



TE KAUNIHERA O PAPAIOEA  
PALMERSTON NORTH CITY COUNCIL

# ARATOHU TUKU MANA WHAKATAU DELEGATIONS MANUAL

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**ARATOHU TUKU MANA WHAKATAU | DELEGATIONS MANUAL**

**AS AMENDED MARCH 2025**

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## I HOW THIS DELEGATIONS MANUAL WORKS<sup>1</sup>

This Delegations Manual is divided into five parts:

**Part 1:** explains the Council's principles regarding delegations and the rules relating to the way in which delegations and sub-delegations apply and operate in the Council.

**Part 2** contains non-statutory delegations from the **Council to Individual Elected Members or Officers**.

**Part 3** contains delegations from the **Council to Subordinate Decision-making bodies**, most notably to Resource Management Act and Dog Control Hearing Panels, several trusts involved in distributing grants and the assignment of Hearing Commissioners.

**Part 4** contains delegations from the **Council to its Committees**.

**Part 5** contains all delegations (including financial delegations) from the **Council to the Chief Executive** and statutory delegations from **Council to other officers**, in particular under the Local Government (Rating) Act 2002 and the Resource Management Act 1991.

**Note:** Part 5 should be read alongside the Chief Executive's Delegations Manual which records the delegations from the Chief Executive to officers.

Each delegation to an officer in this Delegations Manual is to be exercised individually except where it is stated otherwise and requires officers to act in conjunction with two or more members / officers. specifies whether a delegation can be exercised by a member/officer acting alone or by two or more members/officers acting together.

### Reviews of this Manual

The Delegations Manual is a living document and will be reviewed by Council at the start of a triennium.

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<sup>1</sup> Part I was reviewed Council 5 March 2025

<b>WĀHANGA 1:</b> <b>PART 1: PRINCIPLES AND PURPOSE OF DELEGATIONS</b>
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## **1.1 The Meaning of Delegation**

- 1.1.1 Delegation is the assignment of a function, power or duty to act to another person or body, including the authority to carry out that function or duty, exercise the power or complete the action.
- 1.1.2 The functions, powers and duties of the Council are prescribed by central government either expressly or implicitly by statute and any associated regulations. The legislative framework sets out various powers, functions and duties to the Council or the Chief Executive.
- 1.1.3 Unless expressly provided otherwise in the Local Government Act 2002, or in any other Act, the Council can delegate any of its responsibilities, duties or powers to a committee, subordinate decision-making body, member or officer, except the powers to:
- a. make a rate;
  - b. make a bylaw;
  - c. borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan;
  - d. adopt a Long-Term Plan, Annual Budget (Plan) or Annual Report;
  - e. appoint a Chief Executive;
  - f. adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-Term Plan or developed for the purpose of the local governance statement; or
  - g. adopt a remuneration and employment policy.
- 1.1.4 Council has retained other powers and responsibilities which are set out in Council's Terms of Reference in Part 2.

## **1.2 Role of the elected Council**

- 1.2.1 One of the Council's statutory functions is to lead and guide the management of the City by determining primary goals and objectives, setting strategies and policies, and encouraging their achievement through the considered use of committees and the appointment of the Chief Executive. These governance activities are the remit of elected members.

## **1.3 Role of the Chief Executive**

- 1.3.1 The management of the Council is the responsibility of the Chief Executive. The Chief Executive leads the staff to achieve the statutory responsibilities of the Council, provide policy advice, implement governance decisions and deliver and manage infrastructure and services for the City.
- 1.3.2 The Chief Executive is the Council's principal administrative officer and is the only officer appointed by the Council. They are responsible for appointing Council staff and ensuring that all responsibilities, duties and powers delegated to them, or to any person employed by the Council, are properly performed or exercised. This includes powers imposed or conferred by an Act, regulation or bylaw.

## **1.4 The Principle of Delegation & Purpose**

- 1.4.1 The Council supports the principle of delegating decision-making to the lowest competent level. This makes best use of the abilities of elected members and officers, ensuring the cost-effective use of resources and promoting the development of efficient and effective management. This principle has been applied to the preparation of this Delegations Manual.
- 1.4.2 Delegation focuses and sharpens the relationship between the Council and the Chief Executive and assists in the achievement of the respective functions of elected members and officers.

## **1.5 Characteristics of Delegation**

- 1.5.1 It is important to understand the following characteristics of delegation:
- a. Delegators do not lose the authority to exercise the function, power or duty and may exercise this concurrently with the Delegate.
  - b. No delegation relieves the body or person making the delegation of the liability or legal responsibility to perform or ensure performance of the function or duty being delegated.
  - c. Delegations are always to positions rather than individuals, however delegates act in their own names on behalf of the Council when exercising delegated authority and should exercise the delegated authority wisely and responsibly.
  - d. An officer or body to whom any responsibilities, duties or powers are delegated may exercise them in the same way and with the same effect as the Delegator could have done.
  - e. Any officer or body exercising a delegation must:
    - (i) apply the decision-making requirements of the Local Government Act or any other relevant legislation; and
    - (ii) comply with all relevant Council policies, financial limits and reporting or other procedural requirements.
  - f. Subject to any legislative restrictions, a responsibility, duty or power delegated to an officer is also delegated to all officers in a direct line of authority above that officer.
  - g. Where an officer is operating in an acting capacity, the officer may exercise the full delegations of that role.
  - h. It is not compulsory to exercise a delegation (either at all or in a particular case). Whether or not to exercise a delegated authority may depend on the circumstances of a particular matter. If a delegate, is unable to make a decision, the correct action is to refer the matter to the delegator.
  - i. Unless a delegation has been made and included in the Delegations Manual, any decision required in respect of that matter can only be made by the Council.
  - j. Unless specifically time-limited, a delegation will continue in force until specifically revoked, or varied by the Delegator or the Council. A delegation may be revoked at any time without notice.

- k. Where there is any ambiguity between the wording of a legislative function and the delegation of that function, the wording of the legislation will prevail.
- l. Unless otherwise expressly stated, all financial values in this Delegations Manual are GST exclusive.

1.5.2 All committees, sub-committees and officers have authority to hear any matter within their jurisdiction and submit a report or recommendation to a higher authority.

## **1.6 Sub-Delegation**

1.6.1 Delegations may be sub-delegated to another officer or body under the Local Government Act 2002 (or other permitting Acts). Sub-delegation can only occur once. Sub-delegated authority is subject to any conditions, limitations, or prohibitions imposed by the Delegator.

1.6.2 **Sub-delegation is not allowed** to delegations made under the Local Government (Rating) Act 2002 (clause 5.11) or Resource Management Act 1991 (clause 5.13). This means a delegation to an officer or body under either of these statutes cannot be sub-delegated to another to fulfil.

1.6.3 The **Chief Executive and other specified officers** can sub-delegate their delegation to any officer except:

- a. the power to delegate; or
- b. any power delegated to the officer that is subject to a prohibition on delegation; or
- c. any power under an enactment where the enactment expressly prohibits the delegation of the power.

1.6.4 An officer to whom any responsibilities, duties or powers are sub-delegated may exercise them in the same way and with the same effect as the delegating officer could have done.

1.6.5 **A committee** may delegate any of their responsibilities, duties or powers to a sub-committee (see reference to establishing sub-committee) or person, subject to any limitations imposed by the original delegation. The Delegate may exercise those delegations in the same way as the committee could have done but may not sub-delegate.

## **1.7 Review of Decisions made under Delegation**

1.7.1 The Council or a committee cannot rescind or amend a decision made under delegation by a committee, sub-committee, officer, or another subordinate decision-making body, except where:

- a. The decision has not become legally binding or operative;
- b. It is manifestly wrong e.g. breaches legislation, regulations, code of conduct, policy; or
- c. It is contrary to a decision of the Delegator of which the Delegate was unaware; or
- d. It contains serious implications for the Council of which the Delegate was unaware.

