

**ORDINARY MEETING**

**OF**

**WELLINGTON CITY COUNCIL**

**AGENDA**

**Time:** 9:30 am  
**Date:** Wednesday, 29 March 2017  
**Venue:** Pipitea Marae  
55 Thorndon Quay  
Wellington

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**MEMBERSHIP**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Eagle  
Councillor Foster  
Councillor Free  
Councillor Gilbert  
Councillor Lee  
Councillor Marsh  
Councillor Pannett  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Have your say!**

*You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz) or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.*

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<b>Questions</b>	
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<b>Nil</b>	



## **1 Meeting Conduct**

### **1.1 Apologies**

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

### **1.2 Announcements by the Mayor**

### **1.3 Conflict of Interest Declarations**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### **1.4 Confirmation of Minutes**

The minutes of the meetings held on 22 February, 2 March (extraordinary) and 23 March (extraordinary) 2017 will be put to the Council for confirmation.

### **1.5 Items not on the Agenda**

The Chairperson will give notice of items not on the agenda as follows:

#### ***Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council***

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

#### ***Minor Matters relating to the General Business of the Wellington City Council***

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

### **1.6 Public Participation**

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.



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## 2. General Business

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### MOU PARTNERSHIP AGREEMENT WITH IWI

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#### Purpose

1. This report informs Council that at the ordinary meeting of Council on 29 March 2017, which is to be held at Pipitea Marae, the Mayor and Chief Executive will sign MOU with two iwi mana whenua entities, namely:
  - Taranaki Whānui ki te Upoko o te Ika (Taranaki Whānui); and
  - Te Rūnanga o Toa Rangaitira Incorporated for Ngāti Toa Rangaitira (Te Rūnanga).

#### Summary

2. Council has existing MOU with Taranaki Whānui and Te Rūnanga.
3. Following the 2016 local government elections Council officers have been working with mana whenua to renew the MOU and the agreement to work in partnership toward the sustainable prosperity of Wellington City.
4. MOU for Taranaki Whānui and Te Rūnanga are at Attachments 1-4 respectively.
5. The Mayor has delegated authority to agree and enter into the MOU with Taranaki Whānui and Te Rūnanga and should inform Council immediately after the MOU has been signed.
6. The signing of the MOU will be at the Council meeting on 29 March 2017. This will be the first time an ordinary meeting of council will be held at Pipitea Marae.
7. The MOU will be reviewed each triennium.

#### Recommendation/s

That the Council:

1. Receive the information.
2. Note the MOU will be signed at the beginning of the Council meeting scheduled for 29 March 2017 at Pipitea marae, Thorndon Quay and presented into the official record by Councillor Jill Day (Māori partnerships portfolio).
3. Direct officers to establish a leader's forum and work towards developing a work plan with Taranaki Whānui and Te Rūnanga that addresses mutual strategic, commercial and participatory outcomes consistent with the MOU.

#### Background

8. Council has existing MOU with iwi mana whenua partner entities, in particular:
  - Taranaki Whānui; and
  - Te Rūnanga.
9. The MOU acknowledge the partnership relationship between Council and the iwi entity.

10. The MOU with Taranaki Whānui was updated in 2011 following their Treaty settlement. This document referred to Taranaki Whānui as Port Nicholson Block Settlement Trust.
11. The MOU with Te Rūnanga has not been updated since 2007. Te Rūnanga had their Treaty Settlement in 2014.
12. Council officers and officers of Taranaki Whānui and Te Rūnanga have reviewed and updated the MOU. Paul Beverley, partner at Buddle Findlay who specialises in Treaty and iwi matters, has also reviewed the MOU and is satisfied that it is consistent with Council's Treaty obligations and promotes a partnership approach.
13. The MOU were also presented and discussed at recent Rangatira ki te Rangatira meetings between the Mayor, Chairs, Chief Executives and senior officers on 13 and 20 March 2017.
14. Council officers have engaged with Taranaki Whānui and Te Rūnanga about working together on some key projects and developing a strategic work plan to give effect to the MOU, if entered into. In the first instance, leaders have discussed forming a leader's forum to identify key projects and ensure the intent of the MOU has traction and is delivering to our mutual expectations. The Director Governance and Assurance and Treaty Relations Manager will ensure the Council engages with Taranaki Whānui and Te Rūnanga leaders to develop a plan to give effect to the MOU.

### **Discussion**

15. N/a

### **Options**

16. N/a

### **Next Actions**

17. N/a

### **Attachments**

Attachment 1.	MOU Ngati Toa document	Page 10
Attachment 2.	MOU Ngati Toa certificate	Page 17
Attachment 3.	MOU Taranaki Whānui document	Page 19
Attachment 4.	MOU Taranaki Whānui Certificate	Page 27

Author	Nicky Karu, Manager Treaty Relations
Authoriser	Kane Patena, Director Governance and Assurance

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

Relevant officers and representatives from the Council and mana whenua entities have worked collaboratively in developing the MOU.

### **Treaty of Waitangi considerations**

The MOU sets out the Council's intention of working in partnership with mana whenua. The MOU supports existing Treaty of Waitangi obligations required by Council in existing legislation (for example the Resource Management Act) and recognises the value of partnership between the Council and mana whenua.

### **Financial implications**

Nil

### **Policy and legislative implications**

Nil

### **Risks / legal**

Nil

### **Climate Change impact and considerations**

Nil

### **Communications Plan**

Nil

### **Health and Safety Impact considered**

Nil.



**Absolutely Positively  
Wellington City Council**

Me Heke Kī Pōneke

# *Memorandum of Understanding*

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*Tū Kotahi Tātou  
Work together for the betterment of all.*

## **Purpose**

The purpose of this Memorandum of Understanding is to define the relationship between Wellington City Council and Te Rūnanga o Toa Rangatira Incorporated.

It replaces the previous Memorandum of Understanding between these entities.

## **Parties to the Memorandum**

### **Te Rūnanga o Toa Rangatira Incorporated (Rūnanga)**

The Rūnanga is the entity representing Ngāti Toa Rangatira within the Wellington City Council boundaries. The Rūnanga is a non-profit incorporated society with charitable status. It is the mandated iwi authority for Ngāti Toa Rangātira and is the administrative body of iwi estates and assets.

### **Wellington City Council (Council)**

The Council is a territorial authority as defined in the Local Government Act 2002. Its role is to enable democratic local decision making and action by and on behalf of communities; and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

## Acknowledgements

### Treaty of Waitangi

The Local Government Act 2002 acknowledges the Crown's responsibility to take account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision making processes. Provisions in the Local Government Act 2002 provide principles and requirements for local authorities to recognise and respect this responsibility.

The Resource Management Act 1991 also imposes a range of obligations on Council that relate to Māori.

### United Nations Declaration on the Rights of Indigenous Peoples

This document which was adopted by the General Assembly resolution 61/295 on 13 September 2007 and ratified by the New Zealand Government in May 2010 acknowledges the rights of indigenous people and contains articles and principles that support those principles and articles contained within the Treaty of Waitangi.

It is a standard of achievement to be pursued in a spirit of partnership and mutual respect.<sup>1</sup>

### Mana Whenua Status

The Council acknowledges the mana whenua status of Ngāti Toa Rangātira as represented by the Rūnanga.

Notwithstanding this acknowledgement the Rūnanga accepts that the Council will consult other Māori in the course of fulfilling Council's statutory functions. This will include consulting with other relevant iwi authorities recognised by the Council, as the Resource Management Act requires.

### Ngāti Toa Rangātira Claims Settlement Act 2014

The parties acknowledge that they each have rights and responsibilities under the Settlement Act.

### The Rūnanga Vision

*To promote the mana of Ngāti Toa Rangātira by enhancing the social, economic, educational, cultural and spiritual development of all tribal members, in an open and responsive manner by enabling them opportunities to attain their full potential for the benefit of the iwi and the community.<sup>2</sup>*

### The Council Vision

*Wellington City Council's vision for Wellington is focused on the future development of the city through to 2040. It builds on Wellington's strengths, acknowledges the challenges the city faces now and over the medium to long-term, understands the changing role of cities, and is informed by Wellington's communities. It is a statement of the future that we want for Wellington and how we believe this can best be achieved. We will act with urgency to build the economic, physical and social resilience of our city.<sup>3</sup>*

*We will work together to ensure that the vision of the parties is achieved for the wider Wellington community.*

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1 Wording is taken from to the last sentence in the preamble to the Declaration  
2 <http://www.ngatitoea.iwi.nz/>  
3 WELLINGTON TOWARDS 2040: SMART CAPITAL

## Strategic Relationship

This Memorandum of Understanding provides for the strategic relationship between the parties and the opportunity for the Rūnanga to contribute to Council decision making and to be a provider of leadership with Council for the City.

The principles outlined in this document apply to all interaction between the parties. Specific key relationship expectations and understandings are set out in *Appendix 1: Schedule of Specific Recognitions*.

## Relationship Principles

1. The parties agree to work in partnership toward the sustainable prosperity of Wellington City
2. Each party recognises the autonomy and the right of the other to exercise their respective authority in order to meet their responsibilities
3. The parties agree that the principles of the Treaty of Waitangi will be the basis by which each party engages with the other. In practical terms this means:

**Partnership:** acting reasonably, honourably and in good faith to ensure the strategic relationship has integrity and respect, in the present and for the future of Wellington;

**Participation:** recognising that both parties can contribute, for mutual benefit, in deciding the future of the city – working towards and achieving the parties' visions; and

**Protection:** actively protecting the taonga of Ngāti Toa Rangatira and safeguarding cultural concepts, values and practices to be celebrated and enjoyed for all Wellingtonians.

## **Giving Effect to the Memorandum of Understanding**

### **Governance**

The agreement embodied in this Memorandum of Understanding is between the Rūnanga representing Ngāti Toa Rangatira and the Mayor and Councillors of the City of Wellington from time to time. An annual meeting between the parties will be held.

### **Rangatira to Rangatira**

To ensure the joint strategic direction of Council and the Rūnanga is pursued, Rangatira to Rangatira meetings will be held between the Chair and Chief Executive of the Rūnanga and the Mayor of Wellington and Chief Executive of the Council at least twice per year.

### **Regular relationship management**

Regular relationship meetings will be held between officers of the parties. Other meetings may be held on an 'as required' basis to advance joint initiatives that arise outside the normal business of the parties.

### **Review**

To ensure that this agreement remains vital to both parties, an annual relationship evaluation will be undertaken and will contribute to the Council's Annual Report.

To reflect the dynamic nature of this relationship, this agreement will be reviewed triennially by relevant representatives of each party.

### **Agreement**

This Memorandum of Understanding is freely entered into by both parties in a spirit of good faith and partnership. It is a statement of good intention based on the respective roles and responsibilities of each party and is guided by the Treaty of Waitangi.

*Signed on 29 March 2017 on behalf of the Rūnanga by*

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**Te Taku Parai**  
Chairperson

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**Mathew Solomon**  
Board Member

*Signed on 29 March 2017 on behalf of the City Council by*

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**Justin Lester**  
Mayor

---

**Kevin Lavery**  
Chief Executive

## APPENDIX 1

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### SCHEDULE OF SPECIFIC RECOGNITIONS

#### **Council Planning and Policy Processes**

The Rūnanga will be entitled to appoint a representative as a non-voting member of the Council's City Strategy Committee, and as such will receive copies of meeting papers and the Committee's forward programme. The Rūnanga representative may attend the committee meetings or provide written comment as appropriate.

The Rūnanga will have input into the key planning processes of Council, as a non-voting member of the Annual Plan and Long Term Plan Committee.

#### **Local Government Act 2002, Resource Management Act 1991 and other legislation**

The parties will work together to achieve the purpose of legislation in relation to local government decision making.

The Council will ensure matters are presented to the Rūnanga in a timely and informative manner which in turn will assist the Rūnanga in the exercise of its Kaitiakitanga for the city of Wellington.

#### **Culture and Heritage**

The Council will ensure ceremonial, interpretation and naming opportunities are presented to the Rūnanga so as to retain and protect Māori culture and heritage in the city of Wellington, as deemed by the Rūnanga to be of significance.

The Rūnanga, as a mana whenua representative, will provide cultural support to The Mayor, Councillors, Chief Executive and other officers as mutually agreed.

#### **Ngati Toa Claims Settlement Act 2014 (Settlement Act)**

There will be sections within the Settlement Act that will require the Rūnanga and Council to work together to ensure that the requirements of the Settlement Act are met.

### **Taputeranga Island Historic Reserve**

The fee simple title ownership of the Taputeranga Island Historic Reserve (the Reserve) vested in the Toa Rangatira Trust, in accordance with the Settlement Act. The parties shall establish a framework within which the Council as the administering body shall seek and take into account the view of the Rūnanga in all matters relating to the Reserve.

### **Te Awarua o Porirua Harbour and Catchment**

As a member of the Te Awarua-o-Porirua Harbour and Catchment Joint Committee, Council is committed to the implementation of the *Porirua Harbour and Catchment Strategy and Action Plan*.

### **Significant Cultural or Commercial Development Projects**

Where a significant cultural or commercial development is being considered by the Rūnanga, the Council will appoint a "contact person" to coordinate all local body regulatory requirements.

### **Right of First Refusal**

The Rūnanga settlement legislation includes a schedule of Right of First Refusal (RFR) properties which provides for the opportunity to purchase specific Crown properties if they become available in the future. The RFR schedule recognises the importance for the Rūnanga to rebuilding their land holdings, and their relationship to the land as tangata whenua.

An RFR is subject to existing third party rights and statutory requirements such as, for example the offer-back provisions of the Public Works Act 1981.

The Council recognises the significance of the RFR schedule and agrees to work with the Rūnanga to protect and/or grow their interest and investment where Council has a means to do so.



Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke

# Memorandum of Understanding

*Tū Kotahi Tātou  
Work together for the betterment of all.*

## Purpose

The purpose of this Memorandum of Understanding is to define the relationship between Wellington City Council and Te Rūnanga o Toa Rangatira Incorporated. It replaces the previous Memorandum of Understanding between these entities.

## Parties to the Memorandum

### Te Rūnanga o Toa Rangatira Incorporated (Rūnanga)

The Rūnanga is the entity representing Ngāti Toa Rangatira within the Wellington City Council boundaries. The Rūnanga is a non-profit incorporated society with charitable status. It is the mandated iwi authority for Ngāti Toa Rangātira and is the administrative body of iwi estates and assets.

### Wellington City Council (Council)

Council is a territorial authority as defined in the Local Government Act 2002. Its role is to enable democratic local decision making and action by and on behalf of communities; and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

## Strategic Relationship

This Memorandum of Understanding provides for the strategic relationship between the parties and the opportunity for the Rūnanga to contribute to Council decision making and to be a provider of leadership with Council for the City.

The principles outlined in this document apply to all interaction between the parties.

## Relationship Principles

1. The parties agree to work in partnership toward the sustainable prosperity of Wellington City
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Signed on behalf of Te Rūnanga o Toa Rangatira Incorporated by

Signed on behalf of Wellington City Council by

\_\_\_\_\_  
Te Taku Parai  
Chairperson

\_\_\_\_\_  
Mathew Solomon  
Board Member

\_\_\_\_\_  
Justin Lester  
Mayor

\_\_\_\_\_  
Kevin Lavery  
Chief Executive

Date: 29 March 2017





Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke

## *Memorandum of Understanding*

*“Wehea Taitea Kia Tū, Ko Te Iho  
Strip away the sapwood to expose the heart wood”  
Put aside the everyday and focus strategically on  
building a better future for both parties.*

### **Purpose**

The purpose of this Memorandum of Understanding is to define the relationship between Wellington City Council and Taranaki Whānui ki Te Upoko o Te Ika.

It replaces the previous Memorandum of Understanding between these entities.

### **Parties to the Memorandum**

#### **Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui)**

Taranaki Whānui are mana whenua of the Port Nicholson area. The iwi that make up Taranaki Whānui migrated to the Wellington area in the 1830s and have maintained ahi kā.

The composition of Taranaki Whānui is set out in clauses 8.1 and 8.2 of their Deed of Settlement.

#### **Wellington City Council (Council)**

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### Mana Whenua Status

The Council acknowledges the mana whenua status of Taranaki Whānui.

Notwithstanding this acknowledgement Taranaki Whānui accepts that the Council will consult with other Māori in the course of fulfilling Council's statutory functions. This will include consulting with other relevant iwi authorities recognised by the Council, as the Resource Management Act requires.

### Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

The parties acknowledge that they each have rights and responsibilities under the Settlement Act.

### The Taranaki Whānui Vision

*To restore, revitalise, strengthen and enhance the cultural, social and economic well-being of Taranaki Whānui ki Te Upoko o Te Ika.*<sup>2</sup>

### The Council Vision

*Wellington City Council's vision for Wellington is focused on the future development of the city through to 2040. It builds on Wellington's strengths, acknowledges the challenges the city faces now and over the medium to long-term, understands the changing role of cities, and is informed by Wellington's communities. It is a statement of the future that we want for Wellington and how we believe this can best be achieved. We will act with urgency to build the economic, physical and social resilience of our city.*<sup>3</sup>

*We will work together to ensure that the vision of the parties is achieved for the wider Wellington community.*

<sup>1</sup> Wording is taken from to the last sentence in the preamble to the Declaration

<sup>2</sup> <http://www.pnbst.maori.nz>

<sup>3</sup> WELLINGTON TOWARDS 2040: SMART CAPITAL

### **Strategic Relationship**

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### **Relationship Principles**

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### **Giving Effect to the Memorandum of Understanding**

#### **Governance**

The agreement embodied in this Memorandum of Understanding is between Taranaki Whānui and the Mayor and Councillors of the City of Wellington from time to time. An annual meeting between the parties will be held.

