

# Governance Structure and Terms of Reference

May 2024





Te Kaunihera o Te Tairāwhiti  
**GISBORNE**  
DISTRICT COUNCIL

## Record of Amendments

Version	Date	Summary
1	05/12/2019	First reviewed version following triennial election 2019
2	13/08/2020	Fully reviewed version
3	30/09/2021	Amendment to Terms of Reference for Sustainable Tairāwhiti
4	19/1/2023	Amendment following Local Body Elections 2022
5	2/5/2024	Amendment following 14 March 2024 Council meeting (TRMP Committee)



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# 1. Introduction

## General Principles

This document sets out the Governance Structure which details how Gisborne District Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the Local Government Act 2002 and is intended to sit alongside Council's Standing Orders.

The terms of reference and delegations in this document are intended to allow the Council to delegate its powers and functions to the most efficient and effective levels.

The mayor has the power to establish committees and appoint chairpersons of the committees.

- a) Council retains the right to also act in any matter where delegated authority applies; it does not part with the function, duty or power being delegated. Council retains full responsibility for governance, statutory and financial powers, duties and responsibilities and contract specifications at all times.
- b) Any Committee may resolve to refer any matter to full Council with or without recommendation.

A decision made by a committee under delegation from the Council has the same effect as if it were made by the Council itself.

## Powers Delegated to Committees

The Council delegates to the Committees all powers necessary to perform the Committee's responsibility contained in their Terms of Reference, except those powers which the Council either cannot or has chosen not to delegate, set out in Section 2 (Council Terms of Reference).

Unless specifically stated in its Terms of Reference, no Committee has the authority to:

- approve expenditure where no provision is made in the Long-Term Plan (LTP) or the Annual Plan for that year;
- approve over-expenditure of any account.



## 2. Council

<b>Chairperson:</b>	Mayor Rehette Stoltz
<b>Deputy Chairperson:</b>	Deputy Mayor Josh Wharehinga
<b>Membership:</b>	Mayor and all Councillors
<b>Quorum:</b>	Half of the members when the number is even and a majority when the number is uneven
<b>Meeting Frequency:</b>	Six weekly (or as required)

### Terms of Reference:

The Council's terms of reference include the following powers which have not been delegated to committees, subcommittees, officers or any other subordinate decision-making body, and any other powers that are not legally able to be delegated:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
4. The power to adopt a Long Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement.
7. The power to adopt a remuneration and employment policy.
8. Committee Terms of Reference and Delegations for the 2019–2022 Triennium.
9. The power to approve or amend the Council's Standing Orders.
10. The power to approve or amend the Code of Conduct for elected members.
11. The power to appoint and discharge members of Committees.
12. The power to establish a joint committee with another local authority or other public body.
13. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
14. The power to make any resolutions that must be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
15. Consider any matters referred to it from any of the Committees.
16. Authorise all expenditure not delegated to staff or other Committees.

Council's terms of reference also includes oversight of the organisation's compliance with health and safety obligations under the Health and Safety at Work Act 2015.

Note: For 1-7 see clause 32(1) Schedule 7 Local Government Act 2002 and for 8-13 see clauses 15, 27, 30 Schedule 7 of Local Government Act 2002



## 3. Committees of the Whole

### 3.1 Sustainable Tairāwhiti / Toitū Tairāwhiti

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Mayor Rehette Stoltz
<b>Deputy Chairperson:</b>	Deputy Mayor Josh Wharehinga
<b>Membership:</b>	Mayor and Councillors
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven.
<b>Meeting frequency:</b>	Six weekly (or as required).

#### Purpose

To develop, approve, review and recommend to Council (where applicable) statutory and non-statutory policy, plans, bylaws, strategies and decisions to:

- Develop a vision and a pathway for the future of the district.
- Sustainably manage resources in the region.
- Identify and promote community aspirations.
- Define and deliver on Council's roles.
- Integrate an all-of-wellbeing approach to strategy, plan and policy development.
- Have effective statutory plans and bylaws to protect community and environmental needs.

#### Terms of Reference

- To develop and review Resource Management Act 1991 and Local Government Act 2002 strategies, plans and policies across the Council relating to community, environment, and infrastructure.
- Make recommendations to Council to ensure the effective implementation of plans, processes, research, monitoring and enforcement to satisfy the requirements of the Resource Management Act 1991, National Policy Statements, National Environmental Standards and associated legislation.
- To lead the development of Council's draft Long Term Plan, Annual Plan and all other policies required to be included in the Long Term Plan as specified in the Local Government Act 2002 (including but not limited to the Infrastructure Strategy and Financial Strategy). This includes the ability to approve draft versions for consultation, and make recommendation to Council following consultation.
- Hear submissions to Council's Long Term Plan or amendments.
- Oversee the development and review of Council's Resource Management Act 1991 plans.
- Oversee any development of unitary/spatial plan, integrated plans or major catchment plans.
- Consider and recommend to Council strategies, policies, rules and other methods for inclusion into the Tairāwhiti Resource Management Plan and other associated plans.



