



Nelson City Council

te kaunihera o whakatū

Delegations

Register

July 2011

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This document will be available for inspection at the Council's office at 110 Trafalgar Street during ordinary business hours (Monday – Friday 8.30am to 5.00pm) or at Council's website www.nelsoncitycouncil.co.nz.

Alternatively, you can write to the Council and request a copy at:

PO Box 645
Nelson 7040
New Zealand

Or by fax:

+64 3 546 0239

Copies will also be provided to interested members of the community upon request to an Administration Adviser by phoning the Council on 03 546 0200.

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A. THE LEGAL FRAMEWORK

The Council's Principal Responsibilities

1. The purpose of local government as set out in section 10 of the Local Government Act 2002 (the Act) is:
 - i. To enable democratic local decision-making and action by, and on behalf of, communities; and
 - ii. To promote the social, economic, environmental, and cultural well being of communities, in the present and for the future.
2. The governance principles of local government as set out in section 39 of the Act are:
 - i. A local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and
 - ii. A local authority should ensure that the governance structures and processes are effective, open, and transparent; and
 - iii. A local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and
 - iv. A local authority should be a good employer; and
 - v. A local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

The Responsibilities of the Chief Executive

The Act requires the Council to delegate the management of the organisation to the Chief Executive in accordance with s42 and Schedule 7 s33 – s36, on the terms and conditions the Council sees fit.

1. The Chief Executive is responsible to the elected Council for:
 - i. Implementing the decisions of the local authority; and
 - ii. Providing advice to members of the local authority and to its community boards, if any; and
 - iii. 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
 - iv. Ensuring the effective and efficient management of the activities of the local authority; and
 - v. Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
 - vi. Providing leadership for the staff of the local authority; and
 - vii. Employing, on behalf of the local authority, the staff of the local authority; and
 - viii. Negotiating the terms of employment of the staff of the local authority.
2. The Chief Executive is responsible for:
 - i. Ensuring, as far as practicable, the separation of regulatory and non-regulatory functions, responsibilities, and decision making processes.

- ii. Appointment of independent commissioner(s) to hear, consider, and determine all contested resource consent applications in respect of which the Council, or a Council Controlled Organisation (CCO), is or could be perceived to be an interested party.
- iii. Delegating to the Hearings Panel all of Council's regulatory powers in respect of hearing, considering and determining all matters relating to resource consents under the Resource Management Act 1991; licences under the Sale of Liquor Act 1989; approvals under the Fencing of Swimming Pools Act 1987; and actions under the Dog Control Act 1996.
- iv. Delegating to appropriate staff Council's powers to undertake compliance inspection and enforcement in accordance with Council's approved procedures.

B. DELEGATIONS

Delegated authority is the means by which the Council sets out its policy on what functions, duties and powers that it must, or wishes to, retain responsibility for and those that it wishes to delegate. The powers, functions and duties of a council are prescribed either expressly or implicitly by and through various Government acts and regulations. The legislation gives different powers, functions and duties to the elected Council, the Chief Executive and to specific Nelson City Council officers.

The main Acts are:

- Local Government Act 2002 ('the Act')
- Resource Management Act 1991 (RMA)
- The Building Act 2004
- Reserves Act 1977

The Nelson City Council is a unitary authority and therefore has both territorial and regional responsibilities. It fulfils these responsibilities through the elected members (the 'Council'), Chief Executive, officers, contractors and advisers (collectively the entity known as the 'Nelson City Council' or NCC).

Council Policy Regarding Setting Delegations

The Council and Chief Executive delegate a wide range of their powers and functions, within the bounds imposed by legislation.

When deciding which powers to delegate, and to what level, the Council and Chief Executive will balance the following requirements:

- i. For the Council to operate efficiently and effectively; and
- ii. For the Council to concentrate on its policy making role and for the Chief Executive and staff to implement Council policy and administer NCC facilities and provide the agreed services; and
- iii. For the Council operations to be carried out in an open and fair manner; and
- iv. For those with responsibility for a task or function to have the authority necessary to carry it out effectively; and
- v. For all statutory requirements to be properly observed.

Other principles followed by this policy are that:

- vi. Delegations will normally be made to positions, not to specific people;
- vii. Delegations must be recorded in the Delegations Register (this document); and
- viii. Decisions made under delegated authority cannot be subsequently overturned by the Council.
- ix. The Council may from time to time review or amend its Delegations and this Register.

Delegations from the Council to the Chief Executive

The Council delegates to the Chief Executive all arrangements and contracts for the supply of goods, services, plant and labour to enable the implementation of decisions made by the Council and its committees, and the management of operations and maintenance, and capital expenditure up to the limit approved in the estimates and Annual Plan/Long Term Council Community Plan (LTCCP).

The Chief Executive may, during a state of emergency, enter into any contract on behalf of the Civil Defence Emergency Management Group.

Policy on delegations to the Chief Executive

The Chief Executive may, where provided by legislation and with the express approval of the Council, further delegate those Council functions assigned to the Chief Executive. This Register lists the further delegations which have been made.

The Chief Executive may appoint one of the Executive Team to undertake his functions and delegated authority for planned absences or sick leave.

In the absence of any evidence to the contrary, it is accepted that all officers who exercise any authority have been delegated these powers by the Chief Executive.

Legal restrictions on delegations by the Council

1. The Council cannot delegate any of the following responsibilities (schedule 7 section 32 of the Act).
 - i. The power to make a rate; or
 - ii. The power to make a bylaw; or
 - iii. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Council Community Plan; or
 - iv. The power to adopt a Long-term Council Community Plan, Annual Plan, or Annual Report; or
 - v. The power to appoint a Chief Executive; or
 - vi. 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. Specific restrictions also apply:
 - i. The powers and duties conferred or imposed on the local authority by the Public Works Act 1981.
 - ii. The Council may only delegate its powers and functions under the Fencing of Swimming Pools Act 1987 to a Committee which comprises only members of Council (section 12 of the Fencing of Swimming Pools Act 1987).
 - iii. The Minister of Conservation has granted powers to manage reserves through an instrument of delegation under the Reserves Act 1977.
 - iv. Powers to approve, adopt, and set operative dates for changes, variations to resource management plans and policies under the Resource Management Act 1991.

Delegation of powers to any other officer

Schedule 7 (s32B) of the Act provides, with some restrictions, powers for an officer to further delegate their delegations to any other officer. Subsequent delegations must be recorded in writing as soon as practicable.

Signing and sealing of formal documents

The Mayor, Deputy Mayor, (or any other two elected members acting at the specific request of the Mayor), together with the Chief Executive or Executive Team members are authorised to sign and seal all formal documents (including easements, leases and property transfers), when those documents have been checked and approved by a Council officer or legal adviser. All documents so signed and sealed shall be reported to a subsequent meeting of the Council.

Power to enter into contracts

The Council may delegate to any committee or to any officers the power to enter into contracts.

C. FINANCIAL DELEGATIONS

In the absence of the officers named, the delegation reverts to the Chief Executive.

Key

CE – Chief Executive

CFO - Chief Financial Officer

EM – Executive Manager

General

No.	Description	Delegated to
F1	Negotiation of property transactions As authorised by Council	EM Strategy and Planning EM Community Services EM Network Services EM Support Services
F2	Fees and charges Setting of fees and charges within the policies set by Council	CE CFO EM Strategy and Planning EM Regulatory EM Community Services EM Community Relations/Kaihautū EM Network Services EM Support Services EM Office of the Mayor and Chief Executive
F3	Legal proceedings for enforcement Institute legal proceedings to ensure compliance with, and if necessary enforce the provisions of bylaws, statutes and regulations where those provisions relate to the statutory duties and responsibilities of Council, and also to collect any revenues due and owing to Council	CE CFO EM Strategy and Planning EM Regulatory EM Community Services EM Community Relations/Kaihautū EM Network Services EM Support Services EM Office of the Mayor and Chief Executive

Local Government (Rating) Act 2002

No.	Description	Delegated to
F4	Section 20 Rating units in common ownership Decisions on two or more rating units to be treated as one rating unit	CFO Team Leader Accounting Services Management Accountant Rating Officer

No.	Description	Delegated to
F5	<p>Section 28(2) Divide rating units</p> <p>Decisions on whether to divide rating units and on the methodology for division for general rate, targeted rate, rateability, or remission.</p>	<p>CFO Team Leader Accounting Services Management Accountant Rating Officer</p>
F6	<p>Section 28(3) Identify rating unit</p> <p>Whether disclosure of the name of a person is necessary to identify a rating unit</p>	<p>CFO Team Leader Accounting Services Management Accountant Rates Officer</p>
F7	<p>Section 29 Rating database information copy fee</p> <p>To determine the fee for supplying copies of information from the rating information database</p>	<p>CFO Team Leader Accounting Services Management Accountant</p>
F8	<p>Section 35(b) Objections - Rating Information database</p> <p>To determine objections to the rating information database</p>	<p>CFO Team Leader Accounting Services Management Accountant</p>
F9	<p>Section 39 Names - Rating Information database</p> <p>To remove names from the rating information database</p>	<p>CFO Team Leader Accounting Services Management Accountant Rates Officer</p>
F10	<p>Section 40 Objections - rates records</p> <p>To determine objections to rates records.</p>	<p>CFO Team Leader Accounting Services Management Accountant</p>
F11	<p>Section 50 Correction of errors</p> <p>To correct errors in the rating information database and rating records</p>	<p>CFO Team Leader Accounting Services Management Accountant Rates Officer</p>
F12	<p>Section 52(2) Rates invoices</p> <p>To issue invoices based on previous years rates</p>	<p>CFO Team Leader Accounting Services Management Accountant Rates Officer</p>
F13	<p>Section 54 Rate payments</p> <p>Determine agreeable method of rate payments</p>	<p>CFO Team Leader Accounting Services Management Accountant Rates Officer Finance Assistants</p>
F14	<p>Section 54 Collectable amounts</p> <p>Not to collect small amounts</p>	<p>CFO Team Leader Accounting Services Management Accountant</p>

No.	Description	Delegated to
F15	Section 61(1) Collect unpaid rates To recover unpaid rates from owner	CFO Team Leader Accounting Services Rates Officer Finance Assistants
F16	Section 61(1) Collect rates arrears Make arrangements with ratepayers to repay arrears over an acceptable period	CFO Team Leader Accounting Services Management Accountant Rates Officer Finance Assistants
F17	Section 62 Recover unpaid rates To recover unpaid rates from persons other than owners	CFO Team Leader Accounting Services Management Accountant Rates Officer
F18	Section 63 Proceedings for unpaid rates To commence proceedings for unpaid rates	CFO Team Leader Accounting Services Management Accountant
F19	Section 67 Rating sale Commencement of rating sale or lease provisions	CFO Team Leader Accounting Services Management Accountant
F20	Section 77-83 Abandoned land To sell abandoned land	CFO Team Leader Accounting Services Management Accountant
F21	Schedule 1 and 2 Non-rateability of land Determining non rateable land	CFO Team Leader Accounting Services Rates Officer Finance Assistants
F22	Section 13 Receiving of declarations To receive declarations in respect of rates rebates under the Rates Rebate Act	Manager Customer Service Centre Team Leader Customer Services Customer Service Officers Rating Officer

Financial Delegations from the Council to Officers

No.	Description	Delegated to
F23	Overall Treasury functions Including establishing appropriate structures, procedures, and controls	CFO
F24	Borrowing and investment Negotiating and authorising borrowing and investment facilities. Initiating borrowing and investment transactions within existing facilities	CE CFO CFO Team Leader Accounting Services Management Accountant Financial Accountant Accountant
F25	Bank accounts Opening/closing bank accounts and authorising signatories (but not including the main operating account). Overseeing the Nelson City Council's cash requirements	CE CFO CFO
F26	Day to day treasury functions Maintaining a register of all major balance sheet items including bank, investment and borrowing reconciliations, countersigning cheques, reviewing and approving bank reconciliation's and overseeing maintenance and integrity of General Ledger recording	CFO Team Leader Accounting Services Management Accountant Financial Accountant Accountant
F27	Cheque signing and bank authorities A <u>Nelson City Council General Account</u> B <u>Nelson area Local Authorities Petroleum Tax account</u>	Any two of the following levels (signing and counter-signing): <ul style="list-style-type: none"> • Mayor • CE • CFO • EM Support Services • Team Leader Accounting Services • Management Accountant • Financial Accountant • Accountant Any two of the following levels (signing and counter-signing): <ul style="list-style-type: none"> • Mayor • CE • CFO • EM Support Services • Team Leader Accounting Services • Management Accountant • Financial Accountant • Accountant

