

Delegations Register

2022



Approvals

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Introduction

1 Purpose

This document is the Delegations Register for the Horowhenua District Council ('the Delegations Register').

The purpose of the Delegations Register is to set out the Horowhenua District Council's ('the Council') policies, procedures and delegations relating to decision making when giving effect to its statutory duties, responsibilities and powers.

This Delegations Register records all delegations from the Horowhenua District Council to Standing Committees, Subcommittees, Members and Staff. The delegations have been approved by Council resolution/s. Delegations, unless otherwise stated, are deemed to have been made under Clause 32, Schedule 7 of the Local Government Act 2002 (LGA).

2 Background

2.1. Definition of Delegation

Delegation is the conveying of a duty or power to act to another person, including the authority that the person making the decision would themselves have had in carrying out that duty or exercising that power.

For the purposes of administrative efficiency and expediency in the conducting of its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its standing committees, subcommittees, members or staff. Likewise, the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations are a necessary operational requirement to achieve best use of the abilities of elected representatives and officers and to promote effective and expeditious decision-making. Delegations seek to avoid administrative delays and inefficiencies.

2.2. The Legal Basis

Council's authority to delegate to its standing committees, subcommittees, members or staff is principally derived from Schedule 7, Clause 32 of the Local Government Act 2002 (LGA).

Schedule 7 Clause 32 of the LGA states that:

"Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except:

- *The power to make a rate; or*
- *The power to make a bylaw; or*
- *The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan; or*
- *The power to adopt a long-term plan, annual plan, or annual report; or*
- *The power to appoint a chief executive; or*
- *The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
- *The power to adopt a remuneration and employment policy."*

Other statutes¹ also confer or limit the ability for the Council to delegate decision-making powers and duties. For instance, Section 34 of the Resource Management Act 1991 restricts the delegation of certain plan approval functions to other than the Council. While the Local Government Official Information and Meetings Act 1987 provides for delegations under section 42 and 43 of that Act, a response to recommendations made to the Council by the Ombudsman (section 32) may not be delegated.

Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. It should be noted that no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

Delegates should willingly accept authority and responsibility for decision-making in the certain knowledge that their decisions, if made in a full, fair, and objective manner, will not be interfered with. The act of delegating involves mutual trust and respect without which the efficiency and effectiveness of the Council would be at risk.

2.3. Principles, Terms and Conditions

Unless a delegation in this Register states otherwise, the delegation is derived from the Council. The Council or Chief Executive in their determination as to duties, responsibilities and powers to be delegated will have regard to the principles outlined in Tables 1.

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the general terms and conditions, which are also identified in Table 1. In addition to the general terms and conditions, the delegate must also comply with any additional terms and conditions that might apply to specific delegations.

The laws relating to local government generally recognise that the decisions of a delegate may be reviewed or appealed to the delegator who may confirm, vary, overrule, or substitute any decision although there are exceptions such as where a decision is made and other review remedies are available (e.g. appeal to a court or tribunal).

Table 1

Principles

Because the business to be transacted by the Council is diverse and wide-ranging, delegations are necessary to ensure the efficient, effective, and timely delivery of services to the communities it represents.

Delegations made to Council Officers have generally been made to the lowest level of competence commensurate with the degree of responsibility and difficulty involved in the undertaking of the delegation.

Where delegations have been made to the Chief Executive and it is noted that the Chief Executive can further delegate, the Chief Executive will delegate those responsibilities, duties and powers having regard to the degree of responsibility and difficulty involved in the undertaking of the delegation.

Wherever possible, delegations to officers and employees will and have been made on a wide basis to promote the most effective and efficient implementation and delivery of Council's policies and objectives.

