

DELEGATIONS

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AIRPORT - POWERS TO ACT

Source:	Westport Airport Authority
Date:	23/04/1998
Reviewed:	Next review:
See also:	

The Authority Secretary be delegated authority to approve buildings for construction on airport land and entering into rental agreements for land usage on a similar basis to other current lessees. This delegation be extended to approve building design, size, shape and colour to ensure that they do not compromise safety and are consistent with existing buildings.

BUILDING ACT - POWERS

Source:	Planning Committee			
Date:	10/08/1995			
Reviewed:	26/02/2014, 27/08/2014 (Council)	Next review:	As required	
See also:	Building Act 2004, Local Government Act 2002			

MEASURES TO AVERT IMMEDIATE DANGER IN BUILDINGS

The procedure outlined in the attached flow chart be followed when dealing with dangerous or insanitary buildings where measures are needed to avert immediate danger.

DELEGATIONS OF POWER UNDER THE BUILDING ACT 2004

All references to Sections relate to the Building Act 2004 and subsequent amendments ("the Building Act") unless stated.

Pursuant to Section 232 of the Building Act 2004 and subject to the provisions of Clause 32 of Schedule 7 of the Local Government Act 2002 the Buller District Council delegates the following functions, powers and duties under that legislation.

Delegated to the Chief Executive

- Al Pursuant to Section 371B(2) to authorise any Officer to issue infringement notices under Section 372.
- A2 To authorise work to be done by Council pursuant to Section 220.
- A3 The Chief Executive and the full power under Section 124 in respect of dangerous or insanitary buildings.

Delegated to the Manager Community and Environmental Services, Senior Building Inspector and Environmental Team Leader

B1 Determine administrative action relating to consultation, rectification of omission or inaccuracy, adequacy of information, notification, submissions,

- reporting, waiver, charges, extensions, certification or compliance or minimal alterations in respect to the Building Act.
- B2 Set deposits and bonds and reduce or waive or withdraw.
- B3 Institute legal proceedings, to enforce the Building Act.
- B4 Authorising the cancellations and lapsing of building consents pursuant to Section 52.
- B5 Issue building consents, licences, certificates, compliance schedules and notices.
- B6 Initiate waivers to requirements of the Building Act and NZ Building Code and advise Council accordingly.

Delegated to Enforcement Officers

NOTE: Enforcement Officers comprise Building Inspectors, Environmental Health Officer, Environmental Team Leader and Enforcement Officer.

- C1 Check, process, approve and issue building consents in relation to the Building Act and the New Zealand Building Code and pursuant to Sections 48 to 52 inclusive.
- C2 Approve and issue compliance certificates and schedules pursuant to Section 102-106.
- C3 Issuance of notices to fix and contravention pursuant to Sections 164-166.
- C4 Rule on matters relating to the requirements of changes of use pursuant to Section 114-116.
- C5 Investigate and make recommendations to the Chief Executive in respect of dangerous and insanitary buildings pursuant to Section 124-131.
- C6 Carry out inspections pursuant to Sections 111 and 222.

Delegated to External Qualified Contracted Building Processing Officers

D1 Check, process and approve building consents in relation to the Building Act and the New Zealand Building Code and pursuant to Sections 48 to 49 inclusive.

ELDERLY PERSONS HOUSING

Source:	Council
Date:	18/12/2013
Reviewed:	Next review:
See also:	Housing for the Elderly Policy, Residential Tenancies Act 1986

That Council delegate the following powers to fulfil the activity of allocating elderly persons housing units as and when these need to be filled.

Delegated to the Chief Executive:

- A1 To form Elderly Persons Housing Advisory Panels on an as required basis, such Panels:
 - to be made up of at least three people from the area where the vacant unit to be filled is, with relevant Ward Councillors/Chair of the Inangahua Community Board to be offered the opportunity to take part in the Panel should they wish to do so; and
 - to consider the needs and merits of each applicant on the relevant waiting list and to provide the Property and Reserves Officer with a recommendation as to who should be offered the unit with the recommendation to take the form of a list of applicants ranked in order of preference, to include up to four applicants.
- A2 To allocate elderly persons housing in accordance with the recommendation made by the Elderly Persons Housing Advisory Panels.
- A3 To allocate elderly persons housing at their discretion, having regard to the recommendation made by the Elderly Persons Housing Advisory Panel and the advice of the Property and Reserves Officer.

