



# DUNEDIN CITY COUNCIL COMMITTEE STRUCTURE AND DELEGATIONS

ADOPTED 31 JANUARY 2023



**DUNEDIN** | kaunihera  
CITY COUNCIL | a-rohe o  
Ōtepoti

**dunedin**

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<b>Version</b>	<b>Adopted by Council on</b>	<b>Amendment Approved by Council on</b>	<b>Printed</b>	
1	31 January 2023		28 March 2023	



## PART I – INTRODUCTION

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### PHILOSOPHY

- 1 The statutory function of Council is one of good governance of the City, through the considered use of committees and the appointment of skilled managers.
- 2 Delegation assists in the better achievement of the respective functions of elected representatives and officers. The effectiveness of delegation must be monitored, and the system amended where necessary. This is a key role of elected members.
- 3 Elected members as individuals have no statutory authority. Their role is therefore closely linked to meetings of the Council and its committees with their fundamental decision making and planning role allowing issues to be raised, debated and resolved.
- 4 The Council has adopted this Manual to define the respective roles within the decision-making process, i.e. the delegations to the Committees and Subcommittees of Council and the Chief Executive.
- 5 The delegations and terms of reference to Committees and Subcommittees implements the basic principle that elected members make policy and officers implement it.
- 6 The task of putting the Council's policies to work is the responsibility of the Chief Executive acting through managers. The Council and committees then monitor progress towards any objective. They do this by seeing that key milestones are met. If those milestones are not being achieved then elected members must review and, if necessary, revise those objectives and strategies.
- 7 Elected members also have the important role of linking with the wider community to gain an appreciation of community and individual needs and the way that these could be achieved.
- 8 With all these functions in mind the Council has adopted a philosophy of delegation to the lowest appropriate level. This will achieve the best use of the abilities of councillors and officers, minimise costs, develop effective managers and minimise bureaucratic interference in the lives of the residents of Dunedin.

### AUTHORITY TO DELEGATE

- 9 The Council's authority to delegate to Committees derives from Schedule 7, clause 32 of the Local Government Act 2002 as amended by the Local Government Amendment Act 2004 which provides:

#### **"32 Delegations**

- (1) *Unless expressly provided otherwise in this Act, or in any Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except*

- (a) the power to make a rate; or*

- (b) the power to make a bylaw; or*
  - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or*
  - (d) the power to adopt a long-term council community plan, annual plan, or annual report; or*
  - (e) the power to appoint a Chief Executive; or*
  - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement; or*
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation.*
- (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or office of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercise or performed them.*
- (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
- (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*
- (7) To avoid doubt, no delegation relieves the local authority, member, or office of the liability or legal responsibility to perform or ensure performance of any function or duty.*
- (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment."*
- "(14) Schedule 7 of the principal Act is amended by inserting, after clause 32, the following clauses:*

### **32A Delegation of power to issue warrants to enforcement officers**

- (1) A local authority may delegate to a committee or member of officer of the local authority the power to issue warrants to enforcement officers.*
- (2) A delegation under subclause (1) may –*
  - (a) limit or restrict the exercise of the power; or*
  - (b) impose conditions on the exercise of the power; or*
  - (c) prohibit, in specified circumstances, the exercise of the power.*
- (3) The local authority must determine the matters in subclause (2) before acting under subclause (1).*
- (4) Clause 32(2) to (8), with all necessary modifications, applies to a delegation made under this clause.”*

- 10 Other Acts do provide special additional rules regarding delegation, e.g. the Resource Management Act 1991.

### **OPERATIVE DATE**

- 11 This Manual comes into effect on 31 January 2023 and will continue in force until revoked by the Council.
- 12 All earlier policies which conflict with or duplicate any provision in this Manual are revoked as at 31 January 2023.

### **AMBIGUITY AND CONFLICT**

- 13 In the event of ambiguity or conflict between the provisions of the delegations to Committees and Subcommittees resulting in uncertainty or dispute as to which committee has delegated authority to act in respect of a particular matter, the Chief Executive will prepare a written report and submit it to the Mayor (or the Deputy Mayor in the absence of the Mayor) for consideration and determination. The decision of the Mayor (or Deputy Mayor) will be final and binding. A subsequent report will be prepared for Council, clarifying the ambiguity and seeking approval to amend the Community Structure and Delegations Manual as appropriate.
- 14 If neither the Mayor nor the Deputy Mayor is available, the decision of the Chief Executive will be final and binding.



## PART II – GENERAL MATTERS OF DELEGATION

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### THE MEANING OF DELEGATION

- 15 Delegation in this Manual means the assignment of a power, function or duty to another together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

### APPOINTMENT OF STANDING COMMITTEES

- 16 The Mayor has the power to establish the Committees and Subcommittees of the Council.

### MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

- 17 The Mayor is an ex officio member of all committees and subcommittees. An ex officio member of a committee is a member because of the office held. Ex officio members are not included in calculating the quorum but are counted toward the quorum when present. This reflects the expectation that ex officio members will not always be able to attend all meetings of committees and subcommittees but have full voting rights when present.

### ROLE OF STANDING COMMITTEES

- 18 All Standing Committees identify and monitor outcomes, visions and performance measures (indicators) for the Council's Long Term Plan (LTP).
- 19 All Standing Committees shall have a policy development role within their area of responsibility and authority.
- 20 All Standing Committees shall be responsible for monitoring performance (including budget and performance targets and indicators in the LTP) for their area of responsibility and authority.
- 21 The responsibilities of Standing Committees are set out in their Terms of Reference (Delegations).
- 22 All Standing Committees shall be responsible for legislation and policy responses relevant to their area of responsibility and authority.

### ROLE OF SUBCOMMITTEES

- 23 Subcommittees will have only the powers, functions and duties specifically given to them by the Council or standing committee to which, they report.

### ROLE OF COUNCILLOR ADVISORY PANELS

- 24 Councillor Advisory Panels have no power to act or decide. Councillor Advisory Panels have an investigative, advisory and fact-finding role within the terms of reference determined by the Council, Standing Committee or Subcommittee, establishing the Councillor Advisory Panel.

Councillor Advisory Panels will have the power to make recommendations only to the extent allowed under the Councillor Advisory Panel's terms of reference, and on matters, which are within the scope of the terms of reference defined by the committee establishing the Councillor Advisory Panel.

- 25 Members may be appointed to Councillor Advisory Panels by position or by name.
- 26 Unless expressly specified otherwise, a Councillor Advisory Panel will be terminated if it has not met for six months or more.
- 27 Councillor Advisory Panels are not authorised to hear submissions.
- 28 The resolution establishing the Councillor Advisory Panel shall clearly define:
  - a) Its terms of reference including its purpose, and the scope of its investigative, advisory and fact-finding roles
  - b) Membership: noting that the membership will usually comprise elected members, however there may be occasions where it is appropriate to include people from outside agencies.
  - c) The Chairperson of the Councillor Advisory Panel.
- 29 All Councillor Advisory Panels must be established using the Councillor Advisory Panel template attached to this Manual, at Appendix B.

## **TERM OF DELEGATION**

- 30 Unless any delegation is stated to be for a defined term, it will continue until revoked by the delegator or the Council or is withdrawn by operation of law.

## **DELEGATION TO OFFICE**

- 31 Unless stated otherwise every delegation is to a committee or office and will be unaffected by changes in the membership of a committee or the holder of an office.

## **REPORTING AND FINDINGS**

- 32 Every committee and subcommittee will report decisions taken under delegated authority in the manner required by Standing Orders, i.e. in minutes submitted to the next available meeting of the Council or the committee to which a subcommittee reports, as the case may be.
- 33 Councillor Advisory Panels must report their findings and recommendation back to the Council or the standing committee or subcommittee which formed them through a report from the Chief Executive, General Manager or relevant Group Manager(s).

## **DELEGATION**

- 34 A Committee, subordinate decision-making body, or Community Board may delegate powers or functions as specified in Schedule 7, Clause 32(3) of the Local Government Act 2002. Subcommittees may not delegate powers and functions granted to them. They may establish Councillor Advisory Panels to advise them.
- 35 Delegations to officers will be made to the Chief Executive who may delegate a power, function or duty to another officer or subcommittee of officers. As well as the discretionary delegations made under this Manual there are provisions in various Acts applying to the Council which provide for powers, duties and functions to be exercised directly by specified staff.
- 36 Officers (other than the Chief Executive) may not delegate powers and functions given to them.

## **DELEGATIONS TO BE IN WRITING AND RECORDED**

- 37 Every delegation made by a Committee, subordinate decision-making body, or Community Board will be in writing and clearly define the nature, purpose and limitation of the power, function or duty delegated.
- 38 Every delegation made by the Chief Executive will be recorded in a register kept for that purpose. This register is known as the Staff Delegations Manual.

## **CALL-UP PROCEDURE BEFORE DECISION MADE**

- 39 Nothing in this Manual will limit the power of a delegator to cancel a delegation and resume that power prior to the delegatee having made a decision.
- 40 Except in exceptional circumstances a delegator should not act without consultation with the appropriate board Chairperson if the delegation involves a community board.
- 41 The Mayor may, on behalf of the Council, signal an intention to cancel any delegation made by the Council prior to the delegatee having made the decision. The delegatee will then take no further action on that matter until the Council has met to approve the cancellation and either:
  - a) Referred the matter back to the delegatee (with directions if any); or
  - b) Determined the matter.
- 42 Before signalling an intention to withdraw any delegation the Mayor shall consult with the Chairperson of the relevant committee or community board involved, if any, and the Chief Executive.
- 43 A delegatee may, rather than make a decision, refer a matter back to the delegator with a suitable recommendation. The delegator will then decide the matter.

## **CALLING IN A MATTER FOR COUNCIL CONSIDERATION**

- 44 The Mayor may require any matter that would otherwise be reported to a committee or subcommittee, to be reported to the Council. If that matter is already on a published agenda for a committee or subcommittee meeting, that meeting will not consider that matter unless invited by the Mayor to make a recommendation to the Council.

