



PALMERSTON NORTH CITY COUNCIL

DELEGATIONS MANUAL

AND TERMS OF REFERENCE

Part 1 Delegations made by Council

Part 2 Terms of Reference

UPDATED WITH AMENDMENTS INCORPORATED AS AT **13 NOVEMBER 2019**

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DELEGATIONS MANUAL

Table of Contents

PART 1 - DELEGATIONS MADE BY COUNCIL	1
GENERAL.....	1
PHILOSOPHY OF COUNCIL REGARDING DELEGATIONS	1
GENERAL AND SPECIFIC DELEGATIONS	1
MEANING OF DELEGATIONS	2
WHAT MAY BE DELEGATED.....	2
CHARACTERISTICS OF DELEGATION	2
CARE IN DEFINING AUTHORITY	3
STATUTORY REQUIREMENTS.....	3
PROCEDURES.....	4
DELEGATIONS TO BE IN WRITING	4
EXTENT OF DELEGATION	4
SUB-DELEGATION.....	4
REPORTING DECISIONS	4
TERM OF DELEGATION	4
VARIATION OF DECISION.....	4
POLICY AND DELEGATED DECISION-MAKING	5
DELEGATION TO OFFICE	5
APPEALS	5
REVIEW OF DECISION OF HEARINGS COMMITTEE	6
AMENDMENTS TO THIS MANUAL.....	6
DEFINITIONS.....	7
DOCUMENT SIGNING AND AFFIXING COMMON SEAL.....	10
MAYOR.....	10
DEPUTY MAYOR.....	10

COUNCILLORS.....	10
CHIEF EXECUTIVE	10
GENERAL MANAGER STRATEGY & PLANNING.....	11
LEGAL COUNSEL.....	11
CONTRACTS AND OTHER FINANCIAL MATTERS	12
BEST METHOD TO BE USED.....	12
CONTRACTS UNDER 20% OF THE SPECIFIED SUM.....	12
CONTRACT FOR OTHER THAN BEST PRICE	12
DELEGATIONS TO COMMITTEES	13
STANDING COMMITTEES	13
COMMUNITY DEVELOPMENT COMMITTEE	14
CREATIVE COMMUNITIES NEW ZEALAND/ARTS AND CULTURE FUND COMMITTEE	15
FINANCE & AUDIT COMMITTEE	15
HEARINGS COMMITTEE	16
JOINT STANDING COMMITTEE WITH THE MANAWATU-WANGANUI REGIONAL COUNCIL (HORIZONS REGIONAL COUNCIL)	17
PLANNING &-STRATEGY COMMITTEE.....	17
MANAWATU-WANGANUI REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP COMMITTEE	18
MANAWATU DISTRICT AND PALMERSTON NORTH CITY JOINT STRATEGIC PLANNING COMMITTEE.....	18
DELEGATIONS TO SUB-COMMITTEES	20
SUB-COMMITTEES	20
DELEGATIONS TO SUBORDINATE DECISION-MAKING BODIES	21
CHIEF EXECUTIVE'S PERFORMANCE REVIEW PANEL	21
JAYCEE TRUST TRAVELLING FELLOWSHIP SELECTION PANEL	21
DELEGATIONS TO MAYOR, COUNCILLORS AND OTHER COMMITTEE MEMBERS.....	22
ALL CHAIRPERSONS AND DEPUTY CHAIRPERSONS	22

MAYOR, DEPUTY MAYOR AND CHAIRPERSON OF THE FINANCE & AUDIT COMMITTEE	22
MAYOR AND CHAIRPERSON OF THE FINANCE & AUDIT COMMITTEE	22
MAYOR.....	23
ZONE 3 REPRESENTATIVES.....	24
193A CHAIRPERSON, FINANCE & AUDIT COMMITTEE/INDEPENDENT MEMBER AUDIT & FINANCE COMMITTEE	24
DELEGATIONS TO AND ASSIGNMENT OF COMMISSIONERS	25
POWERS OF COMMISSIONER	25
ASSIGNMENT OF COMMISSIONERS.....	25
WHEN ASSIGNMENT REQUIRED	26
REPORT OF COMMISSIONER	26
APPOINTMENT AND ASSIGNMENT OF NON-LISTED COMMISSIONER	26
DELEGATIONS TO CHIEF EXECUTIVE.....	27
BROAD DELEGATION	27
FINANCIAL DELEGATIONS	28
TRANSACTIONS.....	28
VARIATION OF BUDGETS.....	29
EMERGENCIES	30
CLAIMS	30
FEES AND CHARGES, AND INFRINGEMENT FEES	31
RATES INCLUDING REMISSIONS AND POSTPONEMENTS.....	31
BORROWING, INVESTMENTS AND BAD DEBTS.....	32
INSURANCE.....	32
CENTRAL ECONOMIC DEVELOPMENT AGENCY (CEDA)	32
DEPUTY CHIEF EXECUTIVE	33
DELEGATIONS TO OTHER OFFICERS	34
GENERAL.....	34
FINANCE UNIT	34

CHIEF FINANCIAL OFFICER	34
FINANCE MANAGER AND STRATEGY MANAGER FINANCE	34
SENIOR RATES OFFICER, RATES OFFICER AND CREDIT CONTROLLER	34
STRATEGY AND PLANNING UNIT	35
GENERAL MANAGER STRATEGY AND PLANNING.....	35
CITY PLANNING MANAGER.....	35
SENIOR PLANNER – STRATEGY AND PLANNING	36
PLANNER – STRATEGY AND PLANNING	36
DEMOCRACY AND GOVERNANCE MANAGER.....	36
CUSTOMER UNIT	37
CHIEF CUSTOMER AND OPERATING OFFICER	37
ENVIRONMENTAL PROTECTION SERVICES.....	37
PLANNING SERVICES	38
PART 2 - TERMS OF REFERENCE	41
COUNCIL	41
COMMITTEES:	41
<i>ARTS, CULTURE & HERITAGE</i>	<i>41</i>
<i>CHIEF EXECUTIVE’S PERFORMANCE REVIEW PANEL</i>	<i>42</i>
<i>COMMITTEE OF COUNCIL.....</i>	<i>43</i>
<i>COMMUNITY DEVELOPMENT COMMITTEE</i>	<i>43</i>
<i>ECONOMIC DEVELOPMENT COMMITTEE.....</i>	<i>44</i>
<i>ENVIRONMENTAL SUSTAINABILITY COMMITTEE.....</i>	<i>44</i>
<i>FINANCE & AUDIT COMMITTEE</i>	<i>45</i>
<i>HEARINGS COMMITTEE</i>	<i>45</i>
<i>INFRASTRUCTURE COMMITTEE.....</i>	<i>46</i>
<i>PLANNING & STRATEGY COMMITTEE.....</i>	<i>46</i>
<i>PLAY, RECREATION & SPORT COMMITTEE</i>	<i>47</i>
<i>RANGITĀNE O MANAWATŪ COMMITTEE</i>	<i>47</i>
JOINT COMMITTEES:	48

PART 1 - DELEGATIONS MADE BY COUNCIL

GENERALPhilosophy of Council Regarding Delegations

101. The Palmerston North City Council believes that it is essential, in the interests of good management and effective administration, to encourage the delegation of decision making to the lowest competent level. This will achieve best use of the abilities of elected representatives and officers, minimise the cost of material, technical and financial resources, promote the development of effective managers and minimise bureaucratic interference in the daily affairs of the City's residents.
102. Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use. Delegations should not however remove from the Council and management ultimate accountability for the affairs of this Council.
103. Delegates should willingly accept authority and responsibility for decision making in the certain knowledge that their decisions, if made in a full, fair and objective manner, will not be reviewed lightly.
104. It is the statutory function of this Council to lead and guide the management of the City by determining primary goals and objectives, by setting strategies and policies for their achievement and to encourage their achievement through the considered use of Committees and the appointment of skilled officers. Officers in turn implement and administer those policies, contribute substantially to their formulation and provide and manage the infrastructures on which the City is based. Delegation focuses and sharpens this relationship and assists in the better achievement of the respective functions of elected representatives and officers. The effectiveness of delegation must be monitored and the system amended where necessary. This is a key role of elected members.
105. Finally, the level of delegation is symptomatic of the health and well-being of the Council. Without it, and the mutual trust and respect which should exist between members of the Council and its officers and between officers themselves, the effectiveness and efficiency of the organisation must be at risk.

General and Specific Delegations

106. In this Manual a general delegation implies the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.
107. From time to time the Council may delegate authority to determine a specific issue and this authority will apply only so long as that matter is unresolved and will then lapse. This is a specific delegation.
108. This Manual will be updated for general delegations as they are granted, but not those of a specific nature which will be largely historical by the time they are recorded. They must however, by law, be recorded and this will be done separately.

Meaning of Delegations

109. Delegation in this Manual means the assignment of a function, power or duty of the Council to a Committee, employee of the Council or another person, together with the authority to carry out that function, power or duty with responsibility for the outcome.
110. A power to hear evidence or consider a proposal is not, without more, a delegation of authority to make decisions on the evidence or proposal and is not, generally, included in this Manual. 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.

