

MASTERTON DISTRICT COUNCIL

SUPPLEMENTARY AGENDA

Item 24 Report 131/22 Pages 340-382

Item 25 Report 132/22 Pages 383-386

WEDNESDAY 14 SEPTEMBER 2022
3.00PM

MEMBERSHIP

Her Worship (Chairperson)

Cr G Caffell

Cr D Holmes

Cr G McClymont

Cr T Nelson

Cr C Peterson

Cr B Gare

Cr B Johnson

Cr F Mailman

Cr T Nixon

Cr S Ryan

Notice is given that a meeting of the Masterton District Council will be held at 3.00pm on Wednesday 14 September 2022 at Waiata House, 27 Lincoln Road, Masterton.

RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS COUNCIL POLICY UNTIL ADOPTED

9 September 2022



Values

1. **Public interest:** members will serve the best interests of the people within the Masterton district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their ethnicity, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which MDC operates, including a regular review and assessment of MDC's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the LGA 2002; the governance principles of section 39 of the LGA 2002; and our MDC governance principles:

Whakamana Tangata	Respecting the mandate of each member, and ensuring the integrity of the committee as a whole by acknowledging the principle of collective responsibility and decision-making.
Manaakitanga	Recognising and embracing the mana of others.
Rangatiratanga	Demonstrating effective leadership with integrity, humility, honesty and transparency.
Whanaungatanga	Building and sustaining effective and efficient relationships.
Kotahitanga	Working collectively.

To:	Your Worship the Mayor and Councillors
From:	Karen Yates, Manager Strategy and Governance
Endorsed by:	David Hopman, Chief Executive
Date:	14 September 2022
Subject:	Amendments to the Delegations Register
DECISION	
Recommendation:	
That Council:	
<ul style="list-style-type: none"> a. receives Report 131/22; b. approves amendments to section 7.1 of the Delegations Register to reflect the positions of Manager Strategy and Governance and Manager Regulatory Services for executing documents under seal; c. approves amendments to section 7.3 of the Delegations Register to add delegations relating to the acquisition and disposal of land and interests in land; d. approves amendments to sections 9.1 and 9.2 of the Delegations Register to references to the Chief Executive and Manager Finance under the Local Government (Rating) Act 2002, section references under the Resource Management Act 1991 and including the Manager Regulatory Services and Principal Resource Planner titles in full; and e. approves minor amendments for clarification and editorial purposes, as highlighted in the Delegations Register Parts A & B in Attachment 1. 	

Purpose

The purpose of the report is to seek Council approval to specific amendments to sections 7.1, 7.3, 9.1 and 9.2 of the Delegations Register and other minor amendments for clarification and editorial purposes.

Context

Masterton District Council has a Delegations Register that is divided into four parts:

- PART A contains the delegation by the Council to the Chief Executive and Mayor. These delegations may be sub-delegated by the Chief Executive, unless this is expressly prohibited in Part A.
- PART B contains delegations by the Council to officers, in particular under the Local Government (Rating) Act 2002 and the Resource Management Act 1991. These delegations are made directly to

officers (rather than being delegated to the Chief Executive and then sub-delegated to officers) as the powers in these Acts cannot be sub-delegated.

- PART C contains delegations by the Council to Committees, Forums and Task Groups.
- PART D contains the sub-delegation of most of the responsibilities, duties and powers delegated by the Council to the Chief Executive.

PARTS A, B and D expressly exclude any power, responsibility or duty that has been delegated to a Committee, Subcommittee (including an Officer Subcommittee), Council Hearings Panel or other subordinate decision-making body.

The Delegations Register includes the Council's delegations policy, which frames the content of the Register.

The proposed amendments to the Delegations Register require approval by Council. The last amendments made to the Delegations Register were approved by Council in October 2021. The amendments were focused on amending the Council delegation for RMA responsibilities to reflect new positions in the Regulatory and Planning area.

Analysis and Advice

Section 7.1 Execute documents under common seal

Council has delegation to authorise positions to be able to execute documents under seal. The current Delegations Register lists Manager Strategic Planning as one of these positions. This position no longer exists and is now separated into two positions, namely Manager Strategy and Governance and Manager Regulatory Services. It is proposed that both positions are authorised to execute documents under seal.

Section 7.3 Acquisition and disposal of land and consent

Council has delegated to the Chief Executive the authority to negotiate, enter into, implement, vary, enforce and cancel contracts for the acquisition and disposal of land including interests in land. The delegation has been amended to clarify that this includes leases and licences but excludes the execution of deeds. The delegation to give consent and act on behalf of Council as the owner or occupier of land has been added.

Section 9.1 Local Government (Rating) Act 2002 and section 9.2 Resource Management Act 1991

The Council delegations for the responsibilities, duties and powers within the Local Government (Rating) Act 2002 and the Resource Management Act 1991 are recorded in Part B of the Masterton District Council Delegations Register. These delegations cannot be sub-delegated and must come from Council.

It is proposed that section 9.1 of the Delegations Register be amended to include reference to the Chief Executive and Manager Finance roles against each section reference of the Act for clarity.

With the departure of the Manager Strategic Planning and the creation of the role Manager Regulatory Services to oversee the Buildings, Planning & Consents, and Environmental Services Teams, and the creation of a role for a Principal Resource Planner to assist the Planning & Consents Manager, the Council delegations were amended and approved in October 2021 to reflect the change in title for the Resource Management Act 1991 delegations. Further to this, it is proposed that these positions are written in full for readability and section references that are missing from the current Delegations Register are added for accuracy in section 9.2 of the Register. It is also proposed to include reference to the Chief Executive, Manager Regulatory Services and Planning and Consents Manager roles against each section reference of the Act for clarity.

Minor amendments

Minor amendments for clarification and editorial purposes have been made.

The Delegations Register Parts A and B is included as Attachment 1 and amendments have been highlighted.

Options Considered

Option	Advantages	Disadvantages
1 Amend Delegations Register	<ul style="list-style-type: none"> • The proposed amendments to the Delegations Register reflect good administrative principals. • Improves the readability and accuracy of content in the Delegations Register. 	<ul style="list-style-type: none"> • None identified
2 Do not amend the Delegations Register	<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • There would be an administrative burden if the additional delegations were not made or clarified. • The Delegations Register would not be accurate.

Option 1 is recommended. Amendments approve the readability and accuracy of content. It also gives clarity on authorising positions to execute documents under seal in alignment with

changes to positions in the Strategy and Governance and Regulatory Services areas. Additional delegations are consistent with the principle to delegate to the lowest level of competence.

SUMMARY OF CONSIDERATIONS

Strategic, Policy and Legislative Implications

The Delegations Register complies with Council's Delegations Policy, which sets out overarching principles for Council's delegations.

Significance, Engagement and Consultation

The decision to amend the Delegation Register as proposed is not considered a significant decision in terms of Council's Significance and Engagement Policy. Neither engagement nor consultation with the community is required in this instance.

Communications/Engagement

No communications or engagement plan is required in the decision to amend the Delegations Register as proposed.

Financial Considerations

There are no financial considerations or implications in the decision to amend the Delegations Register as proposed.

Implications for Iwi/Māori

There are no implications for Iwi/Māori in the decision to amend the Delegations Register as proposed.

Environmental/Climate Change Impact and Considerations

There are no environmental or climate change considerations or implications in the decision to amend the Delegations Register as proposed.



Masterton District Council Delegations Register

Applicable to:	Masterton District Council Elected Members and Staff
Issued by:	Chief Executive
Last Approved:	August 2021 RMA updated in October 2021 Updated in September 2022
Review Date:	2022/23
Contact Person	Manager Strategy and Governance

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1. INTRODUCTION

Masterton District Council / Te Kaunihera ā-rohe o Whakaoriori relies on a clear distinction between governance and management activities for effective operation.

Masterton District Council is comprised of:

- elected members, who have overall responsibility for Council decisions and activities;
- the Chief Executive, who is the sole employee of the elected members; and
- staff, who are employed by the Chief Executive.

Elected members are responsible for governance.

The Chief Executive is responsible for management activities, which includes implementing the governance decisions made by elected members.

To support the efficient and effective operation of Masterton District Council, the Chief Executive sub-delegates management activities.

2. ABOUT THIS REGISTER

This Delegations Register is divided into four parts.

PART A contains the delegation by the Council to **named positions including** the Chief Executive and Mayor. These include many of the responsibilities, duties and powers imposed on the Council by Acts, regulations, and bylaws made by the Council, together with delegations in respect of financial management, property transactions (including leases and licences), and other matters such as dealing with legal proceedings and the settlement of claims.

These delegations may be sub-delegated by the Chief Executive, unless this is expressly prohibited in Part A.

These delegations may be sub-delegated, unless this is expressly excluded in Part A.

PART B contains delegations by the Council to officers, in particular under the Local Government (Rating) Act 2002 and the Resource Management Act 1991. These delegations are made directly to officers (rather than being delegated to the Chief Executive and then sub-delegated to officers) as the powers in these Acts cannot be sub-delegated.