<p>C</p>	<p><u>Finance Department Imprest</u></p>	<p>Any two of the following levels (signing and counter-signing):</p> <ul style="list-style-type: none"> • CFO • Team Leader Accounting Services • Management Accountant • Financial Accountant • Rates Officer • Accountant • Creditors Officer
<p>D</p>	<p><u>Library Imprest Account</u></p>	<p>Any two of the following levels (signing and counter-signing):</p> <ul style="list-style-type: none"> • Manager Libraries • Librarian Acquisitions • Librarian Collections • Customer Services Librarian
<p>F28 A</p>	<p>Operation of the Electronic Banking Deskbank System</p> <p><u>System used to Download Banking Transactions</u></p>	<p>Team Leader Accounting Services Management Accountant Financial Accountant Rates Officer Finance Assistants Accountant Creditors Officer Payroll Officer</p>
<p>F28 B</p>	<p><u>On-line saver Investment account Initiator</u></p> <p>Authoriser</p>	<p>Team Leader Accounting Services Management Accountant Financial Accountant Finance Assistants Accountant Payroll Officer</p> <p>Team Leader Accounting Services Management Accountant Financial Accountant Finance Assistants</p>
<p>F28 C</p>	<p><u>Direct Credit to Pay Creditors Initiator</u></p>	<p>Team Leader Accounting Services Management Accountant Financial Accountant Rates Officer Accountant Creditors Officer</p>

	Authoriser	Team Leader Accounting Services Management Accountant Financial Accountant Accountant
F29 A	Operation of the Electronic Banking Deskbank System continued <u>Direct Debits for Debtors Payments</u> Initiator	Team Leader Accounting Services Management Accountant Financial Accountant Rates Officer Finance Assistants (only 1) Accountant
	Authoriser	Team Leader Accounting Services Management Accountant Financial Accountant Rates Officer Finance Assistants (only 1) Accountant
F29 B	<u>Payroll Payments</u> Initiator	Team Leader Accounting Services Management Accountant Financial Accountant Accountant Payroll Officer
	Authoriser	Team Leader Accounting Services Management Accountant Financial Accountant Accountant
F30	Operation of NZEUR Holding Account Authorised by the Account Holder to operate the Holding Account Preparer Approver Sign up to pre 1990 scheme (mandatory)	Manager Parks and Facilities CFO Management Accountant CE CFO Executive Manager Support Services CE and CFO jointly
F31	Write-off outstanding accounts receivable of amounts less than \$2500	CFO
F32	Remit fees and charges of amounts less than \$2500	CFO Management Accountant Team Leader Accounting Services

Financial and Administrative Delegations from the Chief Executive to Officers

In the absence of the officers named, the delegation reverts to the Chief Executive.

Key

CE – Chief Executive

CFO - Chief Financial Officer

EM – Executive Manager

Personnel delegations – statutory powers of the Chief Executive

No.	Description	Delegated to
F33	<p>Local Government Act 2002 Section 42 Salary and travel Including salary authorisations and approval of travel</p>	CFO EM Strategy and Planning EM Regulatory EM Community Services EM Community Relations/Kaihautū EM Network Services EM Support Services EM Office of the Mayor and Chief Executive
F34	<p>Local Government Act 2002 Schedule 7 Section 36 Good employer principles Any person having responsibility for the selection and management of employees must operate a personnel policy that complies with the principle of being a good employer</p>	CFO EM Strategy and Planning EM Regulatory EM Community Services EM Community Relations/Kaihautū EM Network Services EM Support Services EM Office of the Mayor and Chief Executive

No.	Description	Delegated to
F35	<p>Operating and maintenance budgets To approved limits of the LTCCP/annual plan</p> <p>Operational assets Expenditure on operational assets, for assets approved in the LTCCP/annual plan or the business plan</p> <p>Tenders, contracts and capital Acceptance of tenders, contracts and capital expenditure within the limits of the LTCCP/annual plan or business plan</p>	<p>Support Services EM Support Services Manager Administration Manager Information Management Manager Human Resources Manager Quality Management Project Portfolio Manager</p> <p>Regulatory EM Regulatory Manager Resource Consents Manager Building Manager Parking</p> <p>Network Services EM Network Services Manager Capital Projects Manager Rooding and Solid Waste Manager Parks and Facilities Manager Utilities</p> <p>Community Services EM Community Services Manager Emergency Management Manager Customer Service Centre Manager Libraries Manager Community Development</p> <p>Strategy and Planning EM Strategy and Planning Manager Strategic Response Manager Policy and Planning Manager Research and Monitoring</p> <p>Community Relations/Kaihautū EM Community Relations/Kaihautū Manager Community Relations</p> <p>Finance CFO</p>
F36	<p>Submission signing When the Council or a committee has resolved to set up a group to prepare a submission to an external agency, the relevant committee chairs or portfolio holders have the delegated authority to sign the submission on behalf of the Council. The Council, portfolio holders and committee chairs further delegate to an EM, the authority to sign the submission once approved by the portfolio holder or committee chair</p>	<p>CFO EM Strategy and Planning EM Regulatory EM Community Services EM Community Relations/Kaihautū EM Network Services EM Support Services EM Office of the Mayor and Chief Executive</p>

F37	Public Bodies Contracts Act 1959 Section 4(1) Clean heat warm homes Authorisation of contracts under the Council's Clean Heat Warm Homes programme to a maximum of \$15000 per contract	Manager Community Development
F38	Special Economic Projects To approve funding for specific economic projects to a limit of \$10,000 per project	EM Community Services

D. SPECIFIC DELEGATIONS TO OFFICERS

Key

CE – Chief Executive

CFO - Chief Financial Officer

EM – Executive Manager

In the absence of the officers named, the delegation reverts to the EM of that area, and their absence to the CE.

No.	Description	Delegated to
01	Gambling Act 2003 Section 100 Gambling machines Approve or decline requests for gambling machines for Class 4 gambling venues in accordance with Council policy	EM Community Services
02	Heritage Project Fund allocation decisions	EM Community Services
03	Nelson Events Strategy Funding Up to \$25,000 Between \$25,000 and \$50,000 Over \$50,000	Events Management Committee (comprising the CE – Nelson Regional Economic Development Agency, CE – Nelson Tasman Tourism and the EM Community Services) CE Economic Development Committee
04	Temporary road closures To determine applications for temporary road closures subject to Nelson City Council policy	EM Network Services Manager Roding and Solid Waste Investigator/Contracts Supervisors Engineering Assistant – Subdivision Engineering Officer
05	Community facilities Approval of designs for new and improved community facilities within the design brief for facilities costing less than \$750,000	EM Strategy and Planning
06	Traffic signs and markings Arrangements for installation of standard traffic signs and markings.	EM Network Services Manager Roding and Solid Waste
07	Vehicle dimensions and Mass Rule 2002 Section 5.1(1) Authority to issue permits to the operator of a heavy motor vehicle that exceeds the mass limits set by the 2nd schedule to the Land Transport - Vehicle Dimensions and Mass rule	EM Network Services Manager Roding and Solid Waste
08	Parking limits, stopping on roads or Council land Setting within Council policy, limits for parking or stopping on roads or land under the control of the Council, and	EM Network Services Manager Roding and Solid Waste

	arranging for the installation of prescribed signs and markings	
O9	Legal proceedings and Bylaw enforcement Institute legal proceedings to enforce bylaws, acts and regulations relating to the responsibilities of Network Services	EM Network Services Manager Capital Projects Manager Rooding and Solid Waste Manager Parks and Facilities Manager Utilities
O10	Local Government Act 1974 Section 355 Overhanging trees To give notice requiring the removal of overhanging trees	EM Network Services Manager Rooding and Solid Waste
O11	Occupancy licences on road reserve To approve occupancy licences on road reserves.	EM Network Services
O12	Leases and licences Renewal of leases and licences for parks and reserves, and community facilities, where the lease or licence is less than ten years Issuing and renewal of leases and licences of less than five years in where existing policy has established the parameters for short term leases and licences Issuing licences for equipment associated with infrastructure/telecommunications services for less than 30 years where specifically provided for in a Reserves Management Plan.	EM Network Services Manager Parks and Facilities EM Network Services Manager Parks and Facilities Team Leader Property Office EM Network Services
O13	Easements on Council land To authorise easements on Council land	EM Network Services EM Support Services
O14	Minor Land Purchases To authorise the purchase of land for roading providing there is money in the budget Up to value of \$25,000 Up to value of \$10,000	CE EM Network Services
O15	Sale of Liquor Regulations 1990 Section 5 (on-licence), 8 (off-licence), 11 (club licence) and 14 (special licence) Landowner Approval for Liquor Licence Authority to provide written approval from the landowner for the purposes of granting a liquor licence	EM Network Services Manager Parks and Facilities Team Leader Property Office

No.	Description	Delegated to
O16	Building Consent Applications on Council owned land To authorise occupier to apply for building consent on Council owned land, where the occupier is not the landowner	EM Network Services Manager Parks and Facilities Team Leader Property Office
O17	Certificates and Approvals Determine administrative actions and issue appropriate certificates and approvals in respect to the Building Act 2004, Sale of Liquor Act 1989, Health Act 1956, Resource Management Act 1991, Fencing of Swimming Pools Act 1987, Dog Control Act 1996, Biosecurity Act 1993, Local Government Act 2002, and all other Acts, Regulations and Bylaws relating to building and consents functions	EM Regulatory Manager Resource Consents Team Leader Resource Consents Manager Building Team Leader Building Consents Team Leader Building Inspections Manager Parking Senior Building Consents Officer Senior Building Inspector Building Inspector Building Consent Officer Building Compliance Officer Pool Compliance Officer Building Consent Administrator
O18	Set permit, consent, licence fees and charges	Not Delegated
O19	Fees and charges schedule Set bonds and reduce or waive or withdraw all in accordance with Council's approved Fees and Charges Schedule	EM Regulatory Manager Resource Consents Manager Building Manager Parking
O20 A	Legal proceedings and offences Institute legal proceedings on advice from solicitors acting for the Council or Senior Legal Adviser.	EM Regulatory
O20 B	Legal proceedings and offences Lay information for offences under any relevant Act under the Regulatory Function.	EM Regulatory Manager Resource Consents Manager Building Manager Parking
O21	Fire hazard notices To issue fire hazard notices	EM Regulatory Manager Resource Consents
O22	Disputes Tribunals Act 1988 Authority to represent the Council at any proceeding of the District Court, and to agree to settlements on behalf of Nelson City Council.	EM Regulatory Manager Resource Consents Manager Building Manager Parking

E. SPECIFIC DELEGATIONS BY STATUTE

Key

CE – Chief Executive

CFO - Chief Financial Officer

EM – Executive Manager

Forest and Rural Fires Act 1977

No.	Description	Delegated to
F1	Section 8(1) To provide for a representative on the Waimea Rural Fire District Committee	Manager Parks and Facilities
F2	Section 36 To exercise duty and powers to control fires	Warranted Rural Fire Officer

Reserves Act 1977

No.	Description	Delegated to
RA1	Part 5 Section 93 To exercise powers to interfere to prevent any actual or attempted breach of the Reserves Act 1977 and to require disclosure of name and place of abode	Warranted Ranger or employee of the administering authority

Building Act 2004

No.	Description	Delegated to
BA1	Section 34 Project information memoranda Authority to issue project information memoranda	Senior Building Consents Officer Building Consent Officer Building Consent Administrator Property Information Officer
BA 1a	Section 48(1) Processing application for building consent Receiving Building Consent applications that comply with Section 45	Team Leader Building Consents Senior Building Consents Officer Building Consent Officer
BA2	Sections 49 and 50 inclusive Grant or refuse to grant building consent applications Authority to grant or refuse to grant building consent applications	Manager Building Team Leader Building Consents Senior Building Consents Officer Building Consent Officer Amendment Officer
BA3	Section 51 Issue building consent applications Authority to issue consents	Team Leader Building Consents Building Consent Officer Building Consent Administrator
BA4	Sections 67 – 68 inclusive Territorial authority may grant building consent subject to waivers or modifications of building code	Manager Building Team Leader Building Consents Team Leader Building Inspection Senior Building Inspector Senior Building Consents Officer Building Inspector Building Consent Officer
BA5	Section 90 Inspections by building consent authorities Authority to inspect as a BCA Officer	Manager Building Team Leader Building Inspection Senior Building Inspector Building Inspector
BA6	Sections 91, 93 – 95A inclusive and 436 Code Compliance Certificates To approve or refuse the issue of a Code Compliance Certificate	Manager Building Team Leader Building Inspections Senior Building Inspector Building Inspector
BA7	Sections 42, 96 – 99A inclusive Certificate of Acceptance Territorial authority may grant or refuse to grant a certificate of acceptance in certain circumstances	Manager Building Team Leader Building Consents Senior Building Consents Officer
BA8	Sections 71 - 74 inclusive Title of land endorsed by District Land Registrar To approve the issue of a building consent subject to the title to the land being so endorsed by the District Land Registrar	Manager Building Team Leader Building Consents

BA9	Sections 75 – 83 inclusive To approve the issue of building consents subject to the titles to the land being appropriately endorsed	EM Regulatory Manager Building Team Leader Building Consents
BA 10	Sections 102 – 104, 106 and 107 inclusive Authority to issue a Compliance Schedule	Manager Building Team Leader Building Inspections Senior Building Inspector Building Compliance Officer
BA 11	Sections 124 - 130 inclusive To issue a notice in respect of dangerous, earthquake prone or unsanitary buildings	CE EM Regulatory Manager Building Team Leader Building Inspections
BA 12	Sections 163-167 inclusive To issue a notice to fix	Manager Building Team Leader Building Inspections Senior Building Inspector Building Compliance Officer Enforcement Officer
BA 13	Section 222 Inspections by Territorial Authority	Manager Building Team Leader Building Inspections Senior Building Inspector Building Inspector Building Compliance Officer Pool Compliance Officer
BA 14	Sections 229 – 230 inclusive To issue infringement notices	Manager Building Team Leader Building Inspections Senior Building Inspector Building Compliance Officer Pool Compliance Officer Enforcement Officer
BA 15	Sections 362A - 363C inclusive Protecting safety of members of public using premises open to public or intended for public use	Manager Building Team Leader Building Inspections Senior Building Inspector Building Compliance Officer
BA 16	Sections 371 – 374 inclusive Building (Infringement Offences, Fees, and Forms) Regulations 2007 Serving of infringement notice	Manager Building Team Leader Building Inspections Senior Building Inspector Building Compliance Officer Pool Compliance Officer Enforcement Officer