#### **Rangatira to Rangatira**

To ensure the joint strategic direction of Council and Taranaki Whānui is pursued, Rangatira to Rangatira meetings will be held between the Chair and Chief Executive of Taranaki Whānui and the Mayor of Wellington and Chief Executive of the Council at least twice per year.

#### **Regular relationship management**

Regular relationship meetings will be held between officers of the parties. Other meetings may be held on an 'as required' basis to advance joint initiatives that arise outside the normal business of the parties.

#### **Review**

To ensure that this agreement remains vital to both parties, an annual relationship evaluation will be undertaken and contributed to the Council's Annual Report.

To reflect the dynamic nature of this relationship, this agreement will be reviewed triennially by relevant representatives of each party.

#### **Agreement**

This Memorandum of Understanding is freely entered into by both parties in a spirit of good faith and partnership. It is a statement of good intention based on the respective roles and responsibilities of each party and is guided by the Treaty of Waitangi.

*Signed on 29 March 2017 on behalf of Taranaki Whānui by*

\_\_\_\_\_  
**Wayne Mulligan**  
Chairperson

\_\_\_\_\_  
**Jason Fox**  
Chief Executive

\_\_\_\_\_  
**Hannah Buchanan**  
Deputy Chairperson

*Signed on 29 March 2017 on behalf of the Council by*

\_\_\_\_\_  
**Justin Lester**  
Mayor

\_\_\_\_\_  
**Kevin Lavery**  
Chief Executive

## APPENDIX 1

### SCHEDULE OF SPECIFIC RECOGNITIONS

#### **Council Planning and Policy Processes**

Taranaki Whānui will be entitled to appoint a representative as a non-voting member of the Council's City Strategy Committee, and as such will receive copies of meeting papers and the Committees forward programme. The representative may attend the Committee meetings or provide written comment as appropriate.

Taranaki Whānui will have input into the key planning processes of Council as a non-voting member of the Annual Plan and Long Term Plan Committee .

#### **Local Government Act 2002, Resource Management Act 1991 and other legislation**

The parties will work together to achieve the purpose of legislation in relation to local government decision making.

The Council will ensure matters are presented to Taranaki Whānui in a timely and informative manner which in turn will assist Taranaki Whānui in the exercise of its Kaitiakitanga for the city of Wellington.

#### **Culture and Heritage**

The Council will ensure ceremonial, interpretation and naming opportunities are presented to Taranaki Whānui so as to retain and protect Māori culture and heritage in the city of Wellington, as deemed by Taranaki Whānui to be of significance.

Taranaki Whānui will provide cultural support to The Mayor, Councillors, Chief Executive and other officers as mutually agreed.

#### **Shelly Bay and Te Motu Kairangi**

As significant land owners at Shelly Bay, the parties recognise the importance of working together to ensure a wider strategic vision for the Miramar Peninsula is achieved for all citizens.

#### **Orouaiti Reserve**

The fee simple title ownership of the Point Dorset Recreation Reserve (the Reserve) later renamed Orouaiti Reserve, transferred to Taranaki Whānui on 2 September 2009, in accordance with the Settlement Act. The parties have established a Management Plan within which the Council as the Administering Body will take into account the view of Taranaki Whānui in all matters relating to the Reserve.

### **Town Belt**

The Town Belt is significant to both parties. The Council is the administering body and has in place a detailed management plan for the Town Belt. Consideration and discussions will be held to ensure Taranaki Whānui is appropriately involved in the future management of this area.

### **Establishment of Mana Whenua Urupā**

Taranaki Whānui and Council will work together to establish the Mana Whenua Urupā provided for through the Settlement Act<sup>4</sup>.

### **Significant Cultural or Commercial Development Projects**

Where a significant cultural or commercial development is being considered by Taranaki Whānui, the Council will appoint a "contact person" to coordinate all local body regulatory requirements.

### **Right of First Refusal**

Taranaki Whānui's settlement legislation includes a schedule of Right of First Refusal (RFR) properties which provides for the opportunity to purchase specific Crown properties if they become available in the future. The RFR schedule recognises the importance for the Taranaki Whānui to rebuilding their land holdings, and their relationship to the land as tangata whenua.

An RFR is subject to existing third party rights and statutory requirements such as, for example the offer-back provisions of the Public Works Act 1981.

The Council recognises the significance of the RFR schedule and agrees to work with Taranaki Whānui to protect and/or grow their interest and investment where Council has a means to do so.

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4

s48 Port Nicholson Block (Taranaki Whānui ki Te Upoko of Te Ika) Claims Settlement Act 2009

CBWCC002664



# Memorandum of Understanding

*“Wehea Taitea Kia Tū, Ko Te Iho  
Strip away the sapwood to expose the heart wood”  
Put aside the everyday and focus strategically  
on building a better future for both parties.*

## Purpose

The purpose of this Memorandum of Understanding is to define the relationship between Wellington City Council and Taranaki Whānui ki Te Upoko o Te Ika. It replaces the previous Memorandum of Understanding between the entities.

## Parties to the Memorandum

### Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui)

Taranaki Whānui are mana whenua of the Port Nicholson area. The iwi that make up Taranaki Whānui migrated to the Wellington area in the 1830s and have maintained ahi kā.

The composition of Taranaki Whānui is set out in clauses 8.1 and 8.2 of their Deed of Settlement.

### Wellington City Council (Council)

The Council is a territorial authority as defined in the Local Government Act 2002. Its role is to enable democratic local decision making and action by and on behalf of communities; and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

## Strategic Relationship

This Memorandum of Understanding provides for the strategic relationship between the parties and the opportunity for Taranaki Whānui to contribute to Council decision making and to be a provider of leadership with Council for the City.

The principles outlined in this document apply to all interaction between the parties.

## Relationship Principles

1. The parties agree to work together in partnership towards the sustainable prosperity of Wellington City
2. Each party recognises the autonomy and the right of the other to exercise their respective authority in order to meet their responsibilities

3. The parties agree that the principles of the Treaty of Waitangi will be the basis by which each party engages with the other. In practical terms this means:

**Partnership:** acting reasonably, honourably and in good faith to ensure the strategic relationship has integrity and respect, in the present and for the future of Wellington;

**Participation:** recognising that both parties can contribute, for mutual benefit, in deciding the future of the city - working towards and achieving the parties' visions; and

**Protection:** actively protecting the taonga of Taranaki Whānui and safeguarding cultural concepts, values and practices to be celebrated and enjoyed for all Wellingtonians.

Signed on behalf of Taranaki Whānui ki Te Upoko o Te Ika by

Signed on behalf of Wellington City Council by

Wayne Mulligan  
Chairperson

Jason Fox  
Chief Executive

Hannah Buchanan  
Deputy Chairperson

Justin Lester  
Mayor

Kevin Lavery  
Chief Executive

Date: 29 March 2017



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## **ADOPTION OF THE 2016/2019 LOCAL GOVERNANCE STATEMENT**

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### **Purpose**

1. The purpose of this report is to adopt the Local Governance Statement (the Statement) for the current 2016/2019 triennium.

### **Summary**

2. The Statement has been updated in accordance with the Local Government Act 2002. Although not a legal requirement, it is a requirement of our Terms of Reference for the Council to adopt the Statement.

### **Recommendation/s**

That the Council:

1. Receive the information.
2. Agree to adopt the Local Governance Statement for the 2016/2019 Triennium.
3. Agree to delegate to the Mayor and the Chief Executive the authority to make any editorial changes that may be required to the final document.
4. Agree to delegate to the Chief Executive Officer the authority to update the Local Governance Statement during the remainder of the 2016/2019 triennium to reflect an legislative or organisational changes.

### **Background**

3. The Council is required by section 40 of the Local Government Act 2002 (the Act) to prepare and make publicly available the Statement within six months of the commencement of any triennium. During the triennium the Council must update its governance statement as it considers appropriate.
4. The Act requires the Statement to include information on:
  - The Council's functions, responsibilities and activities
  - Local legislation conferring powers on the Council
  - Council bylaws
  - The electoral system used by Council and the opportunity to change it
  - Representation arrangements and the opportunity to change these
  - Statutory requirements and code of conduct applicable to members roles and conduct
  - Governance structure and processes
  - Meeting processes and protocols
  - Consultation
  - Maori engagement policies and processes

- The organisational structure and the interface between management and elected members
- Planning and policy documents
- Public access to elected members
- Official information requests

**5. Discussion**

6. The Act requires the Council to update the Statement within six months of the commencement of the triennium, rather than adopt it. However, the adopted Terms of Reference and Delegations for the 2016/2019 Triennium states that the adoption of the Local Governance Statement is retained by the Council. Many councils, including Auckland Council, deem it best practice for the Local Governance Statement to be reported to Council so that members are fully aware of its contents.

7. Recent changes to the Council's governance and organisational structures have been reflected in the draft Statement attached to this report as Appendix 1.

8. Most of the material is already available on the Council website under the subject matter concerned.

9.

**Attachments**

Attachment 1. 2016-2019 Local Governance Statement

Page 32

Author	Clare Sullivan, Principal Governance Advisor
Authoriser	Kane Patena, Director Governance and Assurance

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

Not applicable.

### **Treaty of Waitangi considerations**

There are no considerations.

### **Financial implications**

There are no financial implications.

### **Policy and legislative implications**

There are no policy and legislative implications.

### **Risks / legal**

The statement is required to be adopted by 26 April.

### **Climate Change impact and considerations**

Not applicable

### **Communications Plan**

The Statement will be published on the website.

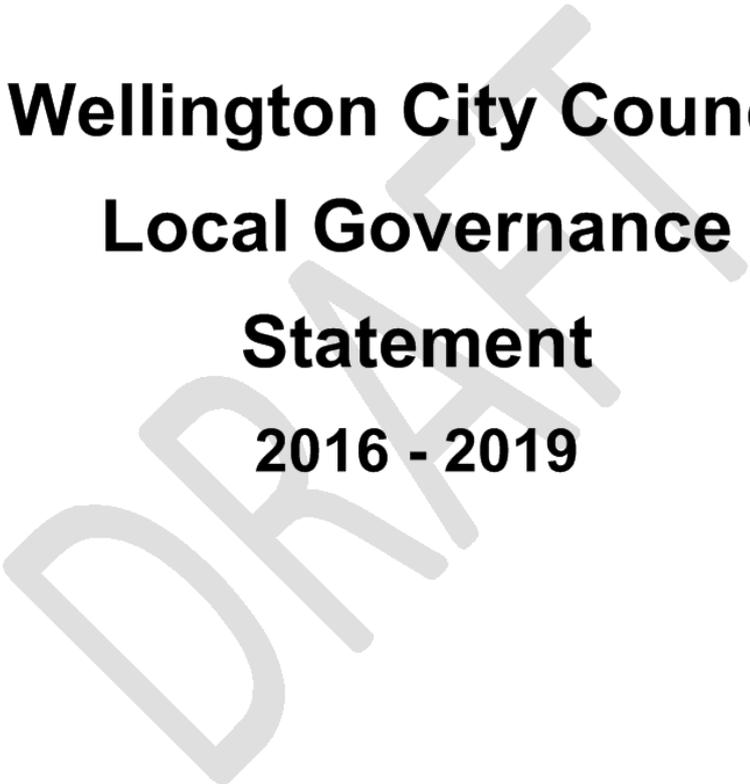
### **Health and Safety Impact considered**

Not applicable.

**APPENDIX 1**

**Guide for the community**  
**on**  
**Council processes**

**Wellington City Council**  
**Local Governance**  
**Statement**  
**2016 - 2019**



## APPENDIX 1

Version 1. Current as at March 2017

DRAFT

## APPENDIX 1

### What is a local governance statement?

This Local Governance Statement provides information about the processes through which Wellington City Council engages with the residents of Wellington City and how the Council makes decisions and how citizens can influence these processes. The Council is required to produce such a statement under section 40 of the Local Government Act 2002, and must update it within six months following each triennial election. The Council may also update this Local Governance Statement at any other time.

The Local Governance Statement supports the stated purpose of local government by promoting the understanding of local democracy. The purpose of local government in New Zealand is set out in section 10 of the Local Government Act 2002, as follows:

(1) *The purpose of local government is-*

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

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

- efficient; and*
- effective; and*
- appropriate to present and anticipated future circumstances.*

Accordingly, the Local Governance Statement provides the public with information under the following broad categories:

- functions, responsibilities and activities of the local authority
- electoral arrangements
- governance structure and processes
- the way elected members make decisions and relate to each other and to the management of the local authority
- key policies of the local authority

The governance statement will be updated from time to time to ensure it is accurate and up to date. For the most recent copy please phone Democratic Services at the Council on 801 4999 or see our website [Wellington.govt.nz](http://Wellington.govt.nz)

## APPENDIX 1

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## APPENDIX 1

### 1. Functions, Responsibilities and Activities of Wellington City Council

The purpose of Wellington City Council is to enable democratic local decision-making to meet the current and future needs of Wellington City for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

*The Local Government Act 2002 defines good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, as infrastructure, services, and performance that are—*

- (a) *efficient; and*
- (b) *effective; and*
- (c) *appropriate to present and anticipated future circumstances.*

In meeting its purpose, Wellington City Council has a variety of roles, including:

- management of infrastructure including roads, sewage disposal and stormwater
- management of libraries, parks and recreational facilities
- city development and marketing
- regulatory services relating to building, plumbing and drainage, environmental health, liquor licensing, animal control, parking and general bylaws
- emergency management (civil defence) planning and training.

(Section 10, Local Government Act (LGA) 2002)

### 2. Local legislation conferring powers on Wellington City Council

In addition to the legislation that applies to all local authorities, Wellington City Council is bound by some local legislation (Acts that apply specifically to it).

These Acts enable past actions of the Council, which were not provided for by the legislation governing the Council at that time. (see Appendix One)

#### Bylaws

In addition to this legislation, the Council has adopted the Wellington Consolidated Bylaw 2008 plus three other bylaws to address a range of matters within the city. The bylaws in force are:

- 1 Wellington Consolidated Bylaw 2008  
(effective 1 July 2008 unless otherwise stated)
  - Part 1 (Introduction).
  - Part 2 (Animals)  
(effective 25 Aug 2016)
  - Part 3 (Fire Prevention)  
(effective 16 December 2015)
  - Part 4 (Liquor Control)  
(effective 10 August 2010)

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- Part 5 (Public Places)  
(effective 1 July 2008)
  - Part 6 (Speed Limits)  
effective 11 Dec 2009
  - Part 7 (Traffic)  
effective 16 December 2015
  - Part 8 (Water Services)  
(effective 29 August 2012)
  - Part 9 (Waste Management)  
(effective 18 December 2008)
  - Part 10 **Structures in Public Places – Verandas**  
Effective 19 August 2015
- 2 Collection & Transportation of Waste Bylaw 1997  
(effective 6 Nov 2014)
  - 3 Trade Waste Bylaw 2004  
(effective 11 May 2016)
  - 4 Local Public Health Bylaw 2008  
(effective 1 July 2008).

These bylaws are available on our website at <http://wellington.govt.nz/your-council/plans-policies-and-bylaws/bylaws>

The full list of legislation is noted in Appendix 1 for reference

### 3. The electoral system and the opportunity to change that system

Wellington City Council currently elects its members under the Single Transferable Voting (STV) system whereby electors rank the candidates in order of preference. The number of votes needed for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes cast. The election of candidates to fill all vacancies is achieved first by the counting of first preferences, then by a transfer of a proportion of the votes received by any candidate where the number of votes for that candidate is in excess of the quota. If sufficient candidates do not receive the quota then the lowest polling candidate is excluded and these votes are transferred in accordance with the voters' second preferences. This process is continued for as many iterations as is necessary.

Under the Local Electoral Act 2001, a council can resolve to change the electoral system it uses to elect its members or can conduct a binding poll. Alternatively, 5 percent of electors can initiate a poll by signing a petition demanding that a poll be held. If a poll of electors is held to determine the electoral system to be used, the

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## APPENDIX 1

system that is chosen cannot be changed for at least the next two triennial local authority elections, ie if a poll has been held on the issue, a council cannot change its electoral system for one election and then change back to the previous system for the next election.

Wellington City Council held a poll of electors on this issue in November 2002. The result was in favour of changing the electoral system from First Past the Post (FPP) to the STV. A further poll was held in September 2008, which resulted in retaining STV. The 2013 and 2016 triennial local authority elections were held using STV. The Council now has the option of reviewing which system it wishes to use for the 2019 and subsequent elections.

To introduce a change to the electoral system for the 2019 triennial election and the subsequent election (ie for a minimum of two triennial elections), a Council decision is required no later than 12 September 2016. Public notice will be given no later than 19 September 2016 advising of the right of electors to demand a poll on the electoral system to be used for the election of the Council and its community boards. The Council may also resolve, no later than 28 February 2018, to hold a poll on the matter. A Council decision or a poll at a later date would have to be implemented in 2020.

(Local Electoral Act 2001; Local Electoral Regulations 2001; LGA 2002)

#### 4. Representation arrangements

The Council has chosen to elect its Councillors under the ward system and has done so since 1986. It is a legislative requirement that the Mayor be elected by the electors of the city as a whole. The Council last reviewed its representation arrangements in 2012. No changes were made so Wellington City continues to be divided into five wards and have 14 elected Councillors (excluding the Mayor) to represent those wards. This determination was in line with the Council's final proposal.

The Council will review its representation arrangements in late 2017/2018.

