

QLDC Council
25 September 2014

Report for Agenda Item 6

Department:

Legal and Regulatory

Proposed Amendment to Property Subcommittee Terms of Reference

Purpose

- 1 To consider amendments to the terms of reference for the Property Subcommittee (PSC).

Recommendation

- 2 *That Council:*
 - a. **Approve** the recommended amendments to the terms of reference for the Property Subcommittee

Prepared by: Kristy Rusher

Reviewed and Authorised by:
Scott Carran



Senior Solicitor

General Manager Legal and
Regulatory

17/09/2014

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Background

- 3 Council has assigned functions powers and roles to the Property Sub committee (PSC) by setting the terms of reference for the Property Sub committee¹. Since those terms of reference were set the Council has passed the annual plan, and the Chief Executive's work plan for 2014/15 has been finalised. Taking into account that in 2015 there is also a Long Term Plan to be passed, it is anticipated that Council agendas in the future will be heavily committed.

¹ This was assigned by way of resolution dated 14 November 2013.

- 4 It is proposed to adjust the scope of the PSC terms of reference to enable a wider range of business to be dealt with, ensuring that Council agenda time is utilised efficiently and that decisions on transactions can be made within commercially desirable timeframes.

Comment

- 6 Currently, the PSC has a power of recommendation to Council on matters such as the grant of leases, licences and temporary road closures. Matters are then referred to Council for its decision. This can mean that some transactions will need to proceed through a two-step process, and that many transactions must proceed to a Council meeting.
- 7 The fortnightly meeting cycle of the PSC means that if PSC has the power of decision (as well as recommendation) the Council can conduct transactions with less of an impact on Council meeting time. In the case of some Reserves Act matters, the proposed terms of reference will enable the administrative steps to be undertaken by PSC, with Council making the final decision by exercising the powers of the Minister of Conservation (under delegation).
- 8 The terms of reference record that matters of special importance or significance will still be directed to Council.
- 9 The amended terms of reference for the Property Subcommittee will enable the Council to progress commercial and charitable transactions concerning Council property.

Financial Implications

- 10 There are no direct cost implications of this decision.

Local Government Act 2002 Purpose Provisions

- 11 This decision meets the purpose of the Local Government Act 2002 as it provides for the effective and efficient conduct of commercial and charitable transactions.

Council Policies

- 12 The following Council Policies were considered:
- Annual Plan/ 10-Year Plan;

Attachments

- A Proposed Terms of Reference for Property Subcommittee

Attachment A

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Property Subcommittee Terms of Reference

Membership

Property Subcommittee will have four appointed members - the Mayor and three Councillors.

Quorum

The quorum for every meeting shall be two.

Chair

The Mayor will be the Chair.

Frequency of Meetings

The Property Subcommittee will meet on the second and fourth Thursdays of the month (approximately every two weeks).

Parent Body

The Property Subcommittee reports to the Queenstown Lakes District Council.

Objectives of the Committee

To provide prompt authoritative decisions on a range of property transactions (other than sale or acquisition)

Terms of Reference

1 Give~~ing~~ effect to the terms and conditions of any property transaction approved by Council.

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2 Exercise the Council's right to consent where the Council is an affected party in a resource consent application because it owns ~~an~~-adjoining property. ~~The~~ Resource Management Act requires that these decisions be made in time for the consent notification determinations to be made within 10 working days.

3 Determine the grant and ~~R~~renewal of leases or licences for periods not exceeding 5 years, and determine appropriate terms and conditions. This power includes:

- a. (acting in the capacity as an administering body only) any leases or licences to occupy pursuant to the Reserves Act 1977;
- b. any lease or licence to occupy road reserve.

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4 Grant or decline:

- a. the assignment of leases or licences;
- b. minor or operational variations to any lease or licence;
- c. removal of vegetation approvals for reserves (section 341 Local Government Act 1974);
- d. leases or licences of air space or subsoil of roads (section 341 Local Government Act 1974);
- e. applications for structures across roads (section 344 Local Government Act 1974);
- f. easements (including easements under section 48 of the Reserves Act 1977) which do not comply with Council's policy;
- g. application for waiver of fees under \$20,000;

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5 Determine the outcome of a rental review.

6 Determine applications for ~~Granting~~ temporary road closures of ~~between 4~~ hours ~~or greater duration but less than~~ 13 hours -duration.

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Explanatory note: ~~F~~or closures greater than 13 hours -duration -the -application -is determined by the Council or the Wanaka Community Board.

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7 Determine applications for road names which do not comply with the Council's road naming policy.

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~~38~~ To hear and determine applications for special exemptions under the Fencing of Swimming Pools Act 1987.

~~49~~ The power to receive and determine applications for funding pursuant to the Heritage Incentive Policy.

~~510~~ ~~Where the Council is the administering body of a reserve, to consider for the purpose of making a r~~Recommendation to Council, ~~its exercise the granting of leases, licenses, easements or other of powers and functions~~ matters delegated by the Minister of Conservation under the Reserves Act 1977 ~~to Local Authorities (in his delegation dated 12 June 2013 (See Schedule 1)).~~

~~6~~ To make a recommendation to Council, at the next full Council meeting, on the granting of such leases, licenses, easements or other matters delegated by the Minister of Conservation in his delegation dated 12 June 2013.

~~7~~ It is recommended that the reports that the Property Subcommittee review be in the recommended format (see Schedule 2)

~~811~~ To ~~recommend approve giving to Council that~~ notice ~~be sent~~ to the Department of Conservation (for their national reserve records) regarding any change of reserve

classification or _____ other actions –requiring a gazette notice due to the Council granting of _____ leases, licenses, easements or other matters delegated by the Minister _____ of Conservation –in– his delegation dated 12 June 2013.

Explanatory note: These delegations do not preclude any matter being determined for any reason by the Council or a committee (including a subcommittee) of the Council or to the Wanaka Community Board, as appropriate.

Public Excluded

Due to the commercially sensitive nature of the transactions considered by the Property Subcommittee the public will be excluded.

Delegated Authority

The Property Subcommittee will have delegated authority to carry out activities within its terms of reference, and may sub-delegate any of its powers or functions to any officer of Council. This power of sub-delegation does not include the powers of the Minister of Conservation.

Delegation Limitations

The Property Subcommittee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

Other than as specifically authorised in these terms of reference, the Property Subcommittee also may not (i) Authorise or commit the Council to any expenditure, ~~(ii) commit the Council to any binding decisions,~~ (iii) appoint any working parties, and/or ~~(iiiiv)~~ make appointments to any other bodies.

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Procedure

The Chairperson will report all decisions of the Property Subcommittee to the next Council meeting following the committee meeting.