Delegations
Register
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<th>Nelson City Council</th>
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<td>Contact for queries:</td>
<td>Governance Advisers</td>
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<td>Council</td>
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Copies will also be provided to interested members of the community upon request to a Governance Adviser by phoning the Council on 03 546 0200.
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1.0 Introduction and Purpose

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

The purpose of the Delegations Register is to set out the manner in which Nelson City Council (the Council) gives effect to its statutory duties, responsibilities and powers. It outlines the functions, duties and powers for which Council must retain responsibility, as prescribed by statute. It also sets out Council’s policy on what functions, duties and powers it wishes to delegate pursuant to the Local Government Act 2002 and other relevant legislation, and ensures that responsibility and processes for decision-making in relation to regulatory responsibilities is separated from those for non-regulatory responsibilities.

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

The Council fulfils its responsibilities through the decisions of its elected members, and subsequent actions undertaken by the Chief Executive, officers, contractors and advisers that give effect to such decisions.

1.1 Delegations

A delegation is the transfer of a responsibility, duty or power from Council to another subordinate decision-making body (such as a committee) or to the Chief Executive, and from the Chief Executive to officers. It includes the authority to make decisions under delegated authority on behalf of the Council.

It is important that Council delegates certain responsibilities, duties or powers to subordinate decision-making bodies or officers, in order to promote effective and efficient decision-making. Doing so allows elected members sitting as the 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 subordinate decision-making bodies, and the operation or administration of services or functions can be carried out by officers.

1.2 Governance and Management Activities

The nature of local government activities rests on a division between governance activities and management activities. Delegations to subordinate decision-making bodies remain governance activities, while delegations to the Chief Executive, and from the Chief Executive to specific officers, fall within the realm of management activities.

It is a fundamental aspect of local authority activities that elected members make decisions, either at Council or committee level, whereas the Chief Executive is responsible for providing policy advice and carrying out and implementing the decisions of elected members as well as managing the day to day requirements of Council.

The Chief Executive is the sole employee of the elected members, 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 delegates onwards to his or her officers the ability to provide advice to Council and its committees, and to carry out elected members decisions.

1.3 Structure of the Delegations Register

The 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 subordinate decision-making bodies. It outlines how sub-ordinate decision-making bodies function and their powers to decide or make recommendations on various matters.

The Register also includes specific delegations from Council to the Chief Executive, which in practice are necessary to be delegated onwards to various officers so that decisions and statutory functions of Council may be carried out in an efficient and effective manner, and in compliance with legislative obligations.

As well as the discretionary delegations listed within this Delegations Register, there are a number of provisions in various pieces of legislation applying to the Council, which provide for powers, duties and functions to be exercised on behalf of Council. In practice, it is also necessary for the Chief Executive to delegate these powers to officers so that they may also be carried out in an efficient and effective manner.

Every delegation made by Council to a committee or other subordinate decision-making body will be made by resolution, and will be included in this Delegations Register. Every such delegation is structured to clearly define the nature, purpose and limitation of the power, function or duty delegated. Any required changes to the Delegations Register will be made by resolution.

Every delegation made from the Chief Executive to any of his or her officers will be recorded in a separate register kept for this purpose. This register is 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.
2.0 **Legal Framework**

Schedule 7, clause 32 of the Local Government Act 2002 sets out Council’s authority to delegate its responsibilities, duties or powers to subordinate decision-making bodies or officers.

Schedule 7, clause 32 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.

2.1 **Transfer of 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 above.¹ For example, it is open to Council to delegate the development of a bylaw, along with any consultation process required, to a committee or other subordinate decision-making body, while reserving the final decision on the bylaw to Council itself.

Once a power is delegated to a subordinate decision-making body or officer, where permitted by legislation, it may then be delegated onwards again to another subordinate decision-making body or officer, subject to any conditions or limitations in the original delegation.² It is also open to a 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 obligation, and it is open for the person holding the responsibility, duty or power to consider whether to refer the matter back to the original holder of the power.

Once a responsibility, duty or power has been delegated, the subordinate decision-making body or officer has full authority to exercise or perform such responsibilities, duties and powers.³ The delegated power cannot be over-ridden by

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¹ Schedule 7, clause 32(2)
² Schedule 7, clause 32(3)
³ Schedule 7, clause 32(4)
the original holder of the power, unless the holder of the delegated power chooses to refer the power back in any particular instance.\textsuperscript{4} In practice, this means that, once Council has delegated a power to a committee or any other subordinate decision-making body, it may not over-ride the committee’s authority to consider the issue, or requisition the delegated power back. It must respect the authority of the committee or subordinate decision-making body, which may choose, on occasion, to refer the delegated power back to Council. 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.\textsuperscript{5} In this way, Council retains an important role of over-seeing any delegated power, whilst respecting the authority of the body to which the power has been delegated.

2.2 Other Statutory Limitations

Aside from the provisions of the Local Government Act 2002, several other statutes restrict the ability of Council to delegate its decision-making powers and duties. Examples are:\textsuperscript{6}:

- Council may not delegate its power to decide whether to accept any recommendation of the Ombudsman;\textsuperscript{7}
- Council may delegate its powers and functions under the Fencing of Swimming Pools Act 1987 to a committee which comprises members of Council only;\textsuperscript{8}
- 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 1991\textsuperscript{9}.

