

# Table of Contents

---

1.	<a href="#"><u>1. Report 27 June 2019 Update to Operational Delegations to the Resource Consents Team</u></a>	1
2.	<a href="#"><u>2. Minutes - 27 June 2019</u></a>	13
3.	<a href="#"><u>3. Report 24 July 2019 - Recommendation to Council - City Delivery 27 June 2019</u></a>	16
4.	<a href="#"><u>5. Report 13 November 2019 - Governance Arrangements for the 2019-2022 Triennium</u></a>	17

## 6.2 UPDATE TO OPERATIONAL DELEGATIONS TO THE RESOURCE CONSENTS TEAM

**Author:** Becky Carr, PA to GM Customer & Community  
Kaiāwhina a te Pouwhakahaere Kiritaki me te Hapori

**Authoriser:** Nicola Etheridge, General Manager Policy Planning and Regulatory Services  
Pouwhakahaere

### Purpose

The purpose of this report is to seek Council approval of expanded delegations for decision making in the Resource Consents team.

### RECOMMENDATIONS

That the City Delivery Committee:

1. Receive the report.
2. Agree to recommend that the Council adopt the revised delegations register for resource consents.

### Background

1. As part of the recent Policy Planning and Regulatory Services restructure, the Team Leader Resource Consents role has been disestablished and the Senior Resource Consents Planner role accountabilities have been expanded to take on more leadership, technical and management support functions. The Senior Planners' (the restructure provides for three positions at this level) will report to the Manager Resource Consents and Monitoring.
2. Resource consent related delegations need to be updated to recognise the increase in accountability in these positions, improve resilience so that decision-making is enabled at an appropriate level, and assist with more efficient and timely decision making in general.
3. This change aligns more closely with other similar roles found elsewhere in the Wellington region. The role will have an increased focus on providing increased technical expertise and leadership within the team. It is proposed that the expanded Senior Planner position will also review the resource consents work of Consents Planners in the team and exercise the same decision making delegations that the Manager Resource Consents and Monitoring exercises and that was previously held by the now disestablished Team Leader role.
4. It is therefore necessary to amend the Resource Management delegations that apply to resource consent decisions and related decision making processes to reflect the shift in the expanded Senior Planner role and function and to allow for decisions to be legally made at an appropriate level.

### DISCUSSION AND OPTIONS

5. The proposed changes will allow decision making under delegated authority to continue to be carried out at an appropriate senior officer level while reflecting the recent change in structure in the Resource Consents Team.
6. Extended delegations to Senior Planner level will improve operational efficiencies, while ensuring that the decision-making continues to be set at an appropriate senior officer level.

Recommended Option

7. See Attachment 1 for recommended changes to the Resource Management Act Delegations (with changes highlighted in red).

**CONCLUSION**

8. Having delegations set at the appropriate level will bring decision-making practice in line with the best-practice format exercised by other Council's in the Wellington region. Increasing the number of officers with decision-making authority at the senior level will allow resource consents to be processed more efficiently, which supports the Council's "open for business priority". Any time saved for resource consent processing staff can be applied to other applications which will help to support economic growth.

**SUPPORTING INFORMATION****CONTRIBUTION TO COUNCIL'S STRATEGIC DIRECTION**

The key contribution area is "A growing, prosperous and regionally connected city".

**FINANCIAL CONSIDERATIONS****Financial Implications**

There are no negative financial implications.

Enabling Senior Planners to carry out decision making under delegated authority will help to reduce the "bottle-neck" at the approval stage of the resource consent process. This is a positive consequence, as it will reduce the number of consents that are subject to the Discount Regulations prescribed by the RMA for any exceedance of statutory timeframes.

**STATUTORY REQUIREMENTS**

*Delegation of powers and functions to employees and other persons under Section 34A of the Resource Management Act.*

34A(1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:

- a) the approval of a proposed policy statement or plan under clause 17 of schedule 1
- b) this power of delegation.

This means that the local authority must delegate functions, powers, or duties under the RMA to employees. The local authority cannot transfer to delegate to an employee, e.g. the Chief Executive Officer of the Council.

**TREATY CONSIDERATIONS**

It is not considered that a revised delegation structure would trigger any concerns for Ngati Toa.

**SIGNIFICANCE**

Not applicable

**ENGAGEMENT AND COMMUNICATIONS**

Not applicable. Relates only to internal process – not for public engagement.

**ATTACHMENTS****1. Changes to Resource Management Delegations**



## ATTACHMENT 1

### Changes to Resource Management Delegations

Date adopted by Council:	
Minute Reference:	
Previous Policy Reference(s):	1181033 and 5117317
Statutory Requirement:	Resource Management Act 1991
Business Unit/Author:	Policy Planning and Regulatory Services

### SCHEDULE OF DELEGATIONS UNDER THE RESOURCE MANAGEMENT ACT 1991

#### Delegations to the City Delivery Committee

Under section 34 of the Resource Management Act 1991, Porirua City Council delegates the following functions, powers and duties under the Act to the City Delivery Committee. There are **no changes** to the previous delegations to the City Delivery Committee.

SECTION OF ACT	DESCRIPTION OF SECTION
34 (A)	<b>Delegation of functions etc by local authorities</b> (The power to appoint parties to represent Council at Environment Court mediation when the appealed decision is contrary to a staff recommendation).
36 (4)	<b>Administrative charges.</b> (4) The power to require a person to pay an additional charge to the Council.
37,37 (A)	<b>Power of waiver and to extend time limits.</b> (Procedural requirements). (Notified applications only).
87BA	<b>Boundary activities approved by neighbours on infringed boundaries are permitted activities</b>
87BB	<b>Activities meeting certain requirements are permitted activities</b> (relating to marginal or temporary non-compliance)
95A - E	<b>Public notification of consent application at consent authority's discretion</b> <b>Limited notification of consent application</b> <b>Public notification of consent application after request for further information or</b>

SECTION OF ACT	DESCRIPTION OF SECTION
	<b>report</b> Consent authority decides if adverse effects likely to be more than minor Consent authority decides if person is affected person.
102	<b>Joint hearings by two or more consent authorities.</b>
104A – 104D	<b>Decisions on applications</b> (Notified applications only).
106	<b>Subdivision consent not to be granted in certain circumstances</b> (Council 6 August 1997).
125	<b>Lapsing of consent</b> (Notified applications only).
126	<b>Cancellation of consent</b> (Notified applications only).
127	<b>Change or cancellation of consent condition on application by consent holder</b> (Notified applications only).
128	<b>Circumstances when consent conditions can be reviewed</b> (Notified applications).
138	<b>Surrender of consent</b> (Notified applications).
171	<b>Recommendation by territorial authority</b> (On a notice of a requirement).
174	<b>Appeals</b> (regarding the requiring authority's response to the Council's recommendation under duties).
181	<b>Alteration of designation.</b>
184	<b>Lapsing of designations which have not been given effect to.</b>
191	<b>Recommendation by territorial authority</b> (This section relates to a recommendation on an application for a heritage order from a heritage protection authority).
221 (3)	<b>Territorial Authority to issue consent notice</b> (Council 6 August 1997).
241 (3)	<b>Amalgamation of Allotments</b> (Notified applications only) (Council 6 August 1997).
268	<b>Alternative dispute resolution</b> (Authority to determine appropriateness of entering into Environment Court mediation and to negotiate Mediated Settlements).
355	<b>Vesting of reclaimed land</b>
357D (2005)	<b>Decision on Objection made under Section 357 and 357B</b> (Notified and non-notified applications).
402	<b>Existing subdivision approvals</b> (Notified applications only) (Council 6 August 1997).
407	<b>Subdivision consent conditions</b> (Notified applications only) (Council 6 August 1997).
409	<b>Subdivision financial contributions</b> (Notified applications only) (Council 6 August 1997).

### Delegations to the Chief Executive

Under section 34 of the Resource Management Act 1991, the Porirua City Council delegates the following functions, powers and duties under the Act to the Chief Executive. There are **no changes** to the previous delegations to the Chief Executive.

<b>SECTION OF ACT</b>	<b>DESCRIPTION OF SECTION</b>
36(5)	<b>Remission of fees</b> (Council 15 May 1996).
38	<b>Authorisation and responsibilities of enforcement officers.</b>
73(2)	<b>Preparation and change of district plans.</b> (This sub-section concerns the consideration of whether the Council should agree to refuse to proceed with a change requested by a member of the public - within 20 working days (Clauses 23 and 24 First Schedule).
94 95D(e) (2009)	<b>Written approval as an affected person in respect of applications for resource consent where it is identified that Council [property] "may be adversely affected"</b> (Council 1 July 1998).
96	<b>Making of submissions</b> (Resource Consents) (Council 24 February 1999).
104, 104(3)(a)(ii) (2005)	<b>Written approval in respect of applications for resource consent</b> (Council 1 July 1998).
120	<b>Right to Appeal</b> (Resource Consents) (Council 24 February 1999).
174	<b>Appeals</b> (Designations and Heritage Orders) (Council 24 February 1999).
176-178	<b>Written consent of the requiring authority in respect of any Council Notices of Requirement or Designations</b> (Council 1 July 1998).
195	<b>Appeals in Relation to Sections 193 and 194</b> (Heritage Orders) (Council 24 February 1999).
221	<b>Territorial authority to issue a consent notice.</b> (Relating to the varying of some categories of conditions of sub-division after the deposit of a survey plan, by agreement between the Authority and the landowner).
222	<b>Completion certificates.</b>
223	<b>Approval of survey plan by territorial authority.</b>
224	<b>Restrictions upon deposit of survey plan</b>
237D	<b>Transfers to the Crown or regional council.</b>
239(2)	<b>Vesting of reserves or other land.</b>
240(4)	<b>Covenant against transfer of allotments.</b> (Council 6 August 1997)
241(3)	<b>Amalgamation of allotments.</b> (Non-notified applications only) (Council 6 August 1997).