PART C contains delegations by the Council to Committees, Forums and Task Groups. This is an efficient way in which to spread the responsibilities of decision-making among elected members and officers. Depending on the nature of the authority delegated to them, these bodies will either have the power to consider and recommend or to consider and make decisions in respect of the matters they deal with. They, like the Council, must comply with the decision-making requirements set out in part 6 of the Local Government Act 2002.

PART D contains the sub-delegation of most of the responsibilities, duties and powers delegated by the Council to the Chief Executive. This is consistent with the principle behind the delegations register, referred to in the Delegations Policy which is to delegate decision-making to the lowest competent level. Generally, these sub-delegations may not be further sub-delegated under Part C.

PARTS A, B AND D expressly exclude any power, responsibility or duty that has been delegated to a Committee, Subcommittee (including an Officer Subcommittee), Council Hearings Panel or other subordinate decision-making body.

In addition, in Section 3 **below**, the Register includes the Council's delegations policy, which frames the content of the Register.

2.1 AMENDMENTS TO THIS DELEGATIONS REGISTER

This Delegations Register is maintained by the Policy team, whose staff may amend it only to:

- Give effect to any Council resolution with respect to Parts A, B or C.
- Give effect to any written instruction to that effect given by the Chief Executive with respect to Part D.
- Make any typographical or grammatical corrections.

3. DELEGATIONS POLICY

3.1 LEGAL FRAMEWORK

Schedule 7, clause 32 of the Local Government Act 2002 (LGA) sets out Council's authority to delegate its responsibilities, duties or powers to subordinate decision-making bodies or officers.

Unless expressly provided otherwise in the LGA, or in any other Act, the Council is able to, and will, delegate to a committee or other subordinate decision-making body, community board, or member or officer of the Council any of its responsibilities, duties or powers except the power to:

- make a rate; or
- make a bylaw; or
- borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- adopt a long-term plan, annual plan, or annual report; or
- appoint a Chief Executive; or
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement; or
- the power to adopt a remuneration and employment policy.

3.2 GENERAL COMMENTS

The Council supports the principle of delegating decision-making to the lowest competent level. This makes best use of the abilities of elected members, ensuring the cost-effective use of resources and promoting the development of efficient and effective management.

A committee, or other subordinate decision-making body, or member or officer of the local authority may sub-delegate any of its responsibilities, duties or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by whichever body made the original delegation. The Council may also delegate to any other local authority, organisation or person the enforcement, inspection, licensing and administration related to the Council's bylaws and other regulatory matters.

To avoid doubt, no delegation relieves the body or person making the delegation of the liability or legal responsibility to perform or ensure performance of the function or duty being delegated. The Council may have the power to delegate under enactments other than the Local Government Act 2002.

Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.

Unless specifically time-limited, a delegation will continue in force until specifically revoked, or varied by the delegator or the Council.

Unless a valid delegation in respect of a matter has been made, any decision required in respect of that matter can only be made by the Council at an ordinary or extraordinary meeting.

3.3 CHIEF EXECUTIVE

The Masterton District Council is a local authority under the Local Government Act 2002. Elected members and the Mayor make up the Council's governing body, which is responsible and democratically accountable for decision-making. Masterton District Council has also appointed iwi representatives.

The governing body appoints only one employee, the Chief Executive. He or she negotiates the terms of employment and employs all Council staff. The Chief Executive is the Council's principal administrative officer.

The Chief Executive is responsible for implementing the decisions of the Council and ensuring that all responsibilities, duties and powers delegated to him or her, or to any person employed by the Council, are properly performed or exercised. This includes those imposed or conferred by an Act, regulation or bylaw.

The Chief Executive may sub-delegate to any other officer of the Council any of his or her powers, except the power to delegate or any power that is subject to a prohibition on delegation. Further sub-delegations are not permitted under the Local Government Act 2002.

The Chief Executive can also delegate any powers in an Act or regulation that are directly conferred on the Chief Executive.

3.4 COMMITTEES, SUB-COMMITTEES, OTHER SUBORDINATE DECISION-MAKING BODIES AND JOINT COMMITTEES

The Council may appoint committees, sub-committees, and other subordinate decision-making bodies that it considers appropriate. It may also appoint a joint committee with another local authority or other public body.

Any of the Council's responsibilities, duties or powers other than those referred to above may be delegated to a committee, sub-committee or other subordinate decision-making body.

A committee or other subordinate decision-making body may appoint the sub-committees that it considers appropriate unless the Council prohibits it from doing so.

Committees or other subordinate decision-making bodies are subject in all things to the control of the Council. They must carry out all general and special directions of the Council given in relation to them. Sub-committees are subject in the same way to the committees that appointed them.

The Council or a committee is not entitled to rescind or amend a decision made under delegated authority by a committee, a sub-committee, or another subordinate decision-making body.

All such bodies are, unless the Council resolves otherwise, deemed to be discharged on the coming into office of elected members at the next triennial election after the committees, sub-committees, or other subordinate bodies were appointed. Unless such a resolution is made, delegated powers will lapse on discharge of the body concerned.

These entities may, without confirmation by the Council or committee or body that made the delegation, exercise those delegations in the same way as the Council could have done.

3.5 MEMBER AND OFFICER DELEGATIONS

For the purpose of this Policy:

- "officer" means a named person, or the person who is for the time being the holder of a specified office;
- "member" in relation to a community board, means a member appointed or elected to that board and in relation to a local authority means a member of the governing body of the Council, including the Mayor.

The Council may delegate to a member or officer of the Council any of its responsibilities, duties or powers other than those referred to in the 'Legal Framework' section of this policy. Such delegations may be sub-delegated to another person, subject to such sub-delegations being lawful, and any conditions, limitations, or prohibitions imposed by the Council or by the committee, body or person that made the original delegation.

An officer may sub-delegate to another officer of the Council any of his or her powers delegated by the Council to that officer, except:

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

Effectively, this means that only one sub-delegation of a power is permitted (typically from the Chief Executive to an officer).

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

Unless specified **otherwise** in the Delegations Register, delegations to an officer holding a named position may be exercised by all officers in a direct line of authority above that officer. This applies also to any officer who performs or exercises the same or a substantially similar role or function, whatever the name of his or her position.

A delegated authority must be exercised in accordance with all relevant Council policies and conditions, such as financial limits and process and reporting requirements.

Where an officer is in a position in an acting capacity, the officer may exercise the delegations to that position. The officer should typically state that he or she is exercising the delegation in an acting capacity.

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

Responsibilities, duties or powers under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 delegated by the Council to officers, including the chief executive, may not be sub-delegated.

The delegation of a responsibility, duty or power is the granting of authority to exercise that responsibility, duty or power, not a compulsion to do so (either at all or in a particular case). Whether or not to exercise a delegated authority may depend on the circumstances of a particular matter or the job description of the officer concerned. Where the authority is granted to a number of officers employed in different activity areas of the Council, it will be up to the managers of the activity area(s) concerned to ensure that the authority is exercised consistently across all of those activity areas.

4. PART A: STATUTORY AND OTHER DELEGATIONS FROM COUNCIL TO THE CHIEF EXECUTIVE, MAYOR AND NAMED POSITIONS

For the purpose of performing his or her duties, the Council delegates to the Chief Executive all of its responsibilities, duties and powers in any enactment or bylaw, subject to the restrictions set out in the sub-parts and tables in this Part and any restrictions in legislation.

These delegations exclude any power, responsibility or duty that has been delegated to a Community Board, Committee, Subcommittee (including an Officer Subcommittee), Council Hearings Panel or other subordinate decision-making body as set out in Part C.

These delegations are also conferred on any person appointed as Acting Chief Executive during the Chief Executive's absence. The Acting Chief Executive should typically state that he or she is exercising the delegation in an acting capacity.

The Chief Executive may sub-delegate any of these responsibilities, duties, or powers unless this is expressly prohibited by law or as set out in the sub-parts and tables in this Part.

Delegations to an officer holding a named position may be exercised by all officers in a direct line of authority above that officer. This applies also to any officer who performs or exercises the same or a substantially similar role or function, whatever the name of his or her position.

Where an officer is in a position in an acting capacity, the officer may exercise the delegations to that position. The officer should typically state that he or she is exercising the delegation in an acting capacity.

4.1 RESTRICTIONS

Under clause 32, Schedule 7 of the Local Government Act 2002 (LGA), Council may not delegate authority to:

- make a rate;
- make a bylaw;
- borrow money or purchase or dispose of assets other than as approved in the Long-Term Plan (LTP);
- adopt an LTP, Annual Plan or Annual Report;
- appoint a Chief Executive;
- adopt policies required to be adopted and consulted on under the LGA in association with the LTP or developed for the purpose of the Local Governance Statement; or
- adopt a remuneration and employment policy.