## **POLICY AND FACT**

- 45 In making a decision every delegatee will consider:
- a) All policies established by the Council;
  - b) The facts relevant to a matter.
- 46 If the facts relevant to any matter do not support a decision consistent with a Council policy, the delegatee should submit the matter to the Council or relevant Committee, which has power to decide, with a suitable explanation and recommendation (this does not apply to decisions made under the Resource Management Act 1991).

## **BUDGET CONTROLS**

- 47 Budgets are one of the key safeguards over delegation. As such the Council reserves to itself any decision relating to the variation of budgets except as provided for in the next clause.
- 48 The Chief Executive may vary any budget sum or sums where:
- a) The cash requirement is not altered; and
  - b) The change is to allow for the more effective management of that activity in accordance with any Strategy or Annual Plan.
- 49 Any officer responsible for expenditure or revenue will arrange for any likelihood of future over-expenditure or under-expenditure to be reported to the relevant Group Manager or General Manager as soon as possible. That Group Manager or General Manager will either:
- a) Take all necessary steps to control expenditure or restore revenue; or
  - b) Vary the relevant line item or activity schedule; or
  - c) Report the matter to the Chief Executive who will consider the matter and take the appropriate action to avoid over-expenditure.

## **USE OF COUNCIL SEAL AND AUTHORITY TO SIGN**

- 50 The Chief Executive will be responsible for custody of the Council's seal. The seal may be attached to all documents which record the disposal or exchange of an interest in land (with the exception of residential tenancies) or other documents where it is appropriate to do so. It will be attached, however, only when:

- a) The Council or a committee has authorised the transaction involved; or
  - b) The transaction involved has been authorised by an officer under delegated authority.
- 51 The seal will be affixed and accompanied by the signatures of the Mayor or any elected member of the Council.
- 52 Where a document need not be executed under seal of the Council it may instead be signed by the Chief Executive or any other officer who is authorised under delegated authority to approve the transaction involved.
- 53 The Chief Executive (or any other officer authorised by the Chief Executive) may sign any certificate relating to the existence of any state of affairs involving the Council.

## PART III – COMMITTEES OF COUNCIL

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### INTRODUCTION

- 54 This part of this Manual covers the Council's political structure, authority and schedule of meetings for committees of the Council.
- 55 The constitution, membership, area of responsibility and delegated authority of specific committees and subcommittees can be found on the following pages.
- 56 A chart of these committees can be found in Appendix A of this document.

### COUNCIL DELEGATIONS TO ITS STANDING AND SPECIAL COMMITTEES

- 57 To the extent allowed by law, the Council delegates to its respective Standing Committees and Special Committees all of the powers, functions and duties of the Council as set out under the name of each Committee

#### **Except:**

- a) The power to make a rate (Schedule 7, Clause 32 (1)(a) Local Government Act 2002).
- b) The power to levy a uniform annual fee or uniform annual charge.
- c) The power to make a bylaw (Schedule 7, Clause 32 (1)(b) Local Government Act 2002).
- e) Any other power which must by law be exercised by the full Council only.
- f) The power to approve a proposed district plan (or part thereof), or approve a change to a district plan in accordance with the provisions of the Resource Management Act 1991.
- g) The adoption of all Council policy, and any changes to this, including (but not limited to):
  - 1 10 year plan
  - 2 Annual Plan (including the determination of the funding priorities derived from that for rates setting and other funding purposes and consideration of recommendations from the Annual Plan Hearings Committee)
  - 3 Annual Report
  - 4 Liability Management Policy including the power to borrow money, or purchase or dispose of assets other than in accordance with the Long Term Council Community Plan (Schedule 7, Clause 32 (1)(c) Local Government Act 2002)
  - 5 Funding Policy
  - 6 Investment Policy
  - 7 Long Term Financial Strategy



- h) The approval of loan guarantees.
- i) Over expenditure of budget, unbudgeted expenditure and variations to estimates.
- j) Appointment or dismissal of the Chief Executive.
- k) Appointment and remuneration of representatives on outside bodies (including Council owned companies).
- l) Any proposal to promote legislation.
- m) Any decision (excluding decisions made under the Resource Management Act 1991 or Council's Development Contributions Policy) which is inconsistent with any policy or strategy which has been or may be adopted by the Council.
- n) Proposals for change to the political structure of Council including the nature and authority of Committees, delegations to officers (unless expressly delegated to the Committee), the size of Council, the nature of wards and communities, and representation for wards and communities.
- o) Proposals for the remuneration of elected members.
- p) Proposals to increase the share capital of Dunedin City Holdings Limited.
- q) The sale or purchase, of real property where the value exceeds \$500,000 and property developments where the value exceeds \$1,000,000.

**Explanatory Note:** For all property sales and purchases up to \$500,000 and property developments up to \$1,000,000 refer to the Chief Executive's Delegations. All borrowing required to finance the transaction must be approved by Council. The acquisition and negotiation of terms and conditions for the transaction are delegated to the Manager, Property.

- r) To determine representation arrangements required under section 19H of the Local Electoral Act 2001.

58 The powers delegated to Standing Committees shall be within the scope defined by the Annual and 10 year plans, Funding Policy and Long Term Financial Strategy and restricted to those purposes in the Annual Plan where financial provision has been made and where the decision or action proposed is not contrary to Council policy.

## WARRANTS

59 Pursuant to Schedule 7, Clause 32A of the Local Government Act 2002 the Chief Executive may appoint enforcement officers and issue warrants affixed with the Council Seal to enforcement officers (subject to such restrictions, conditions or prohibitions as may be specified by law or under any enactment from time to time).

- 60 The Chief Executive shall report to the relevant Committee or Council, once per annum, the number of Enforcement Officers and warrants issued in the preceding 12 months as part of the report on the implementation of CE delegations.

## **ARRANGEMENTS IN A MAJOR EVENT**

- 61 If a major event occurs that prevents either:

- a) A quorum of the Dunedin City Council or Council Committee being achieved or
- b) Compliance with any other legal requirement necessary to constitute a valid meeting of the local authority, then

the Mayor or Deputy Mayor, or in their absence the Chief Executive (or Acting Chief Executive) is delegated all of the powers and functions of the Local Authority (other than those which under the law may not be delegated). Such delegations are to remain in place until a valid meeting of the Dunedin City Council has been convened.

## Committees

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## Civic Affairs Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Bill Acklin
<b>DEPUTY CHAIRPERSON:</b>	Cr Marie Laufiso
<b>MEMBERS:</b>	Mayor and all Councillors
<b>QUORUM:</b>	Eight
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 The Civic Affairs Committee provides for the effective administration of Council governance, its activities, and elected member procedures and protocols. It makes decisions in the oversight of the areas discussed in this delegation.
- 2 To exercise and perform the Council's functions, powers and duties, relating to the area of responsibility listed above, except those matters reserved to the Council by law, by resolution of the Council, or by clause 57, Part III of this Manual.
- 3 **Powers to decide:**
  - a) Community Boards Forum
  - b) Activities of Place Based Community groups
  - c) Maintenance of the Committee Structure and Delegation Manual
  - d) Pecuniary Register
  - e) Policies for Elected Members
  - f) Activities of the Youth Action Committee
  - g) Activities of the Youth Council
- 4 **Powers to recommend:**
  - a) Standing Orders matters including review
  - b) Review of Code of Conduct
  - c) Remuneration
  - d) Local Elections
  - e) Representation arrangements and review

- 5 The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to any policy (including the Annual Plan or Long Term Plan) established by the Council.

### **Other Delegations**

- 6 Establish a framework for elected members representing Council on external organisations to report back to Council or the relevant committee.
- 7 To determine the form and extent of public consultation and adopt a Statement of Proposal and/or public notice for any matter that requires public consultation or notification under any legislation or by a Council policy or strategy.
- 8 To make submissions to agencies on issues which fall within the scope of activity of the Committee. Where timing constraints apply, the Chairperson (or in the case of an absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval of the Committee.
- 9 To adopt or amend policies and strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

## Community Services Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Marie Laufiso
<b>DEPUTY CHAIRPERSON:</b>	Cr Mandy Mayhem
<b>MEMBERS:</b>	Mayor and all Councillors
<b>QUORUM:</b>	Eight
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 The Community Services Committee provides for the oversight of community assets, community development and community wellbeing across arts, culture and recreation services by:
  - a) Implementing strategies, policies and action plans
  - b) Monitoring service delivery
  - c) Making decisions in the oversight of the areas discussed in this delegation.
- 2 To exercise and perform the Council's functions, powers and duties relating to the areas of responsibility listed above, except those matters reserved to the Council by law, by resolution of the Council, or by clause 57, Part III of this Manual.
- 3 **Powers to decide:**
  - a) Community development and quality-of-life in terms of Council's agreed Social wellbeing goals .
  - b) Community Resilience and Sustainability
  - c) Arts sector including City of Literature
  - d) Aquatic Facilities
  - e) Activities within Libraries, Museums, and Galleries
  - f) Elderly persons and community housing
  - g) Parks and Reserves activities including freedom camping, playgrounds and walking tracks.
  - h) Grants policy
  - i) Public accommodation – including Council-owned or administered camping grounds, motor camps and places of public assembly
  - j) Live Music



- k) Performing Arts
  - l) Masters Games
  - m) Festivals and Events including traffic management and road control
- 4 The Committee must make a recommendation to Council or the Chief Executive on any matter within its responsibilities if the decision considered appropriate is not consistent with, or is contrary to any strategy or policy (including the Annual Plan or 10 year plan) established by the Council.