SECTION OF ACT	DESCRIPTION OF SECTION
243	<b>Survey Plan approved subject to grant or reservation of easements</b> (Council 6 August 1997).
268	<b>Alternative dispute resolution.</b> (Authority to determine appropriateness of entering into Environment Court mediation and to negotiate mediated settlements). Exceptions: <ul style="list-style-type: none"> <li>• when appeals relate to financial contributions.</li> <li>• when appeals relate to decisions contrary to staff recommendations.</li> </ul>
274	<b>Representation at Court Proceedings</b> (Environment Court) (Council 24 February 1999).
299	<b>Appeal on a Question of Law</b> (Council 24 February 1999).
301	<b>Right to Appear and be heard on Appeal</b> (Council 24 February 1999).
311	<b>Application for declaration</b> (From the Planning Tribunal).
316	<b>Application for enforcement order.</b>
357D (2005)	<b>Decision on objections made under Sections 357 to 357B</b> (where Council staff support the objection).
358	<b>Appeals Against Certain Decisions or Objections</b> (Council 24 February 1999).
402	<b>Existing subdivision proposals</b> (Non-notified applications only) (Council 6 August 1997).
407	<b>Subdivision consent conditions</b> (Non-notified applications only) (Council 6 August 1997).
409	<b>Subdivision financial contributions</b> (Non-Notified applications only) (Council 6 August 1997).
First Schedule, Part One, Clause 6	<b>Making Submissions</b> (Policy Statements and Plans) (Council 24 February 1999).
First Schedule, Part One, Clause 7	<b>Summary of Submissions and Notifications</b> (Further Submissions) (Council 24 February 1999).
First Schedule, Part One, Clause 14	<b>Reference of Decisions on Submissions and Requirements to the Environment Court</b> (Council 24 February 1999).
First Schedule, Part Two, Clause 26	<b>Appeal of Refusal or Deferral</b> (Council 24 February 1999).
In respect of s281	<b>Waivers and Directions</b> (Authority to seek a waiver or direction, to support or to oppose any request for a waiver or direction from the Environment Court in respect of any matter of timing, documents or information or terms. (Council 24 February 1999)

**Delegations to the General Manager Policy, Planning and Regulatory Services.**

**Delegations to the Resource Consents Manager.**

**Delegations to Senior Planner Resource Consents.**

Under s34 of the Resource Management Act 1991, Porirua City Council delegates the following functions, powers and duties under the Act as set out in the schedule below to the **General Manager Policy, Planning and Regulatory Services, the Resource Consents Manager, and Senior Planner, Resource Consents.**

The delegations below have previously been held by the General Manager, Policy Planning and Regulatory Services, the Resource Consents Manager, and the now disestablished role Team Leader Resource Consents. It is proposed that they should now be held by the Senior Planner position in the Resource Consents team as well. This would allow them to be held at the most appropriate level and ensure processing delays are minimised.

SECTION OF ACT	DESCRIPTION OF SECTION
36(5)	<b>Remission of Fees in Some Circumstances.</b> In appropriate circumstances, the remission of fees for non-notified applications as controlled, limited, discretionary and non-complying activities.
37(1) (2009) 37	<b>Power of waiver and to extend time limits</b> (Time limits).
37(2)(3) (2009) 37A	<b>Power of waiver and to extend time limits</b> (Procedural requirements).
87BA	<b>Boundary activities approved by neighbours on infringed boundaries are permitted activities</b>
87BB	<b>Activities meeting certain requirements are permitted activities</b> (relating to marginal or temporary non-compliance)
91	<b>Deferral pending application for additional consents.</b>
95A <sup>1</sup>	<u>Public Notification of consent application at consent authority's discretion.</u>
95B <sup>2</sup>	<u>Limited Notification of consent application.</u>
95C <sup>2</sup>	<b>Public notification of consent application after request for further information or report.</b>
95D <sup>2</sup>	<u>Consent authority decides if adverse effects likely to be more than minor.</u>
95E <sup>2</sup>	<u>Consent authority decides if person is affected person.</u>
104A – 104D <sup>2</sup>	<b>Decisions on applications</b> (Non-notified applications only)
110	<b>Refund of money and return of land where activity does not proceed.</b>

<sup>1</sup> When the delegated signatory is the reporting officer, it is not appropriate for this individual to make decisions on his or her own recommendations. In this case, another member of staff (with this delegation) will make the formal decision.

SECTION OF ACT	DESCRIPTION OF SECTION
124(b)	<b>Exercise of resource consent while applying for any resource consent.</b>
125	<b>Lapsing of consent.</b>
126	<b>Cancellation of consent</b> (Non-notified applications only).
127	<b>Change or cancellation of consent condition on application by consent holder.</b>
128	<b>Circumstances when consent conditions can be reviewed</b> (Non-notified applications).
176A	<b>Outline Plan</b>
221(3)	<b>Variation or cancellation of any condition specified in a consent notice.</b>
222	<b>Completion Certificates</b> (Council 6 August 1997).
240(4)	<b>Covenant against transfer of allotments</b> (Council 6 August 1997).
241(3)	<b>Amalgamation of allotments</b> (Non-notified applications only) (Council 6 August 1997)
243	<b>Survey Plan approved subject to grant or reservation of easements</b> (Council 6 August 1997).
268	<b>Alternative dispute resolution</b> (Authority to determine appropriateness of entering into Environment Court mediation and to negotiate mediated settlements). Exceptions: <ul style="list-style-type: none"> <li>• When appeals relate to financial contributions.</li> <li>• When appeals relate to decisions contrary to staff recommendations.</li> </ul>
336	<b>Return of property seized under Sections 323 and 328.</b>
402	<b>Existing subdivision approvals</b> (Non-notified applications only) (Council 6 August 1997).
407	<b>Subdivision consent conditions</b> (Non-notified applications only) (Council 6 August 1997).
409	<b>Financial contributions for developments</b> (Non-notified applications only) (Council 6 August 1997).



**Additional Delegations to the Resource Consents Manager and the Senior Planner role, Resource Consents**

Under section 34 of the Resource Management Act 1991, Porirua City Council delegates the following further functions, powers and duties under the Act as set out in the schedule below to the **Resource Consents Manager and Senior Planner, Resource Consents**

There are **no changes** to this section other than extending these delegations to the Senior Planner position in the Resource Consents team.

SECTION OF ACT	DESCRIPTION OF SECTION
10(2)	Identifying certain existing uses in relation to land protected.
88(3)	Return of incomplete applications to applicants.
92	Further information, or agreement may be requested (2005)
99	Pre-hearing meetings.
99A	<b>Mediation</b> provision to refer parties to a resource consent application to Mediation with their consent.
100	Obligation to hold a hearing.
101	Hearing date and notice.
138	Surrender of consent. (Non-notified applications).
139	Consent authorities and Environmental Protection Authority to issue certificates of compliance.
139A	Consent Authorities to issue existing use certificates.
221(2)	Consent notice authentication.
223	Approval of survey plan by territorial authority.
224	Restriction upon deposit of survey plan.
268	<b>Alternative dispute resolution</b> (Authority to determine appropriateness of entering into Environment Court mediation and to negotiate mediated settlements). Exceptions: <ul style="list-style-type: none"> <li>• when appeals relate to financial contributions.</li> <li>• when appeals relate to decisions contrary to staff recommendations.</li> </ul>

### Delegations to Resource Consents Planners

Under section 34A of the Resource Management Act 1991, Porirua City Council delegates the following functions, powers and duties under the Act as set out in the schedule below to the **Resource Consents Planners**.

There are **no changes** to the previous delegations to the Resource Consent Planner.

SECTION OF ACT	DESCRIPTION OF SECTION
88(3)	Return of incomplete applications to applicants.
92	Further information or agreement may be requested.
95E	Request affected person approval.
99	Pre-hearing meetings.
101	Hearing date and notice

### Delegations to Senior Monitoring Enforcement Officers and Monitoring Enforcement Officers

Under section 34A of the Resource Management Act 1991, Porirua City Council delegates the following functions, powers and duties under the Act as set out in the schedule below to **Senior Monitoring Enforcement Officers** and **Monitoring Enforcement Officers**.

There is **no change** to the previous delegations to the Senior Monitoring Enforcement Officers and Monitoring Enforcement Officers.

SECTION OF ACT	DESCRIPTION OF SECTION
88(3)	Return of incomplete applications to applicants.
92	Further information or agreement may be requested.
95E	Request affected person approval.



**SCHEDULE OF DELEGATIONS UNDER THE LOCAL GOVERNMENT ACTS 1974 AND 2002**

**Delegations to the General Manager Policy, Planning and Regulatory Services.**

**Delegations to the Resource Consents Manager.**

**Delegations to the Senior Planner, Resource Consents.**

SECTION OF ACT	DESCRIPTION OF SECTION
<u>327A –LGA</u> 1974	Building-line restriction
348(1) and (2)	Powers of Council with respect to private roads and private ways.

**Enforcement Mechanisms**

Enforcement Mechanism	Delegation
<u>Abatement notices</u> <u>Infringement notices</u> <u>Excessive Noise Directions</u>	<ul style="list-style-type: none"> <li>• <u>Chief Executive</u></li> <li>• <u>General Manager, Policy, Planning and Regulatory Services</u></li> <li>• <u>Manager Resource Consents</u></li> <li>• <u>Monitoring and Enforcement Officer</u></li> <li>• <u>Consents Officers</u></li> <li>• <u>Manager Environmental Standards</u></li> <li>• <u>Environmental Health Officers</u></li> <li>• <u>Parking and Bylaws Supervisor</u></li> <li>• <u>Environmental Inspectors/ Officers.</u></li> </ul>
<u>Enforcement orders (including interim enforcement orders)</u>	<ul style="list-style-type: none"> <li>• <u>Chief Executive</u></li> <li>• <u>General Manager, Policy, Planning and Regulatory Services</u></li> <li>• <u>Manager Resource Consents</u></li> <li>• <u>Monitoring and Enforcement Officer</u></li> <li>• <u>Consents Officers</u></li> <li>• <u>Manager Environmental Standards</u></li> </ul>
<u>Applications for declarations</u>	<ul style="list-style-type: none"> <li>• <u>Chief Executive</u></li> <li>• <u>General Manager, Policy, Planning and Regulatory Services Manager Resource Consents</u></li> </ul>
<u>Prosecution</u>	<ul style="list-style-type: none"> <li>• <u>Chief Executive</u></li> <li>• <u>General Manager, Policy, Planning and Regulatory Services Manager Resource Consents.</u></li> </ul>



# ORDINARY MEETING of City Delivery Committee

## MINUTES

**Time:** 10:00 a.m.  
**Date:** Thursday, 27 June 2019  
**Venue:** Meeting Room 1  
Mezzanine Floor  
Te Rauparaha Arena  
17 Parumoana Street  
Porirua City

---

### Present

Councillor Anita Baker (Chairperson)

Mayor Mike Tana

Councillor John Burke

Councillor 'Ana Coffey

Councillor Mike Duncan

Councillor Ross Leggett

Councillor Faafoi Seiuli

Councillor Dame Beverley Wakem

Councillor Kylie Wihapi

Councillor Dale Williams

Council's Kaumātua Taku Parai

### In Attendance

Wendy Walker

Roy Baker

Andrew Dalziel

Nic Etheridge

Mike Evans

Steven Perdia

Caroline Fotuallii

Ken Bailey

Chief Executive

General Manager Corporate Services, Chief Financial Officer

General Manager Customer and Community

General Manager Policy Planning and Regulatory Services

General Manager City Infrastructure

General Manager City Growth and Partnerships

Committee Advisor

Project Manager

**1 APOLOGIES**

Moved: Councillor Anita Baker  
Seconded: Councillor 'Ana Coffey

**RESOLVED 2019/44**

That the apology received from Cr Ford be accepted.

