



Notice is hereby given that a Meeting of the Riverton Harbour Subcommittee will be held on:

Date: Monday, 29 June 2020
Time: 5pm
Meeting Room: Riverton Senior Citizens Rooms
Venue: Corner Princess Street and Bath Road
Riverton

Riverton Harbour Subcommittee Agenda OPEN

MEMBERSHIP

Members Hayley Nelson
Nick White
Neil Linscott
Graeme Stuart
Muriel Johnstone
Councillor Don Byars

IN ATTENDANCE

Committee Advisor Lyndon Cleaver
Ian Coard
Alyson Hamilton

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Full agendas are available on Council's Website
www.southlanddc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

Terms of Reference – Riverton Harbour Subcommittee

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| TYPE OF COMMITTEE | Subcommittee |
| SUBORDINATE TO | Oraka Aparima Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>The Riverton Harbour Subcommittee will comprise as follows:</p> <ul style="list-style-type: none"> • one councillor from the Waiau-Aparima Ward • four members nominated by Oraka Aparima Community Board (community board to nominate a representative from the community board, two representatives from berth owners and one representative from either Riverton Rowing Club or Riverton Coastguard) • one member nominated by the local Iwi Aparima Oraka Runaka • one representative from Southland Regional Council (with no voting rights). |
| QUORUM | Four |
| FREQUENCY OF MEETINGS | Quarterly |
| SCOPE OF ACTIVITIES | <p>The Riverton Harbour Subcommittee is delegated the following responsibilities by Council:</p> <p>(a) the management and control of all Riverton Harbour assets vested in Council being:</p> <ul style="list-style-type: none"> • the use and maintenance of the boat ramp adjacent Koi Koi Park • the use and maintenance of the “unloading wharf” and crane at Lees Point operated by Council so that no vessel anchors, moors, secures or is placed at the unloading wharf unless actively loading or unloading fuel, provisions, fishing equipment or fish (1972 Bylaw No. 3) • the use and maintenance of the “common walkway” on the jetty leading to the privately owned berth numbered L36. • the use and maintenance of the “common walkway” on the jetty leading to the privately owned berths numbered L22, L23, L24, L25, L26, L27, L28, L29 and L30 • the provision and maintenance of the ‘lead lights’ markers the white light at Howells Point and red flashing light at Pearl Rock and any other navigational aids required to assist those vessels leaving and entering the Riverton Harbour • the use and maintenance of berth L35 currently subject to a lease. <p>(b) the administration, management and control of all Riverton Harbour endowment lands now vested in Southland District Council in consultation with and subject to approval by</p> |

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| | <p>Southland District Council being those lands comprised in Certificates of Title 5C/914, 5C/917, 5C/918, 5C/919, 5C/920, 5C/921, 5B/825, 9D/859, 10C/615, 10C/616 and all such other Riverton harbour endowment lands so vested.</p> |
| DELEGATIONS | <p>Power to Act</p> <p>The Riverton Harbour Subcommittee shall be responsible for the following:</p> <ol style="list-style-type: none"> 1 The exercise of the following powers (and enforcement of same): <ul style="list-style-type: none"> • to determine whether any person shall be authorised as necessary to carry out work on any vessel or fishing equipment or any other work or lease any equipment used in fishing or any other gear on Council harbour endowment land and any such authorisation may be given by the Harbourmaster (1972 Bylaw No. 3) • to determine whether any vessel may be left on Council harbour endowment land (1972 Bylaw No. 3) • to determine by resolution that any particular area on Council Harbour Endowment land be a parking area for restricted periods (1972 Bylaw No. 3) • to ensure as necessary that no person stops, stands or parks any vessel, vehicle, trailer, boat trailer or any other equipment in any area of Council harbour endowment land unless authorised by the committee or the Harbourmaster (1972 Bylaw No. 3) • to take such steps as are necessary to arrange for the removal of any vessel, gear, equipment, vehicle, trailer, or boat trailer left on Council harbour endowment land without the approval of the Riverton Harbour Committee provided that if the goods are not removed or remain unclaimed by the owner the matter shall be referred to Council for further action in consultation with the Riverton Harbour Committee (1972 Bylaw No. 3) • to ensure as necessary that no person drives any vehicle over Council harbour endowment land at a speed greater than 20 kilometres per hour (1972 Bylaw No. 3). • to arrange for and provide such signs as deemed necessary from time to time to assist in the best use of the wharves and Council harbour endowment lands and for any other reason (1972 Bylaw No. 3). 2. The Riverton Harbour Subcommittee shall be responsible for ensuring that the income from assets and income derived from harbour activities and endowment lands is applied to the maintenance and development of Riverton Harbour, to the maintenance and improvement of endowment lands vested in Council and for such other purposes to benefit the Riverton community |

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| | <p>3. The Riverton Harbour Subcommittee shall be responsible for preparing an annual budget in every financial year in consultation and with the assistance of Council</p> <p>4. The Riverton Harbour Subcommittee shall be responsible for preparing an Asset Management Plan in and with the assistance of Council.</p> <p>5. The Riverton Harbour Subcommittee shall under delegated authority from Council perform those functions, powers and duties which have now been transferred by Environment Southland as under the Riverton Harbour Board Bylaws (No. 2) 1970 Clauses 1-14, 22 and 35-37. Accordingly the subcommittee is responsible as under:</p> <p>Control of Vessels</p> <p>(a) to ensure as necessary that vessels only anchor, moor at a berth or wharf/mooring site for which that vessel has been licensed unless the licensee of that berth, wharf has given approval for same. [1970 Bylaw No. 1(a)]</p> <p>(b) to ensure as necessary that any vessel not having a licensed site or wharf/berth is moored, anchored, secured or placed within the Riverton Harbour as directed by the Harbourmaster. [1970 Bylaw No. 1(b)]</p> <p>(c) to ensure as necessary that vessels are not anchored in the fairway or stopped in such a way that the approach to any wharf is obstructed. [1970 Bylaw No. 2]</p> <p>(d) to ensure as necessary that all vessels anchored or moored or secured to any wharf within the Harbour are adequately secured. [1970 Bylaw No. 3]</p> <p>(e) to order the removal of any vessel, timber or other obstacle to any part of the Riverton harbour as deemed necessary by the Harbourmaster for the better working of shipping, cargo or wharves. [1970 Bylaw No. 4]</p> <p>(f) in pursuance of the responsibilities under (a), (b), (c), (d) and (e) the Harbourmaster may arrange to secure, moor, unmoor, place or remove any vessel and where necessary recommend to Environment Southland that it consider a prosecution for a breach of these Bylaws. [1970 Bylaw Nos. 5(a), 5(b), 5(c) and 5(d)]</p> <p>(g) to grant permission in appropriate situations for a master of any vessel to haul a vessel on shore for the purpose of inspection or repairs. [1970 Bylaw No. 6]</p> <p>(h) to require, where appropriate by order of the Harbourmaster the removal from a wharf of any vessel having on board cargo or other matter injurious to health or offensive or dangerous in any respect or other action deemed to be necessary for the safety and interest of all vessels. [1970 Bylaw No. 7]</p> <p>(i) to control as determined by the Harbourmaster the place, times and manner of bringing vessels to or in taking them</p> |
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| | <p>from any wharf and the securing of any vessel. [1970 Bylaw No. 10]</p> <p>(j) to take such steps as are necessary for the suppression of any fire happening on any vessel or on any wharf. [1970 Bylaw No. 13]</p> <p>(k) to ensure as necessary that all motor-launches operating within the Riverton Harbour have a silencing device in good repair to prevent undue noise from the engine and that the master/driver of the motor-launch is over 15 years of age. [1970 Bylaw Nos. 14(2), 14(3), 14(4), 14(5), 14(6), 14(7), 14(8)]</p> <p>(l) to ensure as necessary that the speed, use or management of a motor launch or of a seaplane on the harbour surface or of a water ski aquaplane or other object towed by any motor-launch or seaplane does not create a nuisance or continue to be a nuisance. [1970 Bylaw No. 14(9)]</p> <p>(m) to ensure as necessary that the speed of a motor-launch or seaplane on the surface of the water does not exceed ten kilometres an hour in those situations prescribed by 1970 Bylaw No. 14(10)(a), (b), (c) and (d)</p> <p>(n) to ensure as necessary that the speed of any water ski, aquaplane or other similar object or person towed by any motor launch or seaplane does not exceed ten kilometres an hour or ride on any water ski aquaplane or other object so towed in those situations prescribed by 1970 Bylaw No. 14(11)(a), (b), (c) and (d)</p> <p>(o) to ensure as necessary that any motor launch or seaplane being used to tow any water-ski aquaplane or other similar object or person has two persons on board so that one person can warn of any mishap occurring or the possibility of any mishap occurring to the person being towed or riding upon the water ski, aquaplane or other object. [1970 Bylaw No. 14(12)(a) and (b)]</p> <p>(p) to determine from time to time what part of the Riverton Harbour is to be reserved as an access lane or lanes for any particular purpose in accordance with 1970 Bylaw No. 14(13)(a), (b) and (c)</p> <p>(q) to determine in any particular case where special circumstances so justify by resolution that any of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof shall not apply in respect of any area or areas of the Riverton Harbour. [1970 Bylaw No. 14(14)]</p> <p>(r) to deal with any applications on the occasion of any yacht, launch or boat race or speed trial for the suspension of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof in accordance with 1970 Bylaw No. 14(15)(a) and (b)</p> <p>(s) to obtain where possible the name and address of any person who appears to have committed any offence</p> |
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| | <p>against the Bylaws and where appropriate the registered number of any vessel involved in the alleged offence.</p> <p>Mooring and Anchoring</p> <p>To enforce the General Harbour Regulations for harbours of New Zealand as may be applicable (1970 Bylaw No. 22).</p> <p>Control</p> <p>To appoint a Harbourmaster for the purposes of control in terms of the Riverton Harbour Board Bylaws (No. 2) 1970 and to supervise the observance and enforcement of the provisions of these bylaws and to appoint in consultation with the Southland District Council such other officers as may be deemed necessary from time to time [1970 Bylaw No. 35].</p> <p>Offences and Penalties</p> <ul style="list-style-type: none"> - to order any person or persons who may be in breach of the provisions of the Riverton Harbour Board Bylaws (No. 2) 1970 to leave the foreshore forthwith. [1970 Bylaw No. 36] - to recommend commencement of summary proceedings in appropriate cases against any person in breach of the bylaw. <p>(6) The Riverton Harbour Subcommittee shall have the power to make submissions to Environment Southland in respect of all resource consent applications received by Environment Southland that deal with matters involving the Riverton Harbour.</p> <p>(7) The Riverton Harbour Subcommittee will report at three monthly intervals to Environment Southland on any actions taken pursuant to the powers transferred by Environment Southland and any issues or concerns identified by users of the harbour.</p> <p>5.2 Power to Recommend</p> <p>The Riverton Harbour Subcommittee will:</p> <ul style="list-style-type: none"> (a) make recommendations to Environment Southland on matters of concern that pertain to Environment Southland's RMA functions (b) make recommendations to the Services and Assets Committee on all matters of policy not delegated to the Riverton Harbour Subcommittee (c) recommend to Council the granting of any leases or licenses for any Riverton Harbour endowment lands |
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1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Committee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the committee to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) the reason why the item was not on the Agenda, and
- (ii) the reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

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

6 Confirmation of Minutes

- 1.1 Meeting minutes of Riverton Harbour Subcommittee, 23 September 2019

Election of Chair and Deputy Chair

Record No: R/20/5/11978

Author: Alyson Hamilton, Committee Advisor

Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 This report calls for the election of a Riverton Harbour Subcommittee Chairperson as required under clause 37, Schedule 7 of the Local Government Act 2002 ('the Act').
- 2 The report also provides the opportunity for the Subcommittee to appoint a Deputy Chairperson to act for the Chairperson if he or she is unable to perform his or her duties.

Executive Summary

- 3 The Southland District Council requires, by statute, the election of a Chairperson to its community boards/subcommittees. The Community Board/Subcommittee may also wish to appoint a Deputy Chairperson. All subcommittee members are eligible to be nominated for these roles.
- 4 Prior to electing the chair and deputy chair, the Subcommittee must decide which voting system to use. Clause 25 of schedule 7 of the Local Government Act 2002 stipulates that a voting system must be used for certain appointments and the options for this are outlined below.
- 5 There are two options of voting – system A and system B.
 - (3) System A—
 - (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
 - (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
 - (4) System B—
 - (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
 - (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Recommendation

That the Riverton Harbour Subcommittee:

- a) Receives the report titled “Election of Chair and Deputy Chair” dated 22 June 2020.**
- b) Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) Agrees to use system A the election of the Chair and Deputy Chair.**
- e) Elects a Subcommittee member to the Chair of the Riverton Harbour Subcommittee for the 2019/2022 triennium.**
- f) Elects a Subcommittee member to the Deputy Chair of the Riverton Harbour Subcommittee for the 2019/2022 triennium.**

Background

- 6 The Southland District Council requires, by statute, the election of a Chairperson to its community boards/subcommittee. The Community Board/subcommittee may also wish to appoint a Deputy Chairperson who will be called on to fulfil the duties of the Chairperson if he or she is unable to perform his or her duties. All community board/committee members are eligible to be nominated for these roles.

Issues

- 7 The system of voting for the position of Chairperson and Deputy Chairperson is “First Past the Post” by using either system A or B.
- 8 System A requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting.
- 9 System A works by having a first round of voting for all candidates. If no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded. Then if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded. Should the result be tied, the then the decision is decided by lot. This could be the toss of a coin or the drawing a name out of a hat.
- 10 System B requires that a person is elected or appointed if he or she receives more votes than any other candidate.

- 11 System B works by there being only 1 round of voting; and if 2 or more candidates tie for the most votes, the tie is resolved by lot. (toss of a coin or the drawing a name out of a hat.)
- 12 There are no requirements for a formal nomination – the Mayor, or their nominee, will call for nominations at the Inaugural Meeting of the Community Board/Subcommittees. Members may be nominated for these roles *in absentia*, but cannot vote.
- 13 The term of office for the Chairperson and, if appointed, the Deputy Chairperson of the Community Board/Subcommittee shall be for the duration of the 2019/2022 triennium. However, a member may terminate (or have terminated) their office by:
 - Resigning as Chairperson or Deputy Chairperson.
 - A majority decision of the Community Board/Subcommittee.
 - A resolution of the Community Board/Subcommittee.
 - Being no longer eligible to hold office.
- 14 The Chairperson of the Community Board/Subcommittee is responsible for ensuring that the decisions of the Board/Subcommittee are consistent with the powers delegated to it by Southland District Council. The Chairperson is responsible for ensuring that the conduct of business is carried out in an orderly way and in accordance with Standing Orders, and any other statute that may apply from time-to-time.
- 15 The role of Chairperson includes:
 - Chairing meetings
 - Review/monitor board work programme and agendas with appropriate staff
 - Address delegated routine matters outside of a board meeting
 - Manage media enquiries relating to community board business
 - Prepare a chairperson's report to be included in each board agenda
- 16 It is recommended that once elected the Chair undertake Chairs training and mentoring at the start of the triennium.
- 17 If the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and exercise any powers, of the Chairperson:
 - with the consent of the Chairperson at any time during the temporary
 - absence of the Chairperson;
 - without that consent, at any time while the Chairperson is prevented by illness or some other cause from performing the responsibilities and duties, or exercising the powers, of his or her role;
 - while there is a vacancy for the role of Chairperson.
- 18 In the absence of proof to the contrary, a Deputy Chairperson acting as Chairperson is presumed to have the authority to do so.
- 19 A Deputy Chairperson continues to hold his or her position so long as he or she continues to be a member of the Community Board/Subcommittee or until the election of his or her successor, or until the close of the 2019/2022 triennium.
- 20 In accordance with voting procedures the Community Board/Subcommittee is called on to elect members to the position of Chairperson and, if it chooses to do so, to appoint a Deputy Chairperson.

Factors to Consider

Legal and Statutory Requirements

- 21 The Southland District Council requires, by statute, the election of a Chairperson to its community boards/Subcommittees.

Community Views

- 22 There are no community views

Costs and Funding

- 23 There are no funding implications.

Policy Implications

- 24 There are no policy implications

Analysis

Options Considered

- 25 There are two options to consider – system A or system B

Analysis of Options

Option 1 – System A

| <i>Advantage</i> | <i>Disadvantage</i> |
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| <ul style="list-style-type: none">Has more of a focus on voting for a position | <ul style="list-style-type: none">Can take more than one round to achieve a result especially if there is more than two candidates |

Option 2 – System B

| <i>Advantage</i> | <i>Disadvantage</i> |
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| <ul style="list-style-type: none">Less steps in achieving a result if there are more than two candidates | <ul style="list-style-type: none">Does not have the same focus on voting for a position |

Recommended Option

- 26 The recommended option is system A.

Assessment of Significance

- 27 This is not considered significant.

Next Steps

- 28 The person elected as Chair will have the relevant administrative matters updated to reflect the responsibilities.

Attachments

There are no attachments for this report.



Riverton Harbour Subcommittee

OPEN MINUTES

Minutes of a meeting of Riverton Harbour Subcommittee held in the Southland District Council Riverton Office, 117 Palmerston Street, Riverton on Monday, 23 September 2019 at 10.20am.

PRESENT

Deputy Chairperson
Member

Hayley Nelson
Muriel Johnstone
Blair Stewart
Graeme Stuart

APOLOGIES

Chairperson

Nick White
Councillor Nick Perham
Lyndon Cleaver
Ian Coard

Environment Southland
Environment Southland

IN ATTENDANCE

Committee Advisor
Community Facilities Contract Manager
Manager Property Services

Alyson Hamilton
Greg Erskine
Kevin McNaught

1 Apologies

There were apologies from Chairperson White, Councillor Perham, Lyndon Cleaver and Ian Coard.

Resolution

Moved member Nelson, seconded member Stuart and **resolved:**

That the Riverton Harbour Subcommittee accept the apologies.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

There was no public forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

Resolution

Moved member Stewart, seconded member Nelson and **resolved:**

That the minutes of Riverton Harbour Subcommittee meeting held on 2 September 2019 be confirmed as a true and correct record of that meeting.

Reports

7.1 Financial Report for the year ended 30 June 2019

Record No: R/19/9/21126

Greg Erskine was in attendance for the item.

Mr Erskine advised the purpose of the report is to provide additional details requested by the subcommittee at its meeting on the 2nd of September.

The details requested included:

- an explanation on the rental income received actuals versus budgets
- a breakdown of the legal costs
- a breakdown of the general project charges
- a breakdown of the maintenance project charges
- further clarification regarding the wharf repairs capitalised in the 2019/20 year
- a schedule of reserve balances for the 2017/18 financial year.

Members queried the progress of the proposed insurance claim for the new beacon at Taramea (Howell's Point) requesting staff provide the information to the subcommittee via email.

Resolution

Moved member Nelson, seconded member Stewart **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled "Financial Report for the year ended 30 June 2019" dated 18 September 2019.**

8.1 Chairperson's Report

The following issues were raised relating to the Riverton harbour:

- concern was raised at damage to Berth L11 and a query when the work is to be completed. Staff to enter request into the Council's RFS system
- query regarding whether inspections are undertaken by staff following the second EMTECH berth inspection report and request that staff arrange for this work to be undertaken
- suggestion of future discussions and consideration be given to various harbour business units and activities going forward in the new triennium
- suggestion of a possible review/update of the Riverton Harbour Bylaw (1972) to involve staff from Southland District Council and Environment Southland with the view of the Bylaw being brought up to date.

The meeting concluded at 11.01am.

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE RIVERTON HARBOUR
SUBCOMMITTEE HELD ON MONDAY, 23 SEPTEMBER
2019.

DATE:.....

CHAIRPERSON:.....

CHIEF EXECUTIVE:.....

General Explanation from Chief Executive

Record No: R/20/6/22823
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☐ Decision

☐ Recommendation

☒ Information

Purpose

- 1 To provide elected members with a general explanation of the laws affecting them in their role.

Executive Summary

- 2 The chief executive of a local authority is bound by clause 21(5) of schedule 7 of the Local Government Act 2002 to provide an explanation to elected members on certain legislation which controls the way in which the Council's business may be conducted and the way in which elected members are required to undertake their duties.
- 3 This report provides an overview of the relevant legislation identified in the Act in addition to some other relevant information.

Recommendation

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled "General Explanation from Chief Executive" dated 23 June 2020.**
- b) **Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

Background

- 4 The general explanation that must be conducted at the first meeting of the Southland District Council following the triennial general election is required to cover sections of the following pieces of legislation:
 - Local Government Official Information and Meetings Act 1987
 - Local Authorities (Members' Interests) Act 1968
 - Sections 99,105, and 105A of the Crimes Act 1961

- Secret Commissions Act 1910
- Financial Markets Conduct Act 2013.

5 The information provided on the relevant legislation does not attempt to cover all the detailed points of the legislation, but brings to elected members attention the key issues affecting their role and functions as members of the Community Board for the 2019/2022 Triennium.

Local Government Act 2002

6 The Local Government Act 2002 is the principal piece of empowering legislation for local authorities. The purpose of the Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this act:

- a. states the purpose of local government
- b. provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them
- c. promotes the accountability of local authorities to their communities
- d. provides for local authorities to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach.

7 Section 10 of the act defines the purpose of local government as being:

- a. to enable democratic local decision making and action by, and on behalf of, communities; and
- b. to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

8 Section 12 grants a power of general competence to local authorities to carry on or undertake any business, do any act or enter into any transaction for the purpose of performing their role. This power is subject to compliance with the other relevant provisions of the Act, particularly those relating to decision-making processes.

9 Part 6 of the Act contains detailed provisions relating to planning, decision making and accountability. These include a requirement to follow a particular process in making decisions, principles governing consultation, consideration of the views of those likely to be affected by or have an interest in the decisions being made and the contribution of Maori to decision-making processes.

Local Government Official Information and Meetings Act 1987

10 The Local Government Official Information and Meetings Act 1987 (LGOIMA) governs the availability of information and is based on the principle that information should be made publicly available, unless one or more specific withholding grounds apply. Matters relating to requests and release of information are administered by staff and the chief executive has statutory authority to make decisions in relating to administration of these requests.

11 LGOIMA also sets meeting procedures and requirements. These include:

- the requirement to give public notice of meetings
- the public availability of the agenda and supporting papers for meetings of the Council, and its committees and subcommittees
- the circumstances when the Council may resolve to exclude the public from meetings, and the procedure that must be followed in such circumstances
- the responsibility of the chair to maintain order at meetings and the power they have, under section 50, to require any person to leave the meeting should they believe on reasonable grounds that their behaviour could prejudice the orderly conduct of the meeting.

12 What is official information?

- formal documents, any writing on any material, any information recorded or stored by means of a tape recorder or computer
- draft reports, correspondence etc
- handwritten notes
- emails – including on your home computer or emails sent from your personal accounts and any deleted emails
- pictures
- recordings
- text messages
- information that is known to elected members and/or staff but is not necessarily recorded.

13 It is useful to ask:

- is this a personal record or a Council record?
- do I need to keep this personal record in Council systems?
- do I need to make this record in this way using this language?
- how would this look on the front page of the newspaper?

14 Elected members should be aware that all information that they receive or ‘know’ in their official capacity falls within the scope of official information covered by LGOIMA. This includes, for example, any information that they may receive on a private email. As a general rule elected members should forward a copy of any such information to a committee advisor so that it can be formally filed in Council’s records management system. It is an offence to destroy official information.

Local Authority (Members’ Interests) Act 1968

15 The Local Authorities (Members’ Interests) Act 1968, which has two main aspects:

Contracts

- 16 The act provides that no person shall be elected or appointed to be a member of a local authority or any committee of a local authority, if the total payments made by that local authority in respect of a contract with which that person is concerned or interested exceeds \$25,000 in any financial year (although the local authority can seek the approval of the Auditor General on a case by case basis).
- 17 If a member breaches the \$25,000 limit, he/she is disqualified from holding office and there is an extraordinary vacancy created. The disqualification remains until the next triennial election

Pecuniary Interest

- 18 The act further provides that a member of a local authority shall not vote on or take part in the discussion of any matter in which he/she has directly or indirectly any pecuniary interest, other than an interest in common with the public. The same applies if a member's spouse or partner has directly or indirectly a pecuniary interest other than an interest in common with the public.
- 19 Members who are prohibited from voting on or discussing a matter are under a duty to declare their interest to the meeting, and their abstention from discussion or voting is to be recorded in the minutes.
- 20 If a member acts in breach of this prohibition he/she commits an offence and is liable to a fine of \$100. The member is required to vacate office creating an extraordinary vacancy.

Crimes Act 1961

- 21 Under the Crimes Act 1961 a member of a local authority who obtains or accepts or offers to accept any bribe to do, or not do, something, or who corruptly uses information obtained in an official capacity to get a direct or indirect pecuniary advantage, is liable to a term of imprisonment of up to seven years.

Secret Commissions Act 1910

- 22 Under the Secret Commissions Act 1910, an elected member who accepts a gift or obtains any advantage from any other party as a reward for doing any act in relation to Council business commits an offence. It is also an offence not to disclose a pecuniary interest in any contract, and also to aid or abet or be involved in any way in an offence under this Act. Conviction can lead to imprisonment for up to two years and a fine of up to \$1,000.

Financial Markets Conduct Act 2013

- 23 The Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

Health and Safety at Work Act 2015

- 24 Health and Safety at Work Act 2015 allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure as far as is

reasonably practicable the safety of workers and others who may be impacted by the work the business undertakes.

- 25 For the purposes of the act elected members (which include the Mayor, councillors and community board members) and the chief executive are by default identified as “officers”. Officers is any person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking.
- 26 Officers have due diligence obligations, which include:
- To acquire, and keep up to date, knowledge of work, health and safety matters
 - To gain an understanding of the nature of the operations of the business and the associated hazards and risks
 - To ensure that sufficient resources have been allocated and processes put in place to eliminate or minimise risks to health and safety from work carried out
 - To ensure that there are appropriate processes in place for receiving and considering information regarding incidents, hazards and risks.

Public Audit Act 2001

- 27 Local Authorities are defined as public entities in section 4 of the Act. The Auditor-General is appointed as the auditor of every public entity. He also has the power (section 16) to examine, at any time:
- The extent to which the public entity is carrying out its activities effectively and efficiently
 - The entities compliance with it statutory obligations
 - Any actions which show or appear to show a lack of probity or financial prudence.
- 28 Under section 18 the Auditor-General also has a general power to hold an inquiry into any matter concerning the use of resources by a public entity.

Issues

- 29 There is a need for the chief executive to provide elected members with a briefing on relevant legislation.

Factors to Consider

Legal and Statutory Requirements

- 30 The chief executive is required by clause 21(5) of schedule 7 of the Local Government Act 2002 to provide an explanation to elected members in relation to specific sections of legislation.

