

**Wanaka Community Board
14 December 2016**

Report for Agenda Item: 3

Department: Corporate Services

Wanaka Community Board Terms of Reference and Governance Protocol Statement

Purpose

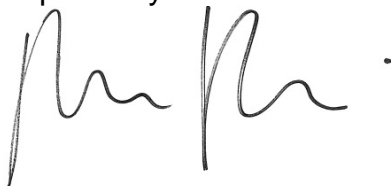
The purpose of this report is to present the new Terms of Reference (delegations) and the updated Governance Agreement to the Wanaka Community Board.

Recommendation

That the Wanaka Community Board:

1. **Note** the contents of this report.

Prepared by:



Meaghan Miller
GM Corporate Services

27/11/2016

Reviewed and Authorised by:



Mike Theelen
Chief Executive

28/11/2016

Background

- 1 The Council will adopt a new committee structure at its meeting on 15 December. As part of this new structure, the Wanaka Community Board terms of reference (delegations) have been updated, as has the Governance Agreement, which has now been renamed the 'Governance Protocol Statement.'

Comment

- 2 Early in his tenure, Mayor Jim Boulton signalled that a new committee-based structure would be re-introduced at QLDC with the goal of enabling the Council to operate more transparently, efficiently and effectively.
- 3 The proposed standing committee structure broadly mirrors the Council's activity areas and is as follows:
 - Infrastructure
 - Community and Services

- Planning and Strategy
 - Finance, Audit and Risk
- 4 Except for the Finance, Audit and Risk Committee, each committee has a membership of five, a quorum of three and will meet six-weekly. The Finance, Audit and Risk Committee has four members, of which two are external and shall meet quarterly. The Wanaka Community Board has been included in the overall meeting schedule and will also meet on a six-weekly basis during 2017.
 - 5 The Mayor has also signalled that he does not intend to re-establish the Property Subcommittee (PSC) in this term of Council. In the previous term of Council, PSC considered minor property transactions (other than sale or acquisition), including Affected Person's Approval, minor variations to leases or licences, licences to occupy road reserve and table and chair licences. Where matters handled by PSC were for activities in the Wanaka ward, they were dealt with by the Wanaka Community Board.
 - 6 Except for some minor changes, the new Wanaka Community Board Terms and Reference largely retain the Board's previous delegations.
 - 7 The Governance Agreement has been redrafted as the Governance Protocol Statement'. It has been re-named to better represent what is effectively a protocol for communications between the Board and Council. It has no statutory authority but it does set out a standard for best practice in the relations between the Board and Council and has been a fundamental plank of communication and understanding for a number of years.

Options

- 8 As this is simply for noting, no options have been considered.

Significance and Engagement

- 9 This matter is of low significance as determined by reference to the Council's Significance and Engagement Policy because it is an internal matter relating to the democratic structure and decision-making framework.

Risk

- 10 This matter relates to the strategic risk SR2: 'Business capability planning - delegation ownership and business continuity' and is classed as moderate.
- 11 The recommended option (adopting the new committee structure and terms of reference) mitigates the risk by 'treating the risk – putting measures in place which directly impact the risk.'

Financial Implications

- 12 There will be some additional (minor) public notification costs and the potential for increased resourcing (yet to be determined) in governance resourcing. It is anticipated the previous remuneration of Portfolio Leaders and Deputies will translate directly to the newly created Chair and Deputy Chair roles.

Council Policies, Strategies and Bylaws

13 The following Council policies, strategies and bylaws were considered:

- 10 Year Plan 2015-2015

Local Government Act 2002 Purpose Provisions

14 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses through strategic governance;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Funding provision will be needed in the Annual Plan and 10 Year Plan.

Consultation: Community Views and Preferences

15 This is an internal governance matter and not an issue requiring public input.

ATTACHMENTS

- A Wanaka Community Board Terms of Reference 2016-19
- B Governance Protocol Statement

WANAKA COMMUNITY BOARD

TERMS OF REFERENCE

MEMBERSHIP

Chairperson

Rachel Brown

Deputy Chairperson

Quentin Smith

Members

Councillor Ella Lawton

Councillor Ross McRobie

Councillor Calum MacLeod

Ruth Harrison

Ed Taylor

Quorum

The quorum for every meeting shall be four members.

