

OTAGO REGIONAL COUNCIL

# DELEGATIONS MANUAL

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# **PART A: INTRODUCTION**



## 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 Otago Regional Council delegations

### 1. Introduction

#### 1.1 Purpose

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

The primary purpose of the Delegations Manual is to set out the Otago Regional Council's (**Council or ORC**) 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

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

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

##### 1.2.2 The legal basis

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

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

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

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

*(b) the power to make a bylaw; or*

*(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*

*(d) the power to adopt a long-term plan, annual plan, or annual report; or*

*(e) the power to appoint a chief executive; or*

*(f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement; or*

*(g) [repealed]*

*(h) the power to adopt a remuneration and employment policy.*

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

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

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

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

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

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

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

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

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

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

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<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. A delegation once made cannot be further sub-delegated, unless the authority to sub-delegate is specified in the delegation.
10. Any power to appoint a person or approve an action or document includes the power to revoke any appointment or approval.
11. 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.
12. 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.
13. 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.
14. 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 mentioned in the Delegations Manual. These situations may include staff acting temporarily in a role (such as acting Chief Executive or acting Manager) where they need to exercise the delegations of that higher role. Such sub-delegations will be recorded in writing in the form of a memo signed by the person granting the delegation, and a copy kept on the delegation file. A person exercising functions, powers or duties under a sub-delegation shall not have the authority to further delegate those functions, powers or duties.

### 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 delegatee 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 delegatee 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 delegatee 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 provides 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.

## 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 24 June 2020, Council approved the delegations contained in this manual with the following amendments:

- a. *Change wording of Sec 268A delegations to read "...not inconsistent with previous Council Resolutions."*
- b. *Change delegation for High Court, Court of Appeals and Supreme Court appeals to: Chief Executive in consultation with the Chairperson.*

Accordingly:

- (1) section 268A delegation has been amended accordingly; and
- (2) despite any other provision in this manual, all delegations for High Court, Court of Appeals and Supreme Court appeals are to the Chief Executive in consultation with the Chairperson.

## **PART B: COUNCIL AND COMMITTEES**



## 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 committees:

- Finance Committee;
- Strategy and Planning Committee;
- Regulatory Committee;
- Data and Information Committee;
- Implementation Committee;
- Governance, Communications and Engagement Committee;
- Chief Executive Performance Review Committee;

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- Otago Civil Defence Emergency Management Group;
- Audit and Risk Subcommittee; and
- Otago Regional Transport Committee;

The delegations in this section reflect the delegations provided in the Committee terms of reference 2019-2022.

## 3.2 Finance committee

The Finance Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by Council to:

- Award or approve contracts and tenders in excess of staff delegations and to a maximum of \$2million.
- Approve the Draft Annual Plan and Draft Long-Term Plan and associated policies, and to conduct all consultation and hearings with the public concerning them.
- Consider matters of financial impact other than as provided for in the Annual Plan.
- Endorse submissions in relation to the Local Government Act 2002.
- Carry out any other function or duty delegated to it by the Council.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

## 3.3 Strategy and Planning Committee

The Strategy and Planning Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Make submissions and representations on matters within its statement of purpose on Otago councils' district plans and neighbouring councils' regional plans to ensure consistency.
- Where consistent with all relevant statutes, approve public consultation and call for submissions on this Council's draft, proposed, and indicative policies, plans and strategies. This delegation does not include formal notification of Council's proposed plans.
- Endorse submissions or appeals concerning district planning and consents within Otago; submissions on legislation and regulations (including submissions to Parliamentary Select Committees), and submissions on crown agency and parliamentary discussion documents.

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- Carry out any other function or duty delegated to it by the Council.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

### 3.4 Regulatory Committee

The Regulatory Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Recommend to Council the approval of functional strategies, project concepts and implementation plans.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

### 3.5 Data and Information Committee

The Data and Information Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- To receive information, presentations and reports.

### 3.6 Implementation Committee

The Implementation Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

### 3.7 Governance, Communications and Engagement Committee

The Governance, Communications and Engagement Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

### 3.8 Chief Executive Performance Review Committee

The Chief Executive Performance Review Committee Terms of Reference were adopted by Council on 26 August 2020. The Committee holds no delegations.

### 3.9 Otago Civil Defence Emergency Management Group (Joint Committee)

The Otago Civil Defence Emergency Management Group Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Otago Civil Defence Emergency Management Group shall have all the delegated authorities that may be given by each member Council, including authority to fulfil the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002, authority to appoint subcommittees, and authority to sub-delegate any authority able by law to be delegated.

### 3.10 Audit and Risk Subcommittee

The Audit and Risk Subcommittee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Subcommittee is authorised by the Council to:

- Review matters within its terms of reference and make recommendations to Council or the Finance Committee on those matters.

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- Seek information it requires from the Chief Executive. The Chief Executive is required to cooperate with any requests unless excused by the Chair of the Otago Regional Council.
- Request access to outside legal or independent professional advice should it consider this necessary.

The Audit and Risk Subcommittee may not delegate any of its responsibilities, duties or powers.

### 3.11 Otago Regional Council Transport Committee

The Otago Regional Transport Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to undertake the following:

#### Delegated Authority – Power to Act

- The Regional Transport Committee:
  - Has the ability to appoint a panel to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a sub-committee to deal with any matters of responsibility within the Committee’s Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a sub-committee does not have power to act other than by a resolution of the committee with specific limitations;
  - Has the ability to make decisions in accordance with the Terms of Reference and the Land Transport Management Act 2003.
- Power to Act (for the information of Council):
  - The Regional Transport Committee has the power to monitor any transport activities of the regional council, territorial authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan;
  - prepare and recommend variations to the Regional Land Transport Plan that trigger the RTC’s significance policy;
  - consider and recommend transportation planning studies and associated outcomes;
  - provide recommendations to relevant government agencies on transport priorities for the region and the allocation of national or regional transport funds.

## **PART C: ADMINISTRATIVE DELEGATIONS**

## 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 (i.e. if a delegation is granted to General Managers, then everyone in a General 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 People and Safety Manager may sub-delegate their authority to a member(s) of the People and Safety team 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 General Managers, Managers and Team Leaders.

*Explanatory Note: For the purpose of these human resources delegations: General Managers are defined as Tier 2 management roles with responsibility for a Group, reporting directly to the Chief executive. Managers are defined as Tier 3 management roles with responsibility for a department of Council. Team Leaders are defined as any management roles below Managers (with or without the Team Leader title) which hold formal staff management responsibilities as outlined in the position description.*

**Table 2:** Human Resources delegations

Chief Executive	General Managers (T2)	Managers (T3)	Team Leaders (T4)
<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> </ul>	<ul style="list-style-type: none"> <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 People and Safety 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>• 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>• sign offers of employment</li> <li>• approve non-standard terms and conditions with the Manager People and Safety's agreement</li> <li>• offer relocation expenses with the Manager People and Safety 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>	<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 ORC) Collective Employment Agreements and bargaining Terms of Settlement</li> </ul>	<ul style="list-style-type: none"> <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 Safety agreement</li> <li>• second staff to other organisations subject to consultation with CE</li> </ul>	<ul style="list-style-type: none"> <li>• determine the course of action following an external complaint against a staff member subject to consultation with General Manager/Manager People and Safety</li> <li>• approve requests for flexible working arrangements (informal)</li> <li>• second staff to other teams within the Group</li> <li>• deliver a Verbal or First warning with People and Safety agreement</li> </ul>	<ul style="list-style-type: none"> <li>• approve timesheets</li> <li>• approve one-off or occasional work from home</li> <li>• initiate a performance improvement process with Manager/People and Safety agreement</li> </ul>

