



# Waitaki

DISTRICT COUNCIL

*TE KAUNIHERA Ā ROHE O WAITAKI*

## DELEGATIONS MASTER REGISTER 2020

Waitaki District Council

Adopted at the 18 March 2020 Additional Council Meeting  
(with amendments – subsequently incorporated in this FINAL version)

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## Introduction and Conditions

This section explains how the Register works. It outlines the Council's delegation powers, and delegates' powers of sub-delegation. There is an explanatory note on each section of the Register. Importantly, there is a list of the conditions that apply to all delegations. Definitions of terms used in the Register are also provided.

## Application

This Register contains the delegations made by the Council to the Chief Executive and to other specified officers of the Council's responsibilities, duties, and powers, in various Acts, Regulations, and Bylaws (including many powers that come within the general power of competence in section 12(2) of the Local Government Act 2002 (LGA)). It also captures the Chief Executive's sub-delegation of some of these responsibilities, duties, and powers to specified officers, and the Chief Executive's delegation of his own statutory powers, responsibilities, and duties to officers.

This Register *does not address* powers or duties that are conferred *directly* on an officer under an Act, Regulation, or Bylaw, by virtue of the statutory position that the officer holds or has been appointed to (eg as a Parking Warden). These powers and duties are set out in the relevant Act, Regulation, or Bylaw (eg for Parking Wardens, in the Land Transport Act 1998), and may also be referenced in any warrant issued to an appointed officer.

## Part 1 – Introduction

- 1.01 The Local Government Act 2002 states the purpose of local government is *“to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.* (Section 10 LGA).
- 1.02 This *Delegations Master Register* assists Council to meet this purpose in accordance with the legal principles set out in sections 14 and 39 LGA (Schedule 2 of this Register). The Register of Delegations describes the roles and relationships of Council, Committees, Subcommittees, Community Boards and elected members relating to Council governance. In specific instances, it also clarifies the relationship in roles between elected members and the Chief Executive.
- 1.03 Written delegations ensure that decision-making processes are effective, open and transparent and assists in the better achievement of the respective functions of elected members and officers.

### Elected Member Role

- 1.04 The elected members’ governance role broadly consists of three elements being:
  - 1.04.01 Representing the community. This includes making decisions to promote community well-being; keeping in contact with the community and bringing their views to the Council table; advocating for the community with other bodies; and explaining Council decisions to affected parties.
  - 1.04.02 Setting Policy. This involves deciding what Council should be doing, i.e. what activities Council should engage in and why; what regulations and bylaws the Council should make and why.
  - 1.04.03 Monitoring and Review. Monitoring involves evaluating a policy performance during a particular project. Review is about evaluating performance at a predetermined time such as the regular operational reporting to the standing committees and the Annual Report.
- 1.05 Managing relationships with the community. The Council’s Chief Executive and the organisation is an important component of this role along with the scope of the role as described in 1.01 above and section 11 of the LGA.
- 1.06 Section 11 *“to give effect, in relation to its district..., to the purpose of local government; and perform the duties, and exercise the rights, conferred upon it by or under this Act or any other enactment.”*
- 1.07 The effectiveness of delegation must be monitored, and the approach amended where necessary. This is a key role of elected members.
- 1.08 Council’s role with the Chief Executive is one of appointing a suitable person; setting performance expectations; establishing powers and authorities to be delegated; monitoring achievement of performance targets and standards; and being a good employer.
- 1.09 The role of the Chief Executive and the organisation is to give policy advice and implement the policies and decisions made by the Council to achieve desired community outcomes and objectives.
- 1.10 Council and Committees monitor progress towards community outcomes and objectives. If progress is not satisfactory, then elected members must review and, if necessary, revise those outcomes and objectives.
- 1.11 With all these matters in mind, Council has adopted a philosophy of delegation to the lowest competent level. This will achieve the best use of the abilities of elected members and

officers, minimise costs, develop effective managers, and enable effective and efficient service to communities of the Waitaki District.

## **Part 2 – General Matters of Delegation**

### The Meaning of Delegation

- 2.01 Delegation in this Register means the assignment of a Council power, responsibility or duty of action to another party, eg a committee, member, the Chief Executive or another officer. This gives the other party (called the delegate) the authority to carry out that power, responsibility, or duty, although responsibility for the outcome ultimately rests with both the delegate and the Council.

### **Delegation by Exception**

- 2.02 The Council has adopted the principle of delegation to the lowest competent level. This means that all the powers of the Council are delegated to Committees, Subcommittees, members as Portfolios holders, Community Boards, the Chief Executive, or officers, unless a matter is specifically reserved to the Council.
- 2.03 The matters reserved to Council are:

### **Powers restricted by law**

- 2.03.01 The powers restricted to the Council by Clause 32(1) of Schedule 2 of the Local Government Act 2002;
- 2.03.02 Any other power which must by law be exercised by the full Council;

### **Powers restricted under policy**

- 2.03.03 Matters which are outside the scope of a committee, subcommittee, working party, community board or the chief executive;
- 2.03.04 Any decision which is inconsistent with any policy or strategy which has or may be adopted by the Council. Committees, subcommittees, community boards and officers will at all times pursue the goals and objectives set by the Council;

### **Powers relating to finance**

- 2.03.05 Authorisation of variations to actual expenses compared to budgets relating to material under or over expenditure. (Refer to clauses 2.17 to 2.19 and 2.21.)
- 2.03.06 Approval of fees and charges. (These powers will ordinarily be exercised in association with the adoption of the Annual Plan.)
- 2.03.07 The following powers, functions and duties reserved to Council under its Liability Management and Investment Policy:
- a) authority to open and close bank accounts;
  - b) acquisition and disposition of investments other than financial investments;
  - c) approval of borrowing programme;
  - d) approval for charging assets as security over borrowing; and approval of interest rate risk management instruments.

### **Powers relating to governance**

- 2.03.08 The consideration and adoption of proposals for a change to the political structure of Council, including the nature and authority of Committees, delegations to the Chief Executive and other officers, the size of Council, the nature of wards and communities, and representation for wards and communities;
- 2.03.09 The appointment of the deputy mayor and members of committees, subcommittees (unless already appointed by the Mayor under section 41A of the Local Government Act 2002) and Council appointees to Community Boards;

- 2.03.10 The consideration and adoption of proposals or recommendations to the Remuneration Authority for the remuneration of elected members;
- 2.03.11 The appointment and remuneration of paid directors appointed to Council-controlled Organisations and Council appointees to Council organisations.
- 2.03.12 The appointment or dismissal of the Chief Executive;

#### **Powers relating to Council-controlled Organisations**

- 2.03.13 The exercise of the powers of a shareholder under Schedule 8 of the Local Government Act 2002 to comment on draft statements of intent, to resolve to modify statements of intent, and to receive Annual Reports from Council-controlled Organisations.
- 2.03.14 The authority to create a new Council-controlled organisation or to disestablish an existing Council-controlled organisation.

#### **Powers relating to Tenders**

- 2.03.15 The authority to decide that a contract for supply of goods or services will not be put to tender, where that contract does not meet the criteria of the approved procurement policy.
- 2.03.16 The authority to award a contract for supply of goods or services where that contract exceeds approved budgets.
- 2.03.17 The authority to award any other contract where, in the opinion of the Chief Executive, the circumstances deem it appropriate for Council to make the decision.

#### **Powers relating to Development Contributions**

- 2.03.18 The authority to decline, amend or adopt the recommendations of the Development Contributions Committee in regard to the waiver, reduction, or deferred payment on any grounds including, but not limited to, financial hardship.

#### **Delegations to Committees and Subcommittees**

- 2.04 Subject to the exceptions in clause 2.03, the Waitaki District Council delegates to the committees and subcommittees described in sections 3.04.01 to 3.04.10 of this Register the powers, responsibilities, and duties that relate to and are necessary to perform the various scopes of activities allocated to them in those sections, and also any listed powers to act or recommend. Each committee and subcommittee is discussed in detail in Part III of this Register and listed in chart form in Schedule 1.
- 2.05 All standing committees (being those committees dealt with in sections 3.04.01 to 3.04.08) have the authority to approve the minutes of their meetings and those of any subcommittee under their delegated authority.

#### **Delegations to Portfolio holders**

- 2.06 Subject to the exceptions in clause 2.03, Waitaki District Council delegates to members who are currently appointed as Portfolio holders the power to offer advice to Council officers for the purpose of exercising officers' delegated authority or to assist officers to formulate advice to Council, but only in relation to matters that fall within the scope of that member's portfolio.
  - 2.06.01 For the avoidance of doubt, the role of portfolio holders is purely advisory, and no decision-making authority is delegated.

## **Delegations to Community Boards**

- 2.07 Subject to the exceptions in clause 2.03, Waitaki District Council delegates to the Community Boards described in sections 4.13.01 and 4.13.02 of this Register the powers, functions, responsibilities and duties that relate to and are necessary to perform relating to the various scopes of activities allocated to them in those sections, and also any listed powers to act or recommend. Each Community Board is discussed in detail in Part III of this Register and Listed in chart form in Schedule 1.

## **Term of Delegation**

- 2.08 Unless any delegation is stated to be for a defined term, it will continue until revoked by the Council or withdrawn by operation of law.

## **Delegation to Office**

- 2.09 Unless stated otherwise, every delegation in this Register is to the Chief Executive or other specified officer and will be unaffected by changes in the personnel holding the office of the Chief Executive or other positions.

## **Reporting Decisions**

- 2.10 Every committee, subcommittee and community board will report decisions taken under delegated authority in the manner required by Standing Orders to a designated reporting body within an agreed timeline, ie in minutes submitted to the next available meeting of the Council or the committee to which a subcommittee reports, as the case may be.
- 2.11 Decisions taken by the Chief Executive or other officers under delegated authority will be reported when:
- 2.11.1 a regular report is a condition of the delegation: or
  - 2.11.2 where any Act requires reporting in a particular way: or
  - 2.11.3 where the Chief Executive authorises the expenditure of depreciation reserves in terms of 6.07.02
  - 2.11.4 where, in the opinion of the Chief Executive, the Council should be aware of the decision.

## **Delegation from the Committees and Subcommittees**

- 2.12 Subcommittees, members who are Portfolio holders, and Community Boards may not sub-delegate powers and functions delegated to them.

## **Basis for Decision Making Under Delegated Authority**

- 2.13 In making a decision under delegated authority, every elected member, committee, subcommittee or community board must consider:
- 2.13.01 any relevant statutory requirements;
  - 2.13.02 any applicable Council policy; and
  - 2.13.03 the facts relevant to a matter.



- 2.14 If the facts relevant to any matter do not support a decision consistent with an applicable Council policy, the elected member, committee, subcommittee or community board should submit the matter to Council for a decision with a suitable explanation and recommendation.

### **Appeals**

- 2.15 Except where decisions are made under the Resource Management Act 1991, the Sale and Supply of Alcohol Act 2012, a contract has been entered into, or other enactment or policy with explicit appeal provisions, every person affected by the decision of an elected member, committee, subcommittee or community board may appeal that decision in writing to Council within five working days.
- 2.16 Council will not overrule a decision made under delegated authority unless:
- 2.16.01 it breaches some policy set by Council; or,
  - 2.16.02 some material fact was overlooked or misinterpreted; or,
  - 2.16.03 it contains serious implications for Council of which the elected member, committee, subcommittee or community board was unaware; or,
  - 2.16.04 it is manifestly wrong or manifestly inconsistent with goals and objectives set by Council.

### **Long Term and Annual Plan**

- 2.17 Budgets are one of the key safeguards over delegation. As such, the Council reserves to itself any decision relating to material variations of actual expenses in total compared to reporting requirements as set out in the Chief Executive's Key Performance Indicators.
- 2.18 Subject to clause 2.17, Council approval in advance is required for every variation of actual expenses in total compared to budgets relating to:
- 2.18.01 material under-expenditure;
  - 2.18.02 material and unrecoverable over-expenditure.
- 2.19 Council approval in terms of clause 2.18 may be sought after the event, but only where it is not possible to seek approval in advance.

### **Reporting against the Long-Term Plan and Annual Plan**

- 2.20 The Chief Executive shall provide the following reports to Council:
- 2.20.01 every three months, a review of performance against the Annual Plan financial and non-financial performance measures.
  - 2.20.02 every three months, proposed variations to actual expenses compared to budgets for material under-expenditure or material and unrecoverable over-expenditure.
  - 2.20.03 every year, an Annual Report in accordance with Section 98 of the Local Government Act 2002.

