



COUNCIL MEETING PUBLIC AGENDA

WEDNESDAY 1 NOVEMBER 2017

10:00 am Council Chamber
70 Stafford Street, Dunedin

Members of the public are welcome to attend.

Meeting documents and attachments are available online at: www.orc.govt.nz

Membership

Cr Stephen Woodhead	<i>(Chairperson)</i>
Cr Gretchen Robertson	<i>(Deputy Chairperson)</i>
Cr Graeme Bell	
Cr Doug Brown	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Michael Laws	
Cr Ella Lawton	
Cr Sam Neill	
Cr Andrew Noone	
Cr Bryan Scott	

Attending

Peter Bodeker	<i>(Chief Executive)</i>
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Disclaimer

Please note that there is an embargo on agenda items until 10:00 am on Monday 30 October 2017. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

For our future

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1. APOLOGIES

No apologies received.

2. LEAVE OF ABSENCE

Cr Deaker

Cr Laws – application for approval of Leave of Absence

3. ATTENDANCE

4. CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

5. CONFLICT OF INTEREST

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

6. PUBLIC FORUM

No Public Forum requests received.

7. PRESENTATIONS

Manuherikia Catchment Water Strategy Group – report back on funding from the Bulk Water Fund by Chairman, Mr Allan Kane.

Otago Peninsular Biodiversity Group – report back on funding from the Environmental Enhancement fund by Chairman, David Chalmers.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council meeting held on 27 September 2017 be received and confirmed as a true and accurate record.

Attachments

1. MINUTES Council Meeting - 27 September 2017 **[8.1.1]**

9. ACTIONS

Status report on the resolutions of Council.

Report No.	Report Title	Presented to	Date of meeting	Resolution	Status
11.1	Commercial School Bus Service Withdrawal	Council	27/9/17	<p>That ORC facilitate a discussion with the Ministry of Education, schools and NZTA to find a solution to the withdrawal of the commercial bus services which may include a financial contribution from ORC on the condition that:</p> <ol style="list-style-type: none"> 1) Any financial contribution from ORC be for Term 4 2017 only 2) The Chairperson and the Chief Executive be delegated responsibility to negotiate any ORC contribution. 3) Regular updates are provided to Council 	CLOSED Negotiations completed 29/9/17.



Minutes of an ordinary meeting of Council
held in the Council Chambers at
Otago Regional Council on Wednesday
27 September 2017, commencing at 10:32am

Membership

Cr Stephen Woodhead (Chairperson)
Cr Gretchen Robertson (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Michael Deaker
Cr Carmen Hope
Cr Trevor Kempton
Cr Michael Laws
Cr Ella Lawton
Cr Sam Neill
Cr Andrew Noone
Cr Bryan Scott

Cr Woodhead welcomed Councillors, members of the public, staff and media to the meeting.

1. APOLOGIES

Resolution

Moved: Cr Woodhead
Seconded: Cr Bell

That the apology for Cr Ella Lawton be accepted.

CARRIED

2. LEAVE OF ABSENCE

Resolution

Moved: Cr Hope
Seconded: Cr Neill

That the request for leave of absence from Cr Deaker be accepted.

CARRIED

3. ATTENDANCE

Peter Bodeker	(CEO)
Nick Donnelly	(Director Corporate Services)
Sian Sutton	(Director Stakeholder Engagement) Public Forum Item 11.1
Gavin Palmer	(Director Engineering, Hazards and Science)
Scott MacLean	(Director Environmental Monitoring and Operations)
Lauren McDonald	(Committee Secretary)
David Benham	Chair, Audit & Risk Subcommittee (Item 11.2)
Scott Hawkins	Deloitte (Item 11.2)
Mike Hawken	Deloitte (Item 11.2)
Sharon Bodeker	(Item 11.2)
Stuart Lanham	(Item 11.2/12.1)
Gerard Collings	Manager Support Services (Item 11.1)
Suzanne Watt	(Item 11.4)
Dale Meredith	(Item 11.4)
Sylvie Leduc	(Item 11.4)
Andrea Crawford	
Charlotte Panton	
Geoff Plunkett	Port Otago Ltd

4. CONFIRMATION OF AGENDA

Resolution

Moved Cr Woodhead
Seconded Cr Hope

The re-ordering of the agenda items as:

- Public Forum
- Confirmation of minutes
- 11.1 Commercial School Bus Service Withdrawal
- 11.2 Annual Report
- Return to agenda at item - 10.2 Chairperson's Report
- Late item - Otago Urban Water Quality Strategy for adoption to be taken as Item 11.4

CARRIED

5. CONFLICT OF INTEREST

No conflicts of interest were advised.

6. PUBLIC FORUM

Public forum speakers:

Ms Rosemary Penwarden and Prof Ralph Alder spoke to the "Our Climate Declaration" circulated to councillors. The Council and individual councillors were encouraged to sign the declaration and to follow the principles for future decision making, to assist with mitigating the effect of climate change.

Six speakers spoke to the cessation of commercial school bus services by Go Bus Ltd.

- Cr Christine Garey – Dunedin City Council
- Mr Paul Pope – Chairman Otago Peninsula Community Board
- Mr Tony Hunter – Principal Tahuna Intermediate School
- Ms Judith Forbes – Principal Bayfield High School
- Ms Heidi Hayward – Principal Dunedin North Intermediate
- Mrs Kjesten Nilsson – Parent

The following concerns were raised:

- Lack of notification to the schools for the loss of the service.
- Safety of pupils travelling unsupervised on public transport, walking or cycling
- Loss of direct service for pupils to schools.
- Winter weather and traffic conditions
- Extended travel times for pupils (early starts, late home) via public transport
- Impact on:
 - the public transport through loss of the school bus service
 - peninsula communities/families
 - pupils with disabilities and mobility issues

The speakers confirmed their desire to find safe and efficient options to get pupils to and from school.

A request was made for Council to provide support for a short term solution for Term 4 2017 and then to assist in further discussion for a long term solution.

Presenters responded to points of clarification from Councillors.

Cr Woodhead thanked the public forum speakers and supporters for their presentations and acknowledged the time and effort made by them in attending the meeting.

7. PRESENTATIONS

No presentations were held.

8. CONFIRMATION OF MINUTES

That the minutes of the public portion of the Council meeting held on 16 August 2017 be received and confirmed as a true and accurate record.

Moved: Cr Robertson
Seconded: Cr Noone
CARRIED

9. ACTIONS

No current items for action.

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Meeting with Outram residents - Cr Woodhead confirmed that discussion with the DCC in regard to a long term waste water plan (urban water quality) would be held.

10.2. Chief Executive's Report

Mr Bodeker encouraged councillors to read the report '*Research to inform the management for Kārearea/NZ falcon in Eastern Otago*' (tabled with his report) on project aims and results as part of ORC grant provided by the Environmental Enhancement Fund.

Resolution

That the Chairperson's and Chief Executive's reports be received.

Moved: Cr Woodhead

Seconded: Cr Deaker

CARRIED

11. MATTERS FOR COUNCIL DECISION

11.1. Commercial School Bus Service Withdrawal

This report outlined for Council consideration, options to respond to community concerns raised in response to Go Bus Transport's advice of its intention to withdraw from the provision of a number of commercial school services.

Council acknowledged the urgency to the affected schools to have a solution in place for Term 4 and were sympathetic to the situation the schools were facing.

It was clarified that the current school bus service was a commercial service that ORC was not a party to the contract.

Discussion focussed on preferred options C and D of the report.

Resolution

That ORC facilitate a discussion with the Ministry of Education, schools and NZTA to find a solution to the withdrawal of the commercial bus services which may include a financial contribution from ORC on the condition that:

- 1) Any financial contribution from ORC be for Term 4 2017 only*
- 2) The Chairperson and the Chief Executive be delegated responsibility to negotiate any ORC contribution.*
- 3) Regular updates are provided to Council*

Moved: Cr Woodhead

Seconded: Cr Laws

CARRIED

The meeting adjourned at 11:53am and resumed at 11:58am with Item 11.2.

11.2. Annual Report 2016-2017

Council's Annual Report and Financial Statements for the period 1 July 2016 to 30 June 2017 were tabled for adoption by Council.

Mr Benham, Chair of the Audit and Risk Subcommittee outlined the review of the Annual Report with the Council's auditors (Deloitte) by the subcommittee and recommended that Council adopt the Annual Report.

Mr Scott Hawkins and Mr Mike Hawken from Deloitte discussed the audit opinion, and advised this would be issued and included in the final Annual Report, after its adoption by Council.

Resolution

- a) *That this report be received.*
- b) *That Council adopt the Annual Report and Financial Statements for the year ended 30 June 2017.*

Moved: Cr Brown

Seconded: Cr Noone

CARRIED

Retirement of Mr Geoff Plunket, CEO, Port Otago Ltd

Cr Woodhead invited councillors to provide their comments to Mr Geoff Plunket, retired CEO of Port Otago Ltd in acknowledgement of his 29 years of service to Port Otago Ltd. He read out the speech made on Council's behalf by Cr Kempton at Mr Plunket's official retirement function.

Councillors individually offered their thanks to Mr Plunket for his role in positioning Port Otago Ltd competitively for the future, for the financial performance of the Port in providing a regular healthy dividend to ORC and of Mr Plunket's management of challenging situations, especially his care for Port employees and for his willingness to engage in community issues. Councillors wished Mr Plunket well in his retirement.

Mr Plunket acknowledged and thanked councillors for their comments. He advised he felt that Port Otago Ltd was in the best position in 29 years to move forward with its diversified earnings base.

The meeting adjourned at 12:44pm and resumed at 1:24pm.

11.3. Schedule of Ordinary Council and Committee Meetings, Jan-Dec 2018

A draft schedule of Council and Committee meetings for the 2018 calendar year was submitted to Council for consideration and adoption.

Resolution

That the attached draft Schedule of Ordinary Council and Committee Meetings for 2018 be adopted.

Moved: Cr Noone
Seconded: Cr Hope
CARRIED

11.4. Urban Water Quality Strategy for adoption (tabled)

It was resolved at the 13 September 2017 Policy Committee that the proposed Urban Water Quality Strategy be amended and brought to the Council meeting 27 September 2017 for decision. The Strategy was circulated separately from the agenda.

Cr Woodhead confirmed the review process for the proposed strategy, including the forums and workshops held with stakeholders.

Discussion was held on the amendments requested at the Policy Committee meeting.

Mr Bodeker advised the intent would be for the Urban Water Quality Strategy to be used by the territorial authorities to inform the district plans and infrastructure.

Resolution

(a) That the Urban Water Quality Strategy is adopted.

Moved: Cr Noone
Seconded: Cr Deaker
CARRIED

12. MATTERS FOR NOTING

12.1. Investment Report to 30 June 2017

The report provided information on the management and performance of the Council's short term and long term investments for the year ended 30 June 2017.

Mr Donnelly advised that the summary report was discussed at the Audit and Risk Subcommittee meeting of 21 September and it was recommended that this public investment report be tabled with Council on a six monthly basis.

Discussion was held on the managed fund investment strategy for NZ fixed interest.

Resolution

That this report be received.

Moved: Cr Neill
Seconded: Cr Kempton
CARRIED

12.2. Documents signed under Council's Seal, March-September 2017

To inform the Council of delegations which have been exercised.

Resolution

That the report be noted.

