



TE KAUNIHERA O PAPIOEA  
PALMERSTON NORTH CITY COUNCIL

# ARATOHU TUKU MANA WHAKATAU DELEGATIONS MANUAL

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ARATOHU TUKU MANA WHAKATAU | DELEGATIONS MANUAL

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**WĀHANGA 1: TE WHAKATAKINGA ME TE ARONGA O TE PUKA ARATOHU TUKU MANA WHAKATAU  
PART 1: INTRODUCTION AND PURPOSE OF DELEGATIONS MANUAL**

**1. Philosophy of Council Regarding Delegations**

**1.1. GENERAL**

1.1.1. Palmerston North City Council (the 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.

1.1.2. 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 Council and management ultimate accountability for the affairs of this Council.

1.1.3. 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.

1.1.4. 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.

1.1.5. 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.

**1.2. General and Specific Delegations**

1.2.1. In this Delegations Manual (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.

1.2.2. 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.

- 1.2.3. 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.

### **1.3. Meaning of Delegations**

- 1.3.1. 'Delegation' in this Manual means the assignment of a function, power or duty of the Council to a Committee, officer of the Council or another person, together with the authority to carry out that function, power or duty with responsibility for the outcome.
- 1.3.2. A power to hear evidence or consider a proposal is not, 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.

### **1.4. What May be Delegated**

- 1.4.1. In almost all situations the Council itself is a delegate 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.
- 1.4.2. 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.
- 1.4.3. 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.
- 1.4.4. 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.

### **1.5. Characteristics of Delegation**

- 1.5.1. It is important to understand the following characteristics of delegation:
- a. The delegator does not lose the authority to exercise the function, power or duty and may exercise this concurrently with the delegate. Also, the delegator does not lose accountability for the exercise of the relevant authority by delegating that authority.
  - b. A delegation may be revoked at any time without notice.
  - c. Delegates are acting in their own names on behalf of the Council when exercising delegated authority.
  - d. If a delegate'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.
  - e. The laws relating to local government generally recognise that the decisions of a delegate 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 [1.14.1](#) and [1.14.2](#). In such cases the grounds for the

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

**1.6. Care in Defining Authority**

- 1.6.1. The law recognises, in certain circumstances, the right of individuals acting in good faith in reliance on the apparent authority of a delegate to enforce a decision of a delegate, whether or not the delegate in fact had the authority claimed.
- 1.6.2. 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 Council, the delegate and any interested third party.

**1.7. Conflict**

- 1.7.1. Where there is any ambiguity between the wording of a legislative function and the delegation of that function to an officer, the wording of the legislation will prevail. A delegation made under legislation that is subsequently repealed will be read as a delegation made, with or without modification, under any replacement or corresponding legislation.

**1.8. Statutory Requirements**

- 1.8.1. No delegation can deviate from the requirements of the Local Government Act 2002 (as set out in Part 6 of that Act) or any other legislation enacted relating to planning, decision making and accountability.

**PROCEDURES**

**1.9. Delegations to be in Writing**

- 1.9.1. 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.

**1.10. Extent of Delegation**

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

**1.11. Sub-delegation**

- 1.11.1. 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.
- 1.11.2. 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.

1.11.3. Additional delegations may be made by the Council and the Democracy and Governance Manager will promptly include them in this Manual.

**1.12. Reporting Decisions**

1.12.1. Every delegate will keep the delegator informed of decisions made, and in particular:

- a. Where that is a condition of the particular delegation.
- b. Committees and Sub-Committees will comply with the Council's standing orders regarding reasonable reports of their proceedings.
- c. Where the decision is one of which the delegator for any reason should be aware.
- d. 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.
- e. Where any Act requires reporting in a particular manner or at a particular time.

**1.13. Term of Delegation**

1.13.1. 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.

**1.14. Variation of Decision**

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

- a. Subject to clauses [1.14.1b](#) and [1.14.2](#), Council as delegator may review, reverse or vary any decision of the delegate 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.
- b. Any decision made by a Committee or Sub-Committee cannot be reviewed, reversed or varied by the parent Committee or 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.

1.14.2. A decision of a delegate will only be reversed or varied where:

- a. It is manifestly wrong eg breaches legislation, regulations, code of conduct or policy; or
- b. It is contrary to a decision of the delegator of which the delegate was unaware; or
- c. It contains serious implications for the Council of which the delegate was unaware; or
- d. There is other good cause to reverse or vary that decision.