Community Views

- 31 The community would expect the chief executive to comply with a statutory requirement.

Costs and Funding

- 32 There are no costs and funding.

Policy Implications

- 33 There are no policy implications.

Analysis

Options Considered

- 34 There are no options to consider as this is a legislative requirement for the chief executive to provide.

Assessment of Significance

- 35 This is not considered significant.

Recommended Option

- 36 There are no recommended options.

Next Steps

- 37 Elected members to consider their obligations in undertaking their duties.

Attachments

There are no attachments for this report.

Elected Members Code of Conduct

Record No: R/20/6/22828
Author: Alyson Hamilton, Committee Advisor
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To present the Elected Members Code of Conduct (the Code) to the Subcommittee for information which was approved by Council at its meeting on 1 November 2019.

Executive Summary

- 2 Council at its meeting on 1 November 2019 adopted a Code of Conduct to apply to Council, all Council Committees, Subcommittees and Community Boards, while they are acting under Council delegations.
- 3 Council is required under Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) adopt a Code which applies to all elected members (Mayor and Councillors).
- 4 While section 54 of the Local Government Act excludes the Code from applying to Community Boards Council has approved that this Code apply to all Community Boards, while they are acting under Council delegations.
- 5 The Code has been approved by Council is to apply to Council, all Council Committees, Subcommittees and Community Boards.
- 6 The Code (Attachment A) acts as a guide to ensure a standard of behaviour that is expected from all Elected Members (both Councillors and Community Board members) of the Southland District Council in their dealings with the Chief Executive and officers employed by Council and also the public.
- 7 Once the Code is adopted it continues to remain in force until further amended by Council. The Code can be amended by Council but cannot be revoked unless Council replaces it with another code. Any amendments to the Code must be approved by Council with a resolution supported by 75% or more of the members of Council present at a meeting.

Recommendation

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Elected Members Code of Conduct” dated 23 June 2020.**
- b) **Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Notes the Elected Members Code of Conduct agreed to by Council at its meeting on 1 November 2019 for the Mayor and Councillors and members of the Community Boards, all Committees and Subcommittees of the Southland District Council.**

Background

- 8 Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) requires a local authority to adopt a Code which applies to all elected members. While section 54 of the Act excludes the Code from applying to Community Boards it is recommended that this Code apply to all Community Boards, while they are acting under Council delegations. The Code will apply to Council, all Council Committees, Subcommittees and Community Boards.
- 9 The Code (Attachment A) acts as a guide to ensure a standard of behaviour that is expected from all Elected Members (both Councillors, members of committees and subcommittees and Community Board members) of the Southland District Council in their dealings with the Chief Executive and officers employed by Council and also the public.
- 10 Once the Code is adopted it continues to remain in force until further amended by Council. The Code can be amended by Council but cannot be revoked unless Council replaces it with another code. Any amendments to the Code must be approved by Council with a resolution supported by 75% or more of the members of Council present at a meeting.

Issues

- 11 The Code has been revised and updated, to ensure that it reflects today’s expectations for a local authority Code of Conduct. It provides further options for dealing with an issue if there is a breach of the code.

Factors to Consider

Legal and Statutory Requirements

- 12 Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) requires a local authority to adopt a Code which applies to all elected members.

- 13 While section 54 of the Act excludes the Code from applying to Community Boards, Council has approved the Code to apply to all Community Boards, while they are acting under Council delegations.

Community Views

- 14 This is a statutory requirement. No specific community views have been sought.

Costs and Funding

- 15 There are no costs of funding issues identified.

Policy Implications

- 16 There are no policy implications.

Analysis

Options Considered

- 17 There are two options.

Analysis of Options

Option 1 – Note new Code of Conduct

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none">• Updates the current code to make it more appropriate for the new triennium• Provides new options for dealing with issues that may arise | <ul style="list-style-type: none">• There are no disadvantages |

Option 2 – Not note the Code of Conduct

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none">• There are no advantages | <ul style="list-style-type: none">• Council does not benefit from a code that is appropriate for the new triennium. |

Assessment of Significance

- 18 This report is not considered significant.

Recommended Option

- 19 Option 1 - Adopt the new Code of Conduct as approved by Council at its meeting on 1 November 2019.

Next Steps

- 20 The new Code of Conduct will be used if any issues arise.

Attachments

- A Southland District Council - Code of Conduct - 2019/2022 Triennium - Approved by Council 1 November 2019 [↓](#)



Code of Conduct – Council, all Committees and Community Boards

1 November 2019

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Part One: Introduction

Schedule 7 of the Local Government Act 2002 (the Act) requires Council to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

In the context of this report, the term “elected members” refers to the Mayor, Councillors, members of committees and Community Board members.

This code of conduct provides guidance on the standards of behaviour that are expected from all the elected members of the Southland District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the Council
- the media
- the general public.

This code also applies to all Council committees, Subcommittees and Community Boards.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Southland District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of this Code)
- agreed general principles of conduct (recorded in Part Three of this Code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of this Code).

Elected members are primarily accountable to the electors of the district through the democratic process. However, elected members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Elected members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Elected members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity.** Elected members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward or community that elected them.
- **Accountability.** Elected members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Elected members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgment.** Elected members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Elected members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Elected members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Elected members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Elected members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

Part Two: Roles and Responsibilities

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles as a:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and Chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

Recent changes to the Local Government Act 2002 have provided additional powers to the Mayor. These powers relate to:

- The appointment of the Deputy Mayor and Committee Chairpersons
- The determination of the Committee structure
- Leadership of budget, plans and key policy discussions.

Deputy Mayor

The Deputy Mayor may be appointed by the Mayor. If the Mayor declines to do this, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

Committee Chairpersons

As noted above, the Mayor has the power to appoint Chairpersons and to form Committees. If the Mayor declines to do this then the Council may create one or more committees of Council. A committee Chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. Committee Chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

Councillors

Councillors acting as the Council, are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive
- representing the interests of the residents and ratepayers of the Southland District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each elected member has one vote. Any individual elected member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

Community Boards

Within the Southland District there are nine community boards:

- Ardlussa Community Board
- Fiordland Community Board
- Northern Community Board
- Oreti Community Board
- Oraka Aparima Community Board
- Stewart Island/Rakiura Community Board
- Tuatapere Te Waewae Community Board
- Waihopa Toetoe Community Board
- Wallace Takitimu Community Board

The community board elected members, acting as the community board, have the role to:

- represent, and act as an advocate for, the interests of its community
- consider and report on all matters referred to it by the Southland District Council, or any matter of interest or concern to the community board
- maintain an overview of services provided by the Southland District Council within the community
- prepare an annual submission to the Southland District Council for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the Southland District Council.

Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

The Chief Executive is accountable to Council directly and not to Community Boards.

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

Meeting Attendance

Elected members are expected to attend and participate in all Council meetings, Standing Committee meetings and Subcommittee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance.

All Councillors are expected to attend all workshops and those hearings that are held as part of the consultation process on Council documents, such as the Annual Plan and Long Term Plan.

From time to time, working parties will be established by the Council or a Standing Committee to achieve specific outcomes. Elected members are expected to make themselves available to be appointed to an equitable share of these working parties, and to attend all meetings of those to which they are appointed.

Appointments to Other Bodies

At the first meeting following the triennial elections and on other occasions (as appropriate) Council will appoint elected members to a variety of other bodies.

These appointments will be made on the basis of the best person for the specific role bearing in mind the skills required, the views of the Council and location of the elected member.

Part Three: Relationships and Behaviours

This part of the code sets out the agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

Relationships with Other Elected Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct
- treat people with courtesy and respect.

Elected members shall maintain the respect and dignity of their office in their dealings with each other, Council officers and the public.

Elected members will create a supportive and inclusive environment by:

- Take all reasonable steps to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance including attending post-election induction process
- Taking part in any assessment of council's overall performance and operating style during the triennium
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their declaration of office and contribution to the good governance of the Council's district.

Elected members should also note that discussions are not subject to privilege.

Elected members will act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.

Elected members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure and must not represent they have such authority if that is not the case.

Elected members will make no allegations regarding other elected members or Council officers which are improper or derogatory.

In the performance of their official duties, elected members should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Executive Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

Elected members should raise operational issues with the Chief Executive in the first instance. If it is a routine matter such as repairing a pothole, cutting of vegetation or footpath repairs, the issue should be logged with Customer Support who will enter the issue into our Request for Service system (RFS). This enables progress on these issues to be monitored.

Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council. From time to time, individual elected members will be approached to comment on a particular issue either on behalf of Council, or as an elected member in their own right. This part of the code deals with the rights and duties of elected members when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact on behalf of Council:

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee Chairperson
- the Mayor may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment
- no other elected member may comment on behalf of Council without having first obtained the approval of the Mayor.

Elected members are free to express a personal view in the media provided the following rules are observed:

- media comments must not state or imply that they represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, or legislation e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.
- the elected member should ensure that any comments made do not compromise Council's statutory responsibilities. In other words, it would not be appropriate to comment on matters before the Regulatory and Consents Committee, where this might compromise the statutory decision-making processes.

Meeting Decisions

Every elected member who has the right to speak can lawfully express his or her opinion at any Council or Committee meeting within the limits imposed by Standing Orders. These meetings are open to the media and their comments may be reported.

Once a matter has been determined at a Council meeting, it becomes the Council's position until it is lawfully changed by a subsequent Council decision. All elected members and staff will respect this position.

The Mayor can make statements that accurately report Council decisions.

Committee Chairs can make statements that accurately report their Committee's decisions, or factual statements about Council or Committee decisions.

Confidential Information

In the course of their duties elected members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member. Decisions on whether confidential information is able to be released are to be made by the Chief Executive in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Information Received in Capacity as an Elected Member

Any information received by an elected member in his/her capacity as an elected member is official information under the Local Government Official Information and Meetings Act 1987 (LGOIMA). As such the Council has a requirement to hold that information in accordance with the provisions of LGOIMA and the Public Records Act 2005. As such a copy of any such information should be provided to the Chief Executive so that it can be held in accordance with Council record management policies.

This duty of disclosure will require elected members to whom information may be offered on the basis that confidence be preserved to inform the intended provider of the information of the duty of disclosure and to decline to receive the information if that duty is likely to be compromised.

Responding to Queries Involving Liability Issues

Elected members need to ensure they respond to queries in an appropriate manner and with due regard to the legal position of Council. At times, elected members are asked to become involved in legal disputes or insurance claims. Such matters should be referred to the Chief Executive. It is important that Council act in an appropriate manner with regard to legal and insurance issues. Often our insurance cover depends on the way we address or manage an issue.

Training, Conferences and Induction

Following the triennial election, the Chief Executive will organise induction training for all elected members who require it. This will address the role of elected members and provide valuable information about what an elected member needs to know.

Council has a budget for training and development of elected members. From time to time consideration will be given to attendance at the Local Government New Zealand Conference, Local Government New Zealand Zone meetings and New Zealand Planning Institute Conference. Other conferences or meetings may also be considered.

If an elected member wishes to attend a conference or meeting, then he or she should discuss this with the Mayor.

In the case of a Community Board elected member, an approach should be made to the Chairperson.

Costs incurred with attending training and conferences will be managed in accordance with the Elected Member Remuneration and Reimbursements Policy and the Sensitive Expenditure Policy.

Conflicts of Interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Elected members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest. Elected members must declare their interests at Council meetings where matters in which they have a pecuniary or other conflict of interest arise.

Elected members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the elected member or the elected member's spouse for profit or gain
- any company, trust, partnership etc for which the elected member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the elected member has a beneficial interest and which is in the Southland District Council
- the address of any land where the landlord is the Southland District Council and:
- the elected member or their spouse is a tenant, or
- the land is tenanted by a firm in which the elected member or spouse is a partner, or a company of which the elected member or spouse is a director, or a trust of which the elected member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the elected member's actions during the course of their duties as an elected member.

If the elected member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the elected member should seek guidance from the Chief Executive immediately.

Elected members may also contact the Office of the Auditor General for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the elected member may seek an exemption to allow that elected member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Standing Orders

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

Ethics

Southland District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the elected member, or the elected member's family or business interests
- Only use Council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business.
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive if any gifts are accepted
- where a gift to the value of \$300 excluding GST or more is offered to an elected member, immediately disclose this to the Chief Executive for inclusion in the register of interests.

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. Working meals and social occasions should be undertaken in an appropriate manner.

Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or are convicted of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require elected members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

Part Four: Compliance and Review

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Elected members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information

and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

All alleged breaches of the code should be reported to the Mayor or Chief Executive. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

In response to a breach, the Executive Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information, could impinge on the privacy of a member of staff or of the general public or other good reason, as defined in LGOIMA, exists for considering it in public excluded.

Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render elected members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the elected member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action:

- censure
- removal of the elected member from Council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.
- request an apology
- removal of certain council-funding privileges (such as attendance at conferences)
- restricted entry to Council offices such as no access to staff areas
- limitations on any dealings with council staff so that they are confined to the CE only

A decision to apply one or more of these actions requires a Council resolution to that effect.

Council may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- Attend relevant training course and/or;
- Work with a mentor for a period of time and/or;
- Participate in voluntary mediation (if the complaint involves a conflict between two members) and/or;
- Tender an apology.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of conduct require a resolution supported by 75 per cent or more of the elected members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

Appendix to the Code of Conduct

Legislation Bearing on the Role and Conduct of Elected Members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where an elected member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that elected member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Office of the Auditor General for guidance as to whether that elected member has a pecuniary interest, and if so, may seek an exemption to allow that elected member to participate or vote on a particularly issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the Chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another elected member is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about the Council, other elected members, any employee of the Council or any member of the public.

The Local Government Official Information and Meetings Act 1987 sets out the rules around provision of information. This is summarised as follows:

Official Information

The term “Official Information” refers to all information (with a few exceptions) held by a local authority. The Local Government Official Information and Meetings Act 1987 requires all official information to be available to the public unless there are good reasons for withholding it.

Requesting Information

In brief, the Act states:

- requests should be made with “due particularity” (rather than asking for all files about a general topic, which creates a large amount of work) (section 10)
- it is the duty of Council to assist people making requests (section 11)
- the Council must convey its decision on whether to grant the request within 20 working days and must also indicate any charges (section 13)
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt; however, it should be made available in the way preferred by the requestor unless there are reasons for not doing so (section 15).

Refusing Requests for Information

A request may be refused (section 17) if:

- there is good reason to withhold it under section 6 or 7 of the Act
- the information will soon be publicly available
- the local authority does not actually hold the information
- the information cannot be made available without substantial collation or research
- the request is frivolous or vexatious.

Where a request is refused the Council must give its reasons and advise the requestor that there is a right to have the decision review by the Ombudsmen.

Sections 6 and 7 give the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety
- withholding the information is necessary to:
 - protect privacy
 - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of the information
 - avoid offence to tikanga Maori or avoid disclosure of wahi tapu locations
 - protect any obligations of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest

- maintain free and frank discussion or protect officers and elected members from harassment
- maintain legal professional privilege
- enable the Council to carry out without prejudice or disadvantage commercial activities or negotiations
- prevent the use of information for improper gain.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Please note that Council is not required to produce a prospectus following the enactment of the Securities (Local Authority Exemption) Amendment Act 2008. In its place a shorter investment statement is required.

Local Government Acts 1974 and 2002

The various provisions of the Local Government Act 1974 and 2002 form the basis of local government. Local government is a creature created by statute and in place to meet the requirements of the Local Government Act.

Elected members should be aware of the purpose of local government (section 10 Local Government Act 2002)

1. The purpose of local government is:
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
2. In this Act, good quality, in relation to local infrastructure, local public services and performance of regulatory functions, means infrastructure, services and performance that are:
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

In performing its role a local authority must have particular regard to the contribution that the following core services make to its communities

- (a) network infrastructure;
- (b) public transport services;
- (c) solid waste collection and disposal;
- (d) the avoidance or mitigation of natural hazards;
- (e) libraries, museums, reserves, recreational facilities and other community infrastructure

“(1) In performing its role, as outlined in section 14 of the Local Government Act 2002, a local authority must act in accordance with the following principles:

- (a) a local authority should -
 - (i) conduct its business in an open, transparent and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner.
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of:
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)
- (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes;
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically -
 - (i) assess the expected returns to the authority from investing in, or undertaking a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account:
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.”

Sections 44-46 of the Local Government Act 2002 outline action that can be taken by the Auditor General to recover a loss incurred by a local authority:

- “(1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:
- (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or
 - (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
 - (c) a liability has been unlawfully incurred by the local authority; or
 - (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.”

The Auditor General has the right to recover any such loss from each member of the local authority jointly and severally.

The Local Government Act deals with issues of governance, structure of local government, planning, decision-making and accountability, regulatory and enforcement, offences, penalties and other proceedings.

Resource Management Act 1991

This Act governs how Council should deal with land use and other planning processes. The Resource Management Act sets out to provide a range of rules that support a sustainable environment but also permits local autonomy based around the development of a District Plan that applies to each individual local authority.

Privacy Act 1993

The Privacy Act 1993 explains how Council should manage issues to do with information it holds to conduct its business. This could involve individual records relating to ratepayers or staff records for employees of Council.

Council must comply with the requirements of this Act and as part of this process a staff member has been appointed as the designated Privacy Officer. Any queries in relation to the Privacy Act should be directed to the Chief Executive in the first instance.

Health and Safety at Work Act 2015

Council has obligations to provide a safe working place for staff and members of the public. Attendance to health and safety concerns is part of the responsibility of each staff member and elected member.

Significant penalties exist where the provisions of the Health and Safety at Work Act 2015 are not adhered to.

Public Audit Act 2001

Council is publicly accountable under the provisions of the Public Audit Act 2001. As a result of this, an annual audit is undertaken under the direction of the Auditor General. This audit reviews the financial and non-financial performance of Council through the development and reporting of the Annual Report.

Terms of Reference and Delegations 2019 - 2022

Governance Structure

Record No: R/20/6/22825
Author: Alyson Hamilton, Committee Advisor
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 To advise the Subcommittee of the Terms of Reference and Delegations for Southland District Council Committees for the 2019/2022 Triennium which were approved by Council at its meeting on Friday 1 November 2019.

Executive Summary

- 2 Council at its meeting on Friday 1 November 2019 adopted a new Delegations Manual containing the terms of reference/delegations for the governance structure adopted by Council for the 2019/2022 triennium.
- 3 This report presents the new Delegations Manual to the Riverton Harbour Subcommittee and highlights some of the key changes from the previous term.
- 4 The terms of reference and declarations for the Subcommittees reflect the new structure and the representative leadership pillar supporting the community governance concept that Council has progressed.
- 5 The key functions of Subcommittee/Committees as expressed in the delegations manual are to:
 - to promote the social, economic, environmental and cultural well-being of local communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities
 - to provide leadership to local communities on the strategic issues and opportunities that they face
 - to be advocates and representatives for their local community and in so doing ensure that Council and other agencies have a clear understanding of local needs and aspirations
 - to be decision-makers on issues that are delegated to the board by Southland District Council
 - to develop relationships and communicate with key community organisations, special interest groups, residents and businesses within the community
 - to maintain an overview of the services Council delivers to its communities and assess the extent to which these services meet community needs
- 6 Other changes are referred to in the issues section of this report.

Recommendation

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Terms of Reference and Delegations 2019 - 2022 Governance Structure” dated 23 June 2020.**
- b) **Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Notes that the Delegations Manual containing terms of reference and delegations for the governance structure including Subcommittees was adopted by Council at its meeting on Friday 1 November 2019.**

Background

- 7 Council at its meeting on Friday 1 November 2019 approved the adoption of a Delegations manual which provides a ‘one stop shop’ for elected representatives, staff and the public to access Council’s delegations of governance activities to Council committees, Committees and Subcommittee’s Council’s delegations of management activities to the chief executive and the chief executive’s delegations to Council staff including the executive leadership team.
- 8 A delegations manual helps Council to operate efficiently and effectively, concentrate on strategic matters and empower the chief executive and staff to implement and administer the policies and provide a practical mechanism that enables decisions to be made at an appropriate level.
- 9 In exercising the delegations subcommittees and staff need to do this within the policies and guidelines established by Council, and within the budgets set by Council.

Issues

- 10 As noted in paragraph 5 of this report the key functions of the Subcommittees have been rewritten to better reflect the role of Subcommittees.
- 11 The recent change to the Local Government Act 2002 including the concept of community wellbeing has been reflected in the delegations for Committees/Subcommittees and also the Community and Strategy Committee.
- 12 In addition to measures to strengthen the relationship of Committees/Subcommittees with Council, the delegations reflect that Committees/Subcommittees will also have a relationship with a subject matter committee –e.g. Community and Strategy or Services and Assets.
- 13 The delegations for Committees/Subcommittees are set out in a way that relate to the different roles. For example, community leadership, advocacy, community assistance, service delivery and environmental management.

- 14 Community boards are able to approve a business case for an approved budgeted capital expenditure of up to \$300,000 – this is for particular projects that are in the Long Term Plan. The board will also be able to accept donations of a local asset – for example a barbeque or park bench with a value less than \$20,000.
- 15 Community boards are able to approve unbudgeted operating expenditure for local activities of up to \$20,000. In the previous term this was \$10,000. In addition, the board will have the authority to approve up to \$20,000 increase in the projected cost of a budgeted capital works project /item that is included in the annual plan/long term plan.
- 16 Local activities include community leadership, halls and community centres, wharves and harbour facilities, local parks and reserves.
- 17 The Community Board have authority to name reserves, structures and commemorative places and roads.
- 18 In addition to the delegations to each Committee there are several that relate to one or two Committees in particular.
- 19 The Northern Community Board has power to make decisions regarding funding applications to the Northern Southland Development Fund.
- 20 The Fiordland Community Board will recommend levels of service and annual budget to the Services and Assets Committee and monitor the performance and delivery of the Te Anau/Manapouri Airport.
- 21 Similarly, the Stewart Island/Rakiura Community Board will recommend levels of service and annual budget to the Services and Assets Committee and monitor the performance and delivery of the Stewart Island Electricity Supply Authority (SIESA).
- 22 Council has changed the reporting relationship of its subcommittees and one committee. The Riverton Harbour subcommittee, Te Anau Basin, Five Rivers and Matuku water supply subcommittees, the Stewart Island/Rakiura Visitor Levy subcommittee and the Ohai Railway Fund Committee will each have a relationship with their respective Committee/Community Board. Council acknowledged that several of these subcommittees and the Ohai Railway Fund committee have power to act on certain matters.

Factors to Consider

Legal and Statutory Requirements

- 23 Council is legally empowered to grant the delegations.

Community Views

- 24 Community views were not sought in relation to the Delegations manual as it relates to organisation wide operational practices. It can be expected that the community would expect council to operate in accordance with recognised good practice standards in this regard.

Costs and Funding

- 25 There are no cost or funding implications.

Policy Implications

- 26 There are no policy implications associated with noting that Council has adopted a delegations manual

Analysis

Options Considered

- 27 There are two options – either receive the report and note the delegations manual adopted by Council or not.

Analysis of Options

Option 1 – Receive the report and note the delegations manual adopted by Council

| <i>Advantage</i> | <i>Disadvantage</i> |
|--|---|
| <ul style="list-style-type: none">The subcommittee will be able to make decisions in accordance with the delegations manual. | <ul style="list-style-type: none">There are no disadvantages. |

Option 2 – Not accept the report

| <i>Advantage</i> | <i>Disadvantage</i> |
|--|--|
| <ul style="list-style-type: none">There are no advantages. | <ul style="list-style-type: none">The subcommittee will not have any authority to act. |

Recommended Option

- 28 The recommended option is Option 1.

Assessment of Significance

- 29 This is not considered significant.

Next Steps

- 30 Subcommittee members are to note the report and consider the obligations in undertaking their duties.

Attachments

- A Manual of Delegations as approved by Council on 1 November 2019 - to be attached to reports to Community Boards [↓](#)



Southland District Council

Manual of Delegations

1 November 2019

Southland District Council
Te Rohe Pōtae o Murihiku

PO Box 903
15 Forth Street
Invercargill 9840

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| Council meeting date | Amendment/act | Report # |
|----------------------|--|-------------|
| 10/4/19 | Created | R/19/1/1589 |
| 10/4/19 | Disestablishment of the Te Anau Wastewater Discharge Project Committee | R/19/3/5028 |

Delegations to Officers

| Date approved by chief executive | Section | Delegation | Officers granted delegation | |
|----------------------------------|--------------------------------|--|---|--------------|
| 9 June 2019 | Section 319 – LGA 1974 | General Powers of councils in respect to roads except: 319 (a) where an application is received to form a road and the additional new formation is proposed to be maintained by Council as this is required to be referred to Council 319(h) where a permanent road stopping is proposed as this is required to be referred to Council | Group manager services and assets Strategic manager transport Property services manager | R/19/6/10616 |
| 9 June 2019 | Section 181 – LGA 2002 | Construction of works on private land | Group manager services and assets Property services manager Strategic manager water and waste | R/19/6/10615 |
| 9 June 2019 | Airport Authorities Act 1966 | Leasing powers of airport authorities | Group manager services and assets Property services manager Commercial infrastructure manager | R/19/6/10614 |
| 9 June 2019 | Residential Tenancies Act 1986 | To undertake the role and obligations of the landlord as required by the act. | Group manager services and assets Property services manager Community facilities manager | R/19/6/10613 |
| 30 June 2019 | Building Act 2004 | Various sections of the Building Act 2004 | Group manager environmental services | R/19/7/12649 |

| Date approved by chief executive | Section | Delegation | Officers granted delegation | |
|----------------------------------|-----------------------------|---|--|--------------|
| | | | Manager building solutions Technical lead building solutions Building control officer Technical support partners Team leader resource management Senior planner | |
| 11 July 2019 | Land Transfer Act 1952 2017 | 10.4 Delegations to the chief executive 10.4.1 Legislation and regulations The chief executive has delegated authority for all powers, duties and responsibilities conferred by statute and regulations made under these acts. This includes, but is not limited to , the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws. See section 11 below for subdelegations for these acts and regulations from the chief executive to officers. Land Transfer Act 1952 Land Transfer Act 2017 | Chief executive | R/19/7/13091 |
| | | 11.28 Land Transfer Act 1952 2017 Consenting to dealing with land where that land is subject to a caveat or encumbrance that requires the consent of Council before registration of any instrument under the Land Transfer Act 1952 2017 | Property services manager | R/19/7/13091 |
| | S.34 | Authority to certify documents on Council's behalf pursuant to section 34 of the Land Transfer Act 1952 2017 | Property services manager | |
| 6 August 2019 | | 11.28 Land Transfer Act 2017 | Group manager services and assets | R/19/8/15000 |

| Date approved by chief executive | Section | Delegation | Officers granted delegation | |
|----------------------------------|---------|---|--|--|
| | | The authority to execute A&I forms and any associated documentation required by Land Information New Zealand or other regulatory body which under any act the documents are to be registered in accordance with the Land Transfer Act 2017 for the completion of any authorised transaction | Property services manager Group manager – environmental services Team leader resource management | |

1 Introduction

Southland District Council ('Council') relies on a clear distinction between governance and management activities for effective operation. Council is comprised of:

- **elected members**, including councillors and community board members who have overall responsibility for Council decisions and activities
- **the chief executive**, who is the sole employee of the elected members, and
- **Council officers**, who are employed by the chief executive.