#### Wards, number of members and area covered

The names and locations of the wards and the number of Councillors for each ward are:

Ward	Number of members	Area
Northern Ward	3	Comprising Churton Park, Glenside, Grenada North, Grenada Village, Horokiwi, Johnsonville, Newlands, Ohariu, Paparangi, Takapu Valley, Tawa and Woodridge
Onslow/Western Ward	3	Comprising Broadmeadows, Crofton Downs, Kaiwharawhara, Ngauranga, Khandallah, Ngaio, Karori, Makara, Makara Beach, Northland, Wadestown and Wilton

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Lambton Ward	3	Comprising Aro Valley, Highbury, Kelburn, Mt Cook, part of Brooklyn (Ohiro Road, Taft Street and Connaught Terrace form the boundary with Southern Ward), Mt Victoria, Oriental Bay, Pipitea, Te Aro, Thorndon and Wellington Central
Southern Ward	2	Comprising Berhampore, Island Bay, Kingston, Mornington, Newtown, Owhiro Bay, Southgate, Vogeltown and part of Brooklyn (Ohiro Road, Taft St and Connaught Tce form the boundary with Lambton Ward)
Eastern Ward	3	Comprising Breaker Bay, Hataitai, Houghton Bay, Karaka Bay, Kilbirnie, Lyall Bay, Maupuia, Melrose, Miramar, Moa Point, Rongotai, Roseneath, Seatoun and Strathmore Park

### Community boards

Wellington City Council has two community boards – Tawa Community Board and Makara/Ohariu Community Board. These boards are constituted under section 49 of the Local Government Act 2002 to:

- represent and act as an advocate for the interests of their community
- consider and report on any matter referred to it by the Council and any issues of interest or concern to the community board
- make an annual submission to the Council on expenditure in the community
- maintain an overview of services provided by the Council within the community
- communicate with community organisations and special interest groups
- undertake any responsibilities delegated by the Council.

Both community boards have six members elected triennially by the electors in the respective communities. In addition to its six elected members, Tawa Community Board has two appointed members. These members are appointed by the Council and must be Councillors who have been elected by the electors of the ward in which the community board is located (Northern Ward for Tawa Community Board). The Makara/Ohariu Community Board does not have any appointed members. The boards elect their own chairpersons at their first meeting after the triennial election.

The Council last reviewed its community board structures in 2012 as part of its review of representation arrangements for the 2013 local authority elections. Apart from a minor alteration in the boundaries of the Makara/Ohariu Community Board, the Council decided not to make any changes to the existing structure or to establish any new community boards at that stage. In 2015, the Council made a minor change in the boundary of the Tawa Community Board. The Council will be required to carry out its next full review of community boards in 2017/2018 in conjunction with its review of

## APPENDIX 1

representation arrangements, the results of which will take effect at the 2019 local elections.

Outside of this review of community boards (which the Council is required to undertake every time a representation review is carried out), electors can request the formation of a new community board. This is done by a process similar to the reorganisation process described elsewhere. Further information on these requirements can be found in Schedule 6 of the Local Government Act 2002.

### **Representation reviews**

The Council is required to review its representation arrangements at least once every six years. This review must consider the following:

- the number of elected members it should have (every territorial authority must have at least six members and no more than 30 members, including the Mayor)
- whether the elected members (other than the Mayor) are to be elected across the city as a whole (ie at-large), whether the city will be divided into wards for electoral purposes or whether there will be a mix of 'at-large' and 'ward' representation
- if election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward
- whether to have community boards and if so how many, their boundaries and membership, and whether to subdivide a community for electoral purposes.

The Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review, and should also follow guidelines published by the Local Government Commission. The Act gives the public the right to make a written submission to the Council on any notified proposal, and the right to be heard in support of their submission if they so wish.

They also have the right to appeal any decisions made by the Council on the above to the Local Government Commission, which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

(part 1A, sections 19A–19ZI).

The Council conducted a review of its representation arrangements in 2012 in time for the 2013 local authority elections. It is therefore required to carry out another review in 2018, in time for the 2019 elections.

### **Māori wards**

The Local Electoral Act 2001 also gives the Council the ability to establish separate wards for Māori electors. The Council may resolve to create separate Māori wards or conduct a poll on the matter. Alternatively, the community may demand that a binding poll be held. The demand for a poll can be initiated by a petition signed by 5 percent of the number of electors who were enrolled as eligible to vote at the previous local authority election. Any separate Māori representation under the Local Government Act 2002 is required to be based on enrolment on the Māori electoral roll.)

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Wellington City Council last considered this issue as part of its review of representation arrangements in 2012 when it decided not to have separate Māori wards. To introduce Māori wards for the 2019 triennial election the Council would have to make a decision by 23 November 2017. If a poll is to be demanded, this must be done by 28 February 2018. Any poll must be held before 23 May 2018. The Council may decide, or a poll may be demanded or conducted at a later date, but this would only take effect from the 2022 triennial election.

If a decision is made to introduce separate Māori wards, the number of Māori wards into which a council can be divided is derived by dividing the number of electors on the Māori roll within the council area by the total number of electors (including Māori electors and then multiplying this by the number of councillors (excluding the Mayor). Fractions in this calculation are rounded down if less than half and rounded up if over a half. If the result of the calculation totals less than a half, then Māori wards cannot be introduced.

The most recent statistics show Wellington City approximately 9600 on the Maori electoral roll. The general electoral population is 198,300. This would allow for 1 Maori ward member.

### **The reorganisation process**

A reorganisation application is separate to a representation review which as described above looks at governance arrangements within the Council.

Schedule 3 of the Local Government Act 2002 sets out procedures which must be followed for local government reorganisation proposals to do any or all of the following:

- amalgamate districts or regions
- create a new district or region
- dissolve a district or region
- make changes to the boundaries of a district or region
- transfer a particular function or functions to another council
- create a unitary authority.

The process begins with an application to the Chief Executive of the Local Government Commission from any person, body or group including one or more affected local authorities or the Minister of Local Government.

Proposals for regional governance reorganisation for the Greater Wellington Region and the territorial authorities of that region are currently being considered by the Local Government Commission. A poll of electors can be demanded by 10 percent of the affected electors in any affected territorial authority, once the Local Government Commission has completed its process of consultation and issued a final proposal.

Further information on these requirements can be found in the Local Government Act 2002. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

(Local Electoral Act 2001; Local Electoral Regulations 2001; LGA 2002)

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### 5. Members' roles and conduct

#### Elected members

Elected members (acting as the Council) are responsible for governance, including:

- the development and adoption of Council policy;
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive
- appointment of the Electoral Officer.

Elected members are also responsible for representing the interests of the residents and ratepayers of the city.

Unless otherwise provided in the Local Government Act 2002 or in Wellington City Council's Standing Orders, the Council can only act by majority decisions at meetings. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless this is specifically provided for by statute, or the Council has expressly delegated such authority.

#### Code of Conduct

Elected members have specific obligations as to their conduct in the following legislation:

- schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and Standing Orders
- the Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)
- the Financial Markets conduct Act 2013, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- the Crimes Act 1961, regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit
- the Health and Safety in Employment at Work Act 2015, which details responsibility of Councillors as Directors .

All Councillors are required to adhere to the Council's adopted Code of Conduct. This code sets out the Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to staff, the media and the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanctions that the Council may impose if an individual breaches the code. The Code of Conduct is available on our website at <http://wellington.govt.nz/~media/your-council/mayor-and-councillors/files/elected-codeofconduct.pdf> and will also be attached to the final print version of this Statement as Appendix 2.

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Codes of conduct for community board members are optional. Neither the Tawa Community Board nor the Makara/Ohariu Community Board have adopted a code of conduct.

### **Mayor**

The Mayor is elected by the city as a whole and as one of the elected members shares the same responsibilities as other members of the Council.

The Mayor has specific responsibility for:

- providing leadership to elected members and to the people of Wellington City
- leading the development of the Council's plans (including the Long-term Plan and the Annual Plan), policies and budgets for consideration by the members of the Council
- in exercising this leadership role, the Mayor has the power to:
  - appoint the Deputy Mayor
  - determine the number of committees and subcommittees, their terms of reference and composition
  - appoint the chairs of these committees and subcommittees.

The Mayor also has the following roles:

- presiding at Council meetings -the Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined by Standing Orders)
- advocating on behalf of the community -this may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council
- spokesperson for the Council
- ceremonial head of the Council
- fulfilling the responsibilities of a Justice of the Peace (ex-officio).

### **Deputy Mayor**

The Deputy Mayor was appointed by the Mayor at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

### **Portfolio Leader**

For the 2016/2019 term the Council has appointed each Councillor with specific responsibilities as Portfolio Leaders. Through this role they will :

- play a strategic and policy leadership role in their area of responsibility assisting the Council to meet its strategic objectives
- enhance relationships with key stakeholders
- collaborate with Committee Chairs and other Portfolio Leaders where objectives are shared
- ensure progress is made towards the Council's strategic priorities and projects within their portfolio responsibility.

The Portfolio Leaders and their area of focus are as follows

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Mayor Justin Lester	Arts and Culture, Major City Projects, Governance
Deputy Mayor Paul Eagle	Housing, Recreation, Events
Cr Iona Pannett	Infrastructure and Accountability
Cr Andy Foster	Urban Development, finance, Predator Free Wellington, Karori Framework
Cr Simon Marsh	Economic Development, Small Business (joint)
Cr Simon Woolf	Wellington Ambassador tourism, Small Business (joint), Sport
Cr Malcolm Sparrow	Community Resilience
Cr Nicola Young	Central City Projects, Education Partnerships
Cr David Lee	Technology, Innovation, Enterprise (TIE), Climate Change
Cr Jill Day	Maori Partnerships, Children and Young People
Cr Peter Gilbert	Natural Environment, City Scientist
Cr Brian Dawson	Social Development, Living Wage:
Cr Diane Calvert	Community Planning and Engagement
Cr Chris Calvi-Freeman	Transport Strategy and Operations
Cr Sarah Free	Public Transport, Cycling and Walking

### Chief Executive's responsibilities

The Chief Executive is appointed by the Council in accordance with section 42 and clauses 33 and 34 of schedule 7 of the Local Government Act 2002. The Chief Executive implements and manages the Council's policies and objectives within the budgetary constraints established by the Council. Under section 42 of the Act, 'a chief executive appointed under subsection (1) is responsible to his or her local authority for:

- implementing the decisions of the local authority; and
- providing advice to members of the local authority and to its community boards, if any; and
- 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
- ensuring the effective and efficient management of the activities of the local authority; and
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- providing leadership for the staff of the local authority; and
- employing, on behalf of the local authority, the staff of the local authority; and
- negotiating the terms of employment of the staff of the local authority'.

(Wellington City Council Code of Conduct for the Mayor and Councillors; LGA 2002; LGNZ: Governance)

## APPENDIX 1

### 6. Governance structures and processes

#### Council

The Council comprises the Mayor and 14 Councillors. The Council is elected, along with all other local authority elected members in New Zealand, every three years.

The Council retains the sole power to perform a number of functions.

#### Standing committees and subcommittees

The Council reviewed the structure of its committees and subcommittees following the 2016 election. It is the responsibility of the Mayor (as required by section 41A of the Local Government Act 2002) to lead this process. The Council retains the power to revisit the structure.

The structure adopted for the 2016-2019 triennium is based on two committees of the whole – City Strategy and Long-term Plan and Annual Plan. The membership comprises the Mayor and all Councillors. The City Strategy Committee meets 3 times a month and is chaired by Councillor Iona Pannett. The Long-term Plan and Annual Plan Committee is chaired by the Deputy Mayor. The Council will meet monthly.

In addition there are several other committees and subcommittees.

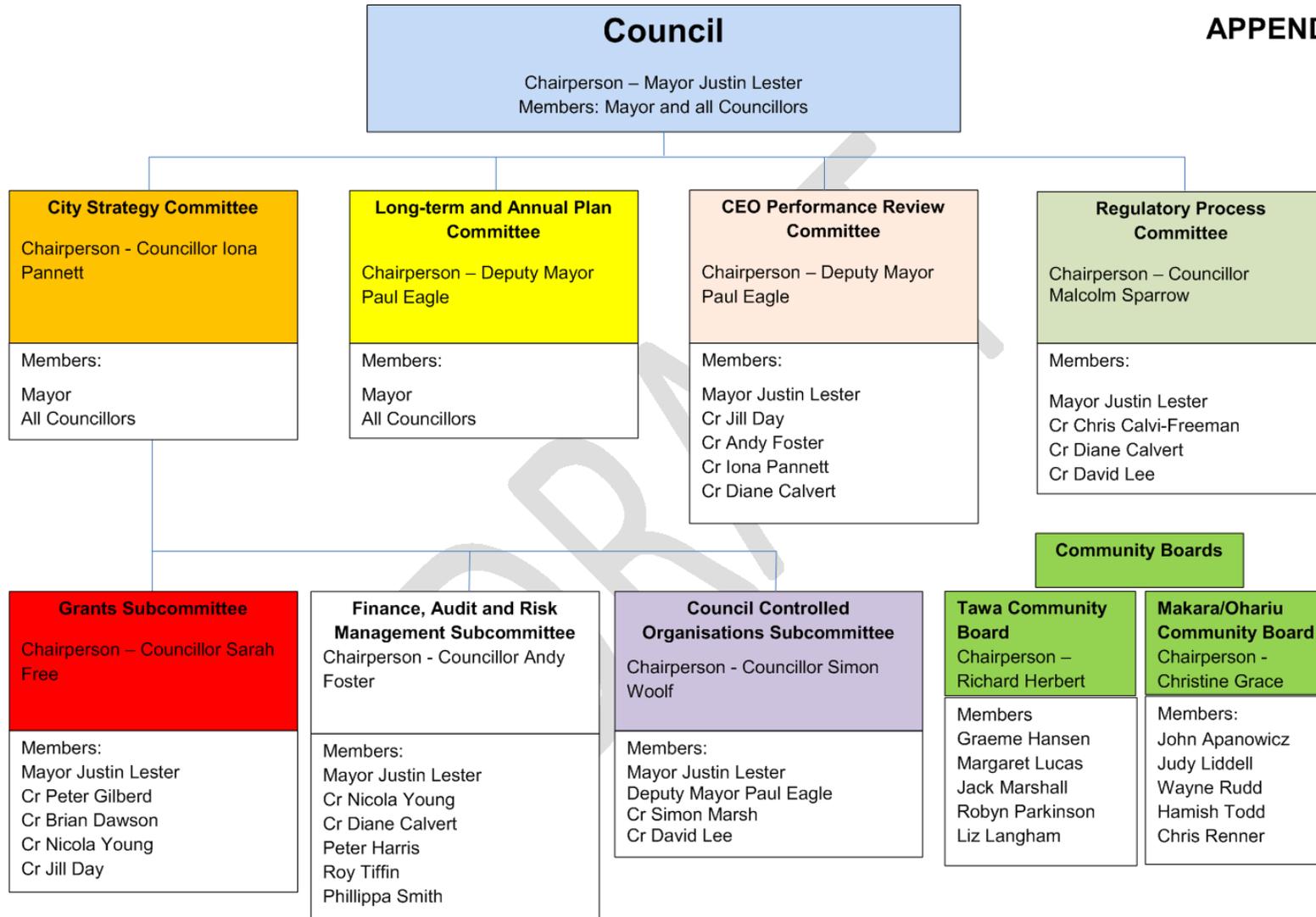
#### Community boards

Community boards have responsibility for the overview of matters within the board's boundary:

- Tawa Community Board normally meets on the second Thursday of each month at 7pm in the Boardroom, Tawa Community Centre
- Makara/Ohariu Community Board normally meets on a Thursday at 7.30pm, six weekly, alternating between the Makara Hall and Ohariu Hall

The committee and community board structure and membership is shown in the following diagram.

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### Reference and Advisory Groups

The Council has five formally constituted reference or advisory groups with their own terms of reference. These are:

- Accessibility Advisory Group (AAG) - meets monthly
- Pacific Advisory Group (PAG) - meets monthly
- Youth Council – meets fortnightly
- Environmental Reference Group (ERG) – meets every two months
- Safe and Sustainability Transport Reference Group (SASTRG) – meets as required

Broadly, the role of the groups is to provide feedback and advice to Council on strategy/policy development, planning and service delivery as well as being an information conduit to and from the Council.

Each group is supported by a Council officer and a Councillor is also formally assigned to each group and attends meetings. The groups report back to Council through the City Strategy Committee.

### Other committees: District Licensing Committee

In addition to the committees listed above, a District Licensing Committee is appointed to administer the Council's alcohol licensing framework as required by the Sale and supply of Alcohol Act 2012. This committee makes decisions on licensing matters as required by this Act.

As required by the Act, the Council has appointed the following qualified people to the District Licensing Committee:

#### Chairpersons:

Murray Clearwater (Commissioner)

Sir Douglas Kidd (Commissioner)

Rex Woodhouse (Commissioner)

#### Deputy Chairpersons:

Councillor Foster

(A Deputy Chairperson only acts as chairperson for the reasons in section 189(3) of the Act.)

#### Members:

Sir Douglas Kidd (both Commissioner and list member)

Zoe Doole

Councillor Andy Foster

Mary Hubble

Sandra Kirby

Kiri Rikihana

Alick Shaw

Luke Tuffs

Kate Thomson

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The terms of reference and delegations of the Council, committees, subcommittees and community boards can be found on our website at <http://www.Wellington.govt.nz/haveyoursay/meetings/index.html> and will also be attached to the final print version of this statement as Appendix 3.

### Council controlled organisations

In order to achieve its objectives for Wellington, the Council has established several Council-controlled organisations (CCOs) and Council organisations (COs) –Wellington Regional Economic Development Agency (WREDA), Wellington Cable Car Ltd, Wellington Museums Trust, Basin Reserve Trust, Karori Sanctuary Trust (ZEALANDIA), Wellington Water Limited Wellington Zoo Trust and Wellington Regional Stadium Trust.

