



Whangarei District Council Terms of Reference

Adopted: 15 December 2016



WHANGAREI
DISTRICT COUNCIL

Te kaunihera ā rohe o Whangarei

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AMENDMENTS

Date	Amendment	Committee

1 INTRODUCTION

1.1 General principles of delegation

This document sets out the terms of reference for committees of council. The mayor is responsible for establishing committees and appointing chairpersons. Council, through this document, delegates to committees those powers necessary for them to carry out their responsibilities.

The business to be transacted by council and its administration is large and wide-ranging, dealing with the details of many Acts and Regulations, the council's plans, bylaws, and a range of council activities and services. The terms of reference and delegations in this document are intended to reflect the principles of subsidiarity to allow the council to delegate its powers and functions to the most efficient and effective levels.

The committee to whom the powers are delegated will usually exercise the delegated power, but is not obliged to do so. The most common circumstances where the council or person with the delegation might choose not to exercise it are when the matter has become a matter of public notoriety, or the issues are contentious and finely balanced.

A decision made by a committee under delegation from council has the same effect as if it were made by the council itself.

1.2 Establishment of Committees

Procedures, responsibilities and accountabilities

Subject to the following limitations, the committees of the whole shall have power to act in all matters concerning the functions listed in their respective delegations, provided they do not conflict with stated policy of council.

In respect of matters requiring financial input the committee's power is limited to the extent that provision has been made in the annual budgets and in the Long Term Plan.

All Committees of the Whole:

- a. Shall be responsible for planning, reviewing and implementation of functions, duties, and powers in respect of their delegations.
- b. Shall be responsible for monitoring performance (including budget and performance targets) for their areas of responsibility.
- c. Have delegated power to appoint subcommittees and to delegate their powers to that subcommittee.
- d. May delegate their powers to an officer of the council.
- e. Can 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).
- f. Any committee of the whole has 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. All committees of the whole shall undertake such other functions as may be delegated by council from time to time and are able to provide recommendations to council where appropriate.
- h. When an Act or Regulation empowers 'the Council' to carry out a decision making function, that decision must be made by way of resolution of the full council unless the Act or Regulation permits delegation to a committee, subcommittee or officer.

- i. Council cannot delegate any of the following matters to committees, subcommittees or any other subordinate decision making body (Clause 32(1)(a)-(h) of Schedule 7 of the Act):
 - (a) the power to make a rate
 - (b) the power to make a bylaw
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan
 - (d) the power to adopt a long term plan, annual plan or annual report
 - (e) the power to appoint a chief executive
 - (f) the power to adopt policies required to be adopted and consulted on under the Local Government 2002 in association with the long term plan or developed for the purpose of the local governance statement
 - (g) *(Repealed)*
 - (h) the power to adopt a remuneration and employment policy.
- j. The power to make or alter any council policy is limited to those instances where that power has been specifically delegated to the committee.
- k. Any committee of the whole can approve submissions on legislation.

1.3 Quorum

Unless otherwise specified, a quorum is defined as a half, if the total number of members is even or a majority, if the total number of members is odd.

The quorum for committees and subcommittees are stated in the relevant terms of reference.

The Mayor is included in calculating the quorum and is counted towards the quorum when present.

Appointed members are included in calculating the quorum and are counted towards the quorum when present.

1.4 Ambiguity and Conflict

In the event of ambiguity or conflict between the Terms of Reference, which results in uncertainty or dispute as to which committee has the allocated or delegated authority to act in respect of a particular matter, The Chief Executive and the Mayor (or Deputy Mayor in the absence of the Mayor) will make the determination which will be final and binding.

COMMITTEES OF THE WHOLE

Community Development Committee – Terms of Reference

Membership

Chairperson: Councillor Cherry Hermon

Members: Her Worship the Mayor Sheryl Mai
Councillors Stu Bell, Crichton Christie, Vince Cocurullo, Tricia Cutforth, Shelley Deeming, Sue Glen, Jayne Golightly, Phil Halse, Greg Innes, Greg Martin, Sharon Morgan, Anna Murphy

Meetings: Monthly

Quorum: 7

Purpose:

To oversee functions of Council that interact, support and provide services for the community.