Governance activities are the remit of elected members. Management activities are the remit of the chief executive, which includes the provision of policy advice, as well as implementing the governance decisions made by elected members.

In order for a council to operate efficiently and effectively, the chief executive delegates provision of policy advice and decision implementation to council officers.

1.1 Purpose

The purpose of the Delegations Manual ('the manual') is to define and authorise the scope of:

- a) the division between governance and management activities
- b) Council's delegations of governance activities to Council committees and community boards
- c) Council's delegations of management activities to the chief executive
- d) the chief executive's delegations to Council officers, including the Executive Leadership Team.

Other aspects of Council's work programme can be delegated by Council resolution. This includes the work programme detailed in the Long Term Plan and Annual Plan. Separate delegations are not required for Council officers to undertake any work included in these documents, which are adopted by Council.

The Delegations Manual also provides for specific delegations relating to finance, regulatory functions and specific statutory responsibilities devolved to Council through legislation.

1.2 Structure of Manual

The Delegations Manual is structured as follows:

1. Delegations framework – this section outlines Council's guiding principles for delegating authority and establishes the legal power for making these delegations. It then establishes the framework through which the delegations are made and structured
2. Governance delegations – this section sets out the delegation of governance powers from Council to committees and community boards
3. Financial delegations – the delegation of financial powers enables the achievement of Council's objectives and work programme, as adopted in the Long Term Plan and Annual Plan. This section sets the limits of financial delegations to Council sub-committees and Council officers
4. Statutory delegations - this section sets out key statutes and regulations that devolve and delegate power, duties and responsibilities to Council. These delegations are consistent with the Local Government Act 2002 ('the act'), which empowers Council to delegate the enforcement,

inspection, licensing and administration related to bylaws and other regulatory matters to any other local authority, organisation, or person

5. Non statutory delegations – this section sets out how the chief executive delegates management powers and responsibilities to facilitate the effective operation and administration of Council business.

2 Delegations Philosophy

Delegations are the assignment of a duty or power of action to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

The powers, functions and duties of Council are prescribed by central government either expressly or implicitly by statute and associated regulations. The legislative framework imparts various different powers, functions and duties to the elected Council, the chief executive and to specific Council officers.

Primary statutes that impact Council include but are not limited to:

- Local Government Act 2002 ('the act')
- Resource Management Act 1991 ('RMA')
- Building Act 2004
- Reserves Act 1977.

2.1 Philosophy

In the interests of good management and effective administration, Council believes that decision-making should be delegated to the lowest competent level. This will enable the best use of elected member and Council officer abilities and minimise the cost of material, technical and financial resources.

Authority and responsibility are inseparable. Those with the responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use.

Delegations do not remove ultimate accountability of elected members, the chief executive and the leadership team for the affairs of Council.

2.2 Key Principles

In making decisions about delegated authority, Council and the chief executive will balance the following, to enable Council to:

- operate efficiently and effectively
- concentrate on its policy making role, empowering the chief executive and Council officers to implement and administer those policies
- carry out Council functions openly and fairly
- provide delegates with the necessary authority to effectively carry out delegated responsibilities
- properly observe all statutory requirements.

Other principles observed in the development of the manual are that delegations will:

- be made to positions, not people
- be recorded in the Delegations Manual
- have any updates recorded in an Appendix of Subsequent Delegations
- commit Council to decisions made by staff with delegated authority
- be reviewed and amended as required, including a review in line with triennial elections.

2.3 Delegations to the Chief Executive

Council may delegate any function to the chief executive except those expressly precluded by legislation. Any further delegations by the chief executive made following the publication of this manual will be recorded in an Appendix of Subsequent Delegations.

The chief executive may appoint an Executive Leadership Team member to assume delegated authority in the event of planned or unplanned leave, absence or unavailability. Such appointments should be for a limited time and be recorded in writing.

2.3.1 Temporary Delegations

Council officers who are charged with increased duties in a temporary capacity also receive the delegated powers, duties and responsibilities relevant to the position in which they are acting. Any appointment in a temporary capacity shall be recorded in writing and be for a defined period.

2.3.2 Extension of Delegated Authority

The group manager and team leader/activity manager of any Council officer who has a specific delegated authority will share the same delegation.

2.4 Legal Restrictions

Council cannot delegate any power which is required by law to require a resolution of Council, including under Schedule 7 Clause 32 of the Local Government Act 2002.

Council cannot delegate the power to:

- set a rate
- adopt a bylaw
- borrow money, purchase or dispose of assets, outside of the Long Term Plan
- adopt a Long Term Plan, Annual Plan, or Annual Report
- appoint the chief executive
- adopt policies with consultation requirements prescribed by the Local Government Act 2002, including those associated with the Long Term Plan
- approve, adopt, and set operative dates for changes and/or variations to resource management plans and policies under the Resource Management Act 1991
- approve and adopt the District Plan and Notices of Requirement
- adopt a remuneration or employment policy

- make a final decision following an ombudsman's recommendation that rejects or modifies that recommendation
- appoint or discharge the deputy mayor
- approve or amend Council's Standing Orders
- approve or amend the Code of Conduct for elected members
- establish and determine the structure, terms of reference, and delegated authorities of committees
- appoint and discharge members of committees
- establish a joint committee with another local authority or public body.

2.5 Powers and Responsibilities Retained by Council

Council also retains the following additional powers and responsibilities:

- the powers and duties conferred or imposed on Council under Part 2 of the Public Works Act 1981 to allow for the compulsory acquisition of land
- approval of a draft Long Term Plan or draft Annual Plan prior to community consultation
- approval of a draft bylaw prior to community consultation
- resolutions required to be made by Council under the Local Electoral Act 2001, including the appointment of an electoral officer
- the power to institute any proceedings in the high court that are not injunctive proceedings
- the power to sell, dispose or purchase land, including parks, reserves and endowment properties where they are not being acquired as part of the approval of a resource consent for developments such as subdivisions or where the land is being acquired as part of a project included in the Long Term Plan where the value is less than \$50,000
- the power to cease any existing function or commence any new significant activity
- formulation or amendment of Council's corporate goals and objectives
- adoption of the Local Governance Statement
- adoption of the Triennial Agreement
- preparation of Long Term Plan/Annual Plan documents
- power to set fees and charges
- adoption of the Assessment of Water and Sanitary Services.

3 The Statutory Framework

3.1 Council's Principal Responsibilities

The purpose of local government as per s.10 of the Local Government Act 2002 is:

- to enable democratic local decision-making and action by, and on behalf of, communities, and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The governance principles of local government as set out in s.39 of the Local Government Act 2002 are:

- a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community
- a local authority should ensure that the governance structures and processes are effective, open, and transparent
- a local authority should ensure that, so far as is practicable, responsibility and processes for decision making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities
- a local authority should be a good employer
- a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

3.2 Responsibilities of the Chief Executive

The Local Government Act 2002 requires Council to delegate the management of the organisation to the Chief Executive in accordance with s.42 and Schedule 7 ss.33 – 36, on the terms and conditions that Council consider appropriate.

The Chief Executive is responsible to the elected Council for:

- a) implementing the decisions of the local authority
- b) providing advice to members of the local authority and to its community boards, if any
- c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised
- d) ensuring the effective and efficient management of the activities of the local authority
- e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- f) providing leadership for the staff of the local authority
- g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy) and
- h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The chief executive is responsible for:

- a) ensuring, as far as practicable, that the management structure of the local authority:
 - reflects and reinforces the separation of regulatory responsibilities and decision making processes from other responsibilities and decision making processes
 - is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.
- b) appointment of independent commissioner(s) to hear, consider, and determine all contested resource consent applications in respect of which Council, or a Council controlled organisation (CCO), is or could be perceived to be an interested party

- c) delegating to the hearings panel all of Council's regulatory powers in respect of hearing, considering and determining all matters relating to resource consents under the Resource Management Act 1991; approvals under the Fencing of Swimming Pools Act 1987; and actions under the Dog Control Act 1996
- d) delegating to appropriate staff Council's powers to undertake compliance inspection and enforcement in accordance with Council's approved procedures.

3.3 Delegation of Powers to any Other Officer

The Delegations Manual records all delegations from the chief executive to Council officers. Schedule 7 (s.32B) of the Local Government Act 2002 provides (with some restrictions) powers for a Council officer to further delegate to any other officer.

4 Authority

All previous delegations were revoked by resolution, and the delegations made in the governance section of the manual and other delegations of statutory and financial powers to committees and subcommittees and all the delegations made to the chief executive were adopted by Council at its meeting on 10 April 2019.

Sub delegations made by the chief executive pursuant to the policy and to the powers delegated to him were made effective from 10 April 2019.

5 Amendments to this Manual

This manual shall be maintained by the Governance and Democracy Team who shall amend it in accordance with:

- any instruction to that effect given by Council, and any for delegate authorised to amend this manual
- any need for typographical, grammatical or other minor amendment where the intention of Council in the matter of a delegation is not altered
- any amendments to address legislative or regulatory changes, excluding the powers and responsibilities that remain with Council, which shall go to Council for approval.

The Delegations Manual will be reviewed in line with triennial elections.

6 Conduct of Affairs

All elected members, community boards, committees and subcommittees shall conduct their affairs in accordance with the Local Government Act 2002, Local Government Official Information and Meetings Act (LGOIMA) 1987, Local Authorities (Members' Interests) Act 1968, Council Code of Conduct (with respect to all elected members) and standing orders.

7 Ambiguity or Conflict

In the event of ambiguity or conflict as to which committee or subcommittee has the delegated authority to act in respect of a particular matter, then the mayor will decide in consultation with governance and democracy and having received advice from the chief executive.

8 Governance Delegations

8.1 Introduction

Council's delegation model is designed to enable committees of Council to undertake their roles consistent with their terms of reference. The use of delegated authority to the most appropriate level of the organisation enables Council to achieve the purpose of local government as prescribed in the Local Government Act 2002; which is:

- to enable democratic local decision-making and action by and on behalf of, communities; and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

When a statute or regulation empowers Council to carry out a decision making function, that decision must be made by resolution of the full governing body, unless the statute or regulation permits delegation to a committee, subcommittee or Council officer.

Under s.41A of the Local Government Act 2002, the mayor has the power to establish the committees of Council and appoint the chairperson of each committee of Council before the other members of the committee are determined.

The business to be delivered and administered by Council is significant and wide-ranging, implementing the requirements of many statutes and associated regulations, Council plans, policies, bylaws and other services. Without delegation, Council's operations and administration would not be efficient, effective or timely in delivering services.

The body or person to whom powers are delegated will usually exercise the delegated power, but is not obliged to do so. Delegates may choose not to exercise authority when a matter becomes of high public interest, or the issues involved are contentious or high risk.

When urgency, public interest, or risk requires matters that would normally be delegated for decision to a standing committee may go to the full elected Council for decision. The decision to do so will be made by the mayor in conjunction with the chief executive.

8.2 Community Boards

Pursuant to clause 32 of Schedule 7 of the Local Government Act 2002 ('LGA'), Council delegates the responsibilities, duties and powers listed below to community boards to exercise within their communities (as defined in the LGA).

Any decision by a community board must be consistent with policies or standards or resolutions adopted by Council (whether or not specifically referred to in the delegations below), the needs of their local communities and the approved budget for the activity.

It is Council's intention that community boards exercise their delegations in respect of local activities. For District activities which are the responsibility of Council, community boards will have the power to review and make recommendations to Council on the levels of service on the understanding that Council will be operating on a District wide minimum level of service.

The decision as to whether the exercise of a delegated power is for a local activity will be made by the group manager community and futures and the assigned executive leadership team member on behalf of the chief executive. The group managers may consult with the chairperson of the relevant community board.

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| TYPE OF COMMITTEE | Community board |
| RESPONSIBLE TO | Council Each community board will have a relationship with the committees in section 8.4.2 to 8.4.5 based on the scope of the activities/functions delegated to each committee. |
| SUBCOMMITTEES | As noted in section 8.5 various subcommittees will report to specific community boards. |
| LEGISLATIVE BASIS | Resolution made by Council through the representation arrangements as per the Local Electoral Act 2001. Role, status and membership as per subpart 2 of Part 4 of the Local Government Act 2002 (LGA). Treaty of Waitangi as per section 4, Part 1 of the LGA. Opportunities for Maori to contribute to decision-making processes as per section 14 of Part 2 of the LGA. Community boards delegated powers by Council as per schedule 7, clause 32, LGA. Appointment of councillors to community boards as per section 50, LGA. |
| MEMBERSHIP | Oreti and Waihopai Toetoe Community Boards have seven members elected by the local authority triennial elections plus a member appointed by Council. All other community boards have six members plus a member appointed by Council. The chairperson is elected by the community board. Councillors who are not appointed to community boards can only remain for the public section of the community board meeting. They cannot stay for the public excluded section unless the community board agrees. |
| FREQUENCY OF MEETINGS | Every second month but up to ten ordinary meetings a year |
| QUORUM | Not less than four members |
| KEY FUNCTIONS | <ul style="list-style-type: none"> to promote the social, economic, environmental and cultural well-being of local communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities to provide leadership to local communities on the strategic issues and opportunities that they face to be advocates and representatives for their local community and in so doing ensure that Council and other agencies have a clear understanding of local needs and aspirations to be decision-makers on issues that are delegated to the board by Southland District Council |

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| | <ul style="list-style-type: none"> • to develop relationships and communicate with key community organisations, special interest groups, residents and businesses within the community • to maintain an overview of the services Council delivers to its communities and assess the extent to which these services meet community needs • to recommend the setting of levels of service and budgets for local activities. |
| DELEGATIONS | <p>The community board shall have the following delegated powers and be accountable to Council for the exercising of these powers.¹</p> <p>In exercising the delegated powers, the community board will operate within:</p> <ol style="list-style-type: none"> 1) policies, plans, standards or guidelines that have been established and approved by Council 2) the needs of the local communities; and 3) the approved budgets for the activity. <p>Power to Act</p> <p>The community board will prepare and implement programmes of work, which will be reflected in its community board plan, which are relevant to the purposes of the community board that are consistent with the long term plan and annual plan processes of Council. Such programmes are to include budgetary provision for all costs associated with the work.</p> <p>Community Well-Being</p> <ol style="list-style-type: none"> 4) to develop local community outcomes that reflect the desired goals for their community/place 5) to monitor the overall well-being of local communities and use the information gathered to inform development of local strategies to address areas of need 6) work with Council and the community to develop a community board plan for the community of interest area – working in with any community plans that may exist. <p>Community Leadership</p> <ol style="list-style-type: none"> 7) communicate and develop a relationship with community organisations, local groups, and special interest groups within the local community of interest 8) identify key issues that will affect their community of interest's future and work with Council staff and other local representatives to facilitate multi-agency collaborative opportunities 9) promote a shared vision for the community of interest area and develop and promote ways to work with others to achieve positive outcomes 10) provide a local community perspective on Council's long term plan key performance indicators and levels of service as detailed in the long term plan, and on local expenditure, rating impacts and priorities. |

¹ Local Government Act 2002, s.53

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| | <p>Advocacy</p> <p>11) submissions</p> <ul style="list-style-type: none"> a) authority to make recommendations to Council on matters to be considered in submissions Council may make to external organisations' regional or national policy documents, select committees b) authority to make submissions to Council or other agency on issues within its community of interest area c) authority to make submissions to Council on bylaws and recommend to Council the level of bylaw service and enforcement to be provided, having regard to the need to maintain consistency across the District for all Council bylaws. <p>12) authority to prepare a submission to Council on the proposed levels of service, income and expenditure within the community of interest area, for consideration as part of the long term plan/annual plan process</p> <p>13) provide comment by way of the formal Annual Plan/Long Term Plan process on relative priorities for the delivery of District services and levels of service within the community board area.</p> <p>District activities include:</p> <ul style="list-style-type: none"> a) wastewater b) solid waste c) water supply d) parks and reserves e) roading f) libraries g) cemeteries h) emergency management i) stormwater j) public toilets k) community housing <p>14) Council will set the levels of service for District activities – if a community board seek a higher level of service they will need to recommend that to Council and it will need to be funded in an appropriate way (locally).</p> <p>Community Assistance</p> <p>15) authority to establish prioritisation for allocation based on an overarching set of criteria from council to guide the scope of the activity</p> <p>16) authority to grant the allocated funds from the Community Partnership Fund</p> <p>17) authority to allocate bequests or grants generated locally consistent with the terms of the bequest or grant fund</p> <p>18) Northern Community Board</p> <p>19) make decisions regarding funding applications to the Northern Southland Development Fund. The Northern Community Board</p> |
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| | <p>may invite a representative of the community of Dipton to take part in the decisions on applications to the Northern Southland Development Fund.</p> <p>Unbudgeted Expenditure</p> <p>Approve unbudgeted operating expenditure for local activities of up to \$20,000.</p> <p>Approve up to a \$20,000 increase in the projected cost of a budgeted capital works project/item that is included in the annual plan/LTP.</p> <p>Authority to delegate to the chief executive, when approving a project definition/business case, over-expenditure of up to \$10,000 for capital expenditure against the budget detailed in the Annual Plan/LTP.</p> <p>Service Delivery</p> <p>Local Activities</p> <p>For activities within the local activities category, the community board shall have authority to:</p> <ol style="list-style-type: none"> recommend to Council levels of service for local activities having regard to Council budgets within the Long Term Plan and Annual Plan process recommend to Council the rates and/or user charges and fees to fund the local activities accept donations of a local asset eg a gas barbeque, park bench, etc with a value of less than \$20,000. approve project definitions/business cases for approved budgeted capital expenditure up to \$300,000 recommend to the Services and Assets Committee the approval of project definitions/business case and procurement plan for capital expenditure over \$300,000 and/or any unbudgeted capital expenditure monitor the performance and delivery of the service in meeting the expected levels of service facilitate the development of local management plans (for subsequent recommendation to Council), where required by statute or in support of District or other plans for reserves, harbours, and other community facilities, except where powers: <ul style="list-style-type: none"> have been delegated to Council officers; or would have significance beyond the community board's area or otherwise involves a matter of national importance (Section 6 Resource Management Act 1991); or involve the alienation of any part of a proposed or existing esplanade reserve by way of width reduction, easement, lease or otherwise. <p>Local activities include:</p> <ol style="list-style-type: none"> community leadership local halls and community centres (within Council's overarching policy for community facilities) |
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| | <ul style="list-style-type: none"> iii) wharves and harbour facilities iv) local parks and reserves v) parking limits and footpaths vi) Te Anau/Manapouri Airport (Fiordland Community Board) vii) Stewart Island Electricity Supply Authority (SIESA) (Stewart Island/Rakiura Community Board) <ul style="list-style-type: none"> (i) for the above two local activities only (ii) recommend levels of service and annual budget to the Services and Assets Committee (iii) monitor the performance and delivery of the service <p>20) naming reserves, structures and commemorative places</p> <ul style="list-style-type: none"> a) authority to decide upon requests from the community, regarding names of reserves, the placement of structures and commemorative places. <p>21) naming roads</p> <ul style="list-style-type: none"> a) authority to decide on the naming for public roads, private roads and rights of way <p>22) assist the chief executive by providing comment (through the board chairperson) to consider and determine temporary road closures applications where there are objections to the proposed road closure.</p> <p>Rentals and Leases</p> <p>In relation to all leases and licences of land and buildings for local activities within their own area, on behalf of Council;</p> <ul style="list-style-type: none"> a) accept the highest tenders for rentals more than \$10,000 b) approve the preferential allocation of leases and licenses where the rental is \$10,000 or more per annum. <p>Environmental management and spatial planning</p> <p>23) provide comment on behalf of the relevant community/communities on resource consent applications referred to the community board for comment.</p> <p>24) recommend to Council the level of bylaw service and enforcement to be provided within the community, having regard to the need to maintain consistency across the District.</p> <p>25) provide advice to Council and its committees on any matter of interest or concern to the community board in relation to the sale of alcohol where statutory ability exists to seek such feedback.</p> <p>26) provide input into regulatory activities not otherwise specified above where the process allows.</p> <p>27) recommend to Council the initiating of an appeal or reference to the environment court on decisions in respect to resource consent applications on which the board has made submissions; ability to provide input to support the development of community planning for a civil defence emergency; and after an emergency event, to provide input and information to support community response efforts.</p> |
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| LIMITS TO DELEGATIONS | <p>No financial or decision making delegations other than those specifically delegated by Council.</p> <p>The community board shall only expend funding on purposes for which that funding was originally raised and in accordance with the budgets approved by Council through its Long Term Plan/Annual Plan. In accordance with the provisions of section 39(2) of Schedule 7 the board may not incur expenditure in excess of the approved budget.</p> <p>Matters which are not Delegated</p> <p>Southland District Council has not delegated to community boards the power to:</p> <ul style="list-style-type: none"> • make a rate or bylaw • acquire, hold or dispose of property • direct, appoint, suspend or remove staff • engage or enter into contracts and agreements and financial commitments • institute an action for recovery of any amount • issue and police building consents, notices, authorisations and requirements under acts, statutes, regulations, bylaws and the like; • institute legal proceedings other than the delegation to recommend to Council the initiating of an appeal or reference to the environment court on decisions in respect to resource consent applications on which the community board has made submissions. |
| CONTACT WITH MEDIA | <p>The community board chairperson is the authorised spokesperson for the board in all matters where the board has authority or a particular interest.</p> <p>Board members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The assigned Executive Leadership Team member will manage the formal communications between the board and its constituents and for the board in the exercise of its business. Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |
| REPORTING | <p>Community boards are unincorporated statutory bodies which are elected to represent the communities they serve.</p> <p>The boards maintain bound minute books of their own meetings.</p> |

8.3 Expectations of Committees

Within its areas of jurisdiction, each committee is expected to:

- report minutes of all meetings to Council
- observe and pursue the goals, objectives and strategies in any strategic plan adopted by full Council
- maintain regular communications with other committees and full Council to ensure that the widest possible good is achieved for the community
- approve expenditure that exceeds delegated authority of Council officers, within the financial parameters of the Long Term Plan and Annual Plan
- ensure appropriate consultation and communication is undertaken with the community and affected stakeholders
- monitor and respond to changes in legislation governing their jurisdiction
- support Council staff to achieve programmes and projects contained in the Long Term Plan.

All committees will operate within:

- the policies, plans, standards or guidelines established and approved by Council
- the overall priorities of Council
- the needs of people in the district
- the approved budgets for the activity.