2.3 The Council’s Principal Responsibilities

The Council’s principal responsibility is to uphold the purpose of local government as set out in section 10 of the Local Government Act 2002 (the Act):

(1) (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
(b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(2) In this Act, good-quality in relation to local infrastructure, local public services, and performance of regulatory functions means infrastructure, service and performance that are:-

(a) efficient; and
(b) effective; and

\textsuperscript{4} Schedule 7, clauses 30(6) and 32(4)
\textsuperscript{5} Schedule 7, clause 32(7)
\textsuperscript{6} 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.
\textsuperscript{7} Local Government Official Information and Meetings Act 1987, sections 42 and 32
\textsuperscript{8} Fencing of Swimming Pools Act 1987, section 12
\textsuperscript{9} Resource Management Act 1991 section 34A
(c) appropriate to present and anticipated future circumstances.

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

(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 The Responsibilities of the Chief Executive

The Act provides for the Council to delegate the management of the organisation to the Chief Executive in accordance with s42 and Schedule 7 s33 – s36, on the terms and conditions the 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;

(c) Appointment of independent commissioner(s) to hear, consider, and determine all contested resource consent applications in respect of which the Council, or a Council Controlled Organisation (CCO), is or could be perceived to be an interested party;

(d) Delegating to the Hearings Panel – Resource Management Act all of Council’s regulatory powers in respect of hearing, considering and determining all matters relating to resource consents under the Resource Management Act 1991; and to the Hearings Panel – Other all approvals under the Fencing of Swimming Pools Act 1987 and actions under the Dog Control Act 1996;

(e) Delegating to appropriate officers Council’s powers to undertake compliance, inspection and enforcement in accordance with Council’s approved procedures.

2.5 Onward Delegation of Powers to Officers

Schedule 7 (s32B) of the Act provides, with some restrictions, powers for an officer to further delegate their delegations to any other officer.

The main purpose of the Officer Delegations Manual is to record all delegations from the Chief Executive to any other officer positions.
3.0 Delegations from Council to the Chief Executive

The Council delegates to the Chief Executive all arrangements and contracts for the supply of goods, services, plant and labour, including execution of all documents, agreements and contracts aside from those required by legislation to be signed by elected representatives, to enable the implementation of decisions made by the Council, its committees and any further subordinate decision-making bodies.

The Council delegates to the Chief Executive the management of capital expenditure, and operations and maintenance expenditure, up to the limits approved in the estimates and in the relevant Annual Plan/Long Term Plan.

During a state of emergency, the Chief Executive may also enter into any contract on behalf of Nelson City Council.

The Council further delegates to the Chief Executive all powers conferred on the Council by legislation, as captured within the Officer Delegations Manual.

Council may choose to delegate any further powers, responsibilities and duties to the Chief Executive, aside from those which may not be delegated by statute. The Chief Executive has the power to delegate such powers, responsibilities and duties on to any officer he or she employs, or any other contractor or advisor. Any powers, responsibilities and duties delegated from the Chief Executive to officers, contractors or advisors will be recorded in the Officer Delegations Manual.

Unless explicitly stated in this Delegations Register or the Officer Delegations Manual, the Chief Executive retains the authority to carry out all responsibilities, duties and powers listed within the Officer Delegations Manual, whether derived from Council, its committees or any other subordinate decision-making body, directly from legislation or elsewhere.

The Chief Executive has the delegated authority to release information from public excluded within the bounds of the Local Government Official Information and Meetings Act 1987 without an explicit resolution of Council being required.

The Chief Executive when operating within these delegations should be mindful of Council’s Significance and Engagement Policy and give thought to whether a matter considered to be of high significance may need to be referred to an appropriate committee or in some cases to Council.

The Chief Executive may appoint one or more senior officers to undertake his or her functions and delegated authority during planned absences or sick leave.
4.0 Policy Regarding Delegations

The Council and Chief Executive may delegate a wide range of their powers and functions, within the bounds imposed by legislation, as described in this document and in the Officer Delegations Manual.

When deciding which powers to delegate, and to which officer position(s), the Council and Chief Executive will take account of the following requirements and needs:

(a) For the Council to operate efficiently and effectively;
(b) For the Council to concentrate on its policy making role;
(c) For the Chief Executive and officers to implement Council policy and administer Council facilities and provide the agreed services;
(d) For the Council operations to be carried out in an open and fair manner;
(e) For those with responsibility for a task or function to have the authority necessary to carry it out effectively;
(f) For all statutory requirements to be properly observed.

Other principles followed within the Officer Delegations Manual are that:

(a) Delegations will normally be made to positions, not to specific people, unless required otherwise by statute or special circumstances;
(b) Delegations, and any changes to delegations, must be recorded in the Officer Delegations Manual; and
(c) Decisions made by officers under delegated authority cannot be subsequently overturned by the Council.

The Officer Delegations Manual is central to the concept of the division between governance and management activities, and defines and authorises the scope of Council’s delegations to the Chief Executive, and the Chief Executive’s delegations to other Group Managers and officers. Other aspects of the local authority’s work programme can be delegated by Council resolution, including the work programmes included in each Annual Plan – separate delegations are not required for officers to undertake any work included in such plans as adopted by Council resolution.

The Officer Delegations Manual also includes specific delegations relating to finance, the regulatory functions of Council, and specific responsibilities conferred on Council through legislation.

4.1 Signing and Sealing of Formal Documents

The Mayor, Deputy Mayor, or any other two elected members acting at the specific request of the Mayor or Chief Executive, are authorised to sign (including under seal if required by law), all formal documents (including leases), provided those documents have been checked and approved by a Council officer or legal adviser. All documents so signed shall be reported to a subsequent meeting of the Council.

4.2 Power to Enter into Contracts

The Council may delegate to any committee or to the Chief Executive or any other officer the power to enter into contracts.
5.0 Committee Functions and Delegations

5.1 General Terms of Reference

The following principles are applicable to all committees of Nelson City Council.