What May be Delegated

111. In almost all situations the Council itself is a delegatee in that its functions, powers and duties derive from Parliament through empowering legislation under which legislative, judicial and administrative authority is granted to the Council for specific purposes.
112. The limits under which functions, powers and duties may be further delegated and acted upon are strictly interpreted in accordance with the empowering legislation concerned.
113. Parliament has shown an awareness that, in the interests of the effective and efficient management of a district, delegation (of other than legislative powers) is permitted subject only to specific exceptions. Special additional common law rules apply also, particularly to the delegation of legislative powers.
114. In this environment, the Council has a wide discretion to arrange its own administration in a way which provides efficiency, flexibility and responsiveness to local needs. In doing so it must, however, comply with the special requirements imposed by law in given circumstances.

Characteristics of Delegation

115. It is important to understand the following characteristics of delegation:
 - 115.1. The delegator does not lose the authority to exercise the function, power or duty and may exercise this concurrently with the delegatee. Also, the delegator does not lose accountability for the exercise of the relevant authority by delegating that authority.
 - 115.2. A delegation may be revoked at any time without notice.
 - 115.3. Delegatees are acting in their own names on behalf of the Council when exercising delegated authority.
 - 115.4. If a delegatee's decision is invalid it cannot be ratified by the delegator. The correct action is generally for the matter to be considered in full again by the delegator, assuming it is within the delegator's power to determine the matter at issue.
 - 115.5. The laws relating to local government generally recognise that the decisions of a delegatee may be reviewed by or appealed to the delegator who may confirm, vary, overrule or substitute any decisions although there are some exceptions, including those mentioned in clauses 126 and 127. In such cases

the grounds for the review should be clearly stated and a decision varied only when compelling circumstances arise.

Care in Defining Authority

116. The law recognises, in certain circumstances, the right of individuals acting in good faith in reliance on the apparent authority of a delegatee to enforce a decision of a delegatee, whether or not the delegatee in fact had the authority claimed.
117. Accuracy and precision should always be a feature when defining the scope and limitations of any delegated authority in order to protect the interests of the Council, the delegatee and any interested third party.

Statutory Requirements

118. No delegation derogates from the requirement that every decision-maker (whether acting under delegated authority or otherwise), shall follow the requirements of the Local Government Act 2002 (as set out in Part 6 of that Act) or any other Act relating to planning, decision making and accountability.

PROCEDURES

Delegations to be in Writing

119. Every delegation made will be in writing and shall define with reasonable precision the nature, purpose and bounds of the delegated functions, powers and duties.

Extent of Delegation

120. Subject to any specified limitation, term or condition applied by the delegator or by law, a delegatee may exercise the power or authority delegated in the same manner and to the same effect as could the delegator.

Sub-delegation

121. Subject to the Local Government Act 2002 and other legislation, every Committee may further delegate any power granted to them in this Manual or otherwise by the Council either generally or specifically, and may impose any term or condition upon that sub-delegation.
122. Sub-Committees and officers other than the Chief Executive may not sub-delegate a power of decision but may instruct another officer or person to complete a task or to carry out investigations and make recommendations.
123. Additional delegations may be made by the Council and the Governance and Support Team Leader will promptly include them in this Manual.

Reporting Decisions

124. Every delegatee will keep the delegator informed of decisions made, and in particular:
 - 124.1. Where that is a condition of the particular delegation.
 - 124.2. Committees and Sub-Committees will comply with the Council's standing orders regarding reasonable reports of their proceedings.
 - 124.3. Where the decision is one of which the delegator for any reason should be aware.
 - 124.4. Where the matter determined is one which the delegator or the Council has in any way whatsoever indicated that a decision of that kind should be reported in a particular way.
 - 124.5. Where any Act requires reporting in a particular manner or at a particular time.

Term of Delegation

125. Unless any delegation is expressed to be for a definable term it will continue until revoked by the delegator or the Council, or withdrawn, revoked or made redundant by operation of law.

Variation of Decision

126. The following provisions apply to the review, reversal and variation of decisions of a delegatee:

- 126.1. Subject to 126.2 and 127, the Council as delegator may review, reverse or vary any decision of the delegatee at any time except to the extent that the decision has already become binding on the delegator by operation of law and cannot be reversed or varied.
 - 126.2. Any decision made by a Committee or Sub-Committee cannot be reviewed, reversed or varied by the parent Committee or the Council unless the Committee or Sub-Committee has been or is deemed to be discharged under the provisions of clause 30 of Schedule 7 to the Local Government Act 2002.
127. A decision of a delegatee will only be reversed or varied where:
- 127.1. It is manifestly wrong; or
 - 127.2. It is contrary to a decision of the delegator of which the delegatee was unaware; or
 - 127.3. It contains serious implications for the Council of which the delegatee was unaware; or
 - 127.4. There is other good cause to reverse or vary that decision.
128. A reversal or variation of a decision is not of itself a revocation of a delegation under this Manual.

Policy and Delegated Decision-Making

129. In reaching a decision under delegated authority, full regard must be had to both:
- 129.1. Any Council policy applying to an issue; and
 - 129.2. All relevant facts applying to the case.
130. Should any delegatee, having considered all the facts of the case, be unable to make a decision which is consistent with Council policy on any matter, the correct action is then to refer the matter to the Council, as delegator.

Delegation to Office

131. Unless a contrary intention is indicated every delegation will be to a stated office or position and not to an individual or the membership of a group in their personal capacities. In every case of this type the delegation will survive any change in the occupier of any such office.

Appeals

132. Any person affected by any decision of a delegatee may appeal that decision:
- 132.1. In the case of a decision by an officer, to the Chief Executive in consultation with that officer's Line Manager and
 - 132.2. In the case of a decision made by the Chief Executive, to the Council.
 - 132.3. This appeal provision does not apply to applications for remissions review under the Council's Development Contributions Policy given that there is a

separate process in place for persons to seek a further review of a remission decision made by officers under delegated authority.

133. Appeals cannot be made to the Council about decisions of Committees and Sub-Committees made under delegated authority.
134. In reviewing any decision on appeal under Clause 132 the Chief Executive or the Council will have regard to:
 - 134.1. Any reasons given by the delegatee in making a decision; and
 - 134.2. Any Council policy applying to the matter at issue; and
 - 134.3. The facts of the case; and
 - 134.4. The grounds for review of a decision contained in this part of this manual; and
 - 134.5. Any other relevant matter.

Review of Decision of Hearings Committee

135. Any decision made by the Hearings Committee may be revoked or altered by that Committee provided:
 - 135.1. The decision has not been acted on and become binding; and
 - 135.2. There is no Court, Tribunal or similar statutory body to which an appeal or application for a review of the decision can or could have been made; and
 - 135.3. There has been a request for a review of the decision and the Chairperson of the Committee has agreed that the request should be placed before the Committee for consideration.
136. Any request for a review may be initiated by any applicant or person affected by the decision or by the Chief Executive, but not by any other person or organisation.
137. In undertaking a review the Committee may decide the matter on papers or other information presented to the Committee or conduct a full or partial rehearing.
138. In making any decision under clauses 135 and 137, the Chairperson and Committee, as applicable, shall have regard to the criteria set out in clause 134 relating to appeals.

Amendments to this Manual

139. This Manual will be maintained by the Democracy and Governance Manager-who will amend it where:
 - 139.1. The law requires that it be changed in a specified way.
 - 139.2. The Council resolves that this Manual be revised or added to in a specified way.
 - 139.3. A clause becomes redundant.
 - 139.4. A decision of the Council requires a modification to an existing clause.

139.5. A typographical, grammatical or other minor amendment is necessary.

[Amended by Council 13 November 2019]

Definitions

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

“Activity”	has the meaning and is as described in a 10 Year Plan or Annual Budget.
“Annual Budget”	means an Annual Plan or Annual Budget adopted by Council pursuant to the Local Government Act 2002.
“Budget Variation”	means an approval to incur Expenditure in excess of an Operating Budget or Capital Programme Budget together with an equal aggregate Saving in respect of one or more other Operating Budgets or Capital Programme Budgets, as authorised by the Chief Executive in accordance with clauses 206 to 208.
“Capital New Budget”	means the “total” sum of the Capital New Programmes recorded for a Financial Year and in respect of an Activity: <ul style="list-style-type: none"> (a) in the last adopted 10 Year Plan; and (b) as amended pursuant to an adopted Annual Budget or amendment to the 10 Year Plan or by resolution of Council.
“Capital New Programme”	means a detailed financial action for capital expenditure to increase the value of an asset or create a new asset, and to achieve particular outcomes of the Council, as described in a 10 Year Plan or Annual Budget.
“Capital Programme”	means a Capital New Programme or a Capital Renewal Programme budgeted for an Activity and as described in a 10 Year Plan or Annual Budget.
“Capital Programme Budget”	means the sum recorded for a Financial Year and in respect of a Capital Programme: <ul style="list-style-type: none"> (a) in the last adopted 10 Year Plan; and (b) as amended pursuant to an adopted Annual Budget or amendment to the 10 Year Plan or by resolution of Council.
“Capital Renewal Budget”	means the “total” sum of the Capital Renewal Programmes recorded for a Financial Year and in respect of an Activity: <ul style="list-style-type: none"> (a) in the last adopted 10 Year Plan; and (b) as amended pursuant to an adopted Annual Budget or amendment to the 10 Year Plan or by resolution of Council.
“Capital Renewal Programme”	means a detailed financial action for capital expenditure to renew or replace an existing asset, and to achieve particular outcomes of the Council, as described in a 10 Year Plan or Annual Budget.