8.4 Committees

Council has established the following committees:

- Executive Committee
- Community and Strategy Committee
- Services and Assets Committee
- Finance and Assurance Committee
- Regulatory and Consents Committee
- District Licensing Committee

8.4.1 Executive Committee

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| TYPE OF COMMITTEE | Council committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | Mayor (chairperson), deputy mayor, chairperson Regulatory and Consents Committee, chairperson Services and Assets Committee, chairperson Finance and Assurance Committee, chairperson Community and Strategy Committee |
| FREQUENCY OF MEETINGS | As required |
| QUORUM | Three members |
| SCOPE OF ACTIVITIES | The Executive Committee is responsible for: <ul style="list-style-type: none"> • overseeing the employment of the chief executive • managing code of conduct issues relating to elected members • making decisions on urgent matters arising between scheduled Council meetings or on specific matters referred to it by Council. |
| DELEGATIONS | Council delegates to the Executive Committee the following powers: <ol style="list-style-type: none"> (a) oversee the employment of the chief executive in accordance with the provisions of the Local Government Act 2002 (b) development of the chief executive's performance agreement for review and approval by Council (c) monitoring the chief executive's performance against the approved performance agreement (d) commissioning any market data required to assess appropriate remuneration for the chief executive for their annual review (e) developing a remuneration arrangement for the chief executive and making recommendations to Council. (f) authority to investigate any complaints or issues about the actions of an elected member under the code of conduct (g) authority to make decisions on urgent matters between Council meetings or on matters specifically referred to it by Council including the approval of unbudgeted expenditure requests that do not include the purchase of an asset not provided for in the Long Term Plan. (h) the authority to engage the independent member of the Finance and Audit Committee to assist with the investigation of a code of conduct issue/complaint should they consider that desirable. |
| FINANCIAL DELEGATIONS | Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction. |

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| | <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Executive Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land that is provided for in the Long Term Plan. <p>Budget Reallocation.</p> <p>Committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy. |
| CONTACT WITH MEDIA | <p>The mayor is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest. Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations unless expressly given.</p> |

8.4.2 Community and Strategy Committee

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| TYPE OF COMMITTEE | Council committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | The Community and Strategy Committee is a committee of the whole Council. The mayor and all councillors will be members of the Community and Strategy Committee. |
| FREQUENCY OF MEETINGS | Six weekly or as required |
| QUORUM | Seven |
| SCOPE OF ACTIVITIES | <p>The Community and Strategy Committee is responsible for:</p> <ul style="list-style-type: none"> • providing advice to Council on the approaches that it should take to promote the social, economic, environmental and cultural well-being of the District and its communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities • to provide leadership to District communities on the strategic issues and opportunities that they face • to develop relationships and communicate with stakeholders including community organisations, special interest groups and businesses that are of importance to the District as a whole. • assessing and providing advice to Council on: <ul style="list-style-type: none"> - key strategic issues affecting the District and Council - community development issues affecting the District and Council - the service needs of the District's communities and how these needs might best be met - resource allocation and prioritisation processes and decisions. • developing and recommending strategies, plans and policies to the Council that advance Council's vision and goals, and comply with the purpose of local government as specified in the Local Government Act 2002 • monitoring the implementation and effectiveness of strategies, plans and policies • developing and approving submissions to government, local authorities and other organisations • advocating Council's position on particular policy issues to other organisations, as appropriate • considering recommendations from community boards and Council committees and make decisions where it has authority from Council to do so, or recommendations to Council where a Council decision is required. |

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| | <p>It is also responsible for community partnerships and engagement. This includes:</p> <ul style="list-style-type: none"> • monitoring the progress, implementation and effectiveness of the work undertaken by Great South in line with the Joint Shareholders Agreement and Constitution. • allocations of grants, loans, scholarships and bursaries in accordance with Council policy • international relations • developing and overseeing the implementation of Council's community engagement and consultation policies and processes. <p>The Community and Strategy Committee is responsible for overseeing the following Council activities:</p> <ul style="list-style-type: none"> • community services • district leadership. |
| DELEGATIONS | <p>Power to Act</p> <p>The Community and Strategy Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <ol style="list-style-type: none"> a) approve submissions made by Council to other councils, central government and other bodies b) approve scholarships, bursaries, grants and loans within Council policy and annual budgets c) approve and/or assign all contracts for work, services or supplies where those contracts relate to work within approved estimates. d) monitor the performance of Great South.. <p>Power to Recommend</p> <p>The Community and Strategy Committee has authority to consider and make recommendations to Council regarding strategies, policies and plans.</p> |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Community and Strategy committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land subject to the disposal being provided for in the Long Term Plan <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items |

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| | <ul style="list-style-type: none"> • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • amendment to fees and charges relating to all activities • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| STAKEHOLDER RELATIONSHIPS | <p>This committee will maintain and develop relationships with:</p> <ul style="list-style-type: none"> • Community Boards • Great South • Milford Community Trust • Destination Fiordland. <p>The committee will also hear and receive updates to Council from these organisations as required.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The group manager, community and futures will manage the formal communications between the committee and the people of the Southland District and for the committee in the exercise of its business.</p> <p>Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.3 Services and Assets Committee

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| TYPE OF COMMITTEE | Council standing committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | The Services and Assets Committee is a committee of the whole Council. The mayor and all the councillors will be members of the Services and Assets Committee. |
| FREQUENCY OF MEETINGS | Six weekly or as required |
| QUORUM | Not less than seven members |
| SCOPE OF ACTIVITIES | <p>The Services and Assets Committee is responsible for ensuring that Council delivers its infrastructural asset based services in an effective and efficient manner that meets the needs of its communities and protects the investment that Council has in these assets.</p> <p>The committee is responsible for overseeing the following Council activities:</p> <ul style="list-style-type: none"> • transport • property management including community facilities, acquisitions and disposals (including land dealings) • forestry • water supply, wastewater and stormwater • solid waste management • flood protection • waste management • Te Anau airport • Stewart Island Electrical Supply Authority • Stewart Island Jetties and Riverton Harbour • water supply schemes. |
| DELEGATIONS | <p>The Services and Assets Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <p>Power to Act</p> <p>The committee has the delegated authority to:</p> <ol style="list-style-type: none"> assess and provide advice to Council on the strategic issues relating to the delivery of infrastructural asset services reviewing and recommending to Council strategies on how it should go about managing the delivery of the infrastructural asset services that it provides monitor the condition and performance capability of the infrastructural assets owned by Council so as to ensure that it protects its investment in these assets in accordance with accepted professional standards |

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| | <p>d) monitor the delivery of capital works projects and the implementation of the capital works programme</p> <p>e) monitor the delivery of operations and maintenance contracts</p> <p>f) approve and/or assign all contracts for work, services or supplies where those contracts relate to work within approved estimates. Where the value of the work, services, supplies or business case or the value over the term of the contract is estimated to exceed \$2 million a prior review and recommendation of the business case by the Finance and Assurance Committee is required. The business case shall include as a minimum; risk assessment, a procurement plan and financial costings. If there is a different recommendation from the Finance and Assurance Committee the matter will be referred to Council for a decision</p> <p>g) monitor the return on all Council's investments including forestry</p> <p>h) monitor and track Council contracts and compliance with contractual specifications.</p> <p>Power to Recommend</p> <p>The Services and Assets Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) policies relating to the scope of activities of the Services and Assets Committee</p> <p>b) changes to Council's adopted levels of service</p> <p>c) the dividend from the forestry business unit</p> |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Services and Assets committee accept or decline any contract for the disposal of goods, plant or other assets other than property or land. <p>Budget Reallocation.</p> <p>Committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> funded by way of savings on existing budget items within the jurisdiction of the committee consistent with the Revenue and Financing Policy. |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> amendment to fees and charges relating to all activities |

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| | <ul style="list-style-type: none"> powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| STAKEHOLDER RELATIONSHIPS | <p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> Community Boards Regional Land Transport Committee WasteNet FENZ (Fire and Emergency New Zealand) <p>The committee will also hear and receive updates to Council from these organisations, as required.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The group manager services and assets will manage the formal communications between the committee and the people of the Southland District and for the committee in the exercise of its business.</p> <p>Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.4 Finance and Assurance Committee

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| TYPE OF COMMITTEE | Council standing committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | Mayor, three councillors and one external appointee |
| FREQUENCY OF MEETINGS | Quarterly or as required |
| QUORUM | Three members |
| SCOPE OF ACTIVITIES | <p>The Finance and Assurance Committee is responsible for:</p> <ul style="list-style-type: none"> ensuring that Council has appropriate financial, risk management and internal control systems in place that provide: <ul style="list-style-type: none"> an overview of the financial and non-financial performance of the organisation effective management of potential opportunities and adverse effects reasonable assurance as to the integrity and reliability of Council's financial and non-financial reporting. exercising active oversight of information technology systems exercising active oversight of Council's health and safety policies, processes, compliance, results and frameworks relationships with external, internal auditors, banking institutions and insurance brokers. <p>The Finance and Assurance Committee will monitor and assess the following:</p> <ul style="list-style-type: none"> the financial and non-financial performance of Council against budgeted and forecasted outcomes consideration of forecasted changes to financial outcomes Council's compliance with legislative requirements Council's risk management framework Council's control framework Council's compliance with its treasury responsibilities Council's compliance with its Fraud Policy. |
| DELEGATIONS | <p>The Finance and Assurance Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Finance and Assurance Committee will operate within:</p> <ul style="list-style-type: none"> policies, plans, standards or guidelines that have been established and approved by Council the overall priorities of Council the needs of the local communities |

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| | <ul style="list-style-type: none"> the approved budgets for the activity. <p>The Finance and Assurance Committee will have responsibility and delegated authority in the following areas:</p> <p>Financial and Performance Monitoring</p> <ol style="list-style-type: none"> monitoring financial performance to budgets monitoring service level performance to key performance indicators. <p>Internal Control Framework</p> <ol style="list-style-type: none"> reviewing whether Council's approach to maintaining an effective internal control framework is sound and effective reviewing whether Council has taken steps to embed a culture that is committed to probity and ethical behaviour reviewing whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud. <p>Internal Reporting</p> <ol style="list-style-type: none"> to consider the processes for ensuring the completeness and quality of financial and operational information being provided to Council to seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council. <p>External Reporting and Accountability</p> <ol style="list-style-type: none"> agreeing the appropriateness of Council's existing accounting policies and principles and any proposed change enquiring of internal and external auditors for any information that affects the quality and clarity of Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above satisfying itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (ie letters of representation), and recommend signing of the financial statements by the chief executive/mayor and adoption of the Annual Report, Annual Plans, Long Term Plans <p>Risk Management</p> <ol style="list-style-type: none"> reviewing whether Council has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of the Council's significant risks considering whether appropriate action is being taken to mitigate Council's significant risks. <p>Health and Safety</p> <ol style="list-style-type: none"> review, monitor and make recommendations to Council on the organisations health and safety risk management framework and policies to ensure that the organisation has clearly set out its commitments to manage health and safety matters effectively. review and make recommendations for Council approval on strategies for achieving health and safety objectives |
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| | <ul style="list-style-type: none"> c) review and recommend for Council approval targets for health and safety performance and assess performance against those targets d) monitor the organisation's compliance with health and safety policies and relevant applicable law e) ensure that the systems used to identify and manage health and safety risks are fit for purpose, being effectively implemented, regularly reviewed and continuously improved. This includes ensuring that Council is properly and regularly informed and updated on matters relating to health and safety risks f) seek assurance that the organisation is effectively structured to manage health and safety risks, including having competent workers, adequate communication procedures and proper documentation g) review health and safety related incidents and consider appropriate actions to minimise the risk of recurrence h) make recommendations to Council regarding the appropriateness of resources available for operating the health and safety management systems and programmes i) any other duties and responsibilities which have been assigned to it from time to time by Council. <p>Internal Audit</p> <ul style="list-style-type: none"> a) approve appointment of the internal auditor, internal audit engagement letter and letter of understanding b) reviewing and approving the internal audit coverage and annual work plans, ensuring these plans are based on Council's risk profile c) reviewing the adequacy of management's implementation of internal audit recommendations d) reviewing the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place. <p>External Audit</p> <ul style="list-style-type: none"> a) confirming the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor at the start of each audit b) receiving the external audit report(s) and review action(s) to be taken by management on significant issues and audit recommendations raised within c) enquiring of management and the independent auditor about significant business, political, financial and control risks or exposure to such risks. <p>Compliance with Legislation, Standards and Best Practice Guidelines</p> <ul style="list-style-type: none"> a) reviewing the effectiveness of the system for monitoring Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and best practice guidelines as applicable b) conducting and monitoring special investigations, in accordance with Council policy, and reporting the findings to Council |
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| | <p>c) monitoring the performance of Council organisations, in accordance with the Local Government Act.</p> <p>Business Case Review</p> <p>a) review of the business case of work, services, supplies, where the value of these or the project exceeds \$2 million or the value over the term of the contract exceeds \$2 million.</p> <p>Insurance</p> <p>a) consider Council's insurance requirements, considering its risk profile</p> <p>b) approving the annual insurance renewal requirements</p> <p>Treasury</p> <p>a) oversee the treasury function of Council ensuring compliance with the relevant Council policies and plans</p> <p>b) ensuring compliance with the requirements of Council's trust deeds are met</p> <p>c) recommend to Council treasury policies.</p> <p>Fraud Policy</p> <p>a) receive and consider reports relating to the investigation of suspected fraud</p> <p>b) monitor the implementation of the Fraud Policy.</p> <p>Power to Recommend</p> <p>The Finance and Assurance Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) policies relating to risk management, rating, loans, funding and purchasing</p> <p>b) accounting treatments, changes in generally accepted accounting practice, and new accounting and reporting requirements</p> <p>c) the approval of financial and non-financial performance statements including adoption of the Annual Report, Annual Plans and Long Term Plans.</p> <p>The Finance and Assurance Committee is responsible for considering and making recommendations to the Services and Assets Committee on business cases completed under the 'Power to Act' section above.</p> |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land that is provided for in the Long Term Plan • |

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| | <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy. |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • amendment to fees and charges relating to all activities • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| RELATIONSHIPS WITH OTHER PARTIES | <p>The committee shall maintain relationships with each of the nine community boards.</p> <p>Professional advisors to the committee shall be invited to attend all meetings of the committee including:</p> <ul style="list-style-type: none"> • external auditor • internal auditor/risk advisor (if appointed) • chief financial officer. <p>At each meeting, the chairperson will provide the external auditor and the internal auditor/risk advisor (if appointed) with an opportunity to discuss any matters with the committee without management being present. The chairperson shall request the chief executive and staff in attendance to leave the meeting for the duration of the discussion. The chairperson will provide minutes for that part of the meeting.</p> <p>The chief executive and the chief financial officer shall be responsible for drawing to the committee's immediate attention any material matter that relates to the financial condition of Council, material breakdown in internal controls and any material event of fraud.</p> <p>The committee shall provide guidance and feedback to Council on financial performance, risk and compliance issues.</p> <p>The committee will report to Council as it deems appropriate but no less than twice a year.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The chief financial officer will manage the formal communications between the committee and its constituents and for the committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.5 Regulatory and Consents Committee

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| TYPE OF COMMITTEE | Council committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | The Regulatory and Consents Committee will comprise of six members. |
| FREQUENCY OF MEETINGS | Six weekly or as required |
| QUORUM | Three |
| SCOPE OF ACTIVITIES | <p>The Regulatory and Consents Committee is responsible for overseeing the delivery of regulatory services and statutory functions that fall with the scope of, but limited to, the following legislation:</p> <ul style="list-style-type: none"> • Resource Management Act 1991 • Health Act 1956 • Food Act 2014 • Dog Control Act 1996 • Sale and Supply of Alcohol Act 2012 • Heritage New Zealand Act Pouhere Taonga Act 2014 • Building Act 2004 • Freedom Camping Act 2011 • Psychoactive Substances Act 2013 • Impounding Act 1955 • Southland Land Drainage Act 1935 • Southland Land Drainage Amendment Act 1938. <p>The committee is responsible for hearing and determining regulatory matters including but not limited to:</p> <ul style="list-style-type: none"> • resource consents • public work requirements • objections against the construction of public works on private land • objections to decisions made by the committee and/or delegated staff • administration of Council bylaws • proposed variations to the District Plan. |
| DELEGATIONS | <p>Council delegates to the Regulatory and Consents Committee the following functions:</p> <p>Power to Act</p> <ol style="list-style-type: none"> a) maintain an oversight of the delivery of regulatory services b) conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding matters it is legally unable to make decisions on ie - pursuant to the RMA) c) appoint panels for regulatory hearings |

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| | <p>d) hear appeals on officer's decisions to decline permission for an activity that would breach the Southland District Council Control of Alcohol Bylaw 2015</p> <p>e) approve Council's list of resource management hearing commissioners (from whom a commissioner can be selected) at regular intervals and the chief executive be authorised to appoint individual commissioners for a particular hearing</p> <p>f) make decisions on applications required under Southland District Council's Development and Financial Contribution Policy for remissions, postponements, reconsiderations and objections</p> <p>i) receive and approve Council's Annual Reports on dog control and alcohol licensing</p> <p>j) hear and determine objections to officer decisions under the Dog Control Act 1996</p> <p>k) hear objections and decide on matters under the Southland Land Drainage Act 1935 and Southland Land Drainage Amendment Act 1938.</p> <p>The Regulatory and Consents Committee shall be accountable to Council for the exercising of these powers (Local Government Act 2002, Schedule 7, Clause 32).</p> <p>Power to Recommend</p> <p>The Regulatory and Consents Committee is responsible for considering and making recommendations to Council regarding:</p> <ul style="list-style-type: none"> a) regulatory policies and bylaws for consultation b) regulatory delegations c) regulatory fees and charges (in accordance with the Revenue and Financial Policy) d) assisting with the review and monitoring of the District Plan. |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land as provided for in the Long Term Plan <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee |

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| | <ul style="list-style-type: none"> • consistent with the Revenue and Financing Policy. |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • making operative District Plan changes • decision to notify the reviewed District Plan and make operative amendments to fees and charges relating to all activities. <p>Powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual.</p> <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| STAKEHOLDER RELATIONSHIPS | <p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Each of the nine community boards • Southland Museum and Art Gallery • Southland Heritage Building Preservation Trust • Emergency Management Southland • Southland Regional Heritage Committee • Public Health South • New Zealand Police • Ministry of Business, Innovation and Employment • Alcohol Regulatory and Licensing Authority. <p>The committee will also hear and receive updates to Council from these organisations, as required.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The group manager, environmental services will manage the formal communications between the committee and its constituents and for the committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.6 District Licencing Committee

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| TYPE OF COMMITTEE | Committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Sale and Supply of Alcohol Act 2012, s.186. |
| MEMBERSHIP | Membership of the committee shall follow the requirements set out in s.189 of the Sale and Supply of Alcohol Act 2012. Committee members are appointed for a period of three years coinciding with triennial elections. |
| QUORUM | Quorum shall follow the requirements set out in s.191 of the Sale and Supply of Alcohol Act 2012 |
| FUNCTIONS | <p>Functions are set out in s.187 of the Sale and Supply of Alcohol Act 2012. These include that the District Licensing Committee decides applications for:</p> <ul style="list-style-type: none"> • new and renewed licences and managers certificates, regardless of whether they are contested • temporary authorities and temporary licences • variation of licences • most enforcement action for special licences. |

8.4.7 Ohai Railway Fund Committee

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| TYPE OF COMMITTEE | Committee |
| SUBORDINATE TO | Relationship with Wallace Takitimu Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>The Ohai Railway Fund Committee comprises the following members:</p> <ul style="list-style-type: none"> • three representatives who are appointed by Council • four local representatives whom are elected at the committee's triennial meeting. |
| QUORUM | NA |
| FREQUENCY OF MEETINGS | The triennial meeting of the subcommittee is held within the first three months of the year following the triennial elections of Southland District Council. |
| SCOPE OF ACTIVITIES | The purpose of the fund is to provide grant(s) for the benefit of the "residents" of the former "Ohai Railway Board Area" as legally described in the New Zealand Gazette Notice, page 1671 of 11 May 1916. A "resident" being a person or a descendant of a person whose name appeared on the Parliamentary Electoral Roll for a nine year period during the years 1960 to 1999, both years inclusive, and whose address at this time or times was within the area of the district of the former Board. |
| DELEGATIONS | <p>Power to Act</p> <p>The Ohai Railway Fund Committee shall have the following delegated powers:</p> <ul style="list-style-type: none"> • making decisions regarding funding applications to the Ohai Railway Fund. |

8.5 Subcommittees

8.5.1 Introduction

Council and its committees may appoint such subcommittees and other subordinate decision making bodies as it considers appropriate. Council's delegation model is designed to enable the subcommittees of Council to fully and completely undertake their role, consistent with their terms of reference.

Council has established the following subcommittees:

| SUBCOMMITTEE | SUBCOMMITTEE OF |
|---|---|
| Riverton Harbour Subcommittee | Oraka Aparima Community Board |
| Water supply subcommittees - Te Anau Basin, Five Rivers, Matuku | Fiordland Community Board and Northern Community Board respectively |
| Ohai Railway Fund Committee | Wallace Takitimu Community Board |
| Stewart Island/Rakiura Visitor Levy Subcommittee | Stewart Island Community Board |

8.5.2 Delegations to Subcommittees

A subcommittee shall exercise only such delegated authority as is granted to it from time to time by Council or the relevant standing committee. The primary purposes of subcommittees are:

- to dispose of matters which have been delegated to it
- to investigate and report, with recommendations if appropriate, on matters referred from Council or the relevant standing committee
- to act as a forum for communication between elected representatives, officers, and interested parties.

8.5.5 Riverton Harbour Subcommittee

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| TYPE OF COMMITTEE | Subcommittee |
| SUBORDINATE TO | Oraka Aparima Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>The Riverton Harbour Subcommittee will comprise as follows:</p> <ul style="list-style-type: none"> one councillor from the Waiau-Aparima Ward four members nominated by Oraka Aparima Community Board (community board to nominate a representative from the community board, two representatives from berth owners and one representative from either Riverton Rowing Club or Riverton Coastguard) one member nominated by the local Iwi Aparima Oraka Runaka one representative from Environment Southland (with no voting rights). |
| QUORUM | Four |
| FREQUENCY OF MEETINGS | Quarterly |
| SCOPE OF ACTIVITIES | The Riverton Harbour Subcommittee is delegated the following responsibilities by Council: |

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| | <p>(a) the management and control of all Riverton Harbour assets vested in Council being:</p> <ul style="list-style-type: none"> the use and maintenance of the boat ramp adjacent Koi Koi Park the use and maintenance of the “unloading wharf” and crane at Lees Point operated by Council so that no vessel anchors, moors, secures or is placed at the unloading wharf unless actively loading or unloading fuel, provisions, fishing equipment or fish (1972 Bylaw No. 3) the use and maintenance of the “common walkway” on the jetty leading to the privately owned berth numbered L36. the use and maintenance of the “common walkway” on the jetty leading to the privately owned berths numbered L22, L23, L24, L25, L26, L27, L28, L29 and L30 the provision and maintenance of the ‘lead lights’ markers the white light at Howells Point and red flashing light at Pearl Rock and any other navigational aids required to assist those vessels leaving and entering the Riverton Harbour the use and maintenance of berth L35 currently subject to a lease. <p>(b) the administration, management and control of all Riverton Harbour endowment lands now vested in Southland District Council in consultation with and subject to approval by Southland District Council being those lands comprised in Certificates of Title 5C/914, 5C/917, 5C/918, 5C/919, 5C/920, 5C/921, 5B/825, 9D/859, 10C/615, 10C/616 and all such other Riverton harbour endowment lands so vested.</p> |
| DELEGATIONS | <p>Power to Act</p> <p>The Riverton Harbour Subcommittee shall be responsible for the following:</p> <p>1 The exercise of the following powers (and enforcement of same):</p> <ul style="list-style-type: none"> to determine whether any person shall be authorised as necessary to carry out work on any vessel or fishing equipment or any other work or lease any equipment used in fishing or any other gear on Council harbour endowment land and any such authorisation may be given by the Harbourmaster (1972 Bylaw No. 3) to determine whether any vessel may be left on Council harbour endowment land (1972 Bylaw No. 3) to determine by resolution that any particular area on Council Harbour Endowment land be a parking area for restricted periods (1972 Bylaw No. 3) to ensure as necessary that no person stops, stands or parks any vessel, vehicle, trailer, boat trailer or any other equipment in any area of Council harbour endowment land unless authorised by the committee or the Harbourmaster (1972 Bylaw No. 3) to take such steps as are necessary to arrange for the removal of any vessel, gear, equipment, vehicle, trailer, or boat trailer left on Council harbour endowment land without the approval of the Riverton Harbour Committee provided that if the goods are not removed or remain unclaimed by the owner the matter shall be |

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| | <p>referred to Council for further action in consultation with the Riverton Harbour Committee (1972 Bylaw No. 3)</p> <ul style="list-style-type: none"> • to ensure as necessary that no person drives any vehicle over Council harbour endowment land at a speed greater than 20 kilometres per hour (1972 Bylaw No. 3). • to arrange for and provide such signs as deemed necessary from time to time to assist in the best use of the wharves and Council harbour endowment lands and for any other reason (1972 Bylaw No. 3). <p>2. The Riverton Harbour Subcommittee shall be responsible for ensuring that the income from assets and income derived from harbour activities and endowment lands is applied to the maintenance and development of Riverton Harbour, to the maintenance and improvement of endowment lands vested in Council and for such other purposes to benefit the Riverton community</p> <p>3. The Riverton Harbour Subcommittee shall be responsible for preparing an annual budget in every financial year in consultation and with the assistance of Council</p> <p>4. The Riverton Harbour Subcommittee shall be responsible for preparing an Asset Management Plan in and with the assistance of Council.</p> <p>5. The Riverton Harbour Subcommittee shall under delegated authority from Council perform those functions, powers and duties which have now been transferred by Environment Southland as under the Riverton Harbour Board Bylaws (No. 2) 1970 Clauses 1-14, 22 and 35-37. Accordingly the subcommittee is responsible as under:</p> <p>Control of Vessels</p> <ul style="list-style-type: none"> (a) to ensure as necessary that vessels only anchor, moor at a berth or wharf/mooring site for which that vessel has been licensed unless the licensee of that berth, wharf has given approval for same. [1970 Bylaw No. 1(a)] (b) to ensure as necessary that any vessel not having a licensed site or wharf/berth is moored, anchored, secured or placed within the Riverton Harbour as directed by the Harbourmaster. [1970 Bylaw No. 1(b)] (c) to ensure as necessary that vessels are not anchored in the fairway or stopped in such a way that the approach to any wharf is obstructed. [1970 Bylaw No. 2] (d) to ensure as necessary that all vessels anchored or moored or secured to any wharf within the Harbour are adequately secured. [1970 Bylaw No. 3] (e) to order the removal of any vessel, timber or other obstacle to any part of the Riverton harbour as deemed necessary by the Harbourmaster for the better working of shipping, cargo or wharves. [1970 Bylaw No. 4] (f) in pursuance of the responsibilities under (a), (b), (c), (d) and (e) the Harbourmaster may arrange to secure, moor, unmoor, place or remove any vessel and where necessary recommend to Environment Southland that it consider a prosecution for a |
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| | <p>breach of these Bylaws. [1970 Bylaw Nos. 5(a), 5(b), 5(c) and 5(d)]</p> <p>(g) to grant permission in appropriate situations for a master of any vessel to haul a vessel on shore for the purpose of inspection or repairs. [1970 Bylaw No. 6]</p> <p>(h) to require, where appropriate by order of the Harbourmaster the removal from a wharf of any vessel having on board cargo or other matter injurious to health or offensive or dangerous in any respect or other action deemed to be necessary for the safety and interest of all vessels. [1970 Bylaw No. 7]</p> <p>(i) to control as determined by the Harbourmaster the place, times and manner of bringing vessels to or in taking them from any wharf and the securing of any vessel. [1970 Bylaw No. 10]</p> <p>(j) to take such steps as are necessary for the suppression of any fire happening on any vessel or on any wharf. [1970 Bylaw No. 13]</p> <p>(k) to ensure as necessary that all motor-launches operating within the Riverton Harbour have a silencing device in good repair to prevent undue noise from the engine and that the master/driver of the motor-launch is over 15 years of age. [1970 Bylaw Nos. 14(2), 14(3), 14(4), 14(5), 14(6), 14(7), 14(8)]</p> <p>(l) to ensure as necessary that the speed, use or management of a motor launch or of a seaplane on the harbour surface or of a water ski aquaplane or other object towed by any motor-launch or seaplane does not create a nuisance or continue to be a nuisance. [1970 Bylaw No. 14(9)]</p> <p>(m) to ensure as necessary that the speed of a motor-launch or seaplane on the surface of the water does not exceed ten kilometres an hour in those situations prescribed by 1970 Bylaw No. 14(10)(a), (b), (c) and (d)</p> <p>(n) to ensure as necessary that the speed of any water ski, aquaplane or other similar object or person towed by any motor launch or seaplane does not exceed ten kilometres an hour or ride on any water ski aquaplane or other object so towed in those situations prescribed by 1970 Bylaw No. 14(11)(a), (b), (c) and (d)</p> <p>(o) to ensure as necessary that any motor launch or seaplane being used to tow any water-ski aquaplane or other similar object or person has two persons on board so that one person can warn of any mishap occurring or the possibility of any mishap occurring to the person being towed or riding upon the water ski, aquaplane or other object. [1970 Bylaw No. 14(12)(a) and (b)]</p> <p>(p) to determine from time to time what part of the Riverton Harbour is to be reserved as an access lane or lanes for any particular purpose in accordance with 1970 Bylaw No. 14(13)(a), (b) and (c)</p> <p>(q) to determine in any particular case where special circumstances so justify by resolution that any of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof shall</p> |
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| | <p>not apply in respect of any area or areas of the Riverton Harbour. [1970 Bylaw No. 14(14)]</p> <p>(r) to deal with any applications on the occasion of any yacht, launch or boat race or speed trial for the suspension of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof in accordance with 1970 Bylaw No. 14(15)(a) and (b)</p> <p>(s) to obtain where possible the name and address of any person who appears to have committed any offence against the Bylaws and where appropriate the registered number of any vessel involved in the alleged offence.</p> <p>Mooring and Anchoring</p> <p>To enforce the General Harbour Regulations for harbours of New Zealand as may be applicable (1970 Bylaw No. 22).</p> <p>Control</p> <p>To appoint a Harbourmaster for the purposes of control in terms of the Riverton Harbour Board Bylaws (No. 2) 1970 and to supervise the observance and enforcement of the provisions of these bylaws and to appoint in consultation with the Southland District Council such other officers as may be deemed necessary from time to time [1970 Bylaw No. 35].</p> <p>Offences and Penalties</p> <ul style="list-style-type: none"> - to order any person or persons who may be in breach of the provisions of the Riverton Harbour Board Bylaws (No. 2) 1970 to leave the foreshore forthwith. [1970 Bylaw No. 36] - to recommend commencement of summary proceedings in appropriate cases against any person in breach of the bylaw. <p>(6) The Riverton Harbour Subcommittee shall have the power to make submissions to Environment Southland in respect of all resource consent applications received by Environment Southland that deal with matters involving the Riverton Harbour.</p> <p>(7) The Riverton Harbour Subcommittee will report at three monthly intervals to Environment Southland on any actions taken pursuant to the powers transferred by Environment Southland and any issues or concerns identified by users of the harbour.</p> <p>5.2 Power to Recommend</p> <p>The Riverton Harbour Subcommittee will:</p> <ul style="list-style-type: none"> (a) make recommendations to Environment Southland on matters of concern that pertain to Environment Southland's RMA functions (b) make recommendations to the Services and Assets Committee on all matters of policy not delegated to the Riverton Harbour Subcommittee (c) recommend to Council the granting of any leases or licenses for any Riverton Harbour endowment lands |
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8.5.7 Water Supply Subcommittees – Te Anau Basin, Five Rivers, Matuku