Delegate through the Chief Executive to the Property and Reserves Officer delegations A1 – A2 listed above

ENFORCEMENT OFFICERS - APPOINTMENT

Source:	Council		
Date:	23/10/2003		
Reviewed:		Next review:	
See also:			

Council delegate to the Chief Executive the full power to appoint rangers, enforcement officers, officers and inspectors under the following legislation:

Local Government Act 2002

Reserves Act 1977

Litter Act 1979

Amusement Devices Regulations 1978

Fencing of Swimming Pools Act 1987

Buller District Council Bylaws

Dog Control Act 1996

Camping Ground Regulations 1985

Civil Defence Emergency Services Act 2002

Health Act 1956 including Regulations

Impounding Act 1981

Sale of Liquor Act 1989

Prostitution Reform Act 2003

Gambling Act 2003

Building Act 2004

HEARINGS COMMITTEE - POWERS

Source:	Council
Date:	December 2007
Reviewed:	27/08/2014, 24/09/2014 (Council) Next review: As required
See also:	Local Government Act 2002, Dog Control Act 1996, Resource Management Act 1991

A number of councillors are appointed to the Hearings Committee. Councillors appointed to the Hearings Committee can be delegated the powers to fulfil a number of roles including Resource Management, and/or Dog Control functions.

POWERS UNDER THE DOG CONTROL ACT

The power to conduct hearings and decide on objections relating to:

- Section 21 classification of dog owners as probationary
- Section 25 disqualification of dog owners
- Section 31 classification of dangerous dogs
- Section 33A classification of menacing dogs
- Section 33C classification of breed specific dogs as menacing

is delegated to not less than two councillors.

POWERS UNDER THE RESOURCE MANAGEMENT ACT

All references to clauses and sections relate to the Resource Management Act 1991 and subsequent amendments unless stated

That pursuant to Sections 34 and 34A the Council delegate the following functions, powers, or duties under that Act:

A DELEGATED TO THE HEARING COMMITTEE APPOINTED TO MAKE RESOURCE MANAGEMENT DECISIONS

- A1 To consider and make a decision on any request for a change to a District Plan, pursuant to Section 73 (2) and Clause 24 of the First Schedule.
- A2 To hear and make decisions on any notified or non-notified application or application which requires a hearing.

- A3 To hear and make decisions on any District Plan, review of or change to a District Plan, pursuant to Clauses 8 and 10 of the First Schedule.
- A4 To hear and make recommendation on any requirement given to Council under Section 168 or a requirement for a heritage order served on the Council by any requiring authority, pursuant to Sections 171 or 191 or clause 9 of the First Schedule.
- A5 To lodge any appeal against a decision of a requiring authority pursuant to Sections 174 and 192.
- A6 To hear and make decisions on any objection against a decision on a nonnotified resource consent, pursuant to Section 357.
- A7 To make any orders required for the protection of sensitive information pursuant to Section 42.
- A8 To consider and resolve any consent orders requested in respect of any proceedings before the Environment Court.
- A9 To grant waivers from the time provisions of Section 42A.
- A10 To consider and make a decision on any application to extend the period after which a designation lapses (normally five years) pursuant to Section 184.
- All To determine whether a requirement for an alteration to a designation to which every owner or occupier of land directly affected, the Council, and the requiring authority agree
 - involves no more than a minor change to the effects on the environment associated with the use or proposed use of the land or any water concerned; or
 - involves only minor changes or adjustments to the boundaries of the designation;
 - and therefore to alter the designation accordingly.
- A12 To decide to serve notice on any consent holder of the Council's intention to review the conditions of a resource consent, pursuant to Section 128 and to make a decision on that review.
- A13 To consider and make decision on any application to change or cancel any condition imposed on a resource consent, pursuant to Section 127.

