

Notice of the ordinary meeting of

Nelson City Council

Te Kaunihera o Whakatū

Date:	14 November 2019
Time:	9.00a.m.
Location:	Council Chamber, Civic House 110 Trafalgar Street Nelson

Agenda

Rārangi take

Mayor Her Worship the Mayor Rachel Reese

Deputy Mayor Cr Judene Edgar

Members

- Cr Yvonne Bowater
- Cr Trudie Brand
- Cr Mel Courtney
- Cr Kate Fulton
- Cr Matt Lawrey
- Cr Brian McGurk
- Cr Gaile Noonan
- Cr Rohan O'Neill-Stevens
- Cr Pete Rainey
- Cr Rachel Sanson
- Cr Tim Skinner

Quorum 7

Pat Dougherty
Chief Executive Officer

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision. For enquiries call (03) 5460436.

Council Values

Following are the values agreed during the 2016 – 2019 term:

- A. Whakautetanga: respect
- B. Kōrero Pono: integrity
- C. Māiatanga: courage
- D. Whakamanatanga: effectiveness
- E. Whakamōwaitanga: humility
- F. Kaitiakitanga: stewardship
- G. Manaakitanga: generosity of spirit

Opening Prayer**1. Apologies**

- 1.1 An apology has been received from Councillor Lawrey

2. Confirmation of Order of Business**3. Interests**

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

4. Public Forum

- 4.1 Zero Carbon Nelson Tasman - Introduction to the Group, its work and looking ahead
- 4.2 Joe Rifici - 5G
- 4.3 David Orr - Toilets, Litter and Recycling
- 4.4 Nelson Young Labour - Better Public Transport Across Te Tau Ihu

5. Confirmation of Minutes

- 5.1 31 October 2019 **11 - 19**
- Document number M6516
- Recommendation

That the Council

- 1. Confirms the minutes of the meeting of the Council, held on 31 October 2019, as a true and correct record.***

6. Statutory Declaration

The hearing and attesting of the written version of the Statutory Declaration by Councillor elect Yvonne Bowater,

pursuant to Clause 14 of Schedule 7 of the Local Government Act 2002, is required before she may act as a member of the Nelson City Council. Councillor elect Bowater was unable to attend the inaugural meeting of Council on 31 October 2019.

Councillor elect Bowater is required to read aloud and sign the Declaration.

7. Acknowledgement of Past Service

Elected members will have the opportunity to acknowledge the service of departing members.

8. Mayor's Report

20 - 46

Document number R12566

Recommendation

That the Council

1. Receives the report Mayor's Report (R12566) and its attachments (A2297022, A1667136, A1702206, A1554165 and A2297276); and

2. Appoints the following elected members to other Committees:

Committee	Chair	Deputy Chair	Membership
Joint Shareholders Committee	Alternates between Mayors of each district	None appointed	Mayor Rachel Reese Judene Edgar Rachel Sanson Brian McGurk Gaile Noonan Mel Courtney
Nelson Regional Sewerage Business Unit (Joint)			Brian McGurk Tim Skinner External (Brendon Silcock) Iwi Rep (Frank Hippolite)
Nelson Tasman Regional Landfill Business Unit (Joint)			Judene Edgar Kate Fulton Iwi Rep (Andrew Stephens)
Saxton Field Committee (Joint)	External Appointment		Judene Edgar Tim Skinner
District Licensing Committee	External Appointment	Kate Fulton	Gaile Noonan

	(Oke Blaikie)		External Appointments to 15 Nov 2023: Gail Collingwood Derek Shaw Laurie Gabites David Lewis
Forestry Advisory Group	External Appointment		Mayor Rachel Reese Rachel Sanson Independent External Forestry Expert
Hearings Panel - Other	n/a – Panel constituted as required	n/a – Panel constituted as required	All elected members in rotation (except the Mayor)
Hearings Panel – Resource Management Act	n/a – Panel constituted as required	n/a – Panel constituted as required	Elected members with commissioner accreditation: Mayor Rachel Reese Kate Fulton Brian McGurk Tim Skinner
Resource Management Act Procedures Committee	n/a – Panel constituted as required	Appointed by the Committee	Mayor Rachel Reese Kate Fulton Brian McGurk
Iwi-Council Advisory Group			Mayor Rachel Reese Judene Edgar Matt Lawrey Rachel Sanson
Greenmeado ws Working Party			Mayor Rachel Reese Gaile Noonan Mel Courtney Chair of Audit & Risk Committee
Tenders Committee			Mayor Deputy Mayor Chair of the Governance and Finance Committee Chair of the relevant committee with responsibility relating to a tender

3. Approves (subject to their acceptance of the role) the reappointment of:

Committee/Group	External Appointment
Governance and Finance Committee	John Peters John Murray
Environment Committee	Glenice Paine
Audit and Risk Committee	John Peters (Chair) John Murray
Forestry Advisory Group	John Murray (Chair) Peter Gorman (independent External Forestry Expert)

4. Delegates the appropriate Committees of Council, as set out in document A2297276, to determine Councillor Liaison appointments to external organisations and groups that are within the committees' areas of responsibility; and

5. Appoints Elected Members to liaison roles as follows:

Organisation/Group	Appointment/Liaison
Developer Advisory Group	Mayor Rachel Reese Mel Courtney Matt Lawrey
Urban Design Champion	Pete Rainey
Positive Aging Forum	Yvonne Bowater
Eelco Boswijk Civic Awards	Mayor Rachel Reese Trudie Brand Judene Edgar Kate Fulton Matt Lawrey Pete Rainey
Nelson Youth Council	Rohan O'Neill-Stevens All other Elected Members on rotation
Tasman Bays Heritage Trust Appointments Committee	Mel Courtney Gaile Noonan
Youth Nelson	Yvonne Bowater
Sister Cities Coordinating Group	Trudie Brand
Waimea Inlet Coordination Group	Brian McGurk

6. Notes that Mayor Rachel Reese is a member of the following bodies by legislation or governing documentation:

- **Nelson Mayoral Relief Trust**
- **Mayoral Taskforce for Jobs Steering Group**
- **Mayoral Taskforce for City Futures**

- **Cawthron Institute Board**
- **Nelson Municipal Band Trust**
- **Whakatū Marae Committee Inc; and**

7. Appoints Gail Collingwood as Sister Cities Coordinator for a period of three years finishing in October 2022.

9. Te Tauihu Intergenerational Strategy 47 - 49

Document number R13586

Recommendation

That the Council

1. Receives the report Te Tauihu Intergenerational Strategy (R13586) and its attachments (A2296947 and A2296946).

10. Delegations Register 2019 50 - 151

Document number R12568

Recommendation

That the Council

1. Receives the report Delegations Register 2019 (R12568) and its attachments (A1183061, A1983271, A1983272, A1342334, A1437349, A1739267, A2288940); and

2. Adopts the Delegations Register (A1183061); and

3. Amends the Memoranda of Understanding governing the Nelson Regional Sewerage Business Unit (A1983271) and the Terms of Reference governing the Nelson Tasman Regional Landfill Business Unit (A1983272) and the Saxton Field Committee (A1342334), subject to Tasman District Council passing an equivalent resolution; and

4. Amends the Terms of Reference governing the Audit and Risk Subcommittee (A1437349) and the Forestry Advisory Group (A1739267); and

5. **Adopts the Terms of Reference for the City Centre Working Group (A2288940); and**
6. **Revokes the following resolution of Council of 20 March 2018 [CL/2018/023]:**

That the Council:

Undertakes the review of the Dog Control Policy and Bylaw. ; and

7. **Confirms in accordance with the Delegations Register, that the Environment Committee undertakes a review of the Dog Control Policy and Bylaw.**

11. Schedule of Meetings

152 - 154

Document number R11460

Recommendation

That the Council

1. **Receives the report Schedule of Meetings (R11460) and its attachment (A2256931); and**
2. **Adopts the schedule of meetings for the remainder of the 2019 calendar year as set out in Attachment 1 (A2256931).**

CONFIDENTIAL BUSINESS

12. Exclusion of the Public

Recommendation

That the Council

1. **Confirms, in accordance with sections 48(5) and 48(6) of the Local Government Official Information and Meetings Act 1987, that Emma Moran of DLA Piper remain after the public has been excluded, for Item 1 of the Public Excluded agenda (Community Housing: Approval of Terms of Sale), as she has**

knowledge relating to the terms of sale that will assist the meeting.

Recommendation

That the Council

- 1. Excludes the public from the following parts of the proceedings of this meeting.***
- 2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Community Housing: Approval of Terms of Sale	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(c)(i) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied • Section 7(2)(g) To maintain legal professional privilege • Section 7(2)(i) To enable the local authority to carry on, without prejudice or

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
			disadvantage, negotiations (including commercial and industrial negotiations)
2	Nelson City Council Workplace Improvement - Accommodation Options	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

Note:

- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will be provided.**



Minutes of a meeting of the Nelson City Council

Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson

On Thursday 31 October 2019, commencing at 1.34p.m.

Present: Her Worship the Mayor R Reese (Chairperson), Councillors T Brand, M Courtney, J Edgar, K Fulton, M Lawrey, R O'Neill-Stevens, B McGurk, G Noonan, P Rainey, R Sanson and T Skinner

In Attendance: Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Environmental Management (C Barton), Group Manager Community Services (R Ball), Group Manager Corporate Services (N Harrison), Group Manager Strategy and Communications (N McDonald), Kaihautū, (P Lee), Team Leader Governance (R Byrne) and Governance Adviser (E Stephenson)

Apology: Councillor Elect Yvonne Bowater

Council's Chief Executive, Pat Dougherty, opened the meeting.

Elected Members, led by Her Worship the Mayor, processed into the Chamber to a karanga from Whaea Mel.

1. Karakia

Kaumātua Shane gave the karakia and mihi whakatau and the Council waiata was sung.

2. Statutory Declarations

Document number R12544, agenda pages 9 - 10 refer.

Her Worship the Mayor made her statutory declaration, witnessed by the Chief Executive and assumed the chair at 1.40p.m.

Her Worship the Mayor then called on each of the councillors to make their statutory declarations.

3 Mayor's Speech

Her Worship the Mayor gave her inaugural speech.

Kaumātua Shane gave a closing karakia for the ceremonial part of the meeting.

The meeting was adjourned at 2.09p.m. and reconvened at 2.56p.m.

4. Apologies

Resolved CL/2019/216

That the Council

- 1. Receives and accepts the apology from Councillor Elect Yvonne Bowater.***

Noonan/Edgar

Carried

5. Confirmation of Order of Business

There was no change to the order of business.

6. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

7. Statutory Responsibilities of Members

Document number R12511, agenda pages 11 - 18 refer.

Chief Executive, Pat Dougherty noted the requirement under the Local Government Act 2002 to provide explanations of the Local Government Official Information and Meetings Act 1987 and other laws affecting elected members. Mr Dougherty summarised the information in the report.

Resolved CL/2019/217

That the Council

- 1. Receives the report Statutory Responsibilities of Members (R12511).***

Her Worship the Mayor/Sanson

Carried

8. Mayor's Report

Document number R12551, agenda pages 19 - 23 refer.

Her Worship the Mayor spoke to her report, noting the change in the name of the City Centre Revitalisation Group to the City Centre Working Group.

The motion was taken in parts.

Resolved CL/2019/218

That the Council

1. Receives the report Mayor's Report (R12551).

Her Worship the Mayor/Fulton

Carried

Resolved CL/2019/219

That the Council

2. Appoints Judene Edgar as Deputy Mayor.

Her Worship the Mayor/Fulton

Carried

Resolved CL/2019/220

That the Council

3. Establishes five Governing Committees as follows:

Committee	Chair	Deputy Chair	Membership
Infrastructure	Brian McGurk	Rohan O'Neill-Stevens	Trudie Brand Yvonne Bowater Mel Courtney Judene Edgar Kate Fulton Matt Lawrey Gaile Noonan Pete Rainey Rachel Sanson Tim Skinner
Governance and Finance	Rachel Sanson	Gaile Noonan	Trudie Brand Yvonne Bowater Mel Courtney Judene Edgar Kate Fulton Matt Lawrey Brian McGurk

			Rohan O'Neill-Stevens Pete Rainey Tim Skinner External Appointees x 2
Environment	Kate Fulton	Brian McGurk (Nelson Plan Lead Role)	Trudie Brand Yvonne Bowater Mel Courtney Judene Edgar Matt Lawrey Gaile Noonan Rohan O'Neill-Stevens Pete Rainey Rachel Sanson Tim Skinner External Appointee x 1
Community Services	Matt Lawrey	Yvonne Bowater	Trudie Brand Mel Courtney Judene Edgar Kate Fulton Brian McGurk Gaile Noonan Rohan O'Neill-Stevens Pete Rainey Rachel Sanson Tim Skinner
Sports and Recreation	Tim Skinner	Trudie Brand	Yvonne Bowater Mel Courtney Judene Edgar Kate Fulton Matt Lawrey Brian McGurk Gaile Noonan Rohan O'Neill-Stevens Pete Rainey Rachel Sanson

4. Appoints the following elected members to Single Purpose Committees:

Committee	Chair	Deputy Chair	Membership
Regional Transport	Brian McGurk	Judene Edgar	Mayor Rachel Reese

			Rohan O'Neill-Stevens NZTA Representative
Chief Executive Employment Committee	Mayor Rachel Reese	Deputy Mayor	Gaile Noonan Pete Rainey
Joint Committee	Alternates between Mayors of each district	None appointed	All Councillors
Civil Defence Emergency Management Group	Alternates between Mayors of each district	None appointed	Mayor Deputy Mayor

5. Appoints the following elected members to a Single Purpose Subcommittee:

Subcommittee	Chair	Deputy Chair	Membership
Audit and Risk	External Appointee	External Appointee	Mayor Deputy Mayor Chair of Governance

6. Appoints the following elected members to the City Centre Working Group:

Group	Chair	Deputy Chair	
City Centre Revitalisation Group	Pete Rainey	Mel Courtney	Mayor Rachel Reese Gaile Noonan Matt Lawrey Trudie Brand

Her Worship the Mayor/McGurk

Carried

9. Annual Report 2018/19 (Agenda Item 9)

Document number R11504, agenda pages 24 - 41 refer.

Group Manager Corporate Services, Nikki Harrison, and Manager Strategy, Mark Tregurtha, were present for this item. Mr Tregurtha spoke to the report and answered questions on Council's performance and targets.

Jaco Meintjes and Jacques Coetzee, representing Audit NZ, confirmed that the Annual Report 2018/19 appropriately reflected Council's financial position and performance and that Audit NZ's final report to Council on areas of improvement would be available in a few weeks.

Resolved CL/2019/221

That the Council

- 1. Receives the report Annual Report 2018/19 (R11504) and its attachments (A2280336 and A2288268); and***
- 2. Adopts the Annual Report for the year ended 30 June 2019 (A2280336) in accordance with s98 of the Local Government Act 2002; and***
- 3. Receives the draft Audit New Zealand Opinion; and***
- 4. Delegates the Mayor and Chief Executive to approve minor editorial changes as necessary.***

Her Worship the Mayor/O'Neill-Stevens

Carried

10. Elected Members' Code of Conduct

Document number R12553, agenda pages 42 - 70 refer.

Manager Governance and Support Services, Mary Birch, tabled amendments to the proposed Elected Members' Code of Conduct.

Ms Birch spoke to the amendments and answered questions regarding the complaints process. She noted that Appendices C and D of the Code of Conduct would need to be amended for alignment as a result of the changes. It was clarified that the Code of Conduct could be amended throughout the triennium with a 75% majority of those present.

Resolved CL/2019/222

That the Council

- 1. Receives the report Elected Members' Code of Conduct (R12553) and its attachment (A1745031); and***
- 2. Adopts the Nelson City Council Code of Conduct (A1745031), subject to the changes tabled at the 31 October 2019 Council Meeting (A2292439); and***
- 3. Confirms that the final wording to give effect to these changes is to be approved by the Mayor, Deputy Mayor and Chair of Governance and Finance Committee;***
- 4. Directs the Chief Executive to develop a panel of independent investigators for approval by Council; and***
- 5. Notes that a Code of Conduct Committee will be established as part of the process to appoint Elected Members to committees.***

Her Worship the Mayor/McGurk

Carried

Attachments

- 1 A2292439 Proposed Changes to the Draft Nelson City Council Code of Conduct

11. Elected Members' Remuneration

Document number R12555, agenda pages 71 - 77 refer.

Manager Governance and Support Services, Mary Birch, was present for this item.

Her Worship the Mayor expressed a desire to gain the agreement of the meeting on the preferred way forward and discussion took place on the options.

Councillor Lawrey, seconded by Councillor Rainey, moved the officer's recommendation (Scenario 1).

That the Council

- 1. Receives the report Elected Members' Remuneration (R12555); and***
- 2. Approves the allocation of Elected Member Remuneration from the Pool in accordance with the Remuneration Authority Local***

Government Members (2019/2020) Determination Part 2 outlined in Scenario 1:

- Deputy Mayor: \$62,662
- Chair Infrastructure, Regional Transport Committees, Deputy Chair Environment Committee (Nelson Plan Lead): \$62,662
- Chair: \$52,143
- Deputy Chair: \$44,900
- Councillor: \$44,900.

Lawrey/Rainey

Carried

Councillor Fulton, seconded by Councillor Noonan, moved the following amendment (Scenario 4):

That the Council

1. Receives the report Elected Members' Remuneration (R12555); and
2. Approves the allocation of Elected Member Remuneration from the Pool in accordance with the Remuneration Authority Local Government Members (2019/2020) Determination Part 2 outlined in Scenario 4:

- Deputy Mayor: \$62,662
- Chair Infrastructure, Regional Transport Committees, Deputy Chair Environment Committee (Nelson Plan Lead): \$57,406
- Chair: \$52,669
- Deputy Chair: \$45,426
- Councillor: \$45,426

Fulton/Noonan

Debate took place on the amendment.

Her Worship the Mayor, Deputy Mayor Edgar and Councillor Mel Courtney abstained from voting on both the amendment and the substantive motion.

The amendment was put and lost.

The substantive motion was put and carried.

Resolved CL/2019/223

That the Council

1. ***Receives the report Elected Members' Remuneration (R12555); and***

2. Approves the allocation of Elected Member Remuneration from the Pool in accordance with the Remuneration Authority Local Government Members (2019/2020) Determination Part 2 outlined in Scenario 1:

- **Deputy Mayor: \$62,662**
- **Chair Infrastructure, Regional Transport Committees, Deputy Chair Environment Committee (Nelson Plan Lead): \$62,662**
- **Chair: \$52,143**
- **Deputy Chair: \$44,900**
- **Councillor: \$44,900.**

Lawrey/Rainey

Carried

12. Next meeting date

Document number R12545, agenda pages 78 - 78 refer.

Resolved CL/2019/224

That the Council

- 1. Confirms the next meeting of the Nelson City Council will be held on Thursday 14 November 2019, commencing at 9.00am.**

Her Worship the Mayor/McGurk

Carried

There being no further business the meeting ended at 4.27p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

REPORT R12566

Mayor's Report

1. Purpose of Report

- 1.1 To update Council on current matters and determine appointments of elected members and external appointees to committees, subcommittees, subordinate decision-making bodies, external groups and organisations.

2. Recommendation

That the Council

- 1. Receives the report Mayor's Report (R12566) and its attachments (A2297022, A1667136, A1702206, A1554165 and A2297276); and***

- 2. Appoints the following elected members to other Committees:***

Committee	Chair	Deputy Chair	Membership
Joint Shareholders Committee	Alternates between Mayors of each district	None appointed	Mayor Rachel Reese Judene Edgar Rachel Sanson Brian McGurk Gaile Noonan Mel Courtney
Nelson Regional Sewerage Business Unit (Joint)			Brian McGurk Tim Skinner External (Brendon Silcock) Iwi Rep (Frank Hippolite)
Nelson Tasman Regional Landfill Business Unit (Joint)			Judene Edgar Kate Fulton Iwi Rep (Andrew Stephens)
Saxton Field Committee (Joint)	External Appointment		Judene Edgar Tim Skinner

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District Licensing Committee	External Appointment (Oke Blaikie)	Kate Fulton	Gaile Noonan External Appointments to 15 Nov 2023: Gail Collingwood Derek Shaw Laurie Gabites David Lewis
Forestry Advisory Group	External Appointment		Mayor Rachel Reese Rachel Sanson Independent External Forestry Expert
Hearings Panel - Other	n/a – Panel constituted as required	n/a – Panel constituted as required	All elected members in rotation (except the Mayor)
Hearings Panel – Resource Management Act	n/a – Panel constituted as required	n/a – Panel constituted as required	Elected members with commissioner accreditation: Mayor Rachel Reese Kate Fulton Brian McGurk Tim Skinner
Resource Management Act Procedures Committee	n/a – Panel constituted as required	Appointed by the Committee	Mayor Rachel Reese Kate Fulton Brian McGurk
Iwi-Council Advisory Group			Mayor Rachel Reese Judene Edgar Matt Lawrey Rachel Sanson
Greenmeadows Working Party			Mayor Rachel Reese Gaile Noonan Mel Courtney Chair of Audit & Risk Committee
Tenders Committee			Mayor Deputy Mayor Chair of the Governance and Finance Committee Chair of the relevant committee with responsibility relating to a tender

3. Approves (subject to their acceptance of the role) the reappointment of:

Committee/Group	External Appointment
Governance and Finance Committee	John Peters John Murray
Environment Committee	Glenice Paine
Audit and Risk Committee	John Peters (Chair) John Murray

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Forestry Advisory Group	John Murray (Chair) Peter Gorman (independent External Forestry Expert)
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4. ***Delegates the appropriate Committees of Council, as proposed in document A2297276, to determine Councillor Liaison appointments to external organisations and groups that are within the committees' areas of responsibility; and***
5. ***Appoints Elected Members to liaison roles as follows:***

Organisation/Group	Appointment/Liaison
Developer Advisory Group	Mayor Rachel Reese Mel Courtney Matt Lawrey
Urban Design Champion	Pete Rainey
Positive Aging Forum	Yvonne Bowater
Eelco Boswijk Civic Awards	Mayor Rachel Reese Trudie Brand Judene Edgar Kate Fulton Matt Lawrey Pete Rainey
Nelson Youth Council	Rohan O'Neill-Stevens All other Elected Members on rotation
Tasman Bays Heritage Trust Appointments Committee	Mel Courtney Gaile Noonan
Youth Nelson	Yvonne Bowater
Sister Cities Coordinating Group	Trudie Brand
Waimea Inlet Coordination Group	Brian McGurk

6. ***Notes that Mayor Rachel Reese is a member of the following bodies by legislation or governing documentation:***
- ***Nelson Mayoral Relief Trust***
 - ***Mayoral Taskforce for Jobs Steering Group***
 - ***Mayoral Taskforce for City Futures***
 - ***Cawthron Institute Board***
 - ***Nelson Municipal Band Trust***
 - ***Whakatū Marae Committee Inc; and***

7. *Appoints Gail Collingwood as Sister Cities Coordinator for a period of three years finishing in October 2022.*

3. Tasman Mako

- 3.1 Te Tau Ihu – Marlborough, Nelson and Tasman celebrated the historic victory of the Mako in the Mitre 10 Premiership, and their contribution to our community, with a parade through the centre of Nelson where a haka powhiri was provided by Nelson Boys College and Victory School in a formal ceremony at the Church Steps.
- 3.2 The ceremony opened with karakia and mihi timatanga given from kaumātua and a supporting waiata by Te Roopu Whakamanamana. This was followed by speeches from Mayors Rachel Reese and Tim King, Marlborough Councillor Mark Peters, Tasman Rugby Union representative Tony Lewis and Hon Nick Smith. The Key to the City of Nelson was presented.
- 3.3 The Mitre 10 Premiership is the pinnacle of domestic rugby in New Zealand, and to have our team bring home the Cup is really exciting and something we can all feel proud about. The team's contribution to our community has been exemplary.