- Monitor and report on environmental performance trends and the effectiveness of and compliance with Council's resource management responsibilities and activities associated with policy implementation.
- Receive and review State of the Environment monitoring reports to assist in future activity planning and policy development.
- Bylaw development – make any decisions leading up to consultation on a proposal relating to a bylaw. This includes approval of a draft bylaw and/or proposal for consultation (and recommending the appointment of a Hearing Panel to the Bylaw Submissions Hearings Panel).
- Establish, implement and review the operational policy and planning framework for decision making that will assist in achieving the strategic priorities and outcomes
- Monitor, review and develop Council responses, strategies, plans and policy in relation to Iwi and Māori commitments.
- Prepare submissions on any matter that is within its role and terms of reference for Council.
- Approve or change a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA).
- Make decisions that are required to be made by resolution, except those that are not legally able to be delegated.

## Power to Act

To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

To establish subcommittees, working parties and forums as required.

To appoint non-voting advisory members (such as tangata whenua representatives) to assist the Committee.

## Power to Recommend

To Council and/or any Council committee as it deems appropriate.

# Traffic and Parking Subcommittee

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<b>Reports to:</b>	Sustainable Tairāwhiti
<b>Chairperson:</b>	Alternating between Crs Cranston and Gregory
<b>Membership:</b>	Cr Andy Cranston, Cr Debbie Gregory and Director of Lifelines Tim Barry.
<b>Quorum:</b>	Two members
<b>Meeting frequency:</b>	As required

## Purpose

To further the purposes of the Sustainable Tairāwhiti Committee, by enabling an efficient process for the making of decisions relating to traffic and parking.

## Terms of Reference

Make decisions relating to traffic and parking under the following legislation, where the subcommittee is satisfied the matter is of low or medium significance in accordance with Council's Significance and Engagement Policy:

- Land Transport Act 1998;
- Local Government Act 1974;
- any Land Transport Rules (including the [Land Transport Rule: Setting of Speed Limits 2022](#), and [Land Transport Rule: Traffic Control Devices 2004](#);
- Heavy Motor Vehicle Regulations 1974;
- Tairāwhiti Traffic and Parking Bylaw 2021;
- Gisborne District Council Speed Limits Bylaw 2013.

## Power to Act

To make all decisions (including resolutions) necessary to fulfil the role and scope of the subcommittee.

## Power to Recommend

To Council and/or any Committee as it deems appropriate.





## 3.2 Finance & Performance Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Mayor Rehette Stoltz
<b>Deputy Chairperson:</b>	Deputy Mayor Josh Wharehinga
<b>Membership:</b>	Mayor and all Councillors
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven.
<b>Meeting frequency:</b>	Six weekly (or as required)

### Purpose

To assist Council to oversee financial and non-financial performance, including the delivery of the Council's Capital Programme and oversight of the Council Controlled Trading Organisation (CCTO).

To monitor Council activities and services performance against budget, Annual Plans, the Long Term Plan, Annual Reports and corporate and financial policies.

The Finance and Performance Committee also receives enforcement and compliance performance activity reporting to ensure financial and non-financial performance oversight of its regulatory functions.

### Terms of Reference

- Set, monitor and review plans, financial measures, practices and policies; the sources of funds, banking arrangements, insurance, investment and debt criteria, future financial arrangements.
- Monitor the performance of Council's treasury function – including strategic, investment and enterprise assets.
- Set fees and charges for Council services (including parking), where such fees are not set by laws (including bylaws).
- Approve preferred suppliers for capital projects and contracts where the value of the contract exceeds staff delegations.
- Approve expenditure (including substituted capital expenditure) items that are provided for in the Long Term Plan or Annual Plan where the value of that expenditure exceeds that authority delegated to officers.
- Approve debt write-offs where those debt write-offs are not delegated to staff.
- Consider all matters regarding the Local Government Funding Agency (LGFA).
- Monitor and review Council's strategic investment and enterprise assets – including consideration of the operational and financial effectiveness of Council Organisations, Council Controlled Organisations and Council's CCTO.

- In relation to the CCTO:
  - develop and approve the draft Statement of Intent for the CCTO
  - undertake any reviews of CCTO and make recommendations on any proposed changes to CCTO governance arrangements
  - consider and approve changes to service delivery arrangements arising from the service delivery reviews required under Local Government Act 2002 (LGA) that are referred to the Committee by the Chief Executive.
- Monitor the operational performance of Council's activities and services against approved levels of service.
- Monitor the operational performance of Council's regulatory activities and in particular enforcement and compliance, financial and non-financial performance reporting.
- Review and approve business plans including any related fees, charges and expenditure (including capital expenditure).
- Review the delivery of services under section 17A of the LGA.
- Monitor the delivery of the Council's Capital Programme, including inquiring into any material discrepancies from planned expenditure.

## Power to Act

To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

To establish subcommittees, working parties and forums as required.

To appoint non-voting advisory members (such as tangata whenua representatives) to assist the Committee.