“Claim”	means any claim for compensation either by or against the Council and whether as a result of a contractual dispute or otherwise.
“Claim Expenditure”	means 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.
“Council”	means the Palmerston North City Council howsoever referenced or described in each relevant statute.
“Emergency”	<p>means an event:</p> <ul style="list-style-type: none">(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(c) it is impracticable to convene a meeting of the Council or Finance and Performance Committee to approve the proposed expenditure <p>but which is not a declared state of local or national emergency under the Civil Defence Emergency Management Act 2002.</p>
“Expend”	<p>means to spend or use up money or monies worth and includes but is not limited to:</p> <ul style="list-style-type: none">(a) waiving or remitting amounts otherwise payable;(b) refunding amounts paid;(c) making of grants;(d) provision of goods or services or disposal of assets other than for fair value; <p>and “Expenditure” has the corollary meaning</p>
“Fees and Charges”	means 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).
“Financial Year”	means a financial year of Council as established under the Local Government Act 2002.
“Infringement Fee”	means an amount imposed by the Council for failure to comply with a requirement of a statute, legislative instrument, by-law or other rule or regulation, and set by law or by resolution of Council.
“Manual”	means 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.

- “Operating Budget”** means the sum calculated by deducting depreciation from “net operating cost of activity” for a Financial Year (including amounts carried forward as balance sheet provisions) and in respect of an Activity:
- (a) in the last adopted 10 Year Plan; and
 - (b) as amended pursuant to an adopted Annual Budget or amendment to the 10 Year Plan or by resolution of Council,
- and includes “operating programmes” as defined and described in the 10 Year Plan or an Annual Budget.
- “Saving”** means a reduction in the amount of Expenditure authorised to be made in respect of an Activity or Capital Programme which is not expected to result in an inconsistency between the actual delivery of levels of service for the Activity or Capital Programme and the anticipated service level for the Activity or Capital Programme as set out in an 10 Year Plan or Annual Budget (as adjusted by resolution of Council).
- “Specified Sum”** means the sum calculated in accordance with clause 141 and is exclusive of GST.
- “10 Year Plan”** means a Long Term Plan or 10 Year Plan adopted by the Council pursuant to the Local Government Act 2002.
- “Transaction”** means an arrangement between the Council and any third party which is binding on Council except for:
- (a) the sale or disposal of real property;
 - (b) a Claim;
 - (c) any charge, remission or postponement of a rate pursuant to the Local Government (Rating) Act 2002 and the Council’s Rates Remissions and Postponements Policy.

[Amended by Council 28 May 2018]

Specified Sum

141. On 1 July 2013 and on 1 July in every succeeding year, the Chief Executive will adjust the Specified Sum by increasing it or decreasing it in proportion to movements in the officially published Consumers Price Index (CPI) in the manner set out in the following formula:

SPECIFIED SUM

$$(1 \text{ July, year of review}) = \$1,500,000 \times \frac{\text{CPI March, year of review}}{\text{CPI 31 March 2012}}$$

and the figure so derived shall be rounded to the nearest \$50,000 and reported to Council and at the time of such report clause 142 shall be amended as required.

142. The current Specified Sum is \$1,600,000.

[Amended by Governance & Support Team Leader under delegations 4 December 2017]

DOCUMENT SIGNING AND AFFIXING COMMON SEALMayor

143. The Mayor, in conjunction with the Chief Executive or Legal Counsel, has delegated authority to approve the affixing of the common seal to any document and to sign every document to which the common seal is affixed.
144. A list of documents to which the common seal is affixed shall be reported for information to the Mayor and Councillors from time to time.
145. The Mayor, in conjunction with any of the Chief Executive, Legal Counsel, Deputy Mayor or another Councillor, has delegated authority 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.
146. A list of documents signed in this manner shall be reported for information to the Mayor and Councillors from time to time.

[Clauses 143 & 145 were amended by Democracy & Governance Manager 18 May 2020]

Deputy Mayor

147. The Deputy Mayor, in conjunction with the Chief Executive or Legal Counsel, has delegated authority to approve the affixing of the common seal to any document and to sign every document to which the common seal is affixed.
148. A list of documents to which the common seal is affixed shall be reported for information to the Mayor and Councillors from time to time.
149. The Deputy Mayor, in conjunction with any of the Chief Executive, Legal Counsel, Mayor or another Councillor, has delegated authority 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.
150. A list of documents signed in this manner shall be reported for information to the Mayor and Councillors from time to time.

[Clauses 147 & 149 were amended by Democracy & Governance Manager 18 May 2020]

Councillors

151. Any two Councillors, in conjunction with each other, have delegated authority 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.
152. A list of documents signed in this manner shall be reported for information to the Mayor and Councillors from time to time.

Chief Executive

153. The Chief Executive, in conjunction with the Mayor or Deputy Mayor, or the Legal Counsel if the Mayor and Deputy Mayor are absent or unavailable, has delegated authority to approve the affixing of the common seal to any document and to sign every document to which the common seal is affixed.

154. A list of documents to which the common seal is affixed shall be reported for information to the Mayor and Councillors from time to time.
155. The Chief Executive, in conjunction with any of the Mayor, Deputy Mayor or other Councillor, or Legal Counsel if the Mayor and Deputy Mayor and another Councillor are absent or unavailable, has delegated authority 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.
156. A list of documents signed in this manner shall be reported for information to the Mayor and Councillors from time to time.

[Clauses 153 & 155 were Amended by Democracy & Governance Manager 18 May 2020]

General Manager Strategy & Planning

157. The General Manager Strategy & Planning has delegated authority to sign any Land Information New Zealand Authority and Instruction Form in relation to any interest in land where approval for the matter has been given by the Council or any Committee or Officer acting under delegated authority.

[Amended by Council 13 November 2019]

Legal Counsel

158. The Legal Counsel, in conjunction with the Mayor or Deputy Mayor, or the Chief Executive if the Mayor and Deputy Mayor are absent or unavailable, is given delegated authority to approve the affixing of the common seal to any document and to sign every document to which the common seal is affixed.
159. A list of documents to which the common seal is affixed shall be reported for information to the Mayor and Councillors from time to time.
160. The Legal Counsel has delegated authority to sign any Land Information New Zealand Authority and Instruction Form in relation to any interest in land where approval for the matter has been given by the Council or any Committee or Officer acting under delegated authority.
161. The Legal Counsel, in conjunction with any of the Mayor, Deputy Mayor or any other Councillor, or the Chief Executive if the Mayor and Deputy Mayor and another Councillor are absent or unavailable, is given delegated authority 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.
162. A list of documents signed in this manner shall be reported for information to the Mayor and Councillors from time to time.

[Clauses 158, 160, 161 were amended by Amended by Democracy & Governance Manager 18 May 2020]

CONTRACTS AND OTHER FINANCIAL MATTERSBest Method to be Used

163. Every delegatee will at all times have regard to the best means of obtaining the most favourable terms for any transaction, especially as to price, and will adopt that method.

Contracts Under 20% of the Specified Sum

164. For contracts under 20% of the defined specified sum:
- 164.1. The tendering process in the Council's Contracts Manual shall be followed wherever appropriate; and
 - 164.2. In all other cases at least three competitive prices shall be obtained where they are available; and
 - 164.3. The advice of the Finance Unit shall be obtained as to the availability of contracts for a particular product.
 - 164.4. For contracts under 1% of the defined specified sum, it is not necessary to follow the procedures specified in clause 164.1 to 164.3 inclusive provided that the price for goods or services to be purchased is reasonable.

[Amended by Council 27 May 2019]

Contract for other than Best Price

165. Where the contract price which an officer wishes to accept is:
- 165.1. In the case of a contract to purchase goods or services, other than the lowest price offered that is consistent with any specification issued in regard to that contract; or
 - 165.2. In the case of a contract to sell Council goods or services other than for the highest price offered;
- the decision will be taken in conjunction with the Chairperson of the Finance and Performance Committee and will be reported to the Council at the earliest opportunity.

DELEGATIONS TO COMMITTEES

Standing Committees

166. To the extent it is permitted to do so by law the Council may delegate to its respective Standing Committees all the functions, powers and duties granted to the Council, in accordance with the terms of reference of those Committees from time to time except:
- 166.1. The power to make a rate.
 - 166.2. The power to make a by-law.
 - 166.3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the 10 Year Plan.
 - 166.4. The power to adopt a 10 Year Plan or Annual Budget, or variation to a 10 Year Plan or Annual Budget.
 - 166.5. The power to appoint or dismiss the Chief Executive.
 - 166.6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the 10 Year Plan or developed for the purpose of the Local Governance Statement.
 - 166.7. The power to make or alter any other Council policy except where that power has been specifically delegated.
 - 166.8. The power to do anything which is required by law to be done by resolution of the Council.
 - 166.9. The power to appoint Council representation on any body
 - 166.10. The appointment of members to Standing, Special or Joint Committees.
 - 166.11. Any promotion of proposed legislation.
 - 166.12. Expenditure where no provision is made in the Council's budget for that year.
 - 166.13. Expenditure of Council funds where budgets have not been finalised for the relevant year unless the expenditure relates to maintenance of any existing work or progress on a committed work or is in regard to an existing service for which provision is likely to be made in those budgets once finalised.
 - 166.14. The disposal or sale of any real property.
 - 166.15. The power to approve the District Plan or any change to the District Plan.

