

Delegations Manual

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1. Introduction

1.1. Purpose

This document is the Delegations Manual for Environment Southland (**Delegations Manual**).

The primary purpose of the Delegations Manual is to set out Environment Southland's (**the Council or Environment Southland**) delegations given to officers (and members in some instances) in relation to certain administrative and financial matters and also the delegations made in relation to the Council's statutory duties, responsibilities and powers.

To assist staff to understand the responsibilities of the Council and its committees, this Delegations Manual also records duties, functions, and powers which cannot be delegated from the Council and the terms of reference for the Council committees including any associated delegations.

1.2. Background

1.2.1. Definition of delegation

Delegation is the conveying of a duty of power to act to another person, including the authority that the person making the decision would themselves have had in carrying out that duty or exercising that power.

For the purposes of administrative efficiency and expediency when conducting its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its committees, members, or staff. Likewise, the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations are a necessary operational requirement to promote effective and expeditious decision-making. Delegations avoid administrative delays and inefficiencies that might otherwise occur if all matters have to be referred to the Council or Chief Executive every time a decision needs to be made.

1.2.2. The legal basis

In most cases, the Council has the primary power of delegation as it is the body that is specified as the delegate in the empowering legislation. In some specific instances the legislation empowers the Chief Executive directly who will have the power of delegation.

The Council's authority to delegate to its standing committees, subcommittees, members or staff is principally derived from Clause 32 of Schedule 7 of the Local Government Act 2002 (LGA 2002) which reads:

- (1) *Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except*
- (a) *the power to make a rate; or*
 - (b) *the power to make a bylaw; or*
 - (c) *the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
 - (d) *the power to adopt a long-term plan, annual plan, or annual report; or*
 - (e) *the power to appoint a chief executive; or*
 - (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the Long-term Plan or developed for the purpose of the local governance statement; or*

- (g) *[repealed]*
- (h) *the power to adopt a remuneration and employment policy.*
- (2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*
- (3) *A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*
- (4) *A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.*
- (5) *A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
- (6) *A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*
- (7) *To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*
- (8) *The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.*

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties. Of particular note are:

- Section 34 (Delegation of functions, etc, by local authorities) of the Resource Management Act 1991
- Section 105 (Delegation to authorised persons) of the Biosecurity Act 1993
- Sections 42 (Delegation of powers by local authority) and 43 (Delegation of powers by officers) of the Local Government Official Information and Meetings Act 1987
- Sections 124 (Delegation of powers by local authority) and 125 (Delegation of powers by officers or local authority) of the Privacy Act 1993

Except as provided for elsewhere in this Delegations Manual, the delegation of a power, function or duty is made under Clause 32 of Schedule 7 of the LGA.

1.2.3. Principles, terms and conditions

Unless a delegation in this Delegations Manual states otherwise, the delegation is derived from the Council. Some delegations are made by the Chief Executive directly and these are recorded as such in this Delegations Manual.

When deciding to delegate any duties, responsibilities, and powers, the Council or Chief Executive will have regard to the principles outlined in Table 1.

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the general terms and conditions, which are also outlined in Table 1. In addition to the general terms and conditions, the delegate must also comply with any additional terms and conditions that might apply to specific delegations.

Table 1: Principles, terms and conditions

| Principles | |
|-----------------------------|--|
| 1. | Wherever possible, delegations to staff have been made on a wide basis to promote the most effective and efficient implementation and delivery of Council's policies and objectives. |
| 2. | Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility and difficulty involved in the undertaking of the task delegated. |
| 3. | In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the fact that the powers and duties contained in the delegation go along with the responsibilities and accountability for their correct and effective implementation and any reporting requirements. |
| 4. | In exercising delegations which are outside Council's day-to-day business, staff will report back on the exercise of that delegation to the next relevant Council or Council Committee meeting. |
| Terms and conditions | |
| 1. | No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate. |
| 2. | In the exercise of any delegation, the delegate will ensure they act in accordance with: <ul style="list-style-type: none"> a. any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and b. any relevant Council policy or procedural documents (including reporting and recording) requirements. |
| 3. | In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity. |
| 4. | Decisions, other than on minor or routine matters, made under delegated authority will be reported to Council or a relevant Committee. |
| 5. | For the avoidance of doubt, supervisors shall have the same powers of delegation as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration. |
| 6. | A delegation once made cannot be further sub-delegated. |
| 7. | The Council may, at any time, revoke, suspend for a period, or amend the terms or conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council. |
| 8. | The Chief Executive may revoke or suspend for a period, or amend the terms and conditions, in any delegation to subordinates that he has made. |

1.2.4. Sub-delegation

At times, it will be necessary for the performance of assigned duties for a staff member to have delegated authority additional to those specifically mentioned in the Delegations Manual. These situations may include staff acting temporarily in a role (such as acting Chief Executive or a one-off Project Manager), or permanently, such as Project Manager of an ongoing project. Such sub-delegations will be recorded in writing, in the job description of the individual where possible, or on a more temporary basis in the form of a memo signed by the person granting the delegation, and a copy kept on the delegation file. With the exception of delegations by the Chief Executive, the supervisor of the person granting the sub-delegation should also sign to indicate their approval of the sub-delegation.

Staff with delegated authority under this manual are empowered to delegate (in the manner outlined above) to the appropriate staff member any authority which has been delegated to them, except the power to delegate, unless otherwise constrained by legislation or the terms of their delegation. Any sub-delegations are to be advised to the General Manager, People & Customer, who will maintain a register of sub-delegations as an appendix to the Delegations Manual.

2. Council and Committees

This section of the Delegations Manual sets out those delegations that remain with the Council and the delegations given to the Council's four standing Committees through their Terms of Reference.

2.1. Council

In accordance with Clause 32 of Schedule 7 of the LGA, the Council is required by legislation to make decisions on the following matters:

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

Other legislation, including the Resource Management Act 1991, the Biosecurity Act 1993, and the Land Transport Management Act 2003, provide that certain matters cannot be delegated and that certain decisions must be made by the Council.

2.2. Terms of Reference for Council Committees

2.2.1. Strategy and Policy Committee (Rautaki me Mehere)

The Strategy and Policy Committee is responsible for providing advice and reporting to Council on:

- a. the provision of governance oversight into the development and review of plans, policies, strategies and by-laws;
- b. the recommendation to notify proposed changes or variations to proposed plans, policies, strategies and by-laws;
- c. the governance oversight of consultation related to regional policies, plans and strategies;
- d. the appointment of hearing committees or panels to hear submissions on regional policies, plans and strategies;
- e. undertaking Water and Land Plan associated project work;
- f. the receipt, and if necessary endorsement of, scientific studies/reports; receipt of State of the Environment reports and/or score cards;
- g. the compiling of submissions to Government as needed (if the Council timetable does not provide for same).

Chairman: Cr Lyndal Ludlow

Deputy Chairman: Cr Maurice Rodway

Members: Cr Neville Cook, Cr Paul Evans, Cr Alastair Gibson, Cr Robert Guyton, Cr Peter McDonald, Cr Jeremy McPhail, Cr Jon Pemberton, Cr Phil Morrison, Cr Eric Roy, Stewart Bull, Ann Wakefield, Chairman Nicol Horrell (ex officio)

Quorum: Seven

2.2.2. Regulatory Committee (Whakaretea)

The Regulatory Committee is responsible for providing advice and reporting to Council on:

- a. the approval of non-notified resource consent applications;
- b. the need for formal review and amendment of existing plans, strategies and by-laws;
- c. the consideration and determination of notified consent applications that are unable to be dealt with via the existing delegations to staff (via the appointment of qualified hearing panels);
- d. the appointment and performance of hearing committees/panels;
- e. the implementation of National Policy Statement, frameworks, and environmental standards required;
- f. the monitoring of regional plans, strategies and bylaws;
- g. compliance and enforcement activities, including those relating to permitted activities, resource consents and biosecurity matters.

Chairman: Cr Neville Cook

Deputy Chairman: Cr Jeremy McPhail

Members: Cr Alistair Gibson, Cr Robert Guyton, Cr Peter McDonald, Cr Maurice Rodway, Chairman Nicol Horrell (ex officio)

Quorum: Four

2.2.3. Regional Services Committee (Ropu Ratonga-a-Rohe)

The Regional Services Committee is responsible for providing advice and reporting to Council on:

- a. governance oversight and monitoring of the non-regulatory implementation of Council plans, strategies and by-laws, including (but not limited to):
 - River Corridor Concept Plans
 - clean heat
 - pollution prevention
 - environmental education
 - land sustainability
 - the Waituna response.
- b. managing the relationship of Council with the Catchment Liaison Committees;
- c. governance oversight of and recommending programmes for delivery of flood protection and drainage maintenance;
- d. governance oversight of and recommending programmes of work related to the Regional Pest Management Plan;
- e. governance oversight of and recommending programmes of work that promote sustainable resource management practices;
- f. governance oversight of the management of Council's lease land.

Chairman: Cr Peter McDonald

Deputy Chairman: Cr Eric Roy

Members: Cr Paul Evans, Cr Lyndal Ludlow, Cr Jeremy McPhail, Cr Jon Pemberton, Cr Maurice Rodway, Gail Thompson, Estelle Leask, Chairman Nicol Horrell (ex officio)

Quorum: Five

2.2.4. Risk and Assurance Committee (Komiti tūraru me te whakaaetanga)

Council assigns to the Committee responsibilities from time-to-time, and the Committee provides advice and reports to Council on governance, risk management and internal control.

The Committee will review the effectiveness of the following aspects of governance, risk management and internal control:

1. oversight of risk management across Council (including Council-Controlled organisations). This incorporates corporate disciplines and systems and infrastructure and facilities, including:
 - risk policy, framework and strategy;
 - council's "risk appetite" statement;
 - the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls including health and safety and business continuity and resilience;
 - new and/or emerging risks, and any subsequent changes to risk register;
 - draw Council attention to any other issues that the committee believes may negatively impact attainment of organisational mission and/or goals.
2. internal and external audit and assurance, including:
 - internal audit plans and programmes of work;
 - assurance reports dealing with audit findings, conclusions and recommendations (including CCOs);
 - management of the relationship with Council's external auditors;
 - management's responsiveness to findings and recommendations;
 - the Office of the Auditor General plans, findings and other matters of mutual interest.
3. integrity matters, including employee, contractor and elected member interests and ethics-based policies and issues.
4. monitoring of compliance with laws and regulations;
5. significant projects and/or programmes of work focussing on the appropriate management of risk;
6. Council's compliance with the requirement to prepare external information through its Long-term Plan, Annual Plan and Annual Report and other external reports required by statute.

Chairman: Andrew Douglas

Deputy Chairman: Lyndal Ludlow

Members: Cr Alastair Gibson, Cr Jeremy McPhail, Cr Phil Morrison, Cr Jon Pemberton, Cr Maurice Rodway, Chairman Nicol Horrell (ex officio)

Quorum: Four

2.2.5. Finance and Performance Committee (Komiti pūtea, ngā mahinga hoki)

Council assigns to the Committee responsibilities from time-to-time, and the Committee provides advice and reports to Council on development of the organisation's strategic plans including the financial strategy, policies, budgets, together with financial and performance reporting relating to statutory obligations.

The Committee will review the effectiveness of the financial and performance reporting by:

1. governance input into the development of strategic plans and budgets together with associated financial and related policies that support the delivery of the strategic plans (especially Long-term Plans and Annual Plans).
2. governance oversight of performance reporting to Council, incorporating:
 - financial and non-financial performance;
 - adherence to statutory obligations;
 - monitoring overall financial wellbeing against budget;
 - strategic asset allocation, asset management planning and performance review (including investments);
 - procurement;
 - delegations of authority;
 - Council-controlled Organisation oversight and performance.

Chairman: Maurice Rodway

Deputy Chairman: Lyndal Ludlow

Members: Cr Alastair Gibson, Cr Jeremy McPhail, Cr Phil Morrison, Cr Jon Pemberton, Cr Maurice Rodway, Chairman Nicol Horrell (ex officio)

Quorum: Three

2.2.6. Southland Regional Transport Committee

Membership

The Regional Transport Committee for Southland (RTC) comprises:

- two regional council representatives (Chair and Deputy Chair);
- one representative from the Waka Kotahi NZ Transport Agency;
- one district council representative from each of the:
 - Gore District Council
 - Invercargill City Council
 - Southland District Council.

Total membership of the Southland committee equals six.

Membership is dictated by Section 105 of the *Land Transport Management Act 2003* (LTMA). Representatives are appointed by the regional council on the nomination of Waka Kotahi NZ Transport Agency and each of the territorial authorities.

Objective

To undertake the functions as prescribed by the *Land Transport Management Act 2003 and subsequent amendments*.

Meeting Schedule

The RTC normally meets at least three times a year but may meet more regularly depending on the work to be undertaken or the issues to be addressed. Where possible, members will be advised, in advance, of the meeting schedule for the year.

