



Otago
Regional
Council

OTAGO REGIONAL COUNCIL

DELEGATIONS MANUAL

September 2024

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1. Delegations Policy Framework

Chapter 1 of the Delegations Manual outlines the structure and policy framework of how delegations are managed at the Otago Regional Council.

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

1. Introduction

1.1 Purpose

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

The primary purpose of the Delegations Manual is to set out the delegations the Otago Regional **Council (ORC)** has given to its officers/staff, and to its elected members (**Council**). The delegations relate to administrative and financial matters as well as the ORC's statutory duties, responsibilities and powers.

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

1.2 Structure

The Delegations Manual is structured into three chapters.

Chapter 1 of the Delegations Manual presents **introductory and background information** for the Delegations Manual including the principles for making delegations and establishing the Council's legal powers for making delegations.

Chapter 2 of the Delegations Manual records:

- **Part A-** the **governance delegations** made by the Council to Committees of the Council; and

- **Part B**- the specific delegations Council makes to ORC staff under the RMA, LGA 2002 and Local Government (Rating) Act 2002 which are either not legally able to be further sub-delegated, or the Council chooses to ensure they cannot be subdelegated.

Chapter 3 of the Delegations Manual contains the delegations from the Council to the Chief Executive (or those delegations made via statute to the Chief Executive), some of which have then been sub-delegated to staff. Chapter 3 also contains some direct delegations to the Chairperson or Councillors (for example in relation to the use of the common seal). The delegations are divided into the following parts:

- **Part C** contains general **administrative delegations** relating to human resources matters, the release of information, submissions and funding, the use of the Common Seal, obtaining professional advice and legal proceedings.
- **Part D** contains **contracting, financial, rating and property delegations**, including financial delegations relating to expenditure (including financial delegation limits), contingency expenditure and other authority and procedures relating to other financial and accounting matters and delegations in respect of rating and property matters.
- **Part E** contains **regulatory non-RMA delegations** relating to the ORC's regulatory functions, duties and powers under other legislation including the Biosecurity Act 1993, the Building Act 2004, the Maritime Transport Act 1994, the Civil Defence Emergency Management Act 2002, the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941.

1.3 Background

1.3.1 DEFINITION OF DELEGATION

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

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

1.3.2 THE LEGAL BASIS

In most cases, Council's elected members have the primary power of delegation as it is the body that is specified as the delegate in the empowering legislation. In some specific instances the legislation empowers the Chief Executive directly to have the power of delegation.

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

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

(a) the power to make a rate; or

(b) the power to make a bylaw; or

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

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

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

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

(g) [repealed]

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

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

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

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

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

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

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

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

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

Section 34 (Delegation of functions, etc, by local authorities) of the Resource Management Act 1991

Section 105 (Delegation to authorised persons) of the Biosecurity Act 1993

Sections 42 (Delegation of powers by local authority) and 43 (Delegation of powers by officers) of the Local Government Official Information and Meetings Act 1987

Sections 124 (Delegation of powers by local authority) and 125 (Delegation of powers by officers or local authority) of the Privacy Act 1993

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

1.3.3 PRINCIPLES, TERMS AND CONDITIONS

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

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

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

Table 1: Principles, terms and conditions

Principles
<ol style="list-style-type: none">1. Wherever possible, delegations to staff have been made on a wide basis to promote the most effective and efficient implementation and delivery of ORC's policies and objectives.2. Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility, difficulty and risk involved in the undertaking of the task delegated.3. In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the responsibilities and accountability for its correct and effective implementation and any reporting requirements.

4. In exercising delegations which are outside ORC's day-to-day business, staff will report back on the exercise of that delegation to the next relevant Council or Council Committee meeting.
5. Where ORC is expressly prevented from delegating some or all of its powers by a particular statute, it may delegate the power to do anything precedent to the exercise by the Council of that particular power or authority.

Terms and conditions

1. No delegations shall limit the power of ORC or Council or other delegator to exercise a function, duty or power in substitution for a delegate.
2. In the exercise of any delegation, the delegate will ensure they act in accordance with:
 - a. any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and
 - b. any relevant ORC policy or procedural documents (including reporting and recording) requirements.
3. In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.
4. Decisions, other than on minor or routine matters, made under delegated authority will be reported to Council or a relevant Committee.
5. For the avoidance of doubt, line managers shall have the same delegated powers as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration. The delegations in this Manual are expressed as the lowest level in the organisation which can exercise the function, duty or power.
6. An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
7. Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.
8. A delegation once made cannot be further sub-delegated, unless the authority to sub-delegate is specified in the delegation.
9. Any power to appoint a person or approve an action or document includes the power to revoke any appointment or approval.
10. The Council may, at any time, revoke, suspend for a period, or amend the terms or conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.
11. The Chief Executive may revoke or suspend for a period, or amend the terms and conditions, in any delegation to subordinates that they have made. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant ORC procedures.
12. The Chief Executive may revoke, or limit, or suspend for a period, or reduce the extent of delegations made to named officers such that some or all of the function, duty or power must be exercised by a line manager of the person holding the delegation. This would be appropriate during the training or development of new staff, or where, in the view of the Chief Executive, particular types of decision may need greater scrutiny. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant ORC procedures.

13. Unless expressed otherwise, where a delegation is to more than one officer, that power of delegation is to each officer separately.

1.3.4 SUB-DELEGATION

At times, it will be necessary for the performance of assigned duties for a staff member to have delegated authority additional to those specifically mentioned in the Delegations Manual. These situations may include staff acting temporarily in a role (such as acting Chief Executive or acting Manager) where they need to exercise the delegations of that higher role. Such sub-delegations will be recorded in writing in the form of a memo signed by the person granting the delegation, and a copy kept on the delegation file. A person exercising functions, powers or duties under a sub-delegation shall not have the authority to further delegate those functions, powers or duties. Staff with delegated authority under this manual are empowered to delegate (in the above manner) to the appropriate staff member any authority, which has been delegated to them except the power to delegate, unless otherwise constrained by legislation or the terms of their delegation.

1.3.5 DECISION MAKING AND SIGNIFICANCE AND ENGAGEMENT

The decision-making requirements under the LGA 2002, including those in sections 76 and 79 must be complied with, including making decisions on what responsibilities should be delegated to staff in accordance with this Delegations Manual and also making decisions under delegated authority.

The degree to which compliance with the decision-making requirements in the LGA 2002 is required is proportional to the significance of the delegated decision or power and the resources available.

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

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

1.3.6 AUTHORITY

Unless stated otherwise in this Delegations Manual, delegations are made under Clause 32 of Schedule 7 of the LGA 2002.

1.3.7 REVIEWS AND UPDATES OF THE DELEGATIONS MANUAL

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

Certain delegations that have been made to the Chief Executive have been made so that they can be further sub-delegated by the Chief Executive (i.e. those in Chapter 3 of this Manual). Delegations under the Resource Management Act 1991 and the Local Government (Ratings) Act 2002 are legally not able to be further sub-delegated and may only be approved by a Council resolution.

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

The Chief Executive may authorise changes and updates to any Chapter 3 Chief Executive delegations or matters which he or she has sub-delegated, other than delegations under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 as these two statutes prohibit sub-delegation. Any changes and updates to the delegations set out in Chapter 3 (authorised solely by the Chief Executive rather than the full Council) are set out in the relevant table below. There are some delegations in Chapter 3 which are made to the Chairperson or Councillors, and these cannot be sub-delegated by the Chief Executive.

The following amendments to ORC delegations have been approved by Council for the period 10 November 2022 to 25 September 2024

Date Amended	Amendment	Council Paper
9 November 2022	Version 1.5 of Delegations Manual Approved.	Resolution CM22-281
22 February 2023	Regional Leadership Committee: Future Development Strategies.	Resolution CM23-116
22 May 2024	Delegations to staff for Building (Dam Safety) Regulations 2022.	Resolution CM24-130

20 March 2024	Fresh Water Farm Plans to amend Council's Delegation Manual to provide delegations to staff under Part 9A of the Resource Management Act 1991 (RMA).	Resolution CM24-120
28 August 2024	Approved amendments to the Otago Regional Council Delegations Manual.	Resolution CM24-175
25 September 2024	Revoked the August 2024 version of the Delegations Manual and adopted this Delegation Manual to the extent it records delegations made by Council.	Resolution CM24-179

The following amendments to Chief Executive delegations in Chapter 3 have been approved by the Chief Executive for the period 10 November 2022 to 25 September 2024:

Date Amended	Amendment	Chief Executive approval
25 September 2024	Chapter 3 of Delegations Manual (including subdelegations) approved	Memorandum dated 16 September 2024 signed by Richard Saunders

2. DELEGATIONS RELATING TO COUNCIL, COMMITTEES AND DIRECT TO COUNCIL STAFF

PART A: COUNCIL AND COMMITTEES

Part A sets out those delegations that remain with the Council and the delegations given to the Council's Committees.

2. Council

In accordance with Clause 32 of Schedule 7 of the LGA 2002, the Council is required by legislation to make decisions on the following matters:

- a. The power to make a rate; or
- b. The power to make a bylaw; or

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

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

3. Council committees

3.1 Introduction

The Council has the following committees:

- Finance Committee
- Environmental Science and Policy Committee
- Environmental Implementation Committee
- Public and Active Transport Committee
- Regional Leadership Committee
- Safety and Resilience Committee
- Audit and Risk Subcommittee
- Civil Defence and Emergency Management Joint Committee
- Regional Transport Committee (established by the Land Transport Management Act 2003)

The delegations in this section reflect the delegations provided in the Committee Structure, Membership and Terms of Reference 2022 - 2025 Triennium.

3.2 Finance Committee

The Finance Committee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Finance Committee is authorised by Council to:

- Receive information for noting.
- Award or approve contracts and tenders in excess of staff delegations and to a maximum of \$2million.
- Consider and make recommendations to Council on matters of financial impact other than as provided for in the Annual Plan.

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

3.3 Environmental Science and Policy Committee

The Environmental Science and Policy Committee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Environmental Science and Policy Committee is authorised by Council to:

- Receive information for noting.
- Receive reports from the Land and Water Regional Plan Governance Group.
- Make recommendations to Council on the matters within its responsibility.
- Appoint working parties as appropriate, provided they are limited to a time duration consistent with performance of their specified tasks, and receive reports from those working groups. .
- Carry out any other function or duty delegated to it by Council.

The Environmental Science and Policy Committee has no general decision-making or financial delegations.

3.4 Environmental Implementation Committee

The Environmental Implementation Committee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Environmental Implementation Committee is authorised by Council to:

Receive information for noting.

Make recommendations to Council when decisions are needed.

Appoint working parties as appropriate, provided they are limited to a time duration consistent with performance of their specified tasks, and receive reports from those working groups. .

Carry out any other function or duty delegated to it by Council.

The Environmental Implementation Committee has no general decision-making or financial delegations.