#### **Other Delegations**

- 5 To determine the form and extent of public consultation and adopt a Statement of Proposal and/or public notice for any matter that requires public consultation or notification under any legislation or by a Council policy or strategy.
- 6 To make submissions to agencies on issues which fall within the scope of activity of the Committee. Where timing constraints apply, the Chairperson (or in the case of an absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval of the Committee.
- 7 To adopt or amend policies and strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

## Customer and Regulatory Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Carmen Houlahan
<b>DEPUTY CHAIRPERSON:</b>	Cr Andrew Whiley
<b>MEMBERS:</b>	Mayor and all Councillors
<b>QUORUM:</b>	Eight
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 The Customer and Regulatory Committee provides oversight of Council's regulatory activities by:
  - a) Implementing strategies, policies, action plans
  - b) Monitoring service delivery
  - c) Making decisions in the oversight of the areas discussed in this delegation.
- 2 To exercise and perform the Council's functions, powers and duties relating to the areas of responsibility listed above, except those matters reserved to the Council by law, by resolution of the Council, or by clause 57, Part III of this Manual.
- 3 **Powers to decide:**
  - a) Building services matters
  - b) Environmental Health
  - c) Animal services
  - d) Alcohol related activity including Liquor Licencing and the District Licencing Committee,
  - e) Review and notification of bylaws
  - f) Local Government Official Information and Meeting Act Reporting
  - g) Customer Services
  - h) Information Technology
  - i) Make, amend, revoke terms and conditions for permits under a bylaw.
  - j) Warrants

- k) To commence and complete a road stopping under either section 342 of the Local Government Act 1974 or section 116 of the Public Works Act 1981, subject to such terms and conditions (if any) as the Committee considers appropriate.
- 4 The committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to any policy (including the Annual Plan or Long Term Plan) established by the Council.

### **Other Delegations**

- 5 To determine the form and extent of public consultation and adopt a Statement of Proposal and/or public notice for any matter that requires public consultation or notification under any legislation or by a Council policy or strategy.
- 6 To set the fees and charges for activities within the Committee's responsibility and which are not otherwise delegated to officers.
- 7 To lodge objections or submissions to an application for an on-licence, off-licence or club licence under the Sale and Supply of Alcohol Act 2012.
- 8 To resolve any other matters delegated by the Hearings Committee.
- 9 To approve the content of submissions to agencies on issues which fall within the scope of activity of the Committee. Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge a submission and seek retrospective approval.
- 10 To adopt or amend policies and strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

## Economic Development Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Andrew Whiley
<b>DEPUTY CHAIRPERSON:</b>	Cr Christine Garey
<b>MEMBERS:</b>	Mayor and all Councillors
<b>QUORUM:</b>	Eight
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 The Economic Development Committee provides for the City's economic wellbeing by:
  - a) Implementing strategies, policies, action plans
  - b) Monitoring service delivery
  - c) Making decisions in the oversight of the areas discussed in this delegation.
- 2 To exercise and perform the Council's functions, powers and duties relating to the area of responsibility listed above, except those matters reserved to the Council by law, by resolution of the Council, or by clause 57, Part III of this Manual.
- 3 **Power to decide:**
  - a) International Education
  - b) City Marketing
  - c) Business liaison
  - d) Dunedin Destination Management Plan
  - e) Tourism
  - f) Central Government funding opportunities
  - g) Sister Cities and International activities
- 4 **Power to recommend**
  - a) The Committee may recommend to Council or the Chief Executive any matter within its responsibilities, including as they relate to the application of the Council's rates relief policies.
  - b) The Committee must make a recommendation to the Chief Executive or Council if the decision considered appropriate is not consistent with, or is contrary to any policy (including the Annual Plan or Long Term Plan) established by the Council.

## **Other Delegations**

- 5 To adopt initiatives to support the economy of the City which the Committee agrees should be undertaken by Council.
- 6 To make submissions to agencies on issues which fall within the scope of activity of the Committee. Where timing constraints apply, the Chairperson (or in their absence, either of the Deputy Chairpersons) has the authority to lodge submissions and seek retrospective approval.
- 7 To consider reports on the development, progress and completion of projects associated with the Economic Development Strategy.
- 8 To determine the form and extent of public consultation and adopt a Statement of Proposal and/or public notice for any matter that requires public consultation or notification under any legislation or by a Council policy or strategy.
- 9 To adopt or amend policies and strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

## Finance and Council Controlled Organisations Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Lee Vandervis
<b>DEPUTY CHAIRPERSON:</b>	Cr Cherry Lucas
<b>MEMBERS:</b>	Mayor and all Councillors
<b>QUORUM:</b>	Eight
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 The Finance and Council Controlled Organisations Committee ensures value for money for the Dunedin City ratepayers by
  - a) Overseeing the Council's Financial Strategy and Revenue and Financing Policy
  - b) Monitoring, reviewing, and reporting on revenue and expenditure of the Dunedin City Council
  - c) Implementing advice of external auditors
  - d) Engaging with Council Controlled Organisations and Council Controlled Trading Organisations to implement Council's strategic framework.
- 2 To exercise and perform the Council's functions, powers and duties within its area of responsibility excluding those matters reserved to the Council by law, by resolution of the Council, or by clause 57, Part III of this Manual.
- 3 The Committee may recommend to Council and/or the Chief Executive any changes to the rating system for the City, any variation to budgets that are outside the delegated powers of officers, or on any other matter that is within the Committee's area of responsibility. This includes recommending the approval of Statements of Intent for CCOs and CCTOs each year.
- 4 The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, sustainable, or is contrary to any policy (including the Annual Plan or Long Term Plan) established by the Council.
- 5 To bring to the attention of the Council and/or Chief Executive any matters that the Committee believes are of relevance to the consideration of financial sustainability, financial performance or the delivery of strategic outcomes of Council.
- 6 To monitor the overall financial position of the Council and its monthly performance against the Annual Plan and 10 year plan.
- 7 To monitor the development and implementation of Council's Investment Plan.



## **Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations (CCTOs)**

- 8 All matters relating to CCOs and CCTOs not reserved to the Council under clause 57, Part III of this Manual, including:
- a) Outlining the Council's key priorities and deliverables within each CCO Statement of Intent
  - b) Monitoring of Quarterly and Annual Reports, including Board performance and other matters that have a direct impact on CCO or CCTO revenue, funding, strategic outlook or risk management
  - c) Engaging with CCOs and CCTOs during the development of governance documents, and in particular how delivery on Council strategies, Long Term Plans, Annual Plans, and relevant Council submissions (as required) will be best achieved
  - d) Approving the content of Letters of Expectation for CCOs and CCTOs.

## **Other Delegations**

- 9 To approve the content of submissions to agencies on issues which fall within the scope of activity of the Committee. Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge a submission and seek retrospective approval.
- 10 To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.
- 11 To adopt or amend policies and strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

## Hearings Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Jim O'Malley
<b>DEPUTY CHAIRPERSON:</b>	Cr Cherry Lucas
<b>MEMBERSHIP:</b>	<p>For RMA matters Crs Jim O'Malley, Sophie Barker, David Benson-Pope, Christine Garey, Steve Walker, Andrew Whiley and Cherry Lucas</p> <p>For all other matters members are to be approved on a case by case basis by the Chair of the Hearings Committee or Council in consultation with the Chair</p>
<b>CONSTITUTION:</b>	A committee may be constituted by either the Hearings Committee or the Chairperson selecting any combination of committee members, independent commissioners or a community board member
<b>QUORUM:</b>	<p>Three, in the case of a committee being constituted, except that where following the establishment of the committee a Councillor or independent commissioner becomes ill or is otherwise prevented from continuing as a member of the Committee, the quorum shall be two.</p> <p>One, in the case of the Hearings Committee, or the Chairperson of the Hearings Committee, delegating the powers of the Hearings Committee to a Committee member or independent commissioner.</p>
<b>MEETING FREQUENCY:</b>	As required

### AREA OF RESPONSIBILITY

- 1 The Hearings Committee provides for the development and growth of Dunedin City by decision making in respect of all of Council's regulatory functions under the Local Government Act 1974, Local Government Act 2002, Reserves Act 1977, Resource Management Act 1991 and Bylaws.
- 2 One Community Board member may be appointed by the Chairperson to assist the Hearings Committee where appropriate.
- 3 The quorum must be made up of committee members unless a subcommittee or independent commissioner is appointed under delegated authority. For the avoidance of doubt, the quorum does not include a Community Board member (if appointed).
- 4 The Committee may make recommendations to Council or the Chief Executive on any matter within its responsibilities.
- 5 The Hearings Committee is responsible for the development of regulatory policy and bylaws.

- 6 The Committee's responsibilities are to make regulatory decisions delegated to it by the Council or any of its Committees.
- 7 The Hearings Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council. This limit does not apply to decisions made under the Resource Management Act 1991, or in respect of development contribution remissions.

## **DELEGATIONS TO THE COMMITTEE**

- 1 To exercise and perform all the Council's functions, powers and duties relating to the areas of responsibility listed above, except those matters reserved to the Council by law, by resolution of the Council, or by clause 57, Part III of this Manual.
- 2 To consider and determine all procedural and jurisdictional matters arising during the exercise of the Committee's delegations.
- 3 The Committee may delegate any of its powers to an independent commissioner and/or officer(s) of the Council appointed in accordance with the provisions of this delegation.
- 4 To hear submissions and make recommendations to Council on existing and proposed bylaws, including amendments.
- 5 To hear and determine objections under the Dog Control Act 1996.
- 6 To hear and determine, except where otherwise specified in the Council bylaws or relevant legislation, applications for a waiver of provisions of a bylaw.
- 7 To hear and determine, except where otherwise specified in the Council bylaws or relevant legislation, objections arising from the implementation or administration of bylaws.
- 8 To hear submissions and make recommendations to Council on changes on traffic and parking restrictions.

## **Resource Management Act 1991**

- 9 To consider, determine or make recommendations on matters relevant to any of the following:
  - a) Resource consents (including variation or cancellation of conditions)
  - b) Designations/notices of requirement
  - c) Submissions on proposed plan changes (both Council initiated and private plan changes)
  - d) Heritage orders
  - e) Variation of the District Plan
  - f) Compliance certificates/existing use certificates
  - g) Objections
- 10 To approve for notification a proposed change to the District Plan (including any partially operative District Plan).
- 11 Withdraw a proposed plan change under clause 8D, First Schedule of the Resource Management Act 1991.

## **Reserves Act 1977**

- 12 To approve any easements under section 48 of the Reserves Act 1977.
- 13 To determine any reserve management matter where a member of the public has requested to be heard under section 120 of the Reserves Act 1977.
- 14 To act as the administering body and determine whether to grant, vary, renew or decline:
  - Leases
  - Licences
  - Easements
  - Any other statutory instrumentin relation to land held or administered under the Reserves Act 1977

**Explanatory Note:** in some instances, it may be necessary for the committee to recommend to Council to exercise the Minister's delegation to Council in respect of the above decisions.

