

Delegations by Chief Executive to Officers

December 2023



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Delegation by Chief Executive to Officers

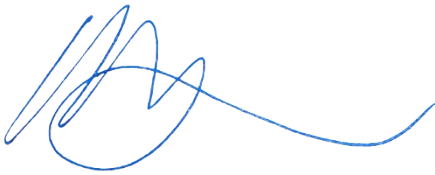
By resolution dated 10 August 2023, the Gisborne District Council delegated to the Chief Executive all responsibilities, functions and powers to act on any matter, excluding those matters in respect of which delegation is prohibited by legislation. Council did not impose any legal restrictions on the delegation. A copy of the Instrument of Delegation is included as an Appendix.

Under sections 32(3) and s 32B(1) of the Local Government Act 2002, I hereby

- (1) delegate the powers listed in the Tables 2 and 3 to the persons holding the offices specified alongside those powers; and
- (2) revoke all previous delegations of these powers to officers of the Gisborne District Council.

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

Signed:



Nedine Thatcher Swann

Chief Executive

Gisborne District Council

Date: 29 February 2024

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.

Non-discretionary duties

The delegation tables (Tables 2 and 3) list only those functions, powers and duties 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

Delegates should act in accordance with the expectations listed below. For the avoidance of doubt, these expectations are not intended as legal conditions or limitations in the scope of the powers delegated.

1. Officers should act in accordance with their financial delegations and within budgetary constraints.
2. Officers should comply with Council policies and procedures relating to the exercise of the functions and powers.

Key to Delegation Tables

Table 1 – Key to staff positions/officers

ACO	Animal Control Officer
ACPTL	Animal Control & Parking Team Leader
All Managers	Any office with responsibility for the management of other staff, regardless of the office's title. For example, this includes Team Leader.
All Directors	Chief Financial Officer, Director Sustainable Futures, Director Community Lifelines, Director Engagement & Maori Partnerships, Director Liveable Communities, Director Internal Partnerships and Protection
BAO	Bylaws Authorised Officer
BCO	Building Compliance Officer
BI	Bylaws Inspector
BSM	Building Services Manager
BSO	Building Services Officer
BPPC	Business Partner, People and Capability
BTA	Building Technical Adviser
BTL	Biosecurity Team Leader
CAM	Cultural Activities Manager
CARM	Community Assets and Resources Manager
CE	Chief Executive
CFO	Chief Financial Officer
CL	Cemeteries Leader
CM	Consents Manager
CMEM	Compliance Monitoring & Enforcement Manager
DSF	Director Sustainable Futures
DCL	Director Community Lifelines
DEMP	Director Engagement Maori Partnerships
DIPP	Director Internal Partnerships & Protection
DLC	Director Liveable Communities
DSSM	Democracy & Support Services Manager
EHO	Environmental Health Officer
EMSM	Environmental Monitoring & Science Manager
ERTL	Environmental Risk Team Leader
FM	Finance Manager
WM	Water Manager
HM	Harbourmaster
ICM	Integrated Catchments Manager
IM	Infrastructure Manager
JIM	Journeys Infrastructure Manager
JOM	Journeys Operations Manager
LM&BTL	Land Management & Biodiversity Team Leader
LSM	Liveable Spaces Manager
MCO	Monitoring & Compliance Officer (including Regional Monitoring & Compliance Office, Environmental Monitoring and Enforcement Officer, and Investigator, and any Intermediate or Senior of the same)
MCTL	Monitoring & Compliance Team Leader
NT	Network Technician

PCM	People and Capability Manager
QAO	Quality Assurance Officer
RTL	Revenue Team Leader
RCTL	Resource Consents Team Leader
SFCCO	Summer and Freedom Camping Compliance Officer
SBSO	Senior Building Services Officer
TLEH	Team Leader Environmental Health
TLFS	Team Leader Financial Services
TLWT	Team Leader Wastewater Treatment
TM	Traffic Manager
TWO	Trade Waste Officer

Part A: Management Functions

Council's powers, functions and duties listed in Table 2 arise from Council's status as a body corporate, or "person", as opposed to the responsibilities of a local authority. For example, many of those listed arise from Council's role as an employer or a landowner.

Council's powers, functions and duties as a local authority are addressed in Part B. "Regulatory Powers".

The functions and powers described in Table 2 may only be exercised by the officers or class of officers specified alongside them.