1.7.2 Where a delegation is made under legislation that is subsequently repealed, the delegation will be extinguished on the date of repeal of the relevant legislation. Should a new delegation be required as a consequence of legislative change, this will be brought to Council for decision.

## 1.8 Legal Basis

1.8.1 The delegations in this Manual are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.

## 1.9 Definitions

1.9.1 For the purposes of this Delegations Manual the words and phrases set out below have the following meanings:

<b>Activity</b>	a body of work as described in a Long-Term Plan (or its equivalent – 10 Year Plan) or Annual Budget.
<b>Annual Budget</b>	an Annual Plan or Annual Budget adopted by Council pursuant to the Local Government Act 2002.
<b>Budget Variation</b>	an approval by the Council (or committee with delegation) or the Chief Executive, according to delegation set out in Section 5.4 to incur Expenditure in excess of budgets.
<b>Capital New</b>	capital expenditure to increase the value of an asset or create a new asset, that Council owns and maintains.
<b>Capital Renewal</b>	capital expenditure to renew or replace an existing Council asset
<b>Claim</b>	any claim for compensation either by or against the Council
<b>Claim Expenditure</b>	the net amount of Expenditure by the Council on settling a Claim including legal costs but after taking into account contributions from insurance and third parties.
<b>Commitment</b>	any arrangement between the Council and any third party which is binding on Council, made by an officer under delegation.
<b>Council</b>	the Palmerston North City Council howsoever referenced or described in each relevant statute.
<b>Delegation</b>	the assignment of a function, power or duty to act to another person or body, including the authority to carry out that function or exercise that power.
<b>Delegate</b>	The person or body that has a delegation.
<b>Delegator</b>	The person or body that has granted a delegation.
<b>Emergency</b>	an event: (a) that is unforeseen and causes major damage to Council or other property; and (b) for which there is a need for remedial action to be taken without delay; and



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	(c) it is impracticable to convene a meeting of Council or Committee with delegation to approve the proposed expenditure but which is not a declared state of local or national emergency under the Civil Defence Emergency Management Act 2002, in which case authority passes to the Civil Defence Emergency Management Local Controller.
<b>Fees and Charges</b>	amounts charged or imposed by the Council on third parties for the provision of goods or services (including use of facilities), the standard amount of which is set (whether in absolute terms or by reference to a formula or rate) in advance of any arrangement with a particular person or group for the provision by the Council of goods or services in consideration for payment of the relevant amount (and “Fee” and “Charge” have the corollary meaning).
<b>Financial Year</b>	a financial year (1 July -30 June) of Council as established under the Local Government Act 2002.
<b>General Manager</b>	Second tier manager
<b>Infringement Fee</b>	an amount imposed by the Council for failure to comply with a requirement of a statute, legislative instrument, bylaw or other rule or regulation, and set by law or by resolution of Council.
<b>Manual</b>	this document which sets out delegations; related conditions, limits and curtailments; and related provisions, as adopted by the Council and as varied or amended from time to time either by resolution of Council or otherwise in accordance with the provisions of this document.
<b>Minor Edits</b>	Edits that consist of one of the following: <ul style="list-style-type: none"> <li>a. The law requires that it be changed in a specified way;</li> <li>b. The Council resolves that the document be revised or added to in a specified way;</li> <li>c. A clause becomes redundant;</li> <li>d. A decision of the Council requires a modification to an existing clause; or</li> <li>e. A typographical, grammatical or other minor amendment is necessary.</li> </ul>
<b>Offset</b>	A balancing financial adjustment can be made within the Relevant Council Budget, and in the officer’s judgement the Activity outcome set out in the Long-Term Plan can still be achieved.
<b>Programme</b>	A detailed financial action (capital or operating) to achieve particular outcomes of Council, as described in a Long-Term Plan or Annual Budget.
<b>Relevant Activity Budget</b>	Total Budget (see definition below) for the Activity under which the commitment falls, in any one financial year, as approved in the Long-Term Plan or Annual Budget, together with any changes agreed by

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	resolution in the subsequent financial years and any subsequent budget variations agreed under delegation.
<b>Relevant Council Budget</b>	Total Capital New, Capital Renewal or Operating Budget. Not limited by Activity area. Relevant refers to matching type of budget, eg. where commitment is Capital New in nature, then the relevant Council Budget is also Capital New.
<b>Total Budget</b>	EITHER Net operating cost of the activity or appropriate sub-activity, less depreciation (where applicable)  OR Capital new expenditure, less capital new revenue OR Capital renewal expenditure, less capital renewal revenue  whichever is relevant to the nature of the expenditure.

**WĀHANGA 2: TE TUKU MANA KI TE MEMA TAKITAHĪ  
PART 2: DELEGATIONS TO INDIVIDUAL MEMBERS**

**2. GENERAL**

**2.1. Approve Expenses**

<b>Delegation</b>	<b>Delegated to</b>
2.1.1. To approve the expenses incurred by the Mayor and Deputy Mayor, including credit card expenses.	Chair of Strategy & Finance; or Chair of Risk & Assurance
2.1.2. To approve the expenses incurred by the Chief Executive, including credit card expenses.	Mayor; Chair of Strategy & Finance or Chair of Risk & Assurance

**2.2. Approve Members' Training or Conferences**

<b>Delegation</b>	<b>Delegated to</b>
2.2.1. To approve attendance and travel to the total value of less than \$2000 (+GST) within New Zealand, in line with the Elected Member Training and Development Policy.	Conjointly either Mayor with the Deputy Mayor and/or Manager - Governance
2.2.2. To approve Mayor's travel within New Zealand & Australia	Chief Executive
2.2.3. To approve Chief Executive's travel within New Zealand & Australia	Mayor

**2.3. Authority to Act as Council's Shareholder or Representative**

<b>Delegation</b>	<b>Delegated to</b>
2.3.1. To act as the Council's shareholder representative on the Palmerston North Airport Limited to vote on behalf of Council or appoint a proxy, subject to any instructions from the Council.	Mayor
2.3.2. To act as the Council's shareholder representative on the Local Government Funding Agency to vote on behalf of Council or appoint a proxy.	Mayor
2.3.3. To act as the Council's shareholder representative on the Civic Financial Services Limited to vote on behalf of Council or appoint a proxy.	Mayor
2.3.4. To act as the Council's shareholder representative on Central Economic Development Agency (CEDA) to vote on behalf of Council or appoint a proxy.	Mayor

#### 2.4. Chief Executive's Performance Review

Delegation	Delegated to
2.4.1. To meet at least quarterly with the Chief Executive for the purpose of undertaking performance appraisal and regular feedback and to ensure the Chief Executive has access to relevant training and development opportunities.	Mayor Deputy Mayor
2.4.2. To make a recommendation to the Council having carried out an annual performance review and remuneration review.	Mayor Deputy Mayor
2.4.3. To direct the General Manager People and Capability or Manager People Operations to engage external support for the purpose of supporting the performance appraisal and review process within operational budgets.  To agree consultancy contracts within current budget to the value of \$2000.	Mayor Deputy Mayor
2.4.4. The authority to receive notification of suspected or actual behaviour or actions that could amount to a serious wrongdoing by the Chief Executive, according to the Fraud and Whistleblowing Policy. And in such cases to implement the policy and/or direct the Manager Legal, Risk and Assurance <sup>2</sup> to engage external support for the purpose of implementing the policy.	Mayor Deputy Mayor

#### 2.5. Leave of Absence

Delegation	Delegated to
2.5.1. To agree a leave of absence for an elected member. Following this approval, the Mayor must inform the Council that a leave of absence has been granted or refused.	Mayor
2.5.2. To agree a leave of absence for the Mayor. Following this approval, the Deputy Mayor must inform the Council that a leave of absence has been granted or refused.	Deputy Mayor

#### 2.6. Local Government New Zealand (Zone 3)

Delegation	Delegated to
2.6.1. To appoint the presiding delegate and/or proxy and/or other delegates as appropriate to the Local Government New Zealand meetings.	Mayor
2.6.2. To decide in consultation amongst themselves who the Council will support for Zone 3 Executive.	Mayor Councillors Rachel Bowen, Pat Handcock, Orphee Mickalad, Karen Naylor & William Wood.

