

Agenda

**Notice is hereby given of
an Environmental Services and Finance
Committee Meeting**

Tuesday 12 March 2019

Commencing at 9.30am to follow Public Forum

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the Environmental Services and Finance Committee will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 12 March 2019, commencing at 9.30am to follow Public Forum.

Committee Membership

Sharyn Cain	Chairperson
Jakki Guilford	Deputy Chairperson
Craig Rowley	Mayor
David Anderson	Councillor
Peter Collins	Councillor
Miriam Morton	Councillor
Tom O'Connor	Councillor
David Owen	Councillor
Sheila Paul	Councillor

Quorum – no less than five members

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decision;
- ii. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

Order Of Business

Opening	5
1 Public Forum.....	5
2 Apologies	5
3 Visitors	5
4 Conflicts of Interest	5
5 Identification of Major (Urgent) or Minor Items Not on the Agenda	5
Minutes	6
6 Confirmation of Minutes.....	6
6.1 Minutes of the Environmental Services and Finance Committee Meeting held on 29 January 2019	6
7 Receipt of Minutes	14
7.1 Minutes of the Waimate Community ANZAC Group Committee Meeting held on 3 May 2018	14
7.2 Minutes of the Waimate District Civic Awards Committee Meeting held on 13 November 2018	18
7.3 Minutes of the Lower Waitaki South Coastal Canterbury Zone Committee Meeting held on 12 December 2018.....	23
Reports	28
8 Community and Strategy Group Report.....	28
8.1 Appointment of additional Civil Defence Emergency Management Local Controller – Michael Downes	28
8.2 Delegations Policy 308 Amendment.....	30
9 Regulatory and Compliance Group Report.....	74
9.1 Draft Property Maintenance and Nuisance Bylaw.....	74
9.2 Draft Dangerous Buildings Policy	80
10 Corporate Services Group Report.....	88
10.1 Finance Report - For the 7 months ended 31 January 2019.....	88
10.2 Corporate Services Group Report	96
Public Excluded	98
11 Exclusion of the Public Report	98
11.1 Public Excluded Minutes of the Environmental Services and Finance Committee Meeting held on 29 January 2019	98
12 Re-admittance of the Public Report	99
Meeting Closure.....	99

OPENING

1 PUBLIC FORUM

2 APOLOGIES

Cr David Anderson

3 VISITORS

Nil

4 CONFLICTS OF INTEREST

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

5 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

1. The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

a. Standing Orders 3.7.5 – Major Items

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i. The reason why the item was not listed on the agenda; and
- ii. The reason why discussion of the item cannot be delayed until a subsequent meeting.

b. Standing Orders 3.7.6 – Minor Items

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i. That item is a minor matter relating to the general business of the local authority; and
- ii. The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- iii. No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

MINUTES

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ENVIRONMENTAL SERVICES AND FINANCE COMMITTEE MEETING HELD ON 29 JANUARY 2019
--

Author: Karalyn Reid, Committee Secretary and PA to the Mayor

Authoriser: Tina Stevenson, Corporate Services Group Manager

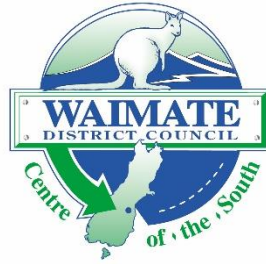
Attachments: 1. Minutes of the Environmental Services and Finance Committee
Meeting held on 29 January 2019

PURPOSE

To present the unconfirmed Minutes from the Environmental Services and Finance Committee Meeting held on 29 January 2019 for confirmation.

RECOMMENDATION

That the Minutes of the Environmental Services and Finance Committee Meeting held on 29 January 2019 be received and the recommendations therein be adopted.
--



MINUTES

Environmental Services and Finance Committee Meeting

29 January 2019

**MINUTES OF WAIMATE DISTRICT COUNCIL
ENVIRONMENTAL SERVICES AND FINANCE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, WAIMATE DISTRICT COUNCIL, 125 QUEEN STREET,
WAIMATE ON TUESDAY 29 JANUARY 2019, COMMENCING AT 1.00PM**

PRESENT: Deputy Chair: Cr Jakki Guilford, Mayor Craig Rowley, Cr Peter Collins,
Cr Miriam Morton, Cr Tom O'Connor, Cr David Owen, Cr Sheila Paul

APOLOGIES: Cr David Anderson, Cr Sharyn Cain

IN ATTENDANCE: Stuart Duncan (Chief Executive), Paul Cooper (Regulatory and Compliance
Group Manager), Tina Stevenson (Corporate Services Group Manager),
Karalyn Reid (Committee Secretary)

Part Attendance: Carolyn Johns (Community Development and Strategy
Manager), Michelle Jones (Executive Support Manager), Melissa Thomson
(Accountant)

OPENING

MOTION

COMMITTEE RESOLUTION 2019/1

Moved: Cr Jakki Guilford

Seconded: Cr Peter Collins

That the Environmental Services and Finance Committee take Item 10.2 Forestry Investments Discussion after Item 5: Identification of Major or Minor in the agenda.

CARRIED

1 PUBLIC FORUM

There was no Public Forum held at this meeting.

2 APOLOGIES

COMMITTEE RESOLUTION 2019/2

Moved: Cr Tom O'Connor

Seconded: Cr Peter Collins

That apologies from Cr David Anderson and Cr Sharyn Cain be received and accepted.

CARRIED

Note:

With the absence of Chair Sharyn Cain, Deputy Chair Cr Jakki Guilford chaired the meeting.

3 VISITORS

1.00pm – Edwin Jansen, of Taumano Limited

4 CONFLICTS OF INTEREST

There were no Conflicts of Interest declared.

5 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

There were no Major or Minor Items identified.

Item 10.2 Forestry Investments Discussion – 1.00pm was taken at this point in the agenda.

10.2 FORESTRY INVESTMENTS DISCUSSION - 1.00PM

Edwin Jansen of Taumano gave the Environmental Services and Finance Committee an update on Council's Forestry investments.

MINUTES

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ENVIRONMENTAL SERVICES AND FINANCE COMMITTEE MEETING HELD ON 6 NOVEMBER 2018

COMMITTEE RESOLUTION 2019/3

Moved: Cr Miriam Morton

Seconded: Cr Peter Collins

That the Minutes of the Environmental Services and Finance Committee Meeting held on 6 November 2018 be received and the recommendations therein be adopted.

CARRIED

7 RECEIPT OF MINUTES

7.1 RECEIPT OF MINUTES - LOWER WAITAKI SOUTH COASTAL ZONE COMMITTEE

COMMITTEE RESOLUTION 2019/4

Moved: Cr Jakki Guilford

Seconded: Mayor Craig Rowley

That the confirmed minutes of the Lower Waitaki South Coastal Canterbury Zone Committee Meeting held on 21 November 2018 be received.

CARRIED

7.2 RECEIPT OF MINUTES - ORARI-TEMUKA-OPIHI-PAREORA ZONE COMMITTEE

COMMITTEE RESOLUTION 2019/5

Moved: Cr Peter Collins

Seconded: Mayor Craig Rowley

That the confirmed minutes of the Orari-Temuka-Opihi-Pareora Water Management Committee Meeting held on 26 November 2018 be received.

CARRIED

REPORTS

Item 10.3: Orari-Temuka-Opihi-Pareora Zone Implementation Programme Addendum was taken at this point in the agenda.

10.3 ORARI-TEMUKA-OPIHI-PAREORA ZONE IMPLEMENTATION PROGRAMME ADDENDUM

The Environmental Services and Finance Committee are asked to receive the 'Addendum' (ZIPA). Craig Davison (Senior Planner and Project Lead) and Lyn Carmichael of Environment Canterbury attended the meeting to present the ZIP addendum and answered questions.

COMMITTEE RESOLUTION 2019/6

Moved: Mayor Craig Rowley

Seconded: Cr Peter Collins

RECOMMENDATION

1. That the Orari-Temuka-Opihi Pareora Zone Implementation Programme Addendum report be accepted; and
2. That the Environmental Services and Finance Committee receive the Orari-Temuka-Opihi Pareora Zone Implementation Programme Addendum.

CARRIED

8 REGULATORY AND COMPLIANCE GROUP REPORT

8.1 REGULATORY AND COMPLIANCE GROUP REPORT

COMMITTEE RESOLUTION 2019/7

Moved: Cr Tom O'Connor

Seconded: Cr Peter Collins

That the Regulatory and Compliance Group Manager's report is accepted.

CARRIED

At 2:23pm, Cr Miriam Morton left the meeting.

9 CORPORATE SERVICES GROUP REPORT

9.1 FINANCE REPORT - FOR THE 5 MONTHS ENDED 30 NOVEMBER 2018

COMMITTEE RESOLUTION 2019/8

Moved: Cr Tom O'Connor

Seconded: Mayor Craig Rowley

That the Finance Report – Corporate Services Group is accepted.

CARRIED

9.2 CORPORATE SERVICES GROUP REPORT

COMMITTEE RESOLUTION 2019/9

Moved: Cr David Owen

Seconded: Cr Sheila Paul

That the Management Report – Corporate Services Group is accepted.

CARRIED

10 GENERAL REPORTS

10.1 AUDIT NEW ZEALAND MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2018

The Environmental Services and Finance Committee were provided with the Audit New Zealand Report on the audit of Waimate District Council for the year ended 30 June 2018.

COMMITTEE RESOLUTION 2019/10

Moved: Mayor Craig Rowley

Seconded: Cr Tom O'Connor

1. That the 'Audit New Zealand Management Report for the year ended 30 June 2018' report is accepted; and
2. That the Environmental Services and Finance Committee refers the Audit New Zealand Management Report to the next Audit & Risk Committee meeting.

CARRIED

Note:

Council congratulated the CEO and staff on this year's Audit report.

Cr Paul voted against the first part of the motion.

10.2 FORESTRY INVESTMENTS DISCUSSION - 1.00PM

This item was taken earlier in the agenda.

**10.3 ORARI-TEMUKA-OPIHI-PAREORA ZONE IMPLEMENTATION PROGRAMME
ADDENDUM**

This item was taken earlier in the meeting.

PUBLIC EXCLUDED

11 EXCLUSION OF THE PUBLIC REPORT

RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION 2019/11

Moved: Mayor Craig Rowley

Seconded: Cr Tom O'Connor

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
11.1 - Public Excluded Minutes of the Environmental Services and Finance Committee Meeting held on 6 November 2018	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
11.2 - Alpine Energy Shareholders Report - December 2018	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

12 RE-ADMITTANCE OF THE PUBLIC REPORT

COMMITTEE RESOLUTION 2019/12

Moved: Cr Sheila Paul

Seconded: Cr Tom O'Connor

That Council moves out of Closed Council into Open Council.

CARRIED

MEETING CLOSURE

There being no further business, the Chair closed the meeting at 2.50pm.

The minutes of this meeting are to be confirmed at the Environmental Services and Finance Committee Meeting to be held on 12 March 2019.

.....
CHAIRPERSON

7 RECEIPT OF MINUTES

7.1 MINUTES OF THE WAIMATE COMMUNITY ANZAC GROUP COMMITTEE MEETING HELD ON 3 MAY 2018
--

Author: Karalyn Reid, Committee Secretary and PA to the Mayor

Authoriser: Tina Stevenson, Corporate Services Group Manager

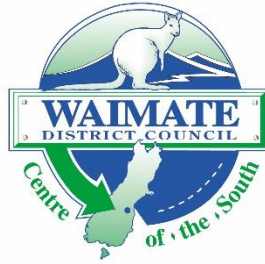
Attachments: 1. Minutes of the Waimate Community ANZAC Group Committee Meeting held on 3 May 2018

PURPOSE

For the confirmed minutes of the Waimate Community ANZAC Group Committee Meeting held on 3 May 2018 be presented for the information of the Environmental Services and Finance Committee.

<h3>RECOMMENDATION</h3>

That the confirmed minutes of the Waimate Community ANZAC Group Committee Meeting held on 3 May 2018 be received.



MINUTES

Waimate Community ANZAC Group Committee Meeting

3 May 2018

**MINUTES OF WAIMATE DISTRICT COUNCIL
WAIMATE COMMUNITY ANZAC GROUP COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, WAIMATE DISTRICT COUNCIL, 125 QUEEN STREET,
WAIMATE ON THURSDAY 3 MAY 2018, COMMENCING AT 10.00AM**

PRESENT: Mayor Craig Rowley (Chair), Edward Fletcher (Rotary), Toni Jespersen (Red Cross), Pastor Paul Kuriger (Minister's Association), Cr David Owen (Council), Bern Sommerfield (RSA), Lynne Boswell (RSA)

APOLOGIES: Nil

IN ATTENDANCE: Karalyn Reid (Committee Secretary)

The Chair welcomed everybody to the meeting.

Apologies

There were no apologies.

Confirmation of Minutes

Moved Bern Sommerfield
Seconded Edward Fletcher
"That the minutes of the Waimate Community Anzac Group meeting held on 29 March 2018 are adopted."

CARRIED

Correspondence

- Letter to Whitestone Roding – 19 April 2018

Moved Mayor Rowley
Seconded Bern Somerfield
"That the correspondence is accepted, and that a thank you letter be sent to Whitestone Roding for their kind donation of services."

CARRIED

2018 Anzac Civic Service Debrief

There were very positive comments received overall, with minor notes below:

- The guest speaker needs to be escorted to the reserved seating area
- An overall MC/Coordinator is required for overseeing the setting up/flag holders practice separate from the Mayor as he is delayed attending the St Andrews service
- The second flag holder (for the flags of other groups/organisations) kindly made and donated by Cr David Owen should be set up to the side of the seating – the MC can invite other flagbearers to come up and present their flags and then collect them at the end of the service. This can be published and in the invitations and programme.
- In future three aisles should enable people to fill up seating
- Could matting be put down underneath the seating area
- Peter Vendetti will be invited to come to the pre-Anzac Day meeting for briefing
- The MC could instruct simple protocols, i.e., when to applause, etc
- There was a nice community feel with the choir, Kapa Haka group, children's poetry
- Some elderly people that only attend the Clock Tower service could not walk to clock tower with road closures. In future the Council carpark will be reserved for RSA/disabled parking (RSA to monitor this) – can spread the word in the advertising.

- There were an estimated 200 people at the Waimate Town & Country Club for morning tea. The RSA catered for 150. RSA covered the extra 50 people catering.
- The MC to explain the 'eyes right' at the Boer War Memorial for the military.

RSA Item: Damage from Gun

This year the gun was placed on Glasgow Street instead of Seddon Square/Council car park and there was a number of shattered windows in nearby buildings:

- Active Health (\$1,300+) filling out insurance claim - \$500 excess
- Two windows broken at Medical Centre - \$584
- Connect Waimate broken window - \$350. Paul Kuriger commented that Connect Waimate would be happy to pay part of the cost of replacing the windows and excused himself from the meeting at 10.45am.
- It was agreed the gun needs to be located in Seddon Square in future.
- The Mayor will talk to the Chief Executive about the possibility of finding funding to pay for the damages (\$1,084).

Moved Edward Fletcher
Seconded Lynne Boswell

"That the Mayor approach the CE for funding to pay for the broken window claims; and Cr David Owen will talk to Dempsey Trust about the Medical Centre's cost of windows."

CARRIED

Payment of Accounts 2018

- Traffic Management Plan (advertising only) \$63
- Waimate Event Centre \$327.75
- Morning tea – Waimate Town & Country \$300
- Advertising – Waimate Trader) \$65
- Donation – Murray Dempster \$200
- Donation – Pipe Band \$200
- Donation – ATC \$100
- Donation – Kapa Haka Group \$50
- Donation – Guest Speaker \$100 (reimbursed Mayor Rowley) \$1,405.75

"That the Mayor will talk to the Chief Executive regarding wavering the cost of the Waimate Event Centre hire; and that the 2018 donations and accounts are paid."

Moved Edward Fletcher
Seconded Lynne Boswell

CARRIED

General

- The guest speaker needs to be confirmed for the 2019 Anzac Civic service.

There being no further business, the Chair closed the meeting at 11.00am.

The minutes of this meeting are to be confirmed at the Waimate Community ANZAC Group Committee Meeting scheduled on 26 February 2019.

.....
CHAIRPERSON

7.2	MINUTES OF THE WAIMATE DISTRICT CIVIC AWARDS COMMITTEE MEETING HELD ON 13 NOVEMBER 2018
------------	--

Author: Karalyn Reid, Committee Secretary and PA to the Mayor

Authoriser: Tina Stevenson, Corporate Services Group Manager

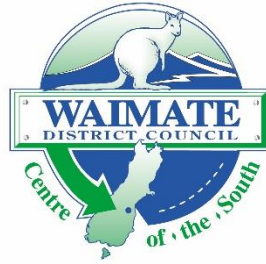
Attachments: 1. Minutes of the Waimate District Civic Awards Committee Meeting held on 13 November 2018

PURPOSE

For the confirmed minutes of the Waimate District Civic Awards Committee Meeting held on 13 November 2018 to be presented for the information of the Environmental Services and Finance Committee.

RECOMMENDATION

That the confirmed minutes of the Waimate District Civic Awards Committee Meeting held on 13 November 2018 be received.



MINUTES

Waimate District Civic Awards Committee Meeting

13 November 2018

**MINUTES OF WAIMATE DISTRICT COUNCIL
WAIMATE DISTRICT CIVIC AWARDS COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, WAIMATE DISTRICT COUNCIL, WAIMATE
ON TUESDAY 13 NOVEMBER 2018, COMMENCING AT 10.00AM**

PRESENT: Mrs Raewyn Francis (Chair)
Mrs Christine Wallace, Mayor Craig Rowley
APOLOGIES: Mr Graeme Lane and Cr David Owen
IN ATTENDANCE: Karalyn Reid (Committee Secretary)

OPENING

1 APOLOGIES

COMMITTEE RESOLUTION 2018/1

Moved: Mrs Raewyn Francis
Seconded: Mayor Craig Rowley

That apologies from Mr Graeme Lane and Cr David Owen be received and accepted.

CARRIED

2 VISITORS

There were no visitors scheduled at this meeting.

3 CONFLICTS OF INTEREST

There were no conflicts of interest identified at this meeting.

MINUTES

4 CONFIRMATION OF MINUTES

**4.1 MINUTES OF THE WAIMATE DISTRICT CIVIC AWARDS COMMITTEE MEETING
HELD ON 1 FEBRUARY 2018**

COMMITTEE RESOLUTION 2018/2

Moved: Mayor Craig Rowley
Seconded: Mrs Raewyn Francis

That the Minutes of the Waimate District Civic Awards Committee Meeting held on 1 February 2018 be received and the recommendations therein be adopted.

CARRIED

REPORTS

5 GENERAL BUSINESS

5.1 ELECTION OF CHAIR

COMMITTEE RESOLUTION 2018/3

Moved: Mayor Craig Rowley

Seconded: Mrs Christine Wallace

That Mrs Raewyn Frances be elected Chair of the Waimate District Civic Awards Committee.

CARRIED

There were no further nominations, so the motion was PUT and CARRIED.

5.2 WAIMATE DISTRICT CIVIC AWARDS - CRITERIA

COMMITTEE RESOLUTION 2018/4

Moved: Mrs Raewyn Francis

Seconded: Mayor Craig Rowley

That the Waimate District Civic Awards Criteria be adopted for the 2019 Civic Awards, with the below amendments.

CARRIED

Note:

That the words be added: "A refresh of the service club and community representatives be held every three years; with from the next refresh two service club and two community representatives on the Committee."

5.3 PLANNING OF 2019 WAIMATE DISTRICT CIVIC AWARDS

COMMITTEE RESOLUTION 2018/5

Moved: Mayor Craig Rowley

Seconded: Mrs Raewyn Francis

That the Waimate District Civic Awards Committee approves the date, venue and other arrangements for the 2019 Civic Awards.

CARRIED

Note:

- A donation be paid to the Waimate Community Choir of \$100.
- Stuart Duncan be asked to take the photographs
- A letter be sent to the Floral Art Group to request their assistance with the table flowers
- The nibbles platters for the tables to include cracker biscuits, Whitehorse cheese and fruit
- Raewyn to arrange the Rotary sound system
- The media release/publicity to remind last year's unsuccessful nominators to resubmit
- The lectern to be located inside the door (Meeting Room side) of the Function Room, with the tables pushed back towards the kitchen/bar to allow more room for the Choir

MEETING CLOSURE

There being no further business, the Chair closed the meeting at 10.40am.

The minutes of this meeting are to be confirmed at the Waimate District Civic Awards Committee Meeting scheduled on Tuesday 12 February 2019.