Frequency of Meetings

Every six weeks.

Parent Body

The Board reports to the Queenstown Lakes District Council.

Objectives of the Wanaka Community Board

The objectives of the Wanaka Community Board are to carry out its role as set out in section 52 of the Local Government Act 2002 to give effect to the purpose of local government in section 10 of the Local Government Act 2002, as set out in the Appendix.

TERMS OF REFERENCE

Responsibilities and Key Projects

- a) Represent and act as an advocate for, the interests of its community; and
- b) Consider and report on all matters referred to it by the Council, or any matters of interest or concern to the Wanaka Community Board; and
- c) Maintain an overview of services provided by the Council within the community; and
- d) Prepare an annual submission to the Council for expenditure within the community; and
- e) Communicate with community organisations and special interest groups within the community; and

- f) Undertake any other responsibilities that are delegated to it by the Council.

Delegated Authority

The Wanaka Community Board will have authority to carry out activities within its Terms of Reference (excluding all powers reserved to the Council by law, or by resolution of the Council).

Power to Act:

The Wanaka Community Board will:

- a) prepare submissions to the draft TYP or annual plan relating to the Wanaka Ward (including the prioritisation of proposals from community groups);
- b) lodge and present submissions to external bodies on policies and legislation relevant to the Board's Terms of Reference;
- c) make decisions, subject to such general policies as are determined by the Council and having regard to the duties and powers set out in these Terms of Reference, on the following Council activities within the Wanaka Ward:
 1. Car Parking
 2. Cemetery
 3. Council owned buildings and property
 4. Footpaths
 5. Temporary road closures for non-arterial roads, over 13 hours duration in the Wanaka Ward
 6. Legislation relating to –
 - Street names, parades, collections and special uses;
 - Waterways and waterfront special cases and concessions except for formal regulatory functions;
 7. Public toilets
 8. Recreation and reserve areas
 9. Sports fields
 10. Swimming pool
 11. Public information signage
 12. Street lighting
 13. Trees on Council owned land
 14. Elderly persons housing; and
 15. Other items not specified above that fall within the same general local interest category of Council activities within the Wanaka Ward.

Power to Recommend:

The Wanaka Community Board will recommend:

- a) rates and charges to be levied in the Wanaka Ward (in particular, those related to water, sewerage, roading, tourism promotion and parking);
- b) other revenues to be collected in the Wanaka Ward which relate to the areas listed in (a) above;
- c) any bylaws required for the safety or good governance of the Wanaka Ward;
- d) the use of borrowing to fund works or facilities in the Wanaka Ward;

- e) any decision involving the use of the Public Works Act 1981 within the Wanaka Ward;
- f) setting policy on the leasing or licensing of use of Council property;
- g) the development of the district plan, long term financial strategy, funding policy, treasury policies and borrowing policies;

Delegation Limitations

These delegations MUST BE read subject to the following qualifications. The Wanaka Community Board's jurisdiction and authority will be limited in regard to the following decisions:

- Any decision delegated to an officer or contractor under Council delegations including sub-delegations to an officer or contractor from the Chief Executive;
- Any services or facilities funded by any rate, charge or other revenue collected on a district wide basis;
- Any contract entered in by the Council for the good of the District as a whole;
- Any work, service, facility or payment that is not funded fully from revenue raised in the Wanaka Ward;
- The power to employ staff;
- Any decision where the Mayor records concerns about the authority of the Wanaka Community Board to make that decision;
- Any decisions involving the development of the Proposed District Plan which shall be in the hands of the Planning & Strategy Committee;
- Any matter where any Board member, or members, considering the issue could be seen to have an interest or bias;
- Financial contributions set in the District Plan or Long Term Plan or imposed in any resource consent application;
- Any decision that is contrary to policy set by the Council. Where the Wanaka Community Board considers that a policy is wrong or requires amendment to provide for circumstances which are not catered for, the Board will submit a proposal for amendment to the policy to the Council.