### **Definitions of Terms relating to the Annual Plan**

- 2.21 For the purposes of clauses 2.18 and 2.19, the following definitions shall apply:
- 2.21.01 "unrecoverable over-expenditure" is defined as operational expenditure which cannot be recovered within the total expenditure from that group of activities or operational reserves for the financial year.

2.21.02 “material” is defined as a variance of not less than 10% or \$1.5M of the total budgeted expenditure for capital projects.

### **Part 3 – Council’s delegations to committees, subcommittees, community boards, and elected members.**

#### Introduction

- 3.01 This part covers Council's governance structure insofar as it relates to the powers and functions of committees and subcommittees and portfolios of Council.
- 3.02 The delegations to committees, subcommittees and portfolios can be found in clauses 2.04 - 2.07 of this Register.
- 3.03 It is normal practice for committees and subcommittees to make recommendations to a Council meeting, unless there is some reason of urgency or practicability, for exercising the Power to Act. This convention allows opportunity for public feedback and reflection before Council decides on a recommendation. Delegation of “Powers to Act” to committees and subcommittees are for matters which are deemed to only require a one-step process.
- 3.04 The terms of reference (including constitution, membership, and scope of activities) and delegated authority of specific committees, subcommittees and portfolios, can be found in clauses 3.04.01 to 3.04.10. A chart of committees, subcommittees, portfolios and community boards can be found in Schedule 1.

### **3.04.01**

### **Assets Committee**

REPORTING TO: Council

CONSTITUTION: Seven members appointed by Council and the Mayor

MEMBERS: Cr Bill Kingan (Chair – Rural Roads), Cr Peter Newton (Associate Chair – Solid Waste and Recycling), Cr Jeremy Holding, Cr Kelli Milmine, Cr Guy Percival, Deputy Mayor Melanie Tavendale, Cr Colin Wollstein and Mayor Gary Kircher (Associate Chair – Property, Indoor Events Centre)

QUORUM: Four members

MEETING FREQUENCY: Six weekly or as required

#### **OBJECTIVE:**

- 1 To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future, for matters within the Committee's scope of activity.
- 2 To monitor, evaluate and report on the effectiveness and efficiency of service delivery within the Committee's scope of activity.
- 3 To receive the minutes and monitor the performance of subcommittees reporting to the Committee.
- 4 Establishing priorities and programmes for capital expenditure over \$5,000 on works and services funded wholly and principally within the Corriedale and Oamaru Wards funded from the Amenity Rate.

#### **SCOPE OF ACTIVITY:**

The Committee has authority to address matters in relation to the following Council activity as described in the adopted Waitaki District Council Long Term Plan:

- Roading and footpaths
- Township amenity, parking, litter bins, cleaning
- Wastewater collection, treatment and disposal
- Storm water drainage
- Water treatment and supply
- Waste management and minimisation
- Property:
  - Community and operational
  - Commercial property
  - Land development and sales
  - Community housing
- Oamaru Airport
- Oamaru Port
- Council vehicle fleet management
- Parks and Recreation:
  - Parks, gardens and green spaces

- Playgrounds and playscapes
- Walking and cycling tracks
- Alps to Ocean cycle trail
- Sports fields
- Aquatic Centre
- Camping grounds
- Public Toilets
- Cemeteries and burial service
- Streetscapes
- Forestry on commercial and operational property

#### **POWER TO ACT:**

Within its scope of activity, and noting the convention in clause 3.03 of this Register, the Committee shall have Power to Act to:

#### **General Powers**

- a) Determine any matter within existing policy.
- b) Authorise submissions to Government, local authorities and other bodies.
- c) Approve the committee meeting minutes and those of any subcommittee under its delegated authority.

#### **Matters relating to Roads**

- d) Receive, hear and consider written objections to any proposal by Council under statute to stop any road and decide whether to allow or disallow any objection.
- e) Authorise location and layout of road markings, road signs and other regulatory signage or markings within the Council-controlled road corridor.
- f) Makes determinations under the Extended Network Policy.

#### **Matters relating to Water Supply**

- g) No matters relating to Water Supply.

#### **Finance**

- h) Approve waiver of fees and charges in excess of \$5,000 by making a grant in the sum of the waiver.
- i) Authorise expenditure associated with development contributions consistent with Council's policy on development contributions.
- j) Authorise expenditure associated with renewal funds for unplanned capital works consistent with asset management plans, up to a maximum of \$500,000 for any capital work.

#### **Reserves Act 1977**

- k) Approve consultation documents in relation to management plans for reserves.
- l) Deal with reserves management issues where members of the public have requested to be heard under Section 120 of the Reserves Act 1977 and to grant or decline leases, licences or rights of way under the Reserves Act 1977.

### **Matters relating to Amenity Rates**

- m) Approve priorities and programmes for capital expenditure valued between \$5,000 and \$50,000 on works and services funded wholly and principally within the Corriedale and Oamaru Wards.

### **POWER TO RECOMMEND**

#### **Property**

- a) Sale of Council land and property as per relevant property policy.
- b) Purchase of real property as per relevant property policy.
- c) Enter into leases, licences or right of ways as per relevant property policy.

#### **Reserves Act 1977**

- d) Exercise the delegations under the Reserves Act 1977 as set out in Council's Delegations to Other Officers of this Register.
- e) Adoption of management plan for reserves.

The Committee shall have Power to Recommend:

- f) New policy.
- g) Review of existing policy.
- h) Adoption of statutory plans, policies, strategies and bylaws within the scope of activity.<sup>1</sup>
- i) Adoption of non-statutory plans, policies and strategies.
- j) Programmes of consultation for the adoption of statutory and non-statutory plans, policies and strategies and the adoption of bylaws.
- k) The level of fees and charges for goods and services within the scope of activity not adopted within the Annual Plan.
- l) Expenditure of development contribution funds for capital works consistent with asset management plans and Council's policy on development contributions.
- m) Corriedale and Oamaru work programmes above \$50,000 funded from Amenity Rate.
- n) Prosecutions and other actions in the High Court.
- o) Any matter within the Scope of Activities.

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<sup>1</sup> These include but are not limited to asset management plans, waste minimisation strategy, infrastructure strategy, roading bylaw, trade wastes bylaw, land transport strategy, assessment of water and sanitary services, reserves management plans etc.

### **3.04.02**

### **Community, Culture and Regulatory Committee**

REPORTING TO: Council

CONSTITUTION: Six members appointed by Council and the Mayor

MEMBERS: Deputy Mayor Melanie Tavendale (Chair), Cr Jim Hopkins (Associate Chair – District Plan Review), Cr Hana Halalele (Associate Chair – Community Development), Cr Kelli Milmine, Cr Peter Newton, Cr Ross McRobie and Mayor Gary Kircher

QUORUM: Four members

MEETING FREQUENCY: Six weekly or as required

#### **OBJECTIVE:**

- 1 To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future, for matters within the Committee's scope of activity.
- 2 To monitor, evaluate and report on the effectiveness and efficiency of service delivery within the Committee's scope of activity.
- 3 To receive the minutes and monitor the performance of subcommittees reporting to the Committee.

#### **SCOPE OF ACTIVITY:**

The Committee has authority to address matters in relation to the following Council activity as described in the adopted Waitaki District Council Long Term Plan:

- Arts, Heritage and Culture:
  - Forrester Gallery, North Otago Museum, Archive
  - Libraries and Archive
  - Opera House
  - Cultural Facilities
- Customer Services:
  - Customer Service Centres
  - Customer enquiries and contact
- Democracy and Accountability:
  - Information, advice and support to Elected Members
- Environment Regulations and Safety:
  - Animal Control
  - Licencing, response and enforcement.
  - Building control and property information
  - Consents, Inspections, Code of Compliance
  - BCA Accreditation
- Community Safety and Development:
  - Safer Waitaki Project

- Liaison, facilitation or support for community projects
- Youth Council
  
- District Planning
- Environmental health and safety:
  - Licencing and enforcement regarding food and alcohol
  - Resource consent monitoring
  
- Parking enforcement
- Resource Consents

**POWER TO ACT:**

Within its scope of activity, and noting the convention in clause 3.03 of this Register, the Committee shall have Power to Act to:

**General Powers**

- a) Determine any matter within existing policy.
- b) Authorise submissions to Government, local authorities and other bodies.
- c) Approve the committee meeting minutes and those of any subcommittee under its delegated authority.
- d) Approve the Draft District Plan for public consultation.

**Finance**

- e) Approve waiver of fees and charges in excess of \$5,000 by making a grant in the sum of the waiver.

**POWER TO RECOMMEND**

The Committee shall have Power to Recommend:

- a) New policy.
- b) Review of existing policy.
- c) Adoption of statutory plans, policies, strategies and bylaws within the scope of activity, including the Proposed District Plan.<sup>2</sup>
- d) Adoption of non-statutory plans, policies and strategies.
- e) Programmes of consultation for the adoption of statutory and non-statutory plans, policies and strategies and the adoption of bylaws.
- f) The level of fees and charges for goods and services within the scope of activity not adopted within the Annual Plan.
- g) Prosecutions and other actions in the High Court and Environment Court
- h) Any matter within the Scope of Activities.

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<sup>2</sup> These include but are not limited to Activity Management Plans, Dog Control Policy and Bylaw, Alcohol Ban Bylaw, District Plan, Culture and Heritage Strategy, Customer Excellence Strategy, Prosecution and Enforcement Policy etc.



### 3.04.03

### Performance, Audit and Risk Committee

REPORTING TO:	Council
CONSTITUTION:	Seven members appointed by Council and independent member (if appointed) and the Mayor
MEMBERS:	Cr Colin Wollstein (Chair), Cr Jeremy Holding (Associate Chair – Information Services), Cr Ross McRobie (Associate Chair – Risk), Cr Hana Halalele, Cr Jim Hopkins, Cr Bill Kingan, Cr Guy Percival and Mayor Gary Kircher
QUORUM:	Four members (without the appointment of an independent member, for a total membership of eight)  Five members (if an independent new member is appointed for a total membership of nine)
MEETING FREQUENCY:	Monthly or as required.

#### OBJECTIVE:

1. To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future, for matters within the Committee's scope of activity.
2. To monitor, evaluate and report on the effectiveness and efficiency of service delivery within the Committee's scope of activity.
3. To act as Council's Audit Committee.
4. To receive the minutes and monitor the performance of subcommittees reporting to the Committee.

#### SCOPE OF ACTIVITY:

The Committee has authority to address matters in relation to the following Council activity as described in the adopted Waitaki District Council Long Term Plan (LTP):

- Accountability to the community:
  - Annual Report.
  - LTP financial statements and forecasts.
  - Financial statement and/or LGA policy associated with amendments to the LTP.
  - Planning approach
  - Community engagement
  - Local Government Act Funding and Financial Policies.
  - External and Internal Audit.
- Community Halls:
- Information Services and Systems
  - Corporate System security
  - Data, Information and Knowledge Management
  - IT Governance
  - Core Information Systems.
  - Information Technology and Systems Risks
  - Enterprise Architecture

## **Other Matters**

- Council Risk Policy, implementation of risk management approach, including reporting and approval of strategy and practice that aligns the Council's exposure to risk with the Council's risk appetite.
- Deployment of insurance as a means of risk management.

## **POWER TO ACT:**

Within its scope of activity, and noting the convention in clause 3.03 of this Register, the Committee shall have Power to Act to:

## **General Powers**

- a) Determine any matter within existing policy.
- b) Authorise submissions to Government, local authorities and other bodies.
- c) Approve the committee meeting minutes and those of any subcommittee under its delegated authority.

## **Finance**

- d) Write off debts owed to Council (where the value of that debt exceeds the cost of collection).
- e) Approve waiver of fees and charges in excess of \$5,000 by making a grant in the sum of the waiver.
- f) Approve the Quarterly Treasury Management Strategy.
- g) To hear and decide upon appeals to officer decisions on amendments to the rating information database.

## **Community Centres and Halls**

- h) Approve alterations to Community Centres and Halls exceeding the authority delegated to Community Centre and Hall Subcommittees.

## **POWER TO RECOMMEND**

The Committee shall have Power to Recommend:

- a) New policy.
- b) Review of existing policy.
- c) Adoption of statutory plans, policies, strategies and bylaws within the scope of activity.<sup>3</sup>
- d) Adoption of non-statutory plans, policies and strategies.
- e) The level of fees and charges for goods and services within the scope of activity not adopted within the Annual Plan.
- f) The annual insurance renewal programme.
- g) Prosecutions and other actions in the High Court.
- h) Any matter within the 'Scope of Activity'.