<sup>2</sup> Council 5 March 2025

**2.7. Notifications from Manager Legal, Risk and Assurance<sup>3</sup>**

<b>Delegation</b>	<b>Delegated to</b>
2.7.1. Authority to receive notification directly from the Manager Legal, Risk and Assurance where the Manager Legal, Risk and Assurance deems any matter the responsibility of or relevant to the elected Council, and vice-versa.	Chair of Risk and Assurance; Deputy Chair of Risk and Assurance

**2.8. Signing Documents and Affixing Common Seal**

<b>Delegation</b>	<b>Delegate to</b>
2.8.1. To approve the affixing of the common seal to any document and to sign every document to which the common seal is affixed.	Mayor, Deputy Mayor Chief Executive or Legal Counsel.
2.8.2. To sign any document on behalf of the Council where approval for the subject-matter of the document has been given by the Council or any Committee or officer acting under delegated authority	Mayor, Deputy Mayor, Chief Executive, Legal Counsel or councillor(s).
2.8.3. To sign any documents associated with the Council's participation in Local Government Funding Agency. <sup>4</sup>	Chief Executive or two elected members.
2.8.4. A list of documents to which the common seal is affixed, or documents signed on behalf of council (as above) shall be reported for information to Elected Members from time to time.	

**2.9. Submissions and Remits**

<b>Delegation</b>	<b>Delegated to</b>
2.9.1. To approve submissions to a Parliamentary Select Committee where there has been insufficient time to gain Council's approval. Where this Delegation is used, the submission must be subsequently reported to the next available Council meeting held in public; and the manner of this approval must be stated in the submission.	Mayor
2.9.2. To endorse LGNZ remits from other local authorities when there is insufficient time to gain Council's approval. Elected members to be informed as soon as practicable.	Mayor

<sup>3</sup> Council 5 March 2025

<sup>4</sup> Council 13 November 2019 Clause 151-19

**WĀHANGA 3: TE TUKU MANA KI NGĀ RANGA WHAKATAU TAKE MĀTĀMURI  
PART 3: DELEGATIONS TO SUB-ORDINATE DECISION-MAKING BODIES**

**3. GROUPS FORMED OUTSIDE OF THE LOCAL GOVERNMENT ACT 2002**

**3.1. Jaycee Trust Assessment Committee**

Chair	Councillor Lorna Johnson, Chair of Community Committee
Membership (3) (1 councillor & 2 community representative)	<i>Community representatives</i> Joanne Hazlitt Manumea Durie <sup>5</sup>
Quorum	3
Meeting schedule	As required
Venue	Online

Responsibilities

The Council is responsible for administering the Palmerston North Jaycee Trust. Every triennium, Council appoints the Jaycee Trust Assessment Committee to award travelling grants to enable people to study, travel or engage in special projects abroad.

Grants awarded by the Assessment Committee will be reported for information to the Community Committee.

Delegation

- 3.1.1. To assess applications to the scheme and approve up to two travelling fellowships of not more than \$5,000 (including GST) each year, with discretion to grant more than two fellowships as long as the total amount of funding does not exceed \$10,000 per year.

**Note:** The process to appoint community representatives is outlined in Council's Appointment of Directors and Trustee Policy 2022.

**3.2. Creative Communities New Zealand/ Arts & Culture Fund Assessment Committee**

Chair	Councillor Rachel Bowen, Chair of Culture and Sport
Membership (2 councillor & community representatives)	<i>PNCC Elected Member</i> Councillor William Wood  <i>Community Representatives</i> Bernadette Peters Ebele Ezepue Sasi Chinta M A Lobb Justin Ngai Mafa Tuisaua

<sup>5</sup> Council 28 June 2023 (clause 119-23)

	Muhammad Huzaifa
Quorum	TBD
Meeting schedule	As required
Venue	Online

### Responsibilities

On behalf of Creative New Zealand, Council is responsible for administering the Creative Communities Grant.

Council sets up the CCNZ/ Arts & Cultural Fund Assessment Committee as a community-led body. The Assessment Committee is responsible for determining applications for the CCNZ/ Arts & Culture Fund annually.

### Delegations

3.2.1. Determine applications provided Creative Communities New Zealand criteria are met.

3.2.2. Approve, administer and monitor such tasks as are integral to the allocation of funds under the combined Council's Arts and Culture Fund and the Creative Communities New Zealand's Local Authorities Arts Scheme.

3.2.3. **Note:** Community representatives will be selected by following the appointment process set out by Creative Communities New Zealand.

### **3.3. Manawatū-Whanganui Region Civil Defence Emergency Management Group Committee**

3.3.1. The Manawatū-Whanganui Civil Defence Emergency Management Group Committee, which is a Joint Committee of eight local authorities in the Manawatū-Whanganui Region, has the following powers under the Civil Defence Emergency Management Act 2002 (CDEMA 2002):

- a. To set, through the Civil Defence Emergency Management Group (CDEMG) Plan, the five-year strategic direction of the CDEMG.
- b. To agree the annual work programme of the CDEMG, consistent with the strategic direction in the Plan.
- c. To monitor progress towards meeting the strategic objectives in the Plan.
- d. To agree to modify the draft CDEMG Plan for the Group for public consultation.
- e. To establish, if necessary, a Hearing Committee (which may constitute members of the Committee, or outside appointments as appropriate) to hear (if necessary), consider and decide submissions on the CDEMG Plan for the Group.
- f. To approve the CDEMG Plan for the Group following decisions on submissions.
- g. Subject to the powers under section 57 of the CDEMA 2002, to make minor amendments to the Plan from time to time as necessary.
- h. Subject to the powers under section 26 of the CDEMA 2002, to appoint a Group Controller, and one or more Local Controllers for the Group as appropriate.
- i. Subject to the powers under section 25 of the CDEMA 2002, to appoint persons with the delegated authority to declare local or group emergencies.
- j. To appoint, as necessary, a Group Recovery Manager and Local Recovery Managers for the CDEMG.

**NOTE:** The above Delegations were originally ratified by the Council on 27 May 2002. At that time, the Council also approved the proposed composition and procedures for the Joint Committee.

### **3.4. Delegations to and Assignment of Commissioners**

#### Powers of Commissioner

- 3.4.1. Individuals appointed by the Council as Hearings Commissioners have the power to either individually or jointly with any other hearings commissioner to hear and determine any matter raised under:
- a. Resource Management Act 1991, including such matters as resource consents, variations, plan changes and designations, except those functions, powers and duties expressly excluded by section 34A of the Resource Management Act 1991
  - b. Dog Control Act 1996
- 3.4.2. This includes the power to decide whether to require any further information not already requested by Council staff and whether the application is to be notified or non-notified.
- 3.4.3. Elected Members that have completed the Ministry for the Environment’s Making Good Decisions Programme are considered accredited under the Resource Management Act 1991 and deemed for the purposes of this Delegation to be a Hearings Commissioner.
- 3.4.4. Notwithstanding clause 3.4.1 the decision as to which person or persons are affected is to be made by appropriate Council officer acting under delegated authority.
- 3.4.5. Hearings Commissioners responsibilities and powers shall commence immediately upon assignment by the Legal Counsel to a Hearings Panel.

