



DELEGATIONS REGISTER

20202021

This Delegation 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).

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Part A

INTRODUCTION

Part A of this Delegations Register contains introductory and background information for the reader. Of particular note are the principles and general terms and conditions that apply to all Horowhenua District Council delegations.

1.1 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.

1.2 Background

1.2.1 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.

1.2.2 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

- (a) The power to make a rate; or*
- (b) The power to make a bylaw; or*
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan; or*
- (d) The power to adopt a long-term plan, annual plan, or annual report; or*
- (e) The power to appoint a chief executive; or*
- (f) 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*
- (g) 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.

1.2.3 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 Table 1 (below).

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).

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; Fencing of Swimming Pools Act 1987, Section 12 repealed 1 January 2017 by section 19 of the Building (Pools) Amendment Act 2016.

Table 1: Principles, Terms and Conditions

Principles
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
General Terms and Conditions
<p>No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate.</p> <p>Delegations must be precise and in writing in order to protect both the Council and the delegate.</p> <p>In the exercise of any delegation, the delegate will ensure they act in accordance with:</p> <ol style="list-style-type: none"> 1. Any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and 2. Any relevant Council policy or procedural documents (including reporting and recording requirements). <p>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.</p> <p>Decisions, other than on minor or routine matters, made under delegated authority will be reported to the Council or a relevant Committee.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The Chief Executive may revoke or suspend for a period, or amend the terms and conditions in relation to:</p>

1. Any delegation to subordinates that they have made; and
2. Any delegation to the Chief Executive that Council has revoked or suspended.

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.

1.2.4 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.

1.2.5 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.

1.3 Structure

The Delegations Register is structured in four parts.

Part A of the Delegations Register presents introductory and background information for the Delegations Register.

Part B of the Delegations Register contains general administrative delegations relating to employment matters, the use of the Common Seal, the making of submissions on behalf of council, and the release of information. Part B has four sections.

Part C of the Delegations Register contains legal and financial delegations. Part C has three sections.

Part D of the Delegations Register contains delegations (not already addressed) relating to the Council's regulatory functions, duties and powers under various statutes.

Part B

ADMINISTRATIVE DELEGATIONS

Part B of the Delegations Register sets out general administrative delegations relating to employment matters, the issuing of warrants, the execution of deeds and use of the Common Seal, submissions on behalf of Council, and the release of information.

2. EMPLOYMENT RELATED DELEGATIONS

2.1 The Chief Executive

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 his or her 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:

- (a) Approve the employment of all staff.
- (b) 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 (usually the Deputy Chief Executive) to act as Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.

3. AUTHORISATION TO EXECUTE DEEDS AND USE 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:

- (a) the Mayor, or in his/her absence, the Deputy Mayor; and
- (b) the Chief Executive, or in his/her 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.

Specific terms and conditions

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.

4. DELEGATED AUTHORITY TO MAKE 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,

5. REQUESTS AND THE RELEASE OF INFORMATION

5.1 Official Information

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

5.2 Privacy Act Requests

The authority to determine in respect of any request for personal information under Part V of the Privacy Act 1993:

- Whether the request can be granted in whole or in part; or
- Where a request has been granted, whether any information should be withheld; or
- Whether a request for personal information to be corrected should be granted; or
- Ensure compliance with all related administrative requirements;

Is delegated to:

Chief Executive
Any two Privacy Officers acting jointly
A Privacy Officer in consultation with Council's internal Legal Advisor or an external Legal Advisor suitably experienced in Privacy Law.

5.3 News Media and Website

News Media

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

Delegations are exercised in accordance with Council's Communications and Media Policy.

5.4 Placement of Public Notices or Advertisements

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

Delegations are exercised in accordance with Council's Communications and Media Policy.

5.5 Disposal of Council Records

The authority to dispose of any Council records is delegated to the Chief Executive. After receiving confirmation from the relevant Department Manager or, where required, to make application to another authority for disposal, is delegated to:

Group Manager – People & Culture
Information Services Manager
Information Specialists.

Part C

LEGAL AND FINANCIAL DELEGATIONS

Part C of the Delegations Register sets out delegations relating to legal matters, significant decision-making procedures under the Local Government Act 2002, operating expenditure, financial and accounting matters including rating.

6. LEGAL ADVICE AND PROCEEDINGS

6.1 Authorisation to Obtain Legal Advice

The authority to obtain legal advice on Council's behalf is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.2 Authorisation to Sign Legal Documents

The authority to sign on Council's behalf any routine legal administrative document is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.3 Authorisation to Release or Alter Loans, Mortgages and Statutory Land Charges

The authority to release or alter loans, mortgages and statutory land charges has been delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.4 Authorisation to Commence Court Proceedings

Unless otherwise provided for in this Register, the authority to commence Court 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 Court proceedings is delegated to the Chief Executive, following discussion with the Mayor, the Deputy Mayor, or in their absence, another Councillor.

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

6.5 Authorisation to Settlement of Claims against Council

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.

6.6 Authorisation to Initiate Proceedings to Recover Costs

The authority to:

Initiate to have Court costs awarded; and

Initiate legal proceedings to collect Court costs awarded;

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

6.7 Authorisation to Issue a Trespass Notice

The authority to issue a trespass notice on Council's behalf is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

6.8 Authorisation to 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:

Chief Executive, and

is delegated to:

the Mayor; and in their absence
the Deputy Mayor; or
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.

7. OPERATING, PLANT AND CONTINGENCY EXPENDITURE

7.1. Authorisation of Operating and Capital Expenditure within Approved Budgets

The authority to enter into specific contracts for goods and/or services up to a limit of \$1,000,000.00 excl GST, whether operational expenditure or capital expenditure, is delegated to the Chief Executive, who may further delegate to any other officer of Council as required.

The following financial authority is delegated to the Chief Executive:

\$1,000,000 for both operational and capital expenditure where budgets have been established by an adopted Annual Plan.

The Chief Executive has the delegated authority to exceed the \$1,000,000 (for either operational or capital expenditure) in situations where 'whole of life' (e.g. multiyear) contract costs exceed that limit provided that corresponding 'whole of life' (multiyear) budgets have been established by an approved Long Term Plan and those costs are within those budgets.

The Chief Executive has the delegated authority to approve expenditure in excess of \$1,000,000 (for either operational or capital expenditure) for progress claims/payments that are submitted under a contract that has been approved by Council, an appropriate Council Committee or Subcommittee or Procurement Review Group established by Council's procurement policy.

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 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.

Table 1 below provides the level of delegated financial authority provided to Group Managers for both operational and capital expenditure within agreed Annual Plan and Long Term Plan budgets.

Table 1: Delegated authority to approve operating expenditure within approved budgets

Opex	Capex	Designation
\$500,000	\$500,000	Deputy Chief Executive
\$400,000	\$500,000	Group Manager – Infrastructure Operations
\$999,999	\$999,999	Group Manager – Infrastructure Development
\$200,000	\$200,000	Group Manager – Customer and Strategy
\$200,000	\$200,000	Group Manager – People and Culture

The Chief Executive has the authority to establish financial delegations to other officers (in writing) as he/she considers appropriate.

7.2 Authorisation of Contingency Expenditure

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 is delegated to the officers identified in Table 3 and in accordance with the reporting thresholds identified below.