3.5 Public and Active Transport Committee

The Public and Active Transport Committee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Public and Active Transport Committee is authorised by Council to:

- Receive information for noting.
- Make recommendations to Council when decisions are needed.
- Appoint working groups with representatives from territorial authorities and other agencies as appropriate, provided they are limited to a time duration consistent with performance of their specified tasks, and receive reports from those working groups.
- Carry out any other function or duty delegated to it by Council.

The Public and Active Transport Committee has no general decision-making or financial delegations.

3.6 Regional Leadership Committee

The Regional Leadership Committee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Regional Leadership Committee is authorised by Council to:

- Receive information for noting.
- Make recommendations to Council on the matters within its responsibility.
Appoint working parties as appropriate, provided they are limited to a time duration consistent with performance of their specified tasks, and receive reports from them.
- Carry out any other function or duty delegated to it by the Council.

The Regional Leadership Committee has no general decision-making or financial delegations.

Through resolution CM23-116, 22 February 2023, Council provided delegation to the Committee to enable the Committee to consider and make decisions concerning the Future Development Strategies (FDS) work with the Dunedin City Council

3.7 Safety and Resilience Committee

The Safety and Resilience Committee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Safety and Resilience Committee is authorised by Council to:

- Receive information for noting.
- Make recommendations to Council on the matters within its responsibility.
- Appoint working parties as appropriate, provided they are limited to a time duration consistent with performance of their specified tasks, and receive reports from them.
- Carry out any other function or duty delegated to it by the Council.

The Safety and Resilience Committee has no general decision-making or financial delegations.

3.8 Audit and Risk Subcommittee

The Audit and Risk Subcommittee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Audit and Risk Subcommittee is authorised by Council to:

- Receive information for noting.
- Receive the external audit engagement letters and letters of undertaking for audit functions and additional services provided by the external auditor.
- Review matters within its areas of responsibility and make recommendations to Council on those matters.

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

The Audit and Risk Subcommittee has no general decision-making or financial delegations.

3.9 Otago Civil Defence Emergency Management Group (Joint Committee)

The Otago Civil Defence Emergency Management Group (Joint Committee) Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Otago Civil Defence Emergency Management Group (Joint Committee) is authorised by Council to:

- have all the delegated authorities that may be given as appropriate the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002.
- have, authority to appoint subcommittees as appropriate.

Have authority to sub-delegate any authority able by law to be delegated.

The Otago Civil Defence Emergency Management Group (Joint Committee) has no general decision-making or financial delegations.

3.10 Otago Regional Council Transport Committee

The Otago Regional Council Transport Committee Terms of Reference (including delegations) were adopted by Council on 7 December 2022.

The Otago Regional Council Transport Committee is authorised by the Council to undertake the following:

Delegated Authority – Power to Act:

have authority to appoint a panel to hear RLTP, submissions.

- have authority to appoint, working parties, advisory groups and, where appropriate – where there is urgency or special circumstances; to appoint a sub-committee to deal with any matters of responsibility within its Terms of Reference and areas of responsibility, and to make recommendations on such matters, provided that a sub-committee so appointed shall not have the authority to act except by a resolution of the Otago Regional Council Transport Committee with specific limitations;
 - have authority to make decisions in accordance with the Terms of Reference and the Land Transport Management Act 2003.
- Power to Act (for the information of Council):
 - monitor transport activities in order to report on progress on the Regional Land Transport Plan;
 - prepare and recommend variations to the Regional Land Transport Plan that trigger the Otago Regional Transport Committee’s significance policy;

- consider and make recommendations on transport planning studies and associated outcomes;
- provide recommendations to relevant government agencies on transport priorities for the region and the allocation of national or regional transport funds.

PART B: DELEGATIONS FROM COUNCIL TO SPECIFIC ORC STAFF

Part B of this chapter sets out the delegations which Council authorises to specific ORC staff.

RESOURCE MANAGEMENT ACT 1991 DELEGATIONS

[a] This section sets out the functions under the RMA which are delegated;

[b] The Council delegates (to the extent authorised under the RMA) it's powers, duties, and functions in respect of resource management matters to the Chief Executive and council officers as set out below;

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

[d] The powers have been delegated to specific office holders through their title as set out in the 'delegated to' column of the schedule;

[e] Any limitation on the power delegated has been specified in the 'function' column of the schedule below; and

[f] The ‘function’ column is a summary of the power delegated only. The complete provision of the RMA (set out in the ‘section’ column of the schedule) should be referred to as appropriate.

4. RMA General Matters

4.1 RMA Information and Reports

Section	Function	Delegated to
35(2A)	Prepare and make available to the public a report on monitoring activities undertaken by ORC in the course of exercising its functions under the RMA	GM Regional Planning and Transport GM Science and Resilience

4.2 RMA Administrative charges

Section	Function	Delegated to
36(5)	Require payment of additional charges over and above any fixed charges to enable the recovery of actual and reasonable costs.	Manager Policy and Planning Manager Consents Manager Compliance
36(6)	Approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge	Manager Policy and Planning Manager Consents Manager Compliance
36AAB(1)	Waive or remit the whole or any part of any charge referred to in s36 which would otherwise be payable.	Manager Policy and Planning Manager Consents Manager Compliance
36AAB(2)	Where a charge of a kind referred to in s 36 is payable, cease performing the action to which the charge relates until the charge has been paid in full.	Manager Policy and Planning Manager Consents Manager Compliance
36AA	Determine any discount under s 36AA on an administrative charge imposed under s 36.	Manager Policy and Planning Manager Consents Manager Compliance

4.3 RMA Power to waive or extend time limits or waive requirements

Section	Function	Delegated to
37(1)(a)	Extend time periods associated with a resource consent process, if the applicant has agreed to the extension.	Senior Consents Planner Team Leader Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and co-Chairs of the Regional Leadership Committee
	Extend time periods associated with a resource consent process, where the applicant has not agreed to the extension.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of Regional Leadership Committee
	Extend any other time period not associated with a resource consent process.	GM Regional Planning and Transport GM Environmental Delivery
37(1)(b)	In relation to resource consent processes, waive a failure to comply with a requirement regarding the time or method of services of documents.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
	In relation to any process other than a resource consent process, waive a failure to comply with a requirement regarding the time or method of service of documents.	GM Regional Planning and Transport GM Environmental Delivery
37(2)	In relation to a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee

	In relation to any process other than a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	GM Regional Planning and Transport GM Environmental Delivery Manager Compliance Manager Regulatory Data and Systems Manager Policy and Planning
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4.4 RMA Commissioning reports

Section	Function	Delegated to
42A	Require an officer or commission a consultant or other person to prepare a report.	Principal Consents Planner Senior Consents Planner Team Leader Consents Team Leader RPS, Air and Coast Team Leader Freshwater and Land except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
42A(3) 42A(4)(b) 42A(5)	Waive compliance with the requirements in ss 42A(3) and 42A(4)(b).	GM Regional Planning and Transport or GM Environmental Delivery

4.5 RMA Protection of sensitive information

Section	Function	Delegated to
42	Make an order under this section to avoid: serious offence to tikanga Māori, or to avoid the disclosure of the location of wahi tapu; the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.	GM Regional Planning and Transport GM Environmental Delivery

5. RMA Policy and Planning

5.1 RMA Evaluation reports

Section	Function	Delegated to
32 Schedule 1, clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land
32AA Schedule 1, clause 5	This is a report to be prepared or commissioned by the hearing panel making recommendations on the planning document.	
165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	Manager Policy and Planning

5.2 RMA Consultation

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

5.3 RMA Notification

Section	Function	Delegated to
Schedule 1, clause 5(1C)	Determine whether persons are likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land
Schedule 1, clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land

5.4 RMA Summary of decisions requested

Section	Function	Delegated to
Schedule 1, clause 7	Publicly notify a summary of decisions requested by persons making submissions on a proposed policy statement, plan, or plan change and/or serve notice on relevant persons where a decision was made to have limited notification of a RPS or Regional Plan	Team Leader RPS, Air and Coast Team Leader Freshwater and Land

5.5 RMA Resolution of disputes

Section	Function	Delegated to
Schedule 1, clause 8AA(1)	Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	GM Regional Planning & Transport
82	Resolution of disputes relating to inconsistencies between instruments by referral to the Environment Court (relates to inconsistency between water conservation orders and the Regional Policy Statement, or Regional Policy Statement or Plans and a District Plan, or between Regional Policy Statement or Plan and a national direction)	GM Regional Planning & Transport

5.6 RMA Amendments to policy statements or plans without using Schedule 1

Section	Function	Delegated to
Schedule 1, clause 16(1) and (2) Schedule 1, clause 20A	Amend a proposed or operative policy statement or plan in accordance with clauses 16(1), 16(2) (to give effect to national direction or a direction from the Environment Court) and 20A (to correct a minor error) without using the Schedule 1 process.	Manager Policy and Planning

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

5.7 RMA Notification of operative dates

Section	Function	Delegated to
Schedule 1, clause 20	Publicly notify a date on which a policy statement or plan becomes operative.	Manager Policy and Planning

5.8 RMA Private plan changes

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

5.9 RMA Incorporation of documents by reference

Section	Function	Delegated to
Schedule 1, clause 34	Consult on proposal to incorporate material by reference in a proposed plan, variation, or change in accordance with Schedule 1, clause 34.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land

5.10 RMA Written approval on behalf of the ORC

Section	Function	Delegated to
104(3)(ii) 104(4)	Where ORC is an affected party, give or decline to give written approval on behalf of the ORC to a resource consent application, and withdraw any written approval given.	GM Regional Planning & Transport -for policy interests GM Science and Resilience – for operational matters

		GM People and Corporate – for property matters GM Environmental Delivery - for maritime interests
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6. RMA Submissions

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

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

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

7. RMA Resource consents and certificates of compliance

7.1 RMA Application for resource consents

Section	Function	Delegated to
88(3)	Determine that an application is incomplete.	Consents Planner
88(3A)	If an application is determined to be incomplete, return the application to the applicant with written reasons for the determination.	Consents Planner
91C(2)	Following a period of suspended processing, decide whether to return the application to the applicant with a written explanation as to why it is being returned or continue to process the application.	Team Leader Consents Principal Consents Planner
91C(3)	If a decision is made under section 91C(2) to return an application, return the application with a written explanation as to why it is being returned.	Team Leader Consents Principal Consents Planner
165D	Refuse to receive an application for a coastal permit where consent for a similar activity has been refused within the previous 12 months	Manager Consents

7.2 RMA Further Information requests

Section	Function	Delegated to
92(1)	Request further information relating to a resource consent application.	Senior Consents Planner
92(2)	Commission a person to prepare a report on any matter relating to a resource consent application.	Team Leader Consents Principal Consents Planner
92A(2)	When requesting further information under section 92, set a reasonable time within which the applicant must provide the information and tell the applicant in a written notice.	Senior Consents Planner