#### Assignment of Commissioners

- 3.4.6. Commissioners shall be assigned as follows:
- 3.4.7. The Legal Counsel in liaison with the General Manager – Development & Regulatory, General Manager – Strategic Planning, Manager- Planning Services, Team Leader – Planning Services<sup>6</sup> and/or the Principal Planner- Strategic Planning may assign Hearings Commissioners to conduct, consider and determine any matter that requires a hearing or related decision under any of the following acts:
- a. Resource Management Act 1991; and
  - b. Dog Control Act 1996
- 3.4.8. External commissioner(s) from the Council’s approved schedule of Resource Management Act Commissioners must be assigned to consider any matter or to exercise the functions, powers and duties of the Council under the Resource Management Act 1991 in accordance with section 34A of this Act, when one or more of the following applies:

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<sup>6</sup> Council 5 March 2025



- a. The Council is the applicant.
- b. The organisation (applicant) is one in which the Council has a significant and/or pecuniary interest.
- c. The project (application) is one in which the Council has a significant and/or pecuniary interest.
- d. A valid request has been made under the Resource Management Act 1991 for an external Commissioner to hear and determine the matter.
- e. The subject of the hearing is highly political and elected members' objectivity in hearing or determining the matter would be compromised due to previous political and community debate.
- f. The subject of the hearing is highly complex and the technical nature of the issues to be addressed in the hearing requires specific expertise. (Care is needed in this regard, as technical issues should always be discussed at the hearing in a manner that is understandable to the layperson.)
- g. In the view of the Legal Counsel it is reasonable or desirable that an external Commissioner is appointed.

3.4.9. Notwithstanding the criteria set out in clause 3.4.8, no Hearings Commissioner is required to be assigned to consider any matter where:

- a. The application is minor in scale and effect; and
- b. The written consent of all affected parties, as determined by appropriate Council staff acting under delegated authority, has been provided.

3.4.10. Where elected members are assigned, an elected member may only consider a matter in conjunction with at least one external commissioner from the Council's approved schedule of Resource Management Act Commissioners, or another elected member appointed as Commissioner.

#### Report of Commissioner

3.4.11. Each report or decision made by a Commissioner or Commissioners shall be reported to the Council for information.

#### Appointment and Assignment of Non-Listed Commissioner

3.4.12. In the event a Commissioner is sought, who is not referred to in the schedule of Council appointed external Hearings Commissioners, the appointment and assignment will be made by the Council.

### **3.5. Joint Hearing Panel with the Manawatū-Whanganui Regional Council (Horizons Regional Council)**

3.5.1. Where a joint hearing is necessary, and independent Commissioners have not been appointed Council shall unite with the Manawatū-Whanganui Regional Council to form a Joint Hearing Panel to hear and decide, under section 102 of the Resource Management Act 1991, applications for resource consents.

3.5.2. When a request for a joint hearing has been agreed under section 102(1) of the Resource Management Act 1991, appropriate numbers of up to three members from both the

Manawatū-Whanganui Regional Council's Environment Committee and the Council's Hearings Commissioners List (3.6.1) shall be appointed to the Joint Hearing Panel.

3.5.3. The Joint Hearing Panel shall determine its own chairperson.

**3.6. Quasi-Judicial Bodies**

3.6.1. Hearings Commissioners List:

Commissioners (External) <sup>7</sup>	Justine Bray David Caldwell Dean Crystal Asher Davidson Stephanie Daysh Colin Dryland Ken Fletcher Jason Jones Peter Kensington Heike Lutz Judith Makinson Alan Matheson David McMahan Dhilum Nightingale Michael Parsonson Miria Pomare Justine Quinn Robert Schofield Mark St Clair Gina Sweetman Baden Vertongen Eileen von Dadelszen Sue Wells James Whetu Alan Withy
Commissioners (Elected Members)	Councillor Brent Barrett Councillor Lorna Johnson (chair's endorsement) Councillor Patrick Hancock Councillor Leonie Hapeta Councillor Orphée Mickalad Councillor Karen Naylor Councillor William Wood
Panel Schedule	As and when required

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<sup>7</sup> Council 6 December 2023

3.6.2. District Licensing Committee

Commissioners	Aleisha Rutherford Vicki Beagley <sup>8</sup>
List Members	Councillor Orphée Mickalad (Deputy Chair) Stewart Davies Antonia Crisford Chantelle Fraser-Clark <sup>9</sup>
Meeting Schedule	As and when required

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<sup>8</sup> Council 7 August 2024

<sup>9</sup> Council 1 November 2023

<p><b>WĀHANGA 4: TE TUKU MANA KI NGĀ KŌMITI</b>  <b>PART 4: DELEGATIONS TO COMMITTEES</b></p>
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**4. TERMS OF REFERENCE AND DELEGATIONS FOR THE 2022-25 TERM**

**4.1. Council**

Chair	Mayor Grant Smith
Deputy Chair	Deputy Mayor Debi Marshall- Lobb
Membership (16)	All Elected Members
Quorum	8
Meeting schedule	Monthly

1. To exercise any powers that cannot be delegated under law (as set out in Local Government Act 2002 Schedule 7, cl 32) and that have not otherwise been delegated to Committees, including to agree:
  - a. Strategic Direction, community outcomes and priorities through the Long-Term Plan (10 Year Plan)
  - b. Annual Plan (Budget)
  - c. Rates
  - d. Schedule of Fees and Charges
  - e. District Plan<sup>10</sup>
  - f. Policies and Bylaws
  - g. Borrowing or loan guarantees
  - h. Disposal of assets other than in accordance with the Long Term Plan
  - i. Elected Member remuneration
  - j. Terms of Reference of Committees
  - k. Submissions to Select Committee and any proposal to promote legislation in the name of Palmerston North City Council
  - l. Any financial commitment above s5.3
  
2. To have oversight of development of:
  - a. Partnership with Rangitāne o Manawatū
  
3. To monitor:
  - a. Civic and Cultural Precinct Masterplan (under development)
  - b. Asset management plans: Strategic Assets
  - c. Section 17A of the Local Government Act 2002 reporting
  - d. Residents Survey results
  
4. To consider and adopt, amend, receive, note or not adopt:
  - a. Annual Report

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<sup>10</sup> The power to approve the District Plan or any change to the District Plan refers especially to clause 17 of the First Schedule of the Resource Management Act 1991 and is the final step in the Plan preparation/change process. It does not prevent Hearings Panels from making decisions on the hearing of submissions or further submissions.

- b. Committee recommendations
  - c. Exempted Council Controlled Organisation annual reporting
  - d. Chief Executive performance review
  - e. Travel of the Mayor or Chief Executive outside of New Zealand and Australia
5. To monitor, review, agree for consultation, hear submissions and approve the following policies:
- a. Significance and Engagement; Financial Strategy; Infrastructure Strategy; Asset Management Plans; Treasury Policy
  - b. Long Term Plan (10 Year Plan) and subsequent Annual Plans (Budgets)
  - c. Representation Review
6. To monitor, review, consider and approve the following Governance Policies:
- a. Delegations; Local Governance Statement; Appointment of Directors
  - b. Code of Conduct; Elected and Appointed Member Development and Training Policy; Expenses and Allowances Policy, Standing Orders
7. To appoint:
- a. Chief Executive
  - b. Appointed Members to Standing Committees
  - c. District Licensing Commissioners, Resource Management Act Commissioners; Panel of Independent Complaints Investigators
  - d. Council representatives to external bodies, except where those bodies have granted authority to appoint to the Mayor or Chief Executive
  - e. Trustees and Directors to Council Controlled Organisations
  - f. Civic Honours awardees
  - g. Establish and appoint members of any sub-committee or working group.

