

**Register of Delegations  
to  
Community Boards, Portfolios,  
Committees  
and the  
Chief Executive Officer**

**Adopted 26 October 2023**



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## **PART I - INTRODUCTION**

### **Philosophy**

1. The statutory function of Council is to lead and guide the good management of the District by determining primary goals and objectives, by setting strategies and policies for their achievement and encouraging this through the considered use of committees and the appointment of skilled staff.
2. Elected members as individuals have no statutory authority. Their role is therefore closely linked to meetings of the Council and its committees allowing issues to be raised, debated and resolved.
3. The task of putting Council's policies to work is the responsibility of the Chief Executive Officer acting through Council staff. The Council, committees and community boards then monitor progress towards any objective. They do this not by putting each staff action under the microscope, but rather by seeing that key milestones are met.
4. These are best translated into action when the Council is planning and reviewing its plans and policies. When it comes to day-to-day matters, the Council's Chief Executive Officer and staff are in the best position to immediately resolve any individual problems. When necessary, a problem may be referred to the Council, a community board or a committee for consideration, along with all the options and implications of any policy changes.
5. The Council has therefore adopted a philosophy of delegation to the lowest competent level. This achieves the best use of the skills of Councillors and officers, minimises costs, develops effective managers and minimises bureaucratic interference in the lives of the residents of the Central Otago district.

### **General Principles of Delegation**

6. The Council's powers, functions and duties are all prescribed either expressly or implicitly by various Acts of Parliament or Regulations. These set a framework within which the Council must operate.
7. Where Council is empowered by legislation to carry out a decision-making function, the decision to act must be by way of resolution of the full Council, unless otherwise provided in the legislation, or where the decision to act has lawfully been delegated to a committee, subcommittee, community board or officer.
8. Without delegation, the operation of the Council and its administration would not be effective, efficient or timely in delivering services. Delegation to officers generally implements the basic principle that elected members make policy and officers implement that policy.

### **The Legal Situation**

9. Council's principal authority to delegate derives from Schedule 7, clause 32(2) of the Local Government Act 2002, which states:  
  
“(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 of the local authority (after consultation with the committee or body or person) of any power or duty specified in sub clause (1).*”

Sub clause 32(1) states:

*“Unless expressly provided otherwise in this Act or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a 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 ....”* The exceptions are set out in paragraph 44.

### **Operative Date**

10. This Policy will come into effect on 26 October 2023 and will continue in force until revoked by the Council.

All earlier policies that conflict with or duplicate any provision in this Policy are revoked as from 26 October 2023.

## **PART II - GENERAL MATTERS OF DELEGATION**

### **The Meaning of Delegation**

11. Delegation means the assignment of a power, function or duty of action to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.
12. Decisions made by any community board or committee pursuant to this delegation may be acted on without further reference to the Council.

### **Delegation by Exception**

13. The Council has adopted the principle of delegation by exception. This means that all the powers of the Council are delegated to community boards, committees or the Chief Executive Officer unless a specific exception applies.

The exceptions are set out in Part III of this register.

14. Subject to the exceptions, the Central Otago District Council delegates to community boards, committees and standing committees all the powers, functions and duties relating to the scope and activity allocated to them, including the power to convene extraordinary meetings in terms of clause 22, Schedule 7 of the Local Government Act 2002.

### **Delegations to Community Boards**

15. A community board may, at any time, refer any matter to Council for direction and/or determination.
16. Council cannot override a community board decision made pursuant to a delegation and consistent with Council policy. If the Council wishes to reduce the role of the community board it must effectively consult with that board first.
17. Each community board will select its own chair and deputy at the first meeting of its electoral term.

### **Delegations to Committees**

18. Any standing or special committee may, at any time, refer any matter to Council for direction and/or determination.
19. The Mayor has the right to determine the structure of committees and appoint the Chair but this can be changed by resolution of Council (s41A of Local Government Act 2002).

### **Delegations to Special Committees and Subcommittees**

20. Special committees and subcommittees will have only the powers, functions and duties specifically given to them by the Council or a standing committee.

### **Sub-delegations to be in Writing and Recorded**

21. Every sub-delegation will be in writing and will clearly define the nature, purpose and limitation of the power, function or duty delegated.
22. Every sub-delegation will be recorded in a manual kept for that purpose by the Chief Executive Officer.

## **Term of Delegation**

23. Unless any delegation is stated to be for a defined term, it will continue until revoked by the delegator or the Council or withdrawn by operation of law.

## **Delegation to Office**

24. Unless stated otherwise, every delegation is to a committee or office and will be unaffected by changes in the membership of a committee or the holder of an office.

## **Reporting Decisions**

25. Every committee will report decisions taken under delegated authority in minutes submitted to the next available meeting of the Council, unless the committee is made up of the full Council.
26. Decisions taken by officers under delegated authority will be reported:
- a) when:
    - i) a regular report is a condition of the delegation; or
    - ii) where any legislation requires reporting in a particular way; or
    - iii) where the decision is one of a class which the Council has directed should be reported; or
    - iv) where the Council, for any reason, should be aware of the decision;
  - b) as a regular comparison of performance against budget and approved plans:
    - i) a quarterly report on financial out-turn;
    - ii) each year an Annual Report in accordance with section 98 and Schedule 10 of the Local Government Act 2002.

## **Sub-delegation**

27. Powers, functions and duties granted by the Council to a committee may be sub-delegated, by resolution of that committee, to a Council officer and that sub-delegation will be in writing.
28. Delegations to officers will be made to the Chief Executive Officer, who may delegate a power, function or duty to another officer or subcommittee of officers. As well as the discretionary delegations made under this register, there are provisions in various Acts applying to the Council which provide for powers, duties and functions to be exercised directly by specified staff.
29. Officers (other than the Chief Executive Officer) may not delegate powers and functions given to them. They may appoint working parties or other officers to advise them.

## **Call-Up Procedure**

30. Nothing in this Register will limit the power of a delegator to exercise a duty, power or function concurrently with, or in substitution for, a delegate.
31. Except in exceptional circumstances, a delegator should not:
- a) if the Council, act without the advice of a Standing Committee, appropriate Community Board Chairperson or the Chief Executive Officer;
  - b) if a Community Board, act without consultation with the appropriate portfolio lead or the Chief Executive Officer;
  - c) if the Chief Executive Officer, act without the advice of the appropriate officer.