These organisations were set up to independently manage Council facilities, or to deliver significant services and undertake significant developments on behalf of the Wellington community. Where necessary, the Council funds the organisations.

Organisation	What it does/Why it exists
<b>Wellington Museums Trust</b>	To: <ul style="list-style-type: none"><li>• deliver high quality experiences, events and exhibitions at its facilities.</li><li>• manage conservation and care for the objects of its collections, and conduct research and development to enhance visitors' experiences.</li><li>• offer quality education experiences to children and young people.</li><li>• promote and protect the heritage of venues.</li><li>• develop and operate the Soundhouse Studio.</li><li>• work with national and international artists and collectors.</li></ul>
<b>Wellington Cable Car Ltd</b>	To: <ul style="list-style-type: none"><li>• maintain the cable cars, track, plant, tunnels, bridges and buildings in accordance with best engineering practice and to meet the certification requirements of the NZ Transport Agency</li><li>• maintain and operate the cable car passenger service to ensure its ongoing safety and financial viability with appropriate levels of customer service</li><li>• manage the maintenance of the trolley bus overhead network under agreement with Greater Wellington Regional Council.</li></ul>

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**Wellington  
Regional  
Economic  
Development  
Agency Ltd**

To:

- undertake tourist attraction and marketing for Wellington
- operate and manage the 5 performing venues on behalf of WCC (St James, Opera House, TSB Arena, Shed 6 and Michael Fowler Center)
- conduct and manage Wellington's Major Events programme
- undertake economic development activities for the Wellington region, including start-ups, business and talent attraction.

**Wellington Zoo  
Trust**

To:

- care for resident animals and manages the animal collection.
- provide a high-quality visitor experience
- participate in captive management breeding and breed-for-release programmes.
- develop and maintains high quality animal exhibits.
- deliver educational material and learning experiences.
- contribute to zoological, conservation and facilities management research projects.

**Basin Reserve  
Trust**

To:

- manages the Basin Reserve for recreational activities and the playing of cricket for the residents of Wellington.
- contribute to the events programme for Wellington.
- operate as a successful not-for profit undertaking.
- preserve and enhances the heritage value of the Basin Reserve.

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**Karori Sanctuary Trust**

ZELANDIA is the world's first fully-fenced urban eco-sanctuary

The 225 hectare eco-sanctuary is a ground-breaking conservation project that has reintroduced 18 species of native wildlife back into the area, 6 of which were previously absent from mainland New Zealand for over 100 years.

The ultimate restoration goal is to create a self-sustaining ecosystems representative of the pre-human state that existed in new Zealand approximately 100 years ago.

- Focus on the continued restoration of the sanctary valley
- Create collaboration and partnerships outside the sanctuary fence
- Extend the breadth and depth of learning that takes place at ZEALANDIA from outreach and early school education levels to high level academic research programmes
- Equip everyone who has contact with ZEALANDIA to take their own actions to improve the way we live with nature

**Wellington Water Ltd**

- Established in September 2014 and was the result of a merger between Greater Wellington Regional Council's water supply group and Capacity Infrastructure Services
- Wellington Water manages water treatment and supply, stormwater and wastewater service delivery in the Wellington region
- An important part of the company's work is promoting water conservation and sustainability.

**Wellington Regional Stadium Trust**

To:

- operate the Stadium.
- manage the event programme and seeks opportunities to provide regular quality events.
- ensure the Stadium is provided to the community for appropriate usage.
- administer the Trust assets and the Stadium on a prudent commercial basis.

Further information on any of the above can be obtained from our website:  
[Wellington.govt.nz](http://Wellington.govt.nz)

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### 7. Meeting processes

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and committee meetings must be open to the public unless there is reason to consider some item in a 'public excluded' session. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made (contact Democratic Services at the Council before 12 noon the day before the meeting.)

LGOIMA contains a list of the circumstances where councils may consider items with members of the public excluded from the meeting (these circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order). The Council agenda is a public document, although parts may be withheld if the public excluded circumstances apply to those parts.

The Mayor or committee chair is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with Standing Orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of LGOIMA.

For an ordinary meeting of Council, at least 14 days' notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called with three working days' notice or 24 hours' notice in some circumstances.

During meetings the Mayor and Councillors must follow Standing Orders (a set of procedures for conducting meetings). The Council may suspend Standing Orders by a vote of 75 percent of the members present.

(LGOIMA 1987; LGA 2002)

### 8. Consultation policies

#### Significance and Engagement Policy

The amended Local Government Act 202, which came into effect on 8 August 2014, gave councils the opportunity to set thresholds and identify triggers that would signify project 'significance' which would then influence the level of engagement and/or consultation with the community on a particular issue. The Wellington City Council decided to merge two separate policies (Significance and Engagement) and formally adopted the Significance and Engagement Policy in November 2014.

The Council's Significance and Engagement Policy is a central reference document for our community and staff. The policy:

- sets out how the significance of an issue will be determined by council staff and

## APPENDIX 1

- decisions makers, and
- how the degree of significance will influence the types of engagement methods and communications channels used and level of engagement the community can expect from Council.

The significance of a decision will be assessed according to the likely impact of that decision on:

- the current and future wellbeing of the city
- any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter
- the capacity of Council to perform its, and the financial and other costs of doing so.

Engagement is the broad term which covers the interactions between the Council and Wellingtonians, communities (of place, interest or identity), and other stakeholders. It can happen in a number of ways, all of which provide a solid platform for engagement to occur. This includes:

- how the Council undertakes everyday services and activities
- the relationships that the Council develops and maintains with communities
- the range of consultation processes it uses when a decision is to be made.

The Council has made a public commitment to how it engages. It commits to: Te Tiriti o Waitangi/Treaty of Waitangi

- listen first and seek to understand
- engage early
- seek diverse perspectives
- build commitment and contributions to advance Wellington City
- give and earn respect
- build trust
- transparency
- report back
- monitor and evaluate

Further information on the Significance and Engagement Policy can be viewed at the following location on our website at

<http://wellington.govt.nz/your-council/plans-policies-and-bylaws/policies/significance-and-engagement-policy>

### Special Consultative Procedure

The Council is currently required to use the Special Consultative Procedure in some situations. The procedure sets out minimum requirements that guarantee the public has a chance to contribute before key decisions are made. (Changes to these procedures have been proposed – please see the note below on the Local Government amendment Bill 2013.)

The Special Consultative Procedure consists of the following steps:

1. Preparation of a statement of proposal and a summary.

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*The Council must prepare a description of the proposed decision or course of action. The statement must be available for inspection at the council office and may be made available elsewhere. The Council also has to prepare a summary of the proposal which must be distributed as widely as the council considers reasonably practicable.*

2. Give public notice.

*The Council must publish a notice of the proposal and of the consultation being undertaken. The council must allow at least one month (from the date of the notice) for submissions to be made.*

3. Provide an opportunity for people to present their views
4. Deliberate in public.

*All meetings where the Council deliberates on the proposal or hears submissions must be open to the public (unless there is good reason to exclude the public under LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.*

5. Provide feedback

*Following a decision, feedback on the decision and the reasons for it is provided to submitters.*

The Special Consultative Procedure must be used before making the following decisions:

- to adopt or amend the Long-term Plan
  - to adopt, amend or review a bylaw
  - to propose a change in the Council's role in a significant activity
  - to establish a Council-controlled organisation.
  - to sell or dispose of, or construct a strategic asset.
- ([Wellington.govt.nz](http://Wellington.govt.nz); LGA 2002; LGNZ:Governance)

### 9. Liaison with Māori

The Council has established a range of governance and participation mechanisms that enable the Council to meet its obligations and responsibilities under the Treaty of Waitangi to local iwi and the wider Māori community.

The Council's relationship with local iwi is defined through separate memoranda of understanding with Te Rūnanga o Toa Rangatira Incorporated representing Ngāti Toa and Port Nicholson Block Settlement Trust representing Taranaki Whānui ki te Upoko o te Ika a Maui. The memoranda outline how local iwi participate in Council matters relating to protocol, policy, regulatory and service delivery matters.

Perhaps more complex engagement is with the 90 percent of Māori who live, work and play in Wellington who do not whakapapa to our iwi partners and are therefore not represented by these mandated organisations. To better understand the wider Māori community the Council holds two-four focus groups each year – this is dependent on what projects are happening. The Council engages in Māori community events, often

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having Council stalls to give information and seek registrations to the e-database. The Council also has an e-newsletter that goes to our database members every two months. The Council is currently reviewing how arrangements with external advisory groups may improve our community engagement responsibilities, including Māori community.

### **10. Management structure and the relationship between management and elected members:**

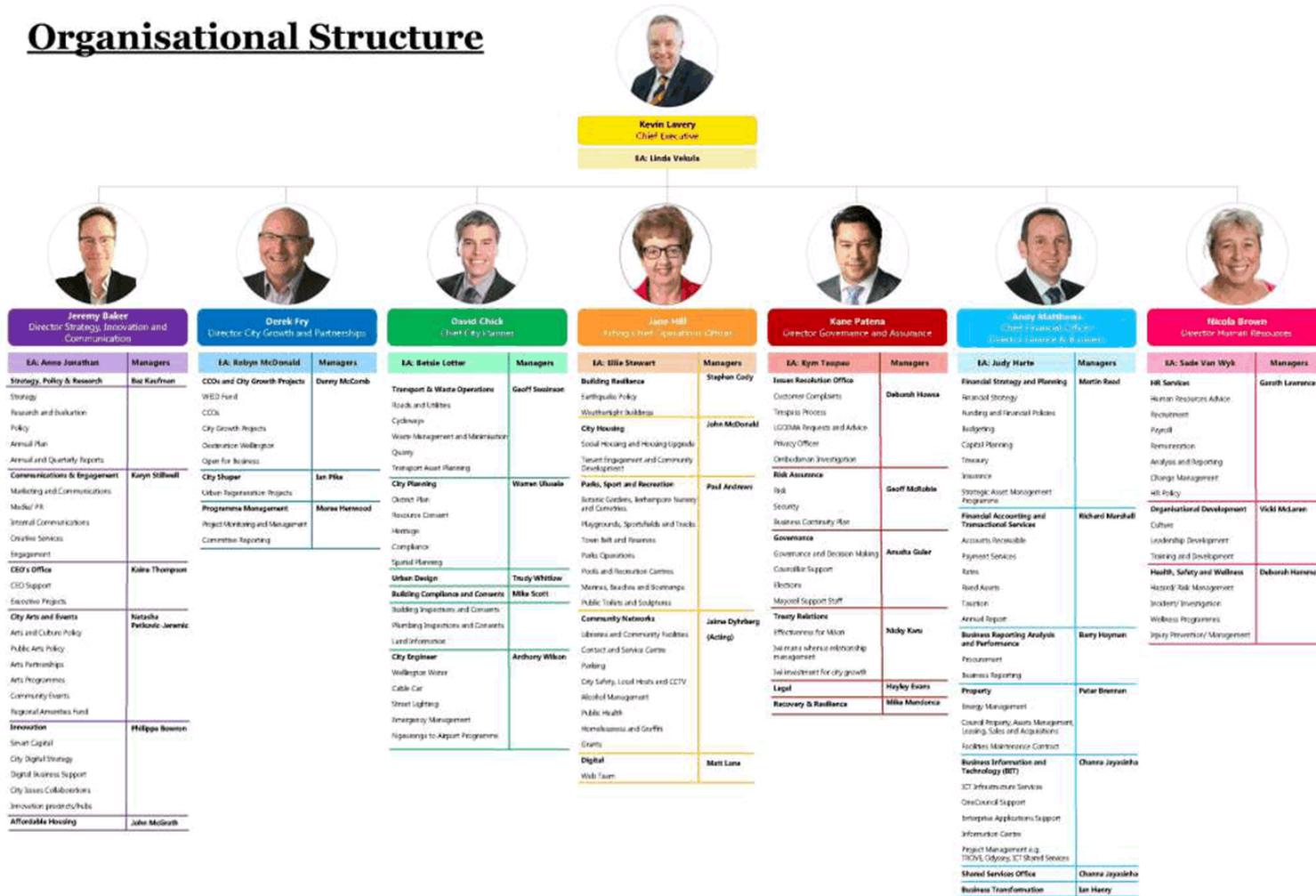
The Local Government Act 2002 requires the Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of the Council, implement Council decisions and provide advice to the Council. Under the Local Government Act the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Mayor or Councillors.

The Chief Executive is supported by an Executive Leadership Team or ELT, as shown on the following chart. All ELT members can be contacted by phoning the contact centre on 499 4444 and requesting to speak to the relevant person.

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**Organisational Structure**



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### 11. Diversity management

Wellington City Council is actively committed to supporting diversity and the Council is an active member of the Equal Employment Opportunities (EEO) Trust Employers Group.

The Council aims to ensure that all work opportunities at the Council are provided fairly and reflect our diverse city communities and that all employees and job seekers are to be treated equitably.

### 12. Key approved planning and policy documents and the process for their development and review

#### Long-term Plan

The Council develops a Long-term Plan every three years which sets the long-term direction for the Council and Wellington. It provides a forecast of the activities that are expected to be delivered in the next three years and projections for those in the following seven years.

The plan provides the basis for Council's work and is subject to consultation. It details: the outcomes that Council's activities contribute to; the associated cost of providing those; and the indicators that will be used to measure the Council's performance. The next Long-term Plan will be adopted for the year beginning 2015/16.

#### Annual Plan

The Council produces the Annual Plan in years two and three of the Long-term Plan. The Annual Plan confirms what activities will take place in the particular year, the expected cost and how they will be funded.

#### Annual Report

The Annual Report presents an account of the Council's performance over the financial year from 1 July to 30 June. It outlines what the Council committed to during the year, and how it delivered on those activities, providing accountability to ratepayers.

In addition to the above, the Council has a number of other strategy documents and plans, policies, and asset management plans. These are defined below:

Policies are documents that outline the Council's approved statements of position, or bases for action, which represent the organisation's position on specific issues as an entity to the city and general public, or in the face of legislative requirements.

*Asset management plans* are planning documents covering the Council's infrastructural assets that ensure a required level of service is maintained at the lowest total cost over the long term. The plans cover all aspects of an asset – policy, management, finance and engineering.

#### Policies and planning documents

Council policies and plans are developed through consultation with relevant stakeholders and then approved by the Council. Policies and plans are periodically reviewed as and when appropriate; for example when required by legislation, or in accordance with a timeframe within the document itself, or in response to a specific request from the Council.

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The Council also has a *District plan*, which is the primary document used to manage land use and development within the Council's territorial boundaries. The Council is required to review the plan in full every 10 years, although it is updated through regular plan changes.

The key policies and plans which are more frequently referred to form part of the Terms of Reference attached to this Statement as Appendix 3. These documents are available for viewing on our website: [Wellington.govt.nz](http://Wellington.govt.nz)

For further information on other such documents, please contact the Wellington City Council's Policy team by phoning 499 4444.

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**13. Systems for public access to the Wellington City Council and its elected members:**

### Your Councillors - representing you in Wellington

Wellington City Councillors are elected by Wellington residents every 3 years. Their role is to represent the views of residents in their ward, and to help the Council make the best decisions for the city.

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**Citywide**



**Justin Lester**  
(Mayor)

04 459 4444  
mayor@wcc.govt.nz

**Chair:** Council

**Portfolio Leader:** Arts and Culture, Major City Projects, Governance



**Paul Eagle**  
(Deputy Mayor)

04 801 3102  
paul.eagle@wcc.govt.nz

**Chair:** Long-term and Annual Plan Committee, CEO Performance Review Committee

**Portfolio Leader:** Housing, Recreation, Events



**David Lee**

021 220 2357  
david.lee@wcc.govt.nz

**Portfolio Leader:** Technology, Innovation & Enterprise, Climate Change

**Onslow-Western Ward**



**Diane Calvert**

029 071 8944  
diane.calvert@wcc.govt.nz

**Portfolio Leader:** Community Planning and Engagement



**Andy Foster**

021 227 8537  
andy.foster@wcc.govt.nz

**Portfolio Leader:** Urban Development, Finance, Predator Free Wellington, Karori Framework



**Simon Woolf**

027 975 3436  
simon.woolf@wcc.govt.nz

**Chair:** Council Controlled Organisations Subcommittee

**Portfolio Leader:** Wellington Ambassador, Tourism, Small Business (joint), Sport

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**Southern Ward**



**Brian Dawson**

027 413 5809  
brian.dawson@wcc.govt.nz

**Portfolio Leader:** Social Development, Living Wage



**Iona Pannett**

021 227 8509  
iona.pannett@wcc.govt.nz

**Chair:** City Strategy Committee

**Portfolio Leader:** Infrastructure, Sustainability



**Nicola Young**

021 654 8444  
nicola.young@wcc.govt.nz

**Portfolio Leader:** Central City Projects, Education Partnerships

**Lambton Ward**



**Jill Day**

027 262 3181  
jill.day@wcc.govt.nz

**Portfolio Leader:** Māori Partnerships, Children and Young People



**Peter Gilbert**

027 614 1416  
peter.gilbert@wcc.govt.nz

**Portfolio Leader:** Natural Environment, City Scientist



**Malcolm Sparrow**

027 232 2320  
malcolm.sparrow@wcc.govt.nz

**Chair:** Regulatory Process Committee

**Portfolio Leader:** Community Resilience

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**Eastern Ward**



**Chris Calvi-Freeman**

027 803 0015  
chris.calvi-freeman@wcc.govt.nz

**Portfolio Leader:** Transport Strategy and Operations



**Sarah Free**

021 121 8412  
sarah.free@wcc.govt.nz

**Chair:** Grants Subcommittee

**Portfolio Leader:** Public Transport, Cycling and Walking



**Simon Marsh**

021 922 196  
simon.marsh@wcc.govt.nz

**Portfolio Leader:** Economic Development, Small Business (joint)

**Northern Ward**



**Jill Day**

027 262 3181  
jill.day@wcc.govt.nz

**Portfolio Leader:** Māori Partnerships, Children and Young People



**Peter Gilbert**

027 614 1416  
peter.gilbert@wcc.govt.nz

**Portfolio Leader:** Natural Environment, City Scientist



**Malcolm Sparrow**

027 232 2320  
malcolm.sparrow@wcc.govt.nz

**Chair:** Regulatory Process Committee

**Portfolio Leader:** Community Resilience

**Website**

Wellington.govt.nz

**Email**

info@wcc.govt.nz

**Contact centre**

Phone 499 4444

Fax 801 3138

**Council office and service centre**

101 Wakefield Street,

P O Box 2199,

Wellington 6140

**14. Requests for official information**

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. Any request for official information is a request made under LGOIMA. (an individual can make an access request for their own 'personal information' under the Privacy Act 1993) You do not have to specify that your request is being made under LGOIMA and even if it the incorrect Act is quoted (namely the OIA), it will still be progressed.