## **Second Generation District Plan Appeals**

- 15 The Chair of the Hearings Committee (or their delegate) has the delegation to resolve 2GP appeals.

**Explanatory Note:** This is in order to provide consistency through the Environment Court process which provides certainty for appellants.

- 16 The Chairperson, or in the absence of the Chairperson, a Deputy Chairperson of the Planning and Environment Committee may authorise lodging submissions in support or in opposition to a plan review, change or variation, or to an application for a resource consent relating to:
  - a) The District Plan including any partially operative District Plan
  - b) Other local authorities or agencies where the subject matter could impact on any strategic or planning issue, strategy, policy or objective of Council.

## **Smooth Hill**

- 17 The delegation to resolve all appeals relating to Smooth Hill sits with the Chief Executive or her delegate.

## **Local Government Act 1974 and Local Government Act 2002**

- 18 To levy development contributions under section 198 of the Local Government Act 2002.
- 19 To consider and determine applications for remission of a development contribution for an unusual development where the amount is less than \$10,000 and a hearing has been requested.
- 20 To consider and determine applications for remission of a development contribution for an unusual development where the contribution is greater than \$10,000 and less than \$100,000.
- 21 Receive, hear and determine transport shelter objections under section 339 of the Local Government Act 1974.

- 22 To receive, hear and consider objections to any proposal by the Council under section 342 of the Local Government Act 1974 to stop any road and recommend to the Customer and Regulatory Committee whether to allow or disallow any objections.
- 23 To hear submissions on any Council policy or strategy that has been adopted for public consultation.
- 24 To hear and determine matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002.

### **Other Powers**

- 25 To decide applications for a Right of Way.
- 26 To consider, except where otherwise specified in Council Bylaws or relevant legislation, any rights of objection from decisions made under Council Bylaws.
- 27 To appoint a subcommittee of Councillors, an independent Commissioner or a subcommittee made up of a combination of Councillors and independent Commissioner(s) in accordance with the following:
  - a) *Independent Commissioners*  
A sole independent Commissioner can hear and determine a matter where appointed and delegated to do so by this Committee or the Committee. Unless specifically appointed to make only a recommendation, independent Commissioner(s) are appointed to make a decision on the Council's behalf.
  - b) *Otago Regional Council Commissioners*  
Independent Commissioners may include representatives of the Otago Regional Council provided the Otago Regional Council representative holds appropriate accreditation.
  - c) *Community Board Representatives*  
Community Board representatives may be appointed to the Hearings Committee or a sub-committee when applications within the Community Board area are being considered. Where a Community Board member is appointed, this is in addition to the quorum.

**Explanatory Note:** Independent Commissioner(s) may be appointed to hear and determine matters if either:

- d) An application for resource consent designation, plan change, or variation is being considered and Council or a Council Controlled Organisation is the:
  - Landowner
  - Lessee
  - Applicant
  - Has a financial interest
  - Affected person
  - Submitter; or
- e) If a Councillor is unavailable, has a conflict of interest or the Council has any other role where the Council is unable to be regarded at all times as fully impartial in its decision-making capacity.

## **Delegation to Committee Members**

- 28 The Chairperson, or in their absence, the Deputy Chairperson of the Hearings Committee, in consultation with the General Manager Customer and Regulatory, is authorised to:
- a) appoint a subcommittee and select independent commissioners and committee members, as required, and delegate to them the power to carry out any of the Council's functions, powers or duties under the Resource Management Act 1991 delegated to the Hearings Committee.
  - b) Select the chairperson or mediator for pre-hearing meetings pursuant to s99, s99A and clause 8AA of the First Schedule of the Resource Management Act.

**Explanatory Note:** In the event of a conflict of interest arising, the Chairperson or Deputy Chairperson will consult with the Governance Manager before exercising this delegation.

- 29 The Chairperson together with the Deputy Chairperson of the Hearings Committee (or in the event of a conflict of interest or absence, the Chair of the Strategy, Planning and Engagement Committee) shall authorise:
- a) Initiating or joining any District Court or Environment Court proceedings where the Dunedin City Council has made a submission on a policy document or wishes to join an appeal as a party to proceedings.
  - b) Negotiating and resolving, or withdrawing from, any proceeding arising from any District Court or Environment Court proceedings initiated under clause 29(a).
- 30 The Chairperson and Deputy Chairperson of the Hearings Committee (or in the event of a conflict of interest or absence, the Chair of the Strategy, Planning and Engagement Committee) may delegate the power to negotiate and resolve District Court or Environment Court proceedings to any other member of the Hearings Committee, or to the Chief Executive Officer or their delegate.



## Infrastructure Services Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Jim O'Malley
<b>DEPUTY CHAIRPERSON:</b>	Cr Brent Weatherall
<b>MEMBERS:</b>	Mayor, all Councillors and a representative from both the Kati Huirapa ki Puketeraki Rūnaka and the Ōtākou Rūnaka
<b>QUORUM:</b>	Nine
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 The Infrastructure Services Committee provides for the effective maintenance and operation of Council's infrastructure by:
  - a) Implementing strategies, policies, action plans
  - b) Monitoring service delivery
  - c) Making decisions in the oversight of the areas discussed in this delegation.
- 2 To exercise and perform the Council's functions, powers and duties relating to the Committee's area of responsibility listed above, excluding only those matters reserved to the Council by law, by resolution of the Council, and by clause 57, Part III of this Manual.
- 3 **Powers to decide**
  - a) Transportation assets – roads, streets, bridges (including footpaths, cycleways, parking facilities, bridges, street facilities, landscaping and ancillary services and facilities, street lighting, and traffic management control devices) and the Integrated Transport Strategy.
  - b) Parking in all forms
  - c) Speed Management Plan
  - d) Three Waters asset management and service delivery – Water, Wastewater and Stormwater collection, treatment, reticulation and disposal, and the Infrastructure Strategy.
  - e) Solid waste management – including kerbside collection services, landfills and community education and litter .
  - f) Waste minimisation and management plan
  - g) Property – acquisition, sale, exchange, leasing, disposal, management, development and strategy with regards to roads and access ways.
  - h) Cemeteries and Council-owned Crematorium

- i) Public Toilets
- j) Easements
- k) Coastal assets
- l) Major Projects (unless otherwise specified in the delegations manual).

**4 Powers to recommend**

- a) The Committee may make a recommendation to the Annual Plan, Long Term Council Community Plan, Funding Policy (including the Borrowing and Investment Policy) and Long Term Financial Strategy relevant to the Committee's responsibilities. This includes recommendations for fees and charges for activities within the Committee's responsibility and which is not otherwise delegated to officers.

**Other Delegations**

- 5 To approve any action under the Public Works Act 1981 for activities that are within the Committee's area of responsibility. This delegation excludes the issue of a Notice of Intention to Take under section 23 of the Public Works Act 1981 and making a decision not to offer land back under the Public Works Act 1981 on one of the grounds specified in section 40 of that Act.
- 6 To consider all matters relating to the Litter Act 1979, including the approval and adoption of a Litter Compliance Policy.
- 7 Approve the naming or alteration of the name of any road.
- 8 Adopt fees and charges within the Committee's area of responsibility not otherwise delegated to officers.
- 9 To determine the form and extent of public consultation and adopt a Statement of Proposal and/or public notice for any matter that requires public consultation or notification under any legislation or by a Council policy or strategy.
- 10 Adopt or amend policies or action plans related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
- 11 To hear submissions and make decisions regarding changes on traffic and parking restrictions
- 12 To make submissions to agencies on issues which fall within the scope of activity of the Committee. Where timing constraints apply, the Chairperson (or in the case of an absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval of the Committee.
- 13 To adopt or amend policies and strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

## Strategy, Planning and Engagement Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Cr Sophie Barker
<b>DEPUTY CHAIRPERSON:</b>	Cr Kevin Gilbert
<b>MEMBERS:</b>	Mayor, all Councillors and a representative from both the Kati Huirapa ki Puketeraki Rūnaka and the Ōtākou Rūnaka
<b>QUORUM:</b>	Nine
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY AND DELEGATION

- 1 The Strategy, Planning and Engagement Committee will be responsible for a strategic framework that provides key strategy direction on the Treaty of Waitangi, sustainability and across economic, cultural, environmental and social wellbeing.
- 2 The Strategy, Planning and Engagement Committee
  - a) Oversees, develops and monitors Council's Strategic Framework and associated strategies
  - b) Develops the wellbeings framework
  - c) Oversees the Long Term Plan
  - d) Makes decisions in the oversight of the areas discussed in this delegation.
- 3 To exercise and perform the Council's functions, powers and duties relating to the Committee's area of responsibility listed above, excluding only those matters reserved to the Council by law, by resolution of the Council, and by clause 57, Part III of this Manual.
- 4 **Powers to decide:**
  - a) Strategic Framework Review
  - b) Engagement Framework Development
  - c) Māori Strategic Framework Development
  - d) Development of the wellbeings framework
  - e) Future Development Strategy
  - f) Zero Carbon Work Programme
  - g) South Dunedin Future Work Programme
  - h) Coastal and Maritime Planning
  - i) Climate change

- j) City Planning/Development, Resource Management and Spatial Planning
- k) Energy and Broadband Infrastructure Planning
- l) Heritage, Architecture and Urban Design Planning
- m) Central Government reform
- n) Residents' opinion survey

**5 Powers to recommend:**

- a) Long Term Plan developing, including:
  - i) Levels of service
  - ii) Engagement
  - iii) Significance and Engagement Policy
  - iv) Other policies not delegated to other committees

**6 The Committee may make a recommendation to Council or the Chief Executive in respect of the matters relevant to the Committee's responsibilities, as follows:**

- a) Described in the 2GP,
- b) Any other matter which falls outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

**7 The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to any strategy (including the Annual Plan or Long Term Plan) established by the Council.**

**Other Delegations**

**General**

- 8 To make policies within its area of responsibility and in accordance with Council strategies.
- 9 Adopt management plans for reserves as required under the Reserves Act 1977.
- 10 Approve Statements of Proposal for public consultation under the Local Government Act 2002 and Reserves Act 1977.
- 11 To determine the form and extent of public consultation and adopt a Statement of Proposal and/or public notice for any matter that requires public consultation or notification under any legislation or by a Council policy or strategy.
- 12 To make submissions to agencies on issues which fall within the scope of activity of the Committee. Where timing constraints apply, the Chairperson (or in the case of an absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval of the Committee.