Table 2 – Functions or Powers

Function or Power		Authorised officers
Administrative matters		
Agreements	Authority to enter into funding agreements	CE only
	Authority to enter into agreements for goods and services (for matters not otherwise delegated in this instrument)	All officers with appropriate financial delegation
Legal	Authority to decide whether to commence or defend, any action before a Court, Tribunal, arbitral panel or other such body, or settle a matter that may otherwise be determined by such a body.	All Directors (Expectation of consultation with CE)
Liquor Licensing	Authority to apply for and hold an on-licence or special licence on behalf of the Council	All Directors
Privacy Act 2020	All functions, powers and duties under the Privacy Act 2020	All Directors All Managers
General Employment Matters		
	Execute Individual Employment Agreement	All Directors (following CE approval of appointment)
	Suspend (with/without pay), other than a striking employee (see delegation of s 87 of the Employment Relations Act)	All Directors (Expectation of consultation with CE)
	Terminate employment	All Directors (Expectation of consultation with CE)
	Salary/wage increase or other changes in benefits	All Directors
	Lead employment negotiations, including restructuring.	All Directors (Following CE approval)
	Authorise staff training/ attendances at conferences	All Directors
Employment Relations Act 2000		
s 49	Powers in relation to joining bargaining	DIPP (Expectation of consultation with CE)
s 66	Authorise fixed term employment contract	All Directors (Following CE approval of appointment)
s 69AAF	Decision on request for flexible working	All Directors
s 87	Power to suspend striking employees	All Directors (Expectation of consultation with CE)
s 88	Power to suspend non-striking employees during a strike	All Directors (Expectation of consultation with CE)
s 97	Power to employ or engage another person to perform the work of a striking or locked out employee	All Directors (Expectation of consultation with CE)
All powers, duties and functions under the Employment Relations Act not specified above		All Directors
Health & Safety at Work Act 2015		
All powers and functions of a PCBU under the Act.		All Directors

Function or Power		Authorised officers
Administrative matters		
Holidays Act 2003		
ss 19, 20	Power to require employees to take annual holidays	All Directors All Managers
s 27(1)	Power to agree with employee when holiday pay will be paid	All Directors All Managers
s 32	Require employees to take annual leave or discontinue work during close down period	All Directors All Managers
s 36, 37, 38, 39	Power to allow employee taking annual holidays to take sick leave, bereavement leave, or annual leave	All Directors All Managers
s 44A	Power to agree with the employee to the transfer of a public holiday	All Directors All Managers
s 47	Power to require an employee to work on a public holiday	All Directors All Managers
s 69	Power to allow bereavement leave in accordance with Council policy in cases not automatically covered	All Directors
s 71(4)	Power to agree with employee deductions of sick leave where ACC top-up being made	All Directors
Income Tax Act 2007		
s RP 12	Power to decide to pay employee salary or wages directly to employee in certain specified circumstances	DIPP, CFO, BPPC, PCM, TLFS, Payroll Supervisor
KiwiSaver Act 2006		
s 64	Authority to agree to change employee's level of contribution rate	DIPP, BPPC, PCM, TLFS Payroll Supervisor
s 114	Power to refund contributions if employee loses contributions holiday notice	DIPP, BPPC, PCM, TLFS Payroll Supervisor
Parental Leave and Employment Protection Act 1987		
s 16	Power to temporarily transfer a pregnant female employee from one job to another	All Directors
s 36 and 38	Give notice to employee of information concerning their parental leave and return to work	All Directors BPPC, PCM
s 58 and 70C	Power to refer complaint to Employment Relations Authority and lodge an objection	DIPP
Protected Disclosures Act 2000		
	Power to refer information disclosed from one appropriate authority to another	DIPP
Wages Protection Act 1983		
ss 5 to 10	Powers to make deductions, recover overpayments and make payments	DIPP, CFO, BPPC, PCM, TLFS Payroll Supervisor

Function or Power	Authorised officers
Land	
General dealings with land	
Power to grant, renew, vary, or terminate interests in Council land (including leases, licences and easements) (subject to any statutory restrictions such as Reserves Act 1977).	CE only (not delegated)
Power to sign tenancy agreements for properties leased by Council.	CE only (not delegated)
Power to approve land purchases or sales, including but not limited to, encroachments, boundary adjustments, vesting of designations on subdivision, as provided for in the Long Term Plan.	CE only (not delegated)
All other powers relating to mortgages, encumbrances, instruments, caveats and leases.	CE only (not delegated)
Power to sign any Authority and Instruction form in respect of an eDealing transaction.	CE only (not delegated)
Trespass Act 1980	
Powers of an occupier (eg warning trespassers to stay off property), other than the power to authorise another person to act as occupier	All Directors All Managers All Librarians MCO BI BAO

Part B: Regulatory Powers

The functions and powers described in Table 3 may only be exercised by the officers or class of officers specified alongside them.

