

# Wellington City Council Local Governance Statement

**2007-2010\***

**\* Due to the nature of the content of the Local Governance Statement, it is subject to regular update. For the most recent copy please contact Democratic Services on 499 4444, or go to our website [www.Wellington.govt.nz](http://www.Wellington.govt.nz)**

## What is a Local Governance Statement?

The Local Governance Statement is a collection of information about the processes through which Council engages with the residents of Wellington City, how the Council makes decisions and how citizens can influence these processes. Council is required to produce such a statement by s.40 of the Local Government Act 2002, and to update it following each triennial election.

The Local Governance Statement helps support the purpose of Local Government by promoting local democracy. The purpose of local government in New Zealand is set out in the Local Government Act 2002, Part 2 section 10, as follows:

*The purpose of local government is-*

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

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

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

The governance statement will be updated from time to time to ensure that its content is accurate and up to date. For the most recent copy please contact Democratic Services on (04) 499 4444 or see our website [www.Wellington.govt.nz](http://www.Wellington.govt.nz)

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## 1) The Functions, Responsibilities and Activities of Wellington City Council

The purpose of the Wellington City Council is to enable democratic local decision-making to promote the social, economic, environmental and cultural well-being of Wellington City in the present and for the future.

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

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

(Local Government Act (LGA) 2002)

## 2) Local Legislation that Confers Powers on Wellington City Council

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

<b>TITLE OF ACT</b>	<b>REFERENCE NO.</b>
Local Legislation Act 1926	1926, No. 61, s.s. 28 & 63
Local Legislation Act 1927	1927, No. 58, s.s. 41
Local Legislation Act 1928	1928, No. 48, s.s. 25, 46 & 70
Local Legislation Act 1929	1929, No. 21, s. 50
Local Legislation Act 1930	1930, No. 39, s. 32
Local Legislation Act 1931	1931, No. 43, s.s. 18, 45 & 49
Local Legislation Act 1932-33	1932-33, No. 47, s.s. 23 & 28
Local Legislation Act 1933	1933, No. 46, s.s. 12, 27, 57,
Local Legislation Act 1934	1934, No. 33, s.s. 11 & 13
Local Legislation Act 1935	1935, No. 33, s.s. 8, 9, 12, 21 & 39
Local Legislation Act 1936	1936, No. 54, s.s. 15, 16, 17, 18, 59, 62 & 66
Local Legislation Act 1937	1937, No. 25, s. 24
Local Legislation Act 1938	1938, No. 18, s.s. 18, 27 & 29
Local Legislation Act 1939	1939, No. 25, s.s. 22 & 53
Local Legislation Act 1940	1940, No. 16, s.s. 8 & 12
Local Legislation Act 1941	1941, No. 23, s.s. 21 & 38
Local Legislation Act 1942	1942, No. 17, s.s. 15, 16, & 37
Local Legislation Act 1944	1944, No. 23, s.s. 9, 12 & 30
Local Legislation Act 1945	1945, No. 29, s. 7
Local Legislation Act 1946	1946, No. 39, s. 12
Local Legislation Act 1947	1947, No. 56, s. 37
Local Legislation Act 1948	1948, No. 67, s. 11
Local Legislation Act 1949	1949, No. 35, s.s. 11, 17, 31 & 32
Local Legislation Act 1951	1951, No. 69, s.s. 11 & 22
Local Legislation Act 1952	1952, No. 68, s. 20

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Local Legislation Act 1953	1953, No. 106, s.s. 22 & 42
Local Legislation Act 1954	1954, No. 57, s. 10
Local Legislation Act 1959	1959, No. 92, s. 29
Local Legislation Act 1961	1961, No. 127, s. 28
Local Legislation Act 1962	1962, No. 117, s. 19
Local Legislation Act 1963	1963, No. 138, s. 42
Local Legislation Act 1964	1964, No. 117, s. 28
Local Legislation Act 1967	1967, No. 148, s.s. 27 & 28
Local Legislation Act 1968	1968, No. 131, s. 10
Local Legislation Act 1972	1972, No.38,s. 13&22
Local Legislation Act 1974	1974, No. 147, s. 10
Local Legislation Act 1975	1975, No. 126, s.s. 22 & 23
Local Legislation Act 1979	1979, No. 142, s. 10
Local Legislation Act 1980	1980, No. 160, s. 10
Local Legislation Act 1983	1983, No. 8, s. 5
Local Legislation Act 1985	1985, No. 77, s. 5
Local Legislation Act 1992	1992, No. 103,s.4&5
Onslow Borough Drainage Empowering Act 1906	1906, No. 36(L)
Reclamation Within the Harbour of Wellington Act 1887	1887, No. 2(L)
Amendments	1898, No. 7(L), s. 3 1967, No. 15(L), s. 7 1987, No. 5(L), s. 19
Reserves & Other Disposal & Public Bodies Empowering Act 1906	1906, No. 60, s. 46
Reserves & Other Disposal & Public Bodies Empowering Act 1907	1907, No. 72, s.s. 26, 27, 28 & 54
Reserves & Other Disposal & Public Bodies Empowering Act 1910	1910, No. 80, s.s. 84, 85 & 86
Reserves & Other Disposal & Public Bodies Empowering Act 1912	1912, No. 46, s.s. 39, 42 & 67
Reserves & Other Disposal & Public Bodies Empowering Act 1914	1914, No. 70, s.s. 41, 42, 51, 55 & 98
Reserves & Other Disposal & Public Bodies Empowering Act 1915	1915, No. 68, s.s. 50 & 140
Reserves & Other Disposal & Public Bodies Empowering Act 1916	1916, No. 14, s.s. 46, 47, 81 & 102
Reserves & Other Disposal & Public Bodies Empowering Act 1917	1917, No. 26, s.s. 52, 53, 58, 61 & 63
Reserves & Other Disposal & Public Bodies Empowering Act 1918	1918, No. 23, s.s. 46, 47 & 48

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Reserves & Other Disposal & Public Bodies Empowering Act 1919	1919, No 54, s.s. 1 1 1, 1 12 & 113
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1920	1920, No. 75, s. 110
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1921-22	1921-22, No. 59, s.s. 92 & 93
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1922	1922, No. 50, s.s. 45, 106 & 107
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1923	1923, No. 35, s.s. 67, 72 & 76
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1924	1924, No. 55, s.s. 1 13, 126, 132 & 133
Reserves & Other Lands Disposal & Public Bodies Empowering Act 1925	
Reserves & Other Lands Disposal Act 1932-33	1932-33, No. 46, s. 9
Reserves & Other Lands Disposal Act 1934	1934, No. 32, s. 8 & 21
Reserves & Other Lands Disposal Act 1935	1935, No. 30, s. 19
Reserves & Other Lands Disposal Act 1936	1936, No. 49, s. 23
Reserves & Other Lands Disposal Act 1938	1938, No. 19, s.s. 34, 37 & 38
Reserves & Other Lands Disposal Act 1940	1940, No. 13, s. 12
Reserves & Other Lands Disposal Act 1944	1944, No. 22, s. 22
Reserves & Other Lands Disposal Act 1945	1945, No. 31, s. 13
Reserves & Other Lands Disposal Act 1946	1946, No. 34, s. 20
Reserves & Other Lands Disposal Act 1949	1949, No. 34, s.s. 22, 29 & 36
Reserves & Other Lands Disposal Act 1952	1952, No. 69, s. 37
Reserves & Other Lands Disposal Act 1953	1953, No. 107, s. 2
Reserves & Other Lands Disposal Act 1954	1954, No. 58, s.s. 7 & 10
Reserves & Other Lands Disposal Act 1955	1955, No. 49, s.s. 6 & 18
Reserves & Other Lands Disposal Act 1956	1956, No. 53, s. 7

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Reserves & Other Lands Disposal Act 1957	1957, No. 80, s. 17
Reserves & Other Lands Disposal Act 1958	1958, No. 108, s. 23
Reserves & Other Lands Disposal Act 1962	1962, No. 49, s. 3
Reserves & Other Lands Disposal Act 1963	1963, No. 128, s. 3
Reserves & Other Lands Disposal Act 1964	1964, No. 118, s. 14
Reserves & Other Lands Disposal Act 1966	1966, No. 102, s. 11
Reserves & Other Lands Disposal Act 1972	1972, No. 124, s. 4
Seddon Family Burial Ground Act 1924	1924, No. 23
Special Powers & Contracts Act 1886	1886, No. 16(L)
Te Aro Reclamation Act 1879	1879, No 6(P)
Amendments	1887, No2(L), s 5 1967, No 15(L), s 7
Thorndon Reclamation Act 1882	1882, No. 14(L)
Amendment	1888, No. 11(L)
Wellington and Karori Sanitation and Water Supply Act 1912	1912, No. 17(L)
Amendment	1915, No. 7(L)
Wellington Botanic Garden Vesting Act 1891	1891, No. 18(L)
Amendments	1922, No. 18(L), s. 13 1962, No. 49, s. 3(1) 1964, No. 118, s. 14(1)
Wellington City and Suburban Districts Ambulance Transport Service Act 1927	1927, No. 7(L)
Wellington City Betterment Act 1900	1900, No. 8(L)
Amendment	1906, No. 60, s. 46
Wellington City Council (Local Elections) Empowering Act 1974	1974, No. 6(L)
Wellington City (Cuba Street Mall) Empowering Act 1967	1967, No. 1(L)
Wellington City Drainage Empowering Act 1894	1894, No. 6(L)
Wellington City Empowering Act 1889	1889, No. 14(L)
Wellington City Empowering Act 1897	1897, No. 14(L)
Amendments	1899, No. 12(L), s.s. 6, 7 1908, No. 39(L), s. 11 1923, No. 13(L), 5. 7 1924, No. 19(L), 5. 10

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Wellington City Empowering Act 1908	1908, No. 39(L)
Amendments	1911, No. 42(L), s. 4 1915, No. 3(L), s. 2 1923, No. 13(L), s. 7 1924, No. 19(L), s. 10
Wellington City Empowering Act 1908 Amendment Act 1915	1915, No. 3(L)
Wellington City Empowering Act 1917	1917, No. 4(L)
Amendments	1919, No. 6(L), s. 3 1923, No. 13(L), s. 7 1929, No. 12(L), s. 4 1933, No. 30, s. 332(11) 1935, No. 4(L) 1948, No. 39, s. 12
Wellington City Empowering Act 1925	1925, No. 1 (L)
Wellington City Empowering Act 1926	1926, No. 9(L)
Amendments	1927, No. 4(L), s. 7 1930, No. 13(L), s. 5 1935, No. 18(L), s. 5
Wellington City Empowering Act 1928	1928, No. 22(L)
Wellington City Empowering Act 1930	1930, No. 13(L)
Amendments	1931, No. 5, s. 40 1940, No. 4(L), s. 4
Wellington City Empowering Act 1931	1931, No. 9(L)
Wellington City Empowering & Amendment Act 1912	1912, No. 20(L)
Amendments	1924, No. 19(L), s.12 1951, No. 6(L) 1954, No. 10(L)
Wellington City Empowering & Amendment Act 1922	1922, No. 18(L)
Amendments	1923, No. 13(L), s. 9 1930, No. 13(L), s. 5 1950, No. 11(L), s. 2(2) 1964, No. 117, s. 28
Wellington City Empowering & Amendment Act 1924	1924, No. 19(L)
Amendments	1927, No. 4(L) 1929, No. 12(L), s 12 1935, No. 18(L), s. 5 1937, No. 17(L), s. 4 1954, No. 10(L)

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Wellington City Empowering & Amendment Act 1927	1927, No. 4(L)
Wellington City Empowering & Amendment Act 1929	1929, No. 12(L)
Amendments	1935, No. 18(L), S. 5 1958, No. 108, s. 23
Wellington City Empowering & Amendment Act 1935	1935, No. 4(L)
Amendment	1948, No. 39, S. 12
Wellington City Empowering & Amendment Act 1938	1938, No. 10(L)
Amendment	1950, No. 11(L), s. 2(2)
Wellington City Empowering & Amendment Act 1940	1940, No. 4(L)
Wellington City Empowering & Amendment Act 1951	1951, No. 6(L)
Wellington City Empowering & Amendment Act 1954	1954, No. 10(L)
Wellington City Exhibition Grounds Act 1959	1959, No. 8(L)
Amendment	SR 1989/243
Wellington City Leasing Act 1900	1900, No. 20(L)
Wellington City Leasing Act 1904	1904, No. 12(L)
Amendment	1929, No. 12(L), s. 13
Wellington City Milk Supply Act 1919	1919, No. 17(L)
Amendments	1926, No. 4(L) 1932, No. 4(L), s. 8 1933, No. 11(L) 1944, No. 30, S. 120 1967, No. 53, S. 50
Wellington City Reclamation & Empowering Act 1906	1906, No. 28(L)
Amendments	1912, No. 46, s. 42 1918, No. 23, s. 46 1924, No. 19(L), s. 11 1929, No. 12(L), s. 5 1931, No. 43, s. 49(2) 1934, No. 33, s. 13
Wellington City Reclamation & Public Baths Act 1898	1898, No. 13(L)
Amendment	1972, No. 38, s. 13(1)
Wellington City Recreation Ground Act 1903	1903, No. 23(L)
Wellington City Reserves Act 1871	1871, No. 23
Amendment	1872, No. 13, s. 7
Wellington City Reserves Act 1872	1872, No. 13
Amendments	1886, No. 16(L) 1907, No. 40, s. 2