Key responsibilities include:

- Policy and planning for the provision of community culture, arts 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, Marinas
 - Airport
 - Forestry
 - Community Halls
- Civil Defence Emergency Management
- Museum / Art Museum liaison
- Heritage, Culture, Arts and Creative Industries sector liaison
- Village Planning
- Shared Services – investigate opportunities for Shared Services for recommendation to council.

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) the approval of expenditure of less than \$5 million plus GST.
 - (d) power to establish subcommittees and to delegate their powers to that subcommittee.
 - (e) 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).
 - (f) 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).

Finance and Corporate Committee – Terms of Reference

Membership

Chairperson: Councillor Shelley Deeming

Members: Her Worship the Mayor Sheryl Mai
Councillors Stu Bell, Crichton Christie, Vince Cocurullo, Tricia Cutforth, Sue Glen, Jayne Golightly, Phil Halse, Cherry Hermon, Greg Innes, Greg Martin, Sharon Morgan, Anna Murphy

Meetings: Monthly

Quorum: 7

Purpose:

To oversee Council and CCO's financial management and performance, including operation of the administrative and internal support functions of council.

Key responsibilities include:

- Progress towards achievement of the council's financial objectives as set out in the Long Term Plan.
- Preparation for recommendation to council:
 - Advising and supporting the mayor on the development of the Long Term Plan (LTP) and Annual Plan (AP)
 - Financial policy related to the LTP and AP
 - Setting of rates
 - Preparation of the consultation document and supporting information, and the consultation process for the LTP and AP
 - Annual Report
- Financial/Planning and Control
 - Corporate accounting services
 - Treasury – debt and interest risk management
 - Procurement
- CCO Monitoring and Performance
 - Monitoring the financial and non-financial performance targets, key performance indicators and other measures of each Council Controlled Organisation (CCO) to inform the committee's judgement about the performance of each organisation.
 - Advising the mayor on the content of the annual Letters of Expectations (LoE) to CCOs.
- Overseeing and making decisions relating to an ongoing programme of service delivery reviews as required under section 17A of the Local Government Act 2002
- Shared Services – investigate opportunities for Shared Services for recommendation to council.

Delegations

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
 - (a) the 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) power to establish subcommittees and to delegate their powers to that subcommittee.
 - (e) 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).
 - (f) 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

Infrastructure Committee – Terms of Reference

Membership

Chairperson: Councillor Greg Martin

Members: Her Worship the Mayor Sheryl Mai
Councillors Stu Bell, Crichton Christie, Vince Cocurullo, Tricia Cutforth, Shelley Deeming, Sue Glen, Jayne Golightly, Phil Halse, Cherry Hermon, Greg Innes, Sharon Morgan, Anna Murphy

Meetings: Monthly

Quorum: 7

Purpose

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

Key responsibilities include:

- Services including the provision and maintenance of:
 - Infrastructure projects and support
 - Infrastructure project co ordination
 - Transportation
 - Waste and Drainage
 - Water
 - Parks and Reserves.
- Shared Services – investigate opportunities for Shared Services for recommendation to council.

Delegations

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
 - (a) the approval of expenditure of less than \$10 million plus GST.
 - (b) approval of a submission to an external body.
 - (c) establishment of working parties or steering groups.
 - (d) power to establish subcommittees and to delegate their powers to that subcommittee.

- (e) 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).
- (f) 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

Planning and Development Committee – Terms of Reference

Membership

Chairperson: Councillor G C Innes

Members: Her Worship the Mayor Sheryl Mai
Councillors Stu Bell, Crichton Christie, Vince Cocurullo, Tricia Cutforth,
Shelley Deeming, Sue Glen, Jayne Golightly, Phil Halse, Cherry
Hermon, Greg Martin, Sharon Morgan, Anna Murphy

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 include:

- Regulatory / Compliance
 - Environmental health
 - General bylaw administration
 - Animal (dog and stock control)
 - Hazardous Substances and New Organisms Control
 - Parking Enforcement (vehicles registrations and warrant of fitness)
 - Noise Control
 - Food Act
 - Landuse 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
 - Futures planning
 - Urban design

- Economic Development
 - District Marketing/Promotions
 - Developer engagement
- Commercial Property
- Shared Services – investigate opportunities for Shared Services for recommendation to council.

