

# West Coast Regional Council – Delegations Principles

## Introduction

Local authorities are given a significant number of responsibilities to be carried out within a large variety of legislative frameworks. Delegation is an essential tool in allowing the Council to operate efficiently and effectively in this environment. Without delegation, the Council would be bound to carry out those duties and functions itself.

'Delegation' means *the assignment of a duty or power of action from one person or entity to another, together with the authority to carry out the duty or complete the action, with responsibility for the outcome.* Reasons for delegating include:

- **Responsiveness:** delegation enables the Council to respond to issues and manage its processes without unnecessary delay.
- **Efficiency and effectiveness:** delegation should enable decisions to be made and conveyed to ratepayers, applicants and residents in a timely manner, without unnecessary duplication.
- **Strategic focus:** decision-making structures are designed to ensure that Council members' ability to consider strategic matters is not "crowded out" by the urgent and reactive delegation, and can reduce problems of governing bodies spending time on detailed issues or matters that are urgent but minor.
- **Workload:** some matters involve a significant workload for Council. An example is a review of a regional plan, which is an important policymaking role requiring frequent meetings and considerable reading/research. However the day to day administration of those plans once adopted is simply impractical for the governing body as a whole.
- **Knowledge and capability:** some issues may require decision-makers to have particular expertise in a specific area, such as building regulation. In some cases Council members may not have the necessary expertise.

Principles and Practices of Delegation	
<input checked="" type="checkbox"/>	Councils are creatures of statute. They only have the powers given to them by statute. Most legislation refers to ' <i>the local authority</i> ' as having responsibilities and functions.
<input checked="" type="checkbox"/>	<b>Decision-making should be delegated to the lowest competent level.</b> This is to enable the best use of elected member and Council officer abilities and minimise the cost of material, technical and financial resources.
<input checked="" type="checkbox"/>	<b>Authority and responsibility are inseparable.</b> 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.
<input checked="" type="checkbox"/>	<b>Delegations do not remove ultimate accountability</b> of elected members, the Chief Executive and the Leadership Team for the affairs of Council.
<input checked="" type="checkbox"/>	<b>The delegate is acting on behalf of the Council</b> when exercising delegated authority.
<input checked="" type="checkbox"/>	<b>Delegations can be revoked at any time</b> , without notice.
<input checked="" type="checkbox"/>	<b>A Council or committee is not entitled to rescind or amend a decision made under a delegation.</b> The Council would be bound by the decision to the extent that the decision had already become binding on the Council by the operation of law and could not be reversed.

## Principles and Practices of Delegation

<input checked="" type="checkbox"/>	<p><b>If a delegate's decision is invalid it cannot be ratified by the delegator.</b> The correct action is generally for the matter to be considered in full again by the delegate, assuming it is within the delegate's power to determine the matter at issue.</p>
<input checked="" type="checkbox"/>	<p><b>The delegator does not lose the function, power or duty by delegation</b> and may exercise this concurrently with the delegate. No delegations shall limit the power of Council or other delegator to exercise a power in substitution for a delegate.</p>
<input checked="" type="checkbox"/>	<p><b>The delegate, while having the authority to make a decision under delegation, has the right <u>not</u> to exercise that delegation</b> and therefore not make a decision. In such instances, the delegate should refer the matter to the delegator.</p>
<input checked="" type="checkbox"/>	<p>Before exercising any delegation, staff should always bear in mind Council's responsibilities to and relationships with Te Rūnanga o Ngāi Tahu and Ngā Papatipu Rūnanga, including under:</p> <ul style="list-style-type: none"> <li>• The Ngāi Tahu Claims Settlement Act 1998;</li> <li>• Section 81 of the Local Government Act 2002;</li> <li>• Any relevant relationship agreements or Memoranda of Understanding.</li> </ul>
<input checked="" type="checkbox"/>	<p>In the exercise of any delegation, the delegate must ensure they act in accordance with:</p> <ul style="list-style-type: none"> <li>• Any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified in the Manual); and</li> <li>• Any relevant Council policy or procedural documents (including reporting and recording) requirements.</li> </ul>
<input checked="" type="checkbox"/>	<p><b>Delegates must consider the significance of the decision that they are making</b>, in accordance with the Council's Significance and Engagement Policy. In particular, if a decision relates to a matter that is out of the ordinary, delegates should be encouraged to discuss the matter with their manager.</p>
<input checked="" type="checkbox"/>	<p>All <b>significant</b> decisions made or actions taken under a delegated authority should be recorded in writing.</p>
<input checked="" type="checkbox"/>	<p><b>Where two different delegations apply to the action, both delegations must be complied with</b> (for example, where a person is given a delegation to obtain professional advice, that delegation must also be exercised in accordance with the financial delegations given to the person).</p>



# **DELEGATIONS MANUAL**

14 September 2021

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## Part A: INTRODUCTION

Part A of the Delegations Manual contains introductory and background information for the reader.

Of particular note are the principles and general terms and conditions that apply to all West Coast Regional Council delegations.

### 1. Introduction

#### 1.1 Purpose

This document is the Delegations Manual for the West Coast Regional Council (**Delegations Manual**).

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

To assist staff to understand the responsibilities of the Council and its committees, this Delegations Manual also includes specified duties, functions, and powers which cannot be delegated from the Council and the Council committees associated delegations.

#### 1.2 Background

##### 1.2.1 Definition of delegation

In this manual, delegation means *the assignment of a duty or power of action from one person or entity to another, together with the authority to carry out the duty or complete the action, with responsibility for the outcome.*

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

##### 1.2.2 The legal basis

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

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

*(1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except*

*(a) the power to make a rate; or*

- (b) the power to make a bylaw; or*
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
- (d) the power to adopt a long-term plan, annual plan, or annual report; or*
- (e) the power to appoint a chief executive; or*
- (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement; or*
- (g) [repealed]*
- (h) the power to adopt a remuneration and employment policy.*

*(2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*

*(3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*

*(4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.*

*(5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*

*(6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*

*(7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*

*(8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.*

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

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

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

### 1.2.3 Principles, terms and conditions

The delegations are derived from the Council and the Chief Executive.

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

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

**Table 1:** Principles, terms and conditions

<b>Principles</b>	
1.	Wherever possible, delegations to staff have been made on a wide basis to promote the most effective and efficient implementation and delivery of Council's policies and objectives.
2.	Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility, difficulty and risk involved in the undertaking of the task delegated.
3.	In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the responsibilities and accountability for its correct and effective implementation and any reporting requirements.
4.	In exercising delegations which are outside Council's day-to-day business, staff will report back on the exercise of that delegation to the next relevant Council or Council Committee meeting.
5.	Where Council is expressly prevented from delegating some or all of its powers by a particular statute, it may delegate the power to do anything precedent to the exercise by the Council of that particular power or authority.
<b>Terms and conditions</b>	
1.	No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate.
2.	In the exercise of any delegation, the delegate will ensure they act in accordance with: <ul style="list-style-type: none"> <li>a. any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and</li> <li>b. any relevant Council policy or procedural documents (including reporting and recording) requirements.</li> </ul>
3.	In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.
4.	Decisions, other than on minor or routine matters, made under delegated authority will be reported to Council or a relevant Committee.
5.	For the avoidance of doubt, supervisors shall have the same delegated powers as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration. The delegations in this Manual are expressed as the lowest level in the organisation which can exercise the function, duty or power.
6.	For the avoidance of doubt a hearings panel or commissioner sole as may from time to time be appointed shall have the authorities delegated to them through their appointment process.
7.	An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
8.	Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.

9. Any power to appoint a person or approve an action or document includes the power to revoke any appointment or approval.
10. The Council may, at any time, revoke, suspend for a period, or amend the terms or conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.
11. The Chief Executive may revoke or suspend for a period, or amend the terms and conditions, in any delegation to subordinates that they have made. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
12. The Chief Executive may revoke, or limit, or suspend for a period, or reduce the extent of delegations that Council has made to named officers such that some or all of the function, duty or power must be exercised by a supervisor of the person holding the delegation. This would be appropriate during the training or development of new staff, or where, in the view of the Chief Executive, particular types of decision may need greater scrutiny. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
13. Unless expressed otherwise, where a delegation is to more than one officer, that power of delegation is to each officer separately.

#### 1.2.4 Sub-delegation

At times it will be necessary for the performance of assigned duties for a staff member to have delegated authority additional to those specifically set out in this manual. Such sub-delegations will be recorded in writing, in the job description of the individual where possible, or on a more temporary basis in the form of a memo signed by the person granting the delegation and a copy appended to this manual. With the exception of delegations by the Chief Executive, the supervisor of the person granting the sub-delegation should also sign to indicate their approval of the sub-delegation.

Staff with delegated authority under this manual are empowered to delegate (in the above manner) to the appropriate staff member any authority, which has been delegated to them except the power to delegate, unless otherwise constrained by legislation or the terms of their delegation.

#### 1.2.5 Decision making and significance and engagement

The decision-making requirements under the LGA, including those in sections 76 and 79 must be complied with, including in making decisions on what responsibilities should be delegated to staff in accordance with this Delegations Manual and also in making decisions under delegated authority.

The degree to which compliance with the decision-making requirements in the Act is required is proportional to the significance of the particular decision and the resources available.

In every case, the delegate needs to determine the significance of the decision they are making or the power they are exercising, notwithstanding that they have the delegated authority to make the decision or take the action. The Council's Significance and Engagement Policy is relevant to this assessment.

Where the delegate determines that the decision to be made or power to be exercised may be significant, they should consider whether to refer the decision or exercise of the power back to the delegator before final action is taken. In considering this issue, the delegate needs to balance the delegated authority they have with the potential consequences. While a precautionary approach should be taken, delegates must not be averse to making decisions or taking action as required.

#### 1.2.6 Authority

Unless stated otherwise in this Delegations Manual, delegations are made under Clause 32 of Schedule 7 of the

LGA 2002.

### 1.2.7 Reviews and updates of the Delegations Manual

The Delegations Manual is a living document and it will be reviewed periodically and when legislative change requires amendments. The Delegations Manual has been developed to record current delegations made by the Council or Chief Executive.

Certain delegations that have been made to the Chief Executive have been made so that they can be further sub-delegated by the Chief Executive. Delegations under the Resource Management Act 1991 and the Local Government (Ratings) Act 2002 are legally not able to be further sub-delegated and may only be approved by a Council resolution.

The general terms and conditions of this Delegations Manual provide that a responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or substantially similar role or function, whatever the name of his or her position. Any changes in position names must be approved by the Chief Executive and this Delegations Manual will be updated accordingly.

The Chief Executive may authorise changes and updates to any Chief Executive delegations or matters which he or she has sub-delegated, other than delegations under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 as these two statutes prohibit sub-delegation.

This Manual shall be maintained by the Corporate Services Manager who shall amend it in accordance with:

- a) Any instruction to that effect given by the Council and any delegate authorised to amend this manual; or
- b) Any need for typographical, grammatical or other minor amendment where the intention of the Council in the matter of a delegation is not altered.

In addition, the Chief Executive is authorised to amend the Delegations Manual to reflect changes in the organisation's structure.

The Delegations Manual will be reviewed at least three-yearly, between 3 – 6 months following each triennial election.

## 1.3 Structure

The Delegations Manual is structured in six parts.

**Part A** of the Delegations Manual presents **introductory and background information** for the Delegations Manual including the Council's principles for making delegations and establishing the Council's legal powers for making delegations.

**Part B** of the Delegations Manual records the **governance delegations** made by the Council to Committees of the Council.

**Part C** of the Delegations Manual contains general **administrative delegations** relating to human resource matters, the release of information, submissions and funding, the use of the Common Seal, obtaining professional advice and legal proceedings.

**Part D** of the Delegations Manual contains **contracting, financial, rating and property delegations**, including financial delegations relating to expenditure (including financial delegation limits), contingency expenditure and other authority and procedures relating to other financial and accounting matters and delegations in respect of rating and property matters.

**Part E** of the Delegations Manual contains **regulatory RMA delegations** relating to the Council's regulatory

functions, duties and powers under the Resource Management Act 1991.

**Part F** of the Delegations Manual contains **regulatory non-RMA delegations** relating to the Council's regulatory functions, duties and powers under other legislation including the Biosecurity Act 1993, the Building Act 2004, the Maritime Transport Act 1994, the Civil Defence Emergency Management Act 2002, the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941.

## 1.4 Council Resolution

On 14 September 2021 Council adopted the delegations contained in this manual, with the exception of Section 3.3.4 Hokitika Seawall Joint Committee and Section 3.3.3 Greymouth Floodwall Joint Committee. These sections remain under review.

## PART B: COUNCIL AND COMMITTEES

Part B of the Delegations Manual sets out those delegations that remain with the Council and the delegations given to the Council's Committees.

### 2. Council

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

- (a) The power to make a rate; or
- (b) The power to make a bylaw; or
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- (d) The power to appoint a chief executive; or
- (e) The power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement; or
- (f) The power to adopt a remuneration and employment policy.

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

### 3. Council committees

#### 3.1 Introduction

The Council has the following standing committees:

- Resource Management Committee;
- Risk and Assurance Committee.

In addition, Council is part of the following joint committees:

- West Coast Civil Defence Emergency Management Group;
- West Coast Regional Transport Committee;
- Greymouth Floodwalls Committee;
- Hokitika Joint Committee;
- Westport Floodwalls Joint Committee *[currently being finalised]*;
- Te Tai o Poutini Joint Committee.

##### 3.1.1 Delegation to Standing Committees

(a) To the extent it is permitted to do so by law, the West Coast Regional Council delegates to its Standing Committees all the powers, functions and duties granted to the Council in accordance with the broad functions allocated to that Committee from time to time, EXCEPT:

- The power to make a rate.
- The power to make a bylaw.
- The power to institute any proceedings in the High Court that are not injunctive proceedings,

unless otherwise provided for in this Manual.

- The power to borrow money.
- The power to enter into a contact otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959.
- The power to do anything which is required by law to be done by resolution of the Council.
- The power to appoint or dismiss the Chief Executive.
- The power to appoint Council representation on any body.
- The appointment of Standing Committees and the Deputy Chair.
- The remuneration of the Chair and members of the Council.
- The power to sell, purchase or lease land unless otherwise provided for in this Manual.
- The powers or duties conferred or imposed upon the Council by the Public Works Act 1981, unless otherwise provided for in this Manual.
- Expenditure where no provision is made in the Council's budget for that year (except to the extent permitted in this manual in regard to variations in the departmental budget or as covered in the next clause below.)
- Expenditure of Council's funds where the budget has not been finalised for the relevant year unless the expenditure relates to maintenance of an existing work or progress on a committed work or is in regard to any existing service for which provision is likely to be made in that budget once finalised.
- Proposed over-expenditure of the total budget within the jurisdiction of the Committee.
- The cessation of any existing function or commencement of any function.
- Formulation or amendment of Council's corporate goals and objectives.

(b) No officer may exercise the power listed in the clauses listed in 3.1.1(a) above, except where provided for in this Manual.

### 3.1.2 Subcommittees

A Subcommittee shall exercise only such delegated authority as is granted to it from time to time by the Council or the relevant Standing Committee or Special 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 the Standing Committee.
- To act as a forum for communication between elected representatives, officers, and interested parties.

## 3.2 Standing Committees

### 3.2.1 Resource Management Committee

(a) Purpose

To guide and monitor the resource management, building, biosecurity, transport, environmental monitoring, mining and emergency management functions of the West Coast Regional Council.

(b) Meetings

The Resource Management Committee will have ordinary meetings as required.



## (c) Delegations

1. To formulate and recommend to Council (unless otherwise stated in this section) all policies, plans and strategies on resource management, and to review such policies, plans and strategies as necessary.
2. To set and review policy in respect of resource consent processing, compliance monitoring, mining responsibilities, building legislation functions, environmental monitoring and enforcement. This includes the following delegations:
  - To approve a list of accredited Hearing Commissioners from which appointments can be made to hear and/or decide resource consent applications, reviews or changes to consents, or from which nominations can be made for Hearing Commissioner appointments; and
  - To decide on/approve the release of bonds associated with mining.
3. To make submissions and representations on matters relating to resource management, on District and Regional plans, national policies and programmes, and on legislation and regulations affecting the Council's interest.
4. To formulate, approve and review biosecurity plans and policies.
5. To formulate, approve and review all transport plans and policies and to manage transport issues.
6. To formulate, approve and review strategies for activities related to natural hazards and contaminated sites.
7. To formulate, approve and review flood warning manuals and procedures.

The Resource Management Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

## (d) Membership

The Resource Management Committee shall be a committee of the whole Council. All elected members of the West Coast Regional Council shall be members of the Resource Management Committee and in addition, a representative appointed by each of the tribal Rūnanga on the West Coast, namely Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.

A quorum of the Resource Management Committee shall be four members.

## (e) Explanatory Comment

The Resource Management Committee will be responsible for establishing and reviewing the statutory and legal policy instruments of Council. This will particularly include Resource Management Act Policies and Plans, Regional Land Transport and Passenger Transport Plans, and Pest Management Plans.