- A14 To consider and make decisions on any applications to extend the time after which a consent shall lapse if not implemented, pursuant to Section 125.
- A15 To request any changes to any Outline Plan submitted pursuant to Section 420(4).
- A16 To consider and make decisions on any applications to extend the period for which existing use rights apply (in the event of non-continuance of the use), pursuant to Section 10(2).
- A17 Where any resource consent that has been exercised, but has not been exercised for a continuous period of two years, to either cancel that consent, or consider and make a decision on any application to extend that period, pursuant to Section 126.
- A18 Pursuant to Section 34(1), the power to appoint any hearings commissioner or commissioners where in the opinion of the Chief Executive it is desirable that a commissioner or commissioners be appointed for a specified district plan hearing, change to a plan, notified application, requirement, or heritage order.
- A19 To grant any waiver pursuant to Section 37.
- A20 To make any submissions under the Water Conservation Act.
- A21 To make any submissions on resource consents, policy statements and plans which are the responsibility of any other consent authority.
- A22 To exercise any right of appeal or refer to the Environmental Court, or request any enquiry on, any matter.
- A23 To make any originating application to the Environment Court.
- A24 Determine not to proceed with notification of hearings as prescribed in Section 91.
- A25 Call, facilitate, convene, invite, require to attend persons to pre-hearing meetings as prescribed in Section 99.
- A26 Decide on the issuing of notices of requirement as outlined in Sections 189A 191.
- A27 To give consent of the council as the requiring authority to the use of land which is subject to a designation, pursuant to Section 176.

B DELEGATED TO COUNCIL OFFICER GROUP

That Council delegate the following decisions to the Council Management Committee. A minimum of any two of these officers can make decisions:

This delegation from B1-C7 inclusive is extended to include the Team Leader Planning and Policy as one of the Council Officer Group when the Team Leader Planning and Policy has not been the officer responsible for preparing the staff report for that particular resource consent under consideration.

- B1 To consider and make decisions on any resource consent which has not been publicly notified, and does not require a hearing, or which has been publicly notified and does not require a hearing.
- B2 To determine whether an application for a resource consent is not required to be publicly notified provided written approvals have been obtained for all persons adversely affected by the application, pursuant to Section 94.
- All of Council's powers in respect of: conditions of subdivision consents, (S220); esplanade reserves and strips (S230); vesting of roads (S238); amalgamation of allotments (S240 and S241); cancellation of easements (S243), company leases and cross leases (S244) and approval of survey plans for reclamations and approval of separate survey plans under (S233).

Note: (forming part of the resolution)

All decisions made under delegations B1 and B2 above shall be properly recorded in writing, including reasons.

The following delegations relating to subdivisions and development require only one member of the management committee to make a decision:

consent notice (\$221); completion certificates (\$222); approval of survey plan (\$223, \$224); transitional provisions for subdivisions (\$ 405 and 405A); grounds for refusal of consent (\$ 406); conditions of approval (\$ 407); financial contributions (\$ 409).

- C1 The authority to enter into mediation and make binding decisions on behalf of Council as prescribed in Section 99A.
- C2 To consider and make decision on any application to change or cancel any condition imposed on a resource consent, where the application has not been publicly notified, pursuant to Section 127.
- C3 To decide to serve notice on any consent holder of the Council's intention to review the conditions of a resource consent, pursuant to Section 128 and to make a decision on that review, pursuant to Section 132.
- C4 To consider and make decisions on any applications to extend the time after which a consent shall lapse if not implemented, pursuant to Section 125.
- C5 Where any resource consent that has been exercised, but has not been exercised for a continuous period of five years, to either cancel that consent, or consider and make a decision on any application to extend that period, pursuant to Section 126.
- C6 To grant any waiver pursuant to Section 37 and 42A(3).
- C7 To make any submissions on resource consents, policy statements and plans which are the responsibility of any other consent authority under the Resource Management Act 1991.
- C8 To correct minor mistakes or defects in a resource consent and issue an amended consent, pursuant to Section 133A.

Delegated to the Chief Executive all delegations listed below including D1 - F14

D1 To authorise any Officer or other person specified in Section 38 to be an enforcement officer and identify the extent of those powers.

Delegated through the Chief Executive to the Manager Community and Environmental Services and/or Team Leader Planning and Policy listed below including E1 - F14

- E1 To waive or extend any time limits pursuant to Section 37.
- E2 To issue certificates of compliance pursuant to Section 139.
- E3 To consider and impose conditions on a Development Plan under Section 410.

