



Delegations Register

6 March 2024



Approvals

Adopted by Council	Adopted by resolution of Council, CO/2024/28, on 6 March 2024.
Review Period	Next review January 2025, or earlier where triggered by a change in current operational practice or change in good practice.

Change History

Version No.	Amendment/s	Date	Completed by
1.0	New Document	September 2022	Ben Blyton Procurement Advisor
2.0	Stage 1 - Improvements and incorporation of legal advice	November 2023	Nicki Brady Procurement and Organisation Transformation Manager
3.0	Stage 2 - Document review and various updates, enhancements to Resource Management Act 1991 and incorporation Water Services Act 2021	December 2023 – 6 March 2024	Nicki Brady Procurement and Organisation Transformation Manager

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Using the Delegations Register

This delegations register is broken into three parts:

The **Delegations Policy** explains the way in which delegations and sub-delegations apply and operate in the Council.

Part A set out within seven sub-parts, contains delegations authorised by the Council to the Chief Executive Officer of statutory, regulatory and other delegations. This includes all of the responsibilities, duties and powers imposed on the Council by statute or assumed under bylaws made by the Council, together with the delegations in respect of financial management, property and assets, and other matters such as dealing with legal proceedings. Noting that these delegations may be sub-delegated by the Chief Executive Officer, unless this is expressly excluded within Part A.

Part B contains delegations authorised by the Council to Officers.

Delegations Policy

1 Purpose

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.

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision-making and is consistent with the Council Plan On A Page focus areas of 'Get The Basics Right' and 'Rebuilding the Organisation' with a focus to empower a culture of excellence , service and continuous improvement.

The Council supports the principle of delegating decision-making to the lowest competent level. This makes best use of the abilities of Elected Members, ensuring the cost-effective use of resources and promoting the development of efficient and effective management. This principle has been applied to the preparation of this Delegations Register.

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).

Delegations to Standing Committees and Subcommittees, are recorded in the Council and Committee Terms of Reference 2022 – 2025.

2 Definitions

2.1. 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.

To avoid doubt, no delegation relieves the body or person making the delegation of the liability or legal responsibility to perform or ensure performance of the function or duty being delegated. The Council may have the power to delegate under enactments other than the Local Government Act 2002.

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).

Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.

Unless specifically time-limited, a delegation will continue in force until specifically revoked, or varied by the delegator or the Council. Where Council revokes, suspends for a period, or amends the terms of conditions in relation to any delegation, it will be recorded by resolution of Council.

Unless a valid delegation in respect of a matter has been made and included in the Delegations Register, any decision required in respect of that matter can only be made by the Council at an ordinary or extraordinary meeting.

Unless otherwise expressly stated in this Delegations Register, all financial values stated in this document are GST exclusive.

2.2. Powers Retained by Council

Schedule 7 Clause 32 of the Local Government Act 2002 states that Council retains the following non-delegable powers:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan or annual plan;
- The power to adopt a Long Term Plan, Annual Plan or Annual Report;
- The Power to appoint a Chief Executive Officer;
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement; and
- The power to adopt a Remuneration and Employment Policy.

2.3. Chief Executive Officer

Horowhenua District Council is a local authority under the Local Government Act 2002. Elected members and the Mayor make up the Councils' governing body, which is responsible and democratically accountable for decision-making.

The governing body appoints only one employee, the Chief Executive Officer, whom 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 Officer is responsible for leading and overseeing staff in implementing the decisions of the Council and ensuring that all statutory responsibilities of the Council are met. The Chief Executive Officer is responsible for ensuring that all responsibilities, duties and powers delegated to him/her/them, or to any person employed by the Council, are properly performed or exercised. This includes those imposed or conferred by an Act, regulation or bylaw.

The Chief Executive Officer may delegate to any other officer of the Council any of his/her/their powers under the Act, or any other statute and may nominate another staff member to act as Chief Executive Officer during temporary periods of absence from duties together with such of the Chief Executive Officer's powers as they consider appropriate.

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

The Chief Executive Officer is the Principal Administrative Officer as defined in Section 42(4) of the Local Government Act 2002, and shall perform the duties and functions pertaining to this position except in cases where particular duties and functions have been delegated to another officer in writing, or by the Delegations Register.

2.4. Member and Officer

For the purpose of this Policy:

- "officer" means a named person, or the person who is for the time being the holder of a specified office;
- "member" means a member of the governing body of the Council, including the Mayor.

The Council may delegate to a member or officer of the Council any of its responsibilities, duties or powers other than those referred to in section 2.1. Such delegations may be further delegated, subject to any conditions, limitations, or prohibitions imposed by the Council or by the committee, body or person that made the original delegation.

An officer whom any responsibilities, duties or powers delegated may exercise them in the same way and with the same effect as the delegating officer could have done.

If not limited otherwise in the Delegations Register, where there are changes to officer position titles within the Council, but the Delegations Register has not yet been updated to reflect the new titles, any officer who performs or exercises the same or a substantially similar role or function as a former position title, may exercise the delegations of that former position title. Where the authority is granted to a number of officers employed in different departments of the Council, it will be up to the department leader(s) concerned to ensure that the authority is exercised consistently across those departments.

A delegated authority must be exercised in accordance with officer duties as identified in their Position Description, and all relevant Council policies and conditions, such as financial limits, process and reporting requirements.

Where an officer is in a position in an acting capacity, the officer may exercise the delegations to that position. However, the officer should state that he/she/they are exercising the delegation in acting capacity.

Where there is any ambiguity between the wording of a legislative function and the delegation of that function to an officer, the wording of the legislation will prevail. A delegation made under legislation that is subsequently repealed will be read as a delegation made under any replacement or corresponding legislation that has the same effect (until the Delegations Register can be amended).