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| TYPE OF COMMITTEE | Subcommittee |
| SUBORDINATE TO | Fiordland and Northern Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>Te Anau Basin Water Supply Subcommittee (Fiordland Community Board)</p> <p>The total membership of the Te Anau Basin Water Supply Subcommittee will be nine. Membership of the subcommittee shall be determined by an election at a triennial public meeting.</p> <p>The subcommittee representation shall comprise:</p> <ul style="list-style-type: none"> • a water supply consumer from each of the following areas: <ul style="list-style-type: none"> – Duncraigen – Homestead – Kakapo – Mt York – Princhester – Ramparts – Takitimu • two representatives appointed by Landcorp. <p>Matuku Water Supply Subcommittee (Northern Community Board)</p> <p>The total membership of the Matuku Water Supply Subcommittee will be six plus a councillor.</p> <p>The chairperson shall be elected by the vote of the subcommittee.</p> <p>Five Rivers Water Supply Subcommittee (Northern Community Board)</p> <p>The total membership of the Five Rivers Water Supply Subcommittee will be six members plus a councillor.</p> <p>The chairperson shall be elected by the vote of the subcommittee.</p> |
| QUORUM | <p>Te Anau Basin Water Supply Subcommittee – 5</p> <p>Matuku Water Supply Subcommittee – 4</p> <p>Five Rivers Water Supply Subcommittee – 4</p> |
| FREQUENCY OF MEETINGS | <p>Te Anau Basin Water Supply Subcommittee</p> <p>Three meetings per annum or as required.</p> <p>Matuku Water Supply and Five Rivers Water Supply Subcommittee</p> <p>One meeting per annum or as required.</p> |
| SCOPE OF ACTIVITIES | <p>The activity of Southland District Council's Water Supply Subcommittees is framed by Council policies and plans. The responsibilities of these water supply subcommittees include:</p> <ul style="list-style-type: none"> • providing feedback to Council officers on relevant plans and strategies (including asset management plans) • receiving operational and financial reports • community engagement and representing community views to Council. |

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| DELEGATIONS | <p>Power to Act</p> <p>The Te Anau Basin, Matuku and Five Rivers Water Supply Subcommittees shall have the following delegated powers and be accountable to the relevant community board for the exercising of these powers:</p> <ul style="list-style-type: none"> (a) power to recommend the annual budget relating to the relevant water supply scheme (b) power to approve expenditure outside Council's authorised officer levels but within the budget of the water supply schemes. All decisions to approve expenditure outside Council's authorised officer levels must be made by way of a resolution at a meeting of the water supply subcommittees. Any such decisions must be reflected in the minutes of the meeting (c) power to approve new connections to the relevant water supply scheme (d) power to approve expenditure outside of the relevant annual budget for emergency works (e) policies relating to water schemes. <p>In addition to the power to approve expenditure outside of the relevant annual budget for emergency works, this committee can also recommend unbudgeted expenditure to the Works and Services Committee and Council for approval.</p> |
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8.5.9 Stewart Island/Rakiura Visitor Allocation Levy Subcommittee

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| TYPE OF COMMITTEE | Subcommittee |
| SUBORDINATE TO | Stewart Island/Rakiura Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>The subcommittee consists of the following members appointed by Council:</p> <p>Chairperson:</p> <p>A councillor of Southland District Council who shall be the Chair of Council's Community and Strategy Committee.</p> <p>Members:</p> <ul style="list-style-type: none"> • a representative from or recommended by each of the approved operators named under the Stewart Island/Rakiura Visitor Levy Policy <ul style="list-style-type: none"> ○ one community board representative ○ the chair of the Finance and Assurance Committee ○ a member from Stewart Island/Rakiura community, and ○ a member to represent iwi • the councillor for Stewart Island/Rakiura Ward |
| QUORUM | Majority of members |
| FREQUENCY OF MEETINGS | One meeting per annum or as required |
| SCOPE OF ACTIVITIES | The Stewart Island/Rakiura Visitor Levy Allocation Subcommittee is responsible for governance of the Stewart Island/Rakiura Visitor Levy |

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| | Fund and setting strategic objectives to act as the basis for assessing applications for funding. |
| DELEGATIONS | <p>The Stewart Island/Rakiura Visitor Levy Allocation Subcommittee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <ul style="list-style-type: none"> (a) determining strategic outcomes for the Stewart Island/Rakiura Visitor Levy Fund (b) making decisions regarding funding applications to the Stewart Island/ Rakiura Visitor Levy Fund. (c) setting policy in relation to the collection and enforcement of the Stewart Island/Rakiura Visitor Levy. |

8.6 Local Authority Joint Committees

Council may unite with any one or more local authorities or other public bodies in appointing a joint committee in accordance with Schedule 7 clause 30A of the Local Government Act 2002. Southland District Council and other local authorities within the region have formed a number of joint committees, with terms of reference to address specific subject matters.

Any committee appointed will be considered to be both a committee of Southland District Council and a committee of the other local authority or public body, unless otherwise specified by legislation. In forming any such committee Council must reach agreement with the other local authorities or public bodies involved which must specify the number of members, how the chairperson and deputy are to be appointed, the terms of reference of the committee, what responsibilities are to be delegated to the committee and how the agreement may be varied.

The powers to discharge any individual member and appoint another will be exercisable by the local authority or public body that made the appointment.

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| JOINT COMMITTEE |
| Venture Southland Joint Committee |
| Emergency Management Group |
| Southland Regional Heritage Joint Committee |
| Southland Regional Land Transport Committee |
| Wastenet (Waste Management Advisory Group) |
| Combined Local Approved Products Committee |
| Combined Local Alcohol Policy Committee |

8.6.1 Venture Southland Joint Committee

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| TYPE OF COMMITTEE | Joint committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | <p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • mayor, Southland District Council • one councillor, Southland District Council |

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| | <ul style="list-style-type: none"> • mayor, Invercargill City Council • one councillor, Invercargill City Council • one councillor, Gore District Council <p>Note: Mayor or councillors can transfer their position to another councillor in their absence and the transference has full voting rights.</p> |
| QUORUM | Four |
| MEETINGS | The joint committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Southland District Council and will provide administrative support and leadership of the joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | <p>Power to Act</p> <p>Full power to act within scope of activity set out below:</p> <ol style="list-style-type: none"> 1) to appoint trustees to the Venture Southland Trust 2) Oversee the winding up and transfer of the assets of Venture Southland to the Southland Regional Development Agency. 3) to undertake as necessary other activities which are incidental or conducive to the attainment of the above objects and purposes. <p>Power to Recommend</p> <p>Full power to recommend outside scope of activity.</p> |

8.6.2 Wastenet (Waste Advisory Group)

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| TYPE OF COMMITTEE | Joint committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | <p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • mayor and one councillor, Southland District Council • two councillors, Invercargill City Council • two councillors, Gore District Council |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The joint committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | <p>The functions and responsibilities of the Waste Management Advisory Group are to:</p> <ol style="list-style-type: none"> 1. be the high level decision making committee for the implementation and carrying out of the WasteNet activities within the delegations |

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| | <p>from each of the WasteNet Councils</p> <ol style="list-style-type: none"> 2. receive and approve financial monitoring reports as to the accounting between the WasteNet Councils in relation to the WasteNet activities 3. report to each constituent WasteNet Council as to the WasteNet activities outcomes 4. develop policies to ensure the smooth implementation and operation of the WasteNet activities 5. provide a forum for: <ol style="list-style-type: none"> a) the exchange of views and information relevant to the management of waste for each of the WasteNet Council territories; b) discussion as to the effectiveness of the services contracts including ways in which value can be added to the parties through the services contracts and the implementation of the WasteNet Southland Business Plan c) the identification of opportunities for joint waste management and minimisation initiatives d) identification and resolution of points of tension or difficulties between the WasteNet Councils as to their respective roles under the services contracts and this agreement. 6. receive reports and recommendations from the WMG and approve recommendations as permitted by each separate WasteNet Council's delegations 7. formulate recommendations in relation to the services contracts, waste disposal and minimisation strategies and the implementation of the WasteNet Southland Business Plan for consideration by the joint committee and each of the WasteNet Councils as appropriate 8. make recommendations to the WasteNet Councils in relation to the following: <ol style="list-style-type: none"> a) the exit by a WasteNet Council from any or all of the services contracts b) the inclusion of other territorial authorities into any of the services contracts or into WasteNet Southland 9. make decisions generally (in accordance with each Council's delegations) in relation to the implementation of the WasteNet Southland Business Plan 10. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Regional Landfill Contract as to the following: <ol style="list-style-type: none"> a) the portion of funding of general waste management and waste minimisation costs to be recovered through landfill charges b) landfill pricing for authorised users c) and requests from the landfill operator for approval of major industrial users. 11. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Recyclables Acceptance Contract as to the following: |
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| | <ol style="list-style-type: none"> a) the exercise of the WasteNet extension right pursuant to clause 2.5 b) the modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.5 c) the allocation of the contract price payable under the contract as between the WasteNet Councils d) the apportionment of the revenue share payment received by the WasteNet Councils under the contract. <ol style="list-style-type: none"> 12. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Collection and Transfer Stations Contract as to the following: <ol style="list-style-type: none"> a) the exercise of the WasteNet Extension Right pursuant to clause 2.3 b) the modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.3 13. exercise such powers or functions as shall be delegated to the WAG by the WasteNet Councils (either together or separately) 14. carry out such other functions and responsibilities as the WasteNet Councils shall agree shall be functions and responsibilities of the WAG. |
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8.6.3 Southland Regional Heritage Joint Committee

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| TYPE OF COMMITTEE | Joint committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | <p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • two councillors, Southland District Council • two councillors, Invercargill City Council • two councillors, Gore District Council • one iwi representative may be appointed by the committee <p>Other committee members may be appointed by the committee being persons who have the skills, attributes or knowledge that may assist the work of the committee</p> |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City? Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | The committee shall have such powers, functions and duties as are necessary to carry out the objects and goals set out in the Southland Regional Heritage Joint Committee Heads of Agreement 2017-24. |

8.6.4 Civil Defence Emergency Management Group (CDEM)

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|--------------------------------|---|
| DESCRIPTION | The Southland CDEM group is a partnership of local authorities, emergency services and other organisations tasked with providing effective and comprehensive management of major hazards and their consequences anywhere in Southland. Civil Defence is a major function of Council and the availability of resources from outside the district in the case of a major incident is important. In addition, the Civil Defence and Emergency Management Act 2002 intensified the relationships within the region on these issues. |
| SUBORDINATE TO | Council |
| MEMBERSHIP | Membership from the Southland District Council includes <ul style="list-style-type: none"> • mayor, Southland District Council • one councillor (alternate) |
| FUNCTIONS | Liaise on regional civil defence plans |
| MEETINGS | The Joint Committee will meet on an as required basis |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Southland Regional Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | Recommend to Council any changes to the district civil emergency plan as a consequence of regional plans. |

8.6.5 Southland Regional Land Transport Committee

| | |
|-----------------------|---|
| DESCRIPTION | The Regional Transport Committee (RTC) is established under the auspices of the Land Transport Act 2003 (as amended). It is responsible for preparing the Regional Land Transport Strategy, the Regional Land Transport Programme, and for advising the Regional Council on strategic land transport planning and funding matters. The Regional Council requires that Council has one appointee (plus an alternate) on the body. Other Councils in the region have a similar entitlement. |
| SUBORDINATE TO | Council |
| MEMBERSHIP | The committee comprises of: <ul style="list-style-type: none"> • an elected member from each of the following councils: <ul style="list-style-type: none"> - Southland District Council - Invercargill City Council - Gore District Council • two Environment Southland elected members • a representative from the New Zealand Transport Agency |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |

| | |
|--------------------------------|---|
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority Environment Southland shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Environment Southland and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| FUNCTIONS | To make sure that arrangements for land transport throughout the region are integrated. Participation in this committee should contribute to this objective. |
| DELEGATIONS | <ul style="list-style-type: none"> to report to Council on discussions and resolutions of RTC meetings recommend changes to Council on matters arising from the RTC |

8.6.5 Combined Local Approved Products Committee

| | |
|--------------------------------|---|
| TYPE OF COMMITTEE | Joint Committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Psychoactive Substances Act 2013 Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | Membership of the joint committee shall comprise of the following: <ul style="list-style-type: none"> two councillors, Southland District Council two councillors, Invercargill City Council two councillors, Gore District Council |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | The committee shall have the powers, functions and duties under sections 66 to 69 of the Psychoactive Substances Act 2013 (local approved products policies): <ul style="list-style-type: none"> to set its own procedure, quorum and rules relating to the appointment of a chairperson or persons. |

8.6.6 Combined Local Alcohol Policy Committee

| | |
|--------------------------|--|
| TYPE OF COMMITTEE | Joint Committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Sale and Supply of Alcohol Act 2012 Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |

| | |
|--------------------------------|---|
| MEMBERSHIP | Membership of the joint committee shall comprise of the following: <ul style="list-style-type: none"> • four councillors, Southland District Council • four councillors, Invercargill City Council • four councillors, Gore District Council |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | The committee shall have the powers, functions and duties under part 2, sub part 2 of the Sale and Supply of Alcohol Act 2012 (local alcohol policies): <ul style="list-style-type: none"> • to set its own procedure, quorum and rules relating to the appointment of a chairperson or persons. |

9 Financial Delegations

9.1 Introduction

This section outlines the delegated financial authority to committees and Council officers. The roles and responsibilities of elected members and officials within the financial management system are quite different. Elected members set the overarching policy setting, while Council officers implement the policy. The different roles are more specifically set out below.

9.2 Council's Role in Financial Management

The responsibility of Council in financial management is to:

- ensure Council remains financially stable while giving focus to financing key Council priorities
- promote the prudent use of ratepayer's money together with other funding available to deliver agreed levels of service, cater for growth and maintain a sound asset management approach
- ensure Council rates and fees are kept to a level commensurate with its levels of service obligation
- provide financial parameters within which Council's work programmes are to be achieved.

9.3 The Chief Executive's Role in Financial Management

The responsibility of the chief executive in financial management includes:

- overall responsibility of the sound financial management of Council
- delivery of the financial outcomes of Council's Long Term Plan

- responsibility for the performance of staff with delegated financial powers
- arbitrating any conflict relating to finance which may arise from time to time, in which the chief executive's decision is final
- ensuring compliance with Council's funding and financial policies
- compliance with the Local Government Act 2002, the Local Government (Rating) Act 2002, Rates Rebate Act 1973, Financial Reporting Act 1993 and other statutory provisions.

9.4 Committees' Role in Financial Management

The role of Council committees in financial management is to:

- consider issues and make recommendations to Council on how best to achieve goals and objectives for activities that fall within the scope of each committees responsibilities
- consider issues and make recommendations on how best to reflect this in the Long Term Plan, Annual Plan and Annual Report
- take responsibility for the finances of activities within the committee jurisdiction
- recommend changes to full Council when required
- approve the transfer of funding between projects or programmes within the same categories, when the transfer is beyond the delegated authority of the chief executive and within the scope of the Long Term Plan
- consider and approve contracts or expenditure if recommended by a manager.

9.5 Managers' Role in Financial Management

Council group and activity managers' role in financial management is to:

- deliver the work programme outlined in the long term plan within the agreed budget
- take responsibility for the performance and management of specified activity budgets
- monitor and control activity finances
- keep the chief executive and appropriate Council committee informed of financial matters and the overall status of activity finances
- liaise with the finance manager on all financial matters
- produce annual and Long Term Plan activity budgets in a form specified by the finance manager
- obtain and provide services within delegated limits and Council policy
- take responsibility and accountability for activity expenditure.

In all cases, financial delegations are made only to enable the commitment or expenditure of funds provided for in the annual plan or long term plan. Financial delegations are made relative to the specified sum as outlined further below.

9.6 The Finance Manager's Role

The finance manager (in consultation with the chief financial officer) has responsibility for carrying out the day to day cash and short term debt management activities. This will include, but is not limited to, the following:

- calculating and maintaining comprehensive cash flow projections on a daily (two weeks forward), weekly (four weeks forward), monthly (12 months forward) and annual (five years) basis. These cash flow forecasts determine Council's borrowing requirements and surpluses for investment
- electronically downloading all Council bank account information daily
- co-ordinating Council's operating units to determine daily cash inflows and outflows, to manage Council's ongoing cash position within approved parameters
- carrying out short term borrowing as required, minimising overdraft costs
- using spreadsheet modelling to provide accurate forecasting that promotes efficient cash management
- minimising fees and bank/government charges by optimising bank account/facility structures
- monitoring Council's use of overdraft or cash advance facilities
- matching future cash flows to smooth the overall cash flow timeline
- providing detailed reports comparing actual and budgeted monthly cash flows
- maximising the return from available funds by not making vendor payments earlier than required, unless there is a financial benefit in doing so.

9.7 Financial Delegations to Council Committees

Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction, also detailed in the terms of reference section of this manual.

9.7.1 Contract Acceptance

Council committees are authorised to:

- accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract or the annual value of the term contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities for the relevant committee.
- accept or decline any contract for the disposal of goods, plant or other assets other than property and land that is provided for in the Long Term Plan.

9.7.2 Budget Reallocation

Committees are authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:

- funded by way of savings on existing budget items
- within the jurisdiction of the committee

- consistent with the Revenue and Financing Policy.

9.8 General Delegations from Council to the Chief Executive

For the purpose of implementing decisions made by Council and its committees, the chief executive has delegated authority for:

- all arrangements and contracts for the supply of goods, services, plant and labour
- the management of operations and maintenance
- capital expenditure to the limit approved in the Annual Plan and/or Long Term Plan.

9.8.1 Emergency Delegations

During a declared state of emergency, the chief executive may enter into any contract on behalf of Council of up to \$1 million in excess of budgeted amounts.

In the time between the last Council meeting of the term, and the inaugural Council meeting, the chief executive may enter into any contract on behalf of Council, subject to the budgeted limits approved in the Long Term Plan/Annual Plan.

9.9 Expenditure Delegations

9.9.1 Contract and Expenditure Authorisation

Council delegates to its officers the power to incur expenditure and enter into contracts as per the following table, subject to Council's approved:

- Procurement Policy and Manual
- Sensitive Expenditure Policy
- Long Term Plan/Annual Plan budget.

Authority to purchase capital items or goods and services within relevant Council estimates

| POSITION | LIMIT \$ |
|---------------------------------------|------------------|
| Chief executive | No Limit |
| Chief executive support | 10,000 |
| Mayoral support | 5,000 |
| GM community and futures | 100,000 |
| Communications and engagement manager | 10,000 |
| Strategy and policy manager | 10,000 |
| Governance and democracy manager | 10,000 |
| Community partnership leader | 10,000 |
| GM services and assets | 1,000,000 |
| Projects delivery manager | 200,000 |
| Strategic manager water and waste | 200,000 |

| POSITION | LIMIT \$ |
|--|----------------|
| Strategic manager transport | 200,000 |
| Commercial infrastructure manager | 100,000 |
| Community facilities manager | 100,000 |
| Manager property services | 100,000 |
| Manager operations water and waste | 50,000 |
| Senior water and waste engineer | 50,000 |
| Senior roading engineer | 50,000 |
| Road asset engineer | 50,000 |
| Road engineering | 20,000 |
| Road contract manager | 20,000 |
| Work scheme supervisor | 20,000 |
| Community facilities officer building assets | 20,000 |
| People and capability manager | 100,000 |
| People and capability advisor | 1,000 |
| Chief financial officer | 200,000 |
| Finance manager | 20,000 |
| Finance officer – rates | 1,000 |
| GM customer delivery | 100,000 |
| Digital solutions manager | 10,000 |
| Business solutions manager | 10,000 |
| Team leader knowledge management | 10,000 |
| Customer contact centre manager | 10,000 |
| Library/customer support operations manager | 10,000 |
| District library manager | 10,000 |
| Senior technical librarian | 1,500 |
| GM environmental services | 100,000 |
| Team leader resource management | 10,000 |
| Team leader building solutions | 10,000 |
| Environmental health manager | 10,000 |
| Quality assurance lead | 10,000 |

Authority to enter into contracts (full value of contract) within estimates or accept tenders for asset disposal

| POSITION | LIMIT \$ |
|--------------------------|----------|
| Chief executive | 200,000 |
| GM community and futures | 100,000 |
| GM services and assets | 200,000 |

| POSITION | LIMIT \$ |
|-------------------------------|----------|
| People and capability manager | 100,000 |
| Chief financial officer | 200,000 |
| GM customer delivery | 100,000 |
| GM environmental services | 100,000 |

Authority to authorise payments for awarded contracts (1) or approved loan payments (2), investments (3), tax and payroll payments (4) or GST and FBT payments (5)

| POSITION | LIMIT \$ |
|-----------------------------------|-----------------------------------|
| Chief executive | No limit (all) |
| GM community and futures | 100,000 (1) |
| GM services and assets | No limit (1) |
| Strategic manager water and waste | 200,000 (1) |
| Strategic manager transport | 200,000 (1) |
| People and capability manager | 100,000 (1) 500,000 (4) |
| Chief financial officer | No limit (1,2,3,5) 500,000 (4) |
| Finance manager | No limit (2,3,5) 500,000 (4) |
| Management accountant | No limit (5) |
| Financial accountant | No limit (5) |
| GM customer delivery | 100,000 (1) |
| GM environmental services | 100,000 (1) |

Authority to make electronic bank payments, direct debits, inter account transfers and sign cheques subject to invoice or payment request being duly authorised

| POSITION | LIMIT \$ |
|-------------------------------|----------|
| Chief executive | No limit |
| People and capability manager | No limit |
| Chief financial officer | No limit |
| Finance manager | No limit |
| Management accountant | No limit |
| Financial accountant | No limit |
| GM environmental services | No limit |

Authority to purchase plant, capital items and goods and services NOT within estimates but subject to suitable funding source being available (district budgets only)

| POSITION | LIMIT \$ |
|-----------------|----------|
| Chief executive | 10,000 |

| POSITION | LIMIT \$ |
|------------------------|----------|
| GM services and assets | 5,000 |

Authority to purchase plant, capital items and goods and services NOT within estimates due to extreme weather and/or other emergency event

| POSITION | LIMIT \$ |
|-----------------|----------|
| Chief executive | 500,000 |

Authority to authorise credit notes in debtor system

| POSITION | LIMIT \$ |
|-------------------------------|----------|
| Chief executive | No limit |
| GM community and futures | 100,000 |
| GM services and assets | 100,000 |
| People and capability manager | 100,000 |
| Chief financial officer | 200,000 |
| Finance manager | 20,000 |
| GM customer delivery | 100,000 |
| GM environmental services | 100,000 |

9.9.2 Council Credit Cards

The following positions are delegated authority to use Council credit cards to the specified limit:

| POSITION | LIMIT \$ |
|-----------------|----------|
| Mayor | 10,000 |
| Chief executive | 20,000 |
| Group managers | 10,000 |

The chief executive may approve the issue of additional credit cards to staff (other than those listed in 9.9.2) where appropriate, subject to the following:

- the chief executive must be satisfied that the credit card is necessary to cover regular travel or administrative efficiencies, such as payment of properly authorised purchases from overseas
- a credit limit of no more than \$10,000.

