

**GOVERNANCE STRUCTURE**  
**2010-2013 Triennium**  
**Approved by Council on 11 November 2010**

**Kapiti Coast District Council Standing Committees, Subcommittees,  
Community Boards: 2010-2013 Triennium**

**Terms of Reference and Associated Delegations**

This document is made up of four parts:

**Part A:** Section A.1 Delegations Partnership Statement

Section A.2 Council Strategic Directions Responsibilities

**Part B: Standing Committees:**

Section B.1 Environment and Community Development Committee

Section B.2 Regulatory Management Committee

Section B.3 Corporate Business Committee

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Section C.1.3 Audit and Risk Subcommittee

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Committee

Section C.2 Chief Executive Performance Review  
Subcommittee

**Part D: Community Boards**

Paekākāriki Community Board

Paraparaumu/Raumati Community Board

Waikanae Community Board

Ōtaki Community Board

## **PART A**

### **SECTION A.1 DELEGATIONS PARTNERSHIP STATEMENT**

#### **PARTNERSHIP FRAMEWORK**

- 1 These delegations are for the Standing Committees, Subcommittees, and Community Boards and Hearing Commissioners established by the Kapiti Coast District Council for the 2010-2013 triennium.
- 2 They establish a governance partnership base and associated delegations for the achievement of the Long Term Council Community Plan (LTCCP).
- 3 The partnership approach reflects the following principles of delegation:
  - 3.1 delegated authorities should focus on specific work streams or in respect of Community Boards on local matters;
  - 3.2 local decisions are best made closest to local people and by local people in response to local needs;
  - 3.3 wherever possible Committees of Council should refer matters of local significance to the respective Community Board(s);
  - 3.4 Community Boards should exercise the delegations to the fullest extent;
  - 3.5 unless otherwise delegated, Committees and Community Boards in exercising their delegated authorities must operate within the constraints imposed by the Council's LTCCP/Annual Plan, and any existing Council policy.
- 4 In support of the above principles Committees, Subcommittees and Community Boards will convey advice and recommendations to the Council as they relate to the development of policies and programmes affecting their community. As far as is practicable and appropriate, issues should be referred to Community Boards for consideration and comment/recommendations before decisions are made. The Committee, Subcommittee and Community Board advice and recommendations will reference the LTCCP and in particular the framework established around the community's vision, Council's leadership, priorities for investment and service delivery, and the 14 sustainable development principles in the LTCCP.
- 5 Central to this Delegations Framework is the partnership between the Elected Members and the tāngata whenua of the District – namely, the Confederation of iwi and hapū of Te Ati Awa, Ngati Raukawa and Ngati Toa Rangatira (A.R.T). Council and Te Whakaminenga o Kapiti will also engage with taurahere (other resident Māori) over the 2010-2013 triennium.
- 6 The partnership approach is also reflected in the Council involvement and commitment to the four areas of wellbeing of the community: social, cultural, economic and environmental. It is important to state as part of these delegations

the absolute link to the LTCCP commitment to advocacy, support and development of partnerships around the four well-beings referenced in the Local Government Act 2002 (social, cultural, economic and environmental well-beings).

- 9 The partners to this Delegations Policy will develop local authority/ central Government / iwi / community partnerships in accordance with any LTCCP projects adopted by the Council.
- 10 A Framework of this type requires some statements around good work practices. The following comments describe how the Governance arm of Council will be supported:
  - 10.1 The Chief Executive is responsible for providing advice to the Council, the Standing Committees and Subcommittees, and the Community Boards;
  - 10.2 These delegations will align with, but stand separately from, the delegation from the Council to the Chief Executive;
  - 10.3 Committees, Subcommittees, and Community Boards will ordinarily assist the Council in carrying out its governance job by undertaking their delegated roles.
  - 10.4 In the event that a Committee or Community Board recommendation is not accepted by the Council, the issue will be returned via the Chief Executive, to the Committee or Community Board for further review. In the event that a Subcommittee recommendation is not accepted by the Committee, the issue will be returned via the Chief Executive, to the Subcommittee for further review;
  - 10.5 The Chief Executive is responsible for servicing and providing support to the Committees, Subcommittees and Community Boards in the completion of its duties and responsibilities. The Chief Executive will appoint a senior manager to provide these functions on his behalf. That manager will be responsible for meeting with the Chairperson and the Deputy Chairperson of that Committee, Subcommittee or Community Board prior to any scheduled meeting;
  - 10.6 The Chief Executive will ensure that where appropriate a senior manager will attend meetings of each Committee, Subcommittee, and Community Board.
  - 10.7 The Chief Executive, in conjunction with the senior manager appointed by the Chief Executive for each Committee, Subcommittee and Community Board, will provide a democratic support service to assist the Elected Members in their work. This support will be at both strategic and administrative levels.

## COUNCIL'S POWERS

11 This Framework recognises the provisions of Clause 32, Schedule 7 of the Local Government Act 2002 which states:

32. *Delegations—*
- (1) *Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*
    - (a) *the power to make a rate; or*
    - (b) *the power to make a bylaw; or*
    - (c) *the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or*
    - (d) *the power to adopt a long-term council community plan, annual plan, or annual report; or*
    - (e) *the power to appoint a chief executive; or*
    - (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement.*
  - (2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*
  - (3) *A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*
  - (4) *A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.*

- (5) *A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
- (6) *A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*
- (7) *To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*
- (8) *The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment."*

12 Each Community Board Chairperson or their Deputy is able to attend meetings of Council and/or Committees and is able to contribute to the debate. They are not however, able to vote.

13 In these Terms of Reference and Associated Delegations, for the purposes of interpretation, the following interpretations apply unless the context otherwise requires: -

- any singular reference includes the plural, and vice versa;
- any reference to a statute, regulation or bylaw also refers to that statute, regulation or bylaw as amended or substituted;
- any reference to a committee of the Council includes a reference to any committee constituted to replace that committee;
- any reference to an officer means an officer of the Council.

14 For the avoidance of doubt:

- a) A reference in this document to an enactment, regulation or bylaw includes any amendment to the relevant provisions of that enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw; and
- b) A reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties.

## **Section A.2 Council Strategic Directions Responsibilities**

### **SCOPE OF STRATEGIC DIRECTIONS ACTIVITY**

**The Council has the responsibility for setting the Council Strategic Direction.**

This includes the:

- 1. Development of the LTCCP and associated processes including:**
  - sustainable development framework;
  - community participation processes;
  - associated finance and revenue frameworks;
  - levels of service;
  - strategic policy and planning formulation consistent with the principles of sustainable development “quadruple bottom line” (economic, social, environmental and cultural) accountability;
  - high-level partnership frameworks, processes and relationships. The Council will develop frameworks for central Government / iwi / community partnerships in accordance with any LTCCP projects and processes;
  
- 2. Overall strategic direction including planning and oversight of:**
  - setting council strategic direction;
  - advocacy on matters pertaining to strategic directions, including making submissions;
  - the Regional Strategic roles – including those associated with the Wellington Regional Strategy, Regional Settlement Strategy and the Regional Land Transport Strategy.
  
- 3 Strategic Planning, Monitoring and Reporting**
  - develop and undertake long term planning processes, including developing goals and strategies for any other committees;
  - monitor LTCCP and Annual Plan implementation;
  - measuring sustainability performance (including the State of the District Monitoring jointly with the Environment and Community Development Committee) through quadruple bottom line reporting (i.e. reporting on economic, social, cultural and environmental impacts).