7.3 RMA Notification

Section	Function	Delegated to
91(1)	Defer the notification or hearing of an application for resource consent where it is considered other resource consents will also be required and it is appropriate that applications for one or more of those other resource consents be made before proceeding further.	Senior Consents Planner

91D	Decide to suspend the processing of a non-notified application when a request is received from an applicant under section 91D.	Senior Consents Planner
95(1)	Decide whether to give public or limited notification of a resource consent application in accordance with sections 95A and 95B and notify the application as determined appropriate.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
95E 95F 95G 127(4)	Determine if a person is an affected person.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
95D	For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee

7.4 RMA Submissions

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

7.5 RMA Pre-hearing meetings and mediation

Section	Function	Delegated to
99(1)	Invite the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
99(1)	Require the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
99	Decide who will chair a pre-hearing meeting	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
99(2)	Invite a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
99(2)	With the consent of the applicant, require a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee

99(8)	Decline to process a person's application or consider a person's submission if they were required but failed to attend a pre- hearing meeting.	GM Environmental Delivery; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
99A	Refer an applicant and submitters to mediation.	GM Environmental Delivery; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
99A	Appoint mediators for consent applications	Any two of the following: GM Environmental Delivery and co-chairs of the Regional Leadership Committee except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee

7.6 RMA Hearings

Section	Function	Delegated to
34A(1) 34A(1A)	Appoint a hearing commissioner(s) to hear and decide resource consent applications and delegate to that person or persons all the necessary powers, functions, and duties in the RMA.	Manager Policy and Planning for plan hearings Any two of the following for a resource consent hearing: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
39 40 41A 41B 41C	To determine the procedures for the conduct of a hearing	The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application

41D	To strike out all of part of a submission in accordance with the section	Manager Consents The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application
100	Determine that a hearing of an application is necessary.	Manager Consents
100A(4)	Where an applicant or submitter has made a request under s 100A, appoint a hearing commissioner(s) to hear and decide the application.	Any two of the following: GM Environmental Delivery and Co-Chairs of the Regional Leadership Committee
101(1) 101(3)	Fix and give notice of the commencement date, time and place of a hearing.	Senior Consents Support Planner; or Consents Support Co-ordinator
102(1)	In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary.	Manager Consents
102(2)	Instead of the ORC, agree that for a joint hearing another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	Manager Consents
103(1)	Determine that applications for resource consents for the same proposal are sufficiently unrelated that it is unnecessary to hear and decide the applications together.	Manager Consents

7.7 RMA Decision-making on applications

Section	Function	Delegated to
104A 104B 104C 104D 104F 105 107 108 108AA 217	Determine applications and impose conditions for the following activities or types of application: Applications for a non-complying activity Determine applications and impose conditions for any activity where: the application was notified or limited notified but no hearing is required (subject to s 100) the recommended consent term is greater than 25 years. the recommended consent conditions are not consistent with the Council's standard consent conditions.	Manager Consents; Team Leader Consents; or Principal Consents Planner The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine a consent application including where the ORC is the applicant for consent.
104A 104B 104C 104D 104F 105 107 108 108AA 217	Determine applications and impose conditions for any other activity, where the recommended conditions are consistent with the Council's standard consent conditions and the recommended consent term is less or equal to 25 years.	Manager Consents; Team Leader Consents; or Principal Consents Planner The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular consent application including where the ORC is the applicant for consent.
104A 104B 104C 104D 104F 105 107 108 108AA 217	Authority to decide non-notified resource consent applications to install or alter a bore.	Senior Consent Planner. The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular a consent application including where the ORC is the applicant for consent.
108A 109	Implementation of requirement in a resource consent for a bond to secure the performance of consent conditions Note: If a bond or covenant is considered as a possible consent requirement than all matters relating to consent conditions under ss 104A, 104B, 104C, 104D, 104F, 105, 107, 108, 108AA and 217 must be considered together with delegation exercised by the GM Regulatory.	GM Environmental Delivery

110(1)	Refund or return the whole of a financial contribution or land in accordance with s 110.	GM Environmental Delivery
110(2)	Determine the portion of a financial contribution or land to retain to cover the costs incurred by the Council in relation to the activity and its discontinuance.	GM Environmental Delivery
114(2)	Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	Manager Consents
n/a – internal policy	Determine whether an application for financial support for resource consent processing fees for environmental enhancement projects is to be accepted or rejected, upto a maximum value of \$10,000 taking into account budget availability and other factors. See ORC policy ‘Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects’ dated July 2021.	GM Environmental Delivery

7.8 RMA Duration of consent

Section	Function	Delegated to
124	Allow a resource consent holder to operate under an expired resource consent while the application for a new consent and any references (appeals) to the Environment Court are determined in accordance with s 124.	Team Leader Consents Principal Consents Planner Senior Consents Planner
125(1A)(b)	Determine an application for extension of the lapse date of a consent.	Manager Consents

7.9 RMA Cancellation and change of consents

Section	Function	Delegated to
126(1)	Cancel a resource consent by written notice in accordance with s 126.	Manager Compliance
126(2)	Revoke the notice of cancellation of a resource consent and determine a new period after which a new notice of cancellation may be issued in accordance with s 126.	GM Environmental Delivery
127	Change or cancel consent condition on application by the consent holder	Principal Consents Planner Manager Consents

7.10 RMA Review of consent conditions by consent authority

Section	Function	Delegated to
128 129	Determine whether to review the conditions of a resource consent, serve notice on a consent holder of the intention to review the conditions, and propose new conditions.	Manager Consents Manager Compliance

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

7.11 RMA Determining activities are permitted activities

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

7.12 RMA Minor corrections

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

7.13 RMA Transfer and surrender

Section	Function	Delegated to
136(2)(b)(ii)	Approve the transfer of a water permit in whole or in part to another person on another site or to another site in accordance with s 136.	Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support
137(3)(b)	Approve the transfer of a discharge permit in whole or in part to another person or another site in accordance with s 137.	Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support
138(2)	Refuse to accept the surrender of part of a resource consent	Manager Consents Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support

7.14 RMA Certificates of compliance or existing use

Section	Function	Delegated to
139(4)	Require further information to be provided in relation to a request for a certificate of compliance.	Consents Planner
139(5)	Issue a certificate of compliance.	Principal Consents Planner Team Leader Consents Senior Consents Planner

139A(3)	Require further information to be provided in relation to a request for an existing use certificate.	Consents Planner
139A(5)	Issue an existing use certificate.	Manager Consents
139A(8)	Revoke an existing use certificate in accordance with s 139A(7) and (8).	Manager Consents

7.15 RMA Permits over land other than that of the holders

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

7.16 RMA Direct referral

Section	Function	Delegated to
87E	Decide whether to agree to an applicant's request for direct referral of a resource consent application to the Environment Court.	GM Environmental Delivery
87F	Approve the content of a report prepared under section 87F on an application that has been directly referred to the Environment Court.	Manager Consents

7.17 RMA Objections

Section	Function	Delegated to
357C	Hear and decide objections against certain decisions under ss 357, 357A and 357B – except where the objector has requested that the matter be resolved by a hearing commissioner.	Manager Consents Manager Compliance Except that if they made the decision that is the subject of the objection the objection must be determined by their General Manager, or the CE
357AB(2)	If requested by an applicant with a right of objection under s 357A(1)(f) or (g), appoint a hearing commissioner to consider the objection in accordance with s 357AB.	Environmental Delivery and Co-Chairs of the Regional Leadership Committee
357C(4)	Hear and decide objections against additional charges collected under s 36(3).	GM Environmental Delivery Manager Compliance

7.18 RMA Consents where the ORC is the applicant

Section	Function	Delegated to
88(1)	Authority to apply for a resource consent on behalf of the ORC	GM Science and Resilience Any Harbourmaster

		GM Environmental Delivery
	For all delegations covered in sections 16.1 to 16.16 of this Manual decision making will be delegated to an external, independent and appropriately qualified commissioner appointed by two of the three: GM Regulatory and the co-chairs of the Regulatory Committee of Council. All analysis, processing, report writing and support for the Independent Commissioner will be provided by an independent consultant appointed by the Manager Consents from an approved panel of consultants.	Independent Commissioner Independent Consultant

7.19 RMA Consent applications where the ORC may be an affected party

Section	Function	Delegated to
95B	Authority to make submissions, or provide written approval of a resource consent application on behalf of Council where it is an affected party	GM Science and Resilience GM Regional Planning and Transport

8. RMA Enforcement and compliance

8.1 RMA Enforcement officers

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

8.2 RMA Requirement to supply information

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

8.3 RMA Powers of entry or search

Section	Function	Delegated to
332	Use powers of entry for inspection in accordance with s 332.	Warranted Officer where specified on warrant
333	Use powers of entry for survey in accordance with s 333.	Warranted Officer where specified on warrant

334	Authority to apply to an issuing officer for a warrant for entry to search where there are reasonable grounds to believe an offence against the RMA has been or is suspected of having been committed that is punishable by imprisonment.	Manager Compliance
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8.4 RMA Infringement notices

Section	Function	Delegated to
343B	To decide to proceed by way of filing a charging document or serving an infringement notice	GM Environmental Delivery
343B/C	To decide to withdraw an infringement notice.	Manager Compliance
343C	Where an enforcement officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence.	Team Leader Compliance Monitoring Team Leader Investigations
343C	To commence proceedings for a defended infringement notice	GM Environmental Delivery

8.5 RMA Abatement notices

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

8.6 RMA Enforcement orders

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

320	Apply to the Environment Court for an interim enforcement order.	Manager Compliance
321	If directly affected by an enforcement order, apply to the Environment Court to change or cancel the order.	Manager Compliance

8.7 RMA Offences

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

8.8 RMA Water shortage direction

Section	Function	Delegated to
329	Issue, amend or revoke a water shortage direction	GM Science and Resilience GM Regional Planning and Transport GM Environmental Delivery

8.9 RMA Reclamations

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

8.10 RMA Emergency works

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

9. RMA Court proceedings

9.1 RMA Environment court

Section	Function	Delegated to
120 174 192 195 Schedule 1, clause 14 Schedule 1, clause 27	Lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent, a designation, or a heritage order, plan reviews, policy statements, plan changes and new plans where the ORC is an applicant or has made a submission as an affected party. This delegation includes authority to enter into mediation, approve Consent Memoranda, draft Consent orders and side agreements, appear at hearings, present evidence, deal with costs, where these arrangements or activities protect ORC's interest as either the applicant or an affected party.	Manager Consents Manager Policy and Planning
174 179 192 195 Schedule 1, clause 14 Schedule 1, clause 27	Lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent where the ORC not an applicant or a decision maker.	GM Environmental Delivery GM Regional Planning and Transport
267	Participate and make decisions in Environment Court conferencing and/or appoint a representative who has authority (on behalf of Council) to participate and make decisions	Manager Consents Manager Compliance Manager Policy and Planning
268A	For RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions to resolve proceedings directly relating to the contents of Otago Regional Council Regional Policy Statements and Plans, including approving Consent Memoranda, draft Consent Orders and side agreements, provided that a position paper is run by the relevant committee chair prior to the officer attending mediation or other alternative dispute resolution sessions For other RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions, including approving Consent Memoranda, draft Consent Orders and side agreements	Manager Consents Manager Compliance Manager Policy and Planning
	For RMA resource consent and other RMA matters, approve Consent Memoranda, draft Consent Orders and side agreements.	Manager Consents Manager Compliance Manager Policy and Planning
272 275 277A	Decide to appear at proceedings before the Environment Court and call evidence, or new evidence for the ORC.	Manager Consents Manager Compliance Manager Policy and Planning

