



**Whangarei**  
District Council

# ***Committee Terms of Reference***

**Adopted: 27 November 2019**











## **Committees of the Whole**

### **Community Development Committee – Terms of Reference**

#### **Membership**

**Chairperson** Councillor Gavin Benney

**Members** Her Worship the Mayor Sheryl Mai  
Councillors Vince Cocurullo, Nicholas Connop, Ken Couper, Tricia Cutforth, Shelley Deeming, Jayne Golightly, Phil Halse, Greg Innes, Greg Martin, Anna Murphy, Carol Peters, Simon Reid

**Meetings** Monthly

**Quorum** 7

#### **Purpose**

To oversee functions of Council that interact, support and provide services for the community, including to disburse funds as determined by the Whangarei District Council Grants, Concessions and Loans Policy.

#### **Key responsibilities**

- Policy and planning for the provision of community development, culture, arts and heritage and events.
- District venues and community events
- Libraries
- Community services
  - Community sector liaison and support (Advisory Groups)
  - Community safety (City Safe, CCTV)
- Pensioner housing
- Property asset management
  - Pensioner housing
  - Forum North
  - Community halls
- Civil Defence Emergency Management
- Heritage, culture, arts and creative industries sector liaison

- Community development led programme
- Reporting on service delivery, including operational financial performance.
- Reporting on capital projects.
- Operational reporting for the Community group within Council.
- Procurement – general procurement relating to the areas of business of this committee, within delegations.
- Shared services – investigate opportunities for shared services for recommendation to council.
- Council Controlled Organisations (CCOs) – monitoring the financial and non-financial performance of CCOs whose functions would otherwise fall under the scope of this committee. Includes trading CCOs (CCTOs) and those CCOs exempted under the LGA. Responsibilities include:
  - advising on the content of annual Statement of Expectations to CCOs
  - agreement of the Statement of Intent
  - monitoring against the Statement of Intent
  - for exempted CCOs, monitoring and reporting as agreed between Council and the organisation

**CCOs accountable to this committee:**

- Whangarei Art Museum Trust (WAMT) – CCO
- Northland Events Centre Trust (NECT) – exempted CCO
- To carry out the funding process in accordance with the Whangarei District Council Grants, Concessions and Loans Policy in an objective, fair and transparent way.

**Delegations**

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
  - a) approval of a submission to an external body.
  - b) establishment of working parties or steering groups.
  - c) adoption of strategies and policies relating to the key responsibilities of this committee (except for those that cannot be delegated by Council under Clause 32(1)(f) of Schedule 7 of the LGA).
  - d) the approval of expenditure of less than \$5 million plus GST.
  - e) power to establish subcommittees and to delegate their powers to that subcommittee.

- f) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).
- g) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002 (LGA).



## **Infrastructure Committee – Terms of Reference**

### **Membership**

**Chairperson** Councillor Greg Martin

**Members** Her Worship the Mayor Sheryl Mai  
Councillors Gavin Benney, Vince Cocurullo, Nicholas Connop, Ken Couper, Tricia Cutforth, Shelley Deeming, Jayne Golightly, Phil Halse, Greg Innes, Anna Murphy, Carol Peters, Simon Reid

**Meetings** Monthly

**Quorum** 7

### **Purpose**

To oversee the management of council's infrastructural assets, utility services and public facilities.

### **Key responsibilities**

- Services including the provision, maintenance and capital investment for:
  - Infrastructure asset management, projects and support
  - Infrastructure project co ordination
  - Transportation
  - Waste and drainage
  - Solid waste, waste minimisation and recycling services
  - Water
  - Parks and reserves
  - Cemetery
  - Laboratory services
  - Flood alleviation schemes
- Reporting on service delivery, including operational financial performance.
- Reporting on capital projects.
- Operational reporting for the Infrastructure group within Council.