.....
CHAIRPERSON

7.3	MINUTES OF THE LOWER WAITAKI SOUTH COASTAL CANTERBURY ZONE COMMITTEE MEETING HELD ON 12 DECEMBER 2018
------------	--

Author: Karalyn Reid, Committee Secretary and PA to the Mayor

Authoriser: Tina Stevenson, Corporate Services Group Manager

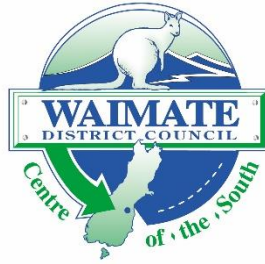
Attachments: 1. Minutes of the Lower Waitaki South Coastal Canterbury Zone
Committee Meeting held on 12 December 2018

PURPOSE

For the confirmed minutes of the Lower Waitaki South Coastal Canterbury Zone Committee Meeting held on 12 December 2018 to be presented for the information of the Environmental Services and Finance Committee.

RECOMMENDATION

That the confirmed minutes of the Lower Waitaki South Coastal Canterbury Zone Committee Meeting held on 12 December 2018 be received.



MINUTES

Lower Waitaki South Coastal Canterbury Zone Committee Meeting

12 December 2018

**MINUTES OF WAIMATE DISTRICT COUNCIL
LOWER WAITAKI SOUTH COASTAL CANTERBURY ZONE COMMITTEE MEETING
HELD AT THE WAIHAO FORKS HOTEL, WAIMATE
ON WEDNESDAY 12 DECEMBER 2018, COMMENCING AT 1.15PM**

PRESENT: Chair Kate White, Suzanne Eddington, Cr Jakki Guilford, Sandra Hampstead-Tipene, Andrew Hayes, Daniel Isbister, Deputy Chairperson Mark Kingsbury, Bruce Murphy, Brent Packman, Cr Peter Scott

APOLOGIES: Cr Jeremy Holding, Barney Hoskins, Ranui Ryan

IN ATTENDANCE: Dave Moore, Zone Facilitator; Karalyn Reid, Committee Secretary

OPENING

Chair Kate White welcomed the Committee to the meeting and asked Suzanne to open the meeting with a karakia.

1 APOLOGIES

COMMITTEE RESOLUTION 2018/32

Moved: Member Brent Packman

Seconded: Member Andrew Hayes

That apologies from Cr Jeremy Holding be received and accepted.

CARRIED

2 VISITORS

Geoff Burke, Anna Morrow, Jared Ross, Elizabeth Soal

3 DECLARATIONS OF INTEREST

Daniel Isbister declared he is a Councillor on the NZ Fish and Game Council at the 21 November 2018 meeting. ACTION POINT – The Secretary to add this to the Declarations Register.

3.1 CORRESPONDENCE

A letter was received on 29 November 2018 from Environment Canterbury Chair Steve Lowndes in response to the Chair's letter of 12 November 2018. Kate read the letter out loud.

3.2 TE REO WORDS FOR THE MONTH

Te Reo words for this month:

- Kia tina! TINA! *So that it has certainty*
- Haumī e, Hui ē! *And is maintained*
- TĀIKI E! *So that it is secure*

MINUTES

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE LOWER WAITAKI SOUTH COASTAL CANTERBURY ZONE COMMITTEE MEETING HELD ON 21 NOVEMBER 2018

COMMITTEE RESOLUTION 2018/33

Moved: Member Suzanne Eddington

Seconded: Member Andrew Hayes

That the Minutes of the Lower Waitaki South Coastal Canterbury Zone Committee Meeting held on 21 November 2018 be received and the recommendations therein be adopted, with the below amendments.

CARRIED

Amendments:

Declaration of Interest: Barney is now a Councillor on the NZ Fish and Game Council

General Business: John Benn DOC comment's on Fit for Future – Merging Contaminants: European Community had recently voted to put a very strict limit on the amount of cadmium in phosphate fertilisers (60ppm or 60mg/L). This could have economic and environmental implications in the future, as many countries followed, or were influenced by European environmental standards. Much of New Zealand's imported phosphate fertiliser comes from North West Africa, which has some of the highest cadmium levels of all phosphate fertilisers.

Matters Arising:

- Waihao Box: Bruce Murphy noted the stumps have been removed.
- Single Extractions: The Chair highlighted concerns about the build-up of single at the Kurow, Otiake and Otekaieke riverbeds. This is affecting the river flow, and cycle trail – and potentially local businesses connected to the cycle trail. Cr Scott is to raise the consenting process of shingle extraction with the Chief Executive and River Engineering Manager. A meeting with extractors may also be helpful. There is a meeting this Friday at 1pm at the Waitaki Bridge Hall Rating Group and would be an ideal place to raise concerns. ACTION POINT – The Facilitator was asked to arrange a presentation on Shingle Extraction.
- Refresh Project: The new Committee Members of the Zone Committees will be ratified at the meeting of ECan tomorrow (13 December 2018). The Facilitator reported that new members can be co-opted on to the Committee for specific purposes, i.e., because they live in an area of focus and don't have to go through the refresh process but may need to be ratified in some way with Councils. This will be look at more fully in the New Year. ACTION POINT – The Facilitator was asked to invite Mark Kingsbury and Emily Anderson to the first meeting in 2019.

REPORTS

2 GENERAL BUSINESS

5.1 FACILITATOR'S UPDATE - DECEMBER 2018

The Zone Committee received the Facilitator's update for December 2018.

Note:

Immediate Steps Project: The Committee discussed the implications around project funding, about timelines for funding, and if there is a 'use it or lose it'. ACTION POINT – The Facilitator will request that Kennedy Lange presents to the Committee on how the funding works, and updates projects.

Gravel Extraction (also see Matters Arising for the Minutes): ACTION POINT The Facilitator was asked to arrange a presentation to the Committee on Shingle Extraction.

5.2 WAITAKI IRRIGATORS UPDATE

Elizabeth Soal updated the Committee on Waitaki Irrigators Collective and her own PHD research.

5.3 AGR-O-ECOLOGICAL OVERVIEW

Geoff Burke presented on Project Development: Impact Investment in the Waihao Wainono Catchment.

5.4 SOUTH COASTAL CANTERBURY (PLAN CHANGE 3) – FARMING LAND-USE CONSENT PROGRESS

ECan's Land Management Advisor Anna Morrow updated the Committee on progress.

ACTION POINT: The Facilitator was asked to publish the Waihao Wainono and Northern Streams Areas chart used in this presentation in the next ECan newsletter

GENERAL BUSINESS

PLAN CHANGE 5

Cr Peter Scott updated the Committee on the changes, which are operatable from 1 February 2019. ACTION POINT: The Facilitator was asked to provide a briefing to the Lower Waitaki in the New Year.

FAREWELL

The Chair thanked Zone Facilitator Dave Moore and Secretary Karalyn Reid for their assistance.

The Chair Kate White thanked retiring Committee Members Andrew Hayes and Deputy Chair Mark Kingsbury for their valued input with the Zone Committee.

MEETING CLOSURE

There being no further business, the Chair closed the meeting at 3.10pm.

The minutes of this meeting are to be confirmed at the Lower Waitaki South Coastal Canterbury Zone Committee Meeting scheduled on Wednesday 13 February 2019.

.....
CHAIRPERSON

REPORTS

8 COMMUNITY AND STRATEGY GROUP REPORT

8.1 APPOINTMENT OF ADDITIONAL CIVIL DEFENCE EMERGENCY MANAGEMENT LOCAL CONTROLLER – MICHAEL DOWNES

Author: Paul Cooper, Regulatory and Compliance Group Manager
Authoriser: Paul Cooper, Regulatory and Compliance Group Manager
Attachments: Nil

PURPOSE

1. The purpose of this report is to provide the relevant information to enable Council to consider appointing Michael Downes as an additional Local Controller.

BACKGROUND

2. The Civil Defence Emergency Management Act (2002) s64 (1) states a local authority must plan and provide for Civil Defence Emergency Management within its district. A crucial part of this planning is the legislated role of local controller; the local controller provides overall leadership and decision making during emergencies and has widespread powers during a declared state of emergency.
3. Waimate District Council currently has local controllers, Paul Cooper, Carolyn Johns and Stuart Duncan. Stuart Duncan is a controller predominantly as a back up to the other controllers and in reality in a large scale emergency will have other duties to fulfil, both in his capacity as chief executive of Council, and in terms of the Act itself as the recovery manager.
4. During an event of any significant scale where the requirement for a controller is for several days, two controllers is not adequate to cover ongoing shifts. Three is the realistic minimum number of controllers for the Waimate District.
5. Michael Downes has been identified as a suitable candidate to become a Local Controller due to his background and willingness to give back to the District in this capacity.

PROPOSAL

6. For Council to pass a resolution that recommends the appointment of Michael Downes as an additional Waimate District Civil Defence Emergency Management Local Controller and that recommendation be passed to Group Controller Neville Reilly of the Canterbury Civil Defence Emergency Management office.
7. Neville Reilly has approved in principal the appointment of Mike Downes as an additional local Controller. Once Council's recommendation has been received by Group Controller, Michael Downes' appointment will be placed on the agenda for 6 May 2019 and confirmed by Canterbury Chief Executive's Group (CEG) and Canterbury's Joint Committee.

OBSTACLES

8. There are no known obstacles.

ASSESSMENT OF SIGNIFICANCE

9. This matter is not deemed significant under the Council's Significance and Engagement Policy.

BUDGET CONSIDERATIONS

10. Paul Cooper, Regulatory and Compliance Group Manager is the budget-holding manager. The appointment of an extra controller can be accommodated within existing budgetary constraints.

COST-EFFECTIVENESS

Consideration has been given to cost-effectiveness.

RECOMMENDATION

1. That the appointment of additional Civil Defence Emergency Management Local Controller – Michael Downes report is accepted; and
2. That the Environmental Services and Finance Committee recommends that Council appoints Michael Downes as an additional Civil Defence Emergency Management Local Controller to Canterbury Group Controller Neville Reilly.

8.2 DELEGATIONS POLICY 308 AMENDMENT

Author: Leonardo Milani, Policy Analyst

Authoriser: Paul Cooper, Regulatory and Compliance Group Manager

Attachments: 1. Delegations Policy 308  

PURPOSE

1. For Council to approve outlined amendments to Section 1E of the Delegations Policy 308, subsection pertinent to Food Act 2014.

BACKGROUND

2. The Food Act 2014 (the Act) is a comprehensive and complex piece of legislation that has been introduced and implemented over a period of 3 years. The Act replaces the Food Act 1981 and the Food Hygiene Regulations 1974. The Food Act 1981 has been revoked and the Food Hygiene Regulations 1974 will be revoked following the end of transition to the new legislation in March 2019. The Act seeks to manage food safety based on a risk-based system that places the responsibility exclusively with the business owner. Oversight is provided by way of a system of verification where regulators periodically carry out an audit of food businesses to ensure that such businesses are complying with relevant Food Control Plans. Food businesses have incrementally transitioned to the framework of the Act within the timeframe of the past 3 years.
3. In the course of the aforementioned transitional period, the complexity of the Act has compelled various councils to continually examine their operational policies/procedures to ensure compliance with the Act, and to coordinate closely with the Ministry for Primary Industries. Specific to Waimate District Council, upon the appointment of the current Regulatory and Compliance Group Manager in December 2018, such an examination was conducted. As the result of the examination, it is identified that the Delegations Policy 308's provisions related to the Food Act 2014 require revision to ensure full compliance with the upcoming full implementation of the Act on 31 March 2019.

PROPOSAL

4. That Section 1E of the Delegations Policy 308 be amended to include supplementary provisions to ensure full compliance with the framework of the Food Act 2014.

OPTIONS

5. Council may:
 - a. Adopt the Delegations Policy 308 Amendment, or,
 - b. Adopt the Delegations Policy 308 Amendment with amendments, or,
 - c. Not adopt the Delegations Policy 308 Amendment at this time.

ASSESSMENT OF SIGNIFICANCE

6. The proposed amendments to the policy are not deemed significant under Council's Significance and Engagement Policy.

Legislation

7. Food Hygiene Regulations 1974
8. Food Act 1981
9. Food Act 2014

FINANCIAL

10. There are no financial implications to the proposed amendments.

COST-EFFECTIVENESS

11. Cost-effectiveness is not applicable.

RECOMMENDATION

1. That the Delegations Policy 308 Amendment report be accepted; and
2. That the Environmental Services and Finance Committee adopt the revised Delegations Policy 308, as attached.

Delegations Policy 308



Contents

1	Purpose	Page 2
2	Scope	Page 2
3	Responsibility	Page 2
4	Background	Page 2
5	Legislation	Page 4
6	Previous Methods of Delegation	Page 5
7	Framework for Delegations – Three Types of Delegations	Page 5
Schedules to Delegations Policy		
1	Type 1 Delegations	Page 6
1A	Delegations to Council Committees	Page 6
1B	Delegations to Chief Executive from Elected Members	Page 9
1C	Delegations from Council by way of Memorandum of Understanding with Community Groups	Page 10
1D	Delegations in Respect of Roading	Page 11
1E	Warrants	Page 13
2	Type 2 Delegations	Page 17
2A	Council Staff, Financial Authority to Expend or Commit Council to Expenditure	Page 17
3	Type 3 Delegations	Page 23
3A	Civil Defence	Page 23
3A(i)	Requisitioning Powers under the Civil Defence Emergency Management Act 2002	Page 24
3A(ii)	Delegation of Powers under the Civil Defence Emergency Management Act 2002	Page 24
3B	Planning and Regulatory	Page 24
8	Publication Details	Page 41

1. Purpose

To provide a clear framework and hierarchy to identify, confirm and record all existing and required delegations of authority relating to Waimate District Council.

2. Scope

Council's Delegation Policy will define in relation to delegations:

- The role of elected members, including judicial special purpose committees and sub-committees
- The role of Chief Executive
- The role of senior Council management
- The role of other Council staff
- The role of community members or groups agreeing to accept a delegated role from Council
- Financial delegations
- Liability and indemnity in relation to the exercise of delegated authority
- Powers and voting rights of persons assigned or agreeing to a delegated authority

The scope of the Council's Delegations Policy does not extend to partnerships with private sector organisations (as defined by Council Policy # 405) nor to any roles that Council may assume in relation to advancing community outcomes together with its influencing agencies and organisations, (unless set out by agreement between all parties in a Memorandum of Understanding or MOU).

3. Responsibility

Responsibility to observe this policy lies with all elected members and staff and to all members of the community agreeing to accept a delegated authority from Council, and to any community organisation receiving delegations as part of a Memorandum of Understanding (MOU) with Council.

4. Background

The enactment of the Local Government Act 2002 has had implications for the way in which all territorial local authorities in New Zealand operate their methods of delegating authority. The key sections of the Local Government Act 2002 in relation to delegations are:

Section 41 – Governing bodies

- (2) A territorial authority must have a governing body consisting of members and a Mayor elected in accordance with the Local Electoral Act 2001.
- (3) A governing body of a local authority is responsible and democratically accountable for the decision-making of the local authority.

Section 41A – Role and powers of mayors

- (1) The role of a mayor is to provide leadership to –
 - (a) the other members of the territorial authority; and
 - (b) the people in the district of the territorial authority.
- (2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.
- (3) For the purposes of subsections (1) and (2), a mayor has the following powers:
 - (a) to appoint the deputy mayor;
 - (b) to establish committees of the territorial authority;
 - (c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor –
 - (i) may make the appointment before the other members of the committee are determined; and
 - (ii) may appoint himself or herself.

- (4) However, nothing in subsection (3) limits or prevents a territorial authority from –
 - (a) removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or
 - (b) discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or
 - (c) appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or
 - (d) discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).
- (5) A mayor is a member of each committee of a territorial authority.
- (6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).
- (7) To avoid doubt, –
 - (a) clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a);
 - (b) clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

Section 42 – Chief Executive

- (1) A local authority must, in accordance with clauses 33 and 34 of schedule 7, appoint a Chief Executive.
- (2) A Chief Executive appointed under subsection (1) is responsible to his or her local authority for –
 - (a) Implementing the decisions of the local authority; and
 - (b) providing advice to members of the local authority and to its community boards, if any; and
 - (c) Ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
 - (d) ensuring the effective and efficient management of the activities of the local authority; and
 - (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
 - (f) providing leadership for the staff of the local authority; and
 - (g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and
 - (h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).
- (3) A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority –
 - (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and
 - (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.
- (4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

Schedule 7 Clause 32 Delegations

1. Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties or powers except –
 - (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - (d) the power to adopt a long-term plan, annual plan, or annual report; or
 - (e) the power to appoint a Chief Executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - (g) (repealed)
 - (h) the power to adopt a remuneration and employment policy.
2. Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).
3. A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation.
4. A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.
5. A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.
6. A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.
7. To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
8. The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Note: All amounts stated in this policy are GST exclusive.

5. Legislation

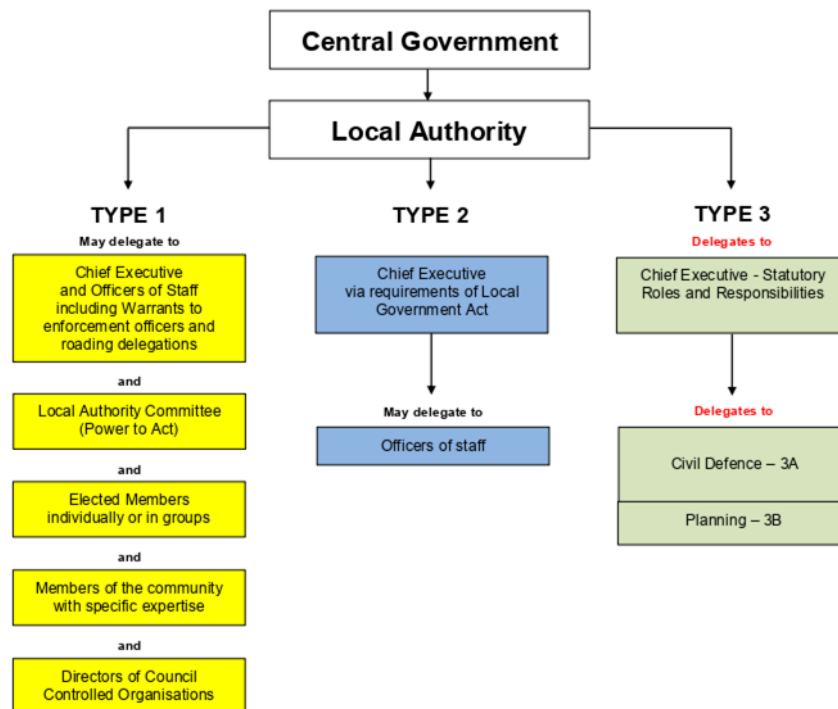
In fulfilling its purpose, the Waimate District Council exercises powers and fulfils responsibilities conferred on it by a large number of statutes, chief among these are:

- Local Government Acts of 1974 and 2002 (LGA)
- Local Electoral Act 2001
- Local Government (Rating) Act 2002
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Resource Management Act 1991 (RMA)
- A list of other Acts of Parliament that confer powers on the Waimate District Council and regulate its functions can be found in the Council's LTP.
- Privacy Act 1993
- Employment Relations Act 2000
- Building Act 2004
- Food Act 2014

6. Previous Methods of Delegation

- All delegations arising from the Local Government Act 1974, became ineffective upon the introduction (date) of the Local Government Act 2002, being 1 July 2003
- The Public Bodies Contracts Act 1959, ceased to apply to local government from the date of the introduction of the Local Government Act 2002, being 1 July 2003