An officer may decide not to exercise their delegation in cases of uncertainty or high policy content, and refer the decision back to the delegator.

Responsibilities, duties or powers under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 delegated by the Council to officers, including the Chief Executive Officer, may not be sub-delegated.

2.5. Term of Delegation

The Delegations Register will be reviewed annually and at other times as needed i.e. legislation change, and unless any delegation is expressed to be for a defined period it will continue until revoked by the delegator or the Council, or withdrawn by operation of law.

2.6. Delegation to Office

Unless a contrary intention is indicated, every delegation will be to a stated officer 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.

Part A - Chief Executive Officer Delegations



Part A - Sub Part 1 - Chief Executive Officer Legislative Requirements

Council delegates to the Chief Executive Officer, with power of sub-delegation to officers, the authority to exercise and administer all responsibility, duties and powers of the Council under the following Acts, and any regulations made under the Act, and the following regulations:

- Amusement Devices Regulations 1978
- Biosecurity Act 1993
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Camping Ground Regulations 1985
- Civil Defence Emergency Management Act 2022
- Climate Change (Unit Register) Regulations 2008
- Criminal Procedures Act 2011
- Electricity Act 1992
- Family Violence Act 2018
- Fencing Act 1978
- Fire and Emergency New Zealand Act 2017
- Food Act 2014
- Freedom Camping Act 2011
- Gas Act 1992
- Government Rounding Powers Act 1989
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Heritage New Zealand Pouhere Taonga Act 2014
- Housing Improvement Regulations 1947
- Infrastructure Funding and Financing Act 2020
- Land Drainage Act 1908
- Land Transfer Act 2017
- Litter Act 1979
- Local Government Act 1974
- Local Government (Financial Reporting and Prudence) Regulations 2014
- Natural and Built Environment Act 2023
- New Zealand Library Association Act 1939
- Ombudsmen Act 1975
- Privacy Act 2020
- Protected Disclosures (Protection of Whistleblowers) Act 2022
- Public Records Act 2005
- Public Works Act 1981
- Railways Act 2005
- Rates Rebate Act 1973
- Rating Valuations Act 1998
- Residential Tenancies Act 1986
- Sale and Supply of Alcohol Act 2012
- Summary of Proceedings Act 1957
- Telecommunications Act 2001
- Trespass Act 1980
- Unit Titles Act 2010
- Utilities Access Act 2010
- Urban Development Act
- Water Services Act
- *Water Services Entities Act 2022 and Water Services Legislation Act 2023 (process of repeal)*

Council Delegates to the Chief Executive Officer the powers of the Council under the following legislation, with exceptions as follows:

Building Act 2004 and any regulations made under that Act, including the Building Code (Schedule 1 to Building Regulations 1992)

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Under section 232 of the Building Act 2004, authority to exercise and administer all responsibilities, duties and powers of the Council as a Territorial Authority and Building Consent Authority under the Building Act 2004, any regulations made under that Act and the Building Code (Schedule 1 to the Building Regulations 1992) **except**:

- its powers under sections 131 and 132 relating to the adoption or review of policies on dangerous, earthquake prone and insanitary buildings;
- its power under section 213 to make arrangements for any other building consent authority to perform the Council's functions of a building consent authority;
- its power under sections 219(1)(a) and 281A to set any fee or charge in relation to a building consent and for the performance of any other function or service under the Act;
- its powers under sections 233 to 236 to transfer any of its functions, duties or powers under the Act to another territorial authority;
- its power under sections 233 to 236 to agree to undertake any function, duty or power of any other territorial authority under the Act; and
- its power under section 281B in relation to increasing fees and charges

Dog Control Act 1996 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- make or review a bylaw or the Dog Control Policy under section 10, 10AA, 20;
- the setting of fees or charges under section 37, 68;
- making grants under section 6(2)(b);
- hearing and determining an objection to a probationary owner classification, a disqualified owner classification, a dangerous dog classification, and/or a menacing dog classification under sections 22, 26, 31, 33B, 33D.

Food Act 2014 and regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- set fees or charges under section 205

Gambling Act 2003 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- adopt, amend or replace a class 4 venue policy under sections 101 - 102

Health Act 1956 and any regulations made under this Act (including without limitation the Camping-Grounds Regulations 1985, the Health (Registration of Premises) Regulations 1966, the Health (Hairdressers) Regulations 1980 and the Health (Burial) Regulations 1946)

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- making bylaws under section 64

Impounding Act 1955 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- set poundage fees and sustenance charges under section 14
- declare under section 34 that section 33 does not apply to a specified road in the district.

Land Transport Act 1998 and any rules and regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- making bylaws under sections 22AB to 22AD

Litter Act 1979 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- hear objections under section 10
- make bylaws under section 12
- adopt an infringement notice regime under section 13.

Local Government Act 2002 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, **except**:

- Those matters that cannot be delegated by Council, specified in the Local Government Act 2002 (set out in section 2.2 of this Delegation Register);
- any matter that can only be given effect by a Council resolution.

Local Government (Rating) Act 2002 and any regulations made under that Act

Delegation to the Chief Executive Officer with no power of sub-delegation

Delegation, under section 132, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, **except**:

- the power to make further delegations;

Note: Part B – Officer Delegations sets out separate Council delegations direct to Officers.

Local Government Official Information and Meetings Act 1987 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation, under section 42, of authority to exercise and administer all responsibilities, duties and powers of the Council under Parts 2 to 5 of the Act and any regulations made under the Act, **except** those in section 32 (which relates to responses to recommendations made by the Ombudsman under section 30(1)).