32. The Mayor may, on behalf of the Council, 'call up' to the Council any matter which has been delegated by the Council, other than one delegated to a Community Board and acted on in accordance with Council Policy. The delegate will then take no further action on that matter until the Council has either:
- a) decided that the matter should be referred back to the delegate (with directions if any); or
  - b) determined the matter.
33. In calling up any matter to the Council the Mayor should consult with the chairperson of the relevant Committee or Community Board involved, and the Chief Executive Officer.
34. A delegate may, rather than make a decision, refer a matter back to the delegator with a suitable recommendation. The delegator will then decide the matter.
35. Community Boards and Committees of Council cannot act contrary to policies of the Council and in particular the Council's Long-term Plan (LTP).

### **Appeals**

36. Every person affected by the decision of a delegate may appeal that decision:
- a) in the case of a decision by an officer, to the Chief Executive Officer; or
  - b) in the case of a decision by the Chief Executive Officer or Committee, to the Council.
37. The Chief Executive Officer and the Council will not generally overrule a decision of delegate unless:
- a) it breaches some policy set by the Council; or,
  - b) some material fact was overlooked or misinterpreted; or,
  - c) it contains serious implications for the Council of which the delegate was unaware; or,
  - d) it is manifestly wrong.

### **Policy and Fact**

38. In making a decision every delegate will consider:
- a) any policy established by the Council;
  - b) the facts relevant to a matter.
39. If the facts relevant to any matter do not support a decision consistent with a Council policy, the delegate should submit the matter to the Council with a suitable explanation and recommendation.

### **Estimates and Expenditure**

40. The Chief Executive Officer may vary any sum or sums making up cost centre detail where:
- a) the net expenditure/surplus in that activity cost centre is not altered; and
  - b) the change is to allow for the more effective management of that activity in accordance with the long-term plan or annual plan or revised annual plan.

### **Use of Council Seal and Authority to Sign**

41. The Chief Executive Officer will be responsible for custody of the Council's seal and maintain records as to its use.



42. The seal may be attached to all documents that must be executed in this way by the Council. It will be attached, however, only when:
- a) the Council or a Committee has authorised the transaction involved; or
  - b) the transaction involved has been authorised by an officer under delegated authority.
43. The seal will be affixed in the presence of one person from each of the following groups:
- a) the Mayor or any elected member of the Council;
  - b) the Chief Executive Officer (or any other officer authorised by the Chief Executive Officer).

## **PART III - COUNCIL**

44. The following matters CANNOT be delegated by Council (Schedule 7, clause 32(1) of the Local Government Act 2002):

The power to:

- make a rate;
- make a bylaw;
- borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan;
- adopt a Long-term Plan, Annual Plan or Annual Report;
- appoint a Chief Executive Officer;
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purposes of the Local Governance Statement;
- adopt a remuneration and employment policy

45. Additionally:

- Recommendations made to Council by the Ombudsman under section 32 of the Local Government Official Information and Meetings Act 1987 may not be delegated.
- Under section 12 of the Fencing of Swimming Pools Act 1987, the Council's powers and functions may only be delegated to a Committee comprising only members of the Council.

46. Council reserves the following powers and functions to itself:

- dismissal of the Chief Executive Officer;
- any proposal to promote legislation;
- overall budgetary control of the total operations of Council;
- stopping of roads (section 319(h) of the Local Government Act 1974);
- acquisition or holding of shares or interests in a body corporate, partnership, joint venture or other association of persons;
- the co-ordination of advice from Committees and Community Boards in respect of the Annual Plan and LTP process, and the determination of the funding and priorities derived from that for rates setting and other funding purposes;
- the right to appeal decisions of external bodies;
- proposals for the remuneration of elected members;
- proposals for a change to the political structure of Council, delegations to officers, the size of Council, the nature of wards and communities, and representation for wards and communities;
- activity on airport reserves.

## PART IV - DELEGATIONS TO COMMUNITY BOARDS

### Introduction

47. Community Boards are established under section 49 of the Local Government Act 2002 (“the Act”) and exercise such powers as are delegated to them by the Council (section 53 of the Act).

48. Boards are NOT Committees of Council. They are separate legal entities. Section 51 of the Act states:

*“A community board -*

*(a) is an unincorporated body; and*

*(b) is not a local authority; and*

*(c) is not a committee of the relevant territorial authority”*

49. Community Boards, under section 53(3) of the Act cannot:

- acquire, hold or dispose of property;
- appoint, suspend or remove staff.

## COMMUNITY BOARDS

**REPORTING TO:** Council

**CONSTITUTION:**

Vincent Community Board	Four directly elected representatives and three appointees
Cromwell Community Board	Four directly elected representatives and three appointees
Teviot Valley Community Board	Four directly elected representatives and one appointee
Maniototo Community Board	Four directly elected representatives and one appointee

**MEETING FREQUENCY:** Every six weeks or as required

**OBJECTIVES:**

*(Local Government Act, 2002 - section 52)*

1. To represent, and act as an advocate for, the interests of its community.
2. To consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the Community Board.
3. To maintain an overview of services provided by the territorial authority within the community.
4. To prepare an annual submission to the territorial authority for expenditure within the community.
5. To communicate with community organisations and special interest groups within the community.
6. To undertake any other responsibilities that are delegated to it by the territorial authority.

**POWER TO ACT:**

The Council delegates to the community boards the following functions, duties, powers and discretions, as they apply to their respective ward(s), subject to any delegation made by the Council on a “district-wide” basis:

1. In relation to bridging, financially assisted and unassisted roading programmes, the authority to make recommendations to the Council on priorities for works within the community board ward(s).
2. In relation to non-financially assisted roading works, the power to determine appropriate works programmes, provided that the works are funded from the community board’s own resources.
3. The general provision (including maintenance and upgrading as required) of parks, reserves (including reserve naming), public recreational facilities, cemeteries, community centres and public halls.
4. The provision and maintenance of such other works, facilities, and amenities in the community boards’ ward(s) as the board sees fit in line with Council policy and the purpose statement of local government.
5. Monitor and take such action as necessary to ensure the adequacy of traffic activity (including temporary road closures, naming of streets and so on) in line with Council policy.
6. Provide input to the Council’s Revenue and Financing Policy, Annual Plan and Long-term Plan.

7. Monitor the community board's budget and make such alterations as are necessary during the annual or long-term budget planning process.
8. Make grants and donations.
9. Negotiate the acquisition and disposal of Council property within the community board's jurisdiction, subject to any property transactions being formally approved by the Council.
10. Recommendation to Council of fees and charges relating to ward services.