Role and Functions

The role and functions of the Regional Transport Committee are as follows:

1. to undertake the statutory requirements of the *Land Transport Management Act 2003*;
2. to prepare the Regional Land Transport Plan (RLTP) in co-operation with the Otago Regional Transport Committee, to prepare any applications to vary the RLTP and to process any applications to vary the RLTP (*LTMA Section 106(1)(a)*);
3. to prepare and adopt a policy that determines significance in respect of:
 - (a) any variations made to the RLTP;
 - (b) activities included in the RLTP (*LTMA Section 106(2)*);
4. to provide any advice and assistance the regional council may request on its transport responsibilities generally (*LTMA Section 106(1)(b)*);
5. to undertake monitoring to assess implementation of the Regional Land Transport Plan including monitoring of the performance of activities (*LTMA Section 16(3)(f) and 16(6)(e)*), in co-operation with the Otago Regional Transport Committee;
6. to consult on a draft RLTP for the region in accordance with the consultation principles specified in Section 18 and 18A of the *Land Transport Management Act 2003*, in co-operation with the Otago Regional Transport Committee;
7. to complete a review of the RLTP during the six-month period immediately before the expiry of the third year of the Plan (*LTMA Section 18CA*) in co-operation with the Otago Regional Transport Committee;
8. to advise the Council on any significant legislative changes, programmes, plans or reports relating to the region's transport system;
9. to prepare and implement regional transportation planning studies, or pan-regional studies with the Otago Regional Transport Committee, when necessary;
10. to represent and advocate for transport interests of regional and/or pan-regional Otago Southland concern;
11. to consider and submit on transport-related policies, plans and consultation documents issued by the Ministry of Transport, Waka Kotahi NZ Transport Agency, regional/district councils, and other relevant organisations as considered appropriate, including submitting jointly with the Otago Regional Transport Committee, when appropriate;
12. to liaise with the Ministry of Transport, Waka Kotahi NZ Transport Agency, Commissioner of Police, regional/district councils, KiwiRail, the Department of Conservation and other interested parties on transport matters, and advise the Council on any appropriate new initiatives as considered appropriate;

13. to operate in a collaborate manner in the combined meetings of the Otago and Southland regional transport committees and to engage with other regional transport committees and working parties, which from time-to-time may be established;
14. to consider advice and recommendations from the Otago Southland [Regional] Technical Advisory Group.

Members' responsibilities for reporting back to the organisation they represent

Each member of the Regional Transport Committee is expected to report back to their own organisations following each Regional Transport Committee meeting or workshop on matters discussed at those Committee meetings, and with particular reference to the RLTP. A briefing paper will be produced by the Regional Council for distribution to stakeholders and to assist members with their report back responsibilities.

Terms of Membership

Should a vacancy occur in the membership of the RTC, the Committee Secretary shall report this to the next meeting of the Council, which shall then invite the nominating organisation to nominate a replacement.

Quorum and Voting Rights

An Otago RTC meeting cannot proceed unless five committee members are present, at least one of whom must be representative of the regional council and no more than one to be an alternate representative.

A Southland RTC meeting cannot proceed unless four committee members are present, at least one of whom must be representative of the regional council and no more than one to be an alternate representative.

No voting will occur unless there is a quorum of committee members from those organisations allowed to vote on these matters.

The Chairperson has a deliberative vote and in the case of an equality of votes does not have a casting vote. Clause 24 of the 7th Schedule of the Local Government Act otherwise applies to voting.

The purpose of encouraging each organisation to have alternates is to ensure that each of the organisations involved in the RTC (the TAs, Waka Kotahi NZ Transport Agency and the regional council) is able to bring their organisation's view to the table and to report back the outcome to their organisation.

Each organisation (i.e. the regional council, Waka Kotahi NZ Transport Agency and each district/city council) is therefore encouraged to have alternative representatives to act as a replacement should the appointed representative be absent from a meeting.

Alternates will count towards a quorum but do not have voting rights.

Delegated Authority – Power to Act

The Regional Transport Committee:

1. does not have the powers of Council to act in the following instances as specified by Clause 32 (1) of Schedule 7 of the *Local Government Act 2002* to:
 - (a) make a rate;
 - (b) make a bylaw;
 - (c) borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan;
 - (d) adopt a Long-term Plan, or Annual Plan or Annual Report;
 - (e) appoint a Chief Executive;

- (f) adopt policies required to be adopted and consulted on under this Act in association with the Long-term Plan or developed for the purpose of the Local Governance Statement;
- 2. does have the ability to appoint a panel to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a sub-committee to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a sub-committee does not have power to act other than by a resolution of the committee with specific limitations;
- 3. does have the ability to make decisions in accordance with the Terms of Reference and the *Land Transport Management Act 2003*.

Power to Act (for the information of Council)

- 1. The Regional Transport Committee has the power to:
- 2. monitor any transport activities of the regional council, territorial authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan;
- 3. prepare and recommend variations to the Regional Land Transport Plan that trigger the RTCs significance policy;
- 4. consider and recommend transportation planning studies and associated outcomes;
- 5. provide recommendations to relevant government agencies on transport priorities for the region and the allocation of national or regional transport funds.

Chairman: Cr Jeremy McPhail

Members: Cr Phil Morrison, Chairman Nicol Horrell (ex officio) plus appointed representatives as per meeting recommendation.

Quorum: Four

2.3. Sub-Committees

2.3.1. South Port New Zealand Sub-Committee (Ropu a-Tonga Taunga Waka)

The South Port New Zealand Sub-committee is responsible for matters relating to South Port New Zealand (SPNZ) investment. Its objectives are to:

- a. provide a point of contact between senior management and the Board of SPNZ and Council and to maintain an effective working relationship between SPNZ and Council.
- b. monitor the performance of the investment and advise on Council's policies concerning its investment in SPNZ.
- c. consider and advise Council on matters relating to the governance of SPNZ including those dealt with at Extraordinary and Annual General Meetings.

Chairman: Cr Eric Roy

Members: Cr Alastair Gibson, Cr Lyndal Ludlow, Cr Jeremy McPhail, Cr Maurice Rodway, Chairman Nicol Horrell (ex officio)

Quorum: Three

2.3.2. Climate Change Sub-Committee

The Climate Change Sub-Committee will work in genuine partnership with Mana Whenua/Te Ao Mārama Inc, recognising the importance of enduring and collaborative relationships between Environment Southland and Mana Whenua/Te Ao Mārama Inc.

The Climate Change Sub-Committee has been established to provide advice and to report back to Council on:

1. the development of the regional climate change strategy;
2. regional, national and international climate change developments, including emerging issues and impacts, changes in legislative frameworks and their implications for Council's climate change strategies, policies, plans, programmes and initiatives;
3. effective regional leadership on climate change to reduce greenhouse gas emissions and ensure a climate resilient future for Murihiku Southland;
4. opportunities for collaboration with other regional councils and territorial authorities on climate change and climate resilient communities, including the regional climate change inter-agency group;
5. opportunities for advocacy to central government to align;
6. Environment Southland regional climate change programmes and initiatives, including enabling the Murihiku Southland community to adapt to climate change and support the region's transition to a low emissions economy;
7. Environment Southland's internal work programme as a climate change leader aiming to reduce its own carbon footprint.

These Terms of Reference are a living document and will be reviewed by the Committee, as required.

Chairman: Cr Maurice Rodway

Deputy Chairman: Cr Phil Morrison

Members: Cr Robert Guyton, Cr Lyndal Ludlow, Cr Peter McDonald, Cr Eric Roy, Stewart Bull, Chairman Nicol Horrell (ex officio)

Quorum: Four

2.3.3. Chief Executive Review Sub-Committee

- a. The Chief Executive's Review Sub-Committee will ordinarily be made up of those individuals who at the time are serving as:

Council Chairman

Council Deputy Chairman

Chair – Strategy and Policy Committee

Chair – Finance and Performance Committee

Chair – Regional Services Committee

Chair – Regulatory Committee

One other Councillor

noting it is usual that the Deputy Chairman performs one of the Committee chair roles.

- b. The Council Chairman will be the chair of the Sub-Committee.
- c. A quorum is three, of whom one must be the Council Chairman, unless that person is on leave of absence.
- d. The Sub-Committee is tasked with undertaking all performance reviews of the Chief Executive. The reviews will cover matters recorded in the Chief Executive’s employment agreement, any performance agreement that is in place, any matters arising from undertakings given or received at previous review dates, and any other matter that is timely and relevant to cover at such a review. As a result of annual the reviews the Council will be provided with a formal process:
 - of regular review and planning with the Chief Executive and Council in respect of the Council’s performance expectations of the Chief Executive, and the Chief Executive’s performance;
 - to prepare and adopt the Performance Agreement between Council and the Chief Executive;
 - to assist the Chief Executive to identify areas and priorities for efficiency and baseline reviews;
 - to receive briefings and act as a governance sounding board for organisational change and improvement processes
 - to review and recommend remuneration and other conditions of employment on behalf of Council
 - to develop, with the Chief Executive, and recommend professional development programmes and initiatives to further develop the Chief Executive.
- e. The Sub-Committee may arrange for the use of advisors as provided in the Governance Policies and may employ or contract whatever resources that may be needed to carry out the review and associated actions in an efficient and effective manner.
- f. The Sub-Committee will consult with the Council prior to commencement of reviews and may seek the views of all Councillors throughout any review process, either formally or informally.
- g. The Sub-Committee has authority to complete the reviews and to provide reports and recommendations to the Council for discussion and formal adoption or, if it considers it necessary, to seek Council consideration of any matters prior to completion of the review process.
- h. The Sub-Committee will report back its decisions for ratification by Council.

2.4. Joint and Other Committees

Councillors are engaged in a range of Joint or other Committees with other organisations. The table below outlines these Committees and the currently appointed members or representatives.

| Committee / Group / Forum | Members / Representatives |
|--|---|
| Southland Civil Defence Emergency Management Group | Cr Neville Cook Chairman Nicol Horrell |
| Bluff Maritime Museum Trust | Cr Neville Cook Chief Executive |
| Te Roopu Taiao | Chairman Nicol Horrell Cr Robert Guyton (voting member) Cr Maurice Rodway (voting member) Only Chair and one other have voting rights. |
| Regional Sector Group | Chairman Nicol Horrell |
| Southland Community Broadcasters Trust | Cr Neville Cook |

| Committee / Group / Forum | Members / Representatives |
|--|---|
| Southland Heritage Building and Preservation Trust | Cr Lyndal Ludlow |
| Waiau Working Party | Cr Peter McDonald Cr Paul Evans |
| Great South Shareholders Committee | Chairman Nicol Horrell Chief Executive (alternate) |

2.5. COVID-19 Emergency Provisions

Council establish an Emergency Committee comprising all members of the Council with a quorum of two.

Membership will be the Chairman, the Deputy Chairman, the relevant Committee Chair/s (based on the topics on the agenda), and all other Councillors.

In the unlikely event that a quorum of two is unable to be achieved, the Chief Executive (or his delegate) will count towards the quorum.

Adopts the Emergency Committee's Terms of Reference (appended).

For the purposes of the COVID-19 emergency, delegates to the Chairman in conjunction with the Deputy Chair, the authority to activate the Emergency Committee and by resolution of the Emergency Committee to suspend committees of the Council.

Activates the Emergency Committee with immediate effect, noting, however, that when the country moves to COVID-19 Level 4 status, the committee will be in abeyance until such time as Level 3 status or below is achieved again.

In the event that the Emergency Committee is unable to operate due to the COVID-19 emergency, the Council delegates to the Chief Executive all of the Council's powers, duties and responsibilities that the Council can lawfully delegate to officers. These powers, duties and responsibilities include the ability to enter into any contract or to authorise any level of expenditure. They do not include the powers, duties and responsibilities that the Council has already delegated to the Chief Executive under delegations in force at this time, or any authority to make any Council decisions under the Civil Defence Emergency Management Act 2002 (which shall be dealt with in accordance with that Act). This delegation is subject to the following conditions:

- the delegated powers, duties and responsibilities may be exercised only in circumstances where the Emergency Committee is unable or unavailable to hold meetings that comply with its Terms of Reference, the Local Government act 2002 and the Local Government Official Information and Meetings Act 1987;
- the Chief Executive must exercise the delegated powers, duties and responsibilities in consultation with the Chairman (or if the Chairman is unavailable, the Deputy Chairman or, if the Deputy Chairman is unavailable the Chairperson of the relevant committee, or if the Chairperson of the relevant committee is unavailable, any Deputy Chairperson of a Committee).

For the purposes of the COVID-19 emergency, approves the Chief Executive's financial delegation be increased to \$300,000, to allow for any unanticipated urgent expenditure. Any such unanticipated expenditure is to be reported back to the Emergency Committee.

Delegates the authority and powers of the Chief Executive to:

- (a) Wilma Falconer as the Acting Chief Executive in the event that the Chief Executive is unable to fulfil his duties due to COVID-19; and
- (b) agrees where the delegated Acting Chief Executive is unable to fulfil such duties due to COVID-19, the Chief Executive's delegated authority and powers will de-escalate to the next available Tier 2 General Manager.

Any decisions made and documents executed in exercising the delegated powers, duties and responsibilities by the Chief Executive or the Acting Chief Executive, must be reported to the next ordinary meeting of Council.

This delegation may be revoked at any time by the Council. In the event there is any inconsistency between this delegation and any other delegations made by the Council, this delegation takes precedence.

Emergency Committee Terms of Reference

Membership

| | |
|---------------------------|------------------------|
| Chairperson | Chairman Nicol Horrell |
| Deputy Chairperson | Cr Jeremy McPhail |
| Members | All Councillors |
| Quorum | Two members |
| Meeting frequency | As required |

Purpose

- To determine matters within the authority of Council where the urgency of those matters precludes a full meeting of the Council, or emergency legislation is enacted.