Table 3 – Delegation of Council's statutory powers and functions to officers

Legislation	Summary of function or power	Delegated officers
All relevant enactments		
	Appoint persons to act as authorised officers and enforcement officers under any relevant legislation or bylaw and to issue appropriate warrants in accordance with that legislation, including under seal. This does not include powers that cannot be delegated, eg power to appoint officers under the Biosecurity Act.	DIPP
	Authority to commence a prosecution for the breach of any legislation	DIPP
Amusement Devices Regulations 1978		
	All functions and powers.	DLC, DIPP, LSM, CMEM, BSM, CARM, MCO, MCTL
Biosecurity Act 1993		
s 78	Exemption power.	DLC, ICM, BTL, LM&BTL
s 136	Waive fees where genuine dispute.	DLC,
s 128	Power to act on default.	DLC, ICM, BTL, LM&BTL
s 103	Appointment of authorised persons.	CE only (s 105 prohibits delegation)
s 114A	Application of articles or substances from aircraft.	DLC, ICM, BTL, LM&BTL
Building Act 2004		
s 33	Specify information required to accompany an application for a project information memorandum.	DSF, BSM, SBSO, BSO, BTA
s 34	Power to issue a project information memorandum.	DSF, BSM, SBSO
s 36	Power to issue development contribution notice and attach to PIM.	DSF, BSM, SBSO, BTA
s 37	Power to issue notice as to whether building work may proceed without resource consent.	DSF, BSM, SBSO
s 39	Duty to advise NZ Historic Places Trust of PIM application.	DSF, BSM, SBSO
s 45A	Record minor variation to building consent.	DSF, BSM, SBSO, BSO
s 45B	Make changes to plans and specifications that have multiple-use approval.	DSF, BSM, SBSO
s 48 to 51	Powers in relation to applications for building consents.	DSF, BSM, SBSO, BSO
s 52	Allow a period beyond 12 months after the date within which building consent will lapse.	DSF, BSM, SBSO, BSO, QAO
s 59	Power to issue certificate as to correct levy payment.	DSF, BSM, SBSO
s 60	Power to retain 3% of the levies for which the territorial authority is liable under s 59, in any month.	DSF, BSM, SBSO
s 62	Power to recover unpaid levies under section 53 from applicant for building consent.	DSF, BSM, SBSO
s 67	Power to grant building consent application subject to waiver or modification of code or imposing conditions.	DSF, BSM, SBSO

Legislation	Summary of function or power	Delegated officers
s 67A	Grant waiver or modification regarding means of restricting access to pool.	DSF, BSM, SBSO
s 71-73	Power to make determination regarding building on land subject to natural hazards.	DSF, BSM, SBSO, EMSM, ERTL
s 74	Power to determine entry on record of title under specified provisions no longer required.	DSF, BSM
s 77	Power to issue and authenticate s75 certificate.	DSF, BSM, SBSO
s 83	Power to approve removal of title entry and lodge authenticated certificate with Registrar-General of Land.	DSF, BSM
s 90	Power to authorise agents to carry out inspections in accordance with s 90.	DSF, BSM, CMEM
s 90	Carry out inspections.	DSF, BSM, SBSO, CMEM, BSO, CMTL, TLEH, EHO, MCO, BCO
s 91 - 95	Powers to process and approve code compliance certificate.	DSF, BSM, SBSO
s 96 - 99	Power to process and approve a certificate of acceptance for building work.	DSF, BSM, SBSO, BSO
s 102-109	Powers with respect to compliance schedules.	DSF, BSM, SBSO, BCO
s 111	Power to authorise agents to carry out s111 inspections.	DSF, BSM, CMEM
s 111	Power to carry out s 111 inspections.	DSF, BSM, SBSO, CMEM, BSO, CMTL, TLEH, EHO, MCO, BCO
s 112 - 116	Power in relation to alteration of a building and changes of use.	DSF, BSM, SBSO, BSO
S 116A	Determine matters relating to code compliance under s 224(f) of the RMA	DSF, BSM, SBSO, BSO
s 121 to 126	Power in relation to dangerous, affected, earthquake-prone or insanitary buildings.	DSF, BSM, SBSO, TLEH, CMEM
s 129	Power to recover costs from owner where measures to avoid immediate danger are taken under warrant of the Chief Executive of Gisborne District Council.	DSF
s 130	Apply to District Court for confirmation of warrant.	DSF, BSM, CMEM
S 133 AT	Functions relating to alterations to buildings subject to Earthquake Prone Buildings notice	DSF, BSM, SBSO, BSO
Dams		
s 136	Power as regional authority to approve or refuse dam classification and duty to give written notice of that decision to the owner.	DSF, BSM, EMSM
s 138	Require re-audit of dam classification and power to specify re-audit time required.	DSF, BSM, EMSM
s 143	Power as regional authority to approve or refuse dam safety assurance programme.	DSF, BSM, EMSM
s 145	Require re-audit of dam safety assurance programme if refused and power to specify re-audit time required.	DSF, BSM, EMSM
s 146(2)	Power as regional authority to require review of dam safety assurance programme where dam is earthquake or flood prone.	DSF, BSM, EMSM
s 154 - 156	Powers in respect of dangerous dams.	DSF, BSM, EMSM