#### **Limitations on Authority**

11. The community board's "power to act", pursuant to this delegation, is limited to matters which relate *solely* to the Ward.
12. The community board has a responsibility to ensure that its policies, actions and decisions are always within the overall strategic plans, annual and long-term plans, policy guidelines and priority programmes adopted by the Council. Whenever this is either not possible or in the circumstances of the case not felt to be desirable, the community board's decision will be by way of a recommendation to the Council.
13. Before making any decision pursuant to these delegated functions, duties and powers, the community board will satisfy itself (where appropriate) that adequate provision has been made in the approved estimates for the proposed works.

#### **Power to Advise**

14. Community boards will be asked to advise Council in relation to the provision of library services within their ward(s).

## **COMMITTEES AND SUB-COMMITTEES OF COMMUNITY BOARDS**

### **VINCENT COMMUNITY BOARD**

- Manorburn Recreation Reserve Committee
- Omakau Recreation Reserve Committee

### **MANIOTOTO COMMUNITY BOARD**

- Patearoa Recreation Reserve Committee
- Taieri Lake Recreation Reserve Committee

## **COMMUNITY BOARD APPOINTEES TO EXTERNAL COMMITTEES**

Community Boards (on behalf of Council) may appoint one or more members or other persons to Committees outside of Council to act as representatives of that Community Board. Community Board representative(s) are appointed to each of the following Committees:

### **VINCENT COMMUNITY BOARD**

- Alexandra Community House Trust – 1 liaison
- Alexandra Council of Social Services – 1 liaison
- Alexandra District Museum Inc (Central Stories) – 1 liaison
- Alexandra Blossom Festival Committee – 2 liaisons
- Alexandra and Districts Youth Trust – 1 liaison
- Clyde Historical Museum Committee – 1 liaison
- Keep Alexandra-Clyde Beautiful Society – 1 liaison
- Ophir Welfare Association Committee (as required)
- Promote Alexandra Inc – 1 liaison
- St Bathans Area Community Association Inc – (as required)
- Vallance Cottage Working Group – 1 liaison

### **CROMWELL COMMUNITY BOARD**

- Bannockburn Community Centre Management Committee Inc – 1 liaison
- Bannockburn Recreation Reserve Management Committee Inc – 1 liaison
- Cromwell and Districts Community Trust – 2 liaisons
- Cromwell District Museum – 1 liaison
- Cromwell Resource Centre Trust (known as Cromwell Community House) – The appointment of 5 representatives as per the Trust Deed
- Cromwell Youth Trust – 1 liaison
- Central Otago Sports Turf Trust – The appointment of 2 representatives as per the Trust Deed
- Old Cromwell Incorporated – 1 liaison as per the Trust Deed
- Lowburn Hall Committee – 1 liaison
- Pisa District Community Group – 1 liaison
- Ripponvale Hall Committee - 1 liaison
- Tarras Community Plan Group – 1 liaison
- Tarras Hall Committee – 1 liaison
- Cromwell and Districts Promotions Group – 1 liaison
- The Community Board Chair can appoint two members to the Cromwell College Charitable Trust in the case of retirement or replacement of a member as per the Trust Deed

### **TEVIOT VALLEY COMMUNITY BOARD**

- I and H McPhail Charitable Trust – 2 representatives
- Ida MacDonald Charitable Trust – 2 representatives
- Roxburgh and District Medical Services Trust – 1 representative
- Roxburgh Cemetery Trustee Committee – 1 representative
- Roxburgh Entertainment Centre and Improvement Committee – 1 liaison
- Teviot Museum Committee – 1 liaison
- Teviot Prospects – 1 liaison
- Tuapeka County Bursary Fund Committee – 1 representative
- Roxburgh Swimming Pool Redevelopment Committee – 1 liaison
- Teviot Valley Rest Home – 1 liaison
- Teviot Valley Walkways Committee - 1 liaison

## **MANIOTOTO COMMUNITY BOARD**

- Maniototo Community Arts Council – 1 liaison
- Maniototo Ice Rink Committee – 1 liaison

### **GENERAL**

- A liaison appointment will require an elected member to keep in contact with the organisation.
- A representative will be required to attend the meetings of the organisation.
- If an elected member is given voting rights at the organisation's meeting, the minutes of that group should then be put on a future agenda of the Community Board's agenda.
- An elected member who has voting rights on external committees will need to exercise caution so that no conflicts of interest arise. This can be managed by declaring an interest and not voting on particular items, either at the external committee or at the Board or Council meeting.



## **PART V - DELEGATIONS TO COMMITTEES OF COUNCIL**

### **STANDING COMMITTEES**

#### **AUDIT AND RISK COMMITTEE**

<b>REPORTING TO:</b>	Council
<b>CONSTITUTION:</b>	Mayor, three Councillors plus an independent representative as the Chair
<b>QUORUM:</b>	No less than three members of the Committee, including the independent Chair
<b>MEETING FREQUENCY:</b>	Four times per year and then as and when required

#### **OBJECTIVE:**

To provide governance and oversight in the areas of audit and risk to ensure systems and practices are of a standard to provide assurance that there is sufficient risk identification and mitigation in place.

#### **SCOPE OF ACTIVITY:**

The Committee will review, evaluate and feed back to Council on a broad range of matters including:

- Internal and external audits and monitoring the progress of the auditor's recommendations
- External financial reporting
- Oversight of the preparation of the Long-term Plan, Annual Plan and Annual Report
- Financial and non-financial risk management
- Internal systems and controls
- Strategic management and operational performance
- Policy review, for policies within the scope of the Committee
- Legislative compliance
- Litigation overview
- Oversight of unbudgeted legal claims or other proceedings other than those which relate to employment matters.
- For the elected members on this committee, to monitor the reporting of organisational finances before each council meeting.

#### **POWER TO ACT:**

The Committee can report to and make recommendations to Council on matters and proposals relevant to risk management and internal control practices.

**APPOINTMENT OF THE INDEPENDENT CHAIR:**

A panel consisting of The Mayor, one Councillor and one member of the Executive Leadership Team will select and recommend a candidate to Council for its ratification. The appointment of the external committee member / Chair will be made each triennium following the year of the election, or as required.

