purpose and background

1. The purpose of this report is for Council to create a new delegation under the *Road Management Act 2004* (RMA) to reflect updated positions.

Key issues

2. At its meeting of 29 June 2021, the Council reviewed delegations which had been made under section 11 of the *Local Government Act 2020* (the Act), delegations by Council under other Acts and Council's general delegations policy.
3. One of the Acts reviewed was the RMA.
4. Due to a change in a Branch name, new delegations are required for updated positions.
5. It is recommended that a new delegation under the RMA be made to reflect the updated positions and the previous delegation revoked.

Recommendation from management

6. That Council
 - 6.1. By instrument of delegation sealed by the Council under section 118(1) of the *Road Management Act 2004* (RMA), delegates to the persons from time to time holding the positions referred to in column 1 of Attachment 2, Council's powers and functions as a road authority under the RMA, identified in column 1, subject to:
 - 6.1.1. the conditions and limitations identified in column 4 of Attachment 2 of the report from management.
 - 6.1.2. the restrictions contained in section 118(1) of the RMA and section 11(2) of the LGA 2020.
 - 6.1.3. compliance with Council's General Delegation Policy.
 - 6.2. Revokes instrument of delegation CCL-2021-1 relating to the RMA, with such revocation to take effect immediately after the execution of the instrument of delegation referred to in paragraph 6.1 above.

Attachments:

1. Supporting Attachment (Page 2 of 3)
2. Positions, powers and functions under the *Road Management Act 2004* (Page 3 of 3)

Supporting Attachment

Legal

1. Section 118(1) of the RMA provides that a road authority may, by instrument, delegate to any person any function or power of the road authority under the RMA or the regulations under the RMA, other than this power of delegation.
2. Council is a responsible road authority under the RMA.

Finance

3. There are no direct financial issues arising from the recommendation from management. .

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. No Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

6. The report is a statutory review of delegations. Stakeholder consultation is not required in respect to matters contained in the recommendation from management.

Relation to Council policy

7. This is consistent with the Council's Delegations Policy.

Environmental sustainability

8. The report is to implement administrative processes and therefore, there are no environmental sustainability issues or opportunities arising from this report.

Road Management Act 2004 (RMA)

Column 1	Column 2	Column 3	Column 4
Positions	Provision	Powers and Functions Delegated	Conditions and Limitations
Director Planning and Building Director City Infrastructure		The powers and functions of the Council pursuant to the RMA and any Regulations made under the RMA.	The delegation does not include the power of delegation pursuant to section 118(1) of the RMA.
Team Leader Infrastructure Development	Part 5 of the RMA	The powers to issue consents in relation to works on, in or under roads.	
Construction Management Group Officers (Site Services)	Part 5 of the RMA	The powers to issue consents in relation to works on, in or under roads.	
Municipal Building Surveyor	Part 5 of the RMA	The powers to issue consents in relation to works on, in or under roads.	
Manager Infrastructure	Part 5 of the RMA	The powers to issue consents in relation to works on, in or under roads.	
Senior Building Surveyor and Contract Manager	Part 5 of the RMA	The powers to issue consents in relation to works on, in or under roads.	
Chief Legal Counsel	Section 71 of the RMA	The power to appoint authorised officers	