274	Lodge, withdraw, or oppose a notice of intention to become an interested party to Environment Court proceedings.	GM Regional Planning and Transport
278 279 280	Seek, withdraw, or oppose orders in accordance with ss 278, 279 and 280.	Manager Consents Manager Compliance Manager Policy and Planning
281	Lodge, withdraw, or oppose an application for a waiver or direction in accordance with section 281.	GM Regional Planning and Transport GM Environmental Delivery
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	GM Regional Planning and Transport GM Environmental Delivery
291	Lodge, oppose, or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application.	GM Regional Planning and Transport GM Environmental Delivery
294	Apply to the Environment Court for a rehearing of its proceedings where new and important evidence has become available after the Court's decisions	GM Regional Planning and Transport
308G 311	Lodge, withdraw, join, or oppose an application for declaration with the Environment Court.	GM Regional Planning and Transport GM Environmental Delivery
356	Apply to the Environment Court for a matter to be determined by arbitration	Any General Manager

9.2 RMA High Court

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

9.3 RMA Court of Appeal and Supreme Court

Section	Function	Delegated to
308 RMA Subpart 8 of Part 6 of Criminal Procedure Act 2011	Lodge, withdraw, join, or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal, or any related applications or proceedings and be heard in relation to any application or proceedings.	Chief Executive
	Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	
	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	

10. RMA Proposals of national significance

Section	Function	Delegated to
142(1)	Request that the Minister for the Environment call in a resource consent application as a matter is of national significance.	GM Environmental Delivery
142(2) 147(4)	Provide the Council's view on a direction to be made by the Minister for the Environment.	GM Environmental Delivery GM Regional Planning and Transport
149	Prepare a report requested by the EPA	Manager Consents
149B	Provide information to the EPA	Manager Consents Manager Policy and Planning Manager Compliance
149K	Provide suggestions to the Minister on the members of a Board of Inquiry	GM Environmental Delivery
149G 149M 149N	Prepare a report for the EPA on key planning matters relating to a called in application and provide information or comments to the EPA on proposed plans or plan changes	Manager Consents Manager Policy and Planning
149Q(4) 149Q(5)	Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report.	Manager Consents GM Regional Planning and Transport
149W(2)(a)	Amend a proposed plan, change, or variation under clause 16(1) of Schedule 1 as if the decision were a direction of the Environment Court under s 293.	GM Regional Planning and Transport
149(ZD)	Recover actual and reasonable costs of a process involving a matter of national significance.	GM Environmental Delivery GM Regional Planning and Transport

11. RMA Water conservation orders

Section	Function	Delegated to
205 209 211	To make a submission to a special tribunal on a water conservation order, appeal to the Environment Court and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under s 210.	GM Environmental Delivery GM Regional Planning and Transport

12. RMA Designations

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

13. Other RMA matters

Section	Function	Delegated to
80 186	Power to acquire land	Chief Executive

237D	Transfer of land to the Crown or ORC	Chief Executive
245	To approve or decline a plan of survey of a reclamation, or make a submission to a special tribunal on a water conservation order appeal to the Environment Court, and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under s 210 to approve or decline a plan	Not delegated

14. RMA Regulations

14.1 RMA Measurement and Reporting of Water Takes

Regulation	Function	Delegated to
6(5)	Approving format of records	Manager Consents or Manager Regulatory Data and Systems
7(4)	Determining whether the certifier is suitably qualified	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
7A(5)	Approval to grant a later deadline for providing water meter records	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
8(4) 8(6)	Authority to request evidence from the consent holder	Consents Planner
9	Approval to measure water taken each week (instead of each day).	Team Leader Consents; or Team Leader Compliance Monitoring; or Manager Regulatory Data and Systems
10	Approval to use device or system installed near (instead of at) location from which water is taken.	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
11	Authority to revoke approval granted under regs 9 or 10.	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems

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

Section	Function	Delegated to
clause 10A(2) Regulations	Require a notice to be affixed in a conspicuous place.	Manager Consents

15. RMA Regional Plan: Water for Otago

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

16. RMA Fresh Water Farm Plans (FWFP)

Section of the Part 9A of the RMA	Function	Delegated to	Commencement
Part 217K	Appointment of certifiers for FWFPs in Otago.	GM Environmental Delivery	Commenced 1 February 2024
Part 217K	Appointment of auditors for FWFPs in Otago.	GM Environmental Delivery	Commenced 1 February 2024
217KA (1)	Appointment of an industry organisation to provide certification and audit services in Otago.	GM Environmental Delivery	Commenced 1 February 2024
217M Schedule 2 Part 2	Discontinue appointment of a certifier in Otago.	GM Environmental Delivery	Commenced 1 February 2024
217M Schedule 2 Part 3	Discontinue appointment of an auditor in Otago	GM Environmental Delivery	Commenced 1 February 2024

ADMINISTRATIVE DELEGATIONS- LGA

17. The Local Government Act 2002

- [a] This section sets out the functions under the Local Government Act 2002 (LGA) which are delegated;
- [b] The Council delegates (to the extent authorised under the LGA) specified responsibilities, duties, and powers to the Chief Executive and council offices as set out below;
- [c] The delegations are made under and must be acted on in accordance with the requirements of clause 32A of Schedule 7 of the LGA as well as the general delegation provision of clause 32 of Schedule 7 of the LGA. This includes the limitations set out in those sections and the prohibition on sub-delegation;
- [d] The powers have been delegated to specific office holders through their title as set out in the ‘delegated to’ column of the schedule;
- [e] Any limitation on the power delegated has been specified in the ‘function’ column of the schedule below; and
- [f] The ‘function’ column is a summary of the power delegated only. The complete provision of the LGA (set out in the ‘section’ column of the schedule) should be referred to as appropriate.

Section	Function	Delegated to
162	Apply for injunction restraining a person committing a breach of a Bylaw or an offence against this Act	GM Environmental Delivery GM Science and Resilience Harbourmaster
163	Removal or alteration of work or thing that is or has been constructed in breach of a bylaw and recovery of costs.	GM Environmental Delivery GM Science and Resilience Harbourmaster
164	To seize and impound property not on private land	Warranted officer where specified on warrant
165	To seek a search warrant	GM Environmental Delivery GM Science and Resilience Harbourmaster
168	To dispose of property seized and impounded	GM Environmental Delivery GM Science and Resilience Harbourmaster

171	Power of entry.	Warranted officer where specified on warrant
172	Power of entry for enforcement purposes.	Warranted officer where specified on warrant
173	Powers of entry in cases of emergency.	Warranted officer where specified on warrant
174	Authority to appoint an authorised person and issue warrants for the purposes of: Local Government Act 2002 Building Act 2004 Otago Regional Council Bylaws Soil Conservation and Rivers Control Act 1941 Land Drainage Act 1908	After considering whether or not to apply any limitation to the power before delegating it, as well as the limitations (if any) it will place on that power Chief Executive
174	Authority to act.	Warranted officer where specified on warrant
175	Power to recover costs of damage.	GM Science and Resilience GM Environmental Delivery
176	Power to recover costs of remedying damage arising from breach of bylaw.	GM Science and Resilience GM Environmental Delivery
177	Authority to appoint enforcement officers and issue warrants.	Chief Executive
181	Authorise construction of works on or under private land, or under a building on private land, considered necessary for land drainage and rivers clearance.	Manager Engineering
181(4)	Enter land to inspect, alter, renew, repair, or clean any work constructed under s 181.	Manager Engineering
182	Power of entry to check utility services.	Warranted officer where specified on warrant
185	Grant approval for occupier to undertake work	Manager Engineering
186	To approve works if owner or occupier defaults	GM Science and Resilience GM Environmental Delivery
187	To approve the recovery of costs	GM Science and Resilience GM Environmental Delivery
189 190	Power to acquire land	Chief Executive
224-236 238-239	To initiate or withdraw a prosecution for an offence against this Act.	GM Science and Resilience GM Environmental Delivery
241	Authority to file charging document.	GM Science and Resilience GM Environmental Delivery

18. Rating

18.1 Introduction

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

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

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

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

18.2 Local Government (Rating) Act 2002

Section	Function	Delegated to
40	Power to correct rates	Finance Manager
41	Authority to issue an amended rates assessment if an error is encountered.	Finance Manager
54	Power not to collect rates that are uneconomic to collect	Finance Manager
61,62,63	Powers for recovery of unpaid rates	Finance Manager
85, 86	Power to remit rates pursuant to Council rates remission policy	Finance Manager to approve remission of rates on applications which meet the criteria of Council's policies
87,90	Power to postpone rates pursuant to Council rates postponement policy	Finance Manager to approve postponement of rates on applications which meet the criteria of the Council's policies

91-113	Rating of Māori freehold land including district valuation rolls, land vested in trustees, multiple ownership, using land in multiple ownership	GM Finance/CFO to be exercised in accordance with Council's policies
114-115	Power to remit or postpone rates on Māori Freehold land	GM Finance/CFO to be exercised in accordance with Council's policies

18.3. Rating Valuation Act 1998

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

3. DELEGATIONS to CE and subdelegations to ORC staff

18A. Delegations to Chief Executive

18A.1 Introduction to Chapter 3

This section of the Delegations Manual contains delegations which have first been made from the Council to the Chief Executive, as well as statutory powers which sit with the Chief Executive. In some cases, these delegations have then been subdelegated from the Chief Executive to other Council officers.

For the avoidance of doubt, in respect of all responsibilities, powers, functions and duties listed in Chapter 3 of this Manual that originally sat with the Council, the Chief Executive is delegated all responsibilities, powers, functions and duties that are legally able to be delegated in accordance with the relevant empowering legislation (except as otherwise provided for in this Manual).

Where these delegated responsibilities, powers, functions and duties have then been subdelegated to other Council officers, this is set out in the various sections below.

This Chapter also contains some delegations specifically to the Chairperson or Councillors (in relation to the Use of the Common Seal; the Covid 19 Recovery (Fast Track Consenting) Act 2020; and the Civil Defence Emergency Management Act 2002). These delegations cannot be sub-delegated by the Chief Executive.