## 3.2.2 Risk and Assurance Committee

## (a) Purpose

To ensure that Council has appropriate financial, risk management and internal control systems in place that provide Council with:

1. An overview of the financial performance of the organisation;
2. Effective management of potential opportunities and adverse effects; and

3. Reasonable assurance as to the integrity and reliability of Council's financial and non-financial reporting.

(b) Areas of Responsibility

- Risk management and the system of internal controls.
- Reporting – financial and non-financial.
- Maintain an effective relationship with the external auditor.
- Appoint or engage any internal auditor.
- Promote, monitor and review compliance with Council's legal and other obligations.
- Ensure there is good communication between Council, Committees and Management.
- Prepare and implement programmes of work relevant to the purpose of the Committee.

(c) Delegations

The Committee is delegated the authority to:

- Receive and consider external and internal audit reports.
- Receive and consider staff reports on audit, internal controls and risk management related matters.
- Make recommendations to the Council on financial, internal control and risk management policy and procedure matters as appropriate.
- To approve the Auditors' engagement and arrangements letters in relationship to the Annual Report.
- To approve the write-off or write-down of general debtor invoices for sums greater than \$10,000, and approval of the write-off or write-down of rate debtor invoices or penalties for sums greater than \$10,000.

(d) Meetings

The Risk and Assurance Committee will meet quarterly, with additional meetings as required.

(e) Membership

The Committee shall be made up of all elected members of the Council. A quorum of the Committee shall be not less than four members.

### 3.3 Joint Committees

#### 3.3.1 West Coast Civil Defence Emergency Management Group

The West Coast Civil Defence Emergency Management Group is a joint standing committee of the West Coast Regional Council, and Buller, Grey and Westland District Councils, and is required by statute. Each Council is party to a constituting agreement which contains the powers, functions and duties of the Group, membership and meeting requirements, and the responsibilities of members. The agreement also confers full delegated

authority from each member Council on its representative, to exercise the functions and powers under sections 16 and 17 of the Civil Defence Emergency Management Act 2002.

The Council Chair was appointed to the Group, and the Deputy Chair as the alternate, at the Council meeting of 25 October 2019.

The Constituting Agreement of the Group is set out below.

## PART I - FORMATION

### 1. Parties

1.1 Each of the following local authorities is a party to this agreement and a member of the West Coast Civil Defence Emergency Management Group:

- West Coast Regional Council
- Buller District Council
- Grey District Council and
- Westland District Council

### 2. Definitions

In this agreement:

2.1 "Act" means the Civil Defence Emergency Management Act 2002.

2.2 "The West Coast Region" means the western part of the South Island of New Zealand comprising of the three constituent territorial authorities of Buller District, Grey district and the Westland District.

2.3 "Co-ordinating Executive Group" means the Co-ordinating Executive Group to be established under clause 17 of this agreement.

2.4 "Regional Council" means the West Coast Regional Council.

2.5 "Group" means the West Coast Civil Defence Emergency Management Group.

2.6 "Group Controller" means a person appointed under clause 12.1(a) of this agreement as a group controller.

2.7 "Member" means a Local Authority that is a member of the Group or any civil defence emergency management group, as the context may require.

2.8 "Party" means a party to this agreement.

### 3. Term of Agreement

3.1 This agreement shall commence once all the parties to this agreement have executed this agreement under common seal.

3.2 This agreement shall expire on the date on which the Act is repealed or on any other date specified in an enactment.

3.3 This agreement shall be reviewed immediately after reviewing the Group Plan.

### 4. Purpose of Agreement

- 4.1 The purposes of this agreement are to:
  - (a) provide for the establishment of the Group in fulfilment of the parties' obligations under section 12 of the Act; and
  - (b) set out the functions, powers, and duties of the Group and members; and
  - (c) provide for the administrative arrangements of the Group.
5. Formation and Membership of the Group
  - 5.1 Pursuant to section 12 of the Act, the parties, must unite in appointing the Group as a joint standing committee under the provisions of section 114S of the Local Government Act 1974 (and Schedule 7 Section 30(1) of the Local Government Act 2002 which comes into force on 1 July 2003), and by each member authority passing a resolution to that effect prior to 1 June 2003.
  - 5.2 The Joint Standing Committee will be known as the West Coast Civil Defence Emergency Management Group.
  - 5.3 Under section 13(1) of the Act every party to this agreement must be a member of the Group.
  - 5.4 The members of the Group will be the West Coast Regional Council and all those territorial authorities that lie wholly within the boundaries of the West Coast Region. Each member is to be represented on the Group by one person only, being the mayor/chairperson of that local authority or an alternate representative who has been given the delegated authority to act for the mayor/chairperson.
  - 5.5 An alternate representative must be an elected person from that territorial authority under section 13(4) of the Act.
  - 5.6 Under section 1145(4) of the Local Government Act 1974 (and schedule 7 Section 30 (9) of the Local Government Act 2002) the powers to discharge any representative on the Group and appoint his or her replacement shall be exercisable only by the member that appointed the representative.
6. Representatives to have Full Delegated Authority
  - 6.1 Each member agrees to confer full-delegated authority on its representative (and alternate representative) to the Group to exercise the functions, powers, and duties of members under sections 16 and 17 of the Act.
  - 6.2 At meetings of the Group each member's representative is to have full authority to vote and make decisions on behalf of that member without further recourse to that member.
7. Requirement to Maintain the Group
  - 7.1 In accordance with section 12(2) of the Act, section 114P(5) of the Local Government Act 1974 (and Schedule 7 Section 30(5)(b) of the Local Government Act 2002) must not be read as permitting any member to discharge or reconstitute the Group.
  - 7.2 Upon members' representatives on the Group being discharged under section 114R(3) of the Local Government Act 1974 (and Schedule 7 Section 30(9) of the Local Government Act 2002), members shall as soon as practicable appoint representatives to the Group with the same delegated functions, duties and powers as their predecessors.

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## PART II - POWERS, FUNCTIONS AND DUTIES

### 8. Powers of the Group

8.1 Pursuant to section 18 of the Act, the Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or any other person.

8.2 Without limiting the generality of clause 8.1 of this agreement, the Group may

- (a) recruit and train volunteers for civil defence emergency management tasks; and
- (b) conduct civil defence emergency management training exercises, practices, and rehearsals; and
- (c) issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or its civil defence emergency management plan; and
- (d) provide, maintain, control, and operate warning systems; and
- (e) provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency; and
- (f) exercise any other powers that are necessary to give effect to its civil defence emergency management plan.

### 9. Functions of the Group

9.1 In accordance with section 17 of the Act, the functions of the Group, and of each party as a member of the Group, are to -

- (a) in relation to relevant hazards and risks, -
  - (i) identify, assess, and manage those hazards and risks; and
  - (ii) consult and communicate about risks; and
  - (iii) identify and implement cost-effective risk reduction.
- (b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in the West Coast region; and
- (c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in the West Coast region; and
- (d) respond to and manage the adverse effects of emergencies within the West Coast; and
- (e) carry out recovery activities; and
- (f) when requested, assist other civil defence emergency management groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the West Coast and any other requests for assistance from other civil defence emergency management groups); and
- (g) work proactively and cooperatively with Local Authority neighbours to the West Coast CDEM Group area, and CDEM groups formed by those authorities, in CDEM planning and management; and

- (h) within the West Coast region, promote and raise public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the Act; and
- (i) monitor and report on compliance within the West Coast region with the Act and legislative provisions relevant to the purpose of the Act; and
- (j) develop, approve, implement, and monitor the West Coast Emergency Management Group plan and regularly review the plan; and
- (k) participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan; and
- (l) promote civil defence emergency management within the West Coast that is consistent with the purpose of the Act.

9.2 The Group also has any other functions that are conferred or imposed by or under the Act or any other enactment.

9.3 For the purposes of clauses 9.(i) to (k) of this agreement, legislative provisions relevant to the purpose of the Act include, but are not limited to, the provisions in the following Act that may be relevant to civil defence emergency management:

- (a) Biosecurity Act 1993; and
- (b) Building Act 1991; and
- (c) Fire Service Act 1975; and
- (d) Forest and Rural Fires Act 1977; and
- (e) Hazardous Substances and New Organisms Act 1996; and
- (f) Health Act 1956; and
- (g) Health and Safety in Employment Act 1992; and
- (h) Local Government Act 1974 & Local Govt Act 2002; and
- (i) Maritime Transport Act 1994; and
- (j) Resource Management Act 1991; and
- (k) any enactment passed in substitution for any of the Acts in paragraphs (a) to (j) above.

## 10. Responsibilities of Members

10.1 Each member of the Group will:

- (a) appoint one elected representative each to the Group in accordance with clauses 5.4 and 7 of this agreement (section 13(4)); and
- (b) appoint its chief executive officer or senior manager to the Co-ordinating Executive Group (CEG) (section 20); and
- (c) participate in the preparation of and agree the civil defence emergency management group plan for the West Coast region (Section 17(1)(i)); and
- (d) contribute technical expertise and resources to maintain an effective group and local level response capability (17(1)(b) and (c)); and
- (e) provide to the Group the information or reports that may be required by the Group for emergency management purposes (17(1)(c)).

10.2 Each territorial authority member of the Group will:

- (a) be responsible for the reduction, readiness, response and recovery arrangements required of it under the Act and the civil defence emergency management group plan, to the standards agreed by the Group; and
- (b) pursuant to section 223D of the Local Government Act 1974 (and Section 95 of the Local Government Act 2002), provide adequate information to their communities each

year, by way of their annual plan, informing them of the planned activities of the CDEM Group and any significant implications for the community.

#### 11. Powers of Members

11.1 Pursuant to sections 16 and 18 of the Act, each member of the Group may:

- (a) acquire, hold, and dispose of real or personal property for the use of the Group; and
- (b) remunerate its representative or alternate representative on the Group for the cost of that person's participation in the Group; and
- (c) exercise any powers or functions conferred on a member under the Act.

#### 12. Duty to Appoint Group Controller

12.1 In accordance with section 26 of the Act, the Group must appoint:

- (a) a suitably qualified and experienced person to be the Group Controller for the West Coast region; and
- (b) a suitably qualified and experienced person to exercise the functions, powers and duties of the Group Controller in the event of a vacancy in or absence in the office of Group Controller.

12.2 A person appointed under clause 12.1 of this agreement shall have the functions set out in section 28 of the Act.

#### 13. Appointment of Local Controllers

13.1 In accordance with section 27(1) of the Act, the Group may appoint one or more persons to be a Local Controller.

13.2 It is the intention of the Group that, unless a territorial authority indicates otherwise, Local Controllers will be appointed for each territorial authority in the Group.

#### 14. Duty to Appoint Person who may Declare State of Local Emergency

14.1 In accordance with section 25 of the Act, the Group must appoint at least one representative of a member of the Group as a person authorised to declare a state of local emergency for the West Coast Region.

14.2 In accordance with section 25(5) of the Act, the Mayor of a territorial authority or an elected member of the territorial authority designated to act on behalf of the Mayor or if the Mayor is absent, may declare a state of local emergency that covers the district of that territorial authority.

### PART III - ADMINISTRATION

#### 15. Duty to Prepare, Approve and Review West Coast Civil Defence Emergency Management Group Plan

15.1 The Group must prepare and approve a civil defence emergency group plan within two years of constituting the Group, under section 54 of the Act, and commence a review of that plan at least every 5 years thereafter, under section 56 of the Act.

#### 16. Emergency Management Office

16.1 West Coast Civil Defence Emergency Management Group will determine the need for and

establish if necessary an Emergency Management Office on the West Coast.

- 16.2 The Emergency Management Office may carry out such functions as are assigned to it by the Group, but must not carry out any functions of the administering authority under the Act.
- 16.3 West Coast Civil Defence Emergency Management Group will employ staff for the Emergency Management Office in accordance with the principles of the Local Government Act.
17. Co-ordinating Executive Group
- 17.1 In accordance with section 20 of the Act the Group will establish and maintain a Co-ordinating Executive Group consisting of:

The chief executive officer of each member or a senior person acting on the person's behalf; and

- a) a senior representative of the police assigned for the purpose by the Commissioner of Police; and
- b) a senior representative of the fire service assigned for the purpose by the National Commander; and
- c) the chief executive of the district health board on the West Coast, or a person(s) acting on their behalf;
- d) any other persons that may be co-opted by the Group.

- 17.2 The functions of the Co-ordinating Executive Group shall include:
- (a) Providing advice to the Group and any committees or subcommittees of the Group; and
  - (b) Implementing as appropriate decisions of the Group; and
  - (c) Overseeing the implementation, development, maintenance, monitoring, and evaluation of the Group Plan.

## 18. Meetings

- 18.1 The New Zealand Standard for model standing order (NZS 9202 : 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Group meetings as if the Group was a local authority and the principal administrative officer of the administering authority was its principal administrative officer. Representatives of members of the Group may agree to use other standing orders only in accordance with section 19(1) of the Act.
- 18.2 The Group shall hold all meetings at such times and place(s) as agreed for the performance of the functions, duties and powers delegated under this agreement.
- 18.3 The West Coast Civil Defence Emergency Management Group meetings will only be held when the four (4) constituent members are present.
- 18.4 Pursuant to section 2.22.3 of the NZS9202, each member shall have one vote.

## 19. Chairperson and Deputy Chairperson

- 19.1 On the constitution of the Group, following a local election, and in the event the



Chairperson or Deputy Chairperson leaving their Group office, the members of the Group shall elect a Group Chairperson and Deputy Chairperson, Section 24 and 30 of schedule 7 of the Local Government Act 2002);

- 19.2 The Group's Chairperson and Deputy Chairperson will hold office for a term of three years or such a lesser period as may be determined by the Group. The term of office of an appointed chairperson or deputy chairperson ends if that person ceases to be a representative of a member of the Group.
20. Casting Vote
- 20.1 As general statements of principle, the following shall apply:
- (a) The casting vote is to be used in the best interests of the West Coast Region represented by members considered together; and
  - (b) The casting vote is to be used in the best interests of all members considered together.
- 20.2 Members shall use their best endeavours to avoid use of a casting vote by obtaining consensus.
- 20.3 In the event of clauses 20.1 to 20.2 being unable to be applied, section 24(1)(b)(i) of schedule 7 of the Local Government Act 2002 will apply, whereby the Chair will be able to exercise a casting vote mindful of the interests of all members of the Group.
21. Administering Authority
- 21.1 Under section 23 of the Act the administering authority for the Group is the West Coast Regional Council.
- 21.2 Under section 24(2) of the Act the administrative and related services referred to in clause 21.1 of this agreement include services required for the purposes of the Local Government Act 2002, the Act, or any other Act, regulation, or bylaw that applies to the conduct of the joint standing committee under Section 30 Schedule 7 of the Local Government Act 2002.
- 21.3 The costs for the provision of administrative and related services that may be required of the administering authority under section 24 of the Act are to be included in the Group's annual budget.
22. Funding
- 22.1 Each territorial authority member of the Group will be responsible for funding the reduction, readiness, response and recovery arrangements required in its district.
- 22.2 The Group shall agree a budget every year. The budget shall be prepared by the Administering Authority and approved by the Group at a meeting conducted in accordance with clause 18 of this agreement.
- 22.3 The funding of the West Coast CDEMG budget will be agreed between the four local authorities. The budget will include:
- (a) Administering authority costs;
  - (b) Emergency Management Office costs if necessary;
  - (c) Costs associated with the preparation and approval of the Group Plan;
  - (d) The costs of Group reduction, readiness, response and recovery activities as determined by the Group; and
  - (e) Such other Group expenses as the Group may decide.
- 22.4 CEG and Group meetings will be held on a rotational basis amongst the four local authorities based on the principle of costs lie where they fall basis.

## 23. Entering Contracts

- 23.1 The parties agree that the West Coast Regional Council may exercise the functions, powers and duties of the Group in relation to contracts for the provision of (any) goods or services provided for in the Group budget.
- 23.2 The West Coast Regional Council will enter into contracts under clause 23.1 in its own name rather than the name of all members of the Group, notwithstanding that the contract is for the purposes of performing the functions, powers and duties of the Group.
- 23.3 Any financial liability that the West Coast Regional Council assumes under a contract entered into under clause 23.1 is to be met from the Group budget.
- 23.4 Pursuant to section 3 of the Public Bodies Contracts Act 1959, two officers of the West Coast Regional Council, one of whom is the chief executive or acting chief executive, may sign a contract entered into under clause 23.1.
- 23.5 Ownership of copyright in any reports commissioned by the West Coast Regional Council under clause 23.1 shall vest in the members jointly.
- 23.6 During a state of emergency contracts may be entered into on behalf of the Group by the persons set out in section 94(1) of the CDEM Act 2002.

## 24. Arbitration

- 24.1 Any dispute arising out of the interpretation of this agreement, including any question regarding its existence, validity or termination, shall be referred to arbitration.
- 24.2 If the parties are unable to agree upon the appointment of a single arbitrator within five (5) working days of the receipt of written notification of the desire of a party to have a dispute arbitrated, or if any arbitrator agreed upon refuses or fails to act within fourteen days of his or her appointment then any party may request the President for the time of the Westland District Law Society to appoint an arbitrator and the arbitration shall be carried out in accordance with the Arbitration Act 1996.
- 24.3 In this clause time shall be of the essence and the parties agree to be bound by any decision, determination or award given pursuant to the provisions hereof.