**CARRIED**

**2 PUBLIC FORUM**

No members of the public attended the public forum.

**3 CONFLICT OF INTEREST DECLARATIONS**

No conflict of interest declarations were received.

**4 NOTIFICATION OF EXTRAORDINARY BUSINESS**

No items not on the agenda were received.

**5 CONFIRMATION OF MINUTES**

Moved: Councillor Anita Baker  
Seconded: Councillor Ross Leggett

**RESOLVED 2019/45**

That the minutes of the City Delivery Committee meeting held on 6 June 2019 and the City Delivery Committee Hearings and Deliberations meeting held on 12 June 2019 be confirmed as a true and complete record.

**CARRIED**

**6 REPORTS****6.1 EARTHQUAKE PRONE BUILDING - APPROVALS TO CONSULT**

Approval was sought from the Committee to consult on high traffic and emergency transport routes required by the Building Earthquake-Prone Buildings (EQPBs) Amendment Act 2016.

Moved: Councillor Anita Baker  
Seconded: Councillor John Burke

**RESOLVED 2019/46**

That the City Delivery Committee:

1. Receive the report.
2. Adopt the Statement of Proposal for the Earthquake-Prone Buildings Legislation for public consultation between 1 July and 31 July 2019.
3. Delegate to the Chief Executive the authority to make minor editorial changes to the



Statement document and supporting information prior to publication on 1 July 2019.

**CARRIED**

**6.2 UPDATE TO OPERATIONAL DELEGATIONS TO THE RESOURCE CONSENTS TEAM**

Approval was sought of the expanded delegations for decision making in the Resource Consents team.

Moved: Councillor Anita Baker  
Seconded: Councillor Mike Duncan

**RESOLVED 2019/47**

That the City Delivery Committee:

1. Receive the report.
2. Agree to recommend that the Council adopt the revised delegations register for resource consents.

**CARRIED**

**The meeting closed at 10.12am**

.....  
**CHAIRPERSON**

.....  
**DATE**

**10.2 CITY DELIVERY COMMITTEE - 27 JUNE 2019**

**Membership:** Councillor Anita Baker (Chairperson), Councillor John Burke, Councillor 'Ana Coffey, Councillor Mike Duncan, Councillor Izzy Ford, Councillor Ross Leggett, Council's Kaumātua Taku Parai, Councillor Fafoi Seiuli, Councillor Dame Beverley Wakem, Councillor Kylie Wihapi and Councillor Dale Williams

**THE COMMITTEE RECOMMENDS:****10.2.1 UPDATE TO OPERATIONAL DELEGATIONS TO THE RESOURCE CONSENTS TEAM**

Moved: Councillor Anita Baker  
Seconded: Councillor Mike Duncan

**RESOLVED 2019/1**

That the City Delivery Committee:

1. Receive the report.
2. Agree to recommend that the Council adopt the revised delegations register for resource consents.

**CARRIED**

## 11 REPORTS

### 11.1 GOVERNANCE ARRANGEMENTS FOR THE 2019-22 TRIENNIUM

**Author:** Lynlee Baily, Manager Democratic Services  
Kaiwhakahaere Ratonga Manapori

**Authoriser:** Steven Perdia, General Manager City Growth & Partnerships  
Pouwhakahaere Tipuranga Tāone me ngā Pātuitanga

#### EXECUTIVE SUMMARY

The Porirua City Council's committee structure, chairs and membership were agreed at the inaugural meeting of the Council on 30 October 2019, with the terms of reference to be adopted at the next Council meeting. The terms of reference for the Council and committees are described in this paper and attached as Attachment 1.

#### PURPOSE

The purpose of this report is to seek the Council's agreement to the governance arrangements for the triennium. This includes:

- Agreeing the terms of reference for the Council and its committees for the 2019-22 triennium
- Agreeing the delegations to the Chief Executive
- Agreeing the delegations under the Resource Management Act 1991.

#### RECOMMENDATIONS

That the Council:

1. Receive the report.
2. Agree the Council and Committee Terms of Reference and Delegations.
3. Agree the role descriptions and responsibilities of the Mayor, Deputy Mayor and Chair Te Puna Kōrero in the Terms of Reference and Delegations.
4. Delegate the functions, powers and duties necessary to perform the responsibilities in the Terms of Reference and Delegations.
5. Agree to amend the terms of reference of the Wastewater Treatment Plant and Joint Landfill Committee so that the "Power to Delegate" clause is amended to add the following:  
*"except that the Joint Committee has the power to delegate the Chief Executive of the Porirua City Council the authority to vary landfill fees and charges set by the Joint Committee"*.
6. Delegate pursuant to clause 32 Schedule 7 Local Government Act the functions, powers and duties to the Chief Executive in the Terms of Reference and Delegations.
7. Note the summary of Resource Management Act 1991 delegations in the Terms of Reference and Delegations.
8. Amend the delegation to a commissioner or a panel of commissioners dated 27 June 2018 to refer to the Chair Te Puna Kōrero, and to read as follows:  
*"Delegate to a commissioner or panel of commissioners appointed by the Chair Te Puna Kōrero of the City Delivery Committee in consultation with the General Manager – Policy, Planning and Regulatory Services or Manager, Resource Consents, all the powers, functions and duties of the Council under the Act:*

- *Hear, consider and make decisions on any application for a resource consent under the Act, including the determination of any preliminary matters and matters necessary for the conduct of the hearing.*
  - *Hear and determine a review of a resource consent.*
  - *Hear and determine an application to change or cancel conditions of a resource consent.*
  - *Hear and determine an objection made under the Act.*
  - *Hearing and determine decisions related to Notices of Requirement and Designations.”*
9. Delegate to a commissioner or panel of commissioners appointed by the Chair of Te Puna Kōrero in consultation with the General Manager – Policy, Planning and Regulatory Services or Manager, Resource Consents, all functions, powers and duties under the Resource Management Act 1991 to hear and make a recommendation on a plan change and to decide all associated preliminary matters.

Reports contain recommendations only. Refer to the meeting minutes for the final decision.

## **BACKGROUND**

1. Under the provisions of s 41A of the Local Government Act 2002, the Mayor has appointed Councillor Izzy Ford as Deputy Mayor, established the committee structure for the 2019-2022 triennium and appointed chairpersons and members to those committees. This was agreed at the inaugural meeting of the Council on 30 October 2019.
2. The Council is now required to agree to the formal terms of reference and delegations of those committees (Attachment 1) and establish the other roles and responsibilities for the triennium. It is also timely to clarify and confirm the delegations to the Chief Executive and confirm the approach to Resource Management Act delegations.

## **DISCUSSION AND OPTIONS**

3. The Council, chaired by the Mayor, is the governing body with all elected representatives as members.
4. The breadth and complexity of the local government function means it is necessary and appropriate to delegate responsibilities to both Council committees and the Chief Executive.
5. The Council sets the vision, strategic priorities, and the outcomes sought for the city and the principles used to support and guide the way in which this is to be achieved.
6. The Council has a number of specific powers that it must perform e.g. the power to make a rate or a bylaw and to adopt a Long-term Plan or Annual Plan. In addition, there is a range of other responsibilities, such as adopting or changing the Standing Orders or the adoption of a Code of Conduct, which the Council must exercise, and cannot delegate.
7. The committee structure and process helps to group activities and enable efficient decision-making. Committees ensure they consider the alignment of their work to the overall strategic direction and priorities of the Council. For this reason, it is critical to have integrated decision-making with checks and balances to ensure all options, issues, implications and consequences are appropriately identified and assessed. This is a particular responsibility of the Chief Executive and General Managers in overseeing the development of papers and presentation of information.
8. Some functions are completely delegated for committee decision e.g. the release of draft plans and strategies for consultation. Other functions are partially delegated for a committee to work on in detail and then recommend a decision to the Council, such as for the Long-term Plan or a bylaw.

## **The Council and Committee Structure**

### **Council**

9. The Council is the paramount governing body which includes all elected members. It retains all powers that cannot be delegated and must be made by the Council plus those judged to be of such significance that they should continue to be exercised by the Council. The Council also provides a check and balance on decisions made by committees, and will approve strategy and policy referred to it by Te Puna Kōrero.

### **Committee Structure**

The main change for the 2019-2022 triennium is to have one 'committee of the whole' (i.e. all elected representatives are members) dealing with the majority of Council business ranging from strategic to operational.

### **Te Puna Kōrero**

10. The committee of the whole will promote integrated decision-making, enable faster response to issues and opportunities and provides officers with an improved ability to keep elected members informed and involved in key issues. It allows elected members to develop and hold a consolidated view of all Council strategic and operational issues, and to take a holistic view. The structure provides the opportunity for all elected members to make decisions and will facilitate effective policy leadership and debate.
11. The Committee will be called Te Puna Kōrero. This is a name given by the Council's Kaumātua and means "A space where ideas, strategy, leadership and direction is developed." Its metaphorical meaning is "the well where all come to quench their thirst and renew and move forward."
12. Te Puna Kōrero will meet twice monthly.

### **Grants, Awards and Events Committee**

13. This Committee will administer the community grants programme, allocating grants associated with the Community Funding Policy and Events Strategy. The Committee will also administer the Council's awards (i.e. Civic Awards and Mayoral Recognition).

