



UPPER HUTT CITY



# Manual of delegations

Operative from 21 September 2011





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# Chapter 1 – Policies and principles applying to delegations

Delegations are made with reliance on the following principles and policies and should be exercised in accordance with them.

## 1.1 Definitions

**'Principle'** – An overarching statement that guides policy. Can be used as an aid of interpretation where uncertainty arises.

**'Policy'** – A high level expression of how to achieve the principles and rules for the practical application of delegations.

## 1.2 Principles

- a. delegations are made specifically to the lowest appropriate level, but they may also be exercised by all Managers in a direct line above that position
- b. delegations are made directly to the position that will be exercising the authority as part of the role of the position and day-to-day responsibilities. All Managers in a direct line of authority above that named position will also be able to exercise that delegation
- c. delegations reflect the separate roles of governance and management
- d. significant (as defined by the Council's Policy on Significance) strategic, policy, governance and major financial decisions are matters for elected representatives. Operational matters are generally the responsibility of staff although certain types of decisions, such as changes to the district plan and funding decisions, are considered to be matters of policy. Council ultimately decides on where the balance lies
- e. delegations provide for clear accountability and reflect the lines of responsibility in the organisation
- f. generic principles and policies will apply to all delegations. Specific principles and policies may apply to governance delegations or delegations to the Chief Executive

## 1.3 Policies

- a. all delegations are to be in writing

This Delegation Manual will record delegations made by Council or committee and sub delegations from the Chief Executive. All delegations not recorded in this manual must be forwarded to the City Solicitor for inclusion in the Delegations Register

- b. delegations are normally designated to defined positions, bodies or a specified class of position or bodies.

Delegations will not generally be made to named officers or persons so that currency is maintained and to enable a person acting in a position to exercise delegated functions. Generic delegations to e.g. group Managers are encouraged

- c. delegations are standardised, where possible, across classes of positions and bodies

For example, where practical, all third tier Managers should have the same financial signing limits and HR authorities. The terms of reference for sub-committees, boards, working parties etc. should be broadly similar to other entities of the same class (differing only with regard to subject matter)

- d. where powers, duties or functions are delegated to a specific position, the same authority applies to any person acting in that specified position. By default the direct Manager of a person in a specified position may act on behalf of that person if they are unavailable and the deputy chairperson of a committee, subcommittee or board may act on behalf of chairperson if they are unavailable (but may not act in both roles on the same matter)

This provision allows for notified and non-notified absence of officers and chairpersons. Officers and deputy chairpersons will need to record in writing that they have exercised the delegated authority in an acting capacity

- e. the power to exercise a function that has been delegated is held by the entity or person that delegated it and also by any Manager in a direct line above a specified position to which a function has been delegated. However, such entities and persons should only exercise that function in cases where particular circumstances make that appropriate or when requested to do so by the delegation holder

To allow for clarity and consistency a function should generally be exercised by the entity or position that has been specifically delegated responsibility for that function. But there may be occasions where the circumstances of the case make it more appropriate for the delegator or a more senior position to carry out a function

- f. officer delegations must first be delegated by the Council, committee or other subordinate decision making body to the Chief Executive. This does not apply to powers or authorities where such delegation is prohibited by law

- g. the Chief Executive may delegate to any officers or persons

The Chief Executive can delegate to specified staff positions and other persons. If delegating to a person outside of Council extra care is to be taken to ensure that the person is appropriately qualified and suitable

- h. an entity or person in a specified position with delegated authority may seek advice from others on the exercise of that delegated authority in a particular case but ultimately must either exercise the power themselves or refer the matter back to the delegator or a Manager in the direct line above their position to exercise the power.

In some circumstances, for example where there would be significant public interest in a matter or there is a potential conflict of interest, an officer or committee may decide not to make a decision and refer the matter back to the delegator or to a Manager in the direct line above their position.

- i.** unless expressly provided in law, delegation or rules, a decision made under the exercise of a delegated authority cannot be overturned by another holder of that delegation. A new decision may be made if additional information is received.

Some legislation, including the Resource Management Act, allow for appeal of certain decisions. Unless the ability to appeal a decision has been expressly provided, a decision cannot be overturned by a person or body senior to the delegate. However, if additional information is received, a new decision can be made, although it still must be made only by those who have delegated authority.

- j.** delegations should not be exercised where a conflict of interest or perceived conflict of interest exists.

A person with either a personal or prejudicial interest in a matter, or what would appear to be such an interest, must not be involved in decisions on that matter.

- k.** an elected representative cannot exercise delegations as a Hearing Commissioner

- l.** a delegate may exercise any ancillary powers necessary to give effect to a given delegation.

For example, a delegation to undertake financial transactions of up to a specified limit would include the ability to negotiate price, terms and conditions, authorise the contract, sign the contract etc.

- m.** where a matter has not been delegated, a decision on that matter must be made by Council. The City Solicitor shall determine whether or not the matter is covered by a delegation.

Matters that do not appear to be delegated should be notified to the City Solicitor so that consideration can be given to whether it is covered by some other delegation or if a new delegation is required.

- n.** unless specifically time-limited, a delegation continues in force until revoked, altered or varied by the delegator or Council.

For example, delegations may be required in relation to specific matters. These delegations would be limited to, for example, the time span of the project or contract. Individual delegations do not have to be specifically revoked where a subsequent delegation is made, which alters or varies the previous delegation.

- o.** a matter must be referred to the City Solicitor where:

- there is an apparent conflict of delegations;
- the delegation is not clearly defined or does not appear to exist for a given matter; or
- a delegate's ancillary powers need to be clarified.

- p.** where the description of a delegated legislative function is ambiguous or appears to conflict with the wording of the legislation the wording of the legislation will prevail

- q.** officers are obligated to keep their Managers, and where appropriate elected representatives, properly informed of activity arising within the scope of each officer's delegations.



# Chapter 2 – Governance delegations

The following listed committees have decision making authority. Committees with no delegated authority are listed in the Manual of Policies.

## 2.1 Hearings Committee

### Function

To conduct the hearings arising from processes under:

- the Resource Management Act and Upper Hutt District Plan
- the Reserves Act
- the Dog Control Act and Council's dog control policy
- any other statutory rules or Council bylaw or policy

### Membership

Mayor and five [5] Councillors

### Quorum

Three [3] members

### Delegated authority

**To hear and make decisions** on all matters coming before the Committee **except** those relating to the review, change or variation of the District Plan.

## 2.2 Civic Awards selection panel

### Function

To assess and select recipients for Civic Awards

### Membership

Three [3] Councillors

Two [2] community representatives

### Quorum

Three [3] members (one of whom must be a Councillor)

### Delegated authority

To make decisions.

## 2.3 Community Grants Committee

### Function

To make recommendations as to the allocation of grants to community and regional organisations in accordance with established criteria.