Table 2: Delegated authority to approve contingency expenditure

Position	Name	Reporting threshold (exclusive of GST)	Reporting to
Local Controller	As notified in the current Manawatū-Wanganui CDEM Group Plan	\$200,000	Horowhenua District Council as soon as practicable
Recovery Manager	As notified in the current Manawatū-Wanganui CDEM Group Plan	\$200,000	
Logistics Manager	As notified in the current Manawatū-Wanganui CDEM Group Plan	\$50,000	

7.3 Authorisation for Carbon Credit Transactions

The authority to approve carbon credit transactions including but not limited to sell, purchase, transfer and redeem carbon credits is delegated to the officers identified in Table 3.

Table 3: Delegated authority to approve carbon credit transactions

Account	Position
NZ-6885 Forestry	Chief Financial Officer
	Group Manager – People and Culture
	Property and Parks Manager
NZ-8244 Landfill	Group Manager – Operations
	Planning Manager
	Water & Waste Services Manager

8. FINANCIAL AND ACCOUNTING MATTERS

For other specific delegated financial authorities, please refer to Council's Treasury Management Policy

8.1 Authorisation to Bank, Invest and Sign Cheques

The authority to:

- 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 cheques, 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; and
- Approve all tax payments and tax related matters:

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

Specific terms and conditions:

The above delegation is subject to two of the delegates signing and countersigning appropriate documentation

8.2 Authorisation for raising and managing public debt

The authority to provide for and manage Council's borrowing facilities, debt and risk hedging is delegated to the Chief Executive (who can further delegate to any other officer of Council as required) in accordance with the Council's Borrowing Management Policy and the Long Term Plan

and/or applicable Annual Plan. (This includes without limitation issuing bonds, drawing debt under existing facilities, renegotiation and extension of existing facilities, negotiation and establishment of new facilities, hedging interest rates, entry into ISDA agreements to govern derivative hedges, and the approval of counterparties).

8.3 Authorisation to Recover Debts

The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.:

8.4 Authorisation to Consider Bad Debts

The authority to write off bad debts of up to \$30,000 following discussion with the Manager of the Department from where the debt originated is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

8.5 Authorisation to Approve Credit Notes

The authority to approve credit notes up to \$30,000 following discussion with the Manager of the Department from where the debt originated is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

8.6 Council Property, Leases, and Licenses

The authority to:

- (a) 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;
- (b) Enter into contracts for the maintenance, management and development of any council property.
- (c) 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
- (d) 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):

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

8.7 Use of Council Property, Assets and Staff by Outside Organisations

The authority to approve:

- (a) The use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines;
- (b) The hiring out, and the terms and conditions thereof, of any Council asset and staff;

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

The authority to approve:

- (a) 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;
- (b) 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.

8.8 Elected Member Payments

The authority to consider and approve elected members' remuneration and expense claims is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

8.9 Authorisation for Credit Card Expenditure

Delegated authority to approve credit card expenditure is assigned to:

- (a) the Deputy Mayor or Chair of Finance, Audit and Risk Committee for the Chief Executive's card;
- (b) Chief Executive for the Mayor's card;
- (c) The Chief Executive for any credit card held by any other staff member.

8.10 Authorisation to decide on Rates Remissions

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

Deputy Chief Executive, Chief Financial Officer or Finance Manger (or equivalent positions within the Finance Department) to a value of \$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 Chief Executive and a member of the Finance, Audit and Risk Committee for a decision.

- i. Part 1 Community groups
- ii. Part 2 Voluntarily protected land
- iii. Part 3 Penalties on rates
- iv. Part 4 Excessive water charges
- v. Part 5 Remnant land

- vi. Part 6 Rating units in industrial and commercial areas used for residential purposes
- vii. Part 8 Small rate balances
- viii. Part 9 Targeted rates on non-rateable land
- ix. Part 11 Subdivisions which are in Common Ownership but do not meet the criteria of a Contiguous Property
- x. Part 12 On Bare Land
- xi. Part 13 Council Owned Utilities
- xii. Part 14 Contiguous rating units not in common ownership.

The authority to consider and decide on applications made under the Policy on;

- i. 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 Deputy Chief Executive and/or Chief Financial Officer with the Chief Executive and/or Chairperson of the Finance, Audit and Risk Committee hearing any appeal.
- ii. Part 10 Properties affected by disasters, is decided by the Council.

8.11 Objections to Rating Valuations

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 wasn't received or for any other good reason. The power to decide on an extension to a due date for an objection is delegated to either of:

Chief Executive
Deputy Chief Executive
Chief Financial Officer.

8.12 Delegations within the Local Government (Rating) Act 2002

Section	Details of Power	Reasons	Delegations
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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Executive Deputy Chief Executive Chief Financial Officer Finance Manager

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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Chief Executive Deputy Chief Executive Finance Manager Rates Officer
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.	Chief Executive Deputy Chief Executive Finance Manager Rates Officer
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.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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. <i>Note: This process is carried out by the District Court Registrar and does not apply to Māori Freehold Land.</i>	Chief Executive Deputy Chief Executive Chief Financial Officer
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. <i>Note: This does not apply to Māori Freehold Land.</i>	Chief Executive Deputy Chief Executive Chief Financial Officer

77–83	Authority to sell abandoned land.	<p><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></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 	Chief Executive Deputy Chief Executive Chief Financial Officer
		<ul style="list-style-type: none"> • 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. <i>Note: This does not apply to Māori Freehold Land.</i></p>	
85	Authority to administer rate remission and postponement policies.	As defined within the remission and postponement policies.	Chief Executive Deputy Chief Executive Chief Financial Officer Finance Manager
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.	Chief Executive Deputy Chief Executive Chief Financial Officer
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.	Chief Executive Deputy Chief Executive Chief Financial Officer

8.12 Receipting and administering external grants

Staff are already delegated the authority to enter into contracts within authorised expenditure limits. However, at other times, staff are required to enter into contracts where Council is receiving external funding or administering funding on behalf of external organisations. The power to 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.

Part D

STATUTORY DELEGATIONS

Part D of the Delegations Register sets out delegations under various statutes to Council committees, staff, and other functionaries.

12. DELEGATION TO OFFICERS

Group Manager - Customer and Strategy

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 172 Power of entry for enforcement purposes
 - (b) Section 173 Power of entry in cases of emergency
 - (c) Section 174 Authority to act
 - (d) Section 177 Power to appoint enforcement officer
2. General
 - (a) Authorise Legal proceedings in respect of any area of responsibility.

Consents Manager Compliance Manager

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 168 Power to dispose of property seized and impounded
 - (b) Section 171 General powers of entry
 - (c) Section 172 Power of entry for enforcement purposes
 - (d) Section 173 Power of entry in cases of emergency
 - (e) Section 174 Authority to act
2. Building Act 2004
 - (a) Section 83 Removing section 78 Notices buildings constructed over title boundaries)
 - (b) Sections 121-130 Seek advice and perform functions in relation to Dangerous & Insanitary Buildings including carry out work and take measures to avoid immediate danger or fix insanitary conditions
 - (c) Section 133AG Power to identify potentially earthquake prone buildings
 - (d) Section 133AH Power to request engineering assessment
 - (e) Section 133AI Power to cancel request for assessment
 - (f) Section 133AJ Power to grant extension of time
 - (g) Section 133AK Power to determine whether a building is earthquake prone
 - (h) Section 133AL Power to issue EPB notice
 - (i) Section 133AN Power to grant EPB exemption notice
 - (j) Section 133AO Powers in relation to heritage buildings
 - (k) Section 133AP Power to affix or remove or replace notice
 - (l) Section 133AQ Power to assess information and act accordingly
 - (m) Section 133AR Power to impose safety requirements.
 - (n) Section 133AS Apply District Court for order to carry out seismic work
 - (o) Section 133AT Power in relation to earthquake prone buildings
 - (p) Section 220 Territorial authority may carry out building work on default
 - (q) Section 221 Recovery of costs when territorial authority carries out work on default
 - (r) Section 377 Lay information for prosecution
 - (s) Section 381 Apply to District Court for Injunction