### **Audit and Risk Committee**

14. The Audit and Risk Committee will assist the Council by ensuring there are robust internal controls for financial and non-financial assets, the integrity and appropriateness of internal and external reporting and accountability arrangements, risk management, internal and external audit functions and compliance with statutory processes and standards and best practice. Key responsibilities of the Committee will be to appoint the external auditor and agree with them a programme of work. For the development of the Annual Report, the Committee will confirm the appropriate processes followed and actions completed, and recommend adoption to the Council.
15. The Audit and Risk Committee does not have a financial function as this is a separate function and the responsibility of Te Puna Kōrero.

### **Chief Executive Employment Committee**

16. The Council only has a sole employee; the Chief Executive. The Local Government Act prescribes employment term, review processes, and stipulates that employment decisions are made by the full Council. This Committee is responsible for all matters concerning the performance and remuneration of the Chief Executive. It also has the powers to made decisions on process regarding employment decisions, and make recommendations to the Council.



**Porirua District Licensing Committee**

17. The Porirua District Licensing Committee administers the Council's alcohol licensing framework as determined by the Act and the Council's Local Alcohol Policy and is the subject of a separate paper to this meeting.

**Te Awarua-o-Porirua Harbour and Catchment Joint Committee**

18. The Te Awarua-o-Porirua Harbour and Catchment Joint Committee (Harbour Committee) was established to oversee the development, monitoring, review and implementation of the Porirua Harbour and Catchment Strategy and Action Plan 2012 (Harbour Strategy). At the end of the 2016-19 triennium it was agreed that this Committee would be reviewed by the establishing councils (Porirua City Council, Wellington City Council and Greater Wellington Regional Council) at the commencement of this triennium. This work will be reported to the Council and in the meantime no appointments have been made.

**Wastewater Treatment Plant and Landfill Joint Committee**

19. The Wastewater Treatment Plant and Landfill Joint Committee continues to provide governance for the joint services entered into by the Porirua and Wellington City Councils through the joint venture agreements for the Wastewater Treatment Plant and the Spicer Valley Landfill and associated land. The relative shareholding and responsibilities of the shareholders are described in the joint venture deed 'Agreement Relating to Joint Refuse Disposal Works, 1983'. Under the deed the operation of the landfill is the responsibility of Porirua City Council.
20. The terms of reference, for this Joint Committee were carried over by both Councils by the interregnum paper at the end of the 2016-19 triennium; so do not need to be agreed.
21. Under the terms of reference, the Joint Committee has the delegated power to set landfill fees and charges. When reviewing the operational requirements of the landfill, it has been identified that the current fee setting structure does not enable the Council to promptly respond to local conditions and needs of its community and in particular, the forecast levels of development in the district and region.
22. It is recommended that the terms of reference are amended so that when the Joint Committee sets fees and charges it is able to delegate to the Chief Executive of Porirua City Council (being the Council with operational responsibility for the landfill) the ability to vary the scheduled charges. It would be open to the Joint Committee to define circumstances and/or criteria to guide the Chief Executive. This change will also be considered by Wellington City Council on 20 November 2019.

**Efficient and Effective Use of Committees and Elected Members Time**

23. The Council deals with a broad and complex set of issues, functions and activities. Elected members will receive and request a considerable amount of information relating to their areas of interest, specific responsibilities and general Council and city-related issues. An orderly approach is required to manage this, particularly in relation to the work of committees.
24. Information reports and 'noting' recommendations are generally avoided. The Chief Executive will work with elected representatives to determine the appropriate ways to share information. Workshops and briefing sessions with officers and external organisations are also useful to enable information sharing and discussion although no formal decisions are made at these forums. Workshops assist in the development of subsequent papers and issues for decisions by the Council.
25. There are naturally peaks and troughs in Council work. To help manage this, the Chief Executive works to smooth the work programme and show the alignment with the Council's strategic direction. The Chief Executive will regularly discuss the work programme with the Mayor and Chairs.

### **Role Specific Delegations**

26. Role descriptions and responsibilities for the Mayor, Deputy Mayor and Chairs are included in the Terms of Reference and Delegations. Examples are:
- Approval of conferences and training within New Zealand
  - Approval of submissions when the submission deadline cannot be met were the submission be considered by Te Puna Kōrero
  - Appointment of commissioners or a panel of commissioners to hear and decide resource consent hearings.

### **Chief Executive Delegations**

27. Delegation to officers is necessary for the operation of the Council and its administration to be efficient, effective and timely in delivering services. The overall approach in s42 LGA 2002, and taken by all local authorities, is that it is the role of the Chief Executive to implement the Council direction and decisions as expressed in the Long-term Plan, the Annual Plan and specific Council decisions. Specifically this means that operational and capital expenditure budgets, certain fees and charges, service levels, specific projects, and other significant requirements are approved by the Council. The Chief Executive is authorised to make all arrangements to give effect to those decisions. The legislation allows the Council to delegate the functions powers and duties to the Chief Executive and for the Chief Executive to delegate the function power or duty to the appropriate officer (if required).
28. In the last triennium officers undertook work on Council's existing delegation framework which highlighted that the current approach and structure is fragmented and difficult to administer. It has identified that there is no clear transition from the delegations held by Council, Committee and elected members to Council officers, and in particular the Chief Executive.
29. It is proposed to address this by changing the approach outlined as follows.
30. The Chief Executive will be delegated all powers and authorities, other than those retained by the Council, or contained within the delegations to committees or other role specific delegations (e.g. to the Chair of Te Puna Kōrero). The powers retained by the Council and Committee have been proposed having regard to existing delegations and Council practice.
31. The delegation to the Chief Executive is subject to:
- Acting within the law and within Council policy
  - Acting within the Long-term and Annual Plan (to ensure effective and efficient delivery of the Long-term Plan and Annual Plan)
  - Acting within the financial tolerances that are included in the delegation (which will be reported on in the proposed quarterly financial and performance report to Te Puna Kōrero)
  - The Chief Executive referring matters to the Council or Te Puna Kōrero that appropriately should be decided by the governing body or Te Puna Kōrero.
32. The delegation will be supported by effective communication, trust and constructive working arrangements between the Mayor and all elected members and the Chief Executive. More formally, this approach is reinforced by the Chief Executive's agreed key performance indicators which are overseen by the Chief Executive's Employment Committee. In addition the Chief Executive is accountable for the performance of the Executive Leadership Team and at an operational level ensures that officers are appropriately supported, supervised and trained. The Chief Executive will develop an operational manual to guide the delegation to officers.

33. In practice this does not represent a change to the decisions that are made by elected members and officers. It will however streamline some Council decision-making, as there have been cases where it has been necessary to obtain a Council or Committee approval for a matter because of legal compliance reasons rather than substantive and informed decision-making. Further the existing delegation of functions powers and duties to the Chief Executive, and other named officers span over many triennia which can at times be challenging to administer and is not consistent with sector practice.
34. The introduction of financial tolerances is an improved reporting discipline and will improve the quality and detail provided through the quarterly performance report. If any expenditure exceeds the financial tolerances further approval is needed.

#### **Resource Management Act Delegations**

35. The Council has many functions under the Resource Management Act 1991 (RMA). To ensure the efficient and effective discharge of these statutory functions, the RMA provides for them to be exercised by the Council itself, officers, or hearing commissioners (independent or councillor). Many RMA functions are delegated to officers to enable the efficient administration of the Council's RMA functions, duties and powers, and is the approach used across all councils and is particularly important having regard to statutory timeframes and the Council's duty to avoid delay.
36. The majority of delegations required are already in place and are considered to be still appropriate. A summary of these delegations are included in the terms of reference.
37. The key resource management decisions that arise when considering appropriate governance arrangements are the delegations required to support the process for:
  - making decisions on plans and plan changes and all other RMA 1st schedule processes
  - hearing and making decisions on notified resource consent applications, designations, heritage orders
  - appointing hearings commissioners.
38. Te Puna Kōrero will have full oversight of the District Plan review and all plan changes (including pre-engagement processes) are the responsibility of this Committee. The Committee retains the power to decide on the approach the Council will take to resourcing the hearings for the Plan changes arising over the triennium. The Environment and City Planning Team will bring a report to the Committee including an overall programme review of the District Plan.
39. Processing and decisions on non-notified resource consent matters are delegated. Where an application is notified, the appointment of Resource Management Act Hearing Panels to hear resource consents and designations are to be delegated to the Chair of Te Puna Kōrero. Hearing panels will comprise Councillors who are holders of the Making Good Decisions Certificate and/or independent commissioners. This delegation will be exercised in consultation with the General Manager – Policy, Planning and Regulatory Services or Manager, Resource Consents.

#### **CONCLUSION**

40. The committee structure for the 2019-22 triennium was announced by the Mayor and agreed at the inaugural meeting on 30 October 2019. The Council needs to agree the committee terms of reference and delegations to support the governance structure and the associated delegations to the Chief Executive.

**SUPPORTING INFORMATION****CONTRIBUTION TO COUNCIL'S STRATEGIC DIRECTION**

The establishment of terms of reference and delegation for the Council and its committees, by their nature, cover all Council functions and therefore contribute to the strategic priorities of:

- a. A growing prosperous and regionally connected city
- b. Children and young people at the heart of the city
- c. A great village and city experience
- d. A healthy and protected harbour and catchment

**FINANCIAL CONSIDERATIONS**

There are no capital expenditure implications or maintenance costs associated with the decisions sought in this report.

**STATUTORY REQUIREMENTS**

There are several statutory requirements associated with the non-delegable functions of the Council, the establishment of committees and Treaty considerations. These are described in the report.

**TREATY CONSIDERATIONS**

There are Treaty considerations relevant to the issues in this report. Quite apart from good practice, there is a statutory requirement to maintain and improve opportunities for Māori to contribute to local government decision-making process (s 81 Local Government Act 2002). This includes providing opportunities, fostering development of Māori capacity to contribute, and providing relevant information to Māori for this purpose. The report refers to the Council's relationship with Ngāti Toa Rangatira, the Memorandum of Understanding, and the invitation for the Council's Kaumātua Taku Parai (Ngāti Toa Rangatira) to have a place at the table with full speaking rights with the Council and some of its committees.

**SIGNIFICANCE**

The establishment of the Council and committee terms of reference and delegations touch on several aspects of the Council's Significance and Engagement Policy such as: the Council's strategic direction, consistency with the Long-term and Annual Plans, interest to Māori and community interest. However, the threshold of significance is not such that requires a response.

