

Notice is hereby given that an ordinary meeting of the Horowhenua District Council will be held on:

**Date:** Wednesday 26 June 2019  
**Time:** 4.00 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## **Council OPEN AGENDA**

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### **MEMBERSHIP**

<b>Mayor</b>	Mr Michael Feyen	
<b>Deputy Mayor</b>	Mr Wayne Bishop	
<b>Councillors</b>	Mr Ross Brannigan	
	Mr Ross Campbell	
	Mr Neville Gimblett	
	Mr Barry Judd	
	Mrs Victoria Kaye-Simmons	
	Mrs Jo Mason	
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
	Mr Bernie Wanden	
<b>Reporting Officer</b>	Mr David McCorkindale	(Group Manager – Strategy & Development)
<b>Meeting Secretary</b>	Mrs Karen Corkill	

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**Full Agendas are available on Council's website**  
[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

**Full Agendas are also available to be collected from:**  
**Horowhenua District Council Service Centre, 126 Oxford Street, Levin**  
**Te Awahou Nieuwe Stroom, Foxton,**  
**Shannon Service Centre/Library, Plimmer Terrace, Shannon**  
**and Te Takeretanga o Kura-hau-pō, Bath Street, Levin**



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**1 Apologies**

**2 Public Participation**

As the items on today's Agenda are procedural, public participation is not available.

**3 Declarations of Interest**

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

**4 Confirmation of Minutes – 29 May 2019**

**5 Announcements**



File No.: 19/227

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## Delegations Register - Review

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### 1. Purpose

To seek Council's adoption of the Delegations Register following a review to reflect legislative and staff changes.

### 2. Executive Summary

- 2.1 Council delegates various functions to officers and contractors to allow them to conduct their duties both legally and in accordance with legislation, and as a consequence it is important that these delegations are reaffirmed from time to time.
- 2.2 'Delegation' means the assignment of a duty, or power, or action to another, with the authority to carry out that duty or complete the action assigned, together with the responsibility for the outcome.
- 2.3 There have been a number of legislative changes, together with internal changes, which have prompted a review of the Delegations Register and the review has also provided the opportunity to streamline the administrative delegation process.

### 3. Recommendation

- 3.1 That Report 19/227 Delegations Register - Review be received.
- 3.2 That this decision is recognised is not significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council adopts the Delegations Register attached as Attachment A, effective from 27 June 2019.

### 4. Background / Previous Council Decisions

- 4.1 Delegations are reviewed from time to time – with the last review being in 2017.
- 4.2 The Delegations Register report was taken to the 12 June 2019 Council meeting but was withdrawn to provide the opportunity for Elected Members to have a briefing on the changes that were proposed. Following the briefing, Elected Members feedback has been incorporated into the document.

### 5. Discussion

- 5.1 This report is to ensure that up-to-date delegations are in place for the purposes of administrative efficiency and expedience in the conducting of the day to day business of Council and to ensure that Council officers and contractors can carry out Council duties and that the delegations reflect the prevailing legislation.
- 5.2 With internal organisational structure and position title changes occurring from time to time, the opportunity has also been taken to streamline the administrative delegations process.

- 5.3 As previously discussed with Council, a key proposed change to the Delegations Register is that wherever possible it has been limited to delegations to the Chief Executive only. An operational (internal) Delegations Register will be maintained in a current state for on delegation by the Chief Executive to other Council Officers as considered appropriate. As above, the reason for this is administrative efficiency. In most cases the law provides that Council delegates to the Chief Executive only. Having an operational (internal) delegations register (i.e. on delegating from the Chief Executive Officer to other Council Officers), maintained in a current state by the Chief Executive, avoids the need to come back to Council for approval when the delegations are influenced by things like change to organisational structure.

## 6. Options

Option 1 – Approve by resolution the reviewed Delegations Register.

This will ensure delegations in place reflect accurate legislation and that duties and functions conducted are within approved and accurate delegations of Council.

Option 2 – Not approve by resolution the reviewed Delegations Register.

This could mean that Officers and Contractors may not have correct and legal delegations to carry their duties; which could put Council at risk.

Preferred Option: Option 1 – hence recommendation 3.3.

### 6.1 Cost

Not applicable.

#### 6.1.1 Rate Impact

There is no rate impact.

### 6.2 Community Wellbeing

There could be an impact on Community Wellbeing if Officers/Contractors do not have the correct and legal delegations to carry out their duties.

### 6.3 Consenting Issues

There are no consenting issues arising.

### 6.4 LTP Integration

Not applicable.

## 7. Consultation

There are no consultation requirements in respect of this matter – it is an administrative functional requirement.

## 8. Legal Considerations

- 8.1 If the appropriate and legally correct delegations are not in place, duties may be carried out by staff and contractors for which they do not have the legal basis (delegation) and as a result any action or decision that may be taken in the normal course of their duties could be open to challenge.