## 25. Variations

- 25.1 In the event of any circumstances arising that were unforeseen by the parties at the time of entering into of this agreement the parties hereby record their intention that they will negotiate in good faith to add to or vary this agreement so to resolve the impact of those circumstances in the best interests of:
  - (a) The members of the Group collectively; and
  - (b) The West Coast community represented by the members of the Group collectively.
- 25.2 Any member may propose a variation, deletion or addition to this agreement by putting the wording of the proposed variation, deletion or addition to a meeting of the Group.
- 25.3 Once a proposed variation, deletion or addition to this agreement has been put to the Group, this agreement is not amended until each member executes under common seal a written amendment to the agreement giving *affect* to the proposed variation, deletion or addition.

### 3.3.2 West Coast Regional Transport Committee

The West Coast Regional Transport Committee was re-constituted by Council at its meeting of 25 October 2019. Terms of Reference (including roles and functions of the committee) were adopted by the Committee on 1 May 2020. Council confirmed the appointment of members of the Committee at its meeting of April 2020.

Terms of Reference of the West Coast Regional Transport Committee:

#### **Establishment**

The West Coast Regional Transport Committee is established pursuant to the Land Transport Management Act 2003.

#### **Membership**

The West Coast Regional Transport Committee (RTC) comprises:

- Two Regional Council representatives
- One District Council representative from each of the:
  - Buller District Council
  - Grey District Council
  - Westland District Council
- One representative from the New Zealand Transport Agency
- One representative from the Department of Conservation (no voting rights).

Total membership of this committee equals seven.

This is dictated by Section 105 of the *Land Transport Management Act 2003*.

#### **Objective**

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

#### **Meeting Schedule**

The Regional Transport Committee meets on an as required basis, depending on the issues to be addressed. Members will be advised in advance of the meeting schedule where possible.

#### **Role and Functions**

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

1. To undertake the statutory requirements of the *Land Transport Management Act 2003 (LTMA)* (Appendix One).
2. To prepare the Regional Land Transport Plan or any variations, for approval by the West Coast Regional Council (*LTMA section 106(1)(a)*).
3. To prepare and adopt a policy that determines significance in respect of:
  - a. Any variations made to the Regional Land Transport Plan.
  - b. Activities included in the Regional Land Transport Plan (*LTMA section 106(2)*).
4. To provide any advice and assistance the Regional Council may request on its transport responsibilities generally (*LTMA section 106(1)(b)*).
5. To undertake monitoring to assess implementation of the Regional Land Transport Plan (*LTMA section 16(6)(e)*).
6. To consult on a draft Regional Land Transport Plan for the West Coast region in accordance with the consultation principles specified in section 82 of the *Local Government Act 2002*.

7. To complete a review of the Regional Land Transport Plan during the 6-month period immediately before the expiry of the third year of the Plan (*LTMA section 18CA*).
8. To advise the Regional Council on any significant legislative changes, programmes, plans or reports relating to the region's transport system.
9. To represent and advocate for transport interests of regional concern.
10. To consider and submit on transport related policies, plans and consultation documents issued by the Ministry of Transport, New Zealand Transport Agency, regional/district councils, and other relevant organisations as considered appropriate.
11. To engage with other regional transport committees and working parties (e.g. South Island Regional Transport Chairs Group) as required.
12. To consider advice and recommendations from the West Coast Regional Transport Advisory Group.

### **Terms of membership**

Should a vacancy occur in the membership of the Regional Transport Committee, the relevant organisation will be requested to nominate a replacement.

Members of the Regional Transport Committee are expected to regularly report back to their organisation on matters discussed at committee meetings.

### **Quorum**

Four members, of whom at least one shall be a Regional Councillor.

### **Voting**

All members shall have full speaking rights; however if advisors are appointed, they are not entitled to vote.

### **Support**

The West Coast Regional Transport Committee will be supported at a strategic level by the West Coast Regional Transport Advisory Group.

The West Coast Regional Council will provide secretariat services for meetings, including administrative support and policy advice.

### 3.3.3 Greymouth Floodwalls Committee *[section under review]*

### 3.3.4 Hokitika Joint Committee *[section under review]*

### 3.3.5 Westport Floodwalls Joint Committee *[Currently being finalised]*

### 3.3.6 Te Tai o Poutini Plan Committee

#### **Background**

Te Tai o Poutini Plan Committee is a permanent joint committee of the four West Coast Councils established under the Local Government Reorganisation Scheme (West Coast Region) Order 2019 to produce a combined District Plan for the West Coast. This order and a subsequent Deed of Agreement between the four Councils, Te Rūnanga O Ngāti Waewae and Te Rūnanga O Makaawhio dated 30 July 2020 set out the purpose, terms of

reference, and delegations of the Joint Committee.

The obligations of each of Buller, Grey and Westland district councils for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of these district plans, have been transferred to West Coast Regional Council. These transferred obligations for the preparation, notification and adoption of new district plans and for the periodic amendment and review of those plans are to be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts.

The West Coast Regional Council has delegated to Te Tai o Poutini Plan Committee (TTPPC) the district plan obligations transferred to it.

#### **Role and membership of joint committee**

1. The purpose and terms of reference for TTPPC are to:
  - a) prepare and notify the proposed combined West Coast district plan (combined district plan)
  - b) hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the proposed combined district plan
  - c) adopt a final combined district plan
  - d) monitor implementation of the combined district plan and the need for amendments
  - e) undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.
2. The initial membership of Te TTPPC, to at least such time as the combined district plan becomes fully operative, is to comprise:
  - a) an independent chairperson
  - b) the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council
  - c) the mayor of Buller District and one other elected member from and appointed by Buller District Council
  - d) the mayor of Grey District and one other elected member from and appointed by Grey District Council
  - e) the mayor of Westland District and one other elected member from and appointed by Westland District Council
  - f) one representative appointed by Te Rūnanga o Ngati Waewae
  - g) one representative appointed by Te Rūnanga o Makaawhio.
3. The first appointment of the independent chairperson of TTPPC will be made by the Local Government Commission on the recommendation of the transition board, with all subsequent appointments made by the committee.

#### **Technical Advisory Team**

4. A technical advisory team is to provide technical advice to TTPPC.
5. The membership of the technical advisory team will be agreed by TTPPC following nominations by the parties comprising the committee.

#### **Funding**

6. Subject to clause 12, the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by West Coast Regional Council through a rate set in relation to all rateable land within West Coast Region.
7. Tai Poutini Plan Committee may agree that the relevant district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.

#### **Membership and meetings of Te Tai o Poutini Plan Committee**

8. The four West Coast councils will appoint their second elected member to TTPPC (i.e. other than the

regional council chairperson/district mayor) at their first meeting after each triennial election. The councils will appoint, if necessary, a replacement member for a particular triennium as soon as practically possible.

9. Responsibility for hosting TTPPC meetings will rotate around the six parties making up the committee.
10. The quorum for TTPPC meetings will comprise one representative of four of the six parties comprising the committee.
11. Media publicity relating to TTPPC meetings will be the responsibility of the chairperson but be undertaken after liaising with the regional council chairperson and district mayors as appropriate. Proposed media releases will generally be an agenda item for committee meetings.
12. Remuneration of council members of TTPPC will be the responsibility of each council. Remuneration of the chairperson and iwi representatives will be agreed by TTPPC and be funded by West Coast Regional Council.
13. Administrative support for TTPPC and its meetings will be provided by West Coast Regional Council in conjunction with the organisation hosting a particular meeting as agreed by the parties.

#### **Membership of West Coast District Plan Technical Advisory Team**

14. TTPPC will be supported by a technical advisory team comprising planners with expertise from across the four councils and local iwi.
15. The team will work with the project manager to ensure that TTPPC receives technical support throughout the process. The team's contribution in kind to the district plan development process will be supported by their reporting organisation.
16. Each party to this agreement is expected to make contributions of staff time and technical expertise "in kind".

#### **Steering group**

17. In addition to the technical advisory team, a steering group comprising the council chief executives and iwi representatives will meet regularly with the project manager to ensure the project is supported and progressing as planned.

#### **Administration of existing district plans**

18. The Buller, Grey and Westland district councils will continue to administer and be responsible for their own district plans in accordance with the requirements of the Resource Management Act 1991, until such time as there is an operative combined West Coast district plan.

## PART C: ADMINISTRATIVE DELEGATIONS

### 4. Human Resources delegations

#### 4.1 Legislative delegation to the Chief Executive

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

The Chief Executive has absolute control over all employment-related matters concerning staff. Further specific delegations made by the Chief Executive in relation to human resources under section 42(2) are prescribed below (the Human Resources Delegations).

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

#### 4.2 Principles of Human Resources delegations

In support of, and in addition to, the principles, terms and conditions outlined in Section 1.2.3 of this Delegations Manual, the following principles, terms and conditions are applied to the delegation of employment or people management activities:

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

#### 4.3 Human Resources delegations

The Chief Executive retains the responsibility for all human resources matters. The Chief Executive retains the delegation for the following activities specified in Table 2 below.

Other delegations have been made by the Chief Executive to the Directors/ Managers and Team Leaders.

**Explanatory Note:** *For the purpose of these human resources delegations: 'Managers' are defined as Tier 2 management roles with responsibility for a Group and reporting directly to the Chief Executive, and includes Directors. Team Leaders are defined as any management roles below Managers (with or without the Team Leader title, such as and including the Operations Manager, Vector Control Services) which hold formal staff management responsibilities as outlined in the position description.*

Table 2: Human Resources delegations

Chief Executive	Managers (T2)	Team Leaders (T3)
<b>Recruitment Requisitions</b>		
<ul style="list-style-type: none"> <li>approve recruitment of additional Full Time Equivalent (FTE) permanent employee numbers (unbudgeted recruitment)</li> <li>approve recruitment where significant change has been made to a role</li> </ul>	<ul style="list-style-type: none"> <li>approve like-for-like recruitment (permanent, fixed term and casual)</li> <li>make recommendations on recruitment (like for like and unbudgeted) to the appropriate approving manager</li> <li>engage the services of a recruitment agency with Manager People and Capability's agreement (provided Procurement Policy obligations have been met)</li> </ul>	<ul style="list-style-type: none"> <li>make recommendations on recruitment (like for like) to the appropriate approving manager</li> </ul>
<b>Candidate Appointments</b>		
<ul style="list-style-type: none"> <li>sign offers of employment</li> <li>approve non-standard terms and conditions, following consultation with the Manager People and Capability</li> <li>approve candidate offers which fall outside market range (above 100% of the assessed salary grade for the position)</li> <li>approve candidate offers for 2<sup>nd</sup> tier managers</li> </ul>	<ul style="list-style-type: none"> <li>approve candidate offers within market range (up to 100% of the assessed salary grade for the position)</li> <li>offer relocation expenses with the Manager People and Capability's agreement</li> </ul>	<ul style="list-style-type: none"> <li>make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager</li> </ul>
<b>Employment Conditions</b>		
<ul style="list-style-type: none"> <li>require and set dates for an annual shutdown period</li> <li>sign (on behalf of WCRC) Collective Employment Agreements and bargaining Terms of Settlement</li> </ul>	<ul style="list-style-type: none"> <li>approve timesheets</li> <li>provide prior approval for overtime payments</li> <li>determine actions to address conflict of interest situations</li> <li>approve staff entering into secondary employment</li> <li>deliver a Final warning with Manager People and Capability's agreement</li> </ul>	<ul style="list-style-type: none"> <li>approve timesheets for own teams</li> <li>approve one-off or occasional work from home</li> <li>initiate a performance improvement process with Manager People and Capability's agreement</li> </ul>



	<ul style="list-style-type: none"> <li>• second staff to other organisations subject to consultation with CE</li> <li>• approve staff to present a paper or publication referencing West Coast Regional Council</li> <li>• approve requests for flexible working arrangements (formal, change to employment terms and conditions), and other standard employment agreement adjustments (i.e. changes to reporting line)</li> <li>• determine the course of action following an external complaint against a staff member subject to consultation with Manager People and Capability</li> <li>• approve requests for flexible working arrangements (informal)</li> <li>• second staff to other teams within the Council</li> <li>• deliver a Verbal or First warning with Manager People and Capability's agreement</li> <li>• make a verbal employment offer</li> </ul>	
<b>Termination</b>		
<ul style="list-style-type: none"> <li>• approve termination of an employment agreement</li> <li>• approve the outcome of change proposals and position disestablishments resulting in a triggering of redundancy clause in employment agreement</li> <li>• approve payments under section s123(1)(c)(i) of the Employment Relations Act (2000)</li> </ul>	<ul style="list-style-type: none"> <li>• attend employment mediations on behalf of WCRC alongside the Chief Executive and/or Manager People and Capability</li> </ul>	
<b>Leave</b>		

<ul style="list-style-type: none"> <li>• approve corporate-wide paid leave for staff unable to work due to an emergency or severe weather situation</li> <li>• approve the cash-out of annual leave</li> <li>• grant paid and unpaid compassionate leave</li> <li>• approve requests for leave without pay</li> <li>• approve Long Service leave</li> <li>• approve all special leave except domestic violence leave</li> <li>• grant additional paid sick leave in situations of prolonged illness or injury (Discretionary Wellbeing Leave)</li> </ul>	<ul style="list-style-type: none"> <li>• grant additional bereavement/tangi leave subject to consultation with CE</li> <li>• Manager People and Capability ONLY: sign off parental leave</li> <li>• provide a request for exemption from jury service</li> <li>• Manager People and Capability, following consultation with Manager: approve use of partner/ paternity leave</li> <li>• Manager People and Capability ONLY: approve special leave (Domestic Violence)</li> <li>• grant additional paid sick leave (fair and reasonable sick leave only), following consultation with Manager People and Capability</li> <li>• approve study leave (including examination)</li> </ul>	<ul style="list-style-type: none"> <li>• approve sick, annual, bereavement or jury service leave</li> <li>• approve time in lieu</li> <li>• approve Alternate Holiday leave</li> <li>• approve ACC leave</li> </ul>
<b>Performance and Development</b>		
<ul style="list-style-type: none"> <li>• approve attendance at overseas learning events</li> </ul>	<ul style="list-style-type: none"> <li>• approve study applications</li> <li>• approve individual performance and development objectives and review outcomes for direct reports</li> <li>• approve attendance at internal or external learning events with Manager People and Capability's agreement</li> </ul>	<ul style="list-style-type: none"> <li>• approve individual performance and development objectives and review outcomes for direct reports</li> </ul>
<b>Policies and Procedures</b>		
	<ul style="list-style-type: none"> <li>• policy ownership for cross-organisational policies within sphere of responsibility</li> <li>• acting in the capacity as a member of the executive management team, approve new policies, changes to existing policies and disestablishment of redundant/superseded policies</li> </ul>	<ul style="list-style-type: none"> <li>• approve standard operating procedures (SOPs)</li> </ul>

	<ul style="list-style-type: none"> <li>• approve divergence from existing policy</li> <li>• acting in the capacity as a member of the executive management team, approve new policies, changes to existing policies and disestablishment of redundant/superseded policies</li> <li>• approve operational procedures and guidelines within sphere of responsibility</li> </ul>	
<b>Health, Safety and Wellbeing</b>		
<ul style="list-style-type: none"> <li>• approve consumption of alcohol for work-related functions</li> <li>• duties as required of the primary Officer of the PCBU</li> <li>• final approval of the Hazard and Risk Register</li> <li>• Determine the resolution on any matters escalated by the Health and Safety Committee</li> <li>• issue a trespass notice</li> </ul>	<ul style="list-style-type: none"> <li>• decide actions following harassment or bullying investigations</li> <li>• duties as required as Officers of the PCBU in matters relevant to their work groups</li> <li>• approve Permit(s) to Work for work deemed 'high risk' (e.g. Asbestos removal, accessing a confined space)</li> <li>• determine any corrective actions required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health and Safety Committee)</li> <li>• determine the resolution on any matters escalated by the Health and Safety Committee</li> <li>• approve catering for meetings and functions</li> <li>• approve new and replacement garments and Personal Protective Equipment (PPE) for field work</li> <li>• approve safety training requirements for employees</li> </ul>	<ul style="list-style-type: none"> <li>• approve new and replacement garments and Personal Protective Equipment (PPE) for field work</li> <li>• approval of safety training requirements for employees</li> <li>• approval of ergonomic workstation assessments</li> <li>• Approval of Return to Work (RTW) Plans for injured or ill employees</li> <li>• approve new and replacement garments and Personal Protective Equipment (PPE) for field work</li> <li>• approval of Return to Work (RTW) Plans for injured or ill employees</li> <li>• final sign off/closing out of incident investigations</li> </ul>

	<ul style="list-style-type: none"> <li>• approve ergonomic workstation assessments</li> <li>• approval of Return to Work (RTW) Plans for injured or ill employees</li> <li>• final sign off/closing out of incident investigations</li> <li>• determine any corrective actions required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health and Safety Committee)</li> </ul>	
<b>Recognition, Reward &amp; Remuneration</b>		
<ul style="list-style-type: none"> <li>• approve overall salary increase following annual review (within governance-set budget)</li> <li>• approve out of cycle remuneration increases (up to 100% of the assessed grade for the position)</li> </ul>	<ul style="list-style-type: none"> <li>• decide appointment and amount of higher duties payments</li> <li>• approve overtime and accumulation of flexitime</li> </ul>	

## 5. Requests and the release of information, correspondence, and public records

**Explanatory Note:** For the purpose of these delegations: 'Managers' are defined as Tier 2 management roles with responsibility for a Group and reporting directly to the Chief Executive, and includes Directors. Team Leaders are defined as any management roles below Managers (with or without the Team Leader title, such as and including the Operations Manager, Vector Control Services) which hold formal staff management responsibilities as outlined in the position description.

