

Instrument of Statutory Delegation

General Delegation to Chief Executive, and Delegation to Officers under Resource Management Act 1991 and Local Government (Rating) Act 2002

By resolution at a meeting on **10** August 2023 the Gisborne District Council:

1. Delegated to its Chief Executive all responsibilities, functions and powers to act on any matter, excluding those matters in respect of which delegation is prohibited by legislation; and
2. Delegated specific powers and functions under the Resource Management Act 1991 (RMA), and the Local Government (Rating) Act 2002 (LGRA), to the officers specified alongside those powers and functions in Schedules 1 and 2 of this Instrument; and
3. Determined not to impose any conditions, limitations, restrictions or prohibitions in the delegations; and
4. Revoked all previous statutory delegations to the Chief Executive, and all delegations to other officers under the RMA and LGRA.

These delegations are made under clauses 32 and 32A of Schedule 7 of the Local Government Act 2002.

For the avoidance of doubt, the delegation to the Chief Executive includes the ability to issue warrants to enforcement officers and to affix the seal.

The General Principles of Delegation set out below apply to these delegations.

General Principles of Delegation

Acting

Functions or powers delegated to holders of an office may be exercised by a person who has been appointed to act in the office.

Changes to team or office name

A specified office or class of office includes an office that carries the same, or substantially the same responsibility as the specified office and is intended to replace, or substantially replace the specified office.

Other parties able to act

The delegation of authority does not prevent another authorised party from exercising the function, power or duty. For example, the Chief Executive may refer a matter to the Council or a Committee for decision.

Non-discretionary duties

The Schedules list only those functions, powers and duties or which involve discretionary decision-making. All staff have authority to perform non-discretionary duties (those not listed) on behalf of the Council, within the general scope of their role.

Expectations

In exercising the delegated authority, the delegates are expected to:

1. act in accordance with their Financial Delegations and within budgetary constraints.
2. comply with Council policies and procedures relating to the exercise of the functions and powers.

For the avoidance of doubt, these expectations are not intended as legal conditions or limitations in the scope of the powers delegated.

Council resolution confirmed by:



Rehette Stoltz

Mayor

Date: 10 August 2023

Schedule 1

Delegation to Officers of powers and functions under the Resource Management Act 1991

Key

BSM	Building Services Manager
BTL	Biosecurity Team Leader
CAM	Cultural Activities Manager
CARM	Community Assets and Resources Manager
CCTL	Consents Coordination Team Leader
CM	Consents Manager
CMEM	Compliance Monitoring & Enforcement Manager
DEMP	Director Engagement and Māori Partnerships
DIPP	Director Internal Partnerships and Protection
DLC	Director Liveable Communities
DLL	Director Lifelines
DP	Duty Planner
DSF	Director Sustainable Futures
EHTL	Environmental Health Team Leader
EMSM	Environmental Monitoring and Science Manager
FWIM	Four Waters Infrastructure Manager
ICM	Integrated Catchments Manager
IRCP	Intermediate Resource Consents Planner
JIM	Journeys Infrastructure Manager
JOM	Journeys Operations Manager
LSM	Liveable Spaces Manager
MCTL	Monitoring and Compliance Team Leader
	Principal Advisor, Environmental Services and Protection
PP	Principal Planner
RCTL	Resource Consents Team Leader
SPM	Strategic Planning Manager
SRCP	Senior Resource Consents Planner
WM	Water Manager

Note that the Council has delegated all of the powers and functions listed below to the Chief Executive, in addition to the listed officers.

Section	Summary of function or power	Delegates
s 10(2)	Decision on application for extension of existing use rights	DSF, CM, CMEM, BSM, RCTL, PP
s 34A(1)	Appointment of Hearing Commissioners (not power of delegation)	DSF, P (Expectation of consultation with CE)
s 36(5) to (7) and 36AA	Power to set additional charges, provide estimates, and make decisions on non-performance pending payment of charge.	DSF, DIPP, SPM, CM, CMEM, RCTL, PA, BSM
s 36AAB	Powers to remit the whole or part of any charge, and to not commence or continue processing resource consent applications or private plan change applications if insufficient money has been paid as required by Council's schedule of charges	DSF, DIPP, DCL, SPM, CM, CMEM, RCTL
s 37	Waive requirements or extend time limits.	DSF, SPM, CM, CMEM, RCTL, BSM, PP, SRCP, IRCP
s 38	Authorisation and warranting of enforcement officers (including ability to affix seal)	DIPP