PART C: ADMINISTRATIVE DELEGATIONS

19. Human Resources delegations

19.1 Legislative delegation to the Chief Executive

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

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

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

19.2 Principles of Human Resources delegations

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

- (a) Human Resources Delegations are standardised across management roles (i.e. if a delegation is granted to General Managers, then everyone in a General Manager role holds that delegation).

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

19.3 Human Resources delegations

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

Other delegations have been made by the Chief Executive to the General Managers, Managers and Team Leaders.

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

Table 2: Human Resources delegations

Chief Executive	General Managers (T2)	Managers (T3)	Team Leaders (T4)
Recruitment Requisitions			
<ul style="list-style-type: none"> ▶ approve recruitment of additional Full Time Equivalent (FTE) permanent employee numbers (unbudgeted recruitment) ▶ approve recruitment where significant change has been made to a role 	<ul style="list-style-type: none"> ▶ approve like-for-like recruitment (permanent, fixed term and casual) 	<ul style="list-style-type: none"> ▶ make recommendations on recruitment (like for like and unbudgeted) to the appropriate approving manager ▶ engage the services of a recruitment agency with People and Safety agreement (provided Procurement Policy obligations have been met) 	<ul style="list-style-type: none"> ▶ make recommendations on recruitment (like for like) to the appropriate approving manager

Candidate Appointments			
<ul style="list-style-type: none"> ▶ approve candidate offers which fall outside market range (above 100% of the assessed salary grade for the position) ▶ approve candidate offers for 2nd tier managers 	<ul style="list-style-type: none"> ▶ approve candidate offers within market range (up to 100% of the assessed salary grade for the position) ▶ sign offers of employment ▶ approve non-standard terms and conditions with the Manager People and Safety's agreement ▶ offer relocation expenses with the Manager People and Safety agreement 	<ul style="list-style-type: none"> ▶ make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager 	<ul style="list-style-type: none"> ▶ make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager
Employment Conditions			
<ul style="list-style-type: none"> ▶ require and set dates for an annual shutdown period ▶ sign (on behalf of ORC) Collective Employment Agreements and bargaining Terms of Settlement 	<ul style="list-style-type: none"> ▶ determine actions to address conflict of interest situations ▶ approve staff entering into secondary employment ▶ deliver a Final warning with Manager People and Safety agreement ▶ second staff to other organisations subject to consultation with CE ▶ approve staff to present a paper or publication referencing Otago Regional Council ▶ approve requests for flexible working arrangements (formal, change to employment terms and conditions), and other standard employment 	<ul style="list-style-type: none"> ▶ determine the course of action following an external complaint against a staff member subject to consultation with General Manager/Manager People and Safety ▶ approve requests for flexible working arrangements (informal) ▶ second staff to other teams within the Group ▶ deliver a Verbal or First warning with People and Safety agreement ▶ make verbal employment offer subject to approval of request to appoint 	<ul style="list-style-type: none"> ▶ approve timesheets ▶ approve one-off or occasional work from home ▶ initiate a performance improvement process with Manager/People and Safety agreement

	agreement adjustments (i.e. changes to reporting line)		
Termination			
<ul style="list-style-type: none"> ▶ approve termination of an employment agreement ▶ approve the outcome of change proposals and position disestablishments resulting in a triggering of redundancy clause in employment agreement ▶ approve payments under section s123(1)(c)(i) of the Employment Relations Act 2000 	<ul style="list-style-type: none"> ▶ attend employment mediations on behalf of ORC alongside the Chief Executive and/or Manager People and Safety 		
Leave			
<ul style="list-style-type: none"> ▶ approve corporate-wide paid leave for staff unable to work due to an emergency or severe weather situation ▶ approve the cash-out of annual leave ▶ grant paid and unpaid compassionate leave ▶ approve requests for leave without pay for greater than 5 days ▶ approve study leave 	<ul style="list-style-type: none"> ▶ approve requests for leave without pay for up to 5 days ▶ approve use of special leave subject to consultation with CE ▶ grant additional bereavement/tangi leave subject to consultation with CE ▶ sign off parental leave ▶ grant additional paid sick leave in situations of prolonged illness or injury (Discretionary Wellbeing Leave) 	<ul style="list-style-type: none"> ▶ provide a request for exemption from jury service ▶ approve use of partner/paternity leave ▶ approve use of domestic violence leave (in consultation with the Manager People and Safety) ▶ grant additional paid sick leave (fair and reasonable sick leave only), in accordance with the Fair and Reasonable Sick and Wellbeing Leave Policy 	<ul style="list-style-type: none"> ▶ approve sick, annual, bereavement or jury service leave ▶ approve utilisation of flexitime
Performance and Development			
	<ul style="list-style-type: none"> ▶ approve attendance of overseas learning events ▶ approve study applications 	<ul style="list-style-type: none"> ▶ approve attendance at internal or external learning events with People and Safety agreement 	

	<ul style="list-style-type: none"> ▶ approve individual performance and development objectives and review outcomes 		
Policies and Procedures			
<ul style="list-style-type: none"> ▶ approve new policies, changes to existing and disestablishment of redundant/superseded policies 	<ul style="list-style-type: none"> ▶ policy ownership for cross-organisational policies within sphere of responsibility ▶ approval for divergence from existing policy 	<ul style="list-style-type: none"> ▶ policy expert (Legal Counsel or delegate) ▶ approve operational procedures and guidelines within sphere of responsibility 	<ul style="list-style-type: none"> ▶ approve standard operating procedures (SOPs)
Health, Safety and Wellbeing			
<ul style="list-style-type: none"> ▶ approving requests for the consumption of alcohol at work-related functions ▶ duties as required of the primary Officer of the PCBU ▶ final approval of the Health and Safety Organisational Risk Register ▶ determine the resolution on any matters escalated by the Health and Safety Committee 	<ul style="list-style-type: none"> ▶ decide actions following harassment or bullying investigations unless delegated to a manager ▶ duties as required as Officers of the PCBU in matters relevant to their work groups ▶ approve Permit(s) to Work for work deemed 'high risk' (e.g. Asbestos removal, accessing a confined space) ▶ determine any corrective actions required on safety matters (e.g. following an audit, incident investigation, matters raised at the Health and Safety Committee) ▶ determine the resolution on any matters escalated by the Health and Safety Committee ▶ issuing a trespass notice 	<ul style="list-style-type: none"> ▶ approve catering for meetings and functions ▶ approve new and replacement garments and Personal Protective Equipment (PPE) for field work ▶ approval of safety training requirements for employees ▶ approval of ergonomic workstation assessments ▶ approval of Return to Work (RTW) Plans for injured or ill employees ▶ final sign off/closing out of incident investigations ▶ determine any corrective actions required on safety matters (e.g. following an audit, incident investigation, matters raised at the Health and Safety Committee) 	<ul style="list-style-type: none"> ▶ approve new and replacement garments and Personal Protective Equipment (PPE) for field work ▶ approval of safety training requirements for employees ▶ approval of ergonomic workstation assessments ▶ approval of Return to Work (RTW) Plans for injured or ill employees
Recognition, Reward and Remuneration			
<ul style="list-style-type: none"> ▶ approve overall salary increase following annual review (within 	<ul style="list-style-type: none"> ▶ decide appointment and amount of higher duties payments 	<ul style="list-style-type: none"> ▶ approve overtime and accumulation of flexitime 	

governance-set budget)	▶ approve out of cycle remuneration increases (up to 100% of the assessed grade for the position)		
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20. Requests and the release of information, correspondence, and public records

20.1 Local Government Official Information and Meetings Act 1987

The Council has certain obligations under the Local Government Official Information and Meetings Act 1987 (LGOIMA), relating to public (and public-excluded) Council meetings, with respect to the availability to the Public of reports and papers being presented by ORC staff to Council and in response to requests for information under the LGOIMA.

Section	Description	Delegated to
8	Information concerning existence of certain information	General Managers Any member of the Legal Team
10	Requests for official information	All staff
11	Assistance with requesting information	All staff
12	Transfer of requests	Any member of the Legal Team
13	Decisions on requests (including the decision to impose a charge for providing official information and consulting on release)	General Managers Any member of the Legal Team
14	Extension of time to provide official information	General Managers Any member of the Legal Team
15	Power to determine manner of presenting information	General Managers Any member of the Legal Team
16	Power to determine deletions of some information from documents	General Managers Any member of the Legal Team Consents Support Co-ordinators, Investigators,

		Team Leader Investigations
17, 17A, 17B, 18	Refusal of requests for information	General Managers Any member of the Legal Team
21, 22, 23	Right of access to internal rules affecting decisions / personal information	General Managers Any member of the Legal Team
24	Precautions regarding access to personal information	All staff
25	Correction of personal information	All staff
26	Refusal to supply personal information	General Managers Any member of the Legal Team
29	To comply with the requirements of an Ombudsman	General Managers Any member of the Legal Team
33	Requirement to notify decision of Ombudsman	General Managers
39	Publication of summary of report	General Managers Any member of the Legal Team
46	Public notification of meetings	GM Strategy and Customer Governance Support Officer
46A, 46B, 49, 51, 51AA	Availability of agendas, reports and minutes	GM Strategy and Customer Governance Support Officers
51A	Public notification of resolution at emergency meeting	GM Strategy and Customer Governance Support Officers

20.2. Privacy Act 2020

The Council has obligations to meet under the Privacy Act 2020.

Section/s	Description	Delegated to
201	Power to appoint Privacy Officers	Chief Executive
47, 49, 50, 51, 52, 53	Decision to refuse access to personal information	General Managers Privacy Officers
41, 43, 45, 46, 48, 55, 56, 60, 62, 63, 64, 65, 66	To treat the requests with urgency; To decide to transfer a request to another agency; To decide whether the request can be granted (including the decision to impose a charge); Where a request has been granted, whether any information should be withheld; Decision to extend the time limits; Deciding the way information is to be provided; Providing the reasons for refusal.	General Managers Privacy Officers
	All other powers and duties under the Privacy Act 2020.	Chief Executive

20.3. Public Records Act 2005

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

Section	Description	Delegated to
17	To provide for the creation and maintenance of local authority records	Team Leader Records and Information
40	To comply with the requirements in relation to protected records	Team Leader Records and Information

45, 46	To classify the access status of the Council's local authority records	Team Leader Records and Information
47	To provide for the public inspection of open access records	Team Leader Records and Information

20.4 Other

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

21. Submissions

21.1. General

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

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

22. Authorisation to use the Common Seal

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

Where the Common Seal is affixed to any document it shall be attested by any two Councillors. This delegation cannot be sub-delegated.

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

- Certain warrants to carry out statutory functions, including warrants made under the Biosecurity Act 1993, the Building Act 2004, and the LGA 2002.
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.

- Regional Policy Statements and Regional Plans prepared under the Resource Management Act 1991.
- Bylaws prepared under the LGA2002 or other relevant statutes.
- Any documents (e.g. covenants, caveats, deed of agreement, s417 certificates or consent notices) which otherwise require the use of the Council's Common Seal.

The Common Seal is held by the Governance Support Officers.