Moved: Cr Woodhead

Seconded: Cr Deaker

CARRIED

13. REPORT BACK FROM COUNCILLORS

C Noone - Attended the Rural Advisory Group meeting, hosted by the Otago CDEM. Discussion was held on the gaps in information and resourcing to support of emergency management. An example was given on the lack of knowledge about lifestyle block locations. The group intend to seek the assistance of community boards for this type of information. Cr Noone confirmed his role as member of the Rural Advisory Group.

Cr Brown: Attended the recent NOSLaM community meeting. He advised approximately 50 properties were represented with a desire to have "pod" groups established throughout the catchment.

Cr Laws Attended:

- Guardians of Lake Dustan meeting and confirmed he is now a Guardian member.
- Probus Cromwell giving feedback on ORC issues.
- Met with residents from the Pisa Moorings in regards to rabbit control.
- Met with the principal of Mount Aspiring College in regards to planning for a 1600 pupil college over the next 5 years. He advised that the Ministry of Education predictions for population growth for high schools in the Central Otago were far higher than that of the territorial authorities.

Cr Robertson: Advised that she and Mr Bodeker took part in an interview focussing on issues where smart technologies could assist Dunedin, such as climate change, sea level rise. The discussion was held as part of the "Gigatown" focus of Dunedin as a smart city.

14. NOTICES OF MOTION

No Notices of Motion were advised.

15. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 13 SEPTEMBER 2017

15.1. Recommendations of the Policy Committee

Resolution

Moved: Cr Robertson

Seconded: Cr Scott

CARRIED

15.2. Recommendations of the Regulatory Committee

Resolution

Moved: Cr Scott

Seconded: Cr Neill

CARRIED

15.3. Recommendations of the Communications Committee

Resolution

Moved: Cr Deaker

Seconded: Cr Bell

CARRIED

15.4. Recommendations of the Technical Committee

Resolution

Moved: Cr Noone

Seconded: Cr Bell

CARRIED

15.5. Recommendations of the Public Portion of the Finance and Corporate Committee

Resolution

Moved: Cr Brown

Seconded: Cr Noone

CARRIED

16. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

Moved: Cr Woodhead

Seconded: Cr Noone

That the public be excluded from the following parts of the proceedings of this meeting, namely:

Confirmation of the In Committee Minutes of the Ordinary Council meeting held on 16 August 2017, public excluded.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under [section 48\(1\)](#) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Confirmation of the In Committee Minutes of the Ordinary Council meeting held on 16 August 2017, public excluded.	The withholding of the information is necessary to—prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)	Section 48(1)(a); Section 7(2)(j)

After discussion of item 16, the meeting returned to public session on the motion of Crs Woodhead and Robertson.

17. CLOSURE

The meeting was declared closed at 2:15pm.

Chairperson

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Prepared for: Council
Activity: Governance Report
Prepared by: Cr Stephen Woodhead, Chairperson
Date: 27 October 2017

1. Zone 5 and 6 Meeting

Cr Lawton and I attended the Zone meeting which was held in Cromwell with good attendance.

The meeting started at Highlands Park where we heard from Tony Quinn about his business success and principles he operates by. We then had an update from Fran Wilde, Chair of the Remuneration Authority.

The Remuneration Authority is reviewing the sizing of councillors' roles, and for TA's they are proposing to use population and operational expenditure, total assets, a deprivation index, and guest nights. For regional councils they are suggesting operational expenditure and land area, assets and population, and guest nights. Fran signalled they will continue to set the Mayor/Chair salaries, but were finding it difficult to continue with a nationally consistent model, and are proposing to move back to a pool arrangement where it is up to councils to decide how to allocate amongst councillors. The Authority wants to hear back from councils by the end of the year.

Other topics included tourism infrastructure levy, development contributions, and irresponsible camping.

2. Kai Tahu ki Otago (KTKO)

I attended and spoke at the 20th anniversary function at Toitu. Working with and supporting the four Otago Runanga, ORC had an instrumental role in the establishment of KTKO in 1997. I acknowledged the critical role the organisation performs, ensuring cultural values are part of local government policy, the maturing and evolving of the relationship, and in particular, the recent formation of the governance group Te Roopu Taiao, which now has all Otago Councils and Runanga meeting at a political level.

3. Fonterra

Mr Bodeker and I met with James Caygill and Mark Robinson from Fonterra. They updated us on Fonterra's annual result, and reiterated the intent to collaborate with Council and community to identify several catchments in Otago to be part of the 50 catchments nationally they have committed to. They will work with our Stakeholder Engagement team to identify suitable catchments.

4. Lake Snow Public Session

Cr Lawton and I, along with Mr Bodeker, Ms Sutton and staff, attended a public update on the results of the DNA analysis of Lake Snow at Wanaka. Approximately 70 heard ORC scientist Dr Uytendaal, Dr Novis from Landcare Research, and Dr Schallenberg from Otago University, explain in detail the results of the DNA work and what other research is underway on Lake Snow. The Upper Clutha Water Group also updated the meeting on its project. The meeting was constructive and well received by the community.

5. Queenstown Public Transport

Over two days Cr Lawton, (Cr Laws for the Frankton meeting), Ms Sutton, Mr Collings, Ms Ross, and I presented at a number of meetings with Community Association leaders, Queenstown Airport and Destination Queenstown, the Wakatipu High School Principal and 25 parents, Queenstown Chamber of Commerce, and the Frankton Community Association, where we were joined by QAC, QLDC and NZTA. We explained the changes coming to public transport in the Wakatipu, including increased frequency, Wi-Fi and bike racks on buses, routes etc., we received very constructive and helpful feedback. We also briefed Queenstown Lakes councillors on both public transport and Lake Snow prior to a Governance Group meeting.

6. Chief Executive

As this is Mr Bodeker's last Council meeting prior to his contract finishing, I want to thank Peter for his energy and passion during the five years he has been our Chief Executive. There have been many changes at ORC, but I particularly wish to acknowledge Peter's work in successfully establishing Emergency Management Otago, ensuring we are meeting our Harbour Master responsibilities, the focus on Health and Safety, and working with Council to establish the Environmental Enhancement Fund.

7. Hawea Flat Ground Water

Cr Lawton and I attended a meeting of the Upper Clutha Farmer Group along with Contact Energy representatives Boyd Brinsdon and Neil Gillespie. The farmers are concerned the low level of Lake Hawea is having an impact on the ground water levels at Hawea Flat, as several shallow domestic bores have gone dry recently. Dr Palmer is pulling together the information, and ORC has a monitoring programme underway which will gather water quality and quantity information to assist understand the ground water interactions between aquifers, the lake and the river. This will inform a plan change to set allocation limits from the aquifers. Dr Palmer and I are attending the Hawea Irrigation Company AGM in early November.

8. Other Meetings Attended

- MP Michael Woodhouse re school buses in Dunedin.
- Environmental Monitoring and Reporting Governance Group.

Endorsed by: Cr Stephen Woodhead
Chairperson

Attachments

Nil

10.2. Chief Executive's Report

Prepared for: Council
Activity: Governance Report
Prepared by: Peter Bodeker, Chief Executive
Date: 27 October 2017

1. End of Contract Review

As I come to the end of my term as Chief Executive of the Otago Regional Council, I wish to acknowledge and thank staff for the work they have done in providing environmental stewardship for the region.

Over my five-year term, ORC has changed significantly. Externally, ORC has opened its doors and is now genuinely engaging with its community. We have undertaken a number of new activities designed to both better inform and service our communities. The establishment of a stakeholder engagement directorate was significant indication of the organisation's need to engage, and better use of both conventional and social media has enabled this to happen.

Within the area of river management, ORC has now achieved community agreements on some of the key rivers with respect to the management and containment of the riverbed. When I arrived, I was constantly reminded of the Catchment Board days where the ORC's predecessor would actively move shingle around to maintain the course and direction of rivers. With changing legislation and community expectations around the flora and fauna of rivers, the ability of the Regional Council to undertake this work was not as easily done, but by engaging and agreeing with communities on where riverbeds need to flow, determining both ORC and the landowner's responsibility, much of the heat around this discussion has been removed.

The Environmental Enhancement Fund is of great pride to me. ORC has allocated \$250,000 per year in its Annual Plan for grants to community groups to undertake environmental enhancement projects. We funded some big projects such as the HALO project in the northern part of Dunedin, assisting landowners in trapping pests to protect the chances of birds that are flying out of the Orokonui Ecosanctuary. We have also funded small projects where enthusiastic volunteers have applied for funding of hand tools to keep weeds away from native plants in small pockets of land. This fund was a significant change, indicating that ORC was beginning to take its role in biodiversity enhancement seriously, and the ongoing development of the Biodiversity Strategy and review of the Pest Plan are further examples of where this work around biodiversity is developing.

ORC has also spent significant funding assisting farmers with changes to the Deemed Permit process for water extraction. Farmers faced with having to move from a Deemed Permit to an RMA consent have been supported by ORC through the provision of information on the Fish and Flow Portal, as well as direct engagement with our field staff to assist them in finding a solution to move to the new requirement by 2021.

I'm also proud that ORC was able to assist the Upper Clutha Water Users Group and Te Kakano Aotearoa Trust in making a successful application to the Central Government Freshwater Enhancement Fund. By being able to provide some administrative and legal assistance, this group of enthusiastic locals in and around the

Wanaka area, are now in a position with significant Government funding, to undertake some positive work through riparian management, but also undertaking citizen science.

Funding of part of the Yellow-Eyed Penguin Trust's research position by ORC was another example of how ORC has changed. Previously, ORC's interest in the coast and marine environment was extremely limited, and when faced with a request from the Yellow-Eyed Penguin Trust over three years ago, I considered our responsibility to the coastal environment to be just as significant as our responsibility to freshwater matters. The ORC's responsibility to the coast out to the 12-nautical mile limit at times is not recognised, and I have been very pleased to be able to assist the Yellow-Eyed Penguin Trust in providing these funds.

Within the Otago local government family, the relationship between the ORC and the territorial authorities has improved significantly. We now have active partnerships in many areas, for example, the provision of information around contaminated sites on one database, rather than it being disseminated across all the territorial authorities and the ORC. Additionally, the work that we undertake collaboratively with the territorial authorities around hazards is a significant improvement on where we have been in the past.

Another significant across-region achievement has been the establishment of Emergency Management Otago. Previously, the six Otago local government organisations were responsible for their own civil defence activity, and while legislatively required to work in a hierarchical manner, this was unlikely to happen in practice. The establishment of Emergency Management Otago, with the staffing responsibility now undertaken by Otago Regional Council, has fostered better relationships. This new relationship was tested in the July 2017 flood event in and around Dunedin, and on the Taieri and Clutha, and it worked very successfully.

Public transport is another area where ORC delivers well above what could be expected. The massive changes to the Dunedin passenger transport network, the proposed bus hub, and bringing a revamped novel pricing model to Queenstown 12 months ahead of schedule, is a real compliment to both the transport planners, but also to the communications team in support.

Finally, I wish to acknowledge and thank the staff for their contribution. The work of the Otago Regional Council does not occur without both the dedication and ability of its staff. ORC is blessed to have an extremely high calibre of staff dedicated to the work of environmental stewardship. I have attempted to change the management style of the organisation, and believe that I leave an organisation in extremely good heart, a culture of cooperation and engagement, and I wish the staff well in whatever future they and the organisation has.