4. Local Government New Zealand National Council elections – Regional Sector

- 4.1 As a unitary authority, Nelson City Council has the option to vote in either the Provincial Sector or the Regional Sector election, but cannot vote in both (Rule D10). Nelson City Council has elected to vote in the Regional Sector election.
- 4.2 The Mayor has been a Regional Sector representative on the National Council of LGNZ since 2016, appointment is by election.
- 4.3 LGNZ received two nominations for the two National Council Representative positions for this triennium, and declared Doug Leeder, Chair, Bay of Plenty Regional Council and Rachel Reese, Mayor, Nelson City Council elected to the positions of Regional Sector Representatives on National Council. Doug Leeder has also been appointed Sector Chair. The attached (A2297022) memorandum refers.
- 4.4 Nelson City Council is in a unique position as a unitary authority to critically assess the potential impacts of Government proposals. Nelson can hone in on matters for both the regional sector and territorial authorities and reflect on impacts in an integrated way, e.g National Policy Statement on Freshwater changes aim to improve the environment but what are the potential costs to the community of needed infrastructure improvements to achieve those improvements.

5. Appointments

- 5.1 At the Inaugural meeting on 31 October 2019 Council established its governing committees. Several appointments remain and are presented for consideration.
- 5.2 Council is able to make external appointments to its committees. In doing so, it can consider whether to reappoint previous external appointees or run a full selection process. A decision on this matter is required so that full memberships of committees, subcommittees and subordinate decision-making bodies can be established as soon as possible in the triennium.
- 5.3 Traditionally Council has made appointments of elected members to various external groups and organisations. In the last term of Council, a review was undertaken to refine the number of appointments and to include a focus on liaison. On this basis these appointments are also presented for consideration.

6. Appointments to Committees

- 6.1 The recommended appointments to committees, subcommittees and subordinate decision-making bodies endeavours to put together a council structure that spreads workload, respects each person's skills, interests, experience, and the areas of council business where each person has the capability to make a particular contribution.
- 6.2 Consideration has been given to the capacity of Elected Members to commit time to multiple roles and positions of responsibility.

7. External Appointments

- 7.1 An external appointee is a person who is not an elected member and who is appointed to a committee of Council in accordance with Schedule 7, clause 31 of the Local Government Act 2002 (the LGA). They act under the same delegated authority as the elected members on that committee.
- 7.2 Nelson City Council's guidelines for making such appointments is set out in the Selection, Appointment and Remuneration Policy for External Appointees on Council Committees (the Policy) and Nelson City Council Selection, Appointment and the Remuneration Policy for External Appointees on Council Subcommittees (A1667136 and A1702206 attached). This process for selection and appointment can be followed for appointments to both governing committees and single purpose committees. It is expected that the process would be varied to meet the requirements of the committee, provided that such variation meets the requirements of the Local Government Act 2002. The Policy is silent on the reappointment of external appointees.
- 7.3 In the previous triennium, Council reappointed the three external appointments to governing committees in accordance with the

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appropriate policies. John Murray and John Peters were appointed to the Governance Committee, and Glenice Paine was appointed to the Planning and Regulatory Committee. John Peters was also appointed as Chair of the Audit, Risk and Finance Subcommittee and John Murray as Chair of the Forestry Advisory Group.

- 7.4 John Murray is a chartered accountant with wide experience in providing business and strategic advice. He is an experienced board member.
- 7.5 John Peters has worked with a number of private and government boards, and is experienced in performance monitoring and risk management, compliance and mitigation.
- 7.6 Glenice Paine has a background in the conservation and resource management fields and has an extensive background in leadership and governance within iwi/Māori organisations. She has been a member of Boards of Inquiry for applications to the Environmental Protection Authority for significant national roading and energy projects. Ms Paine was appointed to the Environment Court as a Deputy Commissioner in 2017.
- 7.7 Peter Gorman is an external forestry expert who provides advice to the Forestry Advisory Group. Peter has extensive experience in forestry management and policy, specialising in climate change and sustainable development.
- 7.8 Council is now asked to consider whether to fill the external appointment positions, and the process to use for that. Specifically, whether to reappoint for the 2019-2022 triennium John Murray as member of the Governance and Finance Committee and Chair of Forestry Advisory Group; John Peters as member of the Governance and Finance Committee and Chair of the Audit and Risk Subcommittee; Glenice Paine as member of the Environment Committee and Peter Gorman as an adviser to the Forestry Advisory Group.

Reappointment considerations

- 7.9 In the 2016-19 triennium Council received criticism via the LGNZ Excellence Programme that it had not reinstated the Audit, Risk and Finance Committee in a timely manner following the election. Council had debated the terms and membership of the Committee and did not hold its first meeting of that Committee until May 2017. The report noted that Council could improve this position by ensuring the Committee was reinstated in a timely manner and a meeting held within six months of the election. The first meeting of the Audit and Risk Committee is scheduled within four months of the election.
- 7.10 Reappointment for a successive term allows the governing committees to commence the triennium in a timely manner with full memberships in place from the outset, rather than waiting for a selection process to be completed. It also avoids an initial period of upskilling and familiarisation for an appointee, allowing Council to maximise each appointee's contribution over the full term of their appointment.

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Returning elected members have confirmed their appreciation of the value the three proposed appointees added to the committees and subcommittees.

- 7.11 The Council's understanding of risk is developing, and its risk approach is mixed. For instance, issues of systems and network resilience are not fully articulated. Further, not all councillors are involved in the risk approach and many have a different perception of risk.
- 7.12 A decision to reappoint would be consistent with Council's approach to the appointment of directors and trustees, CCOs and CCTOs, whereby reappointments may be made if the skills of the candidate are recognised to add value and support the ability to pursue a desired vision and long term strategy.

Proposed Reappointments

- 7.13 Having weighed up the points outlined above, if Council believes there is sufficient reason to make reappointments, it must be satisfied that the candidates have demonstrated their abilities and contribution over the previous triennium.
- 7.14 The Policy states that no external appointee may be reappointed for a fourth successive term unless special circumstances are identified. Mr Murray, Mr Peters and Ms Paine were appointed in 2014, if reappointed they this will be their third successive term.
- 7.15 The Policy also specifies that Council will conduct a review of the effectiveness of the addition of external appointees at the mid-point of the triennium. Due to workload pressures and staff vacancies a review was not timetabled in the last triennium. It is proposed that such a review could be conducted by the end of 2020.
- 7.16 Governance and Finance Committee
 - 7.16.1 It is considered that both John Murray and John Peters have demonstrated their effectiveness as external appointees to the Governance Committee in the previous triennium.
 - 7.16.2 They have also undertaken roles as Chairs of the Forestry Advisory Group and Audit, Risk and Finance Subcommittee respectively. They have added depth and understanding on related matters reporting to the Governance Committee.
- 7.17 Environment Committee
 - 7.17.1 The key aspect of an external appointment to the Environment Committee in the 2019-2022 triennium will be to bring a Māori world view on, and expertise in, environmental matters to the Nelson Plan development. Glenice Paine has previously demonstrated her strength in this area.

Item 8: Mayor's Report

- 7.17.2 Her knowledge and effectiveness in these areas, together with her familiarity with the role, means Glenice Paine is best qualified and conversant with the Nelson Plan development, elected members' knowledge, and the key officers involved.

7.18 Forestry Advisory Group

- 7.18.1 John Murray provides a depth of financial and strategic advice to the Forestry Advisory Group and Council would benefit from his continued leadership. Mr Murray has had in depth training in approved codes of practice for health and safety in forest operations, with an emphasis on risk management.
- 7.18.2 Peter Gorman is an experienced forestry expert with an in-depth knowledge of Council's forestry portfolio. The position is advisory and he does not have voting rights.

7.19 Audit & Risk Subcommittee

- 7.19.1 Local Government New Zealand's (LGNZ) guidance on audit and risk committees is clear that to be effective, such committees must have a degree of independence from Council. The guidance recommends that this is achieved by the inclusion of external appointee members who bring additional skills to the committee.
- 7.19.2 A self evaluation of committee performance was undertaken in the last triennium by the members of the Audit, Risk and Finance Subcommittee and the consensus was that the subcommittee was adding significant value to Council's performance monitoring and effectiveness.
- 7.19.3 Should John Peters be reappointed to the Governance and Finance Committee, also reappointing him as Chair of the Audit and Risk Subcommittee would reflect best practice and continue the depth of understanding he has brought to the role in the previous triennium.

8. Appointments to External Organisations

- 8.1 Engagement with external organisations and other groups is an important role of Council. Elected Member liaison appointments to external organisations and groups exist where a group's objectives align with Council's objectives or the group has been initiated by Council.
- 8.2 Liaison roles may be undertaken by a Elected Member, a council officer, or both, depending on the level required, whether at governance or operational level.
- 8.3 Liaison roles are determined by the Council Policy on External Appointments (A1554165 attached) and appointed by Council or the Committee aligned with the purpose of the Group (A2297276 attached). While Councillor Bowater's appointment to the Positive Aging Forum falls within the responsibility of the Community Services Committee, it has

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been included in this report as the Positive Aging Forum meeting occurs before the Community Services Committee will meet to confirm the appointment.

9. Sister Cities Coordinator

- 9.1 Gail Collingwood was originally appointed as Sister Cities Coordinator by Council resolution on 12 December 2013 for a three year term. Her appointment was extended for a further three years in 2016, finishing in October 2019.
- 9.2 Following discussion within the Group, the Sister Cities Coordinating Group has recommended that Gail Collingwood be reappointed as Coordinator, and she has offered to continue in this role.
- 9.3 Gail Collingwood has a wealth of experience and an in-depth knowledge of Sister City activities. The Group fully endorses her re-appointment.
- 9.4 There is a small fee paid for this role (\$550) and it is expected that Nelson City Council will meet the costs associated with the Coordinator attending the Sister Cities New Zealand conference.

Author: Rachel Reese, Mayor of Nelson

Attachments

- Attachment 1: A2297022 Election result - Regional Sector [↓](#)
- Attachment 2: A1667136 Nelson City Council Selection, Appointment and Remuneration Policy for External Appointees on Council Committees [↓](#)
- Attachment 3: A1702206 Selection appointment and remuneration of external appointees on Council Subcommittees policy 2017-2019 [↓](#)
- Attachment 4: A1554165 Council policy regarding representation on external organisations and other groups [↓](#)
- Attachment 5: A2297276 Proposed Appointments to external organisations and other groups 2019 - 2022 [↓](#)

MEMORANDUM

**We are.
LGNZ.**

Date: 1 November 2019
To: All Member Authorities in the Regional Sector
From: Malcolm Alexander, Chief Executive, LGNZ
Subject: LGNZ National Council elections – Regional Sector

Nominations for the 2019 National Council elections for the Regional Sector closed at 5.00pm Thursday 31 October 2019.

National Council Representatives election

We received two nominations for the two National Council Representative positions.

I hereby declare **Doug Leeder, Chair, Bay of Plenty Regional Council** and **Rachel Reese, Mayor, Nelson City Council** elected to the positions of Regional Sector Representatives on National Council.

Appointment of Regional Sector Chair

At the closing date for nominations only one nomination was received for the position of Regional Sector Chair.

I hereby declare **Doug Leeder, Chair, Bay of Plenty Regional Council** elected to the position of Regional Sector Chair. The appointment takes effect immediately.

Please contact me if you have any queries.



Malcolm Alexander
Chief Executive
Local Government New Zealand

Nelson City Council Selection, Appointment and Remuneration Policy for External Appointees on Council Committees

1. Purpose

- 1.1. This policy sets out the process for selection, appointment and remuneration of external appointees to Council committees, in accordance with Schedule 7, clause 31 of the Local Government Act 2002. This policy does not cover appointments to subcommittees.

2. Definitions

Governing Committee

- 2.1. A governing committee is a committee appointed in accordance with Schedule 7 of the Local Government Act 2002 (the LGA) which has a broad terms of reference, and where there may be consultation and deliberations on proposals. Such committees contribute to the overall governance of the City. Examples of these committees are the Planning and Regulatory; Works and Infrastructure; Community Services; Sports and Recreation; or Governance Committees.

Single Purpose Committee

- 2.2. A single purpose committee is a committee which has terms of reference that are related to one subject matter. Examples of these committees are the Nelson Regional Sewerage Business Unit, District Licensing Committee or Resource Consent Hearing Panels.

External Appointee

- 2.3. An external appointee is a person who is not an elected member and who is appointed by Council resolution to a committee of Council in accordance with Schedule 7 of the LGA. External appointees possess skills, attributes, or knowledge that will assist the work of the committee. External appointees act under the same delegated authority as the elected members on that committee.

3. Selection and Appointment

- 3.1. Council may appoint to a committee a person who is not an elected member if, in the opinion of Council, that person has the skills, attributes, or knowledge that will assist the work of the committee.

- 3.2. The Mayor, Committee Chair and Chief Executive (or their delegate) will agree the skills, attributes, and knowledge required to assist the work of the committee. This will be reflected in a position description for each committee to which an appointment is to be made.
- 3.3. This position description will guide the selection process. Based on this description, appropriate advertising will be undertaken.
- 3.4. Applicants will be shortlisted by the Mayor and Committee Chair and interviews will be conducted.
- 3.5. Any person appointed to a committee must demonstrate sufficient experience in the relevant subject field to be able to add considerable value to the committee's discussion.
- 3.6. The following requirements of candidates for appointment, must be considered:

Person and skills requirement

- Strong and effective communication skills
- Competence and understanding of Council's needs relating to committee requirements, and of the issues and risks facing the Council
- Ability to apply relevant and specialist technical capability to the role required by the committee
- Ability to engage in effective relationships with the Council and Committee on an ongoing basis over the term of the contract
- Proven experience in operating practices at a governance level in organisations with public accountability requirements, including those outlined in 'Governance requirements' below

Governance requirements

- Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the Council
- Balancing the need to advocate for specific interests against the needs of the wider community
- A commitment to promoting the long term effectiveness of the Committee and the Council
- Understanding and respecting the differing roles of Mayor, Deputy Mayor, committee chairs, and councillors

- Recognising that the governance role does not extend to operational matters or to the management of any implementation
 - Having a good understanding of the Council processes set out in the Standing Orders that determine how committee meetings are run
 - Developing and maintaining a working knowledge of Council services, management processes, powers, duties and constraints that fall under the Committee's delegated areas of responsibility
 - Ensuring familiarity with agendas and other Council reports before committee meetings
 - Being familiar with and complying with the statutory requirements of a committee member including appropriate recordkeeping in accordance with the Public Records Act 2005 and the Local Government Official Information and Meetings Act 1987
 - Compliance with the principles of the Elected Members Code of Conduct adopted by the Council
 - Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.
- 3.7. At the conclusion of the interviews, the preferred candidate will be contacted and informed that they are the preferred candidate.
- 3.8. A report will be presented to Council recommending the appointment of that candidate and setting the appropriate remuneration for the role.
- 3.9. This process for selection and appointment can be followed for appointments to both governing committees and single purpose committees. It is expected that the process would be varied to meet the requirements of the committee, provided that such variation meets the requirements of the Local Government Act 2002.
- 3.10. This policy covers only appointments made via a resolution of Council.

- 3.11. If Council decides to make external appointments for a triennium, it will undertake the full selection and appointment process.
- 3.12. Notwithstanding 3.11, potential external appointees who have previously been through the full selection and appointment process may be reappointed for a further term by resolution of Council, subject to the limit on length of term set out in section 7 of the Policy. The resolution to reappoint must be made on the basis of a report addressing the decision making requirements of the LGA.

4. Remuneration for Governing Committees

- 4.1. Council recognises that attracting strong candidates requires such positions on committees to be remunerated.
- 4.2. Council wishes to ensure that it offers remuneration which is fair; which is administratively simple; and which recognises the community contribution appointees make.
- 4.3. On this basis guidance is taken from other authorities referencing the Directors Fees Report produced by the Institute of Directors, and the base councillor salary determined by the Remuneration Authority.
- 4.4. Remuneration for external appointees to council governing committees is therefore set at \$12,840 per annum.
- 4.5. No reimbursement of expenses will be offered. However, the remuneration will be considered total remuneration. If appointees incur travel costs, they may seek the tax efficiency of some remuneration being reimbursed as expenses.
- 4.6. The Chief Executive will have the discretion to reduce the remuneration paid by up to one third, and to pay this as reimbursement of expenses if an appointee makes such a request. In this event appointees are required to fill out and submit a claim form (A319932) to seek reimbursement. Any such claim must be made within the relevant financial year.

5. Remuneration for Single Purpose Committees

- 5.1. This Policy does not apply where remuneration for a single purpose committee is set by legislation other than the LGA, or by that committee's terms of reference. Such committees include the District Licensing Committee and Resource Consent Hearing Panels.

- 5.2. This Policy does not apply to subordinate decision making bodies such as the Urban Design Panel.
- 5.3. This Policy does not apply to the appointment of independent commissioners.
- 5.4. Where a single purpose committee is subject to this Policy, Council wishes to ensure that it offers remuneration which is fair; which is administratively simple; and which recognises the community contribution appointees make.
- 5.5. It seems prudent to provide consistent remuneration across similar committees. For this reason, external appointees to single purpose committees will be remunerated in accordance with the rates set out in the Local Government Elected Members (certain Local Authorities) Determination for resource consent hearings.
- 5.6. A minimum fee rate of one hour and a maximum fee rate of three hours will be paid to external appointees, per legally constituted meeting.
- 5.7. Reimbursement of expenses relating to vehicle mileage and travel time will be done in accordance with the Nelson City Council Expenses Policy for Elected Members (A355751). To claim expenses appointees are required to fill out and submit a claim form (A319932) to seek reimbursement. Any such claim must be made within the relevant financial year.

6. Training

- 6.1. On the basis that appointees to both governing and single purpose committees are selected for their existing skills, they would not be eligible for any financial support for training. Where Council is organising any in-house training or training in relation to any new or amended legislation, appointees may attend with written approval of the relevant committee chair.

7. Term

- 7.1. The appointment will be considered to have commenced from the date of the Council resolution making that appointment.
- 7.2. The appointment will be considered to end when the newly elected council comes into office after the triennial local election (Schedule 7, LGA).

- 7.3. Notwithstanding 7.2, Council may discharge an externally appointed member at any time by resolution of Council (Schedule 7, LGA).
- 7.4. No external appointee may be reappointed for a fourth successive term unless special circumstances are identified.

8. Effectiveness Review

- 8.1. Council will conduct a review of the effectiveness of the addition of external appointees at the mid-point of the triennium.

9. Policy Review

- 9.1. This policy shall be reviewed three yearly at the commencement of each triennium.
- 9.2. The review of this policy will follow the documented Council process for policy reviews.

Nelson City Council Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees

1. Purpose

- 1.1. This policy sets out the process for selection, appointment and remuneration of external appointees to Council subcommittees, in accordance with Schedule 7, clause 31 of the Local Government Act 2002.

2. Scope

- 2.1. This policy does not cover appointments to committees, these are covered by a separate policy (A1667136).
- 2.2. This Policy does not apply to subordinate decision making bodies such as the Urban Design Panel or the Community Investment Funding Panel.
- 2.3. This Policy does not apply to the appointment of independent commissioners.

3. Definitions

Governing Committee

- 3.1. A governing committee is a committee appointed in accordance with Schedule 7 of the Local Government Act 2002 (the LGA) which has a broad terms of reference, and where there may be consultation and deliberations on proposals. Such committees contribute to the overall governance of the City. Examples of these committees are the Planning and Regulatory; Works and Infrastructure; Community Services; Sports and Recreation; and Governance Committees.