Once a request is made the Council must advise on whether the request will be granted as each request must be assessed on a case-by-case basis. The information will be supplied if it is held by the Council unless good reason exists for withholding it and the information is not outweighed by the 'public interest' test under LGOIMA.

LGOIMA provides that official information may be protected and withheld if releasing it would:

- prejudice maintenance of the law
  - compromise the privacy of any person
  - disclose confidential or commercial information that may prejudice a third party
  - cause offence to tikanga Māori or would disclose the location of waahi tapu
  - prejudice public health or safety
  - compromise legal professional privilege
  - disadvantage the local authority while carrying out negotiations or commercial activities
  - allow information to be used for improper gain or advantage
  - require substantial collation and research to retrieve the information requested
- refuse the information as it is soon to be made publically available or cannot be found or does not exist

The Council must reach a decision to grant or refuse a request, wherever practicable, up to but no later than 20 working days (there are circumstances where this time-frame may be extended). The information may be provided at the same time as the decision is communicated or at a separate date. If the Council reaches a decision to grant a request and provide the information, it may charge for official information using the business unit set fee or as per the charging guidelines provided by the Ministry of Justice.

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Requests for official information may be written or oral and should be directed to the relevant business unit in Council or to the Issues Resolution Office, Wellington City Council, PO Box 2199, Wellington, 6140, who will action the request on behalf of the Chief Executive.

(LGOIMA 1987).

**15. Appendix One: Local Legislation Conferring Powers on Wellington City Council**

<b>TITLE OF ACT</b>	<b>REFERENCE NO.</b>
Local Legislation Act 1926	1926, No. 61, s. 28
Local Legislation Act 1927	1927, No. 58, s. 41
Local Legislation Act 1928	1928, No. 48, s.s. 25, 70
Local Legislation Act 1929	1929, No. 21, s. 50
Local Legislation Act 1930	1930, No. 39, s. 32
Local Legislation Act 1931	1931, No. 43, s.s. 18, 45 & 49
Local Legislation Act 1932-33	1932-33, No. 47, s.s. 23 & 28
Local Legislation Act 1933	1933, No. 46, s.s. 12, 57,
Local Legislation Act 1934	1934, No. 33, s.s. 11 & 13
Local Legislation Act 1935	1935, No. 33, s.s. 8, 9, 12, 21 & 39
Local Legislation Act 1936	1936, No. 54, s.s. 15, 16, 17, 18, 62 & 66
Local Legislation Act 1937	1937, No. 25, s. 24
Local Legislation Act 1938	1938, No. 18, s.s. 18 & 29
Local Legislation Act 1939	1939, No. 25, s. 53
Local Legislation Act 1940	1940, No. 16, s.s. 8 & 12
Local Legislation Act 1941	1941, No. 23, s.s. 21 & 38
Local Legislation Act 1942	1942, No. 17, s.s. 15, 16, & 37
Local Legislation Act 1944	1944, No. 23, s.s. 12 & 30
Local Legislation Act 1946	1946, No. 39, s. 12
Local Legislation Act 1947	1947, No. 56, s. 37
Local Legislation Act 1948	1948, No. 67, s. 11
Local Legislation Act 1949	1949, No. 35, s.s. 11, 17, 31 & 32
Local Legislation Act 1951	1951, No. 69, s.s. 11 & 22
Local Legislation Act 1952	1952, No. 68, s. 20

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Local Legislation Act 1953	1953, No. 106, s.s. 22 & 42
Local Legislation Act 1954	1954, No. 57, s. 10
Local Legislation Act 1959	1959, No. 92, s. 29
Local Legislation Act 1961	1961, No. 127, s. 28
Local Legislation Act 1962	1962, No. 117, s. 19
Local Legislation Act 1963	1963, No. 138, s. 42
Local Legislation Act 1964	1964, No. 117, s. 28
Local Legislation Act 1967	1967, No. 148, s.s. 27 & 28
Local Legislation Act 1968	1968, No. 131, s. 10
Local Legislation Act 1972	1972, No.38,s. 13&22
Local Legislation Act 1974	1974, No. 147, s. 10
Local Legislation Act 1975	1975, No. 126, s.s. 22 & 23
Local Legislation Act 1979	1979, No. 142, s. 10
Local Legislation Act 1980	1980, No. 160, s. 10
Local Legislation Act 1983	1983, No. 8, s. 5
Local Legislation Act 1985	1985, No. 77, s. 5
Local Legislation Act 1992	1992, No. 103,s.4&5
Onslow Borough Drainage Empowering Act 1906	1906, No. 36(L)
Reclamation Within the Harbour of Wellington Act 1887	1887, No. 2(L)
Reserves & Other Disposal & Public Bodies Empowering Act 1906	1906, No. 60, s. 46
Reserves & Other Disposal & Public Bodies Empowering Act 1907	1907, No. 72, s.s. 26, 27, 28 & 54
Reserves & Other Disposal & Public Bodies Empowering Act 1910	1910, No. 80, s.s. 84, 85 & 86

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Reserves & Other Disposal & Public Bodies Empowering Act 1912	1912, No. 46, s.s. 39, 42 & 67
Reserves & Other Disposal & Public Bodies Empowering Act 1914	1914, No. 70, s.s. 41, 42, 51, 55 & 98
Reserves & Other Disposal & Public Bodies Empowering Act 1915	1915, No. 68, s.s. 50 & 140
Reserves & Other Disposal & Public Bodies Empowering Act 1916	1916, No. 14, s.s. 46, 47, 81 & 102
Reserves & Other Disposal & Public Bodies Empowering Act 1917	1917, No. 26, s.s. 52, 53, 58, 61 & 63
Reserves & Other Disposal & Public Bodies Empowering Act 1918	1918, No. 23, s.s. 46, 47 & 48
Reserves & Other Disposal & Public Bodies Empowering Act 1919	1919, No 54, s.s. 1 1 1 & 1 12
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1920	1920, No. 75, s. 110
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1921-22	1921-22, No. 59, s.s. 92 & 93
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1922	1922, No. 50, s.s. 45, 106 & 107
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1923	1923, No. 35, s.s. 67, 72 & 76
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1924	1924, No. 55, s.s. 1 13, 126, 132 & 133
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1925	1925, No.46
Reserves & Other Lands Disposal Act 1932-33	1932-33, No. 46, s. 9
Reserves & Other Lands Disposal Act 1934	1934, No. 32, s. 8 & 21

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Reserves & Other Lands Disposal Act 1935	1935, No. 30, s. 19
Reserves & Other Lands Disposal Act 1936	1936, No. 49, s. 23
Reserves & Other Lands Disposal Act 1938	1938, No. 19, s.s. 34, 37 & 38
Reserves & Other Lands Disposal Act 1940	1940, No. 13, s. 12
Reserves & Other Lands Disposal Act 1944	1944, No. 22, s. 22
Reserves & Other Lands Disposal Act 1945	1945, No. 31, s. 13
Reserves & Other Lands Disposal Act 1946	1946, No. 34, s. 20
Reserves & Other Lands Disposal Act 1949	1949, No. 34, s.s. 22, 29 & 36
Reserves & Other Lands Disposal Act 1952	1952, No. 69, s. 37
Reserves & Other Lands Disposal Act 1953	1953, No. 107, s. 2
Reserves & Other Lands Disposal Act 1954	1954, No. 58, s. 7
Reserves & Other Lands Disposal Act 1955	1955, No. 49, s.s. 6 & 18
Reserves & Other Lands Disposal Act 1956	1956, No. 53, s. 7
Reserves & Other Lands Disposal Act 1958	1958, No. 108, s. 23
Reserves & Other Lands Disposal Act 1962	1962, No. 49, s. 3
Reserves & Other Lands Disposal Act 1963	1963, No. 128, s. 3
Reserves & Other Lands Disposal Act 1964	1964, No. 118, s. 14
Reserves & Other Lands Disposal Act 1966	1966, No. 102, s. 11

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Reserves & Other Lands Disposal Act 1972	1972, No. 124, s. 4
Special Powers & Contracts Act 1886	1886, No. 16(L)
Te Aro Reclamation Act 1879	1879, No 6(P)
Thorndon Reclamation Act 1882	1882, No. 14(L)
Wellington and Karori Sanitation and Water Supply Act 1912	1912, No. 17(L)
Amendment	1915, No. 7(L)
Wellington Botanic Garden Vesting Act 1891	1891, No. 18(L)
Wellington City and Suburban Districts Ambulance Transport Service Act 1927	1927, No. 7(L)
Wellington City Betterment Act 1900	1900, No. 8(L)
Wellington City Council (Local Elections) Empowering Act 1974	1974, No. 6(L)
Wellington City (Cuba Street Mall) Empowering Act 1967	1967, No. 1(L)
Wellington City Drainage Empowering Act 1894	1894, No. 6(L)
Wellington City Empowering Act 1889	1889, No. 14(L)
Wellington City Empowering Act 1897	1897, No. 14(L)
Amendments	1908, No. 39(L), s. 11
Wellington City Empowering Act 1908	1908, No. 39(L)
Amendments	1915, No. 3(L), s. 2
Wellington City Empowering Act 1908 Amendment Act 1915	1915, No. 3(L)
Wellington City Empowering Act 1917	1917, No. 4(L)
Amendments	1929, No. 12(L), s. 4 1935, No. 4(L)
Wellington City Empowering Act 1925	1925, No. 1 (L)
Wellington City Empowering Act 1926	1926, No. 9(L)

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Amendments	1930, No. 13(L), s. 5
Wellington City Empowering Act 1928	1928, No. 22(L)
Wellington City Empowering Act 1930	1930, No. 13(L)
Amendments	1940, No. 4(L), s. 4
Wellington City Empowering Act 1931	1931, No. 9(L)
Wellington City Empowering & Amendment Act 1912	1912, No. 20(L)
Amendments	1924, No. 19(L), s.12 1951, No. 6(L) 1954, No. 10(L)
Wellington City Empowering & Amendment Act 1922	1922, No. 18(L)
Amendments	1930, No. 13(L), s. 5
Wellington City Empowering & Amendment Act 1924	1924, No. 19(L)
Amendments	1927, No. 4(L) 1929, No. 12(L), s 12 1954, No. 10(L)
Wellington City Empowering & Amendment Act 1927	1927, No. 4(L)
Wellington City Empowering & Amendment Act 1929	1929, No. 12(L)
Wellington City Empowering & Amendment Act 1935	1935, No. 4(L)
Wellington City Empowering & Amendment Act 1938	1938, No. 10(L)
Wellington City Empowering & Amendment Act 1940	1940, No. 4(L)
Wellington City Empowering & Amendment Act 1951	1951, No. 6(L)
Wellington City Empowering & Amendment Act 1954	1954, No. 10(L)
Wellington City Leasing Act 1900	1900, No. 20(L)

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Wellington City Leasing Act 1904	1904, No. 12(L)
Wellington City Milk Supply Act 1919	1919, No. 17(L)
Wellington City Reclamation & Empowering Act 1906	1906, No. 28(L)
Wellington City Reclamation & Public Baths Act 1898	1898, No. 13(L)
Wellington City Recreation Ground Act 1903	1903, No. 23(L)
Wellington City Reserves Act 1872	1872, No. 13
Wellington City Sanitation Loan Empowering Act 1892	1892, No. 2(L)
Wellington City Streets Act 1899	1899, No. 9(L)
Wellington City Streets Act 1905	1905, No. 42(L)
Wellington (City) Streets Empowering Act 1909	1909, No. 25(L)
Wellington Corporation and College Land Exchange Act 1888	1888, No. 10(L)
Wellington Corporation and Harbour Board Streets and Lands Act 1892	1892, No. 23(L)
Amendments	1900, No. 12(L), s. 5
Wellington Corporation and Hospital Contributors Exchange Act 1895	1895, No. 18(L)
Wellington Corporation Land Exchange Act 1900	1900, No. 12(L)
Wellington Corporation Leaseholds Act 1885	1885, No. 9(L)
Wellington Corporation Leasing Act 1903	1903, No. 37(L)
Wellington Harbour Board and Corporation Empowering Act 1898	1898, No. 7(L)
Wellington Harbour Board and Corporation Land Act 1880	1880, No. 21(L)
Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987	1987, No. 5(L)

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Wellington Harbour Board Empowering Act 1912	1912, No. 11(L)
Wellington Harbour Board Land and Reclamation Act 1883	1883, No. 15(L)
Wellington Harbour Board Reclamation and Empowering Act 1908	1908, No. 40(L)
Wellington Hospital Contributors Empowering Act 1903	1903, No. 7(L)
Wellington Queen's Wharf and Store Sales Act 1881	1881, No. 2(L)
Wellington Reclaimed Land Act 1871	1871, No. 24
Wellington Regional Water Board Act 1972	1972, No. 3(L)
Wellington Waterworks Act 1871	1871, No. 3(P)
Wellington Town Belt Act 2016	2016, No.1(L)

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## 16. Appendix Two: Wellington City Council Code of Conduct for Elected Members

### PART ONE: INTRODUCTION

All councils are required to have a code of conduct under the Local Government Act 2002, Schedule 7, Clause 15.

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Wellington City Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the council
- the media
- the general public.

This code does not apply to members of Community Boards.

The objective of the code is to enhance:

- the effectiveness of the council as the autonomous local authority with statutory responsibilities for the good local government of Wellington City
- the credibility and accountability of the council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

The code of conduct that follows is based on the following general principles of good governance:

#### Public interest

- Members should serve only the interests of the city as a whole and should never improperly confer an advantage or disadvantage on any one person, or group of persons.

#### Honesty and integrity

- Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### Objectivity

- Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- Members should also note that, once elected, their duty is to the interests of the entire city.

#### Accountability

- Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

#### Openness

- Members should be as open as possible about their actions and those of the council, and should be prepared to justify their actions.

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**Personal judgment**

- Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

**Respect for others**

- Elected members should remember the respect and dignity of their office in their dealings with each other, management and the public.
- Members should treat people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability, and should not unlawfully discriminate against any person or group of persons.

**Duty to uphold the law**

- Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.

**Stewardship**

- Members must ensure that the council uses resources prudently and for lawful purposes, and that the council maintains sufficient resources to meet its statutory obligations.

**Leadership**

- Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

#### **PART TWO: ROLES AND RESPONSIBILITIES**

This part of the code describes the roles and responsibilities of elected members, the Mayor and Deputy Mayor, and Committee Chairpersons.

##### **Elected Members**

Elected members, acting as the council, are responsible for governance, including:

- the development and adoption of council policy
- monitoring the performance of the council against its stated objectives and policies
- prudent stewardship of council resources
- employment of the Chief Executive

Elected members are also responsible for representing the interests of the residents and ratepayers of the city.

Unless otherwise provided in the Local Government Act 2002 or in Wellington City Council's Standing Orders, the council can only act by majority decisions at meetings. Any individual member (including the Mayor) has no authority to act on behalf of the council unless provided for by statute or the council has expressly delegated such authority.

Elected members are expected to attend the meetings (ordinary and extraordinary) of Council, as well as the committees and subcommittees, working parties, and external organisations to which they are appointed. An elected member, unable to attend a meeting, should advise the Chair or Chief Executive as soon as possible.

##### **Mayor**

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of council. The Mayor also has the following roles:

- presiding at council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined by Standing Orders)
- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council
- spokesperson for the council
- ceremonial head of council
- providing leadership and feedback to other elected members on teamwork and chairing of committees
- fulfilling the responsibilities of a Justice of the Peace (while the Mayor holds office)
- lead the development of the council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority.
- appoint the Deputy Mayor.
- establish committees of the council and appoint the chairperson of each committee established.

##### **Deputy Mayor**

If the Mayor has not appointed the Deputy Mayor as noted above, then the Deputy Mayor must be elected by the members of council, at the first meeting of the council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of council.

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#### **Committee Chairpersons**

The council may create one or more committees (this includes subcommittees) of council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council. Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees. Chairpersons may be removed from office by resolution of council. Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

**PART THREE: RELATIONSHIPS AND BEHAVIOURS**

**Relationships with Other Members**

Elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct.

**Relationships with Chief Executive and Staff**

The effective performance of council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of council) of all council employees, and as such only the Chief Executive or his or her delegated appointee may hire, dismiss or instruct, or censure an employee
- make themselves aware of the obligations that the council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Performance Review Subcommittee
- not seek to improperly influence staff in the normal undertaking of their duties.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the council's obligations to act as a good employer and may expose the council to civil litigation and audit sanctions.

**Relationships with the Community**

Effective council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the council, have their concerns listened to, and deliberated on in accordance with the requirements of the Local Government Act 2002.

Members should act in a manner that encourages and values community involvement in local democracy.