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<sup>3</sup> These include but are not limited to LTP Activity Management Plans, Annual Report, Significance and Engagement Policy, Funding and Financial Policy

### **3.04.04**

### **Executive Committee**

REPORTING TO:	Council
CONSTITUTION:	Six Members appointed by Council
MEMBERS:	Mayor Gary Kircher (Chair), Deputy Mayor Melanie Tavendale (Associate Chair), Cr Bill Kingan, Cr Kelli Milmine, Cr Ross McRobie and Cr Colin Wollstein
QUORUM:	Three members for receiving Economic Development updates, other information reports, and confirming Committee meeting minutes.  Four members (ie a majority) for all other matters and/or where a Committee decision is required.
MEETING FREQUENCY:	Six weekly or as required.

#### **OBJECTIVE:**

- 1 To enable that Council carries out its statutory and contractual responsibilities as employer of the Chief Executive.
- 2 To implement Council policies and processes for the selection, appointment and remuneration of directors to Council-controlled organisations and trustees to Council organisations.
- 3 To maintain an ongoing liaison with Boards of Directors of Council Controlled Organisations in regard to Council's interest as a shareholder.
- 4 To determine matters within the authority of Council where the urgency of those matters precludes a full meeting of the Council, or emergency legislation is enacted.
- 5 To monitor, evaluate and report on the effectiveness and efficiency of service delivery within the Committee's scope of activity.

#### **SCOPE OF ACTIVITY:**

The Committee has authority to address matters in relation to the following Council activity as described in the adopted Waitaki District Long Term Plan

##### **Employment of Chief Executive**

- 1 All matters arising under Section 42 and Clauses 33, 34, 35 and 36 of Schedule 7 of the Local Government Act 2002.
- 2 All matters arising from Council's employment agreement with the Chief Executive, including, but not limited to, the conduct of performance reviews and remuneration reviews.

##### **Appointment of Directors, Trustees and Other Appointees**

1. All matters pertaining to the selection of directors to Council-controlled organisations, trustees to Council organisations and any other appointees as required.

## **Emergency Powers**

1. All matters within the authority of Council, other than those reserved to Council under Section 48 and Schedule 7 of the Local Government Act 2002, or which are otherwise non-delegable by law.
2. Appointment of a Controller under the Civil Defence Emergency Management Act 2002.

## **Economic Development**

To receive updates and decide all matters pertaining to the allocation and distribution of the discretionary fund held for the purpose of encouraging Economic Development within Waitaki District.

## **POWER TO ACT:**

### **Employment of Chief Executive**

- a) To decide all matters arising under Section 42 and Clauses 33, 34, 35 and 36 of Schedule 7 of the Local Government Act 2002 and all matters arising from Council's employment agreement with the Chief Executive, except for:
  - (i) The appointment of a Chief Executive; and
  - (ii) The re-appointment of a Chief Executive for a second term under Clause 34 of Schedule 7 of the Local Government Act 2002; and
  - (iii) The termination of employment of the Chief Executive

## **Emergency Powers**

- b) To decide all matters within the authority of Council where urgency precludes referring the matter to or convening a full meeting of Council, except for those matters reserved to Council under Section 48 and Schedule 7 of the Local Government Act 2002 or which are otherwise non-delegable by law.

## **Economic Development**

- d) To decide all matters pertaining to the allocation and distribution of the discretionary fund held for the purpose of encouraging Economic Development within Waitaki District.

## **POWER TO RECOMMEND**

### **Council Controlled Organisations**

- e) Any matters pertaining to Council's interest as a shareholder in Council Controlled Organisations.

### **Appointment of Directors, Trustees and Other Appointees**

- c) All matters pertaining to the appointment and remuneration of directors to Council-controlled organisations, trustees to Council organisations and any other appointee, as required.

### **Employment of Chief Executive**

- d) To recommend annual remuneration for the Chief Executive

The Committee shall have Power to Recommend:

- f) New policy.
- g) Review of existing policy.
- h) Adoption of any plans, policies, strategies within the scope of activity <sup>4</sup>

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<sup>4</sup> These include but are not limited to Annual Plan, LTP, Activity Management Plans, Economic Development Strategy and Implementation Plan

**3.04.05****Development Contributions Committee**

REPORTING TO:	Council
CONSTITUTION:	Five members appointed by Council and the Mayor
MEMBERS:	Cr Guy Percival (Chair), Cr Kelli Milmine (Associate Chair), Cr Bill Kingan, Cr Peter Newton, Cr Colin Wollstein and Mayor Gary Kircher
QUORUM:	Four members
MEETING FREQUENCY:	As required.

**OBJECTIVE:**

1. To hear and/or consider submissions and make recommendations on the waiver, reduction or deferred payment of development contributions levied under Council's policy on development contributions; and review the Development Contributions Strategy as or when required.

**SCOPE OF ACTIVITY:**

The Committee has authority to address requests for waiver, reduction or deferred payment of development contributions levied under Council policy.

**POWER TO ACT:**

Within its scope of activity, and noting the convention in clause 3.03 of this Register, the Committee shall have Power to Act to:

- a) Conduct a hearing to consider any request for a waiver, reduction or deferred payment of development contributions; or
- b) Consider any request for waiver, reduction or deferred payment of development contributions on the basis of written evidence.
- c) Reduce or waive up to 100% of development contributions on any one development where there is an error of calculation or an incorrect application of policy and where the sum involved exceeds the Officer delegation of \$5,000 excluding GST, and where the Committee is satisfied that the exercise of this authority promotes the economic, environmental, social or cultural wellbeing of the district.
- d) Reduce or waive development contributions on any one development up to a maximum of \$40,000 excluding GST where, in the judgement of the Committee, the correct application of the policy without error of calculation has produced an anomalous result and where the Committee is satisfied that the exercise of this authority promotes the economic, environmental, social or cultural wellbeing of the district.
- e) Approve deferred payment arrangements by way of development agreements provided that the agreement complies with the Local Government Act 2002, that the total sum involved does not exceed \$40,000 excluding GST, the period for deferred payment does not exceed three years, and the Committee is satisfied that the exercise of this authority promotes the economic, environmental, social or cultural wellbeing of the district.

**POWER TO RECOMMEND:**

The Committee shall have Power to Recommend:

- a) The waiver of development contributions in excess of \$40,000 excluding GST where in the judgement of the Committee the correct application of the policy without error of calculation has produced an anomalous result and where the Committee is satisfied that the recommendation promotes the economic, environmental, social or cultural wellbeing of the district; and/or

- b) The reduction of development contributions in excess of \$40,000 excluding GST where in the judgement of the Committee the correct application of the policy without error of calculation has produced an anomalous result and where the Committee is satisfied that the recommendation promotes the economic, environmental, social or cultural wellbeing of the district; and/or
- c) Arrangements for the deferred payment of development contributions by way of development agreements where the total sum involved exceeds \$40,000 excluding GST or the period for deferred payment exceeds three years, provided that the agreement complies with the Local Government Act 2002 and the Committee is satisfied that the recommendation promotes the economic, environmental, social or cultural wellbeing of the district
- d) Arrangements for the waiver or reduction of development contributions on the grounds of financial hardship by way of development agreements where the Committee is satisfied that the recommendation promotes the economic, environmental, social or cultural wellbeing of the district.

### **3.04.06**

### **Harbour Area Committee**

REPORTING TO:	Council
CONSTITUTION:	Five members appointed by Council and the Mayor plus community representatives appointed by Council.
MEMBERS:	Mayor Gary Kircher (Chair), Cr Jeremy Holding (Associate Chair – Cape Wanbrow), Cr Kelli Milmine, Deputy Mayor Melanie Tavendale and Cr Colin Wollstein plus external appointments Dr Phillippa Agnew, Mr Graeme Clark, Mr George Kelcher and Mr Kevin Murdoch.
QUORUM:	Five members
MEETING FREQUENCY:	Six weekly or as required.

#### **OBJECTIVE:**

- 1 To review and implement the Harbour Masterplan ensuring balance between Conservation, Restoration and Development.
- 2 To approve asset management plans within Council budgets for Harbour assets.
- 3 To oversee property activities in the Harbourside area.

#### **SCOPE OF ACTIVITY:**

- All matters pertaining to the Harbour Masterplan other than District Plan aspects and day-to-day asset management and operation of Council services in the Harbourside area.
- The Harbourside area is defined in the map below.
- Other matters in scope within the Harbour Area include:
  - Parks and Reserves
  - New leases and lease renewals where there is no right of renewal
  - Infrastructure Assets (ie Roading and Three Waters)
  - Harbour, Breakwater and Dredging
  - Slipways, Boat-ramps and Moorings
  - Wharves
  - Heritage in the Harbour area
  - Whitestone Civic Trust
  - Oamaru Blue Penguin Colony and Natural Heritage

#### **POWER TO ACT:**

Within its scope of activity, and noting the convention in clause 3.03 of this Register, the Committee shall have Power to Act:

- a) To approve Harbour Area Committee meeting minutes.
- b) To approve consultation documents on matters pertaining to the implementation of the Harbour Masterplan, Harbour asset management and Harbour operations.
- c) To apply approved budgets for the implementation of the Harbour Masterplan where they involve agreed strategic priorities.

- d) Develop new projects for the Council's consideration.
- e) To communicate publicly on implementation matters relating to the Harbour.

**POWER TO RECOMMEND**

- a) To advise and make recommendations to Council on matters in connection with the implementation of the Harbour Masterplan, Harbour asset management and Harbour operation.
- b) Sale of Council land and property as per relevant property policy
- c) Purchase of real property as per relevant property policy
- d) Enter in leases as per relevant property policy
- e) To recommend improvements and projects included in the Harbour area of Influence



### Harbour Committee Area



### Harbour Committee Area of Influence



**3.04.07****District Licensing Committee "A"**

REPORTING TO:	Council
CONSTITUTION:	Committee A: Chair or Associate Chair and two members drawn from the approved members list Committee B: Commissioner and two members drawn from the approved members list
MEMBERS:	Cr Jim Hopkins (Chair) and Cr Kelli Milmine (Associate Chair) plus community representatives appointed by Council and named on an approved members list.
QUORUM:	Three members
MEETING FREQUENCY:	as required.

**OBJECTIVE:**

1. To hear and determine matters of a quasi-judicial nature under the Sale and Supply of Alcohol Act 2012.

**SCOPE OF ACTIVITY:**

The Committee has authority to carry out the functions specified in section 187 of the Sale and Supply of Alcohol Act 2012.

**POWER TO ACT:**

Within its scope of activity, and noting the convention in clause 3.03 of this Register, the Committee shall have Power to Act to:

- a) Consider and determine applications for licences and manager's certificates.
- b) Consider and determine applications for renewal of licences and manager's certificates.
- c) Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act.
- d) Consider and determine applications for the variation, suspension, or cancellation of special licences.
- e) Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Act.
- f) With the leave of the chairperson for the licensing authority, refer applications to the licensing authority.
- g) To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act.

### 3.04.08

### Hearings Committee

REPORTING TO:	Council
CONSTITUTION:	Three elected members appointed by Council who have completed an approved course of training and/or appropriately qualified RMA Hearings Commissioners
MEMBERS:	Cr Jim Hopkins (Chair), Deputy Mayor Tavendale (Associate Chair), and Cr Ross McRobie
QUORUM:	Two members
MEETING FREQUENCY:	As required

#### OBJECTIVE:

1. To hear matters of a quasi-judicial nature under the Resource Management Act 1991 and the Dog Control Act 1996.

#### SCOPE OF ACTIVITY:

- Applications for notified resource consents and any applications for reviews of conditions of notified resource consents (Sections 127(i)(b), 128 and section 357 Hearings).
- Other issues where a full formal hearing is required by law or considered desirable by the Council.

#### POWER TO ACT:

##### Resource Management Act

- a) Resource Management Act 1991 proceedings including district plan hearings.

##### Dog Control

- b) To hear and decide upon objections to the classification of a dog owner as a probationary owner.
- c) To hear and decide upon objections to the disqualification of a dog owner.
- d) To hear and decide upon objections to the classification of a dog as a dangerous dog.
- e) To hear and decide upon objections to abatement notices issued for barking dogs.
- f) To hear and decide upon objections to the classification of a dog as menacing dog under both sections 33B and 33D of the Dog Control Act 1996.