Role

- To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures due to a pandemic, other natural disaster or state of emergency, except for those that:
 - have been delegated to staff;
 - cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.
- It is noted that this Committee will retain the same voting rights as specified in Council's Standing Orders – irrespective of attendance by members in person or via digital means.
- All Councillors will be provided with all information that is to be considered by this Committee.

Power to Act

- The Emergency Committee can only be activated by resolution of Council for specific events, or where resolution by Council is not possible, on the joint authority of the Environment Southland Chair and Deputy Chair.

Power to Recommend

The Emergency Committee reports to the Regional Council.

3. Administrative Delegations

3.1. People & Capability delegations

3.1.1. Legislative delegation to the Chief Executive

Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.

The Chief Executive has absolute control over all employment-related matters concerning staff.

Further specific delegations made by the Chief Executive in relation to people and capability under Section 42(2) are prescribed below (the People & Capability Delegations).

Explanatory Note: *The Chief Executive may appoint in writing, in consultation with the Chairperson, any person to be acting Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.*

3.1.2. Principles of People & Capability delegations

In support of, and in addition to, the principles, terms and conditions outlined in Section 1 of this Delegations Manual, the following principles, terms and conditions are applied to the delegation of employment or people management activities:

- (a) People & Capability Delegations are standardised across management roles (i.e. if a delegation is granted to Divisional Managers, then everyone in a Divisional Manager role holds that delegation).
- (b) People & Capability Delegations automatically apply to the person appointed to that role (i.e. no additional documentation is required beyond acceptance of the employment agreement for the role).
- (c) People & Capability Delegations are granted to the lowest appropriate tier (with demonstrated competence to execute the delegation) to empower and enable our people managers; this authority may also be executed by all managers in a direct line above that position.
- (d) No People & Capability Delegations may be used to self-approve – the one up rule applies.
- (e) People & Capability Delegations must be exercised in accordance with Staff Policies.
- (f) General Manager, People & Customer may sub-delegate their authority to a member(s) of the People and Capability team as appropriate.

3.1.3. People & Capability delegations

The Chief Executive retains the responsibility for all people and capability matters. The Chief Executive retains the delegation for the following activities specified in Table 2.

Other delegations have been made by the Chief Executive to the General Managers, Divisional Managers and Team Leaders.

Explanatory Note: *For the purpose of these people and capability delegations:*

- *General Managers are defined as Tier 2 management roles with responsibility for a Group.*
- *Divisional Managers are defined as Tier 3 management roles with responsibility for a Division.*
- *Team Leaders are defined as any management roles below Divisional Managers (with or without the Team Leader title) which hold formal staff management responsibilities as outlined in the position description.*

| Chief Executive | General Managers (T2) | Managers (T3) | Team Leaders |
|--|--|---|--|
| Hiring Employees | | | |
| <p>approve recruitment of additional Full Time Equivalent (FTE) permanent employee numbers</p> <p>approve recruitment where significant change has been made to a role</p> | <p>undertake like-for-like recruitment</p> <p>approve candidate offers outside market range subject to conversation with CE</p> <p>sign offers of employment</p> <p>approve recruitment of seasonal casual employees</p> | <p>approve candidate offers within market range subject to discussion with General Manager</p> <p>approve non-standard terms and conditions with the General Manager, People & Customer's agreement</p> <p>offer relocation expenses with People & Capability agreement</p> <p>engage the services of a recruitment agency with People & Capability agreement</p> | - |
| Employment Conditions | | | |
| <p>approve termination of an employment agreement</p> <p>approve the outcome of restructures</p> <p>require and set dates for an annual shutdown period</p> | <p>determine actions to address conflict of interest situations</p> <p>approve staff entering into secondary employment</p> <p>deliver a Final warning with People & Capability agreement subject to conversation with CE</p> <p>offer retention agreements subject to conversation with CE</p> <p>second staff to other organisations subject to conversation with CE</p> | <p>determine the course of action following an external complaint against a staff member subject to conversation with General Manager</p> <p>approve staff to present a paper or publication referencing Environment Southland</p> <p>approve requests for flexible working arrangements subject to conversation with General Manager</p> <p>second staff to other teams within the General Manager</p> | <p>approve timesheets</p> <p>approve one-off or occasional work from home</p> <p>initiate a performance improvement process with People & Capability agreement</p> <p>deliver a Verbal or First warning with People & Capability agreement</p> |
| Leave | | | |
| <p>approve corporate-wide paid leave for staff unable to work due to an emergency or severe</p> | <p>approve requests for leave without pay</p> <p>grant paid and unpaid</p> | <p>provide a request for exemption from jury service</p> <p>approve use of</p> | <p>approve parental leave related carry-over of annual leave</p> <p>approve sick, annual,</p> |

| Chief Executive | General Managers (T2) | Managers (T3) | Team Leaders |
|--|--|--|--|
| <p>weather situation</p> <p>grant additional paid sick leave in situations of prolonged illness or injury</p> <p>approve the cash-out of annual leave</p> <p>sign off parental leave</p> | <p>compassionate leave</p> <p>approve the carry-over of outstanding annual leave</p> <p>approve use of special leave</p> <p>grant additional bereavement/tangi leave subject to conversation with CE</p> | <p>partner/paternity leave</p> | <p>bereavement or jury service leave</p> <p>approve staff anticipating up to 5 days sick leave in advance</p> <p>approve utilisation of time-in-lieu leave</p> <p>approve contractual long service milestone leave</p> |
| Performance and development | | | |
| - | <p>approve attendance of overseas learning events</p> <p>approve study applications</p> | - | <p>approve attendance at internal or external learning events with People & Capability agreement</p> <p>approve individual performance and development objectives</p> |
| Health, Safety and well being | | | |
| - | <p>approve consumption of alcohol for work-related functions</p> <p>decide actions following harassment or bullying investigations unless delegated to a manager</p> | <p>approve catering for meetings and functions</p> | <p>approve new and replacement garments for field work</p> |
| Recognition, Reward & Remuneration | | | |
| <p>approve overall salary increase (within governance-set budget)</p> | <p>approve well-done/recognition awards</p> | <p>decide appointment and amount of higher duties payments</p> | <p>approve overtime and accumulation of time-in-lieu</p> |

3.2. Requests and the release of information, and correspondence, media releases, and public records

3.2.1. Local Government Official Information and Meetings Act 1987

| Section | Function | Delegated to |
|----------------|--|---|
| 42 | The authority to exercise the Council's powers and duties under Parts 2 to 5 of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act) | Chief Executive All General Managers |
| 46 | Public notification of meetings | Executive Assistant or Principal Democracy Services Advisor |
| 46A, 49, 51 | Availability of agendas, reports and minutes | Executive Assistant or Principal Democracy Services Advisor |
| 51A | Public notification of resolution at emergency meeting | Executive Assistant or Principal Democracy Services Advisor |

Explanatory note: The powers under Parts 2 to 5 of the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) include the powers to:

- Transfer requests to another authority where the information is not held or is more closely connected with the functions of another local authority (section 12);
- Make decisions on requests (including to consult those affected by a proposed decision) (section 13); and
- Extend time limits (section 14).

3.2.2. Privacy Act 1993

| Section | Function | Delegated to |
|---------|--|-----------------|
| 23 | Power to appoint Privacy Officers | Chief Executive |
| 124 | The authority to determine in respect of any request for personal information under Part 5 of the Privacy Act 1993: <ul style="list-style-type: none"> (a) Whether the request can be granted in whole or in part; or (b) Where a request has been granted, whether any information should be withheld; or (c) Whether a request for personal information to be corrected should be granted; or (d) Ensure compliance with all related administrative requirements | Privacy Officer |
| 124 | All other powers and duties under the Privacy Act 1993. This delegation may be sub-delegated. | Chief Executive |

3.2.3. Public Records Act 2005

The Council has certain obligations under the Public Records Act 2005, including in relation to the disposal of Council records.

| Section | Function | Delegated to |
|---------|----------------------------------|-----------------|
| All | All powers, duties and functions | Chief Executive |

3.2.4. Other

This Delegations Manual does not contain formal delegations in relation to the authorisation to sign correspondence (including email correspondence), media statements (including social media) and placement of public notices. Staff should refer to the relevant Staff Policies in relation to these matters.

3.3. Submissions and external funding

3.3.1. General

The authority to make a submission on any matters of general interest or concern to the Council (including proposed Government policies, discussion documents and legislation but excluding proposed plans and plan changes and resource consent applications under the RMA), where it is not possible within the available time to refer the matter to the Council or where there is no other delegation, is delegated to the Chief Executive or, in the Chief Executive's absence, the General Manager (Policy & Government Reform) or General Manager (Integrated Catchment Management).

NOTE: When this delegation is exercised, it must be reported to the next Council meeting.

3.3.2. Resource Management Act 1991

Council is responsible for setting the region's policy direction through its regional policy statement (RPS) which territorial authorities must give effect to. An important part of implementing the RPS is through making submissions on Invercargill City, Southland District, and Gore District Councils' proposed plans, plan changes, and resource consent applications. These submissions seek to implement Council's previous decisions so generally will not require further approval from Council.

| Section | Function | Delegated to |
|--|--|-----------------------------|
| 96 | Lodge or withdraw a submission on a resource consent application on behalf of Council. | Manager (Regional Planning) |
| Schedule 1, Clause 6 Schedule 1, Clause 8 | Lodge or withdraw a submission or further submission on a proposed plan or plan change on behalf of Council. | Manager (Regional Planning) |

3.3.3. Applications for funding, grants or donations from external sources

The authority to seek and obtain external funding by way of grant or donation or other form of gifted funding for any project or programme or other activity that has been approved by Council or a committee of Council and the power to receive and/or administer grants or funding is delegated to:

Chief Executive

General Managers

Divisional Managers

Explanatory note: *From time to time the Council seeks funding for its projects and programmes identified in the Long-term Plan and Annual Plan.*

This delegation is to be exercised in so far that the funding is relevant to the projects and programmes within that person's position description.

3.3.4. Grants of funding from the Council to external sources

The authority to grant external funding by way of grant or donation or other form of gifted funding for any project or programme or other activity that has been approved by the Council and is in the Long-term Plan and Annual Plan is delegated to:

Chief Executive

General Managers

Divisional Managers

Explanatory note: *In addition to receiving external funding, the Council grants funding to a range of projects. These are identified in the Long-term Plan and/or Annual Plan. These delegations must be exercised in accordance with the Financial Delegations.*

3.4. Authorisation to use Common Seal

3.4.1. Authorisation to use the Common Seal

The Council has delegated to the Chairperson and Deputy Chairperson of the Council, Chief Executive and the General Manager (People & Customer) the authority to impress on any document the Common Seal of the Council to give effect to:

- (a) A resolution of the Council; or
- (b) Any Council delegation to the Chief Executive

which are legally required to use the common seal.

Where the Common Seal of the Council is affixed to any document it shall be attested by:

- (a) The Chairperson, or in his/her absence, the Deputy Chairperson; and
- (b) The Chief Executive, or in his/her absence, the Acting Chief Executive, or the General Manager (People & Customer).

General

The Common Seal will be affixed to any document that is required to be executed under the Seal, including:

- Warrants to enter private land on behalf of the Council, including warrants made under the Resource Management Act 1991, the Biosecurity Act 1993, the Building Act 2004, and the Local Government Act 2002.
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.
- Regional policy statements and regional plans prepared under the Resource Management Act 1991. The Common Seal is also used to certify that regional policy statements and regional plans (including proposed plans and variations) are true and correct copies of the documents.
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes.
- Any documents (e.g. covenants, caveats, or consent notices) which otherwise require the use of the Council's Common Seal with the exception of 'Deeds'.

Specific terms and conditions

All Common Seal transactions will be:

- *Authorised and signed by the Chairperson or Deputy Chairperson **and** either the Chief Executive or the General Manager (People & Customer).*
- *Recorded on the Common Seal Register.*
- *The seal and Common Seal Register is administered by the Executive Assistant.*

3.5. Professional advice and legal proceedings

3.5.1. Authorisation to obtain professional advice

The authority to obtain professional advice, including but not limited to legal, engineering, financial, accounting and resource management, advice on Council's behalf is delegated to:

Chief Executive

General Managers

Divisional Managers

Explanatory note: *In accordance with the general terms and conditions this delegation may only be exercised in accordance with financial delegations.*

Any advice must also be sought in accordance with any arrangements that the Council has regarding the provision of services (i.e. if there is a preferred or agreed service provider).

This delegation does not prohibit other staff members from liaising with professional advisors as part of the Council obtaining advice. Instead it is intended to operate to ensure that the engagement of the advisor has been approved by one of the above staff members.

3.5.2. Court proceedings

Delegations in respect of specific statutory proceedings are listed in the regulatory delegations (e.g. under the Resource Management Act 1991 and Biosecurity Act 1993). The following delegations apply to any other Court proceeding the Council may be involved with.

| General | | |
|--|---|-------------------------------------|
| Section | Function | Delegated to |
| Clause 32, Schedule 7 of LGA | The authority to decide whether to commence or defend any action before a Court, tribunal, arbitral panel or other such body. | Chief Executive |
| Clause 32, Schedule 7 of LGA | In the event the Chief Executive is unavailable or in exceptional circumstances where time does not permit consideration by the Chief Executive and where such action is necessary to protect or further Council's interests, the authority to commence or defend any action before a Court, tribunal, arbitral panel or other such body. | General Managers |
| Clause 32, Schedule 7 of LGA | The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to any matter before any Court, tribunal, arbitral panel, or other such body. | Chief Executive |
| Clause 32, Schedule 7 of LGA | The authority to: <ul style="list-style-type: none"> • Initiate to have Court costs awarded; and • Initiate legal proceedings to collect Court costs awarded | Chief Executive General Managers |
| Clause 32, Schedule 7 of LGA | The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court and, Tribunal proceedings and debt collection agencies | General Managers |
| Judicial Review | | |
| High Court Rule 30.3, Clause 32, Schedule 7 of LGA | Lodge, withdraw, oppose or join an application for Judicial Review with the High Court and any related applications or proceedings and be heard in relation to any application or proceedings. | Chief Executive |
| High Court Rule 30.3, Clause 32, Schedule 7 of LGA | The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to judicial review proceedings. | Chief Executive |

Specific terms and conditions:

- The authority to settle any matter against the Council must be exercised in accordance with any financial delegations.