Racing Industry Act 2020 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act **except** the power to:

- adopt, amend or replace the TAB venue policy under sections 96-97

Reserves Act 1977 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Authority to exercise and administer all responsibilities, duties and powers of the Council in its role as an Administering Body, and as a delegate of the Minister of Conservation, under the Reserves Act 1977 and any regulations made under the Act and management plans **except**:

- a) the power to declare land to be a reserve and the power to hear objections and make a decision on whether to confirm the resolution under section 14 (other than the power to attend to gazettal under section 14(4);
- b) the power to exchange reserve land for other land under section 15;
- c) the power to classify reserves, by Gazette notice, according to their principal or primary purpose under section 16(1);
- d) the power to give full consideration to objections and submissions under 16(4);
- e) the power to change a classification or purpose of a reserve, consider objections and form an opinion that the change in the classification of a scenic, nature, scientific or historic reserve is justified under section 24(1), 24(2)(e), 24(3) and 24(5);
- f) the power under section 25(1) to dispose of land in such manner and for such purposes as the Minister specifies following the revocation of the reservation of any public reserve (or part of one) under section 24;
- g) the power to approve reserve management plans under section 41(1);
- h) the power to give or decline approval for the erection of shelters, huts, cabins, lodges etc on any recreation or scenic reserve under section 45;
- i) the power under section 55(2)(a), (d), (e), (f) and (g) to decline or give consent to specific activities on a scenic reserve;
- j) the power under section 58(b) to set apart and use part of a reserve as a site for residences and other buildings;
- k) the power under section 73(5) to consent or decline consent in writing to a member of an

- administering body becoming the lessee of any land under the control of that body;
- l) the power under section 75(1) and (2) to consent or decline to consent to the afforestation of a recreation or local purpose reserve;
 - m) the power to make bylaws under section 106;
 - n) the power to grant licences pursuant to Section 48A of the Reserves Act 1977 for the use of a reserve for a communications station (such granting of licences to be subject where appropriate to the approval of the appropriate Minister of the Crown and the provision of the First Schedule of the Reserves Act 1977);
 - o) the power to hear and report to Council on submissions and to make recommendations to Council on decisions, relating to the revocation of reserve land;
 - p) the power to determine from time to time whether a park has Districtwide importance and is therefore not a "local" park;
 - q) any power that is expressly required by the Act to be exercised by resolution of the Council.

Limitation

Where the Chief Executive Officer sub-delegates the power of the Council in its role as an Administering Body, and as a delegate of the Minister of Conservation, to officers, the Chief Executive must ensure different officers exercise the Minister's powers and the Administering Body's powers, when making a decision on a matter that provides for a decision to be made by both the Minister and the Administering Body.

Resource Management Act 1991 and any regulations made under that Act

Delegation to the Chief Executive Officer with no power of sub-delegation

Delegation, under section 34A, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, **except**:

- the power of delegation; or
- the power of approval of a policy statement or plan under clause 17 of schedule 1.

Note: Part B – Officer Delegations sets out separate Council delegations direct to Officers.

Waste Minimisation Act 2008 and any regulations made under that Act

Delegation to the Chief Executive Officer with power of sub-delegation to Officers

Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act **except** the power to:

- prepare, adopt, amend or revoke a waste management and minimisation plan; or
- make or review a bylaw

Part A - Sub Part 2 - Chief Executive Officer Financial Delegations

Financial Delegations	Details and Limitations
<p>Operational/Capital Expenditure 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 Officer, who may further delegate to any other officer of Council as required.</p> <p>Any expenditure outside of this requires approval from Council or an appropriate Council Committee Subcommittee on an as required basis.</p>	<p>Conditional on:</p> <ul style="list-style-type: none"> expenditure being budgeted for; compliance with the procedures identified in any relevant financial authority manual or policy in relation to each transaction (for example current Council policies (e.g. procurement), or financial management guidelines); with regard to the acquisition and disposal of assets, the transaction being in accordance with the long-term plan
<p>Re-allocate Operating Expenditure The authority to re-allocate operating expenditure between budgets with the same rating mechanism (funding sources).</p>	<p>Conditional on:</p> <ul style="list-style-type: none"> provided it is necessary to achieve committed outputs decided on during the Long Term Plan (LTP) or Annual Plan; provided the end-of-year budgeted surplus or deficit will be achieved, with any likely exceedance is to be reported to Council or the relevant Standing Committee.
<p>Capital Expenditure – Emergency and Transitional Periods Power of the Chief Executive Officer alone to commit the Council to financial transactions (or projects consisting of multiple transactions) relating to the acquisition, purchase, or provision of assets (including vehicle fleet, plant or machinery), services, property, gifts, guarantees, indemnities and the acquisition or disposal of assets. This power includes the authority to administer, enforce, and cancel such transactions or to vary them.</p>	<p>As notified in the current Manawatū-Whanganui CDEM Group Plan - the authority to approve contingency expenditure for an emergency including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak in the Horowhenua district.</p>
<p>Operational Expenditure – Emergency and Transitional Periods Power of the Chief Executive Officer alone to commit the Council to financial transactions (or projects consisting of multiple transactions) relating to the acquisition, purchase, or provision of assets, (including vehicle fleet, plant or machinery), services, property, gifts, guarantees, indemnities and the disposal of assets. This power includes the authority to administer, enforce, and cancel such transactions or to vary them.</p>	<p>As notified in the current Manawatū-Whanganui CDEM Group Plan - the authority to approve contingency expenditure for an emergency including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak in the Horowhenua district.</p>

Part A - Sub Part 3 - Chief Executive Officer Interim Powers

Delegation and Limitations

In relation to matters arising during the Christmas recess, from the third week in December until the end of January (annually), the authority to make decisions and execute documents (including entering into any contract or authorising any expenditure) on behalf of the Council.

Limitation

In respect of matters of significance (high risk/high value) arising at this time under urgency, consultation must occur with a quorum of Council, with any such decision made to be reported to the first ordinary meeting of the full Council in the New Year.