### Membership

Three [3] Councillors

Two [2] members

### Quorum

Three [3] members (one of whom must be a Councillor)

### Delegated authority

To determine the grants to be made.

## 2.4 Other Decision Making Bodies

Such as the:

1. temporary road closures for events group
2. infringements panel
3. contracts group

### Functions and delegation

**Authority** to enter into contracts in excess of Officers' delegated authority, but only if such contracts are provided for in the Council's LTP or Annual Plan or have obtained the express approval of Council.

### Membership

Three [3] Councillors. An alternative member, in the event of absence of a regular member, is also appointed.

### Quorum

Two [2] members

## 2.5 Creative Communities New Zealand Upper Hutt Arts Funding Assessment Committee

### Function

To disperse the funds under the Creative Communities Upper Hutt Arts Fund (Creative New Zealand) scheme, in accordance with the scheme guidelines.

### Membership

Three [3] Councillors

One [1] local iwi representative

Five [5] community representatives (not Councillors)

**Note:** All members, except the iwi representative are appointed by the Council.

### Quorum

Five [5] members (one of whom must be a Councillor)

### Delegated authority

To determine applications and disperse funds.

## 2.6 Emergency Committee

### Function:

To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures for lack of a quorum of the full Council due to a pandemic or other natural disaster, except for those that:

- have been delegated to staff
- cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.

### Membership

Mayor and Councillors

### Quorum

Two [2] members

### Delegated authority

Authority to make decisions on all matters coming before the committee within its terms of reference

## 2.7 Liquor Licensing Committee

**Function:**

Meets as and when required for the purpose of carrying out Council's obligations under the Sale of Liquor Act 1989.

**Membership**

Three [3] members

**Quorum**

Two [2] members

**Delegated authority**

To do all things that the District Liquor Licensing Authority is authorised to do by the Sale of Liquor Act 1989.

## 2.8 Planning Commissioners Committee

**Function:**

Meets as and when required for the purpose of appointing commissioners to conduct any hearing required under the Resource Management Act 1991.

**Membership**

Three [3] members

**Quorum**

Two [2] members

**Delegated authority**

- a. to appoint Commissioners when required in accordance with the Upper Hutt City Council's 'Use of Commissioners – Resource Management Applications' policy
- b. to make decisions to transfer consent applications direct to the Environment Court under section 87D of the Resource Management Act 1991

## 2.9 Legislation Committee

### **Function:**

To consider central government legislation and make submissions on Council's behalf when it deems it appropriate.

### **Membership**

Six [6] members

### **Quorum**

Two [2] members

### **Delegated authority**

To consider Central Government Legislation and make submissions on Council's behalf when it deems it appropriate.

## 2.10 Chief Executives Recruitment Committee

### **Functions and delegation**

1. To manage the selection process for the position of Chief Executive prior to the recommendation to Council.
2. To recommend to Council a final short list of candidates for the appointment of the position of Chief Executive.
3. To have financial delegation to cover recruitment related expenses.

### **Membership**

Mayor and three [3] Councillors

### **Quorum**

Mayor and two [2] Councillors



# Chapter 3 – Financial delegations

## 3.1 Authority to subdelegate

Council has authorised the Chief Executive and all Directors to sub delegate their financial delegations to other officers, subject to terms and restrictions as they see fit.

**Note:** A sub delegation is authorised by clause 32(3), Schedule 7 of the Local Government Act 2002.

## 3.2 Delegations by Council

All financial delegations are GST exclusive.

Position	Maximum sum per contract (\$)	Exclusions
Chief Executive	1,000,000	Borrowing
Director Asset Management and Operations	700,000	Property purchases
Director Corporate Services	50,000	Major plant and vehicle replacement items and property purchases
Director Environmental Services	50,000	Major plant and vehicle replacement items and property purchases
Director Business Development Services	50,000	Major plant and vehicle replacement items and property purchases
Director Community Services	50,000	Major plant and vehicle replacement items and property purchases
The Principal Rural Fire Officer (or Deputy, while acting as Principal Rural Fire Officer)	Funds as necessary to suppress a fire	Major plant and vehicle replacement items and property purchases
Electoral Officer	50,000	Election related expenses only

### 3.3 Sub delegations

Delegation by	Delegation to	Limit of Delegation
<b>Chief Executive</b>	<b>Human Resources</b>	
	Human Resources Manager	Lump sum contract of \$10,000
<b>Director Asset Management and Operations</b>	<b>Engineering consents</b>	
	Engineering Consents Team Leader	Lump sum contract of \$10,000
	Engineering Consents Support	Lump sum contract of \$5,000
	<b>Parks and Reserves</b>	
	Parks and Reserves Manager	Lump sum contract of \$25,000
	Parks and Reserves Officer	Lump sum contract of \$5,000
	Horticultural Officer	Lump sum contract of \$5,000
	Parks and Properties Officer	Lump sum contract of \$5,000
	<b>Roading</b>	
	Roading Manager	Lump sum contract of \$25,000
	Roading Engineers	Lump sum contract of \$5,000
	Roading Inspector	Lump sum contract of \$5,000
	Contracts Engineer	Lump sum contract of \$5,000
	Road Asset Engineer	Lump sum contract of \$5,000
<b>Director Business Development Services</b>	<b>Policy and reporting</b>	
	Policy and Reporting Officer	Lump sum contract of \$500
	Corporate Communications Officer	Lump sum contract of \$500
	Sustainability Advisor	Lump sum contract of \$1,000
	<b>Business Liaison</b>	
	Economic Development Manager	Lump sum contract of \$10,000
	Business Liaison Manager	Lump sum contract of \$5,000
	Business Liaison Officer	Lump sum contract of \$1,000
Information Centre Officer	Lump sum contract of \$1,000	

Delegation by	Delegation to	Limit of Delegation
<b>Director Community Services</b>	<b>Community development</b>	
	Administration Officer	Lump sum contract of \$500
	Community Development Advisor	Lump sum contract of \$500
	Senior Community Development Adviser	Lump sum contract of \$5,000
	Road Safety Coordinator	Lump sum contract of \$5,000
	<b>Library</b>	
	Library Manager	Lump sum contract of \$15,000
	Operations Team Leader	Lump sum contract of \$7,500
	Programmes and Services Team Leader	Lump sum contract of \$2,000
	Circulation Coordinator	Lump sum contract of \$500
	Administration Assistant	Lump sum contract of \$500
	Customer Services Coordinator	Lump sum contract of \$500
	Senior Operations Librarian	Lump sum contract of \$2,000
	<b>Recreation Services   H<sup>2</sup>O</b>	
	Recreation Services Manager	Lump sum contract of \$10,000
	Assistant Recreation Services Manager – Aquatic Operations	Lump sum contract of \$2,000
	Assistant Recreation Services Manager – Marketing and Events	Lump sum contract of \$2,000
	Operations Team Leader	Lump sum contract of \$1,000
	Recreation and Events Coordinator	Lump sum contract of \$500
	Aquatic Coordinator	Lump sum contract of \$500
	<b>Recreation services   Activation</b>	
Active Schools Coordinator	Lump sum contract of \$500	