11.1 WCB DELEGATION SCHEDULE¹

	Decision by: ²			
	Officer	WCB	Committee	Council
Artwork				
• locations		✓		
Buildings and Property				
• sale and purchase		✓	✓	✓
• service and operation		✓		✓
• maintenance	✓			
Bylaws		✓	✓	✓
Council Policy		✓	✓	✓
Cemetery Plan				
• development and approval		✓		
• implementation	✓			
District Plan				
• development and approval		✓	✓	✓
• implementation	✓			
Elderly persons housing				
• policy		✓	✓	✓
• design		✓		
• location		✓	✓	✓
• purchase and sale				✓
• maintenance	✓	✓		
Footpaths and walkways				
• locations/priorities		✓		
• specification / LoS		✓		✓
• maintenance	✓			
• trails trust		✓		
Infrastructure				
Capital				
• scoping		✓		
• funding		✓	✓	✓
• planning		✓	✓	✓
Operational				
• location		✓		✓
• specifications/LoS		✓		✓
• maintenance	✓			
• design and build	✓			
Land vesting as reserve		✓		✓

1 This schedule is designed to clarify decision making powers by subject matter. If there is any inconsistency between this schedule and the Terms of Reference and Delegations, the Terms of Reference and Delegations will prevail.

2 Ticks appear in each column where approval is required before the final decision is reached. The final decision is made by the body with the last tick (reading left to right along each row).

	Decision by: ²			
	Officer	WCB	Committee	Council
Lagarosiphon Control				
• management plan		✓		
• implementation	✓			
TYP				
• preparation		✓	✓	✓
• adoption				✓
• implementation	✓			
Memorials				
• design		✓		
• location		✓		
Operational matters				
• emergency works	✓			
Parking				
• strategic planning		✓		✓
• time restrictions		✓		✓
• no stopping areas		✓		
• location of areas		✓		
• enforcement	✓			
• implement payment		✓		
• fund payment option		✓		✓
Public information signage				
• location		✓		
• specification				✓
• installation	✓			
Public toilets				
• locations		✓		
• specification/LoS		✓		✓
• maintenance and cleaning	✓			
Reserve and recreation areas				
• management plans		✓		✓
• locations		✓		✓
• specification / LoS		✓		✓
• LoS trade-offs		✓		
• maintenance	✓			
• conditions of hire		✓		
• concessions	↗			
• decision to notify long term land leases (lease period greater than 5 years)	↗			
• Lease renewal where Council has discretion	↗			
• Granting of subleases	↗			

	Decision by: ²			
	Officer	WCB	Committee	Council
• Table and chair licences	✓✓			
• Decision to notify the intention to grant any approvals for events in excess of 6 days	✓✓			
• Decision to notify right of way (ROW) easement	✓✓			
• Affected Party Approval for permanent private development encroaching on Council land	✓✓			
Rivers and Lakes				
• speed limits		✓		✓
• enforcement	✓			
• concessions		✓		
• charges		✓		
• navigation aids	✓			
• structure design and location		✓		
• Commercial activity permit for activity from a jetty		✓		
Roads				
Capital				
• strategic planning		✓		✓
• funding		✓	✓	✓
• new seals		✓		
• re-seals	✓			
Operational				
• policy		✓		✓
• LoS trade-offs		✓		
• maintenance	✓			
• naming	✓			
• stopping		✓		✓
• temporary closure pursuant to policy		✓•		
Minor safety works				
• implement projects	✓			
• change priority of projects		✓		
• approve new projects		✓		✓
Service Delivery				
• specification / LoS		✓		✓
• delivery	✓			
• monitoring		✓		
Staff issues				

	Decision by: ²			
	Officer	WCB	Committee	Council
• employment	✓			
• performance	✓			
• dismissal	✓			
Street furniture and paving				
• policy and palette		✓		✓
• location		✓		
• purchase	✓			
• Installation/removal	✓			
Street lighting				
• policy		✓	✓	✓
• location		✓		
• style		✓		
• purchase	✓			
• Installation/removal	✓			
• under-grounding priorities		✓		
Swimming Pool				
• location		✓		
• design		✓		
• operation	✓			
• funding		✓	✓	✓
Trees on Council Land				
• location		✓		
• species		✓		
• planting	✓			