In addition, Council cannot delegate:

- the power to make a final decision to reject or modify a recommendation from the Ombudsman, as per Section 32 of the Local Government Official Information and Meeting Act 1987 (LGOIMA);
- to an employee or any other person, the power under the Resource Management Act 1991 (RMA):
 - to approve a proposed policy statement or plan under Schedule 1 (clause 17); or
 - to delegate (for the avoidance of doubt, these powers may be delegated to a Council Committee).
- any other matter where legislation requires a Council resolution, including, but not limited to:
 - removing the Deputy Mayor or a committee chairperson from office;
 - approving or amending Council's Standing Orders;
 - approving or amending Council's Elected Member Code of Conduct;
 - determining the structure, terms of reference and delegated authorities of committees;
 - establishing a joint committee with another local authority or public body;
 - adopting the Triennial Agreement;
 - setting fees and charges; and
 - declaring a reserve under the Reserves Act 1977 (s.14).

4.2 MAYORAL DELEGATIONS

Council delegates authority to the Mayor to:

- appoint any staff member as an authorised staff member for the purpose of signing Council documents during the absence of both the Chief Executive and the Acting Chief Executive;
- operate the Mayoral Fund; and
- approve the attendance of Councillors and the Chief Executive at seminars and training courses.

4.3 EMERGENCY COVID-19 LOCKDOWN DELEGATION

Council delegates all responsibilities, duties and powers of the Council, except those set out in paragraphs (a) to (h) of clause 32(1) of Schedule 7 of the Local Government Act 2002, to the Chief Executive, subject to the following conditions:

- (a) The delegated powers, duties and responsibilities may be exercised only in circumstances where, due to the COVID-19 related lockdown of the country, the Council or its committees are unable or unavailable to hold meetings that comply with the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987;
- (b) the Mayor and Deputy Mayor, if available, must be consulted regarding any decisions (if either the Mayor or Deputy Mayor are unavailable then every endeavour will be made to consult the Chair of the Infrastructure and Services Committee; if the Chair of the Infrastructure and Services Committee is unavailable then every endeavour will be made to consult one other Councillor; if both the Mayor and Deputy Mayor are unavailable, then every endeavour will be made to consult two Councillors, including the Chair of the Infrastructure and Services Committee if they are available);
- (c) the delegation may only be used to attend to urgent matters; and
- (d) in the event that the Chief Executive is unable to exercise the delegation due to COVID-19 the Chief Executive's delegation will cascade to the acting Chief Executive; any decisions made will be reported to the next meeting of Council.

5. PART A - SUB-PART 1 – LEGISLATIVE DELEGATIONS

In accordance with the delegation set out at the beginning of Part A, the Chief Executive has delegated authority for all powers, duties and responsibilities conferred by statute and regulation. This includes, but is not limited to, the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws (and any powers, duties or responsibilities that cannot by law be delegated).

5.1 ADMINISTRATION ACT 1969

Delegation

All of its responsibilities, duties, and powers under this Act.

5.2 AMUSEMENT DEVICES REGULATIONS 1978

Delegation

All of its responsibilities, duties, and powers under these regulations.

5.3 ANIMAL WELFARE ACT 1999

Delegation

All of its responsibilities, duties, and powers under this Act except the power to nominate a member of an animal ethics committee under section 101.

5.4 ARTS COUNCIL OF NEW ZEALAND TOI AOTEAROA ACT 2014

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) the allocation of funds to community arts projects;
- (b) consenting to a representative of the local authority to be a member of the community arts council under section 18(2); and
- (c) making a grant under section 18(2)(b).

5.5 BIOSECURITY ACT 1993 AND ANY REGULATIONS MADE UNDER THAT ACT

Delegation

All of its responsibilities, duties, and powers under this Act and regulations made under this Act except the power to set and assess rates; and

- (a) the power to transfer the performance of an operation under this Act to another local authority.

5.6 BIRTHS, DEATHS, MARRIAGES, AND RELATIONSHIPS REGISTRATION ACT 1995

Delegation

The power under section 75E to request the Registrar-General to provide a copy of all entries made in the access register in relation to any person.

5.7 BUILDING ACT 2004

Delegation

All of its responsibilities, duties, and powers under this Act and regulations.

5.8 BUILDING RESEARCH LEVY ACT 1969

Delegation

If the Council has been appointed an agent under section 9, receiving any levies payable.

5.9 BURIAL AND CREMATION ACT 1964 (AND ANY REGULATIONS MADE UNDER THAT ACT)

Delegation

All of its responsibilities, duties and powers under this Act and regulations made under this Act except:

- (a) naming of cemeteries under section 7;
- (b) making of bylaws under section 16;
- (c) erecting a crematorium under sections 38 and 39; and
- (d) making of bylaws under section 40.

5.10 BYLAWS ACT 1910

Delegation

The duty to give public notice under section 12(8).

5.11 CIVIL DEFENCE EMERGENCY MANAGEMENT ACT 2002

Delegation

All the duties of a local authority under section 64.

5.12 CRIMINAL PROCEDURE ACT 2011 AND REGULATIONS MADE UNDER THAT ACT

Delegation

All of its responsibilities, duties, and powers under this Act and regulations made under this Act.

5.13 DOG CONTROL ACT 1996 AND ANY REGULATIONS MADE UNDER THAT ACT

Delegation

All of its responsibilities, duties, and powers under this Act and regulations made under this Act except:

- (a) making grants under section 6(2)(b);
- (b) appointing a joint committee under section 7;
- (c) adopting a dog control policy under section 10, and reviewing the dog control policy under section 10AA;
- (d) entering into a written agreement under section 16(2) with another territorial authority in respect of dog control services;
- (e) making dog control bylaws under section 20;
- (f) hearing and determining an objection to a probationary owner classification under section 22;
- (g) terminating a probationary owner classification under section 23;
- (h) hearing and determining an objection to a disqualified owner classification under section 26;
- (i) hearing and determining an objection to a dangerous dog classification under section 31;
- (j) determining an objection to a menacing dog classification under sections 33B or 33D;
- (k) setting dog control fees under section 37;
- (l) hearing and determining an objection to a barking dog notice under section 55;
- (m) entering into an agreement with another territorial authority for the provision of pound facilities under section 67 (limited to short term or temporary arrangements) and
- (n) setting pound fees under section 68.

5.14 ELECTRICITY ACT 1992

Delegation

All of its responsibilities, duties, and powers under this Act.

5.15 FENCING ACT 1978

Delegation

All of its responsibilities, duties, and powers under this Act.

5.16 FOOD ACT 2014 AND REGULATIONS MADE UNDER THAT ACT

Delegation

All of its responsibilities, duties, and powers under this Act, and these regulations, except:

- (a) the decision to combine with one (1) or more territorial authorities for the purpose of performing the function of a registration authority under section 173(2);
- (b) transferring the Council's functions, duties, and powers under section 176;
- (c) transferring the Council's functions, duties, and powers under section 179;
- (d) changing or revoking a transfer under section 182; and
- (e) setting fees under section 205.

5.17 FREEDOM CAMPING ACT 2011

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) making bylaws under section 11; and
- (b) reviewing bylaws under section 13.

5.18 GAMBLING ACT 2003

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) granting consent under section 100 (otherwise than in accordance with the Council's policy on class 4 venues); and
- (b) adopting a policy on class 4 venues under sections 101 and 102.

5.19 GAS ACT 1992

Delegation

All of its responsibilities, duties, and powers under this Act.

5.20 GOVERNMENT ROADING POWERS ACT 1989

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) consenting to a delegation made by the New Zealand Transport Agency under section 62(1);
- (b) surrendering delegated powers and duties under section 63; and
- (c) requests to New Zealand Transport Agency under section 81 in respect of motorways.

5.21 HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996 AND ANY REGULATIONS MADE UNDER THIS ACT

Delegation

All of its responsibilities, duties, and powers under this Act.

5.22 HEALTH ACT 1956 AND ANY REGULATIONS MADE UNDER THIS ACT (INCLUDING WITHOUT LIMITATION THE CAMPING-GROUNDS REGULATIONS 1985, THE HEALTH (REGISTRATION OF PREMISES) REGULATIONS 1966, THE HEALTH (HAIRDRESSERS) REGULATIONS 1980 AND THE HEALTH (BURIAL) REGULATIONS 1946)

Delegation

All of its responsibilities, duties, and powers under this Act and regulations made under this Act except:

- (a) borrowing money under section 27 otherwise than in accordance with the Long Term Plan;
- (b) making bylaws under section 64;
- (c) the powers and functions under the Housing Improvement Regulations 1947 that may not be delegated as set out in regulation 22;
- (d) setting fees under regulation 13 of the Health (Burial) Regulations 1946; and
- (e) setting fees under regulation 7 of the Health (Registration of Premises) Regulations 1966.

5.23 HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) making written comments on a draft statement under section 17;
- (b) making a written submission on an application under section 69;
- (c) making contributions to funds of Heritage New Zealand Pouhere Taonga under section 97; and
- (d) transferring land to Heritage New Zealand Pouhere Taonga under section 98.