- 4 **Exercise any other Council powers, duties and functions of a strategic overview nature** including:
- strategic direction for business units (including any Trusts);
  - coordination and prioritisation of infrastructure development;
  - dealing with any issues in a timely fashion that would normally be considered or have been referred to Council by any of its Standing Committees .

## **PART B – STANDING COMMITTEES**

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### **Section B.1 ENVIRONMENT AND COMMUNITY DEVELOPMENT COMMITTEE**

Chairperson	
Deputy Chairperson	
Membership	The Mayor and all Councillors

#### **PARTNERSHIP FRAMEWORK**

- 1 This Committee:
  - 1.1 reports to the Kapiti Coast District Council;
  - 1.2 works alongside the other Committees and Community Boards of Council to provide a governance partnership base for the achievement of the LTCCP;
  - 1.3 will undertake its delegations in accordance with the partnership framework outlined in Part A of this document.

#### **CONSTITUTION**

- 2 The Mayor and all Councillors.
- 3 Each Community Board Chair or their Deputy may attend Committee meetings and contribute to the debate. They are not able to vote.

#### **MEETING FREQUENCY**

- 4 Six weekly.

#### **OBJECTIVE**

- 5 This Committee will:
  - 5.1 Oversee the development (within any wider existing strategic framework) of Council policies other than finance and regulatory policies;
  - 5.2 Oversee the development (within any wider existing strategic framework) of social and economic community policies associated with promoting the social, economic, environmental and cultural wellbeing of the District;
  - 5.3 Monitor the effectiveness of policies and projects over time;
  - 5.4 Review and approve any Kapiti Coast District Council submission requiring approval prior to submission.



## **DELEGATED AUTHORITY**

- 6 Generally (except where otherwise provided by delegation to another Committee or Council officers) this delegation provides authority to exercise all functions, duties and powers relating to all matters assigned to this Committee, as adopted by the Council from time to time, where financial provision has been made for the decision or activity in the LTCCP or Annual Plan, and where the action proposed is not contrary to established Council strategy and/or policy, or the power of delegation.
- 7 Without limiting the generality of this delegation, the committee has the following functions, duties and powers:

### **Policy Development**

- 7.1 Authority to develop (within any wider existing strategic framework) policies and work programmes that support the social, economic, environmental and cultural wellbeing of the community. This authority encompasses the power to:

- establish Partnerships with central Government, iwi and key community organisations to advance the LTCCP;
- recommend to the Council for adoption policies relating to District Image and Promotion and monitor public relations activities;
- review the Council's Land Transport Work Programme in relation to Council's strategic direction;
- undertake (within any wider sustainable Transport Strategy) all matters not specifically delegated to Council, Council officers or other committees concerning or involving transport and roading policy issues;
- have oversight of all matters related to the promotion of road safety;
- have oversight of all cultural, arts and heritage matters;
- undertake all matters not specifically delegated to Council officers or other committees concerning or involving community development and wellbeing, including but not limited to the development, implementation, advocacy and monitoring of social policies (within any wider existing strategic framework) relating to:
  - health;
  - young people;
  - aging population;
  - people with disabilities;
  - housing;
  - education;
  - community facilities including halls and public toilets;

- Assessment of Water and Sanitary Services (Authority to exercise the functions, duties and powers of the Council under Part 7, Subparts 1 and 2 of the Local Government Act 2002).

### **District Libraries**

- 7.2 Monitor the delivery of Council’s District Library services.

### **Parks and Reserves**

- 7.3 Authority to exercise the functions, powers and duties of the Council under the Reserves Act 1977 or any other statute, regulation or bylaw relating to the management and control, maintenance and operation of parks and reserves, except as delegated to Community Boards or officers. This authority encompasses the power to:

- grant leases for reserve land;
- grant licences pursuant to Section 48A of the Reserves Act 1977 for the use of a reserve for a communications station (such granting of licences to be subject where appropriate to the approval of the appropriate Minister of the Crown and the provision of the First Schedule of the Reserves Act 1977);
- recommend to Council that land be declared a reserve under Section 14 of the Reserves Act 1977;
- hear and report to Council on submissions and to make recommendations to Council on decisions, relating to the revocation of reserve land;
- determine from time to time whether a park has Districtwide importance and is therefore not a “local” park.

This power excludes:

- The power to declare land to be a reserve under section 14 of the Reserves Act 1977;
- The power to exchange reserve land for other land under section 15 of the Reserves Act 1977;
- The power to make bylaws under section 106 of the Reserves Act 1977; and
- Authority to resolve that road reserve be dedicated as road under section 111 of the Reserves Act 1977.

- 7.4 Authority, where the Council is appointed as the controlling authority of a walkway, to exercise the powers of such authority (New Zealand Walking Access Act 2008).

### **District Development Management**

- 7.5 Authority with regard to any matter substantially affecting or impinging upon the environmental management policies within any wider strategic framework within or relating to the Kapiti Coast District. (This does not

include regulation of site specific activities).

- 7.6 Authority to monitor demographic and population change and impacts on the environment and the community.
- 7.7 Authority to establish districtwide development and design projects in accordance with the LTCCP and any other Council projects referred by the Council from time to time.

#### **Grants Funding and Contracts for Service**

- 7.8 Authority to receive and approve (as required) annual reports, budgets and plans from organisations funded by the Council through grants funding and contracts for service.

#### **Public Safety**

- 7.9 Authority to exercise the functions, duties and powers of the Council relating to public safety under the Biosecurity Act 1993.

#### **Other Territorial Authority and Regional Plans and Monitoring**

- 7.10 Authority in regard to all matters relating to any aspect of any adjacent local authority's District Plan, the Regional Plans, or any proposal in relation to any aspect of such documents, and all matters relating to any National Environmental Standards, National Policy Statements, New Zealand Coastal Policy Statement or Regional Policy Statements, or Government Policy Statements.
- 7.11 Authority in regard to any matters relating to services or activities of Greater Wellington – the Regional Council, any ad hoc authority and neighbouring territorial local authorities, not covered by any other Committee.
- 7.12 Authority to recommend to the Regulatory Management Committee for consideration any potential changes to the operative District Plan.

#### **Cemeteries and Burials**

- 7.13 Authority (except where otherwise delegated to officers) to exercise the powers, functions, and duties of the Council under the Burial and Cremation Act 1964, and any other statute, regulation or bylaw relating to the control and management of Council cemeteries or the burial or cremation of the dead.

#### **Emergency Management**

- 7.14 All matters not specifically delegated to Council officers or other committees concerning or involving emergency management, including:
  - 7.14.1 Council's powers, functions and duties under the Civil Defence Emergency Management Act 2002;
  - 7.14.2 all planning, operational and co-ordinating measures necessary to ensure effective and efficient use of resources before and during a

state of civil defence emergency including an overview of the Council's participation in the Civil Defence Emergency Management Group;

7.14.3 the administration of the Forest and Rural Fires Act 1977 and Regulations there under; all matters enabled or required of the Council as the Fire Authority for the Kapiti Coast Rural Fire District; all matters concerning Rural Fire Forces constituted pursuant to the above-mentioned Act and Regulations and liaison with the New Zealand Fire Service both in relation to the said District and the Urban Fire District. Authority to exercise those functions, duties and powers of the Council under Part 39 of the Local Government Act 1974 (Prevention of Fires) which remain in force;

7.14.4 services or activities of Greater Wellington Regional Council or any Government or ad-hoc authority affecting the delegated powers of this committee;

7.14.5 the preparation of plans to minimise damage and reinstate lifeline services (water, roads, and wastewater) in the event of a major earthquake, flood, tsunami or volcanic eruption.