### **Reserved delegations that are not delegated to the Chief Executive**

- 13 To authorise the preparation, notification or withdrawal prior to hearing of any plan review, change or variation including dealing with requests for private plan changes under clause 25, First Schedule Resource Management Act 1991 (this authority does not include the notification of summary of submissions).

**Explanatory Note:** Legal proceedings for specified Resource Management Act proceedings, the Hearings Committee and the Members of that Committee have relevant delegations. For other legal action refer to the Chief Executive's delegation.

### **Delegation to Committee Members**

- 14 The Chairperson, or in the absence of the Chairperson, the Deputy Chairperson of the Strategy, Planning and Engagement Committee may authorise lodging submissions in support or in opposition to a plan review, change or variation, or to an application for a resource consent relating to:
- a) The District Plan including any partially operative District Plan
  - b) Other local authorities or agencies where the subject matter could impact on any strategic or planning issue, strategy, policy or objective of Council.

## District Licensing Committee

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**REPORTING TO:** ARLA

**CHAIRPERSON:** Colin Weatherall (Commissioner)

**DEPUTY CHAIRPERSON:** Rakei Amohau (Community Representative)

**CONSTITUTION AND MEMBERS:** Cr Lee Vandervis (Council Representative)  
Cr Marie Laufiso (Council Representative)  
Katie Lane (Community Representative)  
Karen Elliot (Community Representative)

**QUORUM:** Chairperson plus two members for a Hearing

Chairperson (where no objection to an application has been filed and no matters of opposition raised in respect of an application for a Licence or Manager's Certificate or renewal of a Licence or Manager's Certificate)

**MEETING FREQUENCY:** As required

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 Determining all Liquor Licence applications in accordance with the Sale and Supply of Alcohol Act 2012.
- 2 Undertake all functions, duties and obligations as set out in the Sale and Supply of Alcohol Act 2012 relevant to the District Licensing Committee.
- 3 To grant or decline Special Licence or Temporary Authority applications pursuant to the Sale and Supply of Alcohol Act 2012.
- 4 To grant or decline On, Off and Club Licence and Manager's Certificate applications, renewal of On, Off and Club Licences, Manager's Certificates and variation of Licence conditions pursuant to the Sale and Supply of Alcohol Act 2012.
- 5 Exercise the powers of a Commission of Inquiry under the Commissions of Inquiry Act 1908.
- 6 All responsibilities, duties and powers of a District Licensing Committee conferred by the Sale and Supply of Alcohol Act 2012.

## Chief Executive Appraisal Committee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Mayor Jules Radich
<b>DEPUTY CHAIRPERSON:</b>	Cr Sophie Barker
<b>MEMBERS:</b>	Mayor Jules Radich, and the Standing Committee Chairpersons
<b>QUORUM:</b>	Five
<b>MEETING FREQUENCY:</b>	3 monthly

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 Set annual key performance indicators for the Chief Executive.
- 2 Review the Chief Executive's performance against key performance indicators.
- 3 Negotiate terms and conditions of the Chief Executive's annual remuneration in accordance with the Chief Executive's employment agreement.
- 4 Engage external advisors where required, to provide support for the review process.
- 5 Report to Councillors at the completion of the annual performance review process. This includes recommending to Council the remuneration for the Chief Executive.

## Subcommittees

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## Audit and Risk Subcommittee

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Warren Allen (Independent Member)
<b>DEPUTY CHAIRPERSON</b>	Janet Copeland (Independent Member)
<b>CONSTITUTION AND MEMBERS:</b>	Chair of Finance and Council Controlled Organisations Committee, Deputy Chair of Finance and Council Controlled Organisations Committee, The Mayor (ex officio), Deputy Mayor, Warren Allen and Janet Copeland (Independent Members) and Cr Christine Garey
<b>QUORUM:</b>	Three members which must include at least one independent member
<b>MEETING FREQUENCY:</b>	Quarterly with additional meetings as required by the Chairperson

### PURPOSE AND OBJECTIVES

- 1 The purpose of the Audit and Risk Subcommittee is to assist and advise the Council and the Chief Executive on the discharge of the Council's responsibilities for risk management and internal control, particularly ensuring the Council:
  - a) Operates with a robust internal control framework and risk management systems, processes and procedures.
  - b) Carries out activities and makes decisions using prudent financial management practices.
  - c) Complies with applicable laws, regulations, standards, policies and best practice guidelines.
- 2 The Subcommittee will satisfy itself with the integrity and appropriateness of internal and external reporting and accountability arrangements and ensure the establishment and maintenance of controls to safeguard the Council's financial and non-financial assets.
- 3 In fulfilling their role on the Audit and Risk Subcommittee, members shall be impartial and independent at all times. Subcommittee members have a responsibility to treat all information with appropriate confidentiality. This includes matters tabled and/or discussed at meetings as well as any material circulated before or after a meeting.

### AREA OF RESPONSIBILITY AND DELEGATIONS

- 1 To advise on matters of audit and risk and provide advice and recommendations to the Chief Executive and Council for its consideration.

- 2 To receive the External Auditor's correspondence in regard to the audit arrangements and letters of representation and recommend their execution to the Council.
- 3 To meet with the External Auditors, receive their reports and monitor and approve the implementation of changes to policies, procedures and practices that result from the External Auditor's recommendations.
- 4 To monitor the financial management practices and processes of the Council and consider their compliance with relevant legislation, policies and good practice.
- 5 To review the annual report including the accounting policies and make recommendations to the Council on adoption.
- 6 To review, maintain and monitor the robustness and comprehensiveness of the Council's policy framework and recommend these to Council for approval.
- 7 To monitor the appropriate operation of governance policies through the regular consideration of reports on health and safety matters, legislative compliance, fraud prevention and investigations, risk registers, sensitive expenditure and any other matters referred to it through policy content or the direct request of the Council.
- 8 To set and monitor the Internal Audit plan, appoint the Internal Auditor, receive Internal Audit findings, and monitor and approve the implementation of changes to policies, procedures and practices that result from the Internal Auditor's recommendations.
- 9 To take independent external advice and independently access information from management as required.
- 10 To consider annually the delegations for the subcommittee and make recommendations to Council on their content.

## **DELEGATION LIMITS**

- 1 The Audit and Risk Subcommittee may not delegate any of its responsibilities, duties or powers.

## Grants Subcommittee

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<b>REPORTING TO:</b>	Community Services Committee
<b>CHAIRPERSON:</b>	Cr Marie Laufiso
<b>DEPUTY CHAIRPERSON:</b>	Cr Bill Acklin
<b>ELECTED MEMBERS:</b>	Crs Sophie Barker, Andrew Whiley, Bill Acklin, Cherry Lucas and Mandy Mayhem
<b>APPOINTED REPRESENTATIVES:</b>	Mana whenua Representative Community Representative Community Representative Arts Sector Representative Community Events Sector Representative Premier Events Representative Department of Conservation Representative Creative New Zealand Representative Creative New Zealand Representative
<b>CONSTITUTION:</b>	<p>The subcommittee considering any grant except Biodiversity Fund Grants, and Premier/Major Events Grants will be constituted with up to four appointed community representative members, the Subcommittee's appointed mana whenua representative and up to five elected members.</p> <p>The subcommittee considering the Biodiversity Fund Grants will be constituted with a representative of the Department of Conservation, the Subcommittee's appointed mana whenua representative, and up to four Councillors.</p> <p>The subcommittee considering Premier/Major Events will be constituted with a Premier Events representative, the Chairperson of the Economic Development Committee, the Subcommittee's appointed mana whenua representative, and up to five elected members.</p>
<b>MEETING FREQUENCY:</b>	As required
<b>QUORUM:</b>	The quorum is five except for the consideration of grants for the Biodiversity Grants and Premier/Major Events Fund where the quorum is three. In all meetings the quorum must include two Councillors.

### Explanatory Notes:

- 1 Community Board members are not eligible to stand as community representatives.

- 2 Creative New Zealand's rules for the Creative Communities Assessment Committee require that community representatives are familiar with the range and diversity of local arts and community activities.

## AREA OF RESPONSIBILITY

- 1 To assess and determine applications in relation to the following:
  - a) Dunedin City Council Grants Policy:
    - To assess grant applications as outlined in the DCC Grants Management Policy
    - To make allocations in accordance with the DCC Grants Management Policy
  - b) Dunedin City Council Festival and Events Strategy:
    - To assess all applications to the Strategy
    - To make allocations in accordance with the Festival and Events Strategy
  - c) Dunedin City Council Biodiversity Fund:
    - To assess all applications to the Fund
    - To make allocations in accordance with the DCC Biodiversity Fund

**Note:** Grants for Dunedin Heritage Fund, Rates Relief for Heritage Buildings, and Rates Relief for the Comprehensive Re-Use of Heritage Buildings are considered by other Committees.

- 2 The Subcommittee may make recommendations to Council or the Chief Executive on any matter within its responsibilities and may also recommend to the Community and Culture Committee a decision to grant or decline a loan guarantee.
- 3 The Subcommittee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to any policy (including the Annual Plan or Long Term Plan) established by the Council.

## DELEGATIONS

- 1 To assess and determine grant applications within the policies set by the Council and to distribute available resources.
- 2 To assess and grant applications within the Festivals and Events Strategy set by the Council and to distribute available resources, as follows:
  - a) Major Events – Funding up to \$50,000 per annum for any one festival/event.
  - b) Premier Events – Funding of over \$50,000 per annum for any one festival/event.
  - c) Premier Events Underwriting – Applications for amounts greater than \$20,000.