Weathertight Homes Resolution Services Act 2002

No.	Description	Delegated to
WH 1	Authority to represent the Council at any proceeding of the Weathertight Homes Resolution Services Tribunal, and to agree to settlements on behalf of Nelson City Council	Manager Building in consultation with solicitor acting for the Council

Health Regulations Registration of Premises (1966)

No.	Description	Delegated to
HR 1	Section 5 To approve registration of premises	Warranted Officers EM Regulatory

Health Act 1956

No.	Description	Delegated to
HA 1	Sections 23 and 28 Appointment of Environmental Health Officers (or Contractor to carry out such role)	CE
HA 2	Section 41 Power to require owner or occupier to cleanse premises	EM Regulatory Manager Resource Consents Manager Building Environmental Health Officer
HA 3	Section 42 Power to require repairs and issue closing order	EM Regulatory Manager Resource Consents Manager Building Environmental Health Officer

Local Government Act 2002

No.	Description	Delegated to
LGA 1	Section 171 General Power of Entry To any land or building other than a dwelling house	EM Regulatory Enforcement Officers appointed under the Act
LGA 2	Section 172 Power of entry for enforcement purposes	Enforcement Officers under the Act
LGA 3	Section 173 Power of entry in cases of emergency	Delegated to Enforcement Officers under the Act accompanied where practicable by a member of the New Zealand Police.
LGA 4	Section 177 Appointment of Enforcement Officer	CE
LGA 5	Section 178 Enforcement officers may require certain information	Enforcement Officers under the Act
LGA 6	Section 201 (1) Reduction or remission of development contributions	CE EM Strategy and Planning EM Regulatory

Hazardous Substances and New Organisms Act 1996

No.	Description	Delegated to
HS1	Section 97 Enforcement of the Act	Enforcement Officers under the Act
HS2	Section 100 Appointment of enforcement officers or Contractor to carry out such function	CE
HS3	Section 12 Powers, functions, and duties of enforcement officers	Enforcement Officers under the Act
HS4	Section 82, 82A, 82B and 82C Pyrotechnic Test Certificates To issue a test certificate for a pyrotechnic event	EM Network Services Manager Parks and Facilities
HS5	Section 103 Powers of entry for inspection by enforcement officer	Enforcement Officers under the Act
HS6	Section 104 Power of enforcement officer to issue a compliance order	Enforcement Officers under the Act
HS7	Section 136 Power of enforcement officer to declare an (hazardous substance or new organisms) emergency	Enforcement Officers under the Act
HS8	Section 137 Emergency powers	Enforcement Officers under the Act

Maritime Transport Act 1994 (Navigation)

No.	Description	Delegated to
MT1	Section 36 To approve Pilotage Exemption Certificates	EM Regulatory Harbourmaster

Local Government Act 1974 (Navigation)

No.	Description	Delegated to
LG1	Section 650C To exercise the responsibilities of a Harbourmaster	Harbourmaster Assistant Harbourmaster
LG2	Section 650B Appointment of Supervising Officers and Honorary Launch Wardens	EM Regulatory

Amusement Device Regulations 1978

No.	Description	Delegated to
AD1	Appointment of Inspector	CE
AD2	Section 8 Registration of amusement device by inspector	Inspector EM Regulatory Manager Resource Consents Team Leader Resource Consents Manager Building Team Leader Building Consents Team Leader Building Inspections Manager Parking
AD3	Section 11 Issue of local authority permit and, where appropriate, acceptance of site inspection by engineer or other competent person	Inspector EM Regulatory Manager Resource Consents Team Leader Resource Consents Manager Building Team Leader Building Consents Team Leader Building Inspections Manager Parking
AD4	Section 23 Power of entry	Inspector EM Regulatory Manager Resource Consents Team Leader Resource Consents Manager Building Team Leader Building Consents Team Leader Building Inspections Manager Parking

Resource Management Act 1991 (Noise Control)

No.	Description	Delegated to
NC 1	Section 38 Appointment of Enforcement Officers	CE

Litter Act 1979 (Litter Control)

No.	Description	Delegated to
LA1	Section 5 Appointment of Litter Control Officer	CE
LA2	Section 8 Appointment of Litter Warden	CE
LA3	Section 7 (General) Powers and duties of Litter Control Officers	Litter Control Officer
LA4	Section 10 Territorial Authority, or Litter Control Officer, may require occupier of private	EM Regulatory Manager Resource Consents

	land to clear litter	Team Leader Resource Consents Manager Building Team Leader Building Consents Team Leader Building Inspections Manager Parking Litter Control Officer
LA5	Section 14 Power of Litter Control Officer to issue infringement notice	Litter Control Officer

Maritime Transport Act 1994 (Pollution Response)

No.	Description	Delegated to
MTA 1	Section 318 To exercise the responsibilities of a Regional On-Scene Commander Note: these appointments have been made by the Director Maritime Safety Authority in consultation with the Nelson City Council and are personal to the delegate. They do not relate to an officer position and are repeated here for sake of completeness	Stephen James Lawrence John Brent Higgins

Fencing of Swimming Pools Act 1987

No.	Description	Delegated to
FSP 1	Section 11 Power of entry on land	Warranted Officers Manager Resource Consents Team Leader Resource Consents Manager Building Team Leader Building Consents Team Leader Building Inspections Manager Parking Senior Building Consents Officer Senior Building Inspector Building Inspector Building Consent Officer Building Compliance Officer Quality Assurance Co-ordinator Enforcement Officers under the Act

Dog Control Act 1996

No.	Description	Delegated to
DC1	Sections 2, 6, 7, 10, 10AA, and 10A and 20 <ul style="list-style-type: none"> • Interpretation of Working Dog • Ability to work with other organisations, make grants and provide dog control • Power to appoint joint committees • Duty to adopt policy on dogs • Review of dog policy and report on dog control policy and practices • Make Dog Control Bylaws 	Not Delegated
DC2	Sections 11 and 12 Appointment of Dog Control Officers and Dog Rangers	CE
DC3	Sections 14 20, 21, 23A, 25, 31, 33A Power to: <ul style="list-style-type: none"> • classify any person as a probationary owner • require dog owner education • disqualify any person from being the owner of any dog • classify any dog as a dangerous dog or menacing due to behaviour 	EM Regulatory Manager Resource Consents Dog Control Officers
DC4	Sections 15 22, 26, 33B and 33D Hearing of objection to: <ul style="list-style-type: none"> • classification as Probationary Owner • disqualification • menacing classification due to behaviour; and menacing classification due to breed or type 	Hearings Panel Hearings Commissioners
DC5	Sections 19 30, 32(1)(f), 33, 33C, 35, 35A, 35AB, 36(5), 36A, 39, 40, 46, 48, 49 <ul style="list-style-type: none"> • Maintenance of records and provision of information • Power to consent to the disposal of a dangerous dog • Notification of menacing dog by breed or type • Disclosure of register information and National Dog Database information • Registration and supply of information • Microchip implantation/verification certificate 	EM Regulatory Manager Resource Consents Dog Control Officers Dog Control Administration Officers
DC6	Sections 37 and 38 Power to set fees	Not Delegated

No.	Description	Delegated to
DC7	Sections 39 and 40 <ul style="list-style-type: none"> • Power to issue refunds or reduce fees • Power to require a written statement that a dog is a working dog of a specified class and to require production of a certificate that a dog has been neutered 	EM Regulatory Manager Resource Consents Dog Control Officers Dog Control Administration Officers
DC8	Sections 42, 46, 48, 49 Power to seize unregistered dog, issue of registration label or disc, and recording changes of ownership	EM Regulatory Manager Resource Consents Dog Control Officers Dog Control Administration Officers
DC9	Section 50 Power to seize and impound dog not wearing current registration label or disc	Dog Control Officer
DC 10	Section 52 Power to seize/impound dog not under control	Dog Control Officer
DC 11	Section 52A <u>Seize/impound dog on owners property</u> Power to seize/impound dog on owners property if dog not under direct control of a person or not confined in such a manner that it cannot leave the premises	Dog Control Officer
DC 12	Section 55/56 <u>Barking dogs</u> Power to deal with objections to barking dog notice	EM Regulatory Manager Resource Consents
DC 13	Section 55/56 <u>Dog attack</u> Power to seize/take custody of/destroy a dog for the purposes of stopping a dog attack on persons or animals	Dog Control Officer
DC 14	Section 57A Power to seize/take custody of a dog rushing at persons, animals or vehicles	Dog Control Officer
DC 15	Section 59 <u>Dog at large (protected wildlife)</u> Power of seizure and destruction of dog at large in vicinity of protected wildlife	Dog Control Officer
DC 16	Section 60 <u>Dog at large (stock or poultry)</u> Power to seize or destroy dog running at large among stock or poultry	Dog Control Officer
DC 17	Section 64 <u>Power to enter land</u> Power to enter land (except dwelling/house) to remove dog under Court Order for destruction	Dog Control Officer

DC 18	Section 64(3) Power to enter dwelling/house Power to enter dwelling/house accompanied by a constable, to remove dog under Court Order for destruction	Dog Control Officer
DC 19	Sections 64, 66 Receipt of confirmation of destruction of dog Commence proceedings in accordance with Section 21 of the Summary Proceedings Act 1957 where an infringement notice has been issued	EM Regulatory Manager Resource Consents Dog Control Officers Dog Control Administration Officers
DC 20	Section 67 Custody of dogs	EM Regulatory Manager Resource Consents Dog Control Officers Pound Keepers
DC 21	Section 68 Pound Fees Setting	Not Delegated
DC 22	Sections 69, 70, 71, 71A Power to dispose of any dog Custody of dog removed for barking and decision whether or not to return dog to owner Power to authorise retention of a dangerous dog	EM Regulatory Manager Resource Consents Manager Environmental Inspections Ltd

Impounding Act 1955

No.	Description	Delegated to
IA1	Section 8 Appointment of pound keeper	EM Regulatory
IA2	Section 9 Appointment of deputy pound keeper	EM Regulatory

Inspectorial contract

Preamble

Pursuant to an outsourcing contract certain environmental health, dog and animal control, noise control, dangerous goods licensing and inspections, liquor licensing, food and other premises inspections, bylaw enforcement and pollution response functions and responsibilities, have been contracted to Environmental Inspections Limited. This contract specifies the full range and scope of such functions.

The contracting of such regulatory functions is provided for under Section 179 of the Local Government Act 2002.

For the avoidance of doubt, Appendix A of the contract with Environmental Inspections Limited (Services to be Performed by the Contractor) shall be deemed to be part of this Delegations Register and in the case of any ambiguity the contract shall prevail.

Electronic Transactions - Land Transfer Act 1952

No.	Description	Delegated to
ET1	Consent for the registration of instruments and authority for electronic e-dealing & registration of instruments.	EM Regulatory Manager Resource Consents Team Leader Resource Consents Manager Building Team Leader Building Consents Team Leader Building Inspections Manager Parking

Transport Act 1962

No.	Description	Delegated to
TA1	<p>Transport Act 1962 Section 68BA</p> <p>Prosecutions</p> <p>To institute and prosecute proceedings in respect of any offence enforceable by Parking Wardens</p>	EM Regulatory Manager Parking Parking Wardens
TA2	<p>Transport Act 1962 Schedule 2A</p> <p>Waive proceedings</p> <p>To waive proceedings in respect of an offence listed in schedule 2A of the Transport Act 1962 where:</p> <ul style="list-style-type: none"> • The warrant of fitness or vehicle licence label has been expired less than one month prior to the issue of the offence notice, and documentary evidence is produced within 14 working days of the notice being issued showing that renewal has been effected, or an exemption has been obtained from LTSA and the vehicle has subsequently been removed from the road • Where the offence relates to registration plates documentary evidence is provided within 14 days of the issue of the notice that replacement plates have been attached to the vehicle • Where the offence relates to worn or damaged or smooth tyres documentary evidence is provided within seven days to show that new tyres were on order or that punctures on road legal tyres were being repaired at the time of the offence 	CE (has the power to appoint appropriate independent people as required)

Parking and Traffic Enforcement (other)

No.	Description	Delegated to
P1	<p>Local Government Act 1974 Section 356</p> <p>Abandoned vehicles</p> <p>Removal of abandoned vehicles from roads.</p>	<p>EM Regulatory Manager Parking Parking Wardens</p>
P2	<p>Court withdrawal</p> <p>To approve Court withdrawal.</p>	<p>EM Regulatory Manager Parking</p>
P3	<p>Waive proceedings</p> <p>To waive proceedings in respect of parking offences where:</p> <ul style="list-style-type: none"> • Documentary evidence is produced or available to show that no offence has been committed or the notice was the result of a fault in a single bay meter or pay and display meter, where coins were accepted but the meter did not issue a parking permit and this has been confirmed by Power Tech. • It is considered appropriate following a review of the issue of the offence notice by a Justice of the Peace. 	<p>EM Regulatory Manager Parking</p>

Resource Management Act 1991

Where delegation is shown as Hearings Panel at a specified level it includes the stated positions at that level and the:

- Resource Management Act Procedures Committee, and
- Policy and Planning portfolio holder, or his /her deputy, unless otherwise stipulated.

