

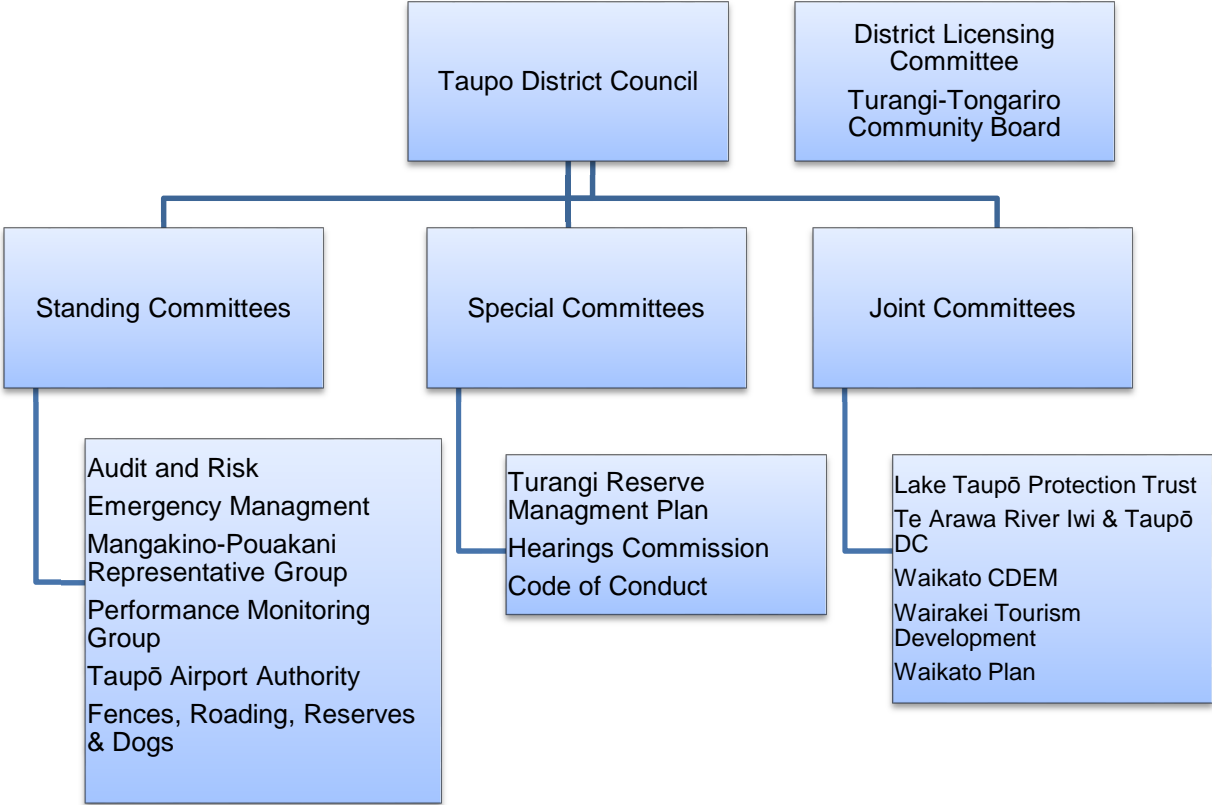
Taupō District - Terms of Reference and Delegations for Council Committees

Adopted on 8 November 2016

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Council Committee Structure



Introduction

These committee delegations should be read in association with Council's:

- Standing Orders
- Code of Conduct
- Staff delegations
- Appointment and Remuneration of Director's policy
- Appointments to council organisations including council-controlled organisations (CCOs) and council controlled trading organisations (CCTOs)
- Local Governance Statement

Role and delegated powers of committees and subcommittees

Schedule 7 of the Local Government Act 2002 (LGA) contains the law relating to Committees

1. The Mayor has the power to appoint the deputy mayor; establish Council committees; and appoint the chairperson of each committee, although Council may address these issues using powers in Schedule 7 (cl 18, 30-31).
2. The Mayor is a member of every committee (s 41A(5)), ~~other than a community board or a quasi-judicial committee (cl 2.9.5 Standing Orders).~~
3. Council has the power to appoint any committees, subcommittees and other subordinate decision making bodies as it considers appropriate, including joint committees with another local authority or public body. (cl 30, Sch 7)
4. Council uses the following definitions of its committees:
 - Standing committee has a fixed membership and meets on a regular schedule
 - Special committee is convened for a specific purpose, as needed.
 - Joint committee is a committee created by Council jointly with one or more other Councils and/or public bodies.
5. Decisions should be made at the lowest possible level commensurate with efficiency and effectiveness. The body or person to whom powers are delegated will usually exercise the delegated power, but is not obliged to do so. The most common circumstances where the body or person with the delegation might choose not to exercise it are when the matter has become a major matter of public controversy, or the issues are contentious and finely balanced.
6. Committees and subcommittees can only make decisions on matters where they have been delegated the authority to make those decisions. All other decisions must be made as recommendations to the Council.
7. Council cannot delegate the matters in s 32(1)(a) to (f), Schedule 7, LGA. These matters include the power to make a rate, make a bylaw, the power to borrow money or purchase or dispose of assets, the power to adopt a Long term plan, annual plan or annual report, the power to appoint a chief executive or the power to adopt policies that must be adopted and consulted on under the LGA or for the local governance statement.
8. Council may not rescind or amend a decision made by a committee if the committee was exercising a delegated authority to make the decision (cl 30(6)).
9. The minimum number of members of a committee is three, with a quorum being two, including at least one elected member (cl 31).
10. A committee of Council may not include staff of the Council acting in the course of their employment, but a subcommittee may include them (cl 31(4)(b)).
11. A committee may delegate any of its functions, duties or powers to a subcommittee, subject to any conditions, limitations or prohibitions imposed by the Council or committee.