5.24 HOUSING IMPROVEMENT REGULATIONS 1947

Delegation

To determine the minimum standards of fitness for houses where required under the provisions of Part 1 of these Regulations.

5.25 IMPOUNDING ACT 1955 AND ANY REGULATIONS MADE UNDER THAT ACT

Delegation

All of its responsibilities, duties, and powers under this Act, and these regulations, except:

- (a) setting poundage fees and sustenance charges under section 14; and
- (b) declaring, under section 34, that section 33 does not apply to a specified road in the district.

5.26 LAND ACT 1948

Delegation

All of its responsibilities, duties, and powers under this Act.

5.27 LAND DRAINAGE ACT 1908

Delegation

All of its responsibilities, duties, and powers under this Act except the power to subdivide drainage districts under section 16.

5.28 LAND TRANSFER ACT 2017

Delegation

All of its responsibilities, duties, and powers under this Act.

5.29 LAND TRANSPORT ACT 1998, AND ANY RULES AND REGULATIONS MADE UNDER THAT ACT (INCLUDING WITHOUT LIMITATION THE HEAVY MOTOR VEHICLE REGULATIONS 1974)

Delegation

All of its responsibilities, duties, and powers under this Act, and regulations and rules made under this Act except:

- (a) the power to direct that any heavy traffic, or any specified kind of heavy traffic may not proceed between any 2 places in accordance with section 16A;
- (b) making bylaws under sections 22AB to 22AD; and
- (c) making bylaws setting speed limits and designating urban traffic areas under the Land Transport Rule: Setting of Speed Limits 2003.

5.30 LAND TRANSPORT MANAGEMENT ACT 2003

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) making submissions when consulted on the regional land transport programme under section 18;
- (b) making submissions when consulted on the declaration of state highways under section 103; and
- (c) appointing a person to represent the Council on the regional transport committee under section 105.

5.31 LITTER ACT 1979

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) hearing objections under section 10;
- (b) making grants under section 11;
- (c) making bylaws under section 12, and
- (d) adopting an infringement notice regime under section 13.

5.32 LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1969

Delegation

All of its powers under section 3.

5.33 LOCAL GOVERNMENT ACT 1974

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) vesting property in a road in the New Zealand Transport Agency under section 316;
- (b) declaring a specified road or part of a specified road to be a pedestrian mall under section 336 and revoking any such declaration;
- (c) making bylaws under section 344(9) relating to swing gates and cattle stops under that section;
- (d) declaring a limited access road under section 346;
- (e) declaring land to be single parcels of land under section 346D;
- (f) declaring any private road or right of way to be a public road under section 349;
- (g) granting consent under section 354 in relation to a cellar or other excavation;
- (h) establishing toll gates and collecting tolls under section 361;
- (i) resolving to construct a private drain through adjoining premises under section 460;
- (j) declaring a private drain to be a public drain under section 462; and
- (k) making bylaws under section 517 relating to land drainage works.

5.34 LOCAL GOVERNMENT ACT 2002

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) those set out in clause 32(1)(a) to (f) of Schedule 7;
- (b) exempting a small organisation under section 7;
- (c) entering into a triennial agreement under section 15;
- (d) transferring responsibilities under section 17;
- (e) reviewing the delivery of services under section 17A;
- (f) establishing a community board under section 49;
- (g) establishing a council controlled organisation under section 56;
- (h) appointing directors to council organisations under section 57;
- (i) agreeing to any statement of intent of a council organisation under Schedule 8;
- (j) adopting assessments of water and other sanitary services under section 125;
- (k) prescribing fees under section 150;
- (l) making determinations under section 155;
- (m) reviewing a bylaw under section 160;
- (n) transferring a bylaw-making power under section 161;
- (o) appointing a member under section 249(2); and making a reorganisation proposal under clause 3 of Schedule 3.

5.35 LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Delegation

As set out in section 42, all of its powers under Parts 2 to 5 of this Act except any power specified in section 32.

Under section 43(1), the Chief Executive is specifically authorised to sub-delegate all or any of these powers.

Under section 44A, power to issue a Land Information Memorandum (LIM).

5.36 MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

Delegation

All of its responsibilities, duties, and powers under this Act.

5.37 NEW ZEALAND LIBRARY ASSOCIATION ACT 1939

Delegation

All of its responsibilities, duties, and powers under this Act.

5.38 OMBUDSMEN ACT 1975

Delegation

All of its responsibilities, duties, and powers under this Act.

5.39 PLUMBERS, GASFITTERS, AND DRAINLAYERS ACT 2006

Delegation

All of its powers under section 91.

5.40 POSTAL SERVICES ACT 1998

Delegation

All of its responsibilities, duties, and powers under this Act.

5.41 PRIVACY ACT 1993

Delegation

As set out in section 124, all of its powers under this Act. Under section 125, the Chief Executive is specifically authorised to sub-delegate all or any of these powers.

5.42 PROPERTY LAW ACT 2007

Delegation

All of its responsibilities, duties, and powers under this Act.

5.43 PROTECTED DISCLOSURES ACT 2000

Delegation

All of its responsibilities, duties, and powers under this Act.

5.44 PUBLIC BODIES LEASES ACT 1968

Delegation

All of its responsibilities, duties, and powers under this Act.

5.45 PUBLIC RECORDS ACT 2005

Delegation

All of its responsibilities, duties, and powers under this Act.

5.46 PUBLIC WORKS ACT 1981

Delegation

All of its responsibilities, duties, and powers under this Act.

5.47 RATES REBATE ACT 1973

Delegation

All of its responsibilities, duties, and powers under this Act.

5.48 RATING VALUATIONS ACT 1998 AND ANY REGULATIONS MADE UNDER THIS ACT

Delegation

All of its responsibilities, duties, and powers under this Act and regulations.

5.49 RESERVES ACT 1977

Delegation

All of its responsibilities, duties, and powers under this Act, including the powers and duties of the Minister which have been delegated to the Council under the Instrument of Delegation for Territorial Authorities with the exception of those delegated to a Committee of Council.

For the avoidance of doubt, all powers requiring a resolution by Council in order to be enacted are retained by Council.

5.50 SALE AND SUPPLY OF ALCOHOL ACT 2012

Delegation

The Chief Executive has the Council's general authority to delegate to any person any of the Chief Executive's functions, powers and duties under the Sale and Supply of Alcohol Act 2012.

The power under section 197 (5) to appoint a chief licensing inspector.

5.51 SUMMARY PROCEEDINGS ACT 1957 AND ANY REGULATIONS MADE UNDER THIS ACT

Delegation

All of its responsibilities, duties, and powers under this Act and regulations made under this Act.

5.52 TELECOMMUNICATIONS ACT 2001

Delegation

All of its responsibilities, duties, and powers under this Act.

5.53 TRANSPORT ACT 1962 AND ANY REGULATIONS MADE UNDER THIS ACT

Delegation

All of its responsibilities, duties, and powers under this Act.

5.54 TRESPASS ACT 1980

Delegation

All of its responsibilities, duties, and powers under this Act. The Chief Executive is the person in lawful occupation of land owned, occupied or controlled by the Council.

5.55 UNIT TITLES ACT 2000

Delegation

All of its responsibilities, duties, and powers under this Act.

5.56 UTILITIES ACCESS ACT 2010

Delegation

All of its responsibilities, duties, and powers under this Act.

5.57 WALKING ACCESS ACT 2008

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) the decision to give written consent as an administering authority under section 21;
- (b) the decision to agree to be a controlling authority of a walkway on public land (or not as the case may be) under section 36;
- (c) setting and imposing charges under section 37;
- (d) the decision to agree with the Commission's decision to revoke a walkway; and
- (e) making bylaws under section 68.

5.58 WASTE MINIMISATION ACT 2008

Delegation

All of its responsibilities, duties, and powers under this Act except:

- (a) adopting a waste management and minimisation plan under section 43;
- (b) setting fees in accordance with section 46;
- (c) making grants under section 47;
- (d) reviewing the waste management and minimisation plan under section 50;
- (e) making bylaws under section 56; and
- (f) reviewing bylaws under section 58.

6. PART A - SUB-PART 2 – FINANCIAL DELEGATIONS

The Chief Executive has delegated authority for the following:

6.1 FINANCIAL MANAGEMENT

Delegation
Management of Masterton District Council finances within the Council-approved annual budget.
Opening and operating accounts with Masterton District Council's selected banker as necessary for the conduct of Masterton District Council business.
Reviewing the services provided by the selected banker, open and operate accounts with, and accept banking services from, other registered banks (if and when required).
Investing Masterton District Council funds in accordance with investment policies, strategies, limits and security requirements, as stated in Masterton District Council's approved Treasury Management Policy.
Monitoring the circumstances of approved institutions and report back to Council should they be, or appear likely to be required to be, excluded from use for investment purposes.
Authorising payments.
Maximum daily transaction amount (borrowing, investing, interest rate risk management and cash management) excludes roll-overs on debt and interest rate swaps. \$20 million Limit.
Manage cash/liquidity requirements (as per risk control limits)
Facilitate Masterton District Council's borrowing, in accordance with the approved Treasury Management Policy.
Write off sundry debts up to \$20,000.
Write off rates debt up to \$5,000.
Sub-delegation of financial delegations to other staff, subject to terms and restrictions as they see fit.
Vote on the Annual General Meeting resolutions of the Local Government Funding Agency and Civic Financial Services Limited, subject to reporting any significant changes to Council's risk in holding these investments.