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Wellington City Sanitation Loan Empowering Act 1892	1892, No. 2(L)
Amendment	1897, No. 1(L)
Wellington City Streets Act 1899	1899, No. 9(L)
Wellington City Streets Act 1905	1905, No. 42(L)
Wellington (City) Streets Empowering Act 1909	1909, No. 25(L)
Wellington (City) Town Belt Reserves Act 1908	1908, No. 45(L)
Wellington Corporation and College Land Exchange Act 1888	1888, No. 10(L)
Wellington Corporation and Harbour Board Streets and Lands Act 1892	1892, No. 23(L)
Amendments	1900, No. 12(L), s. 5 1922, No. 50, s. 106 1987, No. 5(L), s. 19
Wellington Corporation and Hospital Contributors Exchange Act 1895	1895, No. 18(L)
Wellington Corporation Land Exchange Act 1900	1900, No. 12(L)
Wellington Corporation Leaseholds Act 1885	1885, No. 9(L)
Amendments	1899, No. 12(L), s. 9 1900, No. 20(L), s. 6
Wellington Corporation Leasing Act 1903	1903, No. 37(L)
Amendments	1914, No. 70, s. 55 1931, No. 43, s. 18
Wellington Harbour Board and Corporation Empowering Act 1898	1898, No. 7(L)
Amendments	1902, No. 6(L), s. 13 1910, No. 35(L), s. 5
Wellington Harbour Board and Corporation Land Act 1880	1880, No. 21(L)
Amendments	1882, No. 2(P) 1912, No. 11(L), s. 2 1938, No. 19, s. 38 1959, No. 50, s. 17 1965, No. 120, s. 11 1967, No. 15(L), s. 13 1980, No. 160, s. 10(1) 1987, No. 5(L), s. 19
Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987	1987, No. 5(L)
Amendment	1992, No. 103, s. 5
Wellington Harbour Board Empowering Act 1912	1912, No. 11(L)
Wellington Harbour Board Land and Reclamation Act 1883	1883, No. 15(L)

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Wellington Harbour Board Reclamation and Empowering Act 1908 Amendments	1908, No. 40(L)  1921-22, No. 59, s. 94(1) 1939, No. 25, s. 53 1952, No. 69, s. 40
Wellington Hospital Contributors Empowering Act 1903 Amendment	1903, No. 7(L)  1907, No. 40, s. 2
Wellington Queen's Wharf and Store Sales Act 1881 Amendments	1881, No. 2(L)  1887, No. 2(L), s. 8 1892, No. 23(L), s. 11
Wellington Reclaimed Land Act 1871 Amendments	1871, No. 24 1894, No. 11(L)
Wellington Regional Water Board Act 1972 Amendments	1972, No. 3(L)  1973, No. 24, s. 2 1973, No. 44, s. 2(4) 1974, No. 66, s. 197(1) 1975, No. 3(L) 1976, No. 11(L) 1979, No. 59, s. 8(3) Gaz, 1980, p 1618 1983, No. 11(L) 1987, No. 174, s. 58(1) 1988, No. 42, s. 8 1990, No. 27, s.s. 50 & 51 1991, No. 60, s. 3(4) 1991, No. 69, s. 363
Wellington Waterworks Act 1871 Amendments	1871, No. 3(P) 1874, No. 47, s. 4 1876, No. 53

## BYLAWS

In addition to this legislation, the Council has adopted the Wellington Consolidated Bylaw 1991 plus two other bylaws to address a range of matters within the City. The bylaws currently in force are as follows:

- Wellington Consolidated Bylaw 1991
  - Part 1 (Introduction)
  - Part 2 (Water Supply)
  - Part 3 (Animals)
  - Part 5 (Cemetery & Cremation)
  - Part 8 (Earthworks)
  - Part 9 (Commercial Pools & Saunas)
  - Part 10 (Fire Prevention)
  - Part 11 (Harbours, Beaches and Foreshore)
  - Part 14 (Speed Limits)

Part 15	(Refuse)
Part 16	(Reserves & Swimming Pools)
Part 17	(Public Places)
Part 17A	(Commercial Sex Premises)
Part 17B	(Smoking Ban in Cable Car Lane)
Part 18	(Traffic)
Part 22	(Food Premises)
Part 23	(Liquor Control)

- Collection & Transportation of Waste Bylaw 1997
- Wellington City Council Trade Wastes Bylaw 2004

(Wellington City Council Records)

### **3) The Electoral System and the Opportunity to Change that System**

Wellington City Council currently elects its members under the Single Transferable Vote (STV) system. Under this system electors rank candidates in their order of preference. The number of votes needed for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes cast. The election of candidates to fill all vacancies is achieved first by the counting of first preferences, then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with the voters' second preferences.

Under the Local Electoral Act 2001 a Council can resolve to change the electoral system it uses to elect its members or can conduct a binding poll on the question. Alternatively, 5% of electors can initiate the holding of a poll by signing a petition demanding that a poll be held. If a poll of electors is held to determine the electoral system to be used, the system that is chosen cannot be changed for at least the next two triennial general elections, i.e. if a poll has been held on the issue a council cannot change its electoral system for one election and then change back to the previous system for the next election.

The Wellington City Council resolved to hold a poll of electors on this issue in November 2002. The result of the poll was in favour of changing the electoral system from the First Past the Post (FPP) to the STV voting method. The 2004 and 2007 local authority elections in Wellington City were therefore held under the STV system. The Council now has the option of choosing between STV and FPP for the triennial elections in 2010. If Council chooses to revert back to the FPP electoral system there is a process (set out in the Local Electoral Act 2001) it is required to follow.

(Local Government KnowHow: Governance; Local Electoral Act 2001; Local Electoral Regulations 2001; LGA 2002)

## 4) Representation Arrangements

The Council has chosen to elect its Councillors under the ward system and has done so since 1986. It is a legislative requirement that the Mayor be elected by the electors of the city as a whole (i.e. at-large). The Council reviewed its representation arrangements in 2006 and, because appeals were received against the Council's final proposal, the matter was referred to the Local Government Commission to determine. The Local Government Commission decided that Wellington City should be divided into five wards and have a total of fourteen Councillors (excluding the Mayor) elected to represent the electors of those wards. This determination was in support of the Council's final proposal.

The names, locations and the number of Councillors each ward elects are as follows:

<i>Ward Name</i>	<i>Number of Members</i>	<i>Geographic Location</i>
Northern Ward	3 members	Comprising Churton Park, Glenside, Grenada North, Grenada Village, Horokiwi, Johnsonville, Newlands, Ohariu, Paparangi, Takapu Valley, Tawa and Woodridge
Onslow/Western Ward	3 members	Comprising Broadmeadows, Crofton Downs, Kaiwharawhara, Ngauranga, Khandallah, Ngaio, Karori, Makara, Makara Beach, Northland, Wadestown and Wilton
Lambton Ward	3 members	Comprising Aro Valley, Highbury, Kelburn, Mt Cook, Brooklyn, Mt Victoria, Oriental Bay, Pipitea, Te Aro, Thorndon and Wellington Central
Southern Ward	2 members	Comprising Berhampore, Island Bay, Kingston, Mornington, Newtown, Owhiro Bay, Southgate and Vogelstown
Eastern Ward	3 members	Comprising Breaker Bay, Hataitai, Houghton Bay, Karaka Bays, Kilbirnie, Lyall Bay, Maupuia, Melrose, Miramar, Moa Point, Rongotai, Roseneath, Seatoun and Strathmore Park

## *Community Boards*

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

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

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

Council reviewed the community board structures within the city as part of its review of representation arrangements for the 2007 local authority elections. Apart from some very minor boundary adjustments to the two existing boards, Council proposed to not make any changes to the current structure. Council also decided not to establish any new community boards at this stage.

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

## *Representation Arrangements*

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

- the number of elected members it should have (every territorial authority must have at least six members and no more than 30 members, including the Mayor);
- whether the elected members (other than the Mayor) are to be elected across the city as a whole (i.e. at-large), or whether the city will be divided into wards for electoral purposes, or whether there will be a mix of ‘at large’ and ‘ward’ representation;
- if election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward;
- whether or not to have separate wards for electors on the Maori roll;

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- whether to have community boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

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

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

The Council conducted a review of its representation arrangements in 2006 in time for the 2007 local authority elections. It is therefore not legally required to carry out another review until 2012, in time for the 2013 elections.

## ***Maori Wards and Constituencies***

The Local Electoral Act 2001 also gives council the ability to establish separate wards for Maori electors. The Council may resolve to create separate Maori wards or conduct a poll on the matter. Alternatively, the community may demand that a binding poll be held on the issue. The demand for a poll can be initiated by a petition signed by 5 per cent of the electors who were enrolled as eligible to vote at the previous local authority election.

The Council considered this issue in October 2005 and decided not to have separate Maori wards at that time.

## ***The Reorganisation Process***

The Local Government Act 2002 sets out procedures which must be followed for proposals to:

- make changes to the boundaries of the district;
- create a new district;
- create a unitary authority;
- transfer a particular function or functions to another council.

The procedures for resolving each type of proposal are slightly different. In general they begin with a proposal either from the local authority, the Minister of Local Government, or by a petition signed by 10 per cent of electors.

Proposals for a boundary alteration or transfer of functions from one local authority to another will be considered by one of the affected local authorities or by the Local Government Commission if the local authorities refer the proposal to the Commission or if they cannot agree on which of them should deal with the matter. Proposals for the establishment of a new district or for the creation of a unitary authority will be dealt

with by the Commission. These proposals cannot be implemented without a poll of electors.

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

(Local Government KnowHow: Governance; Local Electoral Act 2001; Local Electoral Regulations 2001; LGA 2002)

## 5) Members' Roles and Conduct

### *Elected Members*

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

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

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

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

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

- schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current code of conduct and standing orders;
- the Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect);
- the Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way;
- the Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

All elected members are required to adhere to a code of conduct. Adopting such a code is a requirement of the Local Government Act 2002. Once adopted, such a code may only be amended by a 75 per cent or more vote of the Council. The code sets out the Council's understanding and expectations of how the Mayor and councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession

# APPENDIX 1

of elected members, and contains details of the sanctions that the council may impose if an individual breaches the code. Copies of the full code of conduct may be obtained from Democratic Services (contact 499 4444) or from the website [www.Wellington.govt.nz](http://www.Wellington.govt.nz).

## ***Mayor***

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

- presiding at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined by Standing Orders)
- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council
- spokesperson for the council
- ceremonial head of Council
- providing leadership and feedback to other elected members on teamwork and chairing of committees
- fulfilling the responsibilities of a Justice of the Peace (while the Mayor holds office).

## ***Deputy Mayor***

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

## ***Chief Executive's Responsibilities***

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

- implementing the decisions of the local authority; and
- providing advice to members of the local authority and to its community boards, if any; and
- ensuring that all responsibilities, duties and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation or bylaw, are properly performed or exercised; and
- ensuring the effective and efficient management of the activities of the local authority; and
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- providing leadership for the staff of the local authority; and
- employing, on behalf of the local authority, the staff of the local authority; and

- negotiating the terms of employment of the staff of the local authority’.

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

## 6) Governance Structures and Processes

### *Council*

Currently comprising the Mayor and 14 councillors, the Council is chosen, along with all other local authority politicians in New Zealand, in elections held every three years. Council meetings normally take place on the last Wednesday of the month. Council retains the sole power to perform a number of functions. These functions are either prescribed by the Local Government Act 2002 and other relevant legislation, or are allowed under these pieces of legislation and have been adopted by Council itself. These functions include the powers to:

- make a rate;
- make a bylaw;
- borrow money or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan (LTCCP);<sup>1</sup>
- adopt a LTCCP, annual plan, or annual report;
- appoint a Chief Executive;
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTCCP or the preparation of the Local Governance Statement;
- appoint and discharge the Deputy Mayor;
- approve or amend the Council’s Standing Orders;
- approve or amend the Code of Conduct for elected members;
- establish and determine the structure, terms of reference, and delegated authorities of committees and appoint and discharge members of committees;
- establish a joint committee with another local authority or other public body;
- make any resolution where in a bylaw the Council has reserved any matter to be regulated, controlled, or prohibited by the Council by resolution either generally, for any specified case, or in a particular case;<sup>2</sup>
- make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation;
- any other matters which from time to time may not legally be delegated by the Council.

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<sup>1</sup> Not the Annual Plan

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

## **Powers retained by Wellington City Council:**

Council retains the power to:

- approve or alter Council strategy and policy, except as otherwise specifically delegated to a committee, subcommittee or officer;
- establish and determine the structure, terms of reference and delegated authorities of subcommittees and appoint and discharge members of subcommittees;
- appoint and discharge chairpersons of committees and subcommittees and portfolio leaders;
- approve Council's recommendation to the Remuneration Authority for the remuneration of elected members;
- approve or amend the Triennial Agreement;
- approve the Local Governance Statement produced following the triennial election of members;
- determine whether or how to fill any extraordinary Council vacancies;
- review and make decisions on Council membership and the basis for elections;
- appoint and discharge trustees, directors or office holders to Council's Council Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies except where specifically delegated to a committee or officer;
- adopt a District Plan or a change to it;
- promote legislation, or significant amendments to legislation, unless specifically delegated to a committee or officer;
- approve any claim for compensation over \$1,000,000 unless specifically delegated;
- approve the provision of any financial guarantee or indemnity over \$1,000,000, unless the guarantee or indemnity (or the matter to which it relates) is in the LTCCP or Annual Plan, has been separately approved by Council, or it arises in the normal management of employment relations or assets;
- exercise any authority which it has delegated to a committee, subcommittee or officer.

## **Standing Committees and Subcommittees**

The Council reviews the structure of its committees and subcommittees after each triennial election and as appropriate during the triennium. Further details on these committees, including their terms of reference, meeting arrangements and the schedule of meeting dates, can be found on the council website:

<http://www.Wellington.govt.nz/haveyoursay/meetings/index.html>

The terms of reference and delegations of Council, committees and subcommittees are set out in Appendix One of this Local Governance Statement.

## *Strategy and Policy Committee*

### **Voting Membership:**

The Mayor and all Councillors are members of the Committee.