#### 4.2. Economic Growth Committee

Chair	Councillor Leonie Hapeta
Deputy Chair	Councillor William Wood
Membership (12)	Mayor Grant Smith Councillor Mark Arnott Councillor Brent Barrett Councillor Rachel Bowen Councillor Vaughan Dennison Councillor Roly Fitzgerald Councillor Lorna Johnson Councillor Debi Marshall-Lobb Councillor Billy Meehan Councillor Orphée Mickalad
Quorum	6
Meeting schedule	6-weekly

#### Terms of Reference:

1. To consider matters relating to economic wellbeing.
2. To have oversight of progress and implementation of programmes of work agreed in Goal 1: An Innovative and Growing City including but not limited to the following strategic projects:
  - a. Masterplans: Streets for People; Urban Cycleway
  - b. Housing development (except social housing)
  - c. Te Utanganui Central New Zealand Distribution Hub
3. To monitor, review, agree for consultation, hear submissions and make recommendations to Council on relevant policies, strategies and plans.
4. To monitor:
  - a. Council Controlled (trading) Organisations: Central Economic Development Agency, in collaboration with Manawatū District Council; and Palmerston North Airport Limited.
  - b. Asset management plans: Property
5. To receive:
  - a. Memoranda: transport network safety; transport maintenance report; city economic performance data; international relations activity
  - b. Presentations from related strategic and city partners and external bodies

#### Delegations:

The Economic Growth Committee has been delegated the following responsibilities by Council. Within its Terms of Reference and complying with the purpose of the Local Government Act 2002, to:

- Develop and approve for consultation relevant strategies, plans and policies.
- Agree the Statement of Expectation for the relevant Council Controlled Organisations.
- Monitor and agree the performance of the relevant Council Controlled Organisations, including the Statement of Intent, six monthly and annual reporting.

## Aratohu Tuku Mana Whakatau Mahuru 2023 | Delegations Manual September 2023 -

- Receive or note any report or memorandum or other information submitted to the Committee.
- Instruct the Chief Executive to report back to the Committee or to Council.
- Refer any report or memorandum to any other Committee or Council for consideration.

### 4.3. Culture & Sport Committee

Chair	Councillor Rachel Bowen
Deputy Chair	Councillor Billy Meehan
Membership (12)	Mayor Grant Smith Councillor Mark Arnott Councillor Vaughan Dennison Councillor Lew Findlay Councillor Roly Fitzgerald Councillor Pat Handcock Councillor Leonie Hapeta Councillor Debi Marshall-Lobb Councillor William Wood Councillor Kaydee Zabelin
Quorum	6
Meeting schedule	6-weekly

#### Terms of Reference:

1. To consider matters relating to cultural wellbeing.
2. To have oversight of progress and implementation of programmes of work agreed in Goal 2: A Creative and Exciting City including but not limited to the following strategic projects:
  - a. Masterplans: Victoria Esplanade; Central Energy Trust Arena Masterplan; Caccia Birch Masterplan and conservation plan (under development)
  - b. Regional and city sports facilities' plans
3. To monitor, review, agree for consultation, hear submissions and make recommendations to Council on relevant policies, strategies and plans.
4. To monitor:
  - a. Cultural Council Controlled Organisations: Te Manawa Museums Trust, Regent Theatre Trust, Globe Theatre Trust
  - b. Contractual relationships: Sport Manawatū
  - c. Asset management plans: Parks and Reserves
  - d. Reserves and pathways management plans: Ahimate Reserve Development Plan, Ashhurst Domain Reserve Management Plan, Kahuterawa Outdoor Recreation Plan, Memorial Park development plan.
5. To receive:
  - a. Related annual Sector Lead reports
  - b. Memoranda: Cultural facilities maintenance; Heritage themes in Council programmes; Artist in residence scheme
  - c. Presentations from related strategic and city partners and external bodies

## **Delegations**

The Culture and Sport Committee has been delegated the following responsibilities by Council. Within its Terms of Reference and complying with the purpose of the Local Government Act 2002, to:

- Develop and approve for consultation relevant strategies, plans and policies.
- Agree the Statement of Expectation for the relevant Council Controlled Organisations.
- Monitor and agree the performance of the relevant Council Controlled Organisations, including the Statement of Intent, six monthly and annual reporting.
- Receive or note any report or memorandum or other information submitted to the Committee.
- Instruct the Chief Executive to report back to the Committee or to Council.
- Refer any report or memorandum to any other Committee or Council for consideration.

### **4.4. Community Committee**

Chair	Councillor Lorna Johnson
Deputy Chair	Councillor Pat Handcock
Membership (11 Members)	Mayor Grant Smith Councillor Brent Barrett Councillor Rachel Bowen Councillor Lew Findlay Councillor Billy Meehan Councillor Orphée Mickalad Councillor Karen Naylor Councillor William Wood Councillor Kaydee Zabelin
Quorum	6
Meeting schedule	6-weekly

#### **Terms of Reference:**

1. To consider matters relating to social wellbeing.
2. To have oversight of progress and implementation of programmes of work agreed in Goal 3: A Connected and Safe Community including but not limited to the following strategic projects:
  - a. Social Housing
  - b. Animal Shelter
  - c. Strategic Grant funding
  - d. Libraries
  - e. Community facilities
3. To monitor, review, agree for consultation, hear submissions and make recommendations to Council on relevant policies, strategies and plans.
4. To monitor:
  - a. Civil Defence
  - b. City Safety



5. To receive:
  - a. Related annual Sector Lead reports
  - b. Memoranda: Welcoming Communities activities; libraries activities; enabling good lives in service delivery including accessibility; community facilities
  - c. Presentations from Disability Reference Group, Pasifika Reference Group, Seniors Reference Group and Youth Council
  - d. Presentations from related strategic and city partners and external bodies

### **Delegations**

The Community Committee has been delegated the following responsibilities by Council. Within its Terms of Reference and complying with the purpose of the Local Government Act 2002, to:

- Develop and approve for consultation relevant strategies, plans and policies.
- Receive or note any report or memorandum or other information submitted to the Committee.
- Instruct the Chief Executive to report back to the Committee or to Council.
- Refer any report or memorandum to any other Committee or Council for consideration.

#### **4.5. Sustainability Committee**

Chair	Councillor Brent Barrett
Deputy Chair	Councillor Kaydee Zabelin
Membership (9)	Mayor Grant Smith Councillor Roly Fitzgerald Councillor Pat Handcock Councillor Leonie Hapeta Councillor Lorna Johnson Councillor Debi Marshall- Lobb Councillor Karen Naylor
Quorum	5
Meeting schedule	6-weekly

#### **Terms of Reference:**

1. To consider matters relating to environmental wellbeing.
2. To have oversight of progress and implementation of programmes of work agreed in Goal 4: A Sustainable and Resilient City, including but not limited to the following strategic projects:
  - a. BPO consent project – wastewater
  - b. Low Carbon Fund allocation
  - c. Low Carbon Roadmap
3. To monitor, review, agree for consultation, hear submissions and make recommendations to Council on relevant policies, strategies and plans.
4. To monitor:
  - a. PNCC and City Emissions Inventory

- b. Water Conservation Management Plan; water safety plans and compliance; Waste Management and Minimisation Plan progress
  - c. Reserves and pathways management plan: Turitea Reserve Management Plan
  - d. Asset management plans: Resource Recovery; Stormwater; Wastewater; Water
5. To receive:
- a. Regional Climate Change Committee presentations
  - b. Annual Sector Lead report from Environment Network Manawatū
  - c. Regular reporting on city sustainability; biodiversity activity

### **Delegations**

The Sustainability Committee has been delegated the following responsibilities by Council. Within its Terms of Reference and complying with the purpose of the Local Government Act 2002, to:

- Develop and approve for consultation relevant strategies, plans and policies.
- Receive or note any report or memorandum or other information submitted to the Committee.
- Instruct the Chief Executive to report back to the Committee or to Council.
- Refer any report or memorandum to any other Committee or Council for consideration.