s 41B	Directions to provide evidence within time limits	DSF, SPM, CM, RCTL, PP
s 41C	Directions and requests before hearing	DSF, SPM, CM, RCTL, PP
s 41D	Strike out a submission	DSF, SPM, CM, RCTL, PA, PP
s 42	Order to protect sensitive information	DSF, DIPPP, CM, CMEM, RCTL, BSM, SPM, PP
s 42A	Require or commission a report	DSF, DIPPP, CM, CMEM, SPM, RCTL, BSM
s 42A(5)	Waive requirement to send officer report	DSF, CM, RCTL, BSM, SPM, PP
s 44A	Local Authority recognition of national environmental standards	DSF, SPM, RCTL, PP
s 58	If so directed by a national planning standard, power to amend any planning document.	DSF
s 80A	Powers and functions relating to the Freshwater Planning Process	DSF, SPM
s 86D(2)	Make application to Environment Court for a rule to have legal effect	DSF, SPM
s 87BA	Power to decide and give notice on boundary activities	DSF, DIPPP, CM, CMEM, CSS, SPM, RCTL, PP
s 87BB	Power to decide and give notice on deemed marginal or temporary permitted activities	DSF, CM, SPM, RCTL, PP, BSM
s 87E	Decision to return, decline or grant a request to transfer an application for resource consent or application for a change or cancellation of consent condition to the Environment Court	DSF
s 87F	Prepare a report and suggest conditions to the Environment Court.	DSF, CM, SPM, RCTL, PP
s 88	Determine that an application for resource consent is incomplete and provide reasons	DSF, CM, RCTL, BSM, SPM, PP, SRCP, IRCP, DP, CCTL
s 88H	Power to exclude time periods relating to non-payment of administrative charges	DSF, DIPPP, CM, CMEM, SPM, RCTL, PP, BSM
s 91	Deferral of application pending additional applications	DSF, CM, RCTL, BSM, SPM, PP
s 91F	Return or continue to process a suspended application	DSF, CM, RCTL, BSM, SPM, PP, SRCP, IRCP, DP, CCTL
s 92(1)	Requirement for further information from applicant	DSF, CM, RCTL, BSM, SPM, PP, SRCP
s 92(2)	Commission a report in relation to an application	DSF, P, CM, RCTL, BSM, SPM, PP
s 92A	Set time limit for applicants to provide information.	DSF, CM, RCTL, BSM, PP
s 95, ss 95A to 95G	Powers to make all relevant determinations	DSF, CM, SPM, RCTL, PP, BSM
s 97(4)	Adopt an earlier closing date	DSF, CM, RCTL, BSM, SPM, PP
s 99(1) to (3)	Arrange pre-hearing meetings for the purpose of clarifying, mediating or facilitating resolution of any matter or issue.	DSF, CM, CMEM, RCTL, BSM, SPM, PP
s 99(4)	The authority to decide if staff who have the power to make a decision on an application may attend and participate in a pre-hearing meeting.	DSF, CM, SPM, RCTL
s 99(8)	Decline to process an application or consider a submission.	DSF, CM, SPM, RCTL, PP