Delegation by	Delegation to	Limit of Delegation
<b>Director Corporate Services</b>	<b>City Solicitor</b>	
	City Solicitor	Lump sum contract of \$5,000
	<b>Democratic Services</b>	
	Democratic Services Advisor	Lump sum contract of \$2,000
	<b>Administration</b>	
	Administration Manager	Lump sum contract of \$10,000
	Team Leader Executive Support	Lump sum contract of \$1,000
	Technical Support Unit Team Leader	Lump sum contract of \$5,000
	Executive Assistant	Lump sum contract of \$500
	Administration Officer	Lump sum contract of \$500
	<b>Finance</b>	
	Finance Manager	Lump sum contract of \$10,000
	Rates Team Leader	Lump sum contract of \$2,000
	Team Leader Payroll and Purchasing	Lump sum contract of \$1,000
	<b>Information systems</b>	
Information Systems Manager	Lump sum contract of \$10,000	
GIS Officer	Lump sum contract of \$2,000	
<b>Director Environmental Services</b>	<b>Building control services</b>	
	Building Control Services Manager	Lump sum contract of \$5,000
	Building Administration Officer	Lump sum contract of \$500
	<b>Compliance services</b>	
	Compliance Services Manager	Lump sum contract of \$5,000
	Animal Control Officer	Lump sum contract of \$500
	<b>Resource consents and compliance</b>	
	Resource Consents and Compliance Manager	Lump sum contract of \$10,000
	<b>Planning policy</b>	
	Planning Policy Manager	Lump sum contract of \$10,000
Senior Planner (Policy)	Lump sum contract of \$1,000	

### 3.4 Authority to approve contract payments

All officers named in clauses 2.0 and 3.0 are also delegated authority to approve progress or other contract payments without limitation of amount, provided:

- a.** the contract concerned has already been entered into by the Council; the contracts group or an officer acting within their delegated authority
- b.** the payment is required to be made under contract
- c.** payment has been recommended by the appropriate consultant or officer (including the officer who is authorising payment); and
- d.** the payment concerned is in the officers' area of responsibility.



# Chapter 4 – Functional delegations

## 4.1 Authority to approve contract payments

- a. unless the Council specifies to the contrary in respect of any particular appointment, all delegations include authority and power to subdelegate
- b. all delegations and subdelegations under Clause 1.1 (that are not recorded in this manual) are made in writing and are forwarded to the City Solicitor for recording in the Delegations Register at the first opportunity.

## 4.2 Delegations by Council to His Worship the Mayor

- a. **authority** to appoint any officer as an authorised officer for the purpose of signing Council documents during the absence of both the Chief Executive and the Deputy Chief Executive
- b. **authority** to operate the Mayoral Relief Fund
- c. **authority** to approve attendances of Councillors and Chief Executive, at seminars and training courses
- d. **authority** to make grants of up to \$200 to New Zealand sports representatives from the Community Grants Fund
- e. **authority** to approve funding from the Community Grants Fund for use of Council facilities and Expressions Arts and Entertainment Centre for training purposes by New Zealand representatives in sports and the arts
- f. **authority** to vote on the Council's behalf at any General Meeting of Smartlinx3 Limited
- g. **authority, to be exercised jointly with the Chief Executive**, to affix the common seal to any document in accordance with the policy
- h. **authority, to be exercised jointly with the Chief Executive**, to execute Land on Line Authority and Instruction forms but only when the transaction is such that the Mayor and Chief Executive would have authority under Upper Hutt City Council Standing Orders to affix the common seal if required.

### 4.3 Signing of cheques and bank transfers

The persons holding the following positions are authorised to approve withdrawals from the following accounts:

#### **Accounts**

Upper Hutt City General Bank Account

Upper Hutt City General Bank Account 3

#### **Position holders**

Any two of:

- Chief Executive
- Director of Asset Management and Operations
- Director of Business Development Services
- Director of Community Services
- Director of Corporate Services
- Director of Environmental Services
- Finance Manager
- Management Accountant
- Revenue Accountant

### 4.4 Payment authorisation

Payments for goods and services received may be authorised by the Chief Executive, a Director or the Manager responsible for the particular matter, provided that the supply of such goods or services has first been contracted for in accordance with the Council's policy or is required to be paid by law.

# Chapter 5 – The Chief Executive

## 5.1 Delegations by Council to the Chief Executive

### 5.1.1 Chief Executive

The Chief Executive is authorised to exercise every responsibility, duty or power that the Council has delegated to any other officer.

In the absence of the Chief Executive, the Deputy Chief Executive, or other officer appointed for the time being as Acting Chief Executive, shall exercise all the responsibilities of the Chief Executive.

### 5.1.2 Pandemic succession

THAT the following Council officers be appointed as Acting Chief Executive in the following order of precedence in the event of both the Chief Executive and Deputy Chief Executive being absent from work as a consequence of a pandemic:

1. Richard Harbord            Director of Environmental Services
2. Ian Johnson                 Director of Corporate Services
3. Andrea Curtis               Director of Community Services
4. Tamsin Somerville         Director of Business Development Services

### 5.1.3 Staffing matters

	Sub delegation by Chief Executive
The Chief Executive is responsible for employing all staff and negotiating their terms of employment (statutory responsibility).	<b>Authority</b> for employing staff, excluding Directors, and third tier Managers, has been delegated to all members of the Corporate Management Team (CMT).
<b>Authority</b> to authorise staff training.	All members of CMT.
<b>Authority</b> to authorise staff attendances at conferences.	All members of CMT.

### 5.1.4 Delegation to facilitate Council borrowing generally

**The Chief Executive** has been delegated authority as follows:

- to negotiate and finalise the terms of a debenture, the appointment of a trustee, registrar and paying agent thereunder; and to execute (under seal) on behalf of the Council. This also includes the issue of stock certificates under the debenture in respect of the Council's existing indebtedness and all future obligations which are to be secured under the debenture as appropriate
- to give one or more certificates in respect of and as required under the debenture
- to engage agents such as brokers, registrars and paying agents, in accordance with the Borrowing and Investment Management Policy, to facilitate the operations of the Council in implementation of the Council's Borrowing Management and Investment Policies and entry into the debenture
- security may be offered under the debenture, in respect of any agreements with agents as the Chief Executive considers appropriate (other than as trustee under the debenture)
- the terms and conditions of appointment of agents will be as considered appropriate by the Chief Executive
- to negotiate and enter into master agreements and hedging transactions with any bank or other institution
- to offer security under the debenture if the Chief Executive considers it appropriate
- to determine, finalise and approve the terms and conditions of any master arrangements and any security granted under the debenture
- to subdelegate powers, duties and discretions, under the resolutions above, to officers as the Chief Executive considers appropriate
- that the Chief Executive be hereby delegated authority to negotiate and agree the terms, interest rate payable by the Council, frequency of interest payments, timing of drawdown's, number of loans, facilities or issues of stock which make up the borrowings and all other terms and conditions of such loans or facilities or stock. This includes if such loans, facilities or stock will be secured under the Debenture Trust Deed, as may be necessary for obtaining such loans facilities or stock, and to execute any agreements, documents and certificates in respect of such loans, facilities or stock on behalf of Council in accordance with the Council's Liability Management Policy.