### **4.6. Strategy & Finance Committee**

Chair	Councillor Vaughan Dennison
Deputy Chair	Councillor Karen Naylor
Membership (12)	Mayor Grant Smith Councillor Mark Arnott Councillor Brent Barrett Councillor Lew Findlay Councillor Pat Handcock Councillor Leonie Hapeta Councillor Lorna Johnson Councillor Orphée Mickalad Councillor William Wood Councillor Kaydee Zabelin
Quorum	6
Meeting schedule	6-weekly

#### **Terms of Reference:**

1. To consider matters relating to Council’s planning and finance activity.
2. To monitor:
  - a. Council’s financial and non-financial performance against the Long Term Plan or subsequent Annual Plans (Budgets).
  - b. Treasury reporting
3. To have oversight of development and progress of:
  - a. District Plan Changes

- b. Council bylaws
  - c. Financial commitments above officer financial Delegation or unbudgeted items
4. To consider (agree for public notification, consultation and agree) any leases entered into by Council under the Support and Funding Policy or where the lease relates to a reserve under the Reserves Act 1977.
  5. To consider rate remission and postponement where Officers delegated this authority seek the Committee's guidance.
  6. To set, vary or waive rental fees for subsidised housing; charges for admission to aquatic facilities; charges for the use of reserves, and burial and cremation charges.

### **Delegations**

The Strategy and Finance Committee has been delegated the following responsibilities by Council. Within its Terms of Reference and complying with the purpose of the Local Government Act 2002, to:

- Make any determination required under s155 of the Local Government Act 2002.
- Agree for consultation, hear submissions and make recommendation for adoption to Council bylaws.
- Agree for consultation changes to the District Plan.
- Accept, decline or vary any contract for the purchase or supply of goods, services, plant, capital works, etc. to the value of the \$3M<sup>11</sup>, as long as it has been agreed in the Council's Long Term Plan or subsequent Annual Plans (Budgets).
- Agree for notification, accept or decline any lease agreement entered into by Council under the Support and Funding Policy or that relate to a lease of a Reserve.
- Set, vary or waive the following classes and categories of Fees and Charges:
  - a. Rental fees for subsidised housing;
  - b. Charges for admission to aquatic facilities;
  - c. Charges for the use of reserves;
  - d. Burial and cremation charges.
- Receive or note any report or memorandum or other information submitted to the Committee.
- Instruct the Chief Executive to report back to the Committee or to Council.
- Refer any report or memorandum to any other Committee or Council for consideration.

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<sup>11</sup> Council 5 March 2025

#### 4.7. Rangitāne o Manawatū Committee

Chair*	Mayor Grant Smith
Deputy Chair	Mr Wiremu Te Awe Awe
Membership (10) (Mayor, 4 Hirawanui ward councillors, 2 Te Pūao ward councillors and 3 Rangitāne representatives)	<p><i>Te Hirawanui ward councillors</i> Councillor Vaughan Dennison Councillor Karen Naylor Councillor Billy Meehan Councillor Kaydee Zabelin</p> <p><i>Te Pūao ward councillors</i> Councillor Roly Fitzgerald Councillor Debi Marshall-Lobb</p> <p><i>Rangitāne representatives</i> Ms Danielle Harris Mr Chris Whaiapu</p>
Quorum	6 (minimum of 3 members from Council and 3 members from Rangitāne)
Meeting schedule	Quarterly
Venue	Meetings may be held at Council Chambers and marae.

\* Chair and Deputy Chair to alternate annually

#### Terms of Reference:

1. To consider matters relating to the wellbeing of Māori in Palmerston North, by monitoring:
  - a. City wellbeing data from a demographic perspective (Māori)
  - b. Long Term Plan community outcome commitments and impact on the local Māori communities
2. To have oversight of progress and implementation of programmes of work agreed in Kawenata in Relation to Te Motu o Poutoa Agreement, including but not limited to the following strategic projects:
  - a. Development of a reserve management plan for Te Motu o Poutoa
  - b. Manawatū River Framework
3. To consider matters of strategic relevance to Māori, including but not limited to:
  - a. The Manawatū River Plan
  - b. urban development and infrastructural capacity
  - c. boundary issues
  - d. water and wider environmental issues within Palmerston North City Council’s authority
  - e. the development of relationships between other Iwi/Hapū and Council
  - f. participation and access
4. To receive presentations on:
  - a. Te Apiti Manawatū Gorge Masterplan
  - b. Any matter that may impact on Māori in the city
5. In the spirit of partnership, to recommend to Council:

- a. Leadership direction or guidance with regard to Council’s obligations or responsiveness to Māori in the city and related budget implications for future planning
- b. The reserve management plan for Te Motu o Poutoa
- c. Any emerging matters for submission to Central Government
- d. Reserves which are wāhi tupuna to Rangitāne o Manawatū which could also fall under te Kawenata
- e. Any modifications to Standing Orders or meeting procedures to enable the Committee to effectively operate.

### **Delegations**

Rangitāne o Manawatū Committee has been delegated the following responsibilities by Council. Within its Terms of Reference and complying with the purpose of the Local Government Act 2002, to:

- Receive or note any report or memorandum or other information submitted to the Committee.
- Instruct the Chief Executive to report back to the Committee or to Council.
- Refer any report or memorandum to any other Committee or Council for consideration.
- To undertake any special project oversight as requested by Council.

#### **4.8. Risk & Assurance Committee**

Chair	Mr Steve Armstrong
Deputy Chair	Councillor Karen Naylor
Membership (12)	Mayor Grant Smith Councillor Mark Arnott Councillor Brent Barrett Councillor Vaughan Dennison Councillor Leonie Hapeta Councillor Lorna Johnson Councillor Orphée Mickalad Councillor William Wood Councillor Kaydee Zabelin 1 Appointed Member (vacant)
Quorum	6
Meeting schedule	Quarterly

#### **Terms of Reference:**

1. To independently consider matters which will assist the Council to discharge its responsibilities to exercise due care and diligence to manage risk robustly and appropriately.
2. To agree:
  - a. Business Assurance forward work programme
3. To monitor the effectiveness of risk identification and mitigation measures and assess the impact of emerging risks by overseeing risk management activities, including but not limited to receiving:

- a. Health and Safety reporting
  - b. Business Continuity planning
  - c. Business Assurance reviews
  - d. Enterprise risk reporting
  - e. Audit NZ annual report management report
  - f. Lessons Learned project reporting
4. To assess the effectiveness of Council’s work programme by considering accountability reporting, including but not limited to monitoring progress against recommendations in:
- a. Business Assurance accountability reporting
  - b. External review action plans
5. To review and monitor:
- a. Business Assurance charter
  - b. Enterprise Risk Management policy
6. To recommend to Council:
- a. Any new policies or changes necessary to improve effectiveness of internal controls or communication of statutory reporting.
  - b. Any purchase of external audit services that is outside of budget agreed in the Long Term Plan or subsequent Annual Plans (Budgets) that may be necessary to prioritise an urgent external audit.