**Contact with the Media**

The following rules apply for media contact *on behalf of council*:

- the Mayor (or in the Mayor's absence, the Deputy Mayor) is the first point of contact for the official view on any issue. Usually, a matter will be referred to the relevant committee chairperson for their comment
- comment on operational or management matters should be left to the Chief Executive and management
- no other member may comment on behalf of council without having first obtained the

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- approval of the Mayor, or in the Mayor's absence, the Deputy Mayor.
- Elected members are free to express a personal view in the media, at any time. When doing so, they should observe the following:
- media comments must not state or imply that they represent the views of council
- where an elected member is making a statement that is contrary to a council decision or council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information.

#### **Confidential Information**

In the course of their duties members will receive information that they need to treat as confidential. Confidential information includes information that officers have judged there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987. This will often be information that is either commercially sensitive or is personal to a particular individual or organisation. The Chief Executive is responsible for release of this information under the Local Government Official Information and Meetings Act 1987.

Elected members should be aware that failure to observe confidentiality will impede the performance of council by inhibiting information flows and undermining public confidence in the council. Failure to observe these provisions may also expose council to prosecution under the Privacy Act 1993 and/or civil litigation.

#### **Conflicts of Interest**

Elected members shall ensure they comply with the provisions of the Local Authorities (Members' Interests) Act 1968, which covers financial interests, and with other requirements relating to non-pecuniary conflicts of interest. Members should ensure they are familiar with the guidance contained in the Council publication Conflict of Interest Guidelines.

Members shall, within 30 days of a request by the Chief Executive, or following the triennial election, complete a declaration of interests. That declaration shall be updated whenever members' interests change.

#### **Ethics**

Wellington City Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of council developed in accordance with that determination
- not influence, or attempt to influence, any council employee to take actions that may benefit the member, or the member's family or business interests
- not use council resources for personal business (including campaigning)
- not abuse the advantages of their official position for personal gain, or solicit or accept gifts, entertainment, rewards or benefits that might compromise their integrity.

#### **Bankruptcy**

Elected members who are declared bankrupt shall notify the Chief Executive as soon as practicable after being declared bankrupt.

#### **PART FOUR: COMPLIANCE AND REVIEW**

##### **Compliance**

Elected members must comply with the provisions of this code of conduct. Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these Acts has with respect to conduct of elected members is attached in Appendix 1 to this code.

##### **Breaches of statutory provisions**

Where there are statutory provisions:

- breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authorities (Member's Interests) Act 1968
- breaches which result in the council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

##### **Breaches of non-statutory provisions**

Any alleged breach by a member of the provisions of the code for which there is not a process and penalty provided elsewhere shall be reported in a timely manner to the Mayor in the first instance. The Mayor, in concert with the Chief Executive (where appropriate), shall consider each allegation in a manner that is fair to all parties involved in the allegation, including ensuring that due process is respected. This will include ensuring that members named in an allegation are given an opportunity to consider and respond to that allegation. If, following the opportunity to respond to the allegation, it is considered that an allegation of a breach of the code is well-founded, the Mayor shall inform the member concerned and take any appropriate lawful action, such as censure.

Any alleged breach by the Mayor shall be reported in a timely manner to the Chief Executive, who shall consider and deal with the allegation, seeking advice as appropriate. The Chief Executive shall consider each allegation in a manner that is fair to all parties involved in the allegation, including ensuring that due process is respected. This will include ensuring that the Mayor is given an opportunity to consider and respond to that allegation.

If an alleged breach is considered to be of a serious enough nature, or if there is an allegation of repeated breaches of the code, the Mayor (or in the case of an alleged breach by the Mayor, the Chief Executive) may instead refer the matter to council. Council will be asked to consider and determine whether a breach of the code has occurred and, if so, what consequences for the elected member should arise from that breach. In completing a report to Council, fairness to all parties involved, and due process, will be respected, including ensuring the member named in the allegation is advised of the allegation and given an opportunity to consider and respond to it before the matter is considered by council. Council's consideration of the matter will comply with statutory requirements relating to matters such as personal privacy, or confidentiality of information.

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### **Review**

Once adopted, a code of conduct continues in force until amended by the council. The code can be amended at any time but cannot be revoked unless the council replaces it with another code. Once adopted, amendments to the code of the conduct, or the adoption of a new code, require a resolution supported by 75 per cent or more of the members of the council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to council for their consideration and vote.

### **Legislation Bearing on the Role and Conduct of Elected Members**

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the council library or in the office of the Chief Executive.

#### **Local Authorities (Members' Interests) Act 1968**

This Act regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

#### **Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the chair has the responsibility to maintain order at meetings.

#### **Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or

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finer up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

**Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

**Securities Act 1978**

The Securities Act 1978 essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

**17. Appendix Three: Terms of Reference and Delegations of Council,  
Committees, Subcommittees and Community Boards**

RECORD OF AMENDMENTS

Version	Date	Resolution Number	Summary of Amendment(s)
1	9/11/2016		N/A
	2/3/2017		4.1 and 8, Committee Membership

## 1 INTRODUCTION

### 1.1 General

This document sets out the terms of reference and delegations for the Wellington City Council, and its committees and subcommittees. It also sets out the responsibilities of and delegations associated with certain roles, including the Mayor, Deputy Mayor, Chief Executive, Committee and Subcommittee Chairs, and Portfolio Leaders.

The Council's business is wide-ranging, and it has obligations and powers under many statutes and regulations. It would be impossible for the full Council to deal with everything itself. Delegation to officers is necessary for the operation of the Council to be efficient and effective and achieve its objectives and for its service delivery to be timely and successful.

These terms of reference are intended to allow the Council to ensure that its powers and functions are exercised at a level commensurate with efficiency and effectiveness and the significance of the power or function.

A delegate is not obliged to exercise a power or function delegated to it. If a matter has become publicly or politically contentious, it may be appropriate for the delegate not to exercise the particular power or function and to refer the power or function back to the delegator. Provision is made for this in the Council delegations (Clause 24) and the delegations for the City Strategy Committee (Clause 40). The expectation is that the Mayor will be consulted and provide input into decisions by the delegate to refer a matter under these provisions.

### 1.2 Establishment of Committees

Under section 41A of the Local Government Act 2002 the Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body before the other members of the committees are determined.

**Committee** includes, in relation to the Council:

- a. A committee comprising all the members of the Council;
- b. A standing committee or special committee appointed by the Council;
- c. A standing committee or special committee appointed by the Mayor;
- d. A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
- e. Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition; and
- f. A subordinate decision-making body, including Subcommittees and Forums.

The terms of reference and delegations to Committees and Subcommittees are set out in full in this document.

### 1.3 Iwi

The Council has statutory obligations to iwi and Māori, by virtue of the Treaty of Waitangi, in particular in relation to the Resource Management Act 1991 and Local Government Act 2002.

To recognise this critical relationship with iwi, Wellington City Council has Memoranda of Understanding (MOU) with two mandated iwi organisations – Port Nicholson Block Settlement Trust (PNBST) and Te Rūnanga o Toa Rangatira Incorporated (TOA).

Each MOU provides:

*“This Memorandum of Understanding provides for the strategic relationship between the parties and the opportunity for the Trust to contribute to Council decision making and to be a provider of leadership with Council for the City.”*

Iwi are non-voting members of the City Strategy Committee and the Long-term Plan and Annual Plan Committee. Iwi are to receive all papers.

An agreed iwi representative may attend these Committee meetings and may sit at the table and discuss and debate matters as a non-voting participating member of that Committee.

#### 1.4 Quorum

The terms of reference for each committee or subcommittee contain the quorum required. Generally (unless otherwise specified) a quorum is the presence of half of the members if the number of members is even, and a majority of members if the number of members is odd. Vacancies are not included in calculating the quorum.

Appointed members are included in calculating the quorum and are counted towards the quorum when present. This reflects the expectation that appointed members will attend those committees to which they are appointed.

Ex officio members are not included in calculating the quorum but are counted towards the quorum when present. This reflects the expectation that ex officio members will not always be able to attend all committees and forums but have full voting rights when present.

#### 1.5 Advisory and Reference Groups

Advisory and reference groups operate under separate terms of reference as approved by the City Strategy Committee (or its predecessor in an earlier triennium). Their role is to give advice and feedback to Council and provide a conduit to wider community views. The groups are part of the Council's governance processes and they report to the City Strategy Committee. The groups contribute to Council's established decision-making processes.

#### 1.6 Ambiguity and Conflict

In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, with the result that there is uncertainty or dispute as to which Committee, Subcommittee or Portfolio has the delegated authority to act in respect of a particular matter, then the Mayor will decide in consultation with the Deputy Mayor and having received advice from the Chief Executive. The decision of the Mayor will be final and binding.

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2 COUNCIL

<b>Membership</b>	Mayor and all Councillors
<b>External Membership</b>	None
<b>Quorum</b>	8
<b>Frequency of meeting</b>	Monthly or as required

2.1 Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:<sup>1</sup>

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan.
4. The power to adopt a Long-term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. 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.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members.
10. The power to appoint and discharge members of committees (when not appointed by the Mayor).
11. The power to establish a joint committee with another local authority or other public body.
12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
13. The powers contained in section 15(1) of the Wellington Town Belt Act 2016.

The Council has also decided to retain, and not delegate, the following powers:

14. To approve a proposed policy statement or plan under the Resource Management Act 1991.
15. To approve Council strategy and policy.
16. To remove chairpersons of committees and subcommittees and portfolio leaders.

<sup>1</sup> For powers 1-13 see clause 32(1) Schedule 7 Local Government Act 2002. For powers 14-27 see clauses 15, 27, 30 Schedule 7 Local Government Act 2002 and section 34A of Resource Management Act 1991.

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17. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
18. To approve the Triennial Agreement.
19. To approve the Local Governance Statement.
20. To determine whether or how to fill any extraordinary Council vacancies.
21. To make decisions on representation reviews.
22. To appoint or remove trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
23. In respect of District Plan decisions:
  - a. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
  - b. To approve a proposed plan or a change to a district plan under Clause 17 of the First Schedule.
24. To exercise any authority which it has delegated to a committee, subcommittee or officer, which is referred to it for decision.
25. To approve the final design and commercial terms for development proposals under the Waterfront Project as required by the Waterfront Framework.
26. Under the Housing Accord and Special Housing Areas Act 2013:
  - a. To terminate the Housing Accords;
  - b. To recommend to the Minister of Housing special housing areas and criteria for qualifying developments;
  - c. To recommend to the Minister of Housing that any special housing area be disestablished .
27. To promote any legislation or significant amendments to legislation relating to Wellington (e.g. a Local Bill).

3 COMMITTEES

3.1 City Strategy Committee

<b>Chair</b>	Councillor Iona Pannett
<b>Membership</b>	Mayor and all Councillors
<b>External Membership (non voting)</b>	One representative of Ngati Toa appointed by Ngati Toa Rangatira  One representative of the Port Nicholson Block Settlement Trust appointed by the Port Nicholson Settlement Trust
<b>Quorum</b>	8
<b>Frequency of meeting</b>	Three weeks per month or as required

**Area of focus**

The role of the City Strategy Committee is to set the broad vision and direction of the city, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies and policies, bylaws and regulations, and work programmes to achieve those goals.

In determining and shaping the strategies, policies, regulations, and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment between the objectives and work programmes of the seven strategic areas of Council, including:

- *Environment and Infrastructure* – delivering quality infrastructure to support healthy and sustainable living, protecting biodiversity and transitioning to a low carbon city.
- *Economic Development* – promoting the city, attracting talent, keeping the city lively and raising the city’s overall prosperity.
- *Cultural Wellbeing* – enabling the city’s creative communities to thrive, and supporting the city’s galleries and museums to entertain and educate residents and visitors.
- *Social and Recreation* – providing facilities and recreation opportunities to all to support quality living and healthy lifestyles and to increase social equality.
- *Urban Development* – making the city an attractive place to live, work and play, protecting its heritage and accommodating for growth.
- *Transport* – ensuring people and goods move efficiently sustainably and safely to and through the city.
- *Governance and Finance* – building trust and confidence in decision-making by keeping residents informed, involved in decision-making, and ensuring residents receive value for money services.

The City Strategy Committee also determines what role the Council should play to achieve its objectives including: Service delivery, Funder, Regulator, Facilitator, Advocate.

The City Strategy Committee works closely with the Long-term and Annual Plan committee to achieve its objectives.

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### **Terms of Reference (Delegations)**

#### **General**

1. The Committee has the powers necessary to perform its responsibilities, within the approved Long-term Plan and Annual Plan budgets.

#### **Strategy and policy**

2. Develop and agree strategy and policy for consultation/ engagement.
3. Recommend to Council strategy and policy for adoption.
4. Monitor and review strategy and policy.

#### **Service levels**

5. Recommend service level changes and new initiatives to the Long-term and Annual Plans Committee as part of the Long-term Plan and Annual Plan processes.

#### **Significant Projects & Monitoring and reporting**

6. Monitoring and oversight of significant projects.
7. Review business cases and agree next steps on significant projects.
8. Receive and consider reports on the Council's performance against the Long-term Plan and Annual Plan.
9. Review and recommend to Council the adoption of the Annual Report.

#### **Financial**

10. Approve budget overspends (above the tolerance levels in the Chief Executive's delegations) and any reprogramming of capex for a project or programme provided that:
  - a. The overall budget for the Activity Group (Strategy) is met from savings and efficiencies within the Activity Group (Strategy).
  - b. The overall budget for capex is not exceeded.
11. Where this is not the case the committee must either;
  - a. Recommend to Council that additional funding is approved (outside the Annual Plan or Long-term Plan process) or
  - b. Recommend to the Long-term and Annual Plan Committee that the funding is considered for inclusion in the next Long-term Plan or Annual Plan.

**Consultation and engagement**

12. Conduct any consultation processes required on issues before the Committee.
13. Act as a community interface for consultation on policies and as a forum for engaging effectively.
14. Receive reports from the Council's Advisory Groups and monitor engagement with the city's communities.
15. Review as necessary and agree the model for Council Advisory Groups and Forums.

**Submissions and legislation**

16. Approve submissions to external bodies/organisations and on legislation and regulatory proposals provided that:
  - a. If there is insufficient time for the matter to be determined by the Committee before the submission 'close date', the submission can be agreed by the relevant Portfolio Leader, Chair of City Strategy Committee, Mayor and Chief Executive (and all Councillors must be advised of the submission and provided copies if requested).
  - b. If the submission is of a technical and operational nature, the submission can be approved by the Chief Executive (in consultation with the relevant Portfolio Leader prior to lodging the submission).
17. Recommend to Council the promotion of legislation or significant amendments to legislation (eg. a local bill).

**Bylaws**

18. Develop and agree the statement of proposal for new or amended bylaws for consultation.
19. Recommend to Council new or amended bylaws for adoption.
20. Make any resolution where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution.<sup>2</sup>

**Fees**

21. Set fees in accordance with legislative requirements unless the fees are set under a bylaw (in which case the decision is retained by Council and the committee has the power of recommendation) or set as part of the Long-term Plan or Annual Plan (in which case the decision will be considered by the Long-term and Annual Plans Committee and agreed by Council).

**Property and other assets**

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<sup>2</sup> Examples of what this clause covers are: traffic resolutions, dog areas under the animal bylaw, speed limits and conditions for collection of waste.

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22. Recommend to Council the acquisition or disposal of assets, unless the acquisition or disposal is provided for specifically in the Long-term Plan.
23. Recommend to Council whether land is required for a Public Work or not (noting that a recommendation that land is still required for a public work must be recommended to Council for agreement).

**Open Space and Reserves, (excluding Town Belt and Leases under the Leases Policy for Community and Recreation Groups)**

24. For all Council-owned land that is either open space under the District Plan, or reserve under the Reserves Act 1977, the power to:
  - a. Agree leases, subleases and easements (in relation to land or buildings).
  - b. Agree that a Permanent Forest Sink Initiative covenant to be added or removed.
  - c. Adopt management plans and amendments to management plans.
  - d. Adopt names.
  - e. Make any decision under a management plan which provides that it may not be made by a Council officer (for example, agree a concession).
  - f. Make decisions that would change the legal status of such land, including under the Reserves Act 1977 to classify a reserve, declare land to be a reserve and revoke the reservation of land.
  - g. Recommend to Council for approval anything that would change the ownership of such land.

**Wellington Town Belt Act 2016**

25. For all land that is subject to the Wellington Town Belt Act 2016, the power to:
  - a. Exercise the powers contained in Section 15(2) of that Act.
  - b. Make recommendations to the Council on whether it should exercise its powers under Section 15(1) of that Act.
  - c. Make a decision under a management plan which provides that it may not be made by a Council Officer (for example, agree a concession).
  - d. Adopt names.

**The Waterfront project**

26. For development proposals under the Waterfront Framework:
  - a. Conduct public engagement/consultation processes as required on design.
  - b. Develop and approve performance briefs for individual areas or sections of work.
  - c. Approve detailed designs for recommendation to Council.

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- d. Consider the commercial terms of any proposal for recommendation to Council.
- e. Monitor implementation including approval of variations from approved designs.

**District Plan**

- 27. Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), First Schedule of the Resource Management Act 1991)
- 28. Withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991.
- 29. Make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
  - a. To authorise the resolution of appeals on a proposed plan, plan change or variation unless the issue is minor and approved by the Portfolio Leader Urban Development and the Chair of the City Strategy committee.
  - b. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal.
  - c. To consider and approve council submissions on a proposed plan, plan changes, and variations.
  - d. To manage the private plan change process.
  - e. To accept, adopt or reject private plan change applications under clause 25 First Schedule Resource Management Act (RMA).