NOTE: *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, and does not prevent the Hearings Committee from making decisions on the hearing of submissions or further submissions.*

NOTE: *Standing Committees are those Committees constituted by the Council and which meet on a regular basis but do not include Sub-Committees. The functions allocated to Standing Committees, along with*

other Committees and Sub-Committees, are set out in the Terms of Reference for Standing Committees and Sub-Committees (see Part 2 of this Manual).

167. Each Standing Committee, and any Joint Committee and any Sub-Committee, has only those powers specifically delegated to it. These powers are either stated in Part 1 of this Manual or in a subsequent resolution of the Council. A statement in any Committee's terms of reference does not, by itself, imply any delegated authority. Otherwise, each Committee has recommending status only, other than:
- 167.1. To make decisions on meeting procedures where such decisions are either required or permitted by the Council's Standing Orders or relevant legislation;
 - 167.2. To receive or note any report, memorandum or other information submitted to the Committee;
 - 167.3. To instruct the Chief Executive to report back to the Committee or to the Council where the matter falls within the Committee's Terms of Reference provided that the purpose of the instruction is not to complete or finalise the matter; and
 - 167.4. To refer any report, memorandum or other information to any other Committee or to the Council for its consideration.

[Amended by Council 13 November 2019]

168. Each Standing Committee, and any Joint Committee and any Sub-Committee cannot appoint any Sub-Committee, working party or members of Sub-Committees or working parties. However, recommendations to the Council for the establishment and appointment of such groups can be made.

[Amended by Council 13 November 2019]

169. Each Standing Committee and any Joint Committee or Sub-Committee, in relation to matters that are within the Committee's or Sub-Committee's terms of reference, has delegated authority to hear oral submissions made in support of written submissions and to determine any procedures for this, and may make recommendations on submissions, written and oral, to the Council (or Councils or parent committee).
170. With regard to an elected member conference and training opportunity:
- 170.1. Each Committee has delegated authority to decide whether or not any elected members should attend, and if so, how many.
 - 170.2. This authority may not be exercised by any Joint Committee or Sub-Committee.
 - 170.3. The decision on which elected members may attend will be made under Clause 189.

Community Development Committee

171. The Community Development Committee has delegated authority to finally approve the allocation of grants to community groups by the Palmerston North Community Services Council, from the funds granted to the Palmerston North Community Services Council by the Council for that purpose.

Creative Communities New Zealand/Arts and Culture Fund Committee

172. The Creative Communities New Zealand/Arts and Culture Fund Committee has delegated authority to:
- 172.1. Determine applications provided Creative Communities New Zealand criteria are met.
 - 172.2. 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.

Finance & Audit Committee

173. The Finance & Audit Committee has delegated authority to:
- 173.1. Approve variations to the remissions and postponements of rates pursuant to the Council's Rates and Remission and Postponement Policies in instances where officers delegated this authority seek the Committee's guidance.
 - 173.2. Set, vary or waive the following classes and categories of fees and charges:
 - (a) Rentals for subsidised housing;
 - (b) Charges for admission to Aquatic Facilities;
 - (c) Charges for the use of reserves, but not including charges for the use of Arena Manawatu;
 - (d) Burial and cremation charges.
174. The Finance & Audit Committee may, in regard to matters within its jurisdiction, and subject to the limitations applied in clause 175, accept, negotiate or decline any contract for the purchase or supply of goods, services, plant, capital works or other assets (including real property) and for the disposal of goods, plant, capital works, and other assets (excluding real property) and for the supply of Council services, where:
- 174.1. In the case of a lump sum contract the total value of the contract; or
 - 174.2. In the case of a continuing contract the estimated amount to be paid in any one year,
- does not exceed the Specified Sum.
175. The powers conferred by clause 174 shall not be exercised where:
- 175.1. No provision has been made for expenditure of the kind contemplated in the Council's budget for that year; or
 - 175.2. The Council's budget has not been finalised for the relevant year unless the expenditure relates to maintenance of any existing work or progress on a committed work or is in regard to an existing service for which provision is likely to be made in the budget once finalised.
176. The Finance & Audit Committee may, in regard to matters within its jurisdiction, accept, negotiate or decline contracts where the price is other than the best price offered.

Where that Committee accepts other than the best price offered that decision will be reported to the Council at the earliest opportunity.

177. Any contract may be varied by the Finance & Audit Committee where the total value of the contract as varied is within the Committee's delegated authority.
178. The Finance & Audit Committee may, in regard to a matter within its jurisdiction, settle any claim for compensation where the amount proposed does not exceed:
 - 178.1. Where provision is made in the Council's budgets, the amount provided in the budgets; or
 - 178.2. Where no provision is made in the budgets for compensation, an amount not exceeding 5% of the Specified Sum.

[Clause 173, 174, 176, 177 & 178 Amended by Council 13 November 2019]

Hearings Committee

179. The Hearings Committee has delegated authority to conduct, consider and determine any matter that requires a hearing or related decision under any of the following Acts:
 - 179.1. Resource Management Act 1991;
 - 179.2. Dog Control Act 1996;
 - 179.3. (Clause deleted by Council 27 May 2019)
180. (Clause deleted by Council 27 May 2019)

NOTE: *The above responsibilities under the Resource Management Act include District Plan reviews, plan changes and variations; requirements, designations and heritage orders; applications for notified resource consents; applications for review of conditions and notified resource consents; and objections to decisions and conditions under Section 357 of the Resource Management Act. This authority does not include the approval of the District Plan or any change to the District Plan.*

NOTE: *The above responsibilities under the Resource Management Act also include:*

- (a) *The power to decide whether to require any further information and whether any application is to be notified or non-notified; and*
- (b) *The power to hold a hearing and/or make any decision concerning an application where the Chief Executive or Officer having delegated authority declines to exercise that authority.*

NOTE: *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, and does not prevent the Hearings Committee from making decisions on the hearing of submissions or further submissions.*

[Amended by Council 27 May 2019]

Joint Standing Committee with the Manawatu-Wanganui Regional Council (Horizons Regional Council)

181. Where a joint hearing is necessary, and independent Commissioners have not been appointed the Council shall unite with the Manawatu-Wanganui Regional Council to form a Joint Standing Committee to hear and decide, under Section 102 of the Resource Management Act 1991, applications for resource consents.

181.1. 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 Regional Council's Environment Committee and the Council's Hearings Committee shall be appointed to the Joint Hearing Committee.

181.2. The Joint Hearing Committee shall determine its own chairperson.

Planning &-Strategy Committee

182. The Planning & Strategy Committee has delegated authority to:

182.1. Exercise any power under the Resource Management Act 1991 to the extent permitted to do so by law, but excluding:

- (a) The ability to conduct any hearing or consider or determine any related matter, as is delegated to the Hearings Committee.
- (b) The power to approve the District Plan or any change to the District Plan.

182.2. Make any determination required by section 155 of the Local Government Act 2002 in relation to a proposed by-law.

[Amended by Council 13 November 2019]

Manawatu-Wanganui Region Civil Defence Emergency Management Group Committee

183. The Manawatu-Wanganui Civil Defence Emergency Management Group Committee, which is a Joint Committee of eight local authorities in the Manawatu-Wanganui Region, has the following powers under the Civil Defence Emergency Management Act 2002:
- 183.1. To set, through the CDEMG Plan, the five year strategic direction of the Civil Defence Emergency Management Group (CDEMG).
 - 183.2. To agree the annual work programme of the CDEMG, consistent with the strategic direction in the Plan.
 - 183.3. To monitor progress towards meeting the strategic objectives in the Plan.
 - 183.4. To agree to modify the draft CDEMG Plan for the Group for public consultation.
 - 183.5. 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.
 - 183.6. To approve the CDEMG Plan for the Group following decisions on submissions.
 - 183.7. Subject to the powers under Section 57 of the Act, to make minor amendments to the Plan from time to time as necessary.
 - 183.8. Subject to the powers under Section 26 of the Act, to appoint a Group Controller, and one or more Local Controllers for the Group as appropriate.
 - 183.9. Subject to the powers under Section 25 of the Act, to appoint persons with the delegated authority to declare local or group emergencies.
 - 183.10. 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.

Manawatu District and Palmerston North City Joint Strategic Planning Committee

184. In relation to the Central Economic Development Agency Limited (CEDA), the Joint Strategic Planning Committee has the following functions, powers, and duties under the Local Government Act 2002 and/or the Companies Act 1993:
- 184.1. To adopt a policy that sets out the process for the identification, appointment and remuneration of directors.
 - 184.2. To appoint and remove a person or persons to be directors of CEDA.
 - 184.3. To approve the remuneration to be paid to directors of CEDA.