	<ul style="list-style-type: none"> <li>• approve staff to present a paper or publication referencing Otago 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> </ul>	<ul style="list-style-type: none"> <li>• make verbal employment offer subject to approval of request to appoint</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 ORC alongside the Chief Executive and/or Manager People and Safety</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 for greater than 5 days</li> <li>• approve study leave</li> </ul>	<ul style="list-style-type: none"> <li>• approve requests for leave without pay for up to 5 days</li> <li>• approve use of special leave subject to consultation with CE</li> <li>• grant additional bereavement/tangi leave subject to consultation with CE</li> <li>• sign off parental 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>• provide a request for exemption from jury service</li> <li>• approve use of partner/paternity leave</li> <li>• approve use of domestic violence leave (in consultation with the Manager People and Safety)</li> <li>• grant additional paid sick leave (fair and reasonable sick leave only), in accordance with the Fair and Reasonable Sick and Wellbeing Leave Policy</li> </ul>	<ul style="list-style-type: none"> <li>• approve sick, annual, bereavement or jury service leave</li> <li>• approve utilisation of flexitime</li> </ul>
<b>Performance and Development</b>			
	<ul style="list-style-type: none"> <li>• approve attendance of overseas learning events</li> <li>• approve study applications</li> <li>• approve individual performance and development objectives and review outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• approve attendance at internal or external learning events with People and Safety agreement</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 Policy Review Group, approve new policies, changes to existing and disestablishment of redundant/superseded policies</li> <li>• approval for divergence from existing policy</li> </ul>	<ul style="list-style-type: none"> <li>• policy expert (or delegate)</li> <li>• acting in the capacity as a member of the Policy Review Group, approve new policies, changes to existing and disestablishment of redundant/superseded policies</li> <li>• approve operational procedures and guidelines within sphere of responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• approve standard operating procedures (SOPs)</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 Health and Safety Organisational Risk Register</li> <li>• Determine the resolution on any matters escalated by the Health and Safety Committee</li> </ul>	<ul style="list-style-type: none"> <li>• decide actions following harassment or bullying investigations unless delegated to a manager</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</li> </ul>	<ul style="list-style-type: none"> <li>• approve catering for meetings and functions</li> <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> </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> </ul>

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	<ul style="list-style-type: none"> <li>required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health &amp; Safety Committee)</li> <li>determine the resolution on any matters escalated by the Health and Safety Committee</li> <li>issuing a trespass notice</li> </ul>	<ul style="list-style-type: none"> <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 &amp; 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> </ul>	<ul style="list-style-type: none"> <li>decide appointment and amount of higher duties payments</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>approve overtime and accumulation of flexitime</li> </ul>	

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

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

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

Section	Description	Delegated to
s.8	Information concerning existence of certain information	General Managers

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		Any member of the Legal Team
s.10	Requests for official information	All staff
s.11	Assistance with requesting information	All staff
s.12	Transfer of requests	Any member of the Legal Team
s.13	Decisions on requests (including the decision to impose a charge for providing official information and consulting on release)	General Managers Any member of the Legal Team
s.14	Extension of time to provide official information	General Managers Any member of the Legal Team
s.15	Power to determine manner of presenting information	General Managers Any member of the Legal Team
s.16	Power to determine deletions of some information from documents	General Managers Any member of the Legal Team Consents Support Officers
s.17, 17A, 17B, 18	Refusal of requests for information	General Managers Any member of the Legal Team
s.21, 22, 23	Right of access to internal rules affecting decisions / personal information	General Managers Any member of the Legal Team
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	General Managers Any member of the Legal Team
s.29	To comply with the requirements of an Ombudsman	General Managers Any member of the Legal Team
s.33	Requirement to notify decision of Ombudsman	General Managers
s.39	Publication of summary of report	General Managers Any member of the Legal Team
s.46	Public notification of meetings	Executive Advisor Committee Secretary
s.46A, 46B, 49, 51, 51AA	Availability of agendas, reports and minutes	Executive Advisor Committee Secretary
s.51A	Public notification of resolution at emergency meeting	Executive Advisor Committee Secretary

## 5.2. Privacy Act 2020

### 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	General Managers Privacy Officers
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>	General Managers Privacy Officers
	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	Team Leader Records and Information
40	To comply with the requirements in relation to protected records	Team Leader Records and Information
45, 46	To classify the access status of the Council's local authority records	Team Leader Records and Information
47	To provide for the public inspection of open access records	Team Leader Records and Information

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## 5.4 Other

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

## 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 Council has the authority to impress on any document the Common Seal of the Council.

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

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.

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## 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, financial, accounting and resource management, advice on Council's behalf is delegated to:

- Chief Executive
- General Managers
- Managers
- Legal Counsel
- Team Leaders

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

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

*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 provided for elsewhere in this Delegation Manual, the following delegations for Court Proceedings apply.

Reference	Function	Delegated to
<b>General Clause 32, Schedule 7 of LGA</b>	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

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<b>General Clause 32, Schedule 7 of LGA</b>	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	GM Regulatory GM Corporate
<b>General Clause 32, Schedule 7 of LGA</b>	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.	All Managers
<b>General Clause 32, Schedule 7 of LGA</b>	The authority to:  Initiate to have Court costs awarded; and  Initiate legal proceedings to collect Court costs awarded	All General Managers
<b>General Clause 32, Schedule 7 of LGA</b>	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	GM Corporate
<b>General Clause 32, Schedule 7 of LGA</b>	The authority to initiate, prosecute, withdraw and do all things necessary to conduct appeals as follows:  1) Environment Court to the High Court  2) District Court to the High Court  3) High Court to the Court of Appeal or Supreme Court  4) Court of Appeal to the Supreme Court.	Chief Executive
<b>Judicial Review High Court Rule 30.3, Clause 32, Schedule 7 of LGA</b>	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 Council	Chief Executive
<b>Judicial Review High Court Rule 30.3, Clause 32, Schedule 7 of LGA</b>	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	Chief Executive

	approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	
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***Specific terms and conditions:***

- *The authority to settle any matter against the Council must be exercised in accordance with any financial delegations.*
- *The Chief Executive may sub-delegate these delegations.*

***Explanatory Note:***

- *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: 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.

This delegation may be sub-delegated.

#### 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)

By resolution of Council, the Chief Executive has the power to authorise expenditure up to \$500,000 where that expenditure is within the annual plan or other Council approval. The Chief Executive may, in turn, sub-delegate this authority to staff, and limit, suspend or withdraw said delegation at their discretion.

The exercise of delegation 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 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). 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>

Council staff are guided by the following principles when procuring goods and/or services on behalf of the Otago 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

Delegations by the Chief Executive set out in the Financial Delegations Register (refer Table 3 below) attach to the position.

Sub-delegations may be made without the approval of the Chief Executive but are subject to approval by the relevant Manager and General Manager. No further delegation is permitted.

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<sup>1</sup> Otago Regional Council Procurement Policy

**Table 3:** Financial Delegations Authority

<b>Chief Executive</b>	Limited by amount set in Annual Plan, Long Term Plan or other specific authorisation by Council	
<b>PA to CE &amp; Chair</b>	5,000	
<b>Executive Advisor</b>	50,000	
<b>General Manager People, Culture &amp; Communications</b>	100,000	
<b>General Manager Corporate Services*</b>	150,000	Delegated amounts extended to \$250,000 where payment is part of an approved contract; accept public tenders up to \$250,000 on recommendation of appropriate General Manager.
<b>Manager Corporate Planning</b>	25,000	
<b>Finance Manager – Revenue*</b>	25,000	Delegated amount of \$5,000 for Rates Refund; Authority to approve remission of rates penalties in accordance with agreed procedures; Authority to make supplier payments as required.
<b>Finance Manager – Reporting*</b>	25,000	Delegated amount of \$5,000 for Rates Refund; Authority to approve remission of rates penalties in accordance with agreed procedures; Authority to make supplier payments as required.
<b>Manager IT</b>	25,000	
<b>Senior GIS / IT Operations Officer</b>	5,000	
<b>Legal Counsel</b>	50,000	
<b>Management Accountant</b>	25,000	Authority to make supplier payments as required.
<b>Coordinator Records &amp; Information</b>	5,000	
<b>RITS Contract Lead - Public Transport Ticketing</b>		No financial delegation, but have ability to approve timesheets and leave requests.
<b>Fleet &amp; Facilities Advisor</b>	5,000	
<b>Manager Support Services</b>	25,000	
<b>General Manager Operations</b>	100,000	Delegated amount increased to \$250,000 where payment is part of an approved contract.
<b>Manager Biosecurity and Rural Liaison</b>	25,000	