### 5.1 Local Government Official Information and Meetings Act 1987

Section	Description	Delegated to
s.8	Information concerning existence of certain information	Manager Corporate Services
s.10	Requests for official information	All staff
s.11	Assistance with requesting information	All staff
s.12	Transfer of requests	Manager Corporate Services

s.13	Decisions on requests (including the decision to impose a charge for providing official information and consulting on release)	Manager Corporate Services
s.14	Extension of time to provide official information	Manager Corporate Services
s.15	Power to determine manner of presenting information	Manager Corporate Services Executive Assistant
s.16	Power to determine deletions of some information from documents	Manager Corporate Services
s.17, 17A, 17B, 18	Refusal of requests for information	Manager Corporate Services
s.21, 22, 23	Right of access to internal rules affecting decisions / personal information	Manager Corporate Services
s.24	Precautions regarding access to personal information	All staff
s.25	Correction of personal information	All staff
s.26	Refusal to supply personal information	Manager Corporate Services
s.29	To comply with the requirements of an Ombudsman	Managers
s.33	Requirement to notify decision of Ombudsman	Manager Corporate Services
s.39	Publication of summary of report	Manager Corporate Services
s.46	Public notification of meetings	Executive Assistant
s.46A, 46B, 49, 51, 51AA	Availability of agendas, reports and minutes	Executive Assistant
s.51A	Public notification of resolution at emergency meeting	Executive Assistant

## 5.2. Privacy Act 2020

Section	Description	Delegated to
s.201	Power to appoint Privacy Officers	Chief Executive
s.47, 49, 50, 51, 52, 53	Decision to refuse access to personal information	Manager Corporate Services Privacy Officer
S41, 43, 45, 46, 48, 55, 56, 60, 62, 63, 64, 65, 66	<ul style="list-style-type: none"> <li>- To treat the requests with urgency;</li> <li>- To decide to transfer a request to another agency;</li> <li>- To decide whether the request can be granted (including the decision to impose a charge);</li> <li>- Where a request has been granted, whether any information should be withheld;</li> <li>- Decision to extend the time limits;</li> <li>- Deciding the way information is to be provided;</li> <li>- Providing the reasons for refusal.</li> </ul>	Manager Corporate Services Privacy Officer
	All other powers and duties under the Privacy Act 2020. This delegation may be sub-delegated.	Chief Executive

## 5.3. Public Records Act 2005

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

Section	Description	Delegated to
17	To provide for the creation and maintenance of local authority records	Manager Corporate Services

40	To comply with the requirements in relation to protected records	Manager Corporate Services
45, 46	To classify the access status of the Council's local authority records	Manager Corporate Services
47	To provide for the public inspection of open access records	Executive Assistant

## 5.4 Authority to Sign Correspondence

The following details the delegation for staff to sign outward correspondence. This applies to all formal correspondence by letter, fax or electronic mail.

### 1. Correspondence to Members of Parliament, Ministers of the Crown and the Ombudsman

- Chief Executive.

### 2. Other Correspondence

- Chief Executive.
- Managers for matters relating to their areas of responsibility.
- Managers may sub-delegate signing authority to individual staff, but this must be limited to matters which are directly within the staff member's area of work. Correspondence concerning matters of council policy, issues of political sensitivity, financial commitments, and any other aspects of contractual arrangements should only be signed by the CEO or managers.
- Managers are directly responsible for the standard of correspondence within their areas.

## 5.5 Other

This Delegations Manual does not contain formal delegations in relation to media statements (including social media). Staff should refer to the relevant Staff Policies in relation to these matters.

## 6. Submissions

### 6.1. General

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

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

## 7. Authorisation to use the Common Seal

The authority for the use of the Council's Common Seal is contained in the Council's Resolutions of 12 February 2002.

Use of the Common Seal:

- The Chief Executive Officer shall hold the common seal of the local authority and be responsible for the use of the same.
- The seal shall not be affixed to any document unless by resolution of the local authority but the Chief Executive Officer and one other Council manager may affix the seal in an urgent case, in which case, such action shall be reported to the local authority.
- Every sealing shall be made and done by the Chief Executive Officer and the Chairperson, or such Council managers as may be authorised from time to time, according to the procedure prescribed by the local authority and shall be reported to the local authority.

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

- Certain warrants to carry out statutory functions, including warrants made under the Biosecurity Act 1993, the Building Act 2004, and the Local Government Act 2002.
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.
- Regional policy statements and regional plans prepared under the Resource Management Act 1991.
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes.
- Any documents (e.g. covenants, caveats, s417 certificates or consent notices) which otherwise require the use of the Council's Common Seal.

## 8. Professional advice and legal proceedings

### 8.1 Authorisation to obtain professional advice

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

- Chief Executive
- Managers

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

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

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

### 8.2 Court proceedings

Unless otherwise provided for elsewhere in this Delegations Manual, the following delegations for Court Proceedings apply.

Reference	Function	Delegated to
<b>General</b> <i>Clause 32, Schedule 7 of LGA</i>	The authority to decide whether to commence or defend any action before a Court, tribunal, arbitral panel or other such body subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the Council.	Chief Executive  [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].
<b>General</b> <i>Clause 32, Schedule 7 of LGA</i>	In the event the Chief Executive is unavailable or in exceptional circumstances where time does not permit consideration by the Chief Executive and where such action is necessary to protect or further Council's interests, the authority to commence or defend any action before a Court, tribunal, arbitral panel or other such body.	Manager Corporate Services Manager Consents and Compliance Manager Planning, Science and Innovation  [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].
<b>General</b> <i>Clause 32, Schedule 7 of LGA</i>	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to any matter before any Court, tribunal, arbitral panel, or other such body subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee.	Managers
<b>General</b> <i>Clause 32, Schedule 7 of LGA</i>	The authority to: <ul style="list-style-type: none"> <li>• Initiate to have Court costs awarded; and</li> <li>• Initiate legal proceedings to collect Court costs awarded.</li> </ul>	Managers
<b>General</b> <i>Clause 32, Schedule 7 of LGA</i>	The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court and, Tribunal proceedings and debt collection agencies.	Manager Corporate Services
<b>General</b> <i>Clause 32, Schedule 7 of LGA</i>	The authority to initiate, prosecute, withdraw and do all things necessary to conduct appeals as follows: <ul style="list-style-type: none"> <li>• Environment Court to the High Court</li> <li>• District Court to the High Court</li> <li>• High Court to the Court of Appeal or Supreme Court</li> <li>• Court of Appeal to the Supreme Court.</li> </ul>	Chief Executive  [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].
<b>Judicial Review</b> <i>High Court Rule 30.3, Clause 32, Schedule 7 of LGA</i>	Lodge, withdraw, oppose or join an application for Judicial Review with the High Court and any related applications or proceedings and be heard in relation to any application or proceedings subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the	Chief Executive  [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].



	Council	
<b>Judicial Review</b> <i>High Court Rule 30.3, Clause 32, Schedule 7 of LGA</i>	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to judicial review proceedings subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee. This delegation includes the authority to approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	Chief Executive

**Specific terms and conditions:**

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

**Explanatory Notes:**

- *Further delegations in relation to Court proceedings on property matters are listed in the property delegations.*
- *Further delegations in respect of specific statutory proceedings are listed in the regulatory delegations (e.g. under the Resource Management Act 1991 and Biosecurity Act 1993).*

## PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS

Part D of the Delegations Manual sets out delegations relating to contracting and agreements, financial matters (including rating) and property delegations.

### 9. Contracting, Agreements and Memorandum of Understanding

#### 9.1 Introduction

The Council enters into a range of different contracts and agreements as part of undertaking its day to day business. These range from non-binding memorandum of understanding (but which may have significant reputational impact), contracts and agreements of low financial value, to high financial value contracts and agreements.

This section of the Delegations Manual contains delegations in relation to these matters and should be read alongside the financial delegations.

#### 9.2 Memorandum of Understanding

The authority to sign on Council's behalf any memorandum of understanding is delegated to all Managers within their own area of responsibility.

#### 9.3 Authorisation to sign Deeds

The Property Law Act 2007 requires Deeds to be signed by "two directors" in the case of a body corporate. "Directors" equates to Councillors (that is persons holding a governance as opposed to management role).

Attorneys may be appointed to execute a Deed on behalf of Council. The attorneys must be appointed by Deed, and that Deed of appointment must be executed by two "directors".

#### 9.4 Authorisation to sign contracts and other agreements (other than Deeds)

This section provides for delegations to staff in relation to financial expenditure. The exercise of delegation under this section is on the total expenditure. Commitment and attention must be given to approved delegation levels. Staff must be aware of their delegations, and if necessary, obtain approval from appropriate staff with a higher delegation level if the procurement will exceed their own delegation limit.

Staff can only use their delegations within their area; delegations are not to be used elsewhere in Council.

Splitting procurement costs in order to bring the pricing under delegation or procurement level limits while knowing that the total expenditure is above the approval level is prohibited.

Authority to sign off contracts (excluding Deeds) rests with the relevant staff who have a level of delegation consistent with the total expenditure expected over the life of the contract (refer Financial Delegations Authority table below). Once in place, individual invoices under that contract may be authorised by relevant staff with the level of delegation appropriate to each invoice.

If contract modification, extension or amendment is required, it is treated as being part of the original contract and can only be approved by the staff member of same or higher delegation level of that which approved the original contract, regardless of the size or value of the modification, extension or amendment.

### 9.4.1 Procurement Principles<sup>1</sup>

The Council's Procurement Policy sets out guiding principles which are to ensure that Council procurement activities:

- Achieve best value outcomes.
- Are conducted with probity and transparency with fair, open and effective competition.
- Demonstrate compliance with good practice for similar types of public entities.
- Are compliant with all relevant legislation, delegated authorities and other Council policies.
- To manage risks associated with procurement.

Council staff are also guided by the following when procuring goods and/or services on behalf of the West Coast Regional Council:

1. Council has a responsibility to manage its resources in an effective and efficient manner, and in doing so will consider best value for money over the whole of life cycle when procuring goods and services
2. Council may procure goods and services as sole procurer or in conjunction with other Councils or entities
3. Council will ensure open and effective competition as a competitive procurement process, as this is likely to result in a better procurement outcome
4. Council will provide a full and fair opportunity for both local and national suppliers
5. Council will comply with all relevant legislation, policies and procedures when engaging in the procurement process
6. Council will require sustainably produced goods and services whenever possible, having regard to economic, environmental, social and cultural impacts over their life cycle

### 9.4.2 Purchase of Good and Services

Delegations by the Council set out in the Financial Delegations Register (refer tables below) attach to the position.

The following officers of the Council have the authority to enter into contracts for the purchase of goods and services required by the Council (up to the **limits** shown in the appropriate annual plan). This authority includes signing of orders and approval of payment of invoices.

All amounts are GST exclusive.

#### Financial Delegations Register

Position/s	Delegation
Chief Executive and one other Manager jointly for all contracts & services	\$300,000
Chief Executive alone	\$200,000
Corporate Services Manager, Planning, Science & Innovation Manager, Director Operations, and Consents & Compliance Manager	\$150,000
Corporate Services Manager – for statutory and payroll purposes only	\$250,000
Operations Manager (Vector Control Services only)	\$150,000
Other Regional Council Managers	\$25,000
Regional On-Scene Commander (Oil Spills), Group Controllers (CDEM), Regional Director Emergency Management and Natural Hazards	\$100,000
All Team Leaders	\$10,000
Vector Control Services Supervisors	\$5,000

<sup>1</sup> West Coast Regional Council Procurement Policy

Executive Assistant	\$5,000
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The above financial limits apply per single item or transaction, except in the following circumstances:

Authority to approve contract progress payments for the supply of goods and services that have been approved by Council or the appropriate Committee <sup>2</sup>	Chief Executive jointly with: <ul style="list-style-type: none"> <li>• Planning, Science &amp; Innovation Manager; or</li> <li>• Director Operations</li> </ul>	No limit
Authority to jointly approve contracts above individual delegations for the following activities: <ul style="list-style-type: none"> <li>• vector control services contracted operations</li> <li>• emergency works</li> </ul>	Chief Executive jointly with the relevant Manager	\$500,000

Note: General procedures for obtaining prices, including tenders, are set out in Appendix I.

### 9.4.3 Variation of Contracts

1. The Chief Executive, appropriate managers or appropriate officers are empowered to approve variations during the period of a contract, approved by them under delegated authority, to an amount in total not exceeding their own delegated authority.
2. Any variation of greater than 15% of any quantity, scheduled item or fixed price must be fully documented as to the reasons why this has happened and if it is acceptable.
3. The officer exercising the power to approve variations (under the above clauses 1 and 2) must report those to the next level up for confirmation before the contractor can act upon the variation (ie. an officer must have the variation confirmed by their manager and a manager must have the variation confirmed by the CEO. Any exercise of this power by the CEO must be reported to the Council).

## 9.5 Variation of Budget Between Activities

The Chief Executive Officer may reallocate budgets between activities within divisions, provided Annual Plan outputs are not compromised.

In situations where variations are anticipated to affect divisional Annual Plan outputs these must be brought before Council for its agreement before any management action is possible.

Any such allocations are to be subsequently reported to the Council.

## 9.6 Authorisation to sign Cheques

Signing authority on cheques is delegated to the Chairperson of the Council, the Chief Executive, the Corporate Services Manager, the Consents and Compliance Manager, the Planning, Science and Innovation Manager, the Director Operations and the Executive Assistant (any two jointly). This authority also includes payments transmitted electronically.

<sup>2</sup> where the supply of goods and services to/from external parties has received prior approval from Council or the appropriate Committee

## 9.7 Credit Card Authorities

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

Position	Credit Limit
Creditors Officer	\$10,000
Executive Assistant to CEO	\$10,000
Director Operations	\$5,000
IT Team Leader	\$15,000

Delegations are to be exercised in accordance with the Council's Credit Card Policy.

## 9.8 Contingency Expenditure

### 9.8.1 Emergency Procurement

An emergency procurement situation can arise from natural disasters such as flooding and earthquakes. In an emergency, the following procedure is to be followed by staff:

- An emergency for procurement purposes must be classified by either the Manager Corporate Services, Chief Executive, Director Operations, Chairperson or Group Controller of West Coast Civil Defence Emergency Management Group.

The Chief Executive, Director Operations, and Regional Director Emergency Management and Natural Hazards are authorised in emergency circumstances to undertake the necessary remedial or response action (within the same maximum limits as provided in the Financial Delegations Register) and, at the first subsequent meeting of the Council, must report on action taken under the delegation.

## 9.9 Other financial commitments

### 9.9.1 Invoice debtors

The authority to approve invoices for revenue to be charged against debtor accounts is delegated to the relevant Manager and may be sub-delegated with approval from the relevant Manager, where this sub-delegation will facilitate the invoicing process.

### 9.9.2 Debt recovery

In a number of areas of the Council's operation it may be necessary on occasion to negotiate a reduction in amounts owing or to write-off debts which cannot be collected.

- (a) Approval of write-off or write-down of general debtor invoices up to \$10,000 is delegated to the Manager Corporate Services. For sums greater than \$10,000, approval is reserved to the ~~Chief Executive~~ Risk and Assurance Committee.
- (b) Approval of write-off or write-down of rate debtor invoices or penalties up to \$10,000 is delegated to the Manager Corporate Services. For sums greater than \$10,000 this is delegated to the Risk and Assurance Committee. Rate debtor invoices will only be written off or written down to correct errors.

Write-off of rate debtors due to hardship reasons as outlined in the Local Government (Rating) Act 2002 is reserved to the Chief Executive and must be reported to Council.

The authority to take appropriate action within Council policy to recover debts within the financial delegation limits above, including, but not limited to Court, Tribunal proceedings and debt collection agencies is delegated to Manager Corporate Services.

**Explanatory note:** See also court proceedings delegations.

### 9.9.3 Raise credit notes

Credit notes represent a disbursement of a Council asset. Authorisation to raise a credit note is delegated to the Corporate Services Manager, in accordance with the maximum limits as provided in the Financial Delegations Register. This authority may be sub-delegated with approval from the Corporate Services Manager, where this sub-delegation will facilitate the process of raising credit notes.

### 9.9.4 Banking and payment signatories

Changes to banking arrangements requires the signature of Manager Corporate Services.

**Specific terms and conditions:** All payments must be authorised by TWO approved signatories signing and countersigning appropriate documentation. Bank signatories are 'person specific'.

### 9.9.5 Operational expenditure – Payroll, PAYE, ACC and other Taxes

For payroll, PAYE, ACC and other taxes and deductions - any two authorised bank signatories jointly.

## 9.10 Specific Financial Delegations and Authorities

### 9.10.1 Regional On-scene Commander (Marine oil spill response)

The Regional On-Scene Commander is a person trained and authorised by Maritime New Zealand and appointed by Council under the Maritime Transport Act 1994. Appointment by Council provides financial authorisations within the West Coast Regional Council Marine Oil Spill Contingency Plan (June 2020).