Subcommittee

- 3.2. A subcommittee is a subordinate decision-making body established by Council or a governing committee.

External Appointee

- 3.3. An external appointee is a person who is not an elected member and who is appointed by Council resolution to a committee or subcommittee of Council in accordance with Schedule 7 of the LGA. External appointees possess skills, attributes, or knowledge that will assist the work of a committee or subcommittee. External appointees act under the same

delegated authority as the elected members on that committee or subcommittee.

4. Selection and Appointment

- 4.1. Council may make an external appointment to a subcommittee if, in the opinion of Council or a governing committee, that person has skills, attributes, or knowledge that will assist the work of the subcommittee.
- 4.2. The Mayor, a governing committee Chair and Chief Executive (or their delegates) will agree the skills, attributes, and knowledge required to assist the work of the subcommittee. This will be reflected in a position description for each subcommittee to which an appointment is to be made.
- 4.3. This position description will guide the selection process. Based on this description, appropriate advertising will be undertaken.
- 4.4. Applicants will be shortlisted by the Mayor and a governing committee Chair and interviews will be conducted.
- 4.5. Any person appointed to a subcommittee must demonstrate sufficient experience in the relevant subject field to be able to add considerable value to the subcommittee's discussion.
- 4.6. In addition to the specific skills, attributes and knowledge identified, the following general requirements of candidates for appointment, must be considered:

Person and skills requirement

- Strong and effective communication skills
- Competence and understanding of Council's needs relating to subcommittee requirements, and of the issues and risks facing the Council
- Ability to apply relevant and specialist technical capability to the role required by the subcommittee
- Ability to engage in effective relationships with the Council, governing committee and subcommittee on an ongoing basis over the term of the contract
- Proven experience in operating practices at a governance level in organisations with public accountability requirements, including those outlined in 'Governance requirements' below

Governance requirements

- Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the Council
 - Balancing the need to advocate for specific interests against the needs of the wider community
 - A commitment to promoting the long term effectiveness of the subcommittee and the Council
 - Understanding and respecting the differing roles of Mayor, Deputy Mayor, committee chairs and subcommittee chairs, and councillors
 - Recognising that the governance role does not extend to operational matters or to the management of any implementation
 - Having a good understanding of the Council processes set out in the Standing Orders that determine how subcommittee meetings are run
 - Developing and maintaining a working knowledge of Council services, management processes, powers, duties and constraints that fall under the subcommittee's delegated areas of responsibility
 - Ensuring familiarity with agendas and other Council reports before subcommittee meetings
 - Being familiar with and complying with the statutory requirements of a subcommittee member including appropriate recordkeeping in accordance with the Public Records Act 2005 and the Local Government Official Information and Meetings Act 1987
 - Compliance with the principles of the Elected Members Code of Conduct adopted by the Council
 - Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.
- 4.7. A report will be presented to Council or a governing committee recommending the appointment of a preferred candidate and setting the appropriate remuneration for the role.
- 4.8. Upon resolution to make the appointment, the preferred candidate will be contacted and informed.
- 4.9. The appointment will be considered to have commenced from the date of the Council or governing committee resolution making that appointment provided that the preferred candidate accepts the role.

- 4.10. The process for selection and appointment may be varied to meet the requirements of the subcommittee, provided that such variation meets the requirements of the Local Government Act 2002.
- 4.11. This policy covers only appointments made via a resolution of Council or a governing committee.
- 4.12. If Council decides to make external appointments for a triennium, it will undertake the full selection and appointment process.
- 4.13. Notwithstanding 4.12, potential external appointees who have previously been through the full selection and appointment process for either appointment to a governing committee or a subcommittee, may be reappointed for a further term by resolution of Council. This reappointment is subject to the limit on length of term set out in section 7 of the Policy. The resolution to reappoint must be made on the basis of a report addressing the decision making requirements of the LGA.
- 4.14. Furthermore, if an external appointee has been through the selection and appointment process for either appointment to a governing committee or a subcommittee, should that appointee's skills, attributes or knowledge be considered to be of assistance to another subcommittee, a new appointment can be made without a separate selection process being undertaken. However, the resolution to make this appointment must be made on the basis of a report addressing the decision making requirements of the LGA.
- 4.15. If the selection and appointment process for an external appointee to a subcommittee has been followed, should that appointee be considered to appointment to a governing committee, the Policy for appointment to Committees (A1167136) should be followed.

5. Remuneration for Subcommittees

- 5.1. Council recognises that attracting strong candidates requires such positions on subcommittees to be remunerated.
- 5.2. Council wishes to ensure that it offers remuneration which is fair; which is administratively simple; and which recognises the community contribution appointees make.
- 5.3. Remuneration for external appointees to council governing committees is set at \$12,840 per annum, based on guidance taken from other authorities referencing the Directors Fees Report produced by the Institute of Directors, and the base councillor salary determined by the Remuneration Authority.

- 5.4. On this basis and giving consideration to the range of remuneration provided to directors and trustees for Council Controlled Organisations and Council Control Trading Organisations, it seems appropriate that remuneration for external appointees as chairs of subcommittees be set at \$10,500 per annum and \$7,000 per annum as a subcommittee member.
- 5.5. It can be expected that the requirements placed on a subcommittee chair would be higher than those placed on a subcommittee member and as such, remuneration should reflect that.
- 5.6. No reimbursement of expenses will be offered. However, the remuneration will be considered total remuneration. If appointees incur travel costs, they may seek the tax efficiency of some remuneration being reimbursed as expenses.
- 5.7. The Chief Executive will have the discretion to reduce the remuneration paid by up to one third, and to pay this as reimbursement of expenses if an appointee makes such a request. In this event appointees are required to fill out and submit a claim form (A319932) to seek reimbursement. Any such claim must be made within the relevant financial year.

6. Training

- 6.1. On the basis that appointees to subcommittees are selected for their existing skills, they would not be eligible for any financial support for training. Where Council is organising any in-house training, or training in relation to any new or amended legislation, appointees may attend with written approval of the relevant governing committee chair or the Mayor.

7. Term

- 7.1. The appointment will be considered to have commenced from the date of the Council or governing committee resolution making that appointment.
- 7.2. The appointment will be considered to end when the newly elected council comes into office after the triennial local election (Schedule 7, LGA).
- 7.3. Notwithstanding 7.2, Council may discharge and externally appointed member at any time by resolution of Council or a governing committee (Schedule 7, LGA).
- 7.4. No external appointee may be reappointed for a fourth successive term unless special circumstances are identified.

8. Effectiveness Review

- 8.1. Council will conduct a review of the effectiveness of the addition of external appointees at the mid-point of the triennium.

9. Policy Review

- 9.1. This policy shall be reviewed three yearly at the conclusion of each triennium.
- 9.2. The review of this policy will follow the documented Council process for policy reviews.



Council Policy on external appointments

Adopted at the 15 Dec 2016 Council meeting

1. Councillor liaison appointments with external organisations and other groups will be made by the appropriate Committee with the closest delegation to the activity. The Committee will determine the level of engagement required by appointees. Where a Councillor liaison appointment affects more than one committee or has relevance across Council, appointments will be made by Council.
2. There should be consideration given to appoint a Councillor liaison where a group's objectives align with Council's objectives, the group has been initiated by Council or Council is a founding partner, where an organisation is managing a significant asset of Council necessary to achieve Council's objectives, or if Council considers that strategic input is important to the City.
3. Liaison roles may be undertaken by a Councillor, a Council Officer, or both, depending on the level required, whether at governance or operational level (through contract agreements or funding).
4. Where a non-significant asset is leased to a group, liaison on property matters will be through a nominated staff member as an Officer liaison.
5. Where financial support is provided to a group there will be a requirement for regular reporting on performance against agreed objectives and expenditure through a relevant staff member nominated as an Officer liaison.
6. Liaison appointments are made to ensure relationships with Council are maintained, to provide for the exchange of information, to provide strategic advice where appropriate and to highlight any risks the organisations may face, which Council should be aware of. Liaison roles are not formal appointments to Trust boards.
7. Where an organisation is contributing to the Council's aims and outcomes, or as determined by the appropriate Committee Chair, the organisation will be provided the opportunity to regularly report to the Committee.
8. The need for liaison appointments shall be reviewed at the start of each term of Council.

A1554165

Appointments to external organisations and other groups 2019 - 2022

Organisation /group	Purpose	Reason for liaison appointment with Council	Council or Committee delegation	Councillor Liaison appointments
Accessibility for All	A forum that examines the accessibility for everyone in the Nelson Tasman region, aiming to ensure that both public and private facilities and activities are inclusive.	Group's objectives align with Council's objectives.	Infrastructure	One Councillor Liaison role 1. Mel Courtney
Arts Council Nelson Incorporated	To promote, initiate and support projects and activities that stimulate and strengthen the artistic and cultural life of our communities	Group's objectives align with Council's objectives. Ensure relationship with Council.	Community Services	One Councillor Liaison role 1. Rohan O'Neill-Stevens
Broadgreen Society Incorporated	To assist in the preservation and improvement of Broadgreen House as an historic building of Nelson. To provide facilities at Broadgreen House for public inspection and enjoyment, education and research.	Manages an asset of Council and aligns with Council's objective.	None	None Officer Liaison
Community and Whanau	A forum for community organisations to share information and projects. Monthly meetings.	Group's objectives align with Council's objectives. Ensure relationship with Council.	Community Services	Two Councillor Liaison roles 1. Rohan O'Neill-Stevens 2. Pete Rainey
Eelco Boswijk Civic Awards	A judging panel made up of Councillors and community leaders to assess nominations for the 3-yearly Awards.	Internal group.	Council	Mayor Five Councillor Liaison roles 1. Trudy Brand

A2297276

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Organisation /group	Purpose	Reason for liaison appointment with Council	Council or Committee delegation	Councillor Liaison appointments
				2. Judene Edgar 3. Kate Fulton 4. Matt Lawrey 5. Pete Rainey
Iwi – Council Partnership Group	An advisory Ko-miti of Council and the primary link between Council and Iwi leadership.	Ensure relationship with Council.	Council	Mayor Three Councillor Liaison roles 1. Judene Edgar 2. Matt Lawrey 3. Rachel Sanson
Marina Users Group	Forum for marina users and Council representatives to share information. Informal group which provides the Council with a contact point for discussion and comment from Marina users on proposals affecting the marina.	Ensure relationship with Council.	Sport and Recreation	No Councillor Liaison Group invited to present to Sport and Recreation committee
Nelson Biodiversity Forum	The Biodiversity Forum works to implement the Nelson Biodiversity Strategy, with the key aims of protecting and enhancing biodiversity.	Group's objectives align with Council's objectives. Ensure relationship with Council.	Environment	Three Councillor Liaison roles 1. Brian McGurk 2. Kate Fulton 3. Rachel Sanson
Nelson Tasman Business Trust	The Nelson Tasman Business Trust offers free, confidential assistance to start up and existing businesses and their services include business information, referrals, training, mentoring, advice, networking opportunities and support.	Group's objectives align with Council's objectives. Ensure relationship with Council.	Governance and Finance	One Councillor Liaison role 1. Judene Edgar
Nelson Youth Council	A youth body sponsored by the Nelson City Council. Councillor/s role is to provide support to the	Internal group.	Council	One Councillor Liaison role and all Councillors by rotation.

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Organisation /group	Purpose	Reason for liaison appointment with Council	Council or Committee delegation	Councillor Liaison appointments
	group. Meets monthly.			1. Rohan O'Neill-Stevens
Positive Ageing Forum	A forum for older persons and agencies who work for and with them, to enable residents of Nelson Tasman to age positively.	Group's objectives align with Council's objectives.	Community Services	One Councillor Liaison role 1. Yvonne Bowater
Sister Cities	The individual sister city organisations report to this group and present budgets for approval through the Annual Plan. Meets quarterly. Coordinator is appointed by Council.	Group's objectives align with Council's objectives. Ensure relationship with Council.	Council	Mayor One Councillor Liaison role 1. Trudie Brand
Sport Tasman (Tasman Regional Sports Trust)	Sport Tasman Trust is one of 17 Regional Sports Trusts (RSTs) operating in New Zealand to get "More People, More Active, More Often". Objectives include "... the advancement, propagation and education of sport, fitness and leisure activities for the welfare, safety and benefit of the communities located in the region.	Group's objectives align with Council's objectives. Ensure relationship with Council.	Sport and Recreation	One Councillor Liaison role 1. Tim Skinner
Tahunanui Beach Holiday Park Incorporated	Objectives include to improve, maintain and develop the Tahuna Beach Accommodation Park and Campground.	Manages a significant asset of Council. Group's objectives align with Council's objectives. Strategic input is important to the City.	Sport and Recreation	Group invited to present to Sport and Recreation committee Council has a business advisor appointed until June 2020

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Organisation /group	Purpose	Reason for liaison appointment with Council	Council or Committee delegation	Councillor Liaison appointments
		Ensure relationship with Council.		
Tasman Bays Heritage Trust Appointments Committee	Appoints and reappoints trustees to the Tasman Bays Heritage Trust.	Group's objectives align with Council's objectives. Strategic input is important to the City. Ensure relationship with Council.	Council	Two Councillor Liaison roles 1. Mel Courtney 2. Gaile Noonan
Urban design champion	Champion for urban design amongst the community.	Internal role.	Council	One Councillor Liaison role 1. Pete Rainey
Waimea Inlet Co-ordination Group	A quarterly community forum for those working for a regenerative future for the Waimea Inlet.	Not applicable.	Council	One Councillor Liaison role 1. Brian McGurk
Youth Nelson (The Young Nelson Trust)	Established in 1996 as a joint initiative between Nelson College for Girls and Nelson City Council to provide an alternative education program for 13-15 year olds that no longer attend school and assist their transition to employment or further training.	Group's objectives align with Council's objectives.	Council	One Councillor Liaison role 1. Yvonne Bowater

A2297276

Te Taihu Intergenerational Strategy

1. Purpose of Report

- 1.1 To present the draft Te Taihu Intergenerational Strategy and seek Council feedback on the draft Strategy.
- 1.2 Note: Wakatū Incorporation is managing the development of the Strategy and its chair will be in attendance at the Council meeting to make a presentation on the process and outcomes of the Strategy work to date.

2. Summary

- 2.1 Work on the first stage of the draft Strategy is scheduled to be completed by 1 December 2019. This review of the current draft of the Strategy is Council's opportunity to provide feedback on its approach, and the conclusions.

3. Recommendation

That the Council

- 1. Receives the report Te Taihu Intergenerational Strategy (R13586) and its attachments (A2296947 and A2296946).***

4. Background

- 4.1 The need for a new economic development strategy was the initiating point for this work. In 2018 Wakatū Incorporation offered to co-ordinate the development of the Strategy. With support from Marlborough and Tasman Councils, funding from the Provincial Growth Fund was sought to enable the Strategy to include the whole of Te Taihu.
- 4.2 The Chair of Wakatū Incorporation, the three mayors, iwi representatives, council officers, Chambers of Commerce, other businesses and Nelson Marlborough Institute of Technology make up the membership of the Steering Group for the project. Nelson City Council's contribution is \$100,000 over two years.
- 4.3 The Strategy (attachment one) is still in draft, and it is timely for Council to now provide feedback.

- 4.4 The content of the Strategy was shaped by over twenty meetings, events and hui that reached over 1,000 people in Te Taihū (attachment two outlines the input from this process). The Chair of Wakatū Incorporation, Mr Paul Morgan, will be in attendance at the Council meeting and outline the process, content and next steps for the Strategy.
- 4.5 Incorporating the ideas and feedback from so many participants has meant that the delivery of the project is behind schedule. The input from the public included that the economy could not be separated from the other aspects of community wellbeing. Broadening the strategy to incorporate this approach has also taken additional time.
- 4.6 Therefore, the Strategy has been prepared to cover the full wellbeing of Te Taihū and its whānau (people), pūtea (economy) and taiao (environment). This broad approach is aligned with the purpose of local government, to promote the *“social, economic, environmental and cultural well-being of communities in the present and for the future”*.
- 4.7 Work is continuing on completing the Strategy, and the version which is attached still contains areas that need to be finished or reviewed. Comments from Council are being sought before the Strategy is completed.

5. Discussion

The vision for the Strategy “how to be a good ancestor”

- 5.1 The Vision for the Strategy is: To Be a Good Ancestor. The Strategy describes this as *“At the heart of the Strategy is the wellbeing of the people and places in Te Taihū, with a particular focus for the wellbeing of current and future generations and the responsibility we have, as the current generation, to pass on the taonga of Te Taihū in a better state than when these taonga were placed in our care. This means that we as the people of Te Taihū needed to think about what wellbeing means to us, which things are the important taonga that need to be protected for future generations, and how these things can be achieved together.”*
- 5.2 The vision is aligned to the purpose of local government and the Strategy includes outcomes were based on current Nelson and Tasman Councils’ Community Outcomes. As part of the development of the next Long Term Plan Council may consider whether it adopts these as updated Community Outcomes. Officers will provide a report to Council in 2020 on this.

The Strategy will sit alongside other Council policies and strategies

- 5.3 The Strategy is intended to be additional to existing plans and strategies that are operational across the region. It aims to improve regional collaboration by focusing on common key issues. Councils, businesses and institutions will not be bound to deliver on any particular projects or actions. However, as part of the development of the 2021-2031 Long Term Plan Council may wish to consider which of the projects fit within Council’s work programme.

6. Next steps

- 6.1 At this stage Council is only being asked to receive the draft Strategy and provide feedback. Once the Strategy has been completed a report will be brought to Council on the next steps.

Author:

Mark Tregurtha, Manager Strategy

M

Attachments

Attachment 1: A2296947 Draft - Te Tauihu Intergenerational Strategy (v 23)
(Circulated separately) [⇒](#)

Attachment 2: A2296946 Draft - Te Tauihu Intergenerational Strategy Engagement
Summary [↓](#)
(Circulated separately)

Delegations Register 2019

1. Purpose of Report

- 1.1 To adopt the Delegations Register for the 2019-2022 triennium, and to approve or update the Memorandum of Understanding or Terms of Reference underlying several committees, subcommittees and subordinate decision-making bodies.

2. Recommendation

That the Council

- 1. Receives the report Delegations Register 2019 (R12568) and its attachments (A1183061, A1983271, A1983272, A1342334, A1437349, A1739267, A2288940); and***
- 2. Adopts the Delegations Register (A1183061); and***
- 3. Amends the Memoranda of Understanding governing the Nelson Regional Sewerage Business Unit (A1983271) and the Terms of Reference governing the Nelson Tasman Regional Landfill Business Unit (A1983272) and the Saxton Field Committee (A1342334), subject to Tasman District Council passing an equivalent resolution; and***
- 4. Amends the Terms of Reference governing the Audit and Risk Subcommittee (A1437349) and the Forestry Advisory Group (A1739267); and***
- 5. Adopts the Terms of Reference for the City Centre Working Group (A2288940); and***

6. Revokes the following resolution of Council of 20 March 2018 [CL/2018/023]:

That the Council:

Undertakes the review of the Dog Control Policy and Bylaw. ; and

7. Confirms in accordance with the Delegations Register, that the Environment Committee undertakes a review of the Dog Control Policy and Bylaw.

3. Background

- 3.1 The Council Delegations Register sets out the areas of responsibility, functions, powers and duties that Council keeps for itself, or delegates to committees, sub-committees, subordinate decision-making bodies and the Chief Executive.
- 3.2 There is no legal requirement for Council to keep or adopt a Delegations Register, however it is considered best practice for the delegated responsibility of each committee, sub-committee and subordinate decision-making body to be captured in a Delegations Register and adopted by Council early in each triennium.
- 3.3 The committees, subcommittees and subordinate decision-making bodies established by Council at its inaugural meeting are unable to meet until Council has resolved the delegations in respect of each one.
- 3.4 The adoption of Council's Delegations Register requires the motion to be supported by 50% of the members present.

4. Discussion

- 4.1 A full review of delegations has been undertaken and proposed changes are discussed in turn below.

Introductory section

- 4.2 The introductory sections (sections 1 and 2) of the proposed Delegations Register are largely based on those from the Delegations Register of the 2016-2019 triennium.
- 4.3 The main areas of review in the introductory section are:
 - 4.3.1 An expanded discussion of the difference between governance and management activities, captured in section 1.2. Clarification of these concepts is intended to assist with the interpretation of the committee, subcommittee and subordinate decision-making body delegations, which focus on carrying out Council's

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responsibilities, functions, powers and duties in relation to governance matters.

- 4.3.2 Clarification of the ways in which the Delegations Register may be amended, captured in section 1.3. The principle method for substantive amendments to the Delegations Register is still by resolution of Council, where the intent is clear that the Delegations Register, or a supporting document, such as a Terms of Reference, be amended (whether or not the resolution specifically states that the Delegations Register be amended). However, the Chief Executive has also been given the power to correct minor or typographical errors, to amend membership lists in the schedules, and to include any on-going delegations from committees, subcommittees and subordinate decision-making bodies. Doing so ensures the Delegations Register will stay up to date, without requiring governance time to be spent on minor administrative matters.
- 4.3.3 Clarification on ambiguity between the provisions, captured in section 2.6. The review of delegations has introduced a new approach, delegating broader powers to the Chief Executive and committees than in previous trienniums. As a result, there may be areas of unforeseen ambiguity. This section has been included to provide an appropriate mechanism to address any such issues. Where there is any uncertainty as to who has the delegated authority to act in respect of a particular matter, the Mayor will decide, in consultation with the Deputy Mayor, taking into account the advice of the Chief Executive.

