
REPORT 5
(1215/52/IM)

CHANGES IN SUBCOMMITTEE GOVERNANCE ARRANGEMENTS AND APPOINTMENT MATTERS

1. Purpose of Report

The purpose of this report is to seek Strategy and Policy Committee's approval to recommend that Council:

- establish a Property Subcommittee
- establish a Temporary Road Closures Subcommittee
- change the membership and quorum of the Development Contributions Subcommittee
- appoint an additional elected member as a representative to Zone 4 of Local Government New Zealand.

2. Executive Summary

In July 2005 Council noted that further work would be done on a proposal to establish a Property Subcommittee, and that the need for the establishment of ad hoc subcommittees would be kept under review. This report proposes the establishment of a Property Subcommittee. Following a review of our processes around temporary road closures, it is also proposed that a Temporary Road Closures Subcommittee be established. Finally, in order to ensure the effective functioning of the Development Contributions Subcommittee, some membership and quorum changes are also proposed. A number of consequential membership changes are also proposed. The report also recommends that Council appoint an additional Wellington City Council representative to the LGNZ Zone 4 body.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Recommend to Council that it accept the resignation of Councillor Ruben as Deputy Chairperson of the Audit and Risk Management Subcommittee and appoint Councillor Armstrong as a member of the Audit and Risk Management Subcommittee, both with effect from 31 March 2006.*

3. *Recommend to Council that it accept the resignation of Councillor Wain as a member of the Council Controlled Organisation Performance Subcommittee and appoint Councillor Ruben as a member of the Council Controlled Organisation Performance Subcommittee, both with effect from 31 March 2006.*
4. *Recommend to Council that it establish a Property Subcommittee with the terms of reference and delegations attached at Appendix 1, and approve the consequential changes to the terms of reference and delegations of the Strategy and Policy Committee (Appendix 2) and the Regulatory Processes Committee (Appendix 3).*
5. *Recommend to Council that it appoint Councillors Morrison, Shaw and Wain as members of the Property Subcommittee.*
6. *Recommend to Council that it appoint a fourth member as Chairperson of the Property Subcommittee.*
7. *Recommend to Council that it establish a Temporary Road Closures Subcommittee with the terms of reference and delegations attached at Appendix 4.*
8. *Recommend to Council that it appoint Councillors Gill and Shaw as members of the Temporary Road Closures Subcommittee.*
9. *Recommend to Council that it appoint a third member as Chairperson of the Temporary Road Closures Subcommittee.*
10. *Recommend to Council that it appoint a new member to the Development Contributions Subcommittee.*
11. *Recommend to Council that it alter the quorum of the Development Contributions Subcommittee from four to three.*
12. *Recommend to Council that it appoint an elected member as a representative to Zone 4 of Local Government New Zealand.*

4. Background

At its meeting on 7 July 2005, the Strategy and Policy Committee (SPC) considered a report on the review of the committee structure. In that report, officers noted that one of the points made in the feedback from elected members on the operation of SPC was that there needed to be mechanisms to facilitate political input to work officers are doing, prior to formal debate and decision-making. This is particularly useful in those areas where a project or process may go on for some time. The report noted that a good example of this from the previous triennium was the Property Subcommittee, and the role it played in relation to the Chews Lane sale process, which took more than 18 months. The Subcommittee met at key stages of the process, to hear updates from officers, and provide direction as to next steps.

Officers went on to note that activity in the property area is increasing, and officers consider that there would be value in again establishing a Property Subcommittee. The Subcommittee would report to SPC (although Council must make the final decision on the purchase and disposal of assets under the Local Government Act 2002). Following consideration of the committee structure review report, the Strategy and Policy Committee requested officers to prepare a report on the establishment of a Property Subcommittee, including a proposed terms of reference and delegations for that Subcommittee.