- 184.4. To undertake performance monitoring of CEDA, as per section 65 of the Local Government Act.
- 184.5. To agree with the Statement of Intent of CEDA or, if the Committee does not agree, to take all practical steps to require a Statement of Intent to be modified, as per section 65 of the Local Government Act.
- 184.6. Receive the half yearly report of CEDA, as shareholder.
- 184.7. Receive the Annual Report of CEDA, as shareholder.

DELEGATIONS TO SUB-COMMITTEES

Sub-Committees

185. 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 clauses 166.1 to 166.15.
186. The primary purposes of Sub-Committees are:
 - 186.1. To dispose of matters which have been delegated to them.
 - 186.2. To investigate and report, with recommendations if appropriate, on matters referred from the delegator.
 - 186.3. To act as a forum for communication between elected representatives, officers, and interested parties.

DELEGATIONS TO SUBORDINATE DECISION-MAKING BODIESChief Executive's Performance Review Panel

187. The primary purposes of the Chief Executive's Performance Review Panel is to ensure Council carries out responsibilities of a Good Employer as the employer of the Chief Executive.

Specific delegations to the Committee are:

- 187.1. To provide the Chief Executive with regular feedback, mentoring and support through informal monthly meetings.
- 187.2. To ensure the Chief Executive receives relevant training and development opportunities.
- 187.3. To negotiate a process for reviewing the Chief Executive's remuneration.
- 187.4. To carry out an annual review of the Chief Executive's remuneration and make recommendations to the Council on the application of the review.
- 187.5. To manage the provisions of the Chief Executive's Employment Agreement.
- 187.6. To undertake the appraisal of the Chief Executive's performance.
- 187.7. To appoint a Human Resources Consultant to assist the Panel as appropriate.

[Amended by Council 13 November 2019]

Jaycee Trust Travelling Fellowship Selection Panel

188. The Jaycee Trust Travelling Fellowship Selection Panel has delegated authority to allocate up to two Jaycee Trust Travelling Fellowships of not more than \$5,000 each per year. The decisions of the Selection Panel shall be reported for information to the Mayor and Councillors.

DELEGATIONS TO MAYOR, COUNCILLORS AND OTHER COMMITTEE MEMBERS

[Amended by Council 13 November 2019]

All Chairpersons and Deputy Chairpersons

189 With regard to an elected member conference and training opportunity:

- 189.1 Each Committee Chairperson, acting conjointly with their Deputy Chairperson, has delegated authority to decide which elected member or members may attend.
- 189.2 This authority also applies to the Mayor, acting conjointly with the Deputy Mayor, for the attendance of elected members at the Local Government New Zealand conferences.
- 189.3 This authority may be exercised only where the Committee or the Council has previously approved attendance at the conference or training opportunity. The number of approved attendees may not exceed the number specified in the prior Committee or Council Resolution.

Mayor, Deputy Mayor and Chairperson of the Finance & Audit Committee

190 With regard to an elected member conference and training opportunity:

- 190.1 The Mayor, acting conjointly with the Deputy Mayor or, if one of those is unavailable, then the other acting conjointly with the Chairperson of the Finance & Audit Committee, has delegated authority to decide whether any elected member or members should attend and, if so, whom.
- 190.2 This authority may be exercised only where a particular conference and training opportunity is available in New Zealand and the total cost of such opportunity for any elected member attending or participating does not exceed \$2,000.00 GST exclusive for that member.
- 190.3 Any approval given and any recording and reporting must be in accordance with both the Council's Elected Members' Expenses Policy and with the Elected Member Development and Training Policy or, if either or both of those policies have been superseded, then with the replacement or equivalent policy or policies.

[Amended by Council 28 May 2018 & 13 November 2019]

Mayor and Chairperson of the Finance & Audit Committee

191 In relation to the Council's investment in:

- 191.1 Civic Financial Services Limited the Mayor has delegated authority to act as the Council's shareholder representative, to vote on the Council's behalf and to appoint a proxy where necessary. In the absence of the Mayor or in the event he/she relinquishes his/her position as a Director of the Company, the Chairperson of the Finance & Audit Committee shall act as the Council's shareholder representative.
- 191.2 Palmerston North Airport Limited, the Chairperson of the Finance & Audit Committee has delegated authority to act as the Council's shareholder

representative, to vote on the Council's behalf subject to instructions from time to time by the Council. In the event that the shareholder representative is unable to so act the Deputy Chairperson of the Finance & Audit Committee (or a nominee of that Committee) is appointed with the same powers to represent the Council as the alternate shareholder representative. A shareholder representative shall not be a director of Palmerston North Airport Limited.

- 191.3 New Zealand Local Government Funding Agency Limited the Mayor has delegated authority to act as the Council's shareholder representative, to vote on the Council's behalf and to appoint a proxy where necessary. In the absence of the Mayor, the Chairperson of the Finance & Audit Committee shall act as the Council's shareholder representative.

[Amended by Council 13 November 2019]

Mayor

192

- 192.1 The Mayor has delegated authority to appoint the Council's presiding delegate to the meetings of Local Government New Zealand on those occasions when he/she cannot attend the said meetings in person.
- 192.2 That in relation to conferences and meetings of Local Government New Zealand, the Mayor has delegated authority to appoint a proxy when necessary.
- 192.3 Without prejudice to the existing delegations, the Mayor, as the Council's presiding delegate at meetings of Local Government New Zealand, has delegated authority to appoint on behalf of the Council other delegates, including alternate delegates as appropriate, to annual general meetings and special general meetings of Local Government New Zealand taking into account that the Chief Executive is one of the delegates.
- 192.4 The Mayor, in relation to the Chief Executive's contract, has delegated authority to exercise flexibility in authorising any benefits within the total remuneration contract amount stated.
- 192.5 The Mayor, in relation to the Chief Executive's contract, has delegated authority to manage routine employment matters on behalf of the employer such as leave provisions (including signing of leave applications) and deduction and overpayment arrangements.
- 192.6 The Mayor has delegated authority to approve any submission made by the Council to a Parliamentary Select Committee where there has been insufficient time for the submission to be referred to the Council for approval beforehand. The manner of this approval will be stated in any submission approved by the Mayor and the submission will be reported for approval by the Council at the next available opportunity.

[Amended by Council 13 November 2019]

[Amended by Governance & Support Team Leader under delegations 4 December 2017]

- 192.7 The Mayor has delegated authority to approve an elected or appointed members' leave of absence. The Mayor must report their decision to grant or refuse a member's leave of absence to the next available Council meeting, stating which member has requested a leave of absence and for how long. The reason for the leave of absence is not required.

This delegation does not prohibit a member from seeking approval from Council for a leave of absence.

- 192.8 The Deputy Mayor has delegated authority to approve the Mayor's leave of absence. The Deputy Mayor must report their decision to grant or refuse the leave of absence to the next available Council meeting, stating that the Mayor has requested a leave of absence and for how long. The reason for the leave of absence is not required.

This delegation does not prohibit the Mayor from seeking approval from Council for a leave of absence.

[Amended by Council 28 October 2020]

Zone 3 Representatives

- 193 The Council's five representatives on Zone 3 of Local Government New Zealand have delegated authority to decide, in consultation amongst themselves, on the three nominees for the two positions on the Zone 3 Executive for whom the Council is to cast its vote.

- 193A Chairperson, Finance & Audit Committee/Independent Member Audit & Finance Committee

The Chairperson of the Finance & Audit Committee and the independent non-elected member appointed to that Committee each have power to approve expenses incurred by the Mayor and Chief Executive.

[Amended by Council 13 November 2019]

DELEGATIONS TO AND ASSIGNMENT OF COMMISSIONERSPowers of Commissioner

- 194 Those persons appointed from time to time by the Council as Hearings Commissioners under the Resource Management Act 1991 have the power to either individually or jointly with any other hearings commissioner hear and determine any matter raised under the 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. The power to process any of the aforementioned matters 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. Each member of the Hearings Committee that is responsible for Resource Management Act 1991 matters shall, if that member is accredited under this Act, be deemed for the purposes of this delegation to be a Hearings Commissioner.
- 195 Notwithstanding clause 194 the decision as to which person or persons are affected is to be made by appropriate Council staff acting under delegated authority.

Assignment of Commissioners

- 196 Commissioners shall be assigned as follows:
- 196.1 The Legal Counsel (in liaison with the General Manager Strategy and Planning, or her/his nominee, and/or the Chief Customer and Operating Officer, or his/her nominee) has the responsibility for assigning one or more Hearings Commissioners appointed by the Council to carry out the function of processing, hearing and determining 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.
- 196.2 The assignment shall be made in accordance with the criteria set out in clause 197 below, seeking input from the Chairperson and/or Deputy Chairperson of the Hearings Committee, and/or his/her nominee from the Committee. The Hearings Commissioners responsibilities and powers shall commence immediately upon assignment by the Legal Counsel.
- 196.3 Notwithstanding the above, no member of the Hearings Committee may be assigned to consider a matter as a Hearings Commissioner unless in conjunction with at least one commissioner who is not a Committee member. This sub-clause applies only where one or more Hearings Commissioners is to be assigned to consider any matter in accordance with the criteria specified in clause 197 below.