All provisions in the RMA are decisions for the Council unless specified in this Delegations Register as a delegated decision.

Any function, power, or duty of the Council under the Resource Management Act 1991, which is not the subject of a specific delegation is delegated to the EM Regulatory and EM Strategy and Planning (or in their absence the Acting EM or the Chief Executive).

No.	Description	Delegated to
Duties, responsibilities, functions, powers		
RMA 1	In the absence of any specific delegation, the general power to consider, approve and issue (whether subject to conditions or not) all non-contested applications for consents, licences, certificates, permits, or other approvals, and to grant minor dispensations and waivers relating to all Acts, Regulations and bylaws, relating to the Council's regulatory functions	Manager Resource Consents Team Leader Resource Consents
RMA 2	Section 10 Certain existing uses in relation to land protected Power to administer the determination of existing uses to grant extension to the period of discontinuance	Manager Resource Consents Team Leader Resource Consents
RMA 3	Section 20A Certain existing lawful activities allowed Power to evaluate effects of activity and period of discontinuance	Manager Resource Consents Team Leader Resource Consents
RMA 4	Section 32 Consideration of alternatives, benefits and costs	Senior Planner Planner Principal Adviser Planning Adviser
RMA 5A	Section 34A Delegation of powers and functions to employees and other persons To appoint an independent Commissioner or panel of independent Commissioners when an application is one in which the Council is, or is perceived to be, an interested party, or where there is other good reason to do so, such functions, powers or duties as may be delegated	EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE) Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Principal Advisor Resource

<p>5B</p>	<p>Appoint to the Hearings Panel one or more extra Commissioners who, because of their technical experience or training, can assist the panel to consider and determine any particular application</p>	<p>Management Planning</p> <p>EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE)</p> <p>Manager Resource Consents</p> <p>Team Leader Resource Consents</p> <p>Manager Policy and Planning</p> <p>Manager Strategic Response</p> <p>Principal Advisor Resource Management Planning</p>
<p>RMA 6</p>	<p>Section 34A</p> <p>Delegation of powers and functions to employees and other persons</p> <p>To delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), such functions, powers or duties as may be delegated</p>	<p>CE (on recommendation of EM Regulatory or EM Strategy and Planning)</p>
<p>RMA 7</p>	<p>Section 36(3)</p> <p>Administrative Charges</p> <p>Imposing additional charges within the policies set by Council</p>	<p>Manager Resource Consents</p> <p>Team Leader Resource Consents</p> <p>Consents Administrator</p>
<p>RMA 8</p>	<p>Section 36(7)</p> <p>Administrative Charges</p> <p>Power to not commence or continue processing resource consent applications if insufficient money has been paid as required by Council's Fees and Charges policy</p> <p>Note: When using this provision the application effectively remains "on hold" until the correct payment is made.</p>	<p>Senior Planner</p> <p>Planner</p> <p>Principal Adviser</p> <p>Planning Adviser</p> <p>Consents Administrator</p>
<p>RMA 9</p>	<p>Section 37 and 37A</p> <p>Power of waiver and extension of time limits</p>	<p><u>For non-notified consents:</u></p> <p>Manager Resource Consents</p> <p>Team Leader Resource Consents</p> <p>Senior Planner</p> <p><u>For notified consents up to close of submissions:</u></p> <p>Manager Resource Consents</p> <p>Team Leader Resource Consents</p> <p>Senior Planner</p> <p>Hearings Panel or any duly appointed Hearings Commissioner(s) or the chair for any matter prior to commencement of hearing for notified consents following close of submissions.</p>

No.	Description	Delegated to
RMA 10	<p>Section 38 Authorisation and responsibilities of enforcement officers</p> <p>To authorise officers to carry out all or any of the functions and powers as Enforcement Officer under the Resource Management Act 1991</p> <p>To authorise the holders of a security guard's licence or a certificate of approval issued under the Private Investigators and Security Guards Act 1974 to exercise or to carry out all or any of the functions and powers of an Enforcement Officer under s.327 relating to excessive noise</p>	CE
RMA 11	<p>Section 40 Persons who may be heard at a hearing</p>	Hearings Panel or any duly appointed Hearings Commissioner(s) or the chair for any matter prior to commencement of hearing.
RMA 12	<p>Sections 41, 41A, 41B, 41C Provisions relating to hearings</p>	Hearings Panel or any duly appointed Hearings Commissioner(s) or the chair for any matter prior to commencement of hearing.
RMA 13	<p>Section 42 Protection of sensitive information</p> <p>Response to requests to protect sensitive information (e.g. tikanga Maori; commercial sensitivity)</p> <p>To make an order pursuant to s.42 prohibiting or restricting publication or communication</p>	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research
RMA 14	<p>Section 42A Reports to local authority</p> <p>Powers in relation to requiring or commissioning a report on information provided on any matter described in section 39(1)</p>	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research
Standards, policy statements, plans		
RMA 15	<p>Section 87 Request for application to go directly to Environment Court</p> <p>Power to grant or decline requests for applications to be determined by the Environment Court instead of the Consent Authority</p>	Resource Management Act Procedures Committee

No.	Description	Delegated to
RMA 16	Providing a report on applications that are to be determined by the Environment Court	Senior Planner Planner Principal Adviser Planning Adviser
RMA 17	Section 88D Incomplete resource consent Determination that a resource consent application is incomplete	Senior Planner
RMA 18	Section 91 Deferral of processing of resource consent pending application for additional consents	Senior Planner
RMA 19A	Section 92 Further information may be required To require any applicant for resource consent to provide further information relating to the application and power to set a time limit for further information where the applicant agrees to it	Senior Planner
RMA 19B	To commission a report on any matters raised in relation to the application	Manager Resource Consents Team Leader Resource Consents
RMA 20	Sections 95A, 95B, 95C Decisions on public notification, limited notification and notification after request for further information	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 21	Section 95D, 95E, 95F Adverse Effects, Affected Persons Decision as to whether the activity will have, or is likely to have, or effects on the environment that are more than minor and if there are any affected persons or affected customary order holders	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 22	Public display of application notices (RMA Regulations)	Land Information Officer Consents Administrator Property Information Officer
RMA 23	Section 96 Making submission on resource consent Decision to lodge submission to resource consent in another jurisdiction	Resource Management Act Procedures Committee
RMA 24	Section 98 Advice of submissions to applicant A list of submissions received by Council is to be supplied to the applicant	Land Information Officer Consents Administrator Property Information Officer

No.	Description	Delegated to
RMA 25	Section 99 Pre-hearing meetings Appointment of persons to meet with parties to applications and to decide on subjects of such meetings for report to the appropriate Hearings Panel or Commissioner	Manager Resource Consents Team Leader Resource Consents
RMA 26	Section 100 Obligation to hold a hearing Decisions as to necessity for hearings where applicants or persons who have made submissions do not wish to be heard	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research
RMA 27	Section 101 Hearing date and notice To set a hearing date and inform all parties	Land Information Officer Consents Administrator Property Information Officer
RMA 28	Section 102 Joint hearings by two or more consent authorities Decision to waive the need for a joint hearing by agreement with the applicant	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research
RMA 29	Section 103 Combined hearings in respect of two or more applications Decision to waive the need for a combined hearing by agreement with the applicant	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research
RMA 30	Section 104A Determination of applications for controlled activities Granting consent and imposing conditions for those matters over which control is reserved in an NES or in the Plan or proposed Plan Not grant consent (insufficient information to determine it is a Controlled Activity) section 104A(a)	Manager Resource Consents Team Leader Resource Consents Senior Planner EM Regulatory (or in his/her absence Acting EM or the CE)
RMA 31	Section 104B Determination of application for discretionary and non-complying activities Granting consent and imposing conditions Refuse consent	Manager Resource Consents Team Leader Resource Consents Senior Planner EM Regulatory (or in his/her absence Acting EM or the CE)

No.	Description	Delegated to
RMA 32	Section 104C Determination of applications for restricted discretionary activity Granting consent and imposing conditions only for those matters to which discretion has been restricted in an NES or the Plan or Proposed Plan. Decline consent	Manager Resource Consents Team Leader Resource Consents Senior Planner EM Regulatory (or in his/her absence Acting EM or the CE)
RMA 33	Section 104D Particular restrictions on grant of consent for non-complying activities Granting consent Refusal of consent	Manager Resource Consents Team Leader Resource Consents Senior Planner EM Regulatory (or in his/her absence the Acting EM or the CE)
RMA 34	Section 104F Implementation of national environmental standards Granting consent to a discharge permit or coastal permit in relation to greenhouse gases Decline consent	Manager Resource Consents Team Leader Resource Consents Senior Planner EM Regulatory (or in his/her absence the Acting EM or the CE)
RMA 35	Section 105 Matters relevant to a discharge permit, coastal permit, or reclamation Granting consent and imposing conditions Decline consent	Manager Resource Consents Team Leader Resource Consents Senior Planner EM Regulatory (or in his/her absence the Acting EM or the CE)
RMA 36	Section 106 Subdivision consent Grant consent and imposing conditions Refuse to grant consent	Manager Resource Consents Team Leader Resource Consents Senior Planner EM Regulatory (or in his/her absence the Acting EM or the CE)

No.	Description	Delegated to
RMA 37	Section 107 Restriction on grant of certain discharge permits or coastal permits	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 38	Section 107E Decision on application to undertake non-aquaculture activity in aquaculture management area Restriction on grant of consent	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 39	Section 108 Conditions of resource consent Inclusion of conditions (s.220 for subdivisions)	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 40	Section 108A Requiring bonds	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 41	Section 109(3) Special provisions in respect of bonds or covenants The power to decide whether any work the subject of a Bond or Covenant is completed satisfactorily	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 42	Section 110 Refunds where activity does not proceed	Manager Resource Consents Team Leader Resource Consents
RMA 43	Section 114 Notification of decisions	Land Information Officer Consents Administrator Property Information Officer
RMA 44	Section 120 Right to Appeal Decision to appeal decision of a consent authority (other than Nelson City Council)	Resource Management Act Procedures Committee
RMA 45	Section 124 Exercise of resource consent while applying for new resource consent To allow holder of existing resource consent that is due to expire to continue to operate until the application for the new consent is determined	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 46	Section 125 Lapsing of consent To determine whether consent period should be extended and for how long	Manager Resource Consents Team Leader Resource Consents Senior Planner

No.	Description	Delegated to
RMA 47	Section 126 Cancellation of consent This applies where a consent is not exercised for a continuous period of five years	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 48	Section 127 Change or cancellation of consent condition on application by consent holder	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 49	Section 128 Circumstances when consent conditions can be reviewed	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 50	Section 129 Notice of review	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 51	Section 130 Public notification, submissions, and hearings etc	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 52	Section 131 Matters to be considered in review	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 53	Section 132 Decisions on review of consent conditions	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 54	Section 133A Minor correction of resource consents	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 55	Section 136(2) Transferability of water permits To authorise transfer of a whole or part of a holder's interest in a water permit other than for damming or diverting water	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 56	Section 137(5) Transferability of discharge permits To authorise the transfer of part or all of the holder's interest in the permit, and for all or part of the remaining period of the permit	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 57	Section 138(2) Surrender of consent To refuse to accept the surrender of part of a resource consent where that part may compromise the integrity or implementation of the consent or lead to an adverse effect on the environment	Manager Resource Consents Team Leader Resource Consents

No.	Description	Delegated to
RMA 58	Section 138A Special provisions relating to coastal permits for dumping and incineration Determination of application	Manager Resource Consents Team Leader Resource Consents
RMA 59	Section 139 Certificate of compliance	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 60	Section 139A Existing Use Certificates	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 61	Section 142-149, 149E, 149F, 149I, 149K, 149M, 149Q, 149V Consent authority's obligations (as to proposals of national significance) Power to request that the Minister make a direction that a matter is or is part of a proposal of national significance, to provide views to the Minister, make a submission to the EPA, provide the Minister with suggestions for members of a Board of Inquiry, provide comments to a Board of Inquiry on a draft report	Resource Management Procedures Committee
RMA 62	Section 149G EPA may commission a report Provision of report	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 63	Section 149ZD Costs of processes recoverable from applicant	Manager Resource Consents Team Leader Resource Consents Consents Administrator
RMA 64	Section 159 (RMA Act 2009 Part 2 Transitional Provisions) Lapsing of consents on hold for further information Power to lapse consents for applications lodged prior to RMA 2005 where applicant does not comply with the s92(1) further information request by 1 October 2010	Manager Resource Consents Team Leader Resource Consents Senior Planner
Designations, heritage orders		
RMA 65	Section 168A Notice of requirement for a public work Powers to issue and decide whether to notify a notice of requirement for a designation	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 66	Section 169 Further information, public notification, submissions, and hearing To process a Notice of Requirement	Manager Resource Consents Team Leader Resource Consents Senior Planner