23. Professional advice and legal proceedings

23.1 Authorisation to obtain professional advice

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

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

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

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

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

23.2 Court proceedings

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

Reference	Function	Delegated to
General Clause 32, Schedule 7 of LGA 2002	The authority to decide whether to commence or defend any action before a Court, tribunal, arbitral panel or other such body subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the Council	Chief Executive
General Clause 32, Schedule 7 of LGA 2002	In the event the Chief Executive is unavailable or in exceptional circumstances where time does not permit consideration by the Chief Executive and where such action is necessary to protect or further Council's interests, the authority to commence or defend any action before a Court, tribunal, arbitral panel or other such body	GM Environmental Delivery GM People and Corporate GM Regional Planning and Transport
General Clause 32, Schedule 7 of LGA 2002	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to any matter before any Court, tribunal, arbitral panel, or other such body subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee.	All Managers
General Clause 32, Schedule 7 of LGA 2002	The authority to: Initiate to have Court costs awarded; and Initiate legal proceedings to collect Court costs awarded	All General Managers
General Clause 32, Schedule 7 of LGA 2002	The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court and Tribunal proceedings and debt collection agencies	GM Finance
General Clause 32, Schedule 7 of LGA 2002	The authority to initiate, prosecute, withdraw and do all things necessary to conduct appeals as follows: ▶ Environment Court to the High Court ▶ District Court to the High Court ▶ High Court to the Court of Appeal or Supreme Court ▶ Court of Appeal to the Supreme Court.	Chief Executive
Judicial Review High Court	Lodge, withdraw, oppose or join an application for Judicial Review with the High Court and any related applications or proceedings and be heard in relation to any application or proceedings subject to, at the	Chief Executive

Rule 30.3, Clause 32, Schedule 7 of LGA 2002	delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the Council	
Judicial Review High Court Rule 30.3, Clause 32, Schedule 7 of LGA 2002	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to judicial review proceedings subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee. This delegation includes the authority to approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	Chief Executive

Specific terms and conditions:

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

Explanatory Note:

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

PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS

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

24. Contracting, Agreements and Memorandum of Understanding

24.1 Introduction

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

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

24.2 Memorandum of Understanding

The authority to sign on Council's behalf any memorandum of understanding is delegated to all Managers.

This delegation may be sub-delegated.

24.3 Authorisation to sign Deeds

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

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

24.4 Authorisation to sign contracts and other agreements (other than Deeds)

By resolution of Council, the Chief Executive has the power to authorise expenditure limited by the amount set in the Annual Plan, Long-term Plan or other specific authorisation by Council. The Chief Executive may, in turn, sub-delegate this authority to staff, and limit, suspend or withdraw said delegation at their discretion.

The exercise of delegation is on the total expenditure commitment, excluding GST and attention must be given to approved delegation levels. Staff must be aware of their delegations, and if necessary, obtain approval from appropriate staff with a higher delegation level if the procurement will exceed their own delegation limit.

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

Splitting procurement costs to bring the pricing under delegation or procurement level limits, while knowing that the total expenditure exceeds those limits, is prohibited.

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

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

24.4.1 PROCUREMENT PRINCIPLES¹

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

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

¹ Otago Regional Council Procurement Policy

6. Council will require sustainably produced goods and services whenever possible, having regard to economic, environmental, social, and cultural impacts over their life cycle

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

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

Table 3: Financial Delegations Register/Authority

Position	Exp per contract \$	Conditions/Additional Authority
Chief Executive		Limited by amount set in Annual Plan, Long Term Plan, or other specific authorisation by Council
GM Finance/CFO	150,000	Delegated amounts extended to \$250,000 where payment is part of an approved contract; accept public tenders up to \$250,000 on recommendation of appropriate General Manager.
GM Environmental Delivery	100,000	
GM People and Corporate	100,000	
GM Regional Planning and Transport	100,000	
GM Science and Resilience	100,000	Delegated amount increased to \$250,000 where payment is part of an approved contract.
GM Strategy and Customer	100,000	
Chief Information Officer	50,000	
Legal Counsel	50,000	
Manager Engineering	50,000	
Manager Executive Advice	50,000	
Manager Transport	50,000	
Finance Manager	25,000	Delegated amount of \$5,000 for Rates Refund; Authority to approve

		remission of rates penalties in accordance with agreed procedures; Authority to make supplier payments as required.
Harbourmaster	25,000	
Management Accountant	25,000	Authority to make supplier payments as required.
Manager Communications and Marketing	25,000	
Manager Compliance	25,000	
Manager Consents	25,000	
Manager Corporate Planning	25,000	
Manager Customer Experience	25,000	
Manager Emergency Management Otago	25,000	
Manager Environmental Implementation	25,000	
Manager Environmental Monitoring	25,000	
Manager Natural Hazards	25,000	
Manager People and Safety	25,000	
Manager Policy and Planning	25,000	
Manager Regulatory Data and Systems	25,000	
Manager Science	25000	
Manager Strategy	25,000	
Manager Support Services	25,000	
Principal Advisor - Environmental Implementation	10,000	
Project Delivery Specialist	10,000	
Team Leader Projects	10,000	Added role and delegation
Coordinator Records and Information	5,000	

EA to CE and Chair	5,000	
Engineering Officer - Taieri	5,000	
Environmental Resource Scientist	5,000	
Fleet and Facilities Advisor	5,000	
Health, Safety and Wellbeing Partner	5,000	
Network Infrastructure Lead	5,000	
People Services Coordinator	5,000	
People Services Lead	5,000	Added role and delegation
Principal Consents Planner	5,000	Added role and delegation
Procurement and Contracts Coordinator	5,000	
Safety and Training Coordinator	5,000	
Senior Engineering Officer Taieri	5,000	
Senior Field Officer Alexandra	5,000	
Team Leader Biodiversity	5,000	
Team Leader Biosecurity	5,000	Added role and delegation
Team Leader Brand and Marketing	5,000	
Team Leader Catchments	5,000	
Team Leader Commercial and Regulatory	5,000	
Team Leader Commercial and Regulatory	5,000	
Team Leader Compliance (Coastal)	5,000	
Team Leader Compliance Monitoring	5,000	
Team Leader Compliance Support	5,000	
Team Leader Consents	5,000	

Team Leader Consents Business Support	5,000	Added role and delegation
Team Leader Data Systems	5,000	
Team Leader Environmental Monitoring	5,000	
Team Leader Fleet and Facilities	5,000	
Team Leader Freshwater and Land	5,000	
Team Leader Health, Safety and Wellbeing	5,000	Added role and delegation
Team Leader Investigations	5,000	
Team Leader Land	5,000	
Team Leader Media and Communications	5,000	Added role and delegation
Team Leader Public Transport Dunedin	5,000	
Team Leader RPS, Air and Coast	5,000	
Team Leader Urban Growth and Development	5,000	
Team Leader Water	5,000	
Senior Environmental Officer	1,000	
Delivery Lead - Biosecurity	500	
Delivery Lead - Catchments	500	
RITS Contract Lead - Public Transport Ticketing	-	No financial delegation, but has ability to approve timesheets and leave requests.

* = bank signatories

24.5 Contingency Expenditure

24.5.1 EMERGENCY PROCUREMENT

An emergency procurement situation can arise from natural disasters such as flooding and earthquakes. Emergency procurement is not available to compensate for poor planning or to

procure without a purchase order. In an emergency, the following procedure is to be followed by staff²:

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

The Chief Executive, General Manager Science and Resilience, Manager Engineering, and Group Manager Emergency Management Otago are authorised in emergency circumstances to undertake the necessary remedial or response action (within the same maximum limits as provided in the Financial Delegations Register) and, at the first subsequent meeting of the Council, report on action taken under the delegation.

24.6 Other financial commitments

24.6.1. INVOICE DEBTORS

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

24.6.2. DEBT RECOVERY

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

With the exception of rates write-offs, the authority to approve write-downs and/or write-offs within the financial delegation limits above is delegated to General Manager Finance/CFO.

The authority to take appropriate action within ORC policy to recover debts within the financial delegation limits above, including, but not limited to Court, Tribunal proceedings and debt collection agencies is delegated to General Manager Finance/CFO, which can be subdelegated to Managers.

Explanatory note: See also court proceedings delegations.

24.6.3. RAISE CREDIT NOTES

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

► ² Otago Regional Council Procurement Policy

24.6.4. BANKING AND PAYMENT SIGNATORY

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

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

24.6.5. OPERATIONAL EXPENDITURE – PAYROLL, PAYE, ACC AND OTHER TAXES

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

24.7 Specific Financial Delegations

24.7.1 REGIONAL ON-SCENE COMMANDER (MARINE OIL SPILL RESPONSE)

The Regional On-Scene Commander is a person trained and authorised by Maritime New Zealand and appointed by Council under the Maritime Transport Act 1994. Appointment by Council provides financial authorisations within the Tier II Marine Oil Spill Response Plan.

- a. The Regional On-scene Commander is authorised to expend up to \$50,000 of the Council's funds in relation to Marine Oil Spill Response operations.
- b. The expenditure of \$50,000 may be exceeded up to a limit of \$100,000 with prior consultation with the Chief Executive or General Manager Science and Resilience.
- c. Any person authorised by the Council when acting as Regional On-scene Commander, who for the time being is the Acting Regional On-scene Commander, is authorised to spend up to \$50,000 in relation to Marine Oil Spill Response operations.
- d. Regional On-scene Commanders are required as a condition of the delegation to:
 - i. comply with Maritime New Zealand Operational Policy; and
 - ii. comply with Council procedures and subsequently report to the next meeting

25. Property services

25.1 Leases and Licences

Matter	Function	Delegated to
New leases/ Licences	The authority to: (a) as lessor or lessee to sign agreements to lease for residential and commercial property granting leases for periods of no more than eight years (b) grant new leases or licenses for terms not exceeding twenty-one years for all other land (c) execute contracts of guarantee	GM People and Corporate

Assignment and subleasing	The authority as lessee or licensee to approve the sublease and assignment of leases and licenses	GM People and Corporate
Mortgages	The authority to: (a) secure a mortgage over the lessees' interest in the lease (b) vary mortgage terms (c) release a mortgage	Two of Finance Managers or GM People and Corporate or GM Finance / CFO
Rents	The authority to: (a) appoint an officer to set rentals for council property (b) set, review and reduce prices and rents in relation to existing Council leases or licenses	Manager Support Services Legal Counsel
Rents	The authority to: (a) issue rent/fee rebates (b) appoint an arbitrator where rent reviews are appealed	GM People and Corporate
Variation of leases	The authority to: approve variations to commercial, industrial and residential leases; and all licenses	GM People and Corporate Legal Counsel
Termination and surrender of leases	The authority: (a) as lessor or lessee, or licensor or licensee, to terminate leases or licences within the terms and conditions of the contract, including failure to pay rent (b) as property owner, lessor, assignor or licensor, to approve the surrender of leases and licences	GM People and Corporate Legal Counsel
Registration	The authority to sign an authority and instruction form authorising registration of a lease or any surrender, variation or renewal of a currently registered lease approved under the above delegations	GM People and Corporate
Consent	The authority to provide (or withhold) any consent required under a lease	Manager Support Services Legal Counsel