6.2 CONTRACTS AND EXPENDITURE COMMITMENTS

The following table sets out delegated responsibilities for contracts and other commitments to expenditure that relate to the supply of goods and services on behalf of Masterton District Council.

Delegation
Go to market, award and sign contracts up to \$1,000,000 that have been budgeted for in the Annual Plan or will commence in the relevant year of the Long-Term Plan, plus/minus to a maximum of 5% more than the existing budget at the activity level.
Vary contracts up to a maximum of 15% of the amount awarded or budgeted in the Plan.
Unplanned expenditure within the overall existing budget, or expenditure budgeted outside of the current financial year, up to \$150,000 (excluding emergency events). Any one-off expenditure of \$50,000 or more will be reported to the Audit and Risk Committee. <i>[This is consistent with Council's procurement policy which requires procurement exceptions of \$50,000 or more to be reported to Audit and Risk]</i>
Unplanned expenditure in response to emergency events, up to \$200,000 per event, excluding any items covered by the Roding Flood Damage Fund. For the purpose of this activity, emergency events are those that require Council to apply resource as a first responder, for example in the event of flood or major fire. A register of expenditure that falls within this category to be kept and made available upon request.
Where the Council has accepted a contract by resolution, the authorisation of work and approval of payments for that work is delegated. The total of payments under those contracts can vary up to 15% of the contract value before being brought back to Council for approval.

7. PART A – SUB-PART 3: OTHER MATTERS

7.1 EXECUTE DOCUMENTS UNDER COMMON SEAL

Council authorises any two of the following are authorised to execute documents under seal:

- Mayor
- Deputy Mayor
- Chief Executive
- Manager Assets and Operations
- Manager Finance
- **Manager Strategy and Governance**
- **Manager Regulatory Services.**

Unless otherwise stated, all use of the Common Seal will require the signatures of either the Mayor or Deputy Mayor, and the Chief Executive, or one of the delegated senior managers.

For matters relating to section 174(1) of the Local Government Act 2002, the Common Seal may be affixed by the Chief Executive, and Manager **Regulatory Services, Manager Strategy and Governance** or the Manager Assets and Operations.

For matters relating to section 80 of the Local Government (Rating) Act 2002, the Common Seal may be affixed by the Chief Executive and Manager Finance.

All use of the seal will be reported to Council.

7.2 LEGAL PROCEEDINGS

The Chief Executive has delegated authority for the following:

Delegation
Authority to manage and defend potential and actual legal claims (including judicial review and injunction proceedings) made against the Council. Note that the settlement of any claims over \$100,000 must be approved by Council, or a Committee that has been delegated authority by Council to settle a claim ¹ .
Authority to defend a claim made against the Council in any New Zealand Tribunal including the Disputes Tribunal and the Tenancy Tribunal).
Authority to commence legal proceedings (without limitation including any prosecutions) on the Council's behalf in any New Zealand Court or Tribunal.
Authority to determine to make a claim on the Council's behalf by way of application to any New Zealand Tribunal including the Disputes Tribunal and the Tenancy Tribunal).
Authority to take all steps necessary to enforce any Court judgment in favour of the Council, and to recover debts owing to the Council.

7.3 PROPERTY – ACQUISITION AND DISPOSAL OF LAND (INCLUDING INTERESTS IN LAND) AND CONSENT

The Chief Executive has delegated authority for the following:

Delegation
Authority to negotiate, enter into, implement, vary, enforce and cancel contracts, leases and licences with other parties on behalf of the Council for the acquisition of land (including interests in land) or the disposition of land (including interests in land) owned by the Council, and to sign all required documentation except deeds.

Power to engage such consultants or contractors considered necessary as part of the process to acquire or dispose of land (including interests in land).

Power to determine, administer and implement the appropriate process for the disposition of Council owned land (including interests in land).

Power to give consent or act on behalf of the Council as the registered proprietor or occupier of land/affected person/person/applicant/submitter.

Limitations:

All of the above delegations are subject to the terms of the General Financial Delegation to the Chief Executive.

All of the above delegations are subject to all applicable Council policy, including Council's Significance and Engagement Policy.

All of the above delegations are subject to any specific statutory requirements, including the requirement that with regard to the acquisition and disposal of assets, the transaction being in accordance with the long-term plan.

¹ Note that Council may choose to delegate an amount in excess of \$100,000 for any specific legal proceeding² Note that deeds including a Deed of Guarantee, Deed of Lease or Deed of Covenant to be executed by Council under the Property Law Act 2007 must be signed by two elected members.

8. PART A - SUB-PART 4 - BYLAWS DELEGATIONS

8.1 MASTERTON DISTRICT COUNCIL BYLAWS

The Chief Executive has delegated authority for the following:

Delegation
All functions, duties and powers under any Masterton District Council Bylaw and Bylaws made jointly with other councils.

9. PART B: STATUTORY AND OTHER DELEGATIONS TO OFFICERS

The Council delegates to the persons who hold the positions as set out below, the following responsibilities, duties, and powers as set out in the sub-parts and tables in this Part.

Unless otherwise specified, these delegations exclude any power, responsibility or duty that has been delegated to a Committee, Subcommittee (including an Officer Subcommittee), Council Hearings Panel or other subordinate decision-making body.

In addition to the person who holds the relevant position set out below, a delegation is conferred on:

- all officers in a direct line of authority above that person;
- any officer who performs or exercises the same or a substantially similar role or function as that person, whatever the name of the officer's position; and
- any person operating in an acting capacity for the relevant position. The officer should typically state that he or she is exercising the delegation in an acting capacity.

All powers included in Part B cannot be sub-delegated.

All delegations are made severally unless specified otherwise (i.e., the delegation can be exercised by the officer acting alone).

9.1 LOCAL GOVERNMENT (RATING) ACT 2002

Section	Activity	Delegation
	<p>Exercise of functions, powers or duties conferred by the Local Government (Rating) Act 2002, except those activities that require a Council resolution.</p> <p><i>Restriction: Delegations under the Local Government (Rating) Act 2002 cannot be sub-delegated.</i></p>	<p>Chief Executive <i>(all provisions, whether or not listed in the remainder of this table)</i></p> <p>Manager Finance <i>(all provisions, whether or not listed in the remainder of this table)</i></p> <p>Revenue Manager <i>(only for those Sections specified below)</i></p>
s.23	Duty to make resolution setting rates publicly available on an Internet site maintained by the Council.	Chief Executive Manager Finance
s.27	Powers and duties in relation to keeping and maintaining a rating information database and making same available for searching as specified; recording information for different parts of a rating unit as necessary.	Chief Executive Manager Finance
s.28	Duties in relation to making the rating information database available for inspection as specified.	Revenue Manager
s.28A	Duties in relation to making the complete rating information database available/including information required.	
s.28B	Powers and duties in relation to informing/giving written notice to every owner in the rating information database of certain rights.	
s.28C	Duties in relation to the removal/restoration of relevant particulars from the database and notification requirements.	
s.29	Duty to notify an objector of its decision and, if objection upheld, make correction and advise the ratepayer.	
s.33	Duty to update the rating information database upon receiving notice.	
s.35	Duties in relation to removing the name of a person entered as a ratepayer under circumstances described.	
s.37	Duties in relation to keeping and maintaining rates records for each rating unit as provided.	
s.38	Powers and duties in relation to having rates records available for inspection.	
s.39	Duties where an objection is lodged by a ratepayer.	