## **Delegations**

The Risk and Assurance Committee has been delegated the following responsibilities by Council. Within its Terms of Reference and complying with the purpose of the Local Government Act 2002, to:

- Receive or note any report or memorandum or other information submitted to the Committee.
- Instruct the Chief Executive to report back to the Committee or to Council.
- Refer any report or memorandum to any other Committee or Council for consideration.
- Commission independent reviews as appropriate through internal Business Assurance activity.
- To undertake any special project oversight as requested by Council.

### **4.9. Delegations to Sub-Committees**

#### Sub-Committees

- 4.9.1. A Sub-Committee may exercise only such delegated authority as is granted to it from time to time by the Council or, with prior Council approval, the relevant Committee. Sub-Committees may not exercise any of the powers listed in clause [1.1.3](#)
- 4.9.2. The primary purposes of Sub-Committees are:
- a. To dispose of matters which have been delegated to them.
  - b. To investigate and report, with recommendations if appropriate, on matters referred from the delegator.

- c. To act as a forum for communication between elected representatives, officers, and interested parties.

**WĀHANGA 5: TE TUKU MANA A TE KAUNIHERA KI TE TUMUAKI  
PART 5: DELEGATIONS FROM COUNCIL TO CHIEF EXECUTIVE**

**5. DELEGATIONS FROM COUNCIL TO THE CHIEF EXECUTIVE**

**5.1. Broad Delegation to the Chief Executive**

- 5.1.1. Subject to any financial limitations to the Chief Executive, the Chief Executive is delegated all functions, powers and duties of the Council:
- a. except those retained by the Council (clause 1.1.3), or delegated to a committee (Part 4) or other subordinate decision-making body (Part 3) of the Council; and
  - b. subject to any legal limits on the Council to do so, and any conditions or limits imposed by the Council from time to time (including financial limits); and
  - c. does not involve the revocation or alteration of any decision previously made by the Council unless expressly permitted; and
  - d. provided the Chief Executive exercises such delegated authorities consistently with Council's strategies and policies (including the Long Term Plan, Annual Budgets and District Plan) and any Council approved guidelines regarding those strategies and policies.
- 5.1.2. The Chief Executive may sub-delegate any functions, powers and duties delegated to them by the Council (except the power to sub-delegate).
- 5.1.3. Council retains the authority to:
- a. make a rate;
  - b. make, amend or revoke a bylaw;
  - c. adopt a Long Term Plan, Annual Budget (Plan) or Annual Report, or any amendment or variation to them;
  - d. approve any local governance statement, and a triennial agreement with other local authorities within the same region as the Council;
  - e. review the cost effectiveness of arrangements for meeting the needs of communities within the district for good quality local infrastructure, service, or regulatory function;
  - f. borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan;
  - g. do anything which, in accordance with the Council's Significance and Engagement Policy, requires consultation with affected and interested persons;
  - h. make or alter Council policy (except for minor edits);
  - i. authorise and approve any contracting-out of any of the Council's regulatory functions;
  - j. appoint a Chief Executive;
  - k. appoint:
    - i. independent Hearings Commissioners to the Schedule of Hearing Commissioners.
    - ii. members of the District Licencing Committee pursuant to the Sale and Supply of Alcohol Act 2012; and



- iii. ad hoc appointments of independent Commissioners required under any other statute; legislative instrument; bylaw; or policy of the Council;
- l. appoint Council representation on a body including any Committee;
- m. promote proposed legislation;
- n. dispose of or sell any real property;
- o. approve the District Plan or any change to the District Plan; and
- p. adopt a remuneration and employment policy.

## **5.2. Deputy Chief Executive**

- 5.2.1. The Deputy Chief Executive is delegated all functions, powers and duties of the Council that are delegated to the Chief Executive, when the Chief Executive is temporarily absent, prevented by illness or when the Chief Executive has authorised it in writing.
- 5.2.2. In the absence of the Deputy Chief Executive, the Chief Executive will appoint in writing an Acting Deputy Chief Executive.

## **FINANCIAL DELEGATIONS TO THE CHIEF EXECUTIVE**

Unless otherwise expressly stated, all financial values stated in this document are GST exclusive.

### **5.3. Financial Commitments<sup>12</sup>**

- 5.3.1. The Chief Executive may enter into, approve, execute, complete or otherwise authorise, any Commitment up to the total value of \$3M for a term of not greater than three years, including variations for the life of the Commitment, provided that:
  - a. The action does not contradict Council's position on the matter (ie. no current decision to the contrary);and
  - b. the Commitment and/or Budget Variation (at the date Council is obliged to incur the expenditure) does not exceed, either alone or in combination with any other Commitments Council has made, the total amount of the Relevant Activity Budget in each Financial Year.
- 5.3.2. The Chief Executive may enter into (a) Commitment(s) for an unplanned Capital Programme(s) that was not provided for in an Annual Budget or Long Term Plan process, provided that the total of those Commitments does not exceed \$50,000 in any Financial Year.
- 5.3.3. The Chief Executive's authority to enter into a Commitment includes those which have a term greater than 3 years (including any rights of renewal or proposed variation), provided that the total financial value of each Commitment is less than \$3M.

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<sup>12</sup> Council 5 June 2024 (clause 104-24)

- 5.3.4. The Chief Executive may enter into a contract for services with the Central Economic Development Agency, provided that the action is consistent with Council's Long-Term Plan and subsequent Annual Budgets.
- 5.3.5. The Chief Executive must ensure that in projects where partner funding is required, Council undertakes no physical works until external funding is committed unless Council determines otherwise (excluding NZTA).<sup>13</sup>

#### **5.4. Budget Variations**

- 5.4.1. The Chief Executive may at any time authorise an expense above the Relevant Activity Budget agreed by Council, provided that:
  - a. Council (or committee with Delegation) has not previously declined to approve excess expenditure for that Activity Budget  
and
  - b. the Chief Executive is of the opinion that the Budget Variation of Relevant Activity Budget is necessary to achieve the outcome intended from the Activity;  
and
  - c. the Budget Variation amount is offset by an equivalent total value in one or more Activity Budgets, while still maintaining the outcomes Council sought from those Activity Budgets;  
and
  - d. any Relevant Activity Budget Variation, in any financial year, does not exceed, either alone or in total: more than \$1M or 30% of the Relevant Activity budget (whichever is the lesser)
- 5.4.1 (d) applies except for the Low Carbon fund, where<sup>14</sup>
  - e. the Chief Executive may allocate up to 100% of the Low Carbon Fund programme budget in any financial year, either alone or in total: to any Activity, whether Capital New or Capital Renewal.
- 5.4.2. The Chief Executive may at any time authorise an increase in Capital Renewal or Capital New budget of no more than \$500,000 total increase in a financial year where there is a 100% capital revenue offset.

#### **5.5. Reporting obligations**

- 5.5.1. The Chief Executive will report Budget Variations approved under the Chief Executive's Delegation quarterly, retrospectively to the appropriate Committee or Council.
- 5.5.2. The Chief Executive will report actual financial performance against Activity Budgets quarterly, retrospectively to the appropriate Committee or Council, noting reasons and any decisions needed (if any) of Council in response.

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<sup>13</sup> Council 29 May 2024 (clause 95.38-24)

<sup>14</sup> Council 4 September 2024 (clause 151-24)

- 5.5.3. The Chief Executive will report other Budget Variations that have been made between Sub-Activity budgets of the same Activity if they are greater than \$100,000, retrospectively to the appropriate Committee or Council.