Legislation	Summary of function or power	Delegated officers
	Other matters	
S 164	Issue a notice to fix	DSF, BSM, SBSO, BSO, BCO
s 164(3)	Power to determine another responsible authority should issue notice and give notice to that authority.	DSF, BSM
s 167	Power to authorise persons to inspect building work to which a notice to fix relates.	DSF, BSM, CMEM, SBSO, EMSM
s 167	Inspect building work to which a notice to fix relates.	DSF, BSM, SBSO, CMEM, BSO, CMTL, TLEH, EHO, MCO, BCO
s 177, 180	Power to apply to Chief Executive of Department of Building and Housing for determination.	DSF, BSM
s 190	Power to file in District Court application for direction as to costs.	DSF, BSM
s 202	Power to make written submissions on matter under investigation.	DSF, BSM
s 208	Power to appeal in District Court against decision of Chief Executive of Department of Building and Housing.	DSF, BSM
s 219(1)	Power to impose a fee and/or charge.	DSF, BSM
s 219(2)	Power to refuse to perform a function or service if fee, charge, or levy unpaid.	DSF, BSM, SBSO
s 220(2)	Power to apply to District Court for order authorising Council to carry out building work on default.	DSF, BSM, SBSO, EMSM
s 220(3)	Duty to give prior notice of court application under section 220(2) of this Act to building owner.	DSF, BSM, SBSO, EMSM
s 220(4)	Power to recover costs of building work from owner.	DSF, BSM
s 221	Power to destroy, sell or dispose of materials, apply proceeds to costs; pay surplus to owner.	DSF, BSM, SBSO, EMSM
s 222	Power to authorise officers to inspect and enter premises.	DSF
s 240	Power to impose fee and/or charge on member of public for building consent or other function under the Act and to refuse to perform function or service if unpaid.	DSF
s 243(1)	Power as regional authority to impose fees or charges for services provided under Building Act and duty to collect the levy under section 53 payable to Chief Executive of Department of Building and Housing.	DSF
s 243(2)	Power to refuse service where the fees, charges or levy are not paid.	DSF
s 281B	Power to increase a fee or charge to meet actual and reasonable costs and to provide estimate.	DSF
s 281C	Power to waive or refund fee or charge.	DSF
s 363A	Power to determine application for a certificate of public use and apply conditions.	DSF, BSM, SBSO
s 371B(2)	Power to authorise officer to issue infringement notices, and consequent duty to provide officer with warrant.	DIPP, DSF
s 377	File a charging document.	DIPP, DSF, BSM, CMEM, SBSO, BCO
s 381	Power to apply for injunction or other appropriate order. s381.	DIPP, DSF, BSM, CMEM
Schedule 1 clause 2	Power to decide that a building consent is not necessary	DSF, BSM

Legislation	Summary of function or power	Delegated officers
Building (Accreditation of Building Consent Authorities) Regulations 2006		
	All functions, duties and powers.	DSF, BSM, CM
Burial and Cremation Act 1964		
	All powers, duties, and functions under the Act except for the power to grant leases of any unused portion of the land comprised in a cemetery, for any term not exceeding 5 years. s21 (2).	DLC LSM
Camping Ground Regulations 1987		
reg 3	Permit or refuse to allow camping ground or relocatable home park.	DIPP, DLC, LSM, CARM, TLEH
reg 14	Powers of exemption.	DIPP, DLC, LSM, CARM, TLEH
Cremation Regulations 1973		
reg 3	Request that the Minister close a crematorium.	DLC
reg 11	Power to impose conditions in respect of cremations in cemeteries or burial grounds.	DLC, LSM, CL
Dog Control (Prescribed Forms) Regulations 1996		
reg 3	Power to alter forms.	DIPP, CMEM
Dog Control Act 1996		
s 11 & 12	Appoint dog control officers and dog rangers.	DIPP
s 21	Classify any person as a probationary owner.	DIPP, CMEM, ACPTL
s 23A	Power to require dog owner education.	DIPP, CMEM, ACPTL
s 25	Power to disqualify any person from being the owner of any dog.	DIPP, CMEM
s 26	Hear and determine an objection to disqualification.	DIPP
s 28	Extend period of disqualification.	DIPP, CMEM
s 31	Power to classify any dog as a dangerous dog.	DIPP, CMEM, ACPTL
s 31	Determine objection to dangerous dog classification.	DIPP, CMEM
s 32(1)(a)	Power to consent to the disposal of a dangerous dog.	DIPP, CMEM, ACPTL
s 33A	Power to classify a dog as menacing.	DIPP, CMEM, ACPTL, ACO
s 33B	Power to determine an objection to classification of a dog as menacing.	DIPP, CMEM, ACPTL
s 33C	Power to classify a dog as menacing if belong to specified breed or type.	DIPP, CMEM, ACPTL
s 33D	Power to determine an objection to classification of a dog as menacing under s 33C.	DIPP, CMEM
s 33E(1)(b)	Require production of certificate.	DIPP, CMEM, ACPTL
s 33E(5)	Determine that a dog need not be muzzled.	DIPP, CMEM, ACPTL
s 33EB	Require neutering of dog classified as dangerous by another authority.	DIPP, CMEM, ACPTL
s 33ED	Determine whether to classify dog as menacing following conviction of owner.	DIPP, CMEM, ACPTL
s 35	Power to provide register information and to determine whether or not a dog should be delivered into the custody of a Dog Control Officer or Dog Ranger.	DIPP, CMEM, ACPTL
s 36A	Request verification that a dog has been implanted with a functioning microchip transponder.	DIPP, CMEM, ACPTL
s 39	Power to issue refunds or reduce fees.	DIPP, CMEM
s 40	Power to require a written statement that a dog is a working dog of a specified class and to require production of a certificate that a dog has been neutered.	DIPP, CMEM, ACPTL, ACO