Chair: Mayor Prendergast

Portfolio Leader – Urban Development and Transport: Councillor Foster

Portfolio Leader – Social: Councillor Best

Portfolio Leader – Environment: Councillor Wade-Brown

Portfolio Leader – Cultural Wellbeing: Councillor Cook

Portfolio Leader – Economic Development and Recreation: Councillor Morrison

Portfolio Leader – Governance: Councillor McKinnon

Portfolio Leader – Climate Change and Sense of Place: Councillor Ahipene-Mercer

The areas of responsibility of the Portfolio Leaders are set out in Appendix Two of this Local Governance Statement.

### **External Membership (non voting):**

One representative of Ngati Toa appointed by Ngati Toa.

One representative of the Tenths Trust appointed by the Tenths Trust.

The Strategy and Policy Committee has primary responsibility for:

- developing policy and strategy in relation to economic development, the environment, social and recreation matters, cultural wellbeing, urban development and transport, governance, and cross-strategy matters.
- considering recommendations from Council's subcommittees and make decisions where it has authority from Council to do so, or recommendations to Council where a Council decision is required
- developing the Council's Long Term Council Community Plan (LTCCP) and annual plan (AP).

## *Regulatory Processes Committee*

Mayor Prendergast

Councillor Best

Councillor Cook

Councillor Pannett

Councillor Gill (Chair)

Councillor Goulden

Councillor Wain

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

## ***Performance Review Committee***

Mayor Prendergast (Chair)  
Councillor Ahipene-Mercer  
Councillor McKinnon  
Councillor Morrison  
Councillor Wade-Brown

The Performance Review Committee has primary responsibility for matters relating to the performance management and remuneration of the Chief Executive Officer.

## ***Council Controlled Organisation Performance Subcommittee***

Mayor Prendergast  
James Ogden (external member, Chair)  
Councillor Coughlan  
Councillor Foster  
Councillor Ritchie  
Alan Isaac (external member)

The Subcommittee's principal function is to monitor the financial performance and delivery on strategic outcomes of council's CCTOs, CCOs and COs.

## ***Grants Subcommittee***

Mayor Prendergast  
Councillor Ahipene-Mercer  
Councillor Cook  
Councillor Gill  
Councillor Pannett (Deputy Chair)  
Councillor Wain (Chair)

The Grants Subcommittee has primary responsibility for the effective allocation and monitoring of Council's grants.

## ***Audit and Risk Management Subcommittee***

Mayor Prendergast  
Councillor Best  
Councillor McKinnon (Chair)  
Councillor Pepperell  
John Milne (external member)  
David Pilkington (external member)

The Audit and Risk Management Subcommittee monitors the Council's financial management and reporting, and reviews the audit and risk function, ensuring the existence of sound external and internal programmes.

## *Development Contributions Subcommittee*

Mayor Prendergast  
Councillor Coughlan  
Councillor Foster (Chair)  
Councillor Pepperell  
Councillor Wade-Brown

The Subcommittee has been established to assist with the development of the Council's Development Contributions Policy, and make decisions on applications for remission and/or postponement.

## *Temporary Road Closures Subcommittee*

Mayor Prendergast  
Councillor Goulden  
Councillor Morrison (Chair)  
Councillor Ritchie

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

## **Community Boards**

### *Tawa Community Board*

The Tawa Community Board has responsibility for the overview of matters within the Board's boundary and normally meets on the second Thursday of each month at 7.00pm.

#### Members:

Robert Tredger (Chair)  
David Darroch  
Graeme Hansen  
Chris Reading  
Dennis Sharman  
Graeme Sutton

#### Appointed Members:

Councillor Best  
Councillor Wain

### *Makara/Ohariu Community Board*

The Makara/Ohariu Community Board has responsibility for the overview of matters within the Board's boundaries. The Board normally meets on the third Thursday of each month at 7.00pm and meetings are held in the Makara Hall and Ohariu Hall on alternate months.

#### Members:

Ruth Paul (Chair)

Gavin Bruce  
Christine Grace  
John Hume  
Ralph Jorgensen  
Craig Shepherd

The terms of reference for both community boards are set out in Appendix One of this Local Governance Statement.

## **Council-Controlled Organisations**

In order to achieve its objectives for Wellington, the Council has established several council-controlled organisations (CCOs) and council-controlled trading organisations (CCTOs) – Positively Wellington Tourism, the St James Theatre Charitable Trust, the Wellington Museums Trust, Wellington Cable Car Ltd, Wellington Waterfront Ltd, Capacity (Wellington Water Management Ltd), Basin Reserve Trust, Wellington Zoo Trust and the Wellington Regional Stadium Trust.<sup>1</sup>

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

<b>Organisation</b>	<b>What it does/Why it exists</b>
<b>Positively Wellington Tourism (Partnership Wellington Trust)</b>	To: <ul style="list-style-type: none"><li>• Market and promote Wellington as a tourist destination that in turn contributes to Wellington achieving sustainable economic growth</li><li>• Enhance the recognition of Wellington as a key and desirable visitor destination</li><li>• Maximise the city's share of regional consumer spending</li><li>• Enhance the profile of city businesses, promote strategic alliances and private sector partnerships</li><li>• Ensure marketing initiatives are focused on the sustainability of Wellington's commercial sector</li></ul>
<b>St James Theatre Charitable Trust</b>	To: <ul style="list-style-type: none"><li>• Preserve the St James Theatre and the Opera House in recognition of their value to the citizens of Wellington</li><li>• Manage, promote, refurbish and administer the St James Theatre and the Opera House as venues for live performances of culture and artistic events so as to promote the appreciation of the arts in Wellington</li><li>• Generally to sponsor, support and promote performing arts in Wellington.</li></ul>

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<sup>1</sup> This trust is not formally defined as a council controlled organisation; however due to Council's significant ownership and funding interests in the Organisation, it is monitored as if it were a CCO.

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## **Wellington Museums Trust**

To:

- Manage the trust facilities, acquire and manage the collections for the benefit of the inhabitants of Wellington
- Establish exhibition programmes and education policies for the Trust facilities
- Ensure the facilities provided by the Trust are complementary to those provided by the Museum of New Zealand Te Papa Tongarewa
- Encourage and foster liaison and co-operative activities and related facilities in the Wellington region.

## **Wellington Cable Car Limited**

To:

- Maintain the Cable Cars, track, plant, tunnels, bridges and buildings in accordance with best engineering practice and to meet the certification requirements of Land Transport New Zealand
- Manage the Cable Car passenger service to ensure the ongoing safety, appropriate levels of customer service and efficient revenue collection
- Manage the maintenance of the trolleybus overhead to ensure that the trolley bus operator receives agreed levels of service, and in order to comply with the relevant regulations and statutes
- Continue marketing of the Cable Car in its key target customer sectors, thereby enhancing the value of the business through increased patronage and fare income
- Identify options for enhancing the Cable car travel experience for both local passengers and tourists, and to work with the Shareholder and the operators of other attractions closely associated with the Cable Car service, to implement such options.

## **Wellington Waterfront Limited (Lambton Harbour Management Ltd)**

To:

- Commission work on detailed designs based on approved performance briefs
- Select and appoint designers in consultation with the appropriate units within Council
- Market waterfront sites and properties as appropriate to get the best return for Council (within any constraints imposed by the development plan)
- Act as the contact point for anybody interested in a private development project on the waterfront
- Negotiate and manage contracts for the design and construction of public space
- Negotiate and manage contracts and leases for all building development sites and the refurbishment and re-use of existing buildings
- Prepare an annual business plan for the waterfront project covering implementation tasks and project operations

- Advise the appropriate Council committees on all aspects of waterfront development, including budgets, development phasing, technical information, costs, feasibility and commercial issues
  - Manage day-to-day operations on the waterfront including cleaning, security and maintenance
  - Ensure that the waterfront is a vibrant, lively place, featuring a variety of activities and events
- Capacity  
(Wellington  
Water  
Management  
Limited)**
- To:
- Provide high quality, safe and environmentally sustainable services to the shareholding councils and other customers with a principal focus on asset management planning and contracted service delivery with on-going development of drinking water, stormwater and wastewater assets
  - Manage work to the highest standards of health and safety for those involved in the work and for the general public
  - Seek to integrate water, stormwater and wastewater activities within the Wellington region where such integration can deliver least cost, best practice outcomes to the benefit of shareholder Councils and other entities
- Wellington Zoo  
Trust**
- To:
- Manage the Wellington Zoo as a zoological park for the benefit of the inhabitants of Wellington
  - Educate visitors and the community
  - Promote and support species conservation
- Basin Reserve  
Trust**
- To:
- Contribute to the Wellington City Council's vision of creative Wellington – Innovation Capital by continuing to attract national and international sporting events to Wellington
  - Manage, administer, plan, develop, maintain, promote and operate the Basin Reserve for recreational activities and for the playing of cricket
  - Play a co-ordinated role in the events programme for Wellington City
  - Establish a long term policy for the further development of the Basin Reserve as a recreational facility and as a facility for the playing of cricket, other sports and as a venue for other community based activities
  - Operate as a successful undertaking, managed on a not-for-profit basis
  - Preserve and enhance the significant and recognised heritage value of the Basin Reserve
- Wellington  
Regional Stadium  
Trust**
- To:
- Own, operate and maintain the Stadium as a high quality multi-purpose sporting and cultural venue
  - Provide quality facilities to be used by rugby, cricket and

other sports codes, musical, cultural and other users including sponsors, event and fixture organisers and promoters, so as to attract to the Stadium high quality and popular events for the benefit of the public of the region

- Administer the Trust assets and the Stadium on a prudent commercial basis so that it is a successful, financially autonomous community asset.

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

(Wellington City Council Annual Plan 2006/07; LGA 2002; Delegations Register and Manual; Committee and Subcommittee Terms of Reference)

## 7) Meeting Processes

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

All Council and committee meetings must be open to the public unless there is reason to consider some item in a 'public excluded' session of the committee or Council. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with council. This can be arranged by speaking with Democratic Services at least one full working day before the meeting.

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

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

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

For an ordinary meeting of Council, at least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called on 3 working days notice or 24 hours notice in some circumstances.

During meetings the Mayor and councillors must follow standing orders (a set of procedures for conducting meetings). The Council may suspend standing orders by a vote of 75 per cent of the members present.

(LGOIMA 1987; LGA 2002)

## **8) Consultation Policies**

### **8.1 Engagement Policy**

The Local Government Act 2002 guides Council's actions with regard to consultation, setting out consultation principles and specific steps to be followed when making certain decisions. The Council's commitment to the Act and consulting when a decision is to be made is articulated in Section 5 of its broader Engagement Policy.

This section states that the Council is committed to ensuring communities have the ability to make their views known and to do so knowing they have a genuine ability to influence the decision. It is based on the belief that consultation strengthens the Council's decision-making as it gives those most involved in or affected by an issue the opportunity to advise the Council and/or provide information the Council may not otherwise have access to.

The consultation component of the Engagement Policy is based around the following key principles:

- encouraging early involvement in decisions
- ensuring the process is clear and open
- encouraging input and information from a diversity of views
- giving people enough time to provide comments
- ensuring all relevant information is provided
- ensuring all information is accessible
- acknowledging all responses and providing feedback.

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

<http://www.Wellington.govt.nz/plans/policies/engagement/index.html>.

### **8.2 Special Consultative Procedure**

The Council is required to use the special consultative procedure in some situations. The procedure sets out minimum requirements that guarantee the public a chance to contribute prior to key decisions being made.

The special consultative procedure consists of the following steps:

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

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2. Give public notice.  
*The council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.*
3. Acknowledge and hear submissions.  
*The council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. The council must allow at least one month (from the date of the notice) for submissions.*
4. Deliberate in public.  
*All meetings where the council deliberates on the proposal or hears submissions must be open to the public (unless there is good reason to exclude the public under LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.*
5. Provide feedback  
*Following a decision, feedback on the decision and the reasons for it is provided to submitters.*

The special consultative procedure must be used in the following situations:

- to adopt or amend the long-term council community plan
- to adopt an annual plan
- to adopt, amend or review a bylaw
- to propose a change in Council's role in a significant activity
- to establish a council controlled organisation or change the mode of delivery of a significant asset (where this is not specifically provided for in the long term council community plan).

([www.Wellington.govt.nz](http://www.Wellington.govt.nz); LGA 2002; LGNZ:Governance)

## **9) Policies for Liaising with Maori and any Memoranda or Agreements with Maori**

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

The Council's relationship with local iwi is defined through separate memoranda of understanding with Ngati Toa Rangatira and the Wellington Tenth Trust. The memoranda outline how local iwi participate in Council matters relating to protocol, policy, regulatory and service delivery matters. Both the Wellington Tenth Trust and Ngati Toa are non-voting members of Council's Strategy and Policy Committee.

In addition, regular hui are held to inform and engage the wider Maori community on issues of concern to them and the Council.