**Submissions**

7.15 Authority to review and approve any submission on any issue that is being made on behalf of Council.

## **Section B.2                    REGULATORY MANAGEMENT COMMITTEE**

Chairperson	
Deputy Chairperson	
Membership	The Mayor and all Councillors

### **PARTNERSHIP FRAMEWORK**

- 1        This Committee:
  - 1.1      reports to the Kapiti Coast District Council;
  - 1.2      works alongside the other Committees and Community Boards of Council to provide a governance partnership base for the achievement of the LTCCP;
  - 1.3      will undertake its delegations in accordance with the partnership framework outlined in Part A of this document; and

### **CONSTITUTION**

- 2        The Mayor and all Councillors.
- 3        Each Community Board Chair or their Deputy may attend Committee meetings and contribute to the debate. They are not able to vote.

### **MEETING FREQUENCY**

- 4        Six weekly.

### **OBJECTIVE**

- 5        This Committee will:
  - 5.1      undertake decisions based on existing provisions within the regulatory frameworks adopted by Council;
  - 5.2      review and approve adjustments to any existing regulatory provisions to ensure improved transparency, workability and efficiency, within the existing relevant policy and strategic framework;
  - 5.3      provide advice to the Environment and Community Development Committee on any instances where existing policy appears unable to deal with changing contexts and circumstances;
  - 5.4      review and approve any Kapiti Coast District Council submission requiring approval prior to submission.

## DELEGATED AUTHORITY

6 Generally (except where otherwise provided by delegation to another committee or Council officers) this delegation provides authority to exercise all functions, duties and powers relating to all matters assigned to this Committee, as adopted by the Council from time to time, where financial provision has been made in the Annual Plan or LTCCP, and where the action proposed is not contrary to established Council strategy and/or policy or the power of delegation.

7 Without limiting the generality of this delegation, and except where otherwise delegated to officers, the committee has the following functions, duties and powers:

### **Animal Control**

7.1 Authority to exercise the functions, duties and powers of the Council under the Dog Control Act 1996 and the Kapiti Coast District Council Dog Control Bylaw 2008, and the Impounding Act 1955;

7.2 Authority to develop, review and recommend to Council a Dog Control Policy under section 10 and 10AA of the Dog Control Act 1996;

7.3 Authority to consider and adopt an Annual Report on Dog Control Policy and Practices in the District under section 10A of the Dog Control Act 1996.

### **Building Control**

7.4 Authority to exercise all of the Council's functions, duties and powers under the Building Act 2004 including the following:

7.4.1 Authority, on behalf of the Council to make any complaint about or query about the conduct or ability of any building certifier to the Department of Building and Housing in relation to a Building Consent Authority pursuant to Section 200 of the Building Act 2004;

7.4.2 Authority to make an application to the District Court for an order authorising the Council to carry out work in respect of dangerous, earthquake prone or insanitary buildings pursuant to Section 126 of the Building Act 2004;

7.4.3 Authority to exercise all of the Council's functions, duties and powers under the Fencing of Swimming Pools Act 1987.

### **Regulatory and Legal Proceedings**

7.5 Authority to initiate or dispose of prosecutions or enforcement or other legal proceedings, relating to any matter assigned to this Committee, including health, plumbing and drainage, radio frequency emissions, hazardous substances, agricultural chemicals, pesticides, graffiti, pest

control, explosives, water conservation, fire hazards, fire prevention, and nuisances including smoke and noise.

- 7.6 Authority to consider all matters relating any Court, commission or tribunal dealing with matters assigned to this Committee.
- 7.7 Authority to recommend to Council the Committees' preferred position in regards to instituting and/or settling High Court proceedings dealing with matters assigned to this Committee.
- 7.8 Authority to prepare and recommend to Council a waste management and waste minimisation plan under the provisions of the Waste Minimisation Act 2008.

#### **Bylaws**

- 7.9 Authority to review all or any Council bylaws, to approve draft bylaws for public consultation, to hear submissions, and to recommend to the Council amendments to the bylaws.

#### **Liquor**

- 7.10 Authority to exercise all of the Council's functions, duties and powers under the Sale of Liquor Act 1989, and authority to sub-delegate those powers, duties and discretions to the Chief Executive, the Deputy Chief Executive and the Group Manager along with the power to subdelegate to the Group Manager responsible for this function or any officer acting in that Group Manager role.
- 7.11 Authority to consider and recommend to the Council appropriate liquor bans pursuant to the Kapiti Coast District Public Places Liquor Control Bylaw 2007.
- 7.12 Authority to act as the District Licensing Agency, including performing the following functions of the Council:
  - (a) To consider and determine such applications for the grant of on-licences, off-licences, and club licences as it is not required by the Sale of Liquor Act 1989 to forward for determination by the Licensing Authority;
  - (b) To grant such applications for renewal of on-licences, off-licences, and club licences or for the variation of conditions as the Council is not required by the Sale of Liquor Act 1989 to forward for determination by the Licensing Authority;
  - (c) To consider and determine applications for temporary authority to carry on the sale and supply of liquor in accordance with section 24 or section 47 of the Sale of Liquor Act 1989;
  - (d) To consider and determine applications for special licences in accordance with the Sale of Liquor Act 1989;

- (e) To grant such applications for renewal of managers' certificates as the Council is not required by the Sale of Liquor Act 1989 to forward for determination by the Licensing Authority;
- (f) Such other functions as may be conferred on the Council by or under the Sale of Liquor Act 1989 or any other enactment.

**Prostitution**

- 7.13 All of the Council's powers relating to the Prostitution Reform Act 2003, apart from the power to make bylaws.

**Public Safety**

- 7.14 Authority to exercise functions, duties and powers of the Council relating to public safety under the Health Act 1956, the Local Government Act 2002, and the Kapiti Coast District Council Food Safety Bylaw 2006.

**Traffic controls and speed restrictions on local roads**

- 7.15 Authority to institute, review and recommend to the Council the approval of changes to local traffic controls. This includes the power to make new speed restrictions, and review and recommend changes to existing speed restrictions.

**Resource Management (including Plan Changes, Private Plan Changes, Resource Consents and Direct Referral)**

- 7.16 Authority to exercise all of the Council's functions, powers, and duties under the Resource Management Act 1991, except under clause 17 of Schedule 1.

**Monitoring and Reporting**

- 7.17 Authority to undertake the monitoring required by section 35 of the Resource Management Act 1991.
- 7.18 Authority to compile the necessary review of the results of the Council's monitoring under section 35(2)(b) of the Resource Management Act 1991 at five-yearly or more frequent intervals, and to determine any matters relating to the keeping of records under section 35(3).
- 7.19. Authority to monitor and report to Council on the suitability of the District Plan, its policies, procedures and provisions.

**Other Territorial Authority and Regional Plans and Monitoring**

- 7.20 Authority in regards to all matters relating to any aspect of any adjacent local authority's District Plan, the Regional Plans, or any proposal in relation to any aspect of such documents, and all matters relating to any National Environmental Standards, National Policy Statements



Government Policy Statement, New Zealand Coastal Policy Statement or Regional Policy Statements.

### **Enforcement**

- 7.21 Authority to exercise the Council's functions, powers and duties in relation to enforcement and administration of the operative and proposed District Plan.

