



Nelson City Council

Te Kaunihera o Whakatū

Delegations

Register

Nelson City Council	Policy
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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.

¹ Schedule 7, clause 32(2)

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 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 Schedule 7, clause 32(3)

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

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:

- (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
- awarding of any tender over \$2,500,000;
- writing off outstanding accounts receivable or remit fees and charges over \$10,000; and
- Approval of increases in fees and charges over the current Consumer Price Index (CPI).

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 information, including 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 and Recreation Committee
- Environment and Climate Committee
- Infrastructure 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 Risk and Finance Subcommittee
- Forestry Subcommittee
- Tenders Subcommittee
- Urban Development Subcommittee
- Strategic Development and Property 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 with current 'Making Good Decisions' certification, in the case of a Hearings Panel – Resource Management Act; or
- Councillors who have previously completed 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 and Subcommittees 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:

- Community housing assets
- Civic House
- Climatorium
- Elma Turner Library redevelopment, and Riverside precinct
- Events Strategy and Events Fund
- Communications and Engagement Strategy
- Regional economic development, including Nelson Regional Development Agency and Uniquely Nelson
- COVID-19 impact on the Nelson community and Council's role in the recovery from COVID-19, including actions arising from Project Kōkiri
- Nelmac Limited
- Oversight of Forestry matters
- Long Term Plan policies, including the Financial Strategy, ratings policies, revenue and financing policies and Long Term Plan assumptions
- Residents' Survey

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. 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.

5.1.5 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 matters 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 and Recreation Committee

5.3.1 Areas of Responsibility:

- Arts, Culture and Heritage
- Bylaws, within the areas of responsibility
- Cemeteries and Crematorium
- Community Centres and Halls
- Community Development, including youth issues, ageing issues and social well-being
- Community festivals and events, excluding:
 - Events Strategy and Events Fund (matters for Council)
- Founders Heritage Park
- Governance of Nelson City Council Controlled Organisations and Council Organisations, within the areas of responsibility:
 - The Bishop Suter Trust;
 - The Nelson Arts Festival Trust
 - The Nelson Centre of Musical Arts
 - The Nelson Municipal Band Trust
 - The City of Nelson Civic Trust
 - Sport Tasman
- Heritage Houses and their grounds
- Libraries
- Modellers Pond
- Natureland
- Nelson Gondola Project and Koata Park
- Parks and Reserves, aside from
 - Saxton Field (a matter for the Saxton Field Committee)
- Recreation and Leisure Facilities and Services, including swimming pool facilities and Waahi Taakaro Golf Course
- Rural Fire Risk

- Sister City relationships
- Sports Fields, including Trafalgar Park and the Trafalgar Pavilion
- The Trafalgar Centre
- 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, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval
- Developing and approving in principle draft Activity Management Plans, for inclusion in the draft Long Term Plan
- 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, other than final approval
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals
- Approval of increases in fees and charges over the Consumer Price Index (CPI)

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
- Decisions regarding significant assets
- Decisions in relation to the Nelson Gondola Project and Koata Park
- Approval of final versions of strategies, policies and plans

5.4 Environment and Climate Committee

5.4.1 Areas of Responsibility:

- Building control matters, including earthquake-prone buildings and the fencing of swimming pools
- Brook Waimarama Sanctuary Trust
- Bylaws, within the areas of responsibility
- Climate Change policy, monitoring and review
- Climate change impact and strategy overview - mitigation, adaptation and resiliency
- Climate change reserve fund use
- Environmental programmes including (but not limited to) warmer, healthier homes, energy efficiency, environmental education, and eco-building advice
- Environmental regulatory and non-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, gambling, sugar-sweetened beverages and smokefree environments, and other public health issues
- Environmental science monitoring and reporting including (but not limited to) air quality, water quality, water quantity, land management, biodiversity, biosecurity (marine, freshwater and terrestrial), pest and weed management, and coastal and marine science
- Environmental Science programmes including (but not limited to) Nelson Nature and Healthy Streams
- Hazardous substances and contaminated land
- Maritime and Harbour Safety and Control
- Planning documents or policies, including (but not limited to) the Land Development Manual
- Policies and strategies relating to compliance, monitoring and enforcement
- Policies and strategies related to resource management matters
- Pollution control
- Regulatory enforcement and monitoring

- The Regional Policy Statement, District and Regional Plans, including the Nelson Plan
- Urban Greening Plan

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
- Developing, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval
- Developing and approving draft Activity Management Plans in principle, for inclusion in the draft Long Term Plan
- 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 other than final approval
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals
- Approval of increases in fees and charges over the Consumer Price Index (CPI)