Legislation	Summary of function or power	Delegated officers
s 46	Power to issue a replacement label or disc.	DIPP, CMEM, ACPTL, ACO
s 66	To commence proceedings in accordance with s 21 of the summary Proceedings Act 1957 where an infringement notice has been issued.	DIPP, CMEM
s 68	Require payment of pound fee.	DIPP, CMEM, ACPTL, ACO
s 69	Power to dispose of any dog.	DIPP, CMEM, ACPTL, ACO
s 71	Power to authorise retention or return of a dog and apply fees to sustenance.	DIPP, CMEM, ACPTL, ACO
s 71A	Powers in relation to dog seized under s 15 or 33EC.	DIPP, CMEM, ACPTL, ACO
Electricity Act 1992		
s 24(2) & (3)	Prescribe conditions in relation to work undertaken on road by an electricity operator.	DCL
s 32	Require electrical works on roads to be moved.	DCL
Food Act 2014		
s 54	Power to refuse to process application for registration of food control plan.	DIPP, CMEM, TLEH
s 55	Power to require further information and allow further time.	DIPP, CMEM, TLEH
s 56 - 61	Power to register food control plan or not to register, and impose and vary conditions, and decide duration.	DIPP, CMEM, TLEH
s 62, 63, 65	Power to suspend operations under registered food control plan and give directions.	DIPP, CMEM, TLEH
s 67, 69, 70	Power to cancel registration and give directions	DIPP, CMEM, TLEH
s 84	Power to refuse application for registration of food business subject to national programme.	DIPP, CMEM, TLEH
s 85	Power to require further information and allow further time.	DIPP, CMEM, TLEH
s 86 - 89	Power to register business subject to national programme or not to register and impose and vary conditions.	DIPP, CMEM, TLEH
s 90 - 93	Power to suspend operations of business subject to national programme and give directions.	DIPP, CMEM, TLEH
s 95 – 97	Power to cancel registration business subject to national programme and give directions.	DIPP, CMEM, TLEH
s 250	Power to file charging document.	DIPP, CMEM, TLEH
s 331	Power to apply for Compliance Order.	DIPP, CMEM, TLEH
S 355	Reconsider a decision described in s 354(4)	DIPP, CMEM
Cl 3, sch 4	Renewal of registration.	DIPP, CMEM, TLEH
Food Regulations 2015		
	All powers and functions.	DIPP, CMEM, TLEH
Freedom Camping Act 2011		
s 25	Power to issue proceedings for an offence other than an infringement notice.	DIPP, CMEM
s 27	Power to issue infringement notice.	DIPP, CMEM, MCTL, ACPTL, MCO, SFCCO
s 28	Power to issue reminder notice.	DIPP, CMEM, MCTL, ACPTL, MCO
s 32	Appointment of an Enforcement Officer.	DIPP
s 39	Power to return property seized or impounded.	DIPP, CMEM, MCTL, ACPTL
s 40	Power to dispose of seized and impounded property.	DIPP, CMEM, MCTL, ACPTL

Legislation	Summary of function or power	Delegated officers
Gas Act 1992		
s 25(2) & (3)	Prescribe conditions in relation to work undertaken on road by a gas operator.	DCL
s 33	Require fittings on roads to be moved.	DCL
Gisborne District Council Bylaws		
	All functions, duties, and powers under any Gisborne District Council Bylaw.	All Directors, CMEM, MCTL, BI, BAO, MCO
	All powers and functions under the Gisborne District Freedom Camping Bylaw 2021	All Directors, LSM, CARM
	All powers and functions under the Gisborne Trade Waste Bylaw 2021.	All Directors, WM, TLWT, TWO
	All powers and functions under the Gisborne District Traffic and Parking Bylaw (including power to approve any Corridor Access Request), except any powers that must be exercised by resolution.	All Directors, JIM, JOM, NT, Capital Manager, Network Manager, TM
	All powers and functions under the Gisborne District Council Water Supply Bylaw 2015.	All Directors, WM
Government Roadway Powers Act 1989		
s 52	Give consent to works on road.	DCL, TM
s 55	Powers of responsible authority as to trees and structures etc interfering with road.	DCL
s 56	Give notice.	DCL
s 57	Emergency work powers to remove obstructions on private land for temporary period	DCL
s 75	Reach agreement as to reasonableness or sufficiency of access.	DCL
s 77	Consent or object to alterations by NZTA.	DCL
Hazardous Substances and New Organisms Act 1996		
Note these powers are held by the Chief Executive, they are not sub-delegations of Council powers		
s 97(1)(h) & (2)	Power to enforce provisions of the Act.	Enforcement officers
s 98	Appoint enforcement officers and designate district hazardous substance officer.	All Directors
s 108	Power to decide whether to change or cancel an enforcement order.	DIPP, CMEM
s 108	Confirm, change, or cancel Compliance Order.	DIPP, CMEM
	Filing prosecutions under Act or Regulations.	DIPP, CMEM
Health Act 1956		
s 27	Power to raise loans for sanitary works.	CFO, DIPP
s 28	Appoint environmental health officer.	DIPP
s 33	Bring proceedings for nuisance.	DIPP, CMEM, TLEH
s 34	Determine that immediate action for the abatement of the nuisance is necessary by reason of the existence of a nuisance on any premises and without notice to the occupier, enter on the premises and abate the nuisance.	DIPP, CMEM, TLEH