Endorsed by: Peter Bodeker
Chief Executive

Attachments

11. MATTERS FOR COUNCIL DECISION

11.1. Māori Representation/Constituencies

Prepared for: Council
Activity: Governance Report
Prepared by: Ian McCabe, Executive Officer
Date: 27 October 2017

1. Précis

The Local Electoral Act 2001 establishes the framework and rules under which local elections and polls are held. This Act provides for establishing Māori constituencies for regional councils. If Council were to resolve to establish one or more Māori constituencies for Otago, it would need to have made that resolution no later than 23 November 2017, to take effect for the next triennial election in 2019.

2. Background

Section 19Z of the Local Electoral Act 2001 provides that any regional council may resolve that the region be divided into one or more Māori constituencies for electoral purposes. The resolution could take effect for the next election if made by 23 November two years before the next election.

The next election is set for 2019, meaning that any resolution to establish Māori constituencies under Section 19Z of the Act needs to be made by 23 November 2017.

If Council passes such a resolution, it must give public notice of the right to demand a poll on the matter. The public notice must include notice of the resolution, and a statement that a poll would be needed to countermand that resolution.

It should be noted that 5% of electors may demand a poll at any time on whether a region needs to be divided into one or more Māori constituencies (Section 19ZB). Council may also resolve at any time to conduct a poll on whether the region needs to be divided into Māori constituencies (Section 19ZD).

3. Options

The following options are available to Council in deciding on any resolution on whether the region should be divided into Māori constituencies.

Option 1

Council decides that it does not see the need to establish one or more Māori constituencies. Council need not do anything further if it makes that decision.

Option 2

Council resolves under Section 19Z of the Act to establish one or more Māori constituencies for the next election. That resolution must be made no later than 23 November 2017.

If Council makes such a resolution, public notice of this fact must be given by 30 November 2017. The public notice is to include a notice of the resolution under Section 19Z of the Act, and a statement that a poll is required to countermand that resolution (Section 19ZA).

Option 3

Council may, at any time, resolve that a poll be held on the question of whether the region should be divided into one or more Māori constituencies (Section 19ZD).

If Council resolves to hold a poll under section 19ZD before 21 February in the year before the election, this is notified to the electoral officer and the poll must be held not later than 89 days after the notification, and not later than 21 May in that year. The result of the poll takes effect for the next two elections (Section 19ZF).

If Council resolves to hold a poll after 21 February in the year before the next election, the poll must be held after 21 May in that year and the outcome takes effect for the next but one election and the subsequent election (Section 19ZC).

4. Discussion

This matter was discussed with local rūnanga representatives at the Te Roopu Taiao hui held in Queenstown on Friday 11 August 2017. It was noted that this issue had been well canvassed during previous representation reviews, and on those occasions, the various rūnanga had supported the status quo (i.e. no formal Māori constituencies).

Council staff have subsequently formally written to each rūnanga in Otago to seek their views on whether the region provide for a Māori constituency (the region would only qualify for one under the Electoral Commission's formula).

At the time of writing this report, Council staff received advice that members of Ōtākou Rūnaka discussed this issue their Rūnanga General meeting of 8 October 2017. They wished to advise Council that they decline to seek a Māori constituency for Otago. They also sought to thank Council for the current model of partnership, which they highly value.

Council staff are still to receive advice from the remaining three Otago rūnanga on their stances. However, Council staff are of the view that the stance of the remaining three rūnanga will likely reflect the stance of Ōtākou Rūnaka. If that proves not to be the case, Council still has the option to resolve to conduct a poll on the matter in time for a Māori constituency to be established for the next election. That resolution would need to have been made before 21 February 2018.

5. Recommendation

It is recommended that Council:

- a) *Receive this report;*
- b) *Adopt Option 1 and decide it is not necessary to establish a Māori constituency for Otago Region.*

Endorsed by: Nick Donnelly
Director Corporate Services

11.2. Local Government Leaders' Water Declaration

Prepared for: Council

Activity: Governance Report

Prepared by: Peter Bodeker, Chief Executive

Date: 27 October 2017

1. Background

The attached Local Government Leader's Water Declaration has been signed by a number of mayors and chairs. The declaration outlines the commitment to valuing and managing water as a precious resource.

2. Recommendation

That Council support the Local Government Leaders' Water Declaration and authorise the Chairperson to add his signature to the declaration.

Endorsed by: Peter Bodeker
Chief Executive

Attachments

1. LG Leaders' Water Declaration 25 October 2017 **[11.2.1]**
2. MEDIA RELEASE - Water declaration reaffirms commitment to lifting qualit...
[11.2.2]

Local Government Leaders' Water Declaration

As the leaders of their communities the Mayors and Chairs of New Zealand declare their continuing and absolute commitment to valuing and managing water as a precious resource. We want New Zealand to be world leaders in sustainable water management and will work with our communities and partners towards that goal.

Our water resource is precious and must not be taken for granted. The quality of our water and its abundance is fundamental to the social, cultural, economic, and environmental wellbeing of New Zealand. Water is a taonga and our lifeblood. Iwi have a special relationship with freshwater and this is reflected in the statutes and in the National Policy Statement for Freshwater Management (NPSFM). Specifically, the NPSFM requires that freshwater is managed to give effect to Te Mana o te Wai, an integrated approach to fresh-water management that recognises the association of the wider community with the rivers, lakes and streams but also the relationship of iwi and hapū and their values with freshwater bodies.

Protecting our freshwater - lakes, rivers, streams and groundwater - is important because it ensures there is enough clean and safe water for all of our uses, now and into the future, and to ensure the health of freshwater ecosystems. Achieving this will require a collaborative effort from many parties – councils, communities, central government, Māori/Iwi, business and the primary sector.

Local government plays a central role in the management of our water resources, and because of this is uniquely placed to play a leading role in this long-term effort:

- Regional and unitary councils are responsible for managing water quality and quantity. They may permit some activities and require consents for others, such as taking water and the discharge of contaminants, and prevent certain activities.
- Territorial authorities are typically responsible for providing and managing infrastructure for drinking water, stormwater and sewage (although arrangements differ in some regions), and manage land use through district plans.

Councils work every day to deliver better water outcomes – it is core business and makes up a significant proportion of council work and expenditure. We engage with communities and by working together we have seen some good successes, but there is much more work to do. As well as our ongoing clean-up work, demand for water from businesses, the primary sector and growing urban communities are bringing greater challenges for us all and these are exacerbated by climate change.

As a result, in 2017 and 2018, local government will scope the costs of maintaining and/or improving water quality and its continued supply through its Water 2050 project. Water 2050 will underpin the need to think about water in a holistic way, raising the cost implications of investment in drinking, waste and stormwater assets and services to meet increased standards for water quality, and outlining the need for a national conversation on costs and new funding tools.

We, the Mayors and Chairs commit to:

1. Continue to make water a key priority

- Improve the water in our regions with, and for, our people and their descendants, asking our communities and stakeholders for their priorities for water and reflecting these in key planning documents.
- Respect the cultural values and special connections held by Māori to our water, honour our obligations to Māori and work with Māori to implement Treaty of Waitangi Settlements. This includes recognising Te Mana o te Wai in freshwater management which includes the relationship that iwi and hapū have with, and values for, water bodies. This will be expressed in our plans, and in the engagement processes with Māori used to develop these plans. It may also be reflected in our governance structures.
- Ensure that those people who have the privilege of using our water do so responsibly, by requiring and enforcing conditions of resource consent. We will lead work to change how people value water and consider their individual and collective impact. Provide clean, safe and reliable drinking water for our communities as a priority.

2. Work with our communities to improve our freshwater

- Work with our communities to foster a sense of pride in the freshwater of New Zealand and maintain or improve water quality across our region and manage water use and consumption. This will include working to improve the quality of our stormwater by deterring the use of certain products, and initiatives to manage demand for domestic consumption.
- To lead, champion and support communities to take action to restore and protect water. For example, this might include setting nutrient limits across a catchment, riparian planting and fencing of waterways.

3. Provide information on the state of our freshwater

- Provide information about the state of our freshwater, and make access to information about water easy for everyone by hosting information on the national website, LAWA (Land, Air, Water Aotearoa), and on our own websites.
- Issue a national report annually on the state of freshwater across our jurisdictions. This will provide New Zealanders with a “national state of water,” and a region-by-region summary, of key water quality measures.

4. Be clear about the costs of improving our water

- Work with our communities so that the costs and priorities for investment in infrastructure to provide a secure supply of water and maintain and improve water quality are clearly understood. We will do this through our long term planning processes and as we change our resource management plans to give effect to the National Policy Statement for Freshwater Management. Water 2050 will also be critical work in creating the case for new funding and financing tools for water infrastructure.

We, the Mayors and Chairs call on the government of the day to:

1. Take an integrated approach to water

- Recognise the interlinked nature of all water, whether natural rivers, lakes, streams or groundwater and drinking water, stormwater or wastewater, and reflect this in coherent, integrated water policy.

- Recognise the impacts of climate change on our water resources and work with us to develop options to address these.

2. Quantify the costs of meeting increased standards

- Quantify, with local government, the costs and trade-offs required to meet freshwater quality standards and limits for water quality. This includes understanding the cost implications for our infrastructure and the costs to meet water quality standards and limits such as restoration and mitigation.
- Identify, with local government, additional funding required to meet any increase in standards and targets, and provide local government with additional tools to fund maintenance and upgrading of infrastructure to meet both existing and new standards.

3. Work with us to meet the costs to improve water quality

- Work with local government on a plan to meet these costs and develop new tools for funding and financing infrastructure.
- Increase funding where necessary to fund improvements in freshwater quality.

4. Work with us to be world leaders in water management

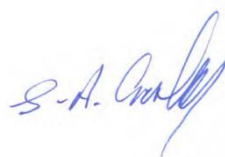
- Give long-term cross-party commitment to improve water quality, manage water quantity and provide stability, to enable us to work toward New Zealand being a world leader in water management.
- Explore the role of economic instruments in water policy and in pricing for water services. Options include pricing water, taxing water consumption and setting a royalty for consumption.

The current state of our water is the result of impacts over many years. We believe there is now a consensus that as a nation we want better for New Zealand. This Declaration is local government's commitment to achieving the goals we all want – plentiful clean and safe water for generations to come.

