



Otago
Regional
Council

Council DELEGATIONS MANUAL

**Delegations from
Council to the Chief Executive and officers**

27 May 2026

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Structure

The Council Delegations Manual is structured into six Parts.

- (a) **Part A - introductory and background information**, including the principles for making delegations and establishing the Council's legal powers for making delegations.
- (b) **Part B - the governance delegations** made by the Council to Committees and to the Chairperson.
- (c) **Part C - the general administrative delegations** made by the Council in relation to human resources matters, the release of information, correspondence (including submissions and applications for funding), the use of the Common Seal, delegations in relation to legal proceedings and obtaining professional advice
- (d) **Part D - the contracting, financial, rating and property delegations** to the Chief Executive, Finance Manager and Chief Financial Officer.
- (e) **Part E - the regulatory delegations under the Resource Management Act 1991 (RMA)** Council makes to officers. These duties, responsibilities and powers are either not legally able to be further sub-delegated, or the Council has chosen to not enable further delegation.
- (f) **Part F - the regulatory non-RMA delegations** Council makes to officers under the Local Government Act 2002 (LGA) and other various statutes.

Part A: Introduction

1. Purpose

- 1.1 This document is the Council Delegations Manual (**Council Delegations Manual**) for the Otago Regional Council (**Council**).
- 1.2 The primary purpose of the Council Delegations Manual is to set out the delegations the Council has given to its elected members, committees, commissioners and officers. The delegations relate to administrative and financial matters as well as the Council's statutory duties, functions, responsibilities and powers.
- 1.3 Many duties, responsibilities, functions and powers are delegated to the Chief Executive. The Chief Executive's delegation of these powers to other Council officers, as well as the Chief Executive's delegation of various legislative powers held by them directly, are set out in the Chief Executive Delegations Manual.
- 1.4 The Council Delegations Manual and Chief Executive Delegations Manual should be read together.
- 1.5 For completeness, the Council Delegations Manual also records specific duties, responsibilities, functions and powers which cannot be delegated.

2. Background

Definition of delegations

- 2.1 A delegation is the conveying of a duty, responsibility, function or power to act to another person or a committee, including the authority that the person making the decision would themselves have had in carrying out or exercising that duty, responsibility, function or power.
- 2.2 For the purposes of administrative efficiency and expediency when conducting its day-to-day business, the Council delegates certain duties, responsibilities, functions and powers to a committee or other subordinate decision-making body, community board, or member or officer. Likewise, unless restricted by statute, the Chief Executive may delegate certain duties, responsibilities, functions and powers to any other officer, subject to any conditions, limitations, or prohibitions in the delegation (see Chief Executive Delegations Manual). These delegations are a necessary operational requirement to promote effective and expeditious decision-making.
- 2.3 Delegations avoid administrative delays and inefficiencies that might otherwise occur if all matters had to be referred to the Chief Executive or to Council every time a decision needed to be made.

3. Legal basis

- 3.1 In most cases, Council has the primary power of delegation as it is the body that is specified in the empowering legislation. In some specific instances the legislation empowers the Chief Executive directly to have the power of delegation.
- 3.2 The Council's authority to delegate to its committees, members, to the Chief Executive or

officers is principally derived from **Clause 32 of Schedule 7 of the LGA** which reads:

32 Delegations

- (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.

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

- (a) Section 34A of the RMA;
- (b) Section 105 of the Biosecurity Act 1993; and
- (c) Sections 42 and 43 of the Local Government Official Information and Meetings Act 1987 (**LGOIMA**).

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

3.5 Some statutory duty, responsibility, function or power are conferred on the Chief Executive, rather than the Council. The Chief Executive has the ability to delegate such matters to officers under **clause 32B, Schedule 7 of the LGA**, which reads:

- (1) An officer of a local authority may delegate to any other officer of the local authority 1 or more of his or her powers under this Act or any other enactment except—
 - (a) the power to delegate under this clause; or
 - (b) any power delegated to the officer under clause 32 that is subject to a prohibition on delegation; or
 - (c) any power under an enactment where the enactment expressly prohibits the delegation of the power.
- (2) An officer acting under subclause (1) may include conditions, limitations, or prohibitions in the delegation.
- (3) An officer to whom any responsibilities, powers, or duties are delegated may, without confirmation by the officer that made the delegation, exercise or perform them in the like manner and with the same effect as if the officer who made the delegation could himself or herself have exercised or performed them.
- (4) To avoid doubt, no delegation relieves the officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

3.6 Clause 32B also enables the Chief Executive to sub-delegate to officers many of the responsibilities, functions, powers and duties delegated to him or her by the Council.

3.7 Council has delegated many matters to the Chief Executive in the expectation that they will sub-delegate them to appropriate officers. However, some powers under the RMA and the Local Government (Ratings) Act 2002 are legally not able to be sub-delegated and so have been delegated by the Council to appropriate officers directly.

3.8 It should be noted that no delegation or sub-delegation relieves the Council or Chief Executive of the liability or legal responsibility to perform or ensure performance of any function or duty.

3.9 All officers have a responsibility to ensure that delegations are exercised in accordance with this Delegations Manual, even if they do not personally have any duties, responsibilities, functions and powers delegated to them. This includes checking the actions of others comply with the appropriate delegation and reporting suspected breaches of delegated authority to their appropriate superiors.

4. Principles, terms and conditions

4.1 Unless a delegation in this Delegation Manual states otherwise, the delegation is derived from the Council.

4.2 When deciding to delegate any duties, responsibilities, functions and powers, the Council will have regard to the principles outlined in Table 1 below.

4.3 In the exercise of any delegation, the delegate (i.e. the officer or committee 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 conditions, limitations or prohibitions that might apply to the specific delegation.