1. When a Tier 2 marine oil spill response has been declared, total expenditure may not exceed \$250,000 without authorisation of the West Coast Regional Council Chief Executive.
2. The authority to make individual purchases in response to a Tier 2 marine oil spill response are as follows:
  - a. The person acting as Regional On-Scene Commander, or as alternative Regional On-Scene Commander has a financial delegation for individual purchases to a maximum of \$100,000.
  - b. The person acting as Operations Manager, Logistics Manager, Planning Manager or Deputy Regional On-Scene Commander has a financial delegation for individual purchases to a maximum of \$50,000.
3. Regional On-scene Commanders are required as a condition of the delegation to:
  - i. comply with Maritime New Zealand Operational Policy; and

- ii. comply with Council procedures and subsequently report to the next meeting of Council.

### 9.10.2 Local Government Funding Agency

Authority to sign all documents including resolutions, special resolutions and funding documents, required to give effect to Council decisions in relation to the Local Government Funding Agency (LGFA)	Any TWO of the following: <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chair of Council</li> <li>• Chair of Risk &amp; Assurance Committee</li> </ul>
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### 9.10.3 Council Share Portfolio Investments

Authority to sign all documents including resolutions, special resolutions and funding and financial documents, required to give effect to Council decisions in relation to share portfolio investments	Any TWO of the following: <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chair of Council</li> <li>• Chair of Risk &amp; Assurance Committee</li> </ul>
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## 10. Rating

### 10.1 Introduction

The following section of the Delegations Manual describes the delegations given in relation to rating matters.

The Chief Executive is delegated all powers, functions and duties under the Local Government (Rating) Act 2002 that are legally able to be delegated under section 132 of the Local Government (Rating) Act 2002.

The Local Government (Rating) Act 2002 prohibits the delegation of the power of delegation. Accordingly, the following table sets out a range of other delegations made by the Council to specified positions.

In relation to the Rating Valuations Act 1998 and the Rate Rebate Act 1973 the Council delegates to the Chief Executive all powers, functions and duties under these two Acts that are legally able to be delegated. In accordance with Clause 32 of Schedule 7 of the LGA, the Chief Executive has made the following sub-delegations as indicated below in the following tables.

### 10.2 Local Government (Rating) Act 2002

Section	Function	Delegated to
40	Power to correct rates	Manager Corporate Services
41	Authority to issue an amended rates assessment if an error is encountered.	Manager Corporate Services

54	Power not to collect rates that are uneconomic to collect	Manager Corporate Services
61,62,63	Powers for recovery of unpaid rates	Manager Corporate Services
85, 86	Power to postpone rates pursuant to Council rates remission policy	Manager Corporate Services to approve postponement of rates on applications which meet the criteria of the Council's policy
87,90	Power to postpone rates pursuant to Council rates postponement policy	Manager Corporate Services to approve postponement of rates on applications which meet the criteria of the Council's policy
91-113	Rating of Maori freehold land including district valuation rolls, land vested in trustees, multiple ownership, using land in multiple ownership	Manager Corporate Services, to be exercised in accordance with Council's Rates policies
114-115	Power to remit or postpone rates on Maori Freehold land	Manager Corporate Services, to be exercised in accordance with Council's Rates policies

### 10.3. Rating Valuation Act 1998

Section	Function	Delegated to
43	Obligation to pay annually a share of the costs of any territorial authority in the region in preparing and maintaining is district valuation roll	Manager Corporate Services
43	Resolve any dispute regarding the amount payable, including in arbitration	Manager Corporate Services

## 11. Property services

### 11.1 Leases and Licences

Matter	Function	Delegated to
New leases/ Licences	The authority to: (a) as lessor or lessee to sign agreements to lease for residential and commercial property granting leases for periods of no more than eight years (b) grant new leases or licenses for terms not exceeding twenty-one years for all other land	Subject to obtaining the prior approval of Council: <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Manager Corporate Services</li> </ul>



	(c) execute contracts of guarantee	
Assignment and subleasing	The authority as lessee or licensee to approve the sublease and assignment of leases and licenses	Chief Executive Manager Corporate Services
Mortgages	The authority to: (a) secure a mortgage over the lessees' interest in the lease (b) vary mortgage terms (c) release a mortgage	Chief Executive Manager Corporate Services
Rents	The authority to appoint an officer to set rentals for council property	Subject to obtaining the prior approval of Council: <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Manager Corporate Services</li> </ul>
	The authority to set, review and reduce prices and rents in relation to existing Council leases or licenses	Chief Executive Manager Corporate Services
Rents	The authority to: (a) issue rent/fee rebates (b) appoint an arbitrator where rent reviews are appealed	Chief Executive Manager Corporate Services
Variation of leases	The authority to: (a) approve variations to commercial, industrial and residential leases; and (b) approve variations to all licenses	Chief Executive Manager Corporate Services
Termination and surrender of leases	The authority: (a) as lessor or lessee, or licensor or licensee, to terminate leases or licences within the terms and conditions of the contract, including failure to pay rent (b) as property owner, lessor, assignor or licensor, to approve the surrender of leases and licences	Chief Executive Manager Corporate Services
Registration	The authority to sign an authority and instruction form authorising registration of a lease or any surrender, variation or renewal of a currently registered lease approved under the above delegations	Chief Executive Manager Corporate Services
Consent	The authority to provide (or withhold) any permission as a landholder required under a lease	Chief Executive Manager Corporate Services

## 11.2 General and miscellaneous

Matter	Function	Delegated to
Access	Authority to enter into, vary, revoke or cancel an access agreement.	Chief Executive Managers

Land acquisition	Authority to approve minor land purchases or sales by agreement, for public works, subject to the transaction being in accordance with the Long Term Plan and to sign an authority and instruction form for the above purpose.	Chief Executive, subject to prior notification to Council
Affected party approvals, applications and permissions  For further delegations on affected party approvals see: 15.10	Authority to provide approval, consents and make submissions or objections as adjoining landowner or potentially affected party in relation to property owned, leased or managed by Council.  Making applications, seeking and obtaining approvals, agreements, consents and permissions under the Building Act, Resource Management Act, or any other applicable statute in relation to property, land or assets owned, leased or managed by Council.	Chief Executive Director Operations Manager Corporate Services
Land Interests	Power to register, approve amendments to or withdrawals or discharges of caveats, easement certificates and releases of bonds or encumbrances.  <b>Specific terms and conditions:</b> This delegation will only be exercised upon confirmation that all obligations have been satisfied.	Chief Executive Manager Corporate Services
Signing Issues	Sign any other applications, documents, agreements or instruments or certify any documents or instrument in relation to any interest in land, on behalf of Council not otherwise provided in these property delegations.	Chief Executive Manager Corporate Services
Emergency	Power to close a premises / facility in an emergency situation.	Any Manager
Use of Council Property and land	Authorise the use of any Council building, land, facility or equipment by an outside person or organisation in accordance with any established guidelines.	Manager Corporate Services
Disposal	Dispose (whether by tender or otherwise) of any motor vehicle or item of plant or surplus Council asset in accordance with Council policy [ <i>presently under development</i> ].	Manager Corporate Services Chief Executive
Statutory Land Charge	The authority to release a statutory land charge.	Manager Corporate Services
Easements and other interests	The authority to (a) create, vary and surrender, easements and covenants over Council land; (b) request removal of easements, covenants and profits à prendre from LINZ register and removal of fencing covenants from title; (c) to sign an authority and instruction form for the above purposes.	Chief Executive Manager Corporate Services

**Explanatory note:** Land owned by West Coast Regional Council is held pursuant to a range of different statutes, often as endowment land. Further, other statutory obligations, including under the Public Bodies Leases Act 1969 may be relevant to how the land may be able to be dealt with.

*For the avoidance of doubt, nothing in the above delegations relieves the Council from complying with the statutory obligations that apply in relation to the land.*

*The exercise of the property delegations must also be carried out in accordance with the financial delegations, e.g. the value of the lease may require a higher level of authority to sign the document than provided for in the delegations.*

### 11.3 Trespass Act 1980

Section	Function	Delegated to
3	Power to warn a trespasser to leave the property. Power to issue trespass notices.  This delegation may be subdelegated.	Any Manager
4	Power to either at the time of the trespass or within a reasonable time thereafter, warn a trespasser to stay off the property.  This delegation may be subdelegated.	Any Manager
4(2), 9(1)	Power to, where there is reasonable cause to suspect that any person is likely to trespass on the property, warn that person to stay off the property and to require that a person give name and other particulars.  This delegation may be subdelegated.	Any Manager

## PART E: REGULATORY RESOURCE MANAGEMENT ACT DELEGATIONS

### 12. General Matters

#### **Advisory note – Resource Management Act (RMA) Planning:**

The following delegations apply to all RMA matters including regional policy statements and plans, and matters pertaining to changes of existing District Plans within the region under s73 and Schedule 1 of the RMA. This is in accordance with the Local Government Reorganisation Scheme (West Coast Region) Order 2019.

The West Coast Regional Council delegated its functions for the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA to Te Tai Poutini Plan Committee on 13 April 2021, in accordance with the Local Government Reorganisation Scheme (West Coast Region) Order 2019. The following delegations do not apply to that process.

#### **Advisory Note –**

#### **Paetae Kotahitanga ki Te Tai Poutini - Partnership Protocol**

#### **Mana Whakahono ā Rohe Resource Management Act - Iwi Participation Arrangement:**

When exercising relevant delegations under this section, including those relating to the appointment of Hearing Commissioners, staff will have regard to the provisions of the above Protocol/Arrangement.

#### 12.1 Information and Reports

Section	Function	Delegated to
35(2A)	Prepare and make available to the public a report on monitoring activities undertaken by Council in the course of exercising its functions under the RMA	Manager Planning, Science and Innovation Manager Consents and Compliance

#### 12.2 Administrative charges

Section	Function	Delegated to
36(5)	Require payment of additional charges over and above any fixed charges to enable the recovery of actual and reasonable costs.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
36(6)	Approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
36AAB(1)	Waive or remit the whole or any part of any charge referred to in section 36 which would otherwise be payable.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

36AAB(2)	Where a charge of a kind referred to in section 36 is payable, cease performing the action to which the charge relates until the charge has been paid in full.	Manager Planning, Science and Innovation Manager Consents and Compliance
36AA	Determine any discount under section 36AA on an administrative charge imposed under section 36.	Manager Consents and Compliance

### 12.3 Power to waive or extend time limits or waive requirements

Section	Function	Delegated to
37(1)(a)	Extend time periods associated with a resource consent process, if the applicant has agreed to the extension.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	Extend time periods associated with a resource consent process, where the applicant has not agreed to the extension.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	Extend any other time period not associated with a resource consent process.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
37(1)(b)	In relation to resource consent processes, waive a failure to comply with a requirement regarding the time or method of services of documents.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	In relation to any process other than a resource consent process, waive a failure to comply with a requirement regarding the time or method of service of documents.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
37(2)	In relation to a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	In relation to any process other than a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 12.4 Commissioning reports

Section	Function	Delegated to
42A	Require an officer or commission a consultant or other person to prepare a report.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
42A(3) 42A(4)(b) 42A(5)	Waive compliance with the requirements in sections 42A(3) and 42A(4)(b).	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 12.5 Protection of sensitive information

Section	Function	Delegated to
42	<p>Make an order under this section to avoid:</p> <ul style="list-style-type: none"> <li>serious offence to tikanga Maori, or to avoid the disclosure of the location of wahi tapu;</li> <li>the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information;</li> </ul> <p>and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.</p>	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 13. Policy and Planning

### 13.1 Evaluation reports

Section	Function	Delegated to
32 Schedule 1, Clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32.	Manager Planning, Science and Innovation Planning Team Leader
32AA Schedule 1, Clause 5	This is a report to be prepared or commissioned by the hearing panel making recommendations on the planning document.	

165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	Manager Planning, Science and Innovation Planning Team Leader
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## 13.2 Consultation

Section	Function	Delegated to
Schedule 1, Clause 3	Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement or plan	Manager Planning, Science and Innovation Planning Team Leader
Schedule 1, Clause 4A	Consult with iwi authorities and provide documents on any proposed RPS or Regional Plan	Manager Planning, Science and Innovation Planning Team Leader

## 13.3 Notification

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

## 13.4 Summary of decisions requested

Section	Function	Delegated to
Schedule 1, Clause 7	Publicly notify a summary of decisions requested by persons making submissions on a proposed policy statement, plan, or plan change and/or service notice on relevant persons where a decision was made to have limited notification of a RPS or Regional Plan.	Manager Planning, Science and Innovation Planning Team Leader

## 13.5 Resolution of disputes

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

82	Resolution of disputes relating to inconsistencies between instruments by referral to the Environment Court (relates to inconsistency between water conservation orders and the Regional Policy Statement, or Regional Policy Statement or Plans and a District Plan, or between Regional Policy Statement or Plan and a national direction).	Chief Executive Manager Planning, Science and Innovation
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### 13.6 Amendments to policy statements or plans without using Schedule 1

Section	Function	Delegated to
Schedule 1, Clause 16(1) and (2) Schedule 1, Clause 20A	Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) (to give effect to national direction or a direction from the Environment Court) and 20A (to correct a minor error) without using the Schedule 1 process.	Manager Planning, Science and Innovation
292	Amend a plan without using the process in Schedule 1 of the RMA to remedy a mistake, defect, or uncertainty or to give full effect to a plan as directed by the Environment Court.	Manager Planning, Science and Innovation Planning Team Leader
85(3) 85(3A) 293	Make an amendment directed by the Environment Court under sections 85(3), 85(3A) and 293 without using the process in Schedule 1.	Manager Planning, Science and Innovation

### 13.7 Notification of operative dates

Section	Function	Delegated to
Schedule 1, Clause 20	Publicly notify a date on which a policy statement or plan becomes operative.	Manager Planning, Science and Innovation Planning Team Leader

### 13.8 Private plan changes

*Note: plan changes to current district plans are the responsibility of WCRC under the Reorganisation Scheme.*

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



Schedule 1, Clause 24	Modify a request made under Clause 21 with the agreement of the person who made the request.	Manager Planning, Science and Innovation Planning Team Leader
Schedule 1, Clause 28	Give notice that request made under Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request.	Manager Planning, Science and Innovation Planning Team Leader

### 13.9 Incorporation of documents by reference

Section	Function	Delegated to
Schedule 1, Clause 34	Consult on proposal to incorporate material by reference in a proposed plan, variation, or change in accordance with Schedule 1, Clause 34.	Manager Planning, Science and Innovation Planning Team Leader

### 13.10 Written approval on behalf of the Council

Section	Function	Delegated to
104(3)(a)(ii) 104(4)	Where the Council is an affected party, give or decline to give written approval on behalf of the Council to a resource consent application, and withdraw any written approval given.	Chief Executive Manager Planning, Science and Innovation – for policy interests Director Operations – for operational matters Manager Corporate Services – for property matters

## 14. Submissions

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

Where Council has no relevant policy, but the issues raised in a plan change or consent application are significant the matter should be referred to the Resource Management Committee for consideration. Where this is not possible within the time that is available a submission should be lodged and the matter brought to the next Committee meeting.

Section	Function	Delegated to
96	Lodge or withdraw a submission on a resource consent application on behalf of Council.	Chief Executive Manager Planning,

		Science and Innovation Manager Consents and Compliance
149E 149F 149O	Make a submission to the EPA on a matter that has been called in or referred to it.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
Schedule 1, Clause 6  Schedule 1, Clause 8	Lodge or withdraw a submission or further submission on a proposed plan or plan change on behalf of Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
Part 5	Make a submission in relation to a proposed National Policy Statement, National Environmental Standard, National Planning Standard or NZ Coastal Policy Statement.	Manager Planning, Science and Innovation  Note: Draft submissions are to be circulated to all members of the Resource Management Committee for review and comment prior to this delegation being exercised, unless timeframes do not permit this.