Legislation	Summary of function or power	Delegated officers
s 41 (1)	Decide and cause service of a cleansing order.	DIPP, CMEM, TLEH
s 41 (2)	Cause cleansing.	DIPP, CMEM, TLEH
s 42	Duly authorised to issue certificate.	DIPP, CMEM, TLEH, EHO
s 42(2)	Cause service of a repair notice.	DIPP, CMEM, TLEH
s 42(3)	Issue a closing order.	DIPP, CMEM, TLEH
s 45	Cancel a closing order.	DIPP, CMEM, TLEH
s 53C	Power to advance money to an owner upon whom an order or notice is served.	DIPP, CMEM
s 54	Determine any application to carry on an offensive trade, register or renew the registration of any premises used for an offensive trade.	DIPP, CMEM, TLEH
s 55(3)	Power to appeal against the decision of another local authority to give consent to an offensive trade.	DIPP, CMEM
s 58	Determine any application to establish a stockyard, register or renew the registration of any premises used for a stockyard.	DIPP, CMEM, CM
s 66	Apply for injunction where continuing breach of Bylaw following conviction.	DIPP, CMEM,
s 81	Power to authorise an environmental health office to enter premises.	DIPP, CMEM, TLEH
s 83	Destroy articles that cannot be effectively disinfected.	DIPP, CMEM, TLEH
s 128	Power to enter and inspect.	DIPP, CMEM, TLEH, EHO, MCTL, MCO
Health (Burial) Regulations 1946		
reg 16	Consent, register, renew, refuse, impose conditions for registration or consent.	DIPP, CMEM, TLEH
Health (Hairdressers) Regulations 1980		
reg 4	Grant, extend, set conditions on certificate of exemption.	DIPP, CMEM, TLEH
Health (Registration of Premises) Regulations 1966		
reg 5	Issue certificate of registration.	DIPP, CMEM, TLEH, EHO
reg 9	Revoke certificate of registration.	DIPP, CMEM, TLEH, EHO
Housing Improvement Regulations 1947		
	All powers and functions of a local authority.	DIPP, CMEM, TLEH
Impounding Act 1955		
s 8 & 9	Appoint a Pound Keeper, Deputy Pound Keeper or Ranger	DIPP
s 10	Remove or suspend Pound Keeper or deputy or ranger.	DIPP
s 14(3)	Recover actual costs of sustenance of impounded stock.	DIPP, CMEM, ACPTL
s 32	Declare fenced paddock a temporary pound.	DIPP, CMEM, ACPTL, ACO
s 50	Authorise person to act as auctioneer for sale of impounded stock.	DIPP, CMEM, ACPTL
s 52	Destroy worthless or suffering stock.	DIPP, CMEM, ACPTL

Legislation	Summary of function or power	Delegated officers
s 53	Dispose of unsold stock.	DIPP, CMEM, ACPTL
s 56	Recover any deficiency in costs from owner of stock.	DIPP, CMEM, ACPTL
Land Drainage Act 1908		
	All powers and functions.	DCL, WM, IM
Land Transport Act 1998 and associated regulations and rules (including Heavy Motor Vehicle Regulations 1974)		
	All powers and functions of Council, excluding any powers that must be exercised by Council resolution.	DIPP, DCL, CMEM
Litter Act 1979		
s 5	Appoint Litter Control Officers.	DIPP
s 8	Appoint and revoke appointment of Litter Wardens.	DIPP
s 10	Serve notices to clear litter.	DIPP, CMEM, MCTL, MCO, TLEH, EHO
s 14	Issue infringement notices.	DIPP, CMEM, MCTL, MCO, TLEH, EHO
s 15	Filing prosecutions.	DIPP, CMEM, MCTL
Local Electoral Act 2001		
s 8(1)	Power to direct the electoral officer to conduct an election.	DIPP
s 9(1)	Power to direct the electoral officer to conduct a referendum that is not required to be held under this or any other Act.	DIPP
s 12	Power to appoint the electoral officer.	DIPP
Local Government Act 1974		
s 319	General powers in respect of roads.	DCL
s 331	Form and upgrade footpaths and impose charges.	DCL
s 335	Require payment for vehicle crossing.	DCL
s 342	Stopping and closing of roads (except as specified in cl. 11(e) of Schedule 10).	DCL
s 346A to J	Powers in relation to limited access roads.	DCL
s 348	Powers with respect to private roads and private ways.	DSF, CM
s 355	Require removal of overhanging trees and execute works where life, property or road is in imminent danger.	DIPP, CMEM, DCL, DLC, LSM
s 356(2) and 356A	Removal of abandoned vehicle.	DIPP, CMEM, MCTL
s 459	Require that an owner undertake drainage works.	DIPP, DSF, CMEM, BSM, SBSO, DCL, IM, WM
s 467	Action in relation to unlawful connection of private drain.	DIPP, DSF, CMEM, BSM, SBSO, DCL, IM, WM
s 468	Require removal of tree roots.	DIPP, DSF, CMEM, BSM, SBSO, DCL, IM, WM
s 509	Powers as to drainage channels and land drainage works.	DIPP, DSF, CMEM, BSM, SBSO, DCL, IM, WM
s 510	Inspection of private dams.	DIPP, DSF, CMEM, BSM, SBSO, BSO, DCL, IM, WM
s 511	Require that owner remove obstruction from drainage channel/watercourse and complete works where owner fails.	DIPP, DSF, CMEM, BSM, SBSO

