

Kirstin McKee

From: BDC_Lgoima
Sent: Friday, 15 October 2021 10:30 am
To: [REDACTED]
Subject: Official Information Request for Monitoring Exercise of Resource Consents Ref: 066/21

Dear [REDACTED]

We refer to your official information request dated 5 September 2021 for information re monitoring of resource consents.

Please find the response to your information request from the Buller District Council (BDC) below:

Below is a link to the BDC delegation policy, which refers to section 34 of the Resource Management Act (RMA).
<https://bullerdc.govt.nz/wp-content/uploads/2013/07/Delegations-Policy.pdf>

There are no delegations under section 35 of the RMA listed in the delegation policy.

Council fulfils its duty under section 35(2)(d) of the RMA by undertaking monitoring when Council is made aware of a potential resource consent issue or a request to monitor a resource consent is received. Council staff have warrants to be able to investigate matters brought to our attention.

BDC does not have an adopted monitoring strategy.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards

Sean Judd | Group Manager Regulatory Services
DDI 03 788 9614 | Mobile 022 31 00 883 | Email sean.judd@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | bullerdc.govt.nz
PO Box 21 | Westport 7866

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From: [REDACTED]
Sent: Sunday, 5 September 2021 3:35 pm
To: 'info@bdc.govt.nz' info@bdc.govt.nz
Cc: [REDACTED]
Subject: FW: Section 35(2)(d) of the RMA – Monitoring the Exercise of Resource Consents

Hello

For your records and by way of notification:

Section 35(2)(d) of the RMA says [under the heading of ‘DUTY to GATHER INFORMATION, MONITOR, and KEEP RECORDS’]

- ***“Every local authority shall monitor— the exercise of the resource consents that have effect in its region or district, as the case may be;”***

PURSUANT to the PROVISIONS of the LGOIMA the FOLLOWING INFORMATION is REQUESTED.

- Has the Council delegated its duty under Section 35(2)(d) of the RMA [as provided for under Sections 34 and 34(A) of the RMA].
- If the Council has done so, to which council committee, hearings commissioner, and/or council employer (as the case maybe) has that duty been delegated. *(Note: in the case of council employees, position titles only are required, not staff personal identifiers.)*
- Has the Council transferred the duty under Section 35(2)(d) of the RMA [as provided for under Section 33 of the RMA].
- If the Council has done so, to which public authority (or authorities) has that duty been transferred.
- Where the Council has delegated and/or transferred the duty under Section 35(2)(d) of the RMA, a copy of the relevant document that officially records the delegation/transfer as the case maybe. *(Note: this can be provided with a link to an appropriate council website if this is available.)*
- Where the Council has not delegated the duty under Section 35(2)(d) of the RMA, why has the Council not done so.

- Where the Council has not delegated the duty under Section 35(2)(d) of the RMA, by what process does the Council fulfil its duty under Section 35(2)(d) of the RMA.
- Does the Council have a RMA monitoring strategy that addresses the duty imposed under Section 35(2)(d) of the RMA.
- If the Council has such as strategy, a copy of that document (*Note: this can be provided with a link to an appropriate council website if this is available*), as well as relevant citations to sections/pages that reference to Section 35(2)(d) of the RMA .