### **District Plan Changes and/or variations**

- 7.22 Authority to undertake the formal review of the District Plan as dictated by the statutory timeframes included in the Resource Management Act 1991, including considering submissions, holding hearings on submissions, making decisions pursuant to clause 10 and clause 29(4) of Schedule 1, and to make recommendations about the approval, under clause 17 of Schedule 1, of the District Plan and any change or variation to the District Plan.
- 7.23 Authority to approve the development of Public Plan Changes.
- 7.24 Authority to make decisions on plan changes including actions of notification, hearing submissions, and approving or rejecting commissioners' recommendations under clause 10 or clause 29(4) of Schedule 1 of the Resource Management Act 1991.
- 7.25 Authority to adopt, accept or reject a request for a Private Plan Change to the District Plan under clause 25 of Schedule 1 of the Resource Management Act 1991.
- 7.26 Processing all Private Plan Change Requests and making decisions on the same.

### **Resource Consents (including Land Use and Subdivision), Designations and Heritage Orders**

- 7.27 Authority to consider submissions, hold hearings on submissions, and make decisions (including procedural decisions) on all matters concerning resource consents, including subdivision consents under Parts 6 and/or 10 of the of the Resource Management Act 1991.
- 7.28 Processing of all matters concerning Designations and Heritage Orders under Part 8 of the Resource Management Act 1991 including making recommendations to requiring authorities.

### **Subdivision / Subdivision infrastructure**

- 7.29 Authority to review, prepare and adopt the Council's Subdivision Development Principles and Requirements.
- 7.30 Authority to exercise the Council's functions, duties and powers relating to the subdivision of land and associated matters under Part 10 of the

Resource Management Act 1991 or under Part 21 of the Local Government Act 1974 (roads, service lanes and accessways) which remain in force relating to subdivision.

### **Stormwater**

7.31 Authority to exercise those functions, duties and powers of the Council under the Local Government Act 1974 that remain in force in the following Parts:

- Part 26 (Sewerage and Storm Water Drainage);
- Part 29 (Land Drainage and Rivers Clearance).

### **Water Services**

7.32 Authority to exercise the functions, duties and powers of the Council under sections 192-193 of the Local Government Act 2002 (wastage of water and power to restrict water supply).

### **Transport and Roding**

7.33 Authority to exercise those functions, duties and powers of the Council under Part 21 of the Local Government Act 1974 which remain in force (Roads, Service Lands and Accessways). (Note: Functions, duties and powers of this part of the Local Government Act 1974 that relate to the administration of the District Plan rules are delegated to the Regulatory Management Committee.)

7.34 Authority to exercise all functions, duties and powers of construction, maintenance and control of roads delegated to the Council under Sections 62 and 63 of the Government Roding Powers Act 1989.

### **Submissions**

7.35 Authority to review and approve any Kapiti Coast District Council submission on any issue that is being made on behalf of Council.

### **Appointment and delegations to Hearings Commissioners**

#### *Appointment of pool of Hearings Commissioners*

7.36 Authority to appoint a pool of Accredited Hearings Commissioners which shall include all Elected Members and Community Board members with accreditation, and Accredited Independent Commissioners, pursuant to Section 34A of the Resource Management Act 1991, with the relevant delegated powers set out in Part B.2A and Part B.2B as are relevant to each commissioner. Prior to the selection of any Accredited Hearings Commissioner from the pool, the Chairperson or in their absence, the Deputy Chairperson of the Regulatory Management Committee must consult with the Mayor about that selection.

- 7.37 Authority, following consultation between the Chairperson or in their absence, the Deputy Chairperson of the Regulatory Management Committee and the Mayor, to delegate authority to any Accredited Hearings Commissioner to make a decision on plan changes, as part of a panel, pursuant to clause 10 or clause 29(4) of Schedule 1 of the RMA, in addition to the authority given in Parts B.2A and B.2B.

**Power of Chair of Regulatory Management Committee (RMC) to select Accredited Hearing Commissioners**

- 7.38 The Chairperson or in their absence, the Deputy Chairperson of the Regulatory Management Committee has authority to select at least three accredited Councillors and/or accredited Community Board Chairpersons and/or Independent Accredited Hearings Commissioners from the pool of Hearings Commissioners appointed by the Regulatory Management Committee.

*(Note: (a) those appointed have no further powers to delegate and (b) accreditation is attained by way of completing the Ministry for the Environment Hearing Commissioners training course.)*

**Section B.2A            Delegations to:  
Accredited Hearing Commissioners  
(being Accredited Councillors and/or  
Accredited Community Board Chairpersons)**

**DELEGATED AUTHORITY**

- 1    The Accredited Hearings Commissioners where they have been appointed and selected for any matter, have the following functions, duties and powers as listed in clauses 4.1 to 4.11 below with accompanying notes:
  - 1.1    Authority to hear submissions in relation to any District Plan or proposed District Plan, plan change or variation including any request for a private plan change, under Schedule 1 of the Resource Management Act and make recommendations to the Kapiti Coast District Council or RMC, or if so delegated by RMC or Council, make decisions under clause 10 or 29(4) of the RMA (except the powers under clause 17, in the case of Accredited Hearings Commissioners.)
  - 1.2    Authority with regard to all matters relating to the hearing and determination and review of resource consents under Parts 6 and 10 of the Resource Management Act 1991 including the setting of conditions.
  - 1.3    Authority to determine any preliminary or procedural matter associated with any resource consent application, or notice of requirement, including a determination as to whether an application for a Resource Consent or notice of requirement should be subject public notification or non-notification or limited notification, and who may be adversely affected by the activity.
  - 1.4    Authority to consider and request changes to outline plans under section 176A of the Resource Management Act 1991.
  - 1.5    Authority to consider all matters relating to existing use rights under Section 10 of the Resource Management Act 1991 and to issue certificates under Section 139 and 139A.
  - 1.6    Authority to determine matters arising under Section 37 and 37A of the Resource Management Act 1991 relating to time limits or to waive compliance with requirements of the Act.
  - 1.7    Authority to make an order protecting sensitive information under Section 42.
  - 1.8    Authority to hear and make recommendations to the requiring authority or heritage protection authority on notices of requirement under Part 8 (Designations and Heritage Orders) of the Resource Management Act 1991 including any alteration.

- 1.9 Authority to hear submissions on Council requirements for designations and heritage orders and to make recommendations to the Council confirming, withdrawing, cancelling or modifying such requirements. (Part 8 of the Resource Management Act 1991).
- 1.10 Such powers, duties and discretions as are necessary to administer the transitional provisions of Part 15 (Transitional Provisions) of the Resource Management Act 1991 (in respect of Resource Consents, Subdivision Consents and Esplanade Reserves and Strips and Financial Contributions).
- 1.11 Authority to hear and determine objections under Section 357, 357A and 357B of the Resource Management Act 1991.

**Notes to delegations under this section:**

- The Chairperson or in their absence the Deputy Chairperson, of the Regulatory Management Committee shall be consulted before the Sustainable Development Manager, and the responsible Group Manager or Regulatory Manager agrees to, on Council's behalf, or authorises agreement to any consent orders arising from proceedings in the Environment Court.
- Accredited Hearings Commissioners appointed to hear any matter have no further powers to delegate.
- Accreditation for the purposes of appointment as an Accredited Hearings Commissioner is attained by way of completing the Ministry for the Environment Hearing Commissioners training course.