**Housing Accords and Special Housing Areas Act 2013**

- 30. In relation to Housing Accords and Special Housing Areas Act 2013 recommend to Council:
  - a. To recommend to the Minister of Housing Special Housing Areas and criteria for qualifying developments under Section 17.
  - b. To recommend to the Minister of Housing that any Special Housing Area be disestablished.

**Governance and CCOs**

- 31. Review, develop and recommend to Council policy and practices in respect of governance (including representation reviews and related issues).
- 32. Oversee, develop and approve the Council's relationship with Maori.
- 33. Undertake any reviews of CCO's and agree CCO changes to governance arrangements and consider any issues regarding CCOs referred to the Committee by the CCO subcommittee.
- 34. Approve Statements of Intent of Council's CCOs.

**Elected members**

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35. Approve the attendance and associated costs of elected members at overseas Conferences, Seminars, Training or Events or when representing the Council as part of a delegations or invitations.

**Grants including City Growth Fund**

36. Agree the criteria and focus areas for grants funds referred for decision by the Grants Subcommittee.
37. Approve any grants referred for decision by the Grants Subcommittee.
38. Approve the allocation of funding from the City Growth Fund, where the total commitment is more than \$100,000 (calculated by reference to the total funding sought in one or more financial years).

**Other**

39. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the committee for decision making.
40. Establish a subcommittee or working party and approve its terms of reference.

3.2 Long-Term and Annual Plan Committee

<b>Chair</b>	Deputy Mayor Paul Eagle
<b>Membership</b>	Mayor and all Councillors
<b>External Membership (non voting)</b>	One representative of Ngati Toa appointed by Ngati Toa Rangatira  One representative of the Port Nicholson Block Settlement Trust appointed by the Port Nicholson Settlement Trust
<b>Quorum</b>	8
<b>Frequency of meeting</b>	As required for the purposes of developing the Council's Long-term Plan and/or Annual Plan, usually in weeks when the City Strategy Committee is not meeting.

**Area of focus**

The Committee is responsible for developing the draft and final Long-term Plan and Annual Plans for the Council. The Long-term Plan and Annual Plan give effect to the strategic direction and outcomes set by the City Strategy Committee by setting levels of service and budgets.

The Committee is responsible for developing the draft Annual and Long term Plan for consultation – including agreeing levels of service, the phasing of work, priorities across the seven strategic areas, the performance measurement framework, and budgets to be consulted on with the community as part of the Annual and Long-term Plan processes. It also recommends the Consultation Document for adoption by the Council.

The Committee also determines the nature and scope of any consultation and engagement required to support the Annual and Long-term plan process, considers community and stakeholder feedback, and is responsible for oral hearings where required.

**Terms of Reference (Delegations)**

The Committee has the responsibility and authority to:

1. develop the Council's draft and final Long-term Plan and Annual Plan, for recommendation to the Council.
2. recommend the Consultation document for a Long-term Plan or Annual Plan for adoption by the Council.
3. develop all policies required to be part of, or included in, the Long-term Plan and the funding and financial policies in Section 102 of the Local Government Act 2002.
4. determine the form and extent of public consultation methods to be employed for the draft Annual Plan and Long-term Plan and conduct any consultation processes.
5. approve the three year Waterfront Development Plan for including in the draft and final Long-term Plan and agree any variances for including in the draft and final Annual Plan.

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6. agree asset management plan(s).
7. receive reports from the Revenue and Finance Working Party.
8. establish any new subcommittee or working party and approve its terms of reference.

3.3 Regulatory Processes Committee

<b>Chair</b>	Councillor Malcolm Sparrow
<b>Membership</b>	Mayor Justin Lester Councillor Chris Calvi-Freeman Councillor Diane Calvert Councillor David Lee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	Monthly

**Area of focus**

The Regulatory Processes Committee has responsibility for overseeing the Council’s regulatory functions.

The committee will have responsibility for:

- Resource Management Act (RMA) Commissioners – Approve List and Appointment Guidelines.
- Dog Objections and Fencing of Swimming Pools.
- Road Stopping.
- Temporary Road Closures.
- Liquor Ban Bylaw Appeals.
- Development Contributions Remissions.
- Approving leases under the “Leases Policy for Community and Recreation Groups”.

**Terms of Reference (Delegations)**

The Regulatory Processes Committee has responsibility for and authority to:

1. undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or subcommittee, or retained by Council.
2. approve Council’s list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors sitting as hearings commissioners, and independent commissioners).
3. review and agree the Council’s guidelines for composition of hearings panels.
4. conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding Resource Management Act 1991).
5. undertake hearings on road stopping under the Local Government Act 1974.
6. make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road, including (where the proposal includes or involves a related acquisition,

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disposal or land exchange) a recommendation to Council on the acquisition, disposal or exchange.

7. consider and recommend to Council any request to the Crown that a road is stopped under section 116 of the Public Works Act 1981, and the disposal of the stopped road.
8. hear appeals on officers' decisions to decline permission for an activity that would breach the Wellington Consolidated Bylaw 2008 Part 4 Liquor Control.
9. make any resolution required under section 319A of the Local Government Act 1974 (naming of roads).
10. make decisions under Clause 11(e), Schedule 10 of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965.
11. make decisions on applications required under the Development Contribution Policy for remissions, postponements, reconsiderations and objections.
12. approve Commissioners and list members under the Sale and Supply of Alcohol Act 2012.
13. Make all decisions requiring Council or Committee approval under the 'Leases Policy for Community and Recreation Groups'.

The Chair of the Committee is authorised to appoint Councillors (sitting as hearings commissioners) and/or independent commissioners to hearings panels for Resource Management Act and Housing Accords and Special Housing Area Act hearings provided that:

- The Chair consults the Deputy Mayor (and when the panel is for a plan change, also the Portfolio Leader for Urban Development).
- Any independent commissioner is on the list approved by the Regulatory Processes Committee.
- The composition of the hearings panel meets the guidelines approved by the Regulatory Processes Committee (once approved).

3.4 CEO Performance Review Committee

<b>Chair</b>	Deputy Mayor Paul Eagle
<b>Membership</b>	Mayor Justin Lester Councillor Jill Day Councillor Andy Foster Councillor Iona Pannett Councillor Diane Calvert
<b>Quorum</b>	3
<b>Frequency of meeting</b>	As and when required

**Area of focus**

The CEO Performance Review Committee will have responsibility for the effective monitoring of the Chief Executive Officer's performance and has the authority to undertake the annual remuneration review. The Committee also has the role of undertaking any review for the purposes of clause 35 schedule 7 LGA 2002, making a recommendation under clause 34 schedule 7 LGA 2002, and (if applicable) undertaking any recruitment and selection process, for recommendation to the Council.

**Terms of Reference (Delegations)**

The Performance Review Committee will have responsibility and authority to:

1. agree with the Chief Executive the annual performance objectives.
2. undertake a 6 monthly review to review progress against the annual performance objectives, provide feedback, ongoing monitoring and agree any modifications to the annual performance objectives with the Chief Executive.
3. conduct the performance review required in the employment agreement between the Council and the Chief Executive.
4. undertake the annual remuneration review and make decisions regarding remuneration.
5. 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.
6. conduct and complete a review of employment under clause 35 schedule 7 LGA 2002, and make a recommendation to Council under clause 34 schedule 7 LGA 2002.
7. oversee any recruitment and selection process for a Chief Executive (noting that a decision on appointment must by law be made by the Council).

NOTE: Twice annually the Chair and Mayor will receive a 6 month report on the Chief Executive's "sensitive expenditure" (as defined in the Council's 'Sensitive Expenditure' Guidelines). The Chair and Mayor have the discretion to refer any such report to the Committee for noting.

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4 SUBCOMMITTEES

4.1 Finance, Audit and Risk Management Subcommittee

<b>Chair</b>	Councillor Andy Foster
<b>Membership</b>	Mayor Justin Lester Councillor Nicola Young Councillor Diane Calvert
<b>External Membership</b>	Three externals
<b>Parent Committee</b>	City Strategy Committee
<b>Quorum</b>	3 (including at least one external member)
<b>Frequency of meeting</b>	Quarterly or as and when required

**Area of focus**

The Finance, Audit and Risk Management Subcommittee provides objective advice and recommendations regarding the sufficiency, quality and results of assurance on the adequacy and functioning of the council's financial processes, risk management, control and governance frameworks and processes. It is also responsible for exercising active oversight of all areas of the Council's control and accountability in an integrated and systematic way.

The Finance, Audit and Risk Management Subcommittee has responsibility for assisting the Council to discharge its responsibilities for:

- the robustness of the internal control framework and financial management practices.
- the integrity and appropriateness of internal and external reporting and accountability arrangements.
- the robustness of risk management systems, processes and practices.
- the independence and adequacy of internal and external audit functions.
- compliance with applicable laws, regulations, standards and best practice guidelines.
- the establishment, maintenance and effectiveness of controls to safeguard the Council's financial and non-financial assets.

In fulfilling their role on the Finance, Audit and Risk Management Subcommittee, members shall be impartial and independent at all times.

**Terms of Reference (Delegations)**

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The Finance, Audit and Risk Subcommittee has responsibility and authority to:

1. Undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or subcommittee, or retained by Council.

**Audit**

2. Internal Control Framework
  - a. Review whether management's approach to maintaining an effective internal control framework is sound and effective.
  - b. Review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour.
  - c. Review whether management has in place relevant policies and procedures and how these are reviewed and monitored.
  - d. Review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud.
3. Internal Reporting
  - a. Consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council.
  - b. Seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council.
4. External Reporting and Accountability
  - a. Agree the appropriateness of the Council's existing accounting policies and principles and any proposed change.
  - b. Enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above.
  - c. Satisfy itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and recommend signing of the financial statements by the Chief Executive/Mayor and adoption of the Annual Report.
  - d. Confirm that processes are in place to ensure that financial information included in the entity's Annual Report is consistent with the signed financial statements.
5. Risk Management

- a. Review whether management has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of the Council's significant risks.
  - b. Consider whether appropriate action is being taken by Management to mitigate Council's significant risks.
6. Internal Audit
- a. Review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile.
  - b. Review the adequacy of management's implementation of internal audit recommendations.
  - c. Review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.
7. External Audit
- a. At the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor.
  - b. Receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within.
  - c. Conduct a members' only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring to the Subcommittee's attention and/or any issues of independence.
8. Compliance with Legislation, Standards and Best Practice Guidelines
- a. Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and Best Practice Guidelines as applicable.

4.2 Grants Subcommittee

<b>Chair</b>	Councillor Sarah Free
<b>Membership</b>	Mayor Justin Lester Councillor Nicola Young Councillor Brian Dawson Councillor Peter Gilbert Councillor Jill Day
<b>Parent Committee</b>	City Strategy Committee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	As and when required

**Area of focus**

The Grants Subcommittee is responsible for the effective allocation and monitoring of the Council's grants.

**Terms of Reference (Delegations)**

The Grants Subcommittee has responsibility for and authority to:

1. Consider the allocation of grants (including three year funding contracts) in in line with the relevant grants criteria and priorities (focus areas) for:
  - a. **ECONOMIC** Business Improvement District Development Fund.
  - b. **CULTURAL WELLBEING**, Arts and Culture Fund.
  - c. **SOCIAL & RECREATION** Social and Recreation Fund, The CH Izard Bequest, Neighbours Day Aotearoa Fund, Sportsville Feasability Fund.
  - d. **ENVIRONMENT** Our Living City Fund, Waste Minimisation Seed Fund (medium/large projects).
  - e. **URBAN DEVELOPMENT** Built Heritage Incentive Fund.
  - f. **TRANSPORT** Community on Bikes Fund.

Provided that the Subcommittee can approve a grant up to \$100,000 per financial year and shall make recommendations to the City Strategy Committee for any grant over \$100,000 per annum.

2. Approve the priorities for allocating grants within each grant fund annually.

3. Review the criteria and focus areas for grants funds and make recommendations to the City Strategy Committee prior to the finalisation of the 2018-2028 Long-term Plan.
4. Consider and make recommendations to the Long-term and Annual Plan Committee, on grants for the Sportsville Partnership Fund (from 18/19) for consideration as part of the draft and final Long-term or Annual Plan.

4.3 Council-Controlled Organisations Subcommittee

<b>Chair</b>	Councillor Simon Woolf
<b>Membership</b>	Mayor Justin Lester Deputy Mayor Paul Eagle Councillor Simon Marsh Councillor David Lee
<b>Parent Committee</b>	City Strategy Committee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	As and when required

**Area of focus**

The Council-Controlled Organisations Subcommittee is responsible for communicating the Council's priorities and strategic outcomes to CCOs and ensuring delivery by CCOs through the development of Statements of Intent and integration of CCO outcomes with the Council's Long-term Plan and Annual Plan funding processes and decisions. The Subcommittee is also responsible for monitoring the financial performance and delivery on strategic outcomes of the Council's CCOs.

**Terms of Reference (Delegations)**

The Council-Controlled Organisations Subcommittee has the responsibility for and authority to:

1. Outline the Council's key priorities for each CCO to address in their Statement of Intent.
2. Receive, review, and provide feedback on draft Statements of Intent.
3. Recommend Statements of Intent for approval by the City Strategy Committee.
4. Monitor the financial performance and the delivery of strategic outcomes of Council's CCO's through Quarterly and Annual Reports of CCO performance.
5. Monitor board performance, including the performance of board members appointed by Council, raising any concerns with the Chair of the CCO.
6. Constructively engage with CCOs during the development of any Council strategy and policy or relevant submission by Council to an external entity (where relevant).
7. Engage with CCOs and provide the members of the Subcommittee and the Board and Chief Executive the opportunity to discuss issues that have the potential to impact a CCOs funding, strategic outlook or risk management framework.
8. Bring to the attention of the City Strategy Committee any matters that the Subcommittee believes are of relevance to the Committee's consideration of the financial performance or the delivery of strategic outcomes of Council's CCO's.

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9. Receive reports and updates from COs, noting that while the Wellington Regional Stadium Trust 'WRST' is a CO, paragraphs [1-9] apply that that entity.

NOTES:

Because of specific arrangements in the shareholders agreements for Wellington Water and WREDA, paragraphs 1 and 2 still apply but the channel is through the joint committee responsible for governance of these entities.

Paragraphs 1-9 do not apply to any CO, except for the Wellington Regional Stadium Trust 'WRST'.

5 REVENUE AND FINANCE WORKING PARTY

<b>Chair</b>	Councillor Andy Foster
<b>Membership</b>	Mayor Justin Lester Councillor Nicola Young Councillor Diane Calvert 2 additional members
<b>Parent Committee</b>	Long-term and Annual Plan Committee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	A schedule of meetings will be agreed with the Working Party

**Purpose of Working Party**

The purpose of the working party is to:

- a. Review the Revenue and Financing Policy at least annually as it applies to all activity components.
- b. Review the performance measure framework as part of the Long-term Plan process.
- c. Review asset management plans as part of the Long-term Plan process.
- d. Provide a governance perspective and strategic overview of Council's revenue, funding and financing.
- e. Provide input into the Annual Plan financials and underlying assumptions.

**Terms of Reference (Delegations)**

The Working Party will have specific responsibility to:

1. Review the Revenue and Financing Policy and be guided by the requirements of the Local Government Act 2002 to set funding sources for each activity component from the most appropriate source after considering:
  - a. The community outcomes to which the activity primarily contributes.
  - b. The distribution of benefits between the community as a whole, any identifiable part of the community, and individuals.
  - c. The period over which those benefits are expected to occur.
  - d. The extent to which the action or inaction of particular individuals or a group contribute to the need to undertake the activity.
  - e. The costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities.
  - f. The overall impact of any allocation of liability for revenue needs on the community.

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2. Recommend the appropriate level for the commercial/residential rates differential and recommend any changes to rating resulting from rates reviews.
3. Recommend how capital funding should be reflected in Council policy (including Development Contributions).
4. Undertake an annual review of performance against current revenue and financing policy targets and recommend changes as appropriate.
5. Review and recommend any changes to the Council's financial policies as required under the Local Government Act 2002 (s102).
6. Make recommendations on other factors that may impact on the Council's rate funding or Revenue and Financing Policy.
7. Review the performance measurement framework as part of the long-term plan process, and recommend any amendments to the performance measurement framework.
8. Review asset management plans as part of the long-term plan process to ensure they:
  - a. Identify the relevant levels of service and policies, together with associated demand forecasts, and confirm that the listed assets are suitable to deliver on these.
  - b. Provide for maintenance and renewal programmes that incorporate lifecycle asset management strategies that are cost effective, industry standard and optimise the use of the assets.
  - c. Review the appropriateness of the degree of risk the Council will tolerate in managing assets.
9. Review the Annual Plan financials and underlying assumptions.

6 APPOINTMENTS GROUP

<b>Chair</b>	Mayor Justin Lester
<b>Membership</b>	Deputy Mayor and Chair CCO subcommittee
<b>Parent Body</b>	Council
<b>Quorum</b>	Two
<b>Frequency of meeting</b>	As and when required

**Area of Focus**

The Appointments Group's role is to select the preferred external candidates to fill vacancies on the Boards of Council's CCOs and on those of its subcommittees to which external appointments are required, and to monitor the performance of external members on the boards of Council's CCOs and subcommittees.

**Terms of Reference**

The Appointments Group has responsibility for and authority to:

1. Select a balanced range of preferred external candidates with an appropriate range of skills to fill vacancies on the boards of Council's CCOs and on those of its subcommittees to which external appointments are required.
2. Interview the preferred external candidates to confirm their suitability for the vacant position. Where the preferred candidate is being re-appointed or has previously served on one of the Boards of Council's CCOs or its subcommittees then there is no requirement to interview the candidates.
3. Make recommendations to Council regarding the appointment of external appointments to the boards of Council's CCOs and to Council's subcommittees, noting that any recommendation of the Group must be unanimous.
4. Provide advice as and when required to the Council on the performance of external members on its CCOs and Council's subcommittees.