¹ See Building Act 2004 - Section 232; Civil Defence Emergency Management Act 2002 - Section 12; Impounding Act 1955 - Section 63; Local Government Official Information and Meetings Act 1987 - Sections 42, 43; Privacy Act 1993 - Sections 124, 125; Public Bodies Contracts Act 1959 - Section 4; Resource Management Act 1991 - Section 34A(3); Sale and Supply of Alcohol Act 2012 - Section 198; Fencing of Swimming Pools Act 1987, Section 12 repealed 1 January 2017 by section 19 of the Building (Pools) Amendment Act 2016.

No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate.

Delegations must be precise and in writing in order to protect both the Council and the delegate. In the exercise of any delegation, the delegate will ensure they act in accordance with:

- *Any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and*
- *Any relevant Council policy or procedural documents (including reporting and recording requirements).*

In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.

Decisions, other than on minor or routine matters, made under delegated authority will be reported to the Council or a relevant Committee.

For the avoidance of doubt, supervisors shall have the same powers of delegation as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration.

Except as otherwise provided in this Delegations Register, the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 or any other enactment, a delegation once made cannot be further sub-delegated.

The Council may, at any time, revoke, suspend for a period, or amend the terms of conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.

The Chief Executive may revoke or suspend for a period, or amend the terms and conditions in relation to any delegation to subordinates that they have made.

Staff will not exercise delegated authority in cases of uncertainty or where it would be desirable that policy direction be given. There are also circumstances where staff will be required to seek peer review prior to exercising delegated authority, in which case supervisors will make this known.

All staff decisions made under delegated authority should clearly contain an appropriate endorsement e.g. 'made under delegated authority'. Where a delegation exists to make a decision on behalf of Council, the delegate has all the necessary powers of Council to effect that decision, including any related transitional powers prescribed by statute.

The delegations to staff, if required by any enactment, are also made through the Chief Executive Officer by virtue of inclusion in this Register.

2.4. Term of Delegation

The Delegations Register will be reviewed annually and unless any delegation is expressed to be for a definable period it will continue until revoked by the delegator or the Council, or withdrawn by operation of law.

2.5. Delegation to Office

Unless a contrary intention is indicated every delegation will be to a stated office or position and not to an individual or the membership of a group in their personal capacities. In every case of this type the delegation will survive any change in the occupier of any such office.

Delegations, Authorisations and Appointments

3 Vote on Behalf of Council

The authority to vote on behalf of Council, where a resolution of Council is not a prerequisite, is delegated to:

- 1) the Chief Executive,

and is delegated to:

- 1) the Mayor; and in their absence
- 2) the Deputy Mayor; or
- 3) the Chair of the Hearings Committee.

The proxy is instructed to vote in the best interests of Council but to take direction from Council on sensitive or controversial matters before committing Council's shareholder votes.

4 Authorisation to Execute Deeds and use the Common Seal

The authority to sign any deed is delegated to any two elected members (being the Mayor, Deputy Mayor and Councillors).

The process for selection of elected members to execute each deed will be dictated by timeframes and the availability of elected members.

The Common Seal of the Council shall be held by the Chief Executive who shall be responsible for its use.

A Council resolution is required for the Seal to be affixed to a document; however in the case of a document of a routine nature, and/or a document which is urgent, the Seal may be affixed to such documents and such action reported to the next Council meeting for a confirmation resolution.

Where the Common Seal of the Council is affixed to any document it shall be attested by:

- 1) the Mayor, or in their absence, the Deputy Mayor; and
- 2) the Chief Executive, or in their absence, the appointed Acting Chief Executive.

The Common Seal will be affixed to any document that is required to be executed under the Seal, including:

- Warrants to enter private land on behalf of the Council made under the Resource Management Act, the Biosecurity Act, the Building Act, Local Government Act 1974 or the Local Government Act 2002;
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002;
- Regional policy statements and regional and district plans prepared under the Resource Management Act;
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes;
- Any documents which otherwise require the use of the Council's Common Seal.

All Common Seal transactions will be recorded on the Common Seal Register, which is maintained by the Executive Assistant to the Chief Executive, and reported to a subsequent Council meeting when not already authorised by Council resolution.