[Amended by Council 27 May 2019]

[Clause 196.1 & 196.3 were Amended by Democracy & Governance Manager 18 May 2020]

When Assignment Required

- 197 One or more Hearings Commissioners shall 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:
- 197.1 The Council is the applicant.
 - 197.2 The organisation (applicant) is one in which the Council has a significant and/or pecuniary interest.
 - 197.3 The project (application) is one in which the Council has a significant and/or pecuniary interest.
 - 197.4 A valid request has been made under the Resource Management Act 1991 for a Commissioner to hear and determine the matter.
 - 197.5 In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee 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.
 - 197.6 In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the highly complex and 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.)
 - 197.7 In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the Hearings Committee has insufficient resources and/or time to hear the matter in a timely manner.
- 198 Notwithstanding the criteria set out in clause 197 above, no Hearings Commissioner is required to be assigned to consider any matter where:
- 198.1 The application is minor in scale and effect; and
 - 198.2 The written consent of all affected parties, as determined by appropriate Council staff acting under delegated authority, has been provided.

Report of Commissioner

- 199 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

- 200 In the event a Commissioner is sought, who is not referred to in the schedule of Council appointed Hearings Commissioners, the appointment and assignment will be made by either the Hearings Committee or the Council.

DELEGATIONS TO CHIEF EXECUTIVE**BROAD DELEGATION**

201 Subject to any limitations in the Financial Delegations to the Chief Executive, the Chief Executive is delegated all functions, powers and duties of the Council:

- (a) except those retained by the Council, or delegated to a committee or other subordinate decision making body 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

provided the Chief Executive exercises such delegated authorities consistently with Council's strategies and policies (including the 10 Year Plan, Annual Budgets and District Plan) and any Council approved guidelines regarding those strategies and policies.

(Adopted by Council 27 November 2017)

202 The Chief Executive may sub-delegate any functions, powers and duties delegated to him or her by the Council (except the power to sub-delegate).

203 Council retains the authority to:

- (a) do anything which by law is required to be done by resolution of the Council;
- (b) make a rate;
- (c) make, amend or revoke a by-law, including before commencing the process for making a by-law determining whether a by-law is the most appropriate way of addressing the perceived problem; and determining whether a proposed bylaw is in the most appropriate form and gives rise to any issues under the New Zealand Bill of Rights Act 1990;
- (d) adopt a 10 Year Plan or Annual Budget, or any amendment or variation to them;
- (e) approve any local governance statement, and a triennial agreement with other local authorities within the same region as the Council;
- (f) review the cost effectiveness of arrangements for meeting the needs of communities within the district for good quality local infrastructure, service, or regulatory function
- (g) borrow money, or purchase or dispose of assets, other than in accordance with the 10 Year Plan;
- (h) do anything which, in accordance with the Council's Significance and Engagement Policy, requires consultation with affected and interested persons;
- (i) make or alter Council policy;
- (j) authorise and approve any contracting-out of any of the Council's regulatory functions;

- (k) appoint a Chief Executive;
- (l) appoint:
 - i. Independent Hearings Commissioners required to assist the Hearings Committee of the Council;
 - 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.
- (m) appoint Council representation on any body including any Committee;
- (n) promote proposed legislation;
- (o) dispose of or sell any real property;
- (p) approve the District Plan or any change to the District Plan;
- (q) monitor and evaluate council controlled organisations and council organisations.

FINANCIAL DELEGATIONS

Transactions

204 The Chief Executive may take all steps necessary to enter into, approve, execute, complete or otherwise authorise, and vary any Transaction provided that Council has not previously declined to approve the relevant individual Programme Budget to which the Transaction relates and except where the Transaction imposes an obligation on Council to Expend, in any Financial Year, an amount:

- (a) that is more than 50% of the Specified Sum; or
- (b) exceeds the total amount of the Operating Budget or total Capital Renewal Budget or total Capital New Budget (as adjusted by any Budget Variation) in respect of the Activity to which the Transaction relates, either alone or in aggregate with all other Expenditure the Council is committed to make in respect of the relevant Activity; or
- (c) exceeds the individual Capital Programme Budget to which the Transaction relates, either alone or in aggregate with all other Expenditure the Council is committed to make in respect of the relevant Capital Programme where Council has previously reduced the individual Capital Programme Budget; or
- (d) exceeds the sum of \$50,000, either alone or in aggregate with all other Expenditure the Council is committed to make in respect of any unbudgeted item that would otherwise have been treated as an individual Capital Programme,

in all cases measured at the date the Council becomes obliged to incur the Expenditure.

[Amended by Council 28 May 2018]

205 In relation to Transactions approved by the Finance & Audit Committee, the Chief Executive may approve a variation or cumulative variations providing that:

- (a) the total Expenditure in respect of the Transaction as varied is within the Finance & Audit Committee's delegated authority; and
- (b) the aggregate change does not increase the total Expenditure, in respect of the Transaction, as varied by more than 10% of the value of the original Transaction,

and the Chief Executive shall report to the Finance & Audit Committee where such variation occurs, for information.

[Amended by Council 13 November 2019]

Variation of Budgets

206 Subject to clause 209, the Chief Executive may at any time authorise an amount to Expend in respect of an Activity that is in excess of the original Operating Budget provided that Council has not previously declined to approve excess Expenditure in relation to that Operating Budget and:

- (a) the Chief Executive is of the opinion that the original Operating Budget is not or will not be adequate to best achieve the outcome intended from the Activity; and
- (b) Savings are made from the Operating Budget of one or more other Activities that, in aggregate, equal the authorised increase in Expenditure for the relevant Activity.

207 Subject to clause 209, the Chief Executive may at any time authorise an amount to Expend in respect of an Activity that is in excess of the original total Capital Renewal Budget provided that Council has not previously declined to approve excess Expenditure in relation to that total Capital Renewal Budget or reduced the relevant individual Capital Programme Budget and:

- (a) the Chief Executive is of the opinion that the original total Capital Renewal Budget is not or will not be adequate to best achieve the outcome intended from that Activity; and
- (b) Savings are made from the total Capital Renewal Budget of one or more other Activities that, in aggregate, equal the authorised increase in Expenditure for the relevant Activity.

[Amended by Council 28 May 2018]

208 Subject to clause 209, the Chief Executive may at any time authorise an amount to Expend in respect of an Activity that is in excess of the original total Capital New Budget provided that Council has not previously declined to approve excess Expenditure in relation to that total Capital New Budget or reduced the relevant individual Capital Programme Budget and:

- (a) the Chief Executive is of the opinion that the original total Capital New Budget is not or will not be adequate to best achieve the outcome intended from that Activity; and
- (b) Savings are made from the total Capital New Budget of one or more other Activities that, in aggregate, equal the authorised increase in Expenditure for the relevant Activity.

[Amended by Council 28 May 2018]

209 The Chief Executive's authority to approve Budget Variations is limited, in any Financial Year, in respect of:

- (a) Any Operating Budget or total Capital Renewal Budget or total Capital New Budget to an aggregate change that is less than or equal to 50% of the Specified Sum or 30% of the relevant Operating Budget or total Capital Renewal Budget or total Capital New Budget (whichever is the lesser); and
- (b) Any unbudgeted item that would otherwise have been treated as an individual Capital Programme to an aggregate change that is less than or equal to \$50,000.

[Amended by Council 28 May 2018]

210 The Chief Executive shall report to the Finance & Audit Committee for information details of any Budget Variations which result in a change (whether as an increase or a Saving) in the amount of permitted Expenditure in relation to an Operating Budget or Programme Budget which is greater than 10% of the Operating Budget or Programme Budget or 30% of the Specified Sum (whichever is the lesser amount); and shall do so on a quarterly basis.

[Amended by Council 13 November 2019]

Emergencies

211 Notwithstanding anything else in these financial delegations, in an Emergency, the Chief Executive or, in his or her absence or unavailability, the Deputy Chief Executive, and in the absence or unavailability of both those office-holders any General Manager, and in the absence of all the preceding officers the Infrastructure Manager, may take all steps necessary to enter into, approve, execute, complete or otherwise authorise any Transaction except where the Transaction requires Expenditure that exceeds twice the Specified Sum, regardless of whether any provision has been made for the Expenditure in an Operating Budget or Capital Programme Budget but provided that the Expenditure is for the purposes of responding to or recovering from the Emergency.

[Amended by Council 27 May 2019]

212 The authority delegated under 211 may not be sub-delegated.

Claims

213 The Chief Executive may, in regard to any Claim, negotiate, settle, approve and sign on behalf of Council any settlement agreement provided the Claim Expenditure is less than or equal to:

- (a) 10% of the Specified Sum where there is no provision in an Operating Budget for settlement of such Claims provided that the Claims Expenditure can be offset by a Saving; and
 - (b) 20% of the Specified Sum where there is provision in an Operating Budget for settlement of such Claims.
- 214 If the maximum expected Claim Expenditure for a Claim:
- (a) is greater than 2% but less than or equal to 10% of the Specified Sum the Chief Executive shall be informed of the existence of the Claim;
 - (b) is greater than 10% but less than or equal to 20% of the Specified Sum, and provision is made in an Operating Budget for settlement of such Claims, the Chief Executive will inform all Councillors of the existence of the Claim;
 - (c) is greater than 20% of the Specified Sum the existence of the Claim will be reported to the Finance & Audit Committee and the progress of the Claim will be regularly reported to that Committee.
- 215 In an Emergency the Chief Executive or any General Manager may, in consultation with the Mayor, or the Chairperson of the Finance & Audit Committee if the matter falls within that Committee's jurisdiction, take action which may subsequently require settlement of a Claim at whatsoever compensation.