UNDERSIGNED BY THE NATIONAL COUNCIL OF LOCAL GOVERNMENT NEW ZEALAND:



Dave Cull
President, Local Government New Zealand
Mayor, Dunedin City Council



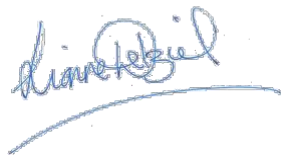
Stuart Crosby
Vice President, Local Government New Zealand
Councillor, Bay of Plenty Regional Council



Hon Phil Goff
Mayor, Auckland Council



Justin Lester
Mayor, Wellington City Council



Lianne Dalziel
Mayor, Christchurch City Council



Rachel Reese
Mayor, Nelson City Council



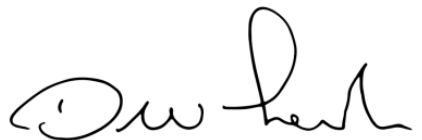
Brian Hanna
Mayor, Waitomo District Council



Wayne Guppy
Mayor, Upper Hutt City Council



Tracy Hicks
Mayor, Gore District Council



Doug Leeder
Chair, Bay of Plenty Regional Council



Jan Barnes
Mayor, Matamata-Piako District Council



Hon John Carter
Mayor, Far North District Council



Don Cameron
Mayor, Ruapehu District Council



Richard Kempthorne
Mayor, Tasman District Council

THE FOLLOWING MAYORS AND CHAIRS ALSO SUPPORT THIS DECLARATION



Mayor John Booth
Carterton District Council



Mayor Alex Walker
Central Hawke's Bay District Council



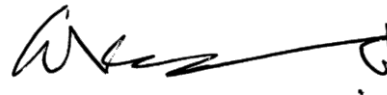
Steve Lowndes, Acting Chair
Environment Canterbury



Nicol Horrell, Chair
Environment Southland



Mayor Meng Foon
Gisborne District Council



Chris Laidlaw, Chair
Greater Wellington Regional Council



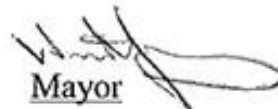
Mayor Ray Wallace
Hutt City Council



Mayor John Tregidga
Hauraki District Council



Mayor K (Guru) Gurunathan
Kāpiti Coast District Council



Mayor Winston Gray
Kaikoura District Council



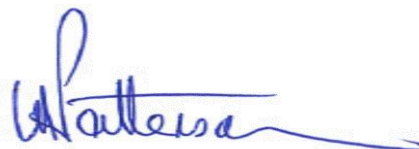
Mayor Graham Smith
Mackenzie District Council



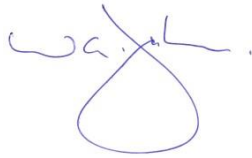
Mayor Helen Worboys
Manawatu District Council



Mayor John Leggett
Marlborough District Council



Mayor Lyn Patterson
Masterton District Council



Mayor Bill Dalton
Napier City Council



Mayor Neil Holdom
New Plymouth District Council



Bill Shepherd, Chair
Northland Regional Council



Mayor John Forbes
Opotiki District Council



Mayor Grant Smith
Palmerston North City Council



Mayor Mike Tana
Porirua City Council



Mayor Andy Watson
Rangitikei District Council



Mayor Sam Broughton
Selwyn District Council



Mayor David Trewavas
Taupo District Council



Mayor Allan Sanson
Waikato District Council



Mayor David Ayers
Waimakariri District Council



Mayor Craig Rowley
Waimate District Council



Mayor Jim Mylchreest
Waipa District Council



Mayor Viv Napier
South Wairarapa District Council



Mayor Gary Kircher
Waitaki District Council



Mayor Garry Webber
Western Bay of Plenty District Council



Mayor Tony Bonne
Whakatane District Council

Under embargo until 10am Wednesday 25 October 2017

Water declaration reaffirms commitment to quality and signals cost issues

A local government leaders' water declaration has been launched to further reiterate the sector's commitment to lifting water quality and call on the new Government for greater action.

Water is a key issue for New Zealanders. Lifting the quality of freshwater resources and improving our drinking, waste and stormwater will require a huge effort and the Water Declaration is local government's commitment to playing its part in achieving these goals.

The Local Government Leaders' Water Declaration acknowledges the increasing importance of water to New Zealanders. It follows a climate change declaration launched in July and recognises the interlinked nature of what are two major issues for New Zealand.

Local Government New Zealand President Dave Cull says councils manage freshwater quality and quantity, the delivery of drinking water and the provision of waste and storm water services.

"There is no doubt water is a challenging and complex area to address," Mr Cull says.

"Local government is already working with its communities to lift the outcomes for all of our waters and is seeing good success in some areas. But we face have a number of challenges in achieving this, particularly around funding to deliver investment in the improvement our communities want to see."

Lifting the quality of freshwater resources and improving our drinking, waste and stormwater provision will require a collaborative effort and will come at a significant cost. Additional funding tools will be needed to ensure this work can be carried out and councils are very likely to need financial support from the Government in some areas to make real gains.

The Declaration builds on the Water 2050 project started this year by local government to scope the costs of maintaining and improving water quality and its continued supply. Water 2050 will underpin the need to think about water in a holistic way, raising the cost implications of investment in drinking, waste and storm water assets and services to meet increased standards for water quality, and outlining the need for a national conversation on costs and new funding tools.

"Water, along with climate change, is a top priority for local government. As a nation we need to take significant steps towards making improvement, and this declaration is a commitment to action from local government," Mr Cull says.

The Declaration outlines a number of local government commitments. These include:

- improving the water in our regions with, and for, our people and future generations;
- ensuring that those people who have the privilege of using our water do so responsibly; and
- working with our communities so that the costs and priorities for investment in infrastructure to provide a secure supply of water and maintain and improve water quality are clearly understood.

The Declaration also outlines key steps for the new Government, including:

- recognising the interlinked nature of all water, whether natural rivers, lakes, streams or groundwater and drinking water, stormwater or wastewater, and reflecting this in coherent, integrated water policy;
- acknowledging the impact climate change will have on our water resources and developing policy options to address these; and
- working with local government on a plan to meet these costs and develop new tools for funding and financing infrastructure.

Click [here](#) to read the Local Government Leaders' Water Declaration.

Ends

For more information contact LGNZ's Deputy Chief Executive Advocacy, Helen Mexted on 029 924 1221 or helen.mexted@lgnz.co.nz

About LGNZ and local government in New Zealand

Local Government New Zealand (LGNZ) is the peak body representing New Zealand's 78 local, regional and unitary authorities. LGNZ advocates for local democracy, develops local government policy, and promotes best practice and excellence in leadership, governance and service delivery. Through its work strengthening sector capability, LGNZ contributes to the economic success and vibrancy of communities and the nation.

The local government sector plays an important role. In addition to giving citizens a say in how their communities are run, councils own a broad range of community assets worth more than \$120 billion. These include 90 per cent of New Zealand's road network, the bulk of the country's water and waste water networks, and libraries, recreation and community facilities. Council expenditure is approximately \$8.5 billion dollars, representing approximately 4 per cent of Gross Domestic Product and 11 per cent of all public expenditure.

For more information visit www.lgnz.co.nz

11.3. Delegations under the Resource Management Act 1991, Soil and Rivers Control Act 1941, Crown Minerals Act 1991, Building Act 2004, Marine Transport Act 1994, Local Government Act 2002, Biosecurity Act 1993, Civil Defence Emergency Management Act 2002,

REPORT

Document Id: A1048626
Prepared For: **Council**
Prepared By: Marian Weaver, Resource Manager Procedures and Protocols
Date: 16 October 2017

Subject: **Delegations under the Resource Management Act 1991, Soil and Rivers Control Act 1941, Crown Minerals Act 1991, Building Act 2004, Marine Transport Act 1994, Local Government Act 2002, Biosecurity Act 1993, Civil Defence Emergency Management Act 2002, Land Transport Management Act 2003, Regional Plan: Water for Otago, Measurement of Reporting of Water Takes, Council's Bylaws and other enactments.**

1. Précis

Recent amendments to the Resource Management Act in 2017 necessitates a review and update of delegations approved by the Otago Regional Council (the Council).

2. Background

2.1 Definition of Delegation

Delegation is the conveying of a duty or 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 convenience in the conducting of its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its standing committees, subcommittees, and members of staff. Similarly, the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations are a necessary operational requirement to promote efficient decision-making. Delegations avoid delays and inefficiencies that might otherwise occur if all matters have to be referred to Council or the Chief Executive every time a decision needs to be made.

2.2 The Legal Basis

The Council's authority to delegate to its standing committees, subcommittees, members or officer is principally derived from Schedule 7, Clause 32 of the Local Government Act 2002 (LGA 2002), but there are specific powers of delegation under some other enactments.

Schedule 7 Clause 32 of the LGA 2002 states that:

“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 Council Community Plan; or
- (d) 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 Council Community Plan or developed for the purpose of the local governance statement; or
- (g) The power to warrant enforcement officers.”

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties. Of particular note is section 34 [*Delegation of functions etc by local authorities*] and section 34A [*Delegation of powers and functions to employees and other persons*] of the Resource Management Act 1991.(RMA)

Section 34 and 34A of the RMA state:

“34. Delegation of functions, etc, by local authorities

- (1) A local authority may delegate to any committee of the local authority established in accordance with the Local Government Act 2002 any of its functions, powers, or duties under this Act.
- (2) A territorial authority may delegate to any community board established in accordance with the Local Government Act 2002 any of its functions, powers, or duties under this Act in respect of any matter of significance to that community, other than the approval of a plan or any change to a plan.
- (3) Subsection (2) does not prevent a local authority delegating to a community board power to do anything before a final decision on the approval of a plan or any change to a plan.
- (4), (5) and (6) Repealed.
- (7) Any delegation under this section may be made on such terms and conditions as the local authority thinks fit, and may be revoked at any time by notice to the delegate.
- (8) Except as provided in the instrument of delegation, every person to whom any function, power, or duty has been delegated under this section may, without confirmation by the local authority, exercise or perform the function, power, or duty in like manner and with the same effect as the local authority could itself have exercised or performed it.
- (9) Every person authorised to act under a delegation under this section is presumed to be acting in accordance with its terms in the absence of proof to the contrary.

- (10) A delegation under this section does not affect the performance or exercise of any function, power, or duty by the local authority.

Subsection 11 relates to Auckland Council

34A. Delegation of powers and functions to employees and other persons

- (1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:

- (a) the approval of a policy statement or plan:
(b) this power of delegation.

NEW

- (1A) If a local authority is considering appointing 1 or more hearings commissioners to exercise a delegated power to conduct a hearing under Part 1 or 5 of Schedule 1, -

- (a) The local authority must consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Maori and of the perspectives of local iwi or hapu; and

- (b) If the local authority considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Maori and of the perspectives of local iwi or hapu, in consultation with relevant iwi authorities.

- (2) A local authority may delegate to any other person any functions, powers, or duties under this Act except the following:

- (a) the powers in subsection (1)(a) and (b):
(b) the decision on an application for a resource consent:
(c) the making of a recommendation on a requirement for a designation.

- (3) Repealed.

- (4) Section 34(7), (8), (9), and (10) applies to a delegation under this section.

- (5) Subsection (1) or subsection (2) does not prevent a local authority delegating to any person the power to do anything before a final decision on a matter referred to in those subsections.”

2.3 Principles, Terms and Conditions

It should be noted that 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. Bearing this in mind, the Council and/or Chief Executive Officer in their determination as to duties, responsibilities and powers to be delegated should have regard to the following principles and conditions:

- (i) Wherever possible, delegations to staff have been made to promote the most effective and efficient implementation and delivery of Council's policies and objectives.
- (ii) Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility and difficulty involved in the undertaking of the task delegated.
- (iii) In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the fact that, along with the powers and duties contained in the delegation go the responsibilities and accountability for its correct and effective implementation and any reporting requirements.
- (iv) No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegatee.
- (v) In the exercise of any delegation, the delegatee will ensure they act in accordance with:
 - Any binding statutory authority (in relation to each delegations, relevant sections of the Act will be identified); and
 - Any relevant Council policy or procedural documents (including reporting and recording) requirements.
- (vi) In relation to delegations to officer level, every delegation will be to a stated office and will be exercised in relation to the duties of that position as identified in the Job Description or when an officer has been appointed in an acting capacity.
- (vii) Decisions, other than on minor or routine matters, made under delegated authority will be reported to the Council or a relevant Committee.
- (viii) A delegation once made cannot be further sub-delegated.
- (ix) The Council may, at any time, revoke, suspend for a period, or amend the terms and conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.
- (x) The Chief Executive may revoke or suspend for a period, or amend the terms and conditions in relation:
 - Any delegation to subordinates that he has made; or
 - Any delegation to the Chief Executive that Council has revoked or suspended.