s 99A	Powers relating to mediation	DSF, CM, SPM, RCTL
s 100	Determination whether hearing necessary	DSF, CM, SPM, RCTL, BSM
s 101	Fix hearing date, time and place	DSF, CM, SPM, RCTL, PP, BSM
s 102(1)	Determination for a joint hearing	DSF
s 103	Determination not to hold a combined hearing	DSF
ss 104, 104A to 104D, 105 to 108, 405A, 406, 407, 409	Decisions on applications for resource consents that are not notified, or for which no hearing is to be held.	DSF, CM, SPM, RCTL, PP, BSM, SRCP
s 109	Make decisions in relation to bonds or covenants	DSF, DIPP, CM, CMEM, RCTL, BSM, SPM
s 110	Power to authorise refund of money when activity does not proceed	DSF, DIPP, CM, CMEM, RCTL, SPM
s 114	Decisions relating to notification of decision	DSF, CM, RCTL, BSM, SPM, PP
s 124	Decision as to whether operations can continue under original resource consent pending determination of replacement consent	DSF, DIPP, CM, CMEM, RCTL, BSM, SPM, PP
s 125	Decision whether to extend period before a resource consent lapses	DSF, CM, SPM, RCTL
s 126	Cancellation of consents unexercised for more than five years	DSF, DIPP, CM, CMEM, SPM, RCTL
s 127 & 149Z	Decision on an application to change or cancel a resource consent condition	DSF, CM, SPM, RCTL, PP, BSM
s 128 to 132	Initiate, approve and determine review of consent conditions	DSF, CM, SPM, RCTL, PP, BSM
s 132(3) & (4)	Determine resource consent should be cancelled.	DSF, DIPP
s 133A	Correct minor mistakes or defects in a resource consent	DSF, DIPP, CM, CMEM, BSM, SPM, RCTL, PP
s 136	Authority to approve transfer of water permits	DSF, CM, RCTL, SPM, PP, BSM
s 137	Authority to approve transfer of discharge permits	DSF, CM, RCTL, SPM, PP, BSM
s 138	Decision to accept or refuse part or full surrender of a resource consent	DSF, DIPP, CM, CMEM, SPM, PP
s 138A	Consider special provisions relating to coastal permits for dumping and incineration	DSF, CM, RCTL, SPM, PP
s 139	Issue of certificate of compliance	DSF, CM, SPM, RCTL, PP, BSM
s 139A	Issue existing use certificate	DSF, CM, SPM, RCTL, PP, BSM
s 142 to 149ZD	All powers and function of the Council in Part 6AA Proposals of National Significance Request Minister call in a matter lodged with the Council	DSF
s 149G	Prepare a report on the key planning issues on a resource consent application that has been called in	DSF, CM, RCTL, BSM, CSS, SPM, PP
s 165D	Refuse to receive an application for a coastal permit	DSF, CM, RCTL, SPM, PP
s 165E(2)	Determination of an application for a coastal permit	DSF

s 165L	Request Minister to approve allocations of authorisations for space	DSF
s 165O	Request Minister to revoke or amend an approval to use a public tender	DSF
ss 165X to 165ZFE	Powers relating to authorisations and applications for coastal permits	No delegation to officers
ss 168A & 149Z	Determine whether to notify notice of requirement for designation	DSF, CM, RCTL, BSM, SPM, PP
s 169	Process Notice of Requirement to Council.	DSF, CM, RCTL, BSM, SPM, PP
s 171	Recommendation on Notice of Requirement to Council when:	DSF, CM, SPM, RCTL, PP, BSM
	• No submissions have been received, or	
	• No request is made for a hearing, or	
	• The need for a hearing has been averted by all submitters giving written agreement with conditions of consent proposed, and therefore they no longer want to be heard	
s 174	Appeal decisions on Notices of Requirement (not Councils)	DSF, CM, SPM
s 176A	Powers in relation to Outline Plan	DSF, CM, RCTL, BSM, SPM, PP
ss 181 & 149Z	Alteration of designation	DSF, CM, RCTL, BSM, SPM, PP
s 182(5)	Decline to remove part of a designation	DSF, CM, RCTL, BSM, PP, SPM
s 184	Determination that lapsing time for designation can be extended beyond five years	DSF, CM, RCTL, BSM, PP, CSS, SPM
s 184a	Determination that lapsing time for Council's own designation can be extended beyond five years	DSF, CM, RCTL, BSM, PP, SPM
s 186(4)	Consent for setting apart of Council held land for work of a network utility operator – (asset management)	DSF
ss 189A, 190, 191, 149Z	Powers relating to notice of requirement for a heritage order.	DSF, CM, RCTL, PP, BSM
s 193	Consent to do anything that would wholly or partly nullify the effect of a heritage order (where Council is the relevant heritage protection authority)	No delegation to officers
s 195A & 149Z	Alter heritage order (applies to both applications to and those by Council)	DSF, CM, RCTL, BSM, PP, SPM
s 198C	Determine request	DSF, CM, RCTL, BSM, PP, SPM
s 198D	Prepare and serve report on requirement	DSF, SPM, CM
s 198E(4)	File s 274 notice in respect of a notice of motion lodged with the Environment Court	DSF, SPM, CM
s 198H	Decision to refer a requirement to the Environment Court for decision	DSF, SPM, CM
s 198J & 198M	Determine requirement; Prepare report and suggested conditions; and Serve submitters	DSF, SPM, CM
s 198K	Lodge and serve notice of motion and supporting affidavit with the Environment Court	DSF, SPM, CM
s 205	Authority to make submissions on a proposed water conservation order	DSF