4. Financial delegations

4.1. Expenditure authorities

4.1.1. Signing authorities

Signing authority is delegated to the Chief Executive, General Manager (Business Services), Chief Financial Officer, Team Leader Corporate Reporting, Team Leader Finance Operations and Salary and Payables Officer (any two jointly). This authority also includes payments transmitted electronically. There are further restrictions in the investment policy regarding signing authority for investments.

4.1.2. Ordering

All staff have the authority to write out orders where expressly stated in their job description, where required for their normal duties, and in line with the policies in the Long-term Plan/Annual Plan and Work Programmes, and any established tendering and pricing regimes. Where there is doubt in a particular case, the Divisional Manager should be consulted.

Note: The person approving an invoice should not also have signed off the order form and signed the invoice as having been checked/goods received. Refer to Guideline 1: Signing off Invoices at the end of this section.

Private purchases of up to \$1,000 are permitted. Where possible, purchases should be paid for at the point of sale. Purchases under \$100 should always be paid at the point of sale. The purchaser has full responsibility for settling the debt on a prompt basis and will pay any and all costs associated with the purchase. The Council retains the right to recover unpaid costs from individuals where necessary, either by invoicing them or by payroll deduction.

4.1.3. River works contracts

The Manager (Catchment Operations) will provide to the Regional Services Committee a six weekly list of river works contracts entered into.

4.1.4. Tenders

In general, the approach should be to tender rather than not to tender. Expenditure (including capital expenditure) over \$10,000 should generally be tendered, unless conditions prevail which make tendering impractical. Items less than \$10,000 may be tendered if it is deemed worthwhile.

Tendering may take the form of a formal, advertised tender process for significant programmed work. For less significant or more urgent cases, obtaining quotes is acceptable (normally at least three). The other option which is available is to use a list of approved suppliers, which has been established and maintained. To be included on an approved list, the supplier must be able to demonstrate relevant competence and quality of work, and be price competitive. Where possible, standard rates should be established (e.g. hourly rates) to enable the assessment of price competitiveness.

Factors which should be considered when deciding whether to tender include:

- the existence of a competitive market;
- the specialised nature of the goods or services to be provided;
- the history and qualifications of potential suppliers, and their established track record with us;
- the potential costs vs benefits of the tender process;
- legislative restrictions;

- any time constraints – e.g. emergency works, legislative deadlines, etc;
- a preference to use local suppliers where they can offer the required service at a competitive price;

When deciding on the selection of a tenderer, judgement is required to be exercised. All other things being equal, the lowest price which meets the minimum output, quality, and local supplier preference criteria of the tender will be accepted. It is important to document the criteria applied to select the successful tender particularly if the lowest priced tender was not accepted.

Factors which will normally be applied in the selection of successful tenderers include:

- the history and qualifications of potential suppliers, and their established track record with us;
- price;
- ability to meet the standards and produce the outputs required under the tender;
- local supplier preference;
- any differences in quality or outputs.

Except as below, the opening of tenders is to be performed by two officers of Tier 3 or above.

For tender documents administered electronically by third party tender providers, the tender opening key will be operated by a nominated member of Secretarial Services who will download the material and present it to the tender evaluation team.

4.1.5. Entering into contracts and authorisation of payments

The following table sets out the authority to enter into contracts and to approve payments. Contracts and payments are to purchase specifically budgeted for routine normal expenditure (including capital expenditure) which is provided for in the Long-term Plan or Annual Plan budget or approved annual work programme up to the stated value (exclusive of GST) in respect of any contract.

Expenditure not envisaged by the Long-term Plan or Annual Plan and work programme should first have the authorisation of a General Manager or the Chief Executive (who will also consider the need to report to Council). This does not include routine expenditure which may exceed budget. Contracts for amounts in excess of the joint delegation of the Chief Executive and one General Manager to implement programmes approved by or decisions made by Council may be signed by them but the amount of the contract must be reported to the next meeting of the relevant Committee or of Council.

For the purposes of the COVID-19 emergency, the Chief Executive’s financial delegation will be increased to \$300,000, to allow for any unanticipated urgent expenditure. Any such unanticipated expenditure is to be reported back to the Emergency Committee.

Notes:

The person approving an invoice should not also have signed off the order form and signed the invoice as having been checked/good received – Refer to Guideline 1: Signing off Invoices at the end of this section.

A staff member may not approve expenditure incurred under his/her name. The invoice must be approved by an officer that is senior to the checked/goods received signatory.

| Position | Authorisation limit | Specimen signature |
|---|---|--------------------|
| Chief Executive | \$100,000 | |
| | \$300,000 (only for COVID-19 emergency – see above) | |
| General Manager (Integrated Catchment Management) | \$100,000 | |
| General Manager (People & Customer) | \$100,000 | |
| General Manager (Strategy, Science & Engagement) | \$100,000 | |
| General Manager (Policy, Government & Reform) | \$100,000 | |
| General Manager, Business Services | \$100,000 | |
| Chief Executive and one Tier 2 Manager/Officer jointly | \$300,000 (but see above) | |
| Emergency Management Southland | | |
| Group Controller (Civil Defence) appointee | No limit | |
| Manager (Emergency Management Southland) | \$30,000 (with proviso for \$250,000 “in an emergency”) | |
| Integrated Catchment Management | | |
| Strategic Regulatory Advisor | \$30,000 | |
| (Manager) Integration & Implementation | \$30,000 | |
| Biosecurity and Biodiversity Operations Team | | |
| Manager (Biosecurity and Biodiversity Operations) | \$30,000 | |
| Principal Biosecurity Officer | \$30,000 | |
| Team Leader - Biodiversity | \$30,000 | |
| Team Leader - Marine | \$30,000 | |
| Team Leader - Biosecurity | \$30,000 | |
| Senior Biosecurity Officer | \$10,000 | |
| Biosecurity Officer | \$10,000 | |
| Biodiversity Officer | \$10,000 | |

| Position | Authorisation limit | Specimen signature |
|--|----------------------------|---------------------------|
| Marine Biosecurity and Dive Safety Officer | \$10,000 | |
| Catchment Operations Team | | |
| Manager (Catchment Operations) | \$30,000 | |
| Team Leader - Catchment | \$20,000 | |
| Project Manager, Climate Resilience Projects | \$30,000 | |
| Catchment Integration Team | | |
| Manager (Catchment Integration) | \$30,000 | |
| Team Leader – Catchment Integration | \$10,000 | |
| Principal Land Sustainability Officer | \$10,000 | |
| Senior Land Sustainability Officer | \$10,000 | |
| Senior Education Advisor | \$5,000 | |
| Maritime/Harbourmaster | | |
| Regional Harbourmaster/Maritime Manager | \$30,000 | |
| Deputy Harbourmaster | \$10,000 | |
| Consents Team | | |
| Manager Consents) | \$30,000 | |
| Compliance Team | | |
| Manager (Resource Management) | \$30,000 | |
| Team Leader (Resource Management - Technical) | \$10,000 | |
| Team Leader (Resource Management - Monitoring & Enforcement) | \$10,000 | |
| Science Informatics and Operations Team | | |
| Manager (Science Informatics and Operations) | \$30,000 | |
| Team Leader (Monitoring and Evaluation) | \$10,000 | |
| Team Leader (Data Ecosystems) | \$10,000 | |
| Team Leader – Hydrological Response | \$10,000 | |
| Senior Environmental Technical Officer | \$10,000 | |
| Communications Team | | |
| Manager (Communications) | \$10,000 | |

| Position | Authorisation limit | Specimen signature |
|---|---------------------|--------------------|
| Strategy & Partnership Team | | |
| Manager (Strategy & Partnership) | \$30,000 | |
| Science Strategy and Investigations Team | | |
| Chief Scientist | \$60,000 | |
| Team Leader – Science Strategy & Integration | \$10,000 | |
| Team Leader – Aquatic Ecosystems | \$10,000 | |
| Team Leader – Air & Terrestrial Science | \$10,000 | |
| Senior Science Strategist | \$10,000 | |
| Senior Scientist | \$10,000 | |
| Social Scientist | \$5,000 | |
| Environmental Scientist | \$5,000 | |
| Regional Planning Team | | |
| Manager (Regional Planning) | \$30,000 | |
| Principal Policy Planner | \$20,000 | |
| Senior Policy Analyst/Economist | \$20,000 | |
| Team Leader (Policy and Planning) | \$10,000 | |
| Senior Policy Planner | \$10,000 | |
| Policy & Government Reform Team | | |
| Policy & Government Manager | \$30,000 | |
| Information Systems Team | | |
| Manager (Information Systems) | \$30,000 | |
| Team Leader – Senior Engineer | \$10,000 | |
| Finance Team | | |
| Chief Financial Officer | \$60,000 | |
| Team Leader – Corporate Reporting | \$10,000 | |
| Team Leader – Finance Operations | \$10,000 | |
| Property Officer | \$20,000 | |
| Information & Support | | |
| Manager (Information & Support) | \$10,000 | |
| Principal Governance Advisor | \$10,000 | |
| People and Capability | | |
| People and Capability Manager | \$30,000 | |

| Position | Authorisation limit | Specimen signature |
|--------------------------------------|---------------------|--------------------|
| Health, Safety and Risk | | |
| Health, Safety and Risk Manager | \$30,000 | |
| Other | | |
| Chief Advisor | \$30,000 | |
| Chief Advisor Māori Te Pou Herenga | \$30,000 | |
| Special Projects Lead | \$30,000 | |
| Executive Officer | \$10,000 | |
| Whakamana te Waituna Project Manager | \$30,000 | |

4.1.6. Disaster damage general and specific reserves disposal

Funds from disaster damage general and specific reserve are to be used only on approval of the Council, or, in emergencies, by a sub-committee of the Chairman, Deputy Chairman, and Chief Executive. All delegated approvals to be fully reported to the following meeting of the Council.

4.1.7. Drainage maintenance

Delegations for recovering costs related to drainage maintenance are recorded in section 6.1.2.

4.1.8. Emergency works and response

The Chief Executive, General Manager (Integrated Catchment Management), Manager (Catchment Operations) and Manager (Emergency Management Southland) are authorised in emergency circumstances to undertake the necessary remedial or response action and at the first subsequent meeting of the Council report on action taken under the delegation.

4.1.9. Regional On-scene Commander (Marine oil spill response)

- a. The Regional On-scene Commander is authorised to expend up to \$100,000 of the Council's funds in relation to Marine Oil Spill Response operations.
- b. The expenditure of \$100,000 may be exceeded by up to a limit of \$250,000 with prior consultation with the Chief Executive or General Manager (Integrated Catchment Management).
- c. Any person authorised by the Council when acting as Regional On-scene Commander, who for the time being is the Acting Regional On-scene Commander, is authorised to spend up to \$30,000 in relation to Marine Oil Spill Response operations.
- d. The expenditure of \$30,000 may be exceeded, up to the limit of \$100,000 with prior consultation with the Chief Executive or General Manager (Integrated Catchment Management).
- e. Regional On-scene Commanders are required as a condition of the delegation to:
 - comply with Maritime New Zealand Operational Policy
 - comply with Council procedures and subsequently report to the next meeting of Council

4.1.10. Councillor meeting fees and allowances

The Council Chairman has authority to approve payment of meeting fees and allowances in terms of the applicable law and Council policy, where the circumstances are such that Council's formal prior approval cannot be obtained. The Council agrees that provided the Chairman's delegation is exercised accordingly, Council will always pass the necessary confirming resolution.

4.2. Revenue authorities

4.2.1. Authority to raise revenue

All staff have the authority to authorise the production of invoices where expressly stated in their job description, where required for their normal duties, and in line with the policies in the Long-term Plan, Annual Plan and Funding Policy, and any established charging regimes. Where there is doubt in a particular case, the Divisional Manager should be consulted. Particular authorities are also noted below.

4.2.2. Complaints – cost recovery

Delegations for recovering costs of RMA compliance action can be found in section 5.1.1.

4.2.3. Cost recovery

Officers of Tier 3 level and above are authorised to fix charges for services and materials when no Council direction exists or where there are no legislative requirements.

4.2.4. Bad debts

The General Manager, Business Services is authorised to write off debts of less than \$500 where:

- the General Manager, Business Services is satisfied that no prospect of collection exists; or
- it is uneconomic to pursue the matter further.

A register of write offs which be maintained and be available for Councillor inspection at any time.

With regard to debt recovery, staff should seek the prior approval of council for negotiating limits whenever practicable. In circumstances where such prior approval is not practical, Council has authorised staff to agree to the recovery of lesser costs or amounts when the cost of recovery is likely to outweigh the amount recovered.