5 Credit Cards

Delegated authority to approve credit card expenditure is assigned to:

- 1) The Mayor and the Chair of Finance, Audit and Risk Committee for the Chief Executive's card;
- 2) The Chief Executive and the Deputy Mayor for the Mayor's card;
- 3) The Chief Executive for any credit card held by any other staff member.

6 The Chief Executive

6.1. Administration

Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.

It is the role of the Chief Executive to lead and oversee staff in implementing the decisions of the Council and ensuring that all statutory responsibilities of the Council are met. The Chief Executive is also responsible for ensuring that all responsibilities, duties and powers delegated to him or her, or to any person employed by the Council, are properly performed or exercised. The Chief Executive may delegate to any other officer of the Council any of their powers under the Act, or any other statute, except the power to delegate or any power that is subject to a prohibition on delegation.

The Chief Executive has absolute control over all employment-related matters concerning staff, and has authority to:

- Approve the employment of all staff.
- Approve staff members taking up or engaging in other employment, in addition to their Council employment, subject to the following provisos:
 - Council duties having priority;
 - The other employment is not to interfere with or impair the due and proper discharge of their normal duties;
 - The other employment will not be carried out during the staff member's Council working hours; and
 - There being no conflict of interest arising from the other employment.

The Chief Executive may nominate another staff member to act as Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as they consider appropriate.

6.2. Finance

The authority to commit expenditure of up to \$1,000,000 excl GST, whether operational or capital expenditure and where budgets have been established by an adopted Long Term Plan or Annual Plan, is delegated to the Chief Executive, who may further delegate to any other officer of Council as required. Any expenditure outside of this requires approval from Council or an appropriate Council Committee Subcommittee on an as required basis.

The Chief Executive is authorised to re-allocate operating expenditure between budgets with the same rating mechanism (funding sources) provided it is necessary to achieve committed outputs decided on during the Long Term Plan (LTP) or alterations to the LTP, and provided the end-of-year budgeted surplus or deficit will be achieved, with any likely exceedance to be reported to Council or the relevant Committee.

The Chief Executive has the authority to establish financial delegations to other officers (in writing) as they consider appropriate.

The authority to:

- Release or alter loans, mortgages and statutory land charges
- Take appropriate action within Council policy to recover debts
- Write off bad debts of up to \$30,000
- To approve credit notes up to \$30,000
- Consider and approve elected members' remuneration and expense claims
- Approve banking, investment, payroll and tax payments in accordance with councils policy
- Approve the opening and closing of Council bank accounts
- Provide for and manage Council's borrowing facilities, debt, and risk hedging in accordance with council policy
- Receive and/or administer external grants or funding

is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.3. Release of Information, Media and Public Notices

All requests for official information from the Council will be referred to the LGOIMA Officer on behalf of the Chief Executive for their information.

The authority to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act) is delegated to the Chief Executive, who can further delegate to any other officer or employee of Council as required.

The ability to refuse to release information under Sections 13 and 17 of the Local Government Official Information and Meetings Act 1987 is restricted to the Chief Executive, who can further delegate to any other officer of Council as required.

The authority to determine in respect of any request for personal information under Part V of the Privacy Act 1993 and Part IV of the Privacy Act 2020 is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

The authority to make statements to the news media relating to Council's business is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

The authority to place public notices and advertisements in relevant newspapers, on social media or other publications or channels is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.4. Legal

The authority to:

- Obtain legal advice on Council's behalf
- Sign on Council's behalf any routine legal administrative document
- File in the name of the Council a Statement of Defence, or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal
- Initiate to have Court costs awarded; and
- Initiate legal proceedings to collect Court costs awarded
- Issue a trespass notice on Council's behalf

is delegated to the Chief Executive, who may further delegate to any other officer of Council as required.