9.10 Schedule of Financial Delegations

Council makes the following additional delegations of financial powers:

9.10.1 Agency Payments when Council acting on behalf of another agency (MCT, Southland Flood Relief, etc)

| DESCRIPTION | DELEGATE |
|--|--|
| Collection and transfer of funds, not subject to limits in 9.1 and Investment and Liability Management Policy. | Chief financial officer Finance manager Financial accountant |

9.10.2 Approve Expenditure

| DESCRIPTION | DELEGATE |
|--|--|
| All purchases require an authorised purchase order. Authoriser must have the authority to approve the level of expenditure as per 9.9.1. | The person initiating the purchase order should not be the same person who is authorising it. Where expenditure relates to the individual (ie training, accommodation, mileage, expense, reimbursement) the purchase order must be approved by the individual's manager or higher. |

9.10.4 Bank Signatories

| DESCRIPTION | DELEGATE |
|--|---|
| Authorised to operate Southland District Council accounts. | Any two of the following officers: Chief executive Chief financial officer Finance manager Financial accountant Management accountant |

9.10.5 Authorised to 'own' Council bank accounts

| DESCRIPTION | DELEGATE |
|--|--|
| Authorised to operate Southland District Council accounts. | Chief executive and chief financial officer |

9.10.6 Bonds

| DESCRIPTION | DELEGATE |
|---|--|
| Forfeiture of bonds (partial or total). | Chief financial officer |
| Refund of bonds (partial or total). | Chief financial officer Finance manager |

9.10.7 Credit Cards

| DESCRIPTION | DELEGATE |
|---|-----------------|
| Issue of credit cards subject to 9.9.2. | Chief executive |

9.10.8 Credit Notes

| DESCRIPTION | DELEGATE |
|----------------------------------|---|
| Authority to issue credit notes. | As per 9.9.1 authority to authorise credit notes in debtor system |

9.10.9 Debt

| DESCRIPTION | DELEGATE |
|--|--|
| Approve the write-off of rates, water rates, SIESA tariffs and other revenue, and associated charges (such as legal/collection fees, interest/penalties etc) | Chief executive (up to \$25,000 per request) Chief financial officer (up to \$25,000 per request) Finance manager (up to \$10,000 per request) |
| Approve/authorise legal proceedings in relation to collection of all arrears, other than rating sales/leases and abandoned land sales/leases | Chief executive Finance manager |
| Approve the write-off of other revenue associated with their activity, and associated charges (such as legal/collection fees, interest/penalties etc) up to \$10,000 per request | Executive Leadership Team members |
| Approve payment arrangements outside normal Council terms | Chief executive Executive Leadership Team members Finance manager (up to \$10,000 and/or 240 days) |
| Authorise disconnection of supply | SIESA activity manager |
| Approve the write-off of SIESA tariffs, and associated charges (such as legal/collection fees, interest/penalties etc) up to \$10,000 per request | SIESA activity manager |
| Approve payment arrangements for SIESA arrears outside normal Council terms | SIESA activity manager |
| Make demand on the mortgagee for unpaid rates and water rates | Finance officer Debtors officer |
| Issue disconnection notices in accordance with the Debt Recovery Policy | Finance officer Debtors officer |
| Apply penalty charges in accordance with the Debt Recovery Policy | Finance officer Debtors officer |
| Lodge debts with recovery agencies as required | Finance officer Debtors officer |
| Advise debt recovery agency or legal representative to proceed to legal recovery (once approved) | Finance officer Debtors officer |

9.10.10 Deposit of Funds

| DESCRIPTION | DELEGATE |
|--|---|
| Authorise the deposit of funds into Council's operational bank accounts (ie non-investment). | All customer support staff All finance staff |

9.10.11 Investments (placing/withdrawing/changing terms)

| DESCRIPTION | DELEGATE |
|--|--|
| Authority in accordance with Council's Investment and Liability Management Policy is granted to invest Council monies. A regular report is to be prepared for the Finance and Audit Committee stating what investments are made, with whom, term, and interest rate. | Chief financial officer Finance manager |

9.10.12 Discontinue Service

| DESCRIPTION | DELEGATE |
|---|--|
| Authority to discontinue any service for non payment and authorise resumption of service where appropriate. | Finance manager in consultation with group manager services and assets |

9.10.13 Donations

| DESCRIPTION | DELEGATE |
|-----------------------------------|--|
| Authority to make donations/koha. | Executive Leadership Team or their delegated authorities |

9.10.14 Early Payment of Rates

| DESCRIPTION | DELEGATE |
|---|--|
| Accept notifications/requests for early repayment of rates on behalf of council. Calculate and update the schedule of specified rates on an annual basis. | Finance officer |
| Accept notifications/requests for early repayment of rates on behalf of council. Oversee the early payment of specified rates. | Finance manager Chief financial officer |

9.10.15 Interest

| DESCRIPTION | DELEGATE |
|--|--|
| Authority to negotiate loan interest rates and terms with brokers and/or lending institutions for loans raised by Council. | Chief financial officer Finance manager |

9.10.16 Overdraft (establishing/cancelling/modifying)

| DESCRIPTION | DELEGATE |
|--|--|
| Authority to arrange overdraft facilities in accordance with Council's Investment and Liability Management Policy. | Chief financial officer Finance manager |

9.10.17 Borrowing (establishing/cancelling/modifying)

| DESCRIPTION | DELEGATE |
|--|-------------------------|
| Authority to arrange overdraft facilities in accordance with Council's Investment and Liability Management Policy. | Chief financial officer |

9.10.18 Oath/Declaration

| DESCRIPTION | DELEGATE |
|--|--|
| Make any oath or declaration in regard to Council's financial affairs. | Chief financial officer Finance manager |

9.10.19 Rates Penalties

| DESCRIPTION | DELEGATE |
|---|---|
| Remission of penalties in accordance with Council's Remission and Postponement of Rates Policy. | Chief financial officer Finance manager Finance officer – rates Finance officer – credit control |

9.10.20 Rates Remission and Postponement

| DESCRIPTION | DELEGATE |
|---|---|
| Authority to postpone rates or remit rates in accordance with Council's Remission and Postponement of Rates Policy. | Chief financial officer Finance manager |
| Authority to request any further information and documentation required to make a decision regarding the remission or postponement of rates or penalties. | Chief financial officer Finance manager Finance officer – rates Finance officer – credit control |

9.10.21 Rates Remission and Postponement on Maori Freehold Land

| DESCRIPTION | DELEGATE |
|---|-------------------------|
| Authority to accept or decline applications for remission of rates on Māori freehold land. Authority to review applications, if applicable, for remission of rates on Māori freehold land. | Chief financial officer |

| DESCRIPTION | DELEGATE |
|---|--|
| Authority to receive applications and make recommendations to chief financial officer for remission of rates on Māori freehold land. Authority to request financial statements regarding the property if there is evidence that the land is occupied or being used for economic benefit. Authority to write off rates if the application is accepted. | Finance manager Finance officer – rates Finance officer – credit control |

9.10.22 Refunding Overpayments

| DESCRIPTION | DELEGATE |
|---|--|
| Authority to refund customer/ratepayer overpayments/payment errors. | Chief financial officer Finance manager |

9.10.23 Reserve Contributions

| DESCRIPTION | DELEGATE |
|--|---|
| Authority to consider and decide upon any application for remission or reduction of reserve contributions. | Group manager services and assets Group manager environmental services Community facilities manager Strategic manager property |

9.10.24 Development and Financial Contributions

| DESCRIPTION | DELEGATE |
|--|-------------------------|
| Authority to refund, development and/or financial contributions. | Chief financial officer |

9.10.25 Small Claims

| DESCRIPTION | DELEGATE |
|--|--|
| Authority to refund, development and/or financial contributions. | Chief executive Chief financial officer |

9.10.26 Valuations

| DESCRIPTION | DELEGATE |
|---|---|
| Amend any entries in the valuation roll or Council's rating records which are the result of an error or which are no longer correct as a result of changed circumstances. | Group manager customer service delivery Chief financial officer Finance officer – rates Finance officer – credit control Where appropriate, information management/business solutions |

| DESCRIPTION | DELEGATE |
|--|---|
| Vary or waive any fee within jurisdiction and only if permitted by law and not inconsistent with Council policy. | Chief executive Executive Leadership Team |
| Authority to apply to the valuer general for valuation equalisation certificates for ratings purposes. | Group manager customer delivery Chief financial officer Finance manager |

10 Statutory Delegations

10.1 Introduction

Local authorities have a wide range of legislative responsibilities. Some of these are general, in that they apply to all organisations in New Zealand. These include the Employment Relations Act 2000, Health and Safety at Work Act 2015 and Goods and Services Tax Act 1985. However, many statutes contain provisions specific to local government, setting out specific powers and responsibilities.

Most of Council's regulatory powers, along with the rules around their implementation, are contained in statute. These include the Resource Management Act 1991 and Building Act 2004.

This section of the Delegations Manual sets out the delegations of these statutory responsibilities to committees, Council officers and external service providers.

Section 145 of the Local Government Act 2002 empowers Council to develop bylaws. The purpose of any bylaw must be one or more of the following:

- protect the public from nuisance
- protect, promote and maintain public health and safety
- minimise the potential for offensive behaviour in public places.

Bylaw development and adoption cannot be delegated, although the powers created by bylaws and their enforcement of bylaws can be.

The delegation of these powers, duties and functions is also specified in this section of the Delegations Manual.

10.3 Delegations to Council Committees

Council committees have the delegated authority to make policy and financial decisions within the limits of relevant legislation. Specific delegations are contained in governance terms of reference section.

10.4 Delegations to the Chief Executive

10.4.1 Legislation and Regulations

The chief executive has delegated authority for all powers, duties and responsibilities conferred by statute and regulations made under these Acts. This includes, **but is not limited to**, the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws. See section 11 below for subdelegations for these acts and regulations from the chief executive to officers.

| | | |
|---|---|--|
| Amusement Devices Regulations 1978 | Land Act 1948 | Reserves Act 1977 |
| Airport Authorities Act 1966 | Land Transfer Act 2017 | Residential Tenancies Act 1986 |
| Racing Act 2003 | Land Drainage Act 1908 | Resource Management Act 1991 |
| Building Act 2004 | Land Transport Act 1998 | Sale and Supply of Alcohol Act 2012 |
| Building Research Levy Act 1969 | Land Transport Management Act 2003 | Smoke-free Environments Act 1990 |
| Burial and Cremation Act 1964 | Litter Act 1979 | Soil Conservation and Rivers Control Act 1941 |
| Civil Defence Emergency Management Act 2002 | Local Government Act 1974 | Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012 |
| Dog Control Act 1996 | Local Government Act 2002 | Southland Harbour Board Act 1958 |
| Electricity Act 1992 | Local Government (Rating) Act 2002 | Southland Land Drainage Act 1935 |
| Land Transport (Infringement and Reminder Notices) Regulations 2012 | Local Government Official Information and Meetings Act 1987 | Telecommunications Act 2001 |
| Food Act 1981 | Rating Valuation Act 1998 | Transport Act 1962 |
| Food Act 2014 | New Zealand Geographic Board Act 2008 | Unit titles Act 1972 |
| Transport (Vehicular Traffic Road Closure) Regulations 1965 | New Zealand Library Association Act 1939 | Utilities Access Act 2010 |
| Gambling Act 2003 | Walking Access Act 2008 | Waste Minimisation Act 2008 |
| Gas Act 1992 | Privacy Act 1993 | Freedom Camping Act 2011 |
| Hazardous Substances and New Organisms Act 1996 | Property Law Act 2007 | Trespass Act 1980 |
| Health Act 1956 | Prostitution Reform Act 2003 | Summary Proceedings Act 1957 |
| Health (Drinking Water) Amendment Act 2007 | Public Bodies Leases Act 1969 | Health (Burial) Regulations 1946 |
| Heritage NZ Pouhere Taonga Act 2014, | Public Works Act 1981 | Camping-Grounds Regulations 1985 |
| Human Rights Act 1993 | Rating Valuations Act 1998 | Drainage and Plumbing Regulations 1978 |
| Impounding Act 1955 | Rates Rebate Act 1973 | Food Hygiene Regulations 1974 |

| | | |
|--|--|---|
| Health (Hairdressers) Regulations 1980 | Health (Registration of Premises) Regulations 1966 | Infrastructure (Amendments Relating to Utilities Access) Act 2010 |
|--|--|---|

10.4.2 Bylaws

The chief executive has delegated authority for all powers, duties and functions of all Council adopted bylaws. This includes, but is not limited to, the following. See section 11 below for subdelegations for these bylaws from the chief executive to officers.

| | |
|---|---|
| Alcohol Control Bylaw 2015 | Signs and Objects on Roads and Footpaths Bylaw 2016 |
| Alcohol Licensing Fee Setting Bylaw | Solid Waste Bylaw 2008 |
| Ashton Flats Roothing Bylaw 2016 | Stewart Island Rakiura Visitor Levy Bylaw 2012 |
| Cemetery Bylaw 2016 | Subdivision Land Use and Development Bylaw 2012 |
| Dog Control Bylaw 2015 | Trading in Public Places Bylaw 2013 |
| Fire Prevention Vegetation Bylaw 2010 | Speed Limits Bylaw |
| Freedom Camping Bylaw 2015 | Wastewater Drainage Bylaw 2017 |
| The Keeping of Animals, Poultry & Bees Bylaw 2010 | Trade Waste Bylaw 2018 |
| Roothing Bylaw 2008 (2015 revision) | Stormwater Drainage Bylaw 2017 |
| | Water Supply Bylaw 2017 |

10.4.3 Warrants

The chief executive has delegated authority to issue warrants to Council officers under all relevant legislation, as per Schedule 7 Clause 32A of the Local Government Act 2002.

11 Sub Delegations

The following schedule details all statutory sub delegations made by the chief executive. The chief executive can withdraw or replace delegates at any time. Any subdelegation made by the delegate is withdrawn at the same time.

These sub delegations expressly exclude any power, responsibility or duty that has been delegated to a community board, committee, subcommittee or other subordinate decision making body.

All delegations are made severally unless specified otherwise (ie a delegation can be exercised by the officer acting alone)

11.1 Amusement Devices Regulations 1978

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------------------|
| S.11 | Power to issue a permit for amusement devices | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|--|
| | | Manager building control Building control officer |
| S.23 | Power of entry | Group manager environmental services Manager building control Building control officer |

11.2 Building Act 2004

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|---------|---|---|
| | All powers, functions and duties under the Building Act 2004 (except those that are unable to be legislatively delegated) | Group manager environmental services |
| | All powers, functions and duties shown | |
| s.31 | To apply for and provide PIM to owner on application of a building consent | Manager building solutions Technical lead building solutions Building control officer |
| s.33 | To determine the adequacy of information received with an application for a PIM and require further information on an application | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.34(1) | To issue a PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.34(4) | To determine if any PIM issued contains an error or omission, or determine if any information received affects that PIM, and re-issue the PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.35 | To determine the content of a PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.37 | To permit issue of building consent with certificate attached that resource consent required and no work to commence until this has been obtained | Group manager environmental services Team leader resource management Senior planner |
| s.38 | To provide PIM to operators or other authorities that have provided information in that PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|---|
| s.39 | To advise New Zealand Historic Places Trust of certain applications | Group manager environmental services Team leader resource management Senior planner |
| s.40 | To initiate legal proceedings in respect of individuals who have undertaken building work without first having obtained a building consent | Group manager environmental services |
| ss.45, 48 | To determine the adequacy of information received with a building consent application or an application for an amended building consent, and require further information on the application | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.46 | To provide a copy of certain applications to Fire and Emergency New Zealand | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| S47 | To determine an application without a memorandum provided from Fire and Emergency New Zealand. | Technical lead building solutions Building control officer |
| s.48 | To process building consent applications | Technical lead building solutions Building control officer Technical support partners |
| s.49 | The authority to grant a building consent subject to receipt of fees and any levy payable | Technical lead building solutions Building control officer |
| s.50 | To determine whether to refuse any building consent and give written notice of the refusal and the reasons for the refusal | Technical lead building solutions Building control officer |
| s.51 | The authority to issue a building consent | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.52 | To extend the time permitted to activate a building consent to prevent lapse of consent | Manager building solutions Technical lead building solutions Building control officer |
| s.54 | To advise applicant of the amount of levy payable | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| ss.58, 59 | The duty to make payments and certify in respect of levies to the Ministry of Building, Innovation and Employment | Manager building solutions |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|------------|--|---|
| s.62 | The power to recover unpaid levies from applicant | Manager building solutions |
| s.64 | The duty to keep in safe custody all records and building consents issued including the estimated value of the building work. | Manager building solutions |
| s.67 | Authority to grant or refuse any applications for a waiver or modification of the Building Code, on matters of minor non compliance. | Manager building solutions Technical lead building solutions |
| s.68 | The duty to notify the Ministry of Building, Innovation and Employment | Manager building solutions |
| s.70 | The duty to receive applications for energy work | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.71 | Authority to refuse any building consent in relation to land with natural hazards | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| ss.72-74 | To permit the issue of a building consent in circumstances where the site may be subject to natural hazards but the situation is not made worse by the construction of the building | Group manager environmental services Team leader resource management Senior planner |
| s.75 | Building on two or more allotments - issue and authenticate for entry of titles | Group manager environmental services Team leader resource management Senior planner |
| ss.90, 222 | The power to inspect any land and building work and enter any premises for the purpose of inspection and be an "authorised agent or officer" | Manager building solutions Technical lead building solutions Building control officer |
| s.91 | Authority on behalf of the building consent authority that grants a building consent to issue a code compliance certificate | Manager building solutions Technical lead building solutions Building control officer |
| ss.93-95 | To determine all matters as a building consent authority in relation to whether a code compliance certificate will be issued, including requiring further information, and the issuing of all code compliance certificates | Manager building solutions Technical lead building solutions Building control officer |
| s.96 | To determine whether to grant or refuse an application for a certificate of acceptance | Manager building solutions Technical lead building solutions Building control officer |
| ss.97, 98 | Power to determine information required and to require further information on an application for a certificate of acceptance | Manager building solutions Technical lead building solutions |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|------------------|--|---|
| | | Building control officer |
| s.99 | To determine whether any qualifications should be made on any certificate of acceptance | Manager building solutions Technical lead building solutions Building control officer |
| ss.100-103, 108 | Authority to consider and implement all aspects relating to compliance schedules, building warrants of fitness and approval of independent qualified persons | Manager building solutions Technical lead building solutions Building control officer |
| s.103 | Content of compliance schedule (specified systems) | Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer |
| ss.106, 107, 109 | Power to amend a compliance schedule | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.110 | To require owner of building to produce of annual written reports on compliance schedules | Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer |
| s.111 | Power to inspect buildings | Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer |
| s.112, 118 | To determine all matters in relation to alterations to an existing building, that will not comply fully with the relevant provisions of the building code | Manager building solutions Technical lead building solutions Building control officer |
| s.113 | Authority to determine conditions of a building consent in relation to buildings with specified intended lives | Manager building solutions Technical lead building solutions Building control officer |
| s.115 | The power and authority to determine the change of use of buildings | Manager building solutions Technical lead building solutions Building control officer |
| s.116 | The power and authority with respect to code compliance requirements to determine an extension of life of a building and subdivisions (as warranted authorised officers) | Manager building solutions Technical lead building solutions Building control officer |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|---|---|
| s.121 | To determine whether a building is dangerous, including seeking advice from Fire and Emergency New Zealand. | Manager building solutions Technical lead building solutions |
| s.123 | To determine whether a building is insanitary | Manager building solutions |
| ss.124-129- | Authority to take action in relation to dangerous and insanitary buildings | Manager building solutions Environmental monitoring manager |
| s.126 | Apply to the district court for order to carry out building | Group manager environmental services |
| s.129 | Take action to avoid immediate danger or to fix insanitary conditions | Chief executive of territorial authority |
| s.133AH | Request engineering assessment of potentially earthquake-prone buildings | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.133AJ | Granting /refusing application for extension of time to provide engineering assessment | Manager building solutions Technical lead building solutions Building control officer |
| s.133 AK | Determining if a building is earthquake prone | Manager building solutions Technical lead building solutions Building control officer |
| s.133 AL | Issue EPB notice for earthquake prone buildings | Group manager environmental services Manager building solutions Technical lead building solutions Building control officer |
| s.133AN | Granting/refusing application for exemption from requirement to carry out seismic work | Group manager environmental services Manager building solutions Technical lead building solutions Building control officer |
| s.133AO | Granting/refusing application for extension of time to complete seismic work on certain heritage buildings | Group manager environmental services Manager building solutions Technical lead building solutions Building control officer |
| s.133AQ | Assessing information relating to earthquake prone building status at any time and deciding if a building is or is not an EPB | Group manager environmental services Manager building solutions |
| s.133AR | Impose safety requirements in relation to EPB | Group manager environmental services Manager building solutions |
| s.133AS | Applying to the District Court to carry out seismic work | Group manager environmental services Manager building solutions |
| s.133AT | Assess alterations of a building or part of a building that is subject to an EPB notice | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|--------------|--|---|
| | | Manager building solutions Technical lead building solutions |
| ss.164-166 | The power and authority to issue notices to fix, or to determine whether another authority should issue notices to fix | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.167 | The power to inspect the building work to which any notice to fix relates, to confirm whether or not the notice to fix has been complied with, and to issue any notices with reasons | Manager building solutions Technical lead building solutions Building control officer |
| s.177 | To apply to the chief executive for a determination (comment this is the chief executive MBIE) | Manager building solutions |
| s.180 | To withdraw any application for a determination | Manager building solutions |
| s.189 | To apply for the clarification of a determination | Manager building solutions |
| s.215 | Duty to obtain accreditation and be registered | Manager building solutions |
| s.216 | The duty to keep all records relevant to the administration of the Building Act 2004 | Manager building solutions |
| s.217 | The duty to provide access to that information to the public | Manager building solutions |
| ss.224, 371C | The duty of authorised and warranted officers to carry and produce evidence when required | Manager building solutions Technical lead building solutions Building control officer Monitoring and enforcement officer |
| s.222 | To be an authorised officer to inspect land on which building work is or is proposed, building work or residential pool or pool area | Manager building solutions Technical lead building solutions Building control officer Manager environmental health Environmental health officer Monitoring and enforcement officer (limited to barriers for swimming pools) |

11.4 Building Research Levy Act 1969

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s. 9 | The duty to make payments and certify in respect of levies to the Building Research Association of New Zealand | Group manager environmental services Manager building control |

11.5 Burial and Cremation Act 1964

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | All powers, functions and duties under the Burial and Cremation Act 1964 excluding s.49 | Property services manager |
| s.49 | Remission of burial charges | Property services manager in consultation with group manager services and assets |

11.6 Camping-Grounds Regulations 1985

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------------|--|--|
| ss. 3, 14, 15 | Issue, renew and transfer licences, permits or registrations, grant and set conditions on certificate of exemption, inspection | Group manager environmental services Environmental health manager Environmental health officer |

11.7 Civil Defence Emergency Management Act 2002

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------------|---|-------------------------------|
| ss.12, 13 | Obligation to form, and for the mayor or the mayor's nominee to be a member of a Civil Defence Emergency Management Group | Mayor or nominee |
| s.25 | Power to declare a state of local emergency | Mayor |
| s.27 | Appointment of local controllers | Civil Defence Emergency Group |
| s.64 | Obligation to plan and provide for civil defence emergency management in the district | Emergency management officer |
| ss.68, 71, 72 | Power to declare, extend and terminate a state of local emergency | Mayor |

11.8 Dog Control Act 1996

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------------|---|--|
| | All powers, functions and duties under the Dog Control Act 1996 and any subsequent amendments, including the power to authorise prosecutions (except those that are unable to be legislatively delegated) | Group manager environmental services |
| s.9 | Requirement to retain funds obtained under the act and apply for authorised purposes only under the act | Environmental health manager |
| s.10, 10A, 10AA | Requirement to adopt a policy about dogs and annually report on the policy and other matters | Group manager environmental services Environmental health manager |
| s.11 | Appoint dog control officers | Chief executive |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.12 | Appoint dog rangers | Group manager environmental services |
| s.13 | Issue warrant to dog control officers and dog rangers | Chief executive |
| s.21 | Classify a person as a probationary owner and give notice of that decision | Group manager environmental services Environmental health manager |
| s.22 | Hear and determine an objection to classification as a probationary owner | Regulatory and Consents Committee |
| s.23A | Require a probationary owner to undergo training | Group manager environmental services Environmental health manager |
| s.25 | Disqualification of owners and specification of period of disqualification. Determine whether the circumstances are such that disqualification is not warranted, or the person should instead be classified as a probationary owner and give notice of disqualification | Group manager environmental services Environmental health manager |
| s.26 | Hear and determine an objection to disqualification | Regulatory and Consents Committee |
| s.28 | Extend period of disqualification | Group manager environmental services Environmental health manager |
| s.30 | Maintain records and provide information | Environmental health manager Dog control officer Group manager environmental services Customer services officer |
| s.31 | Classify any dog as a dangerous dog. Hear and determine an objection to classification of any dog as a dangerous dog | Group manager environmental services Environmental health manager Regulatory and Consents Committee |
| s.32 | Consent to disposal of dangerous dog to any person | Environmental health manager Dog control officer Group manager environmental services |
| s.33A | Classify a dog as a menacing dog and give notice of the classification | Group manager environmental services Environmental health manager |
| s.33B | Hear and determine an objection to classification of a dog as a menacing dog | Regulatory and Consents Committee |
| s.33C | Classify a dog as a menacing dog by belonging to breed or type listed in Schedule 4 and give notice of the classification | Group manager environmental services Environmental health manager Dog control officer |
| s.33D | Hear and determine an objection to classification of a dog as a menacing dog by belonging to breed or type | Regulatory and Consents Committee |
| s.33E | Require production of a certificate in accordance with s.33E(1)(b). | Environmental health manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------|--|--|
| | Determine under s.33E(5) that a dog need not be muzzled | Dog control officer Group manager environmental services |
| s.33EB | Require neutering of dog | Environmental health manager Dog control officer Group manager environmental services |
| s.33ED | Classification of certain dogs | Group manager environmental services Environmental health manager |
| s.35 | Supply information in accordance with the provisions of this section | Environmental health manager Dog control officer Group manager environmental services Customer services officer |
| s.35(5)(c) | To determine whether or not a dog should be delivered into custody of a dog control officer or dog ranger | Environmental health manager Dog control officer |
| s.36A | Request verification that a dog has been implanted with a functioning microchip transponder | Environmental health manager Dog control officer Group manager environmental services Customer services officer Dog control ranger |
| s.39 | Remit, reduce or refund the dog control fee or part of the fee in any particular case or class of cases by reason of the financial circumstances of the owner or where satisfied that there are special grounds for doing so | Environmental health manager Dog control officer Customer services officer |
| s.40 | Require the production of a written statement or veterinarian's certificate as proof of class of dog | Environmental health manager Dog control officer Customer services officer |
| s.42 | Determine that there are reasonable grounds for believing there has been a breach of s.42(1) | Environmental health manager Dog control officer Dog control ranger |
| s.46 | To issue a replacement label or disc | Dog control officer Customer services officer |
| s.55 | Consider and determine an objection to a notice to abate a barking dog nuisance | Group manager environmental services |
| s.66 | Issue infringement notices Make any decision on any matter relating to those proceedings | Environmental health manager Dog control officer Dog control ranger Environmental health manager Dog control officer |
| s.68 | Require pound fee set is paid before release of dog | Environmental health manager Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|---|
| | | Dog control officer Dog control ranger |
| s.69 | Give written notice to the owner that a dog has been impounded and dispose of a dog pursuant to s.69(2) Where the owner of a dog is not known and cannot be identified from the dog registration label or disc, seize the dog, sell, destroy, or otherwise dispose of the dog pursuant to s.69(3) Apply proceeds from sale of dog against fees of the owner | Environmental health manager Dog control officer Customer services officer Dog control ranger |
| s.69A | Verify that a dog has been fitted with a functioning microchip transponder Recover the costs of microchip transponder | Environmental health manager Dog control officer Group manager environmental services Dog control ranger |
| s.70 | Determine an application for return of a dog Apply fees to sustenance of dog and require payment before return of dog | Environmental health manager Dog control officer Group manager environmental services |
| s.71 | Determine an application for return of a dog Apply fees to sustenance of dog and require payment before return of dog | Environmental health manager, dog control officer, group manager environmental services |
| s.71A | Sell, destroy or otherwise dispose of dogs seized under s.15 and s.33EC in a manner thought fit Apply fees from disposal towards fees Apply fees to sustenance of dog and require payment before return of dog | Environmental health manager Dog control officer Dog control ranger |

11.9 Drainage and Plumbing Regulations 1978

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|-----------------------------------|
| | Authority to exercise the powers of "Engineer" under the Drainage and Plumbing Regulations | Group manager services and assets |

11.12 Food Act 1981

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--------------------------------------|
| | Initiating prosecutions and injunctions under act or regulations | Group manager environmental services |
| s.2 | Appoint inspector | Chief executive |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.8E | Enforce Food Hygiene Regulations | Environmental health manager Environmental health officer |
| s.8N | Grant exemption from provisions of the Food Hygiene Regulations 1974 or refer to director general | Environmental health manager Environmental health officer |
| s.8O | Grant or refuse to grant exemption on director general's direction | Environmental health manager Environmental health officer |
| s.8P | Give notice of intention to refuse to grant exemption | Environmental health manager Environmental health officer |
| s.8Q | Revoke, amend, add conditions to any exemption | Environmental health manager Environmental health officer |
| s.8R | Specify exemption for specified period | Environmental health manager Environmental health officer |
| s.8S | Revoke exemption and give notice of intention to do so | Environmental health manager Environmental health officer |
| s.8U | Grant substitute exemption | Environmental health manager Environmental health officer |

Delegations under the Food Act 1981 remain in place during the period of transition to the Food Act 2014.