The delegations below were last updated in 2016. Any changes since then are shown as underlined additions, and anything deleted is ~~struck out~~.

3. Abbreviations

CE	Chief Executive
RCtee	Regulatory Committee

CS	Committee Secretary
CSO	Consent Support Officer
CO	Consent Officer
DCS	Director Corporate Services
DEMO	Director Environmental Monitoring and Operations
DEHS	Director Engineering Hazards & Science
DPPRM	Director Policy Planning and Resource Management
EPA	Environmental Protection Authority
LC	Legal Counsel
MA	Management Accountant
MC	Manager Consents
MES	Manager Environmental Services
ME	Manager Engineering
MF	Manager Finance
MP	Manager Policy
MWQP	Manager Water Quantity Planning
PA	Policy Analyst
PCO	Principal Consent Officer
RPL	Resource Planner Liaison
RMPP	Resource Manager Procedures and Protocols
SCSO	Senior Consent Support Officer
SCO	Senior Consent Officer
SPA	Senior Policy Analyst
TLIE	Team Leader Investigations and Enforcement

4.0 Delegations under the Resource Management Act 1991.

The following table shows those functions under the RMA that require delegated authority in order to exercise them. The "Offices" to which the delegations are made are listed above.

Section	Description of Function	Delegated to	Comments
S34A(1)(1A) <u>357AB</u>	Authority to appoint commissioners to hear and /or determine consent applications, <u>objections</u> and regional plans and plan changes.	Commissioner Appointment Sub Committee (a subcommittee of Regulatory committee)	<u>An objector may ask for an independent commissioner - s357AB</u>
S34A(1), 99A	Appointment of mediators for consent applications.	Commissioner Appointment Sub Committee	
S35(2A)	Prepare a report on monitoring activities undertaken by Council in the course of exercising its functions under the RMA	DPPRM, CE; DEHS (s35(2)(a);	S35
S36(3 <u>5</u>)	Power to require payment of additional charges to those fixed to enable the recovery of actual and reasonable costs.	DCS or CE or DPPRM	S357 objection, and appeal rights apply
S36(3A <u>6</u>)	Power to approve an estimate of any additional charges likely to be imposed where requested by a person	PCO or MC or RMPP or DPPRM or CE	

	liable to pay an additional charge under Section 36(3 6).		
S36AAB(1)	Power to remit the whole or any part of a charge fixed under Section 36	DCS, or CE	
S36AAB(2)	Power to suspend actions to which a charge relates on non-payment of charges	MC, or RMPP, or DPPRM or CE	
S37(1)(a) and (b)	To extend the time period or to waive failure to comply with requirements for the time and method of service of documents and to extend time limits relating to resource consent processing.	Any two of PCO, MC, RMPP, DPPRM, CE, or the Hearing panel or Commissioner sole appointed to hear and determine the particular application(s)	
S37(2)(a) and (b)	The power to waive compliance with a requirement or to direct the terms on which the omission or inaccuracy of any information required under the Resource Management Act, regulation or plan, or a procedural requirement that was omitted, shall be rectified relating to resource consent processing.	Any two of PCO MC, RMPP, DPPRM, CE or the Hearing panel or Commissioner sole appointed to hear and determine the particular application(s)	
S37(1)(a) and (b)	To extend the time period or to waive failure to comply with requirements for the time and method of service of documents and to extend time limits relating to a plan proposal.	Any two of MP, MWQP, DPPRM, CE, or the Hearing panel or Commissioner sole appointed to hear and determine the particular plan proposal.	
S37(2)(a) and (b)	The power to waive compliance with a requirement or to direct the terms on which the omission or inaccuracy of any information required under the Resource Management Act, regulation or plan, or a procedural requirement that was omitted, shall be rectified relating to a plan proposal.	Any two of MP, MWQP, DPPRM, or CE; or the Hearing Commissioners appointed to determine the particular plan proposal	

S38	Power to appoint enforcement officers with any or all the powers of enforcement Officer and to issue warrants.	CE	
S39, 40, 41A, 41B, 41C (all subsections)	To determine the procedures for the conduct of a hearing.	The Hearing panel or Commissioners, or Commissioner sole appointed to hear and determine	

		the particular plan proposal or consent application	
S41D	<u>To strike out part or all of a submission</u>	Any two of MC, RMPP, MC, MWQP, DPPRM	Objection rights apply
S42	Authority to determine on behalf of the Council to make an order to protect sensitive information.	The Hearing panel Commissioners, or Commissioner sole appointed to determine particular proposal or consent application	
S42A(1)	Authority to produce a report on a consent application, Regional Policy Statement or Regional Plan.	CO, CSO, MC, MP, MWQP, PA, SCO, PCO, SCSO, SPA, RPL, RMPP, DPPRM, CE	
S42A(1)	Prepare a report on a proposed regional policy statement, regional plan or plan change.	MP, MWQP, PA, SPA, DPPRM, CE	S42A
S42A(1AA) (b)	Authority to commission a report on a consent application.	Any two of PCO MC, RMPP, DPPRM, CE	
S42A(1AA) (b)	Authority to commission a report on a proposed regional policy statement, regional plan or plan change.	Any two of MP, MWQP, DPPRM, CE	S42A
S42A(5)	Authority to waive compliance with S42A(3) if satisfied there is no prejudice to any person who should have been sent a copy of a report under the above section.	Any two of PCO, MC, RMPP, MWQP, MP, DPPRM, CE	
S43A	Power to review under Section 128 all or any water, coastal or discharge permit as required by regulation when relevant national environmental standards have been made under Section 43.	Any two of PCO, MC, RMPP, DPPRM, CE	Exercise of delegation to be reported to Council or Consents Committee
S44, S46A	Make a submission on a proposed National Policy Statement, National Environmental Standard, NZ Coastal Policy Statement or amendment	DPPRM or CE	
S44A,	Prepare an amendment to a plan or proposed plan to give effect to a national environmental standard	MP, MWQP, PA, SPA, DPPRM, CE	S44A,
S49	Authority to make a submission to a board of inquiry.	Policy Committee or CE or DPPRM	Exercise of delegation to be reported to Council or Policy Committee

S55	Prepare an amendment to a plan or proposed plan to give effect to a national policy statement	MP, MWQP, PA, SPA, DPPRM, CE	
<u>S58I (1)(2)(3)</u>	<u>Power to amend an RPS/proposed RPS or Regional Plan/proposed Plan on the direction of an operative National Planning Standard</u>	<u>MP, MWQP, PA, SPA, DPPRM, or CE</u>	
S82	Referral of disputes between authorities to the Environment Court	CE	
S86	Power to acquire land	CE	
<u>S87BB</u>	<u>Determine that an activity is a marginal or temporary permitted activity and give notice thereof. To return an application that is a deemed permitted activity</u>	<u>Any two of PCO, MC, RMPP, DPPRM, CE</u>	
S87E	Decision on a request from a consent applicant for determination of the application by the Environment Court	DPPRM or CE	
S87F	Produce a report for the Environment Court on a matter that has been referred to it	DPPRM or CE	
S88(1)	Power to apply for resource consent on behalf of the Regional Council	DEMO, DEHS or CE	
S88(3)	Power to determine that an application for a resource consent is incomplete and the reasons for that determination.	CO, CSO, MC, SCO, PCO, SCSO, RMPP or DPPRM or CE	S357 objection and appeal rights apply
S91	Determine not to proceed with processing an application pending applications for additional consents.	PCO or MC or RMPP or DPPRM or CE	S357 objection and appeal rights apply
S92	Require an applicant to provide additional information.	SCO, PCO or MC or RMPP or DPPRM or CE	
S92(2)	To commission a report and to postpone notification or hearing of the application pending receipt.	Any two of PCO, MC, RMPP, DPPRM, CE	
S92A(2), 92B(2)	To determine the time within which further information requested under S92 must be provided.	CO or SCO, PCO or MC or RMPP or DPPRM	
S93	To decide that a controlled activity does not have to be notified.	PCO, MC or RMPP or , DPPRM or CE	This section repealed
S95, 95A, 95B, 95C	Authority to determine whether the adverse effects of an activity on the environment will be minor, and if an application must be limited or publicly notified;	Any two of PCO, MC or RMPP or DPPRM or CE	

S95D	Forming an opinion on whether adverse effects are minor or more than minor.	Any two of PCO, MC or RMPP or DPPRM or CE	
S95B	To provide written approval of a resource consent application on behalf of Council as an adversely affected party.	CE or a relevant Director	
S95E	Power to form an opinion for the purposes of Section 94(1) as to who may be adversely affected by a consent application activity.	CO and SCO or PCO or MC; or RMPP or DPPRM or CE	
S95A(4 9), 95B(10)	Authority to require notification of an application if special circumstances exist in relation to the application.	Any two of PCO, MC, RMPP, DPPRM, CE	
S95F	Decide if a customary rights group is an affected customary rights group	Any two of PCO or MC or RMPP or DPPRM or CE	
S95G	Decide if a customary marine title group is an affected customary marine title group	Any two of MC or RMPP or DPPRM or CE	
S96	Make submissions to another consent authority in respect of a consent application.	DPPRM or DEHS or CE	
S99	Authority to decide the parties who should be invited to pre-hearing meetings.	Any two of SCO, PCO, MC, RMPP, DPPRM, CE	
S99	Authority to decide the parties who will be required to attend a pre hearing meeting.	Any two of PRO, MC RMPP, DPPRM, CE	
S99	Authority to decide who will chair a pre hearing meeting.	DPPRM or CE and either the PCO or MC or RMPP	
S99	Authority to determine that a person does not have a reasonable excuse for not attending a pre hearing meeting when required to do so. Authority to decide not to process an application, or disregard a submission where the relevant applicant or submitter failed to attend the pre hearing meeting.	DPPRM or CE and either the PCO or MC or RMPP	S357 objection and appeal rights apply
S99A	To decide that there should be mediation for parties to a consent application. To identify who should be invited to attend mediation.	Any two of PCO or MC, RMPP, DPPRM, CE	
S100	To determine that a hearing is necessary if not requested.	Any two of PCO or MC, RMPP, DPPRM, CE	
S100A	Appoint commissioner to hear consent application on request of applicant or submitter	ORC - Commissioner Appointment Sub-Committee	