5.1.1 Committees must have at least three members, at least one of whom must be an elected member of Nelson City Council. The Mayor is a member of every Governing committee. Nelson City Council officers may not be appointed as committee members.

5.1.2 A person who is not an elected member of Nelson City Council may be appointed to any committee or sub-committee, within the constraints of relevant legislation, if they have skills, attributes or knowledge that will assist the work of the committee. Any such appointments will be made in accordance with the Policy for the Selection, Appointment and Remuneration for External Appointees on Council Committees (A1667136) Policy for the Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees (A1702206).

5.1.3 Each Committee’s powers are restricted to the areas of responsibility of that committee.

5.1.4 Committees are not obliged to exercise their delegations. Where there is significant difference of opinion amongst committee members, the Committee should consider referring the matter to Council for debate and determination.

5.1.5 Committees should be conscious of Council’s Significance and Engagement Policy, and the needs and wishes of the community. Each Committee may engage or consult with interested groups or organisations, within the parameters of the areas of responsibility, powers to decide and powers to recommend as set out for that committee. Committees may choose to refer matters of high significance to Council for debate and determination.

5.1.6 Committees may appoint sub-committees and/or further delegate their responsibilities. Sub-committees must have at least two members. Any further delegations of an on-going nature are to be recorded in writing and included within the Delegations Register.

5.1.7 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.

5.1.8 A committee may consider new policy proposals or expenditure not anticipated in Council’s Annual Plan or Long Term Plan, with a view to recommending its adoption by Council.

5.2 Joint Local Authority Committees

The Council may unite with any one or more local authority or other public bodies in appointing a joint committee in accordance with Schedule 7 clause 30A of the Local Government Act 2002. Nelson City Council and Tasman District Council have formed a number of joint committees, with terms of reference to address specific subject matters.

Any committee so appointed will be considered to be both a committee of Nelson City Council and a committee of the other local authority or public body, unless

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10 The Policy for the Selection, Appointment and Remuneration for External Appointees on Council Committees defines Governing Committees those with “broad terms of reference, and where there may be consultation and deliberations on proposals. Such committees contribute to the overall governance of the City.”
otherwise specified by legislation. In forming any such committee Council must reach agreement with the other local authorities or public bodies involved which must 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.

5.3 **Subordinate Decision-Making Bodies**

Council may set up subordinate decision-making bodies, in order to fulfil specific legislative responsibilities, or in order to make specific decisions on behalf of Council (or one of its Committees), without wider delegated power to consider any other matters.

The general terms of reference for committees set out in section 5.1 above do not apply to subordinate decision-making bodies. There is no minimum number of total members or elected members required. 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.

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

5.4 **Appointing External Persons onto Council Committees**

Council has adopted a 'Policy for the Selection, Appointment and Remuneration for External Appointees on Council Committees' (A1667136). The current policy provides:

- The selection process for potential external appointees;
- The process for appointment of external appointees;
- Remuneration for external appointees to Governing Committees
- Remuneration for external appointees to Single Purpose Committees;
- Training for external appointees; and
- Provision for a mid-triennium effectiveness review of the addition of external appointees.

This policy does not apply to external appointments to committees required by specific legislation, such as the appointment of an NZTA representative to the Regional Transport Committee (governed by the Land Transport Management Act 2003).

The policy also does not apply to external appointments for subordinate decision-making bodies, including the District Licensing Committee (governed by the Sale and Supply of Alcohol Act 2012), and the appointment of Independent Commissioners to Hearings Panel – Resource Management Act or Hearing Panel – Other.
5.5 Payment for Committee Meetings

As a general rule, under the Council’s remuneration system for elected members, no meeting allowance is payable to Nelson City Councillors or the Mayor for attending Committee meetings, whether joint committees or otherwise.

Exceptions to this general rule exist for elected members sitting on subordinate decision-making bodies, for example as part of the District Licensing Committee (remuneration for which is determined by legislation) and the Hearings Panel – Resource Management Act (remuneration for which is determined by the Remuneration Authority).

Where the Council appoints a person from outside the Council to represent its interests on any committee or organisation a meeting fee will be paid in accordance with the Policy for the Selection, Appointment and Remuneration for External Appointees on Council Committees (A1667136) and the Policy for the Selection, Appointment and Remuneration Policy for External Appointees on Council Subcommittees (A1702206).

5.6 Operation of Hearings Panels

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.

Hearings Panels are scheduled to occur as and when required.

Each meeting of either Hearings Panel 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.

A fee payable to the Chairperson or Members of a Hearings Panel – Resource Management Act is set by the Remuneration Authority.\(^\text{11}\)

The current fee is:

- Chairperson - $100/hour
- Members - $80/hour

Preparation time of up to the time of the duration of the hearing may be remunerated at the same rates.

No fees are payable to any Councillors or other externally appointed members sitting on a Hearings Panel – Other.

\(^{11}\) Remuneration Authority – Local Authority Elected Member Remuneration Setting 2013, which remains in force until superseded.
6.0 Committees and Subordinate Decision-Making Bodies Established by Nelson City Council

6.1 Community Services Committee

6.1.1 Areas of Responsibility:
- Arts, Culture and Heritage
- Community Festivals and Events
- Community Development, including youth issues, aging issues and social well-being
- Community Centres and Halls
  - Note: Greenmeadows Community Centre, Stoke Memorial Hall, and Tahunanui Community Centre are matters for the Community Services Committee
- Community Facilities e.g toilets
- Cemeteries and Crematorium
- Libraries
- Heritage Facilities
- Heritage Houses and their grounds
- Founders Heritage Park
- Youth Council
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.