(Treaty Relations)

## **10) The Management Structure and the Relationship between Management and Elected Members:**

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

Council management is organised into the following divisions:

### **Citizen Engagement**

- Community Consultation
- City Communities
- Social Development
- City Safety
- Treaty relations
- Grants
- Contact Centre
- Marketing
- Publication and Design
- External Communications
- City Housing

(To contact Director, Citizen Engagement email [wendy.walker@wcc.govt.nz](mailto:wendy.walker@wcc.govt.nz))

### **Strategy**

- Strategy
- International Relations
- Policy
- Planning, Performance and Research
- Council Controlled Organisations

(To contact Director, Strategy email [wayne.maxwell@wcc.govt.nz](mailto:wayne.maxwell@wcc.govt.nz))

### **Urban Development and Transport**

- Urban Design
- Urban Planning
- Transport Planning
- Transport Policy
- Transport Safety
- Transport Network capacity
- Chief Transportation Engineer
- Resource Consents
- District Plan

(To contact Director, Urban Development and Transport email [ernst.zollner@wcc.govt.nz](mailto:ernst.zollner@wcc.govt.nz))

### **Chief Operating Officer**

- Organisational Strategy
- Knowledge Solutions
- Human Resources

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- Project Management Office and Change
- Mayor's Office

(To contact the Chief Operating Officer email [karen.wallace@wcc.govt.nz](mailto:karen.wallace@wcc.govt.nz))

## **Chief Financial Officer**

- Finance
- Procurement
- Standards

(To contact the Chief Financial Officer email [neil.cherry@wcc.govt.nz](mailto:neil.cherry@wcc.govt.nz))

## **Property, Consents and Licensing**

- Building Consents and Licensing Services
- Property and parking
- Compliance, monitoring and enforcement

(To contact the (Acting) Director, Property, Consents and Licensing email [john.scott@wcc.govt.nz](mailto:john.scott@wcc.govt.nz))

## **City Services and Events**

- City Events
- Recreation Wellington
- Sports and Recreation Engagement
- Open Space Planning
- Parks and Gardens
- Libraries
- Convention centre
- City Arts

(To contact the Director, City Services email [derek.fry@wcc.govt.nz](mailto:derek.fry@wcc.govt.nz))

## **Infrastructure**

- Citi-Operations
- Wellington Emergency Management Office
- Wastewater, Stormwater and Water Policy
- Planning and Asset Management
- Transport Network
- Transport Assets
- Parking

(To contact the Director, Infrastructure email [stavros.michael@wcc.govt.nz](mailto:stavros.michael@wcc.govt.nz))

## **City Secretary**

- Strategy and Policy Committee Management
- Public Sector Relations
- Management Board Secretariat
- Democratic Services

(To contact the City Secretary email [michael.webster@wcc.govt.nz](mailto:michael.webster@wcc.govt.nz))

**All Directors can be contacted by calling 499 4444 and requesting to speak to the relevant person.**

## 11) Diversity Management

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

Managing diversity aims to ensure that all work opportunities at the council – such as recruitment, training, promotion and terms of employment – are provided fairly and reflect our diverse city communities. All employees and job seekers are to be treated equitably whatever their race, ethnicity and colour, gender, age, disability, sexual orientation, family status, religious or ethical beliefs, political opinions and marital status.

By employing best practice in Human Resource management, the Council benefits from the creation of a harmonious working environment free of discrimination which:

- creates an environment in which high performing teams can flourish
- improves overall morale which enhances our customer service and productivity
- encourages a wider range of job applicants
- adds colour of beliefs and opinions to our work force which better reflects the diverse nature of the city's residents
- improves overall staff relations which in turn reduces absenteeism and staff turnover
- allows the Council to demonstrate that it supports and encourages human rights and particularly EEO legislation

([www.Wellington.govt.nz](http://www.Wellington.govt.nz))

## 12) Key Approved Planning and Policy Documents and the Process for their Development and Review

### *Long Term Council Community Plan*

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

The plan provides the basis for Council's work and is subject to consultation. It details: the outcomes that Council's activities contribute to; the associated cost of providing those; and the indicators that will be used to measure the Council's performance. The next long term plan will be adopted for the year beginning 2009/10.

### *Annual Plan*

The Council produces an Annual Plan in the years that it is not producing a long term plan. It supports the long term plan by explaining what the Council intends

to do in the particular year that the plan covers, the expected cost and how it will be funded. The plan establishes the levels of service to be provided and is subject to change through consultation.

## *Annual Report*

The Annual Report presents an account of the Council's performance in the year from 1 July to 30 June. It is a key document for the Council. It outlines what the Council committed to do in the year, and how it delivered on that – providing accountability to ratepayers. Every household in Wellington receives a summary of this document in their letterbox.

In addition to the above, the council has a number of other strategy documents and plans, policies, and asset management plans. Some definitions for these are provided below:

*Strategies* are Council approved big picture documents and leadership statements, generally with an agenda for change, setting out how Council can get from where it is to where it wants to be.

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

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

The Council also has a *District Plan* which is the primary document that manages land use and development within the Council's territorial boundaries. The Council is required to review the plan in full every 10 years, although the Council keeps it up-to-date through regular plan changes.

Some of the strategies, policies and plans which are more frequently referred to are listed below. These documents are available for viewing on the council website: [www.Wellington.govt.nz](http://www.Wellington.govt.nz). For further information on other such documents, please contact the Wellington City Council Policy Unit by phoning 499 4444.

## *Strategy Documents*

Urban Development  
Transport  
Cultural Wellbeing  
Economic Development  
Environment  
Governance  
Social and Recreation

## *Policies and Planning Documents*

Archives  
Art Collection  
Betty Campbell Accommodation Assistance Fund  
Building Safety  
Built Heritage  
Capital Spaces  
Casino  
Circuses  
Closed Landfills  
Commemorative  
Community Access to Venues  
Community Facilities  
Dangerous and Insanitary Buildings  
Development Contributions  
Dog Control  
Earthquake-prone Buildings  
Elections Hoardings  
Engagement  
Events Strategy  
Footpath Management  
Funding Impact Statement and Rating (part of 2004/05 Draft Annual Plan)  
Furnishing Art Collection  
Gambling Venues  
Homelessness  
Housing Framework  
Information and Communications Technology (ICT)  
Intercultural Framework  
International Relations  
Leases Policy for Community and Recreation Groups  
Library  
Liquid Waste Management  
Liquor Licensing  
Mobility Parking  
Mountain Bike  
Museums  
Older Persons  
Open Space Naming  
Pest Management  
Playgrounds  
Public Art

Public Conveniences  
Recreation  
Retail  
Road Encroachment and Sale  
Road Naming  
Significance  
Solid Waste Management  
Street Performance and Busking  
Town Belt Reinstatement  
Trading in Public Places  
Undergrounding  
Urban Design  
Verges

## *Council Asset Management Plans*

Botanic Gardens  
Branch Libraries  
Cemeteries  
City Housing  
Coastal Assets  
Commercial A & B properties  
Community and Childcare Centres  
Community Halls  
Marinas  
Monuments and Sculptures  
Operational Landfills  
Parks and Open Spaces  
Playgrounds  
Public Conveniences and Pavilions  
Recreation Centres  
Sports fields  
Stormwater  
Swimming Pools  
Transport  
Waste Water  
Water  
Wellington Convention Centre  
Zoo

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

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## 13) Systems for Public Access to the Wellington City Council and its Elected Members:

### *Website details*

[www.Wellington.govt.nz](http://www.Wellington.govt.nz)

### *Email queries:*

[info@wcc.govt.nz](mailto:info@wcc.govt.nz)

### *Contact Centre:*

Tel. (04) 499 4444

Fax. (04) 801 3138

### *Main Office*

Municipal Office Building,  
101 Wakefield Street,  
P O Box 2199,  
Wellington.

### *Service Centres*

City Service Centre,  
101 Wakefield Street,  
Wellington.  
Tel. 499 4444

Johnsonville Library and Service Centre  
5 Broderick Rd, Johnsonville  
Tel. 477 6151

Kilbirnie Library and Service Centre  
101 Kilbirnie Crescent, Kilbirnie  
Tel. 387 1488

Newtown Library and Service Centre  
13 Constable Street, Newtown  
Tel. 389 2830

Mervyn Kemp Library and Service Centre  
Cnr Cambridge St & Main Rd, Tawa.  
Tel. 232 1690

## MEMBERSHIP OF THE WELLINGTON CITY COUNCIL

NAME	EMAIL	PHONE
<b>PRENDERGAST, KERRY</b> (MAYOR)	<a href="mailto:kerry.prendergast@wcc.govt.nz">kerry.prendergast@wcc.govt.nz</a>	Phone 801 3102
<b>McKINNON, IAN</b> (DEPUTY MAYOR )	<a href="mailto:ian.mckinnon@wcc.govt.nz">ian.mckinnon@wcc.govt.nz</a>	Phone 801 3113 Mobile 021 277 8511

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## Northern Ward Councillors

<b>BEST, NGAIRE</b>	<a href="mailto:ngaire.best@wcc.govt.nz">ngaire.best@wcc.govt.nz</a>	Phone 232 9000 Mobile 021 227 8507
<b>RITCHIE, HELENE</b>	<a href="mailto:helene.ritchie@wcc.govt.nz">helene.ritchie@wcc.govt.nz</a>	Phone 473-1335 Mobile 021 227 8561
<b>WAIN, HAYLEY</b>	<a href="mailto:hayley.wain@wcc.govt.nz">hayley.wain@wcc.govt.nz</a>	Phone 977 3211 Mobile 021 227 8564

## Onslow/Western Ward Councillors

<b>COUGHLAN, JO</b>	<a href="mailto:jo.coughlan@wcc.govt.nz">jo.coughlan@wcc.govt.nz</a>	Phone 473 7920 Mobile 021 522 142
<b>FOSTER, ANDY</b>	<a href="mailto:andy.foster@wcc.govt.nz">andy.foster@wcc.govt.nz</a>	Phone 476 9220 Mobile 021 227 8535
<b>MORRISON, JOHN</b>	<a href="mailto:john.morrison@wcc.govt.nz">john.morrison@wcc.govt.nz</a>	Phone 938 9350 Mobile 021 227 8549

## Lambton Ward Councillors

<b>COOK, STEPHANIE</b>	<a href="mailto:stephanie.cook@wcc.govt.nz">stephanie.cook@wcc.govt.nz</a>	Phone 970 5351 Mobile 021 227 8512
<b>McKINNON, IAN</b>	<a href="mailto:ian.mckinnon@wcc.govt.nz">ian.mckinnon@wcc.govt.nz</a>	Phone 801 3113 Mobile 021 227 8511
<b>PANNETT, IONA</b>	<a href="mailto:iona.pannett@wcc.govt.nz">iona.pannett@wcc.govt.nz</a>	Phone 384 3382 Mobile 021 227 8509

## Southern Ward Councillors

<b>PEPPERELL, BRYAN</b>	<a href="mailto:bryan.pepperell@wcc.govt.nz">bryan.pepperell@wcc.govt.nz</a>	Phone 934 3660 Mobile 021 227 8558
<b>WADE-BROWN, CELIA</b>	<a href="mailto:celia.wade-brown@wcc.govt.nz">celia.wade-brown@wcc.govt.nz</a>	Phone 938 6691 Mobile 027 483 6691

## Eastern Ward Councillors

<b>AHIPENE-MERCER, RAY</b>	<a href="mailto:ray.ahipene-merc@wcc.govt.nz">ray.ahipene-merc@wcc.govt.nz</a>	Phone 388 2366
<b>GILL, LEONIE</b>	<a href="mailto:leonie.gill@wcc.govt.nz">leonie.gill@wcc.govt.nz</a>	Phone 387 9363 Mobile 021 227 8539
<b>GOULDEN, ROB</b>	<a href="mailto:rob.goulden@wcc.govt.nz">rob.goulden@wcc.govt.nz</a>	Phone 388 6177 Mobile 027 434 9751

### 14) Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the council. Any request for information is a request made under LGOIMA. You do not have to say that you are making a request under LGOIMA.

Once a request is made the council must supply the information unless reason exists for withholding it. The LGOIMA says that information may be withheld if release of the information would:

- Endanger the safety of any person
- Prejudice maintenance of the law
- Compromise the privacy of any person
- Reveal confidential or commercially sensitive information
- Cause offence to tikanga Maori or would disclose the location of waahi tapu
- Prejudice public health or safety
- Compromise legal professional privilege
- Disadvantage the local authority while carrying out negotiations or commercial activities
- Allow information to be used for improper gain or advantage

The council must answer requests within 20 working days (although there are certain circumstances where this time-frame may be extended). The council may charge for official information under guidelines set down by the Ministry of Justice.

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

(LGOIMA 1987).

### Terms of Reference and Delegations of Council, Committees, Subcommittees and Community Boards

#### **Council:**

##### **Voting Membership:**

The Mayor and all Councillors are members of Council.

##### **External Membership (non-voting):**

Nil

##### **Quorum:**

8

##### **Frequency of Meetings:**

Meetings will be held monthly or as required.

##### **Powers that cannot be delegated:**

These functions are either listed in the Local Government Act 2002 or other relevant legislation as unable to be delegated, or must by their nature be exercised by Council:

- 1.0 make a rate;
- 1.1 make a bylaw;
- 1.2 borrow money or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan (LTCCP);<sup>3</sup>
- 1.3 adopt a LTCCP, annual plan, or annual report;
- 1.4 appoint a Chief Executive;
- 1.5 adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTCCP or the preparation of the Local Governance Statement;
- 1.6 appoint and discharge the Deputy Mayor;
- 1.7 approve or amend the Council's Standing Orders;
- 1.8 approve or amend the Code of Conduct for elected members;
- 1.9 establish and determine the structure, terms of reference, and delegated authorities of committees and appoint and discharge members of committees;

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<sup>3</sup> Not the Annual Plan  
Democratic Services  
November 2007

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- 2.0 establish a joint committee with another local authority or other public body;
- 2.1 make any resolution where in a bylaw the Council has reserved any matter to be regulated, controlled, or prohibited by the Council by resolution either generally, for any specified case, or in a particular case;<sup>4</sup>
- 2.2 make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation;
- 2.3 any other matters which from time to time may not legally be delegated by the Council.