Part A - Sub Part 4 - Chief Executive Officer Other Delegations

Delegations	Details and Limitations
Administer Contracts or Letters of Acceptance	Authority to sign on Council's behalf contracts or letters of acceptance for the purposes of creating a contract where it has been resolved by the Council or any committee of the Council to accept any tender or quotation, or is within the financial delegation of the Chief Executive Officer position.
Asset Disposal	Authority to 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 up to a book value of \$50,000 (exclusive of GST) per item.
Administer Elected Members' Remuneration and Expense Claims	Authority to consider and approve elected members' remuneration and expense claims.
Administer External Grants or Funding	Authority to receive and/or administer external grants or funding.
Administer Insurance Policies	Authority to administer Council insurance policies, subject to the exercise of such delegated power being reported to the Risk and Assurance Committee.
Administer Land Transport (Roading) Programme	Authority to negotiate the Land Transport (Roading) Programme and its funding with Waka Kotahi/NZ Transport Agency, and submit monthly and annual claims against the accepted programme.
Administer Progress Payments	Authority to certify and authorise progress payments in relation to contracts entered into by the Council up to the value of the accepted contract sum, where it has been resolved by the Council, or is within the financial delegation of the Chief Executive Officer position.

Delegations	Details and Limitations
Administer Payments	Authority to approve banking, investment, payroll and tax payments in accordance with Councils policy.
Bank and Invest Funds	<p>Authority to:</p> <ul style="list-style-type: none"> • Bank, transfer, and invest funds held by the Council in accordance with Council policy, subject to the observance of appropriate internal controls; • Sign and countersign, bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council; • Approve payroll payments and all payroll related matters; • Approve all tax payments and tax related matters; and • Approve the opening and closing of Council Bank Accounts.
Carbon Credit Transactions	Authority to approve carbon credit transactions including but not limited to sell, purchase, transfer and redeem carbon credits.
Credit Card Expenditure	<p>To authorise expenditure for:</p> <ul style="list-style-type: none"> • Officer positions assigned a credit card; and • Credit card assigned to The Mayor in the case of absence of one of the signatories (see below). <p>Limitation: The Mayors sensitive expenditure must be approved by the Chair of the Risk and Assurance Committee and the Deputy Mayor. In the case of absence of one of the signatories, the Chief Executive Officer can sign.</p>
Disposal of Council Records	Authority to dispose of any Council records, or where required, to make application to another authority for disposal.
Issue Credit Notes, Refunds and Transfers	Authority to authorise the issue of credit notes/refunds/transfers up to \$30,000.
Transfer Funds Between Council Bank Accounts	Authority to transfer funds between any of the Council's bank accounts.
Treasury Management	Authority to release or alter loans, mortgages and statutory land charges.
Raise and Manage Public Debt	Authority to provide for and manage the Council's borrowing facilities, debt, and risk hedging according with council policy and the Annual Plan. This includes without limitation issuing bonds, drawing debt under existing facilities, renegotiation and extension of existing facilities, negotiation and establishment of new debt and facilities and hedging interest rates.

Delegations	Details and Limitations
Recover Debt	Authority to take appropriate action within Council policy to recover debts, including via debt collection agencies.
Write Down Value of Stock	Authority to write down the value of stock (where the write down is no more than \$10,000).
Write Off Bad Debts	Authority to write off debts of up to \$30,000.
Write Off Stock and Minor Assets	Authority to write off stock items and minor assets (where the write off is no more than \$10,000).

Part A - Sub Part 5 – Chief Executive Officer Property Delegations

Council Property and Assets

Delegation to the Chief Executive Officer with power of sub-delegation to officers
<p>Commercial Leasing, Concessions and Permits – 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 where:</p> <ul style="list-style-type: none"> • The lease term does not exceed five years (including any rights of renewal); • The concession is not required to be registered against the title of the property; • The annual concession fee for the proposed term of the concession is within the Chief Executive Officer financial delegation. <p>Authority to 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).</p>
<p>Community Leases – Authority to grant a lease where:</p> <ul style="list-style-type: none"> • The lease term does not exceed five years (including any rights of renewal); and/or • The concession is not required to be registered against the tile of the property: and/or • No objections have been received following public notification; and/or • The annual concession fee for the proposed term of the concession is within the Chief Executive Officer financial delegation.
<p>Acquisition and Disposal of Land - Authority to negotiate, enter into, implement, vary, enforce and cancel contracts with other parties on behalf of the Council for the acquisition of land (including interests in land) or the disposition of land (including interests in land) owned by the Council, and to sign all required documentation, in accordance with the Long Term Plan.</p> <p>Authority to engage such consultants or contractors considered necessary as part of the process to acquire or dispose of land (including interests in land) in accordance with the Long Term Plan or Council resolution.</p>
<p>Other Land Dealings</p> <ul style="list-style-type: none"> • Authority to generally exercise the powers of the Council contained in the Residential Tenancies Act 1996 in relation to any property; • Authority to deal (other than acquiring, disposing, leasing or licensing) with Council land (including interests in land), including without limitation granting, entering into, varying, surrendering, releasing or discharging mortgages, easements, encumbrances, bonds, covenants, or other instruments, and to sign all required documentation; and

- Authority to manage, administer and enforce the terms and conditions of any Easement Instrument (excluding reserves under the Reserves Act 1977) of which the Council is the grantor or the grantee (including authority to agree to any variation or surrender), or any encumbrance, bond, or covenant, and to give or decline any consent or approval requested by any party to such Instrument, and to sign all required documentation.

Property Management and Maintenance

- Authority to enter into contracts for the maintenance, management and development of any Council property;
- Authority to approve the use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines; and
- Authority to approve the hiring out, and the terms and conditions thereof, of any Council asset.