4.2.5. Rates relief

Negotiation of rates

The Chief Executive, General Manager, Business Services and Chief Financial Officer have approval to negotiate payment of unpaid rates in proven cases of hardship.

Remittance of rates

The Chief Executive, General Manager, Business Services and Chief Financial Officer are authorised to remit either wholly or in part, any rates assessed on property coming within the provisions of the Council's rates remission policy developed under the Local Government (Rating) Act 2002.

Where the owner or occupier of Maori land cannot be traced, the above officers are authorised to write off any rates assessed on that land and supply a list annually to the Council of rates written off under this authorisation.

Where, in the opinion of the above officers, the delay in payment is attributable to mistakes in Council rating information database, or non-receipt of rate assessment before the penalty is incurred (on one occasion only), they are authorised to write off the penalty on rates provided a list is submitted to the Council at least once a year showing amounts written off under this delegation.

4.2.6. Credit notes

Credit notes to correct errors in charges may be issued by the supervisor of the person who authorised the raising of the invoice. Credit notes may not be used to write off debt (unless the authorisation for writing off debt has been given by Council, or by authority delegated under this Manual), only to correct invoices issued where errors are identified.

4.2.7. Consents

Delegations for remitting fees under the RMA can be found in section 5.1.1.

4.2.8. Leases

The Chief Executive and General Managers are authorised to issue approvals/consents in respect of leasing matters relating to sale, assignment, sub-letting, mortgage of leasehold, lessee improvements, granting, rent, rebates, review of lease rentals and appointment of lessor's arbitrator.

4.3. Guideline 1: Signing off Invoices

If you receive an invoice for sign off and it does not have a red sign off stamp on it, please visit Finance and get it stamped. Please do not try to pay on statements or packing slips.

4.3.1. Goods Receipt/Invoice Checked Sign Off

- a. Ensure invoice is made out to Southland Regional Council or Environment Southland. In some cases, it is acceptable if an invoice is made out to an employee (please check with Finance).
- b. Associate invoice with purchase order (if purchase order used) – see section 4.4.3 below.
- c. Attach second copy of purchase order to invoice and leave the third copy in the order book.
- d. Check that the invoice is correct i.e. matches goods received, unit/hourly rate etc is correct. You are responsible for checking that all calculations are correct (apart from GST).
- e. Sign and date stamp in appropriate slot, and enter a **valid** charge code. If more than one charge code applies to the invoice, please indicate clearly the dollar amount to apply to each code (this may be GST inclusive or exclusive), or the percentage of the total to be applied to each code.
- f. Forward on to appropriate approving officer(s) – see section 4.4.2 below.

4.3.2. Approved Sign Off

- a. Ensure that you have the authority to sign off the invoice:
 - you are responsible for the budget for the charge code entered (except in (b) below) **and**
 - the GST exclusive amount is within your financial delegation.
- b. An approving officer cannot sign off their own expenditure – he/she must sign off as Goods Received and get someone of a higher authority to approve it. For example, the Chief Financial Officer goes on a course and stays in a hotel. When accommodation invoice is received, the Chief Financial Officer cannot get one of the Accountants to sign as Goods Received and then sign as approving officer. It must go for one up authorisation, in this instance – the General Manager, Business Services becomes the approving officer, despite the fact that the expenditure is coming from the Chief Financial Officer’s budget.
- c. Forward invoice on to either:
 - next approving officer(s) if there is more than charge code(s) and the other code(s) relate to another area; or
 - Finance for input and payment. Finance do a payment run on the 20th of the month and every Friday for urgent payments. The deadline for invoices to be included in the Friday run is Thursday at 11.00am. Watch out for “seven day invoices” and get them to Finance promptly.

4.3.3. Use of Purchase Orders

- a. Use of purchase orders is encouraged for a number of reasons:
 - it makes it easy for Finance to track who an invoice is for, rather than have to send out those emails “who bought X from Mitre 10 on Y date?”;
 - it helps prevent payment being made twice. If you were to go to your purchase order book and find the second copy of the order already removed, it would alert you to the fact that this invoice had been paid previously. This is becoming more important since an increasing number of firms are emailing their invoices, and it is easy to print off a second copy in error and send it off on the payment trail. Our accounting system does have a duplicate invoice warning trigger, but not all firms use invoice numbers, and there have been instances where two different invoices have been received by Council for the same goods/services.
 - when it comes to year end, Finance will want to know what expenditure you have incurred, for which you have not yet been invoiced (for accruals). You can easily identify these by going to your order book and listing all of the orders which have not had the second page removed.

5. Regulatory delegations – Resource Management Act 1991

5.1. General matters

5.1.1. Administrative charges

| Section | Function | Delegated to |
|----------|--|--|
| 36(5) | Require payment of additional charges over and above any fixed charges to enable the recovery of actual and reasonable costs. | Manager (Regional Planning) Manager (Resource Management) Team Leader (Consents) |
| 36AAB(1) | Waive or remit the whole or any part of any charge referred to in section 36 which would otherwise be payable. | Manager (Regional Planning) Manager (Consents) Manager (Resource Management) |
| 36AAB(2) | Where a charge of a kind referred to in Section 36 is payable, cease performing the action to which the charge relates until the charge has been paid in full. | Manager (Regional Planning) Manager (Resource Management) Team Leader (Consents) |
| 36AA | Determine any discount under section 36AA on an administrative charge imposed under section 36. | Manager (Consents) |

5.1.2. Power to waive or extend time limits or waive requirements

| Section | Function | Delegated to |
|----------|--|---|
| 37(1)(a) | Extend time periods associated with a resource consent process, if the applicant has agreed to the extension. | Senior Consents Officer Strategic Regulatory Advisor |
| | Extend time periods associated with a resource consent process, where special circumstances exist (without agreement of the applicant to the extension). | Principal Consents Officer Strategic Regulatory Advisor |
| | Extend any other time period not associated with a resource consent process. | General Manager (Integrated Catchment Management) Strategic Regulatory Advisor |
| 37(1)(b) | In relation to resource consent processes, waive a failure to comply with a requirement regarding the time or method of | Manager (Consents) Strategic Regulatory |

| Section | Function | Delegated to |
|---------|---|---|
| | services of documents. | Advisor |
| | In relation to any process other than a resource consent process, waive a failure to comply with a requirement regarding the time or method of service of documents. | General Manager (Integrated Catchment Management) Strategic Regulatory Advisor |
| 37(2) | In relation to a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction. | Manager (Consents) Strategic Regulatory Advisor |
| | In relation to any process other than a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction. | General Manager (Integrated Catchment Management) Strategic Regulatory Advisor |

5.1.3. Commissioning reports

| Section | Function | Delegated to |
|---------------------|--|---|
| 42A | Require an officer or commission a consultant or other person to prepare a report. | Principal Consents Officer Strategic Regulatory Advisor |
| 42A(3) 42A(4)(b) | Waive compliance with the requirements in sections 42A(3) and 42A(4)(b). | General Manager (Integrated Catchment Management) |

5.1.4. Protection of sensitive information

| Section | Function | Delegated to |
|---------|---|--|
| 42 | Make an order under this section to avoid: <ul style="list-style-type: none"> serious offence to tikanga Maori, or to avoid the disclosure of the location of wahi tapu; the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available. | General Manager (Integrated Catchment Management) |

5.2. Policy and planning

5.2.1. Evaluation reports

| Section | Function | Delegated to |
|---------------------------------|---|-----------------------------|
| 32 Schedule 1, Clause 5 | Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32. | Manager (Regional Planning) |
| 32AA Schedule 1, Clause 5 | This is a report to be prepared or commissioned by the hearing panel making recommendations on the planning document. | <i>Not delegated</i> |
| 165H(1A) | Prepare a report summarising the matters required by section 165H(1) and make it available for inspection. | Manager (Regional Planning) |

5.2.2. Consultation

| Section | Function | Delegated to |
|-------------------------|--|-----------------------------|
| Schedule 1, Clause 3 | Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement of plan | Manager (Regional Planning) |

5.2.3. Notification

| Section | Function | Delegated to |
|-----------------------------|--|-----------------------------------|
| Schedule 1, Clause 5(1C) | Determine whether a person is likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons. | Manager (Regional Planning) |
| Schedule 1, Clause 5(5) | Determine appropriate locations in the region to make any proposed policy statement or plan available. | Team Leader (Policy and Planning) |

5.2.4. Summary of decisions requested

| Section | Function | Delegated to |
|-------------------------|--|-----------------------------|
| Schedule 1, Clause 7 | Publicly notify a summary of decisions requested by persons making submissions on a proposed policy statement, plan, or plan change. | Manager (Regional Planning) |

5.2.5. Resolution of disputes

| Section | Function | Delegated to |
|---------------------------|---|---------------------------------|
| Schedule 1, Clause 8AA(1) | Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan. | Team Leader (Regional Planning) |

5.2.6. Amendments to policy statements or plans without using Schedule 1

| Section | Function | Delegated to |
|--|--|-----------------------------|
| Schedule 1, Clause 16(1) and (2) Schedule 1, Clause 20A | Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) and 20A without using the Schedule 1 process. | Manager (Regional Planning) |
| 292 | Amend a plan without using the process in Schedule 1 of the RMA to remedy a mistake, defect, or uncertainty or to give full effect to a plan as directed by the Environment Court. | Manager (Regional Planning) |
| 85(3) 293 | Make an amendment directed by the Environment Court under Sections 85(3) and 293 without using the process in Schedule 1. | Manager (Regional Planning) |
| 44A | Amend a proposed or operative policy statement or plan in accordance with Section 44A without using the Schedule 1 process. | Manager (Regional Planning) |

5.2.7. Notification of operative dates

| Section | Function | Delegated to |
|-----------------------|---|-----------------------------|
| Schedule 1, Clause 20 | Publicly notify a date on which a policy statement or plan becomes operative. | Manager (Regional Planning) |

5.2.8. Private plan changes

| Section | Function | Delegated to |
|----------------------------------|---|-----------------------------|
| Schedule 1, Clause 23(1) and (2) | Require, by written notice, further or additional information in accordance with Clause 23. | Manager (Regional Planning) |
| Schedule 1, Clause 23(3) | Commission a report in relation to a request made under Clause 21 and notify the person who made the request. | Manager (Regional Planning) |

| Section | Function | Delegated to |
|-----------------------|---|-----------------------------|
| Schedule 1, Clause 24 | Modify a request made under Clause 21 with the agreement of the person who made the request. | Manager (Regional Planning) |
| Schedule 1, Clause 28 | Give notice that request made under Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request. | Manager (Regional Planning) |

5.2.9. Incorporation of documents by reference

| Section | Function | Delegated to |
|-----------------------|---|-----------------------------|
| Schedule 1, Clause 34 | Consult on proposal to incorporate material by reference in a proposed plan, variation, or change in accordance with Schedule 1, Clause 34. | Manager (Regional Planning) |

5.2.10. Written approval on behalf of the Council

| Section | Function | Delegated to |
|----------------------|---|-----------------------------|
| 104(3)(ii) 104(4) | Where the Council is an affected party, give or decline to give written approval on behalf of the Council to a resource consent application, and withdraw any written approval given. | Manager (Regional Planning) |

5.3. Resource consents and certificates of compliance

5.3.1. Application for resource consent

| Section | Function | Delegated to |
|------------------|---|---|
| 88(3) | Determine that an application is incomplete. | Consents Officer Strategic Regulatory Advisor |
| 88(3A) | If an application is determined to be incomplete, return the application to the applicant with written reasons for the determination. | Senior Consents Officer Strategic Regulatory Advisor |
| 88H | Decision to exclude time period while waiting for a fixed charge when an application is lodged or when an application is to be notified. | Regulatory Administrator; or Consents Officer |
| 91C(2) 91F(2) | Following a period of suspended processing, decide whether to return the application to the applicant with a written explanation as to why it is being returned or continue to process the application. | Principal Consents Officer Strategic Regulatory Advisor |
| 91C(3) 91F(3) | If a decision is made under sections 91C(2) or 91F(2) to return an application, return the application with a written explanation as to why it is being returned. | Senior Consents Officer Strategic Regulatory Advisor |

5.3.2. Further information requests

| Section | Function | Delegated to |
|---------|--|--|
| 92(1) | Request further information relating to a resource consent application. | Senior Consents Officer Strategic Regulatory Advisor |
| 92(2) | Commission a person to prepare a report on any matter relating to a resource consent application. | Principal Consents Officer Strategic Regulatory Advisor |
| 92A(2) | When requesting further information under section 92, set a reasonable time win which the applicant must provide the information and tell the applicant in a written notice. | Consents Officer Strategic Regulatory Advisor |

5.3.3. Notification

| Section | Function | Delegated to |
|-----------------------------|---|--|
| 91(1) | Defer the notification or hearing of an application for resource consent where it is considered other resource consents will also be required and it is appropriate that applications for one or more of those other resource consents be made before proceeding further. | Manager (Consents) Strategic Regulatory Advisor |
| 95(1) | Decide whether to give public or limited notification of a resource consent application that is determined by the s88 triage to be: <ul style="list-style-type: none"> • basic; or • accelerated; or • routine. | Principal Consents Officer Strategic Regulatory Advisor |
| | Decide whether to give public or limited notification of all other resource consent applications in accordance with Sections 95A and 95B and notify the application. | Team Leader (Consents) Strategic Regulatory Advisor |
| 95E 95F 95G 127(4) | Determine if a person is an affected person for a resource consent application that is determined by the S88 triage to be: <ul style="list-style-type: none"> • basic; or • accelerated; or • routine. | Principal Consents Officer Strategic Regulatory Advisor |
| | Determine if a person is an affected person for all other applications. | Team Leader (Consents) Strategic Regulatory Advisor |
| 95D | For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor for a resource consent application that is determined by the S88 triage to be: | Principal Consents Officer Strategic Regulatory Advisor |

| Section | Function | Delegated to |
|---------|---|--|
| | <ul style="list-style-type: none"> • basic; or • accelerated; or • routine. | |
| | For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor for all other applications. | Manager (Consents) Strategic Regulatory Advisor |