1.14.3. A reversal or variation of a decision is not a removal of a delegation under this Manual.



**1.15. Policy and Delegated Decision-Making**

1.15.1. In reaching a decision under delegated authority, full regard must be had to both:

- a. Any Council policy applying to an issue; and
- b. All relevant facts applying to the case.

1.15.2. Should any delegate, 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.

**1.16. Delegation to Office**

1.16.1. 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.

**1.17. Appeals**

1.17.1. Any person affected by any decision of a delegate may appeal that decision:

- a. In the case of a decision by an officer, to the Chief Executive in consultation with that officer's line manager; and
- b. In the case of a decision made by the Chief Executive, to the Council.
- c. 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.

1.17.2. Appeals cannot be made to the Council about decisions of Committees and Sub-Committees made under delegated authority.

1.17.3. In reviewing any decision on appeal under clause [1.17.1](#) the Chief Executive or the Council will have regard to:

- a. Any reasons given by the delegate in making a decision; and
- b. Any Council policy applying to the matter at issue; and
- c. The facts of the case; and
- d. The grounds for review of a decision contained in this part of this Manual; and
- e. Any other relevant matter.

1.17.4. Any decision made by a Hearings Panel may be revoked or altered by that Panel provided:

- a. The decision has not been acted on and become binding; and
- b. 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
- c. There has been a request for a review of the decision and the Chairperson of the Panel has agreed that the request should be placed before the Panel for consideration.

- 1.17.5. 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.
- 1.17.6. In undertaking a review, the Panel may decide the matter on papers or other information presented to the Panel or conduct a full or partial rehearing.
- 1.17.7. In making any decision under clauses 1.17.4 and 1.17.6 the Chairperson and Panel, as applicable, shall have regard to the criteria set out in clause 1.17.3 relating to appeals.

**1.18. Amendments to this Manual**

- 1.18.1. This Manual will be maintained by the Democracy and Governance Manager who will amend it where:
- a. The law requires that it be changed in a specified way;
  - b. The Council resolves that this Manual be revised or added to in a specified way;
  - c. A clause becomes redundant;
  - d. A decision of the Council requires a modification to an existing clause; or
  - e. A typographical, grammatical or other minor amendment is necessary.

**1.19. Definitions**

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

Activity	a project or body of work 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"> <li>a. in the last adopted 10 Year Plan; and</li> <li>b. as amended pursuant to an adopted Annual Budget or amendment to the 10 Year Plan or by resolution of Council.</li> </ul>
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.

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Capital Programme Budget	means the sum recorded for a Financial Year and in respect of a Capital Programme: (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: (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	means an event: (a) that is unforeseen and causes major damage to Council or other property; and (b) for which there is a need for remedial action to be taken without delay; and (c) it is impracticable to convene a meeting of Council or Strategy & Finance Committee to approve the proposed expenditure but which is not a declared state of local or national emergency under the Civil Defence Emergency Management Act 2002.
Expend	means to spend or use up money or monies worth and includes but is not limited to: (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; and “Expenditure” has the corollary meaning.
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 (1 July -30 June) 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, bylaw 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.
Minor Edits	Amendments to a Council Strategy, Policy or Plan for one of the following reasons: <ul style="list-style-type: none"> <li>a. The law requires that it be changed in a specified way;</li> <li>b. A clause becomes redundant;</li> <li>c. A decision of the Council requires a modification to an existing document;</li> <li>d. A typographical or grammatical amendment is necessary; or</li> <li>e. Formatting</li> </ul>
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: <ul style="list-style-type: none"> <li>(a) in the last adopted 10 Year Plan; and</li> <li>(b) as amended pursuant to an adopted Annual Budget or amendment to the 10 Year Plan or by resolution of Council,</li> </ul> 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 <a href="#">1.20.1</a> 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: <ul style="list-style-type: none"> <li>(a) the sale or disposal of real property;</li> <li>(b) a Claim; or</li> <li>(c) any charge, remission or postponement of a rate pursuant to the Local Government (Rating) Act 2002 and the Council’s Rates Remission and Postponement Policies.</li> </ul>

## 1.20. Specified Sum

- 1.20.1. 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**

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

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 [1.20.2](#) shall be amended as required.