7. Framework for Delegations - Three Types of Delegations



Note: This framework relates to delegations not appointments

Schedules to Delegations Policy

1 Type 1 Delegations

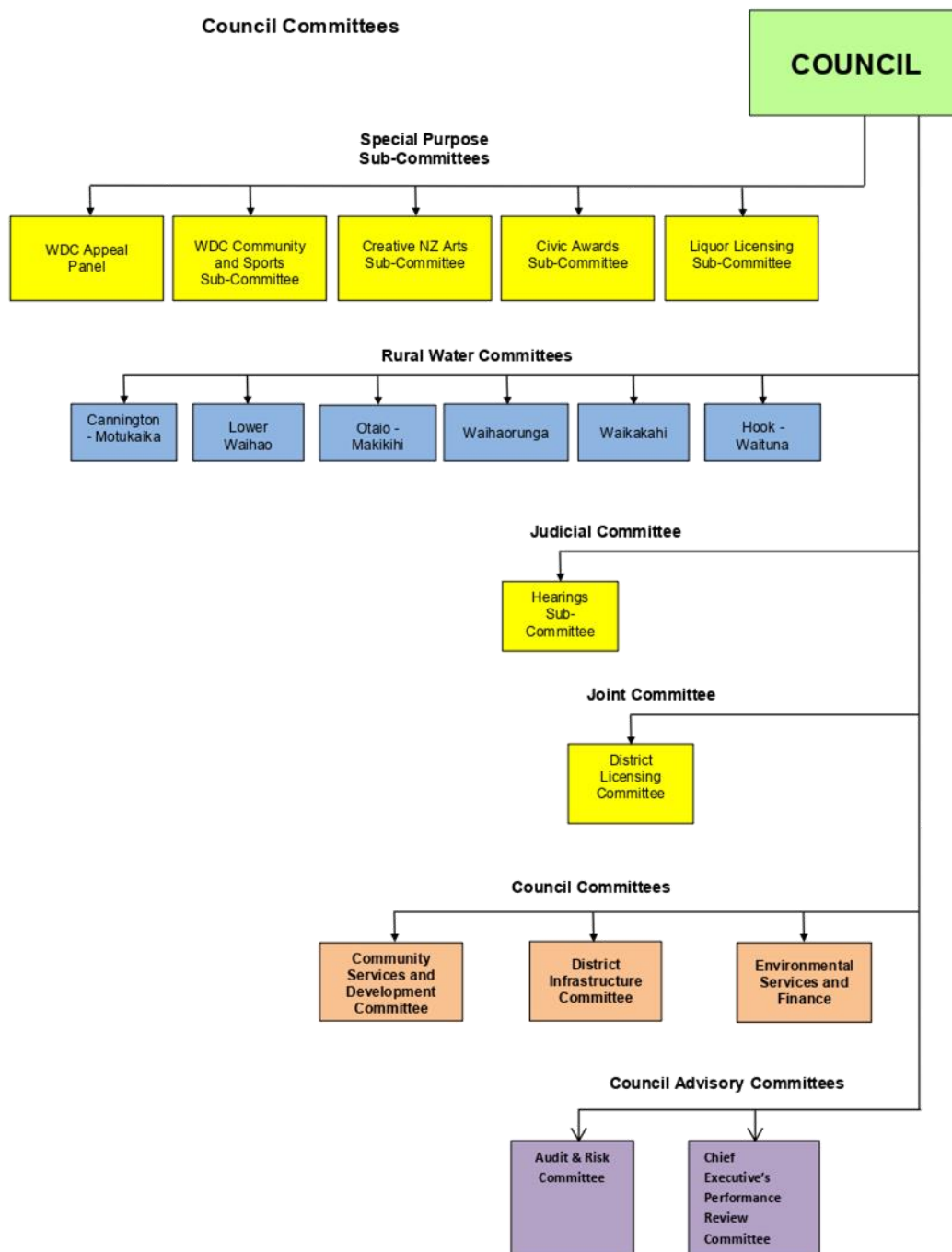
From	To	List of Such Delegations Affixed at Schedule:
Council	Council Committees with full power to act	1A
Council	Chief Executive (where it is useful to record these specifically in addition to the general responsibilities of a Chief Executive in terms of LGA 2002 S.42)	1B
Council	Community organisation by way of MOU	1C
Council	Elected members and staff	1D

1A Delegations to Council Committees

Preamble

Following the 2016 election, at the inaugural meeting of Council on 18 October 2016, Council resolved, in accordance with the Local Government Act 2002, to adopt Standing Orders. The Standing Orders contain rules for the conduct of the proceedings of the local authority, committees and subcommittees. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner. The Standing Orders also set out Council's ability to make delegations to committees and subcommittees, and to reassert the conditions, limitations and prohibitions on delegations as determined by the LGA (cl. 32 (1) Schedule 7, LGA 2002)

Delegation to Committees



The Mayor has established the following Standing Committees, in accordance with Clause 41A, of the Local Government Act 2002, to deal with governance and policy issues associated with the functions listed for each Committee:

Community Services and Development Committee

- Library
- Promotions
- Strategy
- Community Support
- Civil Defence Emergency Management
- Economic Development
- Bylaw making process up to but not including adoption
- All Policies relating to Community Services and Development

District Infrastructure Committee

- Three Waters
- Waste Management
- Roading and Footpaths
- Rural Fire
- Parks and Reserves includes Parks and Public Spaces, Swimming, Camping, Cemeteries
- Bylaw making process up to but not including adoption
- All Policies relating to District Infrastructure

Environmental Services and Finance

- Regulatory and Environmental Services
- Building Control
- Resource Management
- Dog and Animal Control
- Property
- Investments and Finance
- Forestry
- Audit and Risk
- Governance – Community Representation
- Information Technology
- Bylaw making process up to but not including adoption
- All Policies relating to Environmental Services and Finance

Council Committee composition

Each of the above Committees comprises all Councillors together with the Mayor.

Council Committee delegations

Council Committees have delegated authority to:

- approve external submissions; and
- appoint Councillors and Council representatives on to external Committees; and
- adopt policies and approve amendments to relevant policy documents relating to the functions of that Committee as listed in this policy (not including the adoption of policies to be adopted and consulted on under the Local Government Act 2002 in association with the long term plan or developed for the purpose of the Local Government Statement); and
- approve grant applications and amend grant criteria; and
- approve road stoppings; and
- approve unbudgeted expenditure of up to \$10,000; and
- approve revisions and remedy omissions to existing fees and charges; and
- adopt the Special Consultative Procedure provided for in Sections 82 to 88 of the Local Government Act 2002 in respect of matters under the Committee's jurisdiction, including the Bylaw making process, up to but not including adoption of that Bylaw.

1AA Delegations to Audit and Risk Committee

The Committee has delegated authority to:

- engage and confirm with the external auditor the terms of the auditor's appointment and engagement, including the nature and scope of the audit and timetable;
- approve the appointment of any internal auditor, internal audit programmes, audit engagement letters and letters of undertaking for audit functions;
- approve additional services provided by the external auditor;
- approve, coordinate and monitor special investigations;
- seek independent advice within budget; and
- seek any information it requires from the Chief Executive who will co-operate with any reasonable request made by the Committee.

The Committee has no financial delegation from Council

The Committee may not delegate any of its responsibilities, duties or powers.

1B Delegations to Chief Executive from Elected Members

Functions

The Chief Executive is the head of the Council's staff appointed under section 42 of the Local Government Act 2002.

Delegations to Chief Executive

In order to fulfil these responsibilities the Chief Executive is delegated all the powers, functions and duties necessary for the management of the Council's activities and the implementation of Council policy except:

- a) those reserved to the Council under clause 32, schedule 7 of the Local Government Act 2002;
- b) any other powers, functions and duties specifically identified as being reserved to the Council or a committee under this Policy;

Specific Delegations

For the avoidance of doubt, the Chief Executive's delegations include the powers detailed in the following bullet points:

- to commit Council expenditure up to a limit of **\$500,000** (within approved budget)
- to initiate, negotiate, resolve or withdraw from legal proceedings in any Court. This includes prosecutions, debt recovery and Resource Management Act appeals and all other legal proceedings. To commence any prosecution the Chief Executive will do so in accordance with the "Guidelines for the laying of informations" adopted by Council from time to time
- to make submissions to outside organisations on behalf of Council, following consultation with elected members
- to undertake all directives approved by Council resolution
- to sell or purchase property or land up to the value of \$40,000 without Council resolution but with approval of His Worship the Mayor (refer to Property or Land Sale Purchase and Lease Policy 410)
- to approve contingency expenditure up to a limit of \$50,000 in the case of emergency or an unexpected event etc.
- to accept, negotiate or decline contracts, tenders, purchasing agreements or any other arrangements for:
 - the employment of staff, consultants and advisers
 - the supply of goods and services, plant items or other assets to the Council
 - the provision of services by Council, and the sale, leasing, or disposal of goods, plant capital items (excluding real estate property) or other assets owned by the council and the settlement of claims for compensation
 - easements, rights of way, caveats, registrable interests and similar minor dealings with property
 - to issue trespass notices on Council owned or occupied land and to sub-delegate the issuance of trespass notices to appropriate persons.
 - full negotiation authority and to sign any sale and purchase agreements in relation to sections within the Eric Batchelor Place subdivision.

1C Delegations from Council by way of Memorandum of Understanding with Community Groups

In Place	Date
Friends of Kelceys Bush for the Management and up-keep of the Whitehorse Walkways	November 2005
Waimate District Resource Trust	September 2011
Friends of Knottingley Park	September 2011
Waimate Historical Society (Deed of Agreement)	December 1997

Public Hall Committees

St Andrews Hall Committee	Ikawai Memorial Community Centre Committee
Arno Soldiers Memorial Hall Committee	Waihaorunga Hall Committee
Glenavy Community Hall Trust Committee	Hunter Public Hall Committee
Southburn Amenities Society Inc. Committee	Studholme Hall Committee
Hook Soldiers Memorial Hall Committee	Kurow Memorial Hall
Willowbridge Hall Committee	Waituna Hall Committee
Makikihi Hall Committee	Otaio Community Hall Committee
Lyalldale Hall Committee	Bluecliffs Hall Committee
Maungati Community Hall Committee	Morven Hall Committee

Preamble

Traditionally Council's relationship with some rural hall committees has been simply that Council arranges and pays their insurance premium and then invoices the hall committee. Upon request from the hall community, Council will conduct the invoicing of a hall rate to the households in the hall community and return these funds to the committee, for the up-keep and management of the hall.

In addition to these arrangements, three of the above rural hall or reserve committees (St Andrews, Glenavy and Morven Reserve) receive additional services from Council. These halls/reserves provide Council with approved invoices, and Council pays these invoices from funds held on the hall/reserve's behalf.

Rural Water Scheme Committees

Cannington-Motukaika	Lower Waihao
Otaio-Makikihi	Waihaorunga
Waikakahi	Hook-Waituna

Preamble

The rural water scheme committees are sub-committees of Council. The committees are made up of elected members of Council and elected local people for the management for each of the rural water schemes (Lower Waihao is not currently constituted due to the lack of persons standing for election). Council's rural water scheme members obtain financial, technical and legal information from Council, and make recommendations for the management of the schemes, including water rates and charges for each scheme.

1D Delegations in Respect of Roading

Elected Members Level

Roading legislation can create a delegation to elected members where a decision can only be made by elected members by ordinary resolution in public meeting.

Gates on public roads

Resolution of an objection to the temporary closure of public roads, if cannot be resolved by the Roading Manager or the Chief Executive

Parking restrictions for time period, and type of vehicle

Staff Level

Or Council delegate powers to roading staff to make day to day decisions on their behalf.

Temporary closure of public roads;

These may be effected for events, by empowering legislation "Transport Act 1965" or for the purposes by more broadly empowering legislation contained at S.342 Local Government Act 1974.

The procedures for Council staff to make temporary closure of public roads depends on whether there is an efficient alternative route available to be used in place of the closed road, where all affected households and businesses can be practically advised in person, this is done by Council's Roading Staff where it is not practicable to advise all affected parties in person, newspaper advertising is placed.

Where an unplanned or emergency road closure is necessary, authority to perform this is delegated to Council's Roading Manager, or in his absence, Council's Roading Officer. These officers must report back to Asset Group Manager.

Whilst recognising that it is generally undesirable to delegate any power of Council to a third party, it is recognised that in an emergency situation, it may be desirable for Council's Roading Contractor to have the delegated authority to make unplanned road closures, in order to protect life or property. In all such circumstances where Council's Roading Contractor makes a road closure, they are required to notify Council's Roading Manager or Roading Officer immediately.

Staff Level

Placement of give way and stop signs may be made by Council's Roading Manager

Staff Level

Designation of a section of Road as "no stopping" may be made by Council's Roading Manager

Staff Level

Council's Roading Manager and Council's Roading Officers are delegated the position of the Road Corridor Manager

Staff Level

Removal of abandoned motor vehicles:

Council's Roading Manager and Council's Roading Officer are delegated the authority to exercise the powers of Council contained in Section 356, Local Government Act 1974, relating to the removal of abandoned motor vehicles, or under the Transport Act, to take possession of and remove from any road to a place of safety, any motor vehicle that appears to be abandoned.

Staff Level

Private activities on public roads:

Council's Roading Manager is delegated the authority to approve or reject the following private activities on public roads upon written application by a member of the public:

- Location of temporary buildings on road reserves;
- Permits to lay conduit pipes along, over or under streets;
- Road encroachments;
- Permits for overweight vehicles;
- The installation of "no overtaking" lines;
- Vehicle crossing permits to certify that roads have been formed and completed in accordance with Council's requirements;
- Stock lanes;
- Stock underpass and crossings;
- Cattle stop;
- Grazing road berm;
- Cultivation of road berm;
- Storage on road berm;
- Structures on road berm;
- Road encroachments;
- Road planting/trees on road reserves;
- Vehicle crossings; and
- Road opening notice.

1E Warrants

Under the hands of the Mayor and the Chief Executive be issued and kept current to Council staff and Contractors in terms of the following delegations:	
This delegation is given to the following staff roles:	
Asset Group Manager	
Roading Manager	
Roading Officer	
Water and Waste Manager	
Utilities Foreman	
Water Technicians	
Apprentice Water Technician	
Local Government Act 2002	
S171	General power of entry
S172	Power of entry
S173	Power of entry in emergency
S174	Authority to act
S178	Require information
S181	Construction of work
S182	Power of entry – utilities
S193	Power to restrict water
Health (Drinking Water) Amendment Act 2007	
69S	Duty of suppliers in relation etc.
69V	To take all practicable steps to comply with New Zealand Drinking Water Standards (2008)
69ZZZ	Protecting water supplies from risk of backflow
Technicians can install backflow preventers	
Plus relevant by-laws	
This delegations is given to the following staff roles:	
Building Control Manager	
Building Control Officer/s	
Building Act 2004	
	To carry out all functions under the Building Act 2004
Fencing of Swimming Pools Act 1987	
S11	Power of entry for territorial authority officers
Local Government Act 2002	
S172	General power of entry for the purpose of Regulatory Control
S173	Power of entry in cases of emergency
Amusement Devices Regulations 1956	
S23	Power of entry
Resource Management Act 1991	
S332(1)(a)	To enter and inspect for compliance with this Act, any regulations, a rule of a plan, and a resource consent
Health Act 1956	
S128	Power of entry and inspection
Plus relevant by-laws	
Plus any relevant sections of the above mentioned Acts which may be applicable	

This delegation is given to the following staff roles:	
-Resource Planner/s	
Resource Management Act 1991	
S22	Direct any person to provide certain information
S322	Issue and serve any person an abatement notice
S330	On reasonable opinion take such action as necessary to mitigate the likely adverse effects of an emergency
S332(1)	Power of entry for inspection
S333	Power of entry for survey
S343(c)	Issue of infringement notice
Plus relevant by-laws	
An "Inspector" under the general by-laws of Council	
Plus any relevant sections of the above mentioned Acts which may be applicable	
This delegation is given to:	
Liquor Licensing Inspectors as Contracted to the Waimate District Council	
Sale and Supply of Alcohol Act 2012	
S267	Power of entry
Local Government Act 2002	
S172	Power of entry in emergency for purposes of enforcement
S173	Power of entry in emergency
S178	Officer may require certain information
S245	Issue of infringement notices
Plus relevant by-laws	
This delegation is given to:	
Group Manager Environmental Services, Environmental Compliance Manager, and Environmental Health Officer <u>and Support Officer/s</u> as Contracted to the Waimate District Council	
Health Act 1956	
S34	Immediate abatement of nuisance by Environmental Health Officer
S41	Authority to issue cleansing orders
S81	Disinfection of premises by Environmental Health Officer
S82	Disinfection of premises by Environmental Health Officer
S83	Destruction of infected articles
S128	Power of entry and inspection
S134	Environmental Health Officer may obtain name and address
Health (Burial) Regulations 1946	
S20	Inspection of mortuaries
Camping Ground Regulations 1985	
S15	Inspection of camping grounds
Food Hygiene Regulations 1974	
S83	Inspection of food premises
Health (Infectious and Notifiable Diseases) Regulations 1966	
S7	Duty to: Visit premises Ensure person isolated Report to medical officer of health Attend to removal to hospital of any person Instruction as to child attending school Instructions as to any teacher attending school Carry out disinfection Keep particulars in writing Product records for inspection Carry out the instruction of the Medical Officer of Health

Health (Registration of Premises) Regulations 1996	
S5	Inspection of registered premises
Food Act 2014	
<u>S54</u>	<u>Authority to refuse to process an application for registration</u>
<u>S55</u>	<u>Authority to require further information to be provided</u>
<u>S57</u>	<u>Authority to refuse to register a food control plan</u>
<u>S60</u>	<u>Authority to impose conditions on registration of a food control plan</u>
<u>S62, S63</u>	<u>Authority to suspend all or any operations under a registered food control plan and extend the suspension if considered necessary</u>
<u>S67</u>	<u>Authority to cancel the registration of a food control plan</u>
<u>S84</u>	<u>Authority to refuse to process an incomplete application for registration</u>
<u>S85</u>	<u>Authority to require an applicant to supply further information</u>
<u>S89</u>	<u>Authority to impose conditions on registration of a food business</u>
<u>S90, S91</u>	<u>Authority to suspend all or any operations of a registered food business that is subject to a national programme and extend the suspension if considered necessary</u>
<u>S95</u>	<u>Authority to cancel the registration of a food business that is subject to a national programme</u>
<u>S184</u>	<u>Authority to provide files required under the Food Act of Ministry of Primary Industries</u>
<u>S294</u>	<u>Verifiers' rights of access and verifier powers</u>
This delegation is given to:	
Food Safety Officer as Contracted to the Waimate District Council	
<u>S219</u>	<u>Power to issue and cancel infringement notice</u>
<u>S296</u>	<u>Power of food safety officers</u>
S299	Powers to facilitate entry, search, and seizure
S300	Information powers and evidence gathering
S301	Powers of examination, identification, and rectification, and associated detention powers
S302	Powers to issue improvement notice
S303	Review of improvement notice
S304	Powers to take, purchase, and sample
S305	Powers to interrupt operations and give certain directions
S306	Powers to seize, condemn, and require disposal
S307	Powers to restrict use of or close place
S308	Other powers
<u>S310, S311</u>	<u>Powers to enter without search warrant</u>
S312	Power to test samples of food or examples of food related accessories
S326	<u>Power to eExecute a search warrant</u>
S326	Powers under search warrant
S331	Application for compliance order
Plus any relevant by-laws	
Plus any other relevant sections of the above acts that may be applicable	
This delegation is given to the following staff roles:	
Animal Control Officer/s and/or Contractors	
Dog Control Act 1996	
S14(1),(2)	Power of entry – cause to suspect an offence has been committed against Act or by-law
S15,(1),(2)	Power of entry to feed dogs/remove dogs

S17(1),(2)	Responsibility to keep dog in custody and be given proper care and exercise
S19(1)	Required to supply name and address
S25	Disqualification of owners
S28(7)	Failing to comply with disqualification – Dog Control Officer may seize dog
S31	Territorial Authority to classify dangerous dogs
S33	Territorial Authority may classify dogs as menacing
S50(1)	Dog not wearing proper collar or disc – Officer may seize the dog
S55(1)	Barking dogs – power of entry, issuance of abatement notice or officer may seize the dog
S56(2)	Barking dogs causing distress – officer may remove the dog
S57(2)	Dogs attacking – liability for fine on summary conviction
S59(1)	Seizure of dog (re protected wildlife)
S60(1)	Destruction of dog (note this power may not be exercised without written authority from Council's Chief Executive)
S64(2),(3)	Destruction of dog (note this power may not be exercised without written authority from Council's Chief Executive)
S69(1)	Impounding and subsequent disposal
S70(3),(5),(7)	Custody of dog removed for barking
S71(1),(5),(8)	Retention of dog threatening public safety

Impounding Act 1955	
S32(1),(3)	Power to declare specified are a temporary pound and appoint a keeper of the pound
S35	Stock straying on roads – power to impound
S36	Recovery of stock – power of entry to recover escaped stock
S42(1)	Disposal of wild stock – power to impound and destroy
S44	Provisionary pound is of insufficient size – can extend the size of a temporary pound
S47	Pound keeper to detain stock
S49	Stock not claimed to be sold
S50(1),(2)	Sale of impounded stock
S52(1)	Destruction of suffering or worthless stock
S53	Disposal of unsold stock
Plus relevant by-laws	
Plus any other relevant sections of the above Acts that may be applicable	

This delegation is given to the following staff roles:	
Noise Control Officers (Staff and Contractors)	
Resource Management Act 1991	
S327	Excessive noise direction/abatement notices
S328	Power to entry and seizure
Local Government Act 2002	
S172	Power of entry
S178	Officer may require certain information
Plus relevant by-laws	
Plus relevant sections of the above Acts that may be applicable	
By-laws	

Regulatory and Compliance Group Manager and in his/her absence the Chief Executive be given delegation to approve minor requests for dispensations to Council by-laws including temporary dispensation to the liquor banned areas.