- 3 To inform community groups of all forms of funding available to them and facilitate applications or requests for assistance.
- 4 To grant or decline applications to the Rates Relief Grants Scheme.
- 5 To advise on any matters relating to biodiversity funding applications.

#### **DELEGATION TO MEMBERS**

- 1 The Chairperson of the Grants Subcommittee (or in the event the Chairperson is unavailable, the Deputy Chairperson) may approve Small Project Scheme Grants and Neighbourhood Matching Grants up to \$500 that meet the criteria set out in the DCC Grants Management Policy. The exercise of this delegation (if any) is to be reported to the Grants Subcommittee at its next meeting for noting.

## Toitū Otago Settlers Museum Board

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<b>REPORTING TO:</b>	Community Services Committee
<b>CHAIRPERSON:</b>	As appointed by the Otago Settlers Association Board representatives
<b>DEPUTY CHAIRPERSON:</b>	As appointed by the Otago Settlers Association Board representatives
<b>CONSTITUTION:</b>	Three members of Otago Settlers Association  Three members appointed by Council <ul style="list-style-type: none"><li>• Cr Bill Acklin</li><li>• Cr Kevin Gilbert</li><li>• Cr Cherry Lucas</li></ul>
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As required.

### AREA OF RESPONSIBILITY

- 1 To recognise the historic interest of the Otago Settlers Association and seek to encourage their interests in all reasonable ways to enhance their membership, the volunteer involvement, and satisfaction in the facility.

### DELEGATIONS

- 1 To advise on policies which will ensure the highest standards of operation for the Toitū Otago Settlers Museum including but not limited to acquisitions and collections, strategic planning, activity development and general marketing strategies.
- 2 To take all necessary initiatives to promote and develop the facility for the benefit of the City and district.
- 3 To seek funds from any appropriate source to advance the facility.
- 4 To plan and recommend in consultation with the Otago Settlers Association the long term redevelopment of the Museum.

## Delegations to other groups

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## Dunedin Heritage Trust Fund

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<b>REPORTING TO:</b>	Strategy, Planning and Engagement Committee
<b>CHAIRPERSON:</b>	Cr Sophie Barker
<b>MEMBERS:</b>	Cr David Benson-Pope, City Development Manager, Team Leader – Advisory Services/Heritage Advisor and three (3) people appointed by Heritage New Zealand
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As required

### AREA OF RESPONSIBILITY

- 1 The preservation, retention and maintenance of historic places, buildings, trees, bush and other vegetation situated in Dunedin by determining applications made to the Dunedin Heritage Fund.

### DELEGATIONS

- 1 To encourage the retention, preservation and maintenance of historic sites situated within Dunedin.
- 2 To decide whether to grant or decline applications for funding made by an owner or occupier of any historic site in Dunedin for the purpose of assisting that owner or occupier to manage, maintain or preserve that historic site. The exercise of this delegation must be in accordance with the provisions of the trust deed for the Dunedin Heritage Fund.
- 3 To make grants and other financial assistance from the Dunedin Heritage Fund to applicants and determine the terms and conditions as it considers appropriate and in accordance with the Trust Deed.
- 4 To provide for the purchase or lease of any historic site for the purpose of retention, preservation or maintenance of that historic site and to sell or lease any such historic site once the objective of retention, preservation or maintenance has been fulfilled.

### DELEGATION LIMITS

- 1 The Dunedin Heritage Fund may not delegate any of its responsibilities, duties or powers.



## Otago Civil Defence Emergency Management Group

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**REPORT TO:** Council

**CHAIRPERSON:** The Otago Civil Defence Emergency Management Group shall appoint one of the representatives of its members as chairperson, and one of its members as deputy chairperson. Each will hold office for such period as agreed by the Group, but only so long as those persons remain a representative of a member of the Group.

**CONSTITUTION:** Pursuant to section 12 of the Civil Defence Emergency Management Act 2002 and subsequent amendments, the Otago Civil Defence Emergency Management Group is constituted as a joint standing committee under section 114S of the Local Government Act 1974 (a joint committee under section 30 of Schedule 7 of the Local Government Act 2002) by resolutions adopted by:

- Central Otago District Council
- Clutha District Council
- Dunedin City Council
- Otago Regional Council
- Queenstown Lakes District Council
- Waitaki District Council

**MEMBERSHIP:** Each local authority listed above is a member of the Otago Civil Defence Emergency Management Group. Each member is represented on the joint committee by the Mayor/Chairperson, or by an elected person from that authority who has delegated authority to act for the member.

**QUORUM:** Three

**MEETING FREQUENCY:** As required

### PURPOSE

The Otago Civil Defence Emergency Management Group has the purpose and all of the functions, powers and obligations of a civil defence emergency management group as defined by the Civil Defence Emergency Management Act 2002 and subsequent amendments. Section 17 of the Civil Defence Emergency Management Act 2002 defines the function of a group and each of its members that, in summary, require it to:

- 1 Identify, assess and manage relevant hazards and risks;
- 2 Ensure provision of trained and competent personnel, an appropriate organisational structure and the necessary services and resources for effective civil defence emergency management in its area;

- 3 Respond to and manage the adverse effects of emergencies;
- 4 Carry out recovery activities;
- 5 Assist other civil defence emergency management groups when requested;
- 6 Promote public awareness of and compliance with the Civil Defence Emergency Management Act and legislative provisions relevant to the purpose of the Act;
- 7 Develop, approve, implement, monitor and review a civil defence emergency management group plan;
- 8 Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan;
- 9 Promote civil defence emergency management in its area that is consistent with the purpose of the Civil Defence Emergency Management Act 2002.

## **MEETINGS**

The Otago Civil Defence Emergency Management Group shall meet quarterly and as required with the location for meetings rotating among member authorities.

Meetings may also be held via teleconference.

## **DELEGATIONS**

The Otago Civil Defence Emergency Management Group shall have all the delegated authorities that may be given by each member Council, including authority to fulfil the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002, authority to appoint subcommittees, and authority to sub-delegate any authority able by law to be delegated.

## **SUBCOMMITTEE**

A subcommittee of all members of the Otago Civil Defence Emergency Management Group may be formed and given full delegated authority to carry out the functions, obligations, and powers of the Group under the Civil Defence Emergency Management Act 2002 pursuant to section 114 P (2) of the Local Government Act 1974 and section 30(2) schedule 7 of the Local Government Act 2002. Any meeting will transact routine business and not commit members to any major financial expenditure.

## **STANDING ORDERS**

The current Standing Orders of the Otago Regional Council shall govern the conduct of the meetings, except that order papers and agenda papers shall be sent to every member no less than five working days before the meeting.

Notwithstanding anything in the Civil Defence Emergency Management Act or Standing Orders, adequate notice shall be given of all matters to be discussed at a meeting of the Group. Where a

matter of significance is to be considered, where practicable, prior written notice of the background to that matter must be given in sufficient time to allow for consultation with each member.

### **ADMINISTERING AUTHORITY**

The Otago Regional Council as the administering authority shall provide administrative and leadership of the Group.

### **REPORTING**

The Group will report to each member.

### **CONTINUANCE OF JOINT STANDING COMMITTEE**

The Otago Civil Defence Emergency Management Group shall not be discharged by a triennial election but appointments of representatives of members shall be confirmed or new appointments made by each council following each election.

## PART IV – COMMUNITY BOARDS

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## COMMUNITY BOARDS

1 The powers delegated to Community Boards in respect of their area of responsibility and authority shall be within the scope defined by the terms of the Local Government Act 2002.

8 Dunedin's Community Boards shall have the following delegated powers:

a) **Submissions to Government and Other Agencies**

- The power to make submissions to Government and other agencies (such as local or regional authorities) on issues that fall within the area of responsibility of the Board. Make submissions to any organisation 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 Chief Executive).

b) **Community Development and Consultation**

- To liaise with individuals and groups in the Board's area of responsibility.
- To advocate for the community on any issue.
- To develop and adopt a community plan.

c) **Parks and Reserves**

- Make formal submissions on Reserve Management Plans under the Reserves Act 1977.
- To provide input into the temporary use of parks, reserves and Council owned land for market days, street appeals and stalls and specific events and functions, and monitor their effects.

d) **Planning**

- To make submissions to Council on all matters pertaining to the District Plan which impact on the Board's community.
- To have one appropriately trained member appointed to the Hearings Committee where the application to be considered falls within the Board's area and a notified application is required. (Note: Where the Board has made a submission, the Board must stand aside from being represented on the Hearings Committee).

e) **Civil Defence**

- To operate all Board co-ordination centres under the overall direction of the Civil Defence Controller.
- To act (under the provisions of the DCC's Civil Defence Plan) as the interface between the community and its response agencies and as the Board co-ordinator element of the response structure defined in that Plan.

- To establish Board co-ordination centres (under the direction of the Councillors and Community Board Chairperson), report to the Civil Defence Controller where communications exist and make decisions under delegated authority where communications are out of action. (Where the Chairperson is unavailable a Councillor assumes control).
  - To attend training every triennium.
- f) **Traffic Management**
- Make submissions in respect of transportation planning, parking and traffic management including the placement of road signage, controls on vehicle parking, traffic constraints and controls.
  - To put forward the Board's preference for priorities for road improvement works within the Board's area.
- g) **Economic Development**
- Make submissions in respect of Economic Development initiatives.
  - To advise Council staff of the local implications of the sale of property assets and acquisitions of property in the community.
  - To consult with and make recommendations to Council and Enterprise Dunedin on Tourism issues of interest to the Board in respect of the Board's area.
- h) **Civic**
- To fix priorities and expend funds within budget envelopes allocated for discretionary spending in accordance with the funding allocation guidelines.
- i) **The Long Term Plan, Annual Plans and Community Plans**
- To make submissions to Council on programmes and projects within the community plan in respect of the Long Term Plan.
  - To adopt a community plan that identifies and makes recommendations on priorities for local projects and community issues.
  - To make submissions to Council on the Long Term Financial Strategy.
- j) **Policy**
- To recommend policies to the Chief Executive.
  - Make submissions on relevant policies that have effects within the Community Board's geographical area.
  - To make submissions on policies relating to services and programmes which have effects at neighbourhood level.