5.3.4. Submissions

| Section | Function | Delegated to |
|---------|--|--------------------|
| 97 | Adopt an earlier closing date for submissions. | Manager (Consents) |

5.3.5. Pre-hearing meetings and mediation

| Section | Function | Delegated to |
|---------|---|---|
| 99(1) | Invite the applicant and submitters to attend a pre-hearing meeting. | Team Leader (Consents) Strategic Regulatory Advisor |
| 99(1) | Require the applicant and submitters to attend a pre-hearing meeting. | Manager (Consents) Strategic Regulatory Advisor |
| 99(2) | Invite a person or persons to attend a pre-hearing meeting. | Team Leader (Consents) Strategic Regulatory Advisor |
| 99(2) | With the consent of the applicant, require a person or persons to attend a pre-hearing meeting. | Manager (Consents) Strategic Regulatory Advisor |
| 99(8) | Decline to process a person's application or consider a person's submission if they were required but failed to attend a pre-hearing meeting. | Manager (Consents) Strategic Regulatory Advisor |
| 99A | Refer an applicant and submitters to mediation. | Senior Consents Officer Strategic Regulatory Advisor |

5.3.6. Hearings

| Section | Function | Delegated to |
|---------|---|---|
| 34A(1) | The authority, upon appointment, to hear and make decisions on any application for resource consent in accordance with s34A(1). This includes the ability to decide procedural matters, control | Commissioners that are certified or accredited under the Ministry for the Environment's |

| Section | Function | Delegated to |
|------------------|--|--|
| | hearings, and to make directions. | Making Good Decisions Programme. This is a rolling delegation that applies to commissioners that hold certification or accreditation. The delegation to any particular commissioner commences upon certification and lapses if they lose certification. |
| | Appoint a hearing commissioner(s) with current certification or accreditation to hear and decide resource consent applications. | Regulatory Committee |
| S39AA | Direction that a hearing or part of a hearing may be conducted using one or more remote access facilities. | Appointed Hearing Commissioner(s), or Team Leader - Consents |
| 100 | Determine that a hearing of an application is necessary. | Consents Officer Strategic Regulatory Advisor |
| 101(1) 101(3) | Fix and give notice of the commencement date, time and place of a hearing. | Consents Officer |
| 102(1) | In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary. | Manager (Consents) |
| 102(2) | Instead of the regional council, agree that for a joint hearing another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services. | Manager (Consents) |
| 103(1) | Determine that applications for resource consents for the same proposal are sufficiently unrelated that it is unnecessary to hear and decide the applications together. | Manager (Consents) |

5.3.7. Decision-making on applications

| Section | Function | Delegated to |
|----------------------|--|--|
| 104A 104B 104C | Determine applications and impose conditions for applications that were publicly notified but no hearing is required (subject to Section 100). | Manager (Consents) Strategic Regulatory Advisor |
| | Determine applications and impose conditions for applications that were processed: (a) non-notified; or | Principal Consents Officer Strategic Regulatory |

| Section | Function | Delegated to |
|---------|--|--|
| | (b) by limited notification where no hearing is required (subject to Section 100). | Advisor |
| 110(1) | Refund or return the whole of a financial contribution or land in accordance with section 110. | Manager (Consents) |
| 110(2) | Determine the portion of a financial contribution or land to retain to cover the costs incurred by the Council in relation to the activity and its discontinuance. | General Manager (Integrated Catchment Management) |
| 114(2) | Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application. | Senior Consents Officer Strategic Regulatory Advisor |

5.3.8. Continuance of existing consents

| Section | Function | Delegated to |
|------------|---|--|
| 124 | Allow a resource consent holder to operate under an expired resource consent while the application for a new consent and any references (appeals) to the Environment Court are determined in accordance with section 124. | Senior Consents Officer Strategic Regulatory Advisor |
| 125(1A)(b) | Determine an application for extension of the lapse date of a consent. | Manager (Consents) Strategic Regulatory Advisor |

5.3.9. Cancellation and change of consents

| Section | Function | Delegated to |
|---------|---|---|
| 126(1) | Cancel a resource consent by written notice in accordance with section 126. | Manager (Consents) Strategic Regulatory Advisor |
| 126(2) | Revoke the notice of cancellation of a resource consent and determine a new period after which a new notice of cancellation may be issued in accordance with section 126. | Manager (Consents) Strategic Regulatory Advisor |

5.3.10. Review of consent conditions by consent authority

| Section | Function | Delegated to |
|------------|---|---|
| 128 129 | Determine whether to review the conditions of a resource consent, decide to review multiple resource consents together, serve notice on a consent holder of the intention to review the conditions, and propose new conditions. | Manager (Consents) Strategic Regulatory Advisor |
| 130 | Determine whether notification of a review is required and whether a hearing be held. | Principal Consents Officer Strategic Regulatory |

| Section | Function | Delegated to |
|---------|--|--|
| | | Advisor |
| 132 | Change the conditions of a resource consent on a review under section 128. | Principal Consents Officer Strategic Regulatory Advisor |

5.3.11. Determining activities are permitted activities

| Section | Function | Delegated to |
|------------|--|--|
| 87BB(1)(d) | Determine that an activity is a permitted activity in accordance with section 87BB(1)(a) to (c) and advise the person proposing to undertake the activity. | Principal Consents Officer Strategic Regulatory Advisor |

5.3.12. Minor corrections

| Section | Function | Delegated to |
|---------|--|---|
| 133A | Issue an amended consent that corrects minor mistakes or defects in the consent in accordance with section 133A. | Senior Consents Officer Strategic Regulatory Advisor |

5.3.13. Transfer and surrender

| Section | Function | Delegated to |
|---------------|---|--|
| 136(2)(b)(ii) | Approve the transfer of a water permit in whole or in part to another person on another site or to another site in accordance with section 136. | Manager (Consents) Strategic Regulatory Advisor |
| 137(3)(b) | Approve the transfer of a discharge permit in whole or in part to another person or another site in accordance with section 137. | Manager (Consents) Strategic Regulatory Advisor |
| 138(2) | Refuse to accept the surrender of part of a resource consent | Principal Consents Officer Strategic Regulatory Advisor |

5.3.14. Certificates of compliance or existing use

| Section | Function | Delegated to |
|---------|--|--|
| 139(4) | Require further information to be provided in relation to a request for a certificate of compliance. | Consents Officer Strategic Regulatory Advisor |
| 139(5) | Issue a certificate of compliance. | Principal Consents Officer Strategic Regulatory |

| Section | Function | Delegated to |
|---------|--|--|
| | | Advisor |
| 139A(3) | Require further information to be provided in relation to a request for an existing use certificate. | Consents Officer Strategic Regulatory Advisor |
| 139A(5) | Issue an existing use certificate. | Principal Consents Officer Strategic Regulatory Advisor |
| 139A(8) | Revoke an existing use certificate in accordance with sections 139A(7) and (8). | Manager (Consents) Strategic Regulatory Advisor |

5.3.15. Direct referral

| Section | Function | Delegated to |
|---------|--|--------------------|
| 87E | Decide whether to agree to an applicant's request for direct referral of a resource consent application to the Environment Court. | Manager (Consents) |
| 87F | Approve the content of a report prepared under section 87F on an application that has been directly referred to the Environment Court. | Manager (Consents) |

5.3.16. Objections

| Section | Function | Delegated to |
|----------|--|--|
| 357C(3) | Hear and decide objections against certain decisions under sections 357 and 357A. | Manager (Consents) |
| 357AB(2) | If requested by an applicant with a right of objection under Section 357A(1)(f) or (g), appoint a hearing commissioner to consider the objection in accordance with Section 357AB. | Team Leader (Consents) |
| 357C(4) | Hear and decide objections against additional charges collected under section 36(3). | Manager (Consents) Manager (Policy and Planning) Manager (Resource Management) |

5.4. Enforcement and compliance

5.4.1. Enforcement officers

| Section | Function | Delegated to |
|---------|---|-----------------|
| 38(1) | Authorise staff to act as enforcement officers. | Chief Executive |
| 38(5) | Supply enforcement officers with warrants. | Chief Executive |

5.4.2. Requirement to supply information

| Section | Function | Delegated to |
|---------|--|---|
| 388 | Require information to be supplied by a person exercising a resource consent as to the nature and extent of activities carried out under the consent and the effects of the activities on the environment. | Manager (Resource Management) Manager (Consents) |

5.4.3. Powers of entry and search

| Section | Function | Delegated to |
|---------|---|--|
| 332 | Authorise (in writing) enforcement officers to use powers of entry for inspection in accordance with section 332. | See Warrants Register Resource Management Officer |
| 333 | Authorise (in writing) enforcement officers to use powers of entry for survey in accordance with section 333. | See Warrants Register Resource Management Officer |
| 334 | Authority to apply to the District Court for a warrant for entry to search where there are reasonable grounds to believe an offence against the RMA has been or is suspected of having been committed that is punishable by imprisonment. | See Warrants Register Manager (Resource Management) |

5.4.4. Infringement notices

| Section | Function | Delegated to |
|---------|--|--|
| 343C | Where an enforcement officer observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence. | See Warrants Register Resource Management Officer |

5.4.5. Abatement notices

| Section | Function | Delegated to |
|---------|---|--|
| 325A | Determine that an abatement notice be cancelled, changed, or confirmed. | See Warrants Register Manager (Resource Management) |

5.4.6. Enforcement orders

| Section | Function | Delegated to |
|---------|---|--|
| 316 | Apply to the Environment Court for an enforcement order. | See Warrants Register Manager (Resource Management) |
| 317 | Where an application for an enforcement order is made, serve notice on every person directed affected by the application. | See Warrants Register Resource Management Officer |
| 318 | Give and withdraw notice of wish to be heard on an application for an enforcement order. | See Warrants Register Manager (Resource Management) |
| 320 | Apply to the Environment Court for an interim enforcement order. | See Warrants Register Manager (Resource Management) |
| 321 | If directly affected by an enforcement order, apply to the Environment Court to change or cancel the order. | See Warrants Register Manager (Resource Management) |

5.4.7. Offences

| Section | Function | Delegated to |
|---------|---|--|
| 338 | Decide to prosecute for offences against the RMA. | See Warrants Register Chief Executive |
| 338 | If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences. | See Warrants Register Manager (Resource Management) |

5.4.8. Water shortage direction

| Section | Function | Delegated to |
|---------|---|--|
| 329 | Issue a direction during a period of serious temporary shortage of water. | See Warrants Register General Manager (Integrated Catchment Management) |

5.4.9. Emergency works

| Section | Function | Delegated to |
|---------|---|--|
| 330 | Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment. | See Warrants Register Manager (Resource Management) Manager (Consents) |
| 331(1) | Require reimbursement or seek compensation for any emergency action undertaken by the Council. | See Warrants Register General Manager (Integrated Catchment Management) |
| 331(1A) | Apply for enforcement order under section 314(1)(d) to recover costs. | See Warrants Register General Manager (Integrated Catchment Management) |

5.5. Court proceedings

5.5.1. Environment Court

| Section | Function | Delegated to |
|---|--|---|
| 120 174 179 192 195 Schedule 1, Clause 14 Schedule 1, Clause 27 | Lodge, withdraw, or oppose an appeal to the Environment Court. | General Manager (Policy & Government Reform)) |
| 268 | Settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions where the agreements made are not inconsistent with previous Council decisions. | Manager (Consents) Manager (Regional Planning) |
| | Approve Consent Memoranda, draft Consent Orders and side agreements where the agreements made are not inconsistent with previous Council decisions. | Manager (Consents) Manager (Regional Planning) |
| | In relation to appeals on the proposed Southland Water and Land Plan, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions, or via direct negotiation between parties, where the agreements: <ul style="list-style-type: none"> - fall on the line between previous Council decisions (including | Manager (Regional Planning) Lead Counsel |

| Section | Function | Delegated to |
|-------------|--|---|
| | <p>direction received from the Council at Council meetings or workshops) and the Court's decisions (including interim decisions).</p> <ul style="list-style-type: none"> - give effect to the National Policy Statement for Freshwater Management, the National Environmental Standards for Freshwater and Stock Exclusion Regulations made under s360 of the Resource Management Act. | |
| | <p>In relation to appeals on the proposed Southland Water and Land Plan, approve Consent Memoranda, draft Consent Orders, and side agreements where the agreements:</p> <ul style="list-style-type: none"> - fall on the line between previous Council decisions (including direction received from the Council at Council meetings or workshops) and the Court's decisions (including interim decisions). - give effect to the National Policy Statement for Freshwater Management, the National Environmental Standards for Freshwater and Stock Exclusion Regulations made under s360 of the Resource Management Act. | <p>Manager (Regional Planning) Lead Counsel</p> |
| 272 | Decide to appear at proceedings before the Environment Court and call evidence for the Council. | <p>Manager (Consents) Manager (Regional Planning)</p> |
| 274 | Lodge, withdraw, or oppose a notice of intention to become an interested party to Environment Court proceedings. | General Manager (Policy & Government Reform) |
| 278 279 | Seek, withdraw, or oppose orders in accordance with sections 278 and 279. | General Manager (Policy & Government Reform) |
| 281 | Lodge, withdraw, or oppose an application for a waiver or direction in accordance with section 281. | General Manager (Policy & Government Reform) |
| 285 | Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings. | General Manager (Policy & Government Reform) |
| 291 | Lodge, oppose, or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application. | General Manager (Policy & Government Reform) |
| 308G 311 | Lodge, withdraw, join, or oppose an application for declaration with the Environment Court. | General Manager (Policy & Government Reform) |

5.5.2. High Court

| Section | Function | Delegated to |
|--------------------|--|-----------------|
| 149V 299 300 | Lodge, withdraw, oppose, or join an appeal to the High Court and any related applications or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions. Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter. | Chief Executive |
| 301 | Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings. | Chief Executive |
| 305 | Lodge, withdraw, oppose, or join an appeal to the High Court. | Chief Executive |
| 306 | Lodge, withdraw, or respond to an application for an extension of time. | Chief Executive |

Specific terms and conditions:

The delegations in this table must only be exercised where it is not possible to seek formal Council approval before acting due to timeframes.