## Power to Recommend

To Council and/or any Council committee as it deems appropriate.



### 3.3 Operations Committee – Environment and Communities

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Cr Andy Cranston
<b>Deputy Chairperson:</b>	Cr Aubrey Ria
<b>Membership:</b>	Mayor and all Councillors
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven.
<b>Meeting frequency:</b>	Six weekly (or as required).

#### Functions

- To provide governance oversight of Council's operational programmes, services, activities and projects (including major projects) related to environmental operations, community development and community assets.
- To enable the progress of the Council's operational activities, projects and services.

Its scope includes:

#### Environment Services and Protection

- Building Services
- Enforcement
- Environmental Health
- Pests and Plant management
- Biodiversity
- Integrated catchments
- Land management
- Animal control
- Harbour management

#### Communities

- Cultural Activities including Theatres, Museum and Public Art, Library and Tairāwhiti Navigations
- Recreation and Amenity – including open spaces, parks and gardens, cemeteries, community property and the Olympic Pool complex

#### Planning and Development

- Customer Engagement
- Support Services

## Terms of Reference

### Operational Oversight

- Provide governance direction for the Council's operational activities as outlined in the general purposes and scope section.
- Review and adjust relevant working programme priorities within agreed budgets, activity management plans and levels of service as per the Council's Long Term Plan.
- Receive updates on programmes, major projects/projects and activities.
- To have input into, and make decisions on, operational proposals, options and cost of projects/major projects.
- Contribute to the development of short term plans for community services and community facilities.
- Consider the strategic regulatory and compliance issues.
- Prepare submissions on any matter that is within its rationale and terms of reference for Council approval and submit on behalf of Council when timelines do not allow Council prior approval.

### Asset Management

- Oversee the management of all Council's community assets.
- Make decisions on community assets becoming Council's and on infrastructure and community assets on behalf of Council.
- Progress the sale of properties as approved in the Long Term Plan and Annual Plan.
- Contribute to the development of and oversee delivery of economic development projects.
- Consider proposals to change the status or revoke the status of a reserve as defined in the Reserves Act 1977 (including the hearing of submissions).

## Power to Act

To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

To establish subcommittees, working parties and forums as required.

To appoint non-voting advisory members (such as tangata whenua representatives) to assist the Committee.

## Power to Recommend

To Council and/or any Council committee as it deems appropriate.



### 3.4 Operations Committee – Infrastructure

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Cr Larry Foster
<b>Deputy Chairperson:</b>	Cr Teddy Thompson
<b>Membership:</b>	Mayor and all Councillors
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven.
<b>Meeting frequency:</b>	Six weekly (or as required).

#### Functions

- To provide governance oversight of Council's operational programmes, services, activities and projects (including major projects) related to infrastructural assets.
- To enable the progress of the Council's operational activities, projects and services.

Its scope includes:

#### Infrastructure Services

- Urban Stormwater
- Wastewater
- Water Supply
- Land, Rivers and Coastal
- Local Roading Network – including associated structures, bridges and retaining walls, walkways, footpaths and road reserve, landscaping and ancillary services and facilities, street lighting and traffic management control.
- Solid Waste – including landfill and transfer stations, recycling and waste minimisation.

#### Terms of Reference

##### Operational oversight

- Provide governance direction for the Council's operational activities as outlined in the general purposes and scope section.
- Review and adjust relevant working programme priorities within agreed budgets, activity management plans and levels of service as per the Council's Long Term Plan.
- Receive updates on programmes, major projects/projects and activities.
- To have input into, and make decisions on, operational proposals, options and cost of projects/major projects.
- Contribute to the development of short term plans for community services and community facilities.
- Consider the strategic regulatory and compliance issues.
- Prepare submissions on any matter that is within its rationale and terms of reference for Council approval and submit on behalf of Council when timelines do not allow Council prior approval.

## Asset Management

- Oversee the management of all Council's physical assets – including land, buildings and roads.
- Make decisions on infrastructure and assets becoming Council's and on infrastructure and community assets on behalf of Council.
- Progress the sale of properties as approved in the Long Term Plan and Annual Plan.
- Contribute to the development of and oversee delivery of economic development projects.
- Consider proposals to change the status or revoke the status of a reserve as defined in the Reserves Act 1977 (including the hearing of submissions).

## Power to Act

To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

To establish subcommittees, working parties and forums as required.

To appoint non-voting advisory members (such as tangata whenua representatives) to assist the Committee.

## Power to Recommend

To Council and/or any Council committee as it deems appropriate.





### 3.5 Appointments Committee

<b>Reports to:</b>	Council
<b>Chair:</b>	Mayor Rehette Stoltz
<b>Deputy Chair:</b>	Deputy Mayor Josh Wharehinga
<b>Membership:</b>	Mayor and all Councillors.
<b>Meeting frequency:</b>	As required

#### Purpose and Terms of Reference

- Oversees and manages recruitment and selection process of Council appointments to Council organisations.