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



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

**2. GENERAL**

**2.1. Approve Expenses**

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

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

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

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

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

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

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

#### 2.5. Leave of Absence

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

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

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



**2.7. Notifications from Business Assurance Manager**

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

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

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

**2.9. Submissions and Remits**

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



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

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

**3.1. Jaycee Trust Assessment Committee**

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

Responsibilities

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

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

Delegation

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

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

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

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

Quorum	TBD
Meeting schedule	As required
Venue	Online

Responsibilities

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

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

Delegations

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

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

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

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

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

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

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

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

#### Powers of Commissioner

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

#### Assignment of Commissioners

- 3.4.6. Commissioners shall be assigned as follows:
- 3.4.7. The Legal Counsel in liaison with the Chief Customer Officer, Chief Planning Officer, Principal Planner-Customer and/or the Principal Planner- Strategic Planning may assign Hearings Commissioners to conduct, consider and determine any matter that requires a hearing or related decision under any of the following acts:
- a. Resource Management Act 1991; and
  - b. Dog Control Act 1996
- 3.4.8. External commissioner(s) from the Council’s approved schedule of Resource Management Act Commissioners must be assigned to consider any matter or to exercise the functions, powers and duties of the Council under the Resource Management Act 1991 in accordance with section 34A of this Act, when one or more of the following applies:
- a. The Council is the applicant.
  - b. The organisation (applicant) is one in which the Council has a significant and/or pecuniary interest.

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

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

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

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

#### Report of Commissioner

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

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

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

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

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

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3.5.2. When a request for a joint hearing has been agreed under section 102(1) of the Resource Management Act 1991, appropriate numbers of up to three members from both the Manawatū-Whanganui Regional Council's Environment Committee and the Council's Hearings Commissioners List (3.6.1) shall be appointed to the Joint Hearing Panel.

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

### 3.6. Quasi-Judicial Bodies

3.6.1. Hearings Commissioners List:

Commissioners (External)	Jane Black Dean Chrystal Lindsay Daysh John Maassen Judith Makinson David McMahon Chris Mitchell Miria Pomare Reginald Proffit Paul Rogers Mark St Clair Robert Schofield Gina Sweetman Eileen von Dadelszen
Commissioners (Elected Members)	Councillor Brent Barrett Councillor Lorna Johnson (chair's endorsement) Councillor Patrick Hancock Councillor Leonie Hapeta Councillor Orphee Mickalad Councillor Karen Naylor Councillor William Wood
Panel Schedule	As and when required

3.6.2. District Licensing Committee

Commissioners	Susan Baty Aleisha Rutherford
List Members	Councillor Rachel Bowen Vicki Beagley Stewart Davies Rod Titcombe
Meeting Schedule	As and when required





**WĀHANGA 4: TE TUKU MANA KI NGĀ KŌMITI  
PART 4: DELEGATIONS TO COMMITTEES**

**4. TERMS OF REFERENCE AND DELEGATIONS FOR THE 2022-25 TERM**

**4.1. Council**

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

1. To exercise any powers that cannot be delegated under law (as set out in Local Government Act 2002 Schedule 7, cl 32) and that have not otherwise been delegated to Committees, including to agree:
  - a. Strategic Direction, community outcomes and priorities through the Long-Term Plan (10 Year Plan)
  - b. Annual Plan (Budget)
  - c. Rates
  - d. Schedule of fees and charges
  - e. District Plan<sup>1</sup>
  - f. Policies and Bylaws
  - g. Borrowing or loan guarantees
  - h. Disposal of assets other than in accordance with the Long Term Plan
  - i. Elected Member remuneration
  - j. Terms of Reference of Committees
  - k. Submissions to Select Committee and any proposal to promote legislation in the name of Palmerston North City Council
  - l. Any financial commitment above the specified sum
  
2. To have oversight of progress and implementation of programmes of work agreed in Goal 5: Driven and Enabling Council (Performance and Governance and Active Citizenship Plans), including but not limited to the following:
  - a. Partnership with Rangitāne o Manawatū
  
3. To monitor:
  - a. Civic and Cultural Precinct Masterplan (under development)
  - b. Asset management plans: Strategic Assets
  - c. Section 17A of the Local Government Act 2002 reporting
  - d. Residents Survey results

<sup>1</sup> The power to approve the District Plan or any change to the District Plan refers especially to clause 17 of the First Schedule of the Resource Management Act 1991 and is the final step in the Plan preparation/change process. It does not prevent Hearings Panels from making decisions on the hearing of submissions or further submissions.