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
- Decisions regarding significant assets
- Actions relating to climate change not otherwise included in the Annual Plan or Long Term Plan
- Approval of final versions of strategies, policies and plans

5.5 Infrastructure Committee

5.5.1 Areas of Responsibility:

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

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, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval
- Developing and approving draft Activity Management Plans in principle, including the Infrastructure Strategy, for inclusion in the draft Long Term Plan
- 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
- Approval of increases in fees and charges over the Consumer Price Index (CPI)

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
- 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 regarding significant assets
- Approval of final versions of strategies, policies and plans

5.6 Chief Executive Employment Committee

5.6.1 Areas of Responsibility:

- To develop recommended Key Performance Indicators in consultation with the Chief Executive
- To review and monitor 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

5.6.2 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

5.7 Civil Defence Emergency Management Group

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

5.7.1 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.

5.7.2 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

5.7.3 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.

5.7.4 Procedure:

- The Standing Orders of the 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

5.8 Joint Committee of Tasman District and Nelson City Councils

This committee is a joint committee of Nelson City and Tasman District Councils, established in accordance with clause 30A, Schedule 7 of the Local Government Act 2002. The Joint Committee of Tasman District and Nelson City Councils is governed by a Terms of Reference (A2505912).

5.8.1 Areas of Responsibility:

- Matters relating to Statements of Expectation for all jointly owned Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations (CCTOs)
- 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
- Implementation of the Nelson Tasman Future Development Strategy

5.8.2 Powers to Decide:

- To determine the strategic direction to be given to jointly owned CCOs and CCTOs through Statements of Expectation
- To adopt, approve, review and amend the Nelson Tasman Future Development Strategy and Implementation Plan
- In matters relating to the Nelson Tasman Future Development Strategy, to undertake community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes

5.8.3 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

5.9 Nelson City Council Tasman District Council Joint Shareholders Committee

5.9.1 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

5.9.2 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

5.9.3 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 three must be from each local authority

5.9.4 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

5.10 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 Board, as established by a Memorandum of Understanding (A1983271).

5.10.1 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.

5.10.2 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 contracts 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

5.10.3 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.

5.10.4 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.

5.10.5 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.

5.11 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).

5.11.1 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.

5.11.2 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.

5.11.3 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.

5.11.4 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.

5.11.5 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

5.12 Regional Transport Committee

Establishment and operation of the Regional Transport Committee is governed by the Land Transport Management Act 2003.

5.12.1 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.

5.12.2 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.

5.12.3 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.

5.13 Resource Management Act Procedures Committee

5.13.1 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 the 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

5.13.2 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

5.14 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).

5.14.1 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.

5.14.2 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
- Approval of the draft Saxton Field Reserve Management Plan for public consultation, to undertake the public consultation process and to be the Hearings Panel to hear and deliberate on the submissions for the draft Saxton Field Reserve Management Plan

5.14.3 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.

5.14.4 Quorum:

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

5.14.5 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

6. Subcommittees and Subordinate Decision-Making Bodies Established by Nelson City Council

6.1 Audit, Risk and Finance Subcommittee

This is a subcommittee of Council

6.1.1 Areas of Responsibility

- Any matters raised by Audit New Zealand or the Office of the Auditor-General
- Audit processes and management of financial risk
- Chairperson's input into financial aspects of draft Statements of Expectation and draft Statements of Intent for Nelson City Council Controlled Organisations, Council Controlled Trading Organisations and Council Organisations
- Council's Annual Report
- Council's financial performance
- Council's Treasury policies
- Health and Safety
- Internal audit
- Monitoring organisational risks, including debtors and legal proceedings
- Procurement Policy

6.1.2 Powers to Decide

- Appointment of a deputy Chair

6.1.3 Powers to Recommend to Council

- Adoption of Council's Annual Report
- To write off outstanding accounts receivable or remit fees and charges of amounts over the Chief Executive's delegated authority.
- All other matters within the areas of responsibility or any 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.

6.2 Urban Development Subcommittee

This is a subcommittee of Council.

6.2.1 Areas of Responsibility

- City Centre Programme, including the City Centre Spatial Plan
- Oversight of the City Centre Engagement Group
- Intensification Action Plan
- Housing Reserve – development of criteria for use and consideration of projects
- Social and affordable housing proposals
- Development Contributions and Financial Contributions
- Statutory tools, initiatives and projects relating to Urban Development and Housing

6.2.2 Powers to Decide

- Appointment of a deputy Chair
- Developing, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval
- Undertaking informal community engagement on matters within the areas of responsibility

6.2.3 Powers to Recommend to Council

- Approval of final versions of strategies, policies and plans
- All other matters within the areas of responsibility or any other matters referred to it by Council

For the Terms of Reference for the Urban Development Subcommittee please refer to document A2505916.

