

**From:** [Information Management Team](#)  
**To:** [REDACTED]  
**Subject:** RE: Section 35(2)(d) of the RMA - Monitoring the Exercise of Resource Consents [#63233R]  
**Date:** Tuesday, 28 September 2021 2:47:00 PM

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Tēnā koe [REDACTED]

We refer to your information request dated 5 September 2021.

Please see below responses to your questions.

1. 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].

**Response:** Yes.

2. 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.*)

**Response:** Infrastructure and Regulatory Committee (see Terms of Reference for that Committee here: <http://portal.huttcity.govt.nz/Record/ReadOnly?Uri=5499852>), CEO and Director of Environment and Sustainability (see attached Delegations Register), Monitoring of Resource Consents is undertaken by Monitoring Officers in the Resource Consents Team (in accordance with specific powers of enforcement officers in the RMA).

3. Has the Council transferred the duty under Section 35(2)(d) of the RMA [as provided for under Section 33 of the RMA].

**Response:** No.

4. If the Council has done so, to which public authority (or authorities) has that duty been transferred.

**Response:** N/A

5. 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.*)

**Response:** See above.

6. Where the Council has not delegated the duty under Section 35(2)(d) of the

RMA, why has the Council not done so.

**Response:** N/A

7. 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.

**Response:** N/A

8. Does the Council have a RMA monitoring strategy that addresses the duty imposed under Section 35(2)(d) of the RMA.

**Response:** We do not have a current strategy.

9. If the Council has such a 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.

**Response:** N/A

Ngā mihi,

**Kate Ostapowicz**

Senior Advisor, Official Information

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-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, 5 September 2021 4:04 PM  
**To:** "contact@huttcity.govt.nz" <contact@huttcity.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 .