## 15. Resource consents and certificates of compliance

### 15.1 Application for resource consents

Section	Function	Delegated to
88(3)	Determine that an application is incomplete.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Senior Consents Officer Team Leader Consents
88(3A)	If an application is determined to be incomplete, return the application to the applicant with written reasons for the determination.	Chief Executive Manager Planning, Science and Innovation

		Manager Consents and Compliance Senior Consents Officer Team Leader Consents
88H	Decision to exclude time period while waiting for a fixed charge when the application is lodged or when the application is notified.	Manager Consents and Compliance Team Leader Consents
91	Power to defer the notification or hearing of an application for a resource consent if it is considered other consents are also required.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
91C(2)	Following a period of suspended processing, decide whether to return the application to the applicant with a written explanation as to why it is being returned or continue to process the application.	Manager Consents and Compliance Team Leader Consents
91C(3)	If a decision is made under section 91C(2) to return an application, return the application with a written explanation as to why it is being returned.	Manager Consents and Compliance Team Leader Consents
165D	Refuse to receive an application for a coastal permit where consent for a similar activity has been refused within the previous 12 months	Chief Executive Manager Consents and Compliance

## 15.2 Further Information requests

Section	Function	Delegated to
92(1)	Request further information relating to a resource consent application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Senior Consents Officer
92(2)	Commission a person to prepare a report on any matter relating to a resource consent application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents

92A(2)	When requesting further information under section 92, set a reasonable time within which the applicant must provide the information and tell the applicant in a written notice.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Senior Consents Officer Team Leader Consents
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### 15.3 Notification

Section	Function	Delegated to
91	Determine not to proceed with the notification or hearing of an application for a resource consent, and notify the applicant of that determination.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
95(1)	Decide whether to give public or limited notification of a resource consent application in accordance with sections 95A and 95B and notify the application as determined appropriate.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
95C	Publicly notify an application for a resource consent after request for further information or report.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
95E 95F 95G 127(4)	Determine if a person is an affected person.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
95D	For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents

## 15.4 Submissions

Section	Function	Delegated to
97	Adopt an earlier closing date for submissions.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 15.5 Pre-hearing meetings and mediation

Section	Function	Delegated to
99(1)	Invite the applicant and submitters to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(1)	Require the applicant and submitters to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99	Decide who will chair a pre-hearing meeting	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(2)	Invite a person or persons to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(2)	With the consent of the applicant, require a person or persons to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(8)	Decline to process a person's application or consider a person's submission if they were required but failed to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

99A	Refer an applicant and submitters to mediation.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99A	Appoint mediators for consent applications	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 15.6 Hearings and Decisions

Section	Function	Delegated to
	Approve a list of accredited Hearing Commissioners from which appointments to hear and/or decide resource consent applications, reviews or changes to consents can be made.	Resource Management Committee  In approving the list of accredited Hearing Commissioners, regard must be had to the implementation of <i>Paetae Kotahitanga ki Te Tai Poutini</i> Partnership Protocol  <i>Mana Whakahono ā Rohe</i> Resource Management Act Iwi Participation Arrangement
	Appoint accredited Hearing Commissioners not on the approved list of Commissioners; to hear and decide resource consent applications, reviews or changes to consents and delegate to that person or persons all the necessary powers, functions, and duties in the RMA. This includes the ability to decide procedural matters, control hearings, and make directions.	Chairperson of the Resource Management Committee Chairperson of Council  In making any appointments, regard must be had to the implementation of <i>Paetae Kotahitanga ki Te Tai Poutini</i> Partnership Protocol  <i>Mana Whakahono ā Rohe</i> Resource Management Act Iwi Participation Arrangement
34A(1) 34A(1A)	Appoint an accredited hearing commissioner(s) from the list of Approved Hearing Commissioners to hear and/or decide resource consent applications, reviews or changes to consents and delegate to that person or persons all the necessary powers, functions, and duties in the RMA. This includes the ability to decide procedural matters, control hearings, and make directions.  In making any appointments, regard must be had to the	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

	implementation of <i>Paetae Kotahitanga ki Te Tai Poutini</i> Partnership Protocol <i>Mana Whakahono ā Rohe</i> Resource Management Act Iwi Participation Arrangement	
39 40 41A 41B 41C	To determine the procedures for the conduct of a hearing.	The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application
41D	To strike out all or part of a submission in accordance with the section.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance  The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application
100	Determine that a hearing of an application is necessary.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
100A(4)	Where an applicant or submitter has made a request under section 100A, appoint a hearing commissioner(s) from the list of Approved Hearing Commissioners to hear and decide the application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
101(1) 101(3)	Fix and give notice of the commencement date, time and place of a hearing.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
102(1)	In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
102(2)	Instead of the regional council, agree that for a joint hearing another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

103(1)	Determine that applications for resource consents for the same proposal are sufficiently unrelated that it is unnecessary to hear and decide the applications together.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
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## 15.7 Decision-making on applications

Section	Function	Delegated to
104 104A 104B 104C 104D 104F 105	Consider and determine applications and impose conditions for applications that were publicly notified but no hearing is required (subject to Section 100).  This delegation does not include authority to decline a resource consent application, unless the applicant has been offered and has refused the option to have the application heard and decided by an accredited Hearing Commissioner or Hearings Panel.	Manager Consents and Compliance
107 108 108AA 217	Determine applications and impose conditions for applications that were processed:  (a) non-notified; or  (b) by limited notification where no hearing is required (subject to Section 100).  This delegation does not include authority to decline a resource consent application, unless the applicant has been offered and has refused the option to have the application heard and decided by an accredited Hearing Commissioner or Hearings Panel.	Manager Consents and Compliance

Section	Function	Delegated to
108A 109	Implementation of requirement in a resource consent for a bond to secure the performance of consent conditions.  <b>Note:</b> If a bond or covenant is considered as a possible consent requirement then all matters relating to consent conditions under sections 104A, 104B, 104C, 104D, 104F, 105, 107, 108, 108AA and 217 must be considered together with delegation exercised by Manager Consents and Compliance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance <b>EXCLUDING</b> release of bonds associated with mining. These are delegated to the Resource Management Committee.
110(1)	Refund or return the whole of a financial contribution or land in accordance with section 110.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance



110(2)	Determine the portion of a financial contribution or land to retain to cover the costs incurred by the Council in relation to the activity and its discontinuance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
114(2)	Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

### 15.8 Duration of consent

Section	Function	Delegated to
124	Allow a resource consent holder to operate under an expired resource consent while the application for a new consent and any references (appeals) to the Environment Court are determined in accordance with section 124.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
125(1A)(b)	Determine an application for extension of the lapse date of a consent.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

### 15.9 Cancellation and change of consents

Section	Function	Delegated to
126(1)	Cancel a resource consent by written notice in accordance with section 126.	Chief Executive
126(2)	Revoke the notice of cancellation of a resource consent and determine a new period after which a new notice of cancellation may be issued in accordance with section 126.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

127	Determine applications by the holder of a resource consent for a change or cancellation of any condition of the consent for applications that are processed: (a) non-notified; or (b) by limited notification where no hearing is required (subject to Section 100).	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
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### 15.10 Review of consent conditions by consent authority

Section	Function	Delegated to
128 129	Determine whether to review the conditions of a resource consent, serve notice on a consent holder of the intention to review the conditions, and propose new conditions.	Chief Executive Manager Consents and Compliance Manager Planning, Science and Innovation
130	Determine whether notification of a review is required and whether a hearing be held.	Chief Executive Manager Consents and Compliance Manager Planning, Science and Innovation
131 132	Consider and determine a review of consent conditions under section 128 for reviews that are processed: (a) non-notified; or (b) by limited notification where no hearing is required (subject to Section 100).	Chief Executive Manager Consents and Compliance Manager Planning, Science and Innovation

### 15.11 Determining activities are permitted activities

Section	Function	Delegated to
87BB	Determine that an activity is a permitted activity in accordance with section 87BB(1)(a) to (c) and advise the person proposing to undertake the activity.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents

### 15.12 Minor corrections

Section	Function	Delegated to
133A	Issue an amended consent that corrects minor mistakes or defects in	Chief Executive

	the consent in accordance with section 133A.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
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### 15.13 Transfer and surrender

Section	Function	Delegated to
136	Approve the transfer of a water permit in whole or in part to another person on another site or to another site in accordance with section 136.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
136(1) 136(2)(a)	Approve the transfer of a water permit to any owner or occupier of the subject site in accordance with section 136(1) and 136(2)(a)	Consents Business Support Officer/ Administrator
137	Approve the transfer of a discharge permit in whole or in part to another person or another site in accordance with section 137.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Consents Business Support Officer/ Administrator
137(2)	Approve the transfer of a discharge permit to any owner or occupier of the subject site or a local authority in accordance with section 137(2).	Consents Business Support Officer/ Administrator
138(2)	Refuse to accept the surrender of part of a resource consent	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
138(4)	Power to issue notice of acceptance of surrender of permit.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

### 15.14 Certificates of compliance or existing use

Section	Function	Delegated to
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139(4)	Require further information to be provided in relation to a request for a certificate of compliance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
139(5)	Issue a certificate of compliance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
139A(3)	Require further information to be provided in relation to a request for an existing use certificate.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
139A(5)	Issue an existing use certificate.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
139A(8)	Revoke an existing use certificate in accordance with sections 139A(7) and (8).	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

### 15.15 Permits over land other than that of the holders

Section	Function	Delegated to
417	To sign a certificate that defines a water race on land, as authorised by a mining privilege.	Not delegated

### 15.16 Direct referral

Section	Function	Delegated to
87E	Decide whether to agree to an applicant's request for direct referral of a resource consent application to the Environment Court.	Chief Executive Manager Consents and Compliance

87F	Approve the content of a report prepared under section 87F on an application that has been directly referred to the Environment Court.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
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### 15.17 Objections

Section	Function	Delegated to
357C	Hear and decide objections against certain decisions under sections 357, 357A and 357B – except where the objector has requested that the matter be resolved by a hearing commissioner.	Manager Consents and Compliance Except that if they made the decision that is the subject of the objection, the objection must be determined by the Chief Executive.
357AB(2)	If requested by an applicant with a right of objection under section 357A(1)(f) or (g), appoint a hearing commissioner from the list of Approved Hearing Commissioners to consider the objection in accordance with section 357AB.	Commissioner appointed by any two of the following: Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
357C(4)	Hear and decide objections against additional charges collected under section 36(5).	Manager Consents and Compliance Except that if they made the decision that is the subject of the objection, the objection must be determined by the Chief Executive.

### 15.18 Consents where the WCRC is the applicant

Section	Function	Delegated to
88(1)	Authority to apply for a resource consent on behalf of the WCRC.	Any Tier II Manager or Director
	For all delegations covered in sections 15.1 to 15.17 of this Manual decision making will be delegated to an external, independent and appropriately qualified commissioner appointed by the Manager Consents and Compliance from the approved Hearing Commissioner list.  All analysis, processing, report writing and support for the Independent Commissioner may be provided by an independent consultant appointed at the discretion of the Manager Consents and Compliance, for example where there is a perceived conflict of interest.	Independent Commissioner  Independent Consultant

## 15.19 Consent applications where the WCRC may be an affected party or submitter

Section	Function	Delegated to
95B	Authority to make submissions, or provide written approval of a resource consent application on behalf of Council where it is an affected party.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Manager Corporate Services Director Operations
96	Authority to make a submission to a resource consent application on behalf of Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 16. Enforcement and compliance

Note: It is considered good practice to notify the Resource Management Committee when exercising delegations in relation to enforcement.

### 16.1 Enforcement officers

Section	Function	Delegated to
38(1)	Authorise staff to act as enforcement officers.	Chief Executive
38(5)	Supply enforcement officers with warrants.	Chief Executive
38(2)	Authorise other persons to act as enforcement officers.	Chief Executive

### 16.2 Requirement to supply information

Section	Function	Delegated to
388	Require information to be supplied by a person exercising a resource consent as to the nature and extent of activities carried out under the consent and the effects of the activities on the environment.	Warranted staff

### 16.3 Powers of entry or search

Section	Function	Delegated to
332	Use powers of entry for inspection in accordance with section 332.	Warranted staff
333	Use powers of entry for survey in accordance with section 333.	Warranted staff
334	Authority to apply to an issuing officer for a warrant for entry to search where there are reasonable grounds to believe an offence against the RMA has been or is suspected of having been committed that is punishable by imprisonment.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

### 16.4 Infringement notices

Section	Function	Delegated to
343B	To decide to proceed by way of filing a charging document or serving an infringement notice	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
343C	Where an enforcement officer observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
343C	To commence proceedings for a defended infringement notice.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

### 16.5 Abatement notices

Section	Function	Delegated to
322	To decide to serve an abatement notice.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

325A	Determine that an abatement notice be cancelled, changed, or confirmed.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
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## 16.6 Enforcement orders

Section	Function	Delegated to
316	Apply to the Environment Court for an enforcement order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
317	Where an application for an enforcement order is made, serve notice on every person directly affected by the application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
318	Give and withdraw notice of wish to be heard on an application for an enforcement order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
320	Apply to the Environment Court for an interim enforcement order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
321	If directly affected by an enforcement order, apply to the Environment Court to change or cancel the order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 16.7 Offences

Section	Function	Delegated to
338	To initiate and/or withdraw a prosecution for an offence against the RMA. The CEO and relevant manager, together, have the power to initiate or withdraw a prosecution for an offence, provided that decision must be unanimous, recorded in writing and reported	The Chief Executive and one of the below, being the relevant manager: Manager Planning, Science and Innovation



	promptly to council.	Manager Consents and Compliance
338	If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 16.8 Water shortage direction

Section	Function	Delegated to
329	Issue, amend or revoke a water shortage direction	Chief Executive, following consultation with the Chair of the Resource Management Committee

## 16.9 Reclamations

Section	Function	Delegated to
355B	Authority to act against unlawful reclamations.	Chief Executive Manager Consents and Compliance

## 16.10 Emergency works

Section	Function	Delegated to
330	Power to undertake emergency works for WCRC and/or other preventative measures to contain or minimise adverse effects on the environment.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Director Operations
330A	Apply for a retrospective consent for emergency works	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Director Operations
331(1)	Require reimbursement or seek compensation for any emergency action undertaken by the Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

		Director Operations
331(1A)	Apply for enforcement order under section 314(1)(d) to recover costs.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

## 17. Court proceedings

### 17.1 Environment court

Section	Function	Delegated to
120 174 192 195 Schedule 1, Clause 14	Authority to enter in to proceedings, including authority to lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent, a designation, or a heritage order, plan reviews, policy statements, plan changes and new plans.	Chief Executive, following consultation with the Chair of the Resource Management Committee
Schedule 1, Clause 27	Subsequent to any decision to enter in to proceedings as per the above, authority to respond to/progress proceedings, including authority to enter into mediation, approve Consent Memoranda, draft Consent orders and side agreements, appear at hearings, and present evidence (subject to delegations under s285 below). This does not include authority to deal with costs.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Director Operations (where WCRC is the applicant or made a submission as an affected party)
267	Participate and make decisions in Environment Court conferencing and/or appoint a representative who has authority (on behalf of Council) to participate and make decisions.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
268A	(1) For RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions to resolve proceedings directly relating to the contents of West Coast Regional Council Regional Policy Statements and Plans, including approving Consent Memoranda, draft Consent Orders and side agreements, provided that consultation is undertaken with the Resource Management Committee chair prior to the officer attending mediation or other alternative dispute resolution sessions.  (2) For other RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions, including approving Consent Memoranda, draft Consent Orders and side agreements.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

	For RMA resource consent and other RMA matters, approve Consent Memoranda, draft Consent Orders and side agreements.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
272 275 277A	Decide to appear at proceedings before the Environment Court and call evidence, or new evidence for the Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
274	Lodge, withdraw, or oppose a notice of intention to become an interested party to Environment Court proceedings.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
278 279 280	Seek, withdraw, or oppose orders in accordance with sections 278, 279 and 280.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
281	Lodge, withdraw, or oppose an application for a waiver or direction in accordance with section 281.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	Chief Executive, following consultation with the Chairs of the Resource Management Committee and Risk and Assurance Committee
291	Lodge, oppose, or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
294	Apply to the Environment Court for a rehearing of its proceedings where new and important evidence has become available after the Court's decisions.	Chief Executive
308G 311	Lodge, withdraw, join, or oppose an application for declaration with the Environment Court.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
356	Apply to the Environment Court for a matter to be determined by arbitration.	Chief Executive

## 17.2 High Court

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

## 17.3 Court of Appeal and Supreme Court

Section	Function	Delegated to
308 RMA Subpart 8 of Part 6 of Criminal Procedure Act 2011	Lodge, withdraw, join, or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal, or any related applications or proceedings and be heard in relation to any application or proceedings.	Not delegated
	Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	Not delegated
	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	Chief Executive, following consultation with the Chair of Council

## 18. Proposals of national significance

Section	Function	Delegated to
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142(1)	Request that the Minister for the Environment call in a resource consent application as a matter is of national significance.	Chief Executive, following consultation with the Chair of Council and the Chair of the Resource Management Committee
142(2) 147(4)	Provide the Council's view on a direction to be made by the Minister for the Environment.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149	Prepare a report requested by the EPA	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149B	Provide information to the EPA	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149K	Provide suggestions to the Minister on the members of a Board of Inquiry, from an approved list of potential members previously approved by the Resource Management Committee.  If there is not an approved list in place, this delegation can be exercised jointly by the Chair of the Resource Management Committee and the Chief Executive.	Chief Executive
149G 149M 149N	Prepare a report for the EPA on key planning matters relating to a called in application and provide information or comments to the EPA on proposed plans or plan changes	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149Q(4) 149Q(5)	Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149W(2)(a)	Amend a proposed plan, change, or variation under clause 16(1) of Schedule 1 as if the decision were a direction of the Environment Court under section 293.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149(ZD)	Recover actual and reasonable costs of a process involving a matter of national significance.	Chief Executive Manager Consents and Compliance

		Manager Planning, Science and Innovation
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## 19. Water conservation orders

Section	Function	Delegated to
205 209 211	To make a submission to a special tribunal on a water conservation order, appeal to the Environment Court and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210.  Any exercise of this delegation must be reported to the next meeting of the Resource Management Committee.	Chief Executive, following consultation with the Chair of the Resource Management Committee

## 20. Designations

Section	Function	Delegated to
168	Authority to give notice of a requirement for a designation to a territorial authority.	Chief Executive Director Operations
172	Authority to make a decision on a recommendation on a notice of requirement for a designation	Chief Executive
174	Authority to appeal a decision of the requiring authority relating to a designation	Chief Executive following consultation with the Chair of the Resource Management Committee
176 178	Authority to approve activities on land affected by a designation	Chief Executive Director Operations
176A	Prepare an outline plan to be constructed on designated land	Director Operations
181 182	Authority to amend or remove a designation	Chief Executive Director Operations
184	Authority to seek extension of a designation before lapsing	Director Operations
195	Authority to appeal a matter subject to a heritage order	Chief Executive following consultation with the Chair of the Resource Management Committee

## 21. Other RMA matters

Section	Function	Delegated to
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80 186	Power to acquire land	Chief Executive
237D	Transfer of land to the Crown or regional council	Chief Executive
245	To approve or decline a plan of survey of a consented reclamation.	Manager Consents and Compliance

## 22. Regulations

### 22.1 Measurement and Reporting of Water Takes

Regulation	Function	Delegated to
6(5)	Approving format of records	Manager Planning, Science and Innovation Manager Consents and Compliance
7(4)	Determining whether the certifier is suitably qualified.	Manager Planning, Science and Innovation Manager Consents and Compliance
8(4) 8(6)	Authority to request evidence from the consent holder.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents Team Leader Compliance
9	Approval to measure water taken each week (instead of each day).	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Compliance Team Leader Consents
10	Approval to use device or system installed near (instead of at) location from which water is taken.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Compliance Team Leader Consents
11	Authority to revoke approval granted under regulations 9 or 10.	Manager Planning, Science and Innovation Manager Consents and Compliance

## 22.2 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Section	Function	Delegated to
Clause 10A(2)	Require a notice to be affixed in a conspicuous place.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Compliance Team Leader Consents



## PART F: REGULATORY NON-RMA DELEGATIONS

### 23. Council bylaws

#### 23.1 Flood Protection Bylaw 2015

Clause	Function	Delegated to
<b>Authority to carry out work</b>		
7.1	To approve/refuse authority under the Bylaw, including granting authority on such conditions as are considered appropriate.	Director Operations, except where WCRC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: Chief Executive, any other Tier II manager, Council chairperson
7.2	Determining, refunding, remitting or waiving the whole or any part of any fee payable under the Bylaw.	Director Operations, except where WCRC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: Chief Executive, any other Tier II manager, Council chairperson
<b>Compliance and Enforcement</b>		
8.1	Revocation of an authority granted under the Bylaw	Director Operations
8.3	Issue a notice to remedy	Director Operations
8.4	Authorisation of removal of works and cost recovery	refer Local Government Act 2002 delegations
<b>Objections</b>		
8.5	Consideration and determination of objections, including the giving of written notice of the determination	Director Operations Chief Executive

### 24. Biosecurity Act 1993

The Biosecurity Act 1993 contains legislative provisions and powers to enable the effective implementation, including enforcement, of a regional pest management plan. The Act provides powers to a Principal Officer (Chief Executive) and Authorised Persons (who are appointed by the Chief Executive under section 105(1))

of the Act).