- 8.2 It is also good practice to review delegations periodically to ensure that changes to legislation have been captured.
- 8.3 The delegations attached as **Attachment A** are made in accordance with the Local Government Act 2002 and any other statutory authority permitting delegation such as the Building Act 2004 or Resource Management Act 1981 (the appropriate authority is as shown in Attachment A).

## 9. Financial Considerations

There could be financial considerations for Council if an officer or contractor's actions in the course of undertaking their duties were challenged.

## 10. Other Considerations

There are no other matters requiring consideration.

## 11. Next Steps

Following adoption of the Delegations Register, Officers and Contractor Warrants of Appointment will be updated.

## 12. Supporting Information

<b>Strategic Fit/Strategic Outcome</b> - Not applicable
<b>Decision Making</b> – Not applicable
<b>Consistency with Existing Policy</b> - Not applicable
<b>Funding</b> - Not applicable

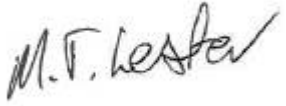
### **Confirmation of statutory compliance**

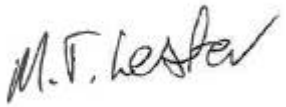
In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### 13. Appendices

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Author(s)	Mark Lester <b>Group Manager - Corporate Services</b>	
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Approved by	Mark Lester <b>Group Manager - Corporate Services</b>	
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# DELEGATIONS REGISTER 2019

**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 statutes<sup>1</sup> 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).

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<sup>1</sup> 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**

<b>Principles</b>
<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>
<b>General Terms and Conditions</b>
<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"><li>1. Any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and</li><li>2. Any relevant Council policy or procedural documents (including reporting and recording requirements).</li></ol> <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 five sections.

**Part C** of the Delegations Register contains legal and financial delegations. Part C has four 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 D has four sections.

## 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 CE 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 (generally a Group Manager) 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 Media and Communication 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 Media and Communication 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 - Corporate Services

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.

### **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.

That 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 or Long Term 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 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
\$400,000	\$500,000	Group Manager – Infrastructure Services
\$200,000	\$150,000	Group Manager – Customer and Regulatory Services
\$200,000	\$200,000	Group Manager - Corporate Services
\$50,000	\$20,000	Group Manager - Strategy and Development
\$50,000	\$50,000	Group Manager - H2040 and Partnership Development

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
<b>NZ-6885 Forestry</b>	Chief Financial Officer
	Group Manager – Corporate Services
	Property and Parks Manager
<b>NZ-8244 Landfill</b>	Group Manager – Infrastructure Services
	Planning Manager
	Performance & Technical 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:

- (a) Bank, transfer, and invest funds held by the Council in accordance with Council policy, subject to the observance of appropriate internal controls;
- (b) Sign and countersign cheques, bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council;
- (c) Approve payroll payments and all payroll related matters; and
- (d) Approve all tax payments and tax related matters:

is delegated to:

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 Subcommittee for the Mayor's card
- (b) the Chair of the Chief Executive Relationship Subcommittee or in the Chair's absence the Chair of Finance, Audit and Risk Committee for the Chief Executive'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:

Group Manager – Corporate Services, 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 Subcommittee 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 Group Manager – Corporate Services and/or Chief Financial Officer with the Chief Executive and/or Chairperson of the Finance, Audit and Risk Subcommittee hearing any appeal.
- ii. Part 10 Properties affected by disasters, is decided by the Council.

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

### **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  
Group Manager – Corporate Services  
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.	CEO Group Manager – Corporate Services 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.	CEO Group Manager – Corporate Services 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.	CEO Group Manager – Corporate Services 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.	CEO Group Manager – Corporate Services 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.	CEO Group Manager – Corporate Services Chief Financial Officer
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.	CEO Group Manager – Corporate Services 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.	CEO Group Manager – Corporate Services 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	CEO Group Manager – Corporate Services Finance Manager



Section	Details of Power	Reasons	Delegations
		debt due.	
61	Authority to collect unpaid rates from the owner.	Where a ratepayer, other than the owner, is in default, the local authority may collect rates that are in default, from the owner.	CEO Group Manager – Corporate Services 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.	CEO Group Manager - Corporate Services 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.	CEO  Group Manager – Corporate Services 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>	CEO Group Manager – Corporate Services 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>	CEO Group Manager – Corporate Services Chief Financial Officer
77–83	Authority to sell abandoned land.	<i>A local authority has the power to commence the process to have land declared ‘abandoned’ if rates have not been paid on it for three years, and the ratepayer:</i> <ul style="list-style-type: none"> <li>• is unknown, or</li> <li>• cannot be found after due enquiry, or</li> </ul>	CEO Group Manager – Corporate Services Chief Financial Officer