### 5.1.5 Bylaws

**Appointed** as an authorised officer under all Council bylaws and to undertake all actions and responsibilities on behalf of the Council under any Council bylaws, unless the Council's delegation of its power is specifically excluded.

**Authority** under clause 9.6.4 of the Upper Hutt City Council Water Supply Bylaw 2008 to determine when immediate action is required and to:

- make and lift water restrictions, and/or
- enact additional penalties in respect of water restrictions.

### 5.1.6 General

**Authority, to be exercised jointly with the Mayor,** to affix the common seal to any document in accordance with Standing Orders.

**Authority to be exercised jointly with the Mayor,** to execute Land on Line Authority and Instruction forms but only when the transaction is such that the Mayor and Chief Executive would have authority under Upper Hutt City Council Standing Orders to affix the common seal if required.

**Authority in the absence of His Worship the Mayor,** to vote on Council's behalf at any General Meeting of Smartlinx<sup>3</sup> Limited.

### 5.1.7 Delegation by the Licensing Committee to the Chief Executive as Secretary of the Licensing Agency

#### Authority

- grant unopposed On Licences, Off Licenses, Club Licences and Manager's Certificates
- grant unopposed renewals of On Licences, Off Licences, Club Licences and Manager's Certificates
- grant temporary authorities and Special Licences
- impose conditions or endorsements on licences or certificates and renewals of licences or certificates
- determine whether any hearings should be exparte or on notice
- hold any hearing on behalf of the District Licensing Authority
- determine and grant exemption
- prepare any reports required by the Sale of Liquor Act
- vary, suspend or cancel any Special Licence.
- suspend any licence for non compliance with public health or fire precaution requirements in accordance with the Sale of Liquor Act 1989

### 5.1.8 Local Government Official Information and Meetings Act 1987

**Authority,** under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges).
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

## 5.2 Human Resources delegations to Council staff

Item	CE	CMT	Other
Approve increase in establishment	✓		
Recruit and appoint to an established position and renew fixed term contract	✓	✓	
Undertake performance planning and development	✓	✓	✓ Manager of team
Approve learning and development	✓	✓	
Approve leave – without pay up to 10 days	✓	✓	
Approve special leave	✓		
Approve leave – without pay over 10 days	✓		
Approve remuneration annual review	✓		
Approve flexible working arrangements	✓	✓	
Approve redundancy	✓		
Initiate formal discipline action	✓	✓	✓ Manager of team
Termination of employment	✓		
Approve higher duties allowance	✓	✓	
Accept resignations	✓	✓	✓ Manager of team

# Chapter 6 – Asset Management and Operations Department

## 6.1 Delegations by Council to Director Asset Management and Operations

### 6.1.1 Local Government Act 2002

**Appointment**, as an Enforcement Officer pursuant to section 177 of the Local Government Act 2002 in relation to any offence under the Local Government Act 2002, including offences against bylaws made under the Act.

The delegation to the Director of Infrastructure Services includes a delegation of the power to appoint enforcement officers. The Council has determined that there are no circumstances in which the Council wishes to:

- a. limit or restrict the exercise or power; or
- b. impose conditions on the exercise; or
- c. prohibit, in specified circumstances, the exercise of the power; on the basis that the Director of Infrastructure Services will continue to implement auditable processes for the investigation of the background of officers prior to their appointment and the issue of a written warrant.

#### **Authority**

- pursuant to section 174 of the Local Government Act 2002 to enter upon private land
- pursuant to clause 32(1) of Schedule 7 and section 174 of the Local Government Act 2002 to authorise officers or other persons to enter upon private land.

**The Council** authorises the issue of a written warrant, under the seal of the Council, to every person who is required to enter private land to carry out their duties.

### 6.1.2 Local Government Official Information and Meetings Act 1987

**Authority**, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges).
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

### 6.1.3 Roothing

**Authority** to exercise all the powers and functions of the Council pursuant to:

- the Traffic Control Devices Rule 2004 (Rule 54002); and
- Traffic Bylaw 2005.

**Authority** to exercise the Council's powers in respect of roads set out in section 333 of the Local Government Act 1974 (authorising the construction or erection of such structures as dividing strips, markers and other devices for separating, guiding or warning traffic, intercepting glare or for any other purpose).

**Authority** to approve encroachment licences where the encroachment is into a road or drainage reserve.

**Authority** to take all actions authorised of a controlling authority by Regulations 10 and 11 of the Heavy Motor Vehicle Regulations 1974.

	Sub delegation by Director to:
<b>Authority</b> to control and approve the installation of services on or under roads by other agencies (eg electricity, gas, etc.).	Roothing Manager
<b>Authority</b> to introduce temporary traffic control measures, including the provisions of temporary speed restrictions and traffic advisory signs.	Roothing Manager Roothing Inspector Roothing Engineer
<b>Authority</b> to introduce temporary road closures (not to include road closures for sporting and other public functions).	Roothing Manager Roothing Engineer
<b>Authority</b> to fix payments for and to issue notices relating to vehicle crossings pursuant to section 335 of the Local Government Act 1974.	Roothing Manager
<b>Authority</b> to issue permits for over dimensional loads and for overweight loads to be moved on roads in Upper Hutt.	Roothing Manager Road Asset Engineer
<b>Authority</b> to issue notices pursuant to section 355 of the Local Government Act 1974 (relating to the trimming of trees and foliage for road safety purposes).	Roothing Manager Roothing Engineer

### 6.1.4 Water and drainage

The power to sub delegate is included in the delegations under this clause.

**Authority** to impose and notify restrictions to manage demand, high seasonal or other demands under Clause 9.6.3 of Council's Water Supply Bylaw 2008 in respect of such areas of the city and or such categories of properties during periods of such time as is determined to be necessary in the interests of conserving water.

**Authority**, to exercise all the powers and functions of the Council pursuant to the Council's Water Supply Bylaw 2008 except authority under clause 9.6.4 to impose emergency restrictions and penalties.