Table 1: Principles, terms and conditions

Principles	
1.	Wherever possible, delegations to officers have been made on a wide basis to promote the most effective and efficient implementation and delivery of the 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.	While delegations are made to individual positions or tiers of management, it is expected that when more significant or sensitive decisions are being made under delegated authority, officers will collaborate in the decision-making process or consider referring the matter to Council or managers in a direct line above that position to ensure the best outcome for the Council.
5.	In exercising delegations which are outside the Council's day-to-day business, officers will report back on the exercise of that delegation to the next relevant Council or Council Committee meeting.
6.	Just because a duty, responsibility, function and power has been delegated does not mean that the delegate is obliged to make the decision.
7.	Where the 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.
8.	Before exercising any delegation, delegates should always bear in mind the statutory principles relating to local authorities, set out in s 14 of the LGA including but not limited to safeguarding public assets and to spend public funds within the standards of probity and financial prudence, such that all public assets and funds are appropriately used for the purposes intended.
Terms and conditions	
1.	No delegations limit the power of the Council or other delegators to exercise a responsibility, 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: <ol style="list-style-type: none">any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); andany relevant Council policy or procedural documents (including reporting and recording) requirements.
3.	In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.
4.	Decisions, other than on minor or routine matters, made under delegated authority will be reported to Council or a relevant Committee.
5.	A responsibility, function, 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, provided that the Chief Executive or the General Counsel has confirmed that the role or function is the same or substantially the same as the named position.
6.	For the avoidance of doubt, managers have the same delegated powers as subordinate officers, 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 responsibility, function, duty or power.
7.	An officer who is delegated a responsibility, function, duty or power is also delegated any ancillary responsibilities, functions, 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. If the repealed legislation has not been replaced, or has no corresponding legislation, the delegation can no longer be exercised.
 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. If the resolution relates to a delegation to the Chief Executive, the Chief Executive must correspondingly revoke, suspend, or amend any delegation effected by the Council's resolution.
 12. Unless expressed otherwise, where a delegation is to more than one officer, that power of delegation is to each officer separately.
 13. Where a delegation includes reference to a specific section in a statute the description of that delegated authority is a guide only; the delegate should refer back to the wording of the section itself to fully understand the scope of the authority delegated.
 14. Where two different delegations apply to the action, both delegations must be complied with (for example, where a person is given a delegation to obtain professional advice, that delegation must also be exercised in accordance with the financial delegations given to the person).
- Йнч Where a delegation refers to a committee, chairperson or other role and these do not exist, the reference to that delegation is to be read to correspond to the body or officer who most closely corresponds to that committee, chairperson or role.

Tiers of management

Tiers refer to the levels of authority within the organisation chart

Officer	Tier
Chief Executive	1
General Managers	2
Managers	3
Team Leaders or Officers that report to managers	4
Officers that report to team leaders	5

5. Acting on behalf of others

- 5.1 It may be necessary for an officer to exercise a delegation when the usual delegate is unavailable or on leave. Rather than sub-delegating the relevant power (which, under the general rules applying to all delegations, is not allowed) this is achieved by the delegate appointing someone to act in their role temporarily, provided that officer's role or function is the same or substantially the same as the named position. The person acting in the role will then assume the powers, duties, functions and responsibilities that apply to that position.
- 5.2 The person making the appointment should inform those who may be affected who will be acting in the relevant role, for what time period and what functions, powers, duties and responsibilities they are expected to exercise during that time.

5.3 When a person is exercising a delegation in an acting capacity, they must expressly state that they are doing so. This will often include using “(Acting)” in their job title.

6. Decision making and significance and engagement

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

6.2 The degree to which compliance with the decision-making requirements in the LGA is required is proportional to the significance of the delegated decision or power and the resources available.

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

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

7. Reviews and updates of the Council Delegations Manual

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

7.2 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 and sub-delegations made by the Chief Executive are set out in the Chief Executive’s Delegations Manual.

7.3 The general terms and conditions of this Delegations Manual provide that a duty, responsibility, function 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 or Acting Chief Executive, and this Delegations Manual will be updated accordingly in due course, but the delegation can be exercised by those with the same or substantially similar role or function as the named role in the meantime.

Amendments

7.4 Amendments to the Council Delegations Manual will be recorded below.

7.5 The following amendments to Council delegations have been approved by Council for the period [Date].

Date Amended	Amendment	Council Paper

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 and Chairperson.

8. Council

8.1 In accordance with Clause 32 of Schedule 7 of the LGA, the Council cannot delegate the following matters to a committee or other subordinate decision-making body, community board, or member or officer:

- (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.

8.2 These decisions must therefore be made by the Council.

8.3 Delegations under the RMA are legally not able to be further sub-delegated and can only be made by Council resolution.

8.4 Other legislation, including the RMA (section 34A), Local Government (Ratings) Act 2002 (section 132), the Biosecurity Act 1993 (section 100H) and the Land Transport Management Act 2003 (section 119), also provide that certain matters cannot be delegated and that certain decisions must therefore be made by the Council.

9. Council committees

9.1 The Council has the following committees:

- (a) Audit and Risk Committee;
- (b) Otago Regional Transport Committee;
- (c) Otago Civil Defence and Emergency Management Joint Committee; and
- (d) Otago Central Lakes Regional Deal Negotiation Joint Committee.

9.2 The delegations in this section reflect the delegations provided in the Governance Structure, Portfolio Terms of Reference and Council appointments 2025 - 2028 Triennium.

10. Audit and Risk Committee

10.1 The Audit and Risk Committee Terms of Reference (including delegations) were adopted by Council on 26 November 2025.

10.2 The Committee has no general decision-making or financial delegations. It can:

- (a) Receive information for noting.
- (b) Receive the external audit engagement letters and letters of undertaking for audit functions and additional services provided by the external auditor.
- (c) Review matters within its areas of responsibility and make recommendations to Council on those matters.
- (d) 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 Council.
- (e) Request access to outside legal or independent professional advice should it consider this necessary.

11. Otago Regional Transport Committee

11.1 The Otago Regional Transport Committee Terms of Reference (including delegations) were adopted by Council on 26 November 2025.

11.2 The Council delegates to the Committee the following:

- (a) Appoint a panel to hear the Regional Land Transport Plan, submissions, working parties, advisory groups.
- (b) Where there is urgency or special circumstances, appoint a sub-committee to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, to make recommendations to the Committee on matters within its Terms of Reference, provided that a sub-committee does not have power to act other than by a resolution of the Committee with specific limitations.
- (c) Make decisions in accordance with the Committee's Terms of Reference and the Land Transport Management Act 2003.

11.3 The Committee has the following power to:

- (a) Monitor any transport activities of the Council, territorial authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan.
- (b) Prepare and recommend variations to the Regional Land Transport Plan that trigger the Committee's significance policy.
- (c) Consider and recommend transportation planning studies and associated outcomes.
- (d) Provide recommendations to relevant government agencies on transport priorities for the region and the allocation of national or regional transport funds.