Delegations to the Chief Executive

- 4.4 Delegations from Council to the Chief Executive (section 3) have been re-worked to provide greater clarity to the Chief Executive's powers. The Delegations Register of the previous triennium listed areas in which the Chief Executive could act. However if a matter was not specifically listed in the Delegations Register, the Chief Executive needed to seek the agreement of Council before undertaking any particular action.
- 4.5 In alignment with Council's Smart Little City vision, and to assist with lifting Council performance, the Chief Executive requires clear delegated powers to be able to respond efficiently and effectively. Such clarity is obtained by providing a broad delegation of Council's powers to the Chief Executive, with limitations designed to protect Council's governance role in providing strategic direction.
- 4.6 The proposed delegations from Council to the Chief Executive do not include any matters that Council may not delegate by law, any Governance matters retained by Council or delegated by Council to committees, subcommittees or subordinate decision-making bodies, any expenditure not in accordance with the Long Term Plan or Annual Plan, and the awarding of any tenders over the amount of \$2,500,000. These limitations ensure that the Chief Executive's delegated power can only be

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exercised in accordance with Council's strategic goals and agreed planning documents.

- 4.7 Furthermore, the Chief Executive will be mindful of Council's Significance and Engagement Policy and consider whether, in any particular situation, matters should be referred to the appropriate committee or Council for consideration and decision, rather than action taken under the Chief Executive's delegated authority.

Governing Committee delegations – Committees of the Whole

- 4.8 Council has established five governing committees, being the Community Services, Environment, Governance and Finance, Infrastructure, and Sports and Recreation Committees. These committees are all established as 'committees of the whole' – that is, all elected members are members of every governing committee.
- 4.9 The delegations for each committee of the whole set out the areas of responsibility and powers of each committee. The areas of responsibility for each of the governing committees are largely based on the areas of responsibility contained in the governing committee delegations as set out in the 2016-2019 Delegations Register.
- 4.10 The committees' powers in the proposed delegations are expressly broad in nature. That is, each committee is delegated the power to exercise Council's responsibilities, functions, powers and duties in relation to governance matters within the areas of responsibility covered by the committee, aside from the limits contained within the 'powers to recommend to Council' (for which the committee has power to consider matters, but not to make a final decision on them).
- 4.11 The Delegations Register also identifies matters for which Council retains all responsibilities, functions, powers and duties in relation to governance matters (section 5.2). Consideration of matters and decision-making for these items will remain the responsibility of Council, although governance input may be sought at an early stage through specified alternative mechanisms, such as via the City Centre Working Group.

Dog Control Policy and Bylaw

- 4.12 Due to the high levels of public interest and to enable input from all elected members, the Planning and Regulatory Committee of the previous Council referred all powers relating to the Dog Control Policy and Bylaw to Council at its meeting on 22 February 2018.
- 4.13 As the Environment Committee is now a committee of the whole and has responsibility for regulatory matters including dogs, it is appropriate for these powers to be referred back to committee for consideration.

Other Committee Amendments

- 4.14 A number of minor amendments have been made to other committee delegations in order to provide greater clarity.

Jointly Administered Committees

- 4.15 Nelson City Council and Tasman District Council have established a number of single purpose Committees. These are:
- 4.15.1 Joint Committee
 - 4.15.2 Joint Shareholders Committee
 - 4.15.3 Civil Defence and Emergency Management Group
 - 4.15.4 Nelson Tasman Regional Landfill Business Unit
 - 4.15.5 Nelson Regional Sewerage Business Unit
 - 4.15.6 Saxton Field Committee
- 4.16 In order for each Council to provide an equitable level of support the reference documents and procedures for each joint Committee have been updated so either Council is able to provide administrative support. This will provide for support to be moved between the two councils as needs arise.
- 4.17 These are minor changes to reflect that the standing orders of the Council providing the support apply and that both Councils keep a record of the minutes. These changes have been applied in the Delegations Register or in the attached reference documents (Attachments Two, Three and Four).

Updated Committee Structure

- 4.18 At the Inaugural Council Meeting, held on 31 October 2019, Council approved a revised committee structure for the 2019 – 2022 triennium, resulting in changes to the responsibilities and names of some of the governing committees:

Governance and Finance Committee

- 4.19 The financial responsibilities, previously undertaken by the Audit, Risk and Finance Subcommittee in the last triennium, are now included in the Governance and Finance Committee. The Governance and Finance Committee's name and areas of responsibility have been updated to reflect these changes.
- 4.20 Appropriate changes have also been made to the areas of responsibility and terms of reference of the Audit and Risk Subcommittee and the Forestry Advisory Group to reflect these changes (Attachments Five and Six).

Newly established subcommittees and bodies

Tenders Subcommittee

- 4.21 The Tenders Subcommittee has been established to consider and award tenders that exceed the limits of the Chief Executive's delegated Authority. The Terms of Reference for the Tenders Subcommittee will be presented to a future Council meeting.

City Centre Working Group

- 4.22 The City Centre Working Group has been established to provide guidance and direction to officers on the implementation of the city centre programme plan and its associated spatial and delivery plans. The proposed Terms of Reference are included as Attachment Seven.

5. Risk

- 5.1 It is the case with any delegations register that all possible delegation requirements may not have been specifically identified, leading to a potential risk that the matter is not considered by the appropriate decision making body or officer.
- 5.2 The Delegations Register for the 2019-2022 triennium takes a different approach from that taken in previous years, with respect to delegating broader power to the Chief Executive and committees. This introduces some risk of uncertainty as there is reliance on an understanding of the separation between governance and management roles in ascertaining who has the power to act in any given situation.
- 5.3 Officers have considered this risk and have taken steps to mitigate through the introduction of an "ambiguity" section which provides an appropriate mechanism to address such issues if they arise.

6. Options

- 6.1 Council can choose to adopt the Delegations Register as presented either in whole or in part, or to not adopt the Delegations Register as presented.

Author: E-J Ruthven, Governance Adviser

Attachments

Attachment 1: A1183061 - Delegations Register 2019-2022 [↓](#)

Attachment 2: A1983271 - Updated Nelson Regional Sewerage Business Unit - Memorandum of Understanding [↓](#)

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- Attachment 3: A1983272 - Updated Nelson Tasman Regional Landfill Business Unit Terms of Reference [↓](#)
- Attachment 4: A1342334 - Updated Saxton Field Committee Terms of Reference [↓](#)
- Attachment 5: A1437349 - Updated Audit and Risk Subcommittee Terms of Reference [↓](#)
- Attachment 6: A1739267 - Updated Forestry Advisory Group Terms of Reference [↓](#)
- Attachment 7: A2288940 - proposed City Centre Working Group Terms of Reference [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	Adoption of the proposed changes to the Delegations Register assists Council in enabling democratic decision-making as efficiently and effectively as possible.
2. Consistency with Community Outcomes and Council Policy	Adoption of the proposed changes to the Delegations Register assists Council to achieve its community outcomes and policy goals, by providing clear direction regarding how the decision and activities of Council are implemented and managed.
3. Risk	<p>The Delegations Register for the 2019-2022 triennium takes a different approach from that taken in previous years, with respect to delegating broader power to the Chief Executive and committees. This introduces some risk of uncertainty as there is reliance on an understanding of the separation between governance and management roles.</p> <p>This risk has been mitigated by the introduction of an "ambiguity" section which provides an appropriate mechanism to address any such issues.</p>
4. Financial impact	There are no direct budgetary consequences related to the decision to approve the Delegations Register.
5. Degree of significance and level of engagement	This matter is of low significance. It relates to the adoption of a procedural governance document detailing how the activities and decisions of Council are decided and implemented. Therefore, no public engagement is required.
6. Climate Impact	This decision will have no impact the ability of the Council or District to proactively respond to the impacts of climate change now or in the future.
7. Inclusion of Māori in the decision making process	No engagement with Māori has been undertaken in preparing this report.
8. Delegations	Council retains full responsibility for the adoption of, and any subsequent amendments to, the Delegations Register.



Delegations Register

Item 10: Delegations Register 2019: Attachment 1

Nelson City Council Delegations Register

Nelson City Council

Policy

Contact for queries:

Governance Advisers

Approved by:

Council

Date adopted:

Last updated by Council resolution:

This document will be available for inspection at Council's office at 110 Trafalgar Street during ordinary business hours (Monday – Friday 8.30am to 5.00pm) or at Council's website www.nelson.govt.nz.

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1. Purpose

This document is the Nelson City Council Delegations Register (the Delegations Register).

The purpose of the Delegations Register is to set out how Nelson City Council (Council) gives effect to its statutory duties, functions, responsibilities and powers. It outlines those for which Council retains responsibility, and those it wishes to delegate.

Nelson City Council is a unitary authority and therefore has responsibilities both of territorial and regional authorities. This Delegations Register reflects both those responsibilities.

1.1 Council Delegations

A delegation is the transfer of a responsibility, duty, function or power from Council to another Council decision-making body or to the Chief Executive, to a member, or to officers. It is the authority to make decisions under delegated authority on behalf of Council.

Council has many responsibilities, duties, functions and powers. These may be specifically prescribed by legislation or may come from Council's general power in section 12 of the Local Government Act 2002. In either case, the responsibilities, duties, functions and powers are usually conferred on the local authority itself (with a few exceptions, such as where a power is specifically given to a particular officer, such as an enforcement officer). However, much of Council's work cannot be done solely by full Council and many of Council's responsibilities, duties, functions and powers must be delegated to ensure Council services and decisions are delivered in an effective, efficient and timely manner.

This allows elected members sitting as Council to focus on strategic issues and the long term needs of the Nelson area, while detailed consideration and decision making can be carried out by other Council decision-making bodies, and the implementation of those decisions and the operation or administration of services or functions can be carried out by officers.

1.2 Governance, Management and Operational Activities

The nature of local government activities rests on a division between governance activities and management activities. Governance activities are exercised by elected members sitting as Council, or as delegated to committees, sub-committees and subordinate decision-making bodies. The governance role includes (but is not limited to) setting the strategic and overall direction of Council, including supporting the Mayor in the development of the Long Term Plan, Annual Plan, and other planning documents as required by law, and the development of policy to achieve Council's goals.

The Chief Executive is responsible for management and operational activities. This includes (but is not limited to) providing advice to Council, its committees, sub-committees and subordinate decision-making bodies, to enable Council to carry out its governance role. The Chief Executive is also responsible for implementing the

decisions of Council (as defined by the Long Term Plan or Annual Plan), its committees, sub-committees and subordinate decision-making bodies, as well as managing the administration, operations and service delivery of Council.

The Chief Executive is the sole employee of Council, and employs all other officers of the local authority. For a local authority to work efficiently and effectively, it is vital that the Chief Executive can also delegate his or her responsibilities, duties, functions and powers to officers.

1.3 Structure of the Delegations Register

This Delegations Register focuses on the governance activities of Nelson City Council. It identifies the powers which Council has chosen to retain, and those that it has chosen to delegate to committees, subcommittees, subordinate decision-making bodies and the Chief Executive.

The general principle is that Council retains all responsibilities, duties, functions and powers that must be exercised by Council and where delegations are prevented by legislation. It has also retained certain key responsibilities, duties, functions and powers that it wishes to exercise. All other responsibilities, duties, functions and powers are delegated to a committee, sub-committee or other subordinate decision-making body or, where not retained by Council, are delegated to the Chief Executive.

This Delegations Register deals only with delegations to committees, sub-committees, other subordinate decision-making bodies and the Chief Executive. Delegations to other officers are captured in a separate register, called the Officer Delegations Manual. Although inherently linked to the Delegations Register and governed by the same general principles, the Officer Delegations Manual is a separate document, and delegations in the Manual may be changed or updated at any time by the Chief Executive, as necessary.

Substantive changes to this Delegations Register may be made as follows:

- Expressly by resolution of Council, whether or not the resolution specifically states that the Delegations Register be amended.

The following minor changes to the Delegations Register may be made at any time by the Chief Executive:

- Correction of any typographical errors or errors of a minor effect;
- Alteration of schedules to the Delegations Register, in order to capture any changes of membership of committees, sub-committees, subordinate decision-making bodies, groups or organisations; and
- Inclusion of any on-going delegations of a committee to a sub-committee or subordinate decision making body, made by resolution.

2. Legal Framework

Clause 32 of Schedule 7 of the Local Government Act 2002 (the Act) sets out Council's authority to delegate its responsibilities, duties or powers to committees, subcommittees, subordinate decision-making bodies, members or officers.

Clause 32 of Schedule 7 states:

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or power except
 - (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - (d) the power to adopt a long-term plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - (g) the power to adopt a remuneration and employment policy.

In addition, other legislation contains specific provisions relating to the delegation of responsibilities, duties, functions and powers under those Acts (such as the Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987).

2.1 Delegated Powers

There is no restriction on Council's ability to delegate the power to do any preparatory work or undertake anything precedent to the exercise of power by Council for any of the items listed in clause 32 of Schedule 7 of the Act (see above).¹ For example, it is open to Council to delegate the development of a bylaw, along with any consultation process required, while reserving the final decision on the bylaw to Council itself.

Once a power is delegated by Council, then, where permitted by legislation, it may then be delegated onwards to another committee, subcommittee, subordinate decision-making body, member or officer, subject to any conditions or limitations in the original delegation.² It is also open to a committee, subcommittee, subordinate decision-making body or officer to elect, for good reason, not to exercise a delegated power. Use of delegated powers is discretionary rather than an

¹ Schedule 7, clause 32(2)

² Schedule 7, clause 32(3)

obligation, and it is open for the person holding the responsibility, duty, function or power to consider whether to refer the matter back to the original holder of the power.

Once a responsibility, duty, function or power has been delegated, the holder of the delegated power has full authority to exercise or perform such responsibilities, duties, functions and powers, with the same effect as if the local authority had itself exercised or performed them.³ Council is not able to rescind or amend a decision once made under delegated authority, and the delegation remains until revoked by Council.

No delegation relieves Council or any officer to whom power has been delegated, of the liability or legal responsibility to perform or ensure performance of any function or duty.⁴ In this way, the original holder of the power retains an important role of over-seeing any delegated power, whilst respecting the authority of the body or officer to which the power has been delegated.

2.2 Other Limitations

Aside from the provisions of the Act, Council's ability to delegate its responsibilities, duties, functions and powers is limited by the operation of the law, or can be expressly limited by other statutes. Examples are⁵:

- Council may not delegate its power to resolve to reject a recommendation of the Ombudsman under the Local Government Official Information and Meetings Act 1987 relating to the disclosure of official information;⁶
- Council may not delegate its power to approve a proposed policy statement or plan under clause 17 of Schedule 1 to the Resource Management Act 1991⁷;

2.3 Council's Principal Responsibilities

Council's principal responsibility is to give effect to the purpose of local government as set out in section 10 of the Act:

- (1) (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The governance principles of local government as set out in section 39 of the Act are:

³ Schedule 7, clause 32(4)

⁴ Schedule 7, clause 32(7)

⁵ This is not a definitive list, and there may be other examples throughout legislation of powers that are reserved to Council and/or elected members only.

⁶ Local Government Official Information and Meetings Act 1987, sections 42 and 32

⁷ Resource Management Act 1991 section 34A

- (a) A local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and
- (b) A local authority should ensure that the governance structures and processes are effective, open, and transparent; and
- (c) A local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and
- (d) A local authority should be a good employer; and
- (e) A local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

2.4 Responsibilities of the Chief Executive

The Act provides for Council to delegate the management of the organisation to the Chief Executive in accordance with s42 and clauses 33 – 36 of Schedule 7, on the terms and conditions Council sees fit.

The Chief Executive is responsible to the elected Council for:

- (a) Implementing the decisions of the local authority; and
- (b) Providing advice to members of the local authority and to its community boards, if any; and
- (c) Ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
- (d) Ensuring the effective and efficient management of the activities of the local authority; and
- (e) Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- (f) Providing leadership for the staff of the local authority; and
- (g) Employing, on behalf of the local authority, the staff of the local authority; and
- (h) Negotiating the terms of employment of the staff of the local authority.

Furthermore, the Chief Executive is also responsible for:

- (a) Ensuring, as far as practicable, that the management structure of the local authority reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes;
- (b) Ensuring, as far as practicable, that the management structure of the local authority is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.

2.5 Signing and Sealing of Documents

Where documents are required to be signed by elected members, the Mayor and Deputy Mayor, or any other two elected members acting at the specific request of the Mayor or Chief Executive, are authorised to do so (including under seal if required by law), provided those documents have been checked and approved by a Council officer or legal adviser.

2.6 Ambiguity

In the event of ambiguity or conflict between any of the provisions contained in the Delegations Register, with the result that there is uncertainty or dispute as to who has the delegated authority to act in respect of a particular matter, then the Mayor will decide in consultation with the Deputy Mayor, taking into account the advice of the Chief Executive. The decision of the Mayor in these circumstances will be final and binding.

3. Delegations from Council to the Chief Executive

Council delegates to the Chief Executive all responsibilities, duties, functions and powers of Council to act on any matter, except:

- those excluded by operation of law or expressly excluded by statute;
- those governance matters retained by Council or delegated by Council to committees, subcommittees or subordinate decision-making bodies;
- expenditure not in accordance with the Long Term Plan and Annual Plan; and
- the awarding of any tender over \$2,500,000.

The Chief Executive's responsibilities, duties, functions and powers include (but are not limited to):

- all responsibilities, duties, functions and powers imposed on Council by statute or assumed under bylaws made by Council;
- all activities in accordance with the Long Term Plan or Annual Plan;
- the management of capital expenditure, and operation and management expenditure, up to the limits approved in the Long Term Plan or Annual Plan;
- the negotiation of contracts and execution of all documents (except for those required by operation of law to be signed by elected members),
- property transactions (including leases and licences) aside from those retained by Council;
- the release of public excluded information under the Local Government Official Information and Meetings Act 1987;
- commencing, responding to and joining legal proceedings and the settlement of claims; and
- all responsibilities, duties, functions and powers recorded in the Officer Delegations Manual.

In exercising his or her delegated powers, the Chief Executive must comply with any relevant conditions, including (but not limited to) activities and/or budgets in accordance with the relevant Long Term Plan or Annual Plan, financial limits or other legislative, procedural policy or reporting requirements.

The Chief Executive may sub-delegate any of these responsibilities, duties or powers unless sub-delegation is excluded either by operation of law or expressly excluded by statute.

The Chief Executive may choose to refer any matter delegated to him or her back to Council, or to the committee, subcommittee or subordinate decision-making body with the appropriate area of responsibility. This may be appropriate where, for example, the Chief Executive considers a matter to be contentious, or to require political input because of the high degree of policy involved.

4. Committee Functions

Council has appointed a variety of committees, subcommittees and subordinate decision-making bodies to carry out its governance responsibilities, powers, functions and duties.

4.1 Governing Committees

The governing committees are committees appointed in accordance with Schedule 7 of the Act, which have broad terms of reference, and whose responsibilities contribute to the overall governance of Nelson City.

These committees are constituted as committees of the whole, and membership lists are set out in Schedule One of the Delegations Register. Procedural matters for these committees are as set out in Council's standing orders.

The governing committees of Nelson City Council are:

- Community Services Committee
- Environment Committee
- Governance and Finance Committee
- Infrastructure Committee
- Sports and Recreation Committee

4.2 Single Purpose Committees

The single purpose committees are committees or subcommittees appointed in accordance with Schedule 7 of the Act with terms of reference relating to one specific subject matter.

Membership lists of these committees are set out in Schedule One of the Delegations Register. Procedural matters for these committees are as set out in Council's standing orders.

The single purpose committees of Nelson City Council are:

- Chief Executive Employment Committee
- Regional Transport Committee
- Resource Management Act Procedures Committee
- Audit and Risk Subcommittee
- Forestry Advisory Group
- Iwi-Council Advisory Group
- Tenders Subcommittee

4.3 Joint Local Authority Committees

Council may unite with any one or more local authority or other public bodies in appointing a joint committee in accordance with clause 30A of Schedule 7 of the Act. Nelson City Council and Tasman District Council have formed a number of joint committees, with terms of reference to address specific subject matters.

Any such committee is considered both a committee of Nelson City Council and a committee of the other local authority or public body, unless otherwise specified by legislation. In forming any such committee, Council must reach agreement with the other local authorities or public bodies involved to specify the number of members, how the chairperson and deputy are to be appointed, the terms of reference of the committee, what responsibilities are to be delegated to the committee and how the agreement may be varied.

The powers to discharge any individual member and appoint another will be exercisable by the local authority or public body that made the appointment.

Nelson City Council membership of joint committees is set out in Schedule One of the Delegations Register. Procedural matters for these committees are as set out in the memorandum of understanding or terms of reference governing these committees.

The joint committees of Nelson City and Tasman District Council are:

- Civil Defence Emergency Management Group
- Joint Committee of Tasman District and Nelson City Council
- Nelson City Council Tasman District Council Joint Shareholders Committee
- Nelson Regional Sewerage Business Unit
- Nelson Tasman Regional Landfill Business Unit
- Saxton Field Committee

4.4 Subordinate Decision-Making Bodies

Council may set up subordinate decision-making bodies for any purpose it considers appropriate.

Meetings of subordinate decision-making bodies may be subject wholly, in part, or not at all to the requirements of the Local Government Official Information and Meetings Act 1987, or may be subject to separate legislative requirements, such as the Sale and Supply of Alcohol Act 2012 or the Resource Management Act 1991. Procedural matters for these bodies is as per the legislation under which the body operates, or as set out in the terms of reference for the body.

Membership lists of subordinate decision-making bodies are set out in Schedule One of the Delegations Register.