6.1.2 Powers to Decide:
- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the parameters of officer responsibility, as set out in Council’s Procurement Policy.
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures, or other formal consultation requirements arising from legislation, falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibility

6.1.3 Powers to Recommend:
- Statements of proposals for Special Consultative Procedures, or proposals for other formal legislative consultation procedures, falling within the areas of responsibility
- Final decisions on Special Consultative Procedures, or other formal consultation legislative consultation procedures, falling within the areas of responsibility
- Asset and Activity Management Plans falling within the areas of responsibility
- Development or review of policies and strategies relating to areas of responsibility
• Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.

Any other matters within the areas of responsibility noted above
6.2 Governance Committee

6.2.1 Areas of Responsibility:

- All policies specified in the Local Government Act 2002 for Annual Plan and Long Term Plan development
- Rating systems and policies
- Nelson City Council Controlled Organisations and Nelson City Council Controlled Trading Organisations
- Business, economic development and tourism in Nelson
- Residents Survey
- Rural Fire activities
- Sister City relationships and issues
- Strategic governance, advice and direction to ensure the maximisation of Council’s property portfolio (i.e. property not held to support core functions) and forestry (note - matters relating to commercial forestry operational portfolio are delegated to the Forestry Advisory Group).
- Ensuring that operational strategies and the capital works programme within the property portfolio support the return on investment targets
- Identifying and mitigating financial and operational risk for the property portfolio
- Developing, implementing and monitoring Council Policy in relation to the property portfolio
- Budget establishment, forecasting and proactive management of tenants
- Development and implementation of a Communications and Engagement Strategy
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings

6.2.2 Powers to Decide:

- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the parameters of officer responsibility, as set out in Council’s Procurement Policy.
- Events Strategy Fund Applications for amounts over the Chief Executive’s delegated authority, up to $100,000
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures, or other formal consultation requirements arising from legislation, falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibility

6.2.3 Powers to Recommend:

- Statements of proposals for Special Consultative Procedures, or proposals for other formal legislative consultation procedures, falling within the areas of responsibility
• Final decisions on Special Consultative Procedures, or other formal consultation legislative consultation procedures, falling within the areas of responsibility
• Activity Management Plans falling within the areas of responsibility
• Changes to rating systems
• Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.
• Documents from Nelson City Council Controlled Organisations and Nelson City Council Controlled Trading Organisations, including statements of intent, half yearly reports and appointments of directors
• Development or review of policies and strategies relating to areas of responsibility
• Any other matters within the areas of responsibility noted above or such other matters referred to it by the Council
6.3 **Planning and Regulatory Committee**

6.3.1 **Areas of Responsibility:**
- Environmental Matters, including monitoring
- Resource Management
- Public Health
- Discharges, including noise
- Building Control and Fencing of Swimming Pools
- Parking Policy and Regulation
- Animals and Dogs
  - Note: All powers relating to the review of the Dog Control Policy are referred to Council
- Amusement Devices
- Food Handling
- Maritime and Harbour Safety and Control
- Marine Pollution
- Coastal Management
- Biodiversity
- Biosecurity
- Local Alcohol Policy
- Hazardous Substances and Contaminated Land
- Bylaws
- Development Contributions and Financial Contributions
  - Note: All powers relating to the review of the Development and Contributions Policy are referred to Council
  - Note: All powers relating to the Development Contributions for Nelson Tasman Hospice are referred to Council
- Land Development Manual
- Regional Policy Statement
- District and Regional Plans
- Performance monitoring of Council’s regulatory activities
- Council and/or Community projects or initiatives for enhanced environmental outcomes
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings

6.3.2 **Powers to Decide:**
- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the parameters of officer responsibility, as set out in Council’s Procurement Policy.
- To perform all functions, powers and duties relating to the areas of responsibility conferred on Council by relevant legislation and not otherwise delegated to officers
• To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility

• To hear and deliberate on submissions for Special Consultative Procedures, or other formal consultation requirements arising from legislation, falling within the areas of responsibility

• Submissions to external bodies relevant to the areas of responsibilities

6.3.3 Powers to Recommend:

• Statements of proposals for Special Consultative Procedures, or proposals for other formal legislative consultation procedures, falling within the areas of responsibility

• Final decisions on Special Consultative Procedures, or other formal consultation legislative consultation procedures, falling within the areas of responsibility

• Activity Management Plans falling within the areas of responsibility

• Any alterations necessary to the Land Development Manual, the Regional Policy Statement and Nelson Resource Management Plan

• Development or review of policies and strategies relating to the areas of responsibility

• Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.

• Any other matters within the areas of responsibility noted above
6.4 **Sports and Recreation Committee**

6.4.1 **Areas of Responsibility:**

- Recreation and Leisure Facilities and Services
- Parks and Reserves
  - Note: Saxton Field is a matter for the Saxton Field Committee
  - Note: Greenmeadows Community Centre, Stoke Memorial Hall, and Tahunanui Community Centre are matters for the Community Services Committee
  - Note: Heritage Houses and their grounds are matters for the Community Services Committee
  - Note: All powers relating to the Brook Waimarama Sanctuary Trust applications for further funding from the provision set aside in the Annual Plan 2017/18 are referred to Council
- The Trafalgar Centre
- Modellers’ Pond
- Sports Fields
- Swimming Pool Facilities
- Campgrounds
- Marina
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings

6.4.2 **Powers to Decide:**

- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the parameters of officer responsibility, as set out in Council’s Procurement Policy.
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures, or other formal consultation requirements arising from legislation, falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibility

6.4.3 **Powers to Recommend:**

- Statements of proposals for Special Consultative Procedures, or proposals for other formal legislative consultation procedures, falling within the areas of responsibility
- Final decisions on Special Consultative Procedures, or other formal consultation legislative consultation procedures, falling within the areas of responsibility
- Asset and Activity Management Plans falling within the areas of responsibility
- Development or review of policies and strategies relating to areas of responsibility
• Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.