12. Otago Civil Defence and Emergency Management Joint Committee

- 12.1 The Otago Civil Defence and Emergency Management Group (**CDEM**) 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 and FENZ.
- 12.2 The CDEM (Joint Committee) Terms of Reference (including delegations) were adopted by Council on 26 November 2025.
- 12.3 The CDEM has all the delegated authorities given by each member Council, including authority to:
- (a) fulfil the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002;
 - (b) appoint subcommittees; and
 - (c) sub-delegate any authority able by law to be delegated.

13. Otago Central Lakes Regional Deal Negotiation Joint Committee

- 13.1 The Otago Central Lakes Regional Deal Negotiation Joint Committee Terms of Reference (including delegations) were adopted by Council on 26 November 2025. The Joint Committee is made up of two representatives from the Central Otago District Council, the Queenstown Lakes District Council referred to as 'Otago Central Lakes' (**OCL**) and the Council.
- 13.2 The Joint Committee has the following delegations:
- (a) Make decisions on any matter coming within its Terms of Reference.
 - (b) Commission additional advice or evidence (including from external sources), or further definition of requirements, to support negotiations with central government.
 - (c) Agree joint prioritisation of agreed activity areas for OCL Regional Deal Negotiation Joint Committee, to guide negotiations with government.
 - (d) Agree, in principle, to components of a deal that are consistent with the agreed negotiating principles and within the agreed activity areas.
 - (e) Appoint a negotiating authority as the direct interface with central government for negotiations.
 - (f) Appoint a Chairperson and Deputy Chairperson in accordance with any process agreed by the Committee and the requirements of the LGA.
- 13.3 The Joint Committee may delegate any or all its responsibilities, duties or powers to a subcommittee that is made up of all the members of the Committee and the member's Chief Executives.

14. Council Chairperson

- 14.1 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 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.

14.2 The COVID-19 Recovery (Fast-track Consenting) Act 2020 was repealed on 8 July 2023 however the delegation below remains relevant until the applications, captured under that legislation, have proceeded through the hearing process.

COVID-19 Recovery (Fast-track Consenting) Act 2020

Section	Function	Delegated to
Schedule 5, clause 3(2)	Nominate a person to be part of an Expert Consenting Panel.	Two of the three of the General Manager Environmental Delivery and the Environmental Delivery Portfolio Leads

Part C – Administrative Delegations

Part C of the Delegations Manual sets out general administrative delegations relating to human resources, the release of information, correspondence (including submissions and applications for funding), the use of the Common Seal, delegations in relation to legal proceedings and obtaining professional advice.

15. Human Resources

15.1 Pursuant to section 42(2) of the LGA, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing officers and negotiating the terms of employment of officers. The Chief Executive has absolute control over all employment-related matters concerning officers.

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

Local Government Official Information & Meetings Act 1987

16.1 The Council delegates all duties, responsibilities, functions and powers under LGOIMA to the Chief Executive.

Privacy Act 2020

16.2 The Council delegates all duties, responsibilities, functions and powers under the Privacy Act to the Chief Executive.

Public Records Act 2005

16.3 The Council delegates all duties, responsibilities, functions and powers under the Public Records Act to the Chief Executive.

Other

16.4 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.

16.5 All duties, responsibilities, functions and powers are delegated to the Chief Executive pursuant to clauses 32 of Schedule 7 of the LGA.

17. Authorisation to use the Common Seal

17.1 The Council has the authority to impress on any document the Common Seal of the Council. The Chief Executive is delegated the power to impress any document the Common Seal of the Council to give effect to:

- (a) a resolution of the Council;
- (b) the resolution of a committee of the Council; or
- (c) any Council delegation to the Chief Executive;

which are legally required to be executed under the Common Seal.

- 17.2 The Common Seal will be affixed to any document that is required to be executed under the Seal, including:
- (a) Certain warrants to carry out statutory functions, including warrants made under the Biosecurity Act 1993, the Building Act 2004, and the LGA.
 - (b) When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.
 - (c) Regional Policy Statements and Regional Plans prepared under the RMA.
 - (d) Bylaws prepared under the LGA or other relevant statutes.
 - (e) Any documents (e.g. covenants, caveats, deed, s 417 certificates or consent notices) which require the use of the Common Seal.
- 17.3 Where the Common Seal is affixed to any document it must be attested by any two Councillors. This delegation cannot be sub-delegated.
- 17.4 The Common Seal is held by the Governance Support Officers who record when the Common Seal is applied.

18. Professional advice and legal proceedings

- 18.1 The following responsibilities, powers, duties and functions are delegated to the Chief Executive:
- (a) obtain professional advice, including but not limited to legal, engineering, financial, accounting, and resource management advice on Council's behalf is delegated to the Chief Executive;
 - (b) commence, join, defend or settle any legal proceedings before any Court or Tribunal (including judicial review) on the Council's behalf, subject to, at the Chief Executive's discretion, discussion with the Chairperson, Legal Counsel, officers involved, insurers and reports being made to the relevant committee of the Council; and
 - (c) initiate or withdraw appeals as follows:
 - i. Environment Court to the High Court;
 - ii. District Court to the High Court;
 - iii. High Court to the Court of Appeal or Supreme Court; and
 - iv. Court of Appeal to the Supreme Court.
- 18.2 The delegation of the above responsibilities, powers, duties and functions are set out in the Chief Executive Delegation Manual.

18.3 Any advice must 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). Legal Counsel should be advised of any external legal services engaged.

18.4 This delegation does not prohibit other officers from liaising with professional advisors as part of the Council obtaining advice.

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

19. Submissions

19.1 The authority to make a submission on any matters of general interest or concern to the Council such as proposed Government policies, discussion documents in circumstances 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.

19.2 This delegation does not apply to proposed plans and plan changes and resource consent applications under the RMA.

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

20. External funding

Applications for funding, grants or donations from external sources

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

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

Grants of funding from the Council to external sources

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

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

Part D: Contracting, Financial, Property and Rating Delegations

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

21. Contracting, Agreements, and Memorandum of Understanding

21.1 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 memoranda of understanding (but which may have significant reputational impact), contracts and agreements of low financial value, to high financial value contracts and agreements.

21.2 The following responsibilities, powers, duties and functions are delegated to the Chief Executive:

- (a) Sign a memorandum of understanding on the Council's behalf.
- (b) Sign a deed under the Property Law Act 2007, as one of two signatories. The second signatory being an elected member.
- (c) Sign contracts and other agreements (other than deeds) that authorise expenditure limited by the amount set in the Annual Plan, Long-term Plan or other specific authorisation by Council above what the Chief Executive holds.