**ENGAGEMENT AND COMMUNICATIONS**

There were no communication and engagement activities required in relation to this report. The terms of reference and delegations will be available on the Council's website and as part of the relevant agenda for each meeting. There may be interest in the respective committee responsibilities and relationships.

**ATTACHMENTS**

1. **Terms of Reference and Delegations 2019-2022**

**porirua**city

# **Terms of Reference and Delegations**

**For Porirua City Council**

**2019–2022**



**ORDINARY COUNCIL MEETING ATTACHMENTS  
13 NOVEMBER 2019**

---

**Version history**

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Owner</b>	<b>Revision Due</b>
1	13 November 2019	PCC # 7177615	Lynlee Baily	2022

## Table of Contents

Introduction .....	1
Committee Membership .....	4
Council .....	5
Audit and Risk Committee .....	7
Chief Executive Employment Committee .....	10
Grants, Awards and Events Committee .....	11
Te Puna Kōrero .....	13
Porirua District Licensing Committee .....	16
Te Awarua-o-Porirua Harbour and Catchment Joint Committee .....	19
Wastewater Treatment Plant and Landfill Joint Committee .....	23
Role Descriptions and Delegations .....	26
Chief Executive Delegations .....	28
Resource Management Delegations .....	30



## Introduction

---

### 1.1 GENERAL

This Terms of Reference and Delegations sets out the governance structure which details how Porirua City Council carries out its governance functions and records the delegation of powers and responsibilities. It sets out the responsibilities of and delegations associated with certain roles including the Mayor, Deputy Mayor, Chief Executive and Committee Chairs. These were agreed to by the Council on .....

The Council's business is wide-ranging, and it has obligations and powers under many statutes and regulations. It would be impossible for the full Council to deal with everything itself. Delegation to officers is necessary for the operation of the Council to be efficient and effective and achieve its objectives and for its service delivery to be timely and successful.

These Terms of Reference and Delegations are developed in accordance with the provisions and requirements of the Local Government Act 2002 and are intended to allow the Council to ensure that its powers and functions are exercised at a level commensurate with efficiency and effectiveness and the significance of the power or function.

A delegate is not obliged to exercise a power or function delegated to it. If a matter has become publicly or politically contentious, it may be appropriate for the delegate not to exercise the particular power or function and to refer the power or function back to the delegator. Provision is made for this in the Council and Committee delegations with the expectation that the Mayor will be consulted and provide input into decisions by the delegate to refer a matter.

### 1.2 ESTABLISHMENT OF COMMITTEE

In accordance with section 41A of the Local Government Act 2002 the Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee before the other members of the committees are determined.

The terms of reference and delegations to committees are set out in full in this document.

### 1.3 IWI

The Council has statutory obligations to iwi and Māori, by virtue of the Treaty of Waitangi, in particular in relation to the Resource Management Act 1991, Local Government Act 2002, Historic Places Act 1980 and Reserves Act 1977.

To recognise this critical relationship with iwi Porirua City Council has a Memorandum of Understanding (MOU) with Te Rūnanga o Toa Rangatira Incorporated (Rūnanga).

The MOU provides for the Rūnanga to be entitled to appoint a representative as a non-voting member of the Council and as a voting member on specified committees.

An agreed iwi representative may attend the Council meeting and discuss and debate matters as a non-voting participating member. The agreed iwi representative may also attend the Te Puna Kōrero and Chief Executive Employment Committee meetings as a voting participant.



#### **1.4 QUORUM**

The Terms of Reference for each committee contain the quorum required. Generally (unless otherwise specified) a quorum is half of the members physically present where the number of members (including vacancies) is even; and a majority of the members physically present, where the number of members (including vacancies) is odd.

Appointed members are included in calculating the quorum and are counted towards the quorum when present. This reflects the expectation that appointed members will attend those committees to which they are appointed.

Ex officio members are not included in calculating the quorum and are counted towards the quorum when present. This reflects the expectation that ex officio members will not always be able to attend all committees and forums but have full voting rights when present.

#### **1.5 AMBIGUITY AND CONFLICT**

In the event of ambiguity or conflict between any of the provisions contained in these Terms of Reference, with the result that there is uncertainty or dispute as to which committee has delegated authority to act in respect of a particular matter, then the Mayor will decide in consultation with the Deputy Mayor having received advice from the Chief Executive. The decision of the Mayor will be final and binding.

#### **1.6 COUNCIL**

To the extent allowed by law, the Council delegates to its respective committees all of the powers and functions and duties of the Council as set out under the name of each committee.

#### **1.7 COMMITTEE MEMBERSHIP**

Her Worship the Mayor is a member of all committees of the Council with voting rights.

#### **1.8 CONTACTS WITH MEDIA AND OUTSIDE AGENCIES**

The Committee chairperson is the authorised spokesperson for the Committee in all matters where the Committee has authority or a particular interest.

Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council on matters outside of the Committee's delegation.

#### **1.9 CONDUCT OF AFFAIRS**

The Council and committees shall conduct their affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, the Council's standing orders and code of conduct.

#### **1.10 PUBLIC ACCESS AND REPORTING**

Notification of meetings to the public and public access to meetings and information shall comply with standing orders, but it should be noted that:

2

- at any meeting of the Committee at which no resolutions or decisions are made, the provisions of standing orders relating to public access do not apply
- workshops are held solely for the purpose of information and discussion, no resolutions or decisions can be made
- extraordinary meetings of the Council and its committees may be held in accordance with standing orders
- the public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987 s.48
- the Council and its committees shall record minutes of all meetings and hearings.

## Committee Membership

---

### **Te Puna Kōrero**

Cr Ross Leggett (Chairperson)  
 Cr Izzy Ford (Deputy Chairperson)  
 All Councillors  
 Taku Parai, Council Kaumātua (Te Rūnanga o Toa Rangatira)

### **Audit and Risk Committee**

External (Chairperson)  
 Cr Josh Trlin (Deputy Chairperson)  
 Mayor Anita Baker  
 Cr Izzy Ford  
 Cr Eon Murrell  
 Cr Mike Duncan  
 Mr Graeme Mitchell (External Member)

### **Chief Executive Employment Committee**

Cr Euon Murrell (Chairperson)  
 Mayor Anita Baker (Deputy Chairperson)  
 Cr Izzy Ford  
 Cr Ross Leggett  
 Cr Nathan Waddle  
 Cr Kylie Wihapi  
 Taku Parai, Council Kaumātua (Te Rūnanga o Toa Rangatira)

### **Grants, Awards and Events Committee**

Cr Faafoi Seiuli (Chairperson)  
 Cr Nathan Waddle (Deputy Chairperson)  
 Cr Moze Galo  
 Cr Geoff Hayward  
 Cr Kylie Wihapi

### **Porirua District Licensing Committee**

Cr Kylie Wihapi (Chairperson)  
 Cr Mike Duncan (Deputy Chairperson)

### **Te Awarua-o-Porirua Harbour and Catchment Joint Committee (TBA)**

#### **Wastewater Treatment Plant and Landfill Joint Committee**

Cr Mike Duncan  
 Cr Euon Murrell  
 Cr Geoff Hayward  
 Cr \_\_\_\_\_, Wellington City Council (Cr \_\_\_\_\_ as alternate)

4

## Council

---

<b>CHAIRPERSON:</b>	Mayor Anita Baker
<b>DEPUTY CHAIRPERSON:</b>	Councillor Izzy Ford
<b>MEMBERSHIP:</b>	The Mayor and all Councillors and Taku Parai, Council Kaumātua (Te Rūnanga o Toa Rangatira)
<b>MEETING FREQUENCY:</b>	Monthly
<b>QUORUM:</b>	A majority of members (including vacancies)

---

### PURPOSE

To carry out leadership functions including advocacy and facilitation on behalf of the community.

The Council will set the vision, strategic priorities, and the outcomes sought for the city and the principles used to support and guide the way in which this is to be achieved.

The Council has the authority to delegate a range of decision-making powers to its subordinate committees and provides the Chief Executive with a range of delegations to enable it to operate on a day to day basis.

### RESPONSIBILITIES

The Council's functions (as per Schedule 7, Local Government Act 2002) include the powers that cannot be delegated such as the power to:

- make a rate to levy a uniform annual fee or uniform annual charge
- 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 or dismiss a Chief Executive
- 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 purpose of the Local Governance Statement
- adopt a remuneration and employment policy
- approve or amend standing orders
- approve or amend the code of conduct for elected members
- appoint and discharge members of committees (when not appointed by the Mayor)

The Council has also decided to retain, and not delegate, the following powers to:

- approve a proposed district plan (or part thereof) or approve a change to a district plan in accordance with the provisions of the Resource Management Act 1991
- adopt Council strategy and policy
- appoint representatives on external bodies
- remove chairpersons of committees
- approve the Triennial Agreement

5

- make decisions on representation reviews
- approve the recommendation on proposals for the remuneration of elected members
- establish a joint committee with another local authority or other public body
- appoint or remove trustees, directors or office holders to Council Controlled Organisations, Council Organisations and other external bodies
- approve attendance and associated costs of elected members at overseas conferences, seminars, training or events, or when representing the Council as part of a delegation or responding to an invitation.
- exercise any authority which it has delegated to a committee or officer which is referred to it for decision.

## Audit and Risk Committee

---

<b>REPORTS TO:</b>	Council
<b>CHAIRPERSON:</b>	
<b>DEPUTY CHAIRPERSON:</b>	Councillor Josh Trlin
<b>MEMBERSHIP:</b>	Mayor Anita Baker, Councillors Izzy Ford, Euon Murrell, Mike Duncan and Graeme Mitchell (external member)
<b>MEETING FREQUENCY:</b>	Quarterly
<b>QUORUM:</b>	Four

---

### PURPOSE

To assist the Council by ensuring there are robust internal controls for financial and non-financial assets, and that there are appropriate arrangements for internal and external reporting and accountability, risk management, internal and external audit functions and compliance with statutory processes, standards and best practice. The Committee will satisfy itself that the Annual Report has been prepared appropriately and recommend adoption by the Council.

### RESPONSIBILITIES

The Audit and Risk Committee shall have responsibility for:

#### Internal Control Framework

- Review whether management's approach to maintaining an effective internal control framework is current, sound and effective.
- Consider whether management has taken steps to embed a culture that is committed to probity and ethical behaviour.
- Review whether there are appropriate processes or systems in place to capture and effectively investigate fraud or material litigation should it be required.