The authority to settle claims against Council, where proceedings are filed or contemplated, up to a limit of \$50,000 (exclusive of GST) in accordance with a recommendation from Council's insurers, or competent legal advice, where time constraints do not permit the matter to be referred to a meeting of Council or an appropriate Committee, is delegated to the Chief Executive and, wherever possible, in consultation with the Mayor or Deputy Mayor.

6.5. Submissions

The authority to:

- Make a submission to a Board of Inquiry in relation to a proposed national policy statement under section 49 of the Resource Management Act;
- Make a further submission to a Board of Inquiry in relation to a proposed national policy statement under section 50(2) of the Resource Management Act;
- Make a submission to the Environment Court in relation to a special tribunal's report relating to a water conservation order (section 209 of the Act);
- Be heard at an inquiry for a proposed Water Conservation Order (section 211 of the Act); and
- Apply for the revocation or amendment of any Water Conservation Order (section 216 of the Act);
- Make a submission to an adjoining local authority on any proposed regional policy statement, regional or district plan or change or variation (Clause 6 of Schedule 1 of the Act);
- Make a submission to any application to an adjoining authority for resource consent (section 96 of the Act);

is delegated to the Chief Executive who, following discussions with the Mayor, Deputy Mayor, or in their absence another Councillor, can further delegate to any other officer of Council as required.

The authority to make a submission on any other matters of general Council interest or concern, where it is not possible within the available time to refer the matter to the Council or relevant standing committee, is delegated to the Chief Executive.

6.6. Council Property and Assets

The authority to:

- Approve the leasing or granting of any licence to occupy or tenancy, to vary the terms and conditions of any lease, licence to occupy or tenancy, or to terminate any lease, licence to occupy or tenancy involving Council land;
- Enter into contracts for the maintenance, management and development of any Council property;
- Enter into binding agreements for the sale and purchase of property (in accordance with the Long Term Plan) with schedules listing such sales or purchases being submitted to the relevant Standing Committee and/or Council on a regular basis;
- Grant and administer stall site licences including licences for the occupation of legal road (including termination thereof where required for non-payment of rental or other good reason);
- Approve the use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines;
- Approve the hiring out, and the terms and conditions thereof, of any Council asset and staff;
- Approve the disposal (whether by tender or otherwise) of any motor vehicle or item of plant in accordance with a recognised programme of vehicle and plant replacement;
- Approve the disposal (whether by tender or otherwise), and the terms thereof, of any other surplus Council asset up to a book value of \$50,000 (exclusive of GST) per item;

is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.7. Development Contributions

Authority to carry out on Council's behalf, all its functions, powers and duties in relation to the Horowhenua District Council's Development Contributions Policy is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.8. Rates Remissions and Valuations

The authority to consider and decide on applications made under the following Rates Remissions Policies:

- Part 1 Community groups
- Part 2 Voluntarily protected land
- Part 3 Penalties on rates
- Part 4 Excessive water charges
- Part 5 Remnant land
- Part 6 Rating units in industrial and commercial areas used for residential purposes
- Part 8 Small rate balances
- Part 9 Targeted rates on non-rateable land
- Part 11 Subdivisions which are in Common Ownership but do not meet the criteria of a Contiguous Property
- Part 12 On Bare Land
- Part 13 Council Owned Utilities
- Part 14 Contiguous rating units not in common ownership.

is delegated to the Chief Executive up to \$2,500. Any requested remissions above \$2,500 or if there is any doubt or dispute arising, the application is to be referred to the Chairperson of the Finance, Audit and Risk Committee for a decision.

The authority to consider and decide on applications made under Policy Part 7 Land Used for Primary Industry and Rural Residential purposes in areas that have been rezoned as Residential and Business Zones, is by the Chief Executive.

The authority to consider and decide on applications made under Policy Part 10 Properties affected by disasters is decided by the Council.

Section 6 of the Rating Valuations Regulations 1998 allows for a local authority to extend the due date for objections to rating valuations, either because the valuation was not received or for any other good reason. The power to decide on an extension to a due date for an objection is delegated to the Chief Executive.