No.	Description	Delegated to
RMA 67	<p>Section 171(2) Recommendation to requiring authority Power to make recommendations to the requiring authority including reasons, no hearing required</p> <p>Power to make recommendations to the requiring authority including reasons, hearing required</p>	<p>Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response</p> <p>Hearings Panel or any duly appointed Hearings Commissioner(s) or the chair for any matter prior to commencement of hearing.</p>
RMA 68	<p>Section 172 Decision of requiring authority To make a decision on accepting or modifying the territorial authority's recommendation relating to a Nelson City Council requirement</p>	The Council
RMA 69	<p>Section 173 Notification of Requiring Authority's Decision</p>	Land Information Officer Consents Administrator Property Information Officer
RMA 70	<p>Section 174 Appeal to Environment Court from Decision of Requiring Authority</p>	Resource Management Act Procedures Committee
RMA 71	<p>Section 175 Provisions of designation in district plan</p>	Land Information Officer Consents Administrator Property Information Officer
RMA 72	<p>Section 176A Approval of outline Plans and requests for changes</p>	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 73	<p>Section 181(1) Alteration of designation</p>	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research Senior Planner
RMA 74	<p>Section 181(3) Minor alteration of designation</p>	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 75	<p>Section 182 Removal of designation on request of Requiring Authority</p>	Senior Planner Planner
RMA 76	<p>Section 184 Lapsing of designations which have not been given effect to</p>	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 77	<p>Section 186 Compulsory acquisition powers</p>	The Council

No.	Description	Delegated to
RMA 78	Section 189 Notice of requirement (Heritage Order) to the Council	Land Information Officer Consents Administrator Property Information Officer
RMA 79	Section 189A Notice of requirement (heritage order) by the Council Powers to decide whether to notify a notice of requirement for a heritage order	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Senior Planner
RMA 80	Section 190 Procedural matters relating to notice of requirement (Heritage Orders) to a territorial authority	Land Information Officer Consents Administrator Property Information Officer
RMA 81	Section 191 Consideration of Notice of Requirement (Heritage Order)	Hearings Panel or any duly appointed Hearings Commissioner(s) or the chair for any matter prior to commencement of hearing.
RMA 82	Section 192 Consideration of application for Heritage Order	Hearings Panel or any duly appointed Hearings Commissioner(s) or the chair for any matter prior to commencement of hearing.
RMA 83	Section 195A Minor alteration of Heritage Order	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Senior Planner
RMA 84	Section 196 Removal of heritage order on request of Heritage Protection Authority	Senior Planner Planner Principal Adviser Planning Adviser
RMA 85	Section 198C Requests for requirements to be determined by the Environment Court To approve or decline a request	Resource Management Act Procedures Committee
RMA 86	Section 198D Territorial authority's subsequent processing Preparation of report	Senior Planner Planner Principal Adviser Planning Adviser
RMA 87	Section 198H-198M Procedures for requirements under s168A or 189A	Senior Planner Planner Principal Adviser Planning Adviser

No.	Description	Delegated to
Subdivision		
RMA 88	<p>Section 108 & 120 Consider and grant consent to the following subdivision matters:</p> <p>Granting controlled activity; restricted discretionary; uncontested discretionary; (and in respect of non-complying activities, non-notified) subdivisions, or applications for the reduction of esplanade reserves or provision of recreation reserves, with all affected persons' consent</p> <p>Determination of adequacy of access (including Rights of Way), drainage, water supply, power and telephone services</p> <p>Impose conditions pursuant to section 108 and section 220, including assessing esplanade reserve, esplanade strips or access strips and financial contributions, and the sections of the Local Government Act preserved by section 407 of the Resource Management Act 1991, and consultation with the District Land Registrar</p>	<p>Manager Resource Consents Team Leader Resource Consents Senior Planner</p>
RMA 89	<p>Section 221 Conditions subject to Consent Notice Issue, review, change or cancel a condition of consent notice</p>	<p>Manager Resource Consents Team Leader Resource Consents Senior Planner</p>
RMA 90	<p>Section 222 Issue of Completion Certificates and extension of time</p>	<p>Manager Resource Consents Team Leader Resource Consents Senior Planner</p>
RMA 91	<p>Section 223 Approval of survey plan by the Council</p>	<p>Senior Planner Planner Consents Administrator Property Information Officer</p>
RMA 92	<p>Section 224 Restrictions upon deposit of a survey plan Issuing of a certificate stating that all or any of the conditions of the subdivision consent have been complied with.</p>	<p>Senior Planner Planner Consents Administrator Property Information Officer on confirmation of compliance with conditions from relevant officers (asset engineers, enforcement and monitoring, finance).</p>
RMA 93	<p>Section 235 Creation of esplanade strips by agreement</p>	<p>Manager Resource Consents Team Leader Resource Consents Senior Planner in consultation with Principal Adviser Reserves and Community Facilities.</p>

No.	Description	Delegated to
RMA 94	Section 237B Access strips and conditions of use of such easement, variation and cancellation of conditions	Manager Resource Consents Team Leader Resource Consents Senior Planner in consultation with Principal Adviser Reserves and Community Facilities
RMA 95	Section 237C Closure of strips to public and erection of signs	Manager Parks and Facilities
RMA 96	Section 240 (4) Cancellation of covenant against transfer of allotments	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 97	Section 241 (3) Cancellation of conditions of amalgamation of titles	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 98	Section 243 (e) Revocation of conditions on survey plans	Manager Resource Consents Team Leader Resource Consents Senior Planner
RMA 99	Section 245 (4) & (5) (b) To approve a plan or survey for a reclamation	Manager Resource Consents Team Leader Resource Consents Senior Planner
Environment Court		
RMA 100	Section 267 Appearance at Environment Court Conference	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research in consultation with Solicitor acting for Council
RMA 101	Section 268 Alternative dispute resolution proceedings Authority to accept, on behalf of the Council, any decision reached as a result of alternative dispute resolution	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Senior Planner Principal Adviser in consultation with Solicitor acting for Council
RMA 102	Section 281 Application to apply to Environment Court for waiver or direction	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research in consultation with Solicitor acting for Council

No.	Description	Delegated to
RMA 103	Section 294 Review of decision by Environment Court Decision to apply for review on basis of new evidence or change in circumstances.	EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE) in consultation with Solicitor acting for Council and report to Council
RMA 104	Section 299 Appeal to High Court on question of law To appeal against a decision or recommendation of the Environment Court to High Court on point of law	Resource Management Procedures Committee, in consultation with Solicitor acting for Council, and report to Council
RMA 105	Section 305 Additional appeals on point of law Decision to appeal on a point of law where Council is not appellent.	Resource Management Procedures Committee in consultation with Solicitor acting for Council, and report to Council
RMA 106	Appeals before the Environment Court Entering into negotiations about, and agreeing to, costs, consent orders, withdrawals and modifications which may arise during the course of any appeal or other matter relating to a Resource Consent decision before the Environment Court	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response in consultation with solicitor acting for the Council and a report to the Council.
RMA 107	Section 311 Application for declaration	Resource Management Procedures Committee, in consultation with Solicitor acting for Council, and report to Council
RMA 108	Sections 315, 316, 320 and 321 Enforcement orders Ensure compliance with an order, apply for an order, apply for an interim order and change or cancellation of an enforcement order	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38
RMA 109	Section 322, 323, 324 Abatement Notice Power to serve an abatement notice, to enter premises for compliance with an abatement notice, and form and content of an abatement notice	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38
RMA 110	Section 325A Cancellation of an abatement notice	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38
RMA 111	Section 325B Restrictions on certain applications for enforcement orders and abatement notices	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38

No.	Description	Delegated to
RMA 112	Section 327, 328 Excessive Noise Direction Power to issue excessive noise direction, and require compliance with excessive noise direction	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38
RMA 113	Section 329 Water shortage direction	EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE) and report to the Council
RMA 114	Section 330 Emergency works and powers to take preventative or remedial action Opinion as to whether s330 provisions apply	Manager Resource Consents Team Leader Resource Consents in consultation with other relevant Council staff
RMA 115	Section 331 Reimbursement or compensation for emergency works	EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE)
RMA 116	Section 332, 333 Power of entry Power of entry for inspection and power of entry for survey	Manager Resource Consents Team Leader Resource Consents Manager Policy and Planning Manager Strategic Response Manager Monitoring and Research or Enforcement Officer appointed under s38
RMA 117	Section 336 Return of property seized under s323 and s328	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38
RMA 118	Section 343C Infringement Notice Power to prepare and deliver infringement notice	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38
RMA 119	Section 355 Vesting of reclaimed land	EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE)
RMA 120	Section 355B Enforcement powers against unlawful reclamations	Manager Resource Consents Team Leader Resource Consents or Enforcement Officer appointed under s38
RMA 121	Section 357 Consideration and determination of objections to certain decisions and requirements	EM Regulatory (or in his/her absence Acting EM or the CE) with a further right of objection to the Hearings Panel to contest the delegated decision
RMA 122	Section 369 Provisions deemed to be regional rules	EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE)

No.	Description	Delegated to
RMA 123	Section 388 Requirement to supply information for transitional resource consents	Manager Resource Consents Team Leader Resource Consents Senior Planner
First Schedule		
Preparation and Change of Policy Statement and Plans		
RMA 124	Clause 6 and 8A Making Submissions Making submissions on behalf of the Council	Resource Management Act Procedures Committee, in consultation with Solicitor acting for Council, and report to Council
RMA 125	Clause 8B & 8C Hearing by Local Authority	Hearings Panel or any duly appointed Hearings Commissioner(s) or the chair for any matter prior to commencement of hearing
RMA 126	Clause 14 Appeal of Decision to the Environment Court	EM Regulatory and EM Strategy and Planning (or in his/her absence Acting EM or the CE) and report to Council
Part II Requests for Changes to Plans		
RMA 127	Section 23 Further Information may be required	Senior Planner Planner Principal Adviser Planning Adviser
RMA 128	Section 25 Consideration of Request for a Change	Council decision

Local Government Act 1974 Part XXI – Property Access

No.	Description	Delegated to
L1	Section 321 To determine that adequate access is available to a proposed allotment	Manager Resource Consents Team Leader Resource Consents Senior Planner
L2	Section 327QA To uplift a building line restriction	Manager Resource Consents Team Leader Resource Consents Senior Planner
L3	Section 348 Approval of Rights of Way	Manager Resource Consents Team Leader Resource Consents Senior Planner
L4	Section 319B Allocation of property numbers	Land Information Officer Consents Administrator Property Information Officer

Unit Titles Act 1972

No.	Description	Delegated to
UT 1	Restrictions on deposit of Plan To certify that every building shown on a plan has been erected and all development work has been carried out to the extent necessary to enable all the boundaries of every unit, and the common property shown, to be physically measured	Manager Resource Consents Team Leader Resource Consents Senior Planner

Local Government Official Information and Meetings Act 1987

No.	Description	Delegated to
OIM 1	Section 44A Land Information Memorandum Provide required information under subsection (2) and adding other relevant information under subsection (3)	Land Information Officer Property Information Officer

Sale of Liquor Act 1989

No.	Description	Delegated to
SL1	Section 104 Referral to District Licensing Agency Secretary of the District Licensing Agency may at his/her discretion refer any matter to the District Licensing Agency (Hearings Panel) or Liquor Licensing Authority for determination.	Acting as Secretary District Licensing Agency: EM Regulatory (or in his/her absence Acting EM or the CE)
SL2	Section 104 Review of decisions of the Secretary	District Licensing Agency
SL3	Powers of Secretary - District Licensing Agency	Acting as Secretary District Licensing Agency: EM Regulatory (or in his/her absence Acting EM or the CE)
SL4	Section 100 (a) to (g) No objection to application	Acting as Secretary District Licensing Agency: EM Regulatory (or in his/her absence Acting EM or the CE)
SL5	Objection to Application	Application referred to Liquor Licensing Agency for hearing and decision.
SL6	Issue of Special licences	Acting as Secretary District Licensing Agency: EM Regulatory (or in his/her absence Acting EM or the CE)

No.	Description	Delegated to
SL7	Minor Variations from Policy	Acting as Secretary District Licensing Agency: EM Regulatory (or in his/her absence Acting EM or the CE)
SL8	Section 103 Appointment of Inspectors	Acting as Secretary District Licensing Agency: EM Regulatory (or in his/her absence Acting EM or the CE)
SL9	Section 131 Power of Inspector to enter licensed premises	Delegated to Inspector

F. PORTFOLIOS AND COMMITTEES

Council has established the following portfolios, each of which is subject to political oversight by an elected Councillor:

- Community Services;
- Infrastructure;
- Governance;
- Policy and Planning; and
- Economic Development

Council business will be covered over a six week rotation, with Council meetings normally in week three and week six. Matters pertaining to the Community Services and Infrastructure Portfolios will be covered at the week three meetings and those of Governance and Policy and Planning in week six. Notwithstanding this, if any matters require urgent consideration then they can be brought to any of the Council meetings. Portfolio holders, members of committees and other organisations are outlined in the schedules.