In the committee structure review report, officers also noted that they would keep the need for the establishment of ad hoc subcommittees under review, and would ensure the committee and subcommittee delegations agreed in November 2004 remain current and effective. Since that time, there have been some changes to Council, SPC, and Regulatory Processes Committee delegations (e.g. transferring final approval of policy from SPC to Council). Officers now consider that some further changes should be made, with the establishment of a Temporary Road Closures Subcommittee, and some changes to the terms of reference of the Development Contributions Subcommittee.

5. Discussion

5.1 Property Subcommittee

Most property-related activity is currently delegated to either SPC or the Regulatory Processes Committee (although Council must by law retain the power to purchase or dispose of assets, other than in accordance with the LTCCP). The current terms of reference for those committees contain the following property-related activities:

Strategy and Policy Committee:

3.6 In respect of land held or managed under the Reserves Act 1977 and council owned open space land:

- to approve leases, licenses and concessions on council owned open space and reserve land when not provided for in approved council policy, except for decisions to approve leases to recreation and community groups (of land and/or buildings) on public land which are made by the Regulatory Processes Committee;
- to approve easements over town belt land;
- to approve the purchase of any land for open space purposes that is consistent with council policy and within the funding provided in the LTCCP;

Regulatory Processes Committee:

2.2 to undertake hearings on road stopping under the Local Government Act 1974 and make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road;

2.6 to approve leases to recreation and community groups (of land and/or buildings) on public land.

It is proposed that these responsibilities transfer from the SPC and Regulatory Processes Committees to the Property Subcommittee. In addition, it is proposed that the Subcommittee take on the role outlined in the committee structure review report, and held by last triennium's Property Subcommittee, of considering reports on the acquisition and disposal of Council's property assets. Officers have already indicated as part of the briefings on the draft LTCCP that they are envisaging a more active programme of property disposal in the coming years.

A proposed terms of reference and delegations for the Property Subcommittee is attached at Appendix 1. Consequential changes will be required to the terms of reference and delegations of SPC and the Regulatory Processes Committee (see Appendices 2 and 3).

5.2 Temporary Road Closures Subcommittee

Closing a road temporarily, for any purpose, is allowed under the Tenth Schedule of the Local Government Act 1974. Council has the power to close roads to vehicular and pedestrian traffic for events, filming, functions, fairs and such like, provided that it is satisfied that the road has not been closed for more than 31 days in any year, and that the closure will not impede traffic unreasonably.

As part of our ongoing work in this area, officers have been reviewing our processes around temporary road closure. In addition to a range of improvements to the way in which we notify proposed road closures, and deal with public submissions on proposals, officers consider that the formal process around the decision to temporarily close a road needs to be clarified. It is proposed that a small Subcommittee be established to make these decisions. It is often the case that these sorts of decisions need to be made quickly, and in a responsive manner. A small Subcommittee is a useful vehicle for making such decisions. The proposed terms of reference and delegations for the Temporary Road Closures Subcommittee is attached at Appendix 4.

5.3 Development Contributions Subcommittee

Council has established the Development Contributions Subcommittee to assist with the development of the Council's development contributions policy, and make decisions on applications for remission and/or postponement. Among other roles, the subcommittee has the responsibility to hear submissions on the draft policy, or any amendments to it. Currently, the Subcommittee has five members. The Subcommittee also has a high quorum – four - when the quorum for other subcommittees is two. It is proposed that Council agree to appoint a new member. It is also proposed that the quorum be reduced to three. These two steps will ensure the Subcommittee is able to function effectively, both when hearing submissions, and when discussing and voting on policy matters. It is recognised that a number of the Subcommittee's functions (in particular, a meeting dealing with submissions on the policy or a remission application) require that the committee carefully manage its processes to ensure that all decision-makers are present during the consideration of a matter. However, it is proposed that this be administered through the Chair, rather than through the quorum requirement.