To recommend to Council appointments of directors and trustees as per the Board Appointment and Remuneration Policy. [Board Appointments and Remuneration Policy 2022](#)

## 4. Standing Committees

### 4.1 Audit and Risk Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Independent Chairperson Bruce Robertson
<b>Membership:</b>	Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Cr Colin Alder, Cr Andy Cranston, Cr Tony Robinson, Cr Rob Telfer and Cr Larry Foster
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven.
<b>Meeting frequency:</b>	Quarterly (or as required)

### Purpose

To assist the Council to exercise due care, diligence and skill in relation to the oversight of:

- the robustness of the internal control framework;
- the integrity and appropriateness of external reporting, and accountability arrangements within the organisation for these functions;
- the robustness of risk management systems, process and practices;
- internal and external audit;
- accounting practice and, where relevant, accounting policy;
- health, safety and wellbeing;<sup>1</sup>
- compliance with applicable laws, regulations, standards and best practice guidelines for public entities; and
- the establishment and maintenance of controls to safeguard the Council's financial and non-financial assets.

The Audit and Risk Committee Chair is responsible for submitting an annual report to the Council covering the Committee's operations and activities during the preceding year.

### Terms of Reference

#### Internal Control Framework

- Consider the adequacy and effectiveness of internal controls and the internal control framework including overseeing privacy and cyber security.
- Enquire as to the steps management has taken to embed a culture that is committed to probity and ethical behaviour.
- Review the processes or systems in place to capture and effectively investigate fraud or material litigation, should it be required.
- Seek confirmation annually, and as necessary, from internal and external auditors, attending Councillors, and management, regarding the completeness, quality and appropriateness of financial and operational information that is provided to the Council.

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<sup>1</sup> In regard to health and safety, all Councillors are required to discharge their responsibilities of due diligence under the Health and Safety at Work Act 2015. Staff will provide regular reports to Council to enable members to discharge their duties, and these reports will include any recommendations made by the Audit and Risk Committee in relation to council's health, safety and wellbeing processes.



## **Risk Management**

- Review and consider Management's risk management framework in line with Council's risk appetite – which includes policies and procedures to effectively identify, treat and monitor significant risks, and regular reporting to the Council.
- Assist the Council to determine its appetite for risk.
- Review the principal risks that are determined by Council and Management, and consider whether appropriate action is being taken by Management to treat Council's significant risks. Assess the effectiveness of, and monitor compliance with, the risk management framework. Consider emerging significant risks and report these to Council, where appropriate.

## **Internal Audit**

- Review and recommend the annual internal audit plan; such plan to be based on the Council's risk framework.
- Monitor performance against the plan at each regular quarterly meeting.
- Monitor all internal audit reports and the adequacy of Management's response to internal audit recommendations.
- Monitor compliance with the Delegations Manual.

## **External Audit**

- Annually review the independence and confirm the terms of the audit engagement with the external auditor appointed by the Office of the Auditor General. This includes the adequacy of the nature and scope of the audit, and the timetable and fees.
- Review all external audit reporting, discuss with the auditors and review action to be taken by management on significant issues and recommendations and report to Council as appropriate.

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

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

## **Powers**

The Audit and Risk Committee, within the scope of its role and responsibilities, is authorised to:

- obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- make recommendations to Council and/or the Chief Executive.

The Audit and Risk Committee has no executive powers and is directly responsible to Council.

## 4.2 Wastewater Management Committee

<b>Reports to:</b>	Council
<b>Co-Chairs:</b>	Cr Larry Foster and Ronald Nepe
<b>Membership:</b>	Cr Tony Robinson, Cr Rhonda Tibble and Cr Nick Tupara, Pene Brown, Angus Ngarangione and LeRoy Pardoe.
<b>Quorum:</b>	Four members. Two to be Councillors and two to be tangata whenua.
<b>Meeting Frequency:</b>	Two times a year.

### Purpose

The establishment of this Committee is a requirement of the conditions of the resource consents for the upgrade and discharge of Gisborne's municipal wastewater.

On 21 September 2007 the Minister of Conservation granted the coastal permit for the discharge of treated wastewater to the marine area subject to the same conditions as recommended by the Hearings Committee.

### Terms of Reference

1. Ensure implementation, commissioning and monitoring of the Wastewater Treatment Plant is carried out in accordance with the consent conditions.
2. Monitor compliance with permit conditions and separated industry standards.
3. Explore feasible options for alternative use and disposal of domestic and industrial wastewater and recommend implementation.
4. Identify research, monitoring and planning projects to improve the mauri and water quality of Turanganui a Kiwa. Develop and administer the Turanganui a Kiwa Water Quality Enhancement Project.
5. Ensure development of educational information to encourage reductions in domestic and industrial wastewater.
6. Recommend membership of and receive reports from independent review panel (IRP).
7. Provide an annual report to the Chief Executive of the Gisborne District Council.
8. Carry out the functions required by the conditions of the resource consents and report them to Council.
9. The Committee has no delegated authority from Council other than the functions expressed in the conditions of the resource consents.