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

22. Executing deeds

22.1 The authority to execute a deed under section 9 of the Property Law Act 2007 is delegated to the Chief Executive up to the financial commitment as set in any Annual Plan, Long Term Plan, or other specific authorisation by Council.

Specific terms and conditions

22.2 The execution of deeds must be:

- (a) Authorised in accordance with relevant financial delegations and any other applicable delegation.
- (b) It can be executed by Councilors under seal or by the Chief Executive and General Manager.

23. Financial

23.1 The delegation of financial powers enables the works and service objectives of the Council as set out in the Long Term Plan and Annual Plan to be achieved. Achieving the proposed outcomes is the objective, not spending the budget.

- 23.2 The Chief Executive is delegated all financial powers, responsibilities, duties and function up to the financial budget set in out any Annual Plan, Long Term Plan, or other specific authorisation by Council.
- 23.3 The amounts delegated to the Chief Executive will be reviewed and adjusted at least every three years to reflect any increase in CPI since the financial thresholds were last updated.
- 23.4 Temporary delegation may be made by any individual holding delegated authority to cover their absence from work. Temporary delegation can only be exercised to cover an absence (leave, business travel) and will not transfer accountability or responsibility (minimum two weeks and a maximum of three months).
- 23.5 Basic principles of financial delegations:
- (a) No financial delegation empowers the delegate to commit expenditure or enter into contracts that are not provided for in the Annual Plan. The Annual Plan sets out the expenditure to be incurred and income to be received for the activities the Council is planning to undertake in the financial year the plan covers. As such, the Annual Plan sets out the financial limits and will be the basis against which all financial decisions will be judged.
 - (b) Delegated duties, responsibilities, functions or powers should be exercised in a like manner and with the same effect as if the delegator had performed them.
 - (c) All amounts in the delegations are GST exclusive.
 - (d) All amounts in the delegations relate to the whole of life of the contract – for example, a contract committing \$10,000 for three years requires a financial delegation of at least \$30,000.
 - (e) Expenditure commitment is the point where officers will incur a liability on the Council, for example, the issue of a Purchase Order to a supplier. All expenditure should have a Purchase Order approved prior to ordering the good or service. All Purchase Orders require approval prior to payment of the invoice.
 - (f) A manager must operate within the constraints of the budget and managers must be prepared to account for and explain any expenditure incurred.
 - (g) Where any final invoice from a creditor varies by more than 10% of the approved commitment, the invoice must be authorised by an officer with appropriate authority to approve the new total value of the invoice.

24. Property Services

- 24.1 The following duties, responsibilities, functions or powers are delegated to the Chief Executive:
- (a) Enter into a deed of lease, lease agreement (as lessee or lessor) and to assign or sublease a lease.
 - (b) Secure a mortgage over a lessee's interest, or to vary or release a lease.
 - (c) Vary, terminate or surrender a lease.

- (d) Provide or withhold consent under a lease.
- (e) All powers, duties and functions under the Otago Regional Council (Kuriwao Endowment Lands) Act 1994.

25. Rating

25.1 The following delegations of rating matters are set out below:

Local Government (Rating) Act 2002

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

Section	Function	Delegated to
40 - 41 54 61 – 63	Correct rates Issue an amended rates assessment if an error is encountered Not to collect rates that are uneconomic to collect Recover unpaid rates	Group Financial Controller
85 - 87 90	Remit rates pursuant to Council rates remission policy Postpone rates pursuant to Council rates postponement policy	Group Financial Controller
91-115	Rating of Māori freehold land including district valuation rolls, land vested in trustees, multiple ownership and using land in multiple ownership pursuant to Council policy. Remit or postpone rates on Māori Freehold land pursuant to Council policy.	Chief Financial Officer Group Financial Controller

Rating Valuations Act 1998

25.3 In relation to the Rating Valuations Act 1998 the Council delegates to the Chief Executive all duties, responsibilities, functions and powers that are legally able to be delegated.

Rates Rebate Act 1973

25.4 In relation to the Rate Rebate Act 1973 the Council delegates to the Chief Executive all duties, responsibility, functions and powers that are legally able to be delegated.

Part E: Regulatory Delegations – Resource Management Act 1991

Part E of the Delegations Manual sets out regulatory delegations relating to resource management, general administrative matters, resource consents, certificates of compliance, proposals of national significance, designations, water conservation orders, planning matters, the Environment Court and Court proceedings and enforcement under the RMA.

26. Delegations to Chief Executive

26.1 Pursuant to section 34A(1) of the RMA, all the duties, responsibilities, functions and powers of the Council under the RMA other than:

- (a) the powers to approve policy statements and plans under clause 17 of Schedule 1 of the RMA;
- (b) the powers delegated to a specific position contained in the legislation and any associated regulations;
- (c) delegations made specifically to a committee of the Council; and
- (d) matters identified in the tables in this Part E as not being delegated;

are delegated to the Chief Executive.

26.2 For the avoidance of doubt, if the Council has duties, responsibilities, functions or powers under the RMA that are not specified in the tables in this Part E that are of an enforcement, inspection, licensing and administrative nature then the Chief Executive is delegated the duties, responsibility, function or power contained in them as if the matter was specified in these tables.

26.3 The Council further delegates responsibilities, duties, powers and functions under the RMA in the tables below. In accordance with section 34A(1)(b) of the RMA, officers (including the Chief Executive) **may not** sub-delegate any powers that have been delegated to them.

26.4 The delegations are made under and must be acted on in accordance with the requirements of sections 34 and 34A of the RMA as well as the general delegation provision of clause 32 of schedule 7 of the LGA. This includes the limitations set out in those sections and the prohibition on sub-delegation.

27. Key to RMA delegations

Type of RM Delegation	
Tier 1	Chief Executive
RM Consents	
Tier 2 – Consents	GM Environmental Delivery
Tier 3 – Consents	Manager Consents
Tier 4 – Consents	Principal Consents Planner

	Senior Consents Planner Team Leader Consents Senior Consents Support Co-ordinator
Tier 5 - Consents	Consents Planner Consents Support Co-ordinator
RM Planning	
Tier 2 - Planning	GM Regional Planning & Transport
Tier 3 - Planning	Manager Policy and Planning
Tier 4 - Planning	Team Leader RPS, Air and Coast Team Leader Freshwater and Land
RM Compliance	
Tier 2 - Compliance	GM Environmental Delivery
Tier 3 - Compliance	Manager Compliance Manager Environmental Delivery Data & Systems
Tier 4 – Compliance	Team Leader – Compliance support Team Leader Compliance Team Leader Investigations
Tier 5 – Compliance	Environmental officer
RM Engineering	
Tier 2	GM Science and Resilience
Tier 3	Manager Engineering 1
RM People and Corporate	
Tier 2	GM People and Corporate

27.1 Delegations exercised by a Tier can be exercised by all those in the Tiers above in the same category, as demonstrated by the order in which they appear in the table. For example, a delegation to Tier 4 Consents, can be exercised by the Consents Manager, the GM Environmental Delivery, GM Regional Planning & Transport and the Chief Executive.