The subordinate decision-making bodies currently constituted by Nelson City Council are:

- District Licensing Committee
- Hearings Panel – Other
- Hearings Panel – Resource Management Act
- Community Investment Funding Panel

The Hearings Panel – Resource Management Act, and the Hearings Panel – Other relate to Council’s regulatory functions. Neither has a set membership of particular elected or externally appointed members, nor a standing chairperson.

Each meeting of the Hearings Panel – Resource Management Act or Hearings Panel – Other is convened as a new meeting and a Chairperson is appointed from among the pool of:

- Commissioners, in the case of a Hearings Panel – Resource Management Act; or
- Councillors who have undertaken the ‘Making Good Decisions’ course, in the case of a Hearings Panel – Other.

4.5 Appointing External Persons onto Council Committees and Subcommittees

Council may appoint external members to committees and subcommittees in accordance with the following policies:

- Policy for the Selection, Appointment and Remuneration for External Appointees on Council Committees (A1667136);
- Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees (A1702206); or
- Policy on the appointment and remuneration of jointly-appointed independent members on committees (A2037154).

All external appointments to committees and subcommittees will be made in accordance with these policies, except:

External appointments to committees or subcommittees required by specific legislation or appointed by external bodies, such as the NZTA representative to the Regional Transport Committee (under the Land Transport Management Act 2003). External appointments to subordinate decision-making bodies are not governed by the policies listed above.

5. Delegations of Committees, Subcommittees and Subordinate Decision-Making Bodies Established by Nelson City Council

5.1 Council

- 5.1.1 Council retains all responsibilities, powers, functions and duties in relation to governance matters for the following items:
- Disposal of community housing assets, community housing and Housing Reserve
 - Elma Turner Library redevelopment (City Centre Working Group to provide governance input in accordance with the Terms of Reference, with Council to consider and decide matters)
 - City Centre Programme Plan (City Centre Working Group to provide governance input in accordance with the Terms of Reference, with Council to consider and decide matters)
 - Development of the Haven Precinct (City Centre Working Group to provide governance input in accordance with the Terms of Reference, with Council to consider and decide matters)
 - Major developments affecting the marina (City Centre Working Group to provide governance input in accordance with the Terms of Reference, with Council to consider and decide matters)
 - Urban development and housing statutory tools and initiatives
 - Future Development Strategy and Intensification Action Plan
 - Development Contributions and Financial Contributions
 - Use of the \$500,000 reserve for possible climate change initiatives
- 5.1.2 For items listed at 5.1.1 above, irrespective of whether any fall within the areas of responsibility for any committee, subcommittee or subordinate decision-making body, Council will consider and make all decisions required in fulfilment of its responsibilities, powers, functions and duties in relation to governance matters.
- 5.1.3 Council will also make all decisions on matters that must be exercised by Council or unable to be delegated by law. This includes, but is not limited to:
- The power to make a rate;
 - The power to make a bylaw;
 - The power to borrow money or purchase or dispose of assets, other than in accordance with the Long Term Plan;
 - The power to adopt a Long Term Plan, Annual Plan or Annual Report;
 - The power to appoint a chief executive;

- The power to 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;
- The power to adopt a remuneration and employment policy;
- The power to approve a proposed policy statement or plan under clause 17 of Schedule 1 or the Resource Management Act 1991;
- The power to make a final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

- 5.1.4 Where a decision must be exercised by Council or is unable to be delegated by law, including those matters listed at 5.1.3 above, the matter should be considered first by the committee, subcommittee or subordinate decision-making body with the relevant area of responsibility, which will then make a recommendation to Council for decision.
- 5.1.5 Additionally, Council may specify particular matters within the 'powers to recommend to Council' of any committee, subcommittee or subordinate decision-making body for which the committee, subcommittee or subordinate decision-making body may consider matters, but make a recommendation to Council only.
- 5.1.6 Where matters relate to the areas of responsibility of more than one committee, subcommittee or subordinate decision-making body, the matter will be considered a cross-committee item. Instead of being considered by one or more committees, subcommittees or subordinate decision-making body, the matter will be considered by Council directly.

5.2 General principles relating to committees, subcommittees and decision-making bodies

The following principles are applicable to all committees, subcommittees and subordinate decision-making bodies of Nelson City Council:

- 5.2.1 Each committee's responsibilities, powers, functions and duties in relation to governance matters are restricted to the areas of responsibility of that committee. A committee cannot make decisions on matter which have been specifically delegated to another committee, subcommittee, subordinate decision-making body, member or officer. This does not affect the ability of Council, committees, subcommittees or subordinate decision-making bodies to supervise the administration and implementation of matters within their areas of responsibility.
- 5.2.2 On the recommendation of the Chief Executive, and with the agreement of the Chair of the relevant committee, subcommittee or subordinate decision-making body and Mayor, matters within the area of responsibility of a particular committee, subcommittee or subordinate decision-making body may be considered directly by Council instead. If this occurs, the Chair of the relevant committee, subcommittee or subordinate decision-making body will report to the following meeting of the committee, subcommittee or subordinate decision-making body regarding the reason for doing so, and the outcome of the matter at the Council meeting.

- 5.2.3 Committees, subcommittees and subordinate decision-making bodies may appoint sub-committees and/or further delegate their responsibilities. Any further delegations of an on-going nature are to be recorded in writing and included by the Chief Executive within the Delegations Register.
- 5.2.4 A committee does not have the authority to exercise any responsibilities, powers, functions and duties which cannot be delegated to the committee, such as those listed in clause 32(1) of Schedule 7 of the Act, and any other legislation which restricts delegations in this way. However, a committee may do anything precedent to the exercise of those responsibilities, powers, functions and duties which may be exercised by Council only, in accordance with section 5.1.4 above.
- 5.2.5 A committee does not have the authority to exercise any responsibility, power, function or duty which Council has retained for itself in accordance with section 5.1.1 above.
- 5.2.6 Any policies set by committees under delegated authority must comply with any applicable legislation, and must not conflict with Council policy or provide for expenditure for which Council has made no allocation.
- 5.2.7 The delegated authority of a committee, subcommittee or subordinate decision-making body is limited by any additional conditions or restrictions specifically set out in the committee, subcommittee or subordinate decision-making body delegations below.

5.3 Community Services Committee

5.3.1 Areas of Responsibility:

- Arts, Culture and Heritage
- Bylaws, within the areas of responsibility
- Cemeteries and Crematorium
- Community Centres and Halls, including Greenmeadows Community Centre, Stoke Memorial Hall and Tahunanui Community Centre
- Community Development, including youth issues, ageing issues and social well-being
- Community Festivals and Events
- Community Facilities, including public toilets
- Founders Heritage Park
- Heritage Facilities
- Heritage Houses and their grounds
- Libraries
- Sister City relationships
- Youth Council

5.3.2 Delegations:

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements
- Developing, approving, monitoring and reviewing policies and plans, including activity management plans
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals

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5.3.3 Powers to Recommend to Council:

In the following situations the committee may consider matters within the areas of responsibility but make recommendations to Council only (in accordance with sections 5.1.3 - 5.1.5 of the Delegations Register):

- Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate
- The purchase or disposal of land or property relating to the areas of responsibility, other than in accordance with the Long Term Plan or Annual Plan
- Unbudgeted expenditure relating to the areas of responsibility, not included in the Long Term Plan or Annual Plan.

5.4 Environment Committee

5.4.1 Areas of Responsibility:

- Building control matters, including earthquake-prone buildings and the fencing of swimming pools
- Bylaws, within the areas of responsibility
- Council and/or Community projects or initiatives for enhanced environmental outcomes
- Environmental regulatory matters including (but not limited to) animals and dogs, amusement devices, alcohol licensing (except where delegated to the Alcohol Regulatory and Licensing Authority), food premises, public health, and parking control
- Regulatory enforcement and monitoring
- Maritime and Harbour Safety and Control
- Pollution control
- Hazardous substances and contaminated land
- Environmental science matters including (but not limited to) air quality, water quality, water quantity, land management, biodiversity, biosecurity (marine, freshwater and terrestrial), and coastal and marine science
- Environmental programmes including (but not limited to) warmer, healthier homes, energy efficiency, environmental education, and eco-building advice
- Science monitoring and reporting
- Climate change resilience overview (adaptation and mitigation)
- The Regional Policy Statement, District and Regional Plans
- Other planning documents or policies, including (but not limited to) the Land Development Manual
- Policies and strategies related to resource management matters
- Policies and strategies related to compliance, monitoring and enforcement

5.4.2 Delegations:

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements

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- Developing, approving, monitoring and reviewing policies and plans, including activity management plans
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals

5.4.3 Powers to Recommend to Council:

In the following situations the committee may consider matters within the areas of responsibility but make recommendations to Council only (in accordance with sections 5.1.3 - 5.1.5 of the Delegations Register):

- Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate
- The purchase or disposal of land or property relating to the areas of responsibility, other than in accordance with the Long Term Plan or Annual Plan
- Unbudgeted expenditure relating to the areas of responsibility, not included in the Long Term Plan or Annual Plan
- Approval of notification of any statutory resource management plan, including the Nelson Plan or any Plan Changes.

5.5 Governance and Finance Committee

5.5.1 Areas of Responsibility:

- Business, economic development and tourism in Nelson
- Bylaws, within the areas of responsibility
- Communications and Engagement Strategy
- Events Strategy
- Governance of Nelson City Council Controlled Organisations, Nelson City Council Controlled Trading Organisations, and Council Organisations
- Council's financial performance
- Property matters, including the management, monitoring of and maximisation of Council's property portfolio
- Rating systems and policies
- Residents' Survey

5.5.2 Delegations:

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements
- Developing, approving, monitoring and reviewing policies and plans, including activity management plans
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals

5.5.3 Powers to Recommend to Council:

In the following situations the committee may consider matters within the areas of responsibility but make recommendations to Council only (in accordance with sections 5.1.3 - 5.1.5 of the Delegations Register):

- Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate

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- The purchase or disposal of land or property relating to the areas of responsibility, other than in accordance with the Long Term Plan or Annual Plan
- Unbudgeted expenditure relating to the areas of responsibility, not included in the Long Term Plan or Annual Plan

5.6 Infrastructure Committee

5.6.1 Areas of Responsibility:

- Bylaws, within the areas of responsibility
- Transport network, including, roading network and associated structures, walkways, cycleways and shared pathways, footpaths and road reserve, street lighting, traffic management control and parking.
- Water
- Wastewater, including Bell Island Wastewater Treatment Plant
- Stormwater and Flood Protection
- Solid Waste management, including transfer stations and waste minimisation
- Regional Landfill
- Recycling

5.6.2 Delegations:

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements
- Developing, approving, monitoring and reviewing policies and plans, including activity management plans
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals
- Hear, consider and decide all applications for road stopping

5.6.3 Powers to Recommend to Council:

In the following situations the committee may consider matters within the areas of responsibility but make recommendations to Council only (in accordance with sections 5.1.3 - 5.1.5 of the Delegations Register):

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- Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate
- The purchase or disposal of land or property relating to the areas of responsibility, other than in accordance with the Long Term Plan or Annual Plan
- Unbudgeted expenditure relating to the areas of responsibility, not included in the Long Term Plan or Annual Plan

5.7 Sports and Recreation Committee

5.7.1 Areas of Responsibility:

- Bylaws, within the areas of responsibility
- Campgrounds
- Marina
- Modellers' Pond
- Natureland
- Nelson Gondola Project and Koata Park
- Parks and Reserves, aside from
 - Saxton Field (a matter for the Saxton Field Committee)
 - Greenmeadows Community Centre, Stoke Memorial Hall, and Tahunanui Community Centre (matters for the Community Services Committee)
 - Heritage Houses and their grounds (matters for the Community Services Committee)
- Recreation and Leisure Facilities and Services, including swimming pool facilities and Waahi Taakaro Golf Course
- Rural Fire Activities
- Sports Fields, including Trafalgar Park and the Trafalgar Pavilion
- The Trafalgar Centre

5.7.2 Delegations:

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements
- Developing, approving, monitoring and reviewing policies and plans, including activity management plans
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes

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5.7.3 Approving submissions to external bodies or organisations, and on legislation and regulatory proposals.

5.7.4 Powers to Recommend to Council:

In the following situations the committee may consider matters within the areas of responsibility but make recommendations to Council only (in accordance with sections 5.1.3 - 5.1.5 of the Delegations Register):

- Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate
- The purchase or disposal of land or property relating to the areas of responsibility, other than in accordance with the Long Term Plan or Annual Plan
- Unbudgeted expenditure relating to the areas of responsibility, not included in the Long Term Plan or Annual Plan
- Decisions in relation to the Nelson Gondola Project and Koata Park

5.8 Chief Executive Employment Committee

5.8.1 Areas of Responsibility:

- To review the Chief Executive's performance
- To review the Chief Executive's remuneration
- To address any employment related issues as may from time to time arise between the Chief Executive and Council

5.8.2 Powers to Recommend:

- To recommend to Council a performance agreement between the Chief Executive and Council
- To recommend to Council the outcome of an externally facilitated performance review involving the whole of Council
- To recommend to Council any personal development opportunities for the Chief Executive
- To review annually the Chief Executive's remuneration and make recommendations to Council
- To recommend to Council any action arising from employment related issues

5.9 Civil Defence Emergency Management Group

The Civil Defence Emergency Management Group is a joint committee of Nelson City and Tasman District Councils.

5.9.1 Areas of Responsibility:

- Under the Civil Defence Emergency Management Act 2002, the functions of a Civil Defence Emergency Management Group, and of each member, are to
 - in relation to relevant hazards and risks:
 - ❖ identify, assess, and manage those hazards and risks
 - ❖ consult and communicate about risks
 - ❖ identify and implement cost-effective risk reduction
 - take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area
 - take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in its area
 - respond to and manage the adverse effects of emergencies in its area
 - plan and carry out recovery activities
 - when requested, assist other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups)
 - within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act
 - monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act
 - develop, approve, implement, and monitor a civil defence emergency management group plan and regularly review the plan
 - participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan
 - promote civil defence emergency management in its area that is consistent with the purpose of this Act.
- The Civil Defence Emergency Management Group also has any other functions that are conferred or imposed by or under this Act or any other enactment.

5.9.2 Powers to Decide:

- The Civil Defence Emergency Management Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or other persons.
- Without limiting the generality of section 5.9.1. above, the Group may:
 - recruit and train volunteers for civil defence emergency management tasks
 - conduct civil defence emergency management training exercises, practices, and rehearsals
 - issue and control the use of signs, badges, insignia, and identification passes authorised under this Act, regulations made under this Act, or any civil defence emergency management plan
 - provide, maintain, control, and operate warning systems
 - provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency
 - exercise any other powers that are necessary to give effect to any civil defence emergency management plan or in response to a civil defence emergency

5.9.3 Quorum:

- The quorum at a meeting of the Civil Defence Emergency Management Group is two, being half of the members physically present.
- Of that quorum of two members, at least one must be from each local authority.

5.9.4 Procedure:

- The Standing Orders of Council providing administration to the committee will be applied at each meeting.
- The Chairperson will alternate annually between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson shall be appointed.
- The Chairperson will not have a casting vote
- These delegations/terms of reference may be varied by resolution of both Councils. Any such resolution will be subject to adoption of an equivalent resolution by the other Council
- The power to discharge any individual member and appoint another in his or her stead must be exercised by the local authority that made the appointment
- Copies of minutes of meetings of the Civil Defence Emergency Management Group will be retained by each Council for record keeping purposes

5.10 Joint Committee of Tasman District and Nelson City Councils

5.10.1 Areas of Responsibility:

- Matters relating to Statements of Expectation for all jointly owned Council Controlled Organisations and Council Controlled Trading Organisations
- Receipt of six monthly presentations from Port Nelson Limited, Nelson Airport Limited and Tasman Bays Heritage Trust and from the Nelson Regional Development Agency (owned solely by Nelson City Council).
- Discussion of policies, initiatives or directives stemming from central Government or external agencies, that involve cross-boundary issues

5.10.2 Powers to Decide:

- To determine the strategic direction to be given to jointly owned CCOs and CCTOs through Statements of Expectation

5.10.3 Powers to Recommend to Councils:

- All other matters requiring decision will be recommended to Nelson City and Tasman District Council, subject to an equivalent resolution being adopted by the other Council

5.10.4 Quorum:

- The quorum at a meeting of the Joint Committee is set at 14, being a majority of members as the membership is an odd number.
- Of that quorum of 14 members, at least five must be from each local authority.

5.10.5 Procedure:

- The Standing Orders of the Council providing administration to the committee will be applied at each meeting.
- The Chairperson will alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson will be appointed.
- The Chairperson will not have a casting vote
- These delegations/terms of reference may be varied by resolution of both Councils and any such resolution will be subject to adoption by the other Council unless it is a matter specific to one Council only
- Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes

5.11 Nelson City Council Tasman District Council Joint Shareholders Committee

5.11.1 Areas of Responsibility:

- All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees

5.11.2 Powers to Decide:

- All matters relating to jointly owned Council Controlled Organisations and Council Controlled Trading Organisations, including statements of intent, statements of corporate intent, half yearly reports, the appointment of directors and setting of directors' fees

5.11.3 Quorum:

- The quorum at a meeting of the Joint Shareholders Committee is set at six, being half of the membership. Of that quorum of six members, at least must be from each local authority.

5.11.4 Procedure:

- The Standing Orders of the Council providing administration to the committee will be applied at each meeting.
- The Chairperson will alternate each meeting between the Mayor of Nelson City Council and the Mayor of Tasman District Council. In the absence of either Mayor, the committee will elect a chair as its first item of business for that meeting. No deputy chairperson will be appointed.
- The Chairperson will not have a casting vote
- These delegations/terms of reference may be varied by resolution of both Councils and any such resolution will be subject to adoption by the other Council unless it is a matter specific to one Council only
- The power to discharge any individual member and appoint another in his or her stead must be exercised by the local authority that made the appointment
- Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes

5.12 Nelson Regional Sewerage Business Unit

The Nelson Regional Sewerage Business Unit (NRSBU) is a joint committee of Nelson City and Tasman District Councils. Operation of the NRSBU is governed by a Memorandum of Understanding (A1983271).

5.12.1 Areas of Responsibility

- To manage and operate the wastewater treatment facilities at Bells Island and the associated reticulation network efficiently and in accordance with resource consent conditions to meet the needs of its customers.

5.12.2 Powers to Decide:

- The Councils are agreed that the responsibility for all management and administrative matters associated with the NRSBU operation shall be with the Board, and in particular the Board shall without the need to seek any further authority from the Councils:
 - Operate a bank account for the Business Unit;
 - Comply with the Procurement Policy of the Administering Council;
 - Enter into all contract necessary for the operation and management of the Business Unit in accordance with the approved budgets and intent of the Business Plan;
 - Authorise all payments necessary for the operation and management of the Business Unit within the approved budgets and intent of the Business Plan;
 - Do all other things, other than those things explicitly prohibited by this Memorandum of Understanding or relevant statutes, that are necessary to achieve the objectives as stated in the Strategic Plan, Asset Management Plan or Business Plan approved by the Councils;
 - Comply with the Health and Safety Policy and requirements of the administering Council
- Contribute to the sanitary services assessment process of the Councils
- Contribute to and comply with the waste management plans of the Councils
- Contribute to the development of the Councils' Development and Financial Contribution policies
- Contribute to the Councils' Regional Policy Statement and Regional Plan Reviews
- Develop and keep under review an appropriate contract for the delivery of waste collection and disposal services with each of its customers
- Follow generally accepted accounting practices
- Follow good employment practices

5.12.3 Powers to Recommend to Councils:

- Any other matters under the areas of responsibility of the Business Unit and detailed in the Memorandum of Understanding.
- All recommendations to Council will be subject to adoption of an equivalent resolution by the other Council, unless it is a matter specific to one Council only.

5.12.4 Quorum:

- The Memorandum of Understanding governing the NRSBU allows for either six or seven members to be appointed. The quorum at a meeting is either three (if six members are appointed), or four (if seven members are appointed), including at least one from each local authority.

5.12.5 Procedure:

- The Standing Orders of the Council providing administration to the committee will be applied at each meeting.
- The Chairperson will not have a casting vote.
- Copies of minutes of meetings of the Joint Committee will be retained by each Council for record keeping purposes

5.13 Nelson Tasman Regional Landfill Business Unit

The Nelson Tasman Regional Landfill Business Unit (NTRLBU) is a joint committee of Nelson City and Tasman District Councils. The NTRLBU is governed by a Terms of Reference (A1983272).

5.13.1 Areas of Responsibility

- Matters relating to the operation and use of the York Valley and Eves Valley landfills as regional landfill facilities, and the timing of their use.

5.13.2 Powers to Decide

- Setting of fees and charges for waste disposal at the regional landfill facilities by 30 June each year; including the power to apply discounted fees and charges for the disposal of waste in bulk; and to determine other circumstances where discounted fees and charges may be applied.
- Decisions to accept (or not accept) waste that is generated outside the Nelson-Tasman region.

5.13.3 Power to Recommend to Councils:

- Any other matters under the area of responsibility of the Business Unit
- All recommendations to Council will be subject to adoption of an equivalent resolution by the other Council, unless it is a matter specific to one Council only.

5.13.4 Quorum:

- The Memorandum of Understanding governing the NTRLBU allows for either four or five members to be appointed. The quorum at a meeting is either two (if four members are appointed), or three (if five members are appointed), including at least one from each local authority.

5.13.5 Procedure:

- The Standing Orders of the Council providing administration to the committee shall be applied at each meeting.
- The Chairperson will not have a casting vote
- Copies of minutes of meetings of the Nelson Tasman Regional Landfill Business Unit will be retained by each Council for record keeping purposes

5.14 Regional Transport Committee

Operation of the Regional Transport Committee is governed by the Land Transport Management Act 2003.