## **Powers retained by Council:**

Council retains the power to:

- 2.4 approve or alter Council strategy and policy, except as otherwise specifically delegated to a committee, subcommittee or officer;
- 2.5 establish and determine the structure, terms of reference and delegated authorities of subcommittees and appoint and discharge members of subcommittees;
- 2.6 appoint and discharge chairpersons of committees and subcommittees and portfolio leaders;
- 2.7 approve Council's recommendation to the Remuneration Authority for the remuneration of elected members;
- 2.8 approve or amend the Triennial Agreement;
- 2.9 approve the Local Governance Statement produced following the triennial election of members;
- 3.0 determine whether or how to fill any extraordinary Council vacancies;
- 3.1 review and make decisions on Council membership and the basis for elections;
- 3.2 appoint and discharge trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (CO's) and to other external bodies except where specifically delegated to a committee or officer, and determine the remuneration for trustees, directors or office holders;

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

- 3.3 in respect of District Plan decisions:
- 3.3.1 approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change)
  - 3.3.2 approve a proposed plan or a change to a district plan under clause 17 of the First Schedule;
- 3.4 promote legislation, or significant amendments to legislation, unless specifically delegated to a committee or officer;
- 3.5 approve any claim for compensation over \$1,000,000 unless specifically delegated;
- 3.6 approve the provision of any financial guarantee or indemnity over \$1,000,000, unless the guarantee or indemnity (or the matter to which it relates) is in the LTCCP or Annual Plan, has been separately approved by Council, or it arises in the normal management of employment relations or assets;
- 3.7 exercise any authority which it has delegated to a committee, subcommittee or officer.

## Strategy and Policy Committee

### **Voting Membership:**

The Mayor and all Councillors are members of the Committee.

### **External Membership (non voting):**

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

### **Quorum:**

8

### **Chair:**

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

### **Portfolio Leader:**

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

- Social
- Environment
- Cultural Wellbeing
- Economic Development and Recreation
- Urban Development and Transport

- Governance
- Climate Change and Sense of Place.

### **Frequency of Meetings:**

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

### **General Purpose and Objectives:**

The Strategy and Policy Committee has primary responsibility for:

- developing policy and strategy in relation to economic development, the environment, social and recreation matters, cultural wellbeing, urban development and transport, governance, and cross-strategy matters.
- considering recommendations from Council's Subcommittees and make decisions where it has authority from Council to do so, or recommendations to Council where a Council decision is required
- developing the Council's Long Term Council Community Plans (LTCCP) and Annual Plans (AP).

### **Terms of Reference:**

The Strategy and Policy Committee has responsibility and authority to:

- 1.0 delegate to any subcommittee of the Strategy and Policy Committee any authorities which have been delegated by Council to the committee (note that authority to establish any subcommittee is retained by the Council);
- 1.1 undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other Committee or Subcommittee, or retained by Council;
- 1.2 develop the Council's draft and final LTCCP, Annual Plans, Community Outcomes, and all other policies required under the Local Government Act 2002 to be included in the LTCCP (including but not limited to the funding and financial policies and the Significance Policy) for recommendation to Council;<sup>5</sup>
- 1.3 determine the form and extent of public consultation methods to be employed for the draft Annual Plan and LTCCP, and any other matter within the committees terms of reference (this is subject to the requirements as set out in the Local Government Act 2002);
- 1.4 hear submissions under the special consultative procedure, or submissions received as part of any consultative process undertaken by Council in relation to any decision or power of recommendation within the committee's terms of reference;

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<sup>5</sup> This will include projects/new initiatives, income and expenditure, and includes recommending the draft for notification, and the final for adoption.

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- 1.5 approve the exceeding of the budget level for a Key Achievement Area with no commensurate savings elsewhere, up to \$500,000 and recommend to Council amounts exceeding \$500,000, if required after the Annual Plan or Long Term Council Community Plan is approved;
- 1.6 approve submissions on behalf of the Council in relation to proposed legislation or policy by Government, Local Government or other regulatory authorities within its terms of reference (except that in cases where the submission is of a technical nature and the nature of the Council's submission is consistent with Council policy, a submission may be approved by the Chief Executive);
- 1.7 perform any of its delegated functions jointly with another committee when issues arise which are also within the terms of reference/delegated authority of that other committee. In such cases, a joint meeting of two or more committees can be called in the following circumstances:
  - the chairs of the committee agree to such a meeting; or
  - Council directs a joint meeting; or
  - at least one third of the members of each committee so request;
- 1.8 develop, monitor and review policy, strategy and plans, and recommend to Council the adoption of a new or amended policy, strategy and plans;
- 1.9 receive and consider reports on the Council's performance against the LTCCP and AP;
- 2.0 set the strategic guidelines for the AP and the LTCCP;
- 2.1 recommend service level changes and new initiatives for the AP and LTCCP;
- 2.2 review and approve Asset Management Plans;<sup>6</sup>
- 2.3 review and recommend to Council that it make any resolution where in a bylaw the Council has reserved any matter to be regulated, controlled, or prohibited by the Council by resolution either generally, for any specified case, or in a particular case;<sup>7</sup>
- 2.4 review and approve the Statements of Intent and Business Plans of Council's CCOs;
- 2.5 oversee, develop and approve an appropriate Council response on the Treaty of Waitangi and relationship with Maori;

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<sup>6</sup> Noting that the actual dollar amounts will not be approved until in the LTCCP/ AP - which is reserved for Council approval

<sup>7</sup> Includes matters such as: 1) any new or amended traffic resolutions under the Traffic Bylaw; 2) setting fees if a bylaw provides for fees to be set by resolution of Council; 3) the extension of the Liquor ban for a special event

## APPENDIX 1

- 2.6 review, develop and recommend to Council policy and practices in respect of governance (including elections, Standing Orders, the Code of Conduct for elected members, representation reviews and related issues);
- 2.7 in respect of the district plan:
  - 2.7.1 review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2) (a) First Schedule RMA)
  - 2.7.2 withdraw a proposed plan or plan change under clause 8D First Schedule RMA;
- 2.8 receive reports from Council's Advisory Groups;
- 2.9 approve policy, if not delegated to a subcommittee, in respect of financial reporting.
- 3.0 review and approve all new borrowings approved in the LTCCP in accordance with the Revenue and Financing Policy;
- 3.1 monitor the financial management of the Council's borrowings and investments in accordance with Council's revenue and financing policy and investment policy;
- 3.2 review and recommend to Council the adoption of the Annual Report;
- 3.3 in relation to the waterfront:
  - 3.3.1 develop and approve the Waterfront Development Plan that includes broad priorities for work and projected activities for the year;
  - 3.3.2 conduct public engagement/consultation processes as required;
  - 3.3.3 develop and approve performance briefs for individual areas or sections of work;
  - 3.3.4 approve detailed designs;
  - 3.3.5 monitor implementation including approval of variations from approved designs;
- 3.4 approve three year funding contracts from the economic, environmental, social and cultural grants pools.
- 3.5 consider and approve Built Heritage Incentive Fund grants.
- 3.6 approve the priorities for allocating grants within the economic, environmental, social and cultural grants pools.
- 3.7 set fees in accordance with legislative requirements unless the fees are set under a bylaw or set as part of the LTCCP or AP (in which case the

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decision is retained by Council and the committee has the power of recommendation);

- 3.8 approve any resolution required under section 319A of the Local Government Act 1974 (naming of road);
- 3.9 consider and approve the attendance of Elected Members at conference and seminars (domestic);
- 4.0 consider reports from officers on the acquisition and disposal of Council's property assets, for recommendation to Council<sup>8</sup>;
- 4.1 in respect of land held or managed under the Reserves Act 1977 and council owned open space land:
  - a) to approve leases, licenses and concessions, except for decisions to approve leases, licences and concessions to recreation and community groups (of land and/or buildings), and renewals of leases or licences, which are made by the Regulatory Processes Committee
  - b) to approve easements
  - c) to approve covenants for carbon credit purposes
  - d) to review, notify and recommend to Council the adoption of reserve management plans;
  - d) to review and recommend to the Strategy and Policy Committee for approval, reserve:
    - declarations
    - revocation
    - classification
    - naming;
  - e) to conduct the consultation processes required to make the above recommendations or decisions
- 4.2 to approve the purchase of any land for open space purposes that is consistent with council policy and within the funding provided in the LTCCP.
- 4.3 to consider and make recommendations under the Public Works Act 1981 regarding:
  - a) the transfer to another party of land for a public work under section 50
  - b) to exercise the Council's powers of compulsory acquisition under section 2
- 4.4 consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to Strategy and Policy Committee for decision making;

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<sup>8</sup> Council has statutory responsibility for final decision making on the purchase or disposal of assets, other than in accordance with the LTCCP.

## ***Delegated Authority***

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

## **Regulatory Processes Committee**

### **Voting Membership:**

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

### **External Membership (non-voting):**

Nil.

### **Quorum:**

3

### **Chair:**

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

### **Frequency of Meetings:**

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

### **Parent Body:**

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

### **General Purpose and Objectives:**

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

### **Terms of Reference:**

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

1.0 appoint councillors (sitting as hearings commissioners) and/or independent commissioners to hearings panels required under council's various statutory requirements;

1.1 appoint councillors for the purposes of 2.1 below;

The Committee will have responsibility and authority:

2.0 to approve and monitor Council's list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors sitting as hearings commissioners, and independent commissioners);

# APPENDIX 1

- 2.1 to supervise the conduct of statutory hearings on regulatory matters and undertake and make decisions on those hearings;<sup>9</sup>
- 2.2 to undertake hearings on road stopping under the Local Government Act 1974 and make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road;
- 2.3 to consider and recommend to Council any request to the Crown that a road is stopped under section 116 of the Public Works Act 1981, and the disposal of the stopped road:
- 2.4 to provide feedback to the Strategy and Policy Committee on policy matters which have arisen during the Committee's work;
- 2.5 to make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
  - to authorise the resolution of appeals on a proposed plan, plan change or variation;
  - to decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal;
  - to consider and approve council submissions on a proposed plan, plan changes, and variations;
  - to manage the private plan change process;
  - to accept, adopt or reject private plan change applications under clause 25 First Schedule RMA;
- 2.5 to perform any of its delegated functions jointly with another committee when issues arise which are also within the terms of reference/delegated authority of that other committee. In such cases, a joint meeting of two or more committees can be called in the following circumstances:
  - the chairs of the committee agree to such a meeting;
  - Council directs a joint meeting;
  - at least one third of the members of each committee so request;
- 2.6 to approve leases to recreation and community groups (of land and/or buildings) on public land.

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<sup>9</sup> This relates to any statutory hearings other than under the Resource Management Act 1991. For example, hearings required under the Dog Control Act and the Fencing of Swimming Pools Act. When a hearing is required it may be carried out by a quorum of the committee, with the membership of the quorum to be determined by the chair of the Regulatory Processes Committee in consultation with the Mayor.

## ***Delegated Authority***

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

The Chair of the Regulatory Processes Committee will have delegated authority to carry out activities 1.0 and 1.1 in these terms of reference.

## **Performance Review Committee**

### **Voting Membership:**

The Committee will have up to four Councillors as members.

### **External Membership (non-voting):**

Nil.

### **Quorum:**

3

### **Chair:**

The Mayor is the Chair of the Performance Review Committee.

### **Frequency of Meetings:**

The Committee will meet on an as required basis.

### **Parent Committee:**

The Committee shall report to Council any issues as may be required.

### **General Purpose and Objective:**

The Performance Review Committee has primary responsibility for the effective monitoring of the Chief Executive Officer's performance and performance agreement.

### **Terms of Reference:**

The Committee will have responsibility and authority to:

- 1.0 work as required with the Chief Executive on the implementation of the performance agreement entered into between the Council and the Chief Executive;
- 1.1 conduct the performance review required in the contract between the Council and the Chief Executive;
- 1.2 re-negotiate new performance agreements to cover subsequent periods as required;

- 1.3 make decisions regarding remuneration for the Chief Executive, including payment of any performance bonus;
- 1.4 represent the Council in regard to any issues which may arise in respect to the Chief Executive's job description, contract, performance agreement or other similar matters;
- 1.5 oversee any recruitment and selection process for a Chief Executive (noting that the decision on appointment must by law be made by the Council);
- 1.6 report to Council any issues as may be required.

### ***Delegated Authority***

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

## **Council Controlled Organisation Performance Subcommittee**

### **Voting Membership:**

The Subcommittee will have up to three Councillors and up to two external persons as members.

### **Quorum:**

2 (at least one elected member must be present for a quorum to exist)

### **Chair:**

The chair is to be appointed by Council and selected from one of the external members.

### **Frequency of Meetings:**

The Subcommittee will meet on an as required basis.

### **Parent Body:**

The Subcommittee reports to the Strategy and Policy Committee.

### **General Purpose and Objectives:**

The Subcommittee's principle function is to monitor the financial performance and delivery on strategic outcomes of council's CCTOs, CCOs and COs.

### **Terms of Reference:**

The Subcommittee will have responsibility and authority for:

- 1.0 making recommendations to the Strategy and Policy Committee regarding the approval of business plans, strategic plans and (where applicable) statutory adoption of statements of corporate intent;

- 1.1 monitoring Council's interests in its CCTOs, CCOs and COs through the review of their quarterly reports, annual reports, business plans, strategic plans and (where applicable) statements of corporate intent;
- 1.2 bringing to the attention of the Strategy and Policy Committee any matters that it believes are of relevance to the Committee's consideration of the financial performance or the delivery of strategic outcomes of Council's CCTOs, CCOs and COs;
- 1.3 monitor the performance of members on Council's CCOs.

### ***Delegated Authority***

The Council Controlled Organisation Performance Subcommittee will have delegated authority to carry out activities within its terms of reference.

## **Grants Subcommittee**

### **Voting Membership:**

The Subcommittee will have up to five Councillors as members.

### **External Membership (non-voting):**

Nil.

### **Quorum:**

2

### **Chair:**

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

### **Frequency of Meetings:**

The Subcommittee will meet on an as required basis.

### **Parent Body:**

The Subcommittee reports to the Strategy and Policy Committee.

### **General Purpose:**

The Grants Subcommittee has primary responsibility for the effective allocation and monitoring of Council's grants.

### **Objective:**

To achieve an equitable distribution of grants funding in line with the criteria applicable to each grant type and the characteristics and merits inherent in individual grants claims.

