

# G12 Operating Outside Otago

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## 1. INTRODUCTION

A regional authority may transfer any or all of its functions, duties or powers under the Act to another regional authority **except** the power of transfer (Section 244). In addition, a regional authority that is also a Building Consent Authority (BCA) may deal with building control matters outside its own region if requested to do so under certain circumstances. A regional authority or BCA may also contract another organisation to undertake its functions and duties.

Regulation 17(2)(c) requires that a BCA have a procedure for ensuring that it operates within its scope of accreditation. This guide forms part of that requirement.

## 2. AGREED TERMS OF TRANSFER

A regional authority to whom a function has been transferred:

1. Must enter into an agreement in respect of the transfer, and
2. May agree on the terms and conditions of the transfer (Section 246).

The ORC has resolved that any transfer of function from another regional authority should meet the following Business Principles of Transfer (refer Council Report No. 2007/297).

1. That only those functions that will provide any efficiency in cost and process be transferred.
2. That the transferring authority fully indemnifies the Otago Regional Council against any and all claims arising from the Otago Regional Council carrying out the functions transferred in their area, including the costs of defending those claims.
3. The transferring authority agrees that the Otago Regional Council shall not be liable for costs directly associated with carrying out the transferred functions for their area.
4. That the transferring authority shall agree to a reasonable contribution to the system development and ongoing operational costs.
5. That the transfer be conditional on the Otago Regional Council obtaining and retaining BCA accreditation.

## 3. EFFECT OF TRANSFER

A regional authority to whom a function, duty or power has been transferred:

1. Is required to perform the function as if it was imposed on that regional authority under the Act, and
2. May cancel at any time the agreement in respect of the transfer in accordance with the agreement.

A regional authority from whom the function has been transferred may at any time change or revoke the

transfer by written notice to the other regional authority concerned (section 247).

#### **4. OPERATING IN SOUTHLAND AND WEST COAST**

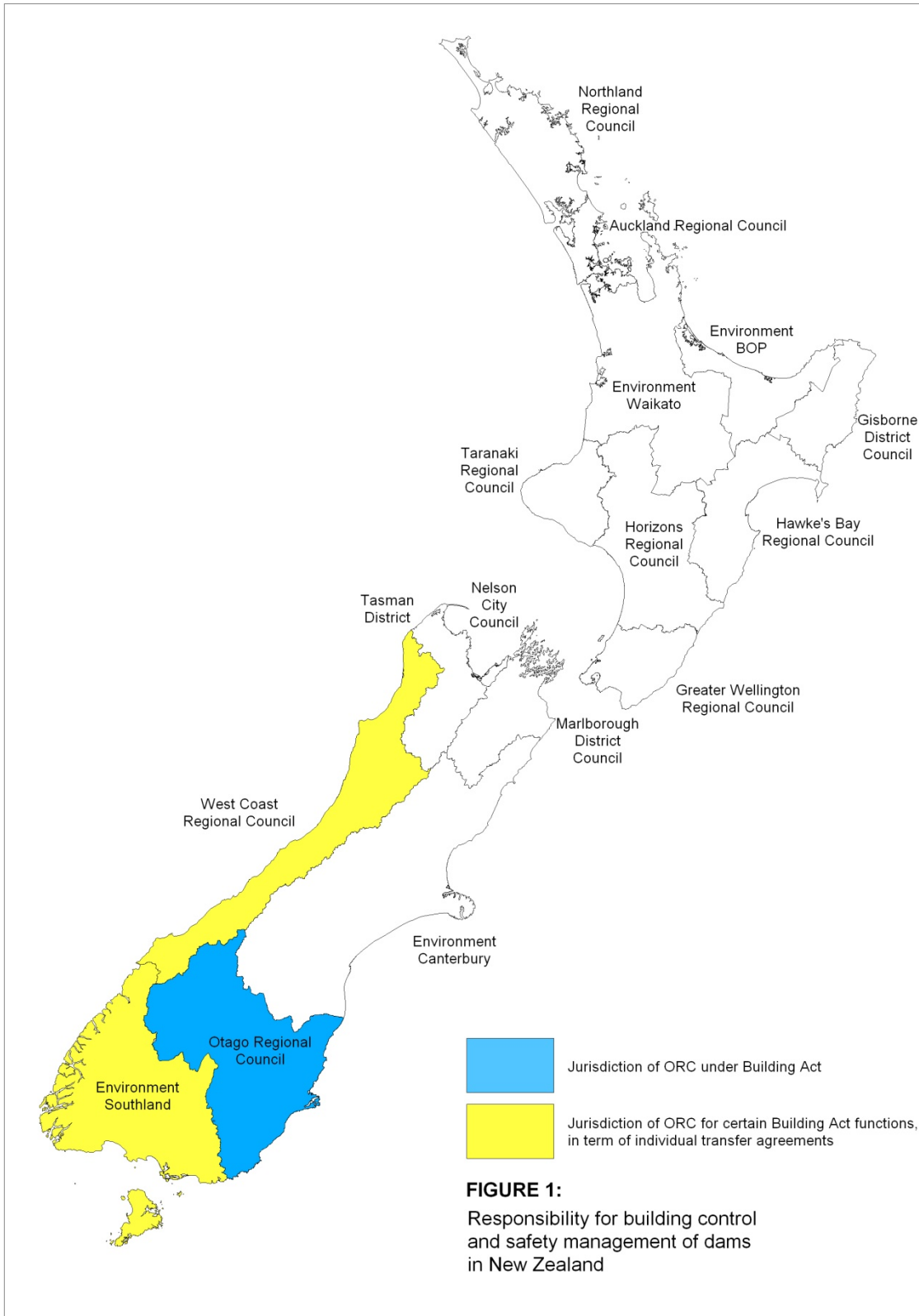
ORC undertakes some but not all Building Act functions for dams in Southland and West Coast regions (Figures 1 and 2). These functions are undertaken in accordance with individual Transfer Agreements. It is the responsibility of all ORC staff involved in building control and dam safety activity to conform to the Transfer Agreements.

The Transfer Agreements may only be varied with the approval of Council.

#### **5. OPERATING IN REGIONS OTHER THAN OTAGO, SOUTHLAND AND WEST COAST**

ORC will consider any requests to undertake building control and dam safety functions outside Otago, Southland and West Coast on a case by case basis. A Council resolution is necessary before the ORC can exercise functions and powers outside Otago, Southland and West Coast. The Local Government Act 2002 sets restrictions on the activities a regional authority can perform outside its region in the absence of a transfer agreement. ORC has an interoperability agreement with Waikato Regional Council and Environment Canterbury which provides for short-term resource assistance, but is not a transfer of function.

**Figure 1: ORC AREA OF RESPONSIBILITY**



**Figure 2: ORC JURISDICTION SHOWING RELEVANT TA's**