## **EXECUTIVE COMMITTEE**

- REPORTING TO:** Council
- CONSTITUTION:** Mayor (Chairperson)  
Deputy Mayor  
Councillor from each Board (three members) except the ward represented by the Deputy Mayor
- MEETING FREQUENCY:** As required
- SUBSTITUTIONS:** The Chief Executive Officer to arrange appropriate substitutes as and when required
- QUORUM:** No less than three members of the Committee

**OBJECTIVE:**

To deal with Council, Committee and Community Board issues that require immediate response.

**SCOPE OF ACTIVITY:**

Any matters relating to Council, Committee and Community functions.

**POWER TO ACT:**

1. Any of the Council's powers, functions and duties when an immediate response is required.
2. Providing guidance, when sought from time to time by the Chief Executive Officer, on specific or general matters.
3. Accepting tenders other than the lowest tender, where the work is estimated at more than \$100,000, or where the lowest acceptable tender is higher than the budget for the work (above \$100,000).
4. Undertake Chief Executive Officer performance planning and associated review with Chief Executive.
5. The selection of elected members of Council (and Community Boards if appropriate) to form working parties to undertake research and make submissions, as is deemed appropriate from time to time by the Council.

## SPECIAL COMMITTEES

### ASSESSMENT COMMITTEE

<b>REPORTING TO:</b>	Council
<b>CONSTITUTION:</b>	Two councillors plus the following community representatives:
<b>For Creative Communities Funding:</b>	One representative from each Community Arts Council within the district One representative from the Roxburgh community One representative from Tangata Whenua
<b>For Sport New Zealand Funding:</b>	One representative from Sport Central One representative from Teviot Valley (Sports Coordinator from Roxburgh Area School) One representative from Maniototo Area School (Sports Coordinator/Deputy Principal) One independent Community Representative One representative from Tangata Whenua
<b>MEETING FREQUENCY:</b>	As funding allows.
<b>SUBSTITUTIONS:</b>	The Chief Executive Officer to arrange appropriate substitutes as and when required

#### **OBJECTIVE:**

To manage and distribute funds allocated to the Central Otago District Council by national funding organisations for the purpose of supporting worthy projects within the Central Otago district, in accordance with national funding criteria and in a manner that best meets the needs of Central Otago's local communities.

#### **SCOPE OF ACTIVITY:**

1. Allocate *Creative Communities New Zealand* and *Sport New Zealand* funds to worthy applicants, in accordance with Creative New Zealand and Sport New Zealand funding criteria and in a manner that best meets the needs of the local communities within the Central Otago district;

Note: Non-elected members are included in the Assessment Committee to provide representation and input from the respective 'communities of interest' throughout the district. Nominations for these positions are forwarded to Council for appointment.

2. Consider applications for funds from the Central Otago District Council.

#### **POWER TO ACT:**

Disbursement of funds from Creative Communities and Sport New Zealand.

#### **POWER TO RECOMMEND:**

Allocation of grants from District Funds.

## HEARINGS PANEL

<b>Reporting to:</b>	Council
<b>Meeting Frequency:</b>	Monthly or as required
<b>Constitution:</b>	Three Councillors or Independent Commissioners (the appointment of Commissioners is delegated to the Chief Executive Officer under s34A of the Resource Management Act 1991).
<b>Quorum:</b>	No less than two members of the Panel.

### **OBJECTIVE:**

To consider and execute decisions relating to designations, reviews, objections, and applications for resource consent.

### **SCOPE OF ACTIVITY:**

Any matters relating to resource consent applications or approvals pertaining to those functions of the Resource Management Act 1991 that have not been delegated to the Chief Executive Officer.

### **POWER TO ACT:**

The Council delegates to the Hearings Panel all regulatory powers, functions and duties (with the exception of issues within the specific responsibility of another standing, special or joint committee of the Council) as follows:

1. Unless specifically excluded by legislation, all of its powers, duties and discretions under the Resource Management Act 1991 but only where those matters have not been delegated to the Chief Executive Officer.
2. Notwithstanding clause 1 above, the Hearings Panel may refer any matter to the Council for its direction on the matter or for its determination of the matter.
3. Notwithstanding clause 1 above, the Chief Executive Officer may refer any matter to the Hearings Panel for its direction on the matter or for its determination of the matter.

### **Designations**

*(Section references are taken from the Resource Management Act 1991):*

4. The power to consider a requirement and submission made in response to it and to make a recommendation to the requiring authority in terms of section 171.
5. To consider a requirement to alter a designation in terms of section 181.
6. Amend the District Plan to remove a designation and to advise the Otago Regional Council accordingly in terms of section 182.
7. The fixing of a longer period for the expiry of a designation in terms of section 184.

## **Heritage Orders**

8. The consideration of a requirement by a heritage protection authority and all submissions lodged with respect to such requirement and the making of a recommendation to the heritage protection authority in terms of section 191.
9. The alteration of a heritage order from the requirement of a heritage protection authority in terms of section 192.
10. The removal of a heritage order from the District Plan and providing advice to the Otago Regional Council of this removal in terms of section 196.

## **Resource Consents:**

*(Section references are taken from the Resource Management Act 1991):*

11. To jointly hear, with one or more other consent authorities, applications for resource consents (section 102).
12. To decide on reasonable grounds whether or not it is appropriate for a joint decision on jointly heard applications (section 102).
13. To determine whether two or more applications for the same proposal are sufficiently unrelated so that it is unnecessary to hear and decide the applications together (section 103).
14. To arrange the commencement date, time and venue of a resource consent application hearing and any submissions to such application (section 101).
15. When considering an application for a resource consent, the Hearings Panel shall have regard for the terms of section 104 (this includes land use and subdivision applications).
16. To decide whether to grant or not grant a resource consent. Upon granting consent, the decision must take into account any conditions or terms in sections 104 and 105.
17. To determine the proceedings for any hearing, in keeping with sections 39-42.

**In addition to the above matters, the Chair of the Hearings Panel has the authority to delegate the following to the Manager of Planning and Regulatory Services:**

18. To decide on applications for all non-complying activities of a minor and technical nature where:
  - a. The application is non-notified; and
  - b. Where necessary, has the consent of the affected parties; and
  - c. The applicant has not requested to be heard; **or**
  - d. Where the application is notified; and
  - e. There are no submissions; and
  - f. The applicant has not requested to be heard.

## **Lapsing of Consents**

*(This section applies only to those consents granted by the Hearings Panel)*

19. The holder of a Resource Consent may apply to the Hearings Panel for the change or cancellation of any condition in the consent (other than conditions relating its duration) subject to the conditions outlined in section 127.