2 Type 2 Delegations

From	To	List of Such Delegations Affixed at Schedule:
Chief Executive	Full powers to Senior Managers, from time to time, especially in periods of known absence.	N/A – appointed and period of appointment is written and signed on a case by case basis.
	Other Council staff financial authority to expend or commit Council to expenditures.	2B

2A Council Staff, Financial Authority to expend or commit Council to expenditure

Discussion

The guiding document for approval of financial transactions and the acceptance of contractual arrangements on behalf of Council is the Long-Term Plan (LTP). The LTP contains our community's desired outcomes, translated into strategic objectives and devolved into annualised budgets looking ten years ahead. The budgets within the LTP are subject to community approval by the submission and community consultation process.

Where an item of expenditure is being considered that does not fall within the programme of work shown within Council's LTP. Then that item of expenditure must be evaluated in terms of Council Policy 301, Significance and Engagement Policy.

Waimate District Council's delegations of financial authority are based on a recognition of the over-arching authority created by the annual process whereby Council's elected members approve a budget to be in place for a 12 month period commencing 1 July each calendar year.

Expenditure within Budget

Where an item of expenditure falls within the budget approved by Council's elected members, and is **equal to or below the delegated level assigned to a Council Manager** (refer table of "**List of Delegations to Departmental Staff**" below), that item of expenditure may be approved by Council's manager for the department relevant to that expenditure.

Where an item of expenditure falls within the budget approved by Council's elected members and is **greater than the delegated level assigned to a Council Manager** (refer table of "**List of Delegations to Departmental Staff**" below), approval must be given by Council's Chief Executive.

Where an item of expenditure falls within the budget approval by Council's elected members, and is **\$500,000 or greater**, approval must be given by ordinary resolution of Council's elected members.

Budget Over-Runs

Where a group manager of Council becomes aware that actual expenditure within an activity will exceed its approved budget by the greater of 5% or \$2,000, the manager is required to advise Council's Chief Executive, as soon as is practicable.

Unbudgeted Expenditure

Unbudgeted expenditure is that which is of a nature that falls outside of Council's approved budget.

Where any manager wishes to make unbudgeted expenditure this must be approved by the Chief Executive before the expenditure is committed. The Chief Executive will report the total (and detail) of unbudgeted expenditure to an ordinary meeting of Council, following each financial year quarter.

Council's Managers may delegate authority for financial approvals to staff roles within their departments

In order to facilitate the practical day to day running of Council's operations, Council's managers may delegate (subject to their own expenditure limit of \$40,000) financial authority to named staff roles to incur and approve expenditure on behalf of Council, within their departments approved budget.

Approval Process for Invoices and Contracts

- The approval process is intended to align the scale of the expenditure with the seniority of the approving officer.
- In signing their approval of an invoice/contract, the Council officer is signifying that:
 1. The expenditure falls within Council's programme of work shown in Annual Budget, (or if outside LTP has been approved by Council following subjection to the Significance and Engagement Policy, and public consultation if required)
 2. The expenditure falls within the officer's delegated approval limit.
 3. The expenditure is in accordance with the relevant purchase order issued by Council where appropriate.
 4. The invoice is a bonafide invoice.
 5. The quality of the goods or service is acceptable.
 6. The price charged on the invoice is as quoted or acceptable.
 7. The accounting coding applied to the invoice is correct.
- In some circumstances it may be appropriate for a manager to approve an invoice for payment that will be allocated to a number of departments across Council, provided it is a regular (i.e. monthly, annual etc.) expense that is usual in nature and expected. Examples include motor vehicle registrations and electricity charges. The manager approving this type of invoice must continue to adhere to the conditions of their delegation as with any invoice approval.

Authorisation Process for Invoices

Authorisation is essentially a financial or management audit function, whereby the authorising officer (usually the Accountant, or an additional cheque signatory) provides a second layer of assurance that the approving officer has acted within their personal approval limit, and provides a second opinion on the correctness of the accounting coding.

Council Officer Designated as Bank Signatories and to Authorise Payment

- Bank, transfer, and invest funds held by the Council in accordance with Council policy, subject to the observance of appropriate internal controls;
- Sign and countersign cheques, bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council;
- Approve payroll payments and all payroll related matters;
- Approve all tax payments and tax related matters.
 - Chief Executive
 - Corporate Services Manager
 - Accountant
 - Community, and Strategy Group Manager
 - Regulatory and Compliance Group Manager
 - Human Resources Manager

Transfer of Funds between Council Bank Accounts and Electronic Bank Transactions

Up to \$500,000 may be transacted by any officer of Council designated above as an authorising officer. Transfers in excess of \$500,000 must be authorised by the Chief Executive.

Raising, authorisation and posting of general ledger journals

Every general ledger journal must be subject to a two-step process, where it is firstly raised by an officer of Council with the appropriate delegation.

A second and separate officer of Council with the appropriate delegation must then;

- a. Check that the journal is correct in nature and that appropriate supporting documentation is on file.
- b. Check that the posting of the journal to the general ledger has been performed correctly and evidence this by signing the journal document in the "authorised" area.

Officers Delegated to Raise Journals

Accountant
Corporate Services Manager
Rates Officer
Human Resources Manager

Officers Delegated to Authorise Journals – except for those journals they may Raise

Accountant
Chief Executive
Corporate Services Manager

Staff Delegation

Position	Contractual / expenditure authority within budgeted levels in the Long Term Plan / Annual Plan	
	Initiate Purchase Orders	Approving Purchase Orders and Contracts
	GST exclusive	GST exclusive
Chief Executive	nil	\$500,000
Asset Group Manager	yes	\$200,000
Community & Strategy Group Manager	yes	\$40,000
Corporate Services Manager	yes	\$40,000
Executive Support Manager	yes	\$10,000

Human Resources Manager	yes	\$10,000
Regulatory & Compliance Group Manager	yes	\$40,000
Corporate Services Manager, Human Resources Manager, Accountant - Payroll & Tax related matters only	nil	\$250,000
Asset Group Manager	yes	\$200,000
Asset Management Assistant	yes	nil
Technical Officer Assets	yes	nil
GIS Administrator	yes	nil
Water & Waste Manager	yes	\$60,000
Utilities Supervisor	yes	\$5,000
Water Technicians	yes	nil
Roading Manager	yes	\$100,000
Roading Technician	yes	nil
Roading Officer	yes	nil
Parks & Reserves Manager	yes	\$40,000
Parks Supervisor	yes	nil
Pool Supervisor	yes	nil
Community & Strategy Group Manager	yes	\$40,000

Senior Administration Support Officer	yes	nil
Event Centre Duty Supervisor	yes	nil
Senior Librarian	yes	nil
Assistant Librarian	yes	nil
Policy Analyst	yes	nil
Information (Event Centre) Receptionist	yes	nil
Corporate Services Group Manager	yes	\$40,000
Accountant	yes	\$10,000
Accounts Payable/Reception	yes	nil
Committee Secretary and PA to the Mayor	yes	nil
Corporate Services Team Leader	yes	\$5,000
IT Project Manager	yes	nil
Rates Officer	yes	nil
Senior Systems Engineer	yes	nil
Executive Support Manager	yes	\$10,000
Communications Officer	yes	nil
Information/Promotions Officer	yes	nil

Regulatory & Compliance Group Manager	yes	\$40,000
Animal Control Officer	yes	nil
Building Control Manager	yes	\$5,000
Building Control Officer	yes	nil
Civil Defence Emergency Management Co-ordinator	yes	nil
Resource Planner	yes	nil
Senior Regulatory Support Officer	yes	nil
Emergency Work - this is unbudgeted expenditure		
Roading Manager	\$20,000	\$20,000
Roading Officer	\$20,000	\$20,000
Roading Technician	\$20,000	\$20,000
Emergency Work (when Emergency Operations Centre is activated) This is unbudgeted expenditure		
Civil Defence Logistics Manager	\$20,000	\$20,000
Civil Defence Logistics Support	\$20,000	nil
Contingency expenditure in the case of emergency or an unexpected event. This is unbudgeted expenditure		
Chief Executive	\$50,000	\$50,000
<p>Note: The initiator of a purchase order cannot approve that order.</p> <p>The only exception is the Chief Executive and Civil Defence Logistics Manager for emergency work.</p> <p>Roading Emergency work will require a different authoriser to approve.</p>		

All capital projects and contracts must be approved by the Chief Executive, or Asset Group Manager for Asset Group projects, prior to commencing procurement.

3 Type 3 Delegations

From	To	List of Such Delegations Affixed at Schedule:
Council	Chief Executive	3A and 3B
	Civil Defence	3A
	Planning	3B
	Regulatory	3B

3A Civil Defence

Delegated Authorities re Civil Defence organisation in New Zealand are controlled by the Civil Defence Emergency Management Act 2002. This Act provides for the following hierarchy of Delegations.

Nationally

Role	Where Powers/Obligation Derive From or are Recorded
Parliament <i>appoints</i>	
Minister of CD <i>employs</i>	
Chief Executive Department of CDEM <i>appoints</i>	
Director of CDEM <i>may appoint</i>	Section 9 of the Civil Defence Emergency Management Act 2002 provides advice to Minister, has wide powers in the event of a National state of emergency to control the activities of CDEM groups and group controllers.
National Controller of CDEM	Section 10 of the Civil Defence Emergency Management Act 2002 for the purposes of dealing with a National State of Emergency may be delegated any of the powers of the Director of CDEM.

Regionally

Role	Where/Obligations Derive From or are Recorded
Canterbury Civil Defence Emergency Management Group.	S12. Each Regional Council and TLA within Canterbury is required to unite and function as a joint standing Committee.
Waimate District Groups Representative	S16. Each Regional Council and TLA must provide one representative or group, usually their chairperson.
Group Controller	S18. Wide powers in the event of a declared emergency see Schedule 3a attached re S 86 87 88 89 91 92 has wide powers to delegate to: Group EOC Manager, Group Operations Manager, Group Logistics Manager, Group Welfare Manager, Group Public Information Manager, (these persons may also delegate powers to persons on duty working for them).

Role	Where/Obligations Derive From or are Recorded
	S90. Wide powers to requisition in the event of a declared emergency see Schedule 13b attached: Delegation to requisition may be given to: Group Logistics Manager, Deputy Group Logistics Manager

Locally

Role	Where Powers/Obligations Derive From or are Recorded
Mayor	Power to declare an emergency
Waimate District Council Civil Defence Controllers	Direct Waimate Districts Emergency Operations and other obligations under the Civil Defence Emergency Management Act.

3A(i) Requisitioning Powers under the Civil Defence Emergency Management Act 2002

The appointed Group Controller for the Canterbury Civil Defence Emergency Management Group delegates the use of the Requisitioning Powers under Section 90 of the Civil Defence Emergency Management (CDEM) Act 2002 to the persons performing the appointments of Group Logistics Manager or Deputy Group Logistics Manager in the Group Emergency Coordination Centre.

This delegation is only applicable to an area or district in which a State of Emergency, having been declared under Section 66 or 68 or 69 of the CDEM Act 2002, is in force and such requisitioning action is believed necessary for the preservation of life.

3A(ii) Delegation of Powers under the Civil Defence Emergency Management Act 2002

The appointed Group Controller for the Canterbury Civil Defence Emergency Management Group delegates to the persons on duty performing the appointments of Group Emergency Coordination Centre Manager or Group Operations Manager or Group Planning Manager or Group Intelligence Manager or Group Logistics Manager or Group Welfare Manager or Group Public Information Manager in the Group Emergency Coordination Centre the authority to exercise the powers of Sections 86,87,88,89,91 and 92 of the Civil Defence Emergency Management (CDEM) Act 2002. Further, these persons are authorised to also delegate these powers to persons on duty working for them.

This delegation is only applicable to an area or district in which a State of Emergency, having been declared under Section 66 or 68 or 69 of the CDEM Act 2002, is in force. Further, any limitations, 'such as necessary for the preservation of life', detailed in the applicable Section of the CDEM Act 2002 must apply before any action is authorised.

3B Planning and Regulatory

General Delegation Requirements – pursuant to the Resource Management Act 1991

1. For the avoidance of doubt, the delegations set out in this Schedule 3B are in addition to, not substitution of, the delegations to the Chief Executive set out in other schedules of this Policy.
2. If no delegation is made through the schedule of delegations or the general requirements then a decision is made by the Council or a Committee or Hearing panel selected by Council, or the Chief Executive exercising powers in accordance with delegations set out in other schedules of this Policy.
3. That authority is delegated to the Regulatory and Compliance Group Manager or Community and Strategy Group Manager, as appropriate, to determine the membership of the Hearings Committee for each resource consent application that requires a hearing to be held.
4. That authority is delegated to the Regulatory and Compliance Group Manager or Community and Strategy Group Manager, as appropriate, to determine those resource consent applications to be decided on by an independent commissioner (rather than the Hearings Committee). Such applications

- are likely to be for minor applications (such as limited notified applications that involve neighbour conflicts) or where Council has a potential conflict of interest. It is noted that applicants or submitters may request independent commissioners to hear and determine consent applications. In these cases the Regulatory and Compliance Group Manager or Community and Strategy Group Manager, as appropriate or in their absence the Resource Planner will appoint a suitable Commissioner/s.
5. Delegations have been specified to the lowest level considered appropriate, however a decision may also be considered by Council.
 6. The resolution of references, appeals and enforcement action shall be carried out in accordance with the following;
 - a. That the Council delegate to the Regulatory and Compliance Group Manager or Community and Strategy Group Manager, as appropriate, and Chief Executive the power, to provide instructions to Council solicitors on its behalf to resolve enforcement action, or resource consent appeals before the Environment Court.
 - b. That the case of mediation or negotiation undertaken to resolve appeals on resource consents, district plan references, the draft consent orders and memoranda of counsel be authorised by the Council or delegated committee of power prior to being forwarded to the Court. Note: "that in the case of mediation or negotiation undertaken to resolve appeals on resource consent or district plan references, the council clearly define the parameters for council officers to negotiate."

In the absence of the Regulatory and Compliance Group Manager or Community and Strategy Group Manager, as appropriate, the Chief Executive is authorised to act in the above Officers capacity subject to the same limitations set out in the above delegation.

Section 38 of the Act provides that local authority may authorise any of its officers to carry out all or any of the functions and powers as an enforcement officer under the Act. Rather than showing the officers who are authorised as enforcement officers, the Delegation Schedule shows that the levels at which decisions are made about enforcement action. The Council decides who should be Enforcement Officers who hold warrant cards under 38(5).

Specific Delegations

Specific delegations are set out in the schedule attached with the delegation structure, referred to in the schedule is set out below.

Delegation Structure

The delegation structure is set out below:

Resource Management Delegations

Level 1 - Any one of the following officers acting alone: Regulatory and Compliance Group Manager, Community and Strategy Group Manager, Chief Executive, or any person acting as the Regulatory and Compliance Group Manager, or Community and Strategy Group Manager

Level 2 - Any two of the following officers acting together: Chief Executive, Regulatory and Compliance Group Manager, Community and Strategy Group Manager, Resource Planner

Level 3 - Any one of the following officers acting alone: Resource Planner

Level 4 - Enforcement/Monitoring - Any one of the following officers acting alone: Regulatory and Compliance Group Manager, Community and Strategy Group Manager, Resource Planner, any person appointed as an Enforcement Officer under Section 38(5) of the Resource Management Act.

Level 5 - District Plan Policy - The following officer: Regulatory and Compliance Group Manager or Community and Strategy Group Manager, as appropriate

The Powers, Functions and Duties to:	Delegation to:
S36. Administrative charges Considering an application for remission of charges To consider request to depart from a fixed payment charge to a time & cost charge	In accordance with policy F1/12/2 Level 1

The Powers, Functions and Duties to:	Delegation to:
S37. Power of waiver and extension of time limits- Power to waive or extend time limits on any application (notified or non-notified)	Level 2 or 3
S38. Authorisation and responsibilities of enforcement officers	Level 2 or 3
S41. Provisions relating to hearings Ability to set a hearing date	Level 2 or 3
S88. Ability to reject applications Ability to reject applications for inadequate information	Level 3
S91. Deferral pending application for additional consents To defer processing an application	Level 2 or 3
S93, 94, 94A, 94B, 94C, and 94D. Public notification or non-notification of consent applications To determine whether a resource consent is required to be publicly notified. This includes the following powers: To determine public notification is required pursuant to Section 93 or the Resource Management Act 1991. To determine when public notification is not required pursuant to Section 94. To determine who may be adversely affected by the application pursuant to Section 94 To determine who must be served with notice pursuant to Section 93(1).	Level 2 Level 2 Level 2 Level 2 Level 2
S99. Pre-hearing meetings To determine whether a pre-hearing meeting is required To determine who will chair any pre-hearing meeting (if one is required).	Level 2 Level 2
S100. Obligation to hold a hearing To decide if a hearing is required To set a hearing date and organise a notice of hearing	Level 2 Level 3
S102. Joint hearings by 2 or more consent authorities To decide if a hearing is required	Level 2
S103, 104B, 104C, 108, and 120. Determination of resource consent applications, including subdivisions and impose conditions To approve and impose conditions on non-notified resource consent and subdivision consent applications, or notified consents where no submissions are received. Note: by default and decision to decline an application is delegated to Council or a Committee or Panel delegated by the Council	Level 1
S114. Notification of decisions To organise the release of decisions	Level 3
S125. Lapsing of consent To consider and make a decision on an application for extension of time for any other consent	Level 3
S127. Change of conditions To consider an application to cancel or vary a condition of resource consent that do not require a hearing.	Level 1
S128. Circumstances when consent conditions can be reviewed To review any other consent under Section 128c because the information provided with the application contains inaccuracies	Level 2

The Powers, Functions and Duties to:	Delegation to:
S129 and 132. Notice of review To issue a notice of review To decide on a review of consent conditions for application which did not require a hearing	Level 3 Level 1
S139. Certificates of compliance To consider an application or certificate of compliance To issue and sign a certificate of compliance as authorised officer	Level 2 Level 1
S168, 168A, 169, and 171. Notice of requirement – notification, hearing and recommendations To notify a requirement in accordance with S93(2) and determine which persons and bodies shall be served notice of requirement and to arrange its public notification To request further information or commission reports	Level 1 Level 1 & 2 & 3
S176A. Outline Plan To consider an application for an outline plan and recommend changes if necessary To consider an application for a waiver of an outline plan	Level 2 Level 2
S181. Alteration to designation To consider and make decisions on an application for an alteration of a designation	Level 1
S182(5). Removal of designation To consider an application to remove a designation or remove part of a designation	Level 5
S184 and 184A. Lapsing of designations To consider and decide on a longer time frame to give effect to a designation	Level 5
S189, 189A, 190 and 191. Notice of requirement for a Heritage Order – notification, hearing and recommendations To notify a requirement for a Heritage Order in accordance with S93(2) and determine which persons and bodies shall be served notice of requirement and to arrange its public notification. To request further information or commission reports	Level 5 Level 5
S221. Issue consent notice Impose as a condition requiring a consent notice or vary a condition of relating to a consent notice Certify a consent notice as Authorised Officer	Level 1 Level 1
S222. Completion certificate To certify a completion certificate	Level 1
S223. Approval of survey plan To certify a survey plan	Level 1
S224. Restrictions upon deposit if survey plan To issue certificate pursuant to S224	Level 1
S226. Restriction upon issue of certificates of title To consider an application under S226 To issue a certificate pursuant to S226	Level 1 Level 1
S240. Covenant against transfer of allotment Power to impose a condition requiring a covenant be registered Power to cancel a covenant against the transfer of allotment To certify a covenant or cancellation of covenant as authorised Officer	Level 1 Level 1 Level 1

The Powers, Functions and Duties to:	Delegation to:
S241. Amalgamation of allotments To consider and decide on an application to cancel a condition in whole or in part under Section 241(3) Certification of documentation under S241(3)	Level 1 Level 3
S243. Survey plan approved subject to grant or reservation of easements Power to grant, surrender, transfer, vary or cancel or surrender easements 243(a) To certify documentation under S 243(a)	Level 1 Level 1
S311, 314, 315, 316, 320, and 321. Application for an enforcement order or interim enforcement order To apply to the Environment Court for an enforcement order pursuant to Section 314 or for an interim enforcement order pursuant to Section 320 To make decisions on any matters relating to application for enforcement orders (including any application to change or cancel enforcement order)	Level 4
S322, 323, 325, 325A, and 325B To issue abatement notices and to make decisions relating to abatement notices Compliance with abatement notice and cancellation of abatement notice Restriction on enforcement orders	Level 4
S327. Issue and effect of excessive noise direction Compliance with excessive noise direction	Level 4
S332 and 333. Power of entry for inspection and survey Power of entry for inspection Power of entry for survey connected with preparation, change or review of a policy statement or plan.	Level 4
S343 A –D. Infringement notices Power to issue infringement notices	Level 4
S357. Objections to certain decisions and requirements of consent authorities Consider and make decisions on application for objections for an application which does not require a hearing To decide whether an objection requires a hearing	Level 1 Level 2
First Schedule – Clause 5 To determine which persons and bodies shall be served with a copy of any proposed District Plan, or Change to a District Plan, and to arrange public notification First Schedule – Clause 23 To require further information, or to commission a report, in order to consider a request for a plan change	Level 5 Level 5

Delegations under other Acts

The Powers, Functions and Duties to:	Delegation to:
S321. Local Government Act 1974 – Legal road frontage To issue certificates pursuant to Section 321	Level 1
S348. Local Government Act 1974 – Right of ways To consider and make decisions on applications for rights of way To certify a survey plan pursuant to Section 348	Level 1 Level 1

Noise Control (Delegation)

That the Council Authorise the person appointed as the Noise Control Officer pursuant to Section 38(2) of the Resource Management Act 1991 to exercise and carry out all or any of the functions and powers of an enforcement officer under Sections 327 and 328 of the Act which relate to the control of excessive noise and any other matters which the Noise Control Officer may carry out in terms of the Resource Management Act as it relates to noise control.