## **Terms of Reference:**

The Subcommittee will have responsibility and authority to:

- 1.0 consider and approve annual grants from the economic, environmental, social and cultural pools in line with Wellington City Council's grants criteria, grants pool priorities and strategic fit.
- 1.1 consider and recommend to the Strategy and Policy Committee for approval three year funding contracts from the economic, environmental, social and cultural pools in line with Wellington City Council's grants criteria, grants pool priorities and strategic fit.
- 1.2 consider and recommend to the Strategy and Policy Committee for approval the priorities for allocating grants within the economic, environmental, social and cultural grants pools.
- 1.3 consider and approve the criteria applicable to grants in general and each grant type.

### ***Delegated Authority***

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

## **Audit and Risk Management Subcommittee**

### **Voting Membership**

The Audit and Risk Management Subcommittee will have up to three Councillors and up to two external persons as members.

### **Quorum**

2 (at least one elected member and one external member must be present for a quorum to exist).

### **Chair**

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

### **Frequency of Meetings**

The Audit and Risk Management Subcommittee will meet on a quarterly basis or as required.

### **Parent Body**

The Subcommittee reports to the Strategy and Policy Committee.

### **Objectives of the Subcommittee**

The objectives of the Audit and Risk Management Subcommittee are to assist the Council to discharge its responsibilities for:

- a the robustness of the internal control framework and financial management practices;

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

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

## **Terms of Reference**

### **1. *Internal Control Framework***

- 1.1 Review whether management's approach to maintaining an effective internal control framework is sound and effective.
- 1.2 Review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour.
- 1.3 Review whether there are appropriate processes or systems in place to capture and effectively investigate fraud.

### **2. *Internal Reporting***

- 2.1 To consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council.
- 2.2 To seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council.

### **3. *External Reporting and Accountability***

- 3.1 Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes:
- 3.2 Enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements, and assess whether appropriate action has been taken by management in response to the above.
- 3.3 Satisfy itself that the financial statements are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and

recommend signing of the financial statements by the Chief Executive/Mayor and adoption by Council.

- 3.4 Confirm that processes are in place to ensure that financial information included in the entity's annual report is consistent with the signed financial statements.

## **4. *Risk Management***

- 4.1 Review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of the Council's significant risks.
- 4.2 Consider whether appropriate action is being taken by Management to mitigate Council's significant risks.

## **5. *Internal Audit***

- 5.1 Review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile.
- 5.2 Review the adequacy of management's implementation of internal audit recommendations.
- 5.3 Review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.
- 5.4 Conduct a members-only session (i.e. without any management being present) with internal audit to discuss any matters that the auditors wish to bring to the Subcommittee's attention.

## **6. *External Audit***

- 6.1 At the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor.
- 6.2 Receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within.
- 6.3 Conduct a members only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring to the Subcommittee's attention and/or any issues of independence.
- 6.4 Ensure any recommendation by management that the Office of the Auditor-General replace the external auditor is referred to and examined by the Audit and Risk Management Subcommittee.

## **7. *Compliance with Legislation, Standards and Best Practice Guidelines***

- 7.1 Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and Best Practice Guidelines as applicable.

### ***Delegated Authority***

The Audit and Risk Management Subcommittee will have delegated authority to carry out activities within its terms of reference.

## **Development Contributions Subcommittee:**

### **Voting Membership:**

The Subcommittee will have up to four Councillors as members.

### **External Membership (non-voting):**

Nil.

### **Quorum:**

2

### **Chairperson:**

The Portfolio Leader – Urban Development and Transport is the Chair of the Development Contributions Subcommittee.

### **Frequency of Meetings:**

The Subcommittee will meet on an as required basis.

### **Parent Committee:**

The Subcommittee will report to the Strategy and Policy Committee on any issues as may be required.

### **General Purpose and Objective:**

The Subcommittee is established to assist with the development of the Council's Development Contributions Policy, and make decisions on applications for remission and/or postponement.

### **Terms of Reference:**

The Subcommittee will have responsibility and authority to:

- 1.0 Hear submissions on the draft Development Contributions Policy, or any amendments to it.
- 1.1 Make a recommendation to the Strategy and Policy Committee on the draft Development Contributions Policy or any amendments to it.

- 1.2 Request specific work to be undertaken by officers if required on any aspect of the Development Contribution Policy to be reported to the Subcommittee and/or the Strategy and Policy Committee to assist the deliberations on the draft policy or any amendments to it.
- 1.3 Make decisions on applications under the Policy for remission or postponement
- 1.4 Make recommendations to the Strategy and Policy Committee on matters arising from the operation of the Policy at the time of any review of the Policy undertaken by the Strategy and Policy Committee.

### ***Delegated Authority***

The Development Contributions Subcommittee has the delegated authority to carry out activities within its terms of reference.

## **Temporary Road Closures Subcommittee**

### **Voting Membership:**

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

### **External Membership (non-voting):**

Nil.

### **Quorum:**

2

### **Chair:**

The Portfolio Leader – Economic Development and Recreation is the Chair of the Temporary Road Closures Subcommittee.

### **Frequency of Meetings:**

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

### **Parent Body:**

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

### **General Purpose and Objectives:**

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

### **Terms of Reference:**

The Temporary Road Closures Subcommittee will have authority to:

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

### ***Delegated Authority***

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

## **Tawa Community Board Makara/Ohariu Community Board**

### **Voting Membership:**

The Board will have six elected members (not including Councillor appointments if any).

### **External Membership (non-voting):**

Nil.

### **Quorum:**

A quorum of the Board shall consist of half the total number of members of the board (including vacancies) when that number is even and a majority of such members (including vacancies) when the number is odd.

### **Chair:**

The Chair will be elected by the Board's members and remunerated at a level determined by the Remuneration Authority.

### **Frequency of Meetings:**

The Community Board will meet on a monthly basis, or as required.

### **Parent Body:**

The Community Board reports to Council.

### **General Purpose:**

To assist Council in fulfilling the purpose of local government as expressed in Part 2, Section 10 of the Local Government Act 2002, being:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

### **Objective:**

# APPENDIX 1

To achieve the role of a Community Board under Section 52 of the Local Government Act 2002; that is:

- (a) Represent and act as an advocate for the interests of its community; and
- (b) Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) Maintain an overview of services provided by the territorial authority within the community; and
- (d) Prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) Communicate with community organisations and special interest groups within the community; and
- (f) Undertake any other responsibilities that are delegated to it by the territorial authority.

## **Terms of Reference:**

The Community Board shall:

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

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

The Community Board will have responsibility and authority to:

- 1.0 Make submissions (as a Community Board) to any organisation (including submissions on resource consents notified by the Greater Wellington Regional Council and Wellington City Council) relating to matters of interest to the Board in respect of the Board's area (a copy of any such submission is to be given to the Council's Chief Executive).
- 1.1 Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers to be of particular interest to the residents within its community.
- 1.2 Determine expenditure of funds allocated by Council to the Board for specific purposes.
- 1.3 Consider matters referred to it by officers, the Council, its committees or subcommittees, including reports relating to the provision of council services within the Board's area, and make submissions or

recommendations in response to those matters as appropriate. This will include:

- monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided
- providing input to the Council's Long Term Council Community Plan and Annual Plan
- providing input to proposed District Plan changes
- providing input to strategies, policies and plans that impact on the Board's area
- providing input to bylaw changes that impact on the Board's area.

1.4 Provide input (whether from the full Board, a subcommittee of the Board, or a nominated board member/s) to officers on the following matters:

- local road work priorities
- traffic management issues (such as traffic calming measures, pedestrian crossing, street lighting, etc)
- street facilities management (such as taxi-stands, bus stops, bicycle stands, etc)
- liquor licence applications
- application of the Resource Management Act (including notification decisions) within the Board's area
- the emergency management needs of the area, including the appointment of emergency centre coordinators.

The final decision on matters set out in 1.4 will be made by council officers acting under their delegated authority.

### ***Resource Management Hearings***

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

### ***Delegated Authority***

The Tawa and Makara/Ohariu Community Boards will have delegated authority to carry out activities within their terms of reference.

# APPENDIX 1

## Appendix Two

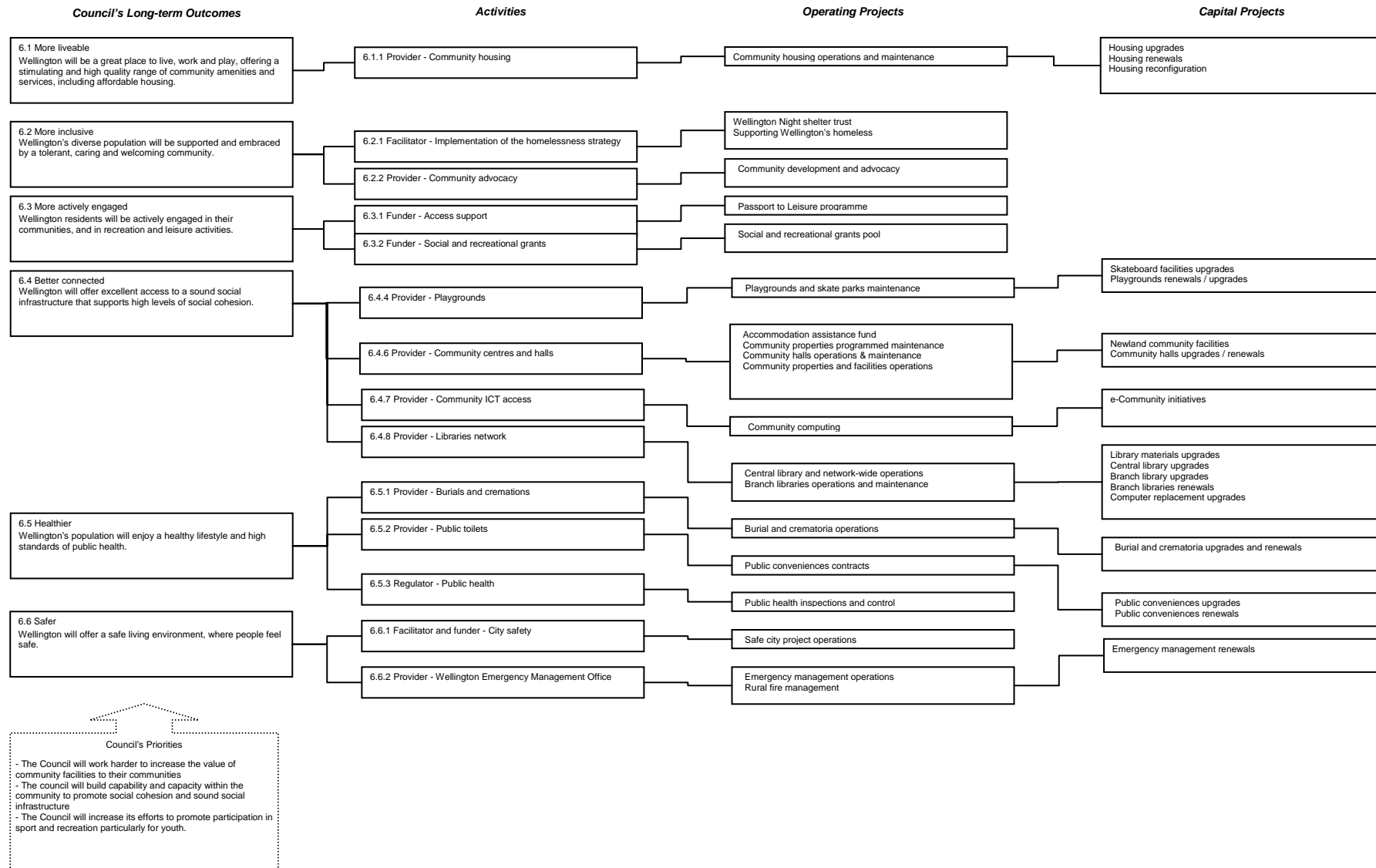
### Portfolio Leaders - Areas of Responsibility

The 2006/07 – 2015/16 Long Term Council Community Plan (LTCCP) details the Outcomes, Activities, Projects and related expenditure for the seven Wellington City Council strategies. The Portfolio Leader's areas of responsibility align with these strategies.