5.5.3. Court of Appeal and Supreme Court

| Section | Function | Delegated to |
|---|--|-----------------|
| 308 RMA Subpart 8 of Part 6 of Criminal Procedure Act 2011 | Lodge, withdraw, join, or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal, or any related applications or proceedings and be heard in relation to any application or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions. Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter. | Chief Executive |

Specific terms and conditions:

The delegations in this table must only be exercised where it is not possible to seek formal Council approval before acting due to timeframes.

5.6. Proposals of national significance

| Section | Function | Delegated to |
|---------|---|---|
| 142(1) | Request that the Minister for the Environment call in a resource consent application as a matter is of national significance. | General Manager (Integrated Catchment Management) |

| Section | Function | Delegated to |
|--------------------|--|--|
| 142(2) 147(4) | Provide the Council's view on a direction to be made by the Minister for the Environment. | General Manager (Integrated Catchment Management) |
| 149 | Prepare a report requested by the EPA | General Manager (Integrated Catchment Management) |
| 149Q(4) 149Q(5) | Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report. | General Manager (Integrated Catchment Management) |
| 149W(2)(a) | Amend a proposed plan, change, or variation under clause 16(1) of Schedule 1 as if the decision were a direction of the Environment Court under section 293. | General Manager (Integrated Catchment Management) |
| 149(ZD) | Recover actual and reasonable costs of a process involving a matter of national significance. | General Manager (Integrated Catchment Management) |

5.7. Water Conservation Orders

| Section | Function | Delegated to |
|---------|---|--|
| 211 | Power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210. | General Manager (Policy & Government Reform) |

5.8. Regulations

5.8.1. Measurement and Reporting of Water Takes

| Section | Function | Delegated to |
|-----------|---|---|
| Clause 9 | Approval to measure water taken each week (instead of each day). | Manager (Consents) |
| Clause 10 | Approval to use device or system installed near (instead of at) location from which water is taken. | Manager (Consents) Manager (Resource Management) |
| Clause 11 | Power to revoke approval granted under clauses 9 or 10. | Manager (Consents) |

5.8.2. Forms, Fees, and Procedure

| Section | Function | Delegated to |
|---------------|--|--------------------|
| Clause 10A(2) | Require a notice to be affixed in a conspicuous place. | Manager (Consents) |

6. Regulatory delegations – other

6.1. Council bylaws

6.1.1. Navigation Safety Bylaw

| Clause | Function | Delegated to |
|--|--|---|
| 2.5 Vessels which are not seaworthy | | |
| 2.5.2(a) | If a vessel is a navigation hazard by reason of it not being seaworthy, give direction to the mater/owner to move or remove the vessel. | Harbourmaster Enforcement Officer |
| 2.5.2(b) | Where a master/owner fails to comply with a direction given under clause 2(a), move the vessel or remove it. | Harbourmaster Enforcement Officer |
| 2.9 Obstructions | | |
| 2.9.1 | Give written permission for a person to obstruct the access to any boat ramp, slipway, navigation channel or mooring. | Harbourmaster |
| 2.11 Aids to navigation | | |
| 2.11.1 | Give written permission for a person to tie a vessel to any aid to navigation operated by the Council or other local authority or port company. | Harbourmaster |
| 2.11.3 | Give written person for a person to erect, maintain, or display any aid to navigation or other device which may be used or mistaken as a recognised aid to navigation. | Harbourmaster |
| 2.12 Sound and light signals | | |
| 2.12.1 | Give written permission for a person to fit or use any flashing lights, sirens, or other sound or light signals not prescribed in a maritime rule for that vessel. | Harbourmaster |
| 2.13 Flagged areas on beaches | | |
| 2.13.1 | Set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only. | Harbourmaster Surf Life Saving New Zealand Patrol Captain Enforcement Officer Honorary Enforcement Officer |
| 3.1 Minimum age for operating powered vessels | | |
| 3.1.3 | Give a written exemption from clauses 1 and 2 in accordance with a navigation bylaw. | Harbourmaster General Manager of |

| Clause | Function | Delegated to |
|---|--|--|
| | | Maritime New Zealand |
| 3.5 Access lanes | | |
| 3.5.1 | Declare that specified area(s) of any harbour shall be an access lane for the purpose of high speed access to and from the shore. | <i>Not delegated</i> |
| 3.8 Reserved areas | | |
| 3.8.1 3.8.2 | Reserve any specified area for a specific purpose by public notice which may include any conditions and time periods. | <i>Not delegated</i> |
| 3.9 Reserved areas for special events | | |
| 3.9.2 | Grant an application made under clause 1 for a period and on such conditions as he or she may specify. | Harbourmaster |
| 3.9.4 | Recover from the applicant all actual and reasonable costs associated with the application, including any monitoring and advertising. | <i>Not delegated</i> |
| 3.12 Collision prevention | | |
| 3.12.2 | Direct any vessel to take any action deemed necessary for compliance with Maritime Rule 22 (Collision Prevention). | Harbourmaster Enforcement Officer Honorary Enforcement Officer |
| 3.14 Moving prohibited zone | | |
| 3.14.3 | Provide written authority for vessels to operate under clauses 1 and 2. | Harbourmaster |
| 4.1 Explosives anchorage | | |
| 4.1.1(a) | Specify an explosive anchorage. | Harbourmaster |
| 4.1.1(b) | Permit a person to load or unload explosives outside the explosives anchorage. | Harbourmaster |
| 4.2 Vessels carrying explosives or dangerous goods | | |
| 4.2.2(a) | Permit the master of any vessel in any port, harbour, roadstead, or anchorage, or the pilot, to approach within 200m of any other vessel carrying or loading explosives. | Harbourmaster |
| 4.2.3(a) | Permit the master of any vessel carrying explosive in any port, harbour, roadstead, or anchorage, or the pilot, to approach within 200m of any other vessel. | Harbourmaster |
| 4.4 Duties of master while tanker is in port | | |
| 4.4.2(c) | In the case of a vessel carrying a cargo of bulk oil, exempt the master from ensuring that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case | Harbourmaster |

| Clause | Function | Delegated to |
|---|--|---------------|
| | of fire or other emergency. | |
| 4.5 Oil tanker not to lie close to other vessels | | |
| 4.5.1 | Allow the master of a tanker (except for the purposes of transshipment) to lie within 30m of another vessel. | Harbourmaster |
| 4.6 Hot work operations | | |
| 4.6.1 | Issue a Hot Work Permit under this clause. | Harbourmaster |
| 4.6.3 | Exempt the master of a vessel lying at any vessel-repairing establishment from complying with clauses 4.6.1 and 4.6.2. | Harbourmaster |
| 4.6.4 | Forbid operations to be commenced or continued where the Harbourmaster is not satisfied that adequate precautions have been taken. | Harbourmaster |
| 12.3 Vessels to be licensed | | |
| 12.3.1 12.3.3 | Licence vessels operated for hire or reward that are not subject to any maritime rule made under the Maritime Transport Act 1994 if the operation is safe and the vessel is fit for purpose in the opinion of the Harbourmaster. | Harbourmaster |
| 12.3.2 12.3.4 | Licence vessels operated for hire or reward in any area specified in Schedule 3 of the Bylaw if the operation will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation/disembarkation or at any pace en route in the opinion of the Harbourmaster. | Harbourmaster |
| 12.3.7 | Cancel a licence if its terms and conditions are breached. | Harbourmaster |
| 12.4 Fees and charges | | |
| 12.4.2 | Collect fees and charges. | Harbourmaster |

6.1.2. Southland Flood Control and Drainage Management Bylaw 2020

| Clause | Function | Delegated to |
|------------------------------------|--|--------------------------------|
| Authority to carry out work | | |
| 6.2(b) | Determine, refund, remit, or waive the whole or any part of any fee payable under this bylaw. | Manager (Catchment Operations) |
| 6.1(b) | Grant authority to carry out work under clause 6.5 on such conditions and for such period as considered appropriate. | Manager (Catchment Operations) |
| 8.1(a) | Revoke any authority granted under this bylaw. | Manager (Catchment Operations) |

| Clause | Function | Delegated to |
|---|---|--------------------------------|
| Activities required to be undertaken | | |
| 7.5 | If an owner fails to comply with clauses 7.1 to 7.4, specify (by written notice) the work required to be undertaken in accordance with that clause and require the owner to carry out that work to the satisfaction of the Council within a period specified in the notice. | Manager (Catchment Operations) |
| 7.6 | If an owner fails to comply with the conditions of a notice under clause 7.5, enter upon the land of the owner and carry out the work and recover the costs of that work from the owner. | Manager (Catchment Operations) |

6.2. Biosecurity Act 1993

The Biosecurity Act 1993 provides for the development of regional pest management plans and regional pathway management plans by regional councils and provides for appointments, delegations and administrative powers in respect of any regional pest management plan or a regional pathway management plan in force in a particular region, or any small-scale management programme declared by the council for that region, or to ascertain the presence or distribution of any pest, pest agent, or unwanted organism.

The Southland Regional Pest Management Plan (Section 8, Table 25) and page 9 of the Fiordland Marine Regional Pathway Management Plan list the powers available to “authorised persons” appointed by the Chief Executive (as principal officer) pursuant to Section 103(3) of the Biosecurity Act 1993. The Chief Executive appoints authorised persons by issuing warrants, which list the powers each authorised person is appointed. This information is recorded in the Warrants Register.

In addition to the powers available to authorised persons as appointed by the Chief Executive, the table below lists the biosecurity delegations. As the principal officer, the Chief Executive has Sections 128 and 129 powers and additional delegation is not required.

| Section | Power | Delegations |
|---------|--|---|
| 78 | Exemption from rules (Southland Regional Pest Management Plan) | Chief Executive General Manager, Integrated Catchment Management General Manager, Policy & Government Reform Biosecurity and Biodiversity Operations Manager |
| 98 | Exemption from rules (Fiordland Marine Regional Pathway Management Plan) | Chief Executive General Manager, Integrated Catchment Management General Manager, Policy & Government Reform Biosecurity and Biodiversity Operations Manager |
| 128 | Power to act on default | General Manager, Integrated Catchment Management General Manager, Policy & Government Reform Biosecurity and Biodiversity Operations Manager |
| 129 | Liens | General Manager, Integrated Catchment Management General Manager, Policy & Government Reform Biosecurity and Biodiversity Operations Manager |

| Section | Power | Delegations |
|---------|---------------------------------|---|
| 131 | Declaration of controlled areas | Chief Executive |
| 135 | Options for cost recovery | Chief Executive General Manager, Integrated Catchment Management General Manager Policy & Government Reform Biosecurity and Biodiversity Operations Manager |
| 136 | Failure to pay | Chief Executive General Manager, Integrated Catchment Management General Manager, Policy & Government Reform Biosecurity and Biodiversity Operations Manager |

6.3. Building Act 2004

Environment Southland is a regional authority under the Building Act 2004. Regional authorities have a number of functions, duties and powers in relation to dams, however under Section 244 of the Building Act these can be transferred to another regional authority. In 2008, Environment Southland and Otago Regional Council (ORC) signed a [Deed of Transfer](#) which transferred the majority of Environment Southland's functions, duties and powers to ORC. On 6 May 2021, Environment Southland and Environment Canterbury signed a Deed of Transfer transferring the Building Act Functions for large dams to Environment Canterbury. The table below lists the delegations for the dam management functions retained by Environment Southland.