In addition to the functions and powers delegated by the Chief Executive to “authorised persons” the following functions and powers are delegated.

Section	Function	Delegated to
13(1)(a)	Power to carry out monitoring and surveillance of pests, pest agents, and unwanted organisms for the purposes of Part 5 of this Act	Director Operations Operations Manager
13(1)(b)	Power to provide for the assessment and management or eradication of pests	Director Operations Operations Manager
70-75	Prepare and review a regional pest management plan	Director Operations to make recommendations to the Resource Management Committee
76, 96	Lodge, withdraw or oppose an application to the Environment Court Settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions Approve Consent Memoranda, draft Consent Orders and side agreements Decide to appear at proceedings before the Environment Court and call evidence for the Council	Director Operations
78	Exempt a person from a requirement in a rule in a regional pest plan.	Director Operations
90-95	Prepare and review a regional pathways management plan	Director Operations to make recommendations to Council
98	Exempt a person from a requirement in a rule in a regional pathways management plan	Director Operations
100M 100N	Recovery of a levy as a debt due	Manager Corporate Services Director Operations
100V	Prepare a small scale management programme	Director Operations to make recommendations to council
122	Power to issue/withdraw a Notice of Direction	Authorised Person
128	Power to act on default and authorise action for work and recover costs of that action	Director Operations
129	Power to put a charge on the property	Manager Corporate Services
130	Power to declare a restricted place	Director Operations

131	Declare a specified area to be a controlled area	Director Operations
135	Power to recover costs of administering the Biosecurity Act 1993 and performing the functions, powers and duties provided for in the Act in accordance with section 135 and regulations	Director Operations in conjunction with Manager Corporate Services as to the methods used
154	Power to issue/withdraw a Compliance Order	Director Operations
154M 154N 154O	To initiate and/or withdraw a prosecution for an offence under this Act Authority to file a charging document that has been laid in relation to a prosecution	Director Operations
159	Commence, withdraw or join proceedings in respect of infringement offences	Director Operations

## 25. The Building Act 2004

West Coast Regional Council is a regional authority under the Building Act 2004. Regional authorities have several functions, powers and duties in relation to dams.

From 1 June 2021 a number of Council's Building Act functions were transferred to Environment Canterbury under s244 of the Act.

The functions Council have retained are:

- Granting of exemptions under Schedule 1 of the Building Act 2004
- Project information memorandum (PIM) functions
- Issue of Certificate of Acceptance
- Issue of Notice to Fix on dams that do not comply with the building code or any other parts of the Building Act not related to the building consent
- Functions related to the dam register, Dangerous Dams Policy, classification of dams, dam safety assurance, dam compliance certificate.

Delegations for these and other Building Act functions not specifically transferred are set out in the table below.

Section	Function	Delegation
<b><i>Project Information Memorandum (PIM) functions</i></b>		
31 34	Issue and re-issue a PIM in certain circumstances and provide a copy of a PIM to the applicant as required.	Manager Consents and Compliance  Senior Consents Officer or Consents Officer with Building Act responsibilities

33	Determine further information required in relation to a PIM application.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
36	Attach development contribution notice.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
37	Issue a certificate if a resource consents is required.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
38	Provide copy of PIM to network utility operator(s) and/or statutory authority, if required.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
39	Advise Heritage New Zealand Pouhere Taonga of PIM application, if required.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
45	Receive additional information.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
<b><i>Certificates of acceptance</i></b>		
96(1) 98(1)	Deciding whether to issue a certificate of acceptance.	Manager Consents and Compliance
97(c)	Specifying any additional information that is required to be lodged with an application for a certificate of acceptance.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
98(2)	Requiring further information in relation to an application for a certificate of acceptance.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities

99(2)	Qualifying a certificate of acceptance to the effect that only parts of the building work were able to be inspected	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
<b>Classification of Dams</b>		
134A(1)	Requiring an owner to classify a referable dam	Manager Consents and Compliance
136(1) 136(2)	Decision to approve or refuse a dam classification	Manager Consents and Compliance
138(1)	Requiring the re-audit of a classification	Manager Consents and Compliance
138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	Manager Consents and Compliance
<b>Dam safety assurance programmes</b>		
143(1)	Decision to approve or refuse to approve a dam safety assurance programme	Manager Consents and Compliance
145(2)	Requiring a period beyond 15 working days for a dam safety assurance programme to be re-audited	Manager Consents and Compliance
146(2)(b)	Requesting a review of the dam safety assurance programme for an earthquake-prone or flood-prone dam	Manager Consents and Compliance
148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	Manager Consents and Compliance
<b>Register of dams</b>		
151	Maintain a register of dams in West Coast	Manager Consents and Compliance
<b>Dangerous dams</b>		
154(1)	Determine that a dam is dangerous in terms of s153 and take action as set out in s154(1)(a), (b) and (c).	Manager Consents and Compliance
155(1)(b)	Determining whether building consent is required in respect of work required by a notice to fix	Manager Consents and Compliance
156(1)	Apply to a District Court for an order enabling the West Coast Regional Council to carry out building work.	Manager Consents and Compliance
156(3)(b)	Recover costs of carrying out work under s156(1) from the owner.	Manager Consents and Compliance

157(2)	Decision to take action to avoid immediate danger.	Manager Consents and Compliance
157(3)(b)	Decision to recover costs of taking action under section 157(2).	Chief Executive
158	To make an application to the District Court to confirm warrant for emergency work on a dam	Chief Executive
<b>Determinations</b>		
177 180	Making and withdrawing an application for a determination	Chief Executive Manager Consents and Compliance
182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	Chief Executive
185(2)(b)	Agreeing on a period beyond 60 workings days for making a determination	Chief Executive Manager Consents and Compliance
189(b)(ii)	Agreement to amendment of a determination for clarification purposes	Chief Executive Manager Consents and Compliance
190(3)	Filing a direction to the District Court as to costs in respect of a determination	Chief Executive
<b>Registration and Accreditation as Building Consent Authority</b>		
194	Making application for registration as a building consent authority	Manager Consents and Compliance
252(4)	Request to change the scope of accreditation	Manager Consents and Compliance
253	Application for accreditation to perform Building Consent Authority functions	Manager Consents and Compliance
200 202	Make submissions and respond to complaints or to an investigation	Manager Consents and Compliance
276(2)(b)	To make submissions on a review of the regional authority	Manager Consents and Compliance
<b>Appeals</b>		
208 209	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	Chief Executive, following consultation with the Chair of the Resource Management Committee

<b>Carrying out building work on default</b>		
220(2)	Making application to the District Court for an order in respect of building work required to be done	Chief Executive
220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	Chief Executive
221	Disposal, sale, etc. of materials that result from carrying out building work authorised under s220(2)	Chief Executive
<b>Responsibilities of a BCA that is not a Territorial Authority</b>		
240(2)	Refusal to perform functions under the Building Act where fees, charges or levies are unpaid	Manager Consents and Compliance
243	Power to impose fees or charge and recovery of costs and to collect levies	Manager Consents and Compliance
<b>Fees and charges</b>		
281A 281B 281C 219	Imposing fees and charges, charging of a fee for the issue of compliance schedule, increasing the amount of a fee or charge to meet additional costs, and waiving or refunding a fee – consistent with the Council’s fees and charges policy	Manager Consents and Compliance
<b>Other matters</b>		
315(1)	Making a complaint about a licensed building practitioner.	Manager Consents and Compliance
403(4)(b)	Making submissions as an ‘interested person’ to proposed Orders in Council or regulations	Resource Management Committee
Schedule 1, part 1, clause 2	Deciding whether a building consent is not necessary	Manager Consents and Compliance
<b>Offences</b>		
371(2)	Commencement of proceedings where an infringement notice has been issued	Chief Executive
372	Decision to issue an infringement notice	Manager Consents and Compliance
	Serving an infringement notice	Warranted Officer where specified on warrant
372B(2)	Authorising officers to issue infringement notices	Chief Executive
377	Filing a charging document	Chief Executive
381(1) 381(2)	Making an application to the District Court for an injunction	Chief Executive

## 26. The Crown Minerals Act

The Crown Minerals Act provided transitional provisions for mining licences issued under the Mining Act 1971 which was repealed in 1991. There is now only one residual section left in schedule 1 of the Crown Minerals Act 1991 that refers to Regional Councils.

Section	Function	Delegated to
Schedule 1 clause 16	Require the holder of a coal mining right to increase the amount of bond or deposit.	Chief Executive Manager Consents and Compliance
Schedule 1 clause 16	To make a determination whether the holder of an existing mining privilege has complied with the terms and conditions of the privilege.	Chief Executive Manager Consents and Compliance

## 27. The Local Government Act 2002

Section	Function	Delegated to
162	Apply for injunction restraining a person committing a breach of a Bylaw or an offence against this Act	Chief Executive Director Operations Manager Consents and Compliance
163	Removal or alteration of work or thing that is or has been constructed in breach of a bylaw and recovery of costs.	Chief Executive Director Operations
164	To seize and impound property not on private land.	Warranted officer where specified on warrant
165	To seek a search warrant.	Chief Executive
168	To dispose of property seized and impounded.	Chief Executive
171	Power of entry.	Warranted officer where specified on warrant
172	Power of entry for enforcement purposes.	Warranted officer where specified on warrant
173	Powers of entry in cases of emergency.	Warranted officer where specified on warrant
174	Authority to appoint an authorised person and issue warrants for the purposes of: <ul style="list-style-type: none"> <li>• Local Government Act 2002</li> <li>• Building Act 2004</li> <li>• West Coast Regional Council Bylaws</li> <li>• Soil Conservation and Rivers Control Act 1941</li> <li>• Land Drainage Act 1908</li> </ul>	Chief Executive



174	Authority to act.	Warranted officer where specified on warrant
175	Power to recover costs of damage.	Chief Executive Director Operations
176	Power to recover costs of remedying damage arising from breach of bylaw.	Chief Executive Director Operations
177	Authority to appoint enforcement officers and issue warrants.	Chief Executive
181	Authorise construction of works on or under private land, or under a building on private land, considered necessary for land drainage and rivers clearance.	Chief Executive Director Operations
181(4)	Enter land to inspect, alter, renew, repair, or clean any work constructed under section 181.	Director Operations, or their sub-delegate
182	Power of entry to check utility services.	Warranted officer where specified on warrant
185	Grant approval for occupier to undertake work.	Chief Executive Director Operations
186	To approve works if owner or occupier defaults.	Chief Executive Director Operations
187	To approve the recovery of costs.	Chief Executive Director Operations
189 190	Power to acquire land.	Chief Executive
224-236 238-239	To initiate or withdraw a prosecution for an offence against this Act.	Chief Executive
241	Authority to file charging document.	Chief Executive

## 28. Land Transport Management Act 2003

Section	Function	Delegated to
121	Obligations regarding notification and provision of copies of plans.	Manager Strategy and Communications
128	Power to provide information.	Manager Strategy and Communications

129	Power to make decisions on the release of information and a duty to consult with relevant organisations.	Manager Strategy and Communications
133	Authority to make decisions regarding the notification of a proposal to operate or vary exempt services.	Manager Strategy and Communications
134	Authority to decide on the grounds in section 134 to decline registration or variation of exempt services.	Manager Strategy and Communications
136	Authority regarding the registration of exempt services or variations to exempt services.	Manager Strategy and Communications
137	Authority to decide to deregister an exempt service and remove details of variations.	Manager Strategy and Communications
138	Authority to undertake the process for deregistering exempt services or removing details of variations.	Manager Strategy and Communications
139	Authority to make decisions in relation to the withdrawal of exempt services.	Manager Strategy and Communications
146 147 148 149	Authority to require a person to produce and inspect records. Authority to manage offences , including making decisions to initiate or withdraw a prosecution.	Chief Executive Manager Strategy and Communications

## 29. Maritime Transport Act 1994

The Maritime Transport Act provides that, for the purpose of ensuring maritime safety in their regions, regional councils may regulate—

- (a) the ports, harbours, and waters in their regions; and
- (b) maritime-related activities in their regions.

The West Coast Regional Council transferred its navigation safety and harbourmaster functions to Buller District Council in April 1999. Formalisation of a previous transfer of these functions to Grey District Council is presently being completed. There are therefore no WCRC delegations associated with these functions in this Manual.

The following also includes the Instrument of Delegation from the Director of Maritime Transport NZ to the WCRC Chief Executive dated 3 August 2020. These delegations are in force until 31 July 2025.

Section	Function	Delegated to
<b>Maritime response</b>		
231	Authority to notify the Director of Maritime Safety and process matters relating to the Council's notification responsibilities.	Chief Executive
<b>Appointment of Regional On-scene Commander</b>		
318	Authority to appoint a Regional On-scene Commander for the West Coast region.	Chief Executive
<b>DELEGATIONS FROM THE DIRECTOR OF MARITIME NEW ZEALAND</b>		

<b>Approval and Monitoring of Site Plan Documents</b>		
270(1)	Power to issue marine protection document by way of approval of a site marine oil spill contingency plan (“site plan document”) in accordance with rule 130B.7 of the Marine Protection Rules.	Chief Executive
272(1) 272(3)	Power to suspend or impose conditions on a site plan document and suspend site plan document for a further period or impose further conditions.	Chief Executive
275(1) 275(2)	Powers to amend or revoke site plan document: <ul style="list-style-type: none"> <li>• as requested in writing by a holder of site plan document</li> <li>• to correct clerical errors or obvious mistakes</li> <li>• to reflect that privileges or duties relating to the document are no longer being carried out or able to be carried out.</li> </ul>	Chief Executive
396(1)	Power to require holder of site plan document to undergo, or carry out, inspections or audits considered necessary relating to that plan.	Chief Executive
396(2)	Power to carry out an inspection or audit in respect of any person holding or required to hold a site plan document.	Chief Executive
396(3)(a)	Power to require information relevant to an inspection or audit.	Chief Executive
<b>Marine Protection Rules - Part 130B Oil Transfer Site Marine Oil Spill Contingency Plans</b>		
130B.5(2)	Power to require additional information to support an application for approval of a site marine oil spill contingency plan.	Chief Executive
130B.10(3)(b)(ii)	Power to approve modifications to a site marine oil spill contingency plan..	Chief Executive

These delegations from the Director of Maritime NZ are subject to a number of conditions (refer Appendix III), and may be sub-delegated.

The Chief Executive’s delegated authority to approve and monitor site plan documents (those powers identified in section 31 above) is sub-delegated to:

- Regional On-Scene Commander

## 30. River Engineering

Council has extensive functions in relation to river engineering which fall under a number of different statutes. These delegations should be read alongside the delegations made under the Local Government Act 2002, and the delegations made under the Flood Protection Bylaw 2015.