Fees and Charges, and Infringement Fees

- 216 Subject to clause 219, the Chief Executive may set, vary, waive, remit or refund any class or category of Fees and Charges except for:
- (a) Fees and Charges adopted by resolution of the Council or a Committee; and
 - (b) Fees and Charges adopted pursuant to a by-law,
- and the Chief Executive shall report to the Finance & Audit Committee any class or category of Fees and Charge set, varied, waived, remitted or refunded, for information.
- 217 Subject to clause 219, the Chief Executive may vary, waive, remit, or refund any Fee or Charge.
- 218 Subject to clause 219, the Chief Executive may waive, remit, or refund any Infringement Fee.
- 219 The Chief Executive is not authorised to vary, waive, remit or refund any class or category of Fees and Charges, or any Fee or Charge, or any Infringement Fee where the sum involved exceeds 1% of the Specified Sum in each case.

[Clauses 214, 215 and 216 were Amended by Council 13 November 2019]

Rates including Remissions and Postponements

- 220 In relation to rating matters the Chief Executive may:
- (a) exercise the functions, powers and duties of the Council under the Rating Valuations Act 1998;

- (b) exercise the functions, powers and duties of the Council under the Local Government (Rating) Act 2002 (including the granting of rates remissions and postponements pursuant to the Rates Remission and Postponement Policies) except for those conferred by Subpart 2 of Part 1 or Subpart 1 of Part 5 (i.e. setting rates and setting replacement rates).

Borrowing, Investments and Bad Debts

- 221 Notwithstanding anything else in these financial delegations, 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; and the 10 Year Plan as amended pursuant to an adopted Annual Budget or by resolution of Council;
 - (b) manage the Council's investments in accordance with the Council's treasury policy;
 - (c) write off bad debts only for up to 0.5% of the Specified Sum and provided such debtor accounts have been outstanding in excess of six months.

Insurance

- 222 Notwithstanding anything else in these financial delegations, in relation to insurance the Chief Executive may enter into insurance contracts, for which the total premium of each individual contract may not exceed 150% of the Specified Sum.

Central Economic Development Agency (CEDA)

- 223 Notwithstanding anything else in these financial delegations, the Chief Executive may enter into a core service contract with the Central Economic Development Agency, provided the total contract amount is in accordance with the Council's 10 Year Plans, and Annual Budgets; such delegation will also include the ability to vary, extend, review, renew or replace the contract with a new contract.

DEPUTY CHIEF EXECUTIVE

- 224 The Deputy Chief Executive is delegated all functions, powers and duties of the Council that are delegated to the Chief Executive.

DELEGATIONS TO OTHER OFFICERSGeneral225 Authority to curtail and limit authority of other Officers

Each General Manager may, in respect of any officer of the Council who reports directly or indirectly to them, curtail any authority delegated to any such officer or apply any term or condition to its use and may remove or amend such curtailment, term or condition, in each case such action to be recorded in writing.

FINANCE UNITChief Financial Officer

226 In relation to rating matters, the Chief Financial Officer has delegated authority to:

226.1 Exercise the functions, powers and duties of the Council under the Rating Valuations Act 1998.

226.2 Exercise the functions, powers and duties of the Council under the Local Government (Rating) Act 2002 (including the granting of rates remissions and postponements pursuant to the Rates Remission and Postponement Policies) except for those conferred by Subpart 2 of Part 1 or Subpart 1 of Part 5 (i.e. setting rates and setting replacement rates).

[Amended by Council 27 May 2019]

Finance Manager and Strategy Manager Finance

227 In relation to rating matters, the Finance Manager and Strategy Manager Finance each have delegated authority to:

227.1 Exercise the functions, powers and duties of the Council under the Rating Valuations Act 1998.

227.2 Exercise the functions, powers and duties of the Council under the Local Government (Rating) Act 2002 (including the granting of rates remissions and postponements pursuant to the Rates Remission and Postponement Policies) except for those conferred by Subpart 2 of Part 1 or Subpart 1 of Part 5 (i.e. setting rates and setting replacement rates).

Senior Rates Officer, Rates Officer and Credit Controller

228 The Senior Rates Officer, Rates Officer and Credit Controller each have delegated authority to:

228.1 Exercise the functions, powers and duties of the Council under the Rating Valuations Act 1998.

- 228.2 Exercise the functions, powers and duties of the Council under the Local Government (Rating) Act 2002 (including the granting of rates remissions and postponements pursuant to the Rates Remission and Postponement Policies) except for those conferred by Subpart 2 of Part 1 or Subpart 1 of Part 5 (i.e. setting rates and setting replacement rates).

STRATEGY AND PLANNING UNIT

General Manager Strategy and Planning

- 229 Regarding the Resource Management Act 1991, the General Manager Strategy and Planning, has delegated authority to:
- 229.1 Exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:
- Matters within the delegated authority of the Hearings Committee;
 - Matters in respect of which one or more Hearings Commissioners has been appointed;
 - The appointment and assignment of Hearings Commissioners;
 - The authorisation of enforcement officers; and
 - Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 27 May 2019]

City Planning Manager

- 230 Regarding the Resource Management Act 1991, the City Planning Manager has delegated authority to:
- 230.1 Exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:
- Matters within the delegated authority of the Hearings Committee;
 - Matters in respect of which one or more Hearings Commissioners has been appointed;
 - The appointment and assignment of Hearings Commissioners;
 - The authorisation of enforcement officers; and
 - Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

Senior Planner – Strategy and Planning

- 231 Regarding the Resource Management Act 1991, the Senior Planner has delegated authority to exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:
- Matters within the delegated authority of the Hearings Committee;
 - Matters in respect of which one or more Hearings Commissioners has been appointed;
 - The appointment and assignment of Hearing Commissioners;
 - The authorisation of enforcement officers; and
 - Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 27 May 2019]

Planner – Strategy and Planning

- 232 Regarding the Resource Management Act 1991, the Planner has delegated authority to exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:
- Matters within the delegated authority of the Hearings Committee;
 - Matters in respect of which one or more Hearings Commissioners has been appointed;
 - The appointment and assignment of Hearing Commissioners;
 - The authorisation of enforcement officers; and
 - Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 27 May 2019]

Democracy and Governance Manager

- 233 Regarding the Resource Management Act 1991, the Democracy and Governance Manager has delegated authority to:
- Waive compliance and to extend time limits under section 37 of the Act; and
 - Assign Hearings Commissioners in accordance with clause 196, above.

- 234 The Democracy and Governance Manager, or his/her nominee (in liaison with the Chief Customer and Operating Officer or his/her nominee) has the responsibility for assigning 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 the Act. Before making any such assignment, the Democracy and Governance Manager or his/her nominee shall seek input from the Chairperson and/or Deputy Chairperson of the District Licensing Committee. Any Assignments made under this section may be amended up until the commencement time of a particular hearing.

[Amended by Council 27 May 2019]

[Clauses 233 and 234 Amended by Council 13 November 2019]

CUSTOMER UNIT

Chief Customer and Operating Officer

- 235 Regarding the Resource Management Act 1991, the Chief Customer and Operating Officer has delegated authority to:

- 235.1 Exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;
- The appointment and assignment of Hearings Commissioners;
- The authorisation of enforcement officers; and
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 27 May 2019]

Environmental Protection Services

- 236 The Head of Environmental Protection Services has delegated authority:

- 236.1 To exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;
- The appointment and assignment of Hearings Commissioners;

- The authorisation of enforcement officers; and
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

237 The Principal Environmental Health Officer has delegated authority:

237.1 To exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;
- The appointment and assignment of Hearings Commissioners; and
- The authorisation of enforcement officers;
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

238 The Environmental Health Officer, Environmental Health Technical Officer and Environmental Health Officer Cadet each have delegated authority:

238.1 To exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;
- The appointment and assignment of Hearings Commissioners;
- The authorisation of enforcement officers; and
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 13 November 2019]

Planning Services

239 The Head of Planning Services has delegated authority:

239.1 To exercise the functions, powers and duties of the Council under the Resource Management Act 1991, and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;
- The appointment and assignment of Hearings Commissioners;

- The authorisation of enforcement officers; and
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

240 The Senior Planner – Customer has delegated authority:

240.1 To exercise the functions, powers and duties of the Council under the Resource Management Act 1991, and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;
- The appointment and assignment of Hearings Commissioners;
- The authorisation of enforcement officers; and
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 13 November 2019]

241 The Monitoring & Enforcement Officer – Customer has delegated authority:

241.1 To exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;
- The appointment and assignment of Hearings Commissioners;
- The authorisation of enforcement officers; and
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 13 November 2019]

242 The Planning Officer – Customer has delegated authority:

242.1 To exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within his or her jurisdiction, except for:

- Matters within the delegated authority of the Hearings Committee;
- Matters in respect of which one or more Hearings Commissioners has been appointed;

- The appointment and assignment of Hearings Commissioners;
- The authorisation of enforcement officers; and
- Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum.