s 209	Authority to make submissions to the Environment Court on a proposed water conservation order	DSF
S 217K	Appoint a certifier or auditor	DIPP, CMEM
s 221	Issue, vary or cancel consent notice	DSF, CM, RCTL, BSM, PP
s 222	Allowing a bond binding the owner to complete work or make a financial contribution as required by condition of subdivision consent	DSF, CM, RCTL, BSM, PP
s 223, 237, 240, 243	Approval or declining of survey plan Issue a certificate that a survey plan has been approved under this section?	DSF, CM, RCTL, BSM, PP
s 224(c)	Issue a completion certificate that all conditions of a subdivision consent are complied with	DSF, CM, RCTL, BSM, PP
s 224(f)	Sign certificate for purpose of s 224(f)	DSF, CM, RCTL, BSM, PP
s 226(1)(e)	Issue a certificate confirming allotments are in accordance with provisions of district plans and statutory documents	DSF, CM, RCTL, BSM, PP
s 234	Vary or cancel instrument creating esplanade strip	DSF, CM, RCTL, BSM, SPM, PP
s 235	Creation of esplanade strip by agreement	DSF, CM, RCTL, BSM, SPM, PP
s 237	Approval of survey plans where esplanade reserves or esplanade strips required	DSF, CM, RCTL, BSM, PP
s 237B	Agreement to acquire easement for access strip	DSF, CM, RCTL, BSM, PP
s 237C	Closure of strips to public	DSF, DIPP, CM, CMEM, RCTL, BSM, PP
s 237D	Transfer of esplanade reserve to the Crown	CE only
s 237H(2)	Acceptance or objection to registered valuer's determination of compensation	DSF
s 240, 241, 243	Powers relating to conditions as to amalgamation of land and easements	DSF, CM, RCTL, BSM, PP
s 245	Approve survey plans for reclamation	DSF, CM, CMEM, BSM, RCTL, PP
s 274	Give notice of intention to become party to proceedings	DSF, DIPP (Expectation of consultation with CE)
s 294	Application to Environment Court to order a rehearing of proceedings by the Court	DSF, DIPP (Expectation of consultation with CE)
s 299, 300	Initiate and file notice of appeal to High Court	DSF, DIPP (Expectation of consultation with CE)
s 308G	Commence proceedings for declaration person/persons in contravention of Part 11A	DSF, DIPP (Expectation of consultation with CE)
s 308I	Commence proceedings for damages in the High Court	DSF, DIPP (Expectation of consultation with CE)
s 311	Application to Environment Court for declaration	DSF, DIPP
s 316	Application to Environment Court for enforcement order	DIPP, CMEM
s 320	Application to Environment Court for interim enforcement order	DIPP, CMEM
s 325A	Cancellation or change of Abatement Notice	DIPP, CMEM, MCTL
s 329	Issue of water shortage directions	DSF, DIPP, CM, CMEM