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<b>Manager Engineering</b>	50,000	
<b>Manager Transport</b>	50,000	
<b>Manager Natural Hazards</b>	25,000	
<b>Acting Director Emergency Management Otago</b>	25,000	
<b>Team Leader Biosecurity and Biodiversity</b>	5,000	
<b>Procurement and Contracts Coordinator</b>	5,000	
<b>Senior Engineering Officer Taieri</b>	5,000	
<b>Engineering Officer - Taieri</b>	5,000	
<b>Senior Field Officer Alexandra</b>	5,000	
<b>Team Leader Public Transport Dunedin</b>	5,000	
<b>Team Leader Community Engagement</b>	5,000	
<b>Manager Community Engagement</b>	25,000	
<b>Manager Communication Channels</b>	25,000	
<b>Manager Customer Experience</b>	25,000	
<b>Manager People and Culture</b>	25,000	
<b>People &amp; Safety Assistant</b>	5,000	
<b>Safety &amp; Wellbeing Coordinator</b>	5,000	
<b>Safety &amp; Wellbeing Partner</b>	5,000	
<b>General Manager Regulatory</b>	100,000	
<b>Manager Compliance</b>	\$25,000	
<b>Harbourmaster</b>	25,000	
<b>Manager Consent Systems and Administration</b>	25,000	
<b>Manager Consents</b>	25,000	
<b>Team Leader Investigations &amp; Enforcement</b>	5,000	
<b>Team Leader Compliance (Central Otago)</b>	5,000	
<b>Team Leader Compliance (Coastal)</b>	5,000	

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<b>Principal Compliance Specialist</b>	5,000	
<b>General Manager Strategy, Policy and Science</b>	100,000	
<b>Manager Policy and Planning</b>	25,000	
<b>Manager Strategy</b>	25,000	
<b>Manager Science</b>	25,000	
<b>Manager Environmental Monitoring</b>	25,000	
<b>Team Leader Environmental Monitoring /Team Leader Data Systems</b>	5,000	
<b>Team Leader Freshwater &amp; Land</b>	5,000	
<b>Team Leader RPS, Air &amp; Coast</b>	5,000	
<b>Team Leader Water</b>	5,000	
<b>Team Leader Biodiversity</b>	5,000	
<b>Network Infrastructure Lead</b>	5,000	
<b>Team Leader Urban Growth and Development</b>	5,000	
<b>Team Leader – Land</b>	5,000	
<b>Environmental Resource Scientist</b>	5,000	
<b>Senior Environmental Officer</b>	1,000	
<b>Environmental Monitoring &amp; Reporting/LAWA Project Manager</b>	5,000	For LAWA Project Expenditure

\* = bank signatories

## 9.5 Contingency Expenditure

### 9.5.1 Emergency Procurement

An emergency procurement situation can arise from natural disasters such as flooding and earthquakes. Emergency procurement is not available to compensate for poor planning or to procure without a purchase order. In an emergency, the following procedure is to be followed by staff<sup>2</sup>:

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<sup>2</sup> Otago Regional Council Procurement Policy

- An emergency for procurement purposes must be classified by either the General Manager Corporate Services, Chief Executive, Chairperson or Group Controller of Emergency Management Otago.

The Chief Executive, General Manager Operations, Manager Engineering, and Director Emergency Management Otago 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, report on action taken under the delegation.

## 9.6 Other financial commitments

### 9.6.1. 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 General Manager, where this sub-delegation will facilitate the invoicing process.

### 9.6.2. 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.

The authority to approve write-downs and/or write-offs within the financial delegation limits above is delegated to General Manager Corporate.

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 General Manager Corporate, which can be subdelegated to Managers.

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

### 9.6.3. Raise credit notes

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

### 9.6.4. Banking and payment signatory

Changes to banking arrangements requires the signature of General Manager Corporate and a Finance Manager.

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

### 9.6.5. Operational expenditure – Payroll, PAYE, ACC and other Taxes

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

## 9.7 Specific Financial Delegations

### 9.7.1 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 Tier II Marine Oil Spill Response Plan.

- a. The Regional On-scene Commander is authorised to expend up to \$50,000 of the Council's funds in relation to Marine Oil Spill Response operations.
- b. The expenditure of \$50,000 may be exceeded by up to a limit of \$100,000 with prior consultation with the Chief Executive or General Manager Operations.
- c. Any person authorised by the Council when acting as Regional On-scene Commander, who for the time being is the Acting Regional On-scene Commander, is authorised to spend up to \$50,000 in relation to Marine Oil Spill Response operations.
- d. 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

## 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	Finance Manager
41	Authority to issue an amended rates assessment if an error is encountered.	Finance Manager
54	Power not to collect rates that are uneconomic to collect	Finance Manager
61,62,63	Powers for recovery of unpaid rates	Finance Manager
85, 86	Power to remit rates pursuant to Council rates remission policy	Finance Manager 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	Finance Manager 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	GM Corporate to be exercised in accordance with Council's Rates policies
114-115	Power to remit or postpone rates on Maori Freehold land	GM Corporate 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	GM Corporate
43	Resolve any dispute regarding the amount payable, including in arbitration	Finance Manager

## 11. Property services

### 11.1 Leases and Licences

Matter	Function	Delegated to
New leases/ Licences	The authority to: <ul style="list-style-type: none"> <li>(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</li> <li>(b) grant new leases or licenses for terms not exceeding twenty-one years for all other land</li> <li>(c) execute contracts of guarantee</li> </ul>	GM Corporate
Assignment and subleasing	The authority as lessee or licensee to approve the sublease and assignment of leases and licenses	GM Corporate
Mortgages	The authority to: <ul style="list-style-type: none"> <li>(a) secure a mortgage over the lessees' interest in the lease</li> <li>(b) vary mortgage terms</li> <li>(c) release a mortgage</li> </ul>	Two of Finance Managers or GM Corporate
Rents	The authority to: <ul style="list-style-type: none"> <li>(a) appoint an officer to set rentals for council property</li> <li>(b) set, review and reduce prices and rents in relation to existing Council leases or licenses</li> </ul>	Manager Support Services  Legal Counsel

Rents	The authority to: (a) issue rent/fee rebates (b) appoint an arbitrator where rent reviews are appealed	GM Corporate
Variation of leases	The authority to: (a) approve variations to commercial, industrial and residential leases; and (b) all licenses	GM Corporate  Legal Counsel
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	GM Corporate  Legal Counsel
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	GM Corporate
Consent	The authority to provide (or withhold) any consent required under a lease	Manager Support Services  Legal Counsel

## 11.2 Otago Regional Council (Kuriwao Endowment Lands) Act 1994

Section	Function	Delegated to
9, 10	To exercise all rights, powers, and obligations of the lessor under leases	Legal Counsel
13	Authority to sign an authority and instruction form for the sale of land authorised by Council resolution	GM Corporate

## 11.3 General and miscellaneous

Matter	Function	Delegated to
Access	Authority to enter into, vary, revoke or cancel an access agreement.	Any Manager
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.	GM Operations
Affected party approvals  For further delegations on affected party approvals see: 14.10	Providing approval, consents and make submissions or objections as adjoining landowner or potentially affected party in relation to property owned, leased or managed by Council  This delegation maybe subdelegated.	GM Corporate
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	GM Corporate  Legal Counsel
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.  This delegation maybe subdelegated.	GM Corporate
Emergency	Power to close a premises / facility in an emergency situation	Any General 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 established guidelines	GM Corporate
Disposal	Dispose (whether by tender or otherwise) of any motor vehicle or item of plant or surplus Council asset in accordance with the policy	GM Corporate
Statutory Land Charge	The authority to release a statutory land charge	GM Corporate

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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	GM Corporate
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**Explanatory note:** Land owned by Otago 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.