6.9. Registrar of Members' Pecuniary Interests

The Local Government (Pecuniary Interests Register) Amendment Act 2022 requires Council to appoint a Registrar under Section 54G(1) to:

- compile and maintain the register of members' pecuniary interests; and
- provide advice and guidance to members in connection with their obligations under this subpart.

The Chief Executive is appointed as the nominated registrar. The Chief Executive may further delegate to any other officer of Council as required.

7 Local Government (Rating) Act 2002

The Council delegates all powers, duties and functions under the Local Government (rating) Act 2002 to the Chief Executive and the Officers listed below and excluding those matters in respect of which delegation is prohibited by any Act or regulation, or which are expressly excluded from this delegation.

Note that the Local Government (rating) Act 2002 prevents the Chief Executive from sub-delegating powers under that Act. The following are separate Council delegations direct to officers under that Act.

These are specific delegations to the:

- Chief Executive (CE)
- Group Manager Organisation Performance (GMOP)
- Financial Service Manager (FSM)
- Senior Rates Officer (SRO)

Section	Details of Power	Reasons	Delegated to (Acronym)			
			CE	GMOP	FSM	SRO
27(5)	The decision on whether to divide rating units and the methodology for division.	<i>A division may be required where a single rating unit falls into a number of differential categories.</i>	✓	✓	✓	✓
28(2)	The decision on whether the disclosure of the name of any person is necessary to identify a rating unit.	<i>The Rating Information Database (RID) may not contain the name of any person unless this is necessary to identify the particular property.</i>	✓	✓	✓	✓
29	Authority to determine objections to the RID.	<i>An owner has the right to object to any entry in the RID on a number of grounds. Council determines whether the objection is valid and any actions required correcting it.</i>	✓	✓	✓	✓
35	Authority to remove a name from the RID.	<i>A person's name may be removed from the RID in circumstances outlined in Section 35. Generally this is as a result of a sale or disposal of the property.</i>	✓	✓	✓	✓
39	Authority to determine objections to rates records.	<i>A ratepayer may object to information contained in the rates records on the ground that the rates are calculated incorrectly or that the rates balance is incorrect.</i>	✓	✓	✓	✓
40	Authority to correct errors in the RID and Rate Records.	<i>Errors in the RID or rate records may be corrected even if there was no objection.</i>	✓	✓	✓	✓
52	Authority to agreed methods of payments for rates.	<i>The Act allows rates to be paid by any method that is agreed by the local authority.</i>	✓	✓	✓	✓
54	Authority not to collect small amounts, up to \$10.00.	<i>The Act allows the authority to not collect small amounts where, in its opinion, it is uneconomic to do so. It is envisaged that this will only occur where the cost to collect a debt is likely to exceed the amount of the debt due.</i>	✓	✓	✓	✓
61	Authority to collect unpaid rates from the owner.	<i>Where a ratepayer, other than the owner, is in default, the local authority may collect rates that are in default, from the owner.</i>	✓	✓	✓	✓