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) power to establish subcommittees and to delegate their powers to that subcommittee.
 - (g) 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).
 - (h) 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

OTHER COMMITTEES

Airport Noise Management Consultative Committee – Terms of Reference

Membership

Chairperson:	Independently appointed Chair
Members:	Her Worship the Mayor Sheryl Mai Councillor Sue Glen Airport Authority Representative Airline Representative Airport / Tenant Representative 3 Community Representatives

Meetings: As required.

Quorum: 5

Purpose

To consider, and where appropriate make recommendations to the Whangarei District Council on aircraft noise and concerns that arise from the operation and activities at the Whangarei Airport.

Key responsibilities include:

- Identify community concerns regarding aircraft noise.
- Co-operatively formulate and propose methods and procedures to minimise noise impact on the surrounding community.
- Act as an advisory and complaints committee and make recommendations to the airport manager concerning noise complaints.
- Report any noise complaints with the committee's recommendations to the Whangarei District Council.
- Assist and advise the Whangarei Airport Authority concerning the dissemination of relevant information to the community.
- Review current procedure for handling noise complaints and modify that procedure where necessary.
- Assist the Whangarei District Council in the management of the adopted Noise Management Plan which will address:
 - procedures for handling noise issues;
 - noise abatement procedures; and
 - timely provision of aircraft noise and flight path monitoring information.
- Monitor the results of noise level monitoring and compliance with the noise abatement procedures and the Noise Management Plan.
- Access appropriate technical expertise and guidance as required.

Audit and Risk Committee – Terms of Reference

Membership

Chairperson:	Councillor Sharon Morgan
Members:	Her Worship the Mayor Sheryl Mai Councillors Crichton Christie, Shelley Deeming, Sue Glen, Cherry Hermon, Greg Innes
Meetings:	Quarterly.
Quorum:	4

Purpose

To oversee risk management and internal control, audit functions (internal and external), financial and other external corporate reporting, governance framework and compliance with legislation.

Key responsibilities include:

- Audit
 - Agree audit scope with Management
 - Provide direct input on audit scope to the external auditor
 - Consider audit management report, taking appropriate action
 - Consider any internal audit needs, including probity, waste and performance
 - Hold a confidential meeting with the external auditors at least once every year.
- Risk
 - Ensure a comprehensive risk management framework is in place and being operated effectively
 - Identify and monitor risks for the organisation including major projects
 - Ensure Council's assets are insured appropriately.
- Ensure Council has suitable business continuity arrangements in place.
- Policy review program.
- Service delivery review program.

Delegations

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

Chief Executive Review Committee – Terms of Reference

Membership

Chairperson:	Her Worship the Mayor Sheryl Mai
Members:	Councillors Shelley Deeming, Cherry Hermon, Greg Innes, Greg Martin, Sharon Morgan
Meetings:	Quarterly
Quorum:	3

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 include:

- 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

Chairperson: Councillor Crichton Christie

Members: Her Worship the Mayor Sheryl Mai
Councillors Vince Cocurullo, Tricia Cutforth, Shelley Deeming, Sue Glen,
Anna Murphy

Meetings: As required.

Quorum: **4**

Purpose

To consider nominations for Civic Honours Awards.

Key responsibilities include:

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

Community Funding Committee – Terms of Reference

Membership

Chairperson: Councillor Crichton Christie

Members: Her Worship the Mayor Sheryl Mai
Councillors Tricia Cutforth, Sue Glen, Jayne Golightly, Greg Innes and Greg Martin

Meetings: As required.

Quorum: 4

Purpose

To disburse funds as determined by the Whangarei District Council Grants, Concessions and Loans Policy.

Key responsibilities include:

- 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.
- To make recommendations on grants, concessions and loans over \$15,000 to Council.

Delegations

- Financial delegation to approve the payment of grants, concessions and loans to the value of \$20,000 or less.

District Licensing Committee – Terms of Reference

Membership

Chairperson: Commissioner

Deputy Chairperson: Councillor Greg Innes

Members: 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 Subcommittee – Terms of Reference

Parent Committee: Planning and Development Committee

Membership

Chairperson: Councillor Greg Innes

Members: Her Worship the Mayor Sheryl Mai
Councillors Shelley Deeming, Sue Glen

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 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).
- Determine applications for exemptions under the Fencing of Swimming Pools Act 1987.
- Consider objections relating to the classification of any dog as a dangerous dog under 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 an invoice under Council's Development Contribution Policy (no ability to waiver).
- Hear and determine objections in respect to s120 of the Reserves Act 1977.
- Hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.