- Procurement – general procurement relating to the areas of business of this committee, within delegations.
- Shared Services – investigate opportunities for Shared Services for recommendation to council.
- Council Controlled Organisations (CCOs) – monitoring the financial and non-financial performance of CCOs whose functions would otherwise fall under the scope of this committee. Includes trading CCOs (CCTOs) and those CCOs exempted under the LGA. Responsibilities include:
  - advising on the content of annual Statement of Expectations to CCOs
  - agreement of the Statement of Intent
  - monitoring against the Statement of Intent
  - for exempted CCOs, monitoring and reporting as agreed between Council and the organisation

**CCOs accountable to this committee:**

- Northland Regional Landfill Limited Partnership (NRLLP) – CCTO
- Whangarei Waste Limited (WWL) – exempted CCO

**Delegations**

- (i) All powers necessary to perform the committee’s responsibilities, including, but not limited to:
  - a) the approval of expenditure of less than \$20 million plus GST
  - b) approval of a submission to an external body.
  - c) establishment of working parties or steering groups
  - d) adoption of strategies and policies relating to the key responsibilities of this committee (except for those that cannot be delegated by Council under Clause 32(1)(f) of Schedule 7 of the LGA).
  - e) power to establish subcommittees and to delegate their powers to that subcommittee.
  - f) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).
  - g) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002.

## **Strategy, Planning and Development Committee – Terms of Reference**

### **Membership**

**Chairperson** Councillor Shelley Deeming

**Members** Her Worship the Mayor Sheryl Mai  
Councillors Gavin Benney, Vince Cocurullo, Nicholas Connop, Ken Couper, Tricia Cutforth, Jayne Golightly, Phil Halse, Greg Innes, Greg Martin, Anna Murphy, Carol Peters, Simon Reid

**Meetings** Monthly

**Quorum** 7

### **Purpose**

To oversee planning, monitoring and enforcement activities, and guide the economic and physical development and growth of Whangarei District.

### **Key responsibilities**

- Regulatory and compliance
  - Environmental health
  - General bylaw administration
  - Animal (dog and stock control)
  - Hazardous substances and new organism control
  - Parking enforcement (vehicles registrations and warrant of fitness)
  - Noise control
  - Food Act
  - Land use consents
  - Building Act
- Building Control
  - Property Information and Land Information Memoranda
  - Consents and inspections
- Resource Consents
  - Subdivision, land use and development control
  - Development contributions
- District Plan
  - Plan changes
  - District Plan administration
- Strategic Planning
  - Place based strategies (city centre), functional strategies (climate change)
  - Growth planning

- Urban design
- Reporting strategic trends and analysis
- Economic Development
  - District marketing and promotions
  - Developer engagement
- Commercial Property
- Marinas
- Airport
- Forestry
- Reporting on service delivery, including operational financial performance.
- Reporting on capital projects.
- Operational reporting for the Strategy and Democracy, Planning and Development, and Corporate groups within Council.
- Procurement – general procurement relating to the areas of business of this committee, within delegations.
- Shared Services – investigate opportunities for Shared Services for recommendation to council.
- Council Controlled Organisations (CCOs) – monitoring the financial and non-financial performance of CCOs whose functions would otherwise fall under the scope of this committee. Includes trading CCOs (CCTOs) and those CCOs exempted under the LGA. Responsibilities include:
  - advising on the content of annual Statement of Expectations to CCOs
  - agreement of the Statement of Intent
  - monitoring against the Statement of Intent
  - for exempted CCOs, monitoring and reporting as agreed between Council and the organisation

**CCOs accountable to this committee:**

- Whangarei District Airport – CCO
- Local Government Funding Agency (LGFA) - CCO

**Delegations**

- (i) All powers necessary to perform the committee’s responsibilities, including, but not limited to:
  - a) approval of expenditure of less than \$5 million plus GST.
  - b) approval of a submission to an external body.
  - c) establishment of working parties or steering groups.