#### POWER TO RECOMMEND:

##### Resource Management Act

- a) Delegation of the administration of the Resource Management Act 1991 as set out in delegations to other officers to this Register.

The following points can be noted as general background to the delegations set out in Schedule 2:

- Allow delegated officers to complete functions as intended under the RMA. In exercising these delegated functions, officers must exercise good practice and judgement to ensure the Committee Chair and/or elected members are appropriately involved and/or informed.
- Clause 120, Right to Appeal, refers to the 15 March 2017 Council Oceana Gold report as an example of how this particular delegation is given effect.

### 3.04.09

### Grants and Awards Committee

REPORTING TO: Council

CONSTITUTION: The Chair will select Council representatives plus community representatives on a rostered basis.

MEMBERSHIP: Cr Jeremy Holding (Chair), Cr Hana Halalele (Associate Chair – Creative Communities, Sports Travel), and All Councillors and Community Board Chairs (generally up to five members to attend one meeting).

QUORUM: The quorum shall be the minimum number of Council and community representatives necessary to satisfy the conditions of externally funded grants schemes.

In the case of Council-funded grants and awards, the quorum shall be two-thirds of members.

MEETING FREQUENCY: Annually and as required.

#### **SCOPE OF ACTIVITY:**

1. All matters pertaining to conferring of Citizens' Awards and the allocation of funding from Sport NZ Rural Travel Fund, the Creative Communities NZ Scheme, the Waitaki Heritage and Biodiversity Funds, and the Council Community Grants funding.

#### **POWER TO ACT:**

- a) Where a maximum of three members is required for compliance with funding criteria, the Chairperson shall have authority to consult and determine who shall attend.

Grant	Objective	Frequency	Membership	Funding Source	Power to Act
<b>Community Grants</b>	To promote the economic, environmental, social and cultural well-being of the people of the Waitaki District by allocation of community grants	Two annually	Five Council members and Community Board Chairs	Council	<ul style="list-style-type: none"> <li>To approve Grants Committee meeting minutes</li> <li>To determine all matters pertaining to the allocation of funding from the Council Community Grants funding.</li> </ul>
<b>Creative Community Grant</b>	To support arts and cultural activities taking place within the Waitaki District by allocation of funding from the Creative Communities New Zealand Scheme.	Two annually	Two members from Council and five community members who have a broad knowledge of the arts activity in the local area.	Creative NZ	<ul style="list-style-type: none"> <li>To approve Grants Committee meeting minutes</li> <li>To determine all matters pertaining to the allocation of funding from the Creative Communities NZ Scheme</li> <li>delegations to approve funding by following the guidelines for membership and decision making</li> </ul>
<b>Rural Travel Fund – Sport NZ</b>	To support and encourage community participation in sport, physical activity and physical leisure by allocation of funding from the Sport NZ Rural Travel Fund.	One per year	Three members from Council and a representative from Sport NZ.	Rural Travel Fund – Sport NZ	<ul style="list-style-type: none"> <li>To approve Grants Committee meeting minutes</li> <li>To determine all matters pertaining to the allocation of funding from the SPARC Rural Travel Fund</li> </ul>
<b>Waitaki Biodiversity Fund</b>	<p>To support landowners who are taking practical steps to protect and enhance indigenous biodiversity in the Waitaki District, principally on private land.</p> <p>Priorities are:</p> <ul style="list-style-type: none"> <li>Protection of native habitat through fencing and other measures.</li> <li>Long term legal protection of native habitat through covenants (i.e. QEII).</li> <li>Management of threats to biodiversity such as pest animals and weeds.</li> </ul>	As received	<p>Three members from Council</p> <p>Supported by Biodiversity Advisor</p>	Council	<ul style="list-style-type: none"> <li>To approve Grants Committee meeting minutes</li> <li>To determine all matters pertaining to the allocation of funding for the Waitaki Biodiversity Fund.</li> </ul>
<b>Waitaki Citizens' Awards</b>	To evaluate nominations and confer Citizens' Awards on nominated citizens in accordance with the Award criteria.	One per year	Council Grant Committee, Mayor and Community Board Chairs	Council	<ul style="list-style-type: none"> <li>To approve Awards Committee meeting minutes</li> <li>To determine all matters necessary for the presentation of the Waitaki Citizens' Awards, including the final selection of awardees, or deal with any other body on any other event as required.</li> </ul>
<b>Waitaki Heritage Fund</b>	To encourage the retention, preservation, conservation and maintenance of historic buildings and sites in the Waitaki district by advancing monies from the Waitaki Heritage Fund or making other financial assistance available to the owners of any building in the region of national or regional or local historic interest for the purpose of management, maintenance or preservation of the building.	As received	<p>Council Grant Committee and two persons nominated by the Historic Places Trust.</p> <p>Supported by Heritage Advisor.</p>	Council	<ul style="list-style-type: none"> <li>To approve Grants Committee meeting minutes</li> <li>To determine all matters pertaining to the allocation of funding from the Waitaki Heritage Fund</li> </ul>

## Part 4 – Delegations to Community Boards

### Introduction

- 4.01 The Order in Council establishing the Waitaki district provided for the creation of two community boards, to be known as the Ahuriri Community Board and the Waihemo Community Board. The most recent determination of the Local Government Commission reaffirmed these Boards. The Ahuriri Community Board serves communities in the Ahuriri Ward, including the townships of Kurow, Otematata, Omarama, Lake Ohau, and Duntroon.
- 4.03 The Waihemo Community Board serves the communities of the Waihemo Ward, including the townships of Hampden, Moeraki, Palmerston, Shag Point, Dunback and Macraes Flat.
- 4.04 Community Boards are not Committees of Council. They are separate legal entities.

### Purposes and powers of delegations to Community Boards

- 4.05 The role and powers of Community Boards are described in Sections 52 and 53 of the Local Government Act 2002.

#### ***The role of a community board is to:***

- (a) *represent, and act as an advocate for, the interests of its community; and*
- (b) *consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*
- (c) *maintain an overview of services provided by the territorial authority within the community; and*
- (d) *prepare an annual submission to the territorial authority for expenditure within the community; and*
- (e) *communicate with community organisations and special interest groups within the community; and*
- (f) *undertake any other responsibilities that are delegated to it by the territorial authority.*

#### **Powers of community boards:**

- (1) *A community board has the powers that are:*
    - (a) *delegated to it by the relevant territorial authority in accordance with clause 32 of Schedule 7; or*
    - (b) *prescribed by the Order in Council constituting its community.*
  - (2) *The powers of a community board prescribed by Order in Council expire at the close of six years after the order comes into force.*
  - (3) *Despite subsection (1), a community board may not:*
    - (a) *acquire, hold or dispose of surplus property*
    - (b) *appoint, suspend, or remove staff.*
- 4.06 The power of territorial authorities to delegate functions powers, responsibilities, and duties to community boards are described is set out in Clause 32(1) of Part 1 of Schedule 7 of the Local Government Act 2002. (see clause 15 for clause 32 in its entirety). It is relevant to repeat Clause 32(6) here.
- (1) *A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*

### Delegations to Community Boards

- 4.07 Council recognises that delegated authority to Boards should focus on local matters. Local matters are those that affect communities in the respective Board area and for which Council activity is wholly or predominantly funded within that area.
- 4.08 Wherever practicable, Committees of Council should refer matters of local importance to the respective community board. (26) District issues, including Oamaru and Corriedale Ward issues, are to be considered by the Council or its Standing Committees.
- 4.09 Community Boards should exercise the delegations to the fullest extent within the constraints imposed by the Waitaki District Council Long Term Plan, Annual Plan and Council policy.
- 4.10 Community Boards will have only the delegated powers, functions, responsibilities and duties specifically given to them by the Council.
- 4.11 The constitution, membership, scope of activities and delegated authority of Community Boards can be found on the following pages.

#### **Sub-delegation from Community Boards**

- 4.12 Community Boards' authority to delegate derives from Section 54 and Clauses 32, 32A and 32B of Schedule 7 of the Local Government Act 2002, which, in overview, provides for Boards to have the same powers of delegation as councils.

#### **Reporting Decisions**

- 4.13 Every Community Board and subcommittee of a Community Board will report decisions taken under delegated authority in the manner required by Standing Orders, i.e. in minutes submitted to the next available meeting of Council or the Community Board to which a subcommittee reports, as the case may be.

**4.13.01****Ahuriri Community Board**

<b>REPORTING TO:</b>	Council
<b>CONSTITUTION:</b>	Five elected community representatives. Ahuriri Ward elected Councillor.
<b>QUORUM</b>	Three members
<b>MEETING FREQUENCY:</b>	Every two months or as required.

**OBJECTIVE:**

The good governance of the Waitaki District by the resolution of Ahuriri community issues within the community.

**SCOPE OF ACTIVITY:**

1. Representation, and acting as advocate for, the interests of the Ahuriri community; and
2. The consideration of and reporting on all matters referred to it by Council, or any matter of interest or concern to the community board; and
3. The overview of all services provided by Waitaki District Council within the community; and
4. Establishing priorities and programmes for operational and capital expenditure on works and services funded wholly and principally within the Ahuriri Ward. Those works and services, and their rates sources are:

<b>Works and Services</b>	<b>Rates</b>
Ahuriri Community Board	Ahuriri Ward Services Rate; Ahuriri Ward Community Board Rate
Open Space	Ahuriri Ward Services Rate
Beautification and Playgrounds	Ahuriri Ward Services Rate
Omarama Airfield	Ahuriri Ward Services Rate
Township Works in the Ward	Ahuriri Ward Services Rate
Local Amenity (streetlights, stormwater, kerb and channel) in Kurow, Lake Ohau, Duntroon, Omarama and Otematata	Local Amenity Rates
Sewerage treatment and disposal in Kurow, Lake Ohau, Duntroon, Omarama and Otematata	Sewerage rates
Urban water supply in Kurow, Lake Ohau, Duntroon, Omarama and Otematata	Water rates



5. The preparation of an annual submission to Waitaki District Council for expenditure within the community; and
6. Communication with community organisations and special interest groups within the community; and
7. Undertaking any other responsibilities that are delegated to it by Waitaki District Council.
8. Any other matter referred to the Board by Council.

**POWER TO ACT:**

- (a) To establish priorities and programmes, consistent with Council adopted asset and activity management plans, for operational expenditure on works and services funded wholly or principally within the community board area, provided that overall funding levels are consistent with the Waitaki District Council Long Term Plan, Annual Plan, Council policy or otherwise approved by Council.
- (b) To approve projects funded wholly or principally within the Community Board's area, provided that overall funding levels are consistent with the Waitaki District Council Long Term Plan, Annual Plan, Council policy or otherwise approved by Council.
- (c) To make submissions to Waitaki District Council on the Waitaki District Long Term Plan, Annual Plan and any other policy, plan or statement required under the Local Government Act 2002 or any other enactment, or any other matter.
- (d) To operate a discretionary fund for local community purposes.
- (e) To provide feedback to officers to assist them in the discharge of delegated authorities.

**POWER TO RECOMMEND:**

- (a) Long Term Plan and Annual Plan Service levels and budgets for the activities funded wholly or principally from the community board area.
- (b) Changes to priorities and programmes, consistent with Council approved asset and activity management plans, for operational expenditure on any other works and services delivered, but not funded wholly or principally within the community board area, provided that overall funding levels are consistent with the Waitaki District Council Long Term Plan and Annual Plan or otherwise approved by Council.
- (c) Increased operational expenditure on works and services delivered within the community board area, provided that:
  - i. The Board shall recommend the means to fund increased expenditure; and
  - ii. The funding recommendation shall be consistent with Council's financing and revenue policy.
- (d) Changes to design and implementation parameters of projects delivered, but not funded, wholly or principally within the community board area provided that:
  - i. Overall funding levels are approved by Council; and
  - ii. Proposed projects conform to Council approved activity and asset management plans.
- (e) Increased expenditure on projects delivered within the community board area, provided that:
  - i. The Board shall recommend the means to fund increased expenditure; and
  - ii. The funding recommendation shall be consistent with Council's financing and revenue policy.

- (f) Policies affecting services delivered, but not wholly or principally funded, in the ward.  
(These recommendations shall be submitted to Council via the appropriate Committee.)
  
- (g) Any other matter within the scope of activities above.

**4.13.02****Waihemo Community Board**

<b>REPORTING TO:</b>	Council
<b>CONSTITUTION:</b>	Five elected community representatives. Waihemo Ward elected Councillor.
<b>QUORUM</b>	Three members
<b>MEETING FREQUENCY:</b>	Every two months or as required.