Section	Details of Power	Reasons	Delegations
		<ul style="list-style-type: none"> <li>is deceased and has no personal representative, or</li> <li>has given notice of the intention to abandon or has abandoned the land.</li> </ul> <p>The process is carried out through the District Court and the Court has to be satisfied the appropriate endeavours have been made to discover the owner.</p> <p><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.	CEO Group Manager – Corporate Services 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.	CEO Group Manager – Corporate Services 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.	CEO Group Manager – Corporate Services 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 Regulatory Services

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
  - (f) Section 177 Power to appoint enforcement officer
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 220 Territorial authority may carry out building work on default
  - (d) Section 221 Recovery of costs when territorial authority carries out work on default
  - (e) Section 377 Lay information for prosecution
  - (f) Section 381 Apply to District Court for Injunction
3. Dog Control Act 1996
  - (a) Section 22(4) To give written Notice – Decision on a probationary owner objection
  - (b) Section 27(2) To give written Notice – Decision on a disqualified owner objection
  - (c) Section 31(5) To give written Notice – Decision on a Dangerous Dog objection
  - (d) Section 33D(4) To give written Notice – Decision on a Menacing Dog objection
  - (e) Section 35 Supply of Register Information
  - (f) Section 66 Power to Waive Infringement Notice
4. General
  - (a) Authorise Legal proceedings in respect of any area of responsibility.
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 Removal of abandoned vehicles from roads
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.

**Consents Manager**  
**Compliance Manager**  
**Customer Experience 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 220 Carrying out building work on default
  - (d) Section 377 Lay information for prosecution
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. 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

5. 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

6. 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 Group Manager - Customer and Regulatory Services or in their absence the Compliance Manager).

7. Litter Act

- (a) Section 5 Litter Control Officer

8. General

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

9. Food Act 2014

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

10. 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).

11. 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.

12. 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:

- Local Government Act 2002
  - Section 171 General powers of entry
  - Section 172 Power of entry for enforcement purposes
  - Section 173 Power of entry in cases of emergency
  - Section 174 Authority to act
- Dog Control Act 1996
  - Section 11 To carry out all or any of the functions and powers of a Dog Control Officer
  - Section 12 To carry out all or any of the functions and powers of a Dog Ranger
  - Section 14 Power of Entry
  - Section 15 Power to Feed and Shelter Dogs
  - Section 19 & 19A Power to Request Information
  - Section 31(1) & (2) Classifying Dog as Dangerous
  - Section 33A & 33C Classifying Dog as Menacing
  - Section 57 To seize, or destroy Dog attacking persons or animals
  - Section 57A To seize Dog rushing at persons, animals or vehicles
  - Section 66 Issue of Infringement Notices
  - Section 69 To give written notice to the owner of an impounded dog
  - Section 69 To sell, destroy or otherwise dispose of a dog
  - Section 71 To seize, or destroy Dog threatening public safety.
- Stock Impounding Act 1955
  - Section 8 Appointed as a Pound Keeper
  - Section 13(k) Authorised to keep records required to be kept by a Local Authority
- Horowhenua District Council Bylaws and Policies
  - Land Transport Bylaw
  - Dog Control Bylaw
  - Public Places Bylaw
  - Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw.
- Local Government Act 1974
  - 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 |
|-----|-----------|------------------------|

**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 48(2)    | Suspend a building consent because of lack of information  |
| (d) | Section 49       | Grant building consent   |
| (e) | Section 50       | Refuse building consent  |
| (f) | Section 51       | Issue building consent   |
| (g) | Section 52       | Lapse building consent   |
| (h) | Section 62       | Recover unpaid levies from building consent applicant  |
| (i) | Section 67       | Grant building consent subject to waivers or modifications of Building Code                      |
| (j) | Section 71       | Refuse to grant consent on land subject to natural hazards                                       |
| (k) | Sections 72 & 73 | Grant building consent on land subject to natural hazards  |
| (l) | Section 74       | Removing Section 71 Notices  |
| (m) | Sections 75 & 77 | Permit construction of building on two or more allotments  |
| (n) | Section 83       | Grant authority to remove entry under section 78   |
| (o) | Section 90       | Inspect building work  |
| (p) | Sections 91 - 95 | Issue Code Compliance Certificate  |