- d) adoption of strategies and policies relating to the key responsibilities of this committee (except for those that cannot be delegated by Council under Clause 32(1)(f) of Schedule 7 of the LGA).
- e) power to establish subcommittees and to delegate their powers to that subcommittee.
- f) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).
- g) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002.

## Risk and Audit Committee – Terms of Reference

### Membership

<b>Chairperson</b>	Independent Chair - John Isles
<b>Members</b>	Her Worship the Mayor Sheryl Mai  Councillors Gavin Benney, Vince Cocurullo, Nicholas Connop, Ken Couper, Tricia Cutforth, Shelley Deeming, Jayne Golightly, Phil Halse, Greg Innes, Greg Martin, Anna Murphy, Carol Peters, Simon Reid
<b>Meetings</b>	Quarterly
<b>Quorum</b>	<b>7</b>

### Purpose

To provide assurance to Council that robust, independent and operationally effective controls around operational and financial management practices are in place.

To provide oversight of the risk management of internal controls including but not limited to:

- Risk management framework
- Operational risk management
- Financial risk management
- Health and safety risk management
- Compliance with legislation

### Key responsibilities

- Risk
  - Approve and review Councils risk management framework
  - Review and monitor Council critical risks
  - Receive and review Health and Safety reports
  - Oversight of the processes used to manage project risks
- Internal audit
  - Approve and review the internal audit programme
  - Receive and review the internal audit reports as they become available.
- External audit
  - Receive and consider audit management reports, monitor that appropriate action is being taken
  - Hold a confidential meeting with the external auditors at least once every year.
- Financial planning and control
  - Treasury – debt and interest risk management

- Procurement – major risks associated with procurement
- Overseeing and making decisions relating to an ongoing programme of service delivery reviews as required under section 17A of the Local Government Act 2002.
- Other assurance activities:
  - Receive and monitor Councils policy review program.
  - Receive and monitor Councils legislative compliance attestations
  - Receive renewal information to provide assurance that Council's assets are insured appropriately.

## **Delegations**

- (i) All powers necessary to perform the committee's responsibilities, including:
  - (a) establishment of working parties or steering groups.

## Other Committees

### Chief Executive Review Committee – Terms of Reference

#### Membership

<b>Chairperson</b>	Her Worship the Mayor Sheryl Mai
<b>Members</b>	Councillors Gavin Benney, Shelley Deeming, Greg Innes, Greg Martin
<b>Meetings</b>	Quarterly
<b>Quorum</b>	<b>3</b>

#### Purpose

To oversee the chief executive's performance and to recommend to council the terms and conditions of the chief executive's employment and annual remuneration.

#### Key responsibilities

- Agree with the chief executive the annual performance objectives.
- Conduct the performance review required in the employment agreement between the council and chief executive.
- Undertake the annual remuneration review and recommend to council any decisions regarding remuneration.
- Represent the Council in regard to any issues which may arise in respect to the chief executive's job description, agreement, performance objectives or other similar matters.
- Oversee any recruitment and selection process for a chief executive and make a recommendation on the appointment to council.

#### Delegations

- (i) All powers necessary to perform the committee's responsibilities, including:
  - (a) establishment of working parties or steering groups.



## **Civic Honours Selection Committee – Terms of Reference**

### **Membership**

<b>Chairperson</b>	Councillor Vince Cocurullo
<b>Members</b>	Councillors Nicholas Connop, Shelley Deeming, Jayne Golightly, Greg Martin, Carol Peters, Simon Reid

**Meetings** As required

**Quorum** 4

### **Purpose**

To consider nominations for Civic Honours Awards.

### **Key responsibilities**

- Assess nominations in accordance with the Civic Honours Policy and to provide a recommendation on honour recipients to council.