**OBJECTIVE:**

The good governance of the Waitaki District by the resolution of Waihemo community issues within the community.

**SCOPE OF ACTIVITY:**

1. Representation, and acting as advocate for, the interests of the Waihemo community; and
2. The consideration of and reporting on all matters referred to it by Council, or any matter of interest or concern to the community board; and
3. The overview of all services provided by Waitaki District Council within the community; and
4. Establishing priorities and programmes for operational and capital expenditure on works and services funded wholly and principally within the Waihemo Ward. Those works and services, and their rates sources are:

<b>Works and Services</b>	<b>Rates</b>
Waihemo Community Board	Waihemo Ward Services Rate; Waihemo Ward Community Board Rate
Open Space	Waihemo Ward Services Rate
Beautification and playgrounds	Waihemo Ward Services Rate
Township Works in the ward	Waihemo Ward Services Rate
Local Amenity (streetlights, stormwater, kerb and channel) in Hampden, Moeraki, Shag Point and Palmerston	Local Amenity Rates
Sewerage treatment and disposal in Palmerston and Moeraki	Sewerage Rates
Water supply in the Waihemo Water Zone (including Dunback, Goodwood and Palmerston)	Water Rates

5. The preparation of an annual submission to Waitaki District Council for expenditure within the community; and
6. Communication with community organisations and special interest groups within the community; and
7. Undertaking any other responsibilities that are delegated to it by Waitaki District Council.
8. Any other matter referred to the Board by Council.

**POWER TO ACT:**

- (f) To establish priorities and programmes, consistent with Council - adopted asset and activity management plans, for operational expenditure on works and services funded wholly or principally within the community board area, provided that overall funding levels are consistent with the Waitaki District Council Long Term Plan, Annual Plan, Council policy or otherwise approved by Council.
- (g) To approve projects funded wholly or principally within the Community Board's area, provided that overall funding levels are consistent with the Waitaki District Council Long Term Plan, Annual Plan, Council policy or otherwise approved by Council.
- (h) To make submissions to Waitaki District Council on the Waitaki District Long Term Plan, Annual Plan and any other policy, plan or statement required under the Local Government Act 2002 or any other enactment, or any other matter.
- (i) To operate a discretionary fund for local community purposes.
- (j) To provide feedback to officers to assist them in the discharge of delegated authorities.

**POWER TO RECOMMEND:**

- (h) Long Term Plan and Annual Plan Service levels and budgets for the activities funded wholly or principally from the community board area.
- (i) Changes to priorities and programmes, consistent with Council - approved asset and activity management plans, for operational expenditure on any other works and services delivered, but not funded wholly or principally within the community board area, provided that overall funding levels are consistent with the Waitaki District Council Long Term Plan and Annual Plan or otherwise approved by Council.
- (j) Increased operational expenditure on works and services delivered within the community board area, provided that:
  - i. The Board shall recommend the means to fund increased expenditure; and
  - ii. The funding recommendation shall be consistent with Council's financing and revenue policy.
- (k) Changes to design and implementation parameters of projects delivered, but not funded, wholly or principally within the community board area provided that:
  - i. Overall funding levels are approved by Council; and
  - ii. Proposed projects conform to Council approved activity and asset management plans.
- (l) Increased expenditure on projects delivered within the community board area, provided that:
  - i. The Board shall recommend the means to fund increased expenditure; and
  - ii. The funding recommendation shall be consistent with Council's financing and revenue policy.

- (m) Policies affecting services delivered, but not wholly or principally funded, in the ward.  
(These recommendations shall be submitted to Council via the appropriate Committee.)
- (n) Any other matter within the scope of activities above.

## Part 5 – Delegations to Individual Elected Members

### Statutory Powers conferred to the Mayor

5

5.01 The role and powers of mayors are set out in Clause 41A of the Local Government Act –

- (1) The role of a mayor is to provide leadership to—
  - (a) the other members of the territorial authority; and
  - (b) the people in the district of the territorial authority.
- (2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.
- (3) For the purposes of subsections (1) and (2), a mayor has the following powers:
  - (a) to appoint the deputy mayor;
  - (b) to establish committees of the territorial authority;
  - (c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—
    - (i) may make the appointment before the other members of the committee are determined; and
    - (ii) may appoint himself or herself.
- (4) However, nothing in subsection (3) limits or prevents a territorial authority from—
  - (a) removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or
  - (b) discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or
  - (c) appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or
  - (d) discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).
- (5) A mayor is a member of each committee of a territorial authority.
- (6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).
- (7) To avoid doubt, —
  - (a) clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a);
  - (b) clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

*[Section 41A: inserted, on 12 October 2013, by section 21 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).]*

5.02 The Mayor is authorised to approve the attendance of Councillors to represent Council at events within and outside the District. Councillors so appointed will be entitled to claim expenses within the framework of Council's approved expenses policy.

The Mayor, in conjunction with the Group Manager People and Culture, is authorised to approve the attendance of Councillors at training related to their governance role, provided that this can be approved within overall budget allocations and all training approved is reported in the next Mayor's report to Council.

- 5.03 The Mayor is authorised to approve or decline expense claims where the circumstances of the claim are such that there is genuine ambiguity as to whether such claims should be accepted as falling within the scope of Council's policy. Such approvals should be reported to the next meeting of the Executive Committee.
- 5.04 The Mayor is delegated authority to expend the Mayoral Discretionary Fund, within budget constraints.
- 5.05 The Mayor is authorised to approve or decline expense claims for the Chief Executive.

**Delegations to the Performance, Audit and Risk Committee Chair**

- 5.06 The Performance, Audit and Risk Committee Chair is authorised to approve expense claims from the Mayor where the claims fall within the scope of Council's policy.
- 5.07 The Performance, Audit and Risk Committee Chair is authorised to approve or decline expense claims from the Mayor where the circumstances of the claim are such that there is genuine ambiguity as to whether such claims should be accepted as falling within the scope of Council's policy. Such approvals should be reported to the next meeting of the Executive Committee.

**Schedule 1 – Council, Committee, Community Boards, Portfolio and External Governance Structures**

# STRUCTURE OF COUNCIL, COMMUNITY BOARDS, COMMITTEES AND SUB-COMMITTEES



Adopted with final amendments at the 3 December 2019 Council Meeting

The Mayor is a member of all Committees with full voting rights [LGA 41a(5)]



<b>Development Contributions Committee</b> Cr Guy Percival <i>Chair</i>	<b>Grants and Awards Committee</b> Cr Jeremy Holding <i>Chair</i>	<b>Harbour Area Committee</b> Mayor Gary Kircher <i>Chair</i>	<b>Hearings Committee</b> Cr Jim Hopkins <i>Chair</i>	<b>District Licensing Committee</b> Cr Jim Hopkins <i>Chair</i>
Cr Kelli Milmine <i>Associate Chair</i>	Cr Hana Halalele <i>Associate Chair</i> <i>(Creative Communities, Sport Travel)</i>	Cr Jeremy Holding <i>Associate Chair</i> <i>(Cape Wanbrow )</i>	Deputy Mayor Melanie Tavendale <i>Associate Chair</i>	Cr Kelli Milmine <i>Associate Chair</i>
Cr Bill Kingan Cr Peter Newton Cr Colin Wollstein	All Councillors Community Board Chairs <i>(rostered to each funding round annually)</i>	Deputy Mayor Melanie Tavendale Cr Kelli Milmine Cr Colin Wollstein <i>Community Representatives:</i> Mr Graeme Clark Dr Philippa Agnew Mr Kevin Murdoch Mr George Kelcher	Cr Ross McRobie	

### External and Joint Committee Appointments

<b>Waitaki District Youth Council</b> Cr Hana Halalele; Deputy Mayor Melanie Tavendale	<b>Lower Waitaki South Coastal Zone Committee</b> Cr Jim Hopkins	<b>Upper Waitaki Zone Committee</b> Cr Ross McRobie	<b>Alps 2 Ocean Joint Committee</b> Cr Colin Wollstein	<b>Observatory Retirement Village Trust</b> Mayor Gary Kircher
<b>Waitaki Housing Taskforce</b> Deputy Mayor Melanie Tavendale	<b>Otago Regional Land Transport Committee</b> Cr Guy Percival	<b>Oamaru Whitestone Civic Trust</b> No elected member appointment	<b>Donald and Nellye Malcolm Trust</b> Mayor Gary Kircher, Cr Jeremy Holding	<b>Emergency Management (legislated)</b> Mayor Gary Kircher
<b>Otago Mayoral Forum (legislated)</b> Mayor Gary Kircher	<b>Canterbury Mayoral Forum (legislated)</b> Mayor Gary Kircher	<b>Macraes Development Community Trust</b> Cr Peter Newton	<b>Waitaki Community Recreation Centre Trust</b> Cr Jeremy Holding	<b>Waitaki Whitestone Geopark Trust</b> Cr Ross McRobie
<b>Appointments to Community Boards</b> Cr Peter Newton - <i>Waihemo</i> Cr Ross McRobie - <i>Ahuriri</i>				

## **Schedule 2 – Guiding Principles (S.14 & S.39 LGA)**

The performance of Council's role is guided by certain principles set out in Section 14 of the LGA.

- (1) *In performing its role, a local authority must act in accordance with the following principles:*
  - (a) *a local authority should—*
    - (i) *conduct its business in an open, transparent, and democratically accountable manner; and*
    - (ii) *give effect to its identified priorities and desired outcomes in an efficient and effective manner:*
  - (b) *a local authority should make itself aware of, and should have regard to, the views of all of its communities; and*
  - (c) *when making a decision, a local authority should take account of—*
    - (i) *the diversity of the community, and the community's interests, within its district or region; and*
    - (ii) *the interests of future as well as current communities; and*
    - (iii) *the likely impact of any decision on each aspect of well-being referred to in section 10*
  - (d) *a local authority should provide opportunities for Māori to contribute to its decision-making processes:*
  - (e) *a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and*
  - (f) *a local authority should undertake any commercial transactions in accordance with sound business practices; and*
  - (fa) *a local authority should periodically—*
    - (i) *assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and*
    - (ii) *satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and*
  - (g) *a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
  - (h) *in taking a sustainable development approach, a local authority should take into account—*
    - (i) *the social, economic, and cultural well-being of people and communities; and*
    - (ii) *the need to maintain and enhance the quality of the environment; and*
    - (ii) *the reasonably foreseeable needs of future generations.*

- (2) *If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).*

**Governance principles are set out in section 39 LGA.**

*“A local authority must act in accordance with the following principles in relation to its governance:*

- (a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and*
- (b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and*
- (c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and*
- (d) a local authority should be a good employer; and*
- (e) a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.”*

### **Schedule 3 – Sections of the LGA relating to Delegation**

The Council's authority to appoint and delegate to committees, subcommittees and other subordinate decision-making bodies derives from Section 48 and clauses 30, 30A, 31, 32AA, 32, 32A, 32B of Part 1 of Schedule 7 LGA. The Mayor also has powers to establish committees and appoint chairpersons under section 41A(3) of the LGA.

The provisions of clauses 32 and 32A of Part 1 of Schedule 7 LGA:

#### **Clause 32 - Delegations**

- (1) *Unless expressly provided otherwise in the LGA, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a 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*
  - (g) *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*
  - (h) *the power to adopt a remuneration and employment policy.*
- (2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in sub-clause (1).*
- (3) *A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*
- (4) *A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.*
- (5) *A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
- (6) *A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*

- (7) *To avoid doubt, 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.*
- (8) *The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.*

**Clause 32A - Delegation of power to issue warrants to enforcement officers**

- (1) *A local authority may delegate to a committee or member or officer of the local authority the power to issue warrants to enforcement officers.*
- (2) *A delegation under subclause (1) may-*
  - (a) *limit or restrict the exercise of the power; or*
  - (b) *impose conditions on the exercise of the power; or*
  - (c) *prohibit, in specified circumstances, the exercise of the power.*
- (3) *The local authority must determine the matters in subclause (2) before acting under subclause (1).*
- (4) *Clause 32(2) to (8), with all necessary modifications, applies to a delegation made under this clause.*

## Part 6 - Council's delegations to the Chief Executive

### Functions and Responsibilities

6.01 The Chief Executive is the head of the Council's staff appointed under section 42(1) and clauses 33 and 34 of schedule 7 of the Local Government Act 2002. It is intended that delegations shall provide the Chief Executive with all the authority necessary or incidental to carry out that position as defined in the position description and performance objectives for that position and in this register.