- ♦ Note: delegation to be exercised by officers following prior consultation with the Community Board Chairperson, or other nominated representative(s) of the Community Board where practicable.
- ♣ For temporary road closures over 13 hours.
Under 13 hours CEO

Wanaka Community Board

GOVERNANCE PROTOCOL STATEMENT

Purpose

This protocol statement aims to document best practice protocols to:

- Encourage communication, coordination and cooperation between the Queenstown Lakes District Council ("Council") and the Wanaka Community Board ("Board").
- Provide a mechanism for the Council and the Board to:
 - a) enable democratic local decision-making and action by, and on behalf of, communities; and
 - b) meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses

Protocols for Governance, Communication and Coordination

- The Council and Board have a joint responsibility for the good governance of the district and that the best interests of the communities of the district are served when the Council and Board work cooperatively.
- The Board will be consulted on significant policy and planning documents that impact on the Wanaka Ward before the policies or plans are adopted as draft documents and notified for public comment. It is acknowledged that in some special circumstances, urgency may limit the applicability of this protocol.
- The Board and the Council will agree on levels of service to be provided in the Wanaka Ward. Where the agreed service levels differ from the district-wide service level adopted by Council then a rate differential may be applied to the Wanaka Ward to equalise the different level of service.
- Board concerns regarding operational performance will be communicated to the relevant General Manager in the first instance and subsequently to the Council's Chief Executive if not resolved.
- The Council's Chief Executive will ensure that the Board is provided with complete, timely and robust information, support and advice to enable the Board to carry out its role as prescribed in the Local Government Act 2002 (as

set out in the attached Appendix) and exercise its delegations. This includes the provision of adequate staff support for Board activities.

- Appropriately qualified members of the Board may be appointed to any Hearings Panel to consider resource consent applications. This will require that the Board maintain an impartial position on resource consent applications at all times.
- The Council and the Board will ensure that appropriate training and development is provided for Councillors and Board Members to ensure they have the necessary skills to undertake their governance and policy making responsibilities within local government.
- The Council and the Board acknowledge that good governance requires them to consider community views and provide a balance of the different views and the trade-offs necessary.
- As far as is practicable the Council will delegate powers to the Board over matters concerning the Wanaka ward that are necessary to enable the Board to fulfill its role as prescribed in the Local Government Act 2002. The Board will be consulted over any changes the Council proposes to make to delegations to the Board.
- Delegations to the Board underlie the spirit of partnership between the Council and the Board and any changes to delegations and this Governance Protocol Statement should be considered in tandem with each other.
- Where the Board is exercising its powers (either mandated or delegated) to make binding decisions where the Council considers there is a high degree of significance (as defined in Council's Significance and Engagement Policy) to the community it must follow the special consultative procedure under the Local Government Act 2002 in reaching its decision.
- The Council and the Board will act consistently with the Code of Conduct. Where the Board has been involved in reaching decisions made by the Council then it will not publicly criticise those decisions.

Process

The Mayor and Chief Executive may attend meetings of the Board to report on Council issues impacting on the Board. Members of the senior management team will regularly attend Board meetings for this purpose. The Chair of the Board may attend Council meetings and report on Board issues impacting on the Council.

Review of Protocol Statement

The Council and the Board may consider and review this protocol statement at any time. Any proposal for change must be presented for consideration at the next available meetings of the Council and the Board upon the request of either of them. The request must be made in writing to the Chief Executive at least two weeks before the next meeting date.

The Council and the Board must ratify any proposed changes to this protocol statement prior to them coming into effect.

This protocol statement will be placed on the agenda of the final meetings of the Council and the Board prior to the triennial election for the purpose of reviewing the document and recommending changes (if any) to the incoming Council and Board.

SIGNATURES

Jim Boulton (Mayor)

Rachel Brown (Chairperson
Wanaka Community Board)

APPENDIX

10 Purpose of local government

- (1) The purpose of local government is—
- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—
- (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

Section 10(1)(b): replaced, on 5 December 2012, by [section 7\(1\)](#) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 10(2): inserted, on 5 December 2012, by [section 7\(2\)](#) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

52 Role of community boards

The role of a community board is to—

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

Compare: 1974 No 66 [s 101ZY](#)