#### **5.6. Fees and Charges, and Infringement Fees**

- 5.6.1. The Chief Executive may set, vary, waive, remit or refund any class or category of Fees and Charges, by no more than \$20,000, provided it is subsequently reported for information to the appropriate Committee, except for:

- a. Fees and Charges adopted by resolution of the Council or a Committee; and
- b. Fees and Charges adopted pursuant to a bylaw,

- 5.6.2. The Chief Executive may vary, waive, remit or refund any Fee or Charge, by no more than \$20,000 per case.

- 5.6.3. The Chief Executive may vary, waive, remit or refund any Infringement Fee, by no more than \$20,000 per case.

#### **5.7. Borrowing, Investments and Bad Debts**

- 5.7.1. The Chief Executive may:

- a. enter into any arrangement for the borrowing of money, provided it is in accordance with the Council's Treasury Policy, the Long-Term Plan and any subsequent Annual Budget or agreement by resolution of the Council;
- b. manage the Council's investments in accordance with the Council's Treasury Policy;
- c. write off bad debts for up to \$10,000 per debtor provided such debtor accounts have been outstanding for more than six months.

#### **5.8. Claims**

- 5.8.1. The Chief Executive may negotiate, settle, approve and sign on behalf of Council any Claim settlement agreement provided the Claim Expenditure is:

- a. No more than \$100,000 where there is no budget provision, provided that the Claim Expenditure can be offset within the Chief Executive's delegation; and
- b. No more than \$200,000 where there is budget provision for settlement of such Claims

#### **5.9. Emergencies**

- 5.9.1. In an Emergency, and only for the purposes of responding to or recovering from the Emergency, the Chief Executive may take all steps necessary to enter into, approve, execute, complete or otherwise authorise any financial Commitment except where the Commitment is above \$3M, regardless of whether or not any provision has been made in the Relevant Council Budget.

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- 5.9.2. In the absence of the Chief Executive, this authority will pass to the Deputy Chief Executive, and in the absence or unavailability of both those officeholders any General Manager, and in the absence of all the preceding officers the Manager- Emergency Services.
- 5.9.3. The authority delegated above may not be sub-delegated further.
- 5.9.4. In an Emergency the Chief Executive or any General Manager may, in consultation with the Mayor, or the Chairperson of the committee with appropriate terms of reference, take action which may subsequently require settlement of a Claim of any value.

### STATUTORY AND POLICY DELEGATIONS FROM COUNCIL TO OFFICERS

Council has delegated the following statutory functions to specific officers.

#### 5.10. Local Government Act 2002

- 5.10.1. Delegations under the Local Government Act 2002 can be sub-delegated.

Section	Description	Delegated to
54G	Act as Registrar to exercise the functions, powers and duties under section 54G(1)	Legal Counsel

#### 5.11. Local Government (Rating) Act 2002

- 5.11.1. Delegations under the Local Government (Rating) Act 2002 cannot be sub-delegated.

Section	Description	Delegated to
132	Exercise the functions, powers and duties of the Council under the Local Government (Rating) Act 2002 <b>except for:</b> those conferred by Subpart 2 of Part 1; or Subpart 1 of Part 5 (i.e. setting rates and setting replacement rates) (clause 1.1.3).	Chief Executive Chief Financial Officer Manager - Finance Manager – Financial Strategy Accounting Services Team Leader Senior Rates Officer Rates Officer Credit Controller
85	Exercise the granting of rates remissions and postponements pursuant to the Rates Remission and Postponement Policies.	Chief Executive Chief Financial Officer Manager - Finance Manager – Financial Strategy Accounting Services Team Leader Senior Rates Officer Rates Officer Credit Controller

## 5.12. Rating Valuation Act 1998

5.12.1. Delegations under the Rating Valuation Act 1998 cannot be sub-delegated.

Section	Description	Delegated to
50	Exercise the functions, powers and duties of the Council under the Rating Valuations Act 1998.	Chief Executive Chief Financial Officer Manager - Finance Manager – Financial Strategy Accounting Services Team Leader Senior Rates Officer Rates Officer Credit Controller

## 5.13. Resource Management Act 1991

5.13.1. Delegations under the Resource Management Act 1991 cannot be sub-delegated.

Section	Description	Delegated to
	Exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within their jurisdiction, <b>except</b> <ul style="list-style-type: none"> <li>• Approve any proposed policy statement or plan under schedule 1 clause 17.</li> <li>• The power to delegate</li> <li>• Matter in respect of which one or more Hearing Commissioners has been appointed</li> <li>• The appointment and assignment of Hearings Commissioners (clause 3.4.5);</li> </ul>	Chief Executive General Manager – Strategic Planning Manager - City Planning General Manager – Development & Regulatory
38 (1, 2)	Authorise enforcement officer	Chief Executive General Manager Strategic Planning General Manager – Development & Regulatory
34A (1)	Exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within their jurisdiction, <b>except</b> : <ul style="list-style-type: none"> <li>• Approve any proposed policy statement or plan under schedule 1 clause 17.</li> <li>• The power to delegate (s34A)</li> <li>• Matter in respect of which one or more Hearing Commissioners has been appointed</li> <li>• The appointment and assignment of Hearings Commissioners (clause 3.4.5);</li> <li>• The authorisation of enforcement officers</li> </ul>	Principal Planner – Strategic Planning Senior Planner –Strategic Planning Planner –Strategic Planning Manager -Environmental Protection Environmental Protection Services Team Leader Environmental Health Officer Environmental Health Technical Officer Environmental Technical Officer Manager - Planning Services Team Leader – Planning Services <sup>15</sup> Senior Planner – Development and Regulatory Monitoring & Enforcement Officer –

<sup>15</sup> Council 5 March 2025 (all references to Team Leader post.)

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	<ul style="list-style-type: none"> <li>Remitting any administrative charge, in whole or part, in an amount no more than \$20,000.</li> </ul>	Planning Officer – Development and Regulatory
34A (1A)	Appointment and assignment of Hearings Commissioners, from the Council list maintained under section 34A, see clause 3.4.5	Legal Counsel in liaison with either Manager - Planning Services or Team Leader – Planning Services and/or the Principal Planner- Strategic Planning
37	To waive compliance and to extend time limits	Manager - Governance
38 (5)	Issue warrant to enforcement officers	Legal Counsel
Sch 1 Cl 29(4)	Power to hear and make recommendations on plan change request	RMA Hearings Commissioner(s)

### 5.14. Sale and Supply of Alcohol Act 2012

5.14.1. Delegations under the Sale and Supply of Alcohol Act 2012 cannot be sub-delegated.

Section	Description	Delegated to
192	<p>Assign two of the District Licensing Committee members, appointed by the Council to the list maintained under section 192 of the Sale and Supply of Alcohol Act 2012, to comprise the members, along with the Chairperson and Deputy Chairperson of the Committee, to carry out any function given to the Committee by that Act.</p> <p>Before making any such assignment, input from the Chairperson and/or Deputy Chairperson of the District Licensing Committee shall be sought.</p> <p>Any Assignments made under this section may be amended up until the commencement time of a particular hearing.</p>	Legal Counsel or their nominee (in liaison with the General Manager – Development & Regulatory or their nominee)

## COUNCIL POLICIES

### 5.15. Elected Members' Code of Conduct

Section	Description	Delegated to
n/a	Appoint independent investigators for code of conduct complaints, from approved Council list of independent investigators.	Legal Counsel

**5.16. Minor Edits of Council approved documents**

Section	Description	Delegated to
n/a	Authority to make minor edits to any Council approved documents, including bylaws, strategies, policies, plans or any other consultation document.	Chief Executive General Manager (relevant to the document)
	Authority to make minor edits to the Council's Delegation Manual.	Manager - Governance



**PAPAIOEA**  
PALMERSTON  
NORTH  
CITY

**Te Kaunihera o Papaioea Palmerston North City Council**

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