9 Details of the membership of the six community boards are detailed on the following pages.

## Mosgiel-Taieri Community Board

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Andrew Simms
<b>DEPUTY CHAIRPERSON:</b>	Dean McAlwee
<b>MEMBERS:</b>	Kathryn Anderson, Regan Horrell, Brian Miller, Brian Peat Appointed Councillor – Cr Cherry Lucas
<b>CONSTITUTION:</b>	Six Board members and one appointed councillor
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY

- 1 The powers delegated to the Board in respect of its area of responsibility and authority shall be within the scope defined by the terms of the Local Government Act 2002. The Mosgiel-Taieri Community Board shall have the following delegated powers:
- 2 A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Council Community Plan, Financial Strategy and Funding Policy (including the Borrowing and Investment Policy) relevant to the Board's area of responsibility, including the review of representation arrangements required under the Local Electoral Act 2001.

### DELEGATIONS

- 1 All those powers detailed under the Part IV Community Boards, (Clauses 1 and 2) of this Manual.
- 2 To assess and determine grant applications within the policies set by the Council and to distribute available Community Board project funds.
- 3 Any other matter within the area of responsibility above.



## Otago Peninsula Community Board

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Paul Pope
<b>DEPUTY CHAIRPERSON:</b>	Hoani Langsbury
<b>MEMBERS:</b>	Lox Kellas, Stacey Kokaua-Balfour, Cheryl Neill, Edna Stevenson  Appointed Councillor – Cr Andrew Whiley
<b>CONSTITUTION:</b>	Six Board members and one appointed councillor
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY

- 1 The powers delegated to the Board in respect of its area of responsibility and authority shall be within the scope defined by the terms of the Local Government Act 2002. The Otago Peninsula Community Board shall have the following delegated powers:
- 2 A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Council Community Plan, Financial Strategy and Funding Policy (including the Borrowing and Investment Policy) relevant to the Board's area of responsibility, including the review of representation arrangements required under the Local Electoral Act 2001.

### DELEGATIONS

- 1 All those powers detailed under the Part IV Community Boards, (Clauses 1 and 2) of this Manual.
- 2 To assess and determine grant applications within the policies set by the Council and to distribute available Community Board project funds.
- 3 Any other matter within the area of responsibility above.

## Saddle Hill Community Board

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Paul Weir
<b>DEPUTY CHAIRPERSON:</b>	Scott Weatherall
<b>MEMBERS:</b>	Christina McBratney, Keith McFadyen, John Moyle, Pim Allen Appointed Councillor – Cr Kevin Gilbert
<b>CONSTITUTION:</b>	Six Board members and one appointed councillor
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY

- 1 The powers delegated to the Board in respect of its area of responsibility and authority shall be within the scope defined by the terms of the Local Government Act 2002. The Saddle Hill Community Board shall have the following delegated powers:
- 2 A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Council Community Plan, Financial Strategy and Funding Policy (including the Borrowing and Investment Policy) relevant to the Board's area of responsibility, including the review of representation arrangements required under the Local Electoral Act 2001.

### DELEGATIONS

- 1 All those powers detailed under the Part IV Community Boards, (Clauses 1 and 2) of this Manual.
- 2 To assess and determine grant applications within the policies set by the Council and to distribute available Community Board project funds.
- 3 Any other matter within the area of responsibility above.

## Strath Taieri Community Board

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Barry Williams
<b>DEPUTY CHAIRPERSON:</b>	Anna Wilson
<b>MEMBERS:</b>	David Frew, Terina Geddes, Tony Markham, Robin Thomas Appointed Councillor – Cr Bill Acklin
<b>CONSTITUTION:</b>	Six Board members and one appointed councillor
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY

- 1 The powers delegated to the Board in respect of its area of responsibility and authority shall be within the scope defined by the terms of the Local Government Act 2002. The Strath Taieri Community Board shall have the following delegated powers:
- 2 A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Council Community Plan, Financial Strategy and Funding Policy (including the Borrowing and Investment Policy) relevant to the Board's area of responsibility, including the review of representation arrangements required under the Local Electoral Act 2001.

### DELEGATIONS

- 1 All those powers detailed under the Part IV Community Boards, (Clauses 1 and 2) of this Manual.
- 2 To assess and determine grant applications within the policies set by the Council and to distribute available Community Board project funds.
- 3 Any other matter within the area of responsibility above.

## Waikouaiti Coast Community Board

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Alasdair Morrison
<b>DEPUTY CHAIRPERSON:</b>	Andy Barratt
<b>MEMBERS:</b>	Sonya Billyard, Mark Brown, Chris McBride, Geraldine Tait Appointed Councillor – Cr Jim O'Malley
<b>CONSTITUTION:</b>	Six Board members and one appointed councillor
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY

- 1 The powers delegated to the Board in respect of its area of responsibility and authority shall be within the scope defined by the terms of the Local Government Act 2002. The Waikouaiti Coast Community Board shall have the following delegated powers:
- 2 A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Council Community Plan, Financial Strategy and Funding Policy (including the Borrowing and Investment Policy) relevant to the Board's area of responsibility, including the review of representation arrangements required under the Local Electoral Act 2001.

### DELEGATIONS

- 1 All those powers detailed under the Part IV Community Boards, (Clauses 1 and 2) of this Manual.
- 2 To assess and determine grant applications within the policies set by the Council and to distribute available Community Board project funds.
- 3 Any other matter within the area of responsibility above.

## West Harbour Community Board

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<b>REPORTING TO:</b>	Council
<b>CHAIRPERSON:</b>	Angela McErlane
<b>DEPUTY CHAIRPERSON:</b>	Kristina Goldsmith
<b>MEMBERS:</b>	Duncan Eddy, Barbara Anderson, Jarrod Hodson, Wayne Sefton Appointed Councillor – Cr Mandy Mayhem
<b>CONSTITUTION:</b>	Six Board members and one appointed councillor
<b>QUORUM:</b>	Four
<b>MEETING FREQUENCY:</b>	As per the meeting schedule

### AREA OF RESPONSIBILITY

- 1 The powers delegated to the Board in respect of its area of responsibility and authority shall be within the scope defined by the terms of the Local Government Act 2002. The West Harbour Community Board shall have the following delegated powers:
- 2 A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Council Community Plan, Financial Strategy and Funding Policy (including the Borrowing and Investment Policy) relevant to the Board's area of responsibility, including review of representation arrangements required under the Local Electoral Act 2001.

### DELEGATIONS

- 1 All those powers detailed under the Part IV Community Boards, (Clauses 1 and 2) of this Manual.
- 2 To assess and determine grant applications within the policies set by the Council and to distribute available Community Board project funds.
- 3 Any other matter within the area of responsibility above.

## PART V - THE CHIEF EXECUTIVE

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### FUNCTIONS

62 The Chief Executive is the head of the Council's staff appointed under section 42 of the Local Government Act 2002 and shall have all the authority necessary or incidental to that position as defined in the job description and performance objectives for that position and in this Manual.

63 Under section 42 of the Local Government Act 2002:

*"(1) A local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a Chief Executive.*

*The Chief Executive's responsibilities are set out in section 42(2)*

*(2) A Chief Executive appointed under subsection (1) is responsible to his or her local authority for*

- (a) implementing the decisions of the local authority; and*
- (b) providing advice to members of the local authority and to its community boards, if any; and*
- (c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and*
- (d) ensuring the effective and efficient management of the activities of the local authority; and*
- (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and*
- (f) providing leadership for the staff of the local authority; and*
- (g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy; and*
- (h) negotiating the terms of employment of the staff of the local authority.*

*(3) A Chief Executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority –*

- (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and*
- (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.*

- (4) For the purposes of any other Act, a Chief Executive appointed under this section is the principal administrative officer of the local authority."*

## **EMPLOYMENT OF STAFF**

- 64 Under section 42(2)(g) and (h) Local Government Act 2002 the Chief Executive is responsible to the Council for employing the staff of the Council and negotiating their terms of employment. This includes staffing structures, authority for disciplinary action and dismissal, recruitment, good employer obligations and the equal employment opportunities programme.

## **FUNDS MANAGEMENT**

- 65 The Chief Executive may:
- a) Invest temporary surplus funds of the Council in accordance with the Treasury Risk Management Policy; and
  - b) Borrow up to the limits approved in the annual budget and in accordance with the Treasury Risk Management Policy.

## **OTHER FUNCTIONS**

- 66 The Chief Executive's functions shall include:
- a) Determining hours of operation of services and Council owned premises or facilities.

## **DELEGATIONS TO CHIEF EXECUTIVE**

- 67 The Chief Executive is delegated all the powers, functions and duties necessary for the management of the Council's activities and the implementation of Council policy except:
- a) Those reserved to the Council under clause 57 of this Manual;
  - b) Any other powers, functions and duties specifically identified as being exclusively reserved to the Council or a committee under this Manual.

## **SUB-DELEGATION**

- 68 The authority delegated to the Chief Executive may be delegated to any other officer of the Council or a subcommittee of officers. Every delegation by the Chief Executive will be in writing and suitably recorded. Every delegation may be withdrawn or amended or made subject to conditions in the same manner.
- 69 In addition to the general power to delegate to Council officers, the Chief Executive may delegate to the New Zealand Police the power to issue and serve a trespass notice to any individual on the Council's behalf, in any situation, where the New Zealand Police consider this is necessary.

- 70 In the case of the power to enter into financial commitments within overall approved budget limits the Chief Executive may delegate authority. These delegations must be recorded in writing.

## **PROJECT CONTROL GROUPS**

- 71 Project Control Groups (PCGs) are formed primarily to execute projects already approved by the Council and will have a role in monitoring the tendering and contracting process of a project, its development or implementation. Unless expressly specified otherwise, a Project Control Group will be terminated if it has not met for six months or more.
- 72 Project Control Groups shall be formed by the Chief Executive. Normally PCGs will comprise officers. However, there may be projects where it is appropriate to include elected members or persons from outside agencies. When deciding on membership the Chief Executive will consult with the Mayor or relevant Committee Chairperson.