27.2 The powers have been delegated to specific office holders through their title as set out in the 'delegate column of the schedule. Any limitation on the power delegated has been specified in the 'function' column of the schedule below. The 'function' column is a summary of the power delegated only. The complete provision of the RMA (set out in the 'section' column of the schedule) should be referred to as appropriate.

28. RMA: General Matters

Section	Function	Delegate
Information and Reports		
35(2A)	Prepare and make available a review of the results of monitoring the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan	Tier 2 - Planning Tier 2 - Engineering

Section	Function	Delegate
Administrative charges		
36 36AAB 36AA	<p>Require payment of additional charges over and above any fixed charges to enable the recovery of actual and reasonable costs</p> <p>Provide an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge</p> <p>Waive or remit the whole or any part of any charge referred to in section 36 which would otherwise be payable (subject to financial delegations)</p> <p>Determine any discount under section 36AA on an administrative charge imposed under section 36 in accordance with the Resource Management (Discount on Administrative Charges) Regulations 2010</p>	<p>Tier 3 – Consents</p> <p>Tier 3 – Compliance</p>
Power to waive or extend time limits or waive requirements		
In relation to the below delegations, if Council is the applicant then this is delegated to an independent hearing commissioner appointed by the GM Environmental Delivery.		
37(1)(a)	Extend time periods associated with a resource consent process, if the applicant has agreed to the extension	Tier 4 - Consents
	Extend time periods associated with a resource consent process, where the applicant has not agreed to the extension	Tier 3 - Consents
	Extend any other time period not associated with a resource consent process	Tier 2 – Planning Tier 2 - Consents
37(1)(b)	In relation to resource consent, waive a failure to comply with a requirement regarding the time or method of services of documents	Tier 3 - Consents
	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 document	Tier 3 – Consents Tier 3 - Planning
37(2)	In relation to a resource consent, 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	Tier 3 - Consents
	In relation to any process other than a resource consent, 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	Tier 3 - Planning Tier 3 - Compliance Tier 3 - Consents
Commissioning reports		
42A	Require an officer or commission a consultant or other person to prepare a report	<p>Tier 4 - Consents</p> <p>Tier 4 - Planning</p> <p>If the Council is the applicant then this is delegated to an independent planner or hearing commissioner appointed by the Tier 2 - Consents</p>
42A(5)	Waive compliance with the requirements in ss 42A(3) and 42A(4)(b)	Tier 2 – Planning Tier 2 - Consents

Section	Function	Delegate
Protection of sensitive information		
42	Make an order to avoid serious offence to tikanga Māori, the disclosure of the location of wahi tapu, the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information (subject to the public interest in making the information available)	Tier 2 - Planning Tier 2 - Consents Hearing commissioner

28.1 RMA: Policy and Planning All powers, functions and duties under Schedule 1 except for the power to approve a proposed policy statement or plan under clause 17 of Schedule 1

Section	Function	Delegate
Evaluation reports		
32 Schedule 1, clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32	Tier 4 - Planning
165H(1A)	Direct the preparation of a report summarising the matters required by section 165H(1) and make it available for inspection	Tier 3 – Planning
Consultation		
Schedule 1, clause 3	Determine affected Ministers, local authorities and other persons to consult and direct that they be consulted	Tier 3 – Planning
Notification		
Schedule 1, clauses 5, 7	Determine whether persons are likely to be directly affected by the proposed policy statement or plan Determine what information to provide to affected persons Determine appropriate locations in the region to make any proposed policy statement or plan available Publicly notify the proposed policy statement or plan Publicly notify a summary of submissions on a proposed policy statement, plan, or plan change Serve notice on relevant persons where decision made to have limited notification	Tier 3 - Planning
Resolution of disputes		
Schedule 1, clause 8AA(1) 82	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 Refer a dispute to the Environment Court regarding potential inconsistency and whether a regional policy statement or plan gives effect to a national policy statement, NZ coastal policy statement or national planning standard	Tier 3 -Planning
Amendments to policy statements or plans without using Schedule 1 process		
292	By direction of the Environment Court amend a plan without using the process in Schedule 1 to remedy a mistake, defect, or uncertainty or to give full effect to a plan	Tier 4 - Planning
Notification of operative dates		
Schedule 1, clause 20	Publicly notify a date on which a policy statement or plan becomes operative	Tier 3 - Planning

Section	Function	Delegate
Private plan changes		
Schedule 1, clauses 23(1) and (2), 23(3), 24, and 28	Require, by written notice, further or additional information in accordance with clause 23. Commission a report in relation to a request made under clause 21 and notify the person who made the request Modify a request made under clause 21 with the agreement of the person who made the request Give notice that request made under clause 21 will be deemed to be withdrawn if not advised of wish to continue with request	Tier 3 - Planning
Schedule 1, Clause 25	Make a decision as to how to deal with a request made under Schedule 1 Clause 21 to change or prepare regional plans	Tier 3 - Planning

29. RMA: Submissions

29.1 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 by making submissions on District or City Councils' proposed district 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.