**Section B.2B                    Delegations to:  
                                         Independent Accredited Hearing Commissioners**

**DELEGATED AUTHORITY**

1. The Independent Accredited Hearings Commissioners where they have been appointed and selected for any matter have the following functions, duties and powers as listed in clauses 4.1 to 4.11 below with accompanying notes:
  - 1.1 Authority to hear submissions in relation to any District Plan or proposed District Plan, plan change or variation including any request for a private plan change, under Schedule 1 of the Resource Management Act and make recommendations to the Kapiti Coast District Council or RMC, or if so delegated by RMC or Council, make decisions under clause 10 or 29(4) of the RMA (except the powers under clause 17, in the case of Independent Accredited Hearings Commissioners.)
  - 1.2 Authority with regard to all matters relating to the hearing and determination and review of resource consents under Parts 6 and 10 of the Resource Management Act 1991 including the setting of conditions.
  - 1.3 Authority to determine any preliminary or procedural matter associated with any resource consent application, including a determination as to whether an application for a Resource Consent and notice of requirement should be subject to public notification, non-notification or processed on a non-notified basis and who may be adversely affected by the activity.
  - 1.4 Authority to consider and request changes to outline plans under section 176A of the Resource Management Act 1991.
  - 1.5 Authority to consider all matters relating to existing use rights under Section 10 of the Resource Management Act 1991 and to issue certificates under Section 139 and 139A.
  - 1.6 Authority to consider applications and grant certificates of compliance under Section 139 of the Resource Management Act 1991.
  - 1.7 Authority to determine matters arising under Section 37 and 37A of the Resource Management Act 1991 relating to time limits or to waive compliance with requirements of the Act.
  - 1.8 Authority to make an order protecting sensitive information under Section 42.
  - 1.9 Authority to hear and make recommendations to the requiring authority or heritage protection authority on notices of requirement under Part 8 and 6AA (Designations and Heritage Orders) of the Resource Management Act 1991 including any alteration.
  - 1.10 Authority to hear submissions on Council requirements for designations and heritage orders and to make recommendations to the Council

confirming, modifying, imposing conditions on, or withdrawing such requirements. (Part 8 of the Resource Management Act 1991).

- 1.11 Such powers, duties and discretions as are necessary to administer the transitional provisions of Part 15 (Transitional Provisions) of the Resource Management Act 1991 (in respect of Resource Consents, Subdivision Consents and Esplanade Reserves and Strips and Financial Contributions).
- 1.12 Authority to hear and determine objections under Section 357, 357A and 357B of the Resource Management Act 1991.

**Notes to delegations under this section:**

- The Chairperson or in their absence the Deputy Chairperson of the Regulatory Management Committee shall also be consulted before the Sustainable Development Manager, and the responsible Group Manager or Regulatory Manager agrees to, on Council's behalf, or authorises agreement to any consent orders arising from proceedings in the Environment Court.
- Independent Accredited Hearings Commissioners appointed to exercise functions or powers for any matter have no further powers to delegate.
- Accreditation for the purposes of appointment as an Independent Accredited Hearings Commissioner is attained by way of completing the Ministry for the Environment Hearing Commissioners training course.

## **Section B.3 CORPORATE BUSINESS COMMITTEE**

Chairperson	
Deputy Chairperson	
Membership	The Mayor and all Councillors

### **PARTNERSHIP FRAMEWORK**

- 1 This Committee:
  - 1.1 reports to the Kapiti Coast District Council
  - 1.2 works alongside the other Committees and Community Boards of Council to provide a governance partnership base for the achievement of the LTCCP;
  - 1.3 will undertake its delegations in accordance with the partnership framework outlined in Part A of this document; and
  - 1.4 is responsible for the:
    - Property Purchase Subcommittee;
    - Campe Estate Subcommittee;
    - Audit and Risk Subcommittee.

### **CONSTITUTION:**

- 2 Mayor and all Councillors.
- 3 Each Community Board Chair or their Deputy may attend Committee meetings and contribute to the debate. They are not able to vote.

### **MEETING FREQUENCY:**

- 4 Not less than seven times per calendar year.

### **OBJECTIVE:**

- 5 This Committee will:
  - 5.1 Act on behalf of the Council as the “owner” of the Council’s assets;
  - 5.2 Overview and provide advice to Council on financial management, (including financial risk management issues within the overall long term financial programme and financial management parameters set out in the current LTCCP) and performance in relation to all strategic projects;



- 5.3 Exercise specific delegated powers for the Council for approval of contracts and procurement;
- 5.4 Audit and other accountability requirements imposed by the Local Government Act 2002;
- 5.5 Review and approve any Council submission.

**DELEGATED AUTHORITY:**

6 Generally (except where otherwise provided by delegation to another committee or Council officers) this delegation provides authority to exercise all functions, duties and powers relating to all matters assigned to this Committee, as adopted by the Council from time to time, where financial provision has been made in the Annual Plan or LTCCP, and where the action proposed is not contrary to established Council strategy and/or policy or the power of delegation.

7 Without limiting the generality of this delegation, the committee has the following functions, duties and powers:

**Annual Planning**

- 7.1 Authority to develop and recommend to Council for approval an Annual Plan within parameters set by the Council and consistent with the LTCCP and any other formally adopted strategy.
- 7.2 Authority to re-allocate funding already approved by the Council as part of the Annual Budget process provided that the re-allocation of funds does not increase the overall monies committed in the budget and is consistent with the existing LTCCP strategic and policy framework.
- 7.3 Authority to monitor Annual Plan implementation.

**LTCCP (Long Term Council Community Plan)**

- 7.4 Authority, within the strategic direction established by Council, to:
  - Develop and make recommendations to Council on the following:
    - Revenue and Financing;
    - Rating;
    - Treasury management;
    - Financial management.

**Financial and Asset Management**

- 7.5 Authority to monitor performance of the Council’s financial activities, including income, operating and capital expenditure against budgets, remissions, key financial indicators and investment and debt/borrowings management.
- 7.6 Authority to act on behalf of the Council as “owner” of the Council’s assets and in particular receiving and approving Asset Management Plans.

7.7 Authority to consider and to recommend to the Council the adoption of the Annual Report to the public, together with the Auditor's report thereon (Section 98, Local Government Act 2002).

7.8 Authority to consider and determine applications for write-off of debts that are outside the delegation of the Chief Executive.

#### **Risk Management**

7.9 Authority to develop risk management policies to manage projects efficiently, effectively, and with due regard to risk.

7.10 Authority to assess and monitor key risks facing the Council including risks associated with major projects.

#### **Contracting**

7.11 Authority to:

- enter into contracts up to a limit of \$5.5 million for any one contract where financial provision has been made in the Annual Plan or LTCCP;
- agree contract variations and/or contract termination outside of any delegation to the Chief Executive.

#### **Leasing and licensing of Sale of Land**

7.12 With the exception of reserve land leases, the Committee has the power to:

- Grant leases of Council land or non-residential buildings where the term of the lease is greater than 1 year or where the annual rent is greater than \$20,000; and
- Grant licences to occupy Council land and where the term of the licence is greater than 1 year.

#### **Audit/Accountability Requirements**

7.13 Authority to:

- 8 determine the adequacy of the form and content of the Council's published financial statements;
- 9 consider reports on Quality Assurance matters;
- 10 receive and consider statements of service performance (as required by the Local Government Act 2002).

#### **Constitutional and Legislative**

7.14 Authority in regard to any procedural matters relating to any boundary adjustment (internal or external adjustments, including matters relating to the Local Government Commission) or to the constitution of the District or its Wards.

7.15 Authority in regard to any procedural matters relating to elections, polls and referenda, not otherwise delegated to the Chief Executive or to the Council's appointed Electoral Officer.