Litter Control Officers (Delegation)

That the Asset Group Manager and the Water and Waste Manager, or other Officer approved by the Regulatory and Compliance Group Manager, be granted delegated authority to be appointed and warranted as Litter Control Officers pursuant to Sections 5 and 7 of the Litter Act 1979. That Council delegates appointed and warranted Council Litter Control Officers the powers pursuant to, but not limited to the Litter Act 1979.

Hazardous Substances and New Organisms (HSNO) (Delegation)

That the Council reserves to itself and Asburton District Council, as contractor, the powers pursuant to, but not limited to the HSNO Act 1996 (the Act). That Council authorise the person appointed as the HSNO Enforcement Officer pursuant to the Act to exercise and carry out all or any of the function and powers of an enforcement officer under the Act and any other matters which the HSNO Enforcement Officer may carry out in terms of the Act.

Dog Control Act 1996 and Dog Control Amendment Act 2003

Note 1 All references to sections relate to sections of the Dog Control Act 1996 and the Dog Control Amendment Act 2003 unless otherwise specified.

That functions and duties delegated to the Animal Control Officer, in his/her absence to the Regulatory and Compliance Group Manager, in his/her absence the Chief Executive, or other appropriate Council Officer.

1. To commence, pursuant to section 66, proceedings in accordance with section 21 of the Summary Proceedings Act 1957 where an infringement notice has been issued and to make any decision in any matter relating to such proceedings.
2. To classify any person as a probationary owner pursuant to section 21,
3. To disqualify any person from being the owner of any dog pursuant to section 25.
4. To extend any period of disqualification, pursuant to section 28(6).
5. To classify any dog as a dangerous dog, pursuant to section 31.
6. To classify any dog as a menacing dog under sections 33A and 33C.
7. To remit, reduce or refund dog control fees or part thereof, pursuant to section 39(3).
8. To consent to the disposal of a dangerous dog pursuant to section 33.
9. To dispose of any dog pursuant to sections 69 and 70(7).
10. To exercise all of the Council's powers pursuant to section 71 (retention of dog threatening public safety).
11. To provide register information pursuant to section 35(4).
12. To determine whether or not a dog should be delivered into custody of a Animal Control Officer or Dog Ranger pursuant to section 35(5) (c).
13. To issue a replacement label or disc pursuant to section 46(3).
14. To require a probationary owner to undertake a dog owner education programme or a dog obedience course (or both) under section 23A.
15. To disqualify a person from being the owner of a dog pursuant to section 25.
16. To exempt, under section 33E(5), any dog or class of dog classified as menacing from the muzzling or control requirements under section 33E(1) (a).
17. To authorise the release of a dog from custody pursuant to sections 32(5) (b) and 33E (3) (b),
18. To issue instructions, under section 36A(3) (a), relating to the making available of a dog for verification that it has been implanted with a functioning microchip transponder.
19. Any other matters which the Animal Control Officers may carry out in terms of the Dog Control Act.

Sale and Supply of Alcohol Act 2012 – Delegations

That Council reserves to itself and Timaru District Council, as contractor, the powers pursuant to, but not limited to the Sale and Supply of Alcohol Act 2012 (SSAA), the Sale and Supply of Alcohol (fees) Regulations 2013 (SSA Regs) and the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013, described in Schedule A.

That Council delegates to the Chief Executive the powers pursuant to, but not limited to the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (fees) Regulations (2013), described in Schedule B.

That Council delegates powers from the Chief Executive to Officers/Timaru District Council the powers pursuant to, but not limited to the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (fees) Regulations (2013), described in Schedule C.

The Secretary of the District Licensing Agency is delegated to the Timaru District Council by contract.

Schedule A – Sale and Supply of Alcohol Act (SSAA) and Regulations Delegations – Powers Reserved to Waimate District Council/Timaru District Council

#	Power to be reserved to Council	SSAA Sections	Conditions
1	Powers to adopt local alcohol policies or joint local alcohol policies	Ss. 75, 76, 78, 79, 80, 84 and 88.	As per SSAA. The reservation of these powers to Council does not restrict the power of Council to delegate to any subordinate decision-making body the power to do anything precedent to the exercise by Council of these powers.
2	Power to amend or revoke or review local alcohol policies	Ss. 95, 96 and 97.	As per SSAA. The reservation of these powers to Council does not restrict the power of Council to delegate to any subordinate decision-making body the power to do anything precedent to the exercise by Council of these powers.
3	Power to appoint district licensing committees	S. 186	As per SSAA.
4	Power to appoint a member to be chairperson of a district licensing committee	S. 189(2)	As per SSAA.
5	Power to appoint a member to be deputy chairperson of a district licensing committee	S. 189(3)	As per SSAA.
6	Power to establish a list of persons approved to be members of the district licensing committee	S. 192	As per SSAA.
7	Power to renew or remove an appointment to the list of approved members	S. 192 and 194	As per SSAA.
8	Powers to assign a fees category to premises	Cl. 6(4), Fees Regs	As per regulations. NB: Council may delegate this power in future once it has established policy to guide the exercise of this power.
9	Powers to make bylaws in relation to fees	Cl. 3, Fee-setting Bylaws Order	As per regulations. These powers must be exercised in accordance with the Local Government Act 2002 and the Bylaws Act 1910.

Schedule B – Sale and Supply of Alcohol Act Delegations – Powers Delegated to the Chief Executive

#	Power to be delegated	SSAA Sections	Conditions	Sub-delegation allowed
1	Power to give notice of adoption of a local alcohol policy	S. 90	As per SSAA.	Yes
2	Power to provide copy of local alcohol policy to licensing authority	S. 91	As per SSAA.	Yes
3	Power to maintain and publish a list of persons approved to be members of the district licensing committee	S. 192(1) and 192(4)	As per SSAA.	Yes
4	Power to appoint a chief licensing inspector	S. 197(5)	As per SSAA.	Yes
5	Power to sub-delegate the powers of the chief executive under the Act	S. 198	As per SSAA. These powers are contained in Ss. 193 (Appointment of Commissioners) , 196 (Chief Executive is Secretary of Licensing Committees), 197 (Appointment of licensing inspectors), 198 (Delegation of functions) and include the powers, functions and duties of the secretary of licensing committees specified in Ss. 64, 66, 67, 72, 73, 102, 103, 128, 129, 140, 141, 220, 225, 283 and 284.	No
6	Power to prepare and distribute an annual report of the district licensing committees	S. 199	As per SSAA.	Yes
7	Power to authorise a person to appear in proceedings.	S. 204	As per SSAA.	Yes
8	Power to authorise a person to appear in relation to appeal	S. 205	As per SSAA.	Yes
9	Power to ensure that decisions of any district licensing committee are publicly available	S. 211(5)	As per SSAA.	Yes

Schedule C - Sale and Supply of Alcohol Act Delegations – Powers to be delegated to Officers/Timaru District Council by the Chief Executive

#	Power to be delegated	SSAA Sections	Officer	Conditions
1	Powers to issue licences, certificates and authorities	S. 64	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
2	Powers to keep records of applications	S. 66	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru	As per SSAA

#	Power to be delegated	SSAA Sections	Officer	Conditions
			District Council and Chief Executive Timaru District Council *	
3	Powers relating to certified extracts	S. 67	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
4	Powers to issue duplicate licence or certificate	S. 72	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council*	As per SSAA
5	Powers relating to surrender of licence or manager's certificate	S. 73	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
6	Power to give notice of adoption of a local alcohol policy	S. 90	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
7	Power to provide copy of local alcohol policy to licensing authority	S. 91	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
8	Powers relating to objections to applications	S. 102	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
9	Powers relating to reports of Police, Medical Officer of Health and Inspectors	S. 103	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee and Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
10	Powers relating to objections to renewal applications	S. 128	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA

#	Power to be delegated	SSAA Sections	Officer	Conditions
11	Powers relating to reports of Police, Medical Officer of Health and Inspectors on renewal applications	S. 129	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
12	Powers relating to objections to special licence applications	S. 140	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
13	Powers relating to reports of Police, Medical Officer of Health and Inspectors on special licence applications	S. 141	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
14	Power to maintain and publish a list of persons approved to be members of the district licensing committee	S. 192(1) and 192(4)	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
15	Power to appoint a chief licensing inspector	S. 197(5)	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council*	As per SSAA
16	Power to prepare and distribute an annual report of the district licensing committees	S. 199	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Timaru District Council Chief Executive *	As per SSAA
17	Power to authorise a person to appear in proceedings.	S. 204	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
18	Power to authorise a person to appear in relation to appeal	S. 205	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA

#	Power to be delegated	SSAA Sections	Officer	Conditions
19	Power to ensure that decisions of any district licensing committee are publicly available	S. 211(5)	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
20	Powers relating to reports on manager's certificate applications	S. 220	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
21	Powers relating to reports on manager's certificate renewal applications	S. 225	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
22	Powers relating to variation, suspension or cancellation of special licences	S. 283	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA
23	Powers relating to hearing for variation, suspension or cancellation of special licences	S. 284	Regulatory and Compliance Group Manager and Secretary of the Waimate District Licensing Committee, Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council *	As per SSAA

*** Delegation to be exercised to the Environmental Compliance Manager Timaru District Council and Chief Executive Timaru District Council only in the absence of other delegated officers.**

Liquor Licensing Inspectors

That Council's contracted Environmental Health Officers be confirmed as the Waimate District Liquor Licensing Agencies Inspector pursuant to, but not limited to Section 197 of the Sale and Supply of Alcohol Act 2012 to deal with the duties pursuant to, but not limited to Sections 99, 100, 101, 103, 141, 204, 205, 206, 220, 225 and 267 of the Act.

That Council's contracted Environmental Health Officers be appointed an Inspector under Section 103 of the Sale and Supply of Alcohol Act 2012 to deal with Special Liquor Licence duties under Section 78 of the Act.

Any other matters the Environmental Health and Liquor Licensing Inspectors may carry out in terms of the Sale and Supply of Alcohol Act 2012.

Gambling Act 2003

The Chief Executive or Regulatory and Compliance Group Manager have discretion for the allocation of gaming machines under the Council's Gambling Venue Policy.

Local Electoral Act 2001

Warwick Lampp from Electionz.com is delegated as the Waimate District Council electoral officer (as per Council resolution 23 May 2017).

Building Act 2004

That pursuant to the Building Act 2004 and the Local Government Act 2002 the Council delegate the power to consider exemptions for building consents under Part 1, Clauses 2(a) and 2(b) of Schedule 1 of the Building Act 2004 to the following officers, the Building Control Manager and/or Regulatory and Compliance Group Manager subject to the delegated authority being exercised by either one of them in accordance with the criteria:

- That the application be received in writing.
- That the structures only be approved for exemption where the officer making the decision is satisfied that the building will either be constructed in accordance with the building code or where it is not so proposed that the building is unlikely to endanger people or adjoining property.
- That the application demonstrates that the structure will not conflict with section 6 of the Building Act, (i.e. purpose and principles).
- In making any decision the officers concerned will have regard to whether the structure is intended for human habitation, whether the detail provided with the application adequately demonstrates compliance with the code and the location of the building.
- That the structure complies with the requirements of the Waimate District Plan.

Pursuant to the Building Act 2004 and the Local Government Act 2002 the Council delegate all of its functions, powers and duties under the Building Act 2004 to:

- The Building Control Officers, subject to compliance with Waimate Building Consent Authority, Quality Assurance System (QAS) and excluding the power to set fees and/or charges under sections 219 and 281A to 281D of the Building Act 2004. For the avoidance of doubt, this exclusion does not prevent Building Control Officers from imposing fees and/or charges that have been set by, or in accordance with a methodology determined by Council.

DELEGATIONS TO BCA STAFF AND CONTRACTORS UNDER THE BUILDING ACT 2004

Section of Building Act	CE	RCM	BCM	RSO	BCO	Contracted BCO or Technical Leader (off-site)
Section 33						
Authority to determine the information required in applications for Voluntary Project Information Memoranda.		Y	Y		Y	Y
Section 34						
Authority to issue Voluntary Project Information Memoranda in accordance with the Act.		Y	Y	Y		
Section 36						
Authority to attach a development contribution notice to project information memoranda.			Y		Y	
Section 48						
Authority to request further reasonable information in respect of building consent applications.		Y	Y	Y	Y	Y
Section 49						
Authority to grant building consents and to impose appropriate conditions.			Y		Y	Y
Section 50						
Authority to refuse to grant building consents.			Y		Y	Y

Section of Building Act	CE	RCM	BCM	RSO	BCO	Contracted BCO or Technical Leader (off-site)
Section 51						
Authority to issue building consents upon payment of the charge fixed by the Council.			Y	Y	Y	Y
Section 52						
Authority to extend the period of 12 months where reasonable progress has not been made and the building consent would otherwise lapse.			Y		Y	Y
Section 53						
Authority to collect levies on building consent applications.			Y	Y	Y	Y
Section 67						
Authority to grant waivers or modifications of the building code and to impose appropriate conditions.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Section 71						
Authority to refuse to grant a building consent on land subject to or likely to be subject to natural hazards.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Section 72						
Authority to grant a building consent on land subject to natural hazards in certain conditions as provided for in the Act and to determine whether the conditions have been met to enable consent approval to be given.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Section 74						
Authority to revoke the certificate issued under Section 72 of the Act when mitigation of the hazard has occurred or the condition is no longer appropriate.			Y			
Section 75						
Authority to grant a project information memorandum subject to a condition requiring that allotments may not be transferred or leased in conjunction with any specified other or others of those allotments.			Y		Y	Y
Section 77						
Authority to issue a certificate imposing a condition on the building consent that allotments may not be transferred or leased in conjunction with any specified other or others of those allotments.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Section 83						
Authority to revoke the certificate issued under section 77 of the Act imposing a condition on the building consent that allotments may not be transferred or leased in conjunction with any specified other or others of those allotments.			Y			

Section of Building Act	CE	RCM	BCM	RSO	BCO	Contracted BCO or Technical Leader (off-site)
Section 93						
Authority to request further reasonable information in respect of code compliance certificate applications and to determine any further period agreed to between the owner and the BCA.			Y		Y	Y
Section 94						
Authority to determine whether a code compliance certificate should be issued.			Y		Y	Y
Section 95						
Authority to issue a code compliance certificate.			Y	Y	Y	Y
Section 95A						
Authority to refuse to issue a code compliance certificate.			Y			
Section 96						
Authority to determine whether a certificate of acceptance should be issued.			Y			
Section 98						
Authority to grant or refuse a certificate of acceptance.			Y			
Authority to request further reasonable information in respect of certificate of acceptance applications.			Y		Y (With agreement of BCM)	
Authority to issue certificates of acceptance.			Y			
Section 102						
Authority to issue compliance schedules upon payment of the charge fixed by the Council.			Y	Y (RSO only)	Y	Y
Sections 106, 107 and 109						
Authority to amend compliance schedules.			Y		Y	Y
Section 112						
Authority to determine whether a building consent should be issued for an alteration to an existing building.			Y		Y	Y
Section 115						
Authority to determine that reasonably practicable compliance with the provisions of the building code for means of escape from fire and for access and facilities for use by people with disabilities (where this is a requirement of the Disabled Persons Community Welfare Act 1975) will be achieved after a change of use to an existing building.			Y		Y (With agreement of BCM)	
Authority to determine that after alteration, a building will continue to comply with the other provisions of the building code to at least the same extent as before the alteration.			Y		Y (With agreement of BCM)	Y

Section of Building Act	CE	RCM	BCM	RSO	BCO	Contracted BCO or Technical Leader (off-site)
Section 116						
Authority to determine that reasonably practicable compliance with the provisions of the building code for means of escape from fire and for access and facilities for use by people with disabilities (where this is a requirement of the Disabled Persons Community Welfare Act 1975) will be achieved after an extension to the intended life of a building or a subdivision that affects a building is given effect.			Y		Y (With agreement of BCM)	
Authority to determine that after alteration, a building will continue to comply with the other provisions of the building code to at least the same extent as before the alteration.			Y		Y (With agreement of BCM)	Y
Section 124						
Authority to exercise the powers of the Council in respect of buildings deemed to be dangerous, earthquake-prone or insanitary under Sections 121-123 of the Act.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Sections 126 and 220						
Authority to apply to the District Court for an order authorising the Council to carry out work on default of the owner.	Y					
Authority to enter on to land to do required work.		Y	Y			
Authority to recover costs.		Y	Y			
Authority to authorise entry on to land.		Y	Y			
Section 129						
Authority to avert immediate danger or rectify insanitary conditions.	Y					
Section 164						
Authority to issue notices to fix.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Section 167						
Authority to revoke or refuse to revoke a notice to fix.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Section 219						
Authority to require a person to pay an additional charge where the standard set charge is inadequate for the Council to recover its actual and reasonable costs of providing a service and to collect levies payable under Section 53.		Y	Y		Y (With agreement of BCM)	Y (With agreement of BCM)
Section 221						
Authority to place a charge on the land and to destroy or sell or otherwise dispose of any materials resulting from the doing of the work.		Y	Y			

Section of Building Act	CE	RCM	BCM	RSO	BCO	Contracted BCO or Technical Leader (off-site)
Section 222						
Authority to carry out inspections and to enter land on which building work is being carried out, and building work carried out on or off building site, and enter any building and premises to inspect the premises or building.		Y	Y		Y	Y
Section 363						
Authority to initiate prosecution for an offence. Protecting members of the public from using premises open to the public or intended for public use.	Y					
Section 363A						
Authority to issue a certificate of public use.			Y		Y	Y
Section 364						
Authority to initiate prosecution for an offence. Offence for a residential property developer to transfer household unit without Code Compliance Certificate.	Y					
Section 365						
Authority to initiate prosecution for offence. Offence to fail to comply with direction of authorised person.	Y					
Section 366						
Authority to initiate prosecution for an offence. Offence to impersonate building consent authority or regional authority.	Y					
Section 367						
Authority to initiate prosecution for an offence. Offence to wilfully obstruct execution of powers under this Act.	Y					
Section 368						
Authority to initiate prosecution for an offence. Offence to remove or deface notice.	Y					
Section 369						
Authority to initiate prosecution for an offence. Offence to make false statement.	Y					
Section 371						
Where a person has committed an infringement offence, authority to determine whether to proceed under the Summary Proceedings Act 1957 or to issue an infringement notice.	Y					
Section 371B						
Authority to issue infringement notices.			Y		Y (With agreement of BCM)	Y (With agreement of BCM)

Section of Building Act	CE	RCM	BCM	RSO	BCO	Contracted BCO or Technical Leader (off-site)
Section 375						
Authority to initiate prosecution for an offence. Prosecution of offences.	Y					
Section 377						
Authority to lay an information for an offence. Filing charging documents.	Y					

Abbreviations

CE	Chief Executive
RCM	Regulatory and Compliance Group Manager
BCM	Building Control Manager
BCO	Building Control Officer
SRSO	Senior Regulatory Support Officer

8. Publication Details

All inquiries or suggestions regarding this document should be referred to:	Corporate Services Group Manager
Revision:	Revised Version
Revision Dates:	<u>12 March 2019</u> 22 April 2014 (minor) 25 November 2014 (full review) 30 June 2015 (minor) 4 October 2016 (minor) 6 December 2016 (minor) 23 May 2017 (minor) 22 August 2017 (minor) 12 September 2017 (Committee Delegations) 9 October 2018 Resolution 2018/90 (minor and staff delegation)
Effective Date:	9 October 2018 <u>12 March 2019</u>
Full Policy Adoption Date:	25 November 2014
Minimum Review by:	April 2019
Document Owner – Corporate Services Group Manager	Corporate Services Group Manager
Chief Executive:	Stuart Duncan
Policy can only be amended by:	Resolution of Council
Policy filed at:	L:\POLICIES, MOU's & STRATEGIES\Policies\300 policy - General Council
Policy Writer:	Policy Analyst

9 REGULATORY AND COMPLIANCE GROUP REPORT

9.1 DRAFT PROPERTY MAINTENANCE AND NUISANCE BYLAW

Author: Paul Cooper, Regulatory and Compliance Group Manager

Authoriser: Paul Cooper, Regulatory and Compliance Group Manager

Attachments: 1. Property Maintenance and Nuisance Bylaw 22  

PURPOSE

1. The purpose of this report is to present the Draft Property Maintenance and Nuisance Bylaw 2019. It is proposed that the draft Bylaw go out for community consultation alongside the Draft Dangerous Buildings Policy (reported separately).