## Collaborations

These arrangements are entered into by the Gisborne District Council and tangata whenua representatives of Turanganui a Kiwa, supported by other members of the Committee, in a spirit of goodwill and a pledge to act towards each other with the utmost good faith.

Each member to this protocol is committed to progressing and enhancing the overall wellbeing of the district's people, environment and heritage by acknowledging and accommodating each other's values and philosophies, where applicable.

The Committee will develop and maintain effective relations with other Council committees, Government and its departments, NGOs and other stakeholders to achieve its terms of reference, and in particular:

- Gisborne District Council officers
- Hauora Tairāwhiti (District Health Board)
- Department of Conservation
- Industry
- Recreational groups
- Environmental groups
- Federated Farmers.

## Special Notes

- a) Membership of the Committee comprises four councillors and four tangata whenua representatives and other members that the Committee itself shall determine from time to time.
- b) The Committee may appoint, or invite participation in an advisory or consultative capacity, other persons from:
  - Gisborne District Council officers
  - Te Whatu Ora
  - Department of Conservation
  - Industry
  - Recreational Groups
  - Environmental Groups
  - Federated Farmers.
  - Others who may have a particular contribution to make to the workings of the Committee.

The Council agrees to remunerate members that the Committee appoints.

## Power to Act

To make all decisions necessary to fulfil the role and scope of the Committee, subject to the limitations imposed.

## Power to Recommend

To Council and/or any Council committee as it deems appropriate.

## 4.3 Emergency Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Mayor Rehette Stoltz
<b>Deputy Chairperson:</b>	Deputy Mayor Josh Wharehinga
<b>Membership:</b>	<p>The Committee Chair whose portfolio aligns to the matter of urgency in the first instance or in the second instance is available.</p> <p>In the event that the Committee Chair whose portfolio aligns to the matter of urgency is unavailable, any one (1) of the Core Committee Chairs will serve as an Alternate.</p>
<b>Quorum:</b>	Two members.
<b>Meeting frequency:</b>	As required.

### Purpose

- To determine matters within the authority of Council where the urgency of those matters precludes a full meeting of the Council, or emergency legislation is enacted.

### Role

- To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures due to a pandemic, other natural disaster or state of emergency, except for those that:
  - Have been delegated to staff.
  - Cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.

### Power to Act

- The Emergency Committee can only be activated by resolution of Council for specific events, or where resolution by Council is not possible, on the joint authority of the Gisborne District Council's Mayor and Deputy Mayor.

### Power to Recommend

- The Emergency Committee reports to the Council.





## 4.4 Regulatory Hearing Panel – Resource Management Act 1991

**Reports to:** Council

**Membership:** The Chief Executive and or Directors with relevant delegation may appoint, for the purposes of determining a matter on a case-by-case basis:

- a Hearings Panel comprising a Chairperson and/or Independent Commissioners
- an Independent Commissioner to decide the matter alone.

**Meeting frequency:** As required

### Purpose

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.

### Terms of Reference

- Conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on regulatory matters that the Council is legally empowered or obligated to hear and determine under the Resource Management Act; and
- To exercise this function in accordance with:
  - the applicable legislation;
  - the Council's corporate strategies, policies and plans; and
  - the principles of administrative law and natural justice.
- Make recommendations to the Council or a Committee where the matter is one which may only be delegated to a Council Committee (such as approving a proposed plan).
- The Regulatory Hearing Panel is not a committee for the purposes of Schedule 7 of the Local Government Act

### Power to Act

To exercise any powers and functions necessary to fulfil the role and purpose for which the Panel or decision-maker are appointed.

For the avoidance of doubt, these delegations do not restrict any other existing delegations to any hearings commissioners and staff relating to decision making under the Resource Management Act 1991.

### Power to Recommend

To Council and/or any Council committee as it deems appropriate.

## 4.5 Chief Executive Performance Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Mayor Rehette Stoltz
<b>Membership:</b>	Deputy Mayor Josh Wharehinga, Cr Andy Cranston, Cr Rhonda Tibble and Cr Ani Pahuru-Huriwai.
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven.
<b>Meeting frequency:</b>	Bi-annually

### Terms of Reference

The Chief Executive Performance Committee considers and reports to the Council on the following matters:

- Overseeing the performance of the Chief Executive in line with the performance agreement and his/her ongoing relationship with the Council, and report regularly to the Council on his/her performance.
- Facilitating regular performance reviews of the Chief Executive and reporting on a regular basis to the Council.
- Undertaking reviews of the Chief Executive's remuneration package in accordance with the employment agreement and make recommendations to the Council.
- Engaging relevant external advice – including independent legal advice to assist the committee with all or any of these matters, as appropriate, ensuring such advisors are not otherwise contracted to the Council for similar services.
- Matters relating to succession planning and the appointment of a Chief Executive, as may be necessary from time to time, including:
  - Overseeing the recruitment and selection process for a Chief Executive
  - Recommending candidates and remuneration to the Council for consideration.