Legislation	Summary of function or power	Delegated officers
Local Government Act 2002		
S 150A	Waive or remit costs associated with objection	DSF, DCL
s 162	Apply for injunction restraining a person from committing a breach of a bylaw or an offence against this Act.	DIPP, CMEM, TLEH, MCTL
s 163	Remove or alter a work or thing that is, or has been, constructed in breach of a bylaw, and recover the costs of removal or alteration.	DIPP, CMEM, TLEH, MCTL, MCO, BI.
s 167	Return of property seized or impounded.	DIPP, CMEM, TLEH, MCTL
s 168	Dispose of property that has not been returned within six months after it was seized and impounded.	DIPP, CMEM, TLEH, MCTL
s 171	Enter any land or building other than a dwelling house.	DIPP, DSF, CMEM, EHO, TLEH, MCTL, BSM, BSO, SBSO, All enforcement officers
s 173	Power of entry in case of emergency.	DIPP, DSF, CMEM, EHO, TLEH, MCTL, BSM, BSO, SBSO, All enforcement officers
s 174	Issue warrant to enforcement officer.	DIPP
s 177	Appoint enforcement officer.	DIPP
s 179	Contract out administration of regulatory functions.	DIPP, DSF
s 181	Construction of works on private land and enter land to inspect etc.	DIPP, DSF, CMEM, EHO, TLEH, MCTL, BSM, BSO, SBSO, DLC, DCL, WM, IM
s 185	Approve the carrying out of works by an occupier where owner in default.	DIPP, CMEM, DLC, DCL
s 186(1)	Certify work as urgent.	DIPP, CMEM, DLC, DCL
s 186(2)	Execute, provide, or do works, materials or things and recover costs from person in default.	DIPP, DSF, CMEM, DLC, DCL, CM, WM, IM
s 187	Recover costs from person in default.	DIPP, DSF, CMEM, DLC, DCL, CM, WM, IM
s 193	Restrict water supply to a person's land.	DIPP, CMEM
s 198	Require a Development Contribution.	DSF, DCL, CM, BSM
S 199A	Reconsideration of requirement for development contribution	DSF, DCL
S 207A	Enter into development agreement	DSF, DCL
s 208	Withhold documents and other actions where development contribution not paid.	DSF, DCL, CM, BSM, SBSO
s 209	Refund money if development does not proceed.	DSF, DCL, CM, BSM
s 210	Refund money or return land if not applied to specified reserve.	DSF, DCL, CM, BSM
s 215	Application for removal order for fence, structure, or vegetation.	DIPP, CMEM
s 241	Filing prosecutions for an offence under the Act (including for the breach of a bylaw)	DIPP, DSF, CMEM,

Legislation	Summary of function or power	Delegated officers
Local Government Official Information and Meetings Act 1987		
s 13	Require a charge to be paid.	All Directors
s 44A	Determine such other information concerning the land as is relevant for inclusion in a LIM.	DIPP, CMEM, CM, EMSM, BSM, DSF,
s 14	Extend the time limit to provide official information.	All Directors DSSM
s 29(2)	Extend the time for providing requested information to an Ombudsman.	DIPP DSSM
ss 6, 7, 17	Refuse a request for official information.	All Directors DSSM
Local Government (Rating) Act 2002		
The following delegations are delegations of the Chief Executive's powers under the LGRA only. The delegations of Council's powers to staff under the LGRA are recorded separately and can be found on the Council's website.		
s 90A	Write off outstanding rates that cannot reasonably be recovered.	CFO, FM, RTL
s 90B	Write off outstanding rates of deceased owners of Māori freehold land.	CFO, FM, RTL
Maritime Transport Act 1994		
	Filing prosecutions under Act or Regulations.	DIPP, CMEM, MCTL, HM
s 33D	Appoint a harbourmaster.	CE only
s 33G	Appoint enforcement officers, honorary enforcement officers and to authorise persons.	DIPP, HM
s 33I	Carry out harbour works.	HM
s 33J	Take steps to remove and deal with any wreck that is a hazard to navigation.	HM
s 33L	All powers relating to the removal, storage, sale, or other disposal of an abandoned ship.	HM
s 200	Powers and functions in relation to navigational aids for a maritime facility.	HM
s 200B	Powers and functions in relation to a major maritime event or occasion.	HM
s 318	Appoint a regional on-scene commander and deputy regional on-scene commander.	CE only
Note. Sub-delegation of the Director of Maritime New Zealand's powers under the MTA are recorded in separate documentation. These powers relate to Oil Transfer Sites.		
New Zealand Library Association Act 1939		
s 5	Authority to become a member of the Association.	DLC, CAM
Public Works Act 1981		
s 19(1)	Power to forward a compensation certificate to the District Land Registrar to protect agreement.	DLC, DCL, DSF
s 19(7)	Duty to notify District Land Registrar that compensation certificate should be discharged.	DLC, DCL, DSF
s 24 & 25	Powers in relation to objections to heard by Environment Court.	DLC, DCL, DSF