Section	Activity	Delegation
s.40	Power to correct an error in the rating information database or rates records.	Chief Executive Manager Finance
s.41-41A	Duties in relation to issuing amended rates assessments, giving refunds and recovering excess rates payable in the circumstances specified.	Chief Executive Manager Finance
s.42	Powers and duties in respect of recovering additional rates from a ratepayer in the circumstances specified.	Chief Executive Manager Finance
s.43	Duty to assess rates in accordance with those items specified.	Chief Executive Manager Finance
s.44	Duty to deliver a rates assessment to a ratepayer to give notice of the ratepayer's liability for rates on a rating unit.	Chief Executive
s.45	Duties re identifying clearly on all rates assessments the information set out/providing the information required.	Manager Finance
s.46	Duty to deliver to the ratepayer a rates invoice for the rating unit as set out.	Revenue Manager
s.47	Duty to deliver an amended invoice to the ratepayer setting out the correct liability as to the amount of rates due for the rating period.	
s.48-49	Powers and duties in relation to delivery of rates assessment and rates invoice within the timeframe specified.	
s.50	Power to deliver a rates invoice for not more than 25% of the rates payable in the previous year in the form and circumstances prescribed.	
s.51	Power to deliver a combined rates assessment invoice in the form and circumstances prescribed.	
s.52	Power to agree to any method of payment of rates.	
s.53	Power to appoint person/local authority to collect the rates the Council assesses. Power to agree to any other arrangement for the delivery of rates assessments and invoices and for the collection of rates if certain requirements are met.	
s.54	Power and duty in relation to decision not to collect small amounts of rates if uneconomic to collect.	Chief Executive Manager Finance
s.56	Duty to credit rates payment as specified.	Chief Executive
s.61	Power to recover rates from the owner of the rating unit if the ratepayer (other than the owner) defaults.	Manager Finance
s.62	Power to notify persons identified of the matters specified and accept payment or recover payment as specified.	Revenue Manager
s.63	Power to commence proceedings to recover as a debt rate unpaid as specified; recover any other unpaid rates in respect of the same rating unit as specified.	
s.64	Power to serve summons by public notice in the circumstances described; Power to add the cost of public notification to the unpaid rates.	
s.65	Duty re commencing action to recover unpaid rates within prescribed time limit.	
s.66	Power to consent to the registration of a dealing against a rating unit.	

Section	Activity	Delegation
s.67	Duty to forward to the Registrar the certificate and fee specified re application to have judgment for rates enforced as described.	Chief Executive Manager Finance
s.72	Power to consent to the sale or lease of a rating unit by the Registrar by private treaty.	Chief Executive Manager Finance
s.77, s.79-80, s.82-83	Powers and duties in relation to abandoned land.	Chief Executive Manager Finance Revenue Manager
s.80	Duty, in the case of a sale or lease of abandoned land under s79, in relation to content and execution requirements of the transfer (under the seal of the Council). <i>Restriction: The power to execute is not delegated.</i>	Chief Executive Manager Finance
s.82	Duty to apply the proceeds of sale or lease according to the requirements set out; Power to write off any deficiency in circumstances specified.	
s.83	Power to register an instrument executed for abandoned land.	
s.85	Powers and duties re remitting all or part of the rates on a rating unit (including penalties on unpaid rates) in accordance with the Council's rates remission policy.	
s.86	Duty to record the remitted rates on the rates record as paid on the due date in accordance with the remission policy.	
s.87	Duties in relation to postponing the requirement to pay all or part of the rates (including penalties for unpaid rates) as specified.	Chief Executive Manager Finance
s.88	Power to add a postponement fee to the postponed rates in accordance with its postponement policy.	Chief Executive Manager Finance
s.89	Duty to record the net cost of a postponement in accounting documents as prescribed.	Manager Finance Revenue Manager
s.90	Power to register a notice of charge on a rating unit if the local authority has postponed the requirement to pay rates. Duty to register a notice of release of charge if all postponed rates for a rating unit are paid.	
s.92	Duty to enter the names set out as the ratepayer in the rating information database and the district valuation roll, in circumstances described.	
s.94	Power to apply to the Māori Land Court to appoint owner(s) or agent to receive rates assessments and rates invoices in circumstances described; Duty to enter the name of the persons appointed as the ratepayer in the rating information database and the district valuation roll, as prescribed.	
s.95	Duty to deliver rates assessment to persons appointed.	
s.97	Duty to deliver rates assessment and rates invoice to the person actually using the rateable Māori freehold land; Duty to treat person specified as using the whole of the land for the whole of the financial year, unless otherwise specified.	
s.99	Power to apply to the Māori Land Court for an order charging unpaid rates against Māori freehold land in circumstances prescribed.	

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Section	Activity	Delegation
s.101	Duties in relation to recovering amounts of rates owed.	Chief Executive Manager Finance Revenue Manager
s.104	Power to give consent for an owner of Māori land subject to a charging order to deal with the land	Chief Executive Manager Finance
s.108	Power to apply to the Māori Land Court to enforce a charging order made in circumstances described.	
s.111	Power to apply to the Māori Land Court to make an order for the payment of unpaid rates in the circumstances described.	Chief Executive Manager Finance
s.112	Duty to discharge a charging order made in circumstances as described.	
s.114	Power to remit all or part of rates (including penalties for unpaid rates) on Māori freehold land in circumstances described.	Chief Executive Manager Finance
s.115	Duty to postpone the requirements to pay all or part of the rates on Māori freehold land in circumstances described.	
s.116	Power and duties in relation to consenting to an Order in Council made by the Governor-General to exempt Māori freehold land from some or all liability for rates.	Chief Executive Manager Finance
s.117A-N	All duties and powers relating to lump sum contributions	
s.136	Duty to comply with notification requirements as specified.	

9.2 RESOURCE MANAGEMENT ACT 1991

Section	Activity	Delegation
	<p>All of Council's functions, powers or duties under the Resource Management Act, OTHER THAN:</p> <ul style="list-style-type: none"> a) The approval of a policy statement or plan or any change to a policy statement or plan. b) The making of a recommendation on a requirement for a designation or a heritage order under Part VIII. c) This power of delegation 	<p>Chief Executive <i>(all RMA provisions, whether or not listed in the remainder of this table)</i></p> <p>Manager Regulatory Services <i>(all RMA provisions, whether or not listed in the remainder of this table)</i></p> <p>Planning and Consents Manager <i>(all RMA provisions, whether or not listed in the remainder of this table)</i></p> <p>Principal Resource Planner (only for those Sections specified below)</p> <p>Senior Resource Planner (Only for the Sections specified below)</p> <p>Intermediate Resource Planner (only for the Sections specified below)</p> <p>Resource Planner <i>(only for those Sections specified below)</i></p> <p>Manager Finance <i>(only for those Sections specified below)</i></p>
s.10	The power to grant an extension to existing use rights in the circumstances specified.	<p>Chief Executive</p> <p>Manager Regulatory Services</p> <p>Planning and Consents Manager</p>

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Section	Activity	Delegation
s.22	The power to direct persons to provide information referred to in section 22.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Resource Planner
s.36	Authority to make decisions about administrative charges.	Chief Executive Manager Regulatory Services Planning and Consents Manager Manager Finance - <i>in consultation with the Planning and Consents Manager and/or Senior or Intermediate Resource Planners</i>
s.36AA, s.360 (1) (h-j)	To determine, under section s 36AA and in accordance with regulations made under section 360(l)(h-j), and discount an administrative charge imposed under section 36, where a resource consent or an application to change or cancel conditions has not been processed within statutory timeframes and the responsibility of the failure rests with Council.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.36AAB	Authority to remit the whole or any part of any charge referred to in section 36.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.37, 37A	To grant waivers and extend time limits. Delegation does not extend to submissions or further submissions on any resource consent application, plan change request or proposed plan which is received by Council after the hearing of the relevant application, request or proposed plan.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner
s.38	Power to authorise certain persons to carry out all or any of the functions and powers as an enforcement officer under the Act. Duty (as local authority) to supply every enforcement officer with a warrant under the RMA.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.39B	Authority to appoint hearing commissioners.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.41, 41B, 41C, 41D 42	Powers and duties (as local authority) prior to or in relation to holding a hearing (other than hearing the matter).	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.42A	Powers regarding the preparation, commissioning and provision of reports.	Chief Executive Manager Regulatory Services Planning and Consents Manager

Section	Activity	Delegation
s.44A	Power to amend plans or proposed plans to remove duplication or conflict or include a reference to a national environmental standard.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.55	Power to amend plans or proposed plans to recognise national policy statements.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.58I, 58J	Ability to exercise discretion in relation to options for amending planning documents as directed by a national planning standard, ability to take any action that is directed by a national planning standard.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner
s.58O, 58P, 58Q, 58R, 58S, 58T	Power to initiate a Mana Whakahono a Rohe (MWR) or enter into negotiations regarding a MWR if iwi initiated, determine the contents of the MWR, and to determine disputes that arise in course of negotiating MWR.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.79	Powers in relation to the review of a district plan.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.80C	Decision to apply to use the streamlined planning process to prepare a planning instrument.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.82	Decision to refer dispute to the Environment Court.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s86	Decision to acquire land by agreement under the Public Works Act 1981 for certain purposes.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s86D	Ability to apply to the Environment Court for a rule to have legal effect from a date other than the date on which the decision is publicly notified under clause 10 of Schedule 1.	Chief Executive Manager Regulatory Services Planning and Consents Manager
S87BA	To issue or decline certificates for boundary infringements as permitted activities.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner
S87BB	To make decisions on whether a rule breach is marginal or temporary and consequently whether it is or is not a permitted activity.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner

Section	Activity	Delegation
s.87E, 87F,87G	Powers and duties in relation to an application where the applicant requests that the application be determined by the Environment Court.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.88 – s88F	Powers and duties in relation to an application for resource consent.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s.91	The power to defer processing an application.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s.91C	Authority to make decisions about suspended applications or applications where a total of 130 or more working days have been excluded from time limits.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s92, s92A, s92B	Powers and duties in relation to the adequacy of information received with an application for resource consent; and to request further information and commission reports.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s95, s95A, s95G	To determine all matters relating to the need to notify, or serve notice of, an application for a resource consent.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s95E(3)	The power to give approval as an affected party on behalf of Council as a landowner.	Chief Executive Manager Regulatory Services Planning and Consents Manager

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Section	Activity	Delegation
s96	Power to make a submission on a resource consent application.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s99	To initiate, conduct and implement all procedures relating to pre-hearing meetings. Power to decline to process or consider the application of a person who fails to attend a meeting.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s99A	To refer resource consent applicants and/or submitters to mediation, subject to the restrictions specified.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s99A	To delegate to an appropriate person the power to conduct mediation.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s100	To determine the necessity for a hearing on an application for a resource consent.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s100A	Ability to request a hearing and ability to request delegation of decision-making functions to hearings commissioners.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s101	To determine the commencement date, the time and the place for the hearing of application for resource consents.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s102	To determine the need for joint hearings and the making of joint decisions.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s103	To determine the need for combined hearings.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s104, s104A, s104B, s104C, s104D, s106, s108, s108A, s108AA, s220	Power to determine resource consent applications and impose conditions, PROVIDED that this delegation shall NOT be exercised on applications which have been the subject of a hearing under section 100 of the Act.	Chief Executive Manager Regulatory Services Planning and Consents Manager

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Section	Activity	Delegation
s109	Power to register bonds specified under the Land Transfer Act 2017. Power to enter land to ascertain whether work under bond has been carried out and/or carry out unfinished work as specified. Duty (as consent authority) to return balance of sum retained after deduction of costs.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s110	Ability to refund financial contribution to consent holder and retain a portion in the circumstances specified.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s114	To determine the range of persons and authorities on whom notices of decisions should be served.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s120	Ability to lodge an appeal against a resource consent decision.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.124, 124B, 124C	Power to allow consent holder to continue to operate under an existing consent in the circumstances specified.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.125	The power to extend the period in which a resource consent lapses.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner
s.126	To cancel a resource consent	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.127	To consider and grant an application to change or cancel consent conditions for any resource consent.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner
S.128-132	To review the conditions of any resource consent in accordance with section 128 to 132 of the Act.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.133A	To issue an amended resource consent that corrects minor mistakes or defects in the consent.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner

Section	Activity	Delegation
s.138	Powers and duties in relation to the surrender of a resource consent.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.139	To grant certificates of compliance, including the power to require an applicant to provide further information in accordance with section 139 (4) of the Act.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s.139A	To issue existing use rights certificates, including the power to require an applicant to provide further information in accordance with section 139A(3).	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s.142	The power to request the Minister to call in a matter that is or is part of a proposal of national significance.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.145	The power to lodge matter with the Environmental Protection Authority.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.149 – 149ZD	Powers and duties in relation to matters that are called in or lodged with the Environmental Protection Authority.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.168, 168A,169, 171, 172 and 173	Powers in relation to notices of requirements for designations.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.170	To exercise the discretion contained in section 170 of the Act on the inclusion of a notice of requirement in Council's proposed plan.	Chief Executive Manager Regulatory Services Planning and Consents Manager

Section	Activity	Delegation
s.176A	Powers and duties in relation to outline plans.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner
s.179	Power to lodge an appeal.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.181	Powers in relation to the alteration of a designation.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.182	Powers and duties in relation to the removal of a designation.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.184 and184A	Powers and duties in relation to the lapsing of a designation.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.189, 189A, 190, 191, 195A	Powers and duties in relation to requirements for heritage orders.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.198A – 198M	Powers and duties in relation to direct referral of requirements to the Environment Court.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.220 (1)(b)and (2)(a)	Authority to undertake online registration of certificates as an authorised officer.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s.221	Power to issue, vary, cancel or review a consent notice.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.222	To take a bond and issue (and, if necessary, extend) a completion certificate - as long as it is not for financial contributions.	Chief Executive Manager Regulatory Services Planning and Consents Manager

Section	Activity	Delegation
s.223, 224	Power to approve or decline a survey plan and provide the relevant certificate(s), except where net payment of reserve contributions by Council less credits for land to vest exceeds the delegation for the role.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner, Chief Executive Manager Regulatory Services Planning and Consents Manager Senior Resource Planner Intermediate Resource Planner Resource Planner
s.226	The power to consider an application under section 226. The power to issue a certificate pursuant to section 226.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s.232, 234, 235, 236, 237, 237B	All powers and duties for the purpose of the creation or variation of an esplanade reserve, esplanade strip or access strip.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s237C	Powers and duties in relation to the closure of an esplanade strip or access strip.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.237H	Power to object to a determination about the compensation payable.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.239	Power to certify any interest under this section on a survey plan.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.240	The power to impose a condition requiring a covenant be registered. The power to cancel a covenant against the transfer of Allotment. The power to certify a covenant or cancellation of a covenant as an Authorised Officer.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.241	To consider and grant any requests for cancellation or changes to amalgamation conditions.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.243	To consider and grant any requests for easement cancellation or changes.	Chief Executive Manager Regulatory Services Planning and Consents Manager

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Section	Activity	Delegation
s.274	Powers and duties in relation to joining and participating in proceedings in the Environment Court.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.291	Powers and duties in relation to commencing, joining and participating in proceedings in the Environment Court.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.292	Powers and duties in relation to a direction by the Environment Court to amend a district plan.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.293	Powers and duties in relation to a direction by the Environment Court to prepare changes to a proposed plan, consult the persons specified and submit changes to the Court for confirmation.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.299-308	Powers and duties in relation to commencing, joining and participating in High Court and Court of Appeal proceedings.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.310-313	Powers and duties in relation to commencing, joining and participating in an application to the Environment Court for declarations.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s. 314-321	The power to apply to the Environment Court for an enforcement order pursuant to section 314 or for an interim enforcement order pursuant to section 320. The power to make decisions on any matters relating to applications for enforcement orders (including any application to change or cancel enforcement order).	Chief Executive Manager Regulatory Services Planning and Consents Manager
s 322	Power to issue an Abatement Notice under section 322(1)(a) and (b) if the person serving the Abatement Notice is duly warranted under section 38. This delegation <u>shall not</u> include power to issue an Abatement Notice under section 322(1)(c) unless that person is also a warranted Noise Control Officer under section 38.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Resource Planner
s.325A	Powers and duties in relation to the change or cancellation of abatement notices.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.330-331	Powers and duties in relation to emergency works.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s 332	Power of entry for inspection if the person serving the Abatement Notice is duly warranted under section 38. This delegation <u>shall not</u> include power to enter and inspect property for the purpose of assessing excessive noise unless that person is also a warranted Noise Control Officer under section 38.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Resource Planner

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Section	Activity	Delegation
s.333	Power of entry for survey and exercise of all associated powers set out in s333 if the person is duly warranted under section 38.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Resource Planner
s.335	Power of direction and execution of warrant of entry for search if the person is duly warranted under section 38.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Resource Planner
s.336	Powers and duties in relation to the return/disposal of property seized and impounded as specified.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.342	The power to collect fines for an offence under section 338.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Intermediate Resource Planner Resource Planner
s.343B and Criminal Procedure Act 2011	Powers and duties in relation to proceedings for an offence or infringement offence.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.343C	The power to issue and deliver an infringement notice if the person is duly warranted under section 38.	Chief Executive Manager Regulatory Services Planning and Consents Manager Principal Resource Planner Senior Resource Planner Resource Planner
s.343D	Power to retain all infringement fees specified.	Chief Executive Manager Regulatory Services Planning and Consents Manager

Section	Activity	Delegation
s.357	The power to consider and make decisions on objections which do not require a hearing, except where the decision would result in a net payment of reserve contributions by council less credits for land to vest exceeding the delegation for the role. The power to decide whether an objection requires a hearing.	Chief Executive Manager Regulatory Services Planning and Consents Manager Senior Resource Planner Intermediate Resource Planner Resource Planner
s.357C-D	The power to consider and decide upon objections and to dismiss or uphold (in whole or in part) any objection under sections 357,357A or 357B of the Act 'PROVIDED that this delegation shall NOT be exercised in respect of objections on resource consent applications which have been the subject of a hearing under section 100 of the Act.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.358	Powers and duties (as person who has objected as specified) in relation to appeals to the Environment Court against the decision on the objection.	Chief Executive Manager Regulatory Services Planning and Consents Manager
Schedule 1	All powers and duties relating to the preparation, change and review of policy statements and plans with the exception of: <ul style="list-style-type: none"> the approval of a proposed policy statement or plan under clause 17 of Schedule 1. Schedule 1, clause 5 – power to decide to proceed with and notify a proposed plan. Schedule 1, clause 8D – power to withdraw a proposal to prepare, change, or vary a proposed plan. Schedule 1, clause 25 – powers to decide how a request for plan change is to be dealt with. Schedule 1, clause 37 – power to decide to use the collaborative planning process to prepare or change a plan. Schedule 1, clause 88 – power to withdraw a proposed plan that is subject to a direction to use a streamlined planning process. 	Chief Executive Manager Regulatory Services Planning and Consents Manager
Non-Statutory	The commissioning of independent consultants to process applications to recommendations stage. Unless exceeds financial delegation.	Chief Executive Manager Regulatory Services Planning and Consents Manager
s.120 and Schedule 1, clause 27	Decisions relating to Council's case in any resource consent or District Plan related process, and in any appeals to the Environment Court, in which Council is a party.	Chief Executive Manager Regulatory Services Planning and Consents Manager