- 7.16 Authority to overview the provision of external legal services to the Council.

#### **Finance and Revenue**

- 7.17 Authority to investigate, consult, evaluate, analyse and recommend to Council with regard to policy and review of the Revenue and Financing Policy.
- 7.18 Authority to grant rates relief outside any delegations referenced in Rates Remission Policies included in the adopted LTCCP.
- 7.19 Authority to exercise the Council's powers, duties, and functions under the Local Government (Rating) Act 2002 or its successor acts, except the power to make a rate.
- 7.20 Authority to make recommendations to the Council on:
- the level of rates revenue required and the means by which rates should be levied;
  - the development and promotion of policies to enable the Council to obtain additional resources.

#### **Fees and Charges**

- 7.21 Authority to fix fees and charges and make pricing and funding decisions in accordance with Council's Revenue and Financing policies.
- 7.22 Authority to grant remissions of Council Hall Hire where the applicant meets the criteria of the Districtwide Hall Hire Remissions Fund.

#### **Trusts**

- 7.22 Authority to monitor any Council Trusts established for the management of any Council projects.

#### **Submissions**

- 7.23 Authority to review and approve any Kapiti Coast District Council submission on any issue that is being made on behalf of Council.

**Section B.4****CHIEF EXECUTIVE PERFORMANCE REVIEW COMMITTEE**

Chairperson	Mayor
Deputy Chairperson	Deputy Mayor
Membership	The Mayor and Councillors

**CONSTITUTION:**

- 1 Mayor and all Councillors.

**MEETING FREQUENCY:**

- 2 Twice yearly.

**OBJECTIVE:**

- 3 The objective of the Chief Executive Performance Review Committee is to consider recommendations from the Chief Executive Performance Review Subcommittee and undertake the formal management of the Contract of Employment between the Council and the Chief Executive.

**DELEGATED AUTHORITY:**

- 4 The Chief Executive Performance Review Committee has the delegated authority to exercise all functions, duties and powers relating to all matters in regard to the formal management of the Contract of Employment between the Council and the Chief Executive.

**ASSOCIATED SUBCOMMITTEE:**

- Part C.4.1 Chief Executive Performance Review Subcommittee

## **Section B.5**

## **APPEALS COMMITTEE**

Chairperson	
Deputy Chairperson	
Membership	The Mayor, Deputy Mayor, and the Chairs of the Standing Committees

### **PARTNERSHIP FRAMEWORK**

- 1 This Committee:
  - 1.1 reports to the Kapiti Coast District Council;
  - 1.2 works alongside the other Committees and Community Boards of Council to provide a governance partnership base for the achievement of the LTCCP;
  - 1.3 will undertake its delegations in accordance with the partnership framework outlined in Part A of this document.

### **CONSTITUTION**

- 2 The Mayor, the Deputy Mayor and the Chairs (or in their absence the Deputy Chairs) of the following Standing Committees:
  - a. Environment and Community Development
  - b. Regulatory Management Committee
  - c. Corporate Business Committee

### **MEETING FREQUENCY**

- 3 As required.

### **OBJECTIVE**

- 4 This Subcommittee will act in a regulatory capacity on behalf of Council in regards to appeals or objections required to be heard under the relevant provisions of the Local Government Act 2002, the Dog Control Act 1996, the Sale of Liquor Act 1989, and any other enactment or regulation as required.

### **DELEGATED AUTHORITY**

- 5 Generally (except where otherwise provided by delegation to another committee or Council officers) this delegation provides authority to exercise all functions, duties and powers relating to all matters assigned to this Committee, as adopted by the Council from time to time, where financial provision has been made in the Annual Plan or LTCCP, and where the action proposed is not contrary to established Council strategy and/or policy or the power of delegation.
- 6 The decisions of this Committee are binding and cannot be overturned by Council.

- 7 Without limiting the generality of this delegation, and except where otherwise delegated to officers, the committee has the following functions, duties and powers:

**Dog Owners objections hearings**

- 7.1 Authority to hear and adjudicate objections from dog owners to classifications of dog owners and/or dogs under the Dog Control Act 1996, within the following prescribed terms of reference:
- 7.1.1 Section 22 of the Dog Control Act 1996 – Objection to Classification as Probationary Owner.
  - 7.1.2 Section 26 of the Dog Control Act 1996 – Objection to Disqualification.
  - 7.1.3 Section 31(3) of the Dog Control Act 1996 – Objection to classification of Dangerous Dog.
  - 7.1.4 Section 33B of the Dog Control Act 1996 – Objection to Classification of Menacing Dog (by nature).
  - 7.1.5 Section 33D of the Dog Control Act 1996 – Objection to Classification of Menacing Dog (by breed).
  - 7.1.6 Section 55(2) Barking Dog Abatement Notice.
  - 7.1.7 Section 9 of the Kapiti Coast District Council Dog Control Bylaw 2008.
- 7.2 Authority to consider and determine applications made under the Kapiti Coast District Council Dog Control Bylaw 2008, as follows:
- 7.2.1 Authority to hear applications from dog owners, for medical exemption for their dogs from clauses 6.1 to 6.4 of the Kapiti Coast District Council Dog Control Bylaw 2008.
  - 7.2.2 Authority to grant medical exemptions where considered appropriate after hearing applications, and impose any conditions surrounding those exemptions.

**District Licensing objections and provision of information**

- 7.3 Authority to conduct such inquiries and make such reports as may be required of the Council by the Licensing Authority under section 95 of the Sale of Liquor Act 1989;
- 7.4 Authority to convene and conduct hearings of objections under Section 106 of the Sale of Liquor Act 1989.

**Development Contributions hearings**

- 7.5 In response to appeals against determinations made by the Chief Executive or the Sustainable Development Manager regarding requests for remissions of development contributions or where the remissions request exceeds the delegated authority of the Chief Executive, the authority to convene and conduct hearings of such appeals.

**Transport and Roothing**

- 7.6 Authority to hear and determine objections to the fixing of road levels (13th Schedule, Local Government Act, 1974).

## **PART C SUBCOMMITTEES**

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### **Section C.1. Section C.1.1 PROPERTY PURCHASE SUBCOMMITTEE Subcommittee of the Corporate Business Committee**

Chairperson	The Mayor
Membership	Deputy Mayor Each Chair or Deputy Chair of the Standing Committees

#### **PARTNERSHIP FRAMEWORK**

- 1 This Subcommittee:
  - 1.1 reports to the Corporate Business Committee,
  - 1.2 will undertake its delegations in accordance with Part A of this document.

#### **CONSTITUTION:**

- 2 The Mayor, the Deputy Mayor, and each Chair (or in their absence the Deputy Chair) of the three Standing Committees.

#### **MEETING FREQUENCY:**

- 3 As required.

#### **OBJECTIVE:**

- 4 The objective of this Subcommittee is to oversee the purchase of property for the Council within the Council's identified strategic parameters.

#### **SCOPE OF ACTIVITY:**

- 5 The scope of activity for this Subcommittee is to:
  - 5.1 work in accordance with Part A of this document,
  - 5.2 achieve the delegated role of the Property Purchase Subcommittee which is to oversee the purchase of property.

#### **DELEGATED AUTHORITY**

- 6 Authority to oversee the purchase of property for the Western Link Road and other key strategic properties, within the following prescribed terms of reference:



- 6.1 That all decisions made by the Property Purchase Subcommittee be publicly released (subject to confidentiality agreements) in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.
  