s 330	Authority to take preventative or remedial action where adverse environmental effects, or a sudden event likely to cause loss of life, injury or serious damage to property, threatens any public work for which Council has financial responsibility, or any natural or physical resource or areas	DSF, DIPP, CM, CMEM, RCTL, BSM, SPM, DLC, DCL, ICM, FWIM, WM, JIM, JOM, CARM, LSM, CAM, MCTL, SRCP
s 331	Seek an enforcement order from Environment Court to recover costs	DIPP
S 331B	Owner or occupier of rural land may take emergency preventive or remedial measures	DSF, DLL, DLC
s 332	Authorise entry by enforcement officer	DSF, DIPP, CM, CMEM, CMTL, RCTL, BSM
s 334	Application for warrant for entry for search	DSF, DIPP, CM, CMEM, RCTL, BSM, CMTL, Enforcement Officers
s 336(2)	Determination on return of property seized under ss 323 and 328	DSF, DIPP, CM, CMEM, MCTL, EHTL
s 338	Decide whether to commence a prosecution for an offence	DIPP, CMEM (Expectation of consultation with CE)
s 343C	Decide whether or not to commence proceedings for an infringement offence	DIPP, CMEM
s 353	Extension of period fixed	DSF, CM, CMEM, RCTL, BSM, SPM
s 355	Application for vesting of reclaimed land in Council	DSF
s 357 & 357D	Authority to consider any objection to an officer's decision when the objection can be wholly upheld or agreement is reached with applicant on partial upholding of the objection.	DSF, CM, CMEM, BSM, RCTL
s 388	Request for information regarding exercise of resource consent	DSF, DIPP, CM, CMEM, RCTL, BSM, SPM, PP
1st sch cl 3	Determining who to consult	DSF, SPM
1st sch cl 4	Respond as to whether the Council requires the designation to be included in that district's proposed plan, with or without modification.	DSF, SPM
1st sch cl 4a	Power to provide copies of planning documents to iwi and determine time for advice	DSF, SPM
1st sch cl 6	Make a submission	DSF, SPM
1st sch cl 5, 5A and 11	Determining which persons are directly affected and so need to be notified	DSF, SPM
1st sch cl 7	Power to summarise submissions made in respect of a policy statement or plan or a change or variation thereto.	DSF, SPM
1st sch cl 8	Make a further submission	DSF, SPM
1st sch cl 8AA	Resolution of disputes	DSF, SPM
1st sch cl 10	Power to publicly notify decisions on provisions and matters raised in submissions	DSF, SPM
1st sch cl 10A	Power to apply for extension of time if local authority is unable, or likely to be unable, to meet decision making obligations under Clause 10(4)(a)	DSF, SPM
1st sch cl 11	Power to decide which landowners or occupiers are directly affected by the Council's decisions under Clause 9(2).	DSF, SPM

1 st sch cl 16	Minor amendment of proposed policy statement or plan	DSF, SPM
1 st sch cl 20A	Minor correction of operative policy statement or plan	DSF, SPM
1 st sch cl 23	Requirement to provide further information and commissioning of reports (private plan changes)	DSF, SPM
1 st sch cl 24	Modify request for plan change	DSF, SPM
1 st sch cl 32	Power to certify as correct material incorporated by reference into plan following decision	DSF, SPM
1 st sch cl 37	Submit freshwater planning documents and give nominations	DSF
1 st sch cl 52(5)	Power to publicly notify decisions on recommendations from the freshwater hearings panel	DSF
1 st sch cl 54	Notify the Chief Freshwater Commissioner of variations to freshwater planning instruments	DSF
1 st sch cl 88 and 90	Power to publicly notify Minister's decisions under the streamlined planning process	DSF, SPM
Regional Plan	Powers and functions relating to Farm Environment Plans	DSF, DIPPP, CM, EMSM
Severe Weather Emergency Legislation Act 2023 (SWERLA)	Powers and functions relating to Resource Management Act 1991 under SWERLA	DSF, DIPPP, DLC, DLL, DEMP, CM, CMEM, MCTL

Schedule 2

Delegation to Officers under the Local Government (Rating) Act 2002

Key

CFO	Chief Financial Officer
FM	Finance Manager
RTL	Revenue Team Leader
RA	Revenue Accountant

Note that the Council has delegated all of the powers and functions listed below to the Chief Executive, in addition to the listed officers.

Section	Summary of function or power	Delegates
s 28(3)	Determine a fee for being supplied a copy of Rating Information Database data.	CFO, FM, RTL
s 63	Power to commence court proceedings for the recovery of rates that are in default	CE only
s 67	Power to commence rating sale or lease provisions	CE only
s 72	Consent to sell or lease by private treaty.	CE only
ss 77 to 83	Powers relating to the sale of abandoned land	CE only
s 85	Remit rates	CFO, FM, RTL, RA
s 87	Postpone requirement to pay rates	CFO, FM, RTL, RA
s 90(1) and (4)	Register a notice of charge or notice of release of charge on a rating unit if requirement to pay rates has been postponed under s 87(1)	CE only
ss 99 and 108	Apply to the Maori Land Court to obtain a charging order to administer the land for the purpose of recovering the rates. Conditional on consultation with the Chief Executive.	CE only
s 114	Remit rates on Maori freehold land	CFO, FM, RTL, RA
S 114A	Remit rates on Māori freehold land under development	CFO, FM, RTL
s 115	Postpone requirement to pay rates on Maori freehold land	CFO, FM, RTL, RA
s 117N(2)	Power to cancel election for lump sum contribution payment or recover amount owing in a situation of late or non-payment	CFO, FM, RTL
s 135	Power to sign documents as correct copies for legal proceedings.	CFO, FM, RTL