3. Dog Control Act 1996

- | | |
|------------------------------|---|
| (a) Section 21(1), (2) & (4) | Classifying a Probationary Owner |
| (b) Section 22(4) | Probationary Owner Objection |
| (c) Section 25(1), (3) & (4) | Disqualification of Dog Owners |
| (d) Section 26 | Objection to disqualification of owners |
| (e) Section 31(1) & (2) | Dangerous Dog Classification and Objections |
| (f) Section 32(1)(f) | Disposal of Dangerous Dog |
| (g) Section 33A & 33C | Classifying Dog as Menacing |
| (h) Section 33D | Menacing Dog Objection |
| (i) Section 35 | Supply of Register Information |
| (j) Section 66 | Power to Waive Infringement Notice |

4. Resource Management Act 1991

- | | |
|-----------------|--|
| (a) Section 38 | Appointed as an Enforcement Officer |
| (b) Section 332 | Power of Entry for Inspection |
| (c) Section 336 | Return of Property Seized under sections 323 & 328 |

Commented [RR1]: RMA 1991 added to cover vacant Compliance Lead position

5. Local Government Act 1974

- | | |
|------------------|---|
| (a) Section 327A | Building-line restrictions |
| (b) Section 348 | Powers with respect to private roads and ways |
| (c) Section 353 | General safety provisions as to roads |
| (d) Section 356 | Abandoned Vehicles Removal |

6. Horowhenua District Council Bylaws and Policies

- | |
|---|
| (a) Land Transport Bylaw |
| (b) Dog Control Policy and Bylaw |
| (c) Food Premises Grading Policy |
| (d) Public Places Bylaw |
| (f) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw |
| (g) Dangerous & Insanitary Buildings Policy |
| (h) Gambling Class 4 Venue Policy |
| (i) TAB Venue Policy |
| (j) Local Alcohol Policy |
| (k) Psychoactive Substances Policy |
| (l) Infringement Policies |
| (m) Solid Waste Bylaw 2014 |

7. The Sale and Supply of Alcohol Act 2012

- | | |
|-----------------|---|
| (a) Section 64 | Issue of licences, certificates and authorities |
| (b) Section 65 | Set up and maintain registers |
| (c) Section 66 | Keep record of Applications |
| (d) Section 196 | Perform function of Secretary of Licensing Committee (delegated under section 198 to the Compliance Manager, or in their absence Consents Manager). |

8. Litter Act

- | | |
|---------------|------------------------|
| (a) Section 5 | Litter Control Officer |
|---------------|------------------------|

9. General

- | |
|--|
| (a) Authorise Legal proceedings in respect of any area of responsibility |
|--|

10. Food Act 2014

- (a) To carry out any functions as the registration authority as detailed in the Act.

11. Regulations

- (a) To issue, revoke and decline certificates of registration, grant certificates of exemption and issue notices under Regulation 9 of the Health (Registration of Premises) Regulations 1966, including those for the purposes of the Health (Hairdressers) Regulations 1980; Camping Ground Regulations 1985 and Health (Burial) Regulations 1946.
 (b) Functions as detailed in the Food Fees and Charges Regulations 2015 (exempt, waive, or refund fees).

12. Traffic and Parking

- (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy.
 (b) To authorise parking exemption/permit requests in accordance with defined policy.

13. Health Act 1956 (subject to the officer holding a qualification recognised under the Environmental Health Officers Qualifications Regulations 1993)

- | | |
|---------------------|---|
| (a) Section 28 | Be appointed as an Environmental Health Officer |
| (b) Section 41 | Issue Cleansing Orders |
| (c) Section 42 | Issue Repair Notices |
| (d) Section 81 & 83 | Powers in relation to cleaning and disinfecting |
| (e) Section 128 | Entry onto premises for Inspection |

Animal Control Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- | | |
|-----------------|---|
| (a) Section 171 | General powers of entry |
| (b) Section 172 | Power of entry for enforcement purposes |
| (c) Section 173 | Power of entry in cases of emergency |
| (d) Section 174 | Authority to act |

2. Dog Control Act 1996

- | | |
|-------------------------|--|
| (a) Section 11 | To carry out all or any of the functions and powers of a Dog Control Officer |
| (b) Section 12 | To carry out all or any of the functions and powers of a Dog Ranger |
| (c) Section 14 | Power of Entry |
| (d) Section 15 | Power to Feed and Shelter Dogs |
| (e) Section 19 & 19A | Power to Request Information |
| (f) Section 31(1) & (2) | Classifying Dog as Dangerous |
| (g) Section 33A & 33C | Classifying Dog as Menacing |
| (h) Section 57 | To seize, or destroy Dog attacking persons or animals |
| (i) Section 57A | To seize Dog rushing at persons, animals or vehicles |
| (j) Section 66 | Issue of Infringement Notices |
| (k) Section 69 | To give written notice to the owner of an impounded dog |
| (l) Section 69 | To sell, destroy or otherwise dispose of a dog |
| (m) Section 71 | To seize, or destroy Dog threatening public safety. |

3. Stock Impounding Act 1955

- (a) Section 8 Appointed as a Pound Keeper
- (b) Section 13(k) Authorised to keep records required to be kept by a Local Authority

4. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
- (b) Dog Control Bylaw
- (c) Public Places Bylaw
- (d) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw.

5. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

Environmental Health Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Building Act 2004

- (a) Section 121 & 124 Insanitary Building Provisions
- (b) Section 222 Carry Out Inspections

3. Health Act 1956

- (a) Section 28 Be appointed as an Environmental Health Officer
- (b) Section 41 Issue Cleansing Orders
- (c) Section 42 Issue Repair Notices
- (d) Section 81 & 83 Powers in relation to cleaning and disinfecting
- (e) Section 128 Entry onto premises for Inspection

4. Resource Management Act 1991

- (a) Section 38 Appointed as an Enforcement Officer
- (b) Section 332 Power of Entry for Inspection
- (c) Section 336 Return of Property Seized under Sections 323 & 328

5. Food Act 2014

- (a) To carry out any functions as the registration authority as detailed in the Act.

6. Regulations

- (a) To issue, revoke and decline certificates of registration, grant certificates of exemption and issue notices under Regulation 9 of the Health (Registration of Premises) Regulations 1966, including those for the purposes of the Health (Hairdressers) Regulations 1980; Camping Ground Regulations 1985, and Health (Burial) Regulations 1946.
- (b) Take actions under Food Act Regulations 2015.

7. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
- (b) Dog Control Bylaw
- (c) Food Premises Grading Policy
- (d) Public Places Bylaw
- (e) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw
- (f) Dangerous & Insanitary Buildings Policy.

8. Local Government Act 1974

- (a) Section 356 Abandoned Vehicle Removal

9. The Sale and Supply of Alcohol Act 2012

- (a) Section 197(1) Appointed as District Licensing Inspector
- (b) Section 197(3) Carry out functions and duties of inspector
- (c) Section 262(1) Issue specified infringement notices
- (d) Section 267 Powers of Entry on Licensed Premises
- (e) Section 268 Power to seize samples of Alcohol
- (f) Section 279 Building not complying with Building Act 2004
- (g) Section 280 Variation, suspension, or cancellation of licences other than special licences
- (h) Section 283 Variation, suspension, or cancellation of special licences
- (i) Section 285 Suspension or cancellation of Manager's Certificates

10. Litter Act

- (a) Section 5 Litter Control Officer

Environmental Food Safety Auditor

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Food Act 2014

- (a) To carry out any functions as the registration authority as detailed in the Act.