## 11.4. Trespass Act 1980

Section	Function	Delegated to
3	Power to warn a trespasser to leave the property  Power to issue trespass notices  This delegation maybe subdelegated.	Any General 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 maybe subdelegated.	Any General 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 maybe subdelegated.	Any General Manager



# **PART E: REGULATORY RMA** **DELEGATIONS**

## PART E: REGULATORY RESOURCE MANAGEMENT ACT DELEGATIONS

### 12. General Matters

#### 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	GM Policy, Science and Strategy

#### 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.	Manager Policy & Planning Manager Consents Manager 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	Manager Policy & Planning Manager Consents Manager Compliance
36AAB(1)	Waive or remit the whole or any part of any charge referred to in section 36 which would otherwise be payable.	Manager Policy & Planning Manager Consents Manager Compliance GM Corporate
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 Policy & Planning Manager Consents Manager Compliance

36AA	Determine any discount under section 36AA on an administrative charge imposed under section 36.	Manager Consents
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### 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.	Team Leader Consents  except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	Extend time periods associated with a resource consent process, where the applicant has not agreed to the extension.	Manager Consents  except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	Extend any other time period not associated with a resource consent process.	GM Policy, Science and Strategy  GM Regulatory
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.	Manager Consents  except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

	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.	GM Policy, Science and Strategy GM Regulatory
37(2)	In relation to a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	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.	GM Policy, Science and Strategy GM Regulatory

## 12.4 Commissioning reports

Section	Function	Delegated to
42A	Require an officer or commission a consultant or other person to prepare a report.	Team Leader Consents Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and Co-chairs of the Regulatory Committee.

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42A(3) 42A(4)(b) 42A(5)	Waive compliance with the requirements in sections 42A(3) and 42A(4)(b).	GM Policy, Science and Strategy or GM Regulatory
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## 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>	GM Policy, Science and Strategy GM Regulatory

## 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.	Team Leader RPS, Air and Coast  Team Leader Freshwater and Land  Team Leader Urban Growth and Development
32AA Schedule 1, Clause 5	This is a report to be prepared or commissioned by the hearing panel making recommendations on the planning document.	Not delegated

165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	Manager Policy & Planning
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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 of plan	Manager Policy & Planning
Schedule 1, Clause 4A	Consult with iwi and provide documents on any proposed RPS or Regional Plan	Manager Policy & Planning

## 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.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development

## 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	Team Leader RPS, Air and Coast  Team Leader Freshwater and Land  Team Leader Urban Growth and Development

## 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.	GM Policy, Science and Strategy
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)	GM Policy, Science and Strategy

## 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 Policy & Planning

292	Amend a plan without using the process in Schedule 1 of the RMA to remedy a mistake, defect, or uncertainty or to give full effect to a plan as directed by the Environment Court.	Team Leader RPS, Air and Coast  Team Leader Freshwater and Land  Team Leader Urban Growth and Development
85(3) 293	Make an amendment directed by the Environment Court under sections 85(3) and 293 without using the process in Schedule 1.	Manager Policy & Planning

### 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 Policy & Planning

### 13.8 Private plan changes

Section	Function	Delegated to
Schedule 1, Clause 23(1) and (2)	Require, by written notice, further or additional information in accordance with Clause 23.	Manager Policy & Planning
Schedule 1, Clause 23(3)	Commission a report in relation to a request made under Clause 21 and notify the person who made the request.	Manager Policy & Planning
Schedule 1, Clause 24	Modify a request made under Clause 21 with the agreement of the person who made the request.	Manager Policy & Planning
Schedule 1, Clause 28	Give notice that request made under Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request.	Manager Policy & Planning



## 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.	Team Leader RPS, Air and Coast  Team Leader Freshwater and Land  Team Leader Urban Growth and Development

## 13.10 Written approval on behalf of the Council

Section	Function	Delegated to
104(3)(ii) 104(4)	Where the Council is an affected party, give or decline to give written approval on behalf of the Council to a resource consent application, and withdraw any written approval given.	Manager Policy & Planning – for policy interests  GM Operations – for operational matters  GM Corporate – for property matters  Any Harbourmaster – for maritime interests

## 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 or City 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 Council for consideration. Where this is not possible within the

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time that is available a submission should be lodged subject to Council endorsement and the matter brought to the next Council or relevant Committee meeting.

Section	Function	Delegated to
96	Lodge or withdraw a submission on a resource consent application on behalf of Council.	GM Policy, Science and Strategy – for policy interests or on behalf of GM Operations, GM Corporate or Any Harbourmaster  GM Operations – for operational matters  GM Corporate – for property matters  Any Harbourmaster – for maritime interests
149E 149F 149O	Make a submission to the EPA on a matter that has been called in or referred to it	GM Regulatory  GM Policy Science and Strategy
Schedule 1, Clause 6  Schedule 1, Clause 8	Lodge or withdraw a submission or further submission on a proposed plan or plan change on behalf of Council.	Manager Policy and Planning
Part 5	Make a submission in relation to a proposed National Policy Statement, National Environmental Standard, NZ Coastal Policy Statement	Not delegated

## 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.	Consents Officer
88(3A)	If an application is determined to be incomplete, return the application to the applicant with written reasons for the determination.	Consents Officer
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.	Team Leader Consents Principal Consents Officer
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.	Team Leader Consents Principal Consents Officer
165D	Refuse to receive and application for a coastal permit where consent for a similar activity has been refused within the previous 12 months	Manager Consents

### 15.2 Further Information requests

Section	Function	Delegated to
92(1)	Request further information relating to a resource consent application.	Senior Consents Officer
92(2)	Commission a person to prepare a report on any matter relating to a resource consent application.	Team Leader Consents Principal Consents Officer
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.	Senior Consents Officer

## 15.3 Notification

Section	Function	Delegated to
91(1)	Defer the notification or hearing of an application for resource consent where it is considered other resource consents will also be required and it is appropriate that applications for one or more of those other resource consents be made before proceeding further.	Senior Consents Officer
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.	Team Leader Consents; or Principal Consents Officer except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
95E 95F 95G 127(4)	Determine if a person is an affected person.	Team Leader Consents; or Principal Consents Officer except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
95D	For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor.	Team Leader Consents; or Principal Consents Officer except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

## 15.4 Submissions

Section	Function	Delegated to
97	Adopt an earlier closing date for submissions.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

## 15.5 Pre-hearing meetings and mediation

Section	Function	Delegated to
99(1)	Invite the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(1)	Require the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99	Decide who will chair a pre-hearing meeting	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision

		maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(2)	Invite a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(2)	With the consent of the applicant, require a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
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.	GM Regulatory; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99A	Refer an applicant and submitters to mediation.	GM Regulatory except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99A	Appoint mediators for consent applications	Any two of the following: GM Regulatory and co-

		chairs of the Regulatory except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
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## 15.6 Hearings

Section	Function	Delegated to
34A(1) 34A(1A)	Appoint a hearing commissioner(s) to hear and decide resource consent applications and delegate to that person or persons all the necessary powers, functions, and duties in the RMA.	Manager Policy & Planning for plan hearings  Any two of the following for a resource consent hearing: GM Regulatory or the co-chairs of the Regulatory Committee of Council
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 of part of a submission in accordance with the section	Manager Consents Manager Policy & Planning 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.	Manager Consents

100A(4)	Where an applicant or submitter has made a request under section 100A, appoint a hearing commissioner(s) to hear and decide the application.	Any two of the following: GM Regulatory and co-chairs of the Regulatory
101(1) 101(3)	Fix and give notice of the commencement date, time and place of a hearing.	Senior Consents Support Officer; or Consents Support Officer
102(1)	In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary.	Manager Consents
102(2)	Instead of the regional council, agree that for a joint hearing another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	Manager Consents
103(1)	Determine that applications for resource consents for the same proposal are sufficiently unrelated that it is unnecessary to hear and decide the applications together.	Manager Consents

## 15.7 Decision-making on applications

Section	Function	Delegated to
104A 104B 104C 104D 104F 105 107 108 108AA 217	<p>Determine applications and impose conditions for the following activities or types of application:</p> <ul style="list-style-type: none"> <li>Applications for a non-complying activity</li> </ul> <p>Determine applications and impose conditions for any activity where:</p> <ul style="list-style-type: none"> <li>the application was notified or limited notified but no hearing is required (subject to section 100)</li> <li>the recommended consent term is greater than 25 years.</li> <li>the recommended consent conditions are not consistent with the Council's standard consent conditions.</li> </ul>	<p>Manager Consents; Team Leader Consents; or Principal Consents Officer</p> <p>The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine a consent application including where the ORC is the applicant for consent.</p>
104A 104B 104C	Determine applications and impose conditions for any other activity, where the recommended conditions are consistent with the Council's standard consent conditions and the recommended consent term is less or equal to 25 years.	<p>Manager Consents; Team Leader Consents; or Principal Consents Officer</p>