- 6.2 That the Property Purchase Subcommittee has a financial delegation of \$1.5 million in relation to the purchase of any key strategic properties and where financial provision has been made in the Annual Plan or the Long Term Council LTCCP). Any purchases over \$1.5 million are referred back to the Corporate Business Committee.

**Section C.1.2****CAMPE ESTATE SUBCOMMITTEE**

of the Corporate Business Committee

<b>Membership</b>	
Chairperson	Mayor
Membership	Cr Wooding Chief Executive

**CONSTITUTION:**

1 The membership of the Campe Estate Subcommittee is outlined in Clause 3.3(2) of the Will of the late Sydney George Campe. That Clause states that the membership of the subcommittee shall be:

- the Mayor of Council;
- the Chief Executive of Council; and
- the Paekākāriki-Raumati Ward member (currently Councillor Wooding).

The Will also states that should any of these positions cease to exist, then the Council is to appoint other similar members to the subcommittee.

**MEETING FREQUENCY:**

2 As and when required to fulfil its responsibilities.

**OBJECTIVE:**

3 The objective of the Campe Estate Subcommittee is to administer the Campe Estate funds from the sale of 6 Robertson Road, Paekākāriki that was bequeathed to Council in 1991 as a Gift on Special Trust.

**DELEGATED AUTHORITY:**

4 The Campe Estate Subcommittee has the delegated authority to:

4.1 Administer the Campe Estate funds from the sale of 6 Robertson Road, Paekākāriki. The conditions of the Gift on Special Trust are:

- that the Council uses the property and/or the income from it for charitable purposes which will benefit the people of the Paekākāriki township;
- that the Council uses the property for the benefit of the youth of Paekākāriki.

4.2 Distribute the Campe Estate funds from the sale of 6 Robertson Road, Paekākāriki in the form of grants in accordance with the terms of the Will made by Sydney George Campe.

**Section C.1.3      AUDIT AND RISK SUBCOMMITTEE**  
of the Corporate Business Committee

Chairperson	Chair of the Corporate Business Committee
Membership	The Mayor Deputy Mayor Chair and Deputy Chair of the Corporate Business Committee

**PARTNERSHIP FRAMEWORK**

- 1      This Subcommittee:
  - 1.1    reports to the Corporate Business Committee; and
  - 1.2    will undertake its delegations in accordance with Part A of this document.

**CONSTITUTION:**

- 2            The Chairperson of the Corporate Business Committee  
              The Mayor  
              The Deputy Mayor  
              The Deputy Chair of the Corporate Business Committee

**MEETING FREQUENCY:**

- 3      Quarterly and/or as required.

**OBJECTIVE:**

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

## **DELEGATED AUTHORITY:**

- 5 Generally (except where otherwise provided by delegation to another committee or subcommittee or Council officers) this delegation provides authority to exercise all functions, duties and powers relating to all matters assigned to this Subcommittee, as adopted by the Council from time to time, where financial provision has been made in the Annual Plan or LTCCP, and where the action proposed is not contrary to established Council strategy and/or policy.
- 6 Without limiting the generality of this delegation the Subcommittee has the following functions, duties and powers:

### **Internal Control Framework**

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

### **Internal Reporting**

- 6.4 To review the processes for ensuring the completeness and quality of financial and operational information being provided to Council.

### **External Reporting**

- 6.5 Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes.
- 6.6 Obtain from external auditors any information relevant to the Council's financial statements, and assess whether appropriate action has been taken by management in response to the above.
- 6.7 Ensure that the Council's financial statements are supported by appropriate management signoff and adequate systems of internal control (ie letters of representation).

## **Risk Management**

- 6.8 Ensure that Council has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of Council's significant risks.
- 6.9 Assist elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role.

## **External Audit**

- 6.10 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 and a recommendation made to the Corporate Business Committee.
- 6.11 Receive the external audit reports and review action to be taken by management on significant issues and audit recommendations raised within.
- 6.12 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 Subcommittee and a recommendation is made to the Corporate Business Committee.

## Section C.2

### **CHIEF EXECUTIVE PERFORMANCE REVIEW SUBCOMMITTEE**

of the Chief Executive Performance Review Committee

<b>Membership</b>	
Chairperson	Mayor
Deputy Chairperson	Deputy Mayor
Membership	Mayor, Deputy Mayor and Chairs of each of the 3 Standing Committees

#### **CONSTITUTION:**

- 1 The Mayor, the Deputy Mayor and the Chairs of the three standing committees.

#### **MEETING FREQUENCY:**

- 2 Six monthly.

#### **OBJECTIVE:**

- 3 The objective of the Chief Executive Performance Review Subcommittee is to exercise the responsibilities of the Chief Executive Performance Review Committee subject to regular reporting to the Committee and input from the Committee as appropriate.

#### **DELEGATED AUTHORITY:**

- 4 The Chief Executive Performance Review Subcommittee has authority to:
  - 4.1 fulfil the Council's contractual obligations to the Chief Executive;
  - 4.2 conduct performance reviews in accordance with the employment agreement;
  - 4.3 make recommendations about the remuneration of the Chief Executive;
  - 4.4 conduct any statutory performance reviews under clauses 34 and 35 of Schedule 7 of the Local Government Act 2002;
  - 4.5 recommend any other issues that may arise in relation to the employment or performance of the Chief Executive;
  - 4.6 address disciplinary or performance issues that may arise in relation to the Chief Executive; and
  - 4.7 take such professional advice as may be appropriate on these matters.

## PART D COMMUNITY BOARDS

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### Paekākāriki Community Board

Chairperson	
Deputy Chairperson	
Board Membership	Four elected members plus one appointed Ward Councillor

### Paraparaumu/Raumati Community Board

Chairperson	
Deputy Chairperson	
Board Membership	Four elected members plus two appointed Ward Councillors

### Waikanae Community Board

Chairperson	
Deputy Chairperson	
Board Membership	Four elected members plus one appointed Ward Councillor

### Ōtaki Community Board

Chairperson	
Deputy Chairperson	
Board Membership	Four elected members plus one appointed Ward Councillor

## PARTNERSHIP FRAMEWORK

- 1 The Community Boards:
  - 1.1 report to the Kapiti Coast District Council.
  - 1.2 work alongside each other and the Committees of Council to provide a governance partnership base for the achievement of the LTCCP;
  - 1.3 will undertake their delegations in accordance with Part A of this document.

## CONSTITUTION AND STATUS

### Community Board Membership

- 2.1 The membership of a Community Board consists of—  
Members elected under the Local Electoral Act 2001; and Members (if any) of, and appointed in accordance with the Local Electoral Act 2001 by, the territorial authority in whose District the relevant community is situated.
- 2.2 A Community Board is an unincorporated body; and is not a local authority; and is not a committee of the relevant territorial authority.

### **Mayor or Deputy Mayor's attendance at Community Board Meetings**

- 2.3 The Mayor or Deputy Mayor of the Kapiti Coast District may attend meetings of Community Boards. When the Mayor or Deputy Mayor is present at a meeting of a Community Board then the Community Board Chairperson will invite the Mayor or Deputy Mayor to the table. The Mayor or Deputy Mayor can contribute to the debate. They are not however, able to vote.

### **Community Board Legislative Basis and Names**

- 2.4 Section 49 of the Local Government Act 2002 states:
- (1) *A Community Board must be established for each community constituted, in accordance with Schedule 6, by—*
- (a) *an Order in Council giving effect to a reorganisation scheme; or*
  - (b) *a resolution made by the territorial authority within whose District the community will be situated as a result of a proposal by electors to establish a community; or*
  - (c) *a resolution made by the territorial authority within whose District the community will be situated as a result of the territorial authority's review of representation arrangements.*

Section 49(2) of the Local Government Act 2002 requires that the respective Community Boards must be described as:

- The Paekākāriki Community Board
- The Paraparaumu/Raumati Community Board
- The Waikanae Community Board
- The Ōtaki Community Board.