62	Authority to collect unpaid rates from persons other than the owner.	<i>Where the owner is in default of their rates, the local authority may recover the rates from a mortgagee.</i>	✓	✓	✓	✓
63	Ability to commence legal proceedings for the recovery of rates that are in default.	<i>Where rates are in default, the local authority may commence legal proceedings against the owner for recovery of the rates.</i>	✓	✓	✓	✓
67	Commencement of rating sales or lease provisions.	<i>Once a local authority has received judgement and payment had not been received within the prescribed period, the authority may commence the process to carry out a rating sale or lease of the land to satisfy the level of the debt. Note: This process is carried out by the District Court Registrar and does not apply to Māori Freehold Land.</i>	✓	✓		
72	Authority to sell land by private treaty.	<i>If land that was the subject of a rating sale does not sell above the reserve set by the Registrar, the Registrar may, with the consent of the local authority, sell the land by private treaty for any consideration that the Registrar thinks reasonable. Note: This does not apply to Māori Freehold Land.</i>	✓	✓		
77–83	Authority to sell abandoned land.	<i>A local authority has the power to commence the process to have land declared 'abandoned' if rates have not been paid on it for three years, and the ratepayer:</i> <ul style="list-style-type: none"> • <i>is unknown, or</i> • <i>cannot be found after due enquiry, or</i> • <i>is deceased and has no personal representative, or</i> • <i>has given notice of the intention to abandon or has abandoned the land.</i> <i>The process is carried out through the District Court and the Court has to be satisfied the appropriate endeavours have been made to discover the owner.</i> <i>Note: This does not apply to Māori Freehold Land.</i>	✓	✓		
85	Authority to administer rate remission and postponement policies.	<i>As defined within the remission and postponement policies.</i>	✓	✓	✓	✓
99	Authority to apply for charging orders.	<i>The Act provides that where it has proved impossible to obtain rate on Māori Freehold Land, a local authority may apply to the Māori Land Court for a charging order on the land.</i>	✓	✓		
135	Authority to sign documents for Court proceedings.	<i>The Act authorises Council to commence legal proceedings. The authority to sign such documents needs to be delegated to appropriate officers.</i>	✓	✓		

8 Resource Management Act 1991

The Council delegates all powers, duties and functions under the Resource Management Act 1991 to the Chief Executive and the Officers listed below and excluding those matters in respect of which delegation is prohibited by any Act or regulation, or which are expressly excluded from this delegation.

Note that the Resource Management Act 1991 prevents the Chief Executive from sub-delegating powers under that Act. The following are separate Council delegations direct to officers under that Act.

These are specific delegations to the:

- Chief Executive (CE)
- Group Manager - Community Experience and Services (GMCES)
- Group Manager – Community Vision and Delivery (GMCVD)
- Group Manager – Housing and Business Development (GMHBD)
- Strategic Planning Manager (SPM)
- Strategic Planner (SP)
- District Plan Lead (DPL)
- Senior Policy Planner (SPP)
- Policy Planner and Principal Policy Advisor (PP)
- Consents Manager (CM)
- Compliance Manager (CPM)
- Planning Team Leader (PTL)
- Resource Management Planners, Planning Technician, Resource Management Planner Cadet and Duty Planner (P)
- Resource Management Planner – Contractor (PC)
- Independent Hearings Commissioner (HC)

Delegations include temporary Acting CE, GMCES, GMCVD, GMHBD, SPM, DPL, SPP, PP, CM, CPM, PTL or SP when relevant or required.

The notation (ICWC) requires any officers exercising powers under the relevant section to obtain the consent of the Chairperson of the Hearings Committee before exercising any authority. Where the delegations refer to consultation with the Chairperson, the Chairperson shall retain the discretion to require such matters to be referred back to the Hearings Committee.

The notation (ICWC) Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.*

Section or Clause Number	Delegation Description	Delegated to (Acronym)														
		CE	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	CM	CPM	PTL	P	PC	HC
10(2)(b)	Time extension to existing use.	✓		✓	✓	✓		✓	✓		✓		✓			
34(A)(1) and (2) and 100(A)	The nomination of one or more commissioners in accordance with Council's policy for appointing commissioners. <i>(ICWC)</i>	✓		✓	✓	✓		✓	✓		✓					
36(5)	Power to reduce or waive fees or deposits for charitable or community organisations or in other situations deemed appropriate.	✓			✓						✓					
37(1)	Power to waive or extend time limits as specified in this section.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
37(2)	Waive compliance with the requirement to submit information as outlined in Section 37(2) and the power to set new terms for the rectification or the omission of the inaccuracy.	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
37A(6)	Power to determine and notify those persons who are directly affected by the extension or waiver of compliance with a time period, method of service, or service of document.	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
38	Power to authorise an Enforcement Officer/s to carry out all or any of the functions and powers as an enforcement officer under this Act.	✓	✓	✓	✓											
41B	The power to direct an applicant to provide briefs of evidence to the authority before a hearing. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		
41C	The power to request further information prior to or at a Hearing. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		
42	The power to make an order that a hearing be held with the public excluded. The power to make an order prohibiting or restricting the publication or communication of any information supplied or obtained in the course of any proceedings. <i>(ICWC)</i>	✓		✓	✓		✓			✓	✓	✓	✓	✓	✓	
42A(1)	The power to commission a report by an officer or consultant for hearing.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
42A(5)	The Authority to waive compliance with service of documents requirements. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓			