• Any other matters within the areas of responsibility noted above
6.5 Works and Infrastructure Committee

6.5.1 Areas of Responsibility:
- Roading network, including associated structures, bridges and retaining walls, walkways, footpaths and road reserve, landscaping and ancillary services and facilities, street lighting and traffic management control
- Cycleways and Shared Pathways with an active transport focus\(^{12}\)
- Water
- Wastewater
- Stormwater and Flood Protection
- Solid Waste, including landfill and transfer stations
- Recycling, including waste minimisation
- All land and buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings

6.5.2 Powers to Decide:
- Approval of specified business cases or projects referred by Council to the committee, and also included in the Annual Plan
- Approval of tenders or projects (whether capital or operational), which exceed the parameters of officer responsibility, as set out in Council’s Procurement Policy.
- To perform all functions, powers and duties relating to the areas of responsibility conferred on Council by relevant legislation and not otherwise delegated to officers
- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility
- To hear and deliberate on submissions for Special Consultative Procedures, or other formal consultation requirements arising from legislation, falling within the areas of responsibility
- Submissions to external bodies relevant to the areas of responsibilities
- Hear, consider and decide all applications for road stopping

6.5.3 Powers to Recommend:
- Statements of proposals for Special Consultative Procedures, or proposals for other formal legislative consultation procedures, falling within the areas of responsibility
- Final decisions on Special Consultative Procedures, or other formal consultation legislative consultation procedures, falling within the areas of responsibility
- Asset and Activity Management Plans falling within the areas of responsibility
- Any actions required under the Public Works Act 1981 falling within the areas of responsibility

\(^{12}\) The shared pathways with an active travel focus may be updated as part of the review of the Parking and Vehicle Control Bylaw 2011. Shared pathways with an active travel focus currently include Atawhai Shared Path, Beatson Road, Coastal Route, Gloucester Street, Maitai River, Nile Street, Orchard Stream, Poormans Stream, Railway Reserve, St Vincent Street, Stoke to Richmond, Toi Toi Street, Vanguard Street, Waimea Road, Willow Walk and Whakatu Drive.
• Property transactions for any land or buildings relating to the areas of responsibility of the committee, including the acquisition, lease, sale or disposal, maintenance, management or development of any land or buildings.

• Development or review of policies and strategies relating to areas of responsibility

• Any other matters within the areas of responsibility noted above
6.6 Chief Executive Employment Committee

6.6.1 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

6.6.2 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

6.7 Civil Defence Emergency Management Group

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

- 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
  - 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.

6.7.1 Specific delegations:

- 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 6.6.1. 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

- The Chairperson alternates between the Mayors of Nelson City Council and Tasman District Council.

6.8 Joint Committee of Tasman District and Nelson City Councils

6.8.1 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).

6.8.2 Powers to Decide:

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

6.8.3 Quorum:

- The quorum at a meeting of the Joint Committee is set as outlined in Model Standing Orders NZS 9202:2003 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.

6.8.4 Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003
- The Chairperson shall 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 shall be appointed.

- The Chairperson shall not have a casting vote
- These delegations/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
- 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
- Minutes of meetings of the Joint Committee will be resolved to be received by each Council for record keeping purposes

6.9 Nelson City Council Tasman District Council Joint Shareholders Committee

6.9.1 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

6.9.2 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

6.9.3 Quorum:

- The quorum at a meeting of the Joint Shareholders Committee is set as outlined in Model Standing Orders NZS 9202:2003 at 6, being half of the members as the membership is an even number. Of that quorum of 6 members at least 3 must be from each local authority.

6.9.4 Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003
- The Chairperson shall 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 shall be appointed.
- The Chairperson shall not have a casting vote
- These delegations/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
- 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
- Minutes of meetings of the Joint Shareholders Committee will be resolved to be received by each Council for record keeping purposes
6.10 **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). Standing orders of the administering Council apply to this Committee.

6.10.1 **Purpose**
- 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.

6.10.2 **Powers and Responsibilities:**
- 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

6.11 **Nelson Tasman Regional Landfill Business Unit**

6.11.1 **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.

6.11.2 **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.

6.11.3 Power to recommend to the Nelson City Council and/or the Tasman District Council
• Any matters under the area of responsibility of the Business Unit

6.11.4 Quorum
• The quorum shall be three of the members (including vacancies). There shall also be at least one member from each Council represented in the quorum.

6.11.5 Procedure
• Nelson City Council Standing Orders apply to meetings of the Business Unit
• The Chairperson shall not have a casting vote
• Minutes of meetings of the Business Unit will be resolved to be received by each Council for record keeping purposes

For the Terms of Reference for the Nelson Tasman Regional Landfill Business Unit please refer to document A1983272.

6.12 Regional Pest Management Committee

The Regional Pest Management Committee is a joint committee of Nelson City and Tasman District Councils. It is governed by a Terms of Reference (A1582854). Model Standing Orders (NZS 9202:2003) apply to this Committee.

6.12.1 Areas of Responsibility:
• To oversee the review of the Tasman-Nelson Regional Pest Management Strategy which will be developed into the draft Regional Pest Management Plan;
• To resolve conflicting approaches and provide direction on how chapters of the draft Plan can be developed to ensure an aligned joint Plan can be achieved; where there are conflicts or significant differences between the Councils;
• To oversee consultation with key stakeholders;
• To carry out hearings and deliberations on submissions to the draft Plan as required under the Biosecurity Act 1993;
• To identify pests that fall outside the scope of the draft Plan for the Council to consider managing in other ways.