### 30.1 Land Drainage Act 1908

Section	Function	Delegated to
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17	Authority to construct and maintain drains and watercourses.	Director Operations
18	Entry to lands for inspection, survey, or inquiry.	Warranted Officer where specified on warrant
62	Order removal of an obstruction from a watercourse or drain where the obstruction is causing or likely to cause damage to any property. Authority to remove any obstruction from a watercourse or drain.	Director Operations <i>This authority may be sub-delegated.</i>
n/a	Consider and make decisions on taking enforcement action, including cost recovery and registration of a charge.	Chief Executive Director Operations

### 30.2 Public Works Act 1981

Section	Function	Delegated to
18	Prior negotiation required for acquisition of land for essential work	Chief Executive Director Operations
19	Authority to register, approve amendments to or to withdrawals or discharges of compensation certificates. Authority to sign an authority and instruction form for the above purposes.	Director Operations Manager Corporate Services
110	Power of entry onto private land for the purposes of carrying out any public work or any proposed public work.	Director Operations <i>This authority may be sub-delegated.</i>
111	Power of entry onto private land for survey and investigation purposes.	Director Operations <i>This authority may be sub-delegated.</i>
133 134	Provide for the removal of trees and hedges that interfere with public works.	Director Operations <i>This authority may be sub-delegated.</i>
135	Emergency work on trees.	Director Operations <i>This authority may be sub-delegated.</i>
233 234	Obligation to provide notice before entry onto private land.	Director Operations <i>This authority may be sub-delegated.</i>
237	Approve excavations near public works.	Director Operations <i>This authority may</i>

		<i>be sub-delegated.</i>
238	Power to bring action for damage to public work.	Not delegated.
239	Power to remove and/or dispose of abandoned property from public works land.	Chief Executive Director Operations
242	Consider and make decisions on taking enforcement action for offences committed.	Chief Executive
242	Authority to file charging document for enforcement action.	Chief Executive

### 30.3 Water and Soil Conservation Amendment Act 1971 (carried over by S413 RMA)

Section 413 of the Resource Management Act contains provisions relating to current mining privileges becoming deemed permits.

Section	Function	Delegated to
12	Issue a certificate of priority.	Manager Consents and Compliance
14(1)(d)	Direct a privilege holder to stop water running to waste.	Warranted Enforcement Officer under the RMA
14(1)(g)	Require structures permitting private or public access over water races to be kept in good repair and condition.	Warranted Enforcement Officer under the RMA
14(1)(h)	Require privilege holder to record and report information concerning the exercise of the privilege.	Manager Consents and Compliance Team Leader Compliance
14(2)	Give directions for the repair, strengthening or otherwise of dams	Manager Consents and Compliance
16(2)	Determination of what is a reasonable quantity of domestic needs of animals or for firefighting.	Manager Consents and Compliance
30	Provide certified copies of privileges	Manager Consents and Compliance

### 30.4 Soil Conservation and Rivers Control Act 1941

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

Section	Function	Delegated to
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30, 30A	To enter in to a land improvement agreement.	Chief Executive
30A	Registration of land improvement agreements, including authority and instruction forms.	Chief Executive
30A	To certify that a land improvement agreement has expired or has been terminated.	Chief Executive
30A	Enforcement in relation to Land Improvement Agreements.	Chief Executive
30A	To determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a land improvement agreement.	Chief Executive
30A	To authorise the release/discharge of a land improvement agreement on behalf of Council.	Chief Executive
126	To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control of regulate water to prevent or lessen the overflow or breaking of the banks of any watercourse.	Chief Executive Director Operations
131	To determine to carry out or execute any works that the Council is empowered to undertake under this Act.	Director Operations
132	Power to enter land for survey and investigation.	Director Operations <i>This authority may be sub-delegated.</i>
133	Decide to undertake work to maintain and improve watercourses and defences against water and authorise other staff and agents to undertake such works  Decide to undertake urgent work to meet an emergency in respect of any watercourse or defences against water and authorise other staff and agents to undertake such works.	Chief Executive Director Operations
134(1)	Approve the planting or sowing and maintenance of trees, shrubs, plants, or grasses.	Director Operations <i>This authority may be sub-delegated.</i>

135	Decide to take any of the actions listed in section 135.	Chief Executive Director Operations
136	Where works may interfere with any road, street, footpath, or any other public work, give one months' notice (in writing) to the body in control of the road, street, footpath, or other public work.	Director Operations
137	Approval to give public notice or to undertake works on private land and resolve any objections.	Chief Executive Director Operations
138	To apportion costs with owners of land.	Director Operations
139	To purchase land on a system of time payment (if approved by the Minister).	Chief Executive
153, 154	Consider and take all enforcement action as necessary and appropriate in relation to any person preventing, obstructing, or impeding the Council in carrying out the provisions of this Act, or doing any work or thing authorised by the Act.	Chief Executive Director Operations
153,154	Consider and take all enforcement action as necessary and appropriate in relation to any person that wilfully destroys any watercourse or defence against water, including all matters set out in Section 154.	Chief Executive Director Operations
153,154	Authority to file charging document when enforcement action is approved.	Chief Executive Director Operations

## 31. Civil Defence Emergency Management Act 2002

The West Coast CDEM Group is established under section 12 of the Civil Defence Emergency Management Act 2002 and is made up of representatives from each of the local authorities in the West Coast region. This Group is responsible for managing civil defence in the region. Every local authority must be a member of a CDEM Group.

Section	Function	Delegated to
13(1)	Authority to represent the Council and act on its behalf on the Civil Defence Emergency Management (CDEM) Group under section 13(1) of the Civil Defence Emergency Management (CDEM) Act 2002.	The Chairperson of the Council (or an elected member of Council approved by the Chairperson)
20	Membership of the CDEM Co-ordinating Executive Group	Chief Executive (or a person acting on the Chief Executive's behalf)

*Explanatory Note: The Civil Defence Emergency Management Co-ordinating Executive Group is responsible for:*

- a) Providing advice to the CDEM Group (and advisory groups) and implementing its decisions.
- b) Overseeing the development, implementation, monitoring and evaluation of the CDEM Group Plan.

## 32. COVID-19 Recovery (Fast-track Consenting) Act 2020

Section	Function	Delegated to
20	Authority to apply to the Minister for a project to be referred to an expert consenting panel.	Director Operations
21 22	Authority to provide written comments or further information to the Minister.	Manager Consents and Compliance
35(1) 35(2)	Authority to monitor activities and recover charges.	Manager Consents and Compliance
Schedule 5 3(3)	Authority to nominate a Hearing Commissioner for an Expert Panel from a list of accredited Hearing Commissioners approved by the Resource Management Committee.  In making any appointments, regard must be had to the implementation of <i>Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol</i>  <i>Mana Whakahono ā Rohe Resource Management Act Iwi Participation Arrangement</i>	Manager Consents and Compliance
Schedule 6, including the following clauses: 2 5	Authority to make an application and to withdraw an application.  All powers, functions and duties of consent applicants under Schedule 6.	Director Operations
Schedule 6 7(3) 7(4) 17(4)(a) 17(6)(a) 25(1)(a) 25(1)(b)	Authority to respond to a request for information from the Environmental Protection Authority or the Expert Panel.	Manager Consents and Compliance
Schedule 6 21(1) 21(2)	Authority to attend a hearing and to give notice of attendance at a hearing.	Manager Consents and Compliance



	General authority to recover costs of exercising Council's functions in a fast-track consenting process, including under Schedule 5 clauses 14(2) and 14(3), and Schedule 6 clause 7(5).	Manager Consents and Compliance
Schedule 6 42(2) 42(5)	Authority to administer any resource consent.	Manager Consents and Compliance
Schedule 6 44(1)(a)	Authority to appeal a decision of a panel's decision to the High Court as the consent applicant.	Chief Executive, following consultation with the Chairs of Council, Resource Management Committee, and Audit and Risk Committee
Schedule 6 44(1)(b)	Authority to appeal a decision of a panel's decision to the High Court as a relevant local authority.	Chief Executive, following consultation with the Chairs of Council, Resource Management Committee, and Audit and Risk Committee

## APPENDICES

### Appendix I

#### Procedures for obtaining tenders/quotes

The following are the general procedures to be observed for obtaining tender prices/quotes for the purchase of goods and supply of services.

Estimated Cost of Work	Tender Process
Less than \$5,001	<p>Obtain a verbal price. Ensure price is endorsed on the order sent to the firm (and on other copies) and clearly marked whether GST exclusive or inclusive.</p> <p>In some circumstances it may be impracticable to obtain a verbal price. This should only apply when minor purchases are involved. Office copies should be endorsed with an estimated cost.</p>
\$5,001 - \$75,000	<p>Obtain competitive quotes, e.g. from three firms or tender procedure if it is felt this would be advantageous.</p> <p>Normally, it would be expected that written prices be obtained, but if special circumstances dictated that verbal prices were obtained, e.g. urgency, the intended successful tenderer must be asked to confirm the price in writing.</p> <p>If urgent work is needed, an attempt should be made to get three quotes, at minimum verbally. If contractors are not available at short notice then quotes from those that are available will suffice.</p>
\$75,001 or more	<p>Ensure price is endorsed on the order sent to the firm (and on other copies) and clearly marked whether GST exclusive or inclusive.</p> <p>Formal tender procedures are to be used unless there are special circumstances existing, e.g.:</p> <ul style="list-style-type: none"> <li>• Whether the work intended is specialised.</li> <li>• Type of work carried out.</li> <li>• Number of contractors available to do the particular work is restricted.</li> </ul> <p>In most cases, however, open tender procedures are to be used and wherever possible, all contractors given the opportunity to quote.</p> <p>If it is not intended to use open tender procedures, the approval of the Chief Executive is required.</p> <p>In all cases, justification for selecting a particular contractor must be retained and fully documented.</p> <p>Where a decision is made not to put out to tender a contract for goods</p>

Estimated Cost of Work	Tender Process
	<p>and services to an amount greater than \$75,000, the reasons for the decision shall be recorded in writing and reported to Council.</p> <p>All tenders for goods and services to the value of \$75,000 shall be accepted by the initiating officer where the value of the goods and services concerned is less than the limits of his/her contractual authority, or where this is not the case by the appropriate member of the management team.</p> <p>All tenders for goods and services of a value of more than \$300,000 shall be accepted by the full Council meeting having regard to the appropriate officer's recommendation.</p> <p>All tenders regardless of the amount shall be opened in the presence of one manager and a Councillor.</p> <p>The time and date of tender opening shall be noted on the tender documents and shall be not more than a week after the closing of tenders.</p>

## Notes:

- If it was thought that more competitive prices might be obtained there is nothing to prevent open tender procedures to be used for work estimated to cost less than \$75,000.
- It is not necessary to accept the lowest or any tender, but if it is not intended to accept the lowest, reasons for making that decision should be detailed and retained on file.
- A weighted attributes contract approach can be used where it is important to ensure the outcome is of suitable quality.
- The above procedures do not apply to work or services to be carried out by named organisations as a requirement of legislation e.g. Audit New Zealand, Quotable Value.
- New Zealand Transport Agency funding, as per the Competitive Pricing Procedures (CPP). For example, Road Safety Coordinator tenders must follow the Price Quality Method for Professional Services as outlined in the CPP.
- To overcome the practical problems caused by the requirement of the Public Bodies Contracts Act 1959, all successful tenders will be reported to the next Council meeting.

## Appendix II

### List of Warranted Officers

#### Warranted Officers – Resource Management Act 1991

- Tony Ridge
- Jonny Horrox
- Rachel Clark
- Colin Helem
- Paulette Birchfield
- Nichola Costley
- Emma Chaney
- Greg Sturgeon
- Chris Barnes
- Emma Carrad
- Jorja Hunt
- Ben Storrie

#### Warranted Officers – Biosecurity Act 1993

- Randal Beal
- Cameron Doake

## Appendix III

### Conditions of Delegation under the Maritime Transport Act 1994 from the Director of Maritime New Zealand to the Chief Executive of the West Coast Regional Council

#### Conditions of this delegation

In exercising any statutory function or power ('functions and powers') pursuant to this delegation, the following conditions must be complied with in every case:

1. These functions and powers may only be exercised in respect of site marine oil spill contingency plans required under the Marine Protection Rules that are within the region of West Coast Regional Council as defined by the Local Government Act 2002.
2. These functions and powers must not be exercised in any case where the delegate has a personal and/or financial interest in the operation, or ownership of, the oil transfer site.
3. The delegate may not exercise a function or power in a case in respect to which the Director of Maritime New Zealand ('the Director') has already exercised those powers, without the prior agreement of the Director.
4. In exercising these functions and powers, the delegate must only collect and store information sufficient to record the exercise of the delegated functions and powers, and must ensure compliance with all statutory obligations, including the Official Information Act 1982 and the Privacy Act 1993. The information collected and stored, is and remains, the property of the Director and shall be made available to the Director when requested, and it shall be provided in a form that is acceptable to the Director.
5. In exercising these functions and powers, the delegate must comply with Maritime New Zealand's Service Charter, as applicable, prepared under section 437 of the Maritime Transport act 1944 ('the Act').
6. The delegate must provide the Director with information, in a format acceptable to the Director and within a timeframe determined by the Director after the exercise of the delegated power, of all matters relating to the exercise of the delegated power, including:
  - a. details of each site plan document that has been amended;
  - b. Details of the suspension or imposition of conditions on a site plan document;
  - c. Details of each extension of a period of suspension or further conditions on a site plan document;
  - d. Details of each site plan document that has been amended;
  - e. Details of each site plan document that has been revoked at the holder's request;
  - f. Details of each audit carried out; and
  - g. Any matters specifically requested by the Director that relate to the exercise of the delegated powers.
7. In exercising the functions and powers under section 396 of the Act, the delegate must record details of each inspection or audit on the form or forms prescribed by the director from time to time.

8. In accordance with section 444(12) of the Act, the delegate may charge any holder of a marine oil spill contingency plan, or any person required to have a marine oil spill contingency plan, a reasonable fee for performing the delegated functions and powers.
9. These functions and powers may only be sub-delegated to employees of the West Coast Regional Council and/or its council-controlled organisations under the following conditions:
  - a. The Chief Executive has determined that there is a need for an employee of the West Coast Regional Council and/or an employee of a council-controlled organisation, to be able to undertake the functions to which the delegation relates;
  - b. The Chief Executive is satisfied that the employee of the West Coast Regional Council and/or an employee of a council-controlled organisation has the knowledge and skills in the following areas:
    - i. Oil spill response procedures;
    - ii. Part 130B Marine Protection Rules;
    - iii. Local Government compliance and audit;
    - iv. Marine fuel transfer/storage operations; and
    - v. Marine protection regulatory environment.
10. Any sub-delegation may only be made on such terms as permitted by this delegation and may not extend beyond the expiry date of this delegation.
11. Nothing in paragraph (8) prohibits the Chief Executive of the West Coast Regional Council from imposing additional restrictions on the functions and powers sub-delegated to employees of the West Coast Regional Council and/or its council-controlled organisations.
12. Notwithstanding paragraph (8) and (9) above, the sub-delegation to each employee of West Coast Regional Council and/or its council-controlled organisations shall be recorded in an instrument of sub-delegation in the form set out in the template annexed to this schedule.
13. The Chief Executive shall not issue any guidelines in relation to the exercise of the sub-delegated functions and powers unless prior approval has been obtained from the Director in writing.
14. This delegation does not prevent the exercise of statutory powers by the Director and does not affect the Director's responsibilities for actions taken by the delegate in performance of these powers.

## Conditions of Sub-Delegation under the Maritime Transport Act 1994 from the Chief Executive to Employees of the West Coast Regional Council

### Conditions of this sub-delegation

In exercising any statutory function or power ('functions and powers') pursuant to this sub-delegation, the following conditions must be complied with in every case:

1. These functions and powers shall not be further sub-delegated to any other person or persons.
2. These functions and powers may only be exercised in respect of site marine oil spill contingency plans required under the Marine Protection Rules that are within the region of West Coast Regional Council as defined by the Local Government Act 2002.
3. These functions and powers must not be exercised in any case where the sub-delegate has a personal or financial interest in the operation or ownership of the oil transfer site.
4. The sub-delegate may not exercise a function or power in a case in respect to which the Director of Maritime New Zealand ('the Director') has already exercised those powers, without the prior agreement of the Director.
5. In exercising these functions and powers, the sub-delegate must only collect and store information sufficient to record the exercise of the sub-delegated powers and must ensure compliance with all statutory obligations, including the Official Information Act 1982 and Privacy Act 1993. The information collected and stored is, and remains the property of the Director and shall be made available to the Director when required, and it shall be provided in a form that is acceptable to the Director.
6. In exercising these functions and powers, the sub-delegate must comply with Maritime New Zealand's Service Charter, as applicable, prepared under section 437 of the Maritime Transport Act 1994 ('the Act').
7. The sub-delegate must provide the Director with information, in a format acceptable to the Director and within a timeframe determined by the Director after the exercise of the delegated power, of all matters relating to the exercise of the sub-delegated power, including:
  - details of each approval of a site marine oil spill contingency plan ("site plan document");
  - details of any suspension or imposition of conditions on a site plan document;
  - details of each extension of a period of suspension or further conditions on a site plan document;
  - details of each site plan document that has been amended;
  - details of each site plan document that has been revoked at the holder's request;
  - details of each audit carried out; and
  - any matters specifically requested by the Director that relate to the exercise of the delegated powers.
8. In exercising these functions and powers, under section 396 of the Act, the sub-delegate must record details of each inspection or audit on the form or forms prescribed by the Director from time to time.
9. This sub-delegation does not prevent the exercise of these statutory powers by the Director and does not affect the Director's responsibilities for actions taken by the sub-delegate in performance of these powers.