<b>Portfolio Area</b>	<b>LTCCP Strategy</b>
<b>Social</b>	<b>Social and Recreation (part)</b>
<b>Environment</b>	<b>Environment</b>
<b>Cultural Wellbeing</b>	<b>Cultural Wellbeing</b>
<b>Economic Development and Recreation</b>	<b>Economic Development</b>
	<b>Social and Recreation (part)</b>
<b>Urban Development and Transport</b>	<b>Urban Development</b>
	<b>Transport</b>
<b>Governance</b>	<b>Governance</b>
<b>Climate Change and Sense of Place</b>	<b>Cross-strategy</b>

## Social Portfolio

Covers the following LTCCP strategy outcomes, activities and projects: **Social and Recreation Strategy (part)**



## Other Strategies, Policies and Plans:

Homelessness Strategy	Library
Accommodation assistance for Community Groups	Leases policy for community & recreation groups
Casino policy	Liquor Licensing
Circuses policy	Mobility Parking
Community access to venues	Museums
Community facilities	Older Persons Policy
Dog Control	Playgrounds
Gaming venues	Street performance and busking policy
Housing grants	Public Conveniences
Relevant bylaws	

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## Environment Portfolio

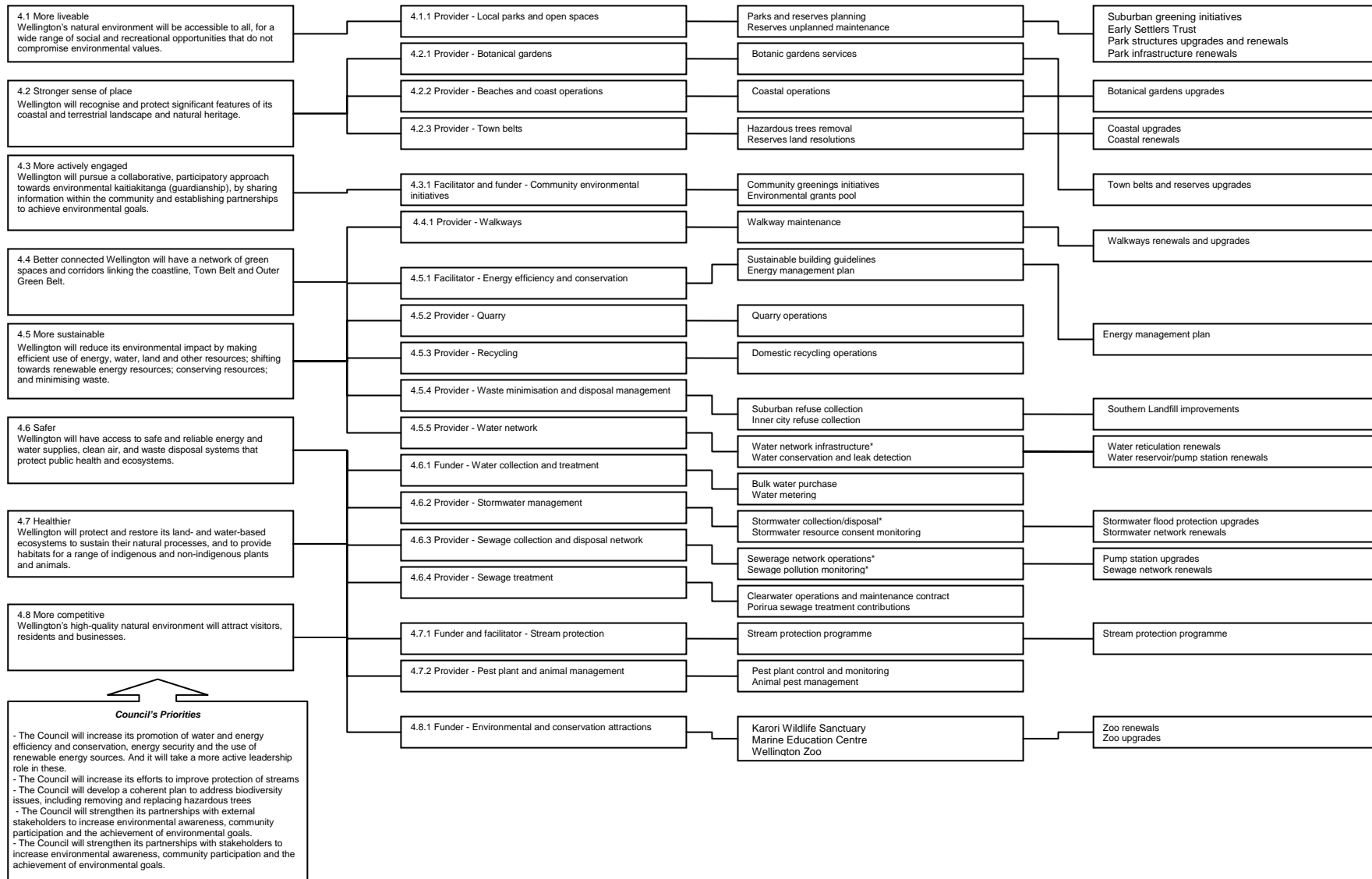
Covers the following LTCCP strategy outcomes, activities and projects: **Environmental Strategy**

### Council's Long-term Outcomes

### Activities

### Operating Projects

### Capital Projects



## **Other Strategies, policies and plans:**

Capital Spaces

Energy and Climate

Closed landfills

Environmentally friendly purchasing

Mountain biking

Open space naming

Waste Management plan

Verges

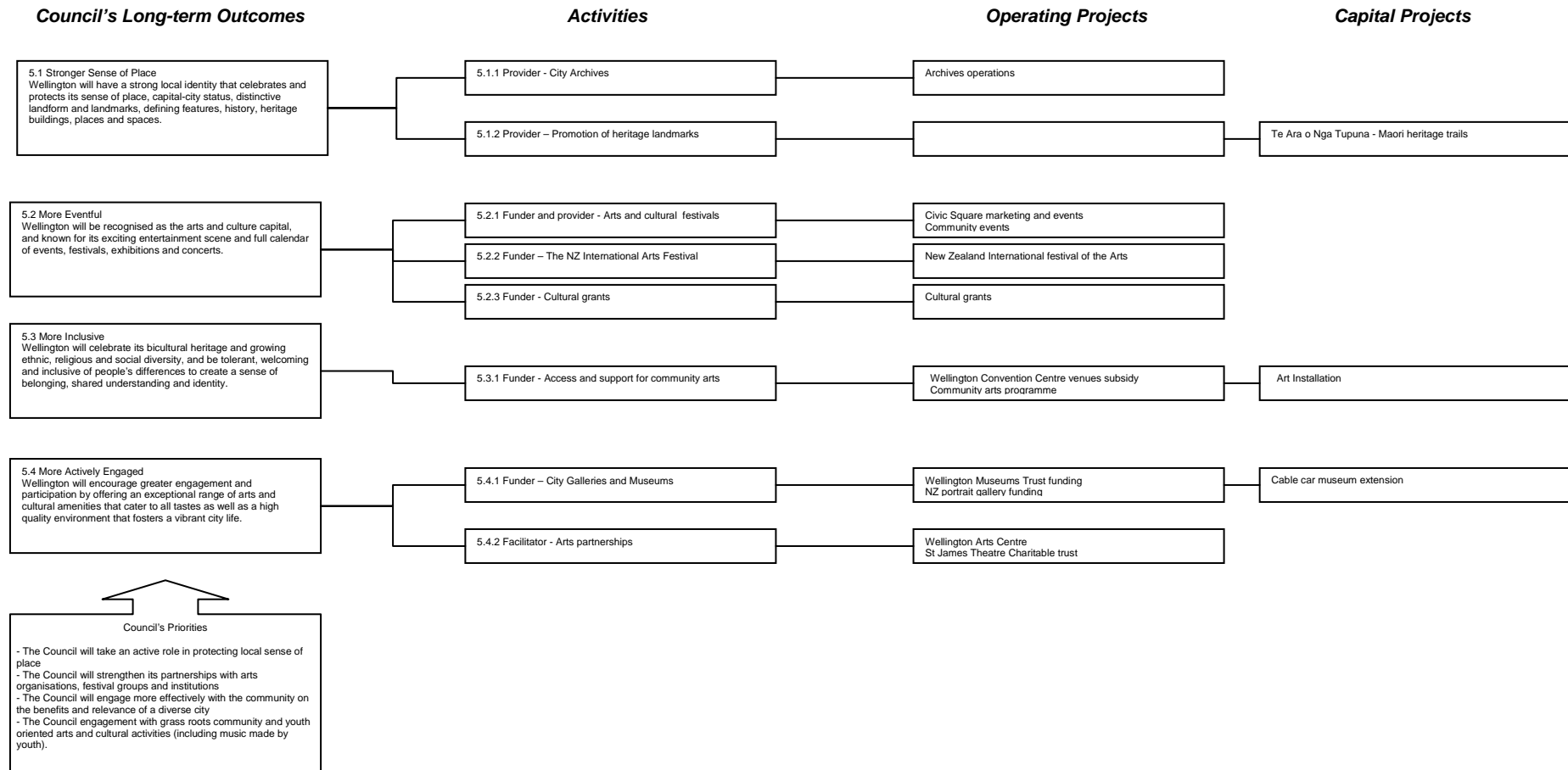
Pest management

Town Belt reinstatement

Relevant bylaws

## Cultural Wellbeing Portfolio

Covers the following LTCCP strategy outcomes, activities and projects: **Cultural Wellbeing Strategy**



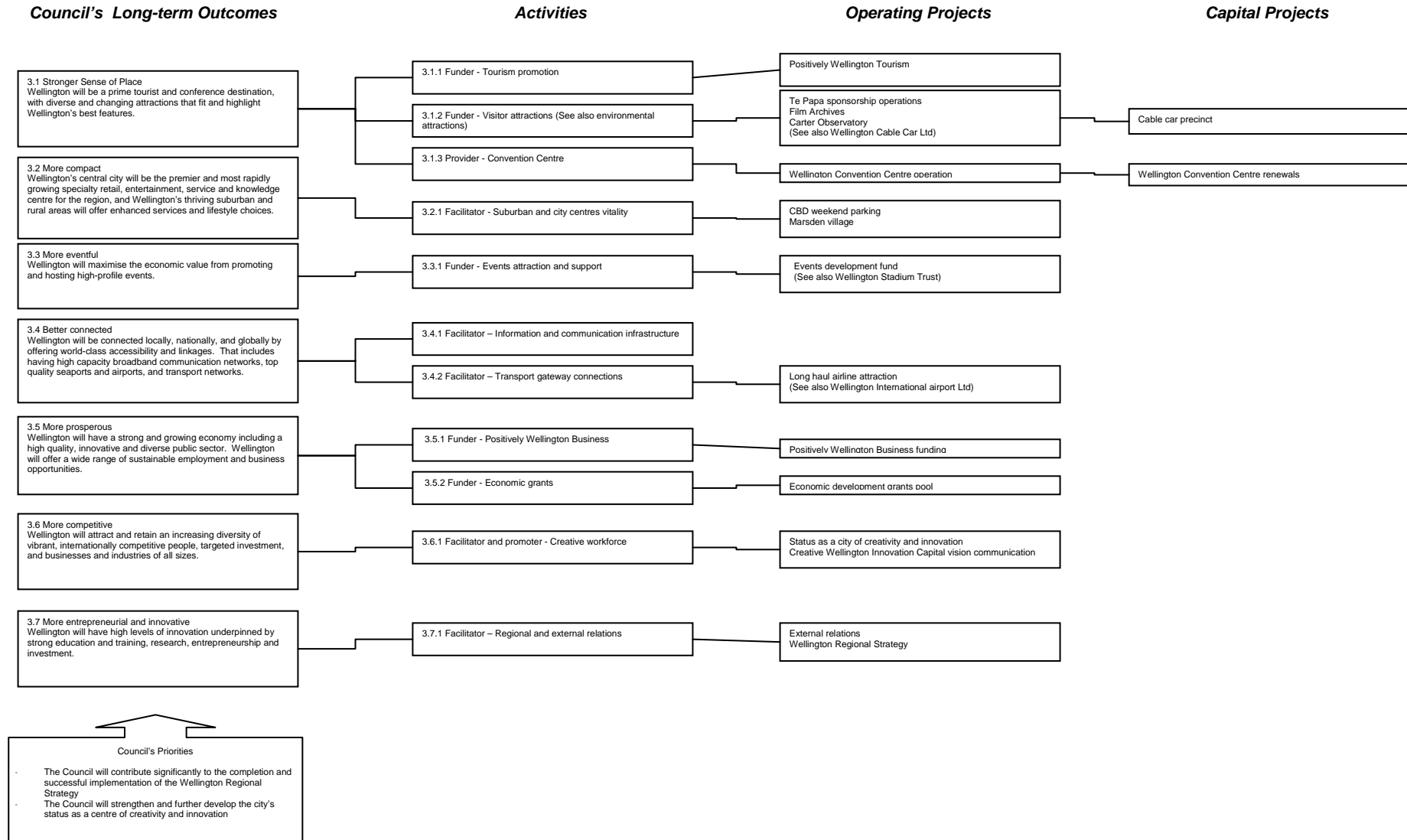
### Other Strategies, policies and plans:

Arts Collection  
Public Art

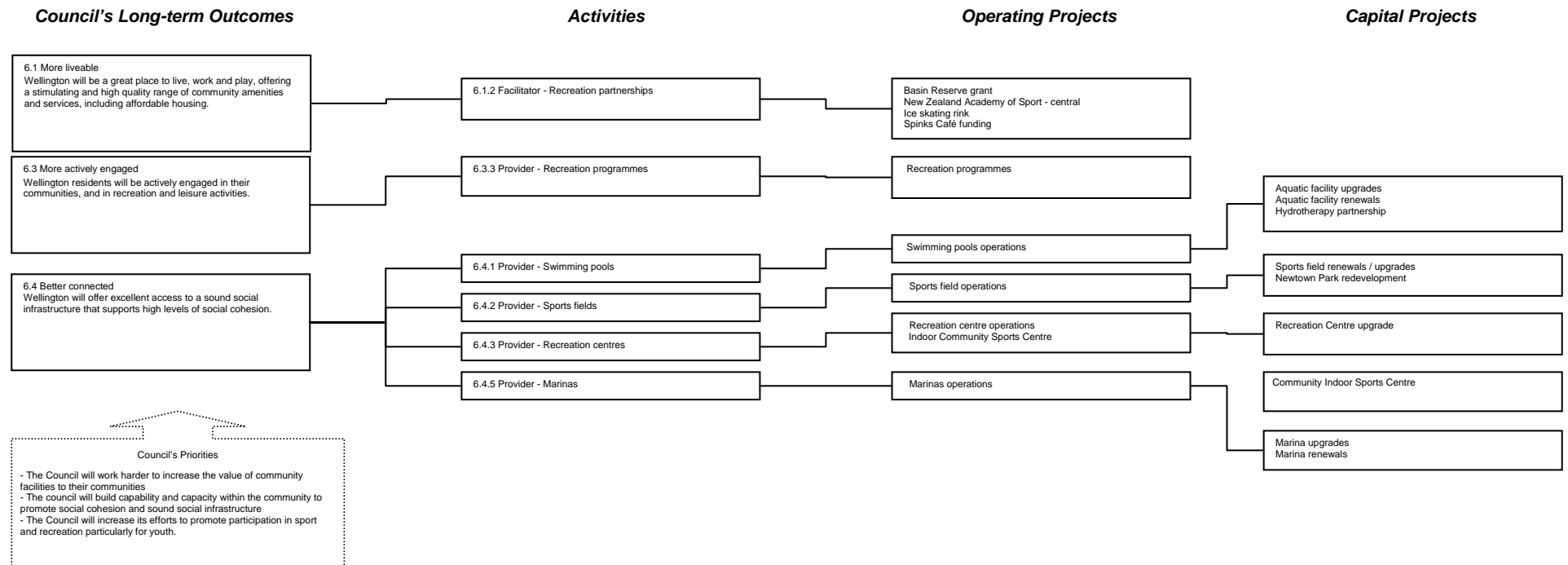
Relevant Bylaws

## Economic Development and Recreation Portfolio

Covers the following LTCCP strategy outcomes, activities and projects: **Economic Development Strategy**