	should be included in a non notified consent to construct or alter a bore.	PCO or MC or RMPP or DPPRM or CE	
S108A	Implementation of requirement in a resource consent for a bond to secure the performance of consent conditions.	Any two of PCO, MC, RMPP, DPPRM, CE, DCS or The Hearing panel or Commissioner sole appointed to hear and determine the particular application(s)	
S109	Ascertain whether work carried out for the purposes of a resource consent bond condition has been completed satisfactorily and, in cases where work has not been completed, determine to undertake the work and recover costs from the consent holder out of money or securities deposited with the consent authority or bond.	Any two of PCO, MC, <u>MES</u> , RMPP, DPPRM, CE, LC	
S110	Determine to retain any portion of a financial contribution paid, where a resource consent activity does not proceed.	Any two of PCO, RMPP, MC, DPPRM, CE, DCS	
S114	To determine the most appropriate manner of notifying a decision.	MC or RMPP, SCO, PCO or DPPRM or CE or	
S120	Authority to lodge an appeal, not to lodge an appeal, or to withdraw an appeal made, to the Environment Court on a resource consent application decision.	DPPRM or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S124	To permit an applicant to continue to operate pending determination of an application for a replacement consent as provided for S124(b).	Any two of PCO, MC, RMPP, DPPRM, CE	S357 objection and appeal rights apply
S125	To extend time within which a consent must be exercised before it lapses.	PCO or MC or RMPP or DPPRM or CE	S357 objection and appeal rights apply
S126	Authority to give written notice to cancel a resource consent which has been exercised but has not been exercised during the preceding 5 years unless otherwise expressly provided.	PCO or MC or RMPP or DPPRM or CE or LC	S357 objection and appeal rights apply
S126(2)	Power to revoke a notice of cancellation of a resource consent.	PCO or MC or RMPP or DPPRM or CE or LC	
S127	To exercise the Council's discretion re	Any two of PCO,	

	non-notification of applications for minor variation to consents.	MC, RMPP, DPPRM, CE	
S128, 129	Authority to serve notice of intention to review the conditions of a resource consent and to propose new conditions.	Any two of PCO, MC, RMPP, DPPRM, CE	S357 objection and appeal rights apply
S130	Authority to determine whether to dispense with notification of a notice of review of the conditions of a resource consent.	Any two of PCO, MC, RMPP, DPPRM, CE	
S131, S132	Authority to make decisions on a review of resource consent conditions.	Any two of PCO, MC, RMPP, DPPRM, CE or The Hearing panel appointed to hear and/or decide on the particular application(s)	
S133A	Authority to issue an amended consent that corrects minor mistakes or defects in the consent.	CSO or SCSO or PCO or MC or RMPP or DPPRM or CE	
S136(1) or 136(2)(a)	Authority to update records to show the transfer of a resource to another consent holder at the same site.	CSO, or SCSO or CO or SCO, or PCO or MC or RMPP or DPPRM or CE	
S136(2)(b) & 136(4)	Authority to approve the transfer of a water permit in whole or in part to another person on another site or to another site.	Any two of PCO, MC, RMPP, DPPRM, CE	
S137 (1)(2)	Authority to update records to show the transfer of discharge permits to new owners.	CSO, or SCSO or CO or SCO, PCO MC or RMPP or DPPRM or CE	
S137 3)-(7)	Authority to allow the transfer of a discharge permit to a new site	Any two of PCO, MC, RMPP, DPPRM, CE.	Our Regional Plans must provide for this before this delegation can be exercised.
S138	To accept or refuse the surrender of a resource consent, and to direct that a person need not complete any work to give effect to the consent.	Any two of PCO, MC, RMPP, DPPRM, CE	
S139, S139A	To grant or decline a Certificate of Compliance or existing use certificate	PCO or MC or RMPP or DPPRM or CE.	S357 objection and appeal rights apply
S142	Request that a consent application is called in by the EPA	CE	
S142(4)	Provide views of ORC to the minister	DPPRM or CE	
S149, S149B	Provide a report or documents to the EPA on a matter that has been called in or referred to it.	SCO, PCO, MC, RMPP, SPA, MP, MWQP, DPPRM	
S149E,	Make a submission to the EPA on a	DPPRM, CE	

S149F, S149O	matter that has been called in or referred to it.		
S149K	Provide suggestions to the Minister for members of a Board of Inquiry	DPPRM or CE	
S149G	Prepare a report for the EPA on key planning matters relating to a called in application	MC or RMPP or MP or MWQP or DPPRM or CE	
S 149M S149N	Provide comments or information to EPA on proposed plans or plan changes	DPPRM or CE	
S149Q	Make comments on draft report produced by the EPA	DPPRM, CE	
S149V, S299	Decide to appeal decision of EPA or Environment Court to the High Court or higher Courts on points of law	CE	
S149Z	Make application for costs to EPA	DCS or DPPRM, or CE	
S165D	Authority to refuse to receive an application for a coastal permit.	MC, RMPP, DPPRM, CE	S165D
S165L(2)	Request Minister to approve method to allocate common marine & and coastal area	DPPRM or CE	To be reported to Regulatory Committee
S165P	Publicly notify an offer of authorisation by the Minister for a coastal permit for the occupation of space	MC, RMPP, DPPRM, CE	S165P
S165X	Accept offers for authorisations in common marine and coastal space area	Any two of DCS, DPPRM, CE	
S165ZB	Request Minister to suspend applications for coastal permits for aquaculture and give public notice thereof	DPPRM or CE	To be reported to Regulatory Committee
S165ZF	Request that Minister directs coastal permits for aquaculture to be processed and heard together	DPPRM or CE	
S165ZFE(2)	Give notices of process requirements	PCO or MC or RMPP or DPPRM or CE.	
S165ZFE(4)	Decide whether to grant applicants' request that all applications be determined by the Environment Court	PCO or MC or RMPP or DPPRM or CE.	
S168	Authority to give a notice of requirement for a designation to a territorial authority	CE, or DEHS or DPPRM	To be reported to Council
S172	Power to make a decision on a recommendation on a notice of requirement for a designation.	CE or DEHS or DPPRM	
S174	Authority to appeal a decision of the territorial authority relating to a designation	CE	
S176 and 178	Power to approve activities on land affected by designation	CE, or DEHS or ME	
S176A	Prepare an outline plan to be constructed on designated land	CE, or DEHS or ME	

S181	Authority to amend a designation	CE, or DEHS or DPPRM	
S182	Authority to remove a designation	CE	To be reported to Council
S184	Power to seek extension of a designation before lapsing	CE	
S186	Authority to compulsorily acquire land	CE	To be reported to Council
S195	Authority to appeal a matter subject to a heritage order	CE	
S205, 209,	Authority to make a submission to a special tribunal on a water conservation order; or appeal to the Environment Court;	DPPRM, CE	
S211	Authority to decide to appear at proceedings before the Environment Court and call evidence for the Council as a local authority.	CE or DPPRM and LC	Exercise of delegation to be reported to Council
S216	Power to apply to vary or revoke a Water Conservation Order	CE	
S237D	Transfer of land to Regional Council	CE	
S245	Authority to approve or decline a plan of survey of reclamation.	CE	Requires Council seal
S267	To participate in Environment Court conferencing	MC or RMPP or MP or MWQP or DPPRM or CE	
S267, <u>S268A</u>	Request an Environment Judge to convene a conference. Authority to make decisions in a Court ADR process, or seek leave to not participate in an ADR process	RMPP or MC or MP or MWQP DPPRM or CE	ADR is alternative dispute resolution
S268	Request or consent to additional dispute resolution.	RMPP or MC DPPRM or CE	Procedural matter only
S274	Authority to give notice or to decide not to give notice to the Environment Court under Section 274 of the Resource Management Act that the Council wishes to be a party to an appeal, reference or inquiry hearing on a decision on a matter to which the Council made a submission.	CE or DPPRM or LC	
S274, <u>275</u> , <u>277A</u>	Authority to decide to appear at proceedings before the Environment Court and call evidence or new evidence for the Council as a local authority.	CE or DPPRM and LC, MC, RMPP, MP, MWQP	Exercise of delegation to be reported to Council or Regulatory Committee
S281	To deal with waivers and directions from Environment Court in respect of proceedings related to procedural matters.	RMPP or MC or DPPRM or LC or CE	Procedural matter only
S292	Authority to remedy a defect in a	MP, MWQP, DPPRM,	S292

	regional plan on the direction of the Environment Court.	CE	
S294	Apply to the Environment Court for a rehearing of its proceedings where after the Court's decision, new and important evidence becomes available.	CE	Exercise of delegation to be reported to Council or Regulatory Committee
S299 & S305	To initiate an appeal to the High Court on a question of law.	A relevant Committee of ORC or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S301	Give notice of intention to appear in the High Court on any appeal against an Environment Court decision, report or recommendation.	CE	
S308	To initiate an appeal to the Court of Appeal on a question of law	A relevant Committee of ORC or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S311	To seek and/or respond to a declaration.	A relevant Committee of Council or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S314 S316 S318 S320 S321	To seek and/or respond to an enforcement order. To seek and/or respond to an interim enforcement order. To seek and/or respond to a change or cancellation of an order.	A relevant Committee of Council or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S322	To decide to serve an abatement notice.	Any two of LC, MES, CE	Appeal rights to the Environment Court exist
S325A	Authority to cancel an abatement notice.	Any two of CE, MES. TLIE or LC	An abatement notice shall not be cancelled by the officer who issued the notice
S325B	Apply to the Environment Court for an Enforcement Order.	CE or LC	Exercise of delegation to be reported to Council or Regulatory

			Committee
S329	To issue, amend or revoke a water shortage direction.	DPPRM or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S330	To undertake emergency works.	CE or any two Directors	Exercise of delegation to be reported to Council or Regulatory Committee
S330A	Power to apply for retrospective consent for emergency works	DEMO, DEHS or CE	
S331	To seek enforcement order for reimbursement of costs associated with emergency works.	CE	Exercise of delegation to be reported to Council or Regulatory Committee
S334	To seek a search warrant.	LC or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S338	To initiate and withdraw a prosecution for an offence against the Act.	CE	Exercise of delegation to be reported to Council or Regulatory Committee
S343B	To decide that an infringement notice should be served or withdrawn	Any two of MES, LC or CE	
S343C	To commence proceedings for a defended infringement notice	CE	
S355B	Power of Regional Council to act against unlawful reclamations	CE	
S356	To seek an order for a consent related issue to be determined by arbitration.	CE	
S357 S357A S357B	Authority to consider and decide any objection made under any provision of Section 357 of the Resource Management Act, where the consent holder is satisfied with a recommendation and does not wish to be heard.	Any two of MC, RMPP, DPPRM and CE, not being the two who made the decision being objected to	
S357 S357A	Authority to consider and decide any objection made under any	The Objections Committee	Subject to appeal

S357B	provision of Section 357 of the Resource Management Act, where consent holder wishes to be heard.		
S388	To require a person to supply information relating to the exercise of a consent.	LC or MC or MES or RMPP or DPPRM or CE	
S417	To sign off a certificate that defines the line of a water race on land, as authorised by a relevant mining privilege.	Any two of RMPP, DPPRM, DCS and CE	
1st Schedule, Clause 1A, 4A	<u>Consult with iwi and provide documents on proposed RPS or Regional Plan under any applicable Mana Whakahono a Rohe</u>	<u>DPPRM or CE or MP or MWQP</u>	
1st Schedule Clause 7(3)	<u>Service notice on persons where decision made to have limited notification of a Policy Statement or Plan</u>		
1st Schedule Clause 6 and 8,	Make a submission and further submissions on a regional planning document of another region	DPPRM, CE	
1st Schedule Clause 6 and 8	Make a submission and further submissions on a district planning document of a territorial authority.	DPPRM, CE	
1st Schedule Clause 38	<u>Give notice of proposed plan change</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 43	<u>Give public notice of Collaborative Group and its terms of reference</u>	<u>MP or MWQP or DPPRM or CE</u>	<u>Collaborative group membership and terms of reference decided by Council</u>
1st Schedule Clause 45	<u>Give public notice of a Collaborative Group's report</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 47	<u>Provide draft Policy Statement or Plan to iwi</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 48	<u>Prepare evaluation report</u>	<u>MP or MWQP or DPPRM or CE</u>	<u>Reference Panel appointed by Council</u>
1st Schedule Clause 49	<u>Publicly notify an Policy Statement or Plan change</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 51	<u>Prepare analysis of submissions and provide to parties/take action under 51 (2)</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 55	<u>Prepare evaluation report under (4)</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 57	<u>Give notice of decisions under Clause 55</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 76	<u>Provide further information to Minister</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule Clause 81	<u>To request a time extension from the Minister</u>	<u>MP or MWQP or DPPRM or CE</u>	
1st Schedule	<u>Prepare and provide reports and</u>	<u>MP or MWQP or</u>	