20. The Hearings Panel may change any condition in the consent (other than conditions relating its duration), subject to the conditions outlined in section 132.

### **Objections to Decisions**

21. To consider objections lodged in terms of section 357 to decisions issued by the Chief Executive Officer.

### **Plan Changes**

22. Hearing of submissions to variations to the District Plan and Plan changes, pursuant to Section 34 of the Act.

### **Dog Control Act 1996**

23. To consider objections in terms of Section 31(3) and 33B of the Dog Control Act 1996.

### **Health (Registration of Premises) Regulations Act 1966**

24. To consider and make decisions on the revocation of registration of registered premises under the Health (Registration of Premises) Regulations 1966.

### **Reserves Act 1977**

25. To consider and make decisions on objections and submissions in terms of leases, licences, easements and reserve classifications under sections 16(4), 24(2)(b), 24A(2)(c), 48(2), 54(2), 56(2), 58A(2), 73(4) and 74(3) of the Reserves Act 1977.

## DISTRICT LICENSING COMMITTEE HEARINGS

<b>Reporting to:</b>	Council
<b>Meeting Frequency:</b>	As required
<b>Constitution:</b>	Chair or Commissioner and two District Licensing Committee members
<b>Quorum:</b>	Three members of the Panel.
<b>Recruitment:</b>	Every three to five years as determined by Council. Appointments are made via an expression of interest application process.

The District Licensing Committee has all the powers conferred on it by or under the Sale and Supply of Alcohol Act 2012 or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

The District Licensing Committee's functions are:

- (a) to consider and determine applications for licences and manager's certificates; and
- (b) to consider and determine applications for renewal of licences and manager's certificates; and
- (c) to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and
- (d) to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- (e) to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under [section 280](#) of the Sale and Supply of Alcohol Act 2012; and
- (f) with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- (g) to conduct inquiries and to make reports as may be required of it by the licensing authority under [section 175](#) of the Sale and Supply of Alcohol Act 2012; and
- (h) any other functions conferred on licensing committees by or under the Sale and Supply of Alcohol Act 2012 or any other enactment.



## **JOINT COMMITTEES**

### **Otago Civil Defence Emergency Management Group Terms of Reference**

#### **Constitution**

Pursuant to section 12 of the Civil Defence Emergency Management Act 2002, the Otago Civil Defence Emergency Management Group is constituted as a joint standing committee under section 114S of the Local Government Act 1974 (a joint committee under section 30 of Schedule 7 of the Local Government Act 2002) by resolutions adopted by:

- Central Otago District Council
- Clutha District Council
- Dunedin City Council
- Otago Regional Council
- Queenstown Lakes District Council
- Waitaki District Council

#### **Membership**

Each local authority listed above is a member of the Otago Civil Defence Emergency Management Group. Each member is represented on the joint committee by the Mayor/Chairperson, or by an elected person from that authority who has delegated authority to act for the member.

#### **Chairperson**

The Otago Civil Defence Emergency Management Group shall appoint one of the representatives of its members as chairperson, and one of its members as deputy chairperson. Each will hold office for such period as agreed by the Group, but only so long as those persons remain a representative of a member of the Group.

#### **Purpose**

The Otago Civil Defence Emergency Management Group has the purpose and all of the functions, powers and obligations of a civil defence emergency management group as defined by the Civil Defence Emergency Management Act 2002 and subsequent amendments. Section 17 of the Civil Defence Emergency Management Act 2002 defines the function of a group and each of its members that, in summary, require it to:

- Identify, assess and manage relevant hazards and risks;
- Ensure provision of trained and competent personnel, an appropriate organisational structure and the necessary services and resources for effective civil defence emergency management in its area;
- Respond to and manage the adverse effects of emergencies;
- Carry out recovery activities;
- Assist other civil defence emergency management groups when requested;
- Promote public awareness of and compliance with the Civil Defence Emergency Management Act and legislative provisions relevant to the purpose of the Act;
- Develop, approve, implement, monitor and review a civil defence emergency management group plan;
- Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan.
- Promote civil defence emergency management in its area that is consistent with the purpose of the Civil Defence Emergency Management Act 2002.

### **Meetings**

The Otago Civil Defence Emergency Management Group shall meet quarterly and as required with the location for meetings rotating among member authorities.

### **Quorum**

The quorum of the Otago Civil Defence Emergency Management Group shall be three members.

### **Delegations**

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

### **Subcommittee**

A subcommittee of all members of the Otago Civil Defence Emergency Management Group may be formed and given full delegated authority to carry out the functions, obligations and powers of the Group under the Civil Defence Emergency Management Act 2002 pursuant to section 114P(2) of the Local Government Act 1974 and section 30(2) schedule 7 of the Local Government Act 2002. Any meeting will transact routine business and not commit members to any major financial expenditure.

### **Standing Orders**

The current Standing Orders of the Otago Regional Council shall govern the conduct of the meetings, except that order papers and agenda papers shall be sent to every member no less than five working days before the meeting.

Notwithstanding anything in the Civil Defence Emergency Management Act or Standing Orders, adequate notice shall be given of all matters to be discussed at a meeting of the Group. Where a matter of significance is to be considered, where practicable, prior written notice of the background to that matter must be given in sufficient time to allow for consultation with each member.

### **Administering Authority**

The Otago Regional Council as the administering authority shall provide administrative and leadership of the Group.

### **Reporting**

The Group will report to each member.

### **Continuance of Joint Standing Committee**

The Otago Civil Defence Emergency Management Group shall not be discharged by a triennial election, but appointments of representatives of members shall be confirmed or new appointments made by each council following each election.

## PART VI – PORTFOLIOS

### Introduction

Council has decided to complement its governance structure through the establishment of portfolio areas and the appointment of portfolio leads. Portfolios do not have specific decision-making delegations; however, portfolio leads are responsible for leading specific policy areas and will act as the issue-specific spokespersons for those areas.

The role of portfolio leads is detailed below:

- Ensure progress is made towards the Council's strategic priorities and projects within their portfolio responsibilities.
- Play a strategic and policy leadership role in their area of responsibility assisting the council to meet its strategic objectives.
- Enhance relationships with key stakeholders.
- Act as the Council's spokesperson and point of contact for those activities within their portfolio responsibility.
- Collaborate with other portfolio leads where objectives are shared.
- Work effectively with council officers.
- Attend any advisory groups or external appointments made and ensure an alternative is available if they cannot attend projects and activities.
- As far as possible, attend council launches of new activities and projects in their area of responsibility.
- Meet regularly with the Mayor, Deputy Mayor, Chief Executive and senior staff.
- Keep the Mayor informed of emerging issues.
- Maintain a no-surprises approach for elected members and staff.
- Raise issues of Council performance with assigned executive leadership staff member in the first instance, following up with the Mayor and Chief Executive if necessary.
- Facilitate informal policy discussion between elected members, public and officials on matters within their responsibility.