4. To consider and adopt, amend, receive, note or not adopt:
  - a. Annual Report
  - b. Committee recommendations
  - c. Exempted Council Controlled Organisation annual reporting
  - d. Chief Executive performance review
  - e. Travel of the Mayor or Chief Executive outside of New Zealand and Australia
  
5. To monitor, review, agree for consultation, hear submissions and approve the following policies:
  - a. Significance and Engagement; Financial Strategy; Infrastructure Strategy; Asset Management Plans; Treasury Policy
  - b. Long Term Plan (10 Year Plan) and subsequent Annual Plans (Budgets)
  - c. Representation Review
  
6. To monitor, review, consider and approve the following Governance Policies:
  - a. Delegations; Local Governance Statement; Appointment of Directors
  - b. Code of Conduct; Elected and Appointed Member Development and Training Policy; Expenses and Allowances Policy, Standing Orders
  
7. To appoint:
  - a. Chief Executive
  - b. Appointed Members to Standing Committees
  - c. District Licensing Commissioners, Resource Management Act Commissioners; Panel of Independent Complaints Investigators
  - d. Council representatives to external bodies, except where those bodies have granted authority to appoint to the Mayor or Chief Executive
  - e. Trustees and Directors to Council Controlled Organisations
  - f. Civic Honours awardees
  - g. Establish and appoint members of any sub-committee or working group.

#### 4.2. Economic Growth Committee

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

#### Terms of Reference:

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

#### Delegations:

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

- Develop and approve for consultation relevant strategies, plans and policies.
- Agree the Statement of Expectation for the relevant Council Controlled Organisations.

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

### 4.3. Culture & Sport Committee

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

#### Terms of Reference:

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

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- b. Memoranda: Cultural facilities maintenance; Heritage themes in Council programmes; Artist in residence scheme
- c. Presentations from related strategic and city partners and external bodies

### Delegations

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

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

#### 4.4. Community Committee

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

#### Terms of Reference:

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

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

### **Delegations**

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

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

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

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

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

1. To consider matters relating to environmental wellbeing.
2. To have oversight of progress and implementation of programmes of work agreed in Goal 4: Eco-City (Sustainability, Waters, Climate Change, Resource Recovery, the Manawatū River Plan), including but not limited to the following strategic projects:

- a. BPO consent project – wastewater
- b. Low Carbon Fund allocation
- c. Low Carbon Roadmap
3. To monitor, review, agree for consultation, hear submissions and make recommendations to Council on relevant policies, strategies and plans.
4. To monitor:
  - a. PNCC and City Emissions Inventory
  - b. Water Conservation Management Plan; water safety plans and compliance; Waste Management and Minimisation Plan progress
  - c. Reserves and pathways management plan: Turitea Reserve Management Plan
  - d. Asset management plans: Resource Recovery; Stormwater; Wastewater; Water
5. To receive:
  - a. Regional Climate Change Committee presentations
  - b. Annual Sector Lead report from Environment Network Manawatū
  - c. Regular reporting on city sustainability; biodiversity activity

### **Delegations**

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

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

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

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

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

1. To consider matters relating to Council’s planning and finance activity.

2. To monitor:
  - a. Council's financial and non-financial performance against the Long Term Plan or subsequent Annual Plans (Budgets).
  - b. Treasury reporting
3. To have oversight of development and progress of:
  - a. District Plan Changes
  - b. Council bylaws
  - c. Financial commitments above officer financial delegation or unbudgeted items
4. To consider (agree for public notification, consultation and agree) any leases entered into by Council under the Support and Funding Policy or where the lease relates to a reserve under the Reserves Act 1977.
5. To consider rate remission and postponement where Officers delegated this authority seek the Committee's guidance.
6. To set, vary or waive rental fees for subsidised housing; charges for admission to aquatic facilities; charges for the use of reserves, and burial and cremation charges.

### **Delegations**

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

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



#### 4.7. Rangitāne o Manawatū Committee

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

\* Chair and Deputy Chair to alternate annually

#### Terms of Reference:

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

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

### **Delegations**

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

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

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

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

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

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

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

## **Delegations**

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

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

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

#### Sub-Committees

- 4.9.1. A Sub-Committee may exercise only such delegated authority as is granted to it from time to time by the Council or, with prior Council approval, the relevant Committee. Sub-Committees may not exercise any of the powers listed in clause [5.1.3](#).
- 4.9.2. The primary purposes of Sub-Committees are:
  - a. To dispose of matters which have been delegated to them.
  - b. To investigate and report, with recommendations if appropriate, on matters referred from the delegator.
  - c. To act as a forum for communication between elected representatives, officers, and interested parties.