#### Internal Reporting

- Consider the processes for ensuring the completeness and quality of financial and operational information, including health and safety, being provided to the Council.
- Seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council.



### **Risk Management**

- Review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of the Council's significant risks.
- Review the risk appetite established by management, ensuring the risk appetite aligns with the Council's strategy, plans and commitments to the public.
- Consider whether appropriate action is being taken by management to mitigate the Council's significant risks.
- Ensure management is kept apprised of the Council's governance body's views on uncontrolled risk.

### **Internal Audit**

- Approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile.
- Review the adequacy of management's implementation of internal audit recommendations.
- Review the internal audit charter to ensure appropriate organisational structures, authority access, independence resourcing and reporting arrangements are in place.
- Conduct a members-only session, when required, with internal audit to discuss any matters that the auditors wish to bring to the Committee's attention.

### **External Reporting and Accountability**

- Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes.
- Enquire of external auditors for any information that affects the quality and clarity of the Council's financial statements, and assess whether appropriate action has been taken by management.
- Satisfy itself that the financial statements are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and recommend signing of the financial statements by the Chief Executive / Mayor and adoption by the Council.
- Confirm that processes are in place to ensure that financial information included in the entity's Annual Report is consistent with the signed financial statements.
- Satisfy itself that the Statement of Service Performance is supported by appropriate management signoff on the statement and on the adequacy of the systems of internal management and control.
- Receive and consider the Summary Financial Statements for consistency with the Annual Report.
- Satisfy itself that the appropriate process has been followed in the preparation of the Annual Report and recommend adoption by the Council.

### **Treasury Policy**

- Evaluate and recommend to the Council approval to make changes to the Treasury Policy.
- Recommend to the Council appropriate delegated authority levels to officers to operate the Policy.

8

- As part of the Annual Plan and Long-term Plan process review the Council's debt levels.

**External Audit**

- Confirm the terms of the appointment and engagement including the nature and scope of the audit, timetable and fees, with the external auditor.
- Receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within.
- Conduct a members-only session with external audit to discuss any matters that the auditors wish to bring to the Committee's attention and/or any issues of independence.

**Compliance with Legislation, Standards and Best Practice Guidelines**

- Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), Council's own standards, and best practice guidelines.
- Receive the six monthly legal compliance report from management and review any proposed actions to address any non-compliance matters.

**Long-term Plan**

- Confirm the terms of appointment and engagement, including the nature and scope of the audit, timetable, and fees with the external auditor.
- Receive and then consider the contents of the Long-term Plan and the auditor's report pursuant to section 94 of the LGA 2002.



## Chief Executive Employment Committee

<b>REPORTS TO:</b>	Council
<b>CHAIRPERSON:</b>	Councillor Euon Murrell
<b>DEPUTY CHAIRPERSON:</b>	Mayor Anita Baker
<b>MEMBERSHIP:</b>	Councillors Izzy Ford, Kylie Wihapi, Ross Leggett and Nathan Waddle, Taku Parai, Council Kaumātua (Te Rūnanga o Toa Rangatira)
<b>MEETING FREQUENCY:</b>	Two times per annum, or as required
<b>QUORUM:</b>	Four

### PURPOSE

The Chief Executive Employment Committee will have responsibility for the effective monitoring of the Chief Executive's performance and has the authority to undertake the annual remuneration review.

The Committee also has the role of undertaking any review for the purposes of clause 35 schedule 7 LGA 2002, making a recommendation under clause 34 schedule 7 LGA 2002, and (if applicable) undertaking any recruitment and selection process, for recommendation to the Council.

### RESPONSIBILITIES

The Chief Executive Employment Committee will have responsibility and authority to:

- Agree with the Chief Executive the annual performance objectives.
- Conduct the performance review required in the employment agreement between the Council and the Chief Executive.
- Undertake the annual remuneration review and make decisions regarding remuneration.
- Represent the Council in regard to any issues which may arise in respect to the Chief Executive's job description, agreement, performance objectives or other similar matters.
- Oversee any recruitment and selection process for a Chief Executive (noting that a decision on appointment must by law be made by the Council).
- Conduct and complete a review of employment under clause 35 schedule 7 LGA 2002, and make a recommendation to Council under clause 34 schedule 7 LGA 2002.

## Grants, Awards and Events Committee

<b>REPORTS TO:</b>	Council
<b>CHAIRPERSON:</b>	Councillor Fafoi Seiuli
<b>DEPUTY CHAIRPERSON:</b>	Councillor Nathan Waddle
<b>MEMBERSHIP:</b>	Councillors Moze Galo, Kylie Wihapi and Geoff Hayward
<b>MEETING FREQUENCY:</b>	As required
<b>QUORUM:</b>	Three

### PURPOSE

The Grants Awards and Events Committee will administer the community grants programme, allocating grants associated with the Community Funding Policy and Events Strategy. The Committee will also administer the Council's awards and have functions related to the Creative Communities Assessment Committee and Wellington Regional Airport Awards judging panel.

### RESPONSIBILITIES

- To disburse funds as determined by the the Council's Community Funding Policy
- To disburse funds as determined by the the Council's Events Strategy
- Manage the Council's:
  - Civic Awards
  - Mayoral Recognition Certificates
- Appoint one Councillor as the Mayor's alternate on the Wellington Regional Airport Awards Judging Panel
- Appoint one Councillor to the Porirua Sports Awards Judging Panel.

### Grants

The Grants, Awards and Events Committee shall have the following delegated power and be accountable to the Council for the exercising of that power which is to be able to:

- approve individual grants up to and including amounts of \$30,000 in any financial year
- approve combined sponsorship grants up to a total of \$110,000 in any financial year.

### Awards

The Committee will agree the eligibility criteria and nominations process, evaluate nominations and agree to confer awards on nominated citizens and groups in accordance with specific award criteria set out in nomination guidelines.

In exercising this delegated power, the Grants, Awards and Events Committee will operate within:

- policies, plans, standards or guidelines that have been established and approved by the Council
- the overall priorities of the Council
- the needs of the local communities
- the approved budgets for the activity.

Note: The Committee may make a recommendation to the Council on any matters that fall outside its financial delegations.

## Te Puna Kōrero

---

<b>REPORTS TO:</b>	Council
<b>CHAIRPERSON:</b>	Councillor Ross Leggett
<b>DEPUTY CHAIRPERSON:</b>	Councillor Izzy Ford
<b>MEMBERSHIP:</b>	The Mayor and all Councillors, Taku Parai, Council Kaumātua (Te Rūnanga o Toa Rangatira)
<b>MEETING FREQUENCY:</b>	Twice monthly
<b>QUORUM:</b>	Seven

---

### PURPOSE

To set the broad vision and direction of the city, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies and policies, bylaws and regulations, and work programmes to achieve those goals.

In determining and shaping the strategies, policies, regulations and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment with the four strategic priorities:

- *Children and young people at the heart of the city* – placing children and young people 'at the heart of our city' by ensuring Council's plans and decisions help children to reach their potential
- *A healthy and protected harbour and catchment* – Te Awarua-o-Porirua is the centrepiece of our community culturally, recreationally and environmentally
- *A growing prosperous and regionally connected city* – providing a range of business and employment opportunities, attracting new residents and visitors to the city, and contribute to an economically strong and prosperous region
- *A great village and city experience* – providing recreational, social and cultural opportunities for all ages

### RESPONSIBILITIES

#### Long-term plan and Annual Plan

- Develop the draft and final Long-term Plan and associated tasks, strategies, identification of key projects, general planning assumptions, financial strategy and budgets, levels of service, phasing of work for recommendation to the Council including:
  - key strategies related to long-term planning e.g: 30 year Infrastructure Strategy and Long-term Financial Strategy
  - statutory policies related to long-term planning e.g.: Revenue and Financing Policy, Significance and Engagement Policy, Development Contributions Policy,
  - asset management plans

- Develop the draft and final Annual Plan and associated tasks, strategies, identification of key projects, assumptions, budgets, levels of service, phasing of work for recommendation to the Council.
- Develop the performance and monitoring framework to gauge progress on strategic direction
- Agree the engagement and consultation plans and the consultation document and information for the draft Long-term and Annual Plans.

#### **Strategy and Policy**

- Develop draft strategy and policy, planning, service delivery, operations, engagement and consultation relating to projects and programmes
- Recommend to Council strategy and policy for adoption
- Monitor and review strategy and policy
- Develop any bylaw proposal for recommendation to the Council

#### **Significant Projects and Monitoring and Reporting**

- Monitor financial performance and expenditure including reallocation of funding as required throughout the financial year
- Monitoring and oversight of significant projects
- Make recommendations to the Council on the outcomes of service delivery reviews (s17A Local Government Act 2002)

#### **Governance and Consultation**

- Recommendation to the Council on regional and national governance matters (e.g. Triennial Agreement and shared services)
- Review and develop policy and practices relating to governance, including representation reviews for recommendation to the Council
- Determine the significance of current and emerging issues and the appropriate response and engagement required
- Ensure the Council's overall framework for consultation and engagement policies and practices are fit for purpose and enhance decision-making, including:
  - the relationship with Ngāti Toa Rangatira
  - key stakeholder partnerships and relationships
- Conduct any consultation processes required for issues before the Committee

#### **District Plan**

- Approve discussion documents and Draft District Plan changes and/or variations for public feedback and comment
- Make recommendations to the Council on adopting proposed District Plan changes and/or variations for public notification
- Make decisions on private plan change requests
- Authorise the resolution of appeals on a proposed plan, plan change, variation or designation
- Make recommendations to the Council concerning all requirements to be notified by the Council, and all requirements received by the Council under Part 8 of the Resource Management Act 1991 (designations and heritage orders)
- Decide the Council's approach to conducting hearings required under the first schedule RMA.

#### **Property and Roads**

- Recommendations to the Council for acquisition, retention and disposal of property



- Make recommendations to Council on any road stopping
- Make any resolution required under section 319 of the Local Government Act 1974 (naming of roads).

**Reserves Act (and open space managed as reserve)**

- For all Council owned or managed land that is a reserve under the Reserves Act 1977, or is managed as reserve, the power to:
  - a. Agree leases and licences referred to the Committee by the Chief Executive
  - b. Adopt management plans, and amendments
  - c. Adopt names
  - d. Agree reserve classifications, make a reserve, revoke a reserve
  - e. Agree vegetation removal referred to the Committee by the Chief Executive

Noting that in making a decision under (a) and (e) the Chief Executive will consider financial impact, duration, scale of activity and public interest.