[Amended by Council 13 November 2019]

PART 2 - TERMS OF REFERENCE

COUNCIL**The Council's areas of responsibility include:**

1. To consider all matters under the Local Government Act clause 32 schedule 7; and:
 - Governance policy, including delegations
 - Civil Defence
 - Submissions to Select Committee
2. To consider and adopt the recommendations of the Standing Committees.
3. To exercise any powers that can not be delegated to Committees or officers.

COMMITTEES:***ARTS, CULTURE & HERITAGE*****The Committee's areas of responsibility include:**

1. To encourage engagement with arts, culture and heritage organisations within the sector.
2. To monitor the performance of the Arts and Culture Council Controlled Organisations, including Statements of Expectation, Statements of Intent, six-monthly and annual reporting.
3. To receive regular updates on council events within the sector.
4. To consider policy relevant to the Committee.
5. To consider matters covering:
 - Arts & Culture
 - Heritage
6. To receive reports as required from the CCNZ/Arts and Culture Fund Committee.
7. To receive portfolio reports as may be appropriate.
8. To exercise any powers as delegated by the Council.

CHIEF EXECUTIVE'S PERFORMANCE REVIEW PANEL**The Committee's areas of responsibility include:**

The primary purpose of the Chief Executive's Performance Review Panel is to ensure Council carries out responsibilities of a Good Employer as the employer of the Chief Executive.

1. To recommend to the Council a process for appraising the Chief Executive's performance
2. To provide the Chief Executive with regular feedback, mentoring and support through informal monthly meetings
3. To ensure the Chief Executive receives relevant training and development opportunities
4. To carry out an annual review of the Chief Executive's performance and report the results to the Council
5. To negotiate a process for reviewing the Chief Executive's remuneration
6. To carry out an annual review of the Chief Executive's remuneration and make recommendations to the Council on the application of the review
7. To manage the provisions of the Chief Executive's Employment Agreement
8. Appointment of an independent HR Contractor to assist with the Performance Review Process
9. To negotiate any variation to the Employment Agreement and make recommendations to the Council
10. To undertake the appraisal of the Chief Executive's performance.
11. To exercise any powers as delegated by the Council.

COMMITTEE OF COUNCIL

The Committee's areas of responsibility include:

1. To consider matters covering:
 - Council's strategic direction, including vision and goals, strategies and plans as part of the long-term planning process.
 - Council's Long-term plan
 - All policies associated with the Long-Term Plan
 - Asset Management Plans in association with the Long-Term Plan
 - Council's Annual Plans (budgets)
 - Section 17A reviews
2. To exercise any powers as delegated by the Council.

COMMUNITY DEVELOPMENT COMMITTEE

The Committee's areas of responsibility include:

1. To encourage engagement with community organisations within the sector.
2. To consider matters covering:
 - Libraries
 - Community grants
 - Community centres
 - Social housing
 - Community safety
3. To consider policy relevant to the Committee.
4. To receive regular updates on council events within the sector.
5. To receive reports from the lead portfolio councillors for:
 - Neighbourhoods, Villages & Rural
 - People & Community
 - Health & Wellbeing
 - Safe City
6. To exercise any powers as delegated by the Council.

ECONOMIC DEVELOPMENT COMMITTEE**The Committee's areas of responsibility include:**

1. To encourage engagement with the business community, economic agencies, and major economic sectors.
2. To monitor the economic environment with regular Quarterly reporting.
3. To monitor the economic contribution of major sectors to the local and regional economy through sector profiles e.g. Defence, Education, Agri-business, Tourism, Health, Science and Research, Logistics and Distribution.
4. To receive updates on Council's international relations activity with regular six-monthly reporting.
5. To receive regular updates of economic projects and activities undertaken by CEDA.
6. To consider policy relevant to the Committee.
7. To receive reports from the lead portfolio councillors for:
 - Inner City/ CBD
 - Education & Students
 - Defence
 - Science, Technology & Innovation
 - Housing
8. To exercise any powers as delegated by the Council.

ENVIRONMENTAL SUSTAINABILITY COMMITTEE**The Committee's areas of responsibility include:**

1. To encourage engagement with organisations within the sector.
2. To consider environmental matters including:
 - Climate change response, both mitigation and adaptation
 - Biodiversity
 - Waste Minimisation
 - Environmentally Sustainable practices
 - Environmental aspects of energy, transport, and water
3. To monitor environmental wellbeing, including through the City's annual environmental sustainability report.
4. To consider policy relevant to the Committee.

5. To receive reports from the lead portfolio councillor for:
 - Climate Change.
6. To exercise any powers as delegated by the Council.

FINANCE & AUDIT COMMITTEE

The Committee's areas of responsibility include:

1. To have oversight of Council's finances and investments, including quarterly performance reports and the Annual Report.
2. To monitor the performance of the Council's CCTO, Palmerston North Airport Limited, including Statement of Expectation, Statement of Intent, six-monthly and annual reporting.
3. To have oversight of the Council's business assurance activities, such as the Business Assurance Charter, External Audit Management issues, the Internal Business Assurance Programme, and the resulting audits.
4. To have oversight of Council's risk management activities (including health and safety), such as risk management policy and risk register reporting.
5. To consider matters covering:
 - Rates remissions and postponement
 - Contracts
 - Property leases, sales, purchases, and exchanges
 - Fees and charges
6. To exercise any powers as delegated by the Council.

HEARINGS COMMITTEE

The Committee's areas of responsibility include:

1. Hearings conducted pursuant to any enactment to consider and determine any such matter such as hearings or related discussions under these Acts:
 - Resource Management Act 1991
 - Dog Control Act 1996
2. To conduct hearings on other issues where a full formal hearing is required by law or considered desirable by the Council.
3. To exercise any powers as delegated by the Council.

Note: that Resource Management Act 1991 hearings include plan changes and variations other than those associated with the Sectional District Plan review; requirements, designations and heritage orders; applications for notified resource consents; applications for review of conditions under Sections 357, 357A, 357B, 357C and 357D of the Resource Management Act 1991.

INFRASTRUCTURE COMMITTEE

The Committee's areas of responsibility include:

1. To have oversight of progress of design and build projects, such as, but not limited to:
 - Waste Water Treatment Plant
 - Streets for People project implementation
 - Central Energy Trust Arena Masterplan implementation
 - Development of major facilities, for example, the Library and Te Manawa, dog pound
 - Water storage and drainage for growth
 - Infrastructure provision for growth
 - Victoria Esplanade Masterplan implementation
 - Major transportation projects
2. To exercise any powers as delegated by the Council.

PLANNING & STRATEGY COMMITTEE

The Committee's areas of responsibility include:

1. To have oversight of:
 - Council's strategic direction, outside the Long-term planning process, such as any amendments to strategies and plans, and performance monitoring of the strategic direction.
 - The development of Council's bylaws.
 - Council's policy development aligned to the strategic direction.
 - District Plan reviews and any associated plan changes.
 - RMA matters (excluding hearings)
 - City growth and development.
 - Master planning of strategic facilities and spaces.
 - Strategic infrastructure planning.
 - Submissions to Select Committee

2. To receive reports from the lead portfolio councillor for:
 - Transport.
3. To exercise any powers as delegated by the Council.

PLAY, RECREATION & SPORT COMMITTEE

The Committee's areas of responsibility include:

1. To encourage engagement with play, recreation and sport organisations within the sector.
2. To consider matters covering:
 - Playgrounds
 - Parks & reserves
 - Active recreation
 - Sportsfields
 - Recreation & sports facilities
3. To monitor the performance of Sport Manawatu with six-monthly reporting.
4. To consider policy relevant to the Committee.
5. To consider reserve management plans.
6. To exercise any powers as delegated by the Council.

RANGITĀNE O MANAWATŪ COMMITTEE

The Committee's areas of responsibility include:

1. To have oversight of and operate in accordance with the "Kawenata in Relation to Te Motu o Poutoa Agreement signed between Rangitāne o Manawatū and Palmerston North City Council".
2. To propose the name of the Committee.
3. To carry out the functions of the administering body of Te Motu o Poutoa under the Reserves Act 1977, in accordance with any powers that may be delegated by the Council.
4. To recommend Council reserves which are wāhi tūpuna to Rangitāne that will come under the Kawenata arrangement.
5. To recommend modifications to Standing Orders or meeting procedures to enable the Committee to operate in the spirit of the Agreement.
6. To exercise any powers as delegated by the Council.

JOINT COMMITTEES:

MANAWATU DISTRICT AND PALMERSTON NORTH CITY JOINT STRATEGIC PLANNING COMMITTEE

The Committee's areas of responsibility include:

1. To address strategic planning issues that impact on both Manawatū District and Palmerston North City, in particular issues relating to but not restricted to infrastructure, land use planning and economic development.
2. To consider community planning and community outcomes implications. For the purpose of the Joint Committee's Terms of Reference, "Strategic Planning Issues" mean those that are referred to the Joint Committee by either MDC and/or PNCC, taking an inter-regional perspective.
3. To consider and promote the creation and growth of economic wealth for Manawatū and beyond, with particular reference to the activities of the Central Economic Development Agency Limited.

[Amended by Council 18 December 2019]



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