5.4 Subcommittee Membership Changes

With the establishment of the Property and Temporary Road Closures Subcommittees, the opportunity has been taken to consider a number of changes in membership of subcommittees. The Mayor has discussed these matters with the Councillors concerned. The following changes are proposed:

- the resignations of Councillor Wain and Councillor Ruben from the Council Controlled Organisation Performance and Audit and Risk Management Subcommittees respectively
- the appointment of Councillor Armstrong and Councillor Ruben to the Audit and Risk Management and Council Controlled Organisation Performance Subcommittees respectively
- the appointment of a Chair of the Property Subcommittee
- the appointment of a Chair of the Temporary Road Closures Subcommittee
- the appointment of Councillors Morrison, Shaw and Wain as members of the Property Subcommittee
- the appointment of Councillors Gill and Shaw as members of the Temporary Road Closures Subcommittee.

It is proposed that Council consider appointing Councillor Ruben, the current Deputy Chair of the Audit and Risk Management Subcommittee, as Chair of the Property Subcommittee. The position will be remunerated at the same level as all other Subcommittee Chairs. It is further proposed that Council consider appointing the Portfolio Leader – Economy, Councillor Morrison, as Chair of the Temporary Road Closures Committee, given his portfolio responsibilities. It is not proposed that this Chair position be remunerated, as the responsibilities of the Subcommittee fit within the portfolio leadership responsibilities of Councillor Morrison. This is in line with the approach adopted in relation to the Development Contributions Subcommittee and the Portfolio Leader – Urban Development.

In addition, as noted above, it is proposed that a new member be appointed to the Development Contributions Subcommittee.

5.5 Local Government New Zealand (LGNZ) Zone 4

Zone 4 is a regional forum developed by LGNZ that allows local authorities to address matters of common interest in the area. Zone 4 comprises all member local authorities within the area bounded by the Wellington Region with the exception of a portion within the Tararua District.

As a member of Zone 4, at the beginning of the triennium Council appointed its representatives, who were the Chief Executive, Mayor (as presiding delegate) and Councillors Pepperell and Wade-Brown. All elected members are entitled to attend any meeting of Zone 4. Councillor Wade-Brown has resigned from her Zone 4 position. It is proposed that Council appoint another elected member as a Wellington City representative on Zone 4.

6. Conclusion

In July 2005 Council noted that further work would be done on a proposal to establish a Property Subcommittee, and that the need for the establishment of ad hoc subcommittees would be kept under review. This report proposes the establishment of a Property Subcommittee. Following a review of our processes around temporary road closures, it is also proposed that a Temporary Road Closures Subcommittee be established. Finally, in order to ensure the effective functioning of the Development Contributions Subcommittee, some membership and quorum changes are also proposed. A number of consequential membership changes are also proposed. The report also recommends that Council appoint an additional Wellington City Council representative to the LGNZ Zone 4 body.

Contact Officer: *Michael Webster, City Secretary*

Supporting Information

1) Strategic Fit / Strategic Outcome

*This project supports objective 9.2 City decision-making:
People are encouraged to participate in the decision making of the city.*

2) LTCCP/Annual Plan reference and long term financial impact

Relates to C534: Committee and Council process

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications

4) Decision-Making

This is not a significant decision

5) Consultation

a) General Consultation

b) Consultation with Maori

Not required

6) Legal Implications

The advice contained in this report has been discussed with the Council's legal advisors

7) Consistency with existing policy

This report is consistent with existing Wellington City Council policy

Property Subcommittee

Voting Membership:

The Property Subcommittee will have up to four Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

2

Chair:

The chair will be elected by Council and remunerated at a level determined by the Remuneration Authority.

Frequency of Meetings:

The Property Subcommittee will meet on an as required basis.

Parent Body:

The Property Subcommittee will report to the Strategy and Policy Committee.

General Purpose and Objectives:

The Property Subcommittee has primary responsibilities for overseeing the acquisition and disposal of Council's property assets, in accordance with Council resolutions, standards and such other criteria as advised to the Subcommittee from time to time.