6.3 Strategic Development and Property Subcommittee

6.3.1 Areas of Responsibility

- Haven Precinct
- Marina Precinct
- Campgrounds
- Strategic properties, as identified in the Property and Facilities Activity Management Plan, excluding
 - Civic House (a matter for Council); and
 - Properties within the Riverside Precinct (a matter for Council)
- Commercial development proposals

6.3.2 Powers to Decide

- Appointment of a deputy Chair
- Developing, monitoring and reviewing strategies, policies and plans, with final versions to be recommended to Council for approval
- Undertaking informal community engagement on matters within the areas of responsibility

6.3.3 Powers to Recommend to Council

- Approval of final versions of strategies, policies and plans
- All other matters within the areas of responsibility or any other matters referred to it by Council

For the Terms of Reference for the Strategic Development and Property Subcommittee, please refer to document A2505915.

6.4 Forestry Subcommittee

This is a subcommittee that reports to Council.

6.4.1 Areas of Responsibility:

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

6.4.2 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

6.4.3 Powers to Recommend to Council:

- 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 Subcommittee please refer to document A1739267.

6.5 Tenders Subcommittee

6.5.1 Areas of Responsibility:

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

6.5.2 Membership:

- The Tenders Subcommittee will be comprised of the Chief Executive, Mayor, Deputy Mayor and Chair of the committee (for which the tender falls within the area of responsibility of the committee)

6.5.3 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 on in the next Quarterly Report to the relevant governing committee.

6.6 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.

6.6.1 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

6.6.2 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

6.6.3 Powers to Refer:

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

6.7 Hearings Panel – Resource Management Act

6.7.1 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)

6.7.2 Membership:

- All Commissioners, being Councillors who have current “Making Good Decisions” certification or other appropriate Resource Management Act certification
- 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

6.7.3 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)

6.8 Hearings Panel – Other

6.8.1 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.

6.8.2 Membership:

- All elected members aside from the Mayor, in rotation. Each Hearings Panel-Other will be made up of three members.
- The Chair of each Panel will be an elected member who has previously completed the 'Making Good Decisions' course.
- Each Hearings Panel will include no more than one elected member in their first triennium of Council
- 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.

6.8.3 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
- 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

6.9 Community Investment Funding Panel

This is a subordinate decision-making body that reports to the Community and Recreation Committee

6.9.1 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

6.9.2 Powers to Decide:

- The allocation of Community Investment Funding

6.9.3 Powers to Recommend:

- None

7. Working Parties and Advisory Groups

7.1 Establish Working Parties and Advisory Groups

From time to time, Council or committees may choose to establish working parties or advisory groups (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 Iwi-Council Partnership Group

The Iwi-Council Partnership Group reports to Council.

7.2.1 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

7.2.2 Powers to Decide:

- None

7.2.3 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 Partnership Group please refer to document A2411915

7.3 City Centre Engagement Group

7.3.1 Areas of Responsibility:

- To support engagement on Council plans, projects and strategies that occur within the City Centre
- To support the Urban Development Subcommittee and officers on the implementation of the City Centre Programme Plan (A2247904), and its associated spatial plan and delivery plan
- To review and comment on engagement plans for projects relating to the City Centre
- To provide updates to the Urban Development Subcommittee on engagement matters relating to projects, plans and strategies relevant to the City Centre

7.3.2 Powers to Decide:

- None

7.3.3 Powers to Recommend:

- None

For the Terms of Reference for the City Centre Engagement Group please refer to document A2505045

7.4 City for All Ages Councillor Working Group

7.4.1 Areas of Responsibility:

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

7.4.2 Powers to Decide:

- None

7.4.3 Powers to Recommend:

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

For the Terms of Reference for the City for All Ages Councillor 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 and Advisory Groups

Mayor

- Rachel Reese

Deputy Mayor

- Judene Edgar

Community and Recreation Committee

This is a committee of the whole. Membership is:

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

Environment and Climate Committee

This is a committee of the whole. Membership is:

- Councillor Fulton (Chairperson)
- Councillor McGurk (Deputy Chairperson)
- Councillor Courtney (Deputy Chairperson)
- Councillor Brand