Legislation	Summary of function or power	Delegated officers
s 26	Power to submit request to take land.	CE only
s 47(1)	Power to request District Land Registrar to issue certificates of title to land held for public work.	CE only
s 48	Power to grant easement over land held for public work.	CE only
s 52	Request land be declared set apart for other local work.	CE only
s 111	Powers of entry onto private land for other survey and investigation purposes, and to authorise others.	DCL, DSF
s 115(1); 115(8)	Power to register a certificate of consent or notice of discharge of certificate.	DLC, DCL, DSF
s 115(9)	Power to sign certificate of consent or notice of discharge of certificate of consent.	DLC, DCL, DSF
s 135	Power to enter onto land to do emergency work on trees etc.	DLC, DCL, DIPP, LSM, IM, CMEM
s 224	Power to enter into and carry out agreements to combine with Government in any undertaking of both national and local importance.	DLC, DCL, DSF
Rating Valuation Regulations 1998		
	All powers and functions.	CFO
Reserves Act 1977		
s 8	Power to appoint rangers and sign warrant of appointment	DLC, DIPP
s 23(3)	Power to prohibit access to the whole or any specified part of a local purpose reserve.	DLC, LSM, CARM, DIPP, DCL
s 42(2)	Power to authorise the cutting or destruction of trees and bushes on reserve.	DLC, LSM, ICM
S 50	Power to authorise the killing of specified kind of fauna	DLC, DIPP, ICM
S 93	Power to interfere to prevent breach	DLC, DIPP, CARM, ICM, CMEM, MCTL (and all appointed rangers)
S 96	Powers in relation to trespassing animals	DLC, DIPP, ICM, CMEM, MCTL, Rangers
S 97	Authorise fires	DLC, DIPP
S 101	File charging documents (note requirement to be in name of authorised person)	DIPP, DLC, CMEM,
S 105B	Power to authorise actions	DLC, DIPP LSM, CARM, ICM
S 105F	Require removal of animal	DLC, LSM, ICM, CARM, DIPP, CMEM, MCTL, Appointed Rangers
S 105K	Power to issue infringement notices	All appointed rangers

Legislation	Summary of function or power	Delegated officers
Resource Management Act 1991		
The delegations under this Act have been made by the Council directly to officers and are therefore not listed in this record of the delegations made by the CE. Council Delegations under the RMA are available on the Council's website.		

Sale and Supply of Alcohol Act 2012		
	Powers and functions of Secretary of Licensing committee (<u>Note this is a CE power, not Council. It is delegated in accordance with section 198 of the Act.</u>)	CMEM, DIPP
s 100(f)	Issue certificates of compliance with the RMA and the building code.	DSF, CM, RCTL, BSM
s 189(1)	Appointment of committee members (from Council's list of approved members) as the DLC for an application	CMEM, DIPP
s 197	Appoint licensing inspectors and a chief licensing inspector.	DIPP
Summary Proceedings Act 1957		
	To institute proceedings under this Act, together with the power to make any decisions pertaining to such proceedings	DIPP, CMEM, CMTL, ACTPL
Telecommunications Act 2001		
s 135 & 142	Impose conditions on work or construction undertaken on road by network operator.	DCL
s 147A	Require network operator to move lines etc.	DCL
Transport (Vehicular Traffic Road Closure) Regulations 1965		
	All powers and functions.	DCL

Part C: Future of Severely Affected Land Framework

Table 4 – Future of Severely Affected Land (FOSAL) – Gisborne District Council Categorisation Decision Tree

Description of function		Authorised officers
Category 3	Determine a property's provisional categorisation.	CE only
	Confirm a property's categorisation.	CE only
Category 2C	Determine a property's provisional categorisation.	DSF
	Confirm a property's categorisation.	DSF
Category 2P	Determine a property's provisional categorisation.	DSF
	Confirm a property's categorisation.	DSF
Category 2A	Determine a property's provisional categorisation.	DSF
	Confirm a property's categorisation.	DSF
Removal	Remove a property from the FOSAL framework.	DSF
General	Change a property's provisional or confirmed categorisation for any reason unless the decision relates a Category 3 property.	DSF
	Change a property's provisional or confirmed categorisation from or to Category 3 for any reason.	CE only
	Approve amendments to the FOSAL – Gisborne District Council Categorisation decision tree.	DSF