Terms of Reference:

The Committee will have responsibility and authority to:

- 1.0 Consider reports from officers on the acquisition and disposal of Council's property assets, giving consideration to Council resolutions, standards and such other criteria as advised to the Subcommittee from time to time, for recommendation to the Strategy and Policy Committee¹;
- 1.1 Provide feedback to officers on property matters, including potential property acquisitions and disposals.
- 1.2 Undertake hearings on road stopping under the Local Government Act 1974 and make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road;
- 1.3 In respect of land held or managed under the Reserves Act 1977 and council owned open space land:
 - a) to approve leases, licenses and concessions on council owned open space and reserve land when not provided for in approved council policy
 - b) to approve leases to recreation and community groups (of land and/or buildings) on public land
 - c) to approve easements over town belt land;
 - d) to approve the purchase of any land for open space purposes that is consistent with council policy and within the funding provided in the LTCCP.

¹ Council has statutory responsibility for final decision making on the purchase or disposal of assets, other than in accordance with the LTCCP.

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Delegated Authority

The Property Subcommittee will have delegated authority to carry out activities within its terms of reference.

Strategy and Policy Committee

Voting Membership:

The Mayor and all Councillors are members of the Committee.

External Membership (non voting):

- One representative of Ngati Toa appointed by Ngati Toa
- One representative of the Tenth Trust appointed by the Tenth Trust

[Representation by members of Greater Wellington Regional Council will be determined by a separate Council resolution]

Quorum:

8

Chair:

The chair will be elected by Council and remunerated at a level determined by the Remuneration Authority.

Portfolio Leader:

The Strategy and Policy Committee will have seven Portfolio Leaders. The Portfolio Leader would have responsibilities relating to strategy and policy in the following areas:

- Economy
- Environment
- Social
- Culture and Arts
- Transport
- Urban Development
- Governance, Communication and Participation.

Frequency of Meetings:

Meetings will be held on a weekly basis or as required.

Assets:

All assets.

Strategic Outcomes:

All strategic outcomes

General Purpose:

The Strategy and Policy Committee will focus on all social, cultural, economic and environmental matters relating to council, appropriate to the committee's level of decision making, and will:

- a) develop and review appropriate outcomes and priorities necessary to ensure the achievement of the city's strategic vision and outcomes.
- b) focus on strategy and policy relating to assets and services that are related to infrastructure, road safety, and emergency management.
- c) focus on strategy and policy relating to assets and services that relate to urban form and the natural environment, including transport policy.

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- d) focus on strategy and policy relating to assets and services that relate to the city's economic prosperity and cultural values.
- e) focus on strategy and policy relating to assets and services that relate to community, health and safety and recreation and leisure outcomes.
- f) have responsibility for:
 - (i) Monitoring organisational financial performance;
 - (ii) Financial management of the Council's interests; and
 - (iii) Liability management.

Objectives:

- (i) To develop a LTCCP for Wellington city;
- (ii) To develop Annual Plans, Community Outcomes, and all other policies required under the Local Government Act 2002 and other legislation (including but not limited to the funding and financial policies and the Significance Policy)
- (iii) To oversee and foster integrated planning within the Council, and between the Council and the community in order to achieve the outcomes in the LCCTP;
- (iv) To develop and review policy and promote activities that will advance achievement of strategic outcomes, consistent with the principles of economic, cultural, social and environmental sustainability;
- (v) To develop and review all strategies consistent with the principles of economic, social, cultural and environmental sustainability;
- (vi) To set standards for prudent management and maintenance of assets used to deliver outputs associated with the specific Council activities relevant to this committee.
- (vii) To monitor the external policy environment of Council.

Terms of Reference:

The committee has responsibility and authority to:

- 1.0 delegate to any subcommittee of the Strategy and Policy Committee any authorities which have been delegated by Council to the committee (note that authority to establish any subcommittee is retained by the Council);
- 1.1 undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to the Regulatory Processes Committee;
- 1.2 develop the Council's draft and final LTCCP, Annual Plans, Community Outcomes, and all other policies required under the Local Government Act 2002 to be included in the LTCCP (including but not limited to the funding and financial policies and the Significance Policy) for recommendation to Council;²
- 1.3 determine the form and extent of public consultation methods to be employed for the draft Annual Plan and LTCCP, and any other matter within the committee's terms of reference (this is subject to the requirements as set out in the Local Government Act 2002);
- 1.4 hear submissions under the special consultative procedure, or submissions received as part of any consultative process undertaken by Council in relation to any decision or power of recommendation within the committee's terms of reference;
- 1.5 approve the exceeding of the budget level for a Key Achievement Area with no commensurate savings elsewhere, up to \$500,000 and recommend to Council amounts

² This will include projects/new initiatives, income and expenditure, and includes recommending the draft for notification, and the final for adoption.