6.12.2 Powers to Decide
• None

6.12.3 Powers to Recommend
• To recommend to each Council notification of the draft Tasman-Nelson Regional Pest Management Plan under the Biosecurity Act 1993;
• To recommend to each Council the adoption of the final Tasman-Nelson Regional Pest Management Plan and the process to make it in accordance with sections 70-75 of the Biosecurity Act 1993.
• To recommend to either or both Councils pests that fall outside the scope of the draft Plan that require an alternative management approach.

6.13 Regional Transport Committee

Operation of the Regional Transport Committee is governed by the Land Transport Management Act 2003.
6.13.1 Functions:
- To prepare a Regional Land Transport Plan, or any variation of the Plan, for the approval of Council
- To provide Council with any advice and assistance Council may request in relation to its transport responsibilities

6.13.2 Specific Delegations:
- To develop a Regional Land Transport Programme (RLTP)
- To undertake any variations or changes to the RLTP
- To develop any Regional fuel tax scheme authorised by the legislation
- To approve submissions to external bodies on policy documents likely to influence the content of the RLTP.

6.14 Resource Management Act Procedures Committee

6.14.1 Functions:
- 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 the Council or Nelson community, to the 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

6.14.2 Delegations:
- In consultation with Council’s legal advisers and Group Manager Strategy and Environment, 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 the 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 the Council was a submitter
- Power to lodge appeals on the decisions of a requiring authority or heritage protection authority
- 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 the Council. All decisions are to be reported to the Council
6.15 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). Tasman District Council Standing Orders apply to this Committee.

6.15.1 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.

6.15.2 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

6.15.3 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.

6.16 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.

6.16.1 Functions and Delegations:

- To consider and determine applications for licences and 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 and applications for the variation, suspension or cancellation of special licences.
• To refer applications to the licensing authority, with the leave of the Chairperson of the licensing authority
• To conduct inquiries and make reports as required by the 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

6.17 Hearings Panel – Resource Management Act

6.17.1 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

6.17.2 Membership:
• All Commissioners, being Councillors who have successfully completed a “Making Good Decisions” or other appropriate Resource Management Act Course
• The Group Manager Strategy and Environment 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 Strategy and Environment 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 is an interested party

6.17.3 Specific delegations:
• 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 Strategy and Planning, 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 RMA)
• Power to refuse subdivision consent (section 106 RMA)

6.18 Hearings Panel – Other

6.18.1 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.

6.18.2 Membership:
• All Councillors, for matters relating to the Dog Control Act 1996, Schedule 10 Clause 11(e) of the Local Government Act 1974 and other matters not covered by the Resource Management Act 1991
Councillors appointed as Chair of any panel shall be drawn from those councillors who have successfully completed the “Making Good Decisions” course, or other appropriate training course. (Note: At the Council meeting on 9 August 2018 the Mayor’s Report increased the panel to three members)

The Group Manager Strategy and Environment 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 is an interested party, other than applications made for temporary road closure under Schedule 10 Clause 11(e) of the Local Government Act 1974.

6.18.3 Specific delegations:

- 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; and to recommend changes to the Council’s Dog Control Policy and Dog Control Bylaw
- 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
- 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
- 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

6.19 Community Investment Funding Panel

6.19.1 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

13 Where the naming of a feature impacts upon an existing or potential naming rights agreement (as defined by the Naming Rights and Sponsorship Policy for Community Services Facilities), it should be approved by Council.
Powers to Recommend:

- None
7.0 Subcommittees Established by Nelson City Council

7.1 Audit, Risk and Finance Subcommittee

This is a subcommittee of the Council

7.1.1 Areas of Responsibility

- Council’s Treasury functions and policies
- Council’s Annual Report
- Audit processes and management of financial risk
- Organisational risk management
- Internal audit
- Council’s financial and service performance
- Health and Safety
- Statutory Compliance

7.1.2 Powers to Decide

- None

7.1.3 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, Risk and Finance Subcommittee please refer to document A1437349.
7.2 Forestry Advisory Group

7.2.1 This is a subordinate decision making body that reports to the Governance Committee.

7.2.2 Areas of Responsibility:

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

7.2.3 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.

7.2.4 Powers to Recommend to Governance 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.

7.3 Iwi-Council Advisory Group

7.3.1 The Iwi-Council Advisory Group reports to Council.

7.3.2 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

7.3.3 Powers to Decide:

- None

7.3.4 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
8.0 Working Parties

8.1 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.

8.1.1 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.

8.1.2 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. The 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:
  o 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;
  o 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;
  o The Chairperson of the Working Party;
  o The role of the chair, staff and any other stakeholders;
  o Processes around conflicts of interest by any working party members; and
  o 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.
8.2 Community Housing Working Party

8.2.1 Areas of Responsibility:
- To provide support and guidance to officers as they develop a proposal for possible consultation with the community;
- To provide support and guidance to officers as they carry out any subsequent negotiations with interested parties.

8.2.2 Powers to Decide:
- None

8.2.3 Powers to Recommend to Council:
- None

For the Terms of Reference for the Community Housing Working Party please refer to document A2109332
9.0 Council-Controlled Organisations and Other Organisations

9.1 Appointments to Council Controlled Organisations

From time to time the Council may appoint directors or trustees to the boards or management committees of companies and organisations associated with the Council. These appointments will be made in accordance with the Council’s policy for the appointment of directors and trustees (A284857).