- |      |                         |  |
|------|-------------------------|--|
| (q)  | Section 95A             | Refuse to issue Code Compliance Certificate  |
| (r)  | Sections 96, 98 & 99    | Issue Certificate of Acceptance  |
| (s)  | Sections 102 & 106      | Issuing and Amending of Code Compliance Certificate                                |
| (t)  | Section 108             | Administering Annual Building Warrant of Fitness                                   |
| (u)  | Section 109             | Consider recommendation to amend Compliance Schedule                               |
| (v)  | Section 111             | Inspections in relation to Building Warrant of Fitness                             |
| (w)  | Section 112             | Approve or Waive requirement for building alterations to comply with Building Code |
| (x)  | Sections 113, 115 & 116 | Grant consent for alterations to building with Specified Intended Life             |
| (y)  | Section 116A            | Grant of Certificate under section 224(f) of Resource Management Act 1991          |
| (z)  | 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. 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) | 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 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 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 or 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 162D Inspection of Residential Pools
  - (t) Section 164 Issue Notice to Fix
  - (u) Section 167 Inspect building work under Notice to Fix
  - (v) Section 177 Make application for Determination
  - (w) Section 220(2) Make application for District Court for order to carry out building work
  - (x) Section 221(2) Recovery of costs for carrying out work
  - (y) Section 222 Carry out inspections
  - (z) Section 363A Issue of Certificate for Public Use of Premises
  - (aa) Section 371A, B & C Authorised as an enforcement officer
  - (bb) Section 372 Issue Infringement Notices
  - (cc) Section 377 Lay information for prosecution
  - (dd) Section 381 Apply to District Court for Injunction
  - (ee) 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

### **Liquor Licensing Inspector**

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. 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
3. Resource Management Act 1991
  - (a) Section 38 Appointed as an Enforcement Officer
  - (b) Section 336 Return of Property Seized under sections 323 & 328

4. Local Government Act 1974
  - (a) Section 356 Abandoned Vehicles Removal
5. 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.

### **Parking Enforcement Officers 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**

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. 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**

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
  - (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.

**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.

**Group Manager – Strategy and Development**  
**Principal Policy Advisor**  
**Strategic 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
  - (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 Services and Advisory Officers**

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

1. Horowhenua District Council Prevention of Spread of Fires Involving Vegetation Bylaw
  - (a) Clause 6 Issue of Fire Permits
2. Traffic and Parking
  - (a) To authorise parking exemption/permit requests in accordance with defined policy.

### **Beach Wardens – Foxton Beach and Waitarere Beach**

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

### **Property and Parks 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.

### **Group Manager - Infrastructure Services**

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 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) Solid Waste Bylaw

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

5. General

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

**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. Horowhenua District Council Bylaws and Policies

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

3. Litter Act

- (a) Section 5 Litter Control Officer

**Roading Projects 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. Horowhenua District Council Bylaws and Policies

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

3. Litter Act

- (a) Section 5 Litter Control Officer

**Roading Compliance / CAR 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
  - (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
- (a) Section 5 Litter Control Officer

### **Roading 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) Public Places Bylaw
  - (b) Land Transport Bylaw
3. Litter Act
- (a) Section 5 Litter Control Officer

### **Roading Projects 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. Horowhenua District Council Bylaws and Policies

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

3. 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

- (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

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

2. Horowhenua District Council Bylaws and Policies

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

3. Litter Act

- (a) Section 5 Litter Control Officer

**Graduate Services Engineer – Wastewater**

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

1. Local Government Act 2002

- (a) Section 171 General powers of entry

- (b) Section 173 Power of entry in cases of emergency
- 2. Horowhenua District Council Bylaws and Policies
  - (a) Solid Waste Bylaw
  - (b) Trade Waste Bylaw
  - (c) Water Supply Bylaw
  - (d) Wastewater Bylaw
- 3. Litter Act
  - (a) Section 5 Litter Control Officer

**Water Services Engineer  
Graduate Services Engineer – Water**

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

- 1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 173 Power of entry in cases of emergency
- 2. Horowhenua District Council Bylaws and Policies
  - (a) Solid Waste Bylaw
  - (b) Trade Waste Bylaw
  - (c) Water Supply Bylaw
  - (d) Wastewater Bylaw
- 3. 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 177 Power to appoint an enforcement officer
  - (f) 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)**

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

### **Projects 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
  - (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

**Development Engineer**  
**Asset Planning Manager**  
**Asset 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 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 Regulatory Services, Group Manager Strategy & Development, Strategic Planner, Principal Policy Advisor, Consents Manager, Resource Management Planners and Customer and Regulatory Services.