- E4 To certify any survey plan under \$ 226(1)(e) which has not had a previous statutory approval.
- The powers of the Council under Section 643 of the Local Government Act 1974 relating to the erection of buildings on two or more allotments.
- To apply to the Environment Court for a Declaration pursuant to Sections 310 and 311. Such applications to be reported to the Hearing Committee at the first opportunity.
- To determine which persons shall be required to give their written approval for any application for a resource consent which is not to be publicly notified, pursuant to Section 94. (Requires only one Manager's decision on recommendation of a Planning Officer)
- To apply to the Environment Court for an Enforcement Order pursuant to Section 314 of the Resource Management Act 1991. Such applications to be reported to the Hearing Committee at the first opportunity.
- E9 To determine which persons and bodies shall be served with a copy of any proposed District Plan, or Change to a District Plan, and to arrange public notification of, pursuant to Clause 5 of the First Schedule.
- E10 To determine whether, pursuant to Section 102, where Resource Consent applications in relation to the same proposal have been made to two or more consent authorities, and those consent authorities have decided to hear the application
 - the applications are sufficiently unrelated that a joint hearing is unnecessary (both consent authorities and the applicant must agree)
 - on reasonable grounds, it is considered not appropriate to jointly decide the applications.
- E11 To determine whether, pursuant to Section 36(5) to remit the whole or any part of any charge authorised by Section 36.
- E12 Set deposits and bonds and reduce, waive or withdraw under Section 108, 108A, 109 and 222.
- E13 Determine not to proceed with notification of hearings as prescribed in Section 91.

- E14 Decline applications as provided within the provisions of Section 92A and 92B.
- E15 Determine if consents relating to the same proposal are sufficiently unrelated not to hold a combined hearing as prescribed in Section 103.
- E16 Determine when notices of review will be undertaken as prescribed in Sections 129-132.
- E17 Granting Certificates of Compliance as prescribed in Section 139.
- E18 Issue Existing Use Certificates as prescribed in Section 139A.
- E19 Issue, consider and decide on Notices of Requirement under Section 168A.
- E20 Make decisions on requirements and submissions of a requiring authority under Section 171 and 173.
- E21 Make decisions on outline plans under Section 176A.
- E22 To accept or refuse the partial surrender of a resource consent, to accept the surrender in whole of a resource consent, and to provide notice of acceptance of the surrender of a resource consent, pursuant to Section 138.

The provisions for objections are contained within Sections 357 to 358 inclusive.

Delegated through Chief Executive and to all Planning Team Members

- To issue infringement notices pursuant to the Resource Management (Infringement Offences) Regulations 1999 after discussion with one member of the Council Officer Group described in 'C'.
- F2 To determine not to proceed with the notification of, or hearing of, an application, on the grounds that other resource consents are required, pursuant to Section 91.
- F3 To require further information to be provided, or to commission a report, before a resource consent application is notified, or heard, pursuant to Section 92.
- F4 To determine which persons and bodies shall be served with a copy of any notified resource consent application, and to arrange its public notification, and erection of signs, pursuant to Section 93 (1).

- To determine the circumstances when it is impracticable or unreasonable in any particular instance to affix a sign on the site notifying the resource consent, pursuant to Section 93(1)(h).
- F6 To determine which persons shall be required to give their written approval for any application for a resource consent which is not to be publicly notified, pursuant to Section 94.
- F7 To determine whether, pursuant to Section 100, it is necessary to hold a hearing into a Resource Consent application.
- F8 To determine whether, pursuant to Section 36(3) a fixed charge is inadequate to enable the Council to recover its actual and reasonable costs in respect of the matter concerned, and if so, what additional charge will be required.
- F9 Set time frames to require information as required under Section 92A.
- F10 Disregard adverse effects as prescribed within Section 94A.
- F11 Decide on who may be adversely affected as prescribed in Section 94B.
- F12 Determine if special circumstances exist as outlined in Section 94C.
- F13 Determine when public notification and service requirements may be varied as prescribed in Section 94D.
- F14 Call, facilitate, convene, invite, require to attend persons to pre-hearing meetings as prescribed in Section 99.
- F15 Receive written notice of transfer of a land use consent, pursuant to Section 134.

INFORMATIONS

Source:		
Date:		
Reviewed:	Next review:	
See also:		

That the general authority to initiate legal proceedings by the laying of informations in the District Court be delegated to the Chief Executive plus the relevant departmental manager (both signatures required).