BACKGROUND

2. The Waimate District has a thriving rural community, most of whom take pride in the appearance of their properties, in terms of keeping them maintained. However, several property owners do not maintain their properties and Council receives approximately 20 complaints each year about overgrown sections and sections that are used for storing materials such as old machinery, rubbish, carcasses of dead animals or unused building materials.
3. These problem properties create a threat to the wellbeing of the public, but more particularly for the owners of the problem properties and neighbouring properties.
4. Properties that are not maintained or are used as areas to dump waste materials can create the potential for issues. Providing harbourage for vermin, providing conditions that are suitable for the breeding of mosquitoes, mites, ticks or other insects capable of spreading disease, causing unpleasant smells that interfere with the comfort of the public or other nuisances that can be potentially injurious to the public.
5. The Local Government Act 2002 (the Act) in section 145 describes in general terms that a new bylaw must be for one or more of the following purposes:
 - a. Protecting the public from nuisance:
 - b. Protecting, promoting and maintaining public health and safety:
 - c. Minimising the potential for offensive behaviour in public places.
6. Section 155 of the Act gives guidance about whether or not a bylaw is the appropriate mechanism for dealing with the issues covered by section 145. In summary it states the following:
 - a. The Council must determine whether a bylaw is the most appropriate way of dealing with the perceived problem.
 - b. If Council determines that a bylaw is appropriate, it must before making the bylaw determine that the bylaw is the most appropriate form of bylaw; and ensure it is consistent with the Bill of Rights Act 1990.
7. Section 150 of the Act states that fees may be prescribed by the bylaw. In the case of the Property Maintenance and Nuisance Bylaw, it seeks to provide a mechanism for cost recovery when Council has to rectify a problem using contractors after having first given the property owner opportunity to rectify the problem within a specified and reasonable timeframe. For the most serious of cases, the relevant legislation sitting above the bylaw provide penalties upon conviction through the court system.
8. The legislation available for dealing with the majority of these nuisance issues is the Health Act 1956 and the Litter Act 1979. However, the effectiveness of these acts for the multitude of circumstances that can arise where there is a need to promote and maintain public health

and safety, and to protect the public from nuisances, would be greatly enhanced by the new bylaw.

PROPOSAL

9. The proposal is that Council take the Draft Property Maintenance and Nuisance Bylaw to the community for consultation, hear submissions on the proposed bylaw, make any amendments arising from the consultation process and then adopt a final version.

Options

10. The options available to Council are as follows:
 - a. Take the Draft Property Maintenance and Nuisance Bylaw to the community for consultation, with a view to amending as necessary before finalising and adopting a final version;
 - b. Refer the proposed Draft Property Maintenance and Nuisance Bylaw back to the writer to make any significant changes, to be re-submitted at a future meeting for consideration; or
 - c. Not proceed with the development of a Property Maintenance and Nuisance Bylaw.

ASSESSMENT OF SIGNIFICANCE

11. The development and potential adoption of a Property Maintenance and Nuisance Bylaw is deemed significant, as section 156 of the Act requires that the Special Consultative Procedure be used to develop a new bylaw.

CONSIDERATIONS

12. The proposed Draft Property Maintenance and Nuisance Bylaw has been strongly aligned with existing bylaws used elsewhere in the country by several Council's. Some of these bylaws have been used extensively on several hundred occasions without being successfully challenged through proceedings. For this reason, the writer is confident that the form and content of the proposed draft bylaw is fit for purpose in the current legal environment.

Legislation

13. Local Government Act 2002
14. Health Act 1956
15. Litter Act 1979
16. Bylaws Act 1910

FINANCIAL

17. The financial and budgetary implications of developing the new bylaw are not significant because the bylaw would seek to recover the costs associated with resolving the issue should Council intervention be required to effect an outcome.

RECOMMENDATION

1. That the Draft Property Maintenance and Nuisance Bylaw report be accepted; and
2. That the Draft Property Maintenance and Nuisance Bylaw be taken to the community for consultation; or
3. That the Environmental Services and Finance Committee does not proceed with a Property Maintenance and Nuisance Bylaw.

WAIMATE DISTRICT CONSOLIDATED BYLAW 2019

CHAPTER 22

22 PROPERTY MAINTENANCE AND NUISANCE

2200 Title

2200.1 The title of the bylaw shall be the Waimate District Council Property, Maintenance and Nuisance Bylaw 2019.

2201 Commencement

2201.1 This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

2202 Purpose

2202.1 The purpose of this bylaw is to require private property to be maintained and managed so as to protect, promote and maintain public health and safety, and to protect the public from nuisances.

2202.2 This bylaw applies to the entire Waimate District.

2202.3 This bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002, Section 23 and 64 of the Health Act 1956 and Section 12 of the Litter Act 1979.

2203 Explanatory Note

2203.1 This bylaw is not the only legislative document relating to property maintenance and nuisances. Compliance with this bylaw does not avoid the need to comply with all other applicable Acts, regulations, bylaws or rules of law.

2204 Definitions

In this bylaw, unless the context requires otherwise:

2204.1 **Abandoned** means empty, deserted, derelict or uninhabited.

2204.2 **Building** means a temporary or permanent moveable or immoveable structure including a structure intended for occupation by people, animals, machinery or chattels or includes part of a building.

2204.3 **Litter** has the meaning given in the Litter Act 1979.

2204.4 **Material or thing** means, but is not limited to:

- a. Building material or equipment associated with building activities and including asbestos
- b. Household goods/furniture

- c. Litter
- d. Manure
- e. Metal
- f. Paper
- g. Plastic
- h. Timber
- i. Tyres
- j. Vehicles including vehicles with wheels or other parts removed
- k. Waste.

2204.5 **Nuisance** means a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort, or convenience of another person. This includes, but is not limited to:

- a. Where any accumulation or deposit of material or thing is in such a state or is so situated as to be offensive or likely to be injurious to health
- b. Where there exists on any land or premises any condition giving rise or likely to give rise to the breeding of pests or vermin or is suitable for the breeding of pests or vermin, which are capable of causing or transmitting disease, ie long grass or vegetation
- c. Where there exists on any land or premises any condition or activity that creates or is likely to create an odour that is objectionable or offensive at or beyond the boundary of the land
- d. Where any premises, including any accumulation or deposit or any material or thing thereon, are in such a state as to harbour or to be likely to harbour pests or vermin
- e. Where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health
- f. Where any buildings or premises used for the keeping of animals are so constructed, situated, used or kept, or are in such a condition, as to be offensive or likely to be injurious to health
- g. Where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health
- h. Where any street, road, right of way, passage, yard, premises or land is in such a state as to be offensive or likely to be injurious to health.

2204.6 **Occupier** means the inhabitant occupier of that property or premises.

2204.7 **Owner** means the person named on the certificate of title for the land or their attorney or agent.

2204.8 **Pest or vermin** means animals that may attack or infest or are parasitic on living being and plants, and includes but is not limited to:

- a. Ants
- b. Cockroaches
- c. Ferrets

- d. Flies
- e. Mice
- f. Mosquitos
- g. Mites
- h. Pigeons
- i. Possums
- j. Rats
- k. Stoats
- l. Ticks
- m. Wasps

2204.9 **Property** means any parcel of land and/or building capable of being transferred, sold, rented, leased or otherwise disposed of separately from any other parcel of land and/or building(s).

2204.10 **Vehicle** has the same meaning given by the Land Transport Act 1998.

2204.11 **Waste** has the same meaning as defined in Section 5 of the Waste Minimisation Act 2008.

2205 Property Maintenance

2205.1 A person must not allow any material or thing to be deposited, accumulated, used, processed or stored on any private property under their control in a manner that causes or may cause a nuisance.

2205.2 A person must not allow any property under their control to become overgrown with long grass or vegetation to an extent that it causes or may cause a nuisance.

2205.3 The owner of any building that is abandoned, in the opinion of an authorised officer, must ensure that the building is secured so as not to allow access by the public.

2206 Enforcement, Offences and Penalties


2206.1 The Council may use its powers under the Local Government Act 2002, (including its powers to enter any land, building or dwelling house pursuant to sections 172 to 173 and/or the Health Act 1956 and/or the Litter Act 1979 to enforce this bylaw.

2206.2 The Council may remove or cause to be removed from any private property any material or thing found on that private property in breach of this bylaw and may recover any costs of removal from the person who committed the breach.

- 2206.3 The Council may, pursuant to Section 163 of the Local Government Act 2002, remove or alter a work or thing that is, or has been, constructed in breach of this bylaw and may recover the costs of removal from the person who committed the breach.
- 2206.4 The removal of any material or thing under clause 7.2 and/or the removal or alteration of any work or thing under clause 7.3, and/or the recovery of costs under either of those clauses, does not relieve the person who committed the breach from any liability for any penalty for breach of this bylaw.
- 2206.5 Every person who breaches this bylaw commits an offence.
- 2206.6 Every person who commits an offence under this bylaw is liable to a penalty under the empowering legislation set out in clause 2206.1 above.
- 2206.7 Note: Please refer to the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices and Clause 18 Right of Appeal.
- 2207 Adoption of bylaw**
- The foregoing bylaw was duly adopted by resolution of the Waimate District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Act.

I, Stuart Duncan, Chief Executive of Wamate District Council, CERTIFY that this bylaw was made by Resolution on the *xxth* day of *month* 2019, to come into effect on the *xxth* day of *month* 2019.

9.2 DRAFT DANGEROUS BUILDINGS POLICY

Author: Stuart Chapman, Building Control Manager
Authoriser: Paul Cooper, Regulatory and Compliance Group Manager
Attachments: 1. Draft Dangerous Buildings Policy [↓](#) 

PURPOSE

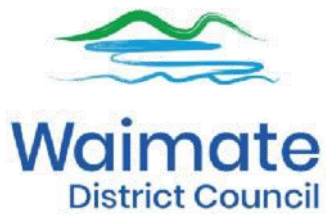
1. The purpose of this report is to obtain approval to take the Draft Dangerous Buildings Policy to public consultation under the special consultative procedure as required under the Section 131 of the Building Act 2004.

Background

2. The current Dangerous Building Policy was considered by the Environmental and Finance Committee on 5 December 2017.
3. This policy was not consulted on at that time as the Transitional Provisions; Schedule 1AA of the Building Act 2004 allowed that the special consultative procedure did not apply unless the amendment or replacement materially affected the policy.
4. At that time, the special consultative procedure was considered not to apply because there were no significant material changes. When the earthquake-prone references were removed, the remaining changes were administrative and re-wording only occurred to make clearer the processes and add legislation references, which support the policy and its intent.
5. Section 132A of the Building Act 2004 states that the Policy must take into account Affected Buildings and it also requires that the Policy go through Special Consultative Procedure.
6. A recently obtained legal opinion identified that while the definition of an Affected Building has been included in the policy, the provision for Affected Buildings has not been carried through to the General provisions of the Policy.
7. The legal opinion has recommended that the General provisions be amended to include Affected Buildings and that this amended policy be consulted on as required under Section 132 of the Building Act 2004 and the provisions for the Special Consultative Procedure under Section 83 of the Local Government Act 2002.

RECOMMENDATION

1. That the Draft Dangerous Building Policy report be received; and
2. That the amended Dangerous Building Policy be approved to be taken to public consultation pursuant to Section 132 of the Building Act 2004 and Section 83 of the Local Government Act 2002.



**WAIMATE
DISTRICT COUNCIL**

Dangerous Buildings Policy

Formatted: Centered

[L:\POLICIES, MOU's & STRATEGIES\Policies\Working On Policies Folder\313 Dangerous Buildings Policy_12 March 2019.docx](#)
[L:\POLICIES, MOU's & STRATEGIES\Policies\300-policy - General Council\Word Versions\313 Dangerous Buildings Policy_5-12-December-March-20197.docx](#)

Contents

1. Introduction.....	3
2. Purpose.....	3
3. Scope	3
4. Definitions.....	3
5. General.....	4
6. Recording Dangerous Buildings	5
7. Taking Action on Dangerous Buildings.....	5
8. Procedure for Remediation of Dangerous Buildings	6
9. Publication Details.....	7

1. Introduction

This policy is a result of changes to the Building (Earthquake-prone Buildings) Amendment Act 2016, taking effect from 1 July 2017, which removed earthquake prone buildings from the previously titled "Dangerous, Insanitary and Earthquake Prone Buildings Policy".

2. Purpose

This Policy meets the requirements of sections [131](#), [and 132](#), and [132A](#) of the [Building Act 2004](#) (the Act) for territorial authorities to adopt a policy on dangerous [and affected](#) buildings. This is a review of existing policy under section 132 of the Act.

3. Scope

Council has adopted a reactive approach regarding this policy so that:

- When it comes to Council's attention that a building may be dangerous, [or is an affected building](#), Council's role is to undertake an assessment of the building within 5 working days to establish whether it is dangerous [or affected building](#) within the terms of the Act, and the likelihood of immediate or any danger.
- Where a building has been deemed to be dangerous [or affected building](#), Council will work with the owner of the building to make it safe.
- It is the building owner's responsibility to undertake works to remove or reduce the danger. This includes full financial responsibility.

4. Definitions

These and other provisions relating to dangerous buildings are contained in the following sections of the Act.

- [Section 121](#) defines the meaning of dangerous building
- [Section 121A](#) defines the meaning of affected building
- [Section 123A](#) defines the meaning of "parts of a building"
- [Section 124](#) describes powers of territorial authorities in respect of dangerous, affected buildings
- Sections [125-130](#) describe procedures to be applied in the exercise of those powers
- [Section 131](#) provides that a territorial authority must adopt a policy on dangerous buildings
- [Section 132](#) describes procedures in relation to the adoption and review of Council's policy on dangerous buildings

Waimate District Council – Dangerous Buildings Policy 313– [5-12 December-March 2017-2019](#) – Page | 3

Formatted: Justified

- [Section 132A](#) provides that the policy must take into account affected buildings
- For the purposes of this policy: **Heritage building** is defined as "A building which is registered under the [Heritage New Zealand Pouhere Taonga Act 2014](#)."

Formatted: Justified, Indent: Left: 2 cm

5. General

Formatted: Justified

When a building is brought to Council's attention, it will be inspected, assessed and addressed according to this policy and the relevant procedures.

Council will determine whether it is in fact a dangerous building. In so doing, Council may request advice from Fire and Emergency New Zealand.

Council will be proactive in addressing identified dangerous [or affected](#) buildings.

Where a building is deemed [to be either a dangerous or an affected building](#), immediate action will be taken to contact the owner/s and work towards remediation.

Where Council is satisfied a building is dangerous it will also assess the level or risk to public health and/or safety that is presented.

Options for immediate action include:

- Prohibiting any person from occupying or using the building;
- If necessary, erecting barriers and warning signs, or requiring barriers to be erected, plus securing the building to prevent entry until such time as remedial action can be taken;
- Undertaking remedial action where there is immediate danger under [section 129](#) of the Act.

Council will hold the owner of any dangerous [or affected](#) building liable for the cost of any remedial action undertaken to reduce or eliminate the danger posed by that building to its occupants or to the general public. (The work may include the demolition of the building and clearance of the site at the owner's cost.)

Heritage buildings will be assessed in the same way as other dangerous buildings and discussions held with the owners and the Historic Places Trust to identify a mutually acceptable way forward. In the event the discussions with these two parties do not yield a mutually acceptable approach and proposal, notice will be served requiring improvement or demolition within a time stated in the notice.

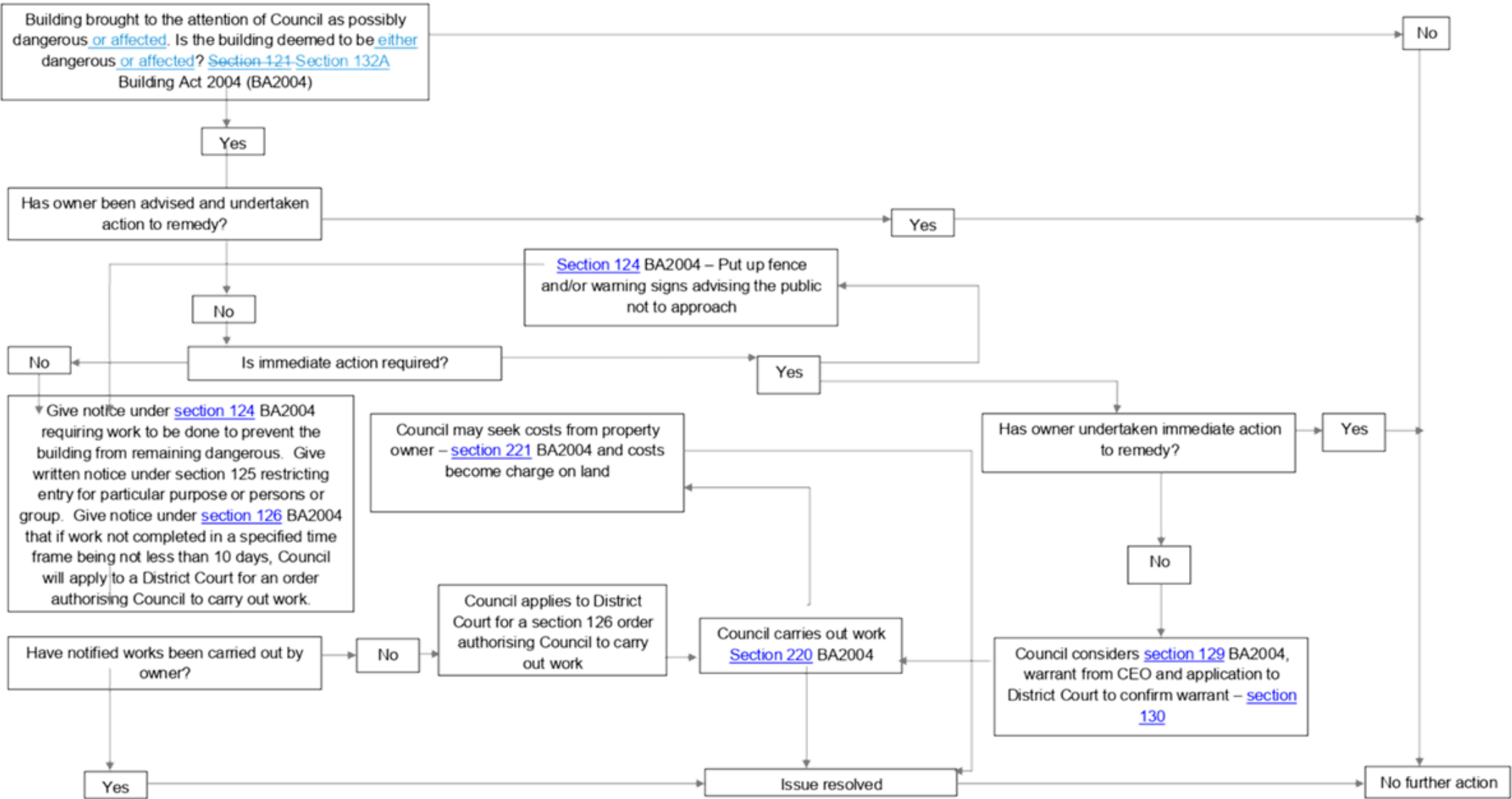
6. Recording Dangerous Buildings

Whenever Council has information on a building that it is satisfied is dangerous [or an affected building](#), the information will be included when a Land Information Memorandum (LIM) is issued by the Waimate District Council. The LIM will note any action taken under section 124 and the status of any requirement by the Council for improvements to the building, or the results of any improvements carried out, as applicable.