5.14.1 Areas of Responsibilities:

- Preparation of, or variations to a Regional Land Transport Plan, for approval by Council
- Preparation of or variation to a Regional Public Transport Plan, for approval by Council
- Provision of advice and assistance to Council in relation to its transport responsibilities.

5.14.2 Powers to Decide:

- To adopt a policy that determines significance in respect of
 - variations made to regional land transport plans under section 18D of the Land Transport Management Act 2003
 - activities that are included in the regional land transport plan under section 16 of the Land Transport Management Act 2003
- To approve submissions to external bodies on policy documents likely to influence the content of the Regional Land Transport Plan.

5.14.3 Powers to Recommend to Council:

- Approval of Regional Land Transport Plan
- Approval of any variations to the Regional Land Transport Plan
- Approval of any variation to the Regional Public Transport Plan
- Any other recommendations regarding the committee's advice or assistance to Council in relation to its transport responsibilities.

5.15 Resource Management Act Procedures Committee

5.15.1 Areas of Responsibility:

- To deal with administrative and procedural matters related to appeals to the Nelson Resource Management Plan (NRMP) and regional plans and policy statements and any changes thereto
- The Committee is to report all matters that it considers may have policy or wider implication for Council or Nelson community, to Council
- To determine the strategy or extent of any changes or variations to decisions which Council has made on the NRMP, regional plans or policy statements, to be followed in any arbitration, mediation, or appeal before the Environment Court
- To deal with administrative and procedural matters related to matters of national significance and matters arising from resource consents and plan changes to be determined by a Board of Inquiry or direct referral to the Environment Court including decisions to lodge appeals on resource consents

5.15.2 Delegations:

- In consultation with Council's legal advisers and Group Manager Environmental Management, power to enter into negotiations about and agreeing to, costs, consent orders, withdrawals and modifications during the course of any reference (and associated appeals on the NRMP, Regional Plan, or policy statements) before the Environment Court. The Committee is to report all outcomes to Council
- Power to authorise staff to negotiate, mediate or arbitrate consent orders where appropriate and consistent with the above
- Authority to waive requirements as to time limits, service, documentation and related administrative and procedural matters
- Power to decide to lodge submissions to resource consent in another jurisdiction
- Power to lodge appeals on resource consents in other jurisdictions where Council was a submitter
- Power to lodge appeals on the decisions of a requiring authority or heritage protection authority
- Power to lodge appeals on other parties' resource consents or Plan Changes
- Power to lodge appeals at the High Court on points of law arising from a decision of a Board of Inquiry or Environment Court in consultation with the solicitors acting for Council. All decisions are to be reported to Council

5.16 Saxton Field Committee

The Saxton Field Committee is a joint committee of Nelson City and Tasman District Councils. It is governed by a Terms of Reference (A1342334).

5.16.1 Areas of Responsibility

The Committee is responsible for:

- Considering proposals for reserve development
- Promotion and marketing of Saxton Field as a regional venue
- Capital development of Saxton Field
- Developing a naming and signage policy and considering requests under this policy
- Considering applications for leases and licenses
- Activities, developments and management actions provided for in the adopted Saxton Field Reserve Management Plan and associated policies
- Developing a work programme including any community consultation required.

5.16.2 Powers to Decide

- Matters relating to items provided for in the approved operations, capital expenditure and maintenance budgets for Saxton Field
- Matters relating to marketing of Saxton Field, within approved budgets and policies
- Approval of applications for concessions

5.16.3 Powers to Recommend to Councils

The Committee has powers to recommend to the Nelson City Council, and the Tasman District Council:

- Future capital works programmes
- Financial contributions for the operations, maintenance and capital development of the reserve
- Reserve policies for approval including the Saxton Field Reserve Management Plan and any Development Plan
- Leases, licenses and easements (to the relevant Council)
- Any other matters within the areas of responsibility noted above
- All recommendations to Council will be subject to adoption of an equivalent resolution by the other Council, unless it is a matter specific to one Council only.

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5.16.4 Quorum:

- The Quorum for the Saxton Field Committee is three, including at least one member from each local authority.

5.16.5 Procedure:

- The Standing Orders of the Council providing administration to the committee shall be applied at each meeting.
- The Chairperson will not have a casting vote
- Copies of minutes of meetings of the Saxton Field Committee will be retained by each Council for record keeping purposes

5.17 District Licensing Committee

Appointment of members to, and operation of the District Licensing Committee, is governed by the Sale and Supply of Alcohol Act 2012. The provisions of the Local Government Official Information and Meetings Act 1987, other than Part 7, apply to every licensing committee.

The object of the Act is to promote the safe and responsible sale, supply and consumption of alcohol and minimising alcohol-related harm.

5.17.1 Areas of Responsibility:

- To consider and determine applications for licences and manager's certificates and renewals, applications for temporary authority to carry on the sale and supply of alcohol, applications for special licences and applications for the variation, suspension or cancellation of special licences.
- To refer applications to the Alcohol Regulatory & Licensing Authority
- To conduct inquiries and make reports as required by the Alcohol Regulatory & Licensing Authority
- To carry out any other functions conferred on licensing committees by the Sale and Supply of Alcohol Act 2012 or any other enactment

5.17.2 Powers to Decide:

To consider and determine

- applications for licences (on-licences, off-licenses, club licenses and special licences)
- applications for manager's certificates
- applications for renewals of licences and manager's certificates
- applications for variations of licences
- applications for temporary authority to carry on the sale and supply of alcohol
- applications for special licences
- applications for the variation, suspension or cancellation of special licences

To issue summonses requiring

- the attendance of witnesses before it
- the production of documents
- to do any other act preliminary or incidental of any matter

5.17.3 Powers to Refer:

The District Licensing Committees has the power to refer applications to the Alcohol Regulatory & Licensing Authority (ARLA) for consideration and determination.

5.18 Hearings Panel – Resource Management Act

5.18.1 Functions:

- To conduct hearings and/or determine under delegated authority applications for consent and all other matters required to be heard and determined by way of hearing under the Resource Management Act 1991 (the RMA)

5.18.2 Membership:

- All Commissioners, being Councillors who have successfully completed a "Making Good Decisions" or other appropriate Resource Management Act Course
- The Group Manager Environmental Management may appoint a Chairperson, and one or more Commissioners, to constitute the Hearings Panel – Resource Management Act in relation to any particular application under the Resource Management Act 1991
- The Group Manager Environmental Management may appoint one or more Independent Commissioners to either assist the Hearings Panel or to hear and determine any particular application, such as when Council or a Council-Controlled Organisation or Council-Controlled Trading Organisation is (or could be perceived to be) an interested party

5.18.3 Powers to Decide:

- Power to hear and determine contested resource consent applications
- Power to hear and determine uncontested resource consent applications, or applications for reduction of esplanade reserve or proposals for reserves, not consented to by the Group Manager Environmental Management , Manager Resource Consents or Team Leader Resource Consents
- Power to hear and determine all objections to decisions on fees and extensions of time, and changes of conditions
- Power to hear and determine all publicly notified applications for Certificate of Compliance or Existing Use Certificates or cancellations of consents
- Power to review the conditions of a resource consent and the power to hear and determine the same (Section 128 of the RMA)
- Power to refuse subdivision consent (section 106 of the RMA)

5.19 Hearings Panel – Other

5.19.1 Functions:

- To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, all matters relating to Temporary Road Closures pursuant to Schedule 10 Clause 11(e) of the Local Government Act 1974, matters relating to naming features within the city, and any other matters required for determination by Council under legislation as determined by Council.

5.19.2 Membership:

- All elected members aside from the Mayor, in rotation. Each Hearings Panel-Other will be made up of three members.
- The Group Manager Environmental Management may appoint one or more Independent Commissioners to either assist the Hearings Panel - Other or to hear and determine any particular application, such as when Council or a Council-Controlled Organisation or Council-Controlled Trading Organisation is (or could be perceived to be) an interested party, other than applications made for temporary road closure under Schedule 10 Clause 11(e) of the Local Government Act 1974.

5.19.3 Powers to Decide:

- The power to appoint a panel to hear and determine with any other consent authority any application requiring a joint hearing
- The power to hear and recommend appropriate actions from hearings of designations and heritage orders
- The power to hear, consider and attempt to resolve contested road stopping procedures
- The power to consider and determine applications for temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974
- The power to hear and determine all matters arising from the administration of the Building Act 1991, and the Building Act 2004
- The power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996
- The power to name all features within the city requiring naming including roads, streets, service lanes, plazas, parking areas, parks, reserves, gardens and all public facilities or infrastructure, aside from those impacted by the Naming Rights and Sponsorship Policy for Community Services Facilities
- The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property
- The power to make changes to the schedules to the Parking and Vehicle Control Bylaw that do not require public consultation

Nelson City Council Delegations Register

- The power to hear submissions and recommendations on proposed changes to the schedules to the Parking and Vehicle Control Bylaw requiring public consultation
- The power to administer the administering body functions under section 48 of the Reserves Act 1977 on proposed rights of way and other easements on reserves vested in Council

5.20 Community Investment Funding Panel

5.20.1 Areas of Responsibility:

- The Funding Panel will consider applications for Community Investment Funding and allocate appropriate levels of funding against the criteria set out in the Nelson City Council Community Assistance Policy and the contribution of the project to the vision and objectives of the Fund.

Powers to Decide:

- The allocation of Community Investment Funding

Powers to Recommend:

- None

6. Subcommittees Established by Nelson City Council

6.1 Audit and Risk Subcommittee

This is a subcommittee of Council

6.1.1 Areas of Responsibility

- Council's Treasury policies
- Council's Annual Report
- Audit processes and management of financial risk
- Monitoring organisational risks, including debtors and legal proceedings
- Internal audit
- Health and Safety

6.1.2 Powers to Decide

- None

6.1.3 Powers to Recommend to Council

- To write off outstanding accounts receivable or remit fees and charges of amounts over the Chief Executive's delegated authority
- Adoption of Council's Annual Report
- Any matters within the areas of responsibility or such other matters referred to it by the Council

For the Terms of Reference for the Audit and Risk Subcommittee please refer to document A1437349.

6.2 Forestry Advisory Group This is a subordinate decision making body that reports to the Governance and Finance Committee

6.2.1 Areas of Responsibility:

- All matters relating to the commercial forestry operational portfolio including environmental issues

6.2.2 Powers to Decide:

- In accordance with Council's Annual Plan and Long Term Plan:
 - Approval of forestry and harvesting management strategy and plans
 - Approval of the engagement of contractors/consultants and forestry tenders

6.2.3 Powers to Recommend to Governance and Finance Committee:

- Any actions relating to the oversight of all matters relating to the commercial forestry portfolio, falling outside the powers to decide, including:
 - Approval of forestry related budgets; and
 - Any other matters relating to continuing commercial forestry operations.

For the Terms of Reference for the Forestry Advisory Group please refer to document A1739267.

6.3 Iwi-Council Advisory Group

The Iwi-Council Advisory Group reports to Council.

6.3.1 Areas of Responsibility:

- To support the review of the Memorandum of Understanding between Tangata Whenua o Whakatū and Nelson City Council;
- To support the development of an Iwi Engagement and Partnering Strategy

6.3.2 Powers to Decide:

- None

6.3.3 Powers to Recommend to Council:

- Adoption of the reviewed Memorandum of Understanding between Tangata Whenua o Whakatū and Nelson City Council;
- Adoption of the Iwi Engagement and Partnering Strategy

For the Terms of Reference for the Iwi-Council Advisory Group please refer to document A2109475

6.4 Tenders Subcommittee

6.4.1 Areas of Responsibility:

- To consider and award tenders that exceed the limits of the Chief Executive's delegated authority.

6.4.2 Membership:

- The Tenders Subcommittee will be comprised of the Mayor, Deputy Mayor, Chair of the Governance and Finance Committee, and Chair of any other relevant committee (where the tender falls within a different committee's area of responsibility)

6.4.3 Powers to Decide:

- To award all tenders that exceed the limits of the Chief Executive's delegated authority
- Any tenders awarded by the Tenders Subcommittee will be reported to the following meeting of the relevant committee for which the tender falls within the committee areas of responsibility.

7. Working Parties

7.1 Establish Working Parties

From time to time, Council or committees may choose to establish working parties. Working parties may provide a useful way for Councillors/committee members to engage on a particular issue, particularly in an investigative, advisory or fact-finding role with regards to the issue.

7.1.1 Functions:

- Working parties are groups set up with delegated authority to undertake any investigation, fact-finding or consultation on a particular issue, as required by the terms of reference, and within the scope of the terms of reference of the working party
- As a general rule, working parties have no power to decide on matters within the terms of reference. However, they retain the power to make recommendations to the extent allowed under the working party's terms of reference, and on matters which are within the scope of the terms of reference

7.1.2 Establishment of Working Parties:

- Working parties must be established by Council or Committee resolution, following consideration of whether a working party will provide the best outcome in relation to an issue. Council/Committee may consider whether arrangements, such as holding workshops or engaging in community engagement may provide a better outcome for a particular issue.
- Any resolution establishing a Working Party should utilise the Template to create a Working Party (A1216182) and clearly define:
 - The terms of reference for the working party, including its purpose, and the scope of its investigative, fact-finding roles or any other role as specified in the terms of reference;
 - Membership of the working party, including council or committee members by name, and any other stakeholders or community representatives to be included in the process;
 - The Chairperson of the Working Party;
 - The role of the chair, staff and any other stakeholders;
 - Processes around conflicts of interest by any working party members; and
 - Reporting of work undertaken by the working party
- If not otherwise established in the terms of reference, all working parties should be disbanded by resolution once final recommendations have been made to Council/the relevant committee.
- In the absence of any such resolution, and unless otherwise specified, all working parties will be considered to have been disbanded if they have not met for a period of six months.

7.2 City Centre Working Group

7.2.1 Areas of Responsibility:

- To provide guidance and direction to officers on the implementation of the city centre programme plan (A2247904), and its associated spatial plan and delivery plan

7.2.2 Powers to Decide:

- None

7.2.3 Powers to Recommend:

- None

For the Terms of Reference for the City Centre Working Group please refer to document A2288940

7.3 City for All Ages Working Group

7.3.1 Areas of Responsibility:

- To provide assistance and guidance to officers on the development of a strategy to respond to Nelson's ageing demographic

7.3.2 Powers to Decide:

- None

7.3.3 Powers to Recommend:

- The working group is able to make recommendations to the Community Services Committee in regards to the Strategy for Nelson's Ageing Demographic

For the Terms of Reference for the City for All Ages Working Group please refer to document A2050287

8. Appointments to Other Organisations

Council may appoint elected members or other persons to Council organisations or other organisations.

8.1.1 Elected members appointed to other organisations have the following roles:

- Liaison: to be an interface between Council and the organisation;
- Engagement: to involve people and organisations in the decisions that affect them; and
- Representation: to represent Council's financial or other interests in an organisation.

8.1.2 Elected members appointed to other organisations may, if necessary, report back to the relevant committee or Council on matters of interest from the relevant organisations through the Chairperson's Report or Mayor's Report.

8.1.3 Schedule Two sets out the elected members appointed to external organisations.

SCHEDULES

Schedule One - Members of Committees, Subcommittees, Subordinate Decision-Making Bodies and Working Groups

Mayor

- Rachel Reese

Deputy Mayor

- Judene Edgar

Community Services Committee

This is a committee of the whole. Membership is:

- Councillor Lawrey (Chairperson)
- Councillor Bowater (Deputy Chairperson)
- Councillor Brand
- Councillor Courtney
- Councillor Edgar
- Councillor Fulton
- Councillor McGurk
- Councillor Noonan
- Councillor O'Neill-Stevens
- Councillor Rainey
- Councillor Sanson
- Councillor Skinner
- Her Worship the Mayor

Environment Committee

This is a committee of the whole. Membership is:

- Councillor Fulton (Chairperson)
- Councillor McGurk (Deputy Chairperson)
- Councillor Brand
- Councillor Bowater
- Councillor Courtney
- Councillor Edgar
- Councillor Lawrey
- Councillor Noonan

- Councillor O'Neill-Stevens
- Councillor Rainey
- Councillor Sanson
- Councillor Skinner
- Her Worship the Mayor
- external appointee

Governance and Finance Committee

This is a committee of the whole. Membership is:

- Councillor Sanson (Chairperson)
- Councillor Noonan (Deputy Chairperson)
- Councillor Brand
- Councillor Bowater
- Councillor Courtney
- Councillor Edgar
- Councillor Fulton
- Councillor Lawrey
- Councillor McGurk
- Councillor O'Neill-Stevens
- Councillor Rainey
- Councillor Skinner
- Her Worship the Mayor
- external appointee
- external appointee

Infrastructure Committee

This is a committee of the whole. Membership is:

- Councillor McGurk (Chairperson)
- Councillor O'Neill-Stevens (Deputy Chairperson)
- Councillor Brand
- Councillor Bowater
- Councillor Courtney
- Councillor Edgar
- Councillor Fulton
- Councillor Lawrey

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- Councillor Noonan
- Councillor Rainey
- Councillor Sanson
- Councillor Skinner
- Her Worship the Mayor

Sports and Recreation Committee

This is a committee of the whole. Membership is:

- Councillor Skinner (Chairperson)
- Councillor Brand (Deputy Chairperson)
- Councillor Bowater
- Councillor Courtney
- Councillor Edgar
- Councillor Fulton
- Councillor Lawrey
- Councillor McGurk
- Councillor Noonan
- Councillor O'Neill-Stevens
- Councillor Rainey
- Councillor Sanson
- Her Worship the Mayor

Chief Executive Employment Committee

- Her Worship the Mayor (Chairperson)
- Councillor Edgar (Deputy Chairperson)
- Councillor Noonan
- Councillor Rainey

Civil Defence Emergency Management Group

Chairperson: Alternating (see procedure)

- Her Worship the Mayor
- Deputy Mayor

Note: This Committee also includes the Mayor and Deputy Mayor of Tasman District Council.

Joint Committee of Tasman District and Nelson City

Chairperson: Alternating (see procedure)

Deputy Chairperson: None

- Her Worship the Mayor
- Councillor Brand
- Councillor Bowater
- Councillor Courtney

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- Councillor Edgar
- Councillor Fulton
- Councillor Lawrey
- Councillor McGurk
- Councillor Noonan
- Councillor O'Neill-Stevens
- Councillor Rainey
- Councillor Sanson
- Councillor Skinner

Note: This committee also includes The Mayor, Deputy Mayor and 12 Councillors of Tasman District Council giving a total of 27 members for the Committee

Nelson City Council Tasman District Council Joint Shareholders Committee

Chairperson: Alternating (see procedure)

Deputy Chairperson: None

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Note: This Committee also includes six elected members of Tasman District Council

Nelson Regional Sewerage Business Unit

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Note: This Committee also includes two representatives from Tasman District Council, one independent member, a representative of the Nelson Regional Sewerage Scheme Customer Group, and an Iwi representative.

Nelson Tasman Regional Landfill Business Unit

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Note: This Committee also includes two representatives from Tasman District Council, and one independent member

Regional Transport Committee

- Councillor McGurk (Chairperson)
- Councillor Edgar (Deputy Chairperson)
- Councillor O'Neill-Stevens
- Her Worship the Mayor
- New Zealand Transport Agency Representative

Resource Management Act Procedures Committee

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-

Saxton Field Committee

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Note: This Committee also includes two representatives from Tasman District Council, and one independent member, giving a total of five members for the Committee.

District Licensing Committee

- Oke Blaikie (Chairperson, external appointment)
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- Gail Collingwood (external appointment)
- Derek Shaw (external appointment)
- Laurie Gabites (external appointment)
- David Lewis (external appointment)

Hearings Panel – Resource Management Act

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Hearings Panel - Other

- All Councillors

Community Investment Funding Panel

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- (Community Representative)
- (Community Representative)
- (Community Representative)
- (Community Representative)
- Group Manager Community Services – Roger Ball

Audit, and Risk Subcommittee

- External appointee (Chairperson)
- External appointee (deputy Chairperson)
- Her Worship the Mayor
- Councillor Edgar
- Councillor Sanson

Forestry Advisory Group

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Iwi-Council Advisory Group

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- Representative from Te Ātiawa
- Representative from Ngāti Kuia
- Representative from Ngāti Toa Rangatira
- Representative from Ngāti Tama
- Representative from Ngāti Rārua
- Representative from Ngāti Koata
- Representative from Ngāti Apa ki te Rā Tō
- Representative from Rangitane

Nelson City Council Delegations Register

City Centre Working Group

- Councillor Rainey (Chair)
- Councillor Courtney (Deputy Chair)
- Councillor Brand
- Councillor Lawrey
- Councillor Noonan
- Her Worship the Mayor

City for All Ages Working Group

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Schedule Two – Elected Member Appointees to External Organisations

Elected members have been appointed to the external organisations listed below in the following capacities:

- Liaison: to be an interface between Council and the organisation;
- Engagement: to involve people and organisations in the decisions that affect them; and
- Representation: to represent Council's financial or other interests in an organisation.

Note: Some of these organisations meet the definition of Council Organisation.

Accessibility for All

-

Arts Council Nelson Incorporated

-

Cawthron Institute Board

-

Community and Whanau Group

-
-

Developer Advisory Group

-
-
-

Eelco Boswijk Civic Awards (previously Community Spirit Awards)

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-
-
-
-
-

Mayor's Taskforce for Jobs Steering Group

-

Nelson Biodiversity Forum

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-
-

Nelson Tasman Business Trust

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Nelson Tasman Mayoral Relief Trust

- Her Worship the Mayor
- Deputy Mayor

Note: the Trust also includes the Mayor and one elected member of Tasman District Council plus one other member appointed by the four elected members.