The delegation to the Catchment Operations Manager, noted in the table below, gives him the right to exercise his delegation to contract an external suitably qualified engineer, as and when required.

| Section | Function | Delegated to |
|---|--|------------------------------|
| Issuing Notices to Fix (NTF)* | | |
| 164(1) | Consider on reasonable grounds that circumstances exist in which NTF may be issued (except in circumstances where the power to issue a NTF has been transferred to ORC). | Catchment Operations Manager |
| 164(3) | Notify other responsible authority of contravention, if appropriate. | Catchment Operations Manager |
| 164(2) 165 | Issue NTF in prescribed form. | Catchment Operations Manager |
| 167(1) | Inspect building work carried out in accordance with NTF, if required. | Catchment Operations Manager |
| 167(2) 167(4)(a) | Confirm or refuse to confirm that NTF has been complied with, and notify applicant. | Catchment Operations Manager |
| 167(4)(b) | Issue further NTF if required. | Catchment Operations Manager |
| Project Information Memorandum (PIM) functions | | |
| 32 | Receive PIM application. | Catchment Operations |

| Section | Function | Delegated to |
|-------------------------|---|---------------------------------|
| | | Manager |
| 33 | Check content of PIM application. | Catchment Operations Manager |
| 34 | Require additional information. | Catchment Operations Manager |
| 34 | Receive additional information. | Catchment Operations Manager |
| 35 | Compile information from Environment Southland records, including: <ul style="list-style-type: none"> • heritage status • special land features, including natural hazard identification • existing stormwater/wastewater utilities • authorisations required from Environment Southland and/or any network utility operators • New Zealand Fire Service notification requirement • restrictions relating to building work across 2 or more titles. | Catchment Operations Manager |
| 36 | Attach development contribution notice. | Catchment Operations Manager |
| 37 | Attach RMA notice. | Catchment Operations Manager |
| 31(2) 34 | Issue and reissue PIM. | Catchment Operations Manager |
| 32(2) 34 | Provide copy of PIM to applicant. | Catchment Operations Manager |
| 38 | Provide copy of PIM to network utility operator(s) and/or statutory authority, if required. | Catchment Operations Manager |
| 39 | Advise Heritage New Zealand Pouhere Taonga of PIM application, if required. | Catchment Operations Manager |
| Register of dams | | |
| 151 | Maintain a register of dams in Southland. | Catchment Operations Manager |
| Dangerous dams | | |
| 154(1) | Determine that a dam is dangerous in terms of s153 and take action as set out in s154(1)(a), (b) and (c). | Catchment Operations Manager |
| 156(1) | Apply to a District Court for an order enabling Environment Southland to carry out building work. | Catchment Operations Manager |
| 156(3)(b) | Recover costs of carrying out work under s156(1) from the owner. | Catchment Operations |

| Section | Function | Delegated to |
|--|--|------------------------------|
| | | Manager |
| 157(2) | Take action to avoid immediate danger. | Catchment Operations Manager |
| 157(3)(b) | Recover costs of taking action under section 157(2). | Catchment Operations Manager |
| Policy on dangerous dams, earthquake-prone dams, and flood-prone dams | | |
| 162 | Adopt and review policy on dangerous dams, earthquake-prone dams, and flood-prone dams within Southland. | Catchment Operations Manager |

* Other than for building work subject to a building consent or Certificate of Acceptance granted by Environment Canterbury or an application for a Code Compliance Certificate lodged with Environment Canterbury or in relation to any dam warrant of fitness or any compliance schedule.

6.4. Civil Defence and Emergency Management Act 2002

6.4.1. Delegations

The Southland Civil Defence Emergency Management Group (Southland CDEM Group) is a joint standing committee under section 12 of the Civil Defence Emergency Management Act 2002 and is made up of representatives from each of the four local authorities in the Southland region (Mayors from the territorial authorities and the Chair of the regional council). This joint committee is responsible for managing civil defence in the region.

The Southland CDEM Group Coordinating Executive Group (CEG) supports the joint committee by providing advice, implementing the decisions of the joint committee, and overseeing the implementation, development, maintenance, monitoring, and evaluation of the CDEM Group Plan.

The Operating Sub-committee (OSC) is a sub-committee of the joint committee comprised of senior management team members from each of the four councils. Its purpose is to ensure the effective combination and implementation of the councils' responsibilities for civil defence emergency management under the CDEM Act.

Emergency Management Southland is a standalone entity that coordinates and facilitates the day-to-day planning and project work on behalf of the Southland CDEM Group. Environment Southland is the administering authority for the Southland CDEM Group and provides premises and equipment for Emergency Management Southland.

Delegations for undertaking civil defence emergency management functions are set in the CDEM Act and are not repeated here. The Southland CDEM Group is able to delegate any of its functions to members of the Group, the Group Controller, or other persons under section 18(1) of the CDEM Act. The following table records delegations made by resolution of the Southland CDEM Group.

| Section | Function | Delegated to |
|---------|---|-----------------|
| 13(1) | Authority to represent the Council and act on its behalf on the Southland CDEM Group. | Cr Neville Cook |
| 57(1) | Authority to make minor changes to the Southland CDEM Group | CEG |

| Section | Function | Delegated to |
|---------|--|--|
| | Plan. | |
| 85(1) | Power to take particular actions specified in section 85(1) during a state of emergency. | Group Controller Alternate Group Controller |
| n/a | Authority to co-opt non-voting members onto the CEG. | CEG |
| n/a | Approve the Southland CDEM Group Recovery Plan. | CEG |
| n/a | Approve Standard Operating Procedures (SOPs) that support the Southland CDEM Group Plan. | CEG |
| n/a | Approve local CDEM Plans and SOPs. | CEG |
| n/a | Authority to make minor amendments to local CDEM Plans or SOPs. | Group Controller |

6.4.2. Group Controllers/Group Recovery Managers

The Southland CDEM Group has appointed Group Controllers/Group Recovery Managers in accordance with section 26 of the CDEM Act as follows:

| Group Controller/Group Recovery Manager | Alternate Group Controllers/Alternate Group Recovery Managers |
|---|---|
| Lucy Hicks (Acting) | Paul le Roux Marcus Roy Jo Hutton Jonathan Shaw Jason Domigan Lucy Hicks |

6.5. Hazardous Substances and New Organisms Act 1996

Under the Hazardous Substances and New Organisms Act 1996 a number of functions relating to enforcement, appointing enforcement officers, and compliance orders are automatically delegated to the chief executives of regional councils. The Chief Executive has not chosen to permanently delegate these functions to any staff member but may do so on a case-by-case basis through the power of sub-delegation contained in section 1.2.4 of this Manual.

6.6. Land Transport Management Act 2003

The Land Transport Management Act 2003 sets out the legal framework for managing and funding land transport activities. Through the Regional Transport Committee, Council prepares a Regional Land Transport Plan jointly with Otago Regional Council. Council also has some responsibilities for public transport systems. As the only public transport network in Southland is within the boundaries of Invercargill City, all of Council's functions were transferred to Invercargill City Council by way of a transfer agreement in 2001.

6.7. Local Government Act 2002

| Section | Function | Delegated to |
|--------------------|---|---------------------------------------|
| 162 | Apply for injunction restraining commission of offences and breaches of bylaws. | Chief Executive |
| 163 | Removal or alteration of work or thing constructed in breach of a bylaw and recovery of costs. | Chief Executive |
| 171 | Power of entry. | See Warrants Register |
| 172 | Power of entry for enforcement purposes. | See Warrants Register |
| 173 | Powers of entry in cases of emergency. | See Warrants Register |
| 174 | Authority to act. | See Warrants Register |
| 175 | Power to recover costs of damage. | Chief Executive |
| 176 | Power to recover costs of remedying damage arising from breach of bylaw. | Chief Executive |
| 177 | Authority to appoint enforcement officers and issue warrants. | Chief Executive |
| 181(1)(d) | Authorise construction of works on or under private land, or under a building on private land, considered necessary for land drainage and rivers clearance. | Chief Executive |
| 181(4) | Enter land to inspect, alter, renew, repair, or clean any work constructed under section 181. | Manager (Catchment Operations) |
| 182 | Power of entry to check utility services. | See Warrants Register |
| 224-236 238-239 | Make the decision to prosecute for any offence. | Chief Executive |
| 241 | Authority to file charging document. | Chief Executive |

6.8. Maritime Transport Act 1994

Council has a range of powers, functions, and duties under the Maritime Transport Act 1994 that must be read alongside the delegations made under the Navigation Safety Bylaw, set out in section 6.1.1.

| Section | Function | Delegated to |
|--------------------------|--|---|
| Navigation safety | | |
| 33D(1) | Appoint a harbourmaster. | Chief Executive |
| 33G | Appoint enforcement officers and honorary enforcement officers for the purpose of ensuring maritime safety or enforcing navigation bylaws. | Chief Executive |
| 33I | Erect, place, and maintain navigational aids in accordance with any maritime rules. Authority to remove obstructions and impediments to navigation. | Harbourmaster Deputy Harbourmaster General Manager, |

| Section | Function | Delegated to |
|---|--|---|
| | Authority to execute and maintain and works that it considers likely to improve navigation. | Integrated Catchment Management |
| 33J | Remove any wreck within the Southland region that is a hazard to navigation safety. | Harbourmaster Deputy Harbourmaster General Manager, Integrated Catchment Management |
| 33L | Remove, store, sell, or otherwise dispose of an abandoned ship. | Harbourmaster |
| 33M | Consult with the Director of Maritime New Zealand in preparing Navigation Safety bylaws. | Harbourmaster |
| 33N | Approve the filing of a charging document to prosecute an offence in relation to breaching a navigation bylaw. | Chief Executive Harbourmaster Deputy Harbourmaster General Manager, Integrated Catchment Management |
| 33O 33P | Approve the filing of a charging document to prosecute an infringement offence. | Chief Executive Harbourmaster Deputy Harbourmaster General Manager, Integrated Catchment Management |
| Maritime response | | |
| 231 | Decide to notify the Director of Maritime New Zealand and process matters relating to the Council's notification responsibilities. | Harbourmaster |
| Appointment of Regional On-scene Commander | | |
| 318 | Authority to appoint a Regional On-scene Commander for the Southland region. | Chief Executive |

6.9. River engineering

Council has extensive functions in relation to river engineering which fall under a number of different statutes. This section outlines the various delegations which relate to river engineering activities.

6.9.1. Land Drainage Act 1908

| Section | Function | Delegated to |
|---------|----------|--------------|
|---------|----------|--------------|

| | | | |
|-------|---|----------------------|------------|
| 17 | Construct and maintain drains and watercourses. | Catchment Manager | Operations |
| 18 | Entry to lands for inspection, survey, or inquiry. | Catchment Manager | Operations |
| 62(1) | Order removal of an obstruction from a watercourse or drain where the obstruction is causing or likely to cause damage to any property. | Catchment Manager | Operations |
| n/a | Consider and make decisions on taking enforcement action. | Chief Executive | |

6.9.2. Public Works Act 1981

| Section | Function | Delegated to | |
|------------|--|----------------------|------------|
| 110 | Power of entry for the purposes of carrying out any public work or any proposed public work. | Catchment Manager | Operations |
| 111 | Power of entry for survey and investigation purposes. | Catchment Manager | Operations |
| 133 134 | Remove trees and hedges that interfere with public works. | Catchment Manager | Operations |
| 233 234 | Obligation to provide notice before entry onto private land. | Catchment Manager | Operations |
| 237 | Approve excavations near public works. | Catchment Manager | Operations |
| 238 | Power to bring action for damage to public work. | Chief Executive | |
| 239 | Power to remove and/or dispose of abandoned property from public works land. | Chief Executive | |
| 242 | Consider and make decisions on taking enforcement action. | Chief Executive | |
| 242 | Authority to file charging document for enforcement action. | Chief Executive | |

6.9.3. Soil Conservation and Rivers Control Act 1941

Council has the functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 in accordance with the 1989 local government reorganisation *Gazette* notice.

| Section | Function | Delegated to | |
|---------|---|----------------------|------------|
| 131 | Decide to carry out or execute any works that the Council is empowered to undertake under this Act. | Catchment Manager | Operations |
| 133 | Decide to undertake urgent work to meet an emergency in respect of any watercourse or defences against water. | Catchment Manager | Operations |
| 134(1) | Approve the planting or sowing and maintenance of trees, shrubs, plants, or grasses. | Catchment Manager | Operations |

| Section | Function | Delegated to |
|------------|--|---|
| 135 | Decide to take any of the actions listed in section 135. | Catchment Operations Manager Team Leader - Catchment |
| 136 | Where works may interfere with any road, street, footpath, or any other public work, give one months' notice (in writing) to the body in control of the road, street, footpath, or other public work. | Chief Executive |
| 137 | Approval to give public notice or to undertake works on private land and resolve any objections. | Manager (Catchment Operations) |
| 153 154 | Consider and make decisions to take enforcement action in relation to any person preventing, obstructing, or impeding the Council in carrying out the provisions of this Act or doing any work or thing authorised by the Act. | Chief Executive |
| 153 154 | Authority to file charging document. | Chief Executive |

6.10. Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023

Council applies the following regulations for resource consents that are required for emissions of greenhouse gases from industrial process heat activities.

| Regulation | Function | Delegated to |
|------------|--|--|
| 12(2) | To decide whether to apply at site-wide approach. | Principal Consents Officer Team Leader Consents Consents Manager |
| 14(5) | To be able to determine, and if necessary, rescind that determination, whether a particular person is a suitably qualified person for the purposes of reviewing emissions plans under the NES. | Consents Manager |

6.11. Natural and Built Environment Act 2023

This Act provides an exemption process for the default duration of certain categories of freshwater consents.

| Section | Function | Delegated to |
|-----------------|---|--|
| 12 Clause 40 | To consider requests for exemptions from default durations for certain categories of freshwater consents. | General Manager, Integrated Catchment |

| Section | Function | Delegated to |
|---------|----------|--|
| | | Management Consents Manager Team Leader Consents Principal Consents Officer Strategic Regulatory Advisor |

7. Record of Council approval

| Version | Date | Notes |
|---------|------------------|---------------------|
| 1.0 | 13 December 2017 | Approved by Council |