## **Commercial Property Committee – Terms of Reference**

### **Membership**

<b>Chairperson</b>	Deputy Mayor Greg Innes
<b>Members</b>	Councillors Gavin Benney, Ken Couper, Shelley Deeming, Phil Halse
<b>Independent Advisors</b>	Graeme Kerr, Stuart Bagley
<b>Meetings</b>	As required
<b>Quorum</b>	<b>3</b>

### **Purpose**

- To manage disposal of individual properties within Council’s commercial property portfolio, and;
- To manage purchase of individual properties for Council’s commercial property portfolio

### **Key responsibilities**

- The purchase and disposal of commercial properties specifically identified in Council’s Long Term Plan (LTP)
- The purchase and disposal of commercial properties as authorised by Council, where these are not specifically identified in the LTP

To undertake these responsibilities:

- in accordance with the delegations and parameters set by Council for each individual property transaction.
- in accordance with Council’s Policies including, but not limited to, the Property Policy, Procurement Policy, and the Significance and Engagement Policy.
- in accordance with Council’s strategies and plans, including but not limited to, the City Centre Plan, to achieve the desired outcomes.
- Ensuring the interests of Maori under the Treaty of Waitangi are considered in accordance with Parts 2 and 6 of the Local Government Act 2002.

### **Delegations**

- (i) All powers necessary to perform the committee’s responsibilities, including:
  - (a) establishment of working parties or steering groups.

## ***District Licensing Committee – Terms of Reference***

### **Membership**

<b>Chairperson</b>	Commissioner Murray Clearwater
<b>Deputy Chairperson</b>	Councillor Greg Innes
<b>Members</b>	Two additional members appointed from the territorial authority list maintained under section 192 of the Sale and Supply of Alcohol Act 2012; list members:  Mervyn Williams, Paul Dimery, Pamela Peters, Lee Andrews and Mark Vincent

### **Quorum**

Chairperson plus 2 members (for a Hearing)  
Chairperson (where no objection to an application has been filed and no matters of opposition raised in respect for an application for a licence or manager's certificate or renewal of a licence or manager's licence)

### **Meetings**

Weekly and as required

### **Purpose**

To consider and determine all relevant applications under the Sale and Supply of Alcohol Act 2012.

### **Delegations**

- Consider and determine applications for licenses and manager's certificates.
- Consider and determine applications for renewal of licences and manager's certificate.
- Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136.
- Consider and determine applications for the variation, suspension, or cancellation of special licences.
- Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280.
- With the leave of the chairperson for the licensing authority, to refer applications to the licensing authority.
- Conduct inquiries and to make reports as may be required of it by the Alcohol Regulatory Licensing Authority under section 175.
- Any other functions conferred on Licensing Committees by or under this Act or any other enactment.

## ***Exemptions and Objections Sub Committee – Terms of Reference***

**Parent Committee:**      **Strategy, Planning and Development Committee**

### **Membership**

**Chairperson:**              Councillor Shelley Deeming

**Members:**                 Her Worship the Mayor Sheryl Mai  
                                     Councillors Ken Couper and Greg Innes

**Meetings:**                 As required.  
                                     The relevant legislative requirements shall be taken into consideration when setting meeting dates.

**Quorum:**                    **2**

### **Purpose**

To hear and determine objections, appeals and applications in respect of the regulatory functions and responsibilities of Council.

### **Delegations**

- Hear and decide s357, s356A and 357B objections under the Resource Management Act where staff recommend decline.
- Determine and grant of Territorial Authority consents under S100 of the Gambling Act 2003 (as it relates to Class 4 Gambling Venues) and s65C of the Racing Act 2003 (as it relates to Board Venues).
- Consider objections relating to the classification of any dog as a dangerous dog under the Dog Control Act 1996.
- Consider objections relating to the classification of a person disqualified from owning a dog under s26 of the Dog Control Act 1996.
- Power to consider an objection to classification as a menacing dog under s33A and s33C of the Dog Control Act 1996.
- Power to consider and determine an objection to any notice issued requiring abatement of a barking dog nuisance under s55 of the Dog Control Act 1996.
- Hear and determine appeals in respect of assessments under Council's Development Contribution Policy (no ability to waiver).
- Hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.