Nelson Youth Council

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-

Positive Ageing Forum

-

Sister Cities

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-
-

Sport Tasman Trust (Tasman Regional Sports Trust)

-

Tasman Bay Heritage Trust Appointments Committee

-
-

Urban Design Champion

-

Waimea Inlet Coordination Group

-

Whakatu Marae

Nelson City Council Delegations Register

-

Youth Nelson (The Young Nelson Trust)

-

Nelson Regional Sewerage Business Unit

Memorandum of Understanding

1. Parties

The Tasman District Council and the Nelson City Council (the councils).

2. Term

- 2.1. This memorandum of understanding shall commence on 1 July 2015 and shall terminate on 30 June 2025 unless terminated earlier by resolution of both councils.

3. Preamble

- 3.1. The Nelson Regional Sewerage Business Unit (NRSBU) was established in July 2000, to replace the former Nelson Regional Sewerage Authority established in the 1970s.
- 3.2. This Memorandum of Understanding replaces the Memorandum of Understanding which established the NRSBU on 1 July 2000 and the subsequent amendment established 9 March 2010.
- 3.3. This Memorandum of Understanding shall constitute the 'terms of reference' as required under Section 30A (2) (c) of the Local Government Act 2002.
- 3.4. The purpose of the NRSBU is to manage and operate the wastewater treatment facilities at Bells Island and the associated reticulation network efficiently and in accordance with resource consent conditions to meet the needs of its customers. The NRSBU shall plan for the future needs of the community in a cost efficient and environmentally sustainable manner rather than entirely focusing making a financial return. The NRSBU has designated itself as a public benefit entity for the purposes of New Zealand Equivalents to International Financial Reporting Standards (NZIFRS).
- 3.5. The Bells Island treatment plant and associated reticulation network, and any additions or improvements to these assets are owned in equal parts by the councils and are strategic assets of the councils.
- 3.6. The NRSBU is intended to be a self-funding body which provides a service to its customers, which include the councils, under a contractual relationship independent of its ownership.

4. Structure of NRSBU

- 4.1. The Nelson Regional Sewerage Business Unit is hereby constituted a Joint Committee of the Nelson City Council and the Tasman District Council pursuant to the provisions of the 7th Schedule to the Local Government Act 2002.
- 4.2. The NRSBU Board (the Board) shall comprise either six or seven members appointed as follows:

NRSBU Memorandum of Understanding

- i) Two members appointed by the Tasman District Council (at least one of whom will be an elected member of the Tasman District Council);
 - ii) Two members appointed by the Nelson City Council (at least one of whom will be an elected member of the Nelson City Council);
 - iii) May include one member independent of either Council and not involved in any business related to the NRSBU activities. This member is discretionary and would only be appointed if mutually agreed to by both the councils and in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'. This member shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.
 - iv) One non-voting member representing, and appointed by, the NRSBU Major Industrial Customers.
 - v) One member representing and nominated by local iwi and confirmed by both councils. This iwi advisor shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.
- 4.3. In appointing members to the Board, the councils will consult with the Board on the skills and experience required so that an appropriate mix of skills is maintained.
- 4.4. The Board will elect a chair from its voting members at its first meeting of the triennium.

5. Meetings

- 5.1. For the avoidance of doubt the Board shall comply with the provisions of the Local Government Official Information and Meetings Act 1987 and the standing orders of the the Council providing administration to the committee shall be applied at each meeting administering Council in respect of its meetings.
- 5.2. The Quorum for a meeting of the Board shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number. There shall also be at least one member from each council represented in the quorum.
- 5.3. The Board shall meet at least 3 times per year (currently 4 times) at intervals decided by the Board in order to meet its obligations under this Memorandum of Understanding.

6. Management and Support Services

Management and support services are provided as follows,

- i) The administering Council shall be the Nelson City Council.

NRSBU Memorandum of Understanding

- ii) The General Manager is appointed by the councils and employed or contracted by the administering Council and may or may not be on the recommendation of the Board. The councils may choose to appoint an independent General Manager instead of appointing an independent member (as outlined in 4.2 (iii)).
- iii) The administering Council shall provide the following services as appropriate to enable the Board to fulfil its obligations under this Memorandum of Understanding;
 - Engineering services;
 - Accounting and Administration Services;
 - Treasury Services.

7. Powers and Responsibilities Delegated to the NRSBU

7.1. The councils are agreed that the responsibility for all management and administrative matters associated with the NRSBU operation shall be with the Board, and in particular the Board shall without the need to seek any further authority from the councils:

- i) Operate a bank account for the Business Unit.
- ii) Comply with the Procurement Policy of the administering Council.
- iii) Enter into all contracts necessary for the operation and management of the Business Unit in accordance with the approved budgets and intent of the Business Plan.
- iv) Authorise all payments necessary for the operation and management of the Business Unit within the approved budgets and intent of the Business Plan.
- v) Do all other things, other than those things explicitly prohibited by this Memorandum of Understanding or relevant statutes, that are necessary to achieve the objectives as stated in the Strategic Plan, Asset Management Plan or Business Plan approved by the councils.
- vi) Comply with the Health and Safety Policy and requirements of the administering Council.

7.2. Contribute to the sanitary services assessment process of the councils.

7.3. Contribute to and comply with the waste management plans of the councils.

7.4. Contribute to the development of the councils' Development and Financial Contribution policies.

7.5. Contribute to the councils' Regional Policy Statement and Regional Plan Reviews.

7.6. Develop and keep under review an appropriate contract for the delivery of waste collection and disposal services with each of its customers.

7.7. Follow generally accepted accounting practices.

7.8. Follow good employment practices.

8. Limitations

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The NRSBU may not borrow money or purchase or dispose of significant assets other than with the approval of the councils.

9. Operational Funding

- 9.1. The Board shall budget to repay loans for new capital expenditure over 30 years from Net Surplus Income. Any Net Surplus Income before extraordinary items over budget shall be returned to the councils on an equal share basis.
- 9.2. It is agreed that where any contribution is required to be made by the councils to the ongoing operational costs of the NRSBU, apart from the charges the councils agree to pay as customers of the scheme, each Council shall pay an equal share of any contribution required.

10. Capital expenditure.

- 10.1. The NRSBU shall ensure that all capital assets are appropriately depreciated to enable a fund to be established for the replacement of such assets.
- 10.2. The NRSBU shall have the sole authority to determine what expenditure is made from the depreciation fund so accumulated.
- 10.3. Any capital expenditure that is required which exceeds the amount held in any depreciation fund or account and is in the way of expansion or major upgrade shall require approval of the councils.

11. Planning and reporting

The NRSBU shall produce the following plans in respect of its operations.

11.1. Strategic Plan

The Strategic Plan shall describe the long term objectives of the Board in relation to its operations. This will include consideration of new technologies, environmental sustainability, climate change, changes in legislation/policy and any other issues which the NRSBU might face in providing services for its customers.

The Board shall prepare its Strategic Plan prior to the drafting of the Asset Management Plan.

The Board shall review its Strategic Plan on an annual basis.

11.2. Asset Management Plan

The Asset Management Plan shall provide an analysis of the assets controlled by the NRSBU in relation to the current levels of service required by the customers and their likely future demands. It will also provide a financial analysis of the NRSBU operations and indicate how the assets should be managed to ensure the most cost effective and efficient service. It will also outline the manner in which the NRSBU will provide for appropriate risk management.

The Asset Management Plan shall be reviewed annually and revised at least every three years at which time it will be submitted to the councils for approval.

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11.3. Business Plan

The business plan should state the activities and intentions of the Business Unit. It should outline how those activities relate to the objectives of the Business Unit as documented in the current strategic plan, the financial forecasts for the following three years, the performance targets for the coming year and any variations to charges proposed for that financial year.

A draft of the business plan for the coming year shall be presented to the councils annually by 31 December.

After the councils have had an opportunity to discuss and comment on the draft Plan the Board shall finalise the business plan, incorporating any changes agreed between the councils and the Board and present the final business plan to the councils by 20 March.

11.4. Annual Report and Audited Accounts

The Board shall prepare an Annual Report at the end of each financial year which shall include reporting against the performance targets and financial forecasts in the approved Business Plan.

The annual accounts and financial statements, included in the Annual Report, shall be in a manner and form approved by the Business Unit's auditor, fairly showing the operating and financial position of the NRSBU for the financial year, including a statement of financial performance, a statement of financial position, a statement of cash flows, and all information necessary to enable an informed assessment of the operation of the Business Unit. The audited financial statements must be prepared in accordance with generally accepted accounting practice.

The Annual Report and Audited Accounts will be presented to councils by 30 September in each year.

11.5. Agendas for all meetings of the Board will be forwarded to the Chief Executive of the administering Council, and/or such staff as they might nominate to represent the owners of the scheme, at the same time as they are forwarded to Board Members.

11.6. Minutes of all meetings of the Board will be forwarded to the Chief Executives of the councils and to all Board members as draft minutes once they have been reviewed for accuracy by the General Manager and/or the Chairperson.

12. Customer Group

12.1. A Customer Group shall be maintained to provide a forum for consultation and liaison with major users of the scheme. The Board shall determine who shall be members of the group.

12.2. The Customer Group shall be chaired by the General Manager of the NRSBU.

13. Termination

13.1. Subject to clause 13.2, the members of the Board appointed under clause 4.2(i) and 4.2(ii) will be discharged on the coming into office of the members of the councils elected at the triennial

NRSBU Memorandum of Understanding

local body elections. The new Board members appointed under clause 4.2(i) and 4.2(ii) shall be appointed by resolution of the councils at the earliest opportunity post the said election.

- 13.2. Prior to the election, the NRSBU may recommend to the councils that they approve a transitional arrangement through the triennial election process for representation on the NRSBU. For clarity, this provision only applies where both councils have approved a transitional arrangement.
- 13.3. The councils may at any time replace their appointed members or by mutual agreement remove/replace the independent member of the Board. No action to replace any member will be taken without the councils first consulting with the Board except where the replacement is part of a triennial election process referred to in clause 13.1.
- 13.4. Iwi may nominate at any time a replacement for the appointed iwi advisor. The replacement iwi advisor shall be confirmed by both councils.

14. Variations and Disputes

- 14.1. Notwithstanding the above, this Memorandum of Understanding may be amended pursuant to a resolution adopted by the councils at any time during its term.
- 14.2. In the event of any dispute arising between the parties to this Memorandum of Understanding the parties shall, without prejudice to any other right, immediately explore in good faith whether the dispute can be resolved by agreement between them using informal dispute resolution techniques such as negotiation, mediation, independent expert appraisal, or any other alternative dispute resolution technique.
- 14.3. In the event the dispute is not resolved by such agreement within 21 days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties) either party may refer the dispute to arbitration by a single arbitrator pursuant to the Arbitration Act 1996.
- 14.4. The arbitrator shall be agreed between the parties within 10 days of written notice of the referral by the referring party to the other, or failing agreement appointed by the President of the Nelson District Law Society.
- 14.5. In either case the arbitrator shall not be a person who has participated in an informal dispute resolution procedure in respect of the dispute.
- 14.6. The arbitrator so appointed shall be obliged to proceed with maximum expedition to deliver a decision within two months of the appointment.

The parties agree to co-operate fully in every respect with the arbitration and further agree that any decision made by the arbitrator shall be final and binding and hereby waive any right to appeal against the decision or seek judicial review of it in any court.

NRSBU Memorandum of Understanding

Mayor
Nelson City Council

Mayor
Tasman District Council

Chief Executive
Nelson City Council

Chief Executive
Tasman District Council

Date: ____/____/____

Date: ____/____/____

Approved by TDC on 8 November 2018 and by NCC on 15 November 2018

**Terms of Reference for the
Nelson Tasman Regional Landfill Business Unit
established as a joint committee of Tasman District
Council and Nelson City Council**

NELSON CITY COUNCIL

and

TASMAN DISTRICT COUNCIL

November 2018

A1983272

I Parties

- (1) **NELSON CITY COUNCIL**, Civic House, 110 Trafalgar Street, Nelson
- (2) **TASMAN DISTRICT COUNCIL**, 189 Queen Street, Richmond

II Background

- A. Nelson City Council (**Nelson**) and Tasman District Council (**Tasman**) are unitary authorities (jointly **the councils**) under the Local Government Act 2002 (**the LGA**) with territorial responsibilities for promoting effective and efficient waste management and minimisation within their respective territorial boundaries (jointly **the Nelson Tasman region**) under Part 4 of the Waste Minimisation Act 2008 (**the WMA**).
- B. Nelson owns and operates the York Valley landfill at 34 Market Road, Bishopdale, Nelson. The site includes the current operational area (Gully 1) and two other areas potentially suitable for landfill operations (Gully 3 and Gully 4) (**York Valley landfill**). The legal description of the land and the location and extent of these areas are shown in [Attachment 1].
- C. Tasman owns and operates the Eves Valley landfill at 214 Eves Valley Road, Waimea West, Tasman. The site includes a closed landfill (Stage 1), the current operational area (Stage 2) and a further area potentially suitable for landfill operations (Stage 3) (**Eves Valley landfill**). The legal description of the land and the location and extent of these areas are shown in [Attachment 2].
- D. The councils acknowledge their respective roles and responsibilities under the LGA and the WMA.
- E. Nelson and Tasman have prepared and adopted a Joint Waste Management and Minimisation Plan dated April 2012 (**the Joint Waste Plan**) pursuant to sections 43 and 45 of the WMA.
- F. The councils have agreed to jointly make the most effective and efficient use of York Valley and Eves Valley landfill space.
- G. The councils have reviewed options for the provision of landfill capacity in the Nelson Tasman region. They intend to jointly share in the management of the two landfills, through a Joint Committee of the councils appointed pursuant to schedule 7 of the LGA (**the Joint Committee**).

- H. The councils intend to enable the joint governance, management and use of York Valley Gully 1 and Eves Valley Stages 1, 2 and 3 as regional landfill facilities to accept all municipal solid waste (**waste**) generated in the Nelson Tasman region.
- I. The councils also intend the following:
- (i) That the York Valley landfill will be the primary regional landfill facility from 1 July 2017, to accept all waste generated within the Nelson Tasman region until Gully 1 is at capacity (anticipated to be in approximately 2031), or until expiry of the existing resource consents for the York Valley landfill (being 31 December 2034), whichever occurs first.
 - (ii) That Stage 2 of the Eves Valley landfill to have all necessary consents and approvals to accept up to one years' waste from the Nelson Tasman region in case of unforeseen temporary closure of the York Valley landfill, and that Stage 3 be retained for future use as a regional landfill facility.
 - (iii) Once the Joint Committee is established, it shall have responsibility for making decisions as per Part 3 clause 10 of these terms of reference.
- J. These terms of reference accompany a deed of agreement between the councils and set out the membership, responsibilities, operating parameters and reporting requirements of the Joint Committee, to be known as the Nelson Tasman Regional Landfill Business Unit (**NTRLBU**).

III Terms of Reference

Purpose

1. The purpose of the NTRLBU is to manage and operate a regional landfill facility or facilities efficiently and in accordance with:
- the Joint Waste Plan;
 - the Long Term Plans and Annual Plans of each council;
 - the NTRLBU Activity [Asset] Management Plan;
 - the NTRLBU Business Plan;
 - resource consent conditions for each landfill; and
 - and the councils' Solid Waste Activity Management Plans.

2. The NTRLBU shall plan for the future needs of the community in a cost efficient and environmentally sustainable manner in accordance with the objectives of the Joint Waste Plan.
3. The NTRLBU will designate itself as a public benefit entity (PBE) for financial reporting purposes.
4. The NTRLBU is intended to be a self-funding body which provides a service to its customers, (which include the councils under a contractual relationship independent of its establishment as a Joint Committee of the councils) and provides income to the councils to implement the Joint Waste Plan.

Structure of NTRLBU

5. The NTRLBU will be established as a Joint Committee of Nelson and Tasman pursuant to schedule 7 to the LGA.
6. The NTRLBU shall comprise four or five members appointed as follows:
 - (i) Two members appointed by Tasman (at least one of whom will be an elected member of the Tasman District Council);
 - (ii) Two members appointed by the Nelson (at least one of whom will be an elected member of the Nelson City Council);
 - (iii) May include one jointly appointed/independent member, who is not involved in any business related to the NTRLBU activities. This member would only be appointed if mutually agreed to by both councils and in accordance with the councils' 'Policy for appointment and remuneration of jointly-appointed independent members on committees'. This member shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the councils' 'Policy for appointment and remuneration of jointly-appointed independent members on committees'.
7. The NTRLBU will include one iwi advisor, nominated by local iwi with mana whenua at either landfill site, and confirmed by both councils. This iwi advisor shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall be remunerated in accordance with the councils' 'Policy for appointment and remuneration of jointly-appointed independent members on committees'.

8. In appointing members to the NTRLBU, the councils will have regard to the criteria, skills and experience required so that an appropriate mix of skills is maintained.
9. The NTRLBU will elect a Chair and Deputy Chair from its voting members at its first meeting of the triennium.

Powers and responsibilities delegated to the NTRLBU

10. The NTRLBU may without the need to seek any further authority from the councils:
 - (i) Set fees and charges for waste disposal at the regional landfill facilities by 30 June each year; including the power to apply discounted fees and charges for the disposal of waste in bulk; and may determine other circumstances where discounted fees and charges may be applied. For clarity, the fees and charges shall be included in the draft annual Business Plan that is submitted for Council approval each year.
 - (ii) Make decisions to accept (or not accept) waste that is generated outside the Nelson Tasman region.
11. The NTRLBU may recommend the purchase of additional land for landfill facilities to the councils.
12. The NTRLBU shall contribute to the Long Term Plan planning processes of the councils in a timely manner, including activity management plans and infrastructure strategies. Information is to be provided in sufficient time to enable the councils to carry out and complete their statutory planning and reporting.
13. The NTRLBU shall contribute to and comply with the Joint Waste Plan of the councils.
14. The NTRLBU shall contribute to the development of the councils' Development Contribution and Financial Contribution policies, where these relate to solid waste activities or planning.
15. The NTRLBU shall contribute to the councils' Regional Policy Statement and Regional Plan reviews, where these may relate to solid waste activities or planning.
16. The NTRLBU shall contribute to Solid Waste Service Delivery reviews in accordance with section 17A of the LGA, as necessary.
17. The NTRLBU shall follow generally accepted accounting practices and comply with the accounting policies of the Administering Council.

Meetings

18. For the avoidance of doubt, the NTRLBU shall comply with the provisions of the Local Government Official Information and Meetings Act 1987 and the standing orders of the Council providing administration to the committee shall be applied at each meeting~~the Administering Council in respect of its meetings.~~
19. The Quorum for a meeting shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number. There shall also be at least one member from each council represented in the quorum.
20. The NTRLBU should aim to meet at least 4 times per year at intervals decided by it in order to meet its obligations under these terms of reference.

Planning and reporting

21. The NTRLBU will produce the following plans in respect of its operations.

1. Business Plan

The Business Plan should state the activities and intentions of the NTRLBU. It shall outline how those activities relate to the objectives of the NTRLBU as documented in the current strategic plan, the financial forecasts for the following three years, the performance targets for the coming year and any variations to fees and charges proposed for that financial year.

A draft of the Business Plan for the coming year shall be presented to the councils annually by 31 October.

After the councils have had an opportunity to discuss and comment on the draft Business Plan the NTRLBU shall finalise the Business Plan, incorporating any changes agreed between the councils and the NTRLBU and present the final Business Plan to the councils by 31 May for inclusion in each council's draft Annual Plan.

Any changes to the draft Business Plan arising out of consultation on the draft Annual Plan shall require joint agreement of the two councils.

2. Activity Management Plan

The NTRLBU Activity Management Plan shall provide an analysis of the assets controlled and services delivered by the NTRLBU in relation to the current levels of service required by its customers, and their likely future demands. It will also provide a financial analysis of the NTRLBU operations and indicate how the assets should be managed to ensure the

most cost effective and efficient service. It will also outline the manner in which the NTRLBU will provide for appropriate risk management.

The NTRLBU Activity Management Plan shall be reviewed annually and revised at least every three years in time to meet the timeframes for each councils Long Term Plan development and Solid Waste Activity Management Plan preparation.

The NTRLBU Activity Management Plan will be submitted to the councils for approval.

3. Annual Report

The NTRLBU shall prepare an Annual Report at the end of each financial year which shall include reporting against the performance targets and financial forecasts in the approved Business Plan.

The annual accounts and financial statements, included in the Annual Report, shall be in a manner and form approved by the NTRLBU's auditor, fairly showing the operating and financial position of the NTRLBU for the financial year, including a statement of financial performance, a statement of financial position, a statement of cash flows, and all information necessary to enable an informed assessment of the operation of the NTRLBU. The audited financial statements must be prepared in accordance with generally accepted accounting practice and in compliance with the accounting policies of the Administering Council.

The draft Annual Report will be presented to the councils by 15 September in each year.

4. Agendas for all meetings of the NTRLBU will be forwarded to the Chief Executives of the councils.
5. Minutes of all meetings of the NTRLBU will be forwarded to the Chief Executives of the councils and to all NTRLBU members as draft minutes once they have been reviewed for accuracy by the General Manager and/or the Chairperson.

Management and support services

22. Management and support services will be provided as follows:

- (i) The Administering Council shall carry out operational, financial, secretarial and administrative activities as necessary for the NTRLBU to fulfil its purpose and responsibilities under these terms of reference and shall report to the NTRLBU. The Administering Council will be Nelson.