86D(2)	The power to make an application to the Environment Court for a rule to have legal effect. <i>(ICWC)</i>	✓	✓	✓	✓											
87AAB(1) and (2)	New Consent Exemption under this section.					✓	✓	✓	✓	✓			✓	✓	✓	
87BB	Exemption of activities from resource consent for marginal or temporary breaches					✓	✓	✓	✓	✓			✓	✓	✓	
87(E)	Decision on whether to allow an application to be determined by the Environment Court and authority to determine an application for referral to the Environment Court is incomplete. <i>(ICWC)</i>	✓	✓	✓	✓											
88(3)1(3A)	The power to determine that an application is incomplete and to return the application with written reasons for the determination.	✓		✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	
91	The power to defer an application pending additional consents.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
92(1)	The power to request further information relating to an application.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
92(2)	The power to commission a report on any matter relating to the application.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
92A(2)	The power to set a time limit within which further information requested by a territorial authority should be provided.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
92A(3)	The power to decline an application for failure to meet requirements under this subsection.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
92B(2)	The power to decline an application in accordance with this section.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
95 and 95(A)–(F)	The power to determine when applications shall be non-notified, limited notified or publicly notified.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
99	The power to convene a pre-hearing meeting and exercise all powers under this section.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
99A	The power to refer applicants and persons who made submissions on the application to mediation and the authority to appoint a mediator under section 34A. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
100	The power to determine that a hearing is not needed. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
101	The power to fix a hearing date and time and place of the hearing.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
102	Functions in relation to joint hearings.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
103	Functions in relation to combined hearings for resource consents in relation to the same proposal.	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	

104A, 104B, 104C, 104D	The power to grant or refuse non notified resource consents, and the power to decide on applications made with full or limited notification where a hearing is not required under Section 100 of this Act. <i>(ICWC)*</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
106	The power to refuse to grant a subdivision taking in consideration the issues specified in S106. <i>(ICWC)</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
108	The power to determine conditions of a resource consent.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
108A (1), (2) and(3)	Bonds.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
109	The power to authorise Council use of bond funds. <i>(ICWC)</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
124(2)(e)	The power to permit an existing consent to continue while applying for a new consent.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
125	The power to extend the period within which a resource consent lapses. <i>(ICWC)*</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
126	The power to cancel unexercised resource consents. <i>(ICWC)*</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
127	The power to decide on an application for change to or cancellation of consent conditions. <i>(ICWC)*</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
128-132	The power to initiate and determine a review of conditions of a resource consent. <i>(ICWC)*</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
133A	Power to approve an amended resource consent within 20 working days of the granting of the original.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
138	The power to grant or refuse partial or full surrender of a resource consent. <i>(ICWC)*</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
139	The power to grant or refuse an application for a certificate of compliance.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
139A	The power to grant or refuse an application for an existing use certificate.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
149Z	The power to process applications referred from the Minister for the Environment or the EPA.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
169	The power to process notices of requirement from a requiring authority.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
170	The power to decide whether to include a notice of requirement in a proposed plan change. <i>(ICWC)</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