Section or Clause Number	Delegation Description	Delegated To (Acronym)	Notes
		<p>Council Chief Executive (CE),</p> <p>Group Manager - Customer and Regulatory Services (GMCRS)</p> <p>Group Manager – Strategy and Development (GMSD)</p> <p>Customer Experience Manager (CEM)</p> <p>Consents Manager (CM)</p> <p>Compliance Manager (CPM)</p> <p>Strategic Planner (SP)</p> <p>Principal Policy Advisor (PPA)</p> <p>Resource Consents Planners (P), Planning Technician and Resource Management Planner Cadet</p> <p>In consultation with the Chairperson of the Hearings Committee (ICWC). See notes</p>	<p>1. Delegations include temporary Acting CE, GMCRS, GMSD, PPA, or SP when relevant or required.</p> <p>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.</p>

<b>LOCAL GOVERNMENT ACT 1974</b>			
327A	Cancellation of building line restrictions	CE, GMCRS, GMSD, CEM, CM, CPM, SP, PPA	
348	The power to exercise all powers of Council in respect of private roads and private ways	CE, GMCRS, GMSD, CM SP, P, PPA	
319(i)	To name (alter name) of roads	CE	
319	General powers in respect of roads	CE, GMCRS, GMSD, CM, SP, P, PPA	
<b>LOCAL GOVERNMENT ACT 2002</b>			
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, GMCRS, GMSD, CM, SP, PPA	See RMA S332/333
177	The power to appoint an enforcement officer.	CE, GMCRS	
215	The power to approve an application for a removal order.	CE, GMCRS	
<b>UNIT TITLES ACT 2010</b>			

32(2)	The power to provide certification pursuant to subsection (2)	CE, GMCRS, GMSD, CM, SP, PPA	
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<b>RESOURCE MANAGEMENT ACT 1991</b>			
10(2)(b)	Time extension to existing use	CE, GMCRS, GMSD, CM, SP, PPA	
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, GMCRS, GMSD, CM, SP, PPA (ICWC)	
36(5)	Power to reduce or waive fees or deposits for charitable or community organisations or in other situations deemed appropriate.	CE, GMCRS	
37(1)	Power to waive or extend time limits as specified in this section.	CE, GMCRS, GMSD, CM, SP, 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, GMCRS, CRSM, GMSD, CM, SP, 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, GMCRS, GMSD, CM, SP, 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, GMCRS	

41B	The power to direct an applicant to provide briefs of evidence to the authority before a hearing	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
41C	The power to request further information prior to or at a Hearing.	CE, GMCRS, GMSD, CM, SP, P, PPA	
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, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
42A(1)	The power to commission a report by an officer or consultant for hearing.	CE, GMCRS, GMSD, CM, SP, P, PPA	
42A(5)	The Authority to waive compliance with service of documents requirements.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
86D(2)	The power to make an application to the Environment Court for a rule to have legal effect	CE, GMCRS, GMSD (ICWC).	
87AAB(1) and (2)	New Consent Exemption under this section	P	Effective 18/10/17
87BB	Exemption of activities from resource consent for marginal or temporary breaches	P	Effective 18/10/17
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, GMCRS, GMSD (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, GMCRS, GMSD, CM, SP, P, PPA	

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

101	The power to fix a hearing date and time and place of the hearing.	CE, GMCRS, GMSD, CM, SP, P, PPA	
102	Functions in relation to joint hearings.	CE, GMCRS, GMSD, CM, SP, P, PPA	
103	Functions in relation to combined hearings for resource consents in relation to the same proposal.	CE, GMCRS, GMSD, CM, SP, P, PPA	
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, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
108	The power to determine conditions of a resource consent	CE, GMCRS, GMSD, CM, SP, P, PPA	

108A (1), (2) and(3)	Bonds	CE, GMCRS, GMSD, CM, SP, P, CPM, PPA	
109	The power to authorise Council use of bond funds	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
124(2)(e)	The power to permit an existing consent to continue while applying for a new consent.	CE, GMCRS, GMSD, CM, SP, P, PPA	
125	The power to extend the period within which a resource consent lapses.	CE, GMCRS, GMSD, CM, SP, 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, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	Consultation with the Chairpersons hall 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, GMCRS, GMSD, CM, SP, 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, PSM?????, (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, GMCRS, GMSD, CM, SP, P, PPA	

138	The power to grant or refuse partial or full surrender of a resource consent.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA	
139A	The power to grant or refuse an application for an existing use certificate.	CE, GMCRS, GMSD, CM, SP, P, PPA	
149Z	The power to process applications referred from the Minister for the Environment or the EPA.	CE, GMCRS, GMSD, CM, SP, P, PPA	
169	The power to process notices of requirement from a requiring authority.	CE, GMCRS, GMSD, CM, SP, P, PPA	
170	The power to decide whether to include a notice of requirement in a proposed plan change.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, CRSM, GMSD, CL, SP, P, PPA (ICWC).	
176A(2)	The power to waive the requirement for an outline plan.	CE, GMCRS, GMSD, CM, SP, P, PPA	
176A(4)	The power to request changes to an outline plan.	CE, GMCRS, GMSD, CM, SP, P, PPA	
176A(5)	The power to Appeal against the decision of a requiring authority to the Environment Court.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
181	The power to alter a designation.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
190	The power to process notices of requirement for a heritage order from a heritage authority.	CE, GMCRS, GMSD, CM, SP, P, PPA	
195A	The power to alter heritage orders.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
198I	The power to decide whether a notice of requirement application will be determined by the Environment Court	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
220	The power to impose conditions on subdivision consents.	CE, GMCRS, GMSD, CM, SP, P, PPA	
221(1)	The power to impose a condition requiring the issuing of a consent notice.	CE, GMCRS, GMSD, CM, SP, P, PPA	
221(3)(b)	The power to review, vary or cancel any consent notice.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA	
223	The power to approve any survey plan	CE, GMCRS, GMSD, CM, SP, P, PPA	