Limitations

All of the above delegations are subject to:

- The terms of the Financial Delegation to the Chief Executive Officer. Where the transaction exceeds the Chief Executive Officer financial delegation, Council resolution is required;
- Applicable Council policy, including the Commercial Leasing, Concessions and Permit Policy and Community Leases Policy;
- Any specific statutory requirements, including the requirement that with regard to the acquisition and disposal of assets, the transaction being in accordance with the Long-term plan, or Annual Plan;
- The signing of all leases and licences to occupy must be undertaken by Council unless specifically allowed for otherwise;
- Applications for commercial leases in excess of five years being referred to Council for resolution; and
- Applications for community leases in excess of five years being referred to Council for a resolution.

Part A - Sub Part 6 – Chief Executive Officer Other Matters

Authorisation to use the Common Seal

Delegation to the Chief Executive Officer

Authority to affix the Council's common seal:

- to any warrants issued by the Council where the warrants authorise entry onto private land on behalf of the Council; and
- in any other situation where the Council is directed by legislation to use its common seal; providing that the signature of the Chief Executive Officer followed by that of the Mayor or Deputy Mayor and one Councillor have first been obtained and that the use of the common seal is recorded in a register.

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 Natural and Built Environment 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.

Note: 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.

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.

Development Contributions

Delegation to the Chief Executive Officer with power of sub-delegation to officers

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.

Private Development Agreement

- Authority to request in writing that a developer enters into a private development agreement with the Council; and
- Authority to decide on the terms of a private development agreement whereby a developer provides infrastructure, facilities or land (or a combination of these) in lieu of cash for development contributions.

Limitations

- Applications for remissions of Development Contribution levies must be heard by the relevant standing committee or Council.

Issue a Trespass Notice

Delegation to the Chief Executive Officer with power of sub-delegation to officers

The authority to issue a trespass notice on Council's behalf.

Legal Proceedings

Delegation to the Chief Executive Officer with power of sub-delegation to officers

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; and
- Initiate legal proceedings, including collection of Court costs awarded.

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.

Limitations:

- Unless otherwise provided for in this Delegations Register, the authority to commence Civil proceedings is confined to the Council except in exceptional circumstances where time does not permit consideration by Council and where such action is necessary to protect or further Council's interests. In such circumstances the authority to commence Civil proceedings is delegated to the Chief Executive Officer, following discussion with the Mayor, or in their absence Deputy Mayor.
- Where time constraints do not permit the Chief Executive Officer to refer to an incommittee meeting of Council or an appropriate Committee, the Chief Executive Officer should consult with the Mayor, Deputy Mayor and Chair of the Risk and Assurance Committee.

Media and Public Notices

Delegation to the Chief Executive Officer with power of sub-delegation to officers

The authority to make statements to the news media relating to Council's business.

The authority to place public notices and advertisements in relevant newspapers, on social media or other publications or channels.

Registrar of Members' Pecuniary Interests

Delegation to the Chief Executive Officer with power of sub-delegation to officers

The Chief Executive Officer is appointed as the nominated registrar.

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.

Remissions (Rates)

Delegation to the Chief Executive Officer with power of sub-delegation to officers

The authority to consider and decide on applications made up to \$2,500 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.

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.

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

Limitations

Any requested remissions above \$2,500 or if there is any doubt or dispute arising, the application is to be referred to the Mayor and Chairperson of the Risk and Assurance Committee.

Note: Part B – Officer Delegations sets out separate Council delegations direct to Officers.

Submissions

Delegation to the Chief Executive Officer with power of sub-delegation to officers

Authority to determine that an external consultation process or an external engagement process warrants a submission by the Council, and to determine whether the submission will be approved by Council.

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 on all proposed planning instruments under the Natural and Built Environment Act and Spatial Planning 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); and
- Make a submission to any application to an adjoining authority for resource consent (section 96 of the Act).

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.

Vote on Behalf of Council

Delegation to the Chief Executive Officer

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

- 1) the Chief Executive Officer,

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.

Part A - Sub Part 7 – Chief Executive Officer Bylaw and Policy Delegations

Horowhenua District Council Bylaws and Policies

Delegation to the Chief Executive Officer with power of sub-delegation to officers

The Council appoints the Chief Executive Officer as the appropriate officer designation under Horowhenua District Council Bylaws and Policies.

Authority to exercise and administer all responsibilities, duties and powers of Council Bylaws and Policies, including but not limited to authority to do all things necessary to:

- implement and uphold Bylaws and Policies;
- appoint Council staff members as authorised officers with the appropriate officer designation under Bylaws and Policies; and
- sub-delegate generally and particularly any of those powers conferred upon the Chief Executive Officer under Bylaws and Policies.

Powers to take enforcement action against any person who breaches any such injunction and to make any decision on any matter relating to any such action.

Powers to institute any enforcement action, including a prosecution for an offence against any of the Council's Bylaws, or bringing injunction proceedings, together with a power to make any decision pertaining to such enforcement or prosecution or injunction proceedings.

Horowhenua District Council Bylaws and Policies including but not limited to:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Alcohol (Liquor) Bylaw 2015 • Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw • Dog Control Bylaw • Land Transport Bylaw • Public Places Bylaw • Solid Waste Bylaw • Trade Waste Bylaw • Wastewater Bylaw • Water Supply Bylaw | <ul style="list-style-type: none"> • Community Leases Policy • Commercial Leasing, concessions and Permit Policy • Corporate Debt Management Policy • Dangerous & Insanitary Buildings Policy • Development Contributions Policy • Dog Control Policy • Electronic Communications (E-mail Quarantine) Policy • Food Premises Grading Policy • Foxton Beach Freeholding Account Strategy and Policy • Gambling Class 4 Venue Policy • Infringement Policies • Local Alcohol Policy • Local Easter Sunday Shop trading Policy 2017 • Psychoactive Substances Policy • Rates Remission Policy • Remission of Rates on Māori Freehold Land Policy • Revenue and Financing Policy • Sensitive Expenditure Policy • Significance and Engagement Policy • TAB Venue Policy |
|--|---|

Part B – Officers Statutory and Other Delegations

The Council delegates to the persons who hold the positions as set out below, the following responsibilities, duties, and powers as set out in the tables in this Part.