6.02 The responsibilities of the Chief Executive are described in Section 42 of the Act.

1. *A local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a chief executive.*
2. *A chief executive appointed under subsection (1) is responsible to his or her local authority for:*
  - (a) *implementing the decisions of the local authority; and*
  - (b) *providing advice to members of the local authority and to its community boards, if any; and*
  - (c) *ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and*
  - (d) *ensuring the effective and efficient management of the activities of the local authority; and*
  - (e) *maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and*
  - (f) *providing leadership for the staff of the local authority; and*
  - (g) *employing, on behalf of the local authority, the staff of the local authority in accordance with any remuneration and/or employment policy(s); and*
  - (h) *negotiating the terms of employment of the staff of the local authority in accordance with any remuneration and/or employment policy(s).*
3. *A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority:*
  - (i) *reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and*
  - (j) *is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.*
4. *For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.*

### **Council's General Delegation to Chief Executive**

6.03 In order to fulfil these responsibilities, the Council delegates to the Chief Executive all of the Council's powers, functions, responsibilities, and duties that are necessary for the management of the Council's activities and the implementation of Council policy, with the exception of those listed in clause 6.04 below.

### **Exceptions to Council's Delegations to the Chief Executive.**

6.04 The following Council responsibilities, powers, and duties, are not delegated to the Chief Executive:

6.04.01 those reserved to the Council under clause 2.03;

6.04.02 any others reserved to the Council, committees, subcommittees or community boards under the *Delegations Master Register*, and

6.04.03 those that must be exercised "by resolution".

### **Resource Management Act 1991**

6.05 The Chief Executive has been delegated authority to decide upon the Resource Management Act 1991.

6.06 The Chief Executive has no authority to sub-delegate his authority under clause 3.05 as this is expressly prohibited by Section 34A (1) (b) of the Resource Management Act 1991.

### **Delegation of financial authority to Chief Executive**

6.07 Without limiting the general delegation in clause 6.03 above, the Council delegates to the Chief Executive authority to:

6.07.01 Enter into financial commitments up to any sum within approved budgets;

6.07.02 Expend depreciation reserves accumulated for the replacement of assets for the renewal of those assets, when required, to maintain the service level described in the Long Term Plan.

6.07.03 Waive any fee or charge up to \$5,000, provided that the waiver can be funded from approved budgets;

**6.07.04** Authorise expenditure of development contributions for minor capital improvements and professional advice consistent with asset management plans and Council's Development Contributions policy, up to a maximum of \$50,000 for any capital work and a maximum of \$10,000 for any professional advice in relation to development contributions.

### **Employment of Staff**

6.08 Under section 42(2)(g) and (h), and clause 36 of Schedule 7, of the Local Government Act 2002 the Chief Executive is responsible to the Council for employing the staff of the Council and negotiating their terms of employment.

6.09 In exercising these powers, this delegated authority the Chief Executive must comply with:

6.09.01 Statutory requirements

6.09.02 Good employer obligations under Clause 36 of Schedule 7

6.09.03 Any remuneration and/or employment policy(s) adopted by the Council

**6.09.04** Budget limitations.

**Contracts, Leases, Tenders, Purchasing, Sale of Assets and Services (excluding Real Property)**

6.10 Without limiting the general delegation in clause 6.03 above, the Council delegates to the Chief Executive the powers to accept, negotiate or decline contracts, leases, tenders, purchasing agreements or any other arrangements for:

6.10.01 the engagement of consultants or advisers;

6.10.02 the supply of goods, services, plant, capital items or other assets (excluding real property) to the Council;

6.10.03 the provision of services by the Council and the sale, leasing or disposal of goods, plant, capital items (excluding real property) or other assets owned by the Council; and

6.10.04 the settlement of claims for compensation;

6.11 In exercising the authority delegated under clause 6.10, the Chief Executive must comply with:

6.11.01 any relevant statutory requirements

6.11.02 any policies adopted by the Council affecting the matters dealt with in clauses 6.07 and 6.10;

6.11.03 budget requirements;

6.11.04 agreed concept plans and implementation parameters for any physical works presented at the time of budget approval;

6.11.05 the obligation to report decisions in accordance with clause 2.11;

6.11.06 the conditions set out in clause 6.12 to 6.15 below.

**Best Method to be Used**

6.12 At all times the Chief Executive will employ methods in regard to clause 6.10 which provides the best value to the community, having regard to budget constraints.

6.13 The Chief Executive or any other officer must comply with Council's Procurement policy and rules.



- 6.14 The Procurement Policy and Rules specified in clause 6.16 will be reviewed by the Council at least every three years.
- 6.15 The Chief Executive must apply the NZTA approved Council's Procurement Strategy for all Council subsidised roading works and services.

### **Contracts, Leases, Tenders, Purchase and Sale of Real Property**

- 6.16 The Chief Executive may accept, negotiate or decline contracts, leases, tenders, purchasing agreements or any other arrangements for the purchase of real property, provided that the transaction is:
- 6.16.01 Funded in the Long Term Plan/Annual Plan;
  - 6.16.02 Consistent with Council Procurement policy and rules;
  - 6.16.03 Consistent with relevant Council policies;
  - 6.16.04 Where inconsistent with Policy, Council or Committee resolution is sought.
- 6.17 The Chief Executive may accept, negotiate or decline contracts, leases, tenders, purchasing agreements or any other arrangements for the sale of real property, provided that the transaction:
- 6.17.01 Relates to a property scheduled by Council for disposal;
  - 6.17.02 Is consistent with Council policy;
  - 6.17.03 Complies with any relevant statutory requirements, including sections 140 and 141 of the Local Government Act 2002;
  - 6.17.04 Where inconsistent with Policy, Council or Committee resolution is sought.

### **Liability Management and Investment**

- 6.18 The Chief Executive may borrow funds and invest to best advantage the surplus funds of the Council in accordance with the Annual Plan and the Liability Management and Investment policies.

### **Power to issue warrants to Enforcement Officers**

- 6.19 The Chief Executive, under Clause 32A Schedule 7 of the Local Government Act 2002, has the power to grant warrants to officers of Council under any of the legislation that provides for warrants to be issued to officers, subject to a New Zealand Police Vetting Check.

### **Sub-delegation by the Chief Executive**

- 6.20 The Chief Executive may, under clause 32B Schedule 7 of the Local Government Act 2002 or other relevant statutory authority, sub-delegate to officers any of the Council responsibilities, powers, and duties that have been delegated to the Chief Executive (subject to any conditions imposed by the Council) except where this is prohibited by statute (eg section 132 Local Government (Rating) Act 2002, section 34A Resource Management Act 1991).
- 6.21 Every sub-delegation made under Clause 6.28 may be revoked or amended or made subject to conditions at any time.
- 6.22 Clauses 2.08 to 2.09 of this Register shall apply to any sub-delegations made under clause 6.28.

### Council Delegations to Officers contained in other Policies and Resolutions

General Description of Delegation	Person(s) or Groups to whom Authority Delegated	Policy or Resolution and Date Adopted
Authority to Postpone Rates for Extreme Financial Hardship	Chief Executive	Policy for Postponement of Rates for Extreme Financial Hardship – adopted 29 June 2004, resolution WDC 04/153
Authority to determine whether a property is bare land	Chief Executive	Policy for Remission of Rates on Bare Land – adopted 29 June 2004, resolution WDC 04/153
Authority to remit rates penalties	Chief Executive or his/her nominee	Policy for Remission of Rates Penalties – adopted 29 June 2004, resolution WDC 04/153
Delegations arising from the Liability Management and Investment Policy	Chief Executive, GM Assets GM Finance and Corporate Development	Liability Management and Investment Policy – adopted 29 June 2004, resolution WDC 04/153

## Part 7 - Council's delegations to other officers

(relevant to those Acts where only a single level of delegation is permitted, eg. Resource Management Act 1991 (RMA), Local Government (Rating) Act 2002).

Section	Summary of Powers/Duties	Delegate
<p><b>Food Act 2014</b> reprint as at 2 March 2018</p> <p>The powers and duties delegated are those of the Council as a "territorial authority".</p> <p>Note: the reference throughout the delegations to "chief executive" refers to the chief executive of the ministry responsible for the administration of the Act</p>		
s33	Powers and duties re applications for granting exemptions under a registered food control plan or a national programme	Chief Executive GM, Heritage, Environment and Regulatory
<p><b>Local Government (Rating) Act 2002</b> reprint as at 1 March 2017</p> <p>The powers and duties delegated are those of the Council as a "local authority".</p> <p>Restriction: The delegations made under this Act CANNOT BE SUB-DELEGATED</p>		
S27	Powers and duties in relation to keeping and maintaining a rating information database and making same available for searching as specified; recording information for different parts of a rating unit as necessary.	Chief Executive GM, Finance and Corporate Development Rates Supervisor Rates Officers
s28	Duties in relation to making the rating information database available for inspection as specified.	Chief Executive GM, Finance and Corporate Development Rates Supervisor
s28A	Duties in relation to making the complete rating information database available/including information required.	Chief Executive GM, Finance and Corporate Development Rates Supervisor
s28B	Powers and duties re informing/giving written notice to every owner in its rating information database of certain rights.	GM, Finance and Corporate Development Rates Supervisor
s28C	Duties re the removal/restoration of relevant particulars from the database and notification requirements.	GM, Finance and Corporate Development Rates Supervisor Rates Officers

s29	Duty to notify an objector of its decision and, if objection upheld, make correction and advise the ratepayer.	GM, Finance and Corporate Development Rates Supervisor
s33	Duty to update the rating information database upon receiving notice.	GM, Finance and Corporate Development Rates Supervisor Rates Officers
s35	Duties re removing the name of a person entered as a ratepayer under circumstances described.	GM, Finance and Corporate Development Rates Supervisor
s37	Duties in relation to keeping and maintaining rates records for each rating unit as provided.	GM, Finance and Corporate Development Rates Supervisor Rates Officers
s38	Powers and duties in relation to having rates records available for inspection.	GM, Finance and Corporate Development Rates Supervisor
s39	Duties where an objection is lodged by a ratepayer.	GM, Finance and Corporate Development Rates Supervisor
s40	Power to correct an error in the rating information database or rates records.	GM, Finance and Corporate Development Rates Supervisor
ss41 41A	Duties in relation to issuing amended rates assessments, giving refunds and recovering excess rates payable in the circumstances specified.	GM, Finance and Corporate Development Rates Supervisor
s42	Powers and duties in respect of recovering additional rates from a ratepayer in the circumstances specified.	GM, Finance and Corporate Development Rates Supervisor
s43	Duty to assess rates in accordance with those items specified.	GM, Finance and Corporate Development Rates Supervisor
s44	Duty to deliver a rates assessment to a ratepayer to give notice of the ratepayer's liability for rates on a rating unit.	GM, Finance and Corporate Development Rates Supervisor
s45	Duties re identifying clearly on all rates assessments the information set out/providing the information required.	GM, Finance and Corporate Development Rates Supervisor
s46	Duty to deliver to the ratepayer a rates invoice for the rating unit as set out.	GM, Finance and Corporate Development Rates Supervisor
s47	Duty to deliver an amended invoice to the ratepayer setting out the correct liability as to the amount of rates due for the rating period.	GM, Finance and Corporate Development Rates Supervisor

ss48, 49	Powers and duties in relation to delivery of rates assessment and rates invoice within the timeframe specified.	GM, Finance and Corporate Development Rates Supervisor
s50	Power to deliver a rates invoice for not more than 25% of the rates payable in the previous year in the form and circumstances prescribed.	GM, Finance and Corporate Development Rates Supervisor
s51	Power to deliver a combined rates assessment invoice in the form and circumstances prescribed.	GM, Finance and Corporate Development Rates Supervisor
s52	Power to agree to any method of payment of rates.	GM, Finance and Corporate Development Rates Supervisor
s53	Power (as local authority) to appoint person/local authority to collect the rates they assess.  Power to agree to any other arrangement for the delivery of rates assessments and invoices and for the collection of rates if certain requirements are met.	GM, Finance and Corporate Development
s54	Power and duty in relation to decision not to collect small amounts of rates if uneconomic to collect.	GM, Finance and Corporate Development Rates Supervisor
s56	Duty to credit rates payment as specified.	GM, Finance and Corporate Development Rates Supervisor Rates Officers
s61	Power to recover rates from the owner of the rating unit if the ratepayer (other than the owner) defaults.	GM, Finance and Corporate Development Rates Supervisor
s62	Power to notify persons identified of the matters specified and accept payment or recover payment as specified.	GM, Finance and Corporate Development Rates Supervisor Rates Officers
s63	Power to commence proceedings to recover as a debt rates unpaid as specified; recover any other unpaid rates in respect of the same rating unit as specified.	GM, Finance and Corporate Development
s64	Power to serve summons by public notice in the circumstances described; Power to add the cost of public notification to the unpaid rates.	GM, Finance and Corporate Development
s65	Duty re commencing action to recover unpaid rates within prescribed time limit.	GM, Finance and Corporate Development Rates Supervisor Rates Officers
s66	Power to consent to the registration of a dealing against a rating unit.	GM, Finance and Corporate Development Rates Supervisor