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104D 104F 105 107 108 108AA 217		The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular consent application including where the ORC is the applicant for consent.
104A 104B 104C 104D 104F 105 107 108 108AA 217	Authority to decide non-notified resource consent applications to install or alter a bore.	Senior Consent Officer.  The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular a consent application including where the ORC is the applicant for consent.
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 than 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 the GM Regulatory.	GM Regulatory
110(1)	Refund or return the whole of a financial contribution or land in accordance with section 110.	GM Regulatory
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.	GM Regulatory
114(2)	Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	Manager Consents
n/a – internal policy	Determine whether an application for financial support for resource consent processing fees for environmental enhancement projects is to be accepted or rejected, upto a	GM Regulatory

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	maximum value of \$10,000 taking into account budget availability and other factors. See ORC policy 'Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects' dated July 2021.	
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## 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.	Team Leader Consents Principal Consents Officer
125(1A)(b)	Determine an application for extension of the lapse date of a consent.	Manager Consents

## 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.	Manager Compliance
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.	GM Regulatory
127	Change or cancel consent condition on application by the consent holder	Principal Consents Officer

## 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.	Manager Consents
130	Determine whether notification of a review is required and whether a hearing be held.	Manager Consents
131 132	Change the conditions of a resource consent on a review under section 128.	Manager Consents

### 15.11 Determining activities are permitted activities

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

### 15.12 Minor corrections

Section	Function	Delegated to
133A	Issue an amended consent that corrects minor mistakes or defects in the consent in accordance with section 133A.	Team Leader Consents Principal Consents Officer Senior Consents Officer

### 15.13 Transfer and surrender

Section	Function	Delegated to
136(2)(b)(ii)	Approve the transfer of a water permit in whole or in part to another person on another site or to another site in accordance with section 136.	Manager Consents
137(3)(b)	Approve the transfer of a discharge permit in whole or in part to another person or another site in accordance with section 137.	Manager Consents

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138(2)	Refuse to accept the surrender of part of a resource consent	Manager Consents
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## 15.14 Certificates of compliance or existing use

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

## 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.	GM Regulatory

87F	Approve the content of a report prepared under section 87F on an application that has been directly referred to the Environment Court.	Manager Consents
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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 Manager Compliance Except that if they made the decision that is the subject of the objection the objection must be determined by their General Manager, or the CE
357AB(2)	If requested by an applicant with a right of objection under section 357A(1)(f) or (g), appoint a hearing commissioner to consider the objection in accordance with section 357AB.	Commissioner Appointed by two of the three: GM Regulatory and the co-chairs of the Regulatory Committee of Council
357C(4)	Hear and decide objections against additional charges collected under section 36(3).	GM Regulatory Manager Compliance

## 15.18 Consents where the ORC is the applicant

Section	Function	Delegated to
88(1)	Authority to apply for a resource consent on behalf of the ORC	GM Operations Any Harbourmaster GM Regulatory
	For all delegations covered in sections 16.1 to 16.16 of this Manual decision making will be delegated to an external, independent and appropriately qualified commissioner appointed by the Commissioner Appointment Sub Committee.	Independent Commissioner

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	All analysis, processing, report writing and support for the Independent Commissioner will be provided by an independent consultant appointed by the Manager Consents from an approved panel of consultants.	Independent Consultant
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## 15.19 Consent applications where the ORC may be an affected party

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	GM Operations  GM Policy, Science and Strategy

## 16. Enforcement and compliance

### 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

### 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.	Environmental Officer

### 16.3 Powers of entry or search

Section	Function	Delegated to
332	Use powers of entry for inspection in accordance with section 332.	Warranted Officer where specified on warrant
333	Use powers of entry for survey in accordance with section 333.	Warranted Officer where specified on warrant
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.	Manager 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	GM Regulatory
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.	Team Leader Compliance Team Leader Investigations and Enforcement
343C	To commence proceedings for a defended infringement notice	GM Regulatory

## 16.5 Abatement notices

Section	Function	Delegated to
322	To decide to serve an abatement notice	Manager Compliance
325A	Determine that an abatement notice be cancelled, changed, or confirmed.	Manager Compliance

## 16.6 Enforcement orders

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

## 16.7 Offences

Section	Function	Delegated to
338	To initiate and/or withdraw a prosecution for an offence against the RMA.	GM Regulatory GM Operations
338	If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences.	Manager Compliance

## 16.8 Water shortage direction

Section	Function	Delegated to
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329	Issue, amend or revoke a water shortage direction	GM Policy, Science and Strategy GM Regulatory
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## 16.9 Reclamations

Section	Function	Delegated to
355B	Authority to act against unlawful reclamations.	GM Regulatory

## 16.10 Emergency works

Section	Function	Delegated to
330	Power to undertake emergency works for ORC and/or other preventative measures to contain or minimise adverse effects on the environment.	Manager Engineering GM Operations
330A	Apply for a retrospective consent for emergency works	GM Operations Manager Engineering
331(1)	Require reimbursement or seek compensation for any emergency action undertaken by the Council.	GM Regulatory GM Operations
331(1A)	Apply for enforcement order under section 314(1)(d) to recover costs.	GM Regulatory

## 17. Court proceedings

### 17.1 Environment court

Section	Function	Delegated to
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120 174 192 195 Schedule 1, Clause 14 Schedule 1, Clause 27	<p>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 where the ORC is an applicant or made a submission as an affected party.</p> <p>This delegation includes authority to enter into mediation, approve Consent Memoranda, draft Consent orders and side agreements, appear at hearings, present evidence, deal with costs, where these arrangements or activities protect ORC's interest as either the applicant or an affected party.</p>	<p>Manager Consents</p> <p>Manager Policy &amp; Planning</p> <p>GM Operations</p>
174 179 192 195 Schedule 1, Clause 14 Schedule 1, Clause 27	<p>Lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent where the ORC not an applicant or a decision maker.</p>	<p>GM Policy, Science and Strategy</p> <p>GM Regulatory</p>
267	<p>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</p>	<p>Manager Consents</p> <p>Manager Compliance</p> <p>Manager Policy &amp; Planning</p>
268A	<p>(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 Otago Regional Council Regional Policy Statements and Plans, including approving Consent Memoranda, draft Consent Orders and side agreements, provided that a position paper is run by the relevant committee chair prior to the officer attending mediation or other alternative dispute resolution sessions</p> <p>(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</p>	<p>Manager Consents</p> <p>Manager Compliance</p> <p>Manager Policy &amp; Planning</p>

	For RMA resource consent and other RMA matters, approve Consent Memoranda, draft Consent Orders and side agreements.	Manager Consents Manager Compliance Manager Policy & Planning
272 275 277A	Decide to appear at proceedings before the Environment Court and call evidence, or new evidence for the Council.	Manager Consents Manager Compliance Manager Policy & Planning
274	Lodge, withdraw, or oppose a notice of intention to become an interested party to Environment Court proceedings.	GM Policy, Science and Strategy GM Regulatory
278 279 280	Seek, withdraw, or oppose orders in accordance with sections 278, 279 and 280.	Manager Consents Manager Compliance Manager Policy and Planning
281	Lodge, withdraw, or oppose an application for a waiver or direction in accordance with section 281.	GM Policy, Science and Strategy GM Regulatory
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	GM Policy, Science and Strategy GM Regulatory Manager Policy & Planning
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.	GM Policy, Science and Strategy GM Regulatory
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	GM Policy, Science and Strategy GM Regulatory
308G 311	Lodge, withdraw, join, or oppose an application for declaration with the Environment Court.	GM Policy, Science and Strategy GM Regulatory