That the authority to initiate legal proceedings by the laying of informations in the District Court relating to dog control and animal control matters be delegated to the Manager Regulatory Services plus the Senior Animal Control Officer (both signatures required).

That the general authority to issue infringement notices be delegated to all enforcement officers.

LOCAL GOVERNMENT (RATING) ACT 2002

Source:	Council		
Date:	27/11/2003		
Reviewed:	26/08/2015	Next review:	2016
See also:	Local Government (R	ating) Act 2002	

Sec	Details for Power	Delegations
27(5)	The decision on whether to divide rating units and the methodology for division	 Chief Executive Manager Corporate Services Financial Accountant Operational Accountant
28(2)	The decision on whether the disclosure of the name of any person is necessary to identify a rating unit	 Chief Executive Manager Corporate Services Financial Accountant Operational Accountant Rates Officer
29	Authority to determine objections to the Rating Information Database (RID)	Chief ExecutiveManager Corporate ServicesFinancial AccountantOperational Accountant
35	Authority to remove a name from the RID	 Chief Executive Manager Corporate Services Financial Accountant Operational Accountant Rates Officer
39	Authority to determine objections to rates records	Chief ExecutiveManager Corporate ServicesFinancial AccountantOperational Accountant
40	Authority to correct errors in the RID and Rate Records	 Chief Executive Manager Corporate Services Financial Accountant Operational Accountant
54	Authority not to collect small amounts	Chief ExecutiveManager Corporate ServicesFinancial AccountantOperational Accountant
61	Authority to collect unpaid rates from the owner	Chief ExecutiveManager Corporate ServicesFinancial AccountantOperational Accountant
62	Authority to collect unpaid rates from persons other than the owner	Chief ExecutiveManager Corporate ServicesFinancial Accountant

Sec	Details for Power	Delegations
		Operational Accountant
63	Ability to commence legal	Manager Corporate Services
	proceedings for the recovery of rates	Financial Accountant
	that are in default	Operational Accountant
67	Commencement of rating sale or lease	Chief Executive
	provisions	Manager Corporate Services
72	Authority to sell land by private treaty	Chief Executive
		Manager Corporate Services
77-	Authority to sell abandoned land	Chief Executive
83		Manager Corporate Services
		Operational Accountant
99	Authority to apply for charging orders	Chief Executive
		Manager Corporate Services
114/	Authority to administer rate remission	Chief Executive
115	and postponement policies	Manager Corporate Services
		Financial Accountant
		Operational Accountant
		Rates Officer
135	Authority to sign documents for court	Chief Executive
	proceedings	Manager Corporate Services

Note: where any individual position changes or is replaced, the delegated power will be transferred to the equivalent position.

MANAGEMENT COMMITTEE

Source:	Council	
Date:	28/03/1991	
Reviewed:	26/08/2015	Next review:
See also:	p.4, item 4.5	

FUNCTIONS

The Management Committee shall comprise the Chief Executive who shall be Chairperson, Manager Corporate Services, Manager Community and Environmental Services and Group Manager Assets and Infrastructure.

The functions shall be to ensure good management of the Council's affairs including prompt action on Council's decisions, the proper and effective implementation of Council's policy, the maintenance of good public relations and enhancement of the Council's image.

POWERS

The Executive Committee shall have the powers allocated to it from time to time by the Council as described herein.

FINANCIAL DELEGATIONS

Source:	Council	
Date:	26/08/2015	
Reviewed:		Next review:
See also:		

Expenditure approval relating to the procurement of goods and services, materials and equipment within the funding limits approved by the relevant Annual Plan

The authority under this delegation is to approve generally recurring types of expenditure on behalf of the Council, up to the limits set out below, where the expenditure is provided in the relevant Annual Plan.