Clause 83	documents to the Minister	DPPRM or CE	
1 st Schedule	Give public notice of Minister's	MP or MWQP or	
Clause 90	decision and serve on parties	DPPRM or CE	

5. Regional Plan: Water for Otago

Rules:12.1.2.4, 12.1.2.5, 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.	CE	Exercise of delegation to be reported to Council or Regulatory Committee
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It is noted that the Council resolved on 4 June 2013 "that the Chief Executive is authorised on behalf of the Otago Regional Council to initiate, prosecute, withdraw and do all other 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
- (4) Court of Appeal to Supreme Court"

6. Water and Soil Conservation Amendment Act 1971 (carried over by S413 RMA)

S12	Issue a certificate of priority.	CSO or SCSO or CO or SCO or MC or RMPP	
S14(1)(d)	Direct privilege holder to stop water running to waste.	MES or DPPRM or CE or warranted enforcement officer under the RMA	
S14(1)(g)	Require structures permitting private or public access over water races to be kept in good repair, order and condition.	MES or DPPRM or CE or warranted enforcement officer under the RMA	
S14(1)(h)	Require privilege holder to record and report to the Board information concerning the exercise of the privilege.	MES or DPPRM or MC or RMPS or CE	
S14(2)	Give directions for the repair, strengthening or otherwise of dams.	MES or DPPRM or DEHS or CE	
S16(2)	Determination of what is a reasonable quantity of domestic needs of animals or for fire fighting.	MES or CO or SCO or PCO or MC or DPPRM or RMPP or CE	
S30	Provide certified copies of privileges.	CSO or SCSO or RMPP	

7. Soil Conservation and Rivers Control Act 1941

S126	To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control or regulate water or to prevent or lessen the overflow or breaking of banks of any watercourse.	DEHS
S132	Power to enter land for survey and investigation	DEHS or ME
S133	Maintenance and improvement of watercourses and defences against water	DEHS
S135	To exercise the incidental powers of Boards associated with works required under this Act.	DEHS
S136	Notice to authority before interfering with roads etc.	DEHS
S137	Notice in respect of works to be undertaken on private land	DEHS
S138	To apportion cost of works with owners of lands	DEHS
S139	To purchase land on a system of time payment (if approved by the Minister)	DEHS

8 Delegations related Crown Minerals Act 1991 (CMA)

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

Section	Description of function	Delegated to	Comments
Schedule 1 (16)	Require the holder of a coal mining right to increase the amount of bond or deposit	DCS or CE	
Schedule 1 (16)	To make a determination whether the holder of an existing mining privilege has complied with the terms and conditions of the privilege.	DCS or CE	

9 Delegations related to the Building Act 2004

The functions, powers and duties listed in the table below account for the recent changes to the Building Act 2004 arising from the Building Amendment Act 2013. It is noted that the table lists only those functions, powers and duties where some discretion as to how the Building Consent Authority/Regional Authority should act exists. It does not list those where there is no discretion.

The abbreviations in the table have the following meanings:

CE	Chief Executive
CSO	Consent Support Officer
DCS	Director Corporate Services
DEHS	Director Engineering Hazards and Science

DPPRM	Director Policy Planning and Resource Management
LC	Legal Counsel
MA	Management Accountant
MC	Manager Consents
MES	Manager Environmental Services
PCO	Principal Consents Officer
SCO	Senior Consents Officer
SCSO	Senior Consents Support Officer

Statutory ref	Description	Delegated to
	Project Information Memoranda	
S33(1)(b) or (c)	Further information required where a PIM has been applied for	SCO or PCO or SIE or MC
S34(4)	Re-issue of a PIM in certain circumstances	MC or DEHS or DPPRM
S37(1)	Deciding whether to issue a certificate	SCO or PCO or SIE or MC
	Building consents	
S45(1)(c)	Specifying the information that the BCA “reasonably requires” to be lodged with a building consent application or application for a minor variation	SCO or PCO or SIE or MC
S45A	Deciding to grant a minor variation to building consent	DEHS or DPPRM or CE
S47(3)	Proceeding to determine a building consent application without an NZFSC memorandum	SCO or PCO or SIE or MC
S48(1)	Deciding on a building consent application or an application for a minor variation	DEHS or DPPRM or CE
S48(2)	Deciding whether further information is required	SCO or PCO or SIE or MC
S49	Deciding to grant a building consent	DEHS or DPPRM or CE
S49(2)	Declining to grant a building consent until any charges or levies payable are paid	DEHS or DPPRM or CE
S50	Refusing the application for building consent	DEHS or DPPRM or CE
S51(3)	Deciding whether to grant a building consent in the absence of a PIM	SCO or PCO or MC
S52(b)	Allowing a lapse period beyond 12 months for a building consent	DEHS or DPPRM or CE

	Building Levies	
S53(2)	Determining the estimated value of building work for the purposes of calculating levies	SCO or PCO or SIE or MC
S62(2)	Recovery of unpaid levies from building consent applicant	MA or DCS or CE
	Waivers and Modifications	
S67(1) and (2)	Decision to grant an application for a building consent subject to a waiver or modification and to impose any conditions	DEHS or DPPRM or CE
	Construction of dams on land subject to natural hazards	
S71(2)	Determining whether adequate provision has been made in respect of certain aspects relating to natural hazards	SCO or PCO, or SIE or MC
S72	Determining whether the matters in s72 relating to natural hazards are satisfied	SCO or PCO, or SIE or MC
S74(3)	Determining whether the matters in s74(3) apply	SCO or PCO, or SIE or MC
S83(3)	Deciding to approve the removal of entry on a certificate of title	SCO or PCO or SIE or MC
	Code compliance certificates	
S93(1), S93(4) and S94	Deciding whether to issue a code compliance certificate	DEHS or DPPRM or CE
S93(2)	Agreeing on a period beyond two years for an application for a code compliance certificate	MC or DEHS or DPPRM
S93(4)	Requiring further information in relation to an application for a code compliance certificate	SCO or PCO, or SIE or MC
	Certificates of acceptance	
S96(1) and S98(1)	Deciding whether to issue a certificate of acceptance	DEHS or DPPRM or CE
S97(c)	Specifying the information that the regional authority “reasonably requires” to be lodged with an application for a certificate of acceptance	SCO or PCO or SIE or MC
S98(2)	Requiring further information in relation to an application for a certificate of acceptance	SCO or PCO or SIE or MC
S99(2)	Qualifying a certificate of acceptance to the effect that only parts of the building work were able to be inspected.	DEHS or DPPRM or CE
	Compliance schedule	

S102(2)	Charging of a fee for the issue of a compliance schedule	MA or DCS or CE
S106(3)	Specifying the information that the regional authority "reasonably requires" to be lodged with an application for an amendment to a compliance schedule	SCO or PCO or SIE or MC
S106(4)	Deciding whether to amend a compliance schedule in response to an application to do so	DEHS or DPPRM or CE
S107(2)	Deciding whether to amend a compliance schedule on the regional authority's own initiative	DEHS or DPPRM or CE
	Annual Building Warrant of Fitness	
S109(c)	Decision to accept a recommendation to amend a compliance schedule arising from the annual building warrant of fitness	DEHS or DPPRM or CE
S110(c)	Requirement to produce compliance schedule reports under s110(a)	MEDP or MES or CE
S111(1)	Decision to inspect building work or specified systems where a compliance schedule has been issued	MEDP or MES or DEHS or CE
S111(2)	Charging of a fee for inspections under s111(1)	MA or DCS or CE
	Alterations to existing buildings	
S112	Decision to grant building consent for an alteration to an existing building	DEHS or DPPRM or CE
S113	Dealing with buildings with less than a 50 year life	DEHS or DPPRM or CE
	Change of Use, extension of life and subdivision of land	
S115	Decision to allow the change of use of a building	DEHS or DPPRM or CE
S116(1) and S116(3)	Decision to allow the extension of life of a building	DEHS or DPPRM or CE
	Note that Sections 134 to 156 are only activated with regulations, that have not been enacted.	
	Classification of Dams	
S134A(1)	Requiring owner to classify a referable dam	MEDP or DEHS or DPPRM or CE
S136(1) and S136(2)	Decision to approve or refuse a dam classification	MEDP or DEHS or DPPRM or CE
S138(1)	Requiring re-audit of a classification	MEDP or DEHS or DPPRM or CE

S138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	MEDP or DEHS or DPPRM or CE
	Dam safety assurance programmes	
S143(1)	Decision to approve or refuse to approve a dam safety assurance programme	MEDP or DEHS or DPPRM or CE
S145(1)	Requiring re-audit of a dam safety assurance programme	MEDP or DEHS or DPPRM or CE
S145(2)	Allowing a period beyond 15 working days for a dam safety assurance programme to be re-audited	MEDP or DEHS or DPPRM or CE
S146(2)(b)	Requesting a review of the dam safety assurance programme for earthquake-prone or flood-prone dam	MEDP or DEHS or DPPRM or CE
S148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	MEDP or DEHS or DPPRM or CE
	Dangerous dams	
S154(1)	Determining that a dam is dangerous in terms of s153	DEHS or DPPRM or CE
S154(1)	Decision to require actions specified in s154(1) in relation to dangerous dams	DEHS or DPPRM or CE
S155(1)(b)	Determining whether building consent required in respect of work required by a notice to fix	SCO or PCO or SIE or MC
S156(1)	Decision whether to apply to the District Court for an order enabling the regional authority to carry out building work	CE
S156(3)(b)	Decision to recover costs of regional authority undertaking building work in accordance with s156(1)	DCS or CE
S157(2)	Decision to take action to avoid immediate danger	DEHS or DPPRM or CE
S157(3)(b)	Decision to recover costs of regional authority taking action in accordance with s157(2)	DCS or CE
S158	To make an application to the District Court to confirm warrant for emergency work on a dam	DEHS or DPPRM or CE
	Notices to fix	
S164(1)	Determination that a notice to fix should be issued	LC or DEHS or DPPRM or CE
S164(3)	Determination that another authority should issue a notice to fix	LC or DEHS or DPPRM or CE
S165(1)(a) and (b)	Determining a reasonable timeframe within which a Notice to Fix must be complied with	LC or DEHS or DPPRM or CE