3. Regulations

- (a) Take actions under Food Act Regulations 2015.

4. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
- (b) Dog Control Bylaw
- (c) Food Premises Grading Policy
- (d) Public Places Bylaw

Commented [VM2]: New Role

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- (e) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw
- (f) Dangerous & Insanitary Buildings Policy.

5. Local Government Act 1974

- (a) Section 356 Abandoned Vehicle Removal

6. The Sale and Supply of Alcohol Act 2012

- (a) Section 197(1) Appointed as District Licensing Inspector
- (b) Section 197(3) Carry out functions and duties of inspector
- (c) Section 262(1) Issue specified infringement notices
- (d) Section 267 Powers of Entry on Licensed Premises
- (e) Section 268 Power to seize samples of Alcohol
- (f) Section 279 Building not complying with Building Act 2004
- (g) Section 280 Variation, suspension, or cancellation of licences other than special licences
- (h) Section 283 Variation, suspension, or cancellation of special licences
- (i) Section 285 Suspension or cancellation of Manager's Certificates

7. Health Act 1956 (subject to the officer holding a qualification recognised under the Environmental Health Officers Qualifications Regulations 1993)

- (a) Section 28 Be appointed as an Environmental Health Officer
- (b) Section 41 Issue Cleansing Orders
- (c) Section 42 Issue Repair Notices
- (d) Section 81 & 83 Powers in relation to cleaning and disinfecting
- (e) Section 128 Entry onto premises for Inspection

8. Litter Act

- (a) Section 5 Litter Control Officer

Building Advisory Officer
Building Advisory Cadet

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Building Act 2004

- (a) Section 12(1) Functions incidental and related to or consequential upon the functions in paragraphs (a) to (e)
- (b) Section 34 Issue Project Information Memorandum
- (c) Section 45A Grant Minor Variation
- (d) Section 46 Provide copy of certain applications for building consent to FENZ
- (e) Section 47(3) Proceed with determining application if memorandum not provided within specified timeframe
- (f) Section 48(2) Process ~~Suspend a building consent application because of lack of information~~

Commented [RR3]: Building Advisory changes added by Megan Leyland

(g) Section 49	Grant building consent
(h) Section 50	Refuse building consent
(i) Section 51	Issue building consent
(j) Section 52	Lapse building consent
(k) Section 62	Recover unpaid levies from building consent applicant
(l) Section 67	Grant building consent subject to waivers or modifications of Building Code
(m) Section 67A	Grant waivers of modifications in relation to means of restricting access to pools
(n) Section 71	Refuse to grant consent on land subject to natural hazards
(o) Sections 72 & 73	Grant building consent on land subject to natural hazards
(p) Section 74	Removing Section 71 Notices
(q) Sections 75 & 77	Permit construction of building on two or more allotments
(r) Section 83	Grant authority to remove entry under section 78
(s) Section 90	Inspect building work
(t) Sections 91 - 95	Issue Code Compliance Certificate
(u) Section 95A	Refuse to issue Code Compliance Certificate
(v) Sections 96, 98 & 99	Issue Certificate of Acceptance
(w) Sections 102 & 106	Issuing and Amending of Code Compliance Certificate
(x) Section 107	Amend compliance schedule on behalf of TA
(y) Section 108	Administering Annual Building Warrant of Fitness
(z) Section 109	Consider recommendation to amend Compliance Schedule
(aa) Section 111	Inspections in relation to Building Warrant of Fitness
(bb) Section 112	Approve or Waive requirement for building alterations to comply with Building Code
(cc) Sections 113, 115 & 116	Grant consent for alterations to building with Specified Intended Life
(dd) Section 116A	Grant of Certificate under section 224(f) of Resource Management Act 1991
(ee) Sections 121 - 130	Seek advice and perform functions in relation to Dangerous & Insanitary Buildings
(aa) Section 126	Apply for Order to carry out building work
(bb) Sections 129 & 130	Take measures to avoid immediate danger or to fix insanitary conditions
(cc) Section 162D	Inspection of Residential Pools
(dd) Section 164	Issue Notice to Fix
(ee) Section 167	Inspect building work under Notice to Fix
(ff) Section 177	Make application for Determination
(gg) Section 212	Act as Building Consent Authority
(hh) Section 220(2)	Make application to District Court for order to carry out building work
(ii) Section 221(2)	Recovery of costs for carrying out work
(jj) Section 222	Carry out Inspections
(kk) Section 363A	Issue of Certificate for Public Use of Premises
(ll) Section 371A, B & C	Authorised as an enforcement officer
(mm) Section 372	Issue Infringement Notices
(nn) Section 377	Lay information for prosecution
(oo) Section 381	Apply to District Court for Injunction
(pp) Schedule 1	Exempting work from need to obtain building consent
3.	<u>Amusement Device Regulations 1978</u>
(a) Regulation 11(3)	Inspection of Amusement Device
(b) Regulation 11(5)	Issue of Permit
4.	<u>Horowhenua District Council Bylaws and Policies</u>
(a)	Public Places Bylaw
(b)	Dangerous & Insanitary Buildings Policy

5. Resource Management Act 1991

- (a) Section 224(f) Power to certify compliance with building code provisions

6. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal.

TA Building Compliance Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
 (b) Section 172 Power of entry for enforcement purposes
 (c) Section 173 Power of entry in cases of emergency
 (d) Section 174 Authority to act

2. Building Act 2004

- (a) Section 12 Functions incidental and related to or consequential upon the functions in paragraphs (a) to (k)
 (b) Section 34 Issue Project Information Memorandum
 (c) Section 62 Recover unpaid levies from building consent applicant
 (d) Section 67 Grant building consent subject to waivers or modifications of Building Code
 (e) **Section 67A** **Grant waivers of modifications in relation to means of restricting access to pools**
 (e) Section 75 Permit construction of building on two or more allotments
 (f) Section 77 Building consent must not be granted until condition is imposed under section 75
 (g) Section 83 Grant authority to remove entry under section 78
 (h) Sections 96, 98, & 99 Issue Certificate of Acceptance
 (i) Section 102 & 106 Issuing and Amending of Compliance Schedules
 (j) **Section 107** **Amend compliance schedule on behalf of TA**
 (j) Section 108 Administering Annual Building Warrant of Fitness
 (k) Section 109 Consider recommendation to amend Compliance Schedule
 (l) Section 111 Inspections in relation to Building Warrant of Fitness
 (m) Section 112 Approve of Waive requirement for building alterations to comply with Building Code
 (n) Sections 113, 115 & 116 Grant consent for alterations to building with Specified Intended Life
 (o) Section 116A Grant of Certificate under section 224(f) of Resource Management Act 1991
 (p) Section 123A & 124 Seek advice and perform functions in relation to Dangerous Insanitary Buildings
 (q) Section 126 Apply for Order to carry out building work
 (r) Section 129 & 130 Take measures to avoid immediate danger or to fix insanitary conditions
 (s) Section 133AG Power to identify potentially earthquake prone building
 (t) Section 133AH Power to request engineering assessment
 (u) Section 133AI Power to cancel request for assessment
 (v) Section 133AJ Power to grant extension of time
 (w) Section 133AK Power to determine whether a building is earthquake prone
 (x) Section 133AL Power to issue EPB notice
 (y) Section 133AN Power to grant EPB exemption notice
 (z) Section 133AO Powers in relation to heritage buildings
 (aa) Section 133AP Power to affix or remove or replace notice