11.13 Food Act 2014

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| | All powers, functions and duties under the Food Act 2014, excluding ss.173(2), 176, 179, 182 and 205 which remain with Council | Group manager environmental services Environmental health manager Environmental health officer Customer services officer |

11.14 Food Hygiene Regulations 1974

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| S.4 | Grant, extend, set conditions on certificate of exemption | Group manager environmental services Environmental health manager Environmental health officer |

11.16 Freedom Camping Act 2011

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------------------|
| s.25 | Power to issue proceedings for an offence other than an infringement notice | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | | Environmental health manager |
| s.27 | Issue infringement notices Make any decision on any matter relating to those proceedings | Environmental health manager Environmental health officer Freedom camping ranger |
| s.28 | Power to issue reminder notice | Customer services officer |
| s.32 | Appointment of an enforcement officer | Chief executive |
| s.39 | Power to return property seized or impounded | Environmental health manager Environmental health officer Freedom camping ranger |
| s.40 | Power to dispose of seized and impounded property | Environmental health manager Environmental health officer Freedom camping ranger |

11.17 Gambling Act 2003

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|--------------------------------------|
| ss.98-100 | Considering and determining application for territorial authority consent | Group manager environmental services |

11.18 Gas Act 1992

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-----------------------------------|
| S.25 | Power to set reasonable conditions on the opening up of any road and recover reasonable costs | Assets manager Roading manager |
| S.33 | Power to require fittings to have their position changed | Assets manager Roading manager |

11.19 Hazardous Substances and New Organisms Act 1996

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| | Initiating prosecutions and injunctions under Act or Regulations | Group manager environmental services |
| s. 108 | Confirm, change or cancel Compliance Order | Environmental health manager Environmental health officer |

11.20 Health Act 1956

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------------------|
| | Initiating prosecutions and injunctions | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.28 | Appoint environmental health officers | Chief executive |
| s.33 | Bring proceedings for nuisance | Environmental health manager |
| s.34 | Determine that immediate action for the abatement of the nuisance is necessary by reason of the existence of a nuisance on any premises and without notice to the occupier, enter on the premises and abate the nuisance | Environmental health manager |
| s.41(1) | Decide and cause service of a cleansing order | Environmental health manager |
| s.41(2) | Cause cleansing | Environmental health manager |
| s.42 | Duly authorised to issue certificate | Environmental health manager |
| s.42(2) | Cause service of a repair notice | Environmental health manager |
| s.42(3) | Issue a closing order | Environmental health manager |
| s.45 | Cancel a closing order | Environmental health manager |
| s.54 | Determine any application to carry on an offensive trade, register or renew the registration of any premises used for an offensive trade | Environmental health manager Environmental health officer |
| s.58 | Determine any application to establish a stockyard, register or renew the registration of any premises used for a stockyard | Environmental health manager Environmental health officer |
| s.66 | Apply for injunction where continuing breach of bylaw following conviction | Group manager environmental services |
| s.81 | Decide and authorise environmental health officer to enter and carry out cleansing | Group manager environmental services Environmental health manager |
| s.83 | Destroy articles that cannot be effectively disinfected | Environmental health manager Environmental health officer |
| s.128 | Power to enter and inspect | Environmental health manager Environmental health officer |

11.21 Health (Burial) Regulations 1946

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.16 | Consent, register, renew, refuse, impose conditions for registration or consent | Environmental health manager Environmental health officer |

11.22 Health (Drinking Water) Amendment Act 2007

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-----------------------------------|
| S.69S | Duty to take all practicable steps to ensure that an adequate supply of drinking water is | Strategic manager water and waste |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------------|--|-----------------------------------|
| | provided to each point of water supply to which drinking water is supplied | |
| s.69T | Duty to take action where risk to water is actual or foreseeable | Strategic manager water and waste |
| s. 69U | Duty to take reasonable steps to contribute to the protection of a drinking water source | Strategic manager water and waste |
| S.69V | Duty to take all practicable steps to comply with drinking water standards | Strategic manager water and waste |
| s. 69W | Duty to take reasonable steps to supply wholesome drinking water | Strategic manager water and waste |
| s.69X | Duty to check water quality before connecting to a new water source | Strategic manager water and waste |
| s.69Y | Duty to monitor drinking water to ensure compliance with drinking water standards and assess public health risk | Strategic manager water and waste |
| ss. 69ZA – 69ZF | Duty to prepare and implement a public health risk management plan in relation to the drinking water supply, to review/renew plans, keep and make available records of plans, to investigate complaints, to take remedial action if standards breached | Strategic manager water and waste |
| s. 69ZZZ | Duty to protect water supplies from risk of backflow | Strategic manager water and waste |

11.22 Health (Hairdressers) Regulations 1980

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.4 | Grant, extend, set conditions on certificate of exemption | Group manager environmental services Environmental health manager Environmental health officer |

11.23 Health (Registration of Premises) Regulations 1966

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.5 | Consent, amend, register, renew, impose conditions for registration, and cancel registrations | Environmental health manager Environmental health officer |
| s.9 | Cause first notice and further notice to be served | Environmental health manager Environmental health officer |

11.24 Housing Improvement Regulations 1947

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|------------------------------|
| | Exercise the powers and functions of a local authority | Environmental health manager |

11.25 Impounding Act 1955

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| | Authority to authorise any officer to carry out all or any functions of a ranger under the Impounding Act 1955 | Group manager environmental services |
| ss.8, 9 | Appointment of a pound keeper (a statutory appointment) and appointment of a deputy (statutory appointment) | Chief executive |
| s.10 | Remove or suspend pound keeper or deputy | Chief executive |
| s.11 | Authority to publicly notify every appointment, or suspension, or removal from office of any pound keeper or deputy pound keeper, as required by Section 11 of the Impounding Act 1955 | Chief executive |
| s.14 | Recover actual costs of sustenance of impounded stock | Environmental health manager Dog control officer Dog control ranger |
| s.32 | Declare fenced paddock a temporary pound | Dog control officer Dog control ranger |
| s.42 | Disposal of wild stock straying on roads | Dog control officer Dog control ranger |
| s.50 | Authorise person to act as auctioneer for sale of impounded stock | Environmental health manager Dog control officer Dog control ranger |
| s.52 | Destroy worthless or suffering stock | Dog control officer Dog control ranger |
| s.53 | Dispose of unsold stock | Dog control officer Dog control ranger |
| s.56 | Recover any deficiency in costs from owner of stock | Environmental health manager Dog control officer Dog control ranger |

11.26 Infrastructure (Amendments Relating to Utilities Access) Act 2010

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.14 | Power to set reasonable conditions over the opening up of any road and recover reasonable costs | Group manager services and assets Roading manager |

11.27 Land Drainage Act 1908

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|---|
| S.6 | Obligation to provide information on ratepayers in respect of property within the district liable to be rated | Chief financial officer Finance manager Rates officer |
| S.20 | Power to object to Drainage Board (ES) interfering with road or footpath | Strategic manager water and waste |
| SS. 61,63 | Power to cleanse, repair or maintain a watercourse or drain | Strategic manager water and waste |

11.28 Land Transfer Act 2017

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|---|
| | Consenting to dealing with land where that land is subject to a caveat or encumbrance that requires the consent of Council before registration of any instrument under the Land Transfer Act 2017 | Property manager in consultation with group manager environmental services or group manager services and assets |
| S.34 | Authority to certify documents on Council's behalf pursuant to section 34 of the Land Transfer Act 2017 | Chief executive Group manager environmental services Group manager services and assets |
| | The authority to execute A & I forms and any associated documentation required by Land Information New Zealand or other regulatory body which under any act the documents are to be registered in accordance with the Land Transfer Act 2017 for the completion of any authorised transaction | Group manager services and assets Property services manager Group manager environmental services Team leader resource management |

11.29 Land and Transport Act 1998

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.16A | Powers regarding restriction of heavy traffic on roads | Group manager services and assets Roading manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------------|---|---|
| ss.22AB, 22AD and 22AE | Powers regarding transport related bylaws | Group manager services and assets Roading manager |
| s.128D | Appointment of parking wardens | Group manager environmental services Environmental monitoring manager Parking officer |
| s.128E | Powers of parking wardens | Group manager environmental services Environmental monitoring manager |
| s.139 | Power to issue infringement notices | Group manager environmental services Environmental monitoring manager Parking officer |
| s.157 | Power as road controlling authority to control, restrict and prohibit traffic | Group manager services and assets Roading manager |

11.30 Land Transport (Infringement and Reminder Notices) Regulations 2012

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------|---|----------------------------------|
| Schedule 4 | Power to review or waive stationary vehicle infringements | Environmental monitoring manager |

11.31 Litter Act 1979

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.5 | Appoint litter control officers | Chief executive |
| s.8 | Appoint and revoke appointment of litter wardens | Chief executive |
| s.10 | Serve notices to clear litter To hear and determine any objection | Environmental health manager Environmental health officer Group manager environmental services |
| s.14 | Issue infringement notices and make any decision on any matter relating to those proceedings | Environmental health manager Environmental health officer |
| s.15 | Initiating prosecutions and injunctions | Group manager environmental services |

11.32 Local Government Act 1974

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|--|
| s.319 | General powers in respect of roads | Group manager services and assets Roading manager Assets manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------------------------|---|---|
| s. 319 (a) | General powers of councils in respect to roads except: 319 (a) where an application is received to form a road and the additional new formation is proposed to be maintained by Council as this is required to be referred to Council. | Group manager services and assets Strategic manager transport Property services manager |
| s. 319B | Allocation of property numbers | Team leader resource management Support officer (Environmental Services) |
| 319 (h) | 319(h) where a permanent road stopping is proposed as this is required to be referred to Council | Group manager services and assets Strategic manager transport Property services manager |
| S.344 | Authority to approve and authorise the installation of gates and cattle stops on legal roads | Group manager services and assets Roding manager |
| s.346D | Authority to approve new vehicle entrances on to roads and limited access roads and/or alter the location of existing approved entranceways | Group manager services and assets Roding manager |
| s.348 | Creation and cancellation of right of ways | Group manager environmental services Team leader resource management Senior planner |
| s.353 | Require fencing | Group manager environmental services |
| s.355 | Council's powers relating to the removal and/or trimming or overhanging trees etc., and recovery of costs | Group manager services and assets Roding manager |
| ss.356, 356A | The power to authorise any person to remove and dispose of motor vehicles found on a road or in a public place which may be abandoned | Group manager services and assets Roding manager |
| s.357 | The power to penalise a person who commits an offence which encroaches on a road | Group manager services and assets |
| Schedule 10 clauses 11 (a) and (b) | The temporary prohibition of traffic for the purpose of: Construction or repair of the road or any drain, water race, pipe or apparatus under, upon, or over the road Diversions of traffic in order to resolve problems associated with traffic operations When, for any reason it is considered desirable that traffic should be diverted to other roads | Group manager services and assets Roding manager |

11.33 Local Government Act 2002

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.162 | Apply for injunction restraining a person from committing a breach of a bylaw or an offence against this Act | Executive Leadership Team |
| s.163 | Remove or alter a work or thing that is, or has been, constructed in breach of a bylaw, and recover the costs of removal or alteration | Environmental health manager Environmental health officer |
| s.167 | Return of property seized or impounded | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.168 | Dispose of property that has not been returned within six months after it was seized and impounded | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.171 | Enter any land or building other than a dwelling house. Determine how to exercise the power to enter occupied land or buildings. Give notice of intended entry | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.173 | Enter occupied lands or buildings without giving prior notice Inform occupier and owner of entry | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| S.174 | To be an authorised officer to act and enter private land | Group manager environmental services Building services manager Team leader resource management Environmental monitoring manager Building official Technical officer Senior planner Planner Graduate planner Environmental health officer Compliance coordinator Assets management engineer Asset management officer – transportation Utilities engineer Asset management officer – utilities Support officer service and assets Farm manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|--|--|--|
| | | Assets manager Roading manager Monitoring and enforcement officer Environmental monitoring officer Alcohol licensing inspector Systems officer – animal control Group manager customer service Contracts engineer – rural Contracts engineer – urban Technical support officer – roading Development engineer Technical support officer – applications Waste recovery manager Operations and services officer Assets field assistant Projects and operations manager Asset management engineer – utilities Stockwater rangers |
| s.177 | Appoint enforcement officer | Chief executive |
| s.179 | Contract out administration of regulatory functions | Group manager environmental services |
| s.181 | Construction of works on private land | Group manager services and assets Property services manager Strategic manager water and waste |
| s.185 | Approve the carrying out of works by an occupier | Environmental health manager |
| s.186(2) | Execute, provide or do works, materials or things and recover costs from person in default | Group manager environmental services Environmental health manager |
| s.187 | Act in default of owner and recover costs from person in default | Group manager environmental services Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.215 | Application for removal order for fence, structure or vegetation | Group manager environmental services |
| ss.227, 228, 229, 230, 231, 232, 238, 239, | Initiating prosecutions and injunctions under acts or bylaws | Group manager environmental services |

11.34 Local Government Official Information and Meetings Act 1987

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|--|
| S.5 | Power to determine availability of information | Chief executive Group managers |
| S.6 | Power to determine withholding of information | Chief executive Group managers Communications and engagement manager |
| S.7 | Other reasons for withholding official information | Chief executive Group managers Communications and engagement manager |
| S.10 | Requests for official information | Chief executive Group managers Communications and engagement manager |
| S.11 | Assistance with requesting information | Chief executive Group managers Communications and engagement manager |
| S.12 | Transfer of requests | Chief executive Group managers Communications and engagement manager |
| S.13 | Decisions on requests | Chief executive Group managers Communications and engagement manager |
| S.14 | Extension of time to provide official information | Chief executive Group managers Communications and engagement manager |
| S.15 | Power to determine the manner of presenting information | Chief executive Group managers Communications and engagement manager |
| S.16 | Power to determine deletions of some information from documents | Chief executive Group managers Communications and engagement manager |
| SS.17, 18 | Refusal of requests for information | Chief executive Group managers Communications and engagement manager |
| S.24 | Precautions regarding access to personal information | Chief executive Group managers Communications and engagement manager |
| S.25 | Correction of information | Chief executive Group managers |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------------|---|--|
| | | Communications and engagement manager |
| S.26 | Refusal to supply personal information | Chief executive Group managers Communications and engagement manager |
| S.33 | Requirement to notify decision of ombudsman | Chief executive Group managers Communications and engagement manager |
| S.44A | Authority to prepare and approve Land Information Memoranda | Team leader knowledge management Property information officer Knowledge officer |
| S.46 | Public notification of meetings | Governance and democracy manager Chief executive Committee advisor |
| SS.46A, 49, 51 | Availability of agendas, reports and minutes | Governance and democracy manager Communications and engagement manager Committee advisor |
| S.51A | Public notification of resolution at emergency meeting | Governance and democracy manager Communications and engagement manager Committee advisor |

11.35 Local Government (Rating) Act 2002

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------|---|--|
| S.27 | Keep and maintain rating information data base | Chief financial officer Finance manager |
| S.37 | Keep and maintain rates records | Finance manager Rates officer |
| S.40 | Power to correct errors in rating information database and rates records | Finance manager Rates officer |
| S.41 | Power to issue an amended rates assessment if an error is corrected | Finance manager Rates officer |
| SS.44-51 | Obligations to deliver rates assessments and rates invoices to ratepayers setting out the information required by the act | Finance manager Rates officer |
| S.53 | Power to appoint a rates collector s.67. Appointment of principal administrative officer with power to have judgments of the court enforced by the court | Finance manager Rates officer |
| S.54 | Power not to collect rates that are uneconomic to collect | Finance manager Rates officer |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------------------|---|--|
| SS.57, 58 | Power to add penalties for rates not paid by the due date | Finance manager Rates officer |
| S.62, 63 | Powers for recovery of rates if owner in default | Finance manager Rates officer |
| S.67 | Appointment of principal administrative officer with power to have judgments of the court enforced by the court | Finance manager Rates officer |
| S.77 | Obtain a court ruling that abandoned land can be disposed of by Council and then to dispose of such land. | Chief executive Group manager services and assets |
| S.79 | To set the reserve price of abandoned land which is to be offered for sale, or to be leased. | Chief executive Group manager services and assets |
| SS.85-90; 114-115 | Power to remit or postpone rates pursuant to Council rates remission and postponement policy | Finance manager Rates officer |
| S.108 | Appointment of principal administrative officer with power to have judgments of the court enforced by the court | Finance manager Rates officer |

11.36 New Zealand Library Association Act 1939

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------|
| S.5 | Power to become a member of the association | Manager district library |

11.37 Overseas Investments Act 2005

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|---|
| | Issue certificates relating to land | Group manager environmental services Team leader resource management Senior Planner |

11.38 Public Bodies Leases Act 1969

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------------------|--|--|
| ss. 7, 17, 18, 22, 23A | To sign on behalf of Council, lease, tenancy, service and other miscellaneous agreements where the use of the corporate seal is not required | Strategic manager property Property advisor |
| ss.7, 17, 18, 22, 23A | To sign leases on behalf of Council, including renewal, transfers, rent reviews that are in accord with legislation and Council policy | Strategic manager property Property advisor |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| SS. 8-9 | Leases to be sold by public tender or auction subject to certain conditions | Strategic manager property Property advisor |
| S.23 | To authorise process for surrender of leases | Strategic manager property Property advisor |

11.39 Public Works Act 1981

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|--------------|---|-----------------------------------|
| ss. 110-111A | Provides certain powers of entry onto private land. | Group manager services and assets |
| SS.133-134 | Provide for removal of trees and hedges that interfere with public works | Group manager services and assets |
| SS.233-234 | Obligation to provide notice before entry onto private land | Group manager services and assets |
| S.237 | Power to approve excavations near public works | Group manager services and assets |
| S.238 | Power to bring action for damage to public work | Group manager services and assets |
| S.239 | Power to remove and/or dispose of abandoned property from public works land | Group manager services and assets |
| S.240 | Removal of land from persons holding illegal possessions | Group manager services and assets |

11.40 Racing Act 2003

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------|--|--------------------------------------|
| SS.65A-65E | Receiving, considering and determining application for territorial authority consent | Group manager environmental services |

11.40 Rates Rebate Act 1973

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| SS.5-7 | Provide for application of rebate of rates to be considered by chief executive | Chief financial officer Finance manager |
| S.9 | Provides for application to secretary for Local Government for refund of rebates granted | Chief financial officer Finance manager |
| S.13 | Power to receive declarations | Chief financial officer Finance manager |

11.41 Rating Valuations Act 1998

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------|--|--|
| S.10 | Duty to prepare and maintain district valuation roles | Chief financial officer Finance manager |
| SS.11-13 | Powers regarding general revaluations | Chief financial officer Finance manager |
| SS.14-17 | Powers regarding specific revaluations during the currency of a general revaluation | Chief financial officer Finance manager |
| SS.32-40 | Objections to valuations | Chief financial officer Finance manager |
| SS.41-42 | Powers for information to be disclosed | Chief financial officer Finance manager |
| S.43 | Power to obtain contribution to the cost of preparing and maintaining the valuation role from the regional Council | Chief financial officer Finance manager |
| S.45 | Provides authorisation for entry onto private property to carry out valuations | Chief financial officer Finance manager |

11.42 Reserves Act 1977

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-------------------------|--|---|
| | All powers, functions and duties under the Reserves Act 1977 except those outlined below | Communities facilities manager Property services manager |
| SS.78-80, 84-85A, 89-92 | Financial powers and duties regarding reserves | Chief financial officer Finance manager Community facilities manager Property services manager |

11.43 Resource Management Act 1991

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-----------------|---|---|
| SS.10, 10A, 10B | Determination of whether existing rights in terms of Section 10 of the RMA apply | Group manager environmental services Team leader resource management Senior planner |
| s.27 | To provide information to the Minister for Environment | Group manager environmental services Team leader resource management Senior planner |
| s.36(5) | Power to require the payment of additional charges to cover processing costs in accordance with Council's approved Schedule | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|--|---|
| | of Fees and Charges under the Resource Management Act 1991 | Senior planner Resource management planners |
| s.36(6) | Power to provide on request an estimate of additional charges over and above the processing deposits | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.36AAB (1) | Power to remit the whole or any part of the charge under s36 that would otherwise be payable. | Group manager environmental services Team leader resource management |
| ss.37, 37A | Power to waive and/or extend time limits for functions under the act. | Group manager environmental services Team leader resource management Senior planner |
| s.38 | Authorisation of Enforcement Officers | Group manager environmental services Team leader resource management |
| s.41B | Direction to provide evidence with time limits | Group manager environmental services Team leader resource management Senior planner |
| s.42 | Protection of sensitive information | Group manager environmental services Team leader resource management |
| s.42A | Require the preparation of a report on information provided | Group manager environmental services Team leader resource management |
| s.42A (5) | Waiving compliance regarding timeframes for distributing reports, where there is no material prejudice | Group manager environmental services Team leader resource management Senior planner |
| s.87BA | To issue a notice confirming a boundary activity is permitted | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.87BB | To issue a notice confirming a marginal or temporary activity is permitted | Group manager environmental services Team leader resource management Senior planner |
| s.87E | Decision on request for application to go directly to environment court | Group manager environmental services Team leader resource management |
| s.87F | Preparation of report on application referred directly to environment court | Group manager environmental services Team leader resource management Senior planner |
| s.88(3) | Determining an application incomplete and returning to the applicant | Group manager environmental services Team leader resource management Senior planner |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|--|---|
| s.91 | Determining not to proceed with notification or hearing of application pending lodging of further consents under the act | Group manager environmental services Team leader resource management Senior planner |
| s.92 | Request further information or agreement to commissioning of a report on resource consent application | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.92A (2) | Set timeframe for provision of further information or commissioning of a report | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| ss.95A, 95B | Determination of public notification or limited notification | Group manager environmental services Team leader resource management Senior planner |
| s.95D | Determination of adverse effects likely to be more than minor | Group manager environmental services Team leader resource management Senior planner |
| s.95E | Determination if person is affected person | Group manager environmental services Team leader resource management Senior planner |
| s.95F | Determination if group is an affected customary rights group | Group manager environmental services Team leader resource management |
| s.95G | Determination if group is an affected customary marine title group | Group manager environmental services Team leader resource management |
| s.99 | Organise and convene prehearing meetings and prepare reports on these under Section 99 (5) | Group manager environmental services Team leader resource management Senior planner |
| s.100 | Determine whether a formal hearing is necessary | Group manager environmental services Team leader resource management |
| s.101 | Fix time and date for hearings | Group manager environmental services Team leader resource management Senior planner |
| s.102 | To determine whether applications are required to be heard by Joint Hearings Committee | Group manager environmental services Team leader resource management |
| s.103 | To determine whether two or more applications to different authorities are sufficiently unrelated that a joint hearing is not appropriate. | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|---|--|---|
| ss. 104, 104A, 104B, 104C, 104D, 108, 113 | Make and issue decisions and impose conditions for non-notified resource applications and limited notified resource applications where there are no submissions received or where all submissions received are in support and no party wishes to be heard; in accordance with the provisions of the Southland District Plan and the RMA. | Group manager environmental services Team leader resource management Senior planner |
| s.106 | Ability to refuse subdivision consent in certain circumstances. | Group manager environmental services Team leader resource management Senior planner |
| s.108A | Determination of requirement for a bond | Group manager environmental services Team leader resource management Senior planner |
| s.114 | Notify decisions to applicant and other appropriate authorities | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.123 (b) | Duration of consent | Group manager environmental services Team leader resource management Senior planner |
| s.125 (1A)(B) | Fix longer period for lapsing of resource consents than is the norm under Section 125(1) | Group manager environmental services Team leader resource management Senior planner |
| s.126 | Cancel consent if not exercised | Group manager environmental services Team leader resource management |
| s.127 | Determining whether application to change or cancel consent requires notification, or limited notification and changing or cancelling any condition on a resource consent | Group manager environmental services Team leader resource management Senior planner |
| s.128 | Service of notice of intention to review conditions of a resource consent | Group manager environmental services Team leader resource management Senior planner |
| ss.129, 130 | Formulation and public notification of notice to review conditions | Group manager environmental services Team leader resource management Senior planner |
| s.133A | Minor corrections of resource consents | Group manager environmental services Team leader resource management Senior planner |
| s.134(4) | Approval of transfer of resource consents – written notice | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|------------------|---|---|
| | | Senior planner |
| s.138 | Surrender of consent | Group manager environmental services Team leader resource management |
| s.139 | Consider request for and issue Certificates of Compliance for any activity which is a permitted activity under the District Plan. | Group manager environmental services Team leader resource management Senior planner |
| s.139A | Consider request for and issue Existing Use Certificate. | Group manager environmental services Team leader resource management Senior planner |
| s.169 | Request further information and process notice of requirement | Group manager environmental services Team leader resource management Senior planner |
| s.170 | Discretion to include notice of requirement in proposed Plan | Group manager environmental services Team leader resource management |
| s.171 | Consider notice of requirement and make submissions thereto, and make recommendation to the requiring authority | Group manager environmental services Team leader resource management Senior planner |
| s.174 | Lodge appeal against decision of a requiring authority. | Group manager environmental services Team leader resource management |
| s.176A(2) (C) | Outline plan waivers | Group manager environmental services Team leader resource management Senior planner |
| s.181(3) | Alteration of designation in plan at request of requiring authority, to a minor extent | Group manager environmental services Team leader resource management |
| s.182 | Removal of designation at request of requiring authority | Group manager environmental services Team leader resource management |
| s.184(2) | Waiver of lapsing designation | Group manager environmental services Team leader resource management |
| s.220 | Issue certificates relating to requirements to comply on ongoing basis with consent conditions and endorsements on titles | Group manager environmental services Team leader resource management Senior planner |
| s.221 | Imposing and issuing Consent Notices on subdivision consents. | Group manager environmental services Team leader resource management Senior planner |
| s.222 | Dealing with Completion Certificates on subdivision consents | Group manager environmental services Team leader resource management Senior planner |
| s.223 | Approval of Survey Plan – check compliance prior to sealing | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------------------|--|---|
| | | Senior planner |
| s.224 | Issue certificates indicating all or any of conditions on subdivision consent have been complied with | Group manager environmental services Team leader resource management Senior planner |
| s.226 | Certifications of plans of subdivision that allotments on the plan meet the requirements of the District Plan | Group manager environmental services Team leader resource management Senior planner |
| ss.229 – 237H | Creation of esplanade reserves and strips and associated conditions. | Group manager environmental services Team leader resource management Senior planner |
| ss.240,241 | Imposition and cancellation of amalgamation conditions and restrictive covenants | Group manager environmental services Team leader resource management Senior planner |
| s.243(E) | Revoking a condition specifying easements | Group manager environmental services Team leader resource management Senior planner |
| ss.310, 311 | Application to Environment Court for a declaration | Group manager environmental services Team leader resource management |
| ss.314,316 | Seek and/or respond to an Enforcement Order | Group manager environmental services Team leader resource management |
| s.320 | Seek and/or respond to an interim enforcement order | Group manager environmental services Team leader resource management |
| s.325A | Signature or cancellation of abatement notice | Group manager environmental services Team leader resource management Senior planner |
| Schedule 1, Clause 5A | To identify all affected parties for limited notification of a plan change or variation | Group manager environmental services Team leader resource management |
| ss.322, 327, 3258, 343C | The taking of enforcement action in relation to the Resource Management Act, initiating the review the resource consent decisions, and conditions | Group manager environmental services Team leader resource management |
| s.332 | To carry out inspection of any premises of property (except a dwelling house) to determine whether the RMA, any regulation or rule of the District Plan or resource consent is being complied with | Team leader resource management Senior planner Resource management planner Compliance and consents officer |
| s.333 | Entry to land (except a dwelling house) for purposes connected with any preparation, change, or review of the District Plan | Team leader resource management Senior planner Resource management planner Compliance and consents officer |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|---|
| s.336 | Return of property seized under ss.323 and 328 | Group manager environmental services Environmental health manager Environmental health officer |
| s.342 | The power to collect fines for an offence under s.338 | Group manager environmental services Team leader resource management Environmental health manager |
| s.357 | The power to consider and make decisions on application for objections for an application which does not require a hearing, except where the decision would result in a net payment of reserve contributions by Council less credits for land to vest exceeding the delegation for the role. The power to decide whether an objection requires a hearing | Group manager environmental services Team leader resource management Environmental health manager |
| ss.357C-D | The power to consider and decide upon objections made. To consider, dismiss or uphold (in whole or in part) any objection under sections 357, 357A or 357B of the Act PROVIDED that this delegation shall NOT be exercised in respect of objections on resource consent applications which have been the subject of a hearing under section 100 of the Act | Group manager environmental services Team leader resource management |
| s.360F | To set overall charges payable by the applicant for a plan change or resource consent | Group manager environmental services Team leader resource management |

11.44 Sale and Supply of Alcohol Act 2012

Council authorises the chief executive to delegate to any Council officer either generally or particularly any of his powers, functions and duties under the Sale and Supply of Alcohol Act 2012 including those delegated to him by Council.

