

10. DELEGATIONS: WATER RELATED SERVICES BYLAW 2001 AND LOCAL GOVERNMENT ACT 1974

Officer responsible City Water & Waste Manager	Author David Rolls, DDI 371-1892
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The purpose of this report is to recommend that the Council delegate a number of its powers under the proposed Christchurch City Water Related Services Bylaw 2001 and also under the Local Government Act 1974.

The Council, at its meeting on 23 August 2001, resolved to make the Christchurch City Water Related Services Bylaw 2001. On the basis that that resolution will, in accordance with the Special Order procedure, be confirmed at the September Council meeting it is now necessary that the Council delegate a number of its powers under that bylaw. It is also desirable that the Council delegate its power to appoint inspectors to ensure that the provisions of the bylaw are observed.

The Christchurch City General Bylaw 1990 authorises the Council to appoint inspectors to ensure that the provisions of any of its bylaws are observed. It also authorises the Council to delegate to any of its officers any of the powers conferred on it by any bylaw.

It is also desirable, in the interests of administrative efficiency, that the Council delegate to the City Water and Waste Manager several of its powers under the Local Government Act 1974. These powers are set out in recommendations 3(b), 3(c), 4 and 5 below. Several of these powers (that referred to in recommendation 3(b) and to a limited extent that referred to in recommendation 4) were formerly delegated to officers whose positions were disestablished by the restructuring which has prompted the new bylaw.

- Recommendation:**
1. That pursuant to Clause 7(1) of the Christchurch City General Bylaw 1990 the Council delegate:
 - (a) To the City Water and Waste Manager all of its powers under Christchurch City Water Related Services Bylaw 2001 except:
 - (i) the power to prescribe any fee, and
 - (ii) the powers of the Council under Clause 62 and 63
 - (b) To the Parks and Waterways Manager, all of its powers under Clauses 62 and 63 of the Christchurch City Water Related Services Bylaw 2001.
 2. That pursuant to Clause 9 of the Christchurch City General Bylaw 1990 the Council delegate to the City Water and Waste Manager its powers to appoint inspectors to ensure that the provisions of the Christchurch City Water Related Services Bylaw 2001 are observed.
 3. That the Council delegate to the City Water and Waste Manager the power to institute any prosecution and to make any decision in respect of any matter relating to any such prosecution for any offence under:
 - (a) The Christchurch City Water Related Services Bylaw 2001, and
 - (b) Parts 13, 15 and 16 of the Local Government Act 1974.
(Explanatory note: Part 13 concerns water supply, Part 15 concerns water races and Part 16 concerns sewerage and stormwater drainage.)
 - (c) Section 697 of the Local Government Act 1974 where that offence relates to compliance with any requirement pursuant to Parts 13, 15 or 16 of that Act.
(Explanatory note: Section 697 provides that it is an offence to fail to comply with any requirement under that Act.)
 4. The pursuant to section 715(1) of the Local Government Act 1974 the Council delegate to the City Water and Waste Manager and to the Building Control Manager (severally) its powers under section 459 of the Local Government Act 1974.

(Explanatory note: Section 459 authorises the Council to require the owner of private land to construct, repair, and cleanse private drains.)

5. That pursuant to section 716 of the Local Government Act 1974 the City Water and Waste Manager and the Building Control Manager (severally) be authorised to delegate the powers in section 459 of that Act to other officers of the Council.

Chairman's

Recommendation:

That the above recommendation be adopted.