**Authority** to approve connections to the Council's drainage systems.

**Authority** to approve the erection of non inhabitable ancillary buildings over or adjacent to any public drain.

**Authority** to issue notices (relating to private drains) pursuant to section 459 of the Local Government Act 1974.

**Authority** to commence prosecutions under clause 10.4.

### 6.1.5 Bylaws

**Appointed** as an authorised officer for the purposes of all of the Council's bylaws.

### 6.1.6 Trade Waste Officers – sub delegations in favour of Hutt City Council Officers

The Director of Infrastructure Services has appointed Hutt City Council Officers as:

- Trade Waste Officers for the purposes of the Council's Trade Waste Bylaw; and
- Enforcement Officers pursuant to sections 174 and 177 of the Local Government Act 2002, with power to enter onto private land under sections 171-173 while undertaking their responsibilities as Trade Waste Officers in the District of the Upper Hutt City Council.

### 6.1.7 Resource Management Act

	Subdelegation by Director to:
<b>Authority</b> pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.	Consents Engineer Team Leader Consents Engineer

### 6.1.8 Health Act 1956

Exercise all the Council's powers, duties, functions and discretions under sections 69A-69ZZZE.

### 6.1.9 Local Government Act 2002

	Subdelegation by Director to:
<p><b>Authority</b> pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act or a Council bylaw or otherwise while undertaking any inspection or investigation on Council's behalf.</p>	<p>Consents Engineer Team Leader Consents Engineer</p>
<p><b>Authority</b> pursuant to section 174 of the Local Government Act 2002, to conduct inspections as an authorised officer.</p>	<p>Consents Engineer Team Leader Consents Engineer</p>

### 6.1.10 General

**Authority** to make agreements on Council's behalf with the owners/occupiers of adjoining properties regarding the construction and maintenance of boundary fences and contributions to the cost thereof.

**Authority:**

1. to enter, but not sign deeds, into tenancy agreements and leases of Council land and buildings but excluding:
  - a. those where the annual rental exceeds \$50,000; and
  - b. every lease which constitutes a new use of Council land.
2. to renew leases and to review rentals of properties in accordance with the terms of the lease agreement and Council policy

**Authority** to initiate prosecutions including the issue of infringement notices.

**Authority** to withdraw prosecutions and to waive infringement notices.

**Authority** to release information to the media.

	Sub delegation by Director to:
<b>Authority</b> to approve Encroachment Licences where the encroachment is into Council land other than Road or Drainage Reserve.	Parks and Reserves Manager
<b>Authority</b> to authorise the issue of Trespass Notices in respect of any Council property.	Parks and Reserves Manager Any Police Constable
<b>Authority</b> to consent as landowner in respect of resource consents for adjoining properties.	Parks and Reserves Manager
<b>Authority</b> to make agreements on the Council's behalf with the owners/occupiers of adjoining properties regarding the construction and maintenance of boundary fences and contributions to the cost thereof.	Parks and Reserves Manager
<b>Authority:</b>	Parks and Reserves Manager
<ul style="list-style-type: none"> <li>a. To enter into tenancy agreements and leases of Council land and buildings but excluding: <ul style="list-style-type: none"> <li>i. those where the annual rental exceeds \$50,000; and</li> <li>ii. every lease which constitutes a new use of Council land.</li> </ul> </li> <li>b. To renew leases and to review rentals of properties in accordance with the terms of the lease agreement and Council policy.</li> </ul>	Parks and Reserves Manager
<b>Authority</b> to initiate prosecutions including the issue of infringement notices.	Parks and Reserves Manager
<b>Authority</b> to withdraw prosecutions or to waive infringement notices.	Parks and Reserves Manager

### 6.1.11 Forest and Rural Fires Act 1977

**Authority** to exercise all of the functions, powers, duties and discretions of the Council pursuant to this Act.

## 6.2 Appointment of Rural Fire Officer

- a. Paul Nickalls, a Hutt City Council Officer has been appointed as the Principal Rural Fire Officer for Upper Hutt City.
- b. Craig Cottrill, a Hutt City Council Officer, has been appointed as the Deputy Principal Rural Fire Officer.
- c. the Principal Rural Fire Officer (in his absence a Deputy Principal Rural Fire Officer) is delegated authority to declare a prohibited fire season in the urban area of Upper Hutt City pursuant to Clause 6.0 of the Council's Prevention of Vegetation Fires Bylaw 2005. This is in addition to the power of the Principal Rural Fire Officer to declare a prohibited season in the rural area pursuant to section 22(2) of the Forest and Rural Fires Act 1977.

### 6.2.1 Reserves Act 1997

	Sub delegation by Director to:
<b>Authority</b> to carry out Council's administration, management and control functions in respect of reserves for which the Council is the administering body.	Parks and Reserves Manager
<b>Authority</b> to approve use of reserves.	Parks and Reserves Manager
<b>Authority</b> to approve or decline applications to remove trees from reserves, verges and other public areas.	Parks and Reserves Manager
<b>Authority</b> to prohibit use of sports grounds and other reserves when necessary as a result of weather conditions or maintenance requirements.	Parks and Reserves Manager
<b>Authority</b> to exercise all the powers delegated to the Upper Hutt City Council by the Minister of Conservation by delegation instrument dated 10 March 2004.	Parks and Reserves Manager

### 6.3 Delegation by Director Asset Management and Operations to organisations outside of the Council

**Authority** to delegate to organisations outside of the Council in accordance with Schedule 7 clause 32(3) of the Local Government Act 2002.

# Chapter 7 – Business Development Services Department

## 7.1 Delegations by Council to Director Business Development Services

### 7.1.1 Local Government Official Information and Meetings Act 1987

**Authority**, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges).
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

### 7.1.2 Gambling Act 2003

**Authority**, in accordance with section 100 of the Gambling Act 2003, to:

- a. grant a consent with or without a condition specifying the maximum number of gaming machines that may be operated at any one Class 4 Gambling and TAB venue; or
- b. not grant a consent
- c. reduce or waive fees for applications to the Council for consent under the Act.

### 7.1.3 General

**Authority** to release information to the media.

### 7.1.4 Economic Development

	Sub delegation by Director to:
<b>Authority</b> to approve non-commercial street stalls and street buskers (where no road stopping necessary).	Business Liaison Officer
<b>Authority</b> to approve street appeals.	Business Liaison Officer
<b>Authority</b> to approve use of community noticeboards.	Marketing and Events Coordinator

### 7.1.5 Bylaws

**Appointed** as an Authorised Officer for the purposes of all of the Council's bylaws.



# Chapter 8 – Community Services Department

## 8.1 Delegations by Council to Director Community Services

### 8.1.1 General

- a. **authority** to authorise the issue of Trespass Notices in respect of any Council property
- b. **authority** to release information to the media.