29.2 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 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
96 130	Make or withdraw a submission on a resource consent application on behalf of Council	Tier 2 - Planning for policy matters Tier 2 – Engineering for operational matters Tier 2 – Consents for maritime matters Tier 2 - People and Corporate for property matters
149E 149F 149O	Make a submission or further submissions to the EPA on a matter that has been called in or referred to it	Tier 2 - Consents Tier 2 Planning
Schedule 1, clause 6, 8	Make or withdraw a submission or further submission on a proposed plan or plan change on behalf of the Council	Tier 2 -Planning

30. RMA: Resource consents and certificates of compliance

Section	Function	Delegate
Application for resource consents		
88(3)	Determine whether an application is incomplete	Tier 4 - Consents

Section	Function	Delegate
91 91D	Defer the notification or hearing of an application pending the application of additional consents Decide to suspend the processing of a non-notified application when a request is received from an applicant	Tier 4 - Consents
91C 91F	Following a period of suspended processing, decide whether to return the application to the applicant with the required written explanation	Tier 4 - Consents
165D	Refuse to receive an application for a coastal permit where consent for a similar activity has been refused within the previous 12 months	Tier 4 - Consents
Further information requests		
92(1)	Request further information and set a reasonable time for providing such information	Tier 4 - Consents
92(2)	Commission a person to prepare a report on any matter relating to a resource consent application	Tier 4 - Consents
Notification and submissions		
95(1) 95D – 95G 127(4)	Decide whether to give public or limited notification an application and notify the application	Tier 4 - Consents If Council is the applicant then this is delegated to an independent hearing commissioner appointed by the GM Environmental Delivery
97	Adopt an earlier closing date for submissions	Tier 3 – Consents
Pre-hearing meetings and mediation		
99	Invite or require the applicant and submitters to attend a pre-hearing meeting, and appoint the chairperson for the meeting	Tier 3 – Consents
99(8) 99A	Decline to process a person’s application or consider a person’s submission if failed to attend a pre- hearing meeting Refer an applicant and submitters to mediation, and appoint a mediator	Tier 2 - Consents
Hearings		
100A	Appoint a hearing commissioner(s) to hear and decide applications	Tier 3 – Planning for plan hearings Tier 2 – Consents Any two of the following for a resource consent hearing: GM Environmental Delivery and Environmental Delivery Portfolio Leads
39 40 – 41C	Determine the procedures for the conduct of a hearing	Hearing Commissioner (s)
41D	Strike out all or part of a submission	Tier 3 – Consents Hearings Commissioner(s)

Section	Function	Delegate
100 102(1) 103(1) 102(2)	Determine whether a hearing of an application is necessary In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary Agree that for a joint hearing, another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services	Tier 3 -Consents
101	Fix and give notice of the commencement date, time and place of a hearing	Tier 4 – Consents Tier 5 - Consents in consultation with Hearing Commissioner(s)
Decision-making on applications		
104A – 104D 105 107 108 108AA 138A	Determine applications and impose conditions for a non-complying activity Determine applications and impose conditions for any activity where: <ul style="list-style-type: none"> the application was notified or limited notified but no hearing is required (subject to s 100) the consent term is greater than 25 years the consent conditions are not consistent with the Council’s standard consent conditions 	Tier 4 - Consents Hearings Commissioner(s)
104A – 104D 104F 105 107 108 108AA 138A	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 Note: under s 127B, water permit authorising the taking or use of water granted on and after the commencement date under the Regional Plan: Water for Otago must not exceed 6 years	Tier 3 – Consents Tier 4 - Consents The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular consent application including where the Council is the applicant for consent.
104A – 104D 104F 105 107 108 108AA	Authority to decide non-notified resource consent applications to install or alter a bore	Tier 4 - Consents
108A 109	Grant a resource consent that includes conditions requiring a bond to secure the performance of consent conditions Note: If a bond or covenant is considered as a possible consent requirement then all matters relating to consent conditions under sections 104A - 104F, 105, 107, 108 and 108AA must be considered together with delegation exercised by the GM Environmental Delivery.	Tier 2 – Consents Hearing Commissioner(s)
110(1)	Refund or return some or all of a financial contribution or land	Tier 2 – Consents
114(2)	Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application	Tier 3 – Consents
Duration of consent		
124(2)(e)	Allow a resource consent holder to operate under an expired resource consent while the application for a new consent and appeals to the Environment Court	Tier 4 – Consents

Section	Function	Delegate
125(1A)(b)	Determine an application for extension of the lapse date of a consent	Tier 3 – Consents
Cancellation and change of consents		
126(1)	Cancel a resource consent if it has not been exercised in 5 years	Tier 3 – 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	Tier 2 - Compliance
127	Change or cancel consent conditions	Tier 3 - Consents Tier 4 - Consents Hearing Commissioner (s)
Review of consent conditions by consent authority		
128	Determine whether to review the conditions of a resource consent	Tier 3 - Consents
129	Serve notice on a consent holder of the intention to review the conditions Propose new conditions	Tier 3 - Compliance
130	Determine whether notification of a review is required Determine whether a hearing be held	Tier 3 - Consents
131 132	Change the conditions of a resource consent on a review under section 128	Tier 3 - Consents Hearing Commissioner(s)
Determining activities are permitted activities		
87BB(1)(d)	Determine that an activity is a permitted	Tier 4- Consents Tier 4 Compliance
Minor corrections		
133A	Issue an amended consent that corrects minor mistakes or defects	Tier 4- Consents
Transfer and surrender		
136	Approve the transfer of a water permit to another person on another site or to another site	Tier 4- Consents Tier 4 - Compliance
137 138(2)	Approve the transfer of a discharge permit to another person or another site Refuse to accept the surrender of part of a resource consent	Tier 4 Consents Tier 4 Compliance
Certificate of compliance or existing use		
139(4) 139A(3)	Require further information in relation to a request for a certificate of compliance	Tier 4 - Consents
139(5)	Issue a certificate of compliance	Tier 4 - Consents
139A(5) 139A(8)	Issue an existing use certificate Revoke an existing use certificate	Tier 3 - Consents Tier 3 – Compliance

Section	Function	Delegate
Direct referrals		
87E	Decide whether to agree to a request for direct referral	Tier 2 - Consents
87F	Approve the content of a report prepared on an application that has been directly referred	Tier 3 - Consents
Objections		
357C	Consider an objection received	Tier 3 - Consents Tier 3 – Compliance
357C	If an objection is not resolved, hear and decide objections Note: If the Manager Consents or Manager Compliance considered the objection under sections 357C (3) or (4), the hearing must be conducted by the relevant General Manager, the CE, or a Hearing Commissioner	Tier 3 - Consents Tier 3 - Compliance Hearing Commissioner
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	Tier 2 - Consents

31. RMA: Consents where the Council is the applicant

31.1 In addition to being a consent authority and a local authority under the RMA, the Council may also be an applicant for consent or an affected party. In certain circumstances the Council may need to apply to or submit to itself. The following delegations apply in those circumstances.

31.2 Where the Council is also the applicant for resource consent, decision making will be delegated to an external, independent and appropriately qualified commissioner appointed by two of the three: GM Environmental Delivery and Environmental Delivery Portfolio Leads.

31.3 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.