224(c)	Power to certify compliance with specified conditions prior to deposit of survey plan.	CE, GMCRS, GMSD, CM, SP, P, PPA	
224(f)	Power to certify compliance with building code provisions.	CE, GMCRS, GMSD, CM, SP, P, PPA	
226(e)	Power to issue a certificate in accordance with this Section.	CE, GMCRS, GMSD, CM, SP, P, PPA	
S232.	The power to approve the creation of an esplanade strip in accordance with S232 (1) and (2).	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA	
234(7)	The power to certify a varied or cancelled esplanade strip.	CE, GMCRS, GMSD, CM, SP, P, PPA	
235	Power to agree to create an esplanade strip with the agreement of the registered proprietor.	CE, GMCRS, GMSD, CM, SP, P, PPA	
237	The power to approve survey plans where esplanade reserves or esplanade strips are required.	CE, GMCRS, GMSD, CM, SP, P, PPA	
237B	The power to authorise the creation, variation, or cancellation of easements.	CE, GMCRS, GMSD, CM, SP, P, PPA	
240(1) and (3)	The power to endorse survey plans with covenants and to approve the covenant instrument.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA	
241(3) and (4)(b)	The power to cancel in whole or in part any condition described in Subsection (2).	CE, GMCRS, GMSD, CM, SP, P, PPA	
243	The power to revoke an easement in whole or in part.	CE, GMCRS, GMSD, CM, SP, P, PPA	
274	The power to nominate an officer or other person to attend a proceeding of the Environment Court.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
316	The power to apply for an enforcement order or interim enforcement order.	CE, GMCRS, GMSD, CM, SP, P, PPA	
325A(2)	The power to cancel an abatement notice.	CE, GMCRS, GMSD, CM, SP, P, PPA	
325A(5)	The power to determine an application to review and/or amend an abatement notice.	CE, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD, CM, SP, P, 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, GMCRS, GMSD	
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, GMCRS, GMSD (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, GMCRS, GMSD (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, GMCRS, GMSD (ICWC)	

First Schedule, Part two, Clause 23	The power to require further information from an applicant.	CE, GMCRS, GMSD	
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, GMCRS, GMSD	



File No.: 19/208

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## Adoption: 2019/2020 Annual Plan

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### 1. Purpose

This report provides information required for Council to adopt the 2019/2020 Annual Plan.

### 2. Executive Summary

- 2.1 This report recommends Council adopt the 2019/2020 Annual Plan.
- 2.2 Public engagement occurred between 8 March 2019 and 8 April 2019. A total of 42 written submissions were received. The Hearing of Submissions occurred on 8 May 2019, where 22 submitters spoke to their submissions. Council deliberated on submissions on 29 May 2019, and considered further management advice on 12 June 2019.
- 2.3 The rates income increase is 4.6%, which is 1.38% lower than the forecast of 5.98% in the Long Term Plan 2018-38 and 1.36% lower than what Council consulted on for the Draft 2019/2020 Annual Plan.

### 3. Recommendation

- 3.1 That Report 19/208 Adoption: 2019/2020 Annual Plan be received.
- 3.2 That this decision is recognised as significant in terms of S76 of the Local Government Act 2002.
- 3.3 That in accordance with the 2019/2020 Annual Plan the Council resolves that it is financially prudent, after considering the matters set out in Section 100(2)(a)-(d) of the Local Government Act 2002, that the 2019/2020 Annual Plan has projected operating revenues at a level that is insufficient to meet projected operating expenses.
- 3.4 That Council adopts the 2019/2020 Annual Plan in accordance with Section 95 of the Local Government Act 2002.
- 3.5 That Council delegates to the Chief Executive the authority to make minor editorial changes that arise as part of the publication process for the 2019/2020 Annual Plan.

### 4. Background / Previous Council Decisions

- 4.1 The 2019/2020 Annual Plan is Year 2 of the Long Term Plan (LTP) 2018-2038. Extensive community engagement was undertaken by Council during 2017/2018 to help inform the development of the LTP 2018-38.
- 4.2 The Draft 2019/2020 Annual Plan did not contain any significant or material changes from what was proposed in Year 2 of the LTP 2018-38, therefore, in accordance with section 95(2A) of the Local Government Act 2002, Council was not required to consult with the community. However, Council decided that it would still be beneficial to consult on some of the key projects planned for 2019/2020 Draft Annual Plan and seeking feedback on these.
- 4.3 The Engagement Document 'What's Our Plan 2019/2020' was used as the key document for consulting with the community on the Draft Annual Plan 2019/2020.