**OTHER**

- To consider matters that are brought to it for consideration from the Chief Executive.
- To appoint subcommittees to consider and make recommendations to the Committee on any aspect of the Committee's work.
- Set fees where applicable legislation requires that the fees are required to be set by resolution and they have not been set through the long term or annual plans (noting that all other fees can be set by officers acting under delegated authority).
- To approve submissions to external bodies and organisations except where they are of an operational or technical nature.

**Note:**

- If it is impractical to agree the submission before the close date refer to the delegation in the section "Role Description and Delegations, page 26)
- The Chief Executive has the authority to make operational and technical submissions that are consistent with Council policy.

## Porirua District Licensing Committee

<b>REPORTS TO:</b>	Council
<b>CHAIRPERSON:</b>	Councillor Kylie Wihapi
<b>DEPUTY CHAIRPERSON:</b>	Councillor Mike Duncan
<b>MEMBERSHIP:</b>	Councillor Kylie Wihapi and Councillor Mike Duncan, list members
<b>MEETING FREQUENCY:</b>	As required
<b>QUORUM:</b>	Opposed licence or manager's certificate applications requires a quorum of 3. Unopposed licence or manager's certificate applications can be heard by the chairperson or the deputy chairperson.

### PURPOSE

The Sale and Supply of Alcohol Act 2012 (the Act) requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.<sup>1</sup> The Porirua Licensing Committee is appointed to administer the Council's alcohol licensing framework as determined by the Act and the Council's Local Alcohol Policy.

### RESPONSIBILITIES

The functions of the Porirua Licensing Committee under the Act are:

- to consider and determine applications for licenses and manager's certificates
- to consider and determine applications for renewal of licences and manager's certificates
- to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act
- to consider and determine applications for the variation, suspension, or cancellation of special licences
- to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Act (Note: section 280 relates to applications by constables or inspectors to the Alcohol Regulatory Licensing Authority (ARLA) for the variation, suspension or cancellation of a licence, other than a special licence)
- with the leave of the chairperson for the licensing authority (ARLA), to refer applications to the licensing authority
- to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act

<sup>1</sup> Section 186 Sale and Supply of Alcohol Act 2012



- any other functions conferred on licensing committees by or under the Act or any other enactment.

**Terms of Reference**  
**JOINT Committees**  
**of Porirua City Council**  
**2016-2019**

## Te Awarua-o-Porirua Harbour and Catchment Joint Committee

---

<b>REPORTS TO:</b>	Porirua City Council, Wellington City Council and Greater Wellington Regional Council
<b>CHAIRPERSON:</b>	The chair to be selected by Porirua City Council
<b>DEPUTY CHAIRPERSON:</b>	
<b>MEMBERSHIP:</b>	Porirua City Council: Wellington City Council: Greater Wellington Regional Council: Ngāti Toa:
<b>MEETING FREQUENCY:</b>	As required
<b>QUORUM:</b>	Not less than 3 members, comprising at least one member from Porirua City Council

---

### PURPOSE

The purpose of the Te Awarua-o-Porirua Harbour and Catchment Joint Committee (Harbour Committee) is to oversee the development, monitoring, review and implementation of the Porirua Harbour and Catchment Strategy and Action Plan 2012 (Harbour Strategy).

### STATUS

Te Awarua-o-Porirua Harbour and Catchment Joint Committee is a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

In accordance with clause 30(7) of Schedule 7 of the Local Government act, the Joint Committee is not deemed discharged following each triennial election.

### LINKAGES

A healthy and protected harbour and catchment is one of the Council's four strategic priorities.

Within the Council, there are very important links between the work of the Council's Harbour Committee, City Direction Committee and City Delivery Committee.

Externally, there is an important link between the work of the Council's Harbour Committee and the Greater Wellington Regional Council's Te Awarua-o-Porirua Whaitua Committee (the Whaitua Committee) on which the Council will have an elected member.

The Whaitua Committee is a non-statutory advisory body that will produce a Whaitua Implementation Programme (WIP) that will provide recommendations to GWRC on the review of regional council planning provisions and the use of regulatory and non-regulatory tools relating to the management of land and water resources in the Porirua Harbour catchment. The outcomes of the Whaitua Committee's process and WIP will influence the work of the Council and the Harbour Committee.

### **SPECIFIC RESPONSIBILITIES**

Te Awarua-o-Porirua Harbour and Catchment Joint Committee shall have responsibility for:

1. Porirua Harbour and Catchment Strategy – monitoring and review: Overseeing the monitoring and review of the Porirua Harbour and Catchment Strategy and its supporting action plan programme
2. monitoring and reporting to Porirua City, Wellington City and Greater Wellington Regional Councils on:
  - a. progress toward achieving outcomes specified within the Harbour Strategy
  - b. implementation, delivery and effectiveness of agree programmes and initiatives
  - c. effectiveness and efficiency of interagency coordination in developing and delivering effective and efficient Harbour Strategy programmes, including options and recommendations for council consideration
  - d. issues arising concerning harbour and catchment health, and related options and recommendations for council consideration
3. strategy Implementation modifications and refinements: Providing recommendations on programmes and actions (including modifications or refinements to existing or approved programmes) and related funding and timing matters that are required to support and/or give effect to the Harbour Strategy
4. requesting reports from Porirua City, Wellington City and/or Greater Wellington Regional Councils, as appropriate, on projects and programmes that affect the harbour, including projects and programmes run by Council Controlled Organisations and other business delivery units of the member organisations of the harbour committee
5. representing the interests of its members in the Harbour Strategy

### **DELEGATIONS**

Te Awarua-o-Porirua Harbour and Catchment Joint Committee shall have the following delegated powers and be jointly accountable to its authorising bodies (Porirua City I, Greater Wellington Regional and Wellington City Councils) for the exercising of these powers.

In exercising the delegated powers, the Te Awarua-o-Porirua Harbour and Catchment Joint Committee will:

- operate within policies, plans, standards or guidelines that have been established and approved by its authorising bodies
- operate having regard to the overall priorities of its authorising bodies
- operate having regard to the needs of local communities
- operate within approved budgets set by its authorising bodies.

Te Awarua-o-Porirua Harbour and Catchment Joint Committee shall have delegated authority to:

- recommend to its authorising bodies an annual programme, and proposed budget, for consideration in the development of any annual and/or long term plan
- recommend to its authorising bodies any significant change/s in budget or scope of any approved annual programme
- recommend organisational contribution toward strategy implementation, including timing, budget, and delivery specifications.

The chairperson of Te Awarua-o-Porirua Harbour and Catchment Joint Committee shall have delegated authority to:

- represent the Committee to the media on matters related to the Harbour Strategy.

Members of Te Awarua-o-Porirua Harbour and Catchment Joint Committee shall have delegated authority to:

- represent their authorising body in discussions with other agencies on harbour strategy delivery
- represent their authorising body on matters relating to the Harbour Strategy to the media.

### **POWER TO DELEGATE**

The Te Awarua-o-Porirua Harbour and Catchment Joint Committee may not delegate any of its responsibilities, duties or powers.

Each member will, appoint their representative(s) and, pursuant to clause 30(9) of Schedule 7 of the Act, retains the power to discharge the member. Each representative is appointed for a term that expires on the date of the next local government triennial election.

The Council's Chief Executive will be responsible for servicing and providing support to the Harbour Committee in the completion of its duties and responsibilities.

The Chief Executive of the Council generally appoints a general manager to provide these functions on his/her behalf.

### **CONTACTS WITH MEDIA AND OUTSIDE AGENCIES**

The Harbour Committee Chairperson is the authorised spokesperson for the Committee in all matters where the Committee has authority or a particular interest.

Harbour Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of their authorising or representative body on matters outside of the Committee's delegations.

The General Manager of City Growth and Partnerships (Porirua City Council) will manage the formal communications between the Harbour Committee and its constituents and for the Committee in the exercise of its business.

Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

#### **CONDUCT OF AFFAIRS**

The Harbour Committee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, the Council's Standing Orders and Code of Conduct.

#### **PUBLIC ACCESS AND REPORTING**

Notification of meetings to the public and public access to meetings and information shall comply with the Council's standing orders, but it should be noted that:

- at any meeting of the Harbour Committee at which no resolutions or decisions are made, the provisions of standing orders relating to public access do not apply
- workshop meetings solely for information and discussions and at which no resolutions or decisions are made may be held in accordance with standing orders
- extraordinary meetings of the Harbour Committee may be held in accordance with standing orders
- The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987 s.48

The Harbour Committee shall record minutes of all its proceedings and present the minutes to each of its members' next available Council meeting following the Committee meeting.



## Wastewater Treatment Plant and Landfill Joint Committee

---

<b>REPORTS TO:</b>	Porirua City Council and Wellington City Council
<b>CHAIRPERSON:</b>	The Chairperson shall be appointed from within the Committee)
<b>DEPUTY CHAIRPERSON:</b>	The Deputy Chairperson shall be appointed from within the Committee)
<b>MEMBERSHIP:</b>	Councillors Euon Murrell, Geoff Hayward and Mike Duncan; Councillor (Wellington City Council) with Councillor as alternate (Wellington City Council)
<b>MEETING FREQUENCY:</b>	Quarterly
<b>QUORUM:</b>	Three

---

### PURPOSE

To provide governance for the joint services entered into by the Porirua and Wellington City Councils through the joint venture agreements for the Wastewater Treatment Plant and the Spicer Valley Landfill and the associated land.

### RESPONSIBILITIES

- Overview, input and policy formulation in the areas of management of the Spicer Valley joint landfill operation, and the Wastewater Treatment Plant, as set out in the joint venture agreements, entered into by both Councils, including development of Trade Waste Bylaws
- Proposals for infrastructural development relating to the joint ventures
- New initiatives relating to the joint ventures
- The land associated with the treatment plant and landfill that provides a buffer zone between this infrastructure and the privately owned land. This refers to the reserve land around the treatment plant and landfill including the land known as Spicer Forest and Spicer Botanical Forest
- Any proposed service changes

### DELEGATIONS

The Wastewater Treatment Plant and Landfill Joint Committee shall have the following delegated powers and be accountable to the Council for the exercising of these powers.