356	Apply to the Environment Court for a matter to be determined by arbitration	Any General Manager
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## 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.  Settle a dispute or issues at stake at mediation or other dispute resolution sessions.  Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	Chief Executive
301	Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings.	Chief Executive
305	Lodge, withdraw, oppose, or join an appeal to the High Court.	Chief Executive
306	Lodge, withdraw, or respond to an application for an extension of time.	Chief Executive

## 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.  Settle a dispute or issues at stake at mediation or other dispute resolution sessions.  Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	Chief Executive

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## 18. Proposals of national significance

Section	Function	Delegated to
142(1)	Request that the Minister for the Environment call in a resource consent application as a matter is of national significance.	GM Regulatory
142(2) 147(4)	Provide the Council's view on a direction to be made by the Minister for the Environment.	GM Regulatory GM Policy, Science and Strategy
149	Prepare a report requested by the EPA	GM Regulatory
149B	Provide information to the EPA	Manager Consents Manager Policy and Planning
149K	Provide suggestions to the Minister on the members of a Board of Inquiry	GM Regulatory
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	GM Regulatory Manager Policy and Planning
149Q(4) 149Q(5)	Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report.	GM Regulatory GM Policy, Science and Strategy
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.	GM Policy, Science and Strategy
149(ZD)	Recover actual and reasonable costs of a process involving a matter of national significance.	GM Regulatory GM Policy, Science and Strategy

## 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.	GM Regulatory  GM Policy, Science and Strategy

## 20. Designations

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

## 21. Other RMA matters

Section	Function	Delegated to
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 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. To approve or decline a plan of survey of a consented reclamation.	Not delegated

## 22. Regulations

### 22.1 Measurement and Reporting of Water Takes

Regulation	Function	Delegated to
6(5)	Approving format of records	Manager Consents
7(4)	Determining whether the certifier is suitably qualified	Manager Consents; or Manager Compliance; or Manager Consent Systems and Administration
8(4) 8(6)	Authority to request evidence from the consent holder	Consents Officer
9	Approval to measure water taken each week (instead of each day).	Team Leader Consents; or Team Leader Compliance
10	Approval to use device or system installed near (instead of at) location from which water is taken.	Manager Consents; or Manager Compliance; or Manager Consent Systems and Administration

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11	Authority to revoke approval granted under regulations 9 or 10.	Manager Consents; or Manager Compliance
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## 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 Consents

## 23. Regional Plan: Water for Otago

Section	Function	Delegated to
Rules: 12.1.2.4, 12.1.1.5, 12.2.2.2, 12.2.2.5 and 12.2.2.6	To suspend permitted activity takes of water as provided for in the Regional Plan: Water for Otago.	GM Policy, Science and Strategy



# **PART F: REGULATORY DELEGATIONS -** **OTHER**

## PART F: REGULATORY NON-RMA DELEGATIONS

### 24. Council bylaws

#### 24.1 Navigation Safety Bylaw 2019

The Otago Regional Council Navigation Safety Bylaw 2019 establishes a range of responsibilities, obligations and rules for the purpose of ensuring maritime safety for the waters in the Otago region as defined in the bylaw.

Except as provided below, delegations for the Navigation Safety Bylaw 2019 are provided for in the Maritime Transport Act 1994 and the Bylaw itself.

	Function	Delegated to
<b>Otago Regional Council written approval</b>		
	For issuing or refusing any written approval on behalf of the Council.	GM Regulatory

#### 24.2 Flood Protection Management Bylaw 2012

Clause	Function	Delegated to
<b>Authority to carry out work</b>		
5.1	To approve/refuse authority under the Bylaw, including granting authority on such conditions as are considered appropriate.	Manager Engineering, except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
5.2	Determining, refunding, remitting or waiving the whole or any part of any fee payable under the Bylaw.	GM Operations; or GM Regulatory except where ORC is the applicant then this is

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		delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
<b>Compliance and Enforcement</b>		
6.1	Revocation of an authority granted under the Bylaw	Manager Engineering
6.3	Issue a notice to remedy	GM Regulatory GM Operations
6.4	Authorisation of removal of works and cost recovery	refer Local Government Act 2002 delegations

## 25. 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	Team Leader Biosecurity
13(1)(b)	Power to provide for the assessment and management or eradication of pests	Team Leader Biosecurity
70-75	Prepare and review a regional pest management plan	GM Operations to make recommendations to Council

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76,96	<p>Lodge, withdraw or oppose an application to the Environment Court</p> <p>Settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions</p> <p>Approve Consent Memoranda, draft Consent Orders and side agreements</p> <p>Decide to appear at proceedings before the Environment Court and call evidence for the Council</p>	GM Operations
78	Exempt a person from a requirement in a rule in a regional pest plan.	Manager Biosecurity and Rural Liaison
90-95	Prepare and review a regional pathways management plan	GM Operations to make recommendations to Council
98	Exempt a person from a requirement in a rule in a regional pathways management plan	Manager Biosecurity and Rural Liaison
100M 100N	Recovery of a levy as a debt due	GM Operations
100V	Prepare a small scale management programme	GM Operations can 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	GM Operations
129	Power to put a charge on the property	GM Corporate
130	Power to declare a restricted place	Team Leader Biosecurity
131	Declare a specified area to be a controlled area	GM 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	Manager Biosecurity and Rural Liaison in conjunction GM Corporate as to the methods used
154	Power to issue/withdraw a Compliance Order	Manager Biosecurity and Rural Liaison
154M	To initiate and/or withdraw a prosecution for an offence under this Act	GM Operations

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154N 154O	Authority to file a charging document that has been laid in relation to a prosecution	
159	Commence, withdraw or join proceedings in respect of infringement offences	GM Operations

## 26. The Building Act 2004

Otago Regional Council is a regional authority under the Building Act 2004. Regional authorities have several functions, powers and duties in relation to dams. Under a 2008 Deed of Transfer the Council exercises certain functions powers and duties under the Building Act for both Environment Southland and the West Coast Regional Council.

The table below lists the delegations for the Building Act functions exercised by ORC. The Building Act requires persons exercising authority to have requisite qualifications and experience and limits the scope of authorities exercised by any individual to the extent of their registrations under the Act.

ORC uses qualified external advisers to ensure the quality and technical proficiency of the advice that it uses in making decisions under the Building Act.

Section	Function	Delegated to
<b>Project Information Memorandum (PIM) functions</b>		
31 34	Issue and re-issue a PIM in certain circumstances and provide a copy of a PIM to the applicant as required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
33	Determine further information required in relation to a PIM application.	Senior Consents Officer or Consents Officer with Building Act responsibilities
36	Attach development contribution notice.	Senior Consents Officer or Consents Officer with Building Act responsibilities

37	Issue a certificate if a resource consents is required	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.	Senior Consents Officer or Consents Officer with Building Act responsibilities
39	Advise Heritage New Zealand Pouhere Taonga of PIM application, if required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
45	Receive additional information.	Senior Consents Officer or Consents Officer with Building Act responsibilities
<b>Building Consents</b>		
45(1)(c)	Require additional information as part of a building consent application.	Senior Consents Officer or Consents Officer with Building Act responsibilities
45A	Deciding to grant a minor variation to a building consent	Principal Consents Officer or Manager Consents
47(3)	Proceeding to determine a building consent application without an NZFSC memorandum	Senior Consents Officer or Consents Officer with Building Act responsibilities
48(1)	Deciding on a building consent application or an application for a minor variation	Principal Consents Officer or Manager Consents
48(2)	Deciding whether further information is required	Senior Consents Officer or Consents Officer with Building Act responsibilities
49	Deciding to grant a building consent	Principal Consents Officer or Manager Consents