The following portfolios have been established:

- Three Waters and Waste
- Community Vision and Experience
- Roading
- Planning and Regulatory

Details of these are provided on the following pages. Topics not listed in the portfolios will defer to Council.

## THREE WATERS AND WASTE PORTFOLIO

**Portfolio Lead:** Cr Nigel McKinlay  
**Deputy:** Cr Cheryl Laws

### Objectives:

To provide leadership and advice for policy decision making, oversight and governance for water, wastewater and stormwater and waste disposal and funding of programmes for these activities.

### Scope of Activity

Any matters that relate to the areas of Council's service delivery operations generally described as water, wastewater and stormwater and waste disposal.

### Providing leadership and advice in relation to:

- Asset Management Plans Forward Programmes in respect to water, waste water and stormwater and waste disposal.
- Levels of service for water, wastewater and stormwater and waste disposal and recommend funding of that service.
- Improvement programmes and recommend funding for that work.
- Three Water strategies.
- Three Water policies.
- Three Water Bylaws for adoption by Council.
- Three Waters issues where these are not covered by adopted strategies and policies.
- Leading submissions to changes in legislation, Government strategies, and policies related to Three Waters. (*Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.*)
- Liaison with Ministry of Health regarding Three Water issues that affect Central Otago.
- Compliance with requirements for Ministry of Health funding of Three Water activities.
- Policy issues, on water, wastewater and stormwater and waste disposal.
- Dealings with other councils regarding solid waste disposal.

## COMMUNITY VISION AND EXPERIENCE PORTFOLIO

**Portfolio Lead:** Cr Tamah Alley  
**Deputy:** Cr Sally Feinerman

### Objectives:

To provide leadership and advice for policy decision making, oversight and governance to enable the sustainable development of the Central Otago economy and to contribute to regional economic development strategies.

To provide leadership and advice for policy decision-making as to the standard of parks and recreational facilities including swimming pools, libraries, museums and visitor centres.

### Scope of Activity:

Generally, any matters that concern Council interests in facilitation of the economy, and operation of community facilities.

### Providing leadership and advice in relation to:

- All of Council's powers, functions and duties relating to the facilitation of business, economic strategies for the Central Otago community (except in relation to those areas of operations falling within the specific purview of Community Boards).
- Ensuring that there is appropriate economic development content and direction in the Council's Long-term Plan.
- Identifying projects and initiatives that will support the economic development strategy.
- Providing information on trends in the economy that enable Council to anticipate demands and adjust investment programmes and policy frameworks to suit.
- Liaison and cooperation with other economic development agencies.
- Asset management plans, levels of service, and forward programmes in respect to public utilities, including parks and recreational facilities, swimming pools, libraries, visitor centres, public toilets, property, community facilities and aerodromes and recommend funding for these activities.
- Strategy and policy issues on public utilities, including parks and recreational facilities, swimming pools, libraries, visitor centres, public toilets, property, community facilities and aerodromes.
- Any matters that relate to the area of the Council's service delivery operation generally described as parks and recreation, libraries and visitor centres.
- The governance of all aspect of the joint library service.
- Leading submissions to changes in legislation, Government strategies, and policies related to Economic or Community Development. (*Note:* where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.)
- Issues to do with tourism in Central Otago.
- District wide grants

## **PLANNING AND REGULATORY PORTFOLIO**

**Portfolio Lead:** Cr Neil Gillespie  
**Deputy:** Cr Ian Cooney

### **Objective:**

To provide leadership and advice to support the maintenance and development of all specified facilities and services detailed in accordance with goals and objectives set by the Council.

### **Scope of Activity:**

Any matters relating to the Resource Management Act 1992 1991, the Building Act 2004, Amusement Devices Regulations 1978, the Hazardous Substances and New Organisms Act 1996, the Sale of Alcohol Act 2012, the Psychoactive Substances Act 2013, the Smoke-free Environments Act 1990, Food Act 2014, Gambling Act 2003, the Racing Act 2003, the Dog Control Act 1996. Regulatory By-Laws and associated matters relating to that legislation.

This includes but is not limited to matters relating to public health inspection, building inspection, heritage orders, dangerous goods/hazardous substance inspections, plumbing and drainage inspection, animal and dog control, liquor licensing, gambling, psychoactive substances and any other areas or issues of an inspectorial and/or regulatory nature applying throughout the Central Otago District.

Initiation or variations to the District Plan and Plan changes.

### **Providing leadership and advice on:**

- All those matters associated or derived from the scope of the portfolio above.
- The initiation or variations to the District Plan and resulting Plan changes.
- Unless specifically excluded by legislation, all Council's powers, duties and discretions under the Resource Management Act 1991, but only where those matters have not been delegated to the Chief Executive Officer or the Hearings Panel.
- Leading submissions on government legislation, national policy statements, regional policy statements, regional plans and adjoining territorial local authorities' district plans. (*Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.*)

## **ROADING PORTFOLIO**

**Portfolio Lead:** Cr Stu Duncan  
**Deputy:** Cr Tracy Paterson

### **Objective:**

To provide advice and leadership for policy decision making for roading, transport and associated funding programmes.

### **Scope of Activity:**

Any matters that relate to those areas of the Council's service delivery operations generally described as roading and transportation.

### **Providing leadership and advice on:**

- Approval of roading and transportation activity management plans
- Levels of service for roading, and recommend funding for that service
- Improvement programmes and recommend funding for that work
- Roading Hierarchy Policy and exceptions to this policy
- Road strategies
- Roading policies
- Roading Bylaws for adoption by Council
- Roading regulatory issues where these are not covered by adopted strategies and policies
- Leading submissions to changes in legislation, Government strategies, and policies related to transportation. (*Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.*)
- Input into the Regional Land Transport Strategy
- Liaison with New Zealand Transport Agency (NZTA) Highway Network Operations Group regarding state highway matters which affect Central Otago
- Compliance with requirements for NZTA funding of roading and transportation activities
- The Portfolio Lead shall also be Council representative to the Regional Land Transport Committee

## **PART VII - COUNCIL REPRESENTATION ON EXTERNAL COMMITTEES**

Council may appoint one or more members from time to time to committees outside of Council. These appointees act as representatives of the Council.