Consent applications where the Council is the applicant

Section	Function	Delegate
88(1)	Apply for a resource consent on behalf of the Council	Tier 2 - Engineering Tier 2 - Consents Tier 2 - People and Corporate Harbourmaster

Consent applications where the Council is an affected party

Section	Function	Delegate
95B	Make submissions on behalf of Council where it is an affected party	Tier 2 - Engineering Tier 2 - Planning
95D 95E 104(3)(ii) 104(4)	Give or decline to give written approval on behalf of the Council to a resource consent application Withdraw any written approval given	Tier 2 – Planning for policy matters Tier 2 Engineering for operational matters

		Tier 2 - People and Corporate for property matters Tier 2 – Compliance for maritime matters
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32. RMA: Enforcement and compliance

Section	Function	Delegate
Enforcement officers		
38	Appoint and warrant officers to act as enforcement officers	Tier 1 - Chief Executive
Power of entry or search		
334	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	Tier 3 – Compliance
Infringement notices		
343B 343C	Proceed by way of filing a charging document in relation to an infringement offence Note: a charging document cannot be filed if the offence has been the subject of an infringement notice. Ensure that no such notice has been issued prior to proceeding under this delegation Discontinue proceedings for an infringement offence	Tier 2 - Compliance
343C	Decide to withdraw an infringement notice	Tier 3 - Compliance
Abatement notices		
325 324A	Cancel, change, or confirm an abatement notice Authority to consent to a stay of abatement notice	Tier 3 Compliance
Enforcement orders		
316 320 355B 321	Apply for an enforcement order or interim enforcement orders If directly affected by an enforcement order, apply to change or cancel the order	Tier 3 Compliance
317 318	Give and withdraw notice of wish to be heard on an application for an enforcement order in cases where the Council is not the applicant.	Tier 4 - Compliance
Offences		
338	Initiate and/or withdraw a prosecution	Tier 2 - Compliance
Unlawful reclamations		
355B(3)	Take any necessary action to remove unlawfully reclaimed land from the coastal marine area	Tier 2 - Compliance
Emergency works		
330 330A	Authorise works to remove the cause of, or mitigate any actual or likely adverse effect of, an emergency and inform the Council	Tier 2 – Compliance Tier 3 - Engineering

Section	Function	Delegate
330A	Apply for resource consent for emergency works	Tier 2 - Engineering
331(1)	Require reimbursement for any emergency action undertaken by the Council because of the default of any person	Tier 2 – Compliance Tier 2 – Engineering
331(1A)	Apply for enforcement orders to recover costs.	Tier 2 – Compliance

RMA: Court proceedings

Section	Function	Delegate
Environment Court		
120 174 192 195 267 281 Schedule 1, clause 14 clause 27	Defend an appeal and respond to any related applications Note: This delegation includes authority to engage and instruct legal counsel and witnesses, attend conferencing, enter mediation, approve Consent Memoranda, approve consent orders and side agreements. Lodge, withdraw, or oppose an appeal where the Council is an applicant or has made a submission. Note: This delegation includes authority to engage and instruct legal counsel and witnesses, attend conferencing, enter mediation, approve Consent Memoranda, approve consent orders and side agreements.	Tier 2 - Consents Tier 2 - Engineering
174 179 192 195 267 281 Schedule 1, clause 14 clause 27	Oppose an appeal or application in relation to a resource consent where the Council is not an applicant or a decision maker. Note: This delegation includes authority to engage and instruct legal counsel and witnesses, attend conferencing, enter mediation, approve Consent Memoranda, approve consent orders and side agreements.	Tier 3 - Consents Tier 3 – Planning
268A	For planning matters, settle a dispute 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 For other RMA planning matters, settle a dispute or issues at mediation or other alternative dispute resolution, including approving Consent Memoranda, draft Consent Orders and side agreements	Tier 3 - Consents Tier 3 - Compliance Tier 3– Planning
274 294	Lodge, withdraw, or oppose a notice of intention to become an interested party Apply for a rehearing of a proceedings where new and important evidence has become available after the Court's decision	Tier 3 - Planning
285 291 308G 311	Make an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings Lodge, oppose, or withdraw a Notice of Motion (or originating application) seeking an order	Tier 2 - Planning Tier 3 - Consents Tier 2 - Engineering

Section	Function	Delegate
	Lodge or withdraw Notice of a wish to be heard on an application Lodge, withdraw, join, or oppose an application for declaration	
356	Apply for a matter to be determined by arbitration	Any General Manager
High Court		
149V 299-301 305 306	Lodge, withdraw, oppose, or join an application for judicial review or 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 Lodge or withdraw notice of intention to appear and be heard on appeal in High Court proceedings Lodge, withdraw, oppose, or join an appeal to the High Court Lodge, withdraw, or respond to an application for an extension of time	Tier 1 Chief Executive
Court of Appeal and Supreme Court		
308 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 Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter	Tier 1 Chief Executive

33. RMA: Proposals of national significance

Section	Function	Delegate
oiul142(1)	Request that the Minister for the Environment call in a resource consent application as a matter is of national significance	Tier 2 - Consents
142(4) 147(4) 149(ZD)	Provide the Council's view on a direction to be made by the Minister for the Environment Seek to recover the actual and reasonable costs of a process involving a matter of national significance	Tier 2 - Consents Tier 2 - Planning
149K	Provide suggestions to the Minister on the members of a Board of Inquiry	Tier 2 - Consents
149G 149M 149N	Require a person to prepare a report for the EPA	Tier 3 - Planning Tier 3 - Consents
149Q(4) 149Q(5)	Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report	Tier 2 - Consents Tier 3 - Consents

34. RMA: Water conservation orders

Section	Function	Delegate
205 209 211	Make a submission to a special tribunal or the Environment Court on a water conservation order. Seek to be heard in at an inquiry conducted by the Environment Court under s 210	Tier 2- Consents Tier 2 Planning

35. RMA: Designations – as requiring authority

Section	Function	Delegate
168 172 176 178 181 182 184	Give notice of a requirement for a designation Advise the territorial authority whether the requiring authority accepts or rejects its recommendation in whole or in part, including modifications as recommended by the territorial authority Approve activities on land affected by a designation Alter or remove a designation Seek extension of a designation before lapsing	Tier 3 Engineering Tier 2 Planning
176A	Prepare an outline plan to be constructed on designated land	Tier 3 - Engineering

36. RMA: Other matters

Section	Function	Delegate
Esplanade reserves and Reclamation		
237D	Declare that an esplanade reserve or part thereof is to be vested in the Council	Tier 1 - Chief Executive
Water shortage direction		
329	Issue, amend, revoke or renew a water shortage direction	Tier 2 - Engineering Tier 2 - Planning Tier 2 - Consents