(bb) Section 133AQ	Power to assess information and act accordingly
(cc) Section 133AR	Power to impose safety requirements.
(dd) Section 133AT	Power in relation to earthquake prone buildings
(ee) Section 162D	Inspection of Residential Pool
(ff) Section 164	Issue Notice to Fix
(gg) Section 167	Inspect building work under Notice to Fix
(hh) Section 177	Make application for Determination
(ii) Section 220(2)	Make application for District Court for order to carry out building work
(jj) Section 221(2)	Recovery of costs for carrying out work
(kk) Section 222	Carry out inspections
(ll) Section 363A	Issue of Certificate for Public Use of Premises
(mm) Section 371A, B & C	Authorised as an enforcement officer
(nn) Section 372	Issue Infringement Notices
(oo) Section 377	Lay information for prosecution
(pp) Section 381	Apply to District Court for Injunction
(qq) Schedule 1	Exempting work from need to obtain building consent

3. Amusement Device Regulations 1978

- | | |
|----------------------|--------------------------------|
| (a) Regulation 11(3) | Inspection of Amusement Device |
| (b) Regulation 11(5) | Issue of Permit |

4. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw
- (b) Land Transport Bylaw
- (c) Dangerous & Insanitary Buildings Policy
- (d) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw

5. Resource Management Act 1991

- | | |
|--------------------|---|
| (a) Section 224(f) | Power to certify compliance with building code provisions |
|--------------------|---|

6. Local Government Act 1974

- | | |
|-----------------|----------------------------|
| (a) Section 356 | Abandoned Vehicles Removal |
|-----------------|----------------------------|

Alcohol Licensing Inspector

To exercise responsibilities, powers, duties and functions under the following:

14. Local Government Act 2002

- | | |
|-----------------|---|
| (a) Section 171 | General powers of entry |
| (b) Section 172 | Power of entry for enforcement purposes |
| (c) Section 173 | Power of entry in cases of emergency |
| (d) Section 174 | Authority to act |

15. The Sale and Supply of Alcohol Act 2012

- | | |
|--------------------|--|
| (a) Section 197(1) | Appointed as District Licensing Inspector |
| (b) Section 197(3) | Carry out functions and duties of inspector |
| (c) Section 262(1) | Issue specified infringement notices |
| (d) Section 267 | Powers of Entry on Licensed Premises |
| (e) Section 268 | Power to seize samples of Alcohol |
| (f) Section 279 | Building not complying with Building Act 2004 |
| (g) Section 280 | Variation, suspension, or cancellation of licences other than special licences |
| (h) Section 283 | Variation, suspension, or cancellation of special licences |

- (i) Section 285 Suspension or cancellation of Manager's Certificates
16. Resource Management Act 1991
- (a) Section 38 Appointed as an Enforcement Officer
 - (b) Section 336 Return of Property Seized under sections 323 & 328
17. Local Government Act 1974
- (a) Section 356 Abandoned Vehicles Removal
18. Horowhenua District Council Bylaws and Policies
- (a) Public Places Bylaw
 - (b) Land Transport Bylaw
 - (c) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw
 - (d) Local Alcohol Policy

Parking Enforcement Officer

Parking Warden

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
2. Traffic and Parking

To exercise the powers, functions and duties of an Authorised Officer under the Horowhenua District Council Land Transport Bylaw as it relates to Traffic and Parking.
3. Land Transport Act 1998
 - (a) Section 128D Appointment of Parking Warden
 - (b) Section 128E Powers of Parking Warden
 - (c) Section 139(1) Issuing of Infringement Notices
4. Horowhenua District Council Bylaws and Policies
 - (a) Public Places Bylaw

Customer Support Officer - Consents (Planning)

Customer Support Officer - Consents (Building)

Customer Support Officer – Compliance

Customer Support Coordinator (Consents)

~~Customer Support Coordinator (Compliance)~~

Customer Support Officer - Regulatory

To exercise responsibilities, powers, duties and functions under the following:

Commented [RR4]: Change by Megan Leyland

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. The Sale and Supply of Alcohol Act 2012

- (a) Section 66 Keep record of Applications
- (b) Section 65 Set up and maintain register

3. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

4. General

- (a) Conduct administrative requirements as it relates to the Food Act 2014, Health (Registration of Premises) Regulations 1966, Building Act 2004, Resource Management Act 1991, and any other relevant legislation and bylaws.

5. Traffic and Parking

- (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy.
- (b) To authorise parking exemption/permit requests in accordance with defined policy.

RMA Monitoring and Compliance Officer

~~Lead Compliance Officer~~

Commented [VM5]: Role no longer exists

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Appointment as an Enforcement Officer
- (b) Section 332 Power of Entry for Inspection
- (c) Section 336 Return of Property Seized under Sections 323 & 328

3. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
- (b) Dog Control Bylaw
- (d) Public Places Bylaw
- (f) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw

4. Litter Act

- (a) Section 5 Litter Control Officer

5. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

6. Traffic and Parking

- (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy.
 (b) To authorise parking exemption/permit requests in accordance with defined policy.

Planning Team Leader
Resource Management Planner
Resource Management Planner Cadet
Planning Technician

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
 (b) Section 172 Power of entry for enforcement purposes
 (c) Section 173 Power of entry in cases of emergency
 (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Appointment as an Enforcement Officer
 (b) Section 332 Power of Entry for Inspection

3. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
 (b) Public Places Bylaw.

Strategic Planning Manager
Principal Policy Advisor
Strategic Planner
Policy Planner

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
 (b) Section 172 Power of entry for enforcement purposes
 (c) Section 173 Power of entry in cases of emergency
 (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Appointment as an Enforcement Officer
 (b) Section 332 Power of Entry for Inspection

Armourguard Security Officers

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

Commented [AP6]: Policy Planner to be included. Role holds the same responsibilities etc as Strategic Planner

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- | | |
|-----------------|---|
| (a) Section 164 | Seizure of Property not on Private Land |
| (b) Section 171 | General powers of entry |
| (c) Section 172 | Power of entry for enforcement purposes |
| (d) Section 173 | Power of entry in cases of emergency |
| (e) Section 174 | Authority to act |

2. Resource Management Act 1991

- | | |
|---------------------------|---|
| (a) Section 38 | Appointment as an Enforcement Officer |
| (b) Section 16 & 17 | Noise Control provisions |
| (c) Section 327 | Issue of Excessive Noise Direction |
| (d) Section 328 (3) & (4) | Seizure and Removal of excessive noise equipment |
| (e) Section 338 | Issue Infringement Notices - failing to comply with excessive noise direction |

3. Litter Act

- | | |
|---------------|------------------------|
| (a) Section 5 | Litter Control Officer |
|---------------|------------------------|

4. Horowhenua District Council Bylaws and Policies

- | |
|--|
| (a) Land Transport Bylaw (Traffic and Parking Bylaw) |
| (b) Dog Control Bylaw |
| (c) Public Places Bylaw |
| (d) Animal Nuisance and Keeping of Pigs, Poultry and Bees Bylaw. |

5. Local Government Act 1974

- | | |
|-----------------|----------------------------|
| (a) Section 356 | Abandoned Vehicles Removal |
|-----------------|----------------------------|

6. Reserves Act 1977

- | | |
|---------------|-----------------|
| (a) Section 8 | Honorary Ranger |
|---------------|-----------------|

7. Camping Grounds Regulations 1985

**Customer Experience Manager
Customer Experience Ambassadors**

To exercise responsibilities, powers, duties and functions under the following:

1. Traffic and Parking

- | |
|---|
| (a) To authorise parking exemption/permit requests in accordance with defined policy. |
|---|

Beach Wardens – ~~Foxton Beach and Waitāreke Beach~~ - *please refer to comment*

To exercise responsibilities, powers, duties and functions as a warranted Beach Traffic Control Warden and Litter Control Officer under the control of Council.