7. Taking Action on Dangerous Buildings

When taking action on a potentially dangerous building, Council will follow its "Procedure for Remediation of Dangerous Buildings".

8. Procedure for Remediation of Dangerous [or Affected](#) Buildings



9. Publication Details

All inquiries or suggestions regarding this document should be referred to:	Regulatory & Compliance Group Manager
Revision:	Final
Revision Dates:	(with amendments) 12 March 2019 5 December 2017
Effective Date:	Adoption 5 December 2017 12 March 2019
Minimum Review by:	5 years
Document Owner – Release Signature:	Regulatory & Compliance Group Manager
Chief Executive – Release Signature:	
Policy can only be amended by:	Resolution of Council
Policy filed at:	L:\POLICIES, MOU's & STRATEGIES\Policies\313 Dangerous Buildings Policy_5 December_2017.pdf
Policy Writer:	Paul Cooper

Formatted: Tab stops: 11.97 cm, Left

10 CORPORATE SERVICES GROUP REPORT

10.1 FINANCE REPORT - FOR THE 7 MONTHS ENDED 31 JANUARY 2019

Author: Melissa Thomson, Accountant

Authoriser: Tina Stevenson, Corporate Services Group Manager

Attachments: Nil

PURPOSE

- To present the Finance Report to the Environmental Services and Finance Committee.

Waimate District Council Statement of Financial Performance For the 7 months ended 31 January 2019

\$000	Variance Note	Actual	Year to date Budget	Variance	% Var.	Full Year Budget <i>Including carry forwards</i>
Operating Revenue						
Rates (net of remissions)		\$ 7,391	\$ 7,405	\$ (14)	(0%)	\$ 9,873
Development and Financial Contributions		28	36	(8)	(22%)	61
NZ Transport Agency Subsidy	3	1,654	2,043	(389)	(19%)	3,107
Fees and Charges		673	692	(20)	(3%)	1,015
Interest Revenue		39	61	(22)	(36%)	119
Other Revenue	4	3,875	3,692	184	5%	6,277
Total Operating Revenue		13,660	13,929	(269)	(2%)	20,452
Operating Expenditure						
Employment Benefit Expenses	5	2,308	2,458	150	6%	4,213
Depreciation and Amortisation	6	2,728	2,792	64	2%	4,786
Roading Expenses	7	1,706	1,369	(336)	(25%)	2,448
Finance Costs		61	97	36	37%	182
Other Expenses	8	5,177	5,574	396	7%	9,645
Total Operating Expenditure		11,980	12,290	310	3%	21,274
Total Surplus/(Deficit)		\$ 1,680	\$ 1,639	\$ 41	3%	\$ (822)

- For the 7 months ended 31 January 2019, Council recorded a surplus of \$1,680,000 compared to a budgeted surplus of \$1,639,000; therefore, Council is tracking \$41,000 favourable to budget.

MAJOR VARIANCES TO BUDGET

- NZ Transport Agency subsidy income is below budget, mainly due to the timing of capital works and the Emergency Reinstatement approved subsidy claim not yet received.
- Other Revenue includes forestry sales of \$75,000 for the final Joint Venture payment received in July 2018.
- Employment Benefit Expenses are favourable to budget due to vacant positions and timing of replacements.
- Depreciation and Amortisation expenses are favourable to budget due to the timing of infrastructural capital works, ie Roothing and Rural Water Schemes projects.
- Roothing expenses have exceeded budget mainly due to emergency works (January 2019: \$382,000) following large rain events.
- Other Expenses are below budget predominately due to reduced consultancy and legal expenses (\$112,000 favourable to budget), timing of Economic Development and Council

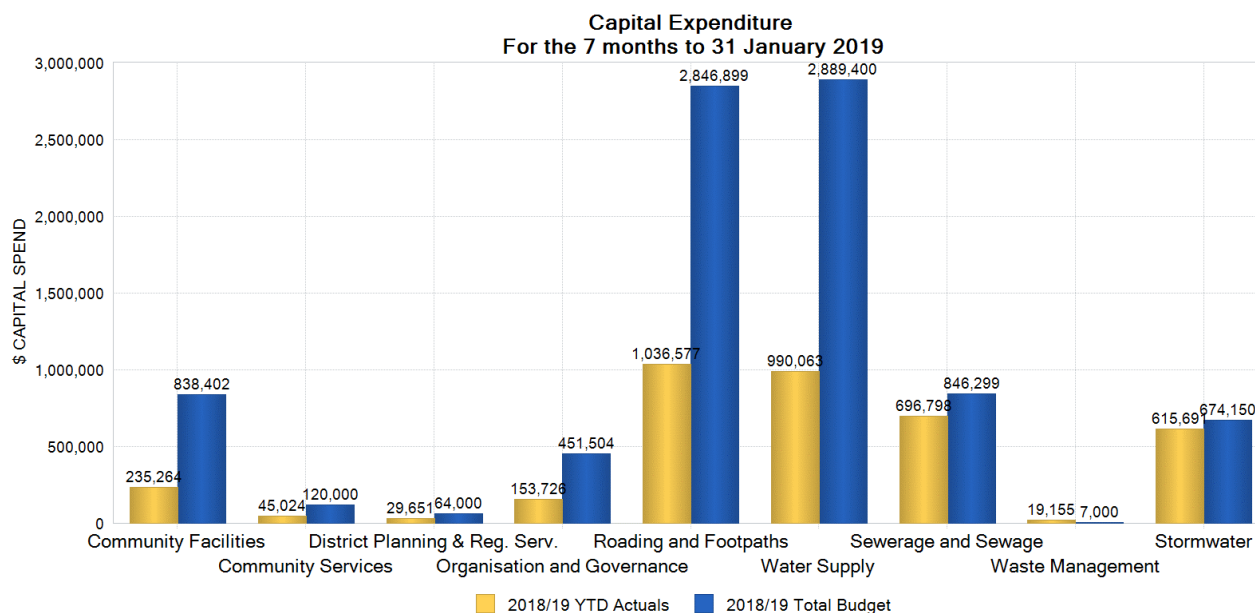
Initiatives expenditure (\$81,000 favourable to budget), Asset Management Plan costs (\$49,000 favourable to budget), Training and seminar costs (\$41,000 favourable to budget) and general expenses (\$122,000 favourable to budget).

Waimate District Council
Statement of Financial Position
As at 31 January 2019

	Movement Note	Actual 31 January 2019 \$000	Actual 30 June 2018 \$000	Movement \$000
Assets				
Current Assets				
Cash and cash equivalents	9	1,949	4,200	(2,251)
Trade and other receivables	10	3,970	1,796	2,175
Inventories		93	96	(3)
Other financial assets		6	6	-
Total Current Assets		6,018	6,097	(80)
Non Current Assets				
Property, plant and equipment		402,160	402,029	132
Forestry assets		1,653	1,727	(74)
Intangible assets		295	260	35
Other financial assets	11	17,102	15,615	1,487
Total Non Current Assets		421,210	419,631	1,579
Total Assets		427,228	425,728	1,500
Liabilities				
Current Liabilities				
Trade and other payables		1,572	1,747	(175)
Borrowings		33	33	-
Provisions		6	6	-
Employment Benefit Expenses		397	363	34
Total Current Liabilities		2,008	2,149	(141)
Non Current Liabilities				
Provisions		60	60	-
Borrowings		2,660	2,704	(44)
Total Non Current Liabilities		2,721	2,764	(44)
Equity				
Public Equity		86,312	84,664	1,648
Reserves		336,188	336,151	37
Total Equity		422,499	420,815	1,685
Total Liabilities and Equity		427,228	425,728	1,500

9. Cash and Cash Equivalents have reduced this financial year due to additional capital works, as anticipated in the Long Term Plan, along with a term deposit being set (Note 11 below).
10. Trade and Other Receivables have increased due to Instalment 3 of Rates being due in February 2019.
11. Non-Current Other Financial Assets have increased due to a \$1.5m term deposit.

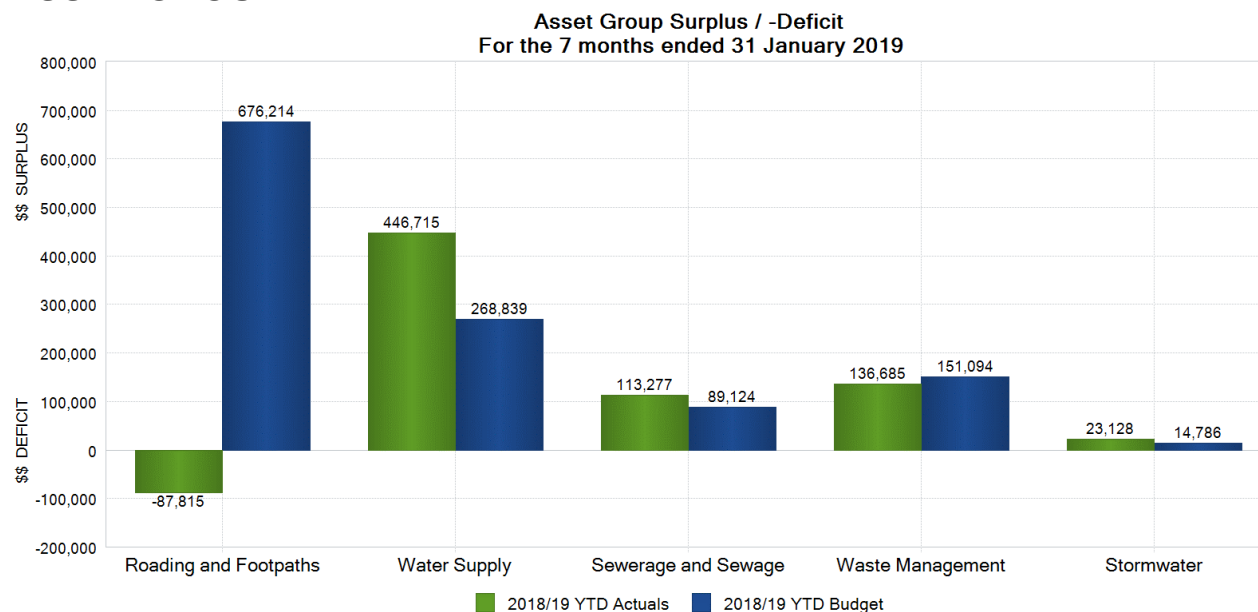
TOTAL CAPITAL EXPENDITURE BY GROUP



Note: Year to date Actuals (yellow) includes capital work in progress at 30 June 2018. The Total Budget (blue) includes carry forward budgets as reported at the Environmental Services and Finance Committee meeting held on 6 November 2018.

12. Totals:	Spend to date (including WIP at 30 June 2018)	\$3,821,949
	Work In Progress carried forward from 30 June 2018	<u>\$ -891,888</u>
	Total spend this financial year	\$2,930,061
	2018/19 Total Budget (including Budget Carry Forwards)	\$8,737,654
	% of total budget spent	34%

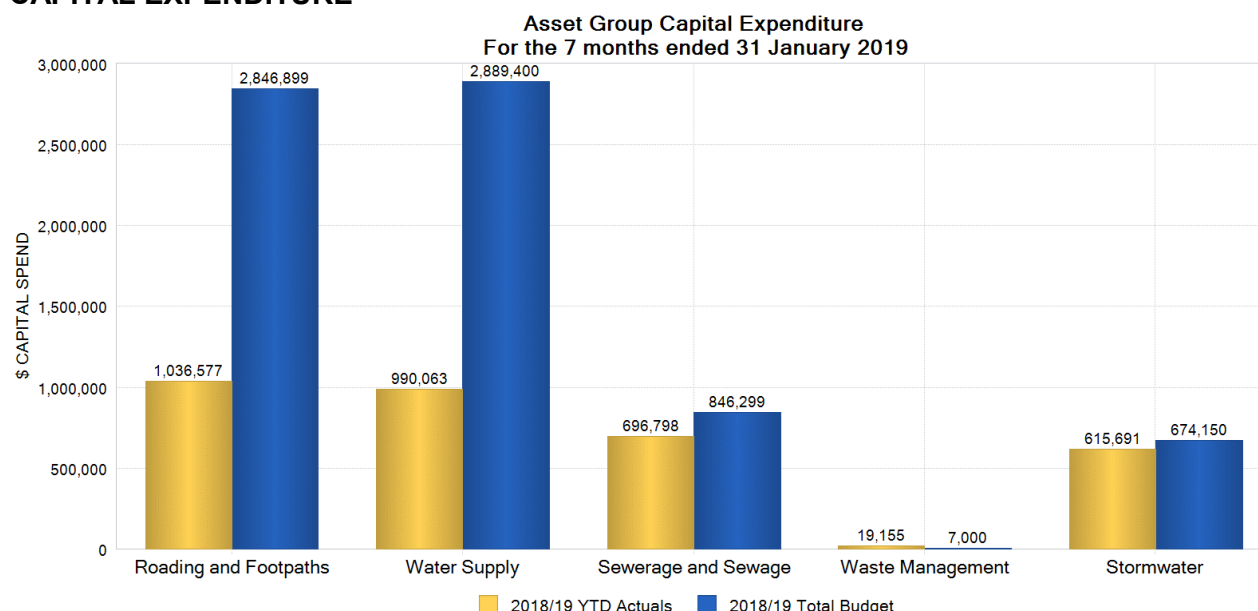
ASSET GROUP



VARIANCE ANALYSIS – DAN MITCHELL

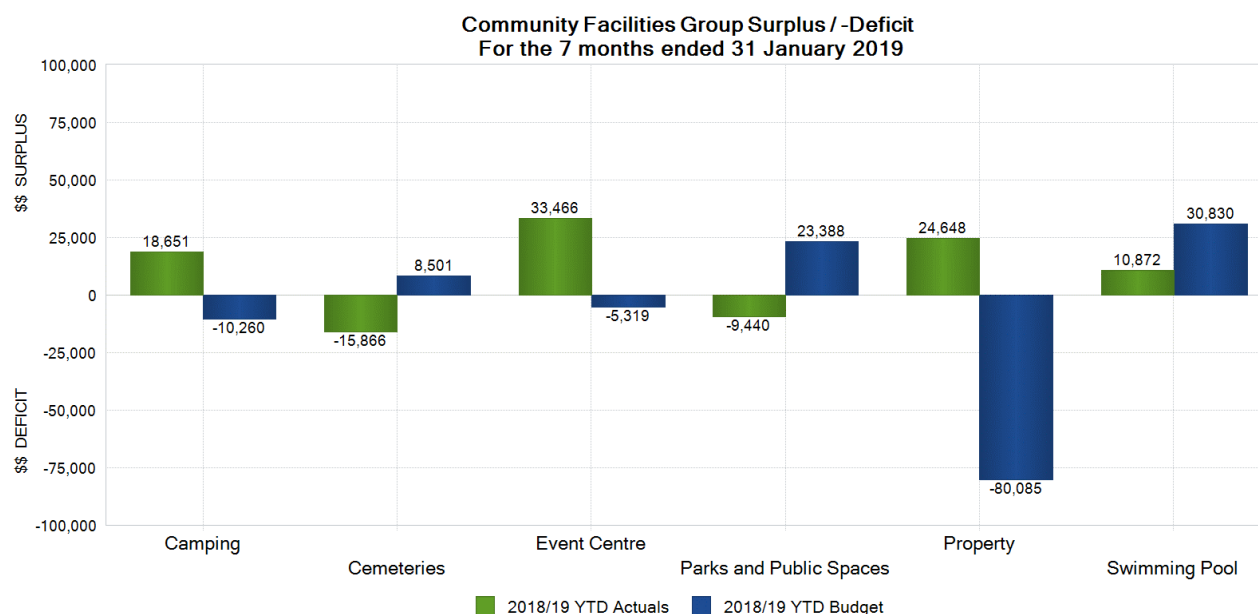
13. Roding and Footpaths – The deficit of \$87,815 is unfavourable (Budget: \$676,214 Surplus) due to reduced subsidy income (related to timing of expenditure and emergency works claim not yet received) and increased expenditure for emergency works following large rainfall events.
14. Water Supply – The surplus of \$446,715 is favourable (Budget: \$268,839 Surplus) due to reduced expenditure on Asset Management Plans, line maintenance and reduced depreciation costs.

CAPITAL EXPENDITURE



15. Roding and Footpaths – The capital works program is on target for completion by year-end.
16. Water Supply – The Urban Water capital works program is on target. The Rural Water capital programme will only be partially completed at year-end due to the Cannington Water Scheme upgrade of \$700,000 being deferred.
17. Sewerage and Sewage – The capital works program is on target.

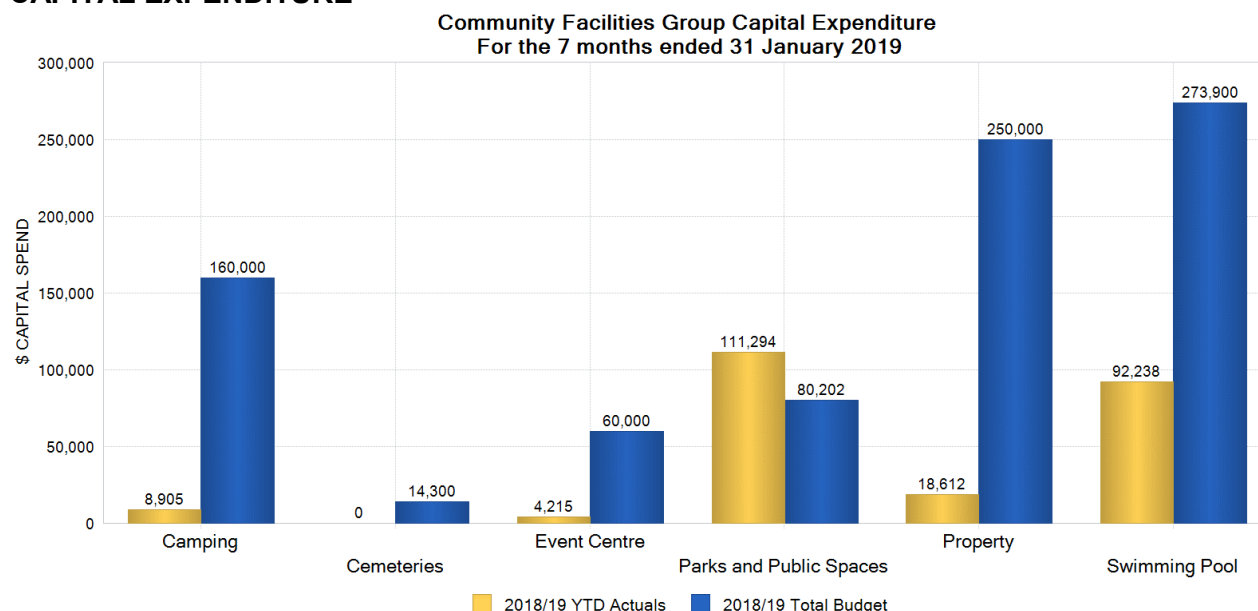
COMMUNITY FACILITIES GROUP



VARIANCE ANALYSIS – DAN MITCHELL

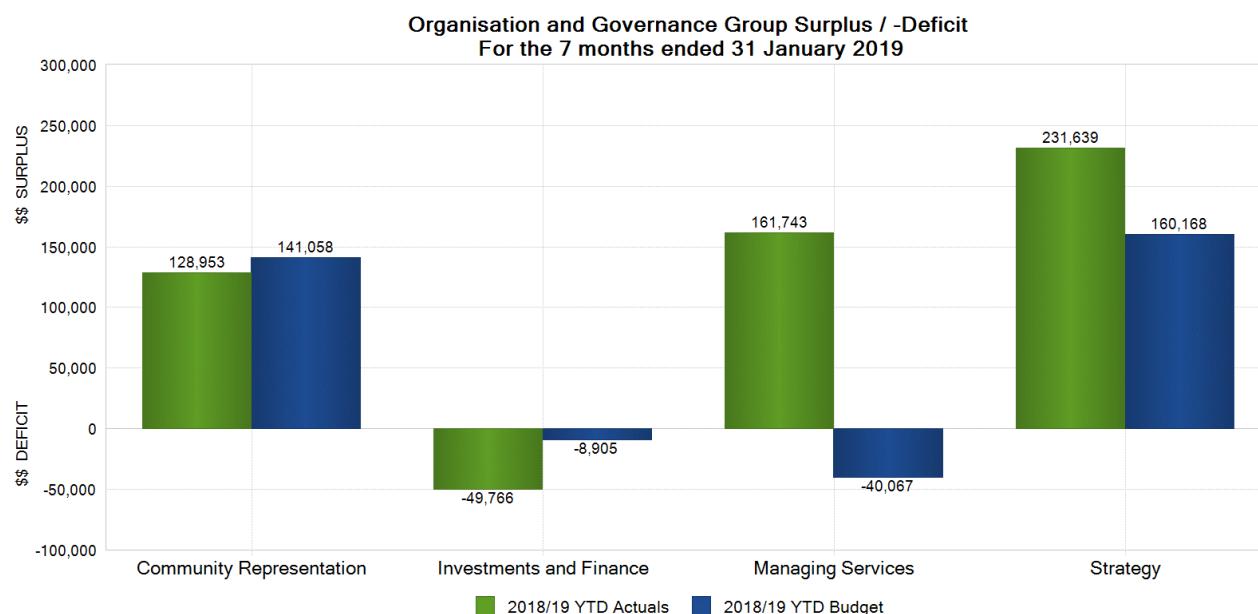
18. Event Centre – The surplus of \$33,466 is favourable (Budget: \$5,319 Deficit) due to reduced depreciation expenses and internal time allocations.
19. Parks and Public Spaces – The deficit of \$9,440 is unfavourable (Budget: \$23,388 Surplus) due to extensive maintenance works at the Morven Reserve lease block and Steward Park.
20. Property – The surplus of \$24,648 is favourable (Budget: \$80,085 Deficit) due to lower than budgeted repairs and maintenance expenses, and internal time allocations (to be allocated in March 2019).