What's Our Plan 2019/2020 outlined key projects and high-level financial information for the 2019/2020 financial year.

- 4.4 Projects outlined in What's Our Plan 2019/2020 included: Developing Master Plans; working with communities to create Community Plans; Levin Town Centre Development; Foxton Wastewater Treatment Plant – move to land based disposal; Lake Horowhenua; Transport Planning; changes to recycling (1 July 2019); Water and Wastewater Feasibility Studies; and the Shannon Community Centre Feasibility Study.

**Community Engagement:**

- 4.5 On 27 February 2019, Council adopted What's Our Plan 2019/2020 and supporting information for public engagement.
- 4.6 The submission period was open between 8 March 2019 and 8 April 2019.
- 4.7 During the written submission period Elected Members and officers attended a number of engagement events including:
- Pasifika Celebration Day
  - Fairfield School Gala
  - Drop-in sessions at Levin, Foxton and Shannon
- 4.8 Engagement was also publicised through Council's website and social media. A video to highlight key projects was created and shared on Council's social media platform.
- 4.9 Council received 42 submissions on the Draft 2019/2020 Annual Plan. The Hearing of Submissions was held on 8 May 2019 and 22 submitters attended the hearing to speak to their written submission.
- 4.10 Council deliberated on submissions at its meeting on 29 May 2019 and made a number of changes to the Draft Annual Plan. During deliberations, Elected Members requested further information, particularly focused on financial matters. This information was provided by officers and considered at a briefing on 5 June and then the Council meeting on 12 June 2019. Council resolved for changes to be made which will lower the overall rates income increase to 4.6%, and will also reduce the General Rate increase.

## 5. Discussion

### Rates

- 5.1 The 2019/2020 Annual Plan includes a rates income increase of 4.6%. This is lower than proposed in both the Draft 2019/2020 Annual Plan (5.96%), and Year 2 of the Long Term Plan 2018-38 (5.98%).
- 5.2 This decrease in the rates income increase is largely attributed to the following changes:

### Capital Expenditure

- The budget for Council's capital works programme for 2019/2020 has been decreased from what was proposed in the Draft 2019/2020 Annual Plan of \$34.6 million, to \$32.6 million.
- In previous years, Council has invested an average of between \$20 million and \$25 million for capital projects. Therefore, the revised capital works programme budget is more likely to be a stretch target but still be achievable.

### Interest rate assumption



- The interest rate assumption has been decreased from 4.5% to 4.0%. Currently, Council's actual interest rate associated with borrowing is 3.6%. There is no indication that interest rates are likely to significant increase, therefore, the Council considered it was appropriate to revise the interest rate assumption to be 4.0%. At this level a buffer of 0.4% is retained.

### General Rate

- The General Rate income increase in the Draft Annual Plan was 16.85% and has been decreased to 8.81% after Council heard submissions from Farming Ratepayers, this has been achieved from doing the following;
  - Non-rate revenue – an additional \$225,000 has been added as a target for income from non-rate revenue (external funding).
  - Employee Benefit Expenses – the budget has been decreased by \$361,000 from what was included in the 2019/2020 Draft Annual Plan. This saving will be achieved by reviewing the staff positions to ensure that Council can still meet levels of service against the original employee benefits budget contained within the Draft Annual Plan.
  - Allocation of staff time – changes to the overhead model of how staff time is allocated to capital works. The result is that staff time is more consistently allocated to capital works than it was in the Draft 2019/2020 Annual Plan.
- 5.3 These changes have resulted in a reduction in the average rate for rural ratepayers from 8.9% to between 4% and 5%, while urban rates have reduced slightly.

### **Debt**

- 5.4 Council's debt in the 2019/2020 year is forecasted to be \$110m. Which is higher than the \$105m in the Long Term Plan 2018-38. The increase is a result of a number of matters, including growth response projects which have benefits to current and future residents and ratepayers. The approved change in the Solid Waste activity (e.g. improvements to the recycling service) have also been funded from debt. Note: The increase in level of service for the Solid Waste Activity for the 2019/2020 year is proposed to be funded over three years to smooth the immediate impact on ratepayers. This will mean an additional cost from the 2019/2020 year for the subsequent two years. The strategic review of the Solid Waste Activity is planned and this could result in additional changes to how this activity is funded going forward.