Unless otherwise specified, these delegations exclude any power, responsibility or duty that has been delegated to a Community Board, Committee, Subcommittee (including an Officer Subcommittee), Council Hearings Panel or other subordinate decision-making body.

These powers may only be sub-delegated if it is expressly provided for in the tables below.

All delegations are made severally unless specified otherwise (i.e. the delegation can be exercised by the officer acting alone).

1 Local Government (Rating) Act 2002

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

Position	Acronym
Group Manager Organisation Performance	GMOP
Financial Controller	FC
Financial Services Manager	FSM
Senior Rates Officer	SRO

Section	Details of Power	Reasons	GMOP	FC	FSM	SRO
27(5)	The decision on whether to divide rating units and the methodology for division.	A division may be required where a single rating unit falls into a number of differential categories.	✓	✓	✓	✓
28(2)	The decision on whether the disclosure of the name of any person is necessary to identify a rating unit.	The Rating Information Database (RID) may not contain the name of any person unless this is necessary to identify the particular property.	✓	✓	✓	✓
29	Authority to determine objections to the RID.	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.	✓	✓	✓	✓
35	Authority to remove a name from the RID.	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.	✓	✓	✓	✓

Section	Details of Power	Reasons	GMOP	FC	FSM	SRO
38(3)	Authority to request confirmation from a person proposing to inspect the rates record	There are restrictions on who can view all the details contained in the rate records. The local authority may request from a person, by any reasonable means that the local authority considers appropriate, confirmation that he or she (a) falls within the class of people described in subsection (1)(d)(i) and (b) reasonably requires the information in the rates record for the purposes of subsection (1)(d)(ii).	✓	✓	✓	✓
39	Authority to determine objections to rates records.	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.	✓	✓	✓	✓
40	Authority to correct errors in the RID and Rate Records.	Errors in the RID or rate records may be corrected even if there was no objection.	✓	✓	✓	✓
44-51	Authority to redesign and deliver rates assessments and invoices	A local authority must deliver a rates assessment and invoice with set content as set out in 45(1) which includes any other information that the local authority sees fit	✓	✓	✓	✓
52	Authority to agreed methods of payments for rates.	The Act allows rates to be paid by any method that is agreed by the local authority.	✓	✓	✓	✓
54	Authority not to collect small amounts, up to \$10.00.	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.	✓	✓	✓	✓
61	Authority to collect unpaid rates from the owner.	Where a ratepayer, other than the owner, is in default, the local authority may collect rates that are in default, from the owner.	✓	✓	✓	✓
62	Authority to collect unpaid rates from persons other than the owner.	Where the owner is in default of their rates, the local authority may recover the rates from a mortgagee.	✓	✓	✓	✓

Section	Details of Power	Reasons	GMOP	FC	FSM	SRO
63	Ability to commence legal proceedings for the recovery of rates that are in default.	Where rates are in default, the local authority may commence legal proceedings against the owner for recovery of the rates.	✓	✓	✓	✓
67	Commencement of rating sales or lease provisions.	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.	✓			
72	Authority to sell land by private treaty.	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.	✓			
77–83	Authority to sell abandoned land.	<p>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:</p> <ul style="list-style-type: none"> • is unknown, or • cannot be found after due enquiry, or • is deceased and has no personal representative, or • has given notice of the intention to abandon or has abandoned the land. <p>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.</p> <p>Note: This does not apply to Māori Freehold Land.</p>	✓			

Section	Details of Power	Reasons	GMOP	FC	FSM	SRO
85, 87,114,114A and 115	Authority to administer rate remission and postponement policies (including on Māori freehold land).	As defined within the remission and postponement policies, and on the same terms and limitations given in the delegation to the Chief Executive Officer.	✓	✓	✓	✓
99	Authority to apply for charging orders.	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.	✓	✓		
135	Authority to sign documents for Court proceedings.	The Act authorises Council to commence legal proceedings. The authority to sign such documents needs to be delegated to appropriate officers.	✓	✓		

2 Resource Management Act 1991

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

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

Position	Acronym
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
Resource Management Planning Team Lead	PTL
Compliance Manager	CPM
Senior Resource Management Planner, Resource Management Planner, Planning Technician	P
Resource Management Planner – Contractor	PC
Independent Hearings Commissioner	HC

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	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	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>		✓	✓	✓		✓	✓		✓				
36A	The power to decide whether or not to consult with any person about a consent application.	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
36B	Determine, prior to entering into any joint management agreement, that the relevant parties to the agreement represent relevant communities of interest; and have the technical or special capability or expertise to perform or exercise the function, power, or duty jointly with the local authority; and that a joint management agreement is an efficient method of performing or exercising the function, power, or duty.	✓	✓	✓										
36C	Perform or exercise alone a function, power, or duty specified in the agreement that is required to be made jointly if a decision is required before the parties can undertake that step, and the joint management agreement is silent about a method for making the decision.	✓	✓	✓										
36E	Give notice to terminate a joint management agreement.	✓	✓	✓										
36(6)	To provide an estimate of the additional fees likely to be imposed.	✓	✓	✓										
36(5), 36AA, 36AAB	Power to reduce or waive fees or deposits for charitable or community organisations or in other situations deemed appropriate, and remitting the whole or part of a charge.			✓						✓				
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.		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓

Section or Clause Number	Delegation Description	GMCE	GMCV	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
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>		✓	✓	✓	✓	✓	✓	✓	✓		✓		
44A (3)-(5)	The power to amend a District Plan rule that duplicates or conflicts with a rule in a National Environmental Standard without using the process in Schedule 1.		✓											
55	The power to amend the District Plan to include specific objectives and policies where directed to do so by a National Policy Statement without using the process in Schedule 1.		✓											
58I	The power to implement mandatory directions of National Planning Standards without using the process in Schedule 1.		✓											
80C	To decide to apply to the Minister to use the streamlined planning process.	✓	✓	✓	✓		✓							

Section or Clause Number	Delegation Description	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
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.													
87BA	Power to give notice than an activity is a deemed permitted boundary activity.		✓		✓	✓	✓	✓	✓	✓		✓	✓	
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, 91C and 91F	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.		✓	✓	✓	✓	✓	✓	✓	✓		✓		
95 and 95(A)–(F)	The power to determine when applications shall be non-notified, limited notified or publicly notified.		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
97(4)	The power to close submissions on a limited notified resource consent early if the matters in s97(4) are met.		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
99	The power to convene a pre-hearing meeting and exercise all powers under this section.		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	

Section or Clause Number	Delegation Description	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
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 and s108AA	The power to determine conditions of a resource consent.		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
110	If a resource consent lapses, is cancelled or is surrendered and the activity does not proceed, to refund a financial contribution to the consent holder less a value equivalent of the costs incurred by the consent authority in relation to the activity and its discontinuance.	✓	✓	✓										
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>		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓

Section or Clause Number	Delegation Description	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
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.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
147	The power to comment on whether a consent application recommended to be called in by the Environmental Protection Authority, should be called in.		✓	✓										
149Z	The power to process applications referred from the Minister for the Environment or the EPA.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
168, 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>		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
173	The power to identify landowners and occupiers who are directly affected by a decision on a designation		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
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>		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

Section or Clause Number	Delegation Description	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
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.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
191	To consider a notice of requirement for a heritage order and any submissions received and recommend to the requiring authority that it confirm, modify, impose conditions on or withdraw the requirement				✓	✓	✓							
195A	The power to alter heritage orders. <i>(ICWC)</i>		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
195B	The power to make written objection or submission to the Minister regarding the transfer of a heritage order.			✓	✓	✓	✓							
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.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Section or Clause Number	Delegation Description	GMCEs	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
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.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
237C	To close an access strip or esplanade strip during periods of emergency or public risk likely to cause loss of life, injury, or serious damage to property.	✓	✓	✓										
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.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
269 -291	Authority to determine and direct Council involvement in Environment Court proceedings.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

Section or Clause Number	Delegation Description	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
299-308	The power to appeal against the decision or report and recommendation of the Environment Court to the High Court on a point of law. <i>(ICWC)</i>	✓	✓	✓										
311	The power to apply for a declaration in accordance with this Section. <i>(ICWC)*</i>	✓	✓	✓	✓					✓	✓	✓	✓	
316	The power to apply for an enforcement order or interim enforcement order.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
321	To apply to the Environment Court to change or cancel an 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. <i>(ICWC)</i>	✓	✓	✓						✓	✓	✓	✓	
330	The power to make the necessary determinations and undertake such actions as are provided for in Subsections (1) to (3) inclusive.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
332-333	To provide written authorisation to enforcement officers under these sections.	✓	✓	✓							✓			
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.	✓	✓	✓	✓					✓	✓	✓	✓	
336	The power to return property seized under sections 323 and 328	✓		✓						✓	✓			
338	Authority to initiate any prosecution and make decisions on any matter relating to any such prosecution.	✓	✓	✓							✓			
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>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
357D	To consider and determine an objection to the conditions imposed on a resource consent under section 357A.	✓	✓	✓										

Section or Clause Number	Delegation Description	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
First Schedule, Part one, All clauses except 5, 10 and 20 (which are the initial decision making and final steps that area for the Council to make)	<p>The power to make decisions relating to the preparation and change of policy statements and plans.</p> <p>The powers in clauses 6, 8AA and 14 are ICWC provisions.</p>	✓	✓	✓	✓									
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.	✓	✓	✓	✓									

Section or Clause Number	Delegation Description	GMCES	GMCVD	GMHBD	SPM	SP	DPL	SPP	PP	PTL	CPM	P	PC	HC
General	To lodge submissions on behalf of the Council on any Proposed Regional Plan or variation to a Proposed Regional Plan, or any change to a Regional Plan, or any Proposed Regional Policy Statement.	✓	✓	✓	✓		✓							
General	To lodge submissions on behalf of the Council on any proposed district plan or variation to a proposed district plan administered by the Council, or on any Council initiated or privately initiated change to a district plan administered by the Council, or on any notice of requirement for a designation or on any notice of requirement for a heritage order.	✓	✓	✓	✓		✓							
General	To lodge submissions on behalf of the Council on any proposed District Plan or variation to a Proposed District Plan in other territorial authority districts.	✓	✓	✓	✓		✓							

3 Water Services Act 2021

The Council delegates all powers, duties and functions under the Water Services Act 2021 to the Chief Executive Officer, excluding those matters in respect of which delegation is prohibited by any Act or regulation, or which are expressly excluded from this delegation.