The Chief Executive shall:

- Appoint the Chairperson
- Clearly define the terms of reference for the project control group including its purpose, powers, duties and functions
- Determine membership of the project control group after consulting with the Mayor or relevant Committee Chairperson. Membership may include elected members and persons from outside agencies in addition to council officers.

*Project Control Groups:*

- Are not required to seek Council or standing committee approval for their actions, provided these actions are within the scope of the Council's decision approving the project
- Will provide reports to ELT and, if the need arises, to the Council or to Standing Committees (for example if there is a requirement for additional funding).

## **SPECIFIC DELEGATIONS**

- 73 For the avoidance of doubt, and subject to clause 67 above, the Chief Executive's delegations include the powers detailed in clauses 67 to 80.
- 74 The Chief Executive is delegated:
- a) All powers and duties under the Resource Management Act 1991.
  - b) All powers and duties under the Public Works Act 1981, excluding the power to issue a Notice of Intention to Take pursuant to section 23 of the Public Works Act 1981.
- 75 The Chief Executive is delegated the following powers under the Local Government Act 1974:
- a) Right of way consents under section 348 of the Local Government Act 1974;



- b) Cancellation of building line restrictions under section 327A of the Local Government Act 1974.
- 76 The Chief Executive is delegated the following powers for commencing public consultation:
- a) To determine the form and extent of public consultation and adopt a statement of proposal and/or public notice for any matter that requires public consultation or notification under any legislation or by a Council policy or strategy.
- 77 To grant unopposed applications for special licences under the Sale and Supply of Alcohol Act 2012 and exercise all the powers which may, under that Act, be exercised by the Secretary of the Dunedin District Licensing Committee.
- 78 The Chief Executive is delegated the power to appoint a Commissioner, based on the recommendation of Council, to the role of Chairperson of the District Licensing Committee.

## **CONTRACTS, TENDERS, PURCHASING, ACQUISITION AND SALE OF ASSETS AND SERVICES**

- 79 The Chief Executive may, subject to any policy established by the Council and within approved budgets, accept, negotiate or decline contracts, tenders, purchasing agreements, memoranda of understanding or any other arrangements for:
- a) The employment of staff, consultants or advisers;
  - b) The provision of services by the Council and the sale, leasing or disposal of goods, plant, capital items (excluding real property) or other assets owned by the Council;
  - c) The supply of goods, services, plant, capital items or other assets (excluding real property) to the Council;
  - d) The settlement of claims for compensation;
  - e) Easements, rights of way, caveats, registrable interests and similar minor dealings with property;
  - f) The sale and purchase, of real property where the value does not exceed \$500,000 and property developments where the value does not exceed \$1,000,000;
  - g) The leasing or exchange of real property;
  - h) All services pertaining to the provision of corporate services unless reserved to the Council or a committee;
  - i) the services delegated to the Chief Executive include:
    - i) Waiving or postponing the whole or part of any fee, charge, rental price set by Council;
    - ii) Granting of rates remission and the waiver of rates penalties;
    - iii) Warranting the appointment of staff;

- iv Setting all fees, charges, rents and prices for Council facilities and services other than:
    - charges for extraordinary supplies of water;
    - on-street parking fines and charges;
    - landfill charges;
    - swimming pool charges;
    - cemetery and crematorium charges;
    - dog registration fees.
  - j) All matters pertaining to the development of rating systems not reserved to Council or a committee.
- 80 The Chief Executive may (and may authorise any General Manager) where service levels have no material or significant change, approve the variation of any sum making up an activity schedule where the net expenditure/surplus in that activity schedule is not altered and the change is to allow for the more effective management of that activity in accordance with any strategic or annual plan or long term plan.

## **COAT OF ARMS OR OTHER HERALDRY**

- 81 The Mayor may grant the use of the Council's coat of arms and logo, in consultation with the Chief Executive.

## **LEGAL ACTION ON BEHALF OF COUNCIL**

- 82 The Chief Executive may initiate, join, negotiate, resolve or withdraw from legal proceedings in any Court. This includes authorising prosecutions.

## **ENFORCEMENT AND LICENSING**

- 83 The Chief Executive may issue any statutory notices; such as abatement notices and orders on behalf of Council under the Resource Management Act 1991, the Health Act 1956 and other legislation of a regulatory nature.
- 84 The Chief Executive may issue orders on behalf of the Council under the Local Government Act 2002 and any other Act relating to the above activities.
- 85 The Chief Executive may grant all permits, licences and consents which the Council may issue and place conditions on, granting a waiver or withdrawing those licences, permits and consents (except where a formal hearing is held).
- 86 The Chief Executive may exercise any power of entry, seizure or impounding granted by law.

## **RESERVES**

- 87 The Chief Executive may:

- a) Exercise all non-reserved powers under the Reserves Act 1977;
- b) Authorise activities on reserves;
- c) Exercise any powers delegated to the Chief Executive by the Minister of Conservation under the Reserves Act 1977.

## **HOUSING**

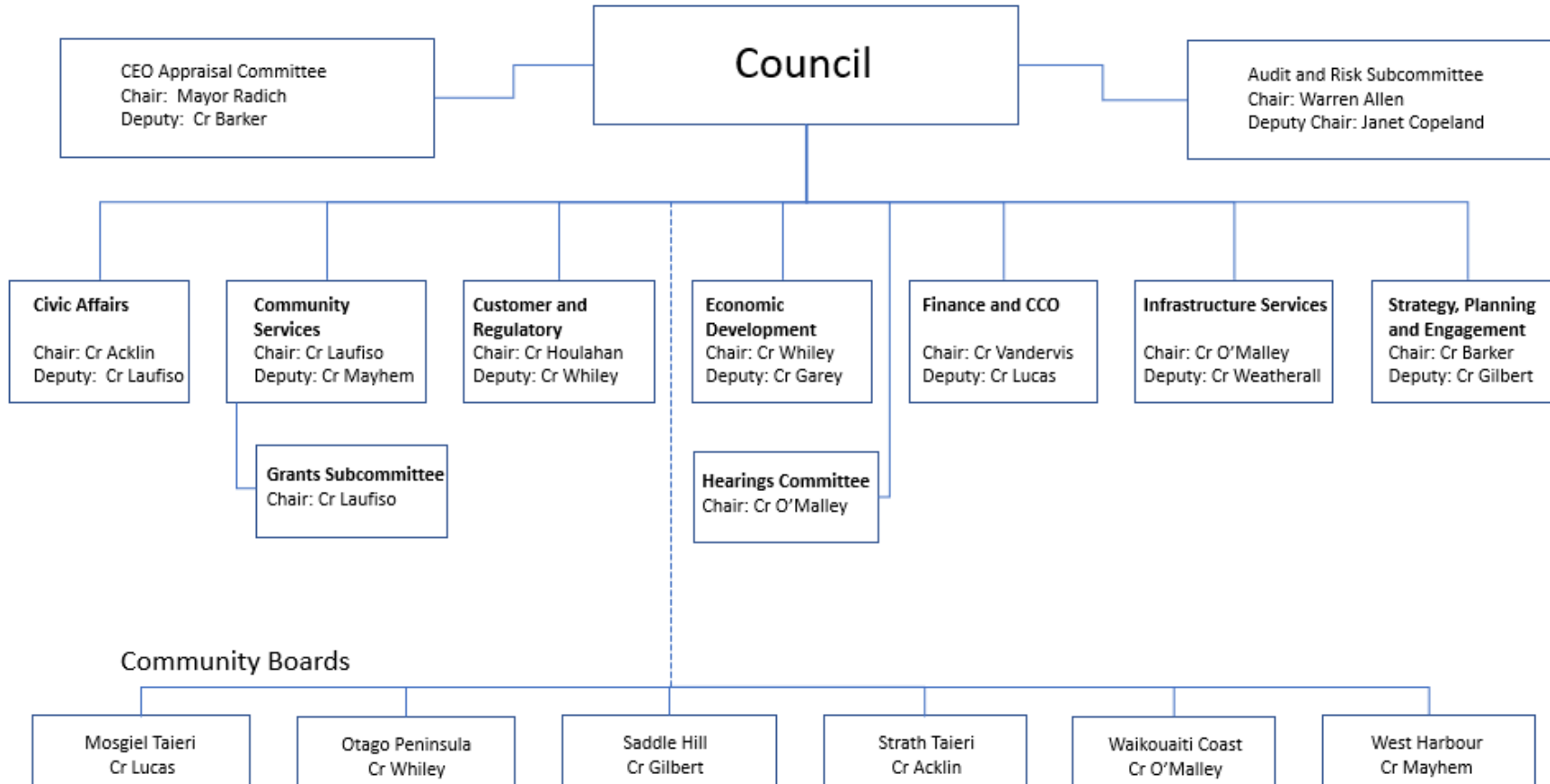
88 The Chief Executive may tenant all Council housing in accordance with policy.

## **BYLAWS**

89 The Chief Executive may administer the Council's bylaws.

## Appendix A: Committee Structure

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## Appendix B: Template for Establishing a Councillor Advisory Panel

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<b>Name of Councillor Advisory Panel</b>	
<b>Councillor Advisory Panel Terms of Reference</b> <i>(detail the purpose, powers, duties and functions of the Councillor Advisory Panel)</i>	<ul style="list-style-type: none"> <li>▪</li> <li>▪</li> <li>▪</li> <li>▪</li> </ul>
<b>Committee of Council that the Councillor Advisory Panel is to report to</b>	
<b>Chairperson of Councillor Advisory Panel</b>	
<b>Membership of Councillor Advisory Panel</b> <i>(detail by position or by name)</i>	<ul style="list-style-type: none"> <li>▪</li> <li>▪</li> <li>▪</li> <li>▪</li> </ul>
<b>Support Staff</b> <i>(detail by position)</i>	<ul style="list-style-type: none"> <li>▪</li> <li>▪</li> <li>▪</li> </ul>
<b>General Manager (or Chief Executive) supporting Councillor Advisory Panel</b>	
<b>Expected term of Councillor Advisory Panel</b> <i>(include anticipated end date)</i>	

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