### **Balanced Budget**

- 5.5 The LTP 2018-38 predicted that in the 2019/2020 financial year Council would have a small operating surplus of \$553k. An operating deficit of \$2.478m is now projected. There are a number of factors contributing to the projected deficit, the largest are the requirements of planning and providing for future growth and the changes to Solid Waste as indicated in paragraph 5.4 above.
- 5.6 In order to meet statutory requirements under Section 100 of the Local Government Act 2002, Council must resolve that it is financially prudent not to have an operating surplus, having considered:
- *the estimated expenses of achieving and maintaining the predicted levels of service provision set out in the long-term plan, including the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life; and*
  - *the projected revenue available to fund the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life; and*
  - *the equitable allocation of responsibility for funding the provision and maintenance of assets and facilities throughout their useful life; and*

- *the funding and financial policies adopted under section 102.*

It is considered prudent to have an operating deficit in the short-term in order to meet the challenges of growth and increasing levels of service around Solid Waste, as well as maintaining our assets and providing the levels of service agreed for all activities as part of the Long Term Plan 2018-38.

#### **Other requirements**

- 5.7 Council meets all the prudential bench marks set under the Local Government (Financial Reporting and Prudence) Regulations set by DIA for local government including, debt and rates benchmarks excluding the balance the budget bench mark.
- 5.8 Council will be required to formally set rates at a subsequent meeting of Council in accordance with Section 23 and 24 of the Local Government Rating Act once all possible information on the number of rating units and updated valuations on all new rating units and new houses is received from Quotable Value.

## **6. Options**

### Adopt the 2019/2020 Annual Plan

Council is required to adopt the 2019/2020 Annual Plan by no later than 30 June 2019 (Section 95 Local Government Act 2002). The attached 2019/2020 Annual Plan incorporates the decisions made by Council at the 29 May 2019 and 12 June 2019 meetings. Therefore, it is recommended that Council adopt the attached 2019/2020 Annual Plan.

It is also recommended that Council delegates authority to the Chief Executive to make minor editorial changes that may arise as part of the publication process for the 2019/2020 Annual Plan.

### **6.1 Cost**

The costs associated with preparing the 2019/2020 Annual Plan are met from existing budgets.

#### **6.1.1 Rate Impact**

The 2019/2020 Annual Plan identifies rate impacts for the 2019/2020 financial year. However, the formal setting rates by Council in accordance with Section 23 and 24 of the Local Government Rating Act will be finalised at a subsequent Council meeting once all information from Quotable Value on number of rating units, valuation of new rating units and new houses is received by Council.

### **6.2 Community Wellbeing**

There are no negative impacts on community wellbeing arising.

### **6.3 Consenting Issues**

There are no consents required or consenting issues arising.

### **6.4 LTP Integration**

The 2019/2020 Annual Plan is Year 2 of the Long Term Plan 2018-38.

## 7. Consultation

- 7.1 Consultation with the community was undertaken as outlined in section 4 of this report. No further consultation is required before Council makes this decision.

## 8. Legal Considerations

- 8.1 The 2019/2020 Annual Plan has been developed in accordance with the requirements of the Local Government Act 2002.
- 8.2 Section 95 of the Local Government Act requires Council to adopt an Annual Plan no later than 30 June 2019.
- 8.3 A resolution is proposed to meet legislative requirements regarding the balanced budget in accordance with Section 100 of the Local Government Act 2002.

## 9. Financial Considerations

- 9.1 The 2019/2020 Annual Plan sets out Council's budgets for 2019/2020. The rates impact has been discussed in Section 5 of this report.

## 10. Other Considerations

- 10.1 There are no other considerations.

## 11. Next Steps

- 11.1 Following the adoption of the 2019/2020 Annual Plan, the document will be published and made available on Council's website and in Council's libraries and provided to the Secretary, Auditor-General and Parliamentary Library as required under the Local Government Act 2002.

## 12. Supporting Information

<p><b>Strategic Fit/Strategic Outcome</b></p> <p>The Annual Plan 2019/2020 is consistent with the strategic goals in the LTP 2018-2038 and Council's Community Outcomes.</p>
<p><b>Decision Making</b></p> <p>Council is required to adopt the 2019/2020 Annual Plan. This decision is considered to be significant in accordance with Section 76 of the Local Government Act 2002.</p>
<p><b>Consistency with Existing Policy</b></p> <p>Not applicable.</p>
<p><b>Funding</b></p> <p>The 2019/2020 Annual Plan sets out the funding for the upcoming financial year.</p>

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic					
Financial					

Service Delivery					
Legal / Reputational	The 2019/2020 Annual Plan is not adopted by 30 June 2019.	Council does not meet legal requirements of adoption timeframe.	Unlikely	Moderate	Briefings/meetings to address elected member questions prior to 26 June 2019.


**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

**13. Appendices**

No.	Title	Page
A	2019/2020 Annual Plan ( <i>Under Separate Cover</i> )	

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