9.1.1 The current policy provides:
- The selection of potential directors;
- The process for appointment of directors;
- The remuneration of directors; and
- The re-appointment of directors

The Council may also make appointments to Council Controlled Organisations jointly with the Tasman District Council, as set out in the policy regarding the joint appointment to Council Controlled Organisations (A537882).

9.1.2 The current policy also provides:
- The selection of potential directors;
- The process for appointment of directors;
- The remuneration of directors; and
- The re-appointment of directors

9.1.3 Schedule Two sets out the directors and trustees currently appointed to Council Controlled Trading Organisations (CCTOs), Commercial Trading Enterprises, Council Controlled Organisations (CCOs), and Council Organisations (COs), appointed solely by Nelson City Council, or jointly with Tasman District Council.

9.2 Appointments to Other Organisations

From time to time, Council may appoint elected members or other persons to Council organisations or other organisations.

9.2.1 Elected members appointed to other organisations have the following roles:
- Liaison: to be an interface between the 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.

9.2.2 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.

9.2.3 Schedule Three sets out the elected members appointed to external organisations.
SCHEDULES

Schedule One - Members of Committees and Subordinate Decision-Making Bodies

Mayor
• Rachel Reese

Deputy Mayor
• Paul Matheson

Committees

Community Services Committee
• Councillor Noonan (Chairperson)
• Councillor Courtney (Deputy Chairperson)
• Councillor Fulton
• Councillor Lawrey
• Councillor McGurk
• Councillor Rutledge
• Councillor Walker
• Her Worship the Mayor

Governance Committee
• Councillor Barker (Chairperson)
• Councillor Dahlberg (Deputy Chairperson)
• Councillor Acland
• Councillor Courtney
• Councillor Noonan
• Councillor Rutledge
• Councillor Skinner
• Councillor Walker
• Her Worship the Mayor
• John Murray (external appointee)
• John Peters (external appointee)
Planning and Regulatory Committee
- Her Worship the Mayor (Co-Chairperson)
- Councillor McGurk (Co-Chairperson)
- Councillor Acland
- Councillor Barker
- Councillor Dahlberg
- Councillor Fulton
- Councillor Walker
- Glenice Paine (external appointment)

Sports and Recreation Committee
- Councillor Skinner (Chairperson)
- Councillor Dahlberg (Deputy Chairperson)
- Councillor Barker
- Councillor Courtney
- Councillor Fulton
- Councillor McGurk
- Councillor Walker
- Her Worship the Mayor

Works and Infrastructure Committee
- Councillor Walker (Chairperson)
- Councillor Rutledge (Deputy Chairperson)
- Councillor Acland
- Councillor Lawrey
- Councillor Matheson
- Councillor Noonan
- Councillor Skinner
- Her Worship the Mayor

Chief Executive Employment Committee
- Her Worship the Mayor (Chairperson)
- Councillor Acland
- Councillor Dahlberg
- Councillor Noonan

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
• Deputy Mayor
• All Councillors (11)

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 Tasman Regional Landfill Business Unit

• Councillor Walker (Chairperson)
• Councillor Barker

Note: This Committee also includes two Councillors from Tasman District Council, giving a total of four members for the Committee

Nelson City Council Tasman District Council Joint Shareholders Committee

Chairperson: Alternating (see procedure)

Deputy Chairperson: None
• Her Worship the Mayor
• Councillor Barker
• Councillor Courtney
• Councillor Matheson
• Councillor Noonan
• Councillor Skinner

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

Nelson Regional Sewerage Business Unit

• Councillor Skinner
• Councillor Walker

Note: This Committee also includes two representatives from Tasman District Council, a representative of the Nelson Regional Sewerage Scheme Customer Group, and an Iwi representative, and includes the potential for an independent member to be appointed (none currently appointed).

Regional Pest Management Committee

• Councillor Fulton
• Councillor Lawrey
• Councillor McGurk

Note: This Committee also includes three Councillors from Tasman District Council, giving a total of six members for the Committee
Regional Transport Committee
- Councillor Rutledge (Chairperson)
- Councillor Noonan (Deputy Chairperson)
- Councillor Matheson
- Her Worship the Mayor
- New Zealand Transport Agency Representative (currently Jim Harland)

Resource Management Act Procedures Committee
- Her Worship the Mayor
- Councillor Matheson
- Councillor McGurk

Saxton Field Committee
- Chair of Sports and Recreation Committee (Councillor Skinner)
- Deputy Chair of Sports and Recreation Committee (Councillor Dahlberg)

Note: This Committee also includes two Councillors 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)
- Councillor Barker (Deputy Chairperson)
- Councillor Fulton
- Councillor Matheson
- Her Worship the Mayor
- Gail Collingwood (external appointment)
- Derek Shaw (external appointment)
- Laurie Gabites (external appointment)
- David Lewis (external appointment)

Hearings Panel – Resource Management Act
- Commissioner Barker (Chair accredited)
- Commissioner Acland
- Commissioner Fulton
- Commissioner McGurk
- Commissioner Noonan
- Commissioner Reese (Chair accredited)
- Commissioner Skinner

Hearings Panel - Other
- All Councillors

Community Investment Funding Panel
- Susan Hawthorne (Community Representative)
- Katy Steele (Community Representative)
• Graeme Thomas (Community Representative)
• Rachel Saunders (Community Representative)
• Group Manager Community Services – Roger Ball

Audit, Risk and Finance Subcommittee
• John Peters (external appointee, Chairperson)
• Her Worship the Mayor
• Councillor Barker
• Councillor Dahlberg
• John Murray (external appointee)

Forestry Advisory Group
• John Murray (external appointee, Chairperson)
• Her Worship the Mayor
• Councillor Acland
• Peter Gorman
• Group Manager Infrastructure – Alec Louverdis
• Council Officer (currently vacant)

Iwi-Council Advisory Group
• Her Worship the Mayor
• Deputy Mayor, Councillor Matheson
• Councillor Dahlberg
• Councillor Lawrey
• 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
Schedule Two - Council Controlled Trading Organisations (CCTOs), Commercial Trading Enterprises, Council Controlled Organisations (CCOs), and Council Organisations

Council Controlled Trading Organisations (CCTOs)

Council Controlled Trading Organisations are Council Controlled Organisations that operate a trading undertaking for the purpose of making a profit.