Community Services

The Community Services portfolio has oversight of the provision of Council's community activities as follows:

- Parks, reserves and open spaces
- Recreation and leisure
- Community facilities
- Culture, heritage and arts
- Community programmes
- Environmental programmes
- Social development
- Community leases
- Policies relating to Community Services issues

Infrastructure

The Infrastructure portfolio has oversight of the provision of Council's infrastructure activities and capital projects as follows:

- Rooding and transport
- Traffic management
- Subdivisions
- Waste management (transfer station, landfill, recycling)
- Sewerage
- Storm water
- Water supply services
- Heart of Nelson
- Policies relating to Infrastructure issues

Governance

The Governance portfolio has oversight of:

- Subcommittee reporting including the Economic Development, Audit Risk and Finance and Joint Shareholders Committees
- CCOs/CCTOs and the consideration of Statements of Intent/Statements of Expectation and director appointments for each entity, routine reporting from the entities (1/2 year report and annual report) and any other special reporting
- The governance arrangements of all other entities in which Council has a governance interest
- Matters relating to the administration of statutes or the application of bylaws (except hearings)
- Council owned and leased commercial property including Civic House
- Council's regulatory functions
- Policies relating to Governance issues

Policy and Planning

The Policy and Planning portfolio has oversight of:

- Ensuring that an integrated approach to policy development, which contributes towards the long term strategic vision of the Council is taken
- Council's statutory responsibilities with regard to strategic planning (e.g. Reserve Management Act 2002, Local Government Act 1991)
- Ensuring appropriate options are considered in determining the future levels of Council services and activities, and that policies are in place to ensure their delivery
- Ensuring appropriate Council responses to new issues as they arise
- Policies relating to Policy and Planning issues

Economic Development

The Economic Development portfolio has oversight of:

- The changing economic conditions in the Nelson Tasman region and identifying how the Council can best utilise opportunities and mitigate threats to the region's economic growth
- Considering proposals to increase economic growth of the region
- Working with agencies involved in economic development including the Nelson Tasman Business Trust, the Nelson Regional Economic Development Agency, the Nelson Tasman Chamber of Commerce and appropriate Government agencies

Committees

The Council has established the following Committees:

- Audit, Risk & Finance Committee
- Civil Defence Emergency Management Group
- Economic Development Committee

- Hearings Panel
- NCC/TDC Joint Shareholders Committee
- Nelson Regional Sewerage Business Unit
- Resource Management Act Procedures Committee
- Regional Transport Committee
- Remuneration Review Committee
- Nelson Tasman Regional Pest Management Committee
- Nelson Central Relief Fund Committee

The Hearings Panel has neither a portfolio holder nor a standing chairman. Each meeting of this Panel is treated as a new meeting and a Chairman is appointed from among the pool of Commissioners.

A committee may include other persons outside of Council, but must include at least one elected member.

A sub-committee may comprise elected members or staff or other persons.

A local authority or committee may appoint to any committee or sub-committee, as the case may be, any person who is not a member of the local authority or committee, if, in the opinion of the Council, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee. Notwithstanding this, no employee of a local authority acting in the course of their employment may act as a member of any committee unless that committee is a sub-committee.

Policies Regarding How Committees Operate

Co-opting persons onto Council Committees or representation on outside organisations on behalf of the Council (other than CCTOs, CCOs or COs)

Where the Council decides that there is a need to co-opt a person with special expertise to assist the work of a committee or sub-committee, or to represent the Council on an outside organisation, any member of the Council or committee may nominate a person to be appointed.

The member nominating shall provide details to the Council of the special knowledge and expertise the particular person has, which will assist the work of the committee or organisation.

Where a committee is seeking to co-opt a person, the committee shall provide these details in respect of each person nominated and shall make a recommendation to the Council.

1. Matters taken account of:
 - a. The experience and particular expertise relevant to the committee which the proposed appointee may have;
 - b. The qualifications of any proposed appointee; and
 - c. Any references which may be submitted.
2. Appointments will be made by Council resolution which will include:
 - a. The term of the appointment;
 - b. Any remuneration to be paid.

Appointments to Council Controlled Organisations (Schedule 3 & 4)

From time to time the Council may appoint councillors, officers or others to the boards or management committees of companies and organisations associated with the Council. These appointments will be made in accordance with the Council's policy for the appointment of directors and trustees. The current policy provides:

- a. The selection of potential directors;
- b. The process for appointment of directors;
- c. The remuneration of directors;
- d. Reappointment of directors; and
- e. For the appointment of elected members as directors.

The Council may also make appointments to Council Controlled Organisations jointly with the Tasman District Council.

Appointments to other organisations as set out in schedule 5

Appointees to other organisations have a role as follows:

- a. Liaison: to be an interface between the Council and the organisation;
- b. Engagement: to involve people and organisations in the decisions that affect them; and
- c. Representation: to represent Council's financial interests in an organisation.

Terms of Reference for Committees

There are a number of policies regarding the way in which committees operate.

- a. Policies set under delegated authority must comply with the applicable legislation and must not conflict with Council policy or provide for expenditure for which the Council has made no allocation.
- b. A committee may appoint a sub-committee. It may further delegate its functions, if specifically authorised by the Council. Any further delegations of an ongoing nature shall be included in this register by amending it.
- c. A committee is to be conscious of the needs and wishes of the community when setting policy, and to that end may consult with interested groups or organisations, but should do so within the context of the consultation processes established by the Council.
- d. A committee is not obliged to exercise its delegations, particularly where there is significant difference of opinion on a matter among the members at a meeting, or where the Council is considered likely to deal with the matter differently. In such cases, the committee is likely to refer the matter to the Council for debate and determination.
- e. Committee Chairs should inform the Mayor of any significant policy or procedural matters arising at committee meetings.
- f. Any proposal for expenditure not allowed for in the Council's estimates of expenditure is to be referred to the Council.
- g. A committee may consider new policy proposals not allowed for in the estimates, annual plan or LTCCP, with a view to recommending their adoption by the Council.
- h. A committee or officers having delegated functions may, after the end of any financial year and until such time as the estimates and annual plan for the following financial year have been approved, continue to exercise those delegations at levels of expenditure not greater than those provided for in the estimates for the previous year.

- i. Where a committee has the delegated authority to formulate policy in respect of any matter, whether or not ratification is required by the Council, it shall unless and until a specific authority is delegated to any other committee or officer, be deemed also to have the delegated authority to make decisions on any application made to the Council in accordance with or pursuant to that policy.

Joint Local Authority Committees

The Council may unite with any one or more local authority or other public bodies in appointing a joint standing committee or joint special committee for any purpose in which the local authorities or public bodies are jointly interested. Any committee appointed under this section shall be deemed to be both a committee of the local authority and (subject to the law for the time being applicable to committees of any other participating local authority or public body) a committee of the other local authority or public body.

The Council may from time to time appoint members of these joint committees. The powers to discharge any individual member and appoint another in his or her stead shall be exercisable by the local authority or public body that made the appointment.

Payment for outside meetings

Under the Council's remuneration system for elected members, no meeting allowance is payable to Councillors or the Mayor for attending outside meetings.

However where the Council appoints a person from outside the Council to represent its interests on any committee or organisation a meeting fee will be paid.

The present payment is \$160 per day (GST exclusive).

G. COMMITTEE FUNCTIONS & DELEGATIONS

Audit, Risk and Finance Committee

Functions

1. To assist the elected representatives in discharging their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to the operation of the Council, in particular, with regard to reporting safety, service quality and regulations, financial reporting and risk management
2. To ensure an adequate structure of internal controls is in place to safeguard council assets and to minimise risks for staff, management and councillors
3. To ensure appropriate procedures are being complied with in relation to the financial and statutory requirements for the Council and to review the Council's financial statements

Rules regarding meetings

1. External auditors will have the right to attend meetings and request additional meetings
2. The minutes of the meetings will be distributed to the Council and to the external auditors
3. A quorum shall consist of two members. The committee may include one non elected member appointed by the Council

Specific delegations

1. The Committee may discuss any matters within its functions with staff members and external auditors. The external auditors and staff shall have the ability to approach the Committee directly with matters of concern
2. Power to participate in agreeing with the scope of the external audit, in order to ensure it addresses any areas of concern
3. Power to review the external audit, and the report thereon in particular the treatment of any proposed audit adjustments
4. Power to review the Council's draft financial statements prior to their approval by the Council
5. Power to be involved in the tender process when the provision of audit services is up for renewal
6. Power to review significant transactions or estimates which are not part of the council's routine business and those of a subjective nature which may have a material impact on the Council's results and to make recommendations to the full Council
7. Power to review all financial reports proposed to be made public, prior to their release
8. Power to evaluate the Council's exposure to fraud with a view to minimising this risk
9. Power to direct and review the internal systems and controls for monitoring compliance with regulatory or legal requirements
10. Power to review proposed changes in accounting policies or presentation and to make recommendations to the Council
11. Power to review an appropriate scheme of delegation including authorisation/signatory limits and makes recommendations to the Council

12. Power to audit all major capital expenditure decisions above \$750,000 for accuracy of both figures and assumptions prior to their submission to the Council for approval
13. Power to direct a review of all capital expenditure decisions over \$750,000, within 12 months of completion of the project to ensure the costs and benefits as predicted were accurate and that the project was properly managed
14. Power to write off outstanding accounts receivable or remit fees and charges of amounts over \$2500

**Civil Defence Emergency Management Group
(Civil Defence Emergency Management Act 2002)**

Functions

1. The functions of a Civil Defence Emergency Management Group, and of each member, are to—
 - a. in relation to relevant hazards and risks:
 - i. identify, assess, and manage those hazards and risks
 - ii. consult and communicate about risks
 - iii. identify and implement cost-effective risk reduction
 - b. take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area
 - c. take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in its area
 - d. respond to and manage the adverse effects of emergencies in its area
 - e. carry out recovery activities
 - f. when requested, assist other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups)
 - g. within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act
 - h. monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act
 - i. develop, approve, implement, and monitor a civil defence emergency management group plan and regularly review the plan
 - j. participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan
 - k. promote civil defence emergency management in its area that is consistent with the purpose of this Act.
2. The Civil Defence Emergency Management Group also has any other functions that are conferred or imposed by or under this Act or any other enactment.

Specific delegations

1. The Civil Defence Emergency Management Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or other persons.
2. Without limiting the generality of section 1. above, the Group may—
 - a. recruit and train volunteers for civil defence emergency management tasks:
 - b. conduct civil defence emergency management training exercises, practices, and rehearsals:
 - c. issue and control the use of signs, badges, insignia, and identification passes authorised under this Act, regulations made under this Act, or any civil defence emergency management plan:
 - d. provide, maintain, control, and operate warning systems:
 - e. provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency:
 - f. exercise any other powers that are necessary to give effect to any civil defence emergency management plan.

Economic Development Committee

Functions

1. The Committee is responsible for the consideration of large scale events like RWC 2011 and is to provide recommendations to Council - Governance as to whether or not to consider the opportunity further.
2. The Committee will report to Council - Governance.

Specific Delegations

1. Consider requests for funding over \$50,000 recommended by the Events Management Committee for the Events Strategy Funding.
2. Provide leadership, support and advice in relation to the creation of business legacy through RWC 2011 and that this be achieved through:
 - a. monitoring and reviewing tourism outcomes
 - b. receiving verbal updates at each meeting of the Committee from the Economic Development Agency and Nelson Tasman Tourism regarding progress on RWC 2011 business opportunities
 - c. facilitating Council business community interactions to help maximise RWC 2011 legacy opportunities
 - d. provision of Councillor ambassadors and hosts.
3. Considers Council's role in economic development and in doing so the Committee prepares a draft Statement of Expectation for the Nelson Regional Economic Development Agency for Council consideration.
4. Considers Council's role in economic development in preparation for the Long Term Plan.

Membership

1. All Councillors are members of this Committee.
2. The Committee will meet every six weeks until the end of RWC 2011 and will be called when necessary after that time.

Hearings Panel

Functions

1. To conduct hearings and/or determine under delegated authority applications for consent and all other matters required to be heard and determined by way of hearing under the Resource Management Act 1991.
2. To conduct hearings and/or determine under delegated authority applications relating to the Sale of Liquor Act 1989, the Dog Control Act 1996, the Fencing of Swimming Pools Act 1987, and other legislation as determined by the Council.

Membership

1. All Councillors are appointed as Hearing Commissioners for matters relating to the Sale of Liquor Act 1989, the Dog Control Act 1996, the Fencing of Swimming Pools Act 1987, and other matters not covered by the Resource Management Act 1991.
2. The Executive Manager Regulatory may appoint one or more Commissioners, and appoint a Chairman, to constitute the Hearings Panel in relation to any particular application.
3. Councillors appointed as Hearings Commissioners for any hearing under the Resource Management Act 1991 shall be drawn from those who have successfully completed a "Making Good Decisions" or other appropriate Resource Management Act Course.
4. For matters under the Sale of Liquor Act 1989, Commissioners will convene as the District Licensing Agency (DLA) and the Secretary of the DLA will appoint members to a hearing.
5. Commissioners appointed as Chair of any panel shall be drawn from those who have successfully completed the Chairs course of the "Making Good Decisions" or other appropriate training course.
6. The Executive Manager Regulatory may appoint one or more Independent Commissioners to either assist the Hearings Panel or to hear and determine any particular application.