## Social and Recreation Strategy (part)



### Other Strategies, polices and plans:

Creative Wellington - Innovation capital  
 Event Strategy  
 International Relations  
 Property matters not covered by other portfolios or a chair of another Committee or Subcommittee

Retail Strategy  
 Incentives  
 Relevant Bylaws  
 Broadband

## Urban Development and Transport Portfolio

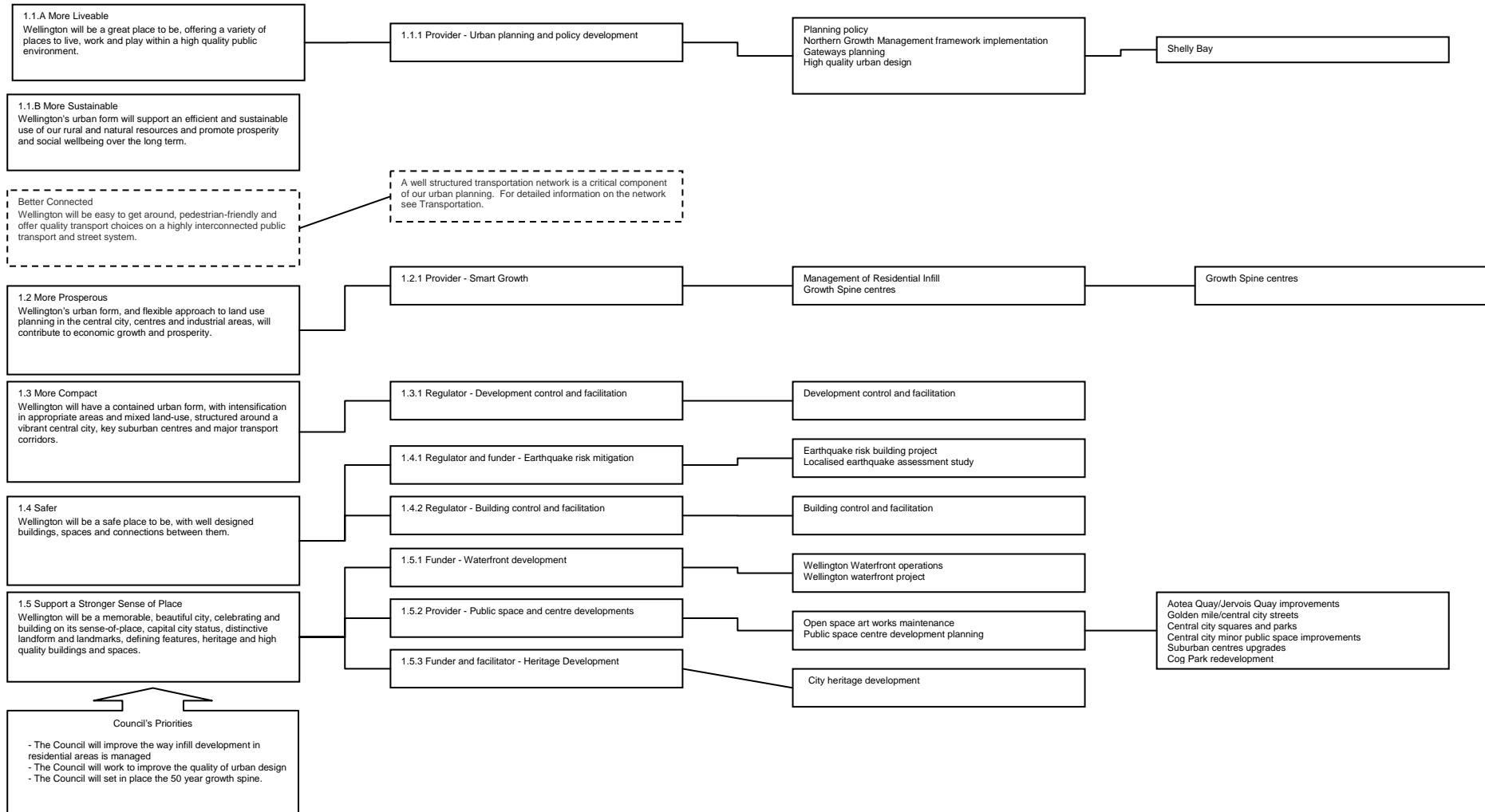
Covers the following LTCCP strategy outcomes, activities and projects: **Urban Development Strategy**

### Council's Long-term Outcomes

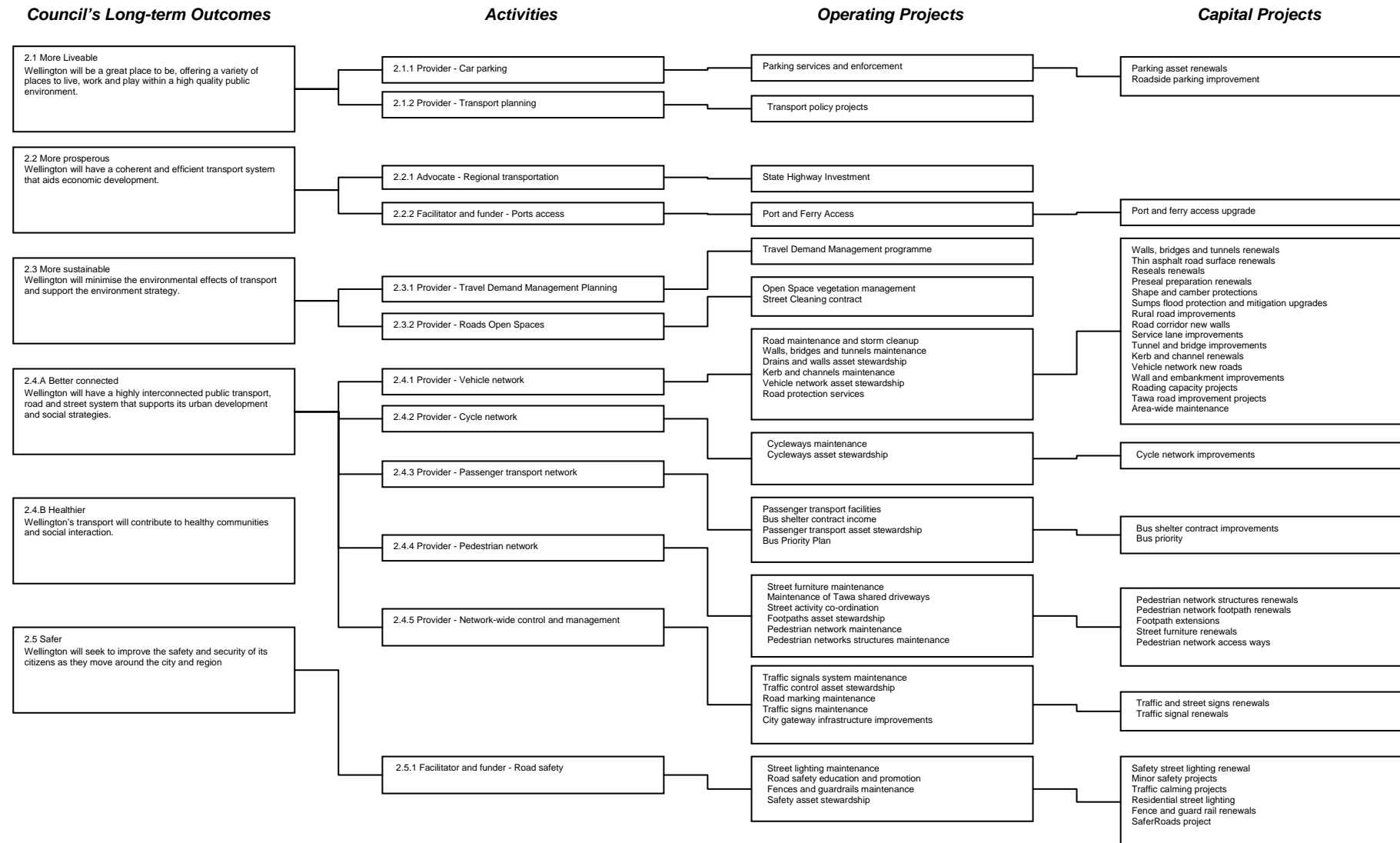
### Activities

### Operating Projects

### Capital Projects



## Transport Strategy

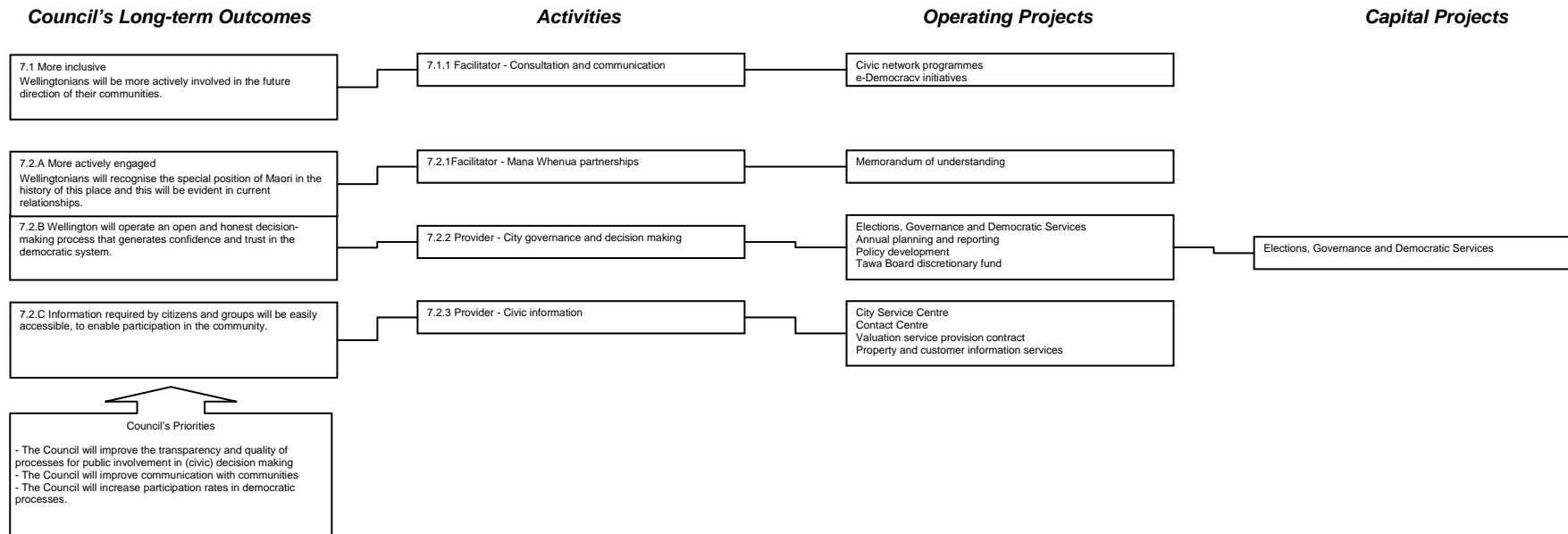


## **Other Strategies, policies and plans:**

District Plan	Built heritage
Waterfront Development plan	Road naming
Building Safety	Wellington Regional Land Transport Strategy (under review)
Wellington Regional Strategy (under development)	Relevant Bylaws

## Governance Portfolio

Covers the following LTCCP strategy outcomes, activities and projects: **Governance Strategy**



## **Other Strategies, policies and plans:**

Memoranda of Understanding  
Code of conduct  
Council processes and decision-making  
Accountability processes of Council and Committee Leaders  
Terms of reference and delegations of Council, Committees and Subcommittees  
Committee Structure

Consultation policy  
Local Government Statement  
e-Democracy  
Standing orders

Election related matters including the Representation Review  
Community Board delegations

## **Climate Change and Sense of Place Portfolio**

The portfolio is responsible for cross-strategy matters that relate to its areas of responsibility below.

### **Areas of Responsibility:**

Climate change  
Sense of Place

### **Areas**

Green buildings  
Sustainable transport management  
Green economy  
Sustainable infrastructure  
Energy management  
Sense of Place initiatives

## Chair, Strategy and Policy Committee

The Chair of the Strategy and Policy Committee also covers organisational areas.

### Areas of Responsibility include:

SPC Forward Programme  
LTCCP/Annual Plan

### Policies

Funding Impact Statement and Rating  
(part of 2004/05 Annual Plan)  
Funding 2001-04

Investment

Liability

Rates Penalty Remission

Rates Postponement

Rates Rebate

Rates Remission and Postponement

Remissions on Land used principally for  
Games or Sport

Remission of rates on Maori Freehold  
Land

Remission of rates on Rural and Farm  
Land

Revenue and Finance

Road Encroachment and Sale

Significance Policy

Special Circumstances Remission

## Other matters

- Reports that recommend attendance at conferences will be allocated to the Portfolio Leaders to introduce depending on the subject matter of the conference.
- Conference report backs will be introduced by the Elected Members who prepared the report.
- Reports from Committees and Subcommittees will be introduced by their Chair, or appointed nominee.
- Policy and related matters that relate to a particular committee or subcommittee (e.g. Grants and Grants Subcommittee, Development Contributions and Development Contributions Subcommittee) will be introduced by the Chair of the relevant committee/subcommittee.