### 8.1.2 Library

	Sub delegation by Director to:
<b>Authority</b> to waive library fines.	Library Manager Team Leaders
<b>Authority</b> to approve exhibitions and the display of information at the library.	Library Manager
<b>Authority</b> to review the Mobile Library timetable.	Library Manager

### 8.1.3 H<sup>2</sup>O Xtream

	Sub delegation by Director to:
<b>Authority</b> to discount pool charges for special events, bulk bookings and corporate memberships.	Recreation Services Manager
<b>Authority</b> to determine H <sup>2</sup> O Xtream activity programme charges (excluding charges for pool entry).	Recreation Services Manager
<b>Authority</b> to approve temporary use of city streets (no road stopping necessary).	Marketing and Events Coordinator

### 8.1.4 General

	Sub delegation by Director to:
<b>Authority</b> to authorise the issue of Trespass Notices in respect of any Council property.	Recreation Services Manager Library Manager Any Police Constable



# Chapter 9 – Corporate Services Department

## 9.1 Delegations by Council to Director Corporate Services

### 9.1.1 Local Government Act 2002

**Appointment**, as from 1 July 2003, as an Enforcement Officer pursuant to section 177 of the Local Government Act 2002 in relation to any offence under the Local Government Act 2002 including offences against bylaws made under the Act.

**Authority:**

- a. pursuant to section 174 of the Local Government Act 2002 to enter upon private land
- b. pursuant to clause 32(1) of Schedule 7 and section 174 of the Local Government Act 2002 to authorise other officers or other persons to enter upon private land.

**The Council** authorises the issue of a written warrant, or temporary warrant under the seal of the Council, to every person required to enter private land to perform their duties.

### 9.1.2 Local Government (Rating) Act 2002

- a. **authority** under the sections stated, to undertake on Council's behalf the powers and functions hereafter described:

<b>s27(5)</b>	Making decisions on whether to allocate a rating unit to more than one rating differential and determine the methodology for that decisions
<b>s28(2)</b>	Authority to make a decision on whether disclosure of the name of any person is necessary to identify a rating unit
<b>s28(3)</b>	Authority to determine the fee payable for being supplied a copy of Rating Information Database ('RID') data
<b>s29</b>	Authority to determine objections to the RID
<b>s35(b)</b>	Authority to remove names from the RID
<b>s39</b>	Authority to determine objections to rates records
<b>s40</b>	Authority to correct errors in RIDs and rate records
<b>s41</b>	Authority to issue amended rates assessments
<b>s42(3)</b>	Authority to fix interest rates to be charged on additional rates
<b>s48</b>	Authority to issue rates invoices with the rates assessments
<b>s50</b>	Authority to issue invoices based on previous year's rates
<b>s52(2)</b>	Authority to agree method of rate payments
<b>s54</b>	Authority not to collect small amounts
<b>s61(1)</b>	Authority to recover unpaid rates from owner
<b>s62</b>	Authority to recover unpaid rates from persons other than owners

- s63** Authority to commence proceedings for unpaid rates
- s67** Authority to commence rating sale or lease provisions
- s72** Authority to sell or lease by private treaty
- s77-83** Authority to sell or lease abandoned land
- s85 and 87** Authority to administer remission and postponement policies

**b.** sub delegation

		Subdelegation by Director to:
<b>s35(b)</b>	Authority to remove names from the RID	Finance Manager and Rates Team Leader
<b>s40</b>	Authority to correct errors in RIDs and rate records	Finance Manager and Rates Team Leader
<b>s41</b>	Authority to issue amended rates assessments	Finance Manager and Rates Team Leader
<b>s48</b>	Authority to issue rates invoices with the rates assessments	Finance Manager and Rates Team Leader
<b>s52(2)</b>	Authority to agree method of rate payments	Finance Manager and Rates Team Leader
<b>s61(1)</b>	Authority to recover unpaid rates from owner	Finance Manager and Rates Team Leader

**9.1.3 Rating Valuation Act 1998**

**Authority** under the sections stated (below) to undertake on Council's behalf the powers and functions hereafter described:

- section 14 and section 16                      **Authority** to determine whether a new valuation will be provided upon request from an owner or ratepayer.
- section 34(4)                                      **Authority** to determine to alter a valuation or decline to alter a valuation.

### 9.1.4 Sale of Liquor Act 1989

	Subdelegation by Chief Executive to:
<p><b>Authority</b> as Secretary of the District Licensing Agency to:</p> <ul style="list-style-type: none"> <li>a. grant unopposed applications for On licences, Club licences and Manager certificates</li> <li>b. grant unopposed applications for renewal of On, Off and Club licences and Managers certificates</li> <li>c. determine whether an application for a temporary authority is to be dealt with ex parte or not and if not, who is to be served with notice of application.</li> </ul>	Administration Manager

### 9.1.5 Other financial delegations

**Authority** to write off debt where the amount concerned is less than \$250.

	Subdelegation by Director to:
<b>Authority</b> to invest Council funds in accordance with its Investment Policy.	Finance Manager
<b>Authority</b> to authorise refunds of money paid to and held by Council as bonds, deposits, overpaid rates or in any other circumstances where the Council is obliged to refund monies held.	Finance Manager Senior Rates Officer (overpaid rates only)
<b>Authority</b> to make payments of income tax, including PAYE on the salary of employees, GST and other taxes imposed on the Council and payable to the Inland Revenue Department.	Finance Manager
<b>Authority</b> to make payments to the Greater Wellington Regional Council of rates collected on its behalf.	Finance Manager
<b>Authority</b> to make payment to any other organisations on whose behalf Council is collecting money.	Finance Manager

### 9.1.6 Bylaws

**Appointed** as an authorised officer for the purposes of all of the Council's bylaws.

### 9.1.7 Local Government Official Information and Meetings Act 1987

**Authority**, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges)
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

## 9.2 Delegations to the City Solicitor

### 9.2.1 Local Government Act 1974

**Authority**, pursuant to section 348 of the Local Government Act 1974 to determine applications for the creation of private roads or right-of-way but only if the following conditions are met:

- the determination agrees with the written opinion of the Director of Asset Management and Operations; and
- includes any conditions required by the Director of Asset Management and Operations
- in the event the application is declined the applicant may appeal the determination within 14 working days of receiving Council's determination by giving Council written notice of the appeal. The appeal will be heard by the Hearings Committee at the next available Hearings Committee or at a Hearing Committee time that suits the applicant.

**Authority**, pursuant to section 327A of the Local Government Act 1974 to determine applications to uplift Building Line Restrictions, but only if the following criteria are met:

- a. the determination agrees with the written opinion of the Director, Asset Management and Operations for the proposal
- b. every exercise of this delegation is to be reported back to Council
- c. in the event the application is declined the applicant may appeal the determination within 14 working days of receiving Council's determination by giving Council written notice of the appeal. The appeal will be heard by the Hearings Committee at the next available Hearings Committee or at a Hearing Committee time that suits the applicant.

### 9.2.2 Privacy Act 1993

**Authority**, under the Privacy Act 1993, to carry out the duties of the Privacy Officer.

### 9.2.3 Local Government Official Information and Meetings Act 1987

**Authority**, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges)
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

## 9.2.4 General

### Authority

- a. to enter, but not execute deeds, into tenancy agreements and leases of Council land and buildings but excluding:
  - i. those where the annual rental exceeds \$50,000; and
  - ii. every lease which constitutes a new use of Council land.
- b. to renew leases and to review rentals of properties in accordance with the terms of the lease agreement and Council policy.