CAPITAL EXPENDITURE



21. Camping – The capital works program is on target.
22. Property – The capital budget includes \$200,000 for Public Toilets; this project has been carried forward from the 2017/18 financial year.
23. Swimming Pool – The capital works program is on target.

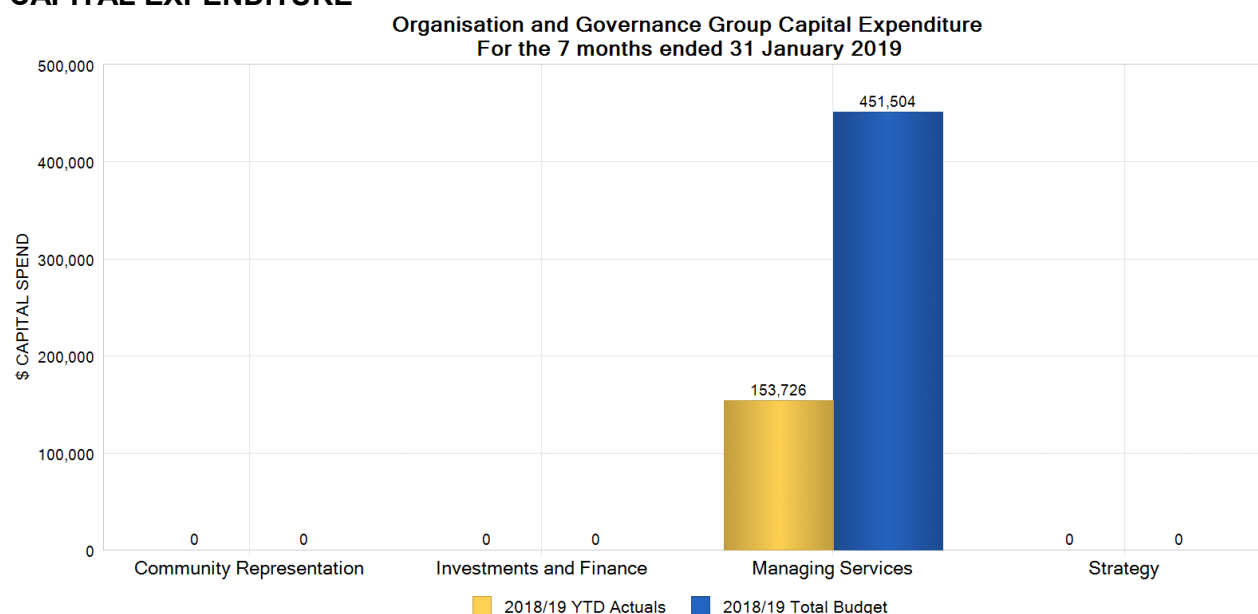
ORGANISATION AND GOVERNANCE GROUP



VARIANCES ANALYSIS – TINA STEVENSON

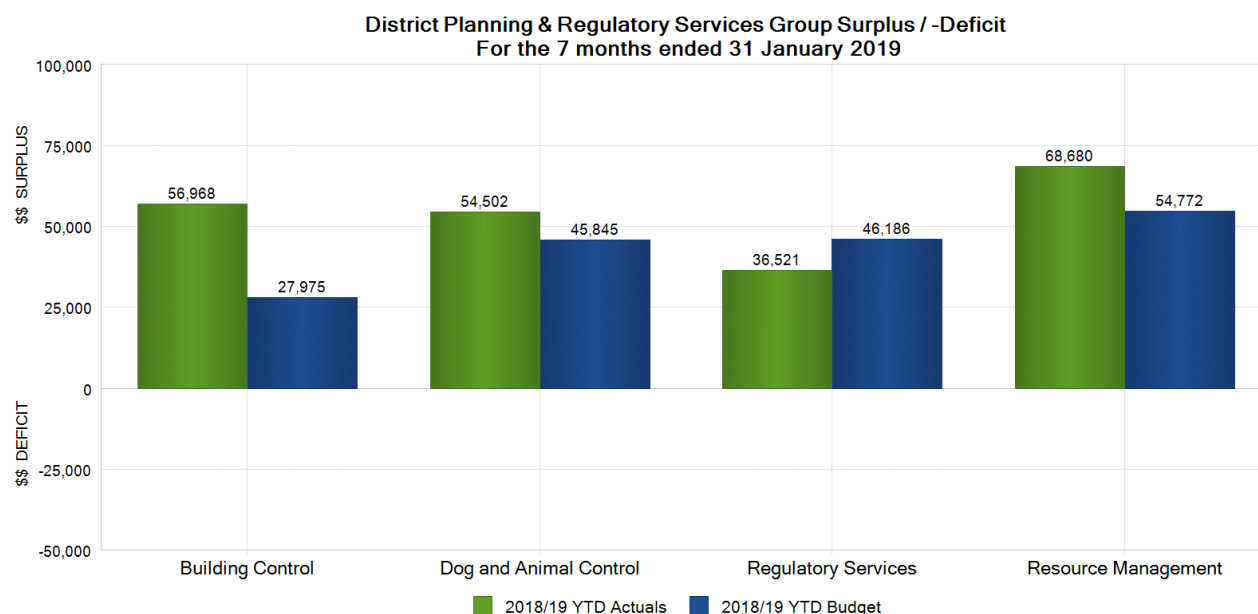
24. Investments and Finance – The deficit of \$49,766 is unfavourable (Budget: \$8,905 Deficit) due to overall increased internal interest expenditure.
25. Managing Services – The surplus of \$161,743 is favourable (Budget: \$40,067 Deficit) due to reduced Employment Benefit Expenses, training and seminars, depreciation, consultancy and legal expenditure.
26. Strategy – The surplus of \$231,639 is favourable (Budget: \$160,168 Surplus) due to reduced consultancy and general expenditure.

CAPITAL EXPENDITURE



27. Managing Services – The capital works program includes vehicle replacements of \$238,000, which are due to be purchased by the end of the financial year, subject to a review and assessment of the vehicle fleet and requirements.

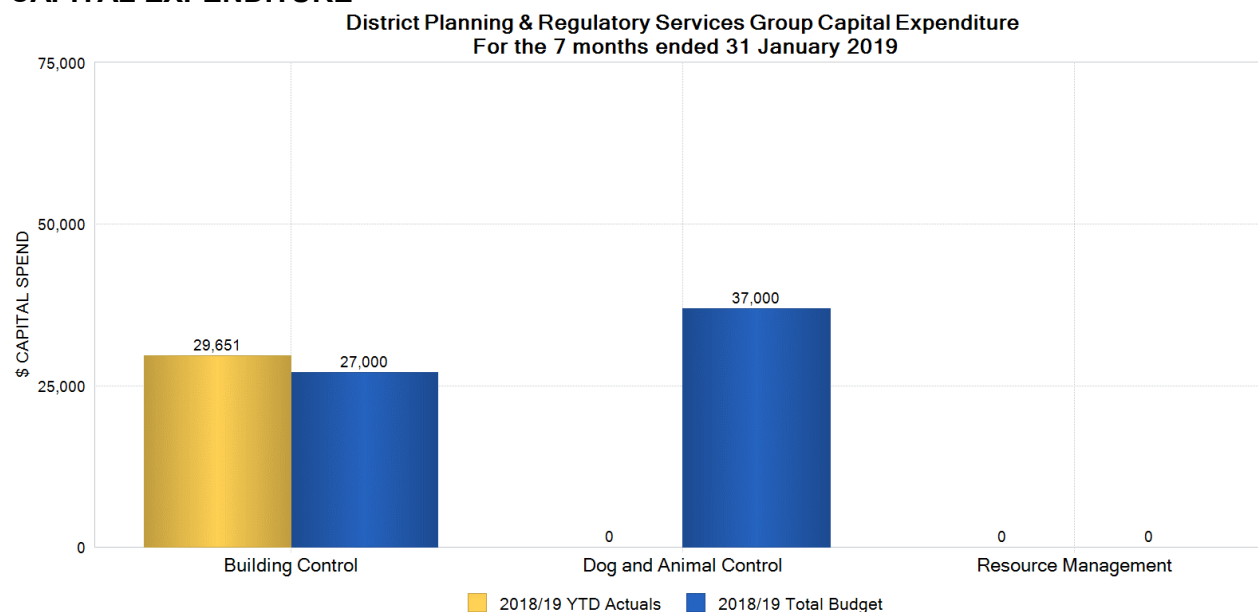
DISTRICT PLANNING AND REGULATORY SERVICES GROUP



VARIANCE ANALYSIS – PAUL COOPER

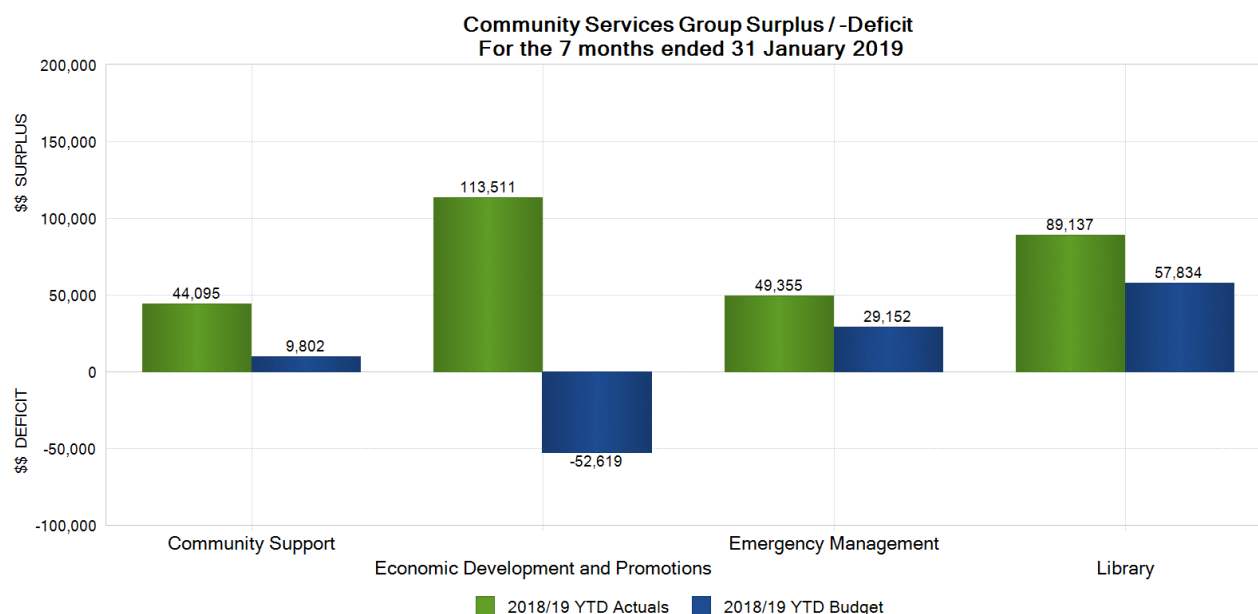
28. Building Control – The surplus of \$56,968 is favourable (Budget: \$27,975 Surplus) due to increased building consent income in addition to reduced general expenditure.

CAPITAL EXPENDITURE



29. Dog and Animal Control – The capital budget allows for a vehicle replacement, which is due to be purchased by the end of the financial year, subject to a review and assessment of the vehicle fleet and requirements.

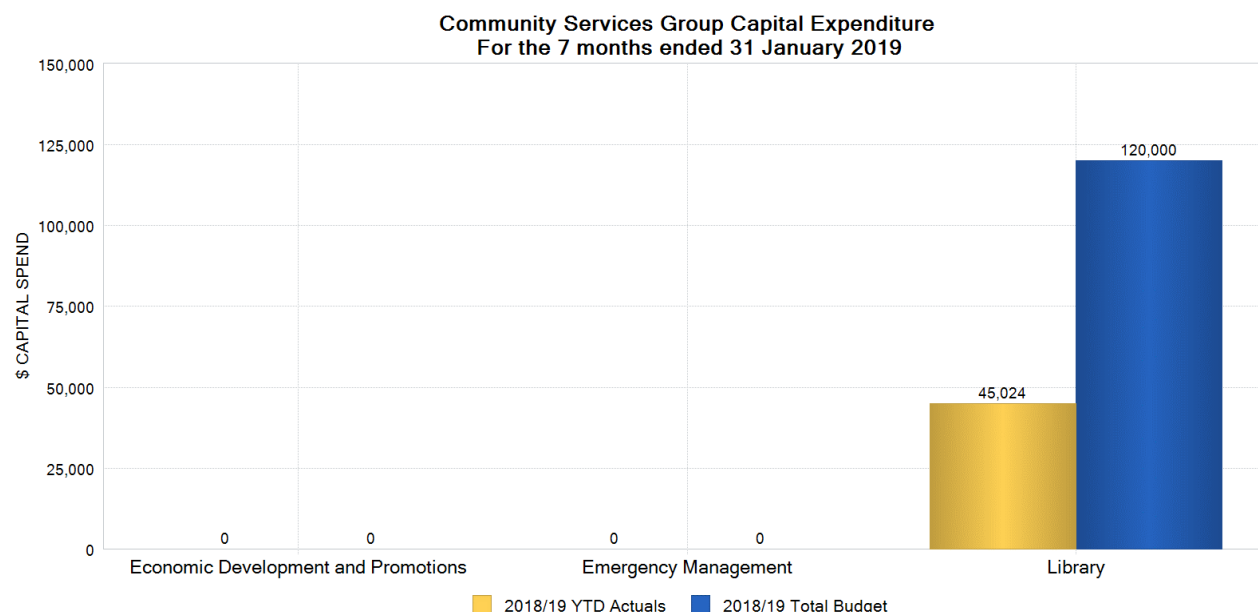
COMMUNITY SERVICES GROUP



VARIANCE ANALYSIS – CAROLYN JOHNS AND MICHELLE JONES

30. Economic Development and Promotions – The surplus of \$113,511 is favourable (Budget: \$52,619 Deficit) mainly due to timing of expenditure; it is anticipated that this will be fully spent by year-end.
31. Library – The surplus of \$89,137 is favourable (Budget: \$57,834 Surplus) due to reduced depreciation, amortisation expenses and general expenditure.

CAPITAL EXPENDITURE



32. Library – The Library Books capital purchases are on target. The Self Service and Item Security software project budgeted at \$60,000 is to be purchased prior to year-end.

10.2 CORPORATE SERVICES GROUP REPORT

Author: Tina Stevenson, Corporate Services Group Manager

Authoriser: Tina Stevenson, Corporate Services Group Manager

Attachments: Nil

PURPOSE

1. To present the Management Report – Corporate Services Group to the Environmental Services and Finance Committee.

CORPORATE & SUPPORT SERVICES

Finance Team

2. Procedures

The documentation of Finance Team procedures to complete Monthly Reporting and other finance tasks has been completed. This includes Magiq Performance Reporting and Magiq Financial Modelling (Long Term Plan and Annual Plan modelling). The documentation of these procedures will ensure consistency with financial reporting and enable staff to easily complete tasks.

3. Pre-Election Report

Finance staff attended webinar training for the upcoming Pre-Election Report, which is due for completion in early August 2019.

4. Audit

Audit New Zealand has advised the dates for the annual Interim Audit of 1st to 5th April 2019. The final Annual Report 2019 audit dates are 2nd to 20th September 2019.

5. Annual Plan 2019/20

Finance staff will complete Annual Plan reporting requirements over the next month and finalise the rating information for inclusion in the Annual Plan.

6. Fraud Awareness Training

Council's Fraud Policy says we shall provide staff with Fraud Awareness training as a tool to assist with the management of this risk. This specialist training is to be delivered by Deloitte with the objective that we will gain a better understanding of: how current fraud and corruption trends could materialize, the protections we have in place, identifying 'red flags' in a Local Government environment and the options to safely and confidentially escalate integrity-related concerns in line with our policies and procedures.

We have arranged for this training to take place on 26 March 2019, to be held at the Council offices with as many staff as possible to attend.

Rates

7. Email & Direct Debits

Through the Canterbury Rating Forum, we have the opportunity to share and compare statistics relating to our rates including communication and payment methods. Late last year six councils provided their percentages of ratepayers who receive their rates invoices by email. The range was between 5.8% and 15%, with Waimate sitting at 7%.

Additionally, the same six councils identified the percentage of ratepayers who pay by Direct Debit. The range was from 30% to 44%, with Waimate's 43% a very good result stemming from efforts to encourage this efficient method of payment.

Information Technology

8. The Cyber Security Project is progressing well, with a focus on the organisation and delivery of cyber security training for all staff and elected members. To the end of February, 45% of staff have completed the training.

The training has contributed to staff understanding of cyber security threats and the common vectors of these threats, as well as the actions they should take when encountering cyber security threats. The project detail has been reported through Council's Audit and Risk Committee.

9. Additional WIFI access points have been installed internally to help us provide greater security in our environment.
10. The WIFI connection at the Event Centre has been upgraded for greater coverage.
11. Security camera replacements are being made as required due to vandalism.

GOVERNANCE

Waimate District Civic Awards

12. The Waimate District Civic Awards Committee has met to select the 2019 recipients of the youth, individual, and the group/organisation award and at the time of preparing this report are preparing for the awards ceremony on 6 March 2019. This year the Floral Art Group are helping with the floral arrangements, and again the Waimate Community Choir are performing. A media release will be sent out immediately following the event informing the public of this year's recipients. Again, there were a high calibre of nominations, and the Committee will be urging the unsuccessful nominators to reapply again next year.

Anzac Day

13. The Waimate Community Anzac Group have met on 26 February 2019 and are working towards planning the 2019 10.00am Civic Anzac Service. The format will be similar to last year. The Committee feel it is important to continue to offer a complete civic service to honour those who served for our country.

REQUEST FOR ACTION

Meeting	Date	Officer	Title	Target
Environmental Services and Finance Committee 01-May-18	1-05-2018	Stevenson, Tina	Operational Request: That staff provide a comprehensive report on Council's Forestry Portfolio, followed up in a Council Workshop/Retreat encompassing all investment portfolios	29-Jan-19
Notes <i>A forestry investment discussion occurred on 29 January 2019 and work has commenced on collating information to enable a discussion on the desired strategy of our forestry investment, with consideration to the forestry review recommendations.</i>				

RECOMMENDATION

That the Management Report – Corporate Services Group is accepted.

PUBLIC EXCLUDED

11 EXCLUSION OF THE PUBLIC REPORT

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
11.1 - Public Excluded Minutes of the Environmental Services and Finance Committee Meeting held on 29 January 2019	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

12 RE-ADMITTANCE OF THE PUBLIC REPORT

MEETING CLOSURE