Elected member(s) of the Central Otago District Council is/are nominated at the beginning of each triennial term to serve as Council representatives on each of the following Committees:

- a) Otago Regional Transport Committee – one representative
- b) Central Otago Health Incorporated – one representative
- c) Otago Museum Trust - a Clutha District Council nominee
- d) Central Otago Wilding Conifer Control Group – one liaison
- e) Maniototo Curling International – one liaison

An elected member who has voting rights on external committees will need to exercise caution so that no conflicts of interest arise. This can be managed by declaring an interest and not voting on particular items, either at the external committee or at the Board or Council meeting.



## **PART VIII – DELEGATIONS TO STAFF**

### **THE CHIEF EXECUTIVE OFFICER**

#### **Functions**

50. Section 42 of the Local Government Act 2002 states:

- “(1) *A local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a Chief Executive Officer.*
- (2) *A Chief Executive Officer appointed under subsection (1) is responsible to his or her local authority for -*
- (a) implementing the decisions of the local authority; and*
  - (b) providing advice to members of the local authority and to its community boards, if any; and*
  - (c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and*
  - (d) ensuring the effective and efficient management of the activities of the local authority; and*
  - (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and*
  - (f) providing leadership for the staff of the local authority; and*
  - (g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and*
  - (h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).*
- (3) *A Chief Executive Officer appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority -*
- (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and*
  - (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.*
- (4) *For the purposes of any other Act, a Chief Executive Officer appointed under this section is the principal administrative officer of the local authority. ”*

#### **Delegations to Chief Executive Officer**

51. The Chief Executive Officer is delegated all the powers, functions and duties necessary for the management of the Council’s activities and the implementation of Council policy in order to fulfil his or her responsibilities, except:

- a) those reserved to the Council under Part III; and
- b) any other power, function or duty reserved to the Council or a committee under this Register.

52. The authority delegated to the Chief Executive Officer may be delegated to any other officer of the Council. Every delegation by the Chief Executive Officer will be in writing and suitably recorded. Every delegation by the Chief Executive Officer may be withdrawn or amended or made subject to conditions in this manner.

53. In entering into financial commitments the Chief Executive Officer has delegation to the budget set by Council and may typically delegate authority:

- a) Up to a value of \$500,000 to members of the executive leadership team and the Three Waters Director for any individual transaction;
- b) to other staff positions up to a value of \$50,000 for any individual transaction

### **Variation to budget**

54. The Chief Executive may vary the constituent sums which make up a budget where:
- a) The relevant executive leadership team member or Three Waters Director and the Chief Executive Officer confirm that the variation will be entirely funded from savings made on other sums within the same budget; and
  - b) The variation will allow the area concerned to better achieve the purpose or purposes for which the budget was adopted.

Budget means the sum represented by any item contained in a significant activity of the budgets adopted by Council for the financial year contained in the Long-term Plan or Annual Plan.

### **Employment of Staff**

55. Under Section 42(2)(g) and (h) of the Local Government Act 2002 the Chief Executive Officer is responsible to the Council for employing the staff of the Council and negotiating their terms of employment.
56. The Chief Executive Officer has the responsibility to arrange the staff structure to achieve the plans and performance measures of Council within the financial constraints of Long-term Plan or Annual Plan budgets.

### **Contracts, Tenders, Purchasing, Sale of Assets and Services**

57. The Chief Executive Officer may, subject to any policy established by the Council and within the approved Annual Plan and Long-term Plan, accept, negotiate or decline contracts, tenders, purchasing agreements or any other arrangements for:
- a) the sale, purchase, leasing or exchange of real property;
  - b) the employment of staff, consultants or advisers;
  - c) the supply of goods, services, plant, capital items or other assets (excluding real property) to the Council;
  - d) the provision of services by the Council and the sale, leasing or disposal of goods, plant, capital items (excluding real property) or other assets owned by the Council;
  - e) the settlement of claims for compensation;
  - f) easements, right of way, caveats, registrable interests and similar minor dealings with property.

In exercising this delegated authority, the Chief Executive Officer may delegate the above items a-f to members of the executive leadership team and the Three Waters Director providing the sum of the life of the contract does not exceed their financial delegation:

58. In exercising this delegated authority, the Chief Executive Officer must comply with:
- a) any policy adopted by the Council affecting the matters dealt with in clause 56;
  - b) budget requirements;
  - c) the obligation to report decisions in accordance with clause 26.
59. The Chief Executive Officer has authority to execute all documents required to be executed by the Council, other than those required to be executed under seal. In the Chief Executive

Officer's absence, the Acting Chief Executive Officer has delegated authority to execute these documents.

### **Resource Management**

60. All administrative and operational functions, powers and duties under the Resource Management Act, other than those excluded in section 34A of that Act, and other than those delegated to a Standing or Special Committee, unless that Committee so delegates, are delegated to the Chief Executive Officer.
61. The Chief Executive Officer may, in relation to the District Plan, grant the following consents:
- All controlled, discretionary and discretionary (restricted) activities where:
- a) the application is non-notified; and
  - b) where necessary, has the consent of the affected parties; and
  - c) the applicant has not requested to be heard; or
  - d) where the application is notified; and
  - e) there are no submissions; and
  - f) the applicant has not requested to be heard.
62. A resource consent lapses after five years from its date of commencement or after the expiry of such shorter or longer period as was expressly provided for in the consent. If the consent was granted by the Hearings Panel, the Chief Executive Officer may permit a longer period with an expiry of a resource consent, in terms of sections 125 and 126.
63. When a consent granted by the Hearings Panel is not continuously exercised over a two-year period, the Chief Executive Officer may cancel that consent by written notice, subject to conditions listed in section 126.

### **Legalisation of Road Reserves**

64. Ability to accept road reserves legalising current formed roads through the tenure review process.

### **Other Resource Management Act 1991 Provisions**

65. Appointment of commissioners to consider and execute decisions relating to designations, reviews, objections and applications for and changes to resource consent.
66. To provide the consent of the requiring authority pursuant to Section 176 of the Resource Management Act 1991, to undertake any activity on land that is designated.
67. The Chief Executive may change any condition in a resource consent (other than conditions relating to its duration) subject to conditions outlined in Section 132.