Specific delegations

1. Power to hear and determine contested resource consent applications, and sale of liquor applications, and all procedural matters.
2. Power to hear and determine uncontested resource consent applications, or applications for reduction of esplanade reserve or proposals for reserves, not consented to by the Executive Manager Regulatory, Manager Resource Consents or Team Leader Resource Consents.
3. Power to hear and determine all objections to decisions on fees and extensions of time, and changes of conditions.
4. Power to hear and determine all publicly notified applications for Certificate of Compliance or Existing Use Certificates or cancellations of consents.
5. Power to review the conditions of a resource consent and the power to hear and determine the same. (Section 128 RMA)
6. Power to refuse subdivision consent. (section 106 RMA)
7. Power to appoint a panel to hear and determine with any other consent authority any application requiring a joint hearing.
8. Power to hear and recommend appropriate actions from hearings of designations and heritage orders.
9. Power to hear, consider and attempt to resolve contested road stopping procedures.

10. Power to hear and determine all matters arising from the administration of the Building Act 1991, and the Building Act 2004.
11. All the powers, duties, and discretions of Council as a District Licensing Agency under the Sale of Liquor Act 1989, including the hearing and determination of all matters to which there is a right of objection to the Liquor Licensing Agency.
12. The power to delegate to the Secretary of the District Licensing Agency (Executive Manager Regulatory acting for the District Licensing Agency), or any subcommittee, such of those powers, duties, and discretions as relate to any matter that is the subject of any application under the Sale of Liquor Act, 1989, to which no objection has been received.
13. Power to consider and determine applications for exemptions from the Fencing of Swimming Pools Act, 1987.
14. Power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996; and to recommend changes to the Council's Dog Control Policy and Dog Control Bylaw.
15. Power to name all features within the city requiring naming including roads, streets, service lanes, plazas, parking areas, parks, reserves, gardens and all public facilities or infrastructure.
16. Power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property.

Joint Shareholders Committee (with Tasman District Council)

Functions

To negotiate and develop recommendations to the two Councils in respect of all statutory requirements and funding proposals pertaining to the jointly owned Council Controlled Organisations and joint ventures other than Emergency Management.

Specific Delegations

1. Power to review and negotiate amendments to the Statements of Corporate Intent and Business Plans relating to the jointly owned Council Controlled Organisations, and to recommend the adoption by the Council of such documents.
2. Power to add to or remove names from any list of potential directors/trustees for Council Controlled Organisations.
3. Power to recommend persons for appointment to the position of Director/ Trustee of jointly owned Council Controlled Organisations.
4. Power to represent the Council in all matters relating to shareholder interest in the jointly owned Council Controlled Organisations and joint ventures within policy set by the Council.
5. Power to discuss any other matters that relate to the Joint shareholdings.
6. Authority to discuss and make recommendations to the Council on any matter that relates to the Council's Joint Shareholding.
7. Power to represent each Council in all matters relating to shareholder interest in the jointly owned Council Controlled Organisations and Joint ventures.

Procedure

1. No matter shall be referred from the Committee to the two Councils unless the vote at the Committee is carried by no less than 2 members from each Council.
2. Any matter referred from the Committee, if not adopted as recommended by the Committee, shall be referred back to the Committee for further consideration.

3. Any matter referred from the Committee, which is adopted by the Council shall carry the rider that it shall be subject to adoption by the Tasman District Council and if not also adopted by that Council, shall be referred back to the Committee.
4. Standing Orders to be applied at each meeting shall be Model Standing Orders NZS 9202:2003.
5. The Chairperson shall alternate on a per meeting basis between both Councils and the Chairperson shall not have a casting vote.

Nelson Regional Sewerage Business Unit

Functions

To manage the treatment facilities comprising the Bells Island treatment plant and supporting network, efficiently and in accordance with resource consent conditions to meet the needs of its customers, and to plan for the future needs of the community in a cost efficient and environmentally sustainable manner.

Delegations

Power to represent the Nelson City Council on all matters of management, administration and operation of the Business Unit.

Resource Management Act Procedures Committee

Functions

1. To deal with administrative and procedural matters related to appeals to the Nelson Resource Management Plan (NRMP) and regional plans and policy statements and any changes thereto.
2. The Committee is to report all matters that it considers may have policy or wider implication for the Council or Nelson community, to the Council.
3. To determine the strategy or extent of any changes or variations to decisions which Council has made on the NRMP, regional plans or policy statements, to be followed in any arbitration, mediation, or appeal before the Environment Court.
4. To deal with administrative and procedural matters related to matters of national significance and matters arising from resource consents and plan changes to be determined by a Board of Inquiry or direct referral to the Environment Court including decisions to lodge appeals on resource consents.

Delegations

1. In consultation with Council's legal advisers, power to enter into negotiations about and agreeing to, costs, consent orders, withdrawals and modifications during the course of any reference (and associated appeals on the NRMP, Regional Plan, or policy statements) before the Environment Court. The Committee is to report all outcomes to the Council.
2. Power to authorise staff to negotiate, mediate or arbitrate consent orders where appropriate and consistent with the above.
3. Authority to waive requirements as to time limits, service, documentation and related administrative and procedural matters.
4. Power to lodge appeals on resource consents in other jurisdictions where the Council was a submitter.
5. Power to lodge appeals on the decisions of a requiring authority or heritage protection authority.

6. Power to lodge appeals at the High Court on points of law arising from a decision of a Board of Inquiry or Environment Court in consultation with the solicitors acting for the Council. All decisions are to be reported to the Council.

Regional Transport Committee

Functions

This Committee is required by the Land Transport Management Act 2003 to prepare the Regional Land Transport Strategy and Regional Land Transport Programme for Nelson for subsequent approval by the Council.

Delegations

1. To develop a Regional Land Transport Strategy (RLTS).
2. To develop a Regional Land Transport Programme (RLTP).
3. To undertake any variations or changes to the RLTS or RLTP.
4. To develop any Regional fuel tax scheme authorised by the legislation.

Remuneration Review Committee

Functions

1. To undertake the annual performance review of the Chief Executive.
2. The outcome of the review and any change to remuneration shall be confirmed by the Council.

Delegation

Power to undertake an annual review of the Chief Executive's performance over the previous financial year, and to determine the remuneration for the Chief Executive for the following year.

Nelson Tasman Regional Pest Management Committee

Functions

To prepare, consult on, determine submissions, and implement, with the Tasman District Council, a joint Regional Pest Management Strategy, and Annual Operational Plan.

Delegations

Power to represent the Nelson City Council at any discussions or consultations, to hear and determine submissions and make recommendations to Council on all policy matters relating to the functions of the Committee.

Nelson Central Relief Fund Committee

Functions

To administer the Nelson Central Relief Fund, being a fund established to relieve poverty and provide assistance to persons in need of short-term financial help.

Note: The Fifehire Foundation is the entity which distributes by way of grants to those in need. The Foundation is required to provide details to the Council of the grants made.

Delegations

1. The authority to consider and approve any grants to be made to the Fifehire Foundation from the income of the Central Relief Fund.

2. The authority to consider and approve any grant from the capital of the Central Relief Fund where exceptional circumstances warranting payment from the capital of the Fund exist.

Committees of the New Zealand Local Government Association (LGNZ)

Local Government NZ Regional Affairs Committee

Functions

The Committee's basic role and purpose is to represent politically, the combined interests of regional authorities.

It's aims and objectives include:

1. To provide a central point of contact on matters of political and general policy concern to regional authorities.
2. To advocate on behalf of and promote the activities and concerns of regional authorities.
3. To co-ordinate and monitor matters appropriate and of importance to the activities of regional authorities.
4. To research, evaluate and recommend policy positions on matters affecting regional authorities.
5. To develop a pro-active co-ordination and networking function to interface with other sectors and agencies.
6. To develop and promote an effective national communications strategy for regional authorities.
7. The Regional Affairs Committee is a committee of the NZ Local Government Association (LGNZ) with responsibilities to:
 - a. Provide input to the National Council or Management Committee on those issues of significance to the regional level of local government
 - b. Interface with political and sector group leaders whose activities/actions/decisions are likely to affect the regional level of local government
 - c. Act collectively on behalf of the regional level of local government where there is a majority agreement on a specific issue
 - d. Identify policy issues on which it wishes to establish a position, define the concerns and set a brief
 - e. Decide on options and recommendations submitted by either individual chairs, regional authorities, the Regional CEO's Group or working parties
 - f. Undertake peer group reviews including on the performance of regional authorities collectively (e.g. mandatory collection of resource rentals/coastal charges)
 - g. Provide a forum for social interaction between regional authority chairs and
 - h. Recommend Regional Affairs Committee annual budgets and monitor expenditures.

Local Government NZ Zone 5 Committee

Functions

1. To make appointments to the National Council of LGNZ

2. To provide information and advice on issues and concerns affecting members to the National Council and the Chief Executive, and receive and disseminate information to their members
3. To assist the National Council and the Chief Executive in dealing with national issues and in otherwise furthering the objects of the Association.
4. Approve the Emergency Response Co-ordinator position using a local council to effect the contractual arrangements
5. Provide specific Co-ordinating and Advisery Committee functions as they relate to the 4 R's as set out in the approved Emergency Management Arrangements for Nelson-Tasman Emergency Management Plan and undertaken by the Nelson Tasman Civil Defence and Emergency Management Group

SCHEDULES

Schedule 1 – Portfolio Holders and Members of Committees (Nelson City Council 2010 – 2013)

Mayor ex-officio on all Committees except Hearings Panel and Regional Transport Committee

Aldo Miccio

Deputy Mayor

Ali Boswijk

Portfolios Holders

Community Services

Councillor Pete Rainey

Councillor Ali Boswijk (deputy)

Infrastructure

Councillor Gail Collingwood

Councillor Paul Matheson (deputy)

Governance

Councillor Ian Barker

Councillor Eric Davy (deputy)

Policy and Planning

Councillor Rachel Reese

Councillor Derek Shaw (deputy)

Economic Development

Councillor Rachel Reese

Councillor P Matheson (deputy)

Committees

Audit, Risk and Finance Committee

Mayor, Cr Barker (Chair) Cr Reese, Cr Collingwood

Civil Defence Emergency Management Group

Mayor and Deputy Mayor

Economic Development Committee

All Councillors

Councillor Rachel Reese

Councillor Paul Matheson (deputy)

Hearings Panel

All Councillors, refer to the membership paragraphs in the Hearings Panel section

Commissioner Ian Barker

Commissioner Gail Collingwood

Commissioner Eric Davy

Commissioner Rachel Reese

Commissioner Derek Shaw

NCC TDC Joint Shareholders Committee

Mayor, Deputy Mayor and Cr Reese, or alternates

Nelson Regional Sewerage Business Unit

Cr Shaw, Cr Matheson

Resource Management Act Procedures Committee

Mayor, Cr Reese, Cr Shaw

Regional Transport Committee

Cr Shaw, Cr Collingwood, Cr Barker, Cr Copeland, Cr Matheson

Remuneration Review Committee

Mayor (Chair), Cr Boswijk, Cr Collingwood

Nelson Tasman Regional Pest Management Committee

Cr Barker, Cr Copeland, Cr Davy, Cr Ward

Note: The Committee also includes three Councillors from Tasman District Council

Nelson Central Relief Fund

Mayor, Cr Barker, Chief Executive

Schedule 2 - Trading Organisations

Council Controlled Trading Organisations (CCTOs)

Company shareholders

All companies

Mayor, Deputy Mayor, Cr Barker

Nelmac Ltd

Directors: Richard Jenkins, Robert Gunn, Sara Jane Weir, Jim Williamson

Nelson Airport Ltd

Directors: jointly appointed with Tasman District

Paul Steere, Judy Fanselow, Annette Milligan

TDC Director: Michael Higgins

NCC Director: Paul McGuinness

Tourism Nelson/Tasman Ltd

Directors: jointly appointed with Tasman District

Phillip Taylor, Larry Lumsden, Terry Horne, Sharon McGuire

Stoke Heights Joint Ventures (The Ridgeways)

Executive Manager Support Services

Other commercial trading enterprises, but not classified as a CCTO

Port Nelson Ltd

Directors: jointly appointed with Tasman District – Nick Patterson, Phil Lough, Bronwyn Monopoli, Peter Schuyt

NCC Director: Paul Le Gros

TDC Director: Tim King

Schedule 3 - Council Controlled Organisations

CCOs are organisations that a local authority controls 50% or more of the voting rights, or rights to appoint directors.