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--------------------------------------|
| | That Council authorises the chief executive to delegate to any Council officer either generally or particularly any of his powers, functions and duties under the Sale and Supply of Alcohol Act 2012 including those delegated to him by Council. | |
| | To give consent of Council as landowner (including reserves) for the purpose of the act | Property manager |
| | Authorising prosecutions and injunction proceedings. | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|----------|--|---|
| s.100(f) | Certificates that proposed use of premises meets the requirements of the Resource Management Act 1991 and Building Code | Group manager environmental services Team lead resource management Senior planner |
| s.189(6) | The appointment from time to time of two members from the list of persons approved to be members of the District Licensing Committee for the purposes of s.191. The appointment may be for such period not exceeding four weeks as is considered necessary for the purposes of a quorum for any meeting of the committee | Chief executive |
| s.197 | Appointment of licensing inspectors | Chief executive |
| s.198 | Delegation of functions, duties, or powers of chief executive | Written delegations contained in R/16/6/9766 and R/16/10/17914 |
| s.204 | Authorising any person to appear on behalf of Council in any proceedings described in s.204(1). | Chief executive |
| s.205 | Authorising any person to appear on behalf of Council at any appeal to the Licensing Authority under s.81. | Chief executive |

Sale and Supply of Alcohol Act 2012 delegations that are affected by limitations at the bottom of chart:

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|----------|---|--|
| s.137(2) | Accept late application for special licence | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| s.187(a) | To consider and determine applications for manager's certificates and special licenses. | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| s.187(b) | To consider and determine applications for renewal of licences | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| s.187(b) | To consider and determine applications for renewal of manager's certificates | Chief executive Group manager environmental services Chief licensing inspector |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|--|--|
| | | Licensing inspector Customer services officer |
| s.187(c) | To consider and determine applications for temporary authority | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector |
| s.208 | To waive certain omissions | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| Limitations | <p>The delegations in this chart are subject to these limitations which staff cannot decide:</p> <ul style="list-style-type: none"> a. consider or decide on any opposed applications, or applications subject to public objection b. consider or decide on any waivers that do not meet any agreed criteria within the SEAL reference document c. decline, suspend, or cancel any application or licence or certificate d. vary any licence without the consent of the licence holder e. reduce the term of renewal of any certificate or licence f. decide on any application that any reporting agency requests to be considered by the District Licensing Committee g. any application which the general manager environmental services decides should be considered by the District Licensing Committee. | |

11.45 Sale and Supply of Alcohol (Fees) Regulations 2013

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.4 | Classification of premises | Group manager environmental services |
| s.5(1) | Assigning cost/risk ratings | Group manager environmental services |
| s.5(6) | Opinions with regard to premises types | Group manager environmental services |
| s.6(1) | Assigning fees categories | Group manager environmental services |
| s.6(4) | Assigning fees categories | Environmental health manager Environmental health officer |
| s. 9(2) | Determining event types | Environmental health manager Environmental health officer |
| s.10(2) | Setting of fees | Environmental health manager Environmental health officer |

11.46 Smoke Free Environments Act 1990

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-------------------------------|
| S.5 | Duty of employers to have a policy on smoking | People and capability manager |

11.47 Summary Proceedings Act 1957

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--------------------------------------|
| | Functions and duties related to vehicle parking and other stationary vehicle offence enforcement | Group manager environmental services |

11.48 telecommunications Act 2001

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-------------|---|-----------------------------------|
| S.119 | Sets out the matters that may be considered in setting conditions for access to Council roads | Assets manager Roading manager |
| S.128 | Powers to deal with trees on road verges interfering with telecommunications networks | Assets manager Roading manager |
| S.135 | Duty to provide telecommunications networks access to Council roads | Assets manager Roading manager |
| SS.137, 143 | Duty to notify network operator of conditions imposed under section 135 or section 142 | Assets manager Roading manager |
| S.142 | Duty to provide telecommunications networks rights to place cabinets on public roads | Assets manager Roading manager |

11.49 Transport (Vehicular Traffic Road Closure) Regulations 1965

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-----------------------------------|
| | The powers conferred on Council by the Transport (Road Closure) Regulations | Group manager services and assets |

11.50 Utilities Access Act 2010

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| S.6 | Obligation to comply with the national code of practice to co-ordinate work done in transport corridors | Group manager services and assets Roading manager Assets manager |

11.51 Waste Minimisation Act 2008

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------------------|--|-----------------------------------|
| SS.26, 27 | Duty to impose levy on waste disposed of at disposal facility at prescribed rate | Group manager services and assets |
| S.28 | Duty of operator of disposal facility to pay levy to levy collector | Group manager services and assets |
| S.32 | Duty to spend levy money received on waste minimisation initiatives or in accordance with a Waste Management and Minimisation Plan | Group manager services and assets |
| S.51 | Mandatory requirements for waste assessment | Group manager services and assets |
| S.53 | Duty to use any proceeds from a service undertaken under s.52 in implementing the Waste Management and Minimisation Plan | Group manager services and assets |
| S.54 | Duty for territorial authority to provide a service that collects waste promptly, efficiently and at regular intervals | Group manager services and assets |
| S.66 | Authority to enforce provisions of bylaw | Group manager services and assets |
| SS.73,74 | Authority to initiate proceedings for infringement offences and to issue and serve infringement notices | Group manager services and assets |
| S.75 | Authority to retain infringement fees | Group manager services and assets |
| S.76 | Authority to authorise any officer to be an enforcement officer | Group manager services and assets |
| SS.79, 80-82, 84, 85 | Powers of enforcement officers | Group manager services and assets |
| SS.86-87 | Duty to keep records and provide details if required | Group manager services and assets |

11.52 Dog Control Bylaw 2015

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------|--|---|
| ss.10(a) and (b) | Changes to dog access by public notice | Chief executive Group manager environmental services |
| s.13 | Granting of multiple dogs licences | Chief executive Group manager environmental services Environmental health manager Dog control officer Customer services officer |
| s.14 | Requirement to neuter uncontrolled dog | Chief executive Group manager environmental services Environmental health manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|-------------------|
| | | |

11.53 Freedom Camping Bylaw 2015

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|---|
| s.7 | Consent to freedom camping | Chief executive Group manager environmental services |

11.54 Alcohol Control Bylaw 2015

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| s.6 | Granting of dispensations with or without conditions | Chief executive Group manager environmental services |

11.55 Keeping of Animals, Poultry and Bees Bylaw 2010

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|---|
| s.5 | Prescribe conditions | Chief executive Group manager environmental services |
| s.6 | Dispensing powers | Chief executive Group manager environmental services |

11.56 Roothing Bylaw 2008 – Revision 2 2018

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| | Functions and duties related to vehicle parking and other stationery vehicle offence enforcement | Group manager services and assets Roading manager |

11.57 Trading in Public Places Bylaw 2013

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| SS.5, 6 | Receiving, considering and determining application for licence | Chief executive Group manager environmental services Environmental health manager Environmental health officer |

11.58 Trade Waste Bylaw 2008

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | All of the powers of council under the trade waste bylaw 2008 in respect of trade premises as defined in the bylaw and the discharges from them | Environmental health manager Environmental health officer |

11.59 Airport Authorities Act 1966

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---------------------------------------|---|
| s.6 | Leasing powers of airport authorities | Group manager services and assets Property services manager Commercial infrastructure manager |

11.60 Residential Tenancies Act 1986

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | To undertake the role and obligations of the landlord as required by the act. | Group manager services and assets Property services manager Community facilities manager |

12 Non Statutory Delegations

12.1 Advertising

| DESCRIPTION | DELEGATED OFFICER |
|---|---|
| To authorise general advertising | Group managers Communications and engagement manager |
| Authority to issue public notices as required | Chief Executive or nominee Group Managers |
| Authority to issue works notices to property owners and residents in areas where works are to be carried out, subject to any other statutory provisions | Chief executive Group manager services and assets Assets manager Roading manager |
| To authorise resource consent application public notices | Group manager environmental services |
| To authorise advertising related to property matters. | Group manager services and assets Strategic property manager |
| To authorise advertising related to employment opportunities | Chief executive People and capability manager |

12.2 Animal Control

| DESCRIPTION | DELEGATED OFFICER |
|--|--------------------------------------|
| Authority to approve dog rehoming providers in relation to “approved rehoming providers” in Council’s fees and charges | Group manager environmental services |

12.3 Appointment and Termination

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Appointment of salaried staff within the established limits | People and capability manager in consultation with the relevant group manager |
| Appointment of hourly rate staff within the established limits | People and capability manager People and capability advisor |
| Appointment of group managers | Chief executive |
| Termination of staff | Chief executive or nominee in consultation with people and capability manager and relevant group manager |

12.4 Public Tender

| DESCRIPTION | DELEGATED OFFICER |
|---|-------------------|
| Authority to call for tenders and authorise the request for tenders document in accordance with the approved procurement plan | Chief executive |

12.4 Asset Disposal

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Sale or trade-in of equipment or vehicles or plant surplus to requirements | Chief financial officer Finance manager |

12.5 Civic Ceremonies and Civic Functions

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Arrangements for civic or mayoral functions | Chief executive Chief financial officer Communications and engagement manager Mayoral support |

12.6 Closed Circuit Television ("CCTV")

| DESCRIPTION | DELEGATED OFFICER |
|-------------------------------------|---|
| Release of all recorded CCTV images | Manager customer delivery Customer contact centre manager Privacy officer |

12.8 Council Common Seal

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Affix the Southland District Council Common Seal | Mayor and chief executive. In the absence of the mayor, any other councillor. In the absence of the chief executive, any group manager. |

12.9 Document Execution

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Authority to execute documents on Council's behalf for documents related to the Services and Assets Group and the Environmental Services Group as appropriate when the chief executive is absent and no acting chief executive has been appointed by Council and there is necessity for such documents to be signed as a matter of urgency | Group manager services and assets Group manager environmental services |

12.10 Insurance

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Authority to sign release documents on insurance claims made by Council and to contribute any excess payable in accordance with policy | Chief financial officer Finance manager |
| Authority to settle any claim for compensation where the amount proposed does not exceed: (where provision is made in council's estimates) the amount provided in the estimates; or (where no provision is made in the estimates) an amount not exceeding \$5,000. All such settlements to be reported to the Finance and Audit Committee. | Chief financial officer Finance manager |

12.11 Media Statements

See Governance Delegations section for specific committees and subcommittees.

| DESCRIPTION | DELEGATED OFFICER |
|-------------------------------|--|
| To authorise media statements | Chief executive Group managers Communications and engagement manager Business unit managers |

12.13 Planning

| DESCRIPTION | DELEGATED OFFICER |
|--|--------------------------------------|
| To lodge submissions and further submissions on behalf of Council on: Any proposed District Plan or variation to a proposed District Plan administered by Council or by any other council | Group manager environmental services |

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| <p>Any Council initiated or privately initiated change to a District Plan administered by Council or by any other council</p> <p>Any notice of requirement for a heritage order</p> <p>Any notice of requirement for a designation</p> <p>Any proposed Regional Plan or variation to a proposed regional Plan, or on any change to a regional Plan</p> <p>Any proposed Policy Statement administered by Council or by any other Council</p> <p>Any matter lodged with the Environmental Protection Authority.</p> <p>This delegation is to be reported to Council at the next available opportunity to allow for the Council to review and endorse the submission</p> | |
| Authority to require payment of financial contributions in accordance with Council's adopted schedule of fees | <p>Group manager environmental services</p> <p>Team leader resource management</p> |
| Authority to authorise the recovery of reasonable costs in relation to the monitoring of Resource Consent, District Plan, Resource Management Act and National Environmental Standard compliance | <p>Group manager environmental services</p> <p>Team leader resource management</p> |
| Authority to reduce the application fee for resource management administration as shown in Council's Schedule of Fees and Charges | <p>Group manager environmental services</p> <p>Team leader resource management</p> |

12.14 Public Tenders

| DESCRIPTION | DELEGATE |
|--|--|
| Authority to open public tenders received | <p>Chief executive</p> <p>Chief financial officer</p> <p>Group manager environmental services</p> <p>Group manager services and assets</p> <p>Activity managers</p> <p>Finance manager</p> <p>Transport manager</p> <p>Community facilities manager</p> <p>Property services manager</p> <p>Projects and contracts coordinator</p> |
| Prepare recommendations for tenders above personal limit. | <p>Executive Leadership Team</p> <p>Activity managers</p> |
| Prepare recommendations for acceptance by appropriate committee. | Executive Leadership Team |

12.15 Property

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Authority to enter into new leases for Council properties on the following basis: that the length of the lease not be more than five years that the value of the property not be more than \$200,000 | Group manager services and assets Property services manager |
| Termination of tenancies, lease or licence of Council property for non-compliance with tenancy agreements | Chief executive Group manager |
| Authority to approve leases, licences or other occupation agreements (other than residential tenancies) | Chief executive Group manager services and assets Property services manager |

12.16 Refuse and Recycling

| DESCRIPTION | DELEGATED OFFICER |
|---|-----------------------------------|
| Authority to close refuse areas due to adverse weather conditions | Group manager services and assets |

12.17 Roads

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Authority to set fees and charges for inspection and repair of service authority trenches | Group manager services and assets Roading manager |
| Authority to approve the imposition of no-parking restrictions of up to 25m length for where these are necessary for road safety reasons or because of restricted carriageway or traffic-lane widths | Group manager services and assets Roading manager |

12.18 Signage

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Authority to take appropriate action to control the display of advertising signs in a public place, not including roads and footpaths (see The SDC signs and objects on roads and footpaths bylaw 2016) | Group manager environmental services Environmental health manager Environmental health officer |
| Authority to approve the erection of hoardings for election campaigns and public meetings | Group manager environmental services Environmental health manager Team leader customer support |

12.19 Street Appeals

| DESCRIPTION | DELEGATED OFFICER |
|---|---|
| To authorise appeals to the public for financial assistance where that appeal is conducted from a public place by a charitable or community service organisation. | Manager environmental health Customer services team leader |

12.20 Street Furniture and Signage

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Authority to approve the design and positioning of street furniture, including bus shelters | Group manager services and assets Roading manager |
| Authority to approve erection of directional signs | Group manager services and assets Roading manager |

12.21 Street Parades

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Authority to permit street parades and rallies on public places, not including roads | Group manager services and assets Roading manager |

12.22 Water Services

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Authority to impose restrictions on the use of water on those public supplies operated and administered by Council | Group manager services and assets Assets manager |

Schedule of Meetings up to October 2022

Record No: R/20/5/11783
Author: Alyson Hamilton, Committee Advisor
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of the report is to approve a schedule of meeting dates for up to October 2022 so that meetings can be publicly notified in accordance with the requirements set by the Local Government Official Information and Meetings Act 1987.

Executive Summary

- 2 The adoption of a meeting schedule allows for reasonable public notice preparation and planning for meeting agendas. The Local Government Official Information and Meetings Act 1987 which has requirements for Local Authorities to follow for public notification of meetings.
- 3 Southland District Council approved the terms of reference for community boards/subcommittees at its meeting on 1 November 2019. In the approved terms of reference was the frequency of meetings. Community boards would meet six times a year (February, April, June, August, October and December) and the Riverton Harbour subcommittee (quarterly).
- 4 Council at its meeting on 1 November 2019 adopted a schedule of meetings for 2020. It is appropriate that the subcommittee sets its own meetings for the triennium.
- 5 The meeting schedule for the Riverton Harbour subcommittee is being set until the beginning of October 2022 as there is the triennial elections on Saturday 8 October 2022.

Recommendation

That the Riverton Harbour Subcommittee:

- a) Receives the report titled “Schedule of Meetings up to October 2022” dated 22 June 2020.**
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) Agrees to meet at the Southland District Council Riverton office, 117 Palmerston Street, at 5.00pm on the following dates up to October 2022:**
 - Monday, 29 June 2020**
 - Monday, 28 September 2020**
 - Monday, 7 December 2020**

 - Monday, 15 February 2021**
 - Monday, 24 May 2021**
 - Monday, 30 August 2021**
 - Monday, 22 November 2021**

 - Monday, 14 February 2022**
 - Monday, 23 May 2022**
 - Monday, 29 August 2022**

Background

- 6 An approved schedule of meeting dates is required so that meetings can be publicly notified in accordance with the Local Government Official Information and Meetings Act 1987.

Issues

- 7 *A meeting has been bought forward in 2022 as follows:*
- *the last meeting of the board in 2022 has been brought forward to September as an October meeting is too close to the election being held on Saturday 8 October 2022.*

Factors to Consider

Legal and Statutory Requirements

- 8 The legal and statutory requirements for meetings of Council, committees, subcommittees and community boards are spelt out in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

Community Views

- 9 There are no community views.

Costs and Funding

- 10 The only costs for the implementation of a meeting schedule are the public notifications via the daily newspaper once a month in accordance with the Local Government Official Information and Meetings Act 1987.

Policy Implications

- 11 There are no policy implications.

Analysis

Options Considered

- 12 Options considered are that if no meeting schedule be agreed, then no meetings of the Riverton Harbour subcommittee could be held. The other option is to adopt a meeting schedule as proposed in the recommendations which enables dialogue between the subcommittee and District Council officers on a regular basis.

Analysis of Options

Option 1 – No meeting schedule

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none">• there are no advantages | <ul style="list-style-type: none">• Council officers and community board unable to achieve work in the harbour area as no meetings are being held |

Option 2 – Adopt a meeting schedule

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none">• Council officers and subcommittee are able to achieve work in the harbour area as meetings are being held on a regular basis | <ul style="list-style-type: none">• there are no disadvantages |

Assessment of Significance

- 13 The assessment of significance is that this is not significance as defined in the Local Government Act 2002.

Recommended Option

- 14 The recommended option is Option 2 - adoption of a schedule of meetings.

Next Steps

- 15 The next steps once the schedule is adopted is to ensure that the meetings are publicly notified to enable the Riverton Harbour subcommittee to meet.

Attachments

There are no attachments for this report.

Financial Report for the period ended 31 May 2020

Record No: R/20/6/22466

Author: Greg Erskine, Community Facilities Contract Manager

Approved by: Matt Russell, Group Manager Services and Assets

☐ Decision

☐ Recommendation

☒ Information

Summary

- 1 The purpose of this report is to provide the Riverton Harbour Subcommittee information on the Financial and projects update to 31 May 2020 as attached.

Recommendation

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled "Financial Report for the period ended 31 May 2020" dated 23 June 2020.**

Attachments

- A Financial Report to 31 May 2020 [↓](#)
- B Business Unit Report - ended May 2020 [↓](#)

Riverton Harbour - Business Units as at 31 May 2020

| | Income | | | Expenses | | | Capital | | |
|---------------|-----------------|-----------------|------------------|-------------------|-------------------|-------------------|-----------------|-----------------|------------------|
| Business Unit | Actual YTD | Budget YTD | Budget Full Year | Actual YTD | Budget YTD | Budget Full Year | Actual YTD | Budget YTD | Budget Full Year |
| Harbour | \$37,975 | \$31,203 | \$36,493 | (\$45,691) | (\$42,900) | (\$41,264) | \$72,469 | \$72,469 | \$72,469 |
| Total | \$37,975 | \$31,203 | \$36,493 | (\$45,691) | (\$42,900) | (\$41,264) | \$72,469 | \$72,469 | \$72,469 |

Riverton Harbour income is currently over budget by \$6,772 due to rentals and license fees for the boat park. This income has not been phased and is expected to be on budget by year end. The negative expenditure is due to the SDC Wharf project costs being capitalised,

Reserve Balances

| RESERVE | 30 JUNE 2020 | BUDGET 30 JUNE 2020 | FORECAST 30 JUNE 2020 |
|---------------------------------|-------------------------|------------------------------------|----------------------------------|
| RIVERTON HARBOUR | \$13,063 | \$19,851 | \$17,851 |
| TOTAL – RIVERTON HARBOUR | \$13,063 | \$19,851 | \$17,851 |

BUDGET VERSUS ACTUALS

26381 Harbour

For the Period Ended May 2020

2019/2020 Financial Year

26381 Harbour

| <u>Annual Budget</u> | <u>Department</u> | | <u>Year to Date Actuals</u> | <u>Year to Date Budget</u> | <u>%Variance</u> |
|--------------------------|--|--------------------------------|---------------------------------|--------------------------------|------------------|
| Income | | | | | |
| (26,146.00) | 26381.11111 | Rentals | (30,039.12) | (23,531.40) | 127.66% |
| (8,369.00) | 26381.11316 | Licence Fee - Wharf | (7,935.98) | (7,671.58) | 103.45% |
| (1,978.00) | 26381.19151 | Internal - Interest on Reserve | 0.00 | 0.00 | 0.00% |
| (36,493.00) | | | (37,975.10) | (31,202.98) | 121.70% |
| Expenditure | | | | | |
| 0.00 | 26381.21218 | Doubtful Debts | 187.77 | 0.00 | 0.00% |
| 1,178.00 | 26381.21311 | Material Damage Insurance | 1,465.63 | 1,178.00 | 124.42% |
| 2,073.00 | 26381.21312 | Public Liability Insurance | 2,000.00 | 1,900.25 | 105.25% |
| 1,000.00 | 26381.21411 | Councillor - Meeting All | 350.00 | 916.67 | 38.18% |
| 500.00 | 26381.21836 | Miscellaneous Grant | 500.00 | 500.00 | 100.00% |
| 3,153.00 | 26381.31211 | Electricity | 3,134.38 | 2,890.25 | 108.45% |
| 0.00 | 26381.31523 | Legal Costs | 2,084.00 | 0.00 | 0.00% |
| 4,300.00 | 26381.31527 | Mowing | 3,401.62 | 4,300.00 | 79.11% |
| 202.00 | 26381.31528 | Rates | 282.39 | 185.17 | 152.51% |
| (7,913.00) | 26381.31542 | General Projects | (8,898.79) | (7,913.00) | 112.46% |
| 0.00 | 26381.31553 | Monitoring | 215.74 | 0.00 | 0.00% |
| 3,224.00 | 26381.35214 | Maint - General | 1,115.20 | 2,955.33 | 37.74% |
| 2,862.00 | 26381.35216 | Maint - Lights | 555.62 | 2,623.50 | 21.18% |
| (60,469.00) | 26381.35229 | Maint - Project | (61,391.28) | (60,469.00) | 101.53% |
| 4,588.00 | 26381.36311 | Refuse Collect - General | 4,325.45 | 4,205.67 | 102.85% |
| 1,500.00 | 26381.41118 | Depn - Improvements | 1,375.00 | 1,375.00 | 100.00% |
| 0.00 | 26381.43317 | Internal -Interest on Loans | 620.29 | 0.00 | 0.00% |
| 1,017.00 | 26381.43346 | Internal - CTF Services | 1,110.00 | 932.25 | 119.07% |
| 1,520.00 | 26381.43366 | Internal Rates expense | 1,875.56 | 1,520.00 | 123.39% |
| (41,265.00) | | | (45,691.42) | (42,899.92) | 106.51% |
| (77,758.00) | Net Operating (Surplus)/Deficit | | (83,666.52) | (74,102.90) | |
| Capital Movements | | | | | |
| 72,469.00 | 26381.65173 | Improvements - Renewals | 72,469.19 | 72,469.00 | 100.00% |
| 0.00 | 26381.71533 | Internal Loans - Repaid | 1,107.37 | 0.00 | 0.00% |
| 6,788.00 | 26381.87764 | To-RVTN HARB General - RE | 0.00 | 6,222.33 | 0.00% |
| (1,500.00) | 26381.99511 | Add Back Non Cash Depn | (1,375.00) | (1,375.00) | 100.00% |
| 77,757.00 | | | 72,201.56 | 77,316.33 | 93.38% |
| (1.00) | | | (11,464.96) | 3,213.43 | |

18-Jun-2020 1:41 pm