25.2 Otago Regional Council (Kuriwao Endowment Lands) Act 1994

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

25.3 General and miscellaneous

Matter	Function	Delegated to
Access	Authority to enter into, vary, revoke, or cancel an access agreement.	Any Manager
Land acquisition	Authority to approve minor land purchases or sales by agreement, for public works, subject to the transaction being in accordance with the Long-term Plan and to sign an authority and instruction form for the above purpose.	GM Science and Resilience
Affected party approvals For further delegations on affected party approvals see: 14.10	Providing approval, consents and make submissions or objections as adjoining landowner or potentially affected party in relation to property owned, leased or managed by Council This delegation maybe sub-delegated.	GM People and Corporate
Land Interests	Power to register, approve amendments to or withdrawals or discharges of caveats, easement certificates and releases of bonds or encumbrances Specific terms and conditions: This delegation will only be exercised upon confirmation that all obligations have been satisfied	GM People and Corporate GM Finance / CFO Legal Counsel
Signing Issues	Sign any other applications, documents, agreements or instruments or certify any documents or instrument in relation to any interest in land, on behalf of Council not otherwise provided in these property delegations. This delegation maybe sub-delegated.	GM People and Corporate
Emergency	Power to close a premises / facility in an emergency situation	Any General Manager
Use of Council Property and land	Authorise the use of any Council building, land, facility or equipment by an outside person or organisation in accordance with established guidelines	GM People and Corporate
Disposal	Dispose (whether by tender or otherwise) of any motor vehicle or item of plant or surplus Council asset in accordance with the policy	GM People and Corporate Manager Support Services
Statutory Land Charge	The authority to release a statutory land charge	GM People and Corporate
Easements and other interests	The authority to (a) create, vary and surrender, easements and covenants over Council land. (b) request removal of easements, covenants and profits à prendre from LINZ register and removal of fencing covenants from title; (c) to sign an authority and instruction form for the above purposes	GM People and Corporate

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

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

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

25.4. Trespass Act 1980

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

PART E: REGULATORY NON-RMA DELEGATIONS

26. Council bylaws

26.1 Navigation Safety Bylaw 2020

The Otago Regional Council Navigation Safety Bylaw 2020 establishes a range of responsibilities, obligations and rules for the purpose of ensuring maritime safety for the waters in the Otago region as defined in the bylaw.

Except as provided below, delegations for the Navigation Safety Bylaw 2020 are provided for in the Maritime Transport Act 1994 and the Bylaw itself.

Clause	Function	Delegated to
Otago Regional Council written approval		
	For issuing or refusing any written approval on behalf of the Council.	GM Environmental Delivery

26.2 Flood Protection Management Bylaw 2022

Clause	Function	Delegated to
Authority to carry out work		
5.1	To approve or refuse authority under the Bylaw, including granting authority on such conditions as are considered appropriate.	Manager Engineering or Team Leader Commercial and Regulatory, except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Science and Resilience and Co-Chairs of the Regional Leadership Committee
5.2	Determining, refunding, remitting or waiving the whole or any part of any fee payable under the Bylaw.	General Manager Science and Resilience except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Science and Resilience and Co-Chairs of the Regional Leadership Committee
5.3	To uphold, amend or rescind a decision or authority under the Bylaw	Manager Engineering or Team Leader Commercial and Regulatory, except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Science and Resilience and Co-Chairs of the Regional Leadership Committee
Compliance and Enforcement		
6.1	Revocation of an authority granted under the Bylaw. Grant an extension to remedy a breach or failure	Manager Engineering or Team Leader Commercial and Regulatory
6.3	Issue a notice to remedy	GM Environmental Delivery GM Science and Resilience, GM Regional Planning and Transport

6.4	Authorisation of removal of works and cost recovery	Refer Local Government Act 2002 delegations
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27. Biosecurity Act 1993

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

In addition to the functions and powers delegated by the Chief Executive to “authorised persons” this section sets out the functions and powers under the Biosecurity Act which are delegated.

The Council delegates (to the extent authorised under the Biosecurity Act) in respect of biosecurity matters to the Chief Executive and council officers, as set out below.

Section	Function	Delegated to
13(1)(a)	Power to carry out monitoring and surveillance of pests, pest agents, and unwanted organisms for the purposes of Part 5 of the Biosecurity Act	Delivery Lead - Biosecurity
13(1)(b)	Power to provide for the assessment and management or eradication of pests	Delivery Lead - Biosecurity
70-75	Prepare and review a regional pest management plan	GM Environmental Delivery to make recommendations to Council
76,96	Lodge, withdraw or oppose an application to the Environment Court Settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions Approve Consent Memoranda, draft Consent Orders and side agreements Decide to appear at proceedings before the Environment Court and call evidence for the Council	GM Environmental Delivery
78	Exempt a person from a requirement in a rule in a regional pest plan.	Manager Environmental Implementation
90-95	Prepare and review a regional pathways management plan	GM Environmental Delivery to make recommendations to Council
98	Exempt a person from a requirement in a rule in a regional pathways management plan	Manager Environmental Implementation
100M 100N	Recovery of a levy as a debt due	GM Environmental Delivery

100V	Prepare a small scale management programme	GM Environmental Delivery can make recommendations to council
122	Power to issue or withdraw a Notice of Direction	Authorised Person
128	Power to act on default and authorise action for work and recover costs of that action	GM Environmental Delivery
129	Power to put a charge on the property	GM Finance/CFO
130	Power to declare a restricted place	Delivery Lead - Biosecurity
131	Declare a specified area to be a controlled area	GM Environmental Delivery
135	Power to recover costs of administering the Biosecurity Act and performing the functions, powers and duties provided for in the Act in accordance with s 135 and regulations	Manager Environmental Implementation in conjunction GM Finance/CFO as to the methods used
154	Power to issue/withdraw a Compliance Order	Manager Environmental Implementation
154M 154N 154O	To initiate and/or withdraw a prosecution for an offence under this Act Authority to file a charging document that has been laid in relation to a prosecution	GM Environmental Delivery
159	Commence, withdraw or join proceedings in respect of infringement offences	GM Environmental Delivery

28. The Building Act 2004

ORC is a regional authority under the Building Act 2004. Regional authorities have several functions, powers and duties in relation to dams. Under a 2021 Deed of Transfer the Council transferred certain functions powers and duties under the Building Act to the Canterbury Regional Council (ECAN).

The Delegations Manual has been updated to include Delegations to staff under the Building (Dam Safety) Regulations 2022.

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

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

Section	Function	Delegated to
Project Information Memorandum (PIM) functions		

31 34	Issue and re-issue a PIM in certain circumstances and provide a copy of a PIM to the applicant as required.	Senior Consents Planner or Consents Planner with Building Act responsibilities.
33	Determine further information required in relation to a PIM application.	Senior Consents Planner or Consents Planner with Building Act responsibilities
36	Attach development contribution notice.	Senior Consents Planner or Consents Planner with Building Act responsibilities.
37	Issue a certificate if a resource consent is required	Senior Consents Planner or Consents Planner with Building Act responsibilities
38	Provide copy of PIM to network utility operator(s) and/or statutory authority, if required.	Senior Consents Planner or Consents Planner with Building Act responsibilities
39	Advise Heritage New Zealand Pouhere Taonga of PIM application, if required.	Senior Consents Planner or Consents Planner with Building Act responsibilities
83(3)	Deciding to approve the removal of entry on a certificate of title	Senior Consents Planner or Consents Planner with Building Act responsibilities
Certificates of acceptance		
96(1) 98(1)	Deciding whether to issue a certificate of acceptance	Principal Consents Planner, Team Leader Consents, or Manager Consents
97(c)	Specifying any additional information that is required to be lodged with an application for a certificate of acceptance	Senior Consents Planner or Consents Planner with Building Act responsibilities
98(2)	Requiring further information in relation to an application for a certificate of acceptance	Senior Consents Planner or Consents Planner with Building Act responsibilities
99(2)	Qualifying a certificate of acceptance to the effect that only parts of the building work were able to be inspected	Manager Consents
Annual Building Warrant of Fitness		
109(c)	Deciding to accept a recommendation to amend a compliance schedule arising from the annual building warrant of fitness	Manager Consents
110(c)	Requirement to produce compliance schedule reports under s 110(a)	Manager Consents
Change of use, extension of life and subdivision of land		
115	Decision to allow the change of use of a building	Principal Consents Planner or Manager Consents

Classification of Dams		
134A(1)	Requiring an owner to classify a referable dam	Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
136(1) 136(2)	Decision to approve or refuse a dam classification	Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
138(1)	Requiring the re-audit of a classification	Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	Manager Regulatory Data and Systems or Manager Compliance
Dam safety assurance programmes		
143(1)	Decision to approve or refuse to approve a dam safety assurance programme	Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
145(1)	Directing the owner of a dam to have the dam safety assurance programme audited by a recognised engineer	Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
145(2)	Requiring a period beyond 15 working days for a dam safety assurance programme to be re-audited	Manager Regulatory Data and Systems or Manager Compliance
146(2)(b)	Requesting a review of the dam safety assurance programme for an earthquake-prone or flood-prone dam	Manager Regulatory Data and Systems or Manager Compliance
148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	Environmental Data Officer or Compliance Support Officer or

		Principal Compliance Specialist
Register of dams		
151	Maintain a register of dams in Otago	Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
Dangerous dams		
154(1)	Determine that a dam is dangerous in terms of s153 and take action as set out in s154(1)(a), (b) and (c).	Manager Engineering or Manager Consents or Manager Compliance
155(1)(b)	Determining whether building consent is required in respect of work required by a notice	Manager Engineering or Manager Consents or Manager Compliance
156(1)	Apply to a District Court for an order enabling the Otago Regional Council to carry out building work.	GM Environmental Delivery GM Science and Resilience,
156(3)(b)	Recover costs of carrying out work under s156(1) from the owner.	GM Environmental Delivery GM Science and Resilience,
157(3)(b)	Decision to recover costs of taking action under section 157(2).	GM Environmental Delivery GM Science and Resilience,
158	To make an application to the District Court to confirm warrant for emergency work on a dam	GM Environmental Delivery GM Science and Resilience,
Issuing Notices to Fix		
164	Determination that a notice to fix should be issued, or should be issued by another authority	Manager Engineering; or Manager Consents; or Manager Compliance
165(1)	Determination of the matters relevant to issuing a notice to fix and the scope and nature of a notice to fix.	Manager Engineering; or Manager Consents; or Manager Compliance
167	Inspection of building work carried out in accordance with a notice to fix, a decision to confirmation or refuse to confirm that a notice to fix has been complied with and a decision to issue a further notice to fix if required.	Manager Engineering; or Manager Consents; or Manager Compliance
Determinations		