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

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

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

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

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

## **5.2. Deputy Chief Executive**

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

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

### Contracts and Other Financial Matters

## **5.3. Best Method to be Used**

- 5.3.1. Every delegate 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.

## **5.4. Contracts Under 20% of the Specified Sum**

- 5.4.1. For contracts under 20% of the defined specified sum:
  - a. The tendering process in the Council's Contracts Manual shall be followed wherever appropriate; and
  - b. In all other cases at least three competitive prices shall be obtained where they are available; and
  - c. The advice of the Finance Unit shall be obtained as to the availability of contracts for a particular product; and
  - d. For contracts under 1% of the defined specified sum, it is not necessary to follow the procedures specified in subclauses 5.4.1(a)-(c) inclusive provided that the price for goods or services to be purchased is reasonable.

## **5.5. Contract for other than Best Price**

- 5.5.1. Where the contract price which an officer wishes to accept is:
  - a. 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
  - b. In the case of a contract to sell Council goods or services other than for the highest price offered; or the decision will be taken in conjunction with the Chairperson of the Strategy & Finance Committee and will be reported to the Council at the earliest opportunity.

**5.6. Authority to enter into contractual arrangements**

- 5.6.1. If any officer of the Council, with authority to enter into contractual or similar arrangements (except employment contracts) which are binding on the Council, intends to enter into such arrangements which:
- a. has or could (including any rights of renewal) have a term in excess of three (3) years; or
  - b. would have a term exceeding three (3) years pursuant to a proposed variation, the officer must, before authorising and entering into the proposed arrangement or variation, obtain the written approval of the Chief Executive in the case of a Unit Manager, and the Unit Manager to whom the officer reports in the case of all other staff (and in the case of the Chief Executive, the Strategy & Finance Committee).

**5.7. Transactions**

- 5.7.1. 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.

- 5.7.2. In relation to Transactions approved by the Strategy & Finance 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 Strategy & Finance 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 Strategy & Finance Committee where such variation occurs, for information.

**5.8. Variation of Budgets**

- 5.8.1. Subject to clause 5.8.4, 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.

5.8.2. Subject to clause 5.8.4, 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.

5.8.3. Subject to clause 5.8.4, 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.

5.8.4. 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.

5.8.5. The Chief Executive shall report to the Strategy & Finance 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.



## **5.9. Emergencies**

5.9.1. Notwithstanding anything else in these financial delegations, in an Emergency, the Chief Executive or, in their absence or unavailability, the Deputy Chief Executive, and in the absence or unavailability of both those office-holders any Unit Manager, and in the absence of all the preceding officers the Head of Risk and Resilience, 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.

5.9.2. The authority delegated under clause 5.9.1 may not be sub-delegated.

## **5.10. Claims**

5.10.1. 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.

5.10.2. If the maximum expected Claim Expenditure for a Claim<sup>2</sup>:

- 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 Strategy & Finance Committee and the progress of the Claim will be regularly reported to that Committee.

5.10.3. In an Emergency the Chief Executive or any Unit Manager may, in consultation with the Mayor, or the Chairperson of the Strategy & Finance Committee if the matter falls within that Committee's jurisdiction, take action which may subsequently require settlement of a Claim at whatsoever compensation<sup>3</sup>.

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

5.11.1. Subject to clause 5.11.4, the Chief Executive may set, vary, waive, remit or refund any class or category of Fees and Charges except for:

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<sup>2</sup> Clauses 5.7.2, 5.7.3 and 5.8.1 amended by Council 13 November 2019

<sup>3</sup> Amended by Democracy & Governance Manager under delegations 23 August 2022

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

and the Chief Executive shall report to the Strategy & Finance Committee any class or category of Fees and Charge set, varied, waived, remitted or refunded, for information.

5.11.2. Subject to clause 5.11.4, the Chief Executive may vary, waive, remit, or refund any Fee or Charge.

5.11.3. Subject to clause 5.11.4, the Chief Executive may waive, remit, or refund any Infringement Fee.

5.11.4. 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.

#### **5.12. Rates including Remissions and Postponements**

5.12.1. 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; and
- 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).

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

5.13.1. 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.