49(2)	Declining to grant a building consent until any charges or levies payable are paid	Principal Consents Officer or Manager Consents
50	Refusing the application for a building consent	Principal Consents Officer or Manager Consents
51(3)	Deciding whether or not to grant a building consent in the absence of a PIM	Principal Consents Officer or Manager Consents
52(b)	Allowing a lapse period beyond 12 months for a building consent	Manager Consents
<b>Building Levies</b>		
53(2)	Determining the estimated value of building work for the purposes of calculating levies	Senior Consents Officer or Consents Officer with Building Act responsibilities
62(2)	Recovery of unpaid levies from a building consent applicant	Principal Consents Officer or Manager Consents
<b>Waivers and Modifications</b>		
67(1) 67(2)	Decision to grant an application for a building consent subject to a waiver or modification and to impose any conditions	Principal Consents Officer or Manager Consents
<b>Construction of dams on land subject to natural hazards</b>		
71(2)	Determining whether adequate provision has been made in respect of certain aspects relating to natural hazards	Senior Consents Officer or Consents Officer with Building Act responsibilities
72	Determining whether the matters in s72 relating to natural hazards are satisfied	Senior Consents Officer or Consents Officer with Building Act responsibilities
74(3)	Determining whether the matters in s74(3) apply	Senior Consents Officer or Consents Officer with Building Act responsibilities
83(3)	Deciding to approve the removal of entry on a certificate of title	Senior Consents Officer or Consents

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		Officer with Building Act responsibilities
<b>Inspections by Building Consent Authorities</b>		
90	Inspect land on which building work is being or is proposed to be carried out; building work that has been or is being carried out on or off the building site and any building.	Chief Executive or Officer warranted under the Building Act
<b>Code Compliance Certificates</b>		
93(1) 93(4) 94	Deciding whether to issue a code compliance certificate	Principal Consents Officer or Manager Consents
93(2)	Agreeing on a period beyond two years for an application for a code compliance certificate	Principal Consents Officer or Manager Consents
93(4)	Requiring further information in relation to an application for a code compliance certificate	Senior Consents Officer or Consents Officer with Building Act responsibilities
<b>Certificates of acceptance</b>		
96(1) 98(1)	Deciding whether to issue a certificate of acceptance	Principal Consents Officer or Manager Consents
97(c)	Specifying any additional information that is required to be lodged with an application for a certificate of acceptance	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	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
<b>Compliance schedule</b>		
95A	Refusal to issue code compliance certificate	Principal Consents Officer or Manager Consents



102(1)	Deciding whether to amend a compliance schedule in response to an application to do so	Principal Consents Officer or Manager Consents
102(2)	Issue a Compliance Schedule under s102(1)	Principal Consents Officer or Manager Consents
106(3)	Specifying the information that is required to be lodged with an application for an amendment to a compliance schedule	Senior Consents Officer or Consents Officer with Building Act responsibilities
106(4)	Deciding whether to amend a compliance schedule in response to an application to do so	Principal Consents Officer or Manager Consents
106(5)	If the compliance schedule is amended, give notice of the amendment to the owner	Senior Consents Officer or Consents Officer with Building Act responsibilities
106(6)	Give written notice and reasons why the amendment to the compliance schedule has been refused.	Senior Consents Officer or Consents Officer with Building Act responsibilities
107(2)	Deciding whether to amend a compliance schedule on the council's own initiative	Manager Consents
<b>Annual Building Warrant of Fitness</b>		
109(c)	Deciding to accept a recommendation to amend a compliance schedule arising from the annual building warrant of fitness	Manager Consents
110(c)	Requirement to produce compliance schedule reports under s110(a)	Manager Consents
111(1)	Decision to inspect building work or specified systems where a compliance schedule has been issued	Manager Consents
111(2)	Charging of a fee for inspections under s111	Manager Consents
<b>Alterations to existing buildings</b>		
112	Decision to grant building consent for an alteration to an existing building	Principal Consents Officer or Manager Consents

113	Dealing with buildings with less than a 50 year life	Principal Consents Officer or Manager Consents
<b>Change of use, extension of life and subdivision of land</b>		
115	Decision to allow the change of use of a building	Principal Consents Officer or Manager Consents
116(1) 116(3)	Decision to allow the extension of the life of a building	Principal Consents Officer or Manager Consents
<b>Classification of Dams</b>		
134A(1)	Requiring an owner to classify a referable dam	Principal Consents Officer or Manager Consents
136(1) 136(2)	Decision to approve or refuse a dam classification	Principal Consents Officer or Manager Consents
138(1)	Requiring the re-audit of a classification	Manager Consents
138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	Manager Consents
<b>Dam safety assurance programmes</b>		
143(1)	Decision to approve or refuse to approve a dam safety assurance programme	Principal Consents Officer or Manager Consents
145(2)	Requiring a period beyond 15 working days for a dam safety assurance programme to be re-audited	Manager Consents
146(2)(b)	Requesting a review of the dam safety assurance programme for an earthquake-prone or flood-prone dam	Manager Consents
148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	Senior Consents Officer or Consents Officer with Building Act responsibilities
<b>Register of dams</b>		

151	Maintain a register of dams in Otago	Senior Consents Officer or Consents Officer with Building Act responsibilities
<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 Engineering or Manager Consents
155(1)(b)	Determining whether building consent is required in respect of work required by a notice to fix	Manager Engineering or Manager Consents or Manager Compliance
156(1)	Apply to a District Court for an order enabling the Otago Regional Council to carry out building work.	GM Regulatory GM Operations
156(3)(b)	Recover costs of carrying out work under s156(1) from the owner.	GM Regulatory GM Operations
157(2)	Decision to take action to avoid immediate danger.	GM Regulatory GM Operations
157(3)(b)	Decision to recover costs of taking action under section 157(2).	GM Regulatory GM Operations
158	To make an application to the District Court to confirm warrant for emergency work on a dam	GM Regulatory GM Operations
<b>Issuing Notices to Fix</b>		
164	Determination that a notice to fix should be issued, or should be issued by another authority	Manager Engineering; or Manager Consents; or Manager Compliance

165(1)	Determination of the matters relevant to issuing a notice to fix and the scope and nature of a notice to fix.	Manager Engineering; or  Manager Consents; or Manager Compliance
167	Inspection of building work carried out in accordance with a notice to fix, a decision to confirmation or refuse to confirm that a notice to fix has been complied with and a decision to issue a further notice to fix if required.	Manager Engineering; or  Manager Consents; or Manager Compliance
<b>Determinations</b>		
177 180	Making and withdrawing an application for a determination	GM Regulatory
182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	GM Regulatory
185(2)(b)	Agreeing on a period beyond 60 workings days for making a determination	GM Regulatory
189(b)(ii)	Agreement to amendment of a determination for clarification purposes	GM Regulatory
190(3)	Filing a direction to the District Court as to costs in respect of a determination	GM Regulatory
<b>Registration and Accreditation as Building Consent Authority</b>		
194	Making application for registration as a building consent authority	GM Regulatory
252(4)	Request to change the scope of accreditation	GM Regulatory
253	Application for accreditation to perform Building Consent Authority functions	GM Regulatory
200 202	Make submissions and respond to complaints or to an investigation	GM Regulatory
276(2)(b)	To make submissions on a review of the regional authority	GM Regulatory
<b>Appeals</b>		

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208 209	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	Chief Executive
<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	GM Regulatory
220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	GM Regulatory
221	Disposal, sale, etc. of materials that result from carrying out building work authorised under s220(2)	GM Regulatory
222	To authorise persons to carry out inspections under the Act	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
243	Power to impose fees or charge and recovery of costs and to collect levies	Manager Consents
<b>Fees and charges</b>		
281A 281B 281C 219	Setting fees, 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
<b>Other matters</b>		
315(1)	Making a complaint about a licensed building practitioner.	Manager Consents
363A(2)	Deciding whether to issue a certificate for public use	Principal Consents Officer or Manager Consents
363A(5)	Deciding and requesting further reasonable information	Principal Consents Officer or Manager Consents
403(4)(b)	Making submissions as an 'interested person' to proposed Orders in Council or regulations	GM Regulatory

Schedule 1, part 1, clause 2	Deciding whether a building consent is not necessary	Manager Consents
<b>Offences</b>		
371(2)	Commencement of proceedings where an infringement notice has been issued	GM Regulatory
372	Issuing an infringement notice	Warranted Officer where specified on warrant
372B(2)	Authorising officers to issue infringement notices	Chief Executive
377	Filing a charging document	GM Regulatory
381(1) 381(2)	Making an application to the District Court for an injunction	Chief Executive

## 27. The COVID-19 Recovery (Fast-Track Consenting) Act 2020

In 2020, Central Government introduced the COVID-19 Recovery (Fast-track Consenting) Act 2020. The purpose of this Act is to fast-track projects that can boost employment and economic recovery. The Environmental Protection Authority (EPA) is the Government Department responsible for this legislation and for administering the process. Decisions on applications that use this process are made by Expert Consenting Panels. Membership of these panels can include those nominated by relevant local authorities.