Group Manager - Infrastructure Operations

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

Commented [RR7]: In 2020 the Foxton Volunteer Beach Wardens merged into the newly formed Foxton Beach Community Patrol Inc and therefore come under the rules and regulations of Community Patrols of New Zealand (CPNZ). Accordingly HDC delegations are no longer required. (This was advised by Ross Brannigan).

- | | |
|-----------------|---|
| (a) Section 171 | General powers of entry |
| (b) Section 172 | Power of entry for enforcement purposes |
| (c) Section 173 | Power of entry in cases of emergency |
| (d) Section 174 | Authority to act |
| (e) Section 177 | Power to appoint an enforcement officer |
2. Local Government Act 1974
- | | |
|-----------------|---|
| (a) Section 355 | Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan |
|-----------------|---|
3. Resource Management Act 1991
- | | |
|----------------|---|
| (a) Section 38 | Authorisation of an Enforcement Officer |
|----------------|---|
4. Horowhenua District Council Bylaws and Policies
- | | |
|---------------------------------|--|
| (a) Public Places Bylaw | |
| (b) Land Transport Bylaw | |
| (c) Solid Waste Bylaw | |
| (d) Trade Waste Bylaw | |
| (e) Water Supply Bylaw | |
| (f) Wastewater Bylaw | |
5. General
- | | |
|-----|---|
| (a) | Authorise Legal proceedings in respect of any area of responsibility. |
|-----|---|

Commented [RR8]: Land Transport left off last update so included in this one

Roading Services Manager

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
- | | |
|-----------------|---|
| (a) Section 171 | General powers of entry |
| (b) Section 172 | Power of entry for enforcement purposes |
| (c) Section 173 | Power of entry in cases of emergency |
| (d) Section 174 | Authority to act |
2. Local Government Act 1974
- | | |
|----------------|---|
| a. Section 355 | Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan |
|----------------|---|
3. Horowhenua District Council Bylaws and Policies
- | | |
|--------------------------|--|
| (a) Public Places Bylaw | |
| (b) Land Transport Bylaw | |
4. Litter Act
- | | |
|---------------|------------------------|
| (c) Section 5 | Litter Control Officer |
|---------------|------------------------|

Roading Operations Team Leader

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
2. Local Government Act 1974
 - (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan
3. Resource Management Act 1991
 - (a) Section 38 Authorisation of an Enforcement Officer
4. Horowhenua District Council Bylaws and Policies
 - (a) Public Places Bylaw
 - (b) Land Transport Bylaw
5. Litter Act
 - (a) Section 5 Litter Control Officer

Roading Operations ~~Officer~~ Coordinator

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
 - (e) Section 182 Power of entry to Check utility services
2. Local Government Act 1974
 - (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan
3. Resource Management Act 1991
 - (a) Section 38 Authorisation of an Enforcement Officer
4. Horowhenua District Council Bylaws and Policies
 - (a) Solid Waste Bylaw
 - (b) Trade Waste Bylaw
 - (c) Public Places Bylaw
 - (d) Land Transport Bylaw
5. Litter Act

Commented [RR9]: Correction of position title

(a) Section 5 Litter Control Officer

Roading Asset Management Engineer-Analyst

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Local Government Act 1974

- (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan

3. Resource Management Act 1991

- (a) Section 38 Authorisation of an Enforcement Officer

4. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw
- (b) Land Transport Bylaw

5. Litter Act

- (a) Section 5 Litter Control Officer

Roading Projects Team Leader

To exercise responsibilities, powers, duties and functions under the following:

2. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

3. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw
- (b) Land Transport Bylaw

4. Litter Act

- (a) Section 5 Litter Control Officer

Roading Projects Engineer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

Commented [NB10]: Title corrected from Engineer to Analyst

Commented [RR11]: Added – new position within Infrastructure Operations

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw
- (b) Land Transport Bylaw

3. Litter Act

- (a) Section 5 Litter Control Officer

Civil Engineering Cadet

To exercise responsibilities, powers, duties and functions under the following:

4. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

5. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw
- (b) Land Transport Bylaw

6. Litter Act

- (a) Section 5 Litter Control Officer

Water & Waste Services Manager

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act
- (e) Section 182 Power of entry to check utility services

2. Horowhenua District Council Bylaws and Policies

- (a) Solid Waste Bylaw
- (b) Trade Waste Bylaw
- (c) Water Supply Bylaw
- (d) Wastewater Bylaw

3. Resource Management Act 1991

- (a) Section 38 Authorisation of an Enforcement Officer

4. Litter Act
(a) Section 5 Litter Control Officer

Special Projects Engineer
3 Waters Project Engineer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
 - (a) Solid Waste Bylaw
 - (b) Trade Waste Bylaw
 - (c) Water Supply Bylaw
 - (d) Wastewater Bylaw
3. Resource Management Act 1991
 - (a) Section 38 Authorisation of an Enforcement Officer
4. Litter Act
 - (b) Section 5 Litter Control Officer

Commented [RR12]: Position added within Infrastructure Ops

Environmental Engineer
Waste Minimisation Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
 - (a) Solid Waste Bylaw
 - (b) Trade Waste Bylaw
 - (c) Water Supply Bylaw
 - ~~(e) Trade Waste Bylaw, Wastewater Bylaw~~
3. Resource Management Act 1991
 - (a) Section 38 Authorisation of an Enforcement Officer
4. Litter Act
 - (e) Section 5 Litter Control Officer

Commented [RR13]: Newly filled position within Infrastructure Ops

Commented [RR14]: Trade Waste appears twice. Replace with Wastewater Bylaw

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Environmental Infrastructure Planner

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
 - (a) Solid Waste Bylaw
 - (b) Trade Waste Bylaw
 - (c) Water Supply Bylaw
 - (d) Wastewater Bylaw
3. Resource Management Act 1991
 - (a) Section 38 Authorisation of an Enforcement Officer
 - (b) Section 332 Power of Entry for Inspection
4. Litter Act
 - (a) Section 5 Litter Control Officer

Planning Manager (Alliance)

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
 - (e) Section 182 Power of entry to check utility services
2. Local Government Act 1974
 - (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan
3. Resource Management Act 1991
 - (a) Section 38 Authorisation as an Enforcement Officer
4. Horowhenua District Council Bylaws and Policies
 - (a) Solid Waste Bylaw
 - (b) Trade Waste Bylaw
 - (c) Water Supply Bylaw
 - (d) Wastewater Bylaw 2015
5. General
 - (a) Authorise Legal proceedings in respect of any area of responsibility.
6. Litter Act 1979

- (a) Litter Control Officer

Project Management and Design Engineer (Civil) (Alliance)