174	The power to appeal to the Environment Court against the whole or any part of a decision of a requiring authority. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
176A(2)	The power to waive the requirement for an outline plan.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
176A(4)	The power to request changes to an outline plan.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
176A(5)	The power to Appeal against the decision of a requiring authority to the Environment Court. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
181	The power to alter a designation. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
184(1)(b) and 184(2)(b)	The power to extend the expiry period of a designation that has not been given effect to. <i>(ICWC)*</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
190	The power to process notices of requirement for a heritage order from a heritage authority.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
195A	The power to alter heritage orders. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
198C	The power to decide whether a notice of requirement application will be determined by the Environment Court as requested by applicant. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
198I	The power to decide whether a notice of requirement application will be determined by the Environment Court. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
220	The power to impose conditions on subdivision consents.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
221(1)	The power to impose a condition requiring the issuing of a consent notice.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
221(3)(b)	The power to review, vary or cancel any consent notice. <i>(ICWC)*</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
222	The power to extend a completion period and to issue a completion certificate.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
223	The power to approve any survey plan.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
224(c)	Power to certify compliance with specified conditions prior to deposit of survey plan.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
224(f)	Power to certify compliance with building code provisions.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
226(e)	Power to issue a certificate in accordance with this Section.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
S232.	The power to approve the creation of an esplanade strip in accordance with S232 (1) and (2).	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
S234(6)	The power to grant (with or without modifications) or decline an application to vary or cancel an instrument creating an esplanade strip.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
234(7)	The power to certify a varied or cancelled esplanade strip.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

235	Power to agree to create an esplanade strip with the agreement of the registered proprietor.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
237	The power to approve survey plans where esplanade reserves or esplanade strips are required.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
237B	The power to authorise the creation, variation, or cancellation of easements.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
240(1) and (3)	The power to endorse survey plans with covenants and to approve the covenant instrument.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
240(4) and (5)	The power to approve the cancellation of a covenant imposed under this Section or under the corresponding provision of any former enactment for non-notified applications.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
S241(2)(a)	The power to approve the individual disposal of land or the holding of land in separate titles which have previously been amalgamated.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
241(3) and (4)(b)	The power to cancel in whole or in part any condition described in Subsection (2).	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
243	The power to revoke an easement in whole or in part.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
274	The power to nominate an officer or other person to attend a proceeding of the Environment Court.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
299	The power to appeal against the decision or report and recommendation of the Environment Court to the High Court on a point of law. (ICWC)	✓														
311	The power to apply for a declaration in accordance with this Section. (ICWC)*	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
316	The power to apply for an enforcement order or interim enforcement order.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
325A(2)	The power to cancel an abatement notice.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
325A(5)	The power to determine an application to review and/or amend an abatement notice. (ICWC)*	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
330	The power to make the necessary determinations and undertake such actions as are provided for in Subsections (1) to (3) inclusive.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
334	The power to seek a search warrant from a District Court Judge or any duly authorised Justice or any Community Magistrate or Registrar for entry for search.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		

357C	The power to grant an extension of time to lodge an objection under Sections 357 to 357B hear and determine any matters under this Section. <i>(ICWC)</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
First Schedule, Part one, Clause 5	Power to decide on whom public notice shall be sent in relation to a policy statement or plan or a change thereto.	✓	✓	✓	✓												
First Schedule Part One Clause 6	The power to make a submission on a proposed policy statement or plan that was notified under Clause 5. <i>(ICWC)</i>	✓	✓	✓	✓												
First Schedule, Part one, Clause 8AA	The power to refer to mediation issues raised by persons who have made submissions on the proposed plan or policy statement and the power to appoint an independent mediator in accordance with this Clause. <i>(ICWC)</i>	✓	✓	✓	✓												
First Schedule, Part One, Clause 14	The power to authorise an appeal against any aspect of a requiring Authority's or heritage protection authority's decision. <i>(ICWC)</i>	✓	✓	✓	✓												
First Schedule, Part two, Clause 23	The power to require further information from an applicant.	✓	✓	✓	✓												
First Schedule, Part three, Clause 32	The power to certify as correct copies of material to be incorporated by reference into a plan or proposed plan.	✓	✓	✓	✓												