### Powers

The Chief Executive Performance Committee has no executive powers other than outlined in the Terms of Reference and is directly responsible to Council.



## 4.6 Bylaw Submissions Hearings Panel

**Reports to:** Council

**Chair:** Cr Tony Robinson

**Membership:** Cr Larry Foster, Cr Debbie Gregory, Cr Aubrey Ria, Cr Teddy Thompson, Cr Nick Tupara and Cr Ani Pahuru-Huriwai.

**Meeting frequency:** As required

### Purpose

The purpose of the committee is:

- (1) Decide matters which Council may delegate only to a committee of Council under the Local Government Act 2002
- (2) Act as a panel of candidates that may be appointed to a Hearing Panel (for matters that are not required to be heard or decided by a committee).

### Terms of Reference

Decide matters which Council may delegate only to a committee of Council under the Local Government Act 2002. This includes hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002.

For matters that are not required to be heard and determined by a Committee, the Chair of the Committee will establish a Hearing Panel (ideally comprising 2-3 members) as necessary on a case-by-case basis, for the purposes of conducting hearings and/or determining under delegated authority any other matters required to be determined by the Council under legislation.

### Power to Act

The Committee will have the authority to exercise any powers and functions necessary to fulfil the role and purpose for which the panel is appointed.

The Chair of the Committee has the power to appoint a Hearing Panel comprising a Chair and at least one other member.

## Hearing Panels

### Terms of Reference

A Hearing Panel may be appointed by the Chair of the Committee to do one or more of the following:

- conduct a hearing and make decisions of a quasi-judicial nature on behalf of the Council on regulatory matters that the Council is legally empowered or obligated to hear and determine (including those decisions where the decision is required to be made by resolution)

- To exercise this function in accordance with:
  - the applicable legislation;
  - the Council's corporate strategies, policies and plans; and
  - the principles of administrative law and natural justice.
- The functions of a Hearing Panel may include:
  - Hearing submissions on a Council proposal to make, amend, or revoke a bylaw, and making a recommendation to the Council in relation to the decision.
  - Hearing and determining objections under the Dog Control Act 1996.
  - Decision-making under the Sale and Supply of Alcohol Act 2012 other than decisions required to be made by the District Licensing Committee.
  - Hearing and determining matters arising under bylaws.
  - To conduct hearings and/or determine under delegated authority applications relating to Temporary Road Closures pursuant to section 342 of the Local Government Act 1974.

A hearing panel is not a committee or subcommittee for the purposes of Schedule 7 of the Local Government Act 2002.

## Power to Act

A Hearing panel appointed by the Chair of the Committee will have the authority to exercise any powers and functions necessary to fulfil the role and purpose for which the panel is appointed.

Relevant legislation includes but is not limited to:

- All Bylaws
- Biosecurity Act 1993
- Building Act 2004
- Dog Control Act 1996
- Fencing of Swimming Pools Act 1987
- Gambling Act 2003
- Land Transport Act 1998
- Health Act 1956
- Local Government Act 1974
- Local Government Act 2002
- Sale and Supply of Alcohol Act 2012
- Waste Minimisation Act 2008
- Maritime Transport Act 1994 and Related Regulations.

A Hearing Panel does not have the authority to make, amend, or revoke a bylaw, but may recommend such a decision to Council.

## Power to Recommend

To Council and/or any Council committee as it deems appropriate.



## 4.7 Conduct Review Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Independent
<b>Membership:</b>	Independent members as required
<b>Meeting frequency:</b>	As required

### Purpose and Terms of Reference

Conduct investigations and make recommendations regarding Councillors' compliance with the Code of Conduct, as set out in the Code of Conduct: [Code of Conduct](#)

## 5. Statutory Committees

### 5.1 Regional Transport Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Cr Ani Pahuru-Huriwai
<b>Deputy Chairperson:</b>	Cr Teddy Thompson
<b>Membership:</b>	As specified in the Land Transport Management Act 2003: Four Councillors – Cr Debbie Gregory, Cr Rob Telfer and Cr Teddy Thompson One NZ Transport Agency representative
<b>Quorum:</b>	Three
<b>Meeting Frequency:</b>	Four times a year

#### Purpose

Under s 106 of the Land Transport Management Act 2003, the purpose of the committee is to:

- To prepare a regional land transport plan, or any variation to the plan, for the approval of the Council.
- To provide the Council with any advice and assistance the Council may request in relation to its transport responsibilities.

#### Terms of Reference

- Facilitate the overall aim of achieving an integrated, safe, responsive and sustainable transport system in the region that satisfies, as far as practicable, the objectives of the Land Transport Act 1998 and the Land Transport Management Act 2003.
- Oversee, prepare and monitor:
  - Regional Land Transport Plan (RLTP)
  - Regional Public Transport Plan
  - Regional Land Transport Programme or variations.
- To approve submissions to external bodies on policy documents likely to influence the content of the RLTP.
- Co-ordinate applications for regionally distributed funding.
- Facilitate the objectives of economic development, safety and personal security, public health, access and mobility, cultural interests and environmental sustainability.
- To adopt a policy that determines significance in respect of variations made to the regional land transport plan and the activities that are included in the regional land transport plan.