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exceeding \$500,000, if required after the Annual Plan or Long Term Council Community Plan is approved;

- 1.6 approve submissions on behalf of the Council in relation to proposed legislation or policy by Government, Local Government or other regulatory authorities within its terms of reference (except that in cases where the submission is of a technical nature and the nature of the Council's submission is consistent with Council policy, a submission may be approved by the Chief Executive);
- 1.7 perform any of its delegated functions jointly with another committee when issues arise which are also within the terms of reference/delegated authority of that other committee. In such cases, a joint meeting of two or more committees can be called in the following circumstances:
 - the chairs of the committee agree to such a meeting; or
 - Council directs a joint meeting; or
 - at least one third of the members of each committee so request;
- 1.8 develop, monitor and review policy, and recommend to Council the adoption of a new or amended policy;
- 1.9 review, develop and recommend to Council the adoption of new or amended strategy;
- 2.0 receive and consider reports on the Council's performance against the LTCCP and AP;
- 2.1 set the strategic guidelines for the AP and the LTCCP;
- 2.2 recommend service level changes and new initiatives for the AP and LTCCP;
- 2.3 develop, review and recommend to Council, Council's consultation policy,
- 2.4 review and approve Asset Management Plans;³
- 2.5 review and recommend to Council that it make any resolution where in a bylaw the Council has reserved any matter to be regulated, controlled, or prohibited by the Council by resolution either generally, for any specified case, or in a particular case;⁴
- 2.6 review and approve the Statements of Intent and Business Plans of Council's CCOs;
- 2.7 oversee, develop and approve an appropriate Council response on the Treaty of Waitangi and relationship with Maori;
- 2.8 review, develop and recommend to Council policy and practices in respect of governance (including elections, Standing Orders, representation reviews and related issues);
- 2.9 review and notify a Proposed District Plan, or proposed changes to the District Plan;
- 3.0 receive reports from Advisory Groups;
- 3.1 develop policy and practices (and approve policy and practices if not delegated to a subcommittee) in respect of:
 - Auditing
 - Financial Reporting

³ Need to be aware that the actual \$\$ amounts will not be approved until in the LTCCP/ AP - which is reserved for Council

⁴ Includes matters such as: 1) any new or amended traffic resolutions under the Traffic Bylaw; 2) setting fees if a bylaw provides for fees to be set by resolution of Council; 3) the extension of the Liquor ban for a special event

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- Rates
 - Risk Management
- 3.2 review and approve all new borrowings approved in the LTCCP;
- 3.3 monitor the financial management of the Council's borrowings and investments in accordance with Council's revenue and financing policy and investment policy;
- 3.4 review and recommend to Council the adoption of the Annual Report;
- 3.5 approve the Waterfront Development Subcommittee's annual work plan and project development plan covering the Waterfront Development Subcommittee projected activities for the year.
- 3.7 In respect of land held or managed under the Reserves Act 1977 and council owned open space land:
- a) to conduct public engagement/consultation processes as required by the Reserves Act 1977;
 - b) to review, notify and approve the adoption of reserve management plans;
 - e) ~~to approve leases, licenses and concessions on council owned open space and reserve land when not provided for in approved council policy, except for decisions to approve leases to recreation and community groups (of land and/or buildings) on public land which are made by the Regulatory Processes Committee;~~
 - d) ~~to approve easements over town belt land;~~
 - e) ~~to approve the purchase of any land for open space purposes that is consistent with council policy and within the funding provided in the LTCCP;~~
 - f) to review and approve (and recommend to Council where required) reserve:
 - declarations
 - revocation
 - classification
 - naming;
- 3.8 consider and approve non-contestable grants;
- 3.9 set fees in accordance with legislative requirements unless the fees are set under a bylaw or set as part of the LTCCP or AP (in which case the decision is retained by Council and the committee has the power of recommendation);
- 3.10 approve any resolution required under section 319A of the Local Government Act 1974 (naming of road);
- 3.11 consider and approve the attendance of Elected Members at conference and seminars (domestic).