To:	Mayor and Elected Members
From:	David Paris, Manager Finance
Endorsed by:	David Hopman, Chief Executive
Date:	14 September 2022
Subject:	Electricity Supply Contracts
FOR INFORMATION	
Recommendation:	
That Council receives the information in report 132/22 and acknowledges the following tender result:	
<ul style="list-style-type: none"> i. Mercury's electricity tender has been accepted for Time-Of-Use (TOU) sites for 5 years (60 months) with an indicative total value of \$952,679 and average cents per kWh of \$0.168 ii. Meridian Energy's electricity tender will be accepted for Non-TOU sites for 3 years (36 months) with an indicative value of \$428,469 and average cents per kWh of \$0.3206 	

PURPOSE

To provide elected members with information about the result of the competitive tendering of Council's electricity supply contracts for the period beginning 1 October 2022.

BACKGROUND

The three Wairarapa councils' electricity supply contracts expire on 1 October 2022 and a joint market tender process has been followed to secure the most cost-effective electricity supply contract in the current market. The tender was split into two parts, Time-Of-Use (TOU) and Non-TOU.

The TOU contract for Masterton covers four sites - streetlights (urban & rural) and the water and wastewater treatment plants. This contract is for the supply of an estimated 1,135,000 kWh. The current average cost cents per kWh is \$0.1222. The Council is facing a minimum of 37% increase on the average energy component price for TOU electricity.

A second contract for Non time-of-use (Non-TOU) electricity covers 71 sites and totals approximately 445,500 kWh. Current average unit rate is 23.41 c/kWh. The Council is facing a minimum of 27% increase on the energy component portion of Non-TOU electricity. The contracts are for the energy component only. All pricing excludes the network charges passed on from Powerco.

The retail suppliers of electricity purchase at wholesale market rates from the national electricity grid and supply their customers. The electricity they buy cannot be traced or tied to any one source of generation. Some retailers are also generators of electricity and some generators have a component of carbon-fuel based generation. Advice to Council has been that the Council's choice of retailer will have no influence on a retailer/generator's carbon emissions.

A process to go to the market was started in early July 2022. The tender was for the Wairarapa councils' combined annual usage of some 4,317,900 kWh and an estimated spend of \$790,000 per annum. Masterton's usage is 36.6% of the total electricity consumption. The joining with CDC and SWDCs' electricity needs creates a larger customer size to attract competitive pricing. All three councils benefit from that approach.

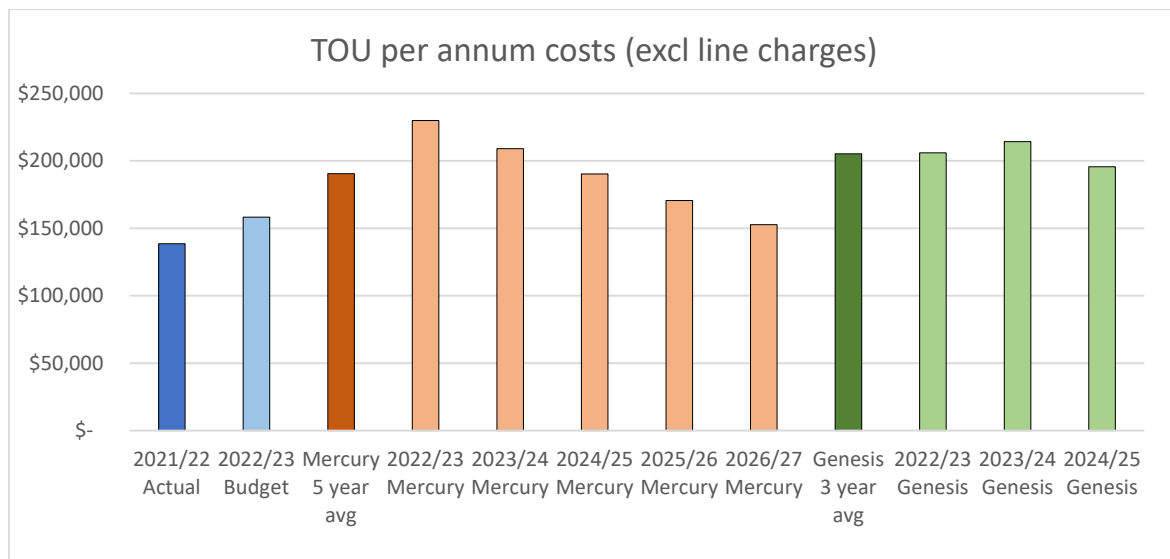
We have used a third party (Smart Power) to take our business to the market via a tender document and to provide expert analysis of options and pricing. Smart Power have reported that of 16 potential New Zealand electricity retail suppliers, four made offers to supply our Non-TOU sites and five to supply TOU sites.

DISCUSSION

Price and market conditions have been the principal attributes on which the tender assessment has been done. Smart Power have provided profiles of the main retailers and their service attributes, but they have not been factored in as assessment criteria.

Mercury is this Council's current retailer for the TOU contract. Their offer of a 5 year term is attractive given the current uncertain market conditions and it is the lowest average price. The other tenderers were Simply Energy (formerly Contact), Genesis Energy and Meridian Energy, the latter two only offering 3 year terms. Genesis Energy's offer of a 3 year contract has the next lowest average price, but that average price is 7.7% more than Mercury's 5 year offer. The Genesis offer is the best offer for 3 years - 2.2% less than Mercury's 3 year offer price. Mercury's 5 year offer has been accepted as the longer term gives greater price stability in a very uncertain market.

The Mercury offer in year 1 will exceed the budget by some \$70,000 (45%), but it is the lowest average price over the 5 years for Masterton and also for the other two Wairarapa Councils for their TOU electricity. See the graph below for a visual representation of the impact on budgets.



Simply Energy is the current retailer for the non-TOU supply contract for Masterton. They have not submitted a tender, so we are looking at a new retailer from 1 October 2022. Meridian Energy's 3 year average price is the lowest for Masterton, Carterton and South Wairarapa.

No consideration has been given to having some exposure to spot market pricing. This is a conservative approach as it is difficult to establish that any clear benefit would result from the increased risk.

The electricity market has seen substantial volatility in prices since July 2020 when the future of the Bluff aluminium smelter was speculated about. Since then, high coal prices, rising carbon prices, relatively tight gas supply and dry weather resulting in lower lake levels have all contributed to ongoing high pricing.

Conclusion

The Mercury offer was time-limited due to the volatility of electricity market pricing and had to be accepted by end-of-day 12 September 2022. The Meridian offer will be accepted before the offer expires as their three year average price is the lowest for Masterton, Carterton and South Wairarapa. Both contracts are within the CE's delegated authority.

SUPPORTING INFORMATION

Strategic, Policy and Legislative Implications

The Council has met its obligations to ensure it has procured electricity at the best price and on the best terms available in the market.

Significance, Engagement and Consultation

There are no significance, engagement or consultation issues to address.

Financial Considerations

There will be an increased cost of the energy component of the Council's electricity. The 2022/23 Annual Plan anticipated a 15% increase in the energy component of the electricity budgets. The budget provision will not be enough to absorb the price increases that have resulted from this tender. Further reporting of expenditure against budget will be done through the course of the financial year.

Treaty Considerations/Implications for Māori

There are no Treaty considerations or implications specifically for Maori as a result of the recommendations in this report.

Communications/Engagement Plan

The electricity costs are internal to the Council's operations and have been budgeted. There is no communication or engagement required.

Environmental/Climate Change Impact and Considerations

The use of electricity by the Council is monitored and able to be reported on. It is a large factor in the Council's carbon footprint and there is a strong focus on energy efficiency solutions. The Council's supply contract decision does not directly influence the environmental impact of New Zealand's electricity generators. The retail electricity market is dominated by companies who also generate electricity, supplying the national grid. A decision by the Council to not buy energy from a

retailer because of their mix of generation assets, would have no impact on that company's decision making regarding their mix of generation assets. The Council is a price taker and not in a position to directly influence generators or the NZ energy markets.

Despite the above, the accepted tender for TOU (Mercury) has 58% hydro generation and 42% geothermal. The non-TOU tender which will be accepted (Meridian Energy) has 91% generation from hydro and 9% from wind sources.