**Authority** to initiate prosecutions including the issue of infringement notices.

**Authority** to withdraw prosecutions and to waive infringement notices.

**Authority** to release information to the news media.

## 9.3 Electoral Officer

Pursuant to section 12 of the Local Electoral Act 2001, the Council has appointed Kerrie Falconer as Electoral Officer for the Upper Hutt City Council. Kerrie Falconer is also a Council officer, holding the position of Administration Manager.



# Chapter 10 – Environmental Services Department

## 10.1 Delegations by Council to Director Environmental Services

### 10.1.1 Local Government Act 2002

Appointment, as from 2 July 2004, as an Enforcement Officer pursuant to section 177 of the Local Government Act 2002 in relation to any offence under the Local Government Act 2002 including offences against bylaws made under the Act.

This appointment includes the power:

- under section 165 to apply for a warrant, to enter private property, and
- section 178 to require information

The power to appoint Council officers and members of organisations outside Council as Enforcement Officers is not limited.

#### Authority

- a. pursuant to section 174 of the Local Government Act 2002 to enter upon private land
- b. pursuant to clause 32(1) of Schedule 7 and section 174 of the Local Government Act 2002 to authorise other officers or other persons to enter upon private land.

**The Council** authorises the issue of a written warrant, under the seal of the Council, to every person who is required to enter private land to perform his or her duties.

### 10.1.2 Local Government Act 1974

**Authority**, pursuant to section 348 of the Local Government Act 1974, to determine applications for the creation of private roads or rights-of-way but only if the following conditions are met:

- a. the determinant agrees with the written opinion of the Director of Asset Management and Operations; and
- b. includes any conditions required by the Director of Asset Management and Operations
- c. in the event the application is declined the applicant may appeal the determination within 14 working days of receiving Council's determination by giving written notice of the appeal. The appeal will be heard by the Hearings Committee at the next available Hearings Committee or at a Hearing Committee time that suits the applicant.

**Authority**, pursuant to section 327A of the Local Government Act 1974, to determine applications to uplift building line restrictions, but only if the following conditions are met:

- a. the determinant agrees with the written opinion of the Director of Asset Management and Operations for the particular proposal
- b. every exercise of this delegation is to be reported back to Council

- c. in the event the application is declined the applicant may appeal the determination within 14 working days of receiving Council's determination by giving written notice of the appeal. The appeal will be heard by the Hearings Committee at the next available Hearings Committee or at a Hearing Committee time that suits the applicant.

	<b>Subdelegation by Director to:</b>
<b>Authority</b> pursuant to sections 356 and 356A of the Local Government Act 1974, to take possession of and remove abandoned motor vehicles from roads.	Compliance Services Manager Animal Control Officers Parking Services Officers

### 10.1.3 Local Government Official Information and Meetings Act 1987

**Authority**, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges)
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

### 10.1.4 Dog Control Act 1986

**Authority** to exercise all the functions, powers, duties and discretions of the Council pursuant to this Act and the Council's Dog Control Policy and Dog Control Bylaws excluding the hearing of owners objections to classification and notices under section 55.

	<b>Subdelegation by Director to:</b>
<b>Authority</b> to classify dogs as dangerous or menacing and to classify persons as probationary owners, pursuant to the Dog Control Act 1996.	Compliance Services Manager
<b>Authority</b> to initiate prosecution under the Dog Control Act 1996 and to appoint Dog Control Officers and Dog Rangers.	Compliance Services Manager
<b>Authority</b> to disqualify a person from being an owner of a dog under section 25 of the Dog Control Act 1996.	Compliance Services Manger

### 10.1.5 Transport Act 1962

Authority to appoint temporary Parking Wardens (pursuant to section 7, Transport Act 1962) from time to time to hold the position in the absence of a Parking and Services Officer.

### 10.1.6 Health Act 1956 and Food Act 1981

**Authority** to appoint environmental health officers:

- a. to exercise the powers and perform the duties of the Council pursuant to Part II of the Health Act 1956 within the district of Upper Hutt;
- b. to exercise the powers of an inspector under the Health Act 1956 and the Food Act 1981; and
- c. to issue notices and closing orders pursuant to section 42 of the Health Act 1956.

	Sub delegation by Director to:
<b>Authority</b> to act as an Enforcement Officer and enforce the Hazardous Substances and New Organisms Act 1996	Compliance Services Manager
<b>Authority</b> to act as an Inspector under the Sale of Liquor Act 1989.	Compliance Services Manager Environmental Health Officer
<b>Authority</b> to act as a Litter Control Officer pursuant to the Litter Act 1979.	Compliance Services Manager Parking and Services Officers Animal Control Officers

### 10.1.7 Regulations

	Subdelegation by Director to:
<b>Authority</b> to act as an inspector for the purposes of Regulation 11, Amusement Devices Regulations 1978.	Building Control Services Manager Compliance Services Manager

### 10.1.8 General

**Authority**

- a. to lease Council land and buildings but excluding;
  - i. those where the annual rental exceeds \$50,000; and
  - ii. every lease which constitutes a new use of Council land.
- b. to renew leases and to review rentals of properties in accordance with the terms of the lease agreement and Council policy.

**Authority** to initiate prosecutions including the issue of infringement notices.

**Authority** to withdraw prosecutions and to waive infringement notices.

**Authority** to release information to the media.

	Sub delegation by Director to:
<b>Authority</b> to initiate prosecutions, including the issue of infringement notices.	Compliance Services Manager

### 10.1.9 Bylaws

**Appointed** as an authorised officer for the purposes of all of the Council's bylaws.

### 10.1.10 Waivers

	Sub delegation by Director to:
<b>Authority</b> to withdraw prosecutions and to waive infringement notices.	Compliance Services Manager
<b>Authority</b> to waive infringement notices for stationary vehicle offences, dogs and for noise offences under the Resource Management Act 1991.	Staff Committee (made up of three officers, appointed by the Director, known as Infringement Notice Committee (INC)).

## 10.2 Council delegations under the Resource Management Act 1991

### 10.2.1 Director

**Authority** under the Resource Management Act 1991, to exercise all the functions, powers, duties and discretions of the Council pursuant to the Resource Management Act 1991 and any regulations made under that Act excluding:

- power to approve a policy statement or plan or any change of any policy statement or plan
- the making of a recommendation to a Requiring Authority on a requirement of a designation (unless it is a minor alteration in accordance with section 181 (3)) or a Heritage Order under Part VIII of the Act
- the granting of a resource consent if a hearing is required
- the decision to transfer consent applications direct to the Environment Court under section 87D of the Resource Management Act 1991.