The City of Nelson Civic Trust

His Worship the Mayor is Patron, and the Chief Executive is an ex officio member

Other members of the Trust are:

Roger Nicholson (Chair), Mary Gavin, Philip Coote, Dame Alison Roxburgh, Cathy Knight, Richard Rainey, Murray Farrant, Chief Executive, Glen Roberts

The Nelson Regional Economic Development Agency

Independent trust, there is no Councillor representative

Members of the Trust are:

Paul Dalzell, Ropata Taylor, Ian Wheeler, Robin Whalley

The Bishop Suter Trust

Independent Trust, there is no Councillor representative

Members of the Trust are:

Craig Potton, Ian MacLennan, Donna Hiser, Sara Chapman, John Hambleton

The Tasman Bays Heritage Trust

Independent trust

There is no Council representative

Members of the Trust are:

Sara Chapman, Annette Walker, Mairangi Reiher, Chris Bowater, Liz Richards

Schedule 4 - Council Organisations

COs are organisations in which one or more local authorities controls any proportion of the voting rights or rights to appoint a director/trustee.

Arts Council Nelson

Cr Ward

Broadgreen Society

Cr Collingwood

Cawthron Institute Board

Mayor (appointed by Parliament to the Mayor)

Kahurangi Employment Trust

Cr Boswijk, Cr Davy

Nelson Tasman Business Trust

Cr Reese

Nelson Tasman Mayoral Relief Trust

Mayor & Deputy Mayor

Note: the Trust also includes the Mayor and one Councillor of Tasman District Council plus one other member appointed by the 4 elected members.

Safer Community Council

Mayor, Deputy Mayor

Sport Tasman Trust

Cr Rackley

Tahunanui Beach Holiday Park

Cr Barker

Talking Heads

Mayor, Deputy Mayor

Top of the South Scenic and Heritage Trails Trust

Mayor, Cr Shaw

Trustpower Community Awards

Mayor, Cr Collingwood

Whakatu Marae

Mayor to act as liaison

Youth and Community Facilities Trust (The New Hub)

Cr Collingwood

Youth Nelson

Cr Rainey

Council may also appoint elected representatives to organisations or forums where voting rights are not held. These include:

Community and Whanau Group

Cr Rainey, Cr Fulton

Active transport forum

Cr Ward

Nelson Youth Council

Cr Rainey, Cr Fulton

Schedule 5 - Other Organisations With Official Council Representation

Marina Users Group

Cr Rainey and Cr Rackley

Sustainability Forum

Mayor, Cr Reese, Cr Shaw, Cr Copeland, Cr Ward

Nelson Biodiversity Forum

Cr Reese, Cr Shaw, Cr Davy

Nelson City Physical Activity Fund

Cr Matheson

Nelson Tasman Connections Steering Group

Mayor

Positive Ageing Forum

Cr Barker

Regional Funding Forum

Mayor, Cr Barker, Cr Rainey, Cr Shaw

Sister Cities

Mrs Marilyn Gibbs
Mayor, Cr Collingwood

Tasman Bay Heritage Trust Appointments Committee

Mayor, Cr Rackley, Chief Executive

Waimea Water Augmentation Committee

Cr Boswijk

Education Enterprise Agency

Cr Rackley

Schedule 6 - Working Parties

Kotahitanga Hui

All Councillors

Mayors Christmas Dinner

Mayor and Deputy Mayor

Nelson Tasman Housing Forum

Cr Collingwood

Saxton Field Working Party

Mayor, Cr Rainey, Cr Copeland, Cr Rackley

Community Spirit Awards

Mayor, Cr Barker, Cr Reese, Cr Rainey, Cr Collingwood, Cr Rackley

Section 6C RMA Significant Indigenous Vegetation Working Group

Cr Reese, Cr Shaw

Waimea Inlet Forum

Cr Barker, Cr Reese, Cr Shaw

EDA Liaison Group

Cr Boswijk, Cr Reese, Cr Matheson

Advertising Commercial Sexual Services Bylaw Panel

Mayor, Deputy Mayor and Governance Portfolio Holder

Schedule 7 – Appointment of Directors/Trustees

Procedure for Appointment of Directors/Trustees – Nelson City Council

1. Introduction

The Council controls or has significant shareholdings in several Council Controlled Organisations and in Port Nelson Limited, a port company registered in accordance with the Port Companies Act 1988. These operate as independent organisations with their operations overviewed by a Governing Body of Directors or Trustees.

2. Scope

The purpose of this policy is to set out the procedure for the selection, appointment, and review of Directors/Trustees appointed, to the Governing Bodies of Council Controlled Organisations (CCOs) as per Clause 57 of the Local Government Act 2002, and for Port Nelson Limited.

3. Criteria for Selection of Directors/Trustees

The criteria for selection set out in this paragraph shall apply to Directors/Trustees of all CCOs, and Port Nelson Limited.

- a. Have completed the Institute of Directors course or have equivalent experience.

4. Criteria for Consideration

The criteria for selection set out in this paragraph may apply to Directors/Trustees of all CCOs, and Port Nelson Limited.

- b. Demonstrated ability to think commercially and financially about strategies, projects and the intelligent deployment of resources.
- c. Articulate, able to convey thoughts in a concise and clear manner.
- d. Prepared to be counted on important matters.
- e. Have a clear commitment to, and understanding of, the responsibilities of Directorships.
- f. Relevant business experience and/or the ability to gain an in-depth familiarity with the company and its business area.
- g. Objectivity in decision making.
- h. Respect for colleagues and staff.
- i. High ethical standards.
- j. Proven commercial experience.
- k. Positive attitude to public ownership and the principles of good corporate citizenship.
- l. Financial acumen.
- m. Commitment to regional needs and priorities.
- n. Any special considerations/requirements in respect of the specific organisation.

5. Process for Appointment of Directors/Trustees

1. The Chief Executive, or delegate and one or more members of the Remuneration Review Committee will meet with the Chairperson of the relevant Governing Body to discuss specific requirements and consider any necessary variation to the process (clause 9).
2. From the information provided a recruitment consultant will be employed to develop a list of candidates and for this purpose may advertise specifically for the vacancy needing to be filled.
3. The Executive Manager Support Services or where the appointment relates to a vacancy on to the Tasman Bays Heritage Trust, the Bishop Suter Trust, the Nelson Regional Economic Development Agency or similar community organisation, the Executive Manager Community Services, may refer to the recruitment consultant for inclusion in any list of candidates any person or persons recommended for consideration by the Chairperson of the Governing Body Chief Executive and the Mayor and Councillors.
4. The recruitment consultant shall undertake a preliminary interview of those listed for appointment, having regard for the criteria listed in clauses 3 and 4 above, and carry out a reference check as necessary, before developing a short list for recommendation in a report to the Council.
5. The Council will make the final decision on the recommendation of the Executive Manager Support Services/ Executive Manager Community Services.

6. Reappointment of Directors/Trustees

1. Where a Director/Trustee's term of appointment has expired and they are offering themselves for reappointment, the process outlined in this section will apply, subject to the provisions of the constitution or rules of the organisation concerned.
2. The Executive Manager Support Services/Executive Manager Community Services may make confidential enquiries from the Chairperson and other members of the Governing Body as necessary. These enquiries will seek to ascertain:
 - a. Whether the skills of the incumbent add value to the work of the Governing Body.
 - b. Whether there are other skills which the Governing Body needs.
3. The overall maturity of the Governing Body i.e. there may be circumstances where many of the Governing Body are new and a change in existing Directors/Trustees would compromise the Governing Body's ability to pursue a desired vision and long term strategy. Conversely, there may be a need for new skills and ideas.
4. The Executive Manager Support Services/Executive Manager Community Services will consider the information obtained and form a view on the appropriateness of reappointment or making a replacement appointment.
5. Where it is the opinion of the Executive Manager Support Services/Executive Manager Community Services that reappointment is appropriate then the reappointment will be recommended to the Council. If it is considered that reappointment is not appropriate the process outlined in section 5 (above) will be followed.

7. Remuneration of Directors/Trustees

Directors/Trustees shall receive fees in accordance with the scale approved from time to time by the Council prior to the organisation's annual general meeting.

The governing body of the organisation will provide appropriate information and details of any proposal to request an increase in remuneration at least 3 months before the CCO's Annual General Meeting.

8. Appointment of Staff Members as Directors/Trustee

It is acknowledged that on occasion there may be reasons to appoint a staff member as a Director/Trustee of a CCO. Any report making such as a recommendation to the Council must clearly explain the reasons supporting this course of action.

In the normal course of events staff will not be appointed to directorships however from time to time this may be necessary. The appointment or reappointment of a Director/Trustee who is also a staff member will be handled in accordance with the procedures outlined in sections 5 and 6 except that there will be no remuneration to the staff member as the directorship is part of their normal duties.

9. Variation of Procedure

The procedure outlined in this policy may be varied to meet the requirements of the Organisation's rules, constitution, trust or other guiding document, provided that such variation meets the requirements of the Local Government Act 2002.

Procedure for Joint Appointment of Directors/Trustees – Nelson City Council/Tasman District Council

1. Introduction

The Councils jointly control or have significant shareholdings in several Council Controlled Organisations and in Port Nelson Limited, a port company registered in accordance with the Port Companies Act 1988. These operate as independent organisations with their operations overviewed by a Governing Body of Directors or Trustees.

2. Scope

The purpose of this policy is to set out the policy for selection, appointment and review of Directors/Trustees jointly appointed to the Governing Bodies of Council Controlled Organisations (CCOs) as per Clause 57 of the Local Government Act 2002, and for Port Nelson Limited.

3. Criteria for Selection of Directors/Trustees

The criteria for selection set out in this paragraph shall apply to Directors/Trustees of all CCOs, and Port Nelson Limited that are jointly appointed.

- a. Completed the Institute of Directors course or have equivalent experience

The criteria set out in this paragraph should be considered in the selection of candidates for Directors/Trustees of all CCOs, and Port Nelson Limited that are jointly appointed

- b. Demonstrated ability to think commercially and financially about strategies, projects and the intelligent deployment of resources
- c. Articulate, able to convey thoughts in a concise and clear manner
- d. Prepared to be counted on important matters
- e. Have a clear commitment to, and understanding of, the responsibilities of Directorships
- f. Relevant business experience and/or the ability to gain an in-depth familiarity with the company and its business area

- g. Objectivity in decision making
- h. Respect for colleagues and staff
- i. High ethical standards
- j. Proven commercial experience
- k. Positive attitude to public ownership and the principles of good corporate citizenship
- l. Financial acumen
- m. Commitment to regional needs and priorities
- n. Any special considerations/requirements in respect of the specific organisation

4. Process for Appointment of Directors/Trustees

The Joint Shareholders Committee will meet with the Chairperson of the relevant Governing Body to discuss specific requirements.

A recruitment consultant will be employed to develop a list of candidates and for this purpose will advertise specifically for the vacancy needing to be filled

The Joint Shareholders Committee may refer to the recruitment Consultant for inclusion in any list of candidates any person or persons recommended for appointment by the Chairperson of the Governing Body.

The Recruitment Consultant shall undertake a preliminary interview of those listed for appointment, having regard for the criteria listed in clause 3 above, and carry out a reference check as necessary, before developing a short list for recommendation in a report to the Joint Shareholders Committee.

The Councils will make the final decision on the recommendation of the Joint Shareholders Committee.

5. Reappointment of Directors/Trustees

Where a Director/Trustee's term of appointment has expired and they are offering themselves for reappointment, the process outlined in this section will apply, subject to the provisions of the constitution of the organisation concerned.

The Joint Shareholders Committee may make confidential enquiries from the Chairperson and other members of the Governing Body as necessary. These enquiries will seek to ascertain:

- ♦ Whether the skills of the incumbent add value to the work of the Governing Body
- ♦ Whether there are other skills which the Governing Body needs
- ♦ The overall maturity of the Governing Body i.e. there may be circumstances where many of the Governing Body are new and a change in existing Directors/Trustees would compromise the Governing Body's ability to pursue a desired vision and long term strategy. Conversely, there may be a need for new skills and ideas.

The Joint Shareholders Committee will consider the information obtained and form a view on the appropriateness of reappointment or making a replacement appointment.

Where it is the opinion of the Joint Shareholders Committee that reappointment is appropriate then the reappointment will be recommended to each Council. If it is considered that reappointment is not appropriate the process outlined in Section 4 will be followed.

6. Remuneration of Directors/Trustees

Directors/Trustees shall receive fees in accordance with scales approved from time to time by each Council prior to the organisation's annual general meeting.

The governing body of the organisation will provide appropriate information and details of any proposal to request an increase in remuneration at least 3 months before the CCO's annual general meeting.

7. Appointment of Elected Members as Directors/Trustee

It is acknowledged that on occasion there may be reasons to appoint or reappoint an elected member or staff member as a Director/Trustee of a CCO. Any report making such a recommendation to the two Councils must clearly explain the reasons supporting this course of action.

It is noted that the Councils have their own separate policies regarding the appointment of elected members as Directors/Trustees; Nelson City Council does not appoint current Councillors to these positions, whereas it is the Tasman District Council's position to appoint the most appropriate person whether a current Councillor or not.

The appointment or reappointment of a Director/Trustee who is also an elected member or staff member will be handled in accordance with the procedures outlined in sections 5 and 6 except that there will be no remuneration to the staff member as the directorship is part of their normal duties.

8. Variation of Procedure

The procedure outlined in this policy may be varied to meet the requirements of the Organisation's rules, constitution, trust or other guiding document, provided that such variation meets the requirements of the Local Government Act 2002.

CHANGES TO DELEGATIONS

Change	Detail	Date