- Councillor Bowater
- Councillor Edgar
- Councillor Lawrey
- Councillor Noonan
- Councillor O'Neill-Stevens
- Councillor Rainey
- Councillor Sanson
- Councillor Skinner
- Her Worship the Mayor
- Glenice Paine (external appointment)

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
- Councillor Noonan
- Councillor Rainey
- Councillor Sanson
- Councillor Skinner
- 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
- 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

- Her Worship the Mayor
- Councillor Courtney
- Councillor Edgar
- Councillor McGurk
- Councillor Noonan
- Councillor Sanson

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

Nelson Regional Sewerage Business Unit

- Councillor McGurk
- Councillor Skinner

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

- Councillor Edgar
- Councillor McGurk

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

- Her Worship the Mayor
- Councillor Fulton
- Councillor McGurk

Saxton Field Committee

- Councillor Edgar
- Councillor Skinner

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

Audit Risk and Finance Subcommittee

- John Peters (Chairperson, external appointment)
- John Murray (external appointment)
- Her Worship the Mayor
- Councillor Edgar
- Councillor Lawrey
- Councillor Sanson

Forestry Subcommittee

- John Murray (Chairperson)
- Her Worship the Mayor
- Councillor Fulton
- Councillor Skinner
- Peter Gorman (independent forestry expert)

Tenders Subcommittee

- Her Worship the Mayor
- Councillor Edgar
- Chair of committee relevant to tender
- Chief Executive

Urban Development Subcommittee

- Councillor Edgar (Chair)

- Her Worship the Mayor
- Councillor Courtney
- Councillor Fulton
- Councillor McGurk
- Councillor Rainey
- One Māori representative

Strategic Development and Property Subcommittee

- Councillor Noonan (Chair)
- Her Worship the Mayor
- Councillor Tim Skinner
- Councillor Yvonne Bowater
- Councillor Trudie Brand
- Mr John Peters
- Mr John Murray
- One Māori representative

District Licensing Committee

- Oke Blaikie (Chairperson, external appointment)
- Councillor Fulton (deputy Chair)
- Councillor Noonan
- Gail Collingwood (external appointment)
- Derek Shaw (external appointment)
- Laurie Gabites (external appointment)
- David Lewis (external appointment)

Hearings Panel – Resource Management Act

- All members holding current 'Making Good Decisions' certification

Hearings Panel - Other

All Councillors (aside from Her Worship the Mayor)

A Chairperson is appointed for each Hearings Panel – Other, from councillors who have previously completed the 'Making Good Decisions' course

Community Investment Funding Panel

- Four community representatives
- Group Manager Community Services

Iwi-Council Partnership Group

- Her Worship the Mayor
- Councillor Edgar
- Councillor Lawrey
- Councillor Sanson
- 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

City Centre Engagement Group

- Councillor Mel Courtney (Chair)
- Deputy Mayor Judene Edgar

City for All Ages Councillor Working Group

- Councillor Lawrey (Chair)
- Councillor Bowater
- Councillor Brand
- Councillor Noonan

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

- Councillor Courtney

Arts Council Nelson Incorporated

- Councillor O'Neill-Stevens

Cawthron Institute Trust Board

- Her Worship the Mayor (in accordance with legislation and Trust Deed relating to the Cawthron Institute)

Community and Whanau Group

- Her Worship the Mayor
- Councillor O'Neill-Stevens
- Councillor Rainey

Creative Communities

- Councillor Bowater
- Councillor Courtney

Eelco Boswijk Civic Awards (previously Community Spirit Awards)

- Her Worship the Mayor
- Councillor Brand
- Councillor Edgar
- Councillor Fulton
- Councillor Lawrey

- Councillor Rainey

Heritage Houses

- Councillor Bowater
- Councillor Courtney

Mayor's Taskforce for Jobs Steering Group

- Her Worship the Mayor

Nelson Biodiversity Forum

- Councillor Fulton
- Councillor McGurk
- Councillor Sanson

Nelson Tasman Business Trust

- Councillor Edgar

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

- Councillor O'Neill-Stevens
- All other councillors, in rotation

Positive Ageing Forum

- Councillor Bowater

Sister Cities

- Gail Collingwood (Coordinator, external appointee)
- Her Worship the Mayor
- Councillor Brand

Sport Tasman Trust (Tasman Regional Sports Trust)

- Councillor Skinner

Tasman Bays Heritage Trust Appointments Committee

- Councillor Courtney
- Councillor Noonan

Urban Design Champion

- Councillor Rainey

Waimea Inlet Coordination Group

- Councillor McGurk

Whakatu Marae

- Her Worship the Mayor

Youth Nelson (The Young Nelson Trust)

- Councillor Bowater