### **Oaths and Declarations**

68. The Chief Executive Officer may make and take any declaration or oath as requested in relation to the Council.
69. Any Council officer may certify as to any state of affairs within their jurisdiction and knowledge.

### **Minor Operational Property Dealings**

70. The Chief Executive Officer may grant or decline consent to minor operational dealings with the Council's property, subject to any reasonable terms and conditions. This includes consent

to the registration, variation and discharge of mortgages, easements, leases and subleases, caveats and other documents and similar dealings.

### **Operating Hours/Conditions of Use**

71. The Chief Executive Officer may determine the operating hours of any council facility, being at all times mindful of the public interest and any Council policy or resolution.

### **Reserves**

72. The Property and Facilities Manager or Parks and Recreation Manager may temporarily prohibit the use of any reserve or other property under their responsibility and exercise any power granted to Council under Part II, III and V of the Reserves Act 1977 in regard to such reserves.

### **Roads**

73. The Council's Roading staff may exercise any power granted to the Council in regard to the construction, repair, alteration, layout, occupation and use of roads, footpaths, verges and vehicle crossings, including but not limited to those under the Local Government Act 1974, the Transit New Zealand Act 1989, the Public Works Act 1989, the Heavy Motor Vehicle Regulations 1974, the Resource Management Act; and Regulations made there under, except where any power is reserved to the Council or a Committee of Council, or where more specific delegations of this manual apply.

### **Bylaws**

74. Any member of the executive leadership team, Three Waters Director, or warranted or authorised officer, may administer and exercise all powers granted under bylaws regarding the activities within the district in relation to their specific area of responsibility, and may authorise prosecutions and actions under any bylaw (after advising the Chief Executive Officer of the intention to commence such actions and prosecutions).

### **Other Legal Actions**

75. The Chief Executive Officer may approve all unbudgeted legal claims or other proceedings, such as the authorisation to undertake settling actions and prosecutions taken against Council, where it is in the CEO's opinion that such settlement best protects Council's interest, up to a value of \$500,000. Where claims or other legal proceedings are likely to exceed \$500,000, the CEO is required to communicate with relevant elected members prior to entering into mediation.
- The Chief Executive Officer may delegate to council officers the authority to represent Central Otago District Council in legal claims or other proceedings.
  - Confidential settlements, other than those which relate to employment matters, shall be presented in a separate report to the Audit and Risk Committee or any other council body as appropriate.

### **Authorised Officer Delegations and Warrants**

76. Staff are delegated as follows and will be provided with warrants as or if required (the Council may appoint other members of staff, contractors or other appropriate people to warranted positions from time to time):
- A "Ranger" for the purpose of the Reserves Act 1977: Parks and Recreation Manager, Property and Facilities Manager, any Property and Facilities Officer and Group Manager, Planning and Infrastructure or their equivalent.

- All Planning and Environment inspectorial staff holding the qualification of “Environmental Health Officer” or “Food Safety Officer enabled to administer the duties related to that designation as set out in the Health Act 1956 and the Food Act 2014.
- All Planning and Environment staff for enforcement under the Resource Management Act 1991.
- An “Inspector” for the purpose of the Sale and Supply of Alcohol Act 2012.
- An “Authorised Officer” for the purpose of the General Bylaws 2008.
- A “Dog Control Officer” for the purpose of the Dog Control Act 1996.
- A “Dog Control Ranger” for the purpose of the Dog Control Act 1996.

### **Litter Act 1979**

77. The powers granted to officers under the Litter Act 1979 may be exercised by the warranted officers from time to time.

### **Health Act**

78. The Group Manager - Planning and Infrastructure may exercise any powers granted to the Council and authorise prosecutions where appropriate in regard to public health, including, but not limited to, those under the Local Government Act 2002; the Health Act 1956; the Food Act 1981; the Burial and Cremation Act 1964; the Resource Management Act 1991; and regulations made there under.

### **Hazardous Substances and New Organisms Act 1996**

79. Inspectors qualified to be dangerous goods inspectors and warranted may exercise any power granted under the Hazardous Substances and New Organisms Act.

### **Temporary Road Closures**

80. The Group Manager Planning and Infrastructure, Infrastructure Manager or the Roading Manager, with the assistance of any property and facilities officer, may exercise any power to impose temporary restrictions in regard to traffic and restrict vehicular access of any kind on roads within the district granted under and in accordance with the Local Government Act 2002 and the Transport Act 1962 and all regulations made there under.

### **Civil Defence and Emergency Management Act 2002**

81. The Chief Executive may nominate local controllers and refer such nominations to the Otago Civil Defence Emergency Management Group.
82. During the period of a civil defence emergency the appropriate delegations made under the Civil Defence Emergency Management Act 2002 and the Central Otago District Council Civil Defence Plan shall be adhered to.

### **Sale and Supply of Alcohol (Fees) Regulations 2013**

83. The Chief Executive has the authority to assign a fees category to premises that is 1 level lower than the fees category in Section 6 of the Regulation.
84. The Group Manager - Planning and Infrastructure determines that a fee be charged for a special licence in terms of Section 10 of the Regulations that is 1 class below the class of the licence that is issued, but not less than the fee payable for a class 3 special licence.
85. The Group Manager - Planning and Infrastructure is authorised to sign correspondence, licences, certificates and decisions; including any licences subject to the criteria in Section 105 of the Sale and Supply of Alcohol Act 2012; “for and on behalf of” the Secretary as defined by Section 196 of the Act.

### **Abandoned Vehicles**

86. The Group Manager - Planning and Infrastructure and the Infrastructure Manager may exercise any power granted to Council relating to the impounding of any abandoned motor vehicle on roads which come under the Council's authority.

### **Paper Roads**

87. The Group Manager - Planning and Infrastructure may provide consent to form a paper road when all affected and interested parties are in agreement.

### **Building Consent Authority**

88. Building Control functions are carried out by Building Control staff in accordance with Council's Quality Assurance Manual, staff job descriptions and warrants of appointment.

### **SUB-DELEGATIONS FROM THE CHIEF EXECUTIVE OFFICER**

The authority delegated to the Chief Executive, may be delegated to any other officer of the Council or a subcommittee of officers. Every delegation will be in writing and suitably recorded. Every delegation may be withdrawn or amended or made subject to conditions in the same manner. A staff delegation manual will be maintained by the Chief Executive Officer that records the delegations made to staff within the authority outlined in Part VIII of this register.