### **MEETING FREQUENCY**

- 3.1 The Paekākāriki Community Board will meet six-weekly
- 3.2 The Paraparaumu/Raumati Community Board will meet six-weekly
- 3.3 The Waikanae Community Board will meet six-weekly
- 3.4 The Ōtaki Community Board will meet six-weekly.
- 3.5 The Community Boards may hold joint workshops to discuss issues.



## **OBJECTIVE**

- 5 The objectives of each of the Community Boards are to:
  - 5.1 achieve the delegated role of the Community Board in accordance with Part A of this document.
  - 5.2 develop policies and strategies for the Council on behalf of the community for the social, economic, environmental and cultural wellbeing of the District, and in particular in the development of the LTCCP and associated policies and strategies.
  - 5.3 act as an advocate in respect of any involvement with Trusts or Bequests that currently exist or are established in the future and that benefit the local community.
  - 5.4 make decisions about local priority ranking as they relate to the undertaking of local works and services.
  - 5.5 review and comment on an annual basis on the delivery of the LTCCP as it relates to initiatives in their local community.
  - 5.6 develop and/or review, for final adoption by the Council and within the framework established by Kapiti Coast: Choosing Futures – Community Outcomes, detailed Community Outcome and Local Outcome Statements. These statements will further deliver back to Kapiti Coast residents and ratepayers specific local community expectations, perspectives and cultural qualities around the seven broad outcome areas that were developed from the community ideas.
  - 5.7 consider and approve the allocation of community-based grant funds as deemed appropriate under their agreed criteria of both existing schemes and any granting schemes that may be approved through the Annual Plan process or the LTCCP process.
  - 5.8 Each Community Board Chair or their Deputy is able to attend meetings of Council and/or the Standing Committees and contribute to the debate, without voting rights.

## **SCOPE OF ACTIVITY**

- 6 The scope of activity for the Community Boards is to:
  - 6.1 work in accordance with Part A of this document.
  - 6.2 represent, and act as an advocate for, the interests of its community. The Board will establish a Local Outcome Statement for its community. These documents will articulate in the form of a detailed statement what the local community wants in respect of Community Outcomes and as such will drive the policy making of the Council within the framework

of the LTCCP and the District Plan. The advocacy role of the Community Board will also extend to monitoring of the achievement of Community Outcomes within the local area.

- 6.3 listen, articulate, advise and act on any matter of interest or concern to the local community. The Community Board will undertake this role over a range of issues, but in particular over the local desired levels of service for Council services and assets across the 16 activity categories detailed in the LTCCP.
- 6.4 contribute to the development of levels of service for new assets and comment on levels of service for existing assets that match with the Local Outcome Document for each community. This role extends to providing a local community perspective on local expenditure, rate impacts and priorities.
- 6.5 recognise that the process for decision-making under the LTCCP starts within the community and as such the Council and Standing Committees may refer matters to the Community Board to consider and report a local perspective on. (Section 52, Local Government Act 2002 refers).
- 6.6 maintain an overview of services provided by the territorial authority within the community (Section 52, Local Government Act 2002 refers).
- 6.7 receive advice of Council's receipt of all non-notified resource consent applications.
- 6.8 provide advice to the Council and its committees on any matter of interest or concern to the Community Board in relation to the sale of liquor.
- 6.9 contribute local input to the Walkways/Cycleways and Bridleways Network.
- 6.10 consider applications for community grants and approve such in accordance with their criteria.

## **DELEGATED AUTHORITY**

- 7 Each of the Community Boards is delegated the following functions, duties and powers:

### **Emergency Management**

- 7.1 Authority to assist with local civil defence and emergency management activities, including involvement in welfare responses, in accordance with the District Civil Defence Plan;

### **Annual Submission on Expenditure**

- 7.2 Authority to prepare an annual submission to the territorial authority for expenditure within the community (Section 52, Local Government Act 2002 refers);

### **Community**

- 7.3 Authority to communicate with community organisations and special interest groups within the community (Section 52, Local Government Act 2002 refers);

### **Community Grants**

- 7.4 Authority to approve criteria for the allocation of community-based grant funds as approved through the Annual Plan process or the Long Term Council LTCCP (LTCCP) process.
- 7.5 Authority to consider and either approve or reject applications by community groups to establish community gardens, in accordance with the licensing requirements under the Reserves Act 1977 and Council's policy of support for Community/Mara Kai gardens.
- 7.6 Authority to consider and approve the allocation of community-based grant funds as deemed appropriate under agreed criteria of both existing schemes and any granting schemes that may be approved through the Annual Plan process or the Long Term Council Community (LTCCP) process.

### **For the Waikanae Community Board**

- 7.7 Authority to consider and make recommendations to Council on the proposed use of the Waikanae Capital Improvement Fund for the purpose of funding capital projects within the Waikanae Community Board boundary. This is for expenditure over and above the approved annual grant allocations from this fund.

### **For the Paekākāriki Community Board**

- 7.8 Authority to consider and make recommendations to the Campe Estate Subcommittee on grant applications received seeking funding from the Campe Estate funding.

### **Parks and Reserves**

- 7.9 Authority to consider and either approve or reject officer recommendations regarding the naming of Council parks and reserves.
- 7.10 Authority to approve or reject for submission to the Minister for final approval, Management Plans for local public parks and reserves within its area..

### **Roading**

- 7.11 Authority to approve or reject officer recommendations relating to all traffic control and signage matters, in relation to existing local roads

within the community board's area, except for changes to speed restrictions on local roads. (The latter power has been delegated to the Regulatory Management Committee).

- 7.12 Authority to recommend to the Regulatory Management Committee changes to speed restrictions on local roads.
- 7.13 Authority to recommend to the Regulatory Management Committee on the need to permanently diminish or stop roads (i.e. permanently change the size of or permanently close a road).
- 7.14 Authority to consider and either approve or reject officer recommendations under the Council Street Naming policy in respect of:
- names of roads within the District;
  - alteration of the name of any road, or part of any road, within the District.
- If all proposed names are rejected the Community Board may request the Chief Executive to undertake further consultation and provision of a more suitable name.
- 7.15 Authority to issue street numbers for land parcels in accordance with the Council Street Numbers Policy: AS/NZS 4819 Standards on Geographic Information – Rural and Urban.
- 7.16 Authority to assist the Chief Executive (through the Community Board Chairperson) to consider and determine temporary road closure applications where there are objections to the proposed road closure.

#### **Attendance at Public Meetings of Council and Committees**

- 7.17 Authority for the Community Board Chairperson to speak at public meetings of Council and Committees, but not vote. The Chairperson can appoint a Board member to represent them in their absence. That representative can speak at public meetings of Council and Committees, but not vote.
- 7.18 Note: Consideration will be undertaken on a case-by-case basis by either Council and/or a Committee as to whether they resolve that a Community Board Chairperson or their representative stays in attendance for any public-excluded session of Council and/or a Committee.

#### **Submissions**

- 7.19 Authority to review and approve any Community Board submission on issues within its area.

#### **Other**

- 7.20 Authority to undertake any other responsibilities that are delegated to it by the territorial authority (Section 52, Local Government Act 2002 refers).