Note: As shareholder, Council has one vote at Annual General Meetings for Council Controlled Trading Organisations that are companies. In these cases exercise of the vote cascades as follows, depending on attendance:

- Mayor
- Deputy Mayor
- Chairperson Governance Committee
- Other Committee Chairperson
- Other Councillors

Nelmac Ltd

Directors:
- Agnieszka Grudzinska
- Robert Gunn
- David Kenning
- Sara Jane Weir

Nelson Airport Ltd (Joint CCTO with Tasman District Council)

Directors jointly appointed with Tasman District Council:
- Matt Clarke
- Paul Steere
- Catherine Taylor

Director appointed by Nelson City Council:
- Paul McGuiness

Director appointed by Tasman District Council:
- Judene Edgar
Other Commercial Trading Enterprises, but not classified as a CCTO

Port Nelson Ltd (Joint with Tasman District Council)

Directors jointly appointed with Tasman District Council:
- Phil Lough
- Bronwyn Monopoli
- Tony Reynish
- Steve Sanderson

Director appointed by Nelson City Council:
- Paul Le Gros

Director appointed by Tasman District Council:
- Tim King
Council Controlled Organisations (CCOs)

CCOs are organisations for which a local authority controls 50% or more of the voting rights, or rights to appoint 50% or more of the directors/trustees.

The Nelson Regional Development Agency

There are no Councillor representatives.

Directors are:
- Kevin Armstrong
- Martin Byrne
- Alan Dunn
- Marina Hirst-Tristram
- Chris Jackson
- Meg Matthews
- John Palmer

The Bishop Suter Trust

This is an independent Trust.

There are no Councillor representatives.

Members of the Trust are:
- Jane du Feu
- John Hambleton
- Gabrielle Hervey
- Ian McLennan
- Craig Potton
- Joe Waller

The Tasman Bays Heritage Trust (Joint with Tasman District Council)

This is an independent trust.

There are no Council representatives.

Members of the Trust are:
- Chris Bowater
- Olivia Hall
- Darren Mark
- Liz Richards
- Derek Shaw
- Emma Thompson
The City of Nelson Civic Trust

The Mayor is Patron, and the Chief Executive is an ex officio member.

Other members of the Trust are:

- Rachel Dodd
- Murray Farrant
- Jeremy Glasgow
- Kay Hill
- Cathy Knight
- Nick Mason
- Roger Nicholson
- Glenn Roberts
- Karen Stade

Nelson Municipal Band

- Her Worship the Mayor
- Manager of the Council’s Bank, Fiona Webster
- President of the Band, Pat Heaphy
Council Organisations (COs)

COs are organisations for which a local authority controls any proportion of the voting rights, or rights to appoint directors/trustees.

Nelson School of Music Trust

- Bob Bickerton
- Mark Christensen (Nelson City Council appointee)
- Susannah Roddick
- Roger Taylor (Nelson City Council appointee)
- Jan Trayes
- Louise Walsh
Schedule Three – 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 the 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

- Councillor Matheson

Arts Council Nelson Incorporated

- Her Worship the Mayor

Cawthron Institute Board

- Her Worship the Mayor (appointed by Parliament to the Board)

Community and Whanau Group

- Councillor Fulton
- Councillor McGurk

Developer Advisory Group

- Her Worship the Mayor
- Councillor Lawrey
- Councillor Noonan

Eelco Boswijk Civic Awards (previously Community Spirit Awards)

- Her Worship the Mayor
- Councillor Dahlberg
- Councillor Fulton
- Councillor Lawrey
- Councillor Noonan
- Councillor McGurk

Kotahitanga Hui

- Her Worship the Mayor
- All councillors

Land Development Manual Steering Group

- Councillor Lawrey
• Councillor McGurk

**Mayor’s Taskforce for Jobs Steering Group**
• Her Worship the Mayor

**Nelson Biodiversity Forum**
• Councillor McGurk (Chair)
• Councillor Fulton
• Councillor Walker

**Nelson Tasman Business Trust**
• Councillor Rutledge

**Nelson Tasman Mayoral Relief Trust**
• Her Worship the Mayor
• Deputy Mayor

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

**Nelson Youth Council**
• Councillor McGurk
• All other councillors by rotation

**Positive Ageing Forum**
• Councillor Lawrey

**Safer Community Council**
• Councillor McGurk

**Sister Cities**
• Mrs Gail Collingwood (Sister Cities Coordinator, Chair)
• Her Worship the Mayor
• Councillor Dahlberg

**Sport Tasman Trust (Tasman Regional Sports Trust)**
• Councillor Rutledge

**Stoke Redevelopment Working Party**
• Councillor Matheson (Chair)
• Councillor Barker (Deputy Chair)
• Councillor Fulton
• Councillor Lawrey
• Councillor Walker
Tasman Bay Heritage Trust Appointments Committee

- Councillor Courtney
- Councillor Noonan

Trustpower Community Awards

- Councillor Barker

Urban Design Champion

- Councillor Fulton

Whakatu Marae

- Her Worship the Mayor

Youth Nelson (The Young Nelson Trust)

- Councillor Acland