Delegated Authority

The Strategy and Policy Committee will have delegated authority to carry out activities within its terms of reference.

Regulatory Processes Committee

Voting Membership:

The Regulatory Processes Committee will have up to eight Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

3

Chair:

The chair will be elected by Council and remunerated at a level determined by the Remuneration Authority.

Frequency of Meetings:

The Regulatory Processes Committee will meet on an as required basis.

Parent Body:

The Regulatory Processes Committee will report to Council on any issues requiring full Council approval.

General Purpose and Objectives:

The Regulatory Processes Committee has primary responsibilities for overseeing Council's regulatory matters.

Terms of Reference:

The Chair of the Regulatory Processes Committee, in consultation with the Mayor, will have authority to:

- 1.0 appoint councillors (sitting as hearings commissioners) and/or independent commissioners to hearings required under council's various statutory requirements;
- 1.1 appoint councillors for the purposes of 2.1 below;

The Committee will have responsibility and authority:

- 2.0 to approve and monitor Council's list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors sitting as hearings commissioners, and independent commissioners) and direct the CEO to delegate the hearings commissioners the necessary functions, powers and duties required to hear and determine any matter that they are appointed as hearings commissioners for;
- 2.1 to supervise the conduct of statutory hearings on regulatory matters and undertake and make decisions on those hearings;⁵

⁵ This relates to any statutory hearings other than under the Resource Management Act 1991. For example, hearings required under the Dog Control Act and the Fencing of Swimming Pools Act. When a hearing is required it may be carried out by a quorum of the committee, with the membership of the quorum to be determined by the chair of the Regulatory Processes Committee in consultation with the Mayor.

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- 2.2 ~~to undertake hearings on road stopping under the Local Government Act 1974 and make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road;~~
- 2.3 to provide feedback to the Strategy and Policy Committee on policy matters which have arisen during the Committee's work;
- 2.4 to facilitate the following functions of the District Plan change process consistent with council policy:
- to authorise the resolution of appeals to the District Plan and Plan Changes;
 - to decide whether a decision of a designating or heritage protection authority should be appealed to the Environment Court by council;
 - to consider and approve council submissions on plan changes and private plan changes;
 - to manage the private plan change process;
 - to accept, adopt or reject private plan change applications and notify private plan changes;
- 2.5 to perform any of its delegated functions jointly with another committee when issues arise which are also within the terms of reference/delegated authority of that other committee. In such cases, a joint meeting of two or more committees can be called in the following circumstances:
- the chairs of the committee agree to such a meeting;
 - Council directs a joint meeting;
 - at least one third of the members of each committee so request;
- 2.6 ~~to approve leases to recreation and community groups (of land and/or buildings) on public land.~~

Delegated Authority

The Regulatory Processes Committee will have delegated authority to carry out activities within its terms of reference.

Temporary Road Closures Subcommittee

Voting Membership:

The Temporary Road Closures Subcommittee will have three Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

2

Chair:

The chair will be elected by Council.

Frequency of Meetings:

The Temporary Road Closures Subcommittee will meet on an as required basis.

Parent Body:

The Temporary Road Closures Subcommittee will report to Strategy and Policy Committee.

General Purpose and Objectives:

The Temporary Road Closures Subcommittee has primary responsibility for approving temporary road closures.

Terms of Reference:

The Temporary Road Closures Subcommittee will have authority to:

- 1.0 Make decisions under Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965
- 1.1 Determine the procedure to be adopted by the Subcommittee when making a decision in 1.0 above.

Delegated Authority

The Temporary Road Closures Subcommittee will have delegated authority to carry out activities within its terms of reference.