7 DISTRICT LICENSING COMMITTEE

<b>Chairs</b>	Sir Douglas Kidd (Commissioner)  Murray Clearwater (Commissioner)  Rex Woodhouse (Commissioner)
<b>Membership</b>	Zoe Doole Andy Foster (and Deputy Chair) Mary Hubble Sandra Kirby Kiri Rikihana Luke Tuffs Kate Thomson
<b>Executive</b>	The Chief Executive is the Secretary of District Licensing Committee/s. The Chief Executive may delegate this responsibility.
<b>Frequency of meeting</b>	As and when required

**Area of focus**

The Sale and Supply of Alcohol Act 2012 requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.

District Licensing Committee/s are appointed to administer the Council's alcohol licensing framework as determined by the Act.

**Terms of Reference (Delegations)**

The functions of District Licensing Committees are specified by the Act and include:

1. To consider and determine applications for licenses and manager's certificates.
2. To consider and determine applications for renewal of licences and manager's certificates.
3. To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act.
4. To consider and determine applications for the variation, suspension, or cancellation of special licences.
5. To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Act (Note: section 280 relates to applications by constables or inspectors to the Alcohol Regulatory Licensing Authority (ARLA) for the variation, suspension or cancellation of a licence, other than a special licence).
6. With the leave of the Chairperson for the licensing authority (ARLA), to refer applications to the licensing authority.

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7. To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act.
8. Any other functions conferred on licensing committees by or under the Act or any other enactment.

**Reporting to Council**

The Secretary will prepare, for Council approval, an annual report on the proceedings and operations of the District Licensing Committees.

8 COMMUNITY BOARDS

Tawa Community Board

<b>Chair</b>	Richard Herbert
<b>Deputy Chair</b>	Margaret Lucas
<b>Members</b>	Graeme Hansen Richard Herbert Liz Langham Jack Marshall Robyn Parkinson  Council Appointed Members: Cr Malcolm Sparrow and Cr Jill Day
<b>Quorum</b>	4
<b>Frequency of meeting</b>	To be determined by the Board

Makara/Ohariu Community Board

<b>Chair</b>	Christine Grace
<b>Deputy Chair</b>	John Apanowicz
<b>Members</b>	Hamish Todd Chris Renner Wayne Rudd Judy Liddell
<b>Quorum</b>	3
<b>Frequency of meeting</b>	To be determined by the Board

**Area of focus**

The role of a Community Board is to:

- Represent and act as an advocate for the interests of its community.
- Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board.
- Maintain an overview of services provided by the territorial authority within the community.
- Prepare an annual submission to the territorial authority for expenditure within the community.

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- Communicate with community organisations and special interest groups within the community undertake any other responsibilities that are delegated to it by the territorial authority.

**Terms of Reference (Delegations)**

The Community Boards shall:

- Facilitate the Council's consultation with local residents and community groups on local issues and local aspects of citywide issues including input into the Long-term Plan, Annual Plan, and policies that impact on the Board's area.
- Engage with council officers on local issues and levels of service, including infrastructural, recreational, community services and parks and gardens matters.

Council will consult with the Board on issues that impact on the Board's area and allow sufficient time for the Board's comments to be considered before a decision is made.

The Community Board has responsibility for and authority to:

1. Make submissions (as a Community Board) to any organisation (including submissions on resource consents notified by the Greater Wellington Regional Council and Wellington City Council) relating to matters of interest to the Board in respect of the Board's area (a copy of any such submission is to be given to the Council's Chief Executive).
2. Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers to be of particular interest to the residents within its community.
3. Determine expenditure of funds allocated by Council to the Board for specific purposes.
4. Consider matters referred to it by officers, the Council, its committees or subcommittees, including reports relating to the provision of council services within the Board's area, and make submissions or recommendations in response to those matters as appropriate. This will include:
  - a. Monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided.
  - b. Providing input to the Council's Long-term and Annual Plans.
  - c. Providing input to proposed District Plan changes that impact on the Board's area.
  - d. Providing input to strategies, policies and plans.
  - e. Providing input to bylaw changes that impact on the Board's area.
5. Provide input (whether from the full Board, a subcommittee of the Board, or a nominated board member/s) to officers on the following matters:
  - a. Local road work priorities.
  - b. Traffic management issues (such as traffic calming measures, pedestrian crossing, street lighting, etc).
  - c. Street facilities management (such as taxi-stands, bus stops, bicycle stands, etc).
  - d. Applications for licences under the Sale and Supply of Alcohol Act 2012.

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- e. Application of the Resource Management Act (including notification decisions) within the Board's area.
- f. The emergency management needs of the area, including the appointment of emergency centre coordinators.

The final decision on matters set out in activity 5 will be made by council officers acting under their delegated authority.

#### **Resource Management Hearings**

The Community Board may have up to two suitably-trained members available for selection to sit on hearings panels on resource management issues. Such selection will be in accordance with the Guidelines for Appointment of Hearings Panels approved by Council on 30 March 2005 (and as may be amended from time to time). No Board member shall be eligible for selection if the Board has made a submission on the matter to be decided.

9 SPECIFIC ROLE DESCRIPTIONS AND DELEGATIONS

9.1 Mayor

The Mayor is the leader of the Council and has the statutory role to provide leadership to the other members of the Council and the people in the district. The Mayor will lead the development of the Council's plans, policies and budgets for consideration by the Council. The Mayor is the primary Council spokesperson.

The Mayor will lead the following, supported as necessary by relevant Councillors:

- Central Government liaison.
- Regional Governance.
- Emergency Management.
- Relationships with iwi.
- Specific significant projects (to be determined at the Mayor's discretion).
- City Resilience.

In addition the Mayor has the delegated authority to:

1. Consider and approve the allocation of the Discretionary Grants Fund, in consultation with the Chair of the Grants Subcommittee.
2. Agree and enter into Memoranda of Understanding to enhance external relationships and partnerships, provided they are consistent with Council policy and direction. Note that these agreements should generally be endorsed by the Council before signing, particularly if an agreement has financial implications. If this is not possible, the Council should be alerted immediately after a Memorandum of Understanding has been signed.
3. Approve the Chief Executive's annual leave, overseas travel and expenditure on professional development.
4. Approve the Deputy Mayor's attendance at conferences and associated travel within New Zealand provided that it can be funded from the budget approved as part of the Annual Plan.

9.2 Deputy Mayor

The Deputy Mayor will:

- Assist the Mayor in carrying out the statutory and leadership role of the Mayor.
- If the Mayor is absent or incapacitated, perform all of the responsibilities and duties, and exercise any powers of the Mayor (other than the powers under section 41A LGA 2002 and the role of Justice of the Peace).
- Lead and take responsibility for liaison with Councillors on matters of support for carrying out their governance role.

In the absence of the Mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the Deputy Mayor is empowered to perform the duties and responsibilities of the Mayor under subclauses 17(3), (4) and (5) of Schedule 7 of the Local Government Act 2002.

The Deputy Mayor is authorised to approve elected member attendance at conferences or training and associated travel and accommodation within New Zealand provided that:

- It can be funded from the budget approved as part of Annual Plan and
- The Deputy Mayor consults with one of either the Mayor or Chair of the City Strategy Committee prior to approval
- Attendance is relevant to the member's role and responsibilities.

#### 9.3 Other

The Mayor and Deputy Mayor and Chair of the City Strategy Committee<sup>3</sup> are authorised to approve an elected member to travel overseas (whether for the purpose of training, representing the Council, international relations, attending conferences) – and the associated costs (if any) in urgent circumstances, when it is impracticable for the City Strategy Committee to consider the item on an agenda prior to the travel.

The Chair of the City Strategy Committee and the Portfolio Leader for Urban Development is authorised to approve the resolution of minor District Plan appeals, provided that all decisions made under this delegation are reported to the Committee at the next practicable date.

The Mayor, Chair of the City Strategy Committee, relevant Portfolio Leader and the Chief Executive are together authorised to approve Council submissions if there is insufficient time for the matter to be determined by the City Strategy Committee before the submission 'close date' (and all Councillors must be advised of the submission and provided copies if requested).

The Chair of the Regulatory Processes Committee is authorised to appoint Councillors (sitting as hearings commissioners) and/or independent commissioners to hearings panels for Resource Management Act and Housing Accords and Special Housing Area Act hearings provided that:

- The Chair consults the Deputy Mayor (and when the panel is for a plan change, also the Portfolio Leader for Urban Development).
- Any independent commissioner is on the list approved by the Regulatory Processes Committee.
- The composition of the hearings panel meets the guidelines approved by the Regulatory Processes Committee (once approved).

#### 9.4 Chair of a Committee or Subcommittee

A Chair of a Committee or Subcommittee will:

- Provide leadership to the committee.
- Ensure decision-making is evidence based and made in a timely manner.
- Conduct the meeting in accordance with standing orders and legislation.
- Enhance relationships with key stakeholders.

<sup>3</sup> In the event one is conflicted, only two signatures are required. In the event two of the three are conflicted an additional committee or subcommittee chair will be a decision maker (as nominated by the Mayor).

- Where an issue does not come within a separate portfolio responsibility or is an issue of committee process, act as the council's spokesperson and point of contact for the committee's activities.
- Collaborate with other committee chairs where objectives are shared.
- Support and work effectively with portfolio leaders within their committee, if any.
- Work effectively with council officers.
- Ensure progress is made towards the council's strategic priorities in the committee's area of responsibility.
- Ensure governance oversight and direction is provided to the projects that report to their committee.
- Ensure council's advisory groups have effective input.
- Meet regularly with the mayor, deputy mayor, chief executive and senior staff.
- Keep the mayor informed of emerging issues.
- Maintain a "no surprises" approach for elected members and staff.
- Raise issues of council performance with assigned executive leadership staff member in the first instance, following up with the mayor and chief executive if necessary.

#### 9.5 Portfolio Leader

A Portfolio Leader will:

- Ensure progress is made towards the Council's strategic priorities and projects within their portfolio responsibility.
- Play a strategic and policy leadership role in their area of responsibility assisting the Council to meet its strategic objectives.
- Enhance relationships with key stakeholders.
- Act as the Council's spokesperson and point of contact for those activities within their portfolio responsibility.
- Collaborate with Committee Chairs and other Portfolio Leaders where objectives are shared.
- Work effectively with Council officers.
- Attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities.
- As far as possible, attend Council launches of new activities and projects in their area of responsibility.
- Ensure Council's advisory groups have effective input into their portfolio area of responsibility.
- Meet regularly with the Mayor, Deputy Mayor, Chief Executive, Chair and senior staff.
- Keep the Mayor informed of emerging issues.
- Maintain a "no surprises" approach for elected members and staff.
- Raise issues of Council performance with assigned Executive Leadership staff member in the first instance, following up with the Chair, Mayor and Chief Executive if necessary.

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The Portfolio Leader will also facilitate informal policy discussions between elected members, public and officers, on matters within their area of responsibility.

**External Representation and Relationships**

Portfolio leaders represent the Council at meetings of pan-council working groups, functions and other external organisations within their area of responsibility.

**External Communication**

The Mayor has the right of first right of refusal as the Council's principal spokespersons on significant issues, including representing Council at Select Committees.

Notwithstanding this, it is the role of portfolio leaders to act as the principal spokesperson in communicating to the media and public the official policy of the Council, or in the absence of official policy, commenting in a manner consistent with the Council's strategic direction, on items relating to their portfolio area of responsibility.

**Officer Liaison**

Portfolio leaders act as the point of contact for officers in supporting the work programme in their area of activity.

## 10 CHIEF EXECUTIVE DELEGATIONS

The Council has delegated the following matters to the Chief Executive under clause 32 of Schedule 7 of the Local Government Act 2002:

1. The Chief Executive is delegated all powers and authorities (other than those retained by Council, or contained within the delegations to committees or other subordinate decision-making bodies or community boards), subject to any legal limits on the Council's ability to do so, provided that the Chief Executive acts within the law, Council policy (as approved from time to time) and the Long-term Plan and Annual Plan.
2. The Chief Executive delegations authorise the following tolerance levels, in order to ensure effective and efficient delivery of the Long-term Plan and Annual Plan:
  - a. If the operating budget for an Activity area will be exceeded by an amount no greater than 5% for that year, but the overall Annual Plan budget level can be maintained, the Chief Executive has the authority to approve budget transfers between Activity areas, but subject to the following criteria:
    - (i) The overspends will not result in other projects or sub projects being cancelled; or
    - (ii) Any projects or sub projects included in the annual plan that will not be completed as planned in the current or following year will be reported to the appropriate committee for approval.
    - (iii) (Note, the net operating budget or surplus for this purpose excludes revaluations and gain/loss on sale of assets and any other extraordinary items).
  - b. If an individual Capital Expenditure project in the Annual Plan will be exceeded by an amount no greater than 10% for that year, the Chief Executive has the authority to approve that expenditure, as long as the overall Capital Expenditure budget for the year is not exceeded and subject to the following criteria:
    - (i) The overall Annual Plan capital expenditure dollar amount is not exceeded; and
    - (ii) Any overspends must be offset by savings in the current year or a reduction in the dollar amount carried forward to the following years; and
    - (iii) The overspends will not result in other projects or sub projects being cancelled; or
    - (iv) Any projects or sub projects included in the Annual Plan that will not be completed as planned in the current or following year will be reported to the appropriate Committee for approval.
    - (v) For any projects that straddle more than one financial year then the 10% applies to the total project cost and not the cost in the current financial year.
  - c. Any actual or forecast variations to budget will be reported to the Council or a Committee of the whole of Council for noting and approval.
3. The Chief Executive has the authority to approve unbudgeted expenditure (either Capital or Operating) where the incurring of the expenditure relates to:
  - a. Urgent health and safety or legislative requirements
  - b. An emergency (whether one has been declared or not) provided that if the amount is in excess of \$1,000,000 then the chief executive must consult with and get agreement

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from the mayor or deputy mayor if the mayor is incapacitated. However, in the highly exceptional event that the chief executive is unable to consult, then the chief executive is still authorised to commit to the expenditure, but must report the exercise of the delegation to the mayor and council as soon as possible.

4. The authority to allocate funding from the City Growth Fund up to a total commitment of \$100,000 provided that:
  - a. The criteria of the Fund are met; and
  - b. The decision is made in consultation with, the Mayor, the Deputy Mayor and the Economic Development Portfolio Leader.
5. The Chief Executive has the authority to sign any contract or memorandum of understanding in order to give effect to the Annual Plan and Long-term Plan and / or existing policy. Where the content relates to Council's relationship with external stakeholders / organisations, the Mayor must be advised. The Mayor will determine whether the Mayor or Chief Executive is the appropriate signatory and / or whether the matter is referred to Council or Committee

#### **Explanatory Notes to delegations**

- 1 This delegation affirms that the Long-term Plan and the Annual Plan provide the basis for the implementation of Council decisions by the Chief Executive. Through and under the Long-term Plan and Annual Plan, operational and capital expenditure budgets, fees and charges, service levels, specific projects, and other significant requirements are approved by the Council.
- 2 The Chief Executive and management are then authorised to proceed to make all arrangements in line with those decisions.
- 3 The delegations are supported by effective communication and constructive working arrangements between Elected Members and the Chief Executive, such as the quarterly report, regular briefings, Council and CEO only time, and the Chief Executive's Key Performance Indicators.

11 RESOURCE MANAGEMENT DELEGATIONS

1. Under the Chief Executive delegations (see Section 10) the Chief Executive has been delegated all powers and authorities under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 except:
  - a. The powers retained by Council or its Committees.
  - b. The functions, powers and duties to conduct Resource Management Act hearings on resource consent applications, designations, heritage orders and fee objections – which have been delegated to those persons on Council’s approved list of Hearings Commissioners.
  - c. The functions, powers and duties to conduct Housing Accords and Special Housing Areas Act hearings on resource consent applications - which have been delegated to those persons on the Council’s approved list of Hearings Commissioners.

2. The resolution of the Council on 14 November 2013, relating to paragraph 1(b) is as follows:

**Resource Management Act 1991**

10. *Agree under the delegation provisions of the Resource Management Act 1991 (RMA) to delegate to those persons who are from time to time on the Council's schedule of approved hearings commissioners, the necessary functions, powers and duties to conduct Resource Management Act 1991 hearings on resource consent applications, designations, heritage orders, objections to additional charges and plan changes; and*
  - (a) *In the case of matters requiring a decision under clause 10 or 29(4) First Schedule Resource Management Act 1991, to make a recommendation to Council;*
  - (b) *In the case of designations (except where the Council is the Requiring Authority where (c) applies), to make a recommendation;*
  - (c) *For all other matters, to make a decision.*
11. *Agree that the delegations in recommendation 10 above shall only be exercised by a hearings commissioner following the appointment of the particular hearings commissioner by the Chair of the Regulatory Processes Committee.*
3. The resolution relating to the Housing Accords Special Housing Area Act 2013 was made at a meeting of the Council on 17 December 2014.

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### 3. Committee Reports

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## REPORT OF THE CITY STRATEGY COMMITTEE MEETING OF 23 MARCH 2017

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**Members:** Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Dawson, Councillor Day, Councillor Eagle, Councillor Foster, Councillor Free, Councillor Gilberd, Councillor Lee, Councillor Marsh, Councillor Pannett (Chair), Councillor Sparrow, Councillor Woolf, Councillor Young.

**The Committee recommends:**

**Draft Conservation Management Strategy Wellington 2016 Submission**

That the Council:

- 1 Approve the submission on the Draft Wellington Conservation Management Strategy.

**Attachments**

Nil