37. Fresh Water Farm Plans (FWFP)

Section	Function	Delegate
217K 217KA (1) 217M Schedule 2 Part 2, Part3	Appoint certifiers and auditors Appoint an industry organisation to provide certification and audit services Discontinue appointment of a certifier	Tier 2 - Compliance

38. RMA: Regulations

Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

Regulation	Function	Delegate
6(5)	Approve format of records as suitable for auditing	Tier 3 - Consents Tier 3 – Compliance

Regulation	Function	Delegate
7(4) 7A(5) 10 11	Determine whether the certifier is suitably qualified Grant a later deadline for providing water meter records Approve the use device or system installed near (instead of at) location from which water is taken Revoke approval granted under clauses 9 or 10	Tier 3 - Consents Tier 3 - Consents Tier 3 - Compliance
8A	Request evidence from the consent holder that the device or system that kept the records under regulation 6 has been verified as accurate in accordance with regulation 7	Tier 5 - Consents
9	Approval to measure water taken each week (instead of each day)	Tier 4 - Consents Tier 4 – Compliance

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

Regulation	Function	Delegate
10A(2)	Require a notice to be affixed in a conspicuous place	Tier 3 - Consents

39. Regional Plan: Water for Otago

Section	Function	Delegate
Rules: 12.1.2.4, 12.1.1.5, 12.2.2.2, 12.2.2.5 and 12.2.2.6	Suspend permitted activity takes of water as provided for in the Regional Plan: Water for Otago	Tier 2 - Planning Tier 2 – Engineering Tier 2 - Compliance

PART F: Regulatory Non-RMA Delegations

Part F of the Delegations Manual sets out regulatory delegations under the LGA and other various statutes.

40. Legislation and regulations

- 40.1 Local government is responsible for a large range of legislative obligations. Some obligations are generic and apply to all organisations (e.g. employment and health and safety legislative obligations). There is also a range of legislation that is specific to local government, and regional councils. The legislation sets out most of the regulatory powers that local authorities possess and the way in which those powers should be implemented.
- 40.2 As well as the duties, responsibilities, functions and powers that the Council has under specified statutes, under the LGA, the Council also has the power to make bylaws that affect the rights and responsibility of individuals within the region. The making of bylaws is a function that may not be delegated, but the powers created by bylaws and the enforcement of bylaws may be delegated. The delegation of these duties, responsibilities, functions and powers is also specified in this section of the Council Delegations Manual.
- 40.3 The Council delegates (to the extent authorised under the LGA specified responsibilities, functions, duties and powers to the Chief Executive and officers as set out below in Table 1.
- 40.4 The delegations are made under and must be acted on in accordance with the requirements of clause 32A of Schedule 7 of the LGA as well as the general delegation provision of clause 32 of Schedule 7 of the LGA. This includes the limitations set out in those sections and the prohibition on sub-delegation.
- 40.5 The Council delegates the following matters to the Chief Executive all the functions, powers, duties and responsibilities of the Council under the following Acts and associated regulations:
- (a) Biosecurity Act 1993
 - (b) Building Act 2004
 - (c) Civil Defence Emergency Management Act 2002
 - (d) Crown Minerals Act 1991
 - (e) Hazardous Substances and New Organisms Act 1996
 - (f) Land Drainage Act 1908
 - (g) Land Transport Management Act 2003
 - (h) Local Government Act 2002
 - (i) Local Government Official Information and Meetings Act 1987
 - (j) Maritime Transport Act 1994
 - (k) Privacy Act 2020

- (l) Property Law Act 2007
- (m) Public Bodies Leases Act 1969
- (n) Public Records Act 2005
- (o) Public Works Act 1981
- (p) Rating Valuations Act 1998
- (q) Reserves Act 1977 (including all powers of the Minister of Conservation that have been delegated to the Council)
- (r) Soil Conservation and Rivers Control Act 1941
- (s) Trespass Act 1980
- (t) Fast-track Approvals Act 2024

except for:

- (a) the power to adopt plans, strategies, policies or bylaws;
- (b) the functions, powers, duties and responsibilities delegated to a specific position contained in the legislation and any associated regulations; and
- (c) functions, powers, duties and responsibilities that cannot legally be delegated (including those listed in clause 32(1)(a) to (h), Schedule 7 of the LGA).

40.6 The Chief Executive's delegation powers under the above acts are set out in the Chief Executive's Delegation Manual.

40.7 If the Council has duties, responsibilities, functions and powers under any other legislation or regulation that is not specified in the foregoing list that are of an enforcement, inspection, licensing and administrative nature, then the Chief Executive and any Acting Chief Executive is delegated the duties, responsibilities, functions and powers contained in them as if the legislation or other regulation was specified above.

40.8 The Council's delegation to any Acting Chief Executive may be exercised only when the Chief Executive is unavailable through absence or incapacity.

40.9 It is open to the Chief Executive and any Acting Chief Executive to sub-delegate the powers in the legislation listed above, and any regulations associated with such legislation (unless expressly stated otherwise in this Manual).

40.10 The Chief Executive's delegation of the powers under the above statutes are set out in the Chief Executive's Delegation Manual.

41. Bylaws

41.1 Under the LGA, the Council also has the power to make bylaws that affect the rights and responsibility of individuals within the region. The making of bylaws is a function that cannot

be delegated, but the powers created by bylaws and the enforcement of bylaws may be delegated.

- 41.2 The Council delegates the following matters to the Chief Executive all the responsibilities, powers, duties and functions that are of an enforcement, inspection, licensing and administrative nature contained in the following bylaws adopted by the Council (and any successors to them) set out as follows are delegated to the Chief Executive and any Acting Chief Executive:
- (a) Otago Navigation Safety Bylaw 2020; and
 - (b) Flood Protection Management Bylaw 2022.
- 41.3 For the avoidance of doubt, if the Council has duties, responsibilities, functions or powers under any other bylaw that is not specified above that are of an enforcement, inspection, licensing and administrative nature, then the Chief Executive and any Acting Chief Executive is delegated the duties, responsibilities, functions and powers contained in them as if the bylaw was specified in the above list.
- 41.4 The Council's delegation to any Acting Chief Executive may be exercised only when the Chief Executive is unavailable through absence or incapacity. Chief Executive and any Acting Chief Executive may sub-delegate the powers in the bylaws listed above.