Role	Limit		
Chief Executive	\$ 750,000 provided budgeted for in the relevant		
	Annual Plan		
Managers	\$ 500,000 provided budgeted for in the relevant		
	Annual Plan		
Works Engineer	\$250,000 provided budgeted for in the relevant		
	Annual Plan		
Financial Accountant	\$25,000 provided budgeted in the relevant		
Operational Accountant	Annual Plan		
IT Team Leader			
District Librarian			
Reefton Service Centre			
Manager			
Asset Engineer			
Design Engineer			
Utilities Engineer			
Project Engineer			
Roading Engineer			
Property and Waste			
Minimisation Officer			
Airport CEO			

Role	Limit
Reefton Librarian	\$7,500 provided budgeted in the relevant Annual
Personal Assistant's	Plan
Regulatory Team Leader	
Compliance Officer	
Administration Officer	
Animal Control Officer	
Engineering Officer	
Civil Defence Officer	
Theatre Manager	
Building Inspector	
Planning Officer	
Planning Assistant	
Community Services Officer	

Any staff member with delegated authority to approve expenditure must declare any conflict of interest to their respective manager prior to approval of this expenditure, or in the case of the CEO approval must be given by the Mayor.

Council authorises as policy by delegation any one of the Chief Executive, Manager Operations, Manager Corporate Services or Manager Community and Environmental Services to enter into mediation or arbitration on Council's behalf and have the power to make binding decisions in general terms and under Section 34A Resource Management Act within the general parameters of the financial delegations authorised under delegation 28.11.3.

Binding Council to a Contract awarded by publicly advertised tenders

To the Chief Executive, Group Manager Assets and Infrastructure, Manager Corporate Services and Manager Community and Environmental Services, delegated authority to accept tenders up to \$500,000 provided that the lowest conforming tender meeting specification (for purchases and works contracts) or

the highest tender meeting specification (for sales of assets) is accepted and that the tender is not more than 10% above or below the estimate as appropriate.

All tenders exceeding \$500,000 are to be approved by Council. All tenders accepted are to be reported to Council.

For the sake of clarity, contract payments may be authorised by the appropriate Officer for those contracts awarded by Council provided the contract payments do not exceed the approved contract amount.

Power to authorise budget variances

The Council agrees to the following delegations of financial powers pursuant to the delegations policy to the CEO:

The power to authorise an officer to approve budget variances in an activity where that activity is able to be funded by additional income or reduced expenditure within the activity and in so doing will better meet the objectives set out in the relevant Annual Plan.

Bad Debts

Delegated authority to write-off bad debts excluding rates:

- a) Council amounts over \$5,000 on any single account.
- b) Chief Executive amounts up to \$5,000 on any single account.
- c) Manager Corporate Services, Manager Community and Environmental Services and Group Manager Assets and Infrastructure amounts up to \$2,500 on any single account.
- d) Financial and Management Accountant; District Librarian; Works Engineer; Design Engineer; Senior Building Inspector; Theatre Manager; Manager Reefton Service Centre up to \$200 on any single account.
- e) Write-off's to be reported to the Council at least annually with significant items being detailed.

TREASURY MANAGEMENT

Source:	Council	
Date:	26/08/2015	
Reviewed:	ı	Next review:
See also:		

Council has the following authorities in place for the Treasury functions:

Activity	Delegated Authority	Limit
Approving and changing	Council	Unlimited
policy		
Borrowing limits	Council	Borrowings limits are
		approved in the Long
		Term Plan by Council
Approving and setting up	Manager Corporate	Subject to the limits
borrowing	Services	approved in the relevant
arrangements		Annual Plan
Drawing down debts and	Chief Executive Officer	Subject to Council set
re-financing existing debt	Manager Corporate	limits
	Services	
Approving transactions	Council	Unlimited (Subject to
outside policy		Council resolution)
Approving credit	Chief Executive Officer	Subject to Council set
counterparty limits		limits
Adjust interest rate risk	Chief Executive Officer	Fixed/floating ratio
profile on borrowing		between 55% and 95%
		Fixed rate maturity profile
		limit as per risk control
		limits
Managing funding	Chief Executive Officer	Per risk control limits
maturities in accordance	Manager Corporate	
with Council approved	Services	
facilities		

Authorising lists of	Chief Executive Officer	Unlimited and reviewed
signatories	Manager Corporate	as and when required
	Services	Annual letter to lender
Opening/closing bank	Chief Executive Officer	Unlimited
accounts		
Approval of policy	Council	Ongoing
Ensuring compliance with	Manager Corporate	Ongoing
policy	Services	
Review key performance	Finance and Audit	Quarterly Reports
measures	Committee	