S165(1)(c) and (d)	Determining whether a Notice to Fix should include a requirement to apply for a certificate of acceptance or a building consent (or amendment to an existing building consent)	LC or DEHS or DPPRM or CE
S165(1)(f)	Determining whether a Notice to Fix should include a direction to make the site safe and/or cease building work and, if so, determining if and when work is able to resume	LC or DEHS or DPPRM or CE
S167	Determining whether a Notice to Fix has been complied with and authorising the response in accordance with the Act	LC or DEHS or DPPRM or CE
	Determinations	
S177 and S180	Making and withdrawing an application for a determination	CE
S182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	CE
S185(2)(b)	Agreeing on a period beyond 60 working days for making a determination	CE
S189(b)(ii)	Agreement to amendment of a determination for clarification purposes	CE
S190(3)	Filing a direction in the District Court as to costs in respect of a determination	CE
	Registration as a Building Consent Authority	
S194	Making application for registration as a building consent authority	CE
S200	Responding to complaints about building consent authorities	CE
S202	Commencement of an investigation	CE
	Appeals	
S208, S209	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	CE
	Carrying out building work on default	
S220(2)	Making application to the District Court for an order in respect of building work required to be done	CE
S220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	CE
S221(2)(a)	Disposal, sale etc of materials that result from carrying out building work authorized under s220(2)	CE

S222	To authorise persons to carry out inspections under Act	CE
	Responsibilities of a BCA that is not a Territorial Authority	
S240(1)	Power to impose fees for performing functions under the Building Act	DCS or CE
S240(2)	Refusal to perform functions under the Building Act where fees, charges or levies are unpaid	DEHS or DPPRM or CE
S243	Power to impose fees or charge and recovery costs, and collect levy	DCS or CE
	Transfer of functions, duties and powers of a regional authority	
S244	Decision to transfer Building Act functions to/from another regional authority	CE
S246(b)	Agreement on the terms and conditions of a transfer of powers under the Building Act	CE
S247(1)(b)	Cancellation of transfer of powers under the Building Act	CE
S247(2)	Changing or revoking a transfer	CE
	Accreditation	
S252(4)	Request to change the scope of accreditation	DEHS or DPPRM or CE
S253	Application for accreditation to perform Building Consent Authority functions	DEHS or DPRM or CE
	Review	
S276(2)(b)	To make submissions on a review of the regional authority	DEHS or DPPRM or CE
	Fees and charges	
S281A(2)	Deciding how a fee or charge is set	DCS or CE
S281A(3)	Deciding whether to impose a fee or charge	DCS or CE
S281B	Increasing the amount of a fee or charge to meet the additional cost	DCS or CE
S281C	Waiving or refunding a fee in whole or part	DCS or CE
	Discipline	

S315(1)	Making a complaint about a licensed building practitioner	DEHS or DPPRM or CE
	Offence relating to building control	
S363A(2)	Deciding whether to issue a certificate for public use	DEHS or DPPRM or CE
S363A(5)	Deciding and requesting further reasonable information	SCO or PCO or SIE or MC
	Proceedings for infringement offences	
S371(2)	Commencement of proceedings where an infringement notice has been issued	CE
S371B(2)	Authorising officers to issue infringement notices	CE
	Proceedings for offences generally	
S377	Laying informations for offences under the Building Act	CE
S381(1) and (2)	Making application to the District Court for an injunction	CE
	Regulations	
S403(4)(b)	Making submissions as an "interested person" to proposed Orders in Council or regulations	DEHS or DPPRM or CE
	Schedule 1	
Part 1, Clause 2	Deciding whether a building consent is not necessary	MC or DEHS or DPPRM or CE

10. Resource Management (Measurement and Reporting of Water Takes) regulations 2010

Regulation	Description	Delegation
6(5)	Approving the format of records	Any two of MC, MES, RMPP, DPPRM, CE
7(4)	Determining whether the verifier is suitably qualified	Any two of MC, MES, RMPP, DPPRM, CE
8(4) and (6)	Power to request evidence from the consent holder	Any two of MC, MES, RMPP, DPPRM, CE
9	Approval to measure water weekly instead of daily	Any two of MC, MES, RMPP, DPPRM, CE
10(1)	Approval to measure water	Any two of MC, MES, RMPP,

	take not at the point of take,	DPPRM, CE
11	Revoke approval given under regulation 9 or 10	Any two of MC, MES, RMPP, DPPRM, CE

11. Marine Transport Act 1994

S33D	appoint a Harbourmaster for any port, harbour or waters in the Otago Region	CE
S33G	Appoint enforcement officers	CE
S33I	To undertake harbour works for the purpose of ensuring maritime safety	CE
S33L	To deal with an abandoned ship	CE or DEMO
S200(3A)	To erect, place, and maintain navigational aids	CE or DEMO
S318 ¹	Appoint a regional on-scene commander for the Otago region; and Appoint a person(s) who shall perform the functions and duties of an on-scene commander, should the position be vacant or the on-scene commander absent	CE
S33J ²	Removing or dealing with wrecks	CE

12. Local Government Act 2002 and Otago Regional Council Bylaws

Section	Description of function	Delegated to	Comments
S174	To appoint an "authorised person" for the purposes of exercising functions, powers and duties under the: <ul style="list-style-type: none"> Local Government Act 2002; Building Act 2004; Otago Regional Council Bylaws; Soil Conservation and Rivers Control Act 1941; and Land Drainage Act 1908³. 	CE	
S162	To seek an application for an injunction restraining a person committing a breach of a Bylaw or an offence against this Act.	CE	

¹ Council approved delegation on 20 July 2016 refer report 2016/0898

² Council approved delegation on 20 July 2016 refer report 2016/0898

³ Council approved delegation on 9 December 2015 refer report 2015/1271

S163	Remove or alter a work or thing that is, or has been, constructed in breach of a Bylaw. To recover costs of removal/alteration.	CE or DEHS	
S164	To seize and impound property not on private land	CE	
S165	To seek a search warrant	CE	
S168	To dispose of property seized and impounded	CE	
S173	To authorise the entry of property in cases of emergency	CE	
S175 and 176	To authorise the recovery of damages	CE	
S181	To authorise the construction of works on private land	CE	
S186	To approve works if owner or occupier defaults	CE	
S187	To approve the recovery of costs	CE or DCS	
S189 and S190	Power to acquire land	CE	
S238 and S239	To initiate and withdraw a prosecution for an offence against this Act.	CE	
Flood Protection Management Bylaw ¹	To approve/refuse or revoke authority under the Bylaw	ME or DEHS or DPPRM or CE	

13 Biosecurity Act 1993

Section	Description of function	Delegated to	Comments
Ss70-75, 100H	Prepare and review a regional pest management plan	DPPRM, CE	
S78	Exempt a person from a requirement in a rule in a regional pest management plan.	DPPRM, CE	
Ss 90-95, 100H	Prepare and review a regional pathways management plan	DPPRM, CE	
S98	Exempt a person from a requirement in a rule in a regional pathways management plan.	DPPRM, CE	
S100M, 100N	Recovery of a levy for a debt due	DCS, CE	
S100V	Prepare a small scale management programme	CE	
S154M, S154N, 154O	To initiate and withdraw a prosecution for an offence against this Act.	CE	

14. Civil Defence Emergency Management Act 2002

Section	Description of function	Delegated to	Comments
S20	Membership of the CDEM Co-ordinating Executive Group	CE (or a person acting on the CE's behalf)	

¹ Council approved delegation on 12 February 2014 refer report 2014/0580

15. Land Transport Management Act 2003

The abbreviations in the table have the following meanings:

DCS Director Corporate Services

MSS Manager Support Services

Section	Description of function	Delegated to	Comments
S127	Power to require information from operators of public transport services, including obligations to public patronage data and disclose other data to a person who is registered by the regional council to tender for the provision of a unit	DCS or MSS	
S128	Power to make decisions on release of information and duty to consult with organisation	DCS or MSS	
S133	Notice of exempt services	DCS or MSS	
S134	Decide on the grounds in section 134 to decline registration or variation of exempt services	DCS or MSS	
S136	Registration of exempt services or variation to exempt services	DCS or MSS	
S137	Decide to deregister an exempt service and removing details of variations	DCS or MSS	
S138	Process for deregistering exempt services or removing details of variations	DCS or MSS	
S139(2) & (3)	Withdrawal of exempt services	DCS or MSS	
S146-149	Record and manage offences, including making decisions to prosecute	CE	

16 General

Authorisation to make decisions concerning the conduct and settlement of proceedings in the Environment Court or of other jurisdictions.	CE or DCS or DPPRM or DEHS
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17 Conclusions

The Council is required to administer legislation under the Resource Management Act 1991, Mining Act 1971, Crown Minerals Act 1991, Building Act 2004, Local Government Act 2002, Water and Soil Conservation Amendment Act 1971, Crown Minerals Act 1991, Biosecurity Act 1993, Maritime Transport Act 1994, Soil Conservation and Rivers Control Act 1941, Civil Defence Emergency Act 2002, Land Transport Act 2003, regulations and bylaws. In order to ensure that this requirement is performed efficiently and lawfully, Council officers need to have delegated authority from the Council to make decisions. The above delegations are therefore sought from Council.

18. Recommendation

That Council approve the above schedule of delegations.

Peter Bodeker
Chief Executive

12. MATTERS FOR NOTING

13. REPORT BACK FROM COUNCILLORS

14. NOTICES OF MOTION

15. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 18 OCTOBER 2017

15.1. Recommendations of the Policy Committee

Director's Report on Progress to October 2017

That this report be noted.

National direction for clean water and Otago

That Council:

- a) *Note the Clean Water 2017 changes with respect to freshwater management (Attachment 1);*
- b) *Note the findings of three recent reviews of Council's implementation of the National Policy Statement for Freshwater Management by:*
 - *the Ministries for the Environment and Primary Industries;*
 - *Pattle Delamore Partners Ltd; and*
 - *the National Institute of Water and Atmospheric Research;*
- c) *Endorse the actions underway and proposed by Council to implement the National Policy Statement for Freshwater Management*
- d) *be provided six weekly progress reports on table 1 and table 2 (steps identified to reflect NPS-FM 2014 amendments in the Otago Water Plan).*

Attachments

1. **Policy Committee Minutes - 18 October 2017 [15.1.1]**

15.2. Recommendations of the Regulatory Committee

Director's Report on Progress for the period 26 August to 27 September.

That this report is received.

Harbour ByLaws

- a) *That this report be received.*
- b) *That the timetable for adopting the bylaw be endorsed*

Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities.

That this report is noted.

Consent processing, consent administration and Building Control Authority Update

That this report is noted.

Attachments

1. Regulatory Committee Minutes - 18 October 2017 [15.2.1]

15.3. Recommendations of the Communications Committee

Stakeholder Engagement Report – October 2017

That the report is noted.

Attachments

1. Communications Committee Minutes - 18 October 2017 [15.3.1]

15.4. Recommendations of the Technical Committee

Director's Report on Progress

That the report is noted.

Air Quality Research Opportunities

- a) *That this report be noted.*
- b) *That the ideas presented in this report are endorsed for consideration for inclusion into the 2018/28 Draft Long-Term Plan.*

Attachments

1. Technical Committee Minutes - 18 October 2017 [15.4.1]

15.5. Recommendations of the Public Portion of the Finance and Corporate Committee

Director's report – October 2017

- a) That this report be received.
- b) That the payments and investments summarised in the table above and detailed in the payment schedule, totalling \$5,787,442.25, be endorsed.

Public Transport Update – October 2017

- a) *That this report be received.*
- b) *The Finance and Corporate Committee endorse the Queenstown Integrated Transport Programme Business Case*

Financial Report – August 2017

That the report is received.

Recommendations of the Audit & Risk subcommittee – 21 September 2017

That the recommendations of the Audit and Risk Subcommittee meeting of 21 September 2017 be adopted

Attachments

1. Finance and Corporate Committee Minutes - 18 October 2017 **[15.5.1]**

16. CLOSURE