- The powers of the Joint Standing Committee as described in the deed relating to joint works dated 22 December 1986 and the powers of the Joint Committee as described in the agreement relating to Joint refuse disposal works dated 2 May 1983



- Setting of fees and charges related to the operation of the Spicer Valley Landfill and recommending the basis for charging for trade wastes at the Wastewater Treatment Plant
- Decisions on acceptance of wastes into the Spicer Valley landfill and Wastewater Treatment Plant

In exercising the delegated powers, the Wastewater Treatment Plant and Landfill Joint Committee will operate within:

- policies, plans standards or guidelines that have been established and approved by the Council
- the overall priorities of the Council
- the needs of the local communities
- the approved budgets for the activity.

#### **POWER TO DELEGATE**

The Wastewater Treatment Plant and Landfill Joint Committee may not delegate any of its responsibilities, duties or powers.

#### **COMMITTEE CHAIR**

The chairperson shall be appointed from within the committee membership.

#### **CONTACTS WITH MEDIA AND OUTSIDE AGENCIES**

The Committee chairperson is the authorised spokesperson for the Committee in all matters where the Committee has authority or a particular interest.

Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council on matters outside of the Committee's delegations.

The General Manager of City Growth and Partnerships (Porirua City Council) will manage the formal communications between the Committee and its constituents and for the Committee in the exercise of its business.

#### **CONDUCT OF AFFAIRS**

The Committee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, the Council's Standing Orders and Code of Conduct.

#### **PUBLIC ACCESS AND REPORTING**

Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:

- at any meeting of the Committee at which no resolutions or decisions are made, the provisions of standing orders relating to public access do not apply

- workshop meetings solely for information and discussions and at which no resolutions or decisions are made may be held in accordance with standing orders
- extraordinary meetings of the Committee may be held in accordance with standing orders
- the public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987 s.48.

The Committee shall record minutes of all its proceedings and present the minutes to the next available Council meeting following the Committee meeting.

## Role Descriptions and Delegations

---

### **MAYOR**

The Mayor is the leader of the Council and has the statutory role to provide leadership to the other members of the Council and the people in the district. The Mayor will lead the development of the Council's plans, policies and budgets for consideration by the Council. The Mayor is the primary Council spokesperson.

The Mayor will lead the following, supported as necessary by the relevant Councillors:

- Central government liaison
- Regional governance
- Emergency management
- Relationship with iwi
- Specific significant projects (to be determined at the Mayor's discretion)
- City resilience

In addition the Mayor has the delegated authority to:

- Approve the Chief Executive's annual leave, overseas travel and expenditure on professional development.
- Approve the Deputy Mayor's and elected member attendance at conferences and associated travel within New Zealand provided that it can be funded from the budget approved as part of the Annual Plan.

### **DEPUTY MAYOR**

The Deputy Mayor will:

- Assist the Mayor in carrying out the statutory and leadership role of the Mayor.
- If the Mayor is absent or incapacitated, perform all of the responsibilities and duties, and exercise any powers of the Mayor (other than the powers under section 41A LGA 2002 and the role of the Justice of the Peace).
- Lead and take responsibility for liaison with Councillors on matters of support for carrying out their governance role.

In the absence of the Mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the Deputy Mayor is empowered to perform the duties and responsibilities of the Mayor under subclauses 17(3), (4) and (5) of Schedule 7 of the Local Government Act 2002.

The Deputy Mayor is authorised to approve the Mayor's attendance at conferences or training and associated travel and accommodation within New Zealand provided that:

- It can be funded from the budget approved as part of the Annual Plan; and
- The Deputy Mayor consults with the Chair of Te Puna Kōrero prior to approval.

## **OTHER**

All requests for travel overseas (whether for the purpose of training, representing the Council, international relations or attending conferences) – and the associated costs (if any) must be presented to the Council for approval.

In urgent circumstances, when it is impractical for the Council to consider the item on an agenda prior to travel, approval must be sought from the Mayor and Deputy Mayor. If the travel is for the Mayor, then it must be considered by the Deputy Mayor and the Chair of Te Puna Kōrero, or if the travel is for the Deputy Mayor it must be approved by the Mayor and Chair of Te Puna Kōrero.

The Chief Executive in consultation with the Mayor and Chair of Te Puna Kōrero are authorised to approve Council submissions if it is impractical for the matter to be determined by Te Puna Kōrero before the submission 'close date'. All Councillors must be advised of the submission and provided copies if requested.

The Chair of Te Puna Kōrero and General Manager – Policy, Planning and Regulatory Services or Manager, Resource Consents are authorised to appoint Councillors (sitting as hearings commissioners) and/or independent commissioners to hearings panels for Resource Management Act hearings.

## **CHAIR OF A COMMITTEE**

A Chair of a Committee will:

- Provide leadership to the committee.
- Ensure decision-making is evidence based and made in a timely manner.
- Conduct the meeting in accordance with standing orders and legislation.
- Enhance relationships with key stakeholders.
- Where an issue does not come within a separate portfolio responsibility or is an issue of committee process, act as the Council's spokesperson and point of contact for the Committee' activities.
- Collaborate with other committee chairs where objectives are shared.
- Work effectively with Council officers.
- Ensure progress is made towards the Council's strategic priorities in the Committee's area of responsibility.
- Ensure governance oversight and direction is provided to the projects that report to their Committee.
- 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 Team staff member in the first instance, following with the Mayor and Chief Executive if necessary.

## Chief Executive Delegations

### **APPROACH**

- The delegation to the Chief Executive affirms that the Long-term Plan and the Annual Plan provide the basis for the implementation of Council decisions by the Chief Executive. Through and under the Long-term Plan and Annual Plan, operational and capital expenditure budgets, some fees and charges, service levels, specific projects, and other significant requirements are approved by the Council.
- The Chief Executive and management are then authorised to proceed to make all necessary decisions and arrangements in line with those decisions.
- The delegation to the Chief Executive is supported by the quarterly report and performance monitoring function performed by Te Puna Kōrero.
- The delegation is also supported by effective communication and constructive working arrangements between elected members and the Chief Executive, such as regular briefings and the Chief Executive's Key Performance Indicators.

### **DELEGATION**

The Council delegates the following to the Chief Executive under clause 32 of Schedule 7 of the Local Government Act 2002:

- The Chief Executive is delegated all powers, functions and authorities (other than those retained by Council, or contained within the delegations to committees or other subordinate decision-making bodies) subject to any legal limits on the Council's ability to do so, provided that:
  - the Chief Executive acts within the law,
  - Council policy (as approved from time to time) and
  - the Long-term Plan and Annual Plan.
- In order to ensure effective and efficient delivery of the Long-term Plan and Annual Plan the Chief Executive delegations authorise the following tolerance levels:
  - If the operating budget for any Group Activity area will be exceeded by an amount no greater than 5% for that year, but the overall Annual Plan budget level can be maintained, the Chief Executive (in consultation with the Chief Financial Officer) has the authority to approve budget transfers between Activity areas, but subject to the following criteria:
    - The overspends will not result in other projects or sub projects being cancelled; or
    - Any projects or sub projects included in the Annual Plan that will not be completed as planned in the current or following year will be reported to the appropriate committee for approval.

Note: the net operating budget or surplus for this purpose excludes revaluations and gain/loss on sale of assets and any other extraordinary items.
  - If an individual Capital Expenditure programme in the Annual Plan will be exceeded by up to 10% for that year, the Chief Executive has the authority to approve that expenditure, as long as the overall Capital Expenditure budget for the year is not exceeded and subject to the following criteria:
    - The overall Annual Plan capital expenditure dollar amount is not exceeded; and



- Any overspends must be offset by savings in the current year on a reduction in the dollar amount carried forward to the following years; and
    - The overspends will not result in other projects or sub projects being cancelled; or
    - any projects or sub projects included in the Annual Plan that will not be completed as planned in the current or following year will be reported to the Committee for approval.
    - For any projects that straddle more than one financial year then the 10% applies to the total project cost and not the cost in the current financial year.
  - Any actual or forecast variations to budget will be reported to the Council or Te Puna Kōrero for noting and approval.
- The Chief Executive has the authority to approve unbudgeted expenditure (ether Capital or Operating) where the incurring of the expenditure relates to:
  - Urgent health and safety or legislative requirements
  - An emergency (whether one has been declared or not) provided that if the amount is in excess of \$1m then the Chief Executive must consult with and get agreement from the Mayor or Deputy Mayor if the Mayor is incapacitated. However, in the highly exception event that the Chief Executive is unable to consult, then the Chief Executive is still authorised to commit to the expenditure, but must report the exercise of the delegation to the Mayor and Council as soon as possible.
- The Chief Executive has the authority to sign any contract, legal agreement, debt instrument, or memorandum of understanding in order to give effect to the Annual Plan and Long-term Plan and / or existing policy. Where the content relates to the Council's relationship with external stakeholders / organisations, the Mayor must be advised. The Mayor will determine whether the Mayor or Chief Executive is the appropriate signatory and / or whether the matter is referred to Council or Committee.

## Resource Management Delegations

Existing Resource Management delegations will remain in operation for the triennium, though some resource management delegations were updated at the Council meeting on [ 2019] to reflect the new Committee structure and the District Plan work programme.

The table below summarises the delegations in place and their source:

Function power and duty	Held by	Delegation/ source
Approve proposed plan change or variation for notification	Te Puna Kōrero for recommendation to the Council	2019-22 TOR
Make a decision on a plan change (including private plan changes)	Council	2019-22 TOR
Conduct hearing and make a recommendation to Council on a plan change (and undertake all associated procedural steps)	Independent Commissioners and Councillors (sitting as Commissioners)	Resolution of Council [xxx November 2019]
Conduct a hearing and make a decision on resource consents, designations, reviews, change or cancellation of conditions (and undertake all associated procedural steps)	Independent Commissioners and Councillors (sitting as Commissioners)	Resolution of Council 27 June 2018 as amended on [xxx November 2019]
All other functions & powers not retained by Council & Committee nor delegated to commissioners	Chief Executive and other named officers	Council resolutions dated 27 June 2019 and [xxx November 2019] resolutions / delegation to the Chief Executive O 2019-22 TOR
Appointment of Commissioners - resource consents, designations, etc	Chair Te Puna Kōrero in consultation with relevant managers	[xxx November 2019] resolutions
Appointment of Commissioners - plan changes	Chair of Te Puna Kōrero in consultation with relevant managers	[xxx November 2019] resolutions