#### **5.14. Insurance**

5.14.1. 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.

#### **5.15. Central Economic Development Agency (CEDA)**

5.15.1. 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.

**STATUTORY AND POLICY DELEGATIONS FROM COUNCIL TO OFFICERS**

Council has delegated the following statutory functions to specific officers.

**5.16. Local Government Act 2002**

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

**5.17. Local Government (Rating) Act 2002**

<b>Section</b>	<b>Description</b>	<b>Delegated to</b>
132	Exercise the functions, powers and duties of the Council under the Local Government (Rating) Act 2002 <b>except for:</b> those conferred by Subpart 2 of Part 1; or Subpart 1 of Part 5 (i.e. setting rates and setting replacement rates) (clause 5.1.3).	Chief Executive Chief Financial Officer Finance Manager Strategy Manager – Finance Accounting Services – Team Leader Senior Rates Officer Rates Officer Credit Controller
85	Exercise the granting of rates remissions and postponements pursuant to the Rates Remission and Postponement Policies.	Chief Executive Chief Financial Manager Finance Manager Strategy Manager – Finance Accounting Services – Team Leader Senior Rates Officer Rates Officer Credit Controller

**5.18. Rating Valuation Act 1998**

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

**5.19. Resource Management Act 1991**

Section	Description	Delegated to
34A (1)	<p>Exercise the functions, powers and duties of the Council under the Resource Management Act 1991 and regulations made thereunder for matters within their jurisdiction, <b>except for:</b></p> <ul style="list-style-type: none"> <li>• Matter in respect of which one or more Hearing Commissioners has been appointed</li> <li>• The appointment and assignment of Hearings Commissioners (clause 3.4.5);</li> <li>• The authorisation of enforcement officers</li> <li>• Remitting any administrative charge, in whole or part, in an amount in excess of 1% of the Specified Sum</li> </ul>	<p>Chief Executive                      Chief Planning Officer                      City Planning Manager                      Principal Planner – Strategic Planning                      Senior Planner –Strategic Planning                      Planner –Strategic Planning                      Chief Customer Officer                      Group Manager – Development and Regulatory Solutions                      Environmental Protection Services Manager                      Team Leader – Environmental Protection Services                      The Environmental Health Officer                      Environmental Health Technical Officer                      Environmental Technical Officer                      Planning Services Manager                      Principal Planner – Customer                      Senior Planner – Customer                      Monitoring &amp; Enforcement Officer – Planning Officer – Customer</p>
34A (1A)	<p>Appointment and assignment of Hearings Commissioners, from the Council list maintained under section 34A, see clause 3.4.5</p>	<p>Legal Counsel in liaison with Principal Planner-Customer and/or the Principal Planner- Strategic Planning</p>
37	<p>To waive compliance and to extend time limits</p>	<p>Democracy and Governance Manager</p>
38 (1, 2)	<p>Authorise enforcement officer</p>	<p>Chief Executive                      Chief Planning Officer                      Chief Customer Officer</p>
38 (5)	<p>Issue warrant to enforcement officers</p>	<p>Legal Counsel</p>

**5.20. Sale and Supply of Alcohol Act 2012**

Section	Description	Delegated to
192	<p>Assign two of the District Licensing Committee members, appointed by the Council to the list maintained under section 192 of the Sale and Supply of Alcohol Act 2012, to comprise the members, along with the Chairperson and Deputy Chairperson of the Committee, to carry out any function given to the Committee by that Act.</p> <p>Before making any such assignment, input from the Chairperson and/or Deputy Chairperson of the District Licensing Committee shall be sought.</p>	<p>Legal Counsel                      or their nominee (in liaison with the Chief Customer Officer or their nominee)</p>

	Any Assignments made under this section may be amended up until the commencement time of a particular hearing.	
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## **COUNCIL POLICIES**

### **5.21. Elected Members' Code of Conduct**

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

### **5.22. Minor Edits of Council approved documents**

<b>Section</b>	<b>Description</b>	<b>Delegated to</b>
n/a	Authority to make minor edits to any Council approved documents, including bylaws, strategies, policies, plans or any other consultation document.	Chief Executive Unit Manager (relevant to the document)
	Authority to make minor edits to the Council's Delegation Manual, see clause <a href="#">1.18</a> .	Democracy and Governance Manager



**PAPAIOEA**  
PALMERSTON  
NORTH  
CITY

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

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