## Power to Act

- To make all decisions necessary to fulfil the role and scope of the Committee, subject to the limitations imposed.
- To appoint advisors to assist the Committee.

## Power to Recommend

- To Council and/or any Council committee as it deems appropriate.

## Special Notes

The Committee has no delegated authority.

- **The NZ Transport Agency:** The Land Transport Management Act 2003 requires a NZ Transport Agency representative to be appointed by the Council as a member of the Regional Transport Committee. The NZTA representative has full voting rights on every matter before the Committee.

The Council has provided the NZ Transport Agency member the ability to appoint a another person to act as the NZ Transport Agency representative in the event the NZ Transport Agency member cannot attend a Committee meeting. The delegate has full voting rights.

The NZ Transport Agency member may abstain from voting on issues that they consider have political repercussions.

## 5.2 Civil Defence Emergency Management Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Mayor Stoltz
<b>Deputy Chairperson:</b>	Deputy Mayor Josh Wharehinga
<b>Membership:</b>	Cr Debbie Gregory, Cr Rawinia Parata, Cr Ani Pahuru-Huriwai and Cr Rob Telfer and four iwi appointees (TBC).
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven.
<b>Meeting Frequency:</b>	As required. Meetings may take place on the same day as Council meetings.

### Purpose

To perform the functions of a Civil Defence and Emergency Management Group required under section 12(1)(b) of the Civil Defence and Emergency Management Act 2002 (the Act).

To ensure that appropriate emergency management as detailed in the Civil Defence Emergency Management Act 2002 (the Act) is carried out within the Gisborne District.

Provide governance and oversight of the activities required to be undertaken on its behalf by the Act.

### Terms of Reference

The Civil Defence and Emergency Management Committee has responsibility and authority to:

- Be Gisborne's strategic forum for civil defence emergency management planning and policy.
- Co-ordinate planning, programmes and activities related to civil defence emergency management across the areas of risk reduction, readiness, response and recovery.
- Assist in local civil defence emergency management planning activity through developing, approving, implementing and monitoring the Gisborne Civil Defence Emergency Management Group Plan and ensuring alignment of local planning with national plans and strategy.
- Establish and maintain a Civil Defence Emergency Management Co-ordinating Executive Group, as required by section 20 of the Act.
- Exercise the statutory powers and functions outlined in the Act, including those set out in sections 17 and 18 of the Act.

### Relevant Legislation includes but is not limited to

- Civil Defence Emergency Management Act 2002



## 5.3 District Licencing Committee

**Chairperson:** Commissioner Pat Seymour

**Deputy Chairperson:** Cr Rhonda Tibble.

**Membership:** A chairperson and two other members who are appointed from a list of persons approved by council under s 192 of the Sale and Supply of Alcohol Act 2012 to be a member of a District Licensing Committee. Appointments are made for each application or other matter by the Secretary of the Committee under delegated authority.

**Meeting Frequency:** As required.

### Purpose

To perform the independent statutory functions of a District Licensing Committee under the Sale and Supply of Alcohol Act 2012 (SSA).

### Terms of Reference

The functions of the District Licensing Committee is specified by the SSA, and include:

- to consider and determine applications for licences and manager's certificates,
- to consider and determine applications for renewal of licences and manager's certificates,
- to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136,
- to consider and determine applications for the variation, suspension, or cancellation of special licences,
- to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280,
- with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority,
- to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175, and
- any other functions conferred on licensing committees by or under the SSA or any other enactment.

## 6. Joint Committees

### 6.1 Local Leadership Body

**Reports to:** Council

**Chairperson:** Mayor Rehette Stoltz

**Deputy Chairperson:** TBC

**Membership:** The membership of the Local Leadership Body (LLB) is specified under the Ngai Tāmanuhiri Claims Settlement Act 2012 as follows:

- 2 members appointed by the Ngai Tamanuhiri trustees; and
- 2 members appointed by the trustees of the Rongowhakaata Charitable Trust; and
- 2 members appointed by the trustees of Te Aitanga a Māhaki Trust; and
- 5 councillors holding office appointed by Council being; Cr Andy Cranston, Cr Ani Pahuru-Huriwai, Cr Tony Robinson, Cr Nick Tupara and Deputy Mayor Josh Wharehinga.

**Quorum:** TBC

**Meeting Frequency:** TBC

### General Purpose and Objectives

The Local Leadership Body is a statutory body established as a permanent joint committee of the Council under the Ngai Tāmanuhiri Claims Settlement Act 2012. Its purpose is to:

- (a) contribute to the sustainable management of the natural and physical resources in the LLB area for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Ngai Tāmanuhiri, Rongowhakaata, and Te Aitanga a Māhaki and Affiliates with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
- (b) to enable individuals and communities within the LLB area, as resources allow, —
  - (i) to provide for their social, economic, and cultural well-being; and
  - (ii) to achieve improved outcomes in respect of the environment; and
- (c) to ensure that the Council is appropriately informed of its statutory obligations within the LLB area, including obligations in respect of Te Tiriti o Waitangi arising under the Local Government Act 2002 and the Resource Management Act 1991 and any other relevant enactment.