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
 - (e) Section 182 Power of entry to check utility services
2. Resource Management Act 1991
 - (a) Section 38 Authorisation as an Enforcement Officer
3. Horowhenua District Council Bylaws and Policies
 - (a) Solid Waste Bylaw
 - (b) Trade Waste Bylaw
 - (c) Water Supply Bylaw
 - (d) Wastewater Bylaw 2015
4. Litter Act 1979
 - (a) Litter Control Officer

Construction Manager (Alliance)

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
 - (e) Section 182 Power of entry to check utility services
2. Resource Management Act 1991
 - (a) Section 38 Authorisation as an Enforcement Officer
3. Horowhenua District Council Bylaws and Policies
 - (a) Solid Waste Bylaw
 - (b) Trade Waste Bylaw
 - (c) Water Supply Bylaw
 - (d) Wastewater Bylaw 2015
4. Litter Act
 - (a) Litter Control Officer 1979

Water Services Engineer (Alliance)

To exercise responsibilities, powers, duties and functions under the following:

2. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
3. Horowhenua District Council Bylaws and Policies
 - (f) Solid Waste Bylaw
 - (g) Trade Waste Bylaw
 - (h) Water Supply Bylaw
 - (i) Wastewater Bylaw
4. Resource Management Act 1991
 - (b) Section 38 Authorisation of an Enforcement Officer
5. Litter Act
 - (c) Section 5 Litter Control Officer

Downer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
2. Resource Management Act 1991
 - (a) Section 332 Power of Entry for Inspection

Asset Planning Manager

3 Waters Asset Management Team Leader

3 Waters Asset Management Engineer

Asset Planning Engineer

Development Engineer

To exercise responsibilities, powers, duties and functions under the following:

3. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
4. Resource Management Act 1991
 - (a) Section 38 Authorisation as an Enforcement Officer
 - (b) Section 332 Power of Entry for Inspection

Commented [RR15]: Added to cover Downer employees to enter private resident's grounds to carry out smoke testing inspections where necessary

Commented [RR16]: Positions added/deleted to reflect new structure within Infrastructure Ops

Commented [RR17]: Development Engineers moved to come under Infrastructure Development

Parks and Property Manager

Parks and Property Leads

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 164 Seizure of Property not on Private Land
 - (b) Section 171 General powers of entry
 - (c) Section 172 Power of entry for enforcement purposes
 - (d) Section 173 Power of entry in cases of emergency
 - (e) Section 174 Authority to act
2. Local Government Act 1974
 - (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan
3. Litter Act
 - (a) Section 5 Litter Control Officer
4. Horowhenua District Council Bylaws and Policies
 - (a) Public Places Bylaw
 - (b) Land Transport Bylaw
 - (c) Solid Waste Bylaw
 - (d) Trade Waste Bylaw
5. Reserves Act 1977

Representative for purpose of Section 40 of the Reserves Act.

 - (a) Section 8 Honorary Ranger
6. Resource Management Act 1991
 - (a) Section 38 Appointment as an Enforcement Officer
7. Camping Ground Regulations 1985

Officer for purpose of administering Act.
9. Burial and Cremation Act

Appointment as Officer under Section 19.
10. Fencing Act

Appointment as representative for administering of the Act.
11. Residential Tenancies Act

Appointed Council's representative for administration of the Act.

Parks and Property Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 164 Seizure of Property not on Private Land
- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Local Government Act 1974

- (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan

3. Litter Act

- (a) Section 5 Litter Control Officer

4. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw
- (b) Animal Nuisance and Keeping of Pigs, Poultry, and Bees Bylaw

5. Reserves Act 1977

- (a) Section 8 Honorary Ranger

6. Camping Ground Regulations 1985

It is noted that by virtue of being an office holder under some statutes, staff have duties and powers which are additional to any delegation. In those cases, staff are acting under appointment rather than delegation.

Commented [RR18]: Need to check if this paragraph applies generally to all delegations or just Parks & Property Officers. (If general, then needs to move to after IDG).

Group Manager - Infrastructure Development

To exercise responsibilities, powers, duties and functions under the following:

Commented [RR19]: Infrastructure Development Group positions added

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Authorisation of an Enforcement Officer
- (b) Section 332 Power of Entry for Inspection

Principal Project Manager

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes

-
- (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act

2. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw

Senior Project Manager

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw

Project Coordinator

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw

Development Engineering Team Leader

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Authorisation as an Enforcement Officer
- (b) Section 332 Power of Entry for Inspection

Development Engineer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Authorisation as an Enforcement Officer
- (b) Section 332 Power of Entry for Inspection

RESOURCE MANAGEMENT ACT 1991 AND ASSOCIATED LEGISLATION DELEGATIONS

These are specific delegations to the Chief Executive, Group Manager - Customer and Strategy, Strategic Planning Manager, Strategic Planner, Policy Planner, Principal Policy Advisor, Consents Manager, Compliance Manager, Planning Team Leader and Resource Management Planners

Section or Clause Number	Delegation Description	Delegated To (Acronym)	Notes
		Council Chief Executive (CE), Group Manager - Customer and Strategy (GMCS) Consents Manager (CM) Compliance Manager (CPM) Strategic Planning Manager & Strategic Planner (SP) Policy Planner (PP) Principal Policy Advisor (PPA) Planning Team Leader (PTL), Resource Consents Planners, Planning Technician and Resource Management Planner Cadet (P), In consultation with the Chairperson of the Hearings Committee	1. Delegations include temporary Acting CE, GMCS, PPA, or SP when relevant or required. 2. 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.

LOCAL GOVERNMENT ACT 1974			
327A	Cancellation of building line restrictions	CE, GMCS, CEM CM, CPM, SP, PP, PPA	
348	The power to exercise all powers of Council in respect of private roads and private ways	CE, GMCS, CM SP, PP,P, PPA, PTL	
319(i)	To name (alter name) of roads	CE	
319	General powers in respect of roads	CE, GMCS, CM, SP, PP,P, PPA, PTL	
LOCAL GOVERNMENT ACT 2002			
171	The power to approve entry to any land or building other than a dwelling house (and to sign a warrant to that effect) for doing anything that the Local Authority is empowered to do under this Act or any other Act and to issue a warrant under the seal of Council authorising that the person is so authorised.	CE, GMCS, CM, SP, PP,PPA, PTL	See RMA S332/333
177	The power to appoint an enforcement officer.	CE, GMCS	
215	The power to approve an application for a removal order.	CE, GMCS	
UNIT TITLES ACT 2010			
32(2)	The power to provide certification pursuant to subsection (2)	CE, GMCS, CM, SP, PP,PPA, PTL	

RESOURCE MANAGEMENT ACT 1991			
10(2)(b)	Time extension to existing use	CE, GMCS, CM, SP, PP, PPA, PTL	
34(A)(1) and (2) and 100(A)	The nomination of one or more commissioners from the list of commissioners appointed by the Council for hearings (Ref. report No 3654 / 2008 adopted 1/10/2008).	CE, GMCS, CM, SP, PP, PPA (ICWC)	
36(5)	Power to reduce or waive fees or deposits for charitable or community organisations or in other situations deemed appropriate.	CE, GMCS, CM	
37(1)	Power to waive or extend time limits as specified in this section.	CE, GMCS, CM, SP, PP, PTL, P, PPA	
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.	CE, GMCS, CM, SP, PP, PTL, P, PPA	
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.	CE, GMCS, CM, SP, PP, PTL, P, PPA	
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. functions	CE, GMCS	
41B	The power to direct an applicant to provide briefs of evidence to the authority before a hearing.	CE, GMCS, CM, SP, PP, PTL, P, PPA (ICWC)	