- (ii) A General Manager of the NTRLBU will be appointed by joint agreement of the Chief Executives of the councils and may or may not be on the recommendation of the NTRLBU. The councils may choose to appoint an independent General Manager instead of appointing an independent member as outlined in clause 6 (iii). The General Manager shall be employed or contracted by the Administering Council.
- (iii) The Chief Executives of each council will establish and maintain a Management Group, comprising the General Manager, and at least one staff member (or representative) with either engineering and/or financial expertise. The Management Group will meet as necessary and report four times a year to the NTRLBU on the matters referred to it under this agreement, or on any other relevant matter requested by the NTRLBU.
- (iv) The Management Group shall receive all operational and financial information concerning operation of the landfills and the operating account and shall have the following tasks:
 - (a) reporting the financial position of the NTRLBU on a monthly basis to the Chief Executive of each council, and quarterly to the NTRLBU;
 - (b) reporting operational performance;
 - (c) reporting compliance with resource consent conditions;
 - (d) making recommendations concerning the setting of fees and charges for the disposal of waste at the regional landfill facilities;
 - (e) making recommendations concerning the setting of discounted fees and charges for disposal of waste in bulk and other circumstances where discounted fees and charges may be applied;
 - (f) making recommendations on the awarding of operational contracts;
 - (g) making recommendations concerning any proposal to accept out-of-district waste for disposal at the regional landfill facilities, and the setting of fees and charges for the disposal of such waste;
 - (h) making recommendations concerning the setting of the waste management rebate for any operating year and carrying out a review of the operating account and waste management rebate during the year;

- (i) the review of financial modelling information concerning operation of the York Valley landfill and Eves Valley landfill over the life of this agreement and any future agreement;
- (j) making recommendations concerning any dispute that may be referred to it;
- (k) making recommendations for waste acceptance criteria;
- (l) the carrying out of and reporting on any other tasks identified in the Joint Waste Plan concerning regional waste management and minimisation referred to it jointly by the councils; and
- (m) providing advice or recommendations on any other matters relevant to the NTRLBU.

Discharge of members

- 23. Subject to clause 24, the members of the NTRLBU appointed under clause 6(i) and 6(ii) will be discharged on the coming into office of the members of the Councils elected at the triennial local body elections. The new NTRLBU members appointed under clause 6(i) and 6(ii) shall be appointed by resolution of the councils at the earliest opportunity after each election.
- 24. Prior to the election, the NTRLBU may recommend to the councils that they approve a transitional arrangement through the triennial election process for representation on the NTRLBU. For clarity, this provision only applies where both councils have approved a transitional arrangement.
- 25. The councils may at any time replace their appointed members, or by joint agreement remove/replace the independent member of the NTRLBU. No action to replace any member will be taken without the councils first consulting with the NTRLBU, except where the replacement is part of a triennial election process referred to in clause 23.
- 26. Iwi may nominate at any time a replacement for the appointed iwi advisor. The replacement iwi advisor shall be confirmed by both councils.

Variations

- 27. These terms of reference may be varied by joint agreement of the two councils to enable the NTRLBU to perform in such a manner as to give effect to its purpose, and to carry out its functions and duties effectively, provided that such variation is in accordance with the accompanying agreement and meets the requirements of the LGA.

Limitations

28. The NTRLBU may not borrow money or undertake major financial transactions other than with the approval of both councils.

Media

29. The councils shall endeavour to agree all public or media statements concerning the activities of the NTRLBU prior to release. However this clause shall not be construed as restricting the right of each council to discuss any aspect of the accompanying agreement or these terms of reference in open council meetings, and to have such deliberations reported in the media, or to make statements in relation to them as each council reasonably considers is necessary or desirable in the performance of its role as a territorial authority, or in the interests of full public debate of all issues relevant to a territorial authority, its community and its ratepayers.

Approved by TDC on 8 November 2018 and by NCC on 15 November 2018

Signed by

NELSON CITY COUNCIL:

Mayor

Councillor

Signed by

TASMAN DISTRICT COUNCIL:

Mayor

Councillor

A1983272

November 2018

9

Saxton Field Committee

Terms of Reference

1. Purpose

The Saxton Field Committee (the Committee) is to oversee the development and management of Saxton Field on behalf of Nelson City Council and Tasman District Council (the councils).

2. Membership

Each council must appoint two elected members to the Committee.

An independent member will be appointed in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'

At the inaugural meeting a Chairperson will be elected for the purposes of the inaugural meeting only, and will not have a casting vote at that meeting.

The independent member will be the Chair of the Committee and will have voting rights.

If the Chair is unavailable a Chairperson will be elected from among members attending on the day.

3. Stakeholders

Representatives from iwi, relevant sporting codes, relevant community groups, and Sport Tasman may be invited to attend Committee meetings as key stakeholders when required. However, these representatives will only have speaking rights with the agreement of the Committee Chair. The representatives will not have voting rights.

4. Quorum

Quorum for the Committee is three members, including a minimum of one councillor each from Nelson City Council and Tasman District Council.

5. Meeting Frequency

Ordinary Committee meetings will be held at least three times per year, or as needed.

6. Areas of Responsibility

The Committee is responsible for:

- Considering proposals for reserve development
- Promotion and marketing of Saxton Field as a regional venue
- Capital development of Saxton Field

- Developing a naming and signage policy and considering requests under this policy
- Considering applications for leases and licenses
- Activities, developments and management actions provided for in the adopted Saxton Field Reserve Management Plan and associated policies
- Developing a work programme including any community consultation required.

7. Powers to decide

- Matters relating to items provided for in the approved operations, capital expenditure and maintenance budgets for Saxton Field
- Matters relating to marketing of Saxton Field, within approved budgets and policies
- Approval of applications for concessions

8. Powers to recommend

The Committee has powers to recommend to the Nelson City Council, and the Tasman District Council:

- Future capital works programmes
- Financial contributions for the operations, maintenance and capital development of the reserve
- Reserve policies for approval including the Saxton Field Reserve Management Plan and any Development Plan
- Leases, licenses and easements (to the relevant Council)
- Any other matters within the areas of responsibility noted above

All recommendations will carry the rider that it shall be subject to adoption by the other Council, unless for a matter specific to one Council.

9. Role of the Committee

- To act as a governance group for matters relating to Saxton Field
- To request, receive and consider any information relevant to the areas of responsibility
- To be an interface between community groups and the two councils
- To report to Nelson City Council, and Tasman District Council when required

10. Role of the Chair

- To review the agenda with staff prior to Committee meetings
- To chair meetings according to the agreed agenda and to assist the Committee to reach consensus on issues and options

11. Role of staff

Staff provide technical expertise, project management and administrative support to the Committee. Their role is to:

- Provide advice and reports to enable full consideration of the options before the Committee
- Provide advice to the Committee on legal and statutory issues and obligations
- Lead technical discussions on options under consideration
- Manage project resources (budget and staff time)
- Manage project issues, risks, changes and advise the Committee of issues as they arise
- Provide staff reports to meetings at decision making points
- Organise and manage engagement with key stakeholders and the wider community
- Keep Committee members briefed on key communications with key stakeholders and the public
- Prepare and distribute agendas for Committee meetings
- Maintain records of processes used, options considered, key decisions made by the Committee and reasons for decisions, so that the decision making process can be clearly understood

12. Independent member

The independent member will be appointed in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.

13. Remuneration

The independent Chair will be remunerated in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.

Reimbursement of the independent Chair's expenses relating to vehicle mileage and travel time will be done in accordance with the Tasman District Council Expenses Policy for Elected Members. To claim expenses the independent chair is required to fill out and submit a claim form to seek reimbursement. Any such claim must be made within the relevant financial year.

14. Interests

Interests should be declared at the start of Committee meetings.

15. Reporting

- Agendas and minutes of Committee meetings will be prepared by [the Council providing administration services, Tasman District Council](#).

- Minutes of Committee meetings will be received by each Council, at which point any recommendations to the Council/s will be considered.
- Committee meetings will comply with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)).
- ~~Tasman District Council Standing Orders apply to Committee meetings~~ The Standing Orders of the Council providing administration to the committee shall be applied at each meeting.

16. Varying Terms of Reference

These terms of reference may be varied by resolution of both councils and any such resolution shall carry the rider that it shall be subject to adoption by the other council.

17. Review of Terms of Reference

These Terms of Reference will be reviewed after one year of Committee operations, and no later than the third year of the 2016-19 triennium.

18. Dissolution of the Committee

The councils may dissolve the committee at any time. Any such dissolution is completed once both councils have separately confirmed the decision by resolution.

TERMS OF REFERENCE**AUDIT AND RISK SUBCOMMITTEE**

Establishment	The Local Government New Zealand (LGNZ) Audit and Risk Management Guide states that an audit and risk committee has a valuable contribution to make in improving the governance, performance and accountability of local authorities. Audit and risk committees are common in councils around the country.
Objectives	<p>The objective of the Subcommittee is to assist Nelson City Council in meeting its responsibilities and increasing its effectiveness by establishing:</p> <ul style="list-style-type: none"> • The strengthened independence and objectivity of Council through external appointees, internal and external auditors; • A robustness in the internal control framework; • The integrity and appropriateness of internal and external reporting and accountability arrangements; • The independence and adequacy of internal and external audit functions; • Robustness in risk management systems, processes and practices; • Appropriate monitoring of compliance with applicable laws, regulations, standards and best practice guidelines.
Responsibilities and Delegations	<p>The delegations for the Audit and Risk Subcommittee were presented to Council on 23 March 2017 (A1728929).</p> <p>The following Areas of Responsibility (in bold) are as proposed to be included in Council's Delegations Register (A1183061). The subsequent points below provide further clarification in line with best practice for such committees.</p> <ul style="list-style-type: none"> • Council's Treasury policies <ul style="list-style-type: none"> ◦ Review of accounting policies and changes in policy and practice • Council's Annual Report <ul style="list-style-type: none"> ◦ Liaison with external auditors and review of audit findings • Audit process and management of financial risk <ul style="list-style-type: none"> ◦ Ensuring that recommendations highlighted in internal and external audit reports are actioned by management ◦ Ensuring that areas of known or suspected financial risk are appropriately managed

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	<ul style="list-style-type: none"> • Monitoring organisational risks, including debtors and legal proceedings <ul style="list-style-type: none"> ○ Review whether management's approach to maintaining an effective internal control framework is sound and effective; ○ Ensuring compliance with the Nelson City Council Risk Management Framework ○ Monitoring the Risk Management Programme and reviewing the top risks contained in the risk profile of Council ○ Receiving risk alerts ○ Recommending to Council any other significant risk issues to be considered ○ Ensuring the adequacy of protected disclosure mechanisms ○ Oversight of compliance with statutory and regulatory requirements affecting financial and risk information ○ Oversight of debtor management and legal proceedings • Internal Audit <ul style="list-style-type: none"> ○ Providing guidance to the Internal Audit function including reviewing and monitoring of the Annual Internal Audit Work Plan • Health and Safety • Any matters referred to it by Council <ul style="list-style-type: none"> ○ Make recommendations to Council as a result of reports from internal or external auditors
Powers to Decide	<p>This Subcommittee has no delegated powers to decide</p> <p>It has powers to Recommend to Council:</p> <ul style="list-style-type: none"> • To write off outstanding accounts receivable or remit fees and charges of amounts over the Chief Executive's delegated authority • Adoption of Council's Annual Report • any matters within the areas of responsibility or such other matters referred to it by the Council

<p>Membership</p>	<ul style="list-style-type: none"> • Membership of the Subcommittee will comply with Council's Standing Orders (A691137). • Membership of the Subcommittee to comprise 3 to 5 members to be appointed by the Nelson City Council from amongst Elected Members and/or other independent persons. • The Chair shall be an independent member rather than an elected member. • The Subcommittee must have one member who has an expert understanding of generally accepted accounting principles and financial statements; the ability to assess the general application of such principles and an understanding of internal controls over financial reporting. • All members, whether elected or appointed, will be bound by Council's Elected Members' Code of Conduct (A1181923).
<p>Secretarial and Meetings</p>	<p>Meetings of the Subcommittee will comply with Council's Standing Orders (A691137)</p> <ul style="list-style-type: none"> • The Subcommittee may request, through the Chief Executive, other staff to attend meetings and provide appropriate information and explanations, as necessary. • The Subcommittee may request the external auditor to attend meetings. • Meetings will be held quarterly, taking into account Nelson City Council's reporting and audit cycle. • All recommendations shall be made to Council. • The external auditors and the staff responsible for internal audits are encouraged to meet as appropriate with the Subcommittee Chairperson.

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Authority	<ul style="list-style-type: none"> • The Subcommittee is authorised by the Council to investigate any activity within its delegations. It shall have unfettered rights to discuss any matters within their jurisdiction with staff members and external auditors. The external auditors and staff shall have the ability to approach the Subcommittee directly with matters of concern. • In the event external advice on any matter is required by the Subcommittee, prior agreement will be sought.
Review of the Subcommittee	<p>The Subcommittee will undertake an annual self-review of its Terms of Reference, Internal Audit Charter and Annual Subcommittee Work Plan.</p> <p>Any changes are to be recommended to Council.</p>
Reporting Procedures	<ul style="list-style-type: none"> • The Subcommittee will have direct lines of communication with the Chief Executive and the Group Manager Corporate Services. Any communication with other staff will be through the Chief Executive. • The Chief Executive and the Group Manager Corporate Services will be responsible for drawing to the Subcommittee's attention: <ul style="list-style-type: none"> ○ Any significant operational risks ○ Any material breakdown in internal controls ○ Any event of fraud or malpractice.

Forestry Advisory Group

Terms of Reference

1. Purpose

The purpose of the Forestry Advisory Group is to:

- maintain oversight (ie ensure that works are being undertaken in line with sound management practices) on all matters relating to the forestry portfolio operations;
- Focus on effective management of forestry in conjunction with governance oversight; and
- To recommend decisions relating to the forestry activity to the Governance and Finance Committee.

2. Membership

The Group membership is as follows:

Chair	External appointee	Decision-maker
Members	Elected member x 2	Decision-maker
Officers	Officer with responsibility for forestry One other officer	To provide advice
Independent Forestry Expert	External appointee	To provide advice

The Group will meet every 3 months (or more or less frequently if required).

3. Quorum

A quorum for any meeting will be four, being the Chair, one elected member, one Council officer and the independent forestry expert.

4. Areas of Responsibility

The Group's areas of responsibilities are to maintain oversight of all matters relating to the commercial forestry operational portfolio, including environmental issues.

All media releases will come from the Chair who will liaise with Council's Communications team as required.

Commercial forestry is defined as Council's productive pinus radiata forests (around 500 Ha) spread across four main blocks in the Brook, Maitai, Marsden and Roding catchments.

5. Powers to decide

Powers to decide in order to ensure operational continuity include:

- Forestry and harvesting management plans (including replanting) as prepared by the forestry contractor and endorsed by the independent forestry expert; and
- Engagement of consultants required to undertake all works necessary to guide recommendations to the Governance and Finance Committee.

6. Powers to recommend

Powers to recommend to the Governance and Finance Committee will include all actions relating to the oversight of all other matters relating to the commercial forestry portfolio, falling outside the powers to decide, in accordance with Council's Annual Plan and Long Term Plan as follows:

- Approve forestry related budgets; and
- Decide on any matters relating to continuing commercial forestry operations.

7. Role of staff

Officers and the independent forestry expert will provide technical and financial expertise and an update of project risks.

All meetings and decisions will be minuted, with recommendations made to the Governance and Finance Committee where required.

8. Conflicts of Interest

Conflicts of interest will be declared at the start of meetings.

9. Reporting

The provisions of the Local Government Official Information and Meetings Act 1987 (Part 7) applies to meetings of the Forestry Advisory Group.

This means that:

- Meetings will be publicly notified (however there will be no public forum);

- Formal agendas will be prepared, and minutes of meetings taken; and
- Standing orders will apply to all meetings.

10. Review Period

The Forestry Advisory Group will be reviewed at the end of each triennium.

City Centre Working Group

Terms of Reference

1. Purpose

The purpose of the City Centre Working Group is to provide guidance and direction to officers on the implementation of the city centre programme plan (A2247904), and its associated spatial plan and delivery plan.

In providing guidance and direction the Group shall focus on implementing the 6 key moves across all activities of Council. This focus shall provide guidance to ensure that the vision for the city centre is implemented in a coherent and consistent manner.

The vision for the city centre is defined in the Long Term Plan as:

"Our aim for Nelson's central business district is for it to be attractive to businesses, residents and visitors, with an exceptional mix of events, civic facilities and retail. We are working to build an environment that supports commerce, encourages inner city living and is a catalyst for private sector investment. The top of the South, Te Tau Ihu, needs a strong commercial centre to thrive. We want our city centre to enrich and build our local culture - the bustling meeting place for everyone who lives, works and visits here."

The City Centre Working Group shall have no decision making delegations and shall report to full Council.

2. Membership

The Working Group shall comprise the following members:

- Councillor Rainey (chair)
- Mayor Reese
- Councillor Courtney
- Councillor Noonan
- Councillor Lawrey
- Councillor Brand

Meetings shall be called on an as needed basis, with a minimum of one weeks notice.

3. Quorum

Four members must be in attendance for a quorum, and must include the Chair.

4. Areas of Responsibility

For the purpose of spatially defining the Group's area of responsibility, the 'city centre' is defined to include the city centre and city fringe and the connections to and developments at the Riverside Precinct, the Library, Civic House, the Haven and Nelson Marina, and associated facilities and connections in and around the city edge such as Cawthron, Nelson Marlborough Institute of Technology, Trafalgar and Rutherford Parks.

5. Powers to decide

None

6. Powers to recommend

None

The committee will provide oversight of officer activities and provide guidance for reports to Council, where required.

7. Role of the Working Group

- To oversee the implementation of the city centre programme by providing direction and advice to officers to ensure consistency and the implementation of the vision for the city centre.
- To request, receive and consider any information relevant to projects and options under consideration from the delivery of the programme plan or other Council work programmes related to the city centre.
- To be an interface between community and sector groups so that interested members of the public can provide feedback.
- To be an interface and sounding board between full Council and officers, ensuring that officers are adequately prepared and supported before presenting items to Council for decisions.

8. Role of the Chair

- To review the agenda with staff prior to Working Group meetings
- To chair meetings according to the agreed agenda and to assist the Working Group to reach consensus on issues and options
- To act as spokesperson for the Working Group
- Attend the quarterly City Centre Focus Group (external stakeholder group) meetings.

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9. Role of officers

Officers provide technical expertise, project management and administrative support to the Working Group. Their role is to:

- Provide advice and reports to enable full consideration of the options before the Working Group;
- Lead technical discussions on options under consideration
- Manage project resources (budget and staff time)
- Manage project issues, risks, changes and advise the Working Group Chair of issues as they arise
- Provide officer reports to meetings at key points
- Organise and manage engagement with key stakeholders and the wider community
- Keep members briefed on key communications with key stakeholders and the public
- Prepare and distribute agendas for Working Group meetings
- Maintain records of process used, options considered, key guidance made by the Working Group and reasons for guidance.

10. Conflicts of Interest

Conflicts of interest should be declared at the start of Working Group meetings.

11. Reporting

Notes of the working group meetings will be taken.

12. Confidentiality

Development proposals will be considered on a confidential basis.

For the avoidance of doubt, the meeting provisions of the Local Government Official Information and Meetings Act 1987 do not apply to working group meetings, as no decisions are made at these meetings.

This means that working group meetings will not be advertised, formal agendas produced or formal minutes taken at meetings.

Schedule of Meetings

1. Purpose of Report

- 1.1 To adopt the Schedule of Meetings (the Schedule) for the remainder of 2019, in accordance with Clause 19, Schedule 7 of the Local Government Act 2002.

2. Recommendation

That the Council

- 1. Receives the report Schedule of Meetings (R11460) and its attachment (A2256931); and***
- 2. Adopts the schedule of meetings for the remainder of the 2019 calendar year as set out in Attachment 1 (A2256931).***

2. Background

- 2.1 Clause 19, Schedule 7 of the Local Government Act 2002 sets out requirements for written notification of meetings to elected members.
- 2.2 It is standard practice for Council to adopt a schedule of meetings by resolution in order to meet these legislative requirements.
- 2.3 Adoption of the Schedule provides certainty to elected members and allows planning of other activities around Council business; it assists the efficiency of Council officers in the preparation and timing of reports to Council and Committees. It is also helpful to inform members of the public when meetings will be taking place. Whilst not required to be formally included in the Schedule, workshops dates have been included for ease of reference.

3. 2020 Schedule

- 3.1 Officers are currently working on the Schedule of Meetings for 2020, which will be brought to Council for consideration and adoption.

Item 11: Schedule of Meetings

Author: Mary Birch, Manager Governance and Support Services

Attachments

Attachment 1: A2256931 - Nelson City Council Meeting Schedule Nov-Oct 2019
[↓](#)

Proposed Nelson City Council Meeting Schedule Nov-Dec 2019

November			December		
Mon					Mon
Tues					Tue
Wed					Wed
Thurs					Thu
Fri	1				Fri
Sat	2			1	Sat
Sun	3			2	Sun
Mon	4				Mon
Tues	5			3	Tue
			CC		
Wed	6	EM CONF BRIEF / MEDIA AGM (4.30pm)		4	CL W/S - Draft AP
Thurs	7	EM Induction Day - Melrose House		5	GOV & PM / Conf BRIEF - NOMA

- Abbreviations:**
BREF - Briefing
CC - Citizenship Ceremony
CEEC - Chief Executive Employment Committee
CT - City of Nelson Civic Trust
EXTRA - Extraordinary
FAG - Forestry Advisory Group
LDM Steering Group - Land Development Manual Steering Group
NRSBU - Nelson Regional Sewerage Business Unit
NTJWWP - Nelson Tasman Joint Waste Working Party
NTRLEU - Nelson Tasman Regional Landfill Business Unit
RTC - Regional Transport Committee
SC - Sister City Coordinating Group
SFC - Saxton Field Committee