s67	Duty to forward to the Registrar the certificate and fee specified re application to have judgment for rates enforced as described.	GM, Finance and Corporate Development Rates Supervisor
s72	Power to consent to the sale or lease of a rating unit by the Registrar by private treaty.	GM, Finance and Corporate Development
ss77,79, 80, 82, 83	Powers and duties in relation to abandoned land. <b>Restriction:</b> Subject also to also General Delegations – Legal Proceedings	GM, Finance and Corporate Development Rates Supervisor
s80	Duty, in the case of a sale or lease of abandoned land under s79, re content and execution requirements of the transfer (under the seal of the Council). <b>Restriction:</b> The power to execute is not delegated - see also General Delegation - Affixing the Common Seal	GM, Finance and Corporate Development  Property Manager
s82	Duty to apply the proceeds of sale or lease according to the requirements set out; Power to write off any deficiency in circumstances specified.	GM, Finance and Corporate Development
s83	Power to register an instrument executed for abandoned land (whether sale or lease) without the duplicate certificate of title or other document of title being produced as specified.	GM, Finance and Corporate Development
s85	Powers and duties re remitting all or part of the rates on a rating unit (including penalties on unpaid rates) in accordance with the Council's rates remission policy.	GM, Finance and Corporate Development
s86	Duty to record the remitted rates on the rates record as paid on the due date in accordance with the remission policy.	GM, Finance and Corporate Development Rates Supervisor
s87	Duties re postponing the requirement to pay all or part of the rates (including penalties for unpaid rates) as specified.	GM, Finance and Corporate Development
s88	Power to add a postponement fee to the postponed rates in accordance with its postponement policy.	GM, Finance and Corporate Development
s89	Duty to record the net cost of a postponement in accounting documents as prescribed.	GM, Finance and Corporate Development
s90	Power to register a notice of charge on a rating unit if the local authority has postponed the requirement to pay rates; Duty to register a notice of release of charge if all postponed rates for a rating unit are paid.	GM, Finance and Corporate Development
s92	Duty to enter the names set out as the ratepayer in the rating information database and the district valuation roll, in circumstances described.	GM, Finance and Corporate Development Rates Supervisor Rates Officers

s94	<p>Power to apply to the Maori Land Court to appoint owner(s) or agent to receive rates assessments and rates invoices in circumstances described;</p> <p><b>Restriction:</b> Subject also to General Delegations – Legal Proceedings;</p> <p>Duty to enter the name of the persons appointed as the ratepayer in the rating information database and the district valuation roll, as prescribed.</p>	GM, Finance and Corporate Development
s95	Duty to deliver rates assessment to persons appointed.	GM, Finance and Corporate Development Rates Supervisor
s97	<p>Duty to deliver rates assessment and rates invoice to the person actually using the rateable Maori freehold land;</p> <p>Duty to treat person specified as using the whole of the land for the whole of the financial year, unless otherwise specified.</p>	GM, Finance and Corporate Development Rates Supervisor
s99	Power to apply to the Maori Land Court for an order charging unpaid rates against Maori freehold land in circumstances prescribed.	GM, Finance and Corporate Development
s101	Duties (as local authority seeking a charging order against land) re recovering amounts of rates owed.	GM, Finance and Corporate Development
s108	Power to apply to the Maori Land Court to enforce a charging order made in circumstances described.	GM, Finance and Corporate Development
s111	Power to apply to the Maori Land Court to make an order for the payment of unpaid rates in the circumstances described.	GM, Finance and Corporate Development
s112	Duty to discharge a charging order made in circumstances as described.	GM, Finance and Corporate Development
s114	Power to remit all or part of rates (including penalties for unpaid rates) on Maori freehold land in circumstances described.	GM, Finance and Corporate Development
s115	Duty to postpone the requirements to pay all or part of the rates on Maori freehold land in circumstances described.	GM, Finance and Corporate Development
s116	Power and duties in relation to consenting to an Order in Council made by the Governor-General to exempt Maori freehold land from some or all liability for rates.	GM, Finance and Corporate Development
s117	Duty to write off any rates referred to if an order described is made.	GM, Finance and Corporate Development
s117B	Duty to ensure that the funding plan contains those matters set out.	GM, Finance and Corporate Development

s117C	Duty not to require a ratepayer to pay a lump sum contribution unless a ratepayer has been invited to do so as set out.	GM, Finance and Corporate Development
s117D	Duty not to fund the project in any other way and rates collected under the funding plan must not be used for any other purpose in the circumstances prescribed.	GM, Finance and Corporate Development
s117E	Duty and power to include the matters set out in a capital project funding plan.	GM, Finance and Corporate Development
s117F	Power to invite ratepayers to make lump sum contributions for a capital project in the manner prescribed.	GM, Finance and Corporate Development
s117G	Duty to include in an invitation those things specified.	GM, Finance and Corporate Development
s117H	Duty to apply targeted rates as prescribed.	GM, Finance and Corporate Development Rates Supervisor
s117I	Duty to deliver to the ratepayer an invoice as prescribed.	GM, Finance and Corporate Development Rates Supervisor
s117K	Duty to record certain information in its rating information database as prescribed.	GM, Finance and Corporate Development Rates Supervisor
s117L	Duty to notify a new ratepayer for a rating unit that is liable for lump sum contribution as prescribed.	GM, Finance and Corporate Development Rates Supervisor
s117M	Power to make one recalculation of the lump sum contributions to a capital project;  Duty to refund any excess or deliver an invoice for any increase in respect of the lump sum contributions as prescribed.	GM, Finance and Corporate Development Rates Supervisor
s117N	Powers and duties re late or non-payment of ratepayers' lump sum contribution to a capital project, as specified.	GM, Finance and Corporate Development Rates Supervisor
s119	Duty to give public notice if a rate is set again.  Duty to correct the rates records as soon as practicable if setting the rate again results in a change to the amount of rates assessed to any rating unit.	GM, Finance and Corporate Development
s120	Duty to notify the Secretary of Local Government of a decision of the Court re setting replacement rates.	GM, Finance and Corporate Development
s23	Duty to send copy of resolution setting rates to the Secretary of Local Government.	GM, Finance and Corporate Development



s136	Duty to comply with notification requirements as specified.	GM, Finance and Corporate Development
s135	Power to authorise a person to sign documents presented as evidence in any proceedings.	Executive Management Team
<p><b>Reserves Act 1977</b> reprint as at 19 April 2017</p> <p>The delegations under this Act are those of the Council as "administering body", "local authority", and "territorial authority" or as otherwise specified. The Council (being an administering body under the Reserves Act 1977 by virtue of a vesting or an appointment to control and manage a reserve under the Reserves Act 1977) has delegated authority under the "Instrument of Delegation for Territorial Authorities" dated 12 June 2013 from the Minister of Conservation (the Instrument), so that it may apply the powers, functions and duties set out in the Schedule to the Instrument. Such delegations are subject to the limitations of powers set out in the Schedule. The powers and duties set out in the Schedule to the Instrument CANNOT BE SUB-DELEGATED</p>		
s54,61,73 and 74	Leasing of reserve where the lease/licence is consistent with Appendix 2 of the Waitaki Management Plan 2014 (eg Grazing, commercial campgrounds).	Chief Executive GM, Assets Recreation Manager
s59A	Issuing of concessions on reserves where the activity is a permitted activity, or a discretionary activity (that has been assessed by officers under the guidelines in Appendix 3 as having no detrimental effect of the reserve or community) in the Waitaki Reserves Management Olan 2014 and in accordance with Council's fees and charges schedule.	Chief Executive GM, Assets Recreation Manager Recreation Officers
<p><b>Resource Management Act 1991</b> reprint as at 1 August 2019</p> <p>The powers and duties delegated are those of the Council as a "consent authority", "heritage protection authority", "local authority", "person", "public authority", "requiring authority", "territorial authority" or as otherwise specified. Restriction: Pursuant to section 34A of the Act, the powers and duties delegated by the Council under this Act CANNOT BE SUB-DELEGATED to any other person.</p>		
s10	Power to grant extension of existing use rights and issue of associated certificate	Chief Executive; GM Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s22	Duty to give certain information	Warranted Officer
s25A	Duty (as territorial authority) to prepare a change to its district plan/ proposed district plan, when directed by the Minister.  <b>Restriction:</b> Action to be approved by the relevant standing committee of the Council	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner

s25B	Duty (as territorial authority) to commence review of the whole/part of its district plan when directed by the Minister.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s36	Authority to make decisions about administrative charges	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s36AAB	Authority to remit the whole or any part of any charge referred to in s36	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s36AA	Authority to adopt a policy in respect of discounting administrative charges imposed under section 36 in certain circumstances	Council
s36B	Duty to notify the Minister of intention to make a joint management agreement	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s37 s37A	Power to waive a failure to comply with service requirements and to extend time periods, and associated matters that must be considered.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s38	Power to authorise certain persons to carry out all or any of the functions and powers as an enforcement officer under the Act.  Duty (as local authority) to supply every enforcement officer with a warrant under the RMA.  Note: A warranted officer can take any action described under s322	Chief Executive GM Heritage, Environment and Regulatory
s39B	Authority to appoint hearing commissioners  <b>Restriction:</b> In conjunction with chair of Hearings Committee	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s41B	Power to direct applicant to provide evidence before a hearing; power to direct persons who made submissions to provide briefs of evidence before a hearing	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner Senior Consent Planner
s41C	Directions and requests before or at hearing	Hearings Committee
s41D	Power to strike out a submission	Hearings Committee
s42	Power to make directions about hearings to protect sensitive information	Hearings Committee
s42A	Powers regarding the preparation, commissioning and provision of reports	Chief Executive GM, Heritage, Environment and Regulatory

		Heritage and Planning Manager Senior Planner Senior Consent Planner
s44A	Power to amend plans or proposed plans to remove duplication or conflict or include a reference to a national environmental standard  <b>Restriction:</b> Decision to be reported to the relevant standing committee of the Council	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s55	Power to amend plans or proposed plans to recognise national policy statements  <b>Restriction:</b> Decision to be reported to the relevant standing committee of the Council	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s58I, 58J	Ability to exercise discretion in relation to options for amending planning documents as directed by a national planning standard, ability to take any action that is directed by a national planning standard	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s58O, 58P, 58Q, 58R, 58S, 58T	Power to initiate a Mana Whakahono a Rohe (MWR) or enter into negotiations regarding a MWR if iwi initiated, determine the contents of the MWR, and to determine disputes that arise in course of negotiating MWR.  <b>Restriction:</b> Action to be reported to the relevant standing committee of the Council for approval.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s79	Requirement (as local authority) to notify provision / statement or district plan following review, whether altered or not.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
S80	Decision to prepare, implement, and administer the combined regional and district documents as set out in subsections (2) to (6).  <b>Restriction:</b> Action to be reported to the relevant standing committee of the Council for approval.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s80C	Decision to apply to use the streamlined planning process to prepare a planning instrument  <b>Restriction:</b> Action to be reported to the relevant standing committee of the Council for approval	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s82	Decision (as local authority responsible for a relevant plan) to refer dispute to the Environment Court.	Chief Executive GM, Heritage, Environment and Regulatory
s86	Decision to acquire land by agreement under the Public Works Act 1981 for certain purposes	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner

s86D	Ability to apply to the Environment Court for a rule to have legal effect from a date other than the date on which the decision is publicly notified under clause 10 of Schedule 1  <b>Restriction:</b> Action to be reported to the relevant standing committee of the Council for approval.	Council
s87BA and 87BB	Ability to determine, and issue notices, in relation to whether an activity is a permitted activity and ability to return application for consent to applicant	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s87E, 87F, 87G	Authority to determine Council position on a request for direct referral, duty to prepare reports and duty provide information to Environment Court	Chief Executive GM, Heritage, Environment and Regulatory
88(3), (3A)	Authority to receive an application for a resource consent and determine whether it meets the minimum requirements of the RMA, and to return it if incomplete with written reasons for doing so.	Chief Executive, GM Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner Planning Officer
s91	Power to defer the processing (notification and hearing) of a resource consent application on certain grounds	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner Planning Officer
s91C	Authority to make decisions about suspended applications or applications where a total of 130 or more working days have been excluded from time limits	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner Planning Officer
s92B	Power to commission reports and request further information in relation to consent applications and to set and advise the time by which that information must be provided	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s95, 95A, 95B, 95C, 95D, 95E, 95F, 95G	Power to determine whether a consent application should be notified (publicly / limited), and all considerations / decisions associated with that determination	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s97	Ability to adopt an earlier closing date for submissions	Hearings Committee
s98	Duty to provide consent applicant with a list of all submissions received in relation to an application.	Chief Executive GM Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner Resource Management Planner Planning Administration Officer

s99	Power to invite or require persons to attend pre-hearing meetings  Power to decline to process or consider the application of a person who fails to attend a pre-hearing meeting	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s99A	Power to refer persons to mediation	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s100	Ability to determine whether a hearing is necessary for any resource consent application	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s100A	Ability to request hearing and ability to delegate decision-making functions to hearings commissioners	Hearings Committee
s101	Duty to fix and give notice of hearing (date, time and place)	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner Planning Officer Planning Administration Officer
s102, 103	Authority to determine that two or more consent applications in relation to the same proposal should be heard together	Hearings Committee
s104	Duties associated with the consideration of a resource consent application	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
ss104A, 104B, 104C, 104D, 105, 106	Power to determine resource consent applications and impose conditions	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
ss108, 108A, 108AA	Power to impose conditions on resource consents, including conditions requiring a bond	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s109	Power to register bond as a covenant running with the land under the Land Transfer Act 1952; Power to enter land to ascertain whether work under bond has been carried out and/or carry out unfinished work as specified	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s110	Ability to refund financial contribution to consent holder.	Chief Executive GM, Heritage, Environment and

		Regulatory Heritage and Planning Manager
s114	Duty to serve consent applicant and submitters with copy of the decision and a statement of the time within which an appeal may be lodged	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner Resource Management Planner Planning Administration Officer
s120	Ability to lodge appeal against decision granting consent (territorial authority as submitter)	Council's representative on the Hearings Panel Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
124B	Ability to determine applications by existing consent holders	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
124C	Ability to determine applications by persons who are not existing holders of resource consent	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s125	Power to extend the lapse period of a resource consent	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s126	Power to cancel a resource consent that has been exercised in the past but not during the preceding 5 years	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s127	Power to change or cancel conditions imposed on a resource consent	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s128, 132,	Ability to serve notice of intention to review conditions of consent  Power to change a condition of consent or cancel a resource consent in certain circumstances	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s133A	Power to issue an amended resource consent that corrects minor mistakes or defects in the consent.	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory

		Heritage and Planning Manager Senior Consent Planner
s138	Power to accept surrender, or refuse surrender of part of a resource consent in certain circumstances	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s139(4)	Power to require a person to provide further information relating to request for certificate of compliance  Authority to issue certificate of compliance	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s139A(3)	Power to require a person to provide further information relating to request for existing use certificate	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s145	Ability, as either requiring authority or heritage protection authority, to lodge a notice of requirement for a designation / heritage order with the EPA	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s149B	Duty to provide EPA with all information specified.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s149E, 149F	Ability to make a submission and further submission on a matter of national importance	Council
s149K	Suggestions to the Minister on appointing members of boards of enquiry	Council
ss145M- 149N	Duties relating to preparation of proposed plan change/ undertaking procedural and notification requirements as specified.  <b>Restriction:</b> Action to be reported to the relevant standing committee of the Council for approval	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s149O	Power (as person) to make a submission on a proposed plan change received by the EPA.	Council
s149W	Duty to amend proposed plan, change or variation	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s149ZD	Ability to recover costs from applicant	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner Planning Officer
s168	Power (as requiring authority) to give notice of a requirement for a designation, and to withdraw a	Chief Executive GM, Heritage, Environment and

	requirement by notice to the territorial authority Duty (as territorial authority) to notify the withdrawal of a requirement for a designation	Regulatory Heritage and Planning Manager Senior Planner Planning Officer
s168A	Power to issue a notice of requirement for a designation and to determine whether to publicly notify Council's notice of requirement, and to either confirm, modify, impose conditions or withdraw the requirement	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s169	Power to determine whether to publicly notify a notice of requirement for a designation under section 168	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s170	Exercise of discretion to include a requirement in a proposed plan, subject to consent from the requiring authority	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s171	Power to recommend to the requiring authority that it either confirm, modify, impose conditions or withdraw the notice of requirement for a designation	Hearings Committee If not notified or no submissions Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
ss172-173	Duty (as territorial authority) to give notice of, and reasons for, the decision on a requirement  Ability (as requiring authority) to modify a requirement	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner Planning Officer
s175	Authority to include a designation in District Plan	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s176	Power to give written consent in relation to land that is subject to a Council designation	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s176A	Ability (as requiring authority) to lodge an outline plan with the territorial authority and power to decide not to make the changes requested by a territorial authority  <b>Restriction:</b> Action to be reported to the relevant standing committee of the Council for approval	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s177	Authority (as requiring authority responsible for an earlier designation over land) to withhold consent in certain situations.	Chief Executive GM, Heritage, Environment and Regulatory



		Heritage and Planning Manager Senior Planner
s179	Ability to lodge appeal (as person seeking consent under s179, 177 or 178) in relation to refusal to grant consent or grant of consent subject to conditions	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s181	Power to alter a designation as described in subs (3)	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s182	Ability to give notice to withdraw designation or part of designation, ability to decline removal of part of designation of other requiring authority	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s184	Power to determine to fix a longer period for the lapse of a designation of a requiring authority other than the Council	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s189A	Power to lodge a notice of requirement for a heritage order and to determine whether to publicly notify Council's notice of requirement, and to either confirm (with or without conditions), modify (with or without conditions) or withdraw the requirement  <b>Restriction:</b> Decision to be reported to the relevant standing committee of the Council	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Planner
s190	Ability to request further information and determine notification of notice of requirement for heritage order	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s191	Power to make recommendations on notice of requirement for a heritage order	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s195	Ability to lodge appeal (as person seeking consent under s193, 194) in relation to refusal to grant consent or grant of consent subject to conditions	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s195A	Power to determine applications for alteration of a heritage order	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner

s195B	Ability to make an objection or submission on proposal to transfer responsibility for heritage order	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s195C	Duty to amend plan to note transfer of responsibility for heritage order	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s198C	Duty (as territorial authority) to provide a decision on a request made under s198B  Power (as requiring authority or heritage protection authority) to object to a decision of the territorial authority declining a request.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s198D	Duty (as territorial authority) to continue processing a requirement, including related procedural steps.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s198E	Duty (as requiring authority / heritage protection authority) to provide the Environment Court with certain information  Duty (as territorial authority served) to provide the Environment Court with certain information.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s198G	Duty (as territorial authority) to deal with the requirement as specified.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s198J	Duty (as territorial authority) to process a requirement.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s198K	Ability (as territorial authority) to refer a requirement to the Environment Court for determination, including all procedural steps.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s198M	Duty (as territorial authority) to deal with a requirement as specified.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s220	Requirement to consult with the Registrar-General of Land in relation to imposing certain subdivision consent conditions	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner

s221	Authorisation of consent notice	Hearings Committee Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s222	Ability to extend any period specified by the Council for the carrying out and completion of work, or making of the financial contribution	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s223	Power to determine whether or not a survey plan, which has been submitted to the Council for approval, confirms with the relevant subdivision consent or certificate of compliance	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s224	Ability to issue a certificate stating that the Council has approved the survey plan and all, or any, of the conditions have been complied with	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager
s226	Authority to issue certificate confirming the matters specified.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s232 and Sch 10	Power to create and register esplanade strip	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s234	Power to determine or initiate the variation or cancellation of an esplanade strip	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s235	Power to agree on Council's behalf to creation and registration of esplanade strip	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s236	Power (as territorial authority) to require an additional esplanade reserve to be set aside as a condition of a consent (where there is no hearing).	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s237	Power to approve a survey plan where esplanade reserves or strips are required	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner

s237B and Sch 10	Power to enter into, register and vary or cancel an agreement for an access strip (easement) with registered proprietor of land	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s237C and Sch10	Authority to close esplanade strip or access strip to public	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s239	Authority to certify survey plans subject to specified interests	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s240	Authority to cancel an existing amalgamation condition (in whole or part) and undertake online deregistration of certificates  Authority to certify survey plans subject to an amalgamation covenant against transfer of allotments.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s241	Authority to deal with amalgamation conditions, including authority to cancel an amalgamation condition (in whole or in part) and undertake online deregistration of certificates	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s243	Authority to deal with survey plans subject to grant or reservation of easements and undertake online registration of certificates, including authority to cancel a condition specifying that easements be granted or reserved (in whole or in part)	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s245	Ability (as consent authority) to approve a plan of survey	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s267	Duty (as local authority) where it has given notice of intention to appear, to attend a conference presided over by a member of the Environment Court, when so required and have one representative present with authority to make decisions on any matters as specified.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s276	Authority to certify a copy of, or extract from, a plan as the original document	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s291	Duty (as person served), to give notice specified, if wishing to be heard.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner

s292	Duty (as local authority) to comply with direction by the Environment Court to amend a district plan.	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s293	Duty (as territorial authority), where directed by the Environment Court, to prepare plan changes, consult certain parties / persons and submit changes to the Environment Court for confirmation	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s316, - 317, 320, 321	Authority to initiate enforcement order proceedings, including interim enforcement orders, and authority to apply to change enforcement order  <b>Restriction:</b> Decision to be reported to the relevant standing committee of the Council	Chief Executive GM, Heritage, Environment and Regulatory
s325, 325A	Authority to consent to a stay of abatement notice  Power to cancel, confirm or change an abatement notice	Chief Executive GM, Heritage, Environment and Regulatory
s330	Power to take emergency works and power to take preventative or remedial action	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Regulatory Manager Enforcement Officer
s331	Ability to seek reimbursement of actual and reasonable costs or seek an enforcement order in respect of emergency works	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Regulatory Manager
s336	Duty to return property seized under warrant or otherwise dispose of property seized but not claimed	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Regulatory Manager Enforcement Officer
ss357	Power (as applicant for consent, submitter, requiring authority or heritage protection authority) to object to the territorial authority in relation to certain decisions	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Senior Consent Planner
s357CA	Powers to consider and determine objections	Hearings Committee
s357D	Power to determine objections made under section 357 to 357B, including remitting charges	Heritage and Planning Manager
Schedule 1	All powers and functions as detailed in Schedule 1.	Chief Executive Officer GM, Heritage, Environment and Regulatory Heritage and Planning Manager

RMA	All RMA functions, powers or duties not otherwise delegated to any committee, employee and/or hearings commissioner	Chief Executive GM, Heritage, Environment and Regulatory Heritage and Planning Manager Hearings Committee (if deemed appropriate)
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## Definitions

**Real property** (also known as real estate) is all land and structures (also called improvement or fixtures) integrated with or affixed to the land. It includes buildings, roads, crops, machinery, wells, dams, ponds, mines, canals, amongst other things.

**Refund** is applicable when

- part or all charges relating to an application, consent or service that is no longer required;
- part or all charges refunded where incorrect/incomplete information has been provided or customer experience has been compromised;
- there is a miscalculation of fees or rates;
- there has been an overpayment of fees or rates.

**Waiver of Fees and Charges** where no fee is to be charged for the application or consent.

### **Executive Management Team**

Chief Executive

GM Assets (Deputy Chief Executive)

GM Finance and Corporate Development

GM Heritage, Environment and Regulatory

GM People and Culture

GM Information Services

### **Tier 3 Activity Managers**

Economic Development Manager

Accounting Manager

Policy and Strategy Manager

Recreation Manager

Water Services and Waste Manager

Property Manager

Roading Manager

Building Services Manager

Heritage and Planning Manager

Regulatory Manager

Community Development Coordinator

Opera House Director

Libraries Manager

Museum Gallery and Archives Director

Office Manager

Programme Manager

Information Technology Manager

Information Systems Manager