41C	The power to request further information prior to or at a Hearing.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
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.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC).	
42A(1)	The power to commission a report by an officer or consultant for hearing.	CE, GMCS, CM, CPM, PTL, SP, PP, P, PPA	
42A(5)	The Authority to waive compliance with service of documents requirements.	CE, GMCS, CM, SP, PP, P, PPA (ICWC)	
86D(2)	The power to make an application to the Environment Court for a rule to have legal effect.	CE, GMCS (ICWC).	
87AAB(1) and (2)	New Consent Exemption under this section	P, PTL, SP, PP, PPA	
87BB	Exemption of activities from resource consent for marginal or temporary breaches	P, PTL, SP, PP, PPA	
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.	CE, GMCS (ICWC).	
88(3)1(3A)	The power to determine that an application is incomplete and to return the application with written reasons for the determination.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
91	The power to defer an application pending additional consents.	CE, GMCS, CM, SP, PP, P, PPA, PTL	

92(1)	The power to request further information relating to an application.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
92(2)	The power to commission a report on any matter relating to the application.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
92A (2)	The power to set a time limit within which further information requested by a territorial authority should be provided.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
92A(3)	The power to decline an application for failure to meet requirements under this subsection.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
92B(2)	The power to decline an application in accordance with this section.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
95 and 95(A)–(F)	The power to determine when applications shall be non-notified, limited notified or publicly notified.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
99	The power to convene a pre-hearing meeting and exercise all powers under this section.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
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.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC).	
100	The power to determine that a hearing is not needed.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
101	The power to fix a hearing date and time and place of the hearing.	CE, GMCS, CM, SP, PP, P, PTL, PPA	

102	Functions in relation to joint hearings.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
103	Functions in relation to combined hearings for resource consents in relation to the same proposal.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
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.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	Consultation with the Chairperson is required in respect of any application involving full or limited notification before a decision on the application is made.
106	The power to refuse to grant a subdivision taking in consideration the issues specified in S106.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
108	The power to determine conditions of a resource consent	CE, GMCS, CM, SP, PP, P, PTL, PPA	
108A (1), (2) and(3)	Bonds	CEGMCS, CM, SP, PP, P, PTL, CPM, PPA	

109	The power to authorise Council use of bond funds	CE, GMCS, CM, CPM, SP, PP, P, PTL, PPA (ICWC)	
124(2)(e)	The power to permit an existing consent to continue while applying for a new consent.	CE, GMCS, CM, CPM, PTL, SP, PP, P, PPA	
125	The power to extend the period within which a resource consent lapses.	CE, GMCS, CM, CPM, PTL, SP, PP, P, PPA (ICWC).	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
126	The power to cancel unexercised resource consents.	CE, GMCS, CM, CPM, PTL, SP, PP, P, PPA (ICWC).	Consultation with the Chairpersons shall only be required in respect of applications which have been the subject of a hearing.
127	The power to decide on an application for change to or cancellation of consent conditions.	CE, GMCS, CM, PTL, SP, PP, P, PPA (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
128-132	The power to initiate and determine a review of conditions of a resource consent.	CE, CM, CPM (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
133A	Power to approve an amended resource consent within 20 working days of the granting of the original.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
138	The power to grant or refuse partial or full surrender of a resource consent.	CE, GMCS, CM, CPM, SP, PP, P, PTL, PPA (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
139	The power to grant or refuse an application for a certificate of compliance.	CE, GMCS, CM, SP, PP, P, PTL, PPA	

139A	The power to grant or refuse an application for an existing use certificate.	CE, GMCS, CM, PTL, SP, PP, P, PPA	
149Z	The power to process applications referred from the Minister for the Environment or the EPA.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
169	The power to process notices of requirement from a requiring authority.	CE, GMCS, CM, SP, PP, P, PPA, PTL	
170	The power to decide whether to include a notice of requirement in a proposed plan change.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
174	The power to appeal to the Environment Court against the whole or any part of a decision of a requiring authority.	CE, GMCS, CL, SP, PP, P, PTL, PPA (ICWC).	
176A(2)	The power to waive the requirement for an outline plan.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
176A(4)	The power to request changes to an outline plan.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
176A(5)	The power to Appeal against the decision of a requiring authority to the Environment Court.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC).	
181	The power to alter a designation.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
184(1)(b) and 184(2)(b)	The power to extend the expiry period of a designation that has not been given effect to.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC).	
190	The power to process notices of requirement for a heritage order from a heritage authority.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
195A	The power to alter heritage orders.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC).	

198C	The power to decide whether a notice of requirement application will be determined by the Environment Court as requested by applicant.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
198I	The power to decide whether a notice of requirement application will be determined by the Environment Court	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
220	The power to impose conditions on subdivision consents.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
221(1)	The power to impose a condition requiring the issuing of a consent notice.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
221(3)(b)	The power to review, vary or cancel any consent notice.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	A variation of a consent notice approved by the Hearings Committee may only be approved after consultation with the Chairperson of the Committee.
222	The power to extend a completion period and to issue a completion certificate.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
223	The power to approve any survey plan	CE, GMCS, CM, SP, PP, P, PTL, PPA	
224(c)	Power to certify compliance with specified conditions prior to deposit of survey plan.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
224(f)	Power to certify compliance with building code provisions.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
226(e)	Power to issue a certificate in accordance with this Section.	CE, GMCS, CM, SP, PP, P, PTL, PPA	

S232.	The power to approve the creation of an esplanade strip in accordance with S232 (1) and (2).	CE, GMCS, CM, SP, PP, P, PTL, PPA	
S234(6)	The power to grant (with or without modifications) or decline an application to vary or cancel an instrument creating an esplanade strip.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
234(7)	The power to certify a varied or cancelled esplanade strip.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
235	Power to agree to create an esplanade strip with the agreement of the registered proprietor.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
237	The power to approve survey plans where esplanade reserves or esplanade strips are required.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
237B	The power to authorise the creation, variation, or cancellation of easements.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
240(1) and (3)	The power to endorse survey plans with covenants and to approve the covenant instrument.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
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.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
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.	CE, GMCS, CM, SP, PP, P, PTL, PPA	

241(3) and (4)(b)	The power to cancel in whole or in part any condition described in Subsection (2).	CE, GMCS, CM, SP, PP, P, PTL, PPA	
243	The power to revoke an easement in whole or in part.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
274	The power to nominate an officer or other person to attend a proceeding of the Environment Court.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
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.	CE (ICWC)	
311	The power to apply for a declaration in accordance with this Section.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
316	The power to apply for an enforcement order or interim enforcement order.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
325A(2)	The power to cancel an abatement notice.	CE, GMCS, CM, SP, PP, P, PTL, PPA	
325A(5)	The power to determine an application to review and/or amend an abatement notice.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	A variation of an abatement notice may only be approved after consultation with the Chairperson of the Committee.
330	The power to make the necessary determinations and undertake such actions as are provided for in subsections (1) - (3) inclusive	CE, GMC, CM, SP, PP, P, PTL, PPA	Applies to emergency work and the power to take preventative or remedial action.
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.	CE, GMCS, CM, SP, PP, P, PTL, PPA	

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.	CE, GMCS, CM, SP, PP, P, PTL, PPA (ICWC)	
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	CE, GMCS	
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.	CE, GMCS (ICWC)	
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.	CE, GMCS (ICWC)	
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.	CE, GMCS (ICWC)	
First Schedule, Part two, Clause 23	The power to require further information from an applicant.	CE, GMCS	
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.	CE, GMCS	