Section	Function	Delegated to
Clause 3(2) of Schedule 5	Nominate a person to be part of an Expert Consenting Panel set up under the COVID-19 Recovery Act 2020.	Council Chairperson

## 28. The Crown Minerals Act

The Crown Minerals Act provided transition provisions for mining licence 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.	GM Regulatory
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.	GM Regulatory

## 29. 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	GM Regulatory GM Operations Any Harbourmaster
163	Removal or alteration of work or thing that is or has been constructed in breach of a bylaw and recovery of costs.	GM Regulatory GM Operations Any Harbourmaster
164	To seize and impound property not on private land	Warranted officer where specified on warrant
165	To seek a search warrant	GM Regulatory GM Operations Any Harbourmaster
168	To dispose of property seized and impounded	GM Regulatory GM Operations Any Harbourmaster
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	<p>Authority to appoint an authorised person and issue warrants for the purposes of:</p> <ul style="list-style-type: none"> <li>• Local Government Act 2002</li> <li>• Building Act 2004</li> <li>• Otago 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.	GM Operations GM Regulatory
176	Power to recover costs of remedying damage arising from breach of bylaw.	GM Operations GM Regulatory
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.	Manager Engineering
181(4)	Enter land to inspect, alter, renew, repair, or clean any work constructed under section 181.	Manager Engineering
182	Power of entry to check utility services.	Warranted officer where specified on warrant
185	Grant approval for occupier to undertake work	Manager Engineering
186	To approve works if owner or occupier defaults	GM Operations GM Regulatory
187	To approve the recovery of costs	GM Operations GM Regulatory
189 190	Power to acquire land	Chief Executive
224-236 238-239	To initiate or withdraw a prosecution for an offence against this Act.	GM Operations GM Regulatory



241	Authority to file charging document.	GM Operations GM Regulatory
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## 30. Land Transport Management Act 2003

Section	Function	Delegated to
116(2)	Duty of regional council to contract for the provision of every unit on an exclusive basis	GM Operations
121	Obligations regarding notification and provision of copies of plans	GM Operations
127	Power to (1) require information from operators of public transport services, including patronage and fare revenue data and (2) disclose other data to a person who is registered by the regional council to tender for the provision of a unit.	Manager Transport
128	Power to make decisions on the release of information and a duty to consult with relevant organisations.	Manager Transport
129	Power to make decisions on release of information and duty to consult with organisation	Manager Transport Legal Counsel
133	Authority to make decisions regarding the notification of a proposal to operate or vary exempt services.	Manager Transport
134	Authority to decide on the grounds in section 134 to decline registration or variation of exempt services.	Manager Transport
136	Authority regarding the registration of exempt services or variations to exempt services	Manager Transport
137	Authority to decide to deregister an exempt service and remove details of variations	Manager Transport
138	Authority to undertake the process for deregistering exempt services or removing details of variations	Manager Transport

139	Authority to make decisions in relation to the withdrawal of exempt services	Manager Transport
146	Authority to require a person to produce and inspect records.	GM Operations
147	Authority to manage offences , including making decisions to initiate or withdraw a prosecution.	
148		
149		

## 31. Maritime Transport Act 1994

For the purpose of ensuring maritime safety in the Otago region, Council is empowered to regulate (1) ports, harbours, and waters in the region and (2) maritime related activities in the region.

Section	Function	Delegated to
<b>Navigation safety</b>		
33D(1)	Appoint a harbourmaster for any port, harbour or waters in the Otago region.	Chief Executive
33F	To initiate or withdraw a prosecution for an offence for contravening a direction or requirement under section 33F	Any Harbourmaster
33G	Appoint enforcement officers and honorary enforcement officers for the purpose of ensuring maritime safety or enforcing navigation bylaws, and regulations and rules under this Act	Chief Executive
33I	To undertake harbour works for the purpose of ensuring maritime safety.	Any Harbourmaster
33J	Remove and deal with any wreck within the Otago region that is a hazard to navigation safety.	Any Harbourmaster
33L	Remove, store, sell, or otherwise dispose of an abandoned ship.	Any Harbourmaster
33M	Consult with the Director of Maritime New Zealand in preparing Navigation Safety bylaws.	Any Harbourmaster
33N	To initiate or withdraw a prosecution for an offence for contravening a navigation bylaw.	Any Harbourmaster
33O 33P	Approve the filing of a charging document to prosecute an infringement offence.	Any Harbourmaster

200(3A)	To erect, place, and maintain navigation aids in accordance with section 331	Any Harbourmaster
<b>Maritime response</b>		
231	Authority to notify the Director of Maritime Safety and process matters relating to the Council's notification responsibilities.	Any Harbourmaster
<b>Appointment of Regional On-scene Commander</b>		
318	Authority to appoint a Regional On-scene Commander for the Otago region.	Chief Executive

## 32. 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 Management Bylaw 2012.

### 32.1 Land Drainage Act 1908

Section	Function	Delegated to
17	Authority to construct and maintain drains and watercourses.	Manager Engineering Manager Natural Hazards
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	Manager Engineering Manager Natural Hazards Manager Compliance
n/a	Consider and make decisions on taking enforcement action, including cost recovery and registration of a charge	GM Operations GM Regulatory

### 32.2 Public Works Act 1981

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Section	Function	Delegated to
18	Prior negotiation required for acquisition of land for essential work	GM 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	GM Operations GM Corporate
110	Power of entry onto private land for the purposes of carrying out any public work or any proposed public work.	Manager Engineering,
111	Power of entry onto private land for survey and investigation purposes.	Manager Engineering
133 134	Provide for the removal of trees and hedges that interfere with public works.	Manager Engineering,
135	Emergency work on trees	Manager Engineering
233 234	Obligation to provide notice before entry onto private land.	Manager Engineering
237	Approve excavations near public works.	Manager Engineering
238	Power to bring action for damage to public work.	GM Operations
239	Power to remove and/or dispose of abandoned property from public works land.	GM Operations
242	Consider and make decisions on taking enforcement action for offences committed.	GM Operations
242	Authority to file charging document for enforcement action.	GM Operations

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

Section	Function	Delegated to
12	Issue a certificate of priority.	Team Leader Consents
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.	Team Leader Consents Team Leader Compliance
14(2)	Give directions for the repair, strengthening or otherwise of dams	Manager Consents Manager Compliance
16(2)	Determination of what is a reasonable quantity of domestic needs of animals or for firefighting.	Manager Consents Manager Compliance
30	Provide certified copies of privileges	Team Leader Consents

### 32.4 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
30A	To certify that a land improvement agreement has expired or has been terminated	Legal Counsel
30A	Enforcement in relation to Land Improvement Agreements	GM Corporate

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	Legal Counsel
30A	To authorise the release/discharge of a land improvement agreement on behalf of Council	GM Corporate
126	To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control or regulate water to prevent or lessen the overflow or breaking of the banks of any watercourse	Manager Engineering Manager Natural Hazards
131	To determine to carry out or execute any works that the Council is empowered to undertake under this Act.	Manager Engineering Manager Natural Hazards
132	Power to enter land for survey and investigation	Manager Engineering Manager Natural Hazards
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.	Manager Engineering Manager Natural Hazards
134(1)	Approve the planting or sowing and maintenance of trees, shrubs, plants, or grasses.	Manager Engineering Manager Natural Hazards
135	Decide to take any of the actions listed in section 135.	Manager Engineering Manager Natural Hazards
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.	Manager Engineering
137	Approval to give public notice or to undertake works on private land and resolve any objections.	Manager Engineering

		Manager Natural Hazards
138	To apportion costs with owners of land	GM 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.	GM 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.	GM Operations
153,154	Authority to file charging document when enforcement action is approved	GM Operations

### 33. Civil Defence Emergency Management Act 2002

The Otago 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 Otago 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.