## Terms of Reference:

The primary function of the LLB is to achieve the purpose of the LLB.

In achieving the purpose of the LLB, the LLB may—

- (a) gather and disseminate information and hold meetings for the purpose of identifying existing and any new issues that affect the LLB area:
- (b) develop policies and strategies to—
  - (i) address any significant issues relevant to the purpose of the LLB that are identified within the LLB area:
  - (ii) assist in achieving the purpose of the LLB:
- (c) monitor, evaluate, and review those policies and strategies:
- (d) promote the integrated and co-ordinated management of the natural and physical resources of the LLB area:
- (e) provide information to assist with the preparation of the regional policy statement, any regional plans, the district plan, annual plan, and any long-term plan of the Council, to the extent that those instruments are relevant to the LLB area:
- (f) provide advice to the Council on applications for resource consents, designations, heritage orders, and water conservation orders within the LLB area and in relation to the transfer or delegation of powers that are relevant to the LLB area:
- (g) monitor the extent to which the purpose of the LLB is being achieved:
- (h) take any other agreed action that is relevant to achieving the purpose of the LLB.

The members of the LLB must, individually and collectively, approach decision making in a manner that is consistent with, and reflects, the purpose of the LLB.

The LLB has the powers reasonably necessary to carry out its functions in a manner consistent with this subpart and the relevant provisions in—

- the [Local Government Act 2002](#); and
- the [Local Government Act 1974](#); and
- the [Local Authorities \(Members' Interests\) Act 1968](#); and
- the [Local Government Official Information and Meetings Act 1987](#).

## 6.2 Tairāwhiti Resource Management Plan Review Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Mayor Rehette Stoltz (or nominee)
<b>Membership:</b>	Mayor Rehette Stoltz (or nominee), Deputy Mayor Josh Wharehinga, Cr Colin Alder, Cr Larry Foster, Cr Rawinia Parata, Cr Aubrey Ria, two independent commissioners and up to six iwi appointees
<b>Quorum:</b>	Half of the members when the number is even and a majority when the membership is uneven
<b>Meeting frequency:</b>	Quarterly or as required in order to achieve the TRMP review work programme.

### Purpose

- A committee to support the Tairāwhiti Resource Management Plan (TRMP) review process.
- To promote the sustainable management of Tairāwhiti's natural and physical resources by overseeing the review and development of plans, changes and variations as required under the Resource Management Act 1991 (RMA).
- To apply a Te Tiriti articles-based approach to governance direction when undertaking the future planning and decision making on how Tairāwhiti's, natural and physical resources are managed within the Tairāwhiti under the RMA.

### Terms of Reference

- Provide governance oversight and guidance on policy directions presented by staff ahead of whole of Council recommendations.
- Approve for recommendation to Council:
  - draft catchment plans and regional freshwater planning provisions for notification prepared under the RMA and the National Policy Statement for Freshwater Management 2020 (NPS-FWM)
  - draft Regional Policy Statement provisions for notification
  - draft urban growth and development provisions for notification to achieve the purpose of the RMA and to give effect to the National Policy Statement for Urban Development
  - draft and proposed regional and district plan provisions and changes
  - plan evaluation reports supporting proposed changes to the TRMP
  - hearing committees or hearings panels, composed of accredited persons, to hear and decide upon submissions on proposed regional plans, proposed variations and proposed plan changes (such hearing committees or panels may include members of the committee and/or other persons chosen for their particular skills, attributes or knowledge that will assist the hearing committee or panel). This includes the ability to approve draft versions for consultation and make recommendations to Council following consultation.
- Ensure that legislative obligations for plan making, including pre-consultation engagement and giving effect to national directions relating to the TRMP review are considered and complied with.
- Make recommendations to Council to approve or change a proposed policy statement or plan under Schedule 1 of the Resource Management Act 1991 (RMA).





### **Power to Act**

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.
- To establish working parties as required.
- To appoint non-voting members (such as tangata whenua representatives) to assist the Committee.

### **Delegations**

- The Council delegates all the functions and powers of the Council that are capable of delegation under the Resource Management Act 1991 to the Tairāwhiti Resource Management Plan Review Committee which are necessary for it to carry out the specific responsibilities listed above relating to the review and development of regional plans, changes and variations.

### **Power to Recommend**

- To Council and/or any Council committee as it deems appropriate through a report on an agenda to the appropriate meeting of Council or committee.

### **Review of Terms of Reference**

- A review of the Committee's Terms of Reference will be undertaken:
  - When an iwi appointee joins the committee
  - When the Proposed Tairāwhiti Resource Management Plan becomes operative
  - At any time at the Council's discretion