177 180	Making and withdrawing an application for a determination	GM Environmental Delivery
182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	GM Environmental Delivery
185(2)(b)	Agreeing on a period beyond 60 workings days for making a determination	GM Environmental Delivery
189(b)(ii)	Agreement to amendment of a determination for clarification purposes	GM Environmental Delivery
190(3)	Filing a direction to the District Court as to costs in respect of a determination	GM Environmental Delivery
Registration and Accreditation as Building Consent Authority		
194	Making application for registration as a building consent authority	GM Environmental Delivery
252(4)	Request to change the scope of accreditation	GM Environmental Delivery
253	Application for accreditation to perform Building Consent Authority functions	GM Environmental Delivery
200 202	Make submissions and respond to complaints or to an investigation	GM Environmental Delivery
276(2)(b)	To make submissions on a review of the regional authority	GM Environmental Delivery
Appeals		
208 209	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	Chief Executive
Carrying out building work on default		
220(2)	Making application to the District Court for an order in respect of building work required to be done	GM Environmental Delivery
220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	GM Environmental Delivery
221	Disposal, sale, etc. of materials that result from carrying out building work authorised under s220(2)	GM Environmental Delivery
222	To authorise persons to carry out inspections under the Act	Chief Executive
Responsibilities of a Building Consent Authority that is not a Territorial Authority		
240(2)	Refusal to perform functions under the Building Act where fees, charges or levies are unpaid	Manager Consents
243	Power to impose fees or charge and recovery of costs and to collect levies	Manager Consents

Fees and charges		
281A 281B 281C 219	Setting fees, imposing fees and charges, charging of a fee for the issue of compliance schedule, increasing the amount of a fee or charge to meet additional costs, and waiving or refunding a fee – consistent with the Council’s fees and charges policy	Manager Consents
Other matters		
315(1)	Making a complaint about a licensed building practitioner.	Manager Consents
363A(2)	Deciding whether to issue a certificate for public use	Principal Consents Planner or Manager Consents
363A(5)	Deciding and requesting further reasonable information	Principal Consents Planner or Manager Consents
403(4)(b)	Making submissions as an ‘interested person’ to proposed Orders in Council or regulations	GM Environmental Delivery
Schedule 1, part 1, clause 2	Deciding whether a building consent is not necessary	Manager Consents
Offences		
371(2)	Commencement of proceedings where an infringement notice has been issued	GM Environmental Delivery
372	Issuing an infringement notice	Warranted Officer where specified on warrant
372B(2)	Authorising officers to issue infringement notices	GM Environmental Delivery
377	Filing a charging document	GM Environmental Delivery
381(1) 381(2)	Making an application to the District Court for an injunction	Chief Executive

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

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

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

Section	Function	Delegated to
Clause 3(2) of Schedule 5	Nominate a person to be part of an Expert Consenting Panel set up under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.	Council Chairperson This delegation cannot be sub-delegated.

30. The Crown Minerals Act 1991

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

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

31. Land Transport Management Act 2003

Section	Function	Delegated to
116(2)	Duty of regional council to contract for the provision of every unit on an exclusive basis	GM Regional Planning and Transport
121	Obligations regarding notification and provision of copies of plans	GM Regional Planning and Transport
127	Power to (1) require information from operators of public transport services, including patronage and fare revenue data and (2) disclose other data to a person who is registered by the regional council to tender for the provision of a unit.	Manager Transport
128	Power to make decisions on the release of information and a duty to consult with relevant organisations.	Manager Transport
129	Power to make decisions on release of information and duty to consult with organisation	Manager Transport Legal Counsel

133	Authority to make decisions regarding the notification of a proposal to operate or vary exempt services.	Manager Transport
134	Authority to decide on the grounds in s 134 to decline registration or variation of exempt services.	Manager Transport
136	Authority regarding the registration of exempt services or variations to exempt services	Manager Transport
137	Authority to decide to deregister an exempt service and remove details of variations	Manager Transport
138	Authority to undertake the process for deregistering exempt services or removing details of variations	Manager Transport
139	Authority to make decisions in relation to the withdrawal of exempt services	Manager Transport
146	Authority to require a person to produce and inspect records.	GM Regional Planning and Transport
147	Authority to manage offences, including making decisions to initiate or withdraw a prosecution.	
148		
149		

31A. Transport - Other

Matter	Function	Delegated to
Bus advertising	Approval to approve/decline bus back advertising	Combination of: 1. Manager Communications and Marketing; and 2. Either one of: - Manager Transport or Team Leader Transport

32. Maritime Transport Act 1994

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

Section	Function	Delegated to
Navigation safety		
33D(1)	Appoint a harbourmaster for any port, harbour or waters in the Otago region.	Chief Executive
33F	To initiate or withdraw a prosecution for an offence for contravening a direction or requirement under s 33F	GM Environmental Delivery

33G	Appoint enforcement officers and honorary enforcement officers for the purpose of ensuring maritime safety or enforcing navigation bylaws, and regulations and rules under this Act	Chief Executive
33I	To undertake harbour works for the purpose of ensuring maritime safety.	Any Harbourmaster
33J	Remove and deal with any wreck within the Otago region that is a hazard to navigation safety.	Any Harbourmaster
33L	Remove, store, sell, or otherwise dispose of an abandoned ship.	Any Harbourmaster
33M	Consult with the Director of Maritime New Zealand in preparing Navigation Safety bylaws.	Any Harbourmaster
33N	To initiate or withdraw a prosecution for an offence for contravening a navigation bylaw.	GM Environmental Delivery
33O	To decide to proceed against a person for an infringement offence under the Summary Proceedings Act 1957 or by serving an infringement notice.	Any Harbourmaster
33O/P	To decide to withdraw an infringement notice	Any Harbourmaster
33P	Where a Harbourmaster or an enforcement officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence.	Enforcement Officer
33P	To commence proceedings for a defended infringement notice	GM Environmental Delivery
200(3A)	To erect, place, and maintain navigation aids in accordance with section 33I	Any Harbourmaster
Maritime response		
231	Authority to notify the Director of Maritime Safety and process matters relating to the Council's notification responsibilities.	Any Harbourmaster
Appointment of Regional On-scene Commander		
318	Authority to appoint a Regional On-scene Commander for the Otago region.	Chief Executive

33. River Engineering

Council has extensive functions in relation to river engineering which fall under a number of different statutes. These delegations should be read alongside the delegations made under the LGA, and the delegations made under the Flood Protection Management Bylaw 2012.

33.1 Land Drainage Act 1908

Section	Function	Delegated to
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17	Authority to construct and maintain drains and watercourses.	Manager Engineering Manager Natural Hazards
18	Entry to lands for inspection, survey, or inquiry.	Warranted Officer where these powers are specified on the warrant
62	Order removal of an obstruction from a watercourse or drain where the obstruction is causing or likely to cause damage to any property. Authority to remove any obstruction from a watercourse or drain	Manager Engineering Manager Natural Hazards Manager Compliance
n/a	Consider and make decisions on taking enforcement action, including cost recovery and registration of a charge	GM Environmental Delivery, GM Science and Resilience

33.2 Public Works Act 1981

Section	Function	Delegated to
18	Prior negotiation required for acquisition of land for essential work	GM Science and Resilience
19	Authority to register, approve amendments to or to withdrawals or discharges of compensation certificates. Authority to sign an authority and instruction form for the above purposes	GM People and Corporate, GM Science and Resilience
110	Power of entry onto private land for the purposes of carrying out any public work or any proposed public work.	Manager Engineering,
111	Power of entry onto private land for survey and investigation purposes.	Manager Engineering
133 134	Provide for the removal of trees and hedges that interfere with public works.	Manager Engineering,
135	Emergency work on trees.	Manager Engineering
233 234	Obligation to provide notice before entry onto private land.	Manager Engineering
237	Approve excavations near public works.	Manager Engineering
238	Power to bring action for damage to public work.	GM Science and Resilience
239	Power to remove and/or dispose of abandoned property from public works land.	GM Science and Resilience

242	Consider and make decisions on taking enforcement action for offences committed.	GM Science and Resilience
242	Authority to file charging document for enforcement action.	GM Science and Resilience

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

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

33.4 Soil Conservation and Rivers Control Act 1941

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

Section	Function	Delegated to
30A	To certify that a land improvement agreement has expired or has been terminated	Legal Counsel
30A	Enforcement in relation to Land Improvement Agreements	GM People and Corporate
30A	To determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a land improvement agreement	Legal Counsel

30A	To authorise the release/discharge of a land improvement agreement on behalf of Council	GM People and Corporate
126	To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control or regulate water to prevent or lessen the overflow or breaking of the banks of any watercourse	Manager Engineering Manager Natural Hazards
131	To determine to carry out or execute any works that the Council is empowered to undertake under this Act.	Manager Engineering Manager Natural Hazards
132	Power to enter land for survey and investigation	Manager Engineering Manager Natural Hazards
133	Decide to undertake work to maintain and improve watercourses and defences against water and authorise other staff and agents to undertake such works Decide to undertake urgent work to meet an emergency in respect of any watercourse or defences against water and authorise other staff and agents to undertake such works.	Manager Engineering Manager Natural Hazards
134(1)	Approve the planting or sowing and maintenance of trees, shrubs, plants, or grasses.	Manager Engineering Manager Natural Hazards
135	Decide to take any of the actions listed in s 135.	Manager Engineering Manager Natural Hazards
136	Where works may interfere with any road, street, footpath, or any other public work, give one months' notice (in writing) to the body in control of the road, street, footpath, or other public work.	Manager Engineering
137	Approval to give public notice or to undertake works on private land and resolve any objections.	Manager Engineering Manager Natural Hazards
138	To apportion costs with owners of land	GM Science and Resilience
139	To purchase land on a system of time payment (if approved by the Minister)	Chief Executive
153, 154	Consider and take all enforcement action as necessary and appropriate in relation to any person preventing, obstructing, or impeding the Council in carrying out the provisions of this Act, or doing any work or thing authorised by the Act.	GM Science and Resilience
153,154	Consider and take all enforcement action as necessary and appropriate in relation to any person that wilfully destroys any watercourse or defence against water, including all matters set out in Section 154.	GM Science and Resilience

153,154	Authority to file charging document when enforcement action is approved	GM Science and Resilience
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34. Civil Defence Emergency Management Act 2002

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

Section	Function	Delegated to
13(1)	Authority to represent the Council and act on its behalf on the Civil Defence Emergency Management (CDEM) Group under section 13(1) of the Civil Defence Emergency Management (CDEM) Act 2002	The Chairperson of the Council (or an elected member of Council approved by the Chairperson). This delegation cannot be further sub-delegated.
20	Membership of the CDEM Co-ordinating Executive Group	Chief Executive (or a person acting on the Chief Executive's behalf)

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

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