### 10.2.2 Resource Consents and Compliance Manager and Planning Policy Manager

**Authority** under the Resource Management Act 1991 to process applications under the Act until dealt with and for that purpose to exercise all discretions vested in the Council by the Act including the power to approve (but not decline) controlled activity, restricted discretionary activity and discretionary activity applications, but excluding those cases giving rise to significant scale, complexity or controversy.

**Authority** pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [inspection] and 333 [Survey] of that Act.

**Authority** as an Enforcement Officer to issue and serve infringement notices and abatement notices.

### 10.2.3 Local Government Act 2002

**Authority**, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

### 10.2.4 Delegation in absence of Director, Environmental Services

For any period where the Director of Environmental Services is on leave or otherwise absent for a period exceeding one day, this delegation enables the officer to exercise all the functions, powers, duties and discretions of the Council pursuant to the Resource Management Act 1991 and any regulations made under that Act excluding:

- power to approve a policy statement or plan or any change of any policy statement or plan
- the making of a recommendation to a Requiring Authority on a requirement of a designation (unless it is a minor alteration in accordance with section 181 (3)) or a Heritage Order under Part VIII of the Act
- the granting of a resource consent if a hearing is required.

This applies for the period that the Director of Environmental Services is on leave or otherwise absent only.

### 10.2.5 Senior Planner (Consents) and Senior Planner (Policy)

**Authority** under the Resource Management Act 1991 to process applications under the Act until dealt with and for that purpose to exercise all discretions vested in the Council by the Act including the power to approve (but not decline) controlled activity and restricted discretionary activity applications, but excluding those cases giving rise to significant scale, complexity or controversy.

**Authority** pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

**Authority** as an Enforcement Officer to serve infringement notices and abatement notices.

### 10.2.6 Planner (Consents) and Planner (Policy)

**Authority** pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

**Authority** as an Enforcement Officer to serve infringement notices and abatement notices.

The following authorisations are made to all persons who are employed, or appointed, to act for the Council as Planning Technician, Planner (Consents), Planner (Policy), Senior Planner (Consents) or Senior Planner (Policy).

### 10.2.7 Local Government Act 2002

**Authority**, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

### 10.2.8 Planning Assistant

**Authority**, pursuant to section 38 of the Resource Management Act 1991, to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

### 10.2.9 Environmental Investigations Officer

**Authority**, pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

**Authority** as an Enforcement Officer to issue and serve infringement notices and abatement notices, and to take action in respect of complaints of excessive noise and smoke nuisance.

**Authority**, under the Resource Management Act 1991 to take action in respect of complaints of excessive noise and smoke nuisance.

### 10.2.10 Environmental Health Officer

(including Hutt City Council Environmental Health Officers)

**Authority** as an Enforcement Officer to take action in respect of complaints of excessive noise and smoke nuisance.

Also refer to sections 10.6.1 and 10.6.2 below.

### 10.2.11 Local Government Act 2002

**Authority**, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

### 10.2.12 Authorised security personnel (section 38(2) of the Resource Management Act 1991)

**Authority** as Enforcement Officers under the Resource Management Act 1991 but only for the purposes of section 327 and 328 (Noise Control) and for issuing and serving abatement notices relating to smoke nuisance.

**Authority** to issue and serve abatement notices under section 322 for unreasonable noise and have powers under section 323(2) to seize noise source.

### 10.2.13 Planning Commissioners

**Authority** to carry out the Council's functions in compliance with the terms of his or her appointment and the Council's 'Use of Commissioners – Resources Management Applications' policy.

## 10.3 Delegations to building staff

### 10.3.1 Building Act 2004

The Building Control Services Manager and all persons employed or appointed to act as Building Officers on behalf of the Council are authorised to exercise all the powers of the Council as a Territorial Authority and as a Building Consent Authority under the Building Act 2004, except that:

- a. a Building Officer is not to commence any compliance enforcement action, including the issue of notices, except with the prior approval of the Building Control Services Manager; and
- b. the Building Control Services Manager is not to commence any prosecutions except with the prior approval of the Director of Environmental Services.

The Building Control Services Manager and all persons employed or appointed to act as Building Officers are authorised, pursuant to section 222 of the Building Act 2004 and section 174 of the Local Government Act 2002, to conduct inspections as authorised officers.

The Building Control Services Manager and all persons employed or appointed to act as Building Officers are also authorised pursuant to section 229 of the Building Act 2004 to exercise the powers and responsibilities of an Enforcement Officer under that Act but only for the purpose of inspection of building work and, if necessary, any related investigation.

### **10.3.2 Local Government Act 2002**

The Building Control Services Manager and all Building Officers are authorised, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

## **10.4 Delegations to compliance services staff**

The Compliance Services Manager and all persons employed or appointed to act as Animal Control Officers and/or Compliance Officers are appointed as:

- Dog Control Officers under the Dog Control Act 1996.
- Litter Control Officers under the Litter Act 1979.
- Noise Enforcement Officers pursuant to sections 327 and 328 of the Resource Management Act 1991.
- Enforcement Officers under the Local Government Act 2002 in relation to any offence under that Act or any Council bylaw.
- Parking Wardens within the city of Upper Hutt pursuant to the Transport Act 1962.

These officers are also authorised:

- pursuant to section 222 of the Building Act 2004 and Section 174 of the Local Government Act 2002 to conduct inspections as authorised officers;
- pursuant to section 77 of the Building Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under that Act but only for the purpose of inspection of building work and, if necessary, any related investigation; and
- pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

## **10.5 Appointment of authorised security personnel as dog rangers and (noise) enforcement officers**

### **10.5.1 Dog Control Act 1996**

Authorised security personnel are appointed as Dog Rangers pursuant to section 12 of the Dog Control Act 1996.

### 10.5.2 Resource Management Act 1991

**Authority** as Enforcement Officers under the Resource Management Act 1991 but only for the purposes of Section 327 and 328 (Noise Control) and for serving abatement notices relating to smoke nuisance.

**Authority** to issue abatement notices under Section 322 for unreasonable noise and have powers under Section 323(2) to seize noise source.

### 10.5.3 Local Government Act 2002

Authorised security personnel are authorised, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

## 10.6 Delegations in favour of Hutt City Council environmental health officers

Hutt City Council Environmental Health Officers are appointed as:

### 10.6.1 Various Acts

- Enforcement Officers under the Building Act 2004
- Local Authority Inspectors under the Food Act 1981
- Enforcement Officers under sections 38, 328, 322, 323(2), 327, 332, 333, 335 and 343(c) of the Resource Management Act 1991
- Enforcement Officers under sections 97, 100, 103, 104, 112, 119 and 136 of the Hazardous Substances and New Organisms Act 1996
- Inspectors under section 103 of the Sale of Liquor Act 1989
- Environmental Health Officers under the Health Act 1956

### 10.6.2 Local Government Act 2002

They are authorised, pursuant to sections 171, 172, 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

Also refer to paragraph 2.6 above.