These are specific delegations from Council to Officers:

Position	Acronym
Group Manager Community Infrastructure	GMCI
Acting Operations And Risk Manager	AORM
Three Waters Manager	TWM

Section or Clause Number	Delegation Description	GMCI	AORM	TWM
7	Make assessments as to whether drinking water is safe in accordance with section 7	✓	✓	✓
21	Take any of the actions set out in section 21(2) if an assessment is made that drinking water supplied by Council is or may be unsafe	✓	✓	✓
22(1)	Make assessments as to whether drinking water supplied by Council complies with the drinking water standards.	✓	✓	✓
22(2)	Take any of the actions set out in section 22(2) if an assessment is made that drinking water supplied by Council does not comply with the drinking water standards.	✓	✓	✓
25(2), 26(1)	Power to assess and determine what a sufficient quantity of drinking water is in accordance with the requirements of section 25(2), and whether the ability to maintain a sufficient quantity of drinking water is at imminent risk.	✓	✓	✓
25	Power to make determinations as to whether a restriction or interruption of a drinking water supply is necessary for any of the reasons in section 25(3), or whether a restriction of drinking water supply is appropriate for the reasons specified in section 25(7).	✓	✓	✓
26	Take any of the actions specified in section 25, if a determination has been made pursuant to section 25(3) or 25(7).	✓	✓	✓

Section or Clause Number	Delegation Description	GMCI	AORM	TWM
27	Make assessments as to the risk of backflow in a reticulated water supply and direct that any of the actions specified in section 27(2) if an assessment is made that there is a risk of backflow.	✓	✓	✓
33	Apply to register a temporary drinking water supply and prepare a temporary drinking water safety plan.	✓	✓	✓
34	Notify Taumata Arowai of an unplanned drinking water supply arrangement, implement any directions by Taumata Arowai and apply to register the supply, if required by section 34(4).	✓	✓	✓
35	Assess and determine whether a notifiable risk or hazard exists in relation to or affecting a water supply and take any of the actions set out in section 35(2).	✓	✓	✓
36	Notify Taumata Arowai of any of the matters specified in section 35.	✓	✓	✓
37	Keep, maintain and make available to Taumata Arowai records specified in section 37.	✓	✓	✓
38(1)(a)	Provide prescribed information to consumers.	✓	✓	✓
38(1)(b) and (2)	Establish, maintain and administer a consumer complaints process, and deal with consumer complaints pursuant to that process.	✓	✓	✓
38(1)(c)	Report annually to Taumata Arowai on the consumer complaints process.	✓	✓	✓
43(4)	Contribute to and assist with the implementation of the source water risk management plans of other drinking water suppliers in accordance with section 43(4).	✓	✓	✓
44	Monitor source water at the abstraction point in accordance with the water safety plan and report the results to Taumata Arowai.	✓	✓	✓
45(2)	Inform Taumata Arowai of any inaccuracies identified in the information provided by Taumata Arowai under section 45(1).	✓	✓	✓
45(4)	Inform drinking water suppliers of any known risks or hazards that could affect a source of a drinking water supply or infrastructure.	✓	✓	✓
53	Make submissions on behalf of Council in respect of the draft instruments listed in section 53(1).	✓	✓	✓
54, 56	Apply to register or renew a drinking water supply.	✓	✓	✓
57,58	Apply for an exemption on requirements of drinking water suppliers.	✓	✓	✓
59(7)	Advise Taumata Arowai of affected consumers if drinking water emergency declared.	✓	✓	✓
65	Apply to Taumata Arowai for an exemption from requirements of Part 3 of the RMA and/or consult with Taumata Arowai regarding an application for exemption by another person.	✓	✓	✓

Section or Clause Number	Delegation Description	GMCI	AORM	TWM
84(2)	Consult with Taumata Arowai regarding any proposal by Taumata Arowai to exercise its powers under section 83(2).	✓	✓	✓
89	Apply to Taumata Arowai for an internal review of a reviewable decision.	✓	✓	✓
92	Apply for a stay of an internal review decision.	✓	✓	✓
93/94	File an appeal in the District Court against a decision, determination or compliance order, and make or authorise any interlocutory applications related to the appeal, including an application for an interim order under s.94.	✓		
95	File an appeal in the High Court against a District Court appeal decision.	✓		
96	File an application for leave to appeal and if leave is granted, an appeal, in the Court of Appeal or Supreme Court against a High Court decision.			
104,105, 107	Implement, or direct other persons to implement, directions made by a compliance officer.	✓	✓	✓
106	Consult with Taumata Arowai regarding a proposed exercise of a power by a compliance officer under s.105(3) that would otherwise breach sections 9, 12, 13, 14 or 15 of the RMA.	✓	✓	✓
108	Make available records or documents to a compliance officer.	✓	✓	✓
110	Answer questions made by a compliance officer pursuant to s.110.	✓	✓	✓
129	File any document in the District Court to respond to or defend civil proceedings commenced under section 129.	✓		
130	Give an enforceable undertaking to the chief executive of Taumata Arowai.	✓		
133,143	File any document in the High Court to respond to or defend any proceedings commenced under sections 133 or 143.	✓	✓	✓
134	Apply to withdraw or vary an enforceable undertaking.	✓	✓	✓
142	Provide information to Taumata Arowai on request.	✓	✓	✓
145(4)	Consult with Taumata Arowai regarding proposed environmental performance measures or targets.	✓	✓	✓
146	Keep, maintain and make available to Taumata Arowai records specified in section 146(1)	✓	✓	✓
158	Authority to notify chief executive of Taumata Arowai of interest in knowing of enforcement action.	✓	✓	✓
196	Give a court-ordered enforceable undertaking.	✓	✓	
199	Apply to the District Court or High Court to cancel or vary a restriction or prohibition order.	✓	✓	

Section or Clause Number	Delegation Description	GMCI	AORM	TWM
204	Share information with Taumata Arowai and impose conditions relating to the provision of the information pursuant to section 204(2).	✓	✓	✓
Additional delegations under Local Government Act 2022				
126	Notify Taumata Arowai of the matters specified in section 126(2).	✓	✓	✓
127	Implement immediate or temporary solutions where a drinking water supplier is facing a significant problem or potential problem with its drinking water services, and liaise with Taumata Arowai, the supplier, and consumers of the supply as necessary to address the problem.	✓	✓	✓