Subcommittees

12. A Council committee may appoint any subcommittees that it considers appropriate unless it is prohibited from doing so by the terms of its delegation from the Council (clause 30). Every subcommittee is subject to the control of the committee that appointed it, or Council.

13. The minimum number of members for a subcommittee is two (cl 31).

Community boards

14. Community board members are elected or appointed by Council under the Local Electoral Act 2001.

15. A community board is not a local authority and it is not a committee of Council. (s 51, LGA)

16. As an unincorporated body, a community board cannot buy, sell or lease property, or hire or fire staff (s 52, LGA).

17. Council must provide the necessary administrative and other facilities to the board, and provide funding, and must pay the expenses of the board from the general revenue of the district, although Council put limits on that expenditure. (cl 37-39, Sch 7, LGA)

STANDING COMMITTEES

Audit and Risk Committee

Standing Committee

| | |
|--------------------------|--|
| Objective | To provide governance and oversight of the effectiveness of risk management and internal control practices. |
| Membership | Mayor <u>Deputy Mayor</u> <u>Chairperson, Emergency Management Committee</u> <u>Chairperson, Fences, Roding, Reserves & Dogs Committee</u> <u>One Councillor from either the Mangakino/Pouakani Ward or the Turangi/Tongariro Ward</u> <u>Independent external member appointed by Council (to be Chairperson, with full voting rights)</u> <u>All Councillors</u> |
| Quorum | <u>Three (3) Five (5)</u> |
| Meeting frequency | Quarterly, and more as required |
| Reporting | Council, providing minutes of its meetings |

Scope of activity

1. Review the existence and quality of cost-effective internal control systems and the proper application of procedures and approving arrangements for any internal audits.
2. Consider and follow up reports to management issued by external auditors and external risk advisors and auditors, and ensure that management responses to those reports are adequate.
3. Approve arrangements for the annual external audit. The relationship between Council and the external auditor shall be set down formally in an audit engagement letter which addresses:
 - a) the auditor's responsibilities
 - b) Council's responsibilities
 - c) reporting and liaison obligations, including auditor's liaison with the committee
4. Discuss with the external auditor matters affecting the annual financial and non financial statements and the annual audit.
5. Reviewing governance policies associated with Council's financial accounting, risk management and internal control functions
6. Reviewing accounting treatments, changes in generally accepted accounting practice, and new accounting and reporting requirements
7. Review and approve the Council's Risk Management Charter for monitoring the Risk Register and Action Plan.
8. Review and approve Council's Fraud, Protected Disclosures, Procurement and Sensitive Expenditure Policies Policy.
~~Review and approve Council's Protected Disclosures Policy.~~
9. Review any ratepayer enquiry investigated by the Audit Office or other regulatory agency
10. Review internal / external reports related to any protected disclosure, ethics, bribery and fraud related incidents.
11. The Committee is not restricted in its scope to any particular legislation

Power to act

The Committee has the power to:

1. Resolve only on matters relating to audit risk management and internal control practices
2. ~~C~~Appoint or co-opt suitably qualified people to the committee to assist the committee in meeting its responsibilities. With the exception of the Chairperson, , although external appointments and co-opted people do not have voting rights.

Power to recommend to Council

The Committee can make recommendations to Council on matters or proposals relevant to risk management and internal control practices that:

1. Are outside of or in conflict with Council's Long term plan or policy direction
2. Have strategic or policy importance, except that the Committee shall have the power to resolve in respect of Council's Risk Management Charter and its Fraud, Protected Disclosures, Procurement and Sensitive Expenditure Policies.

Delegation of powers

The Committee may not delegate its powers to a sub-committee or other body.

Limits on authority

The Committee's 'power to act' pursuant to these delegations is subject to:

1. Matters being related solely to risk management and audit control.
2. An overriding responsibility to ensure that its actions and decisions are always within the law
3. An overriding responsibility to ensure that its actions and decisions are within Council policy, OR if in conflict with a Council policy that this is explicitly identified in a report to Council and any relevant resolutions.

Members

~~Mayor~~

~~All Councillors~~

Emergency Management

Standing Committee

Objective To provide governance and oversight of planning, co-ordination and delivery of :

- Civil Defence Emergency Management within the Taupō District and wider Waikato region
- Rural Fire activities in the Taupō District and Taupō Rural Fire Authority areas.

Membership ~~OneTwo~~ (12) TT community representatives appointed by TTCB] Two of these ~~five~~four positions must be filled by elected members
One (1) MP community representative appointed by Council]
Two (2) other representatives appointed by Council]
Mayor
Three local Controllers ~~appointed by the Committee~~

Quorum ~~FourFive~~ (45) and at least one must be an elected member

Meeting frequency Quarterly or more often if required

Reports to Council, by providing minutes from each meeting

Scope of activity

1. Considering, planning for and managing all emergency management matters including civil defence and rural fire.
2. Taking all steps necessary 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 and rural fire in the Taupō district and wider Waikato CDEM Group and central North Island rural fire authorities.
3. Taking all steps necessary to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, fit for purpose equipment and any other resources for effective civil defence emergency management and rural fire in the Taupō district and wider Waikato CDEM Group and central North Island fire authorities.
4. Responding to and managing the adverse effects of emergencies in the Taupō district, and wider Waikato CDEM Group and central North Island rural fire authorities.
5. Carrying out recovery activities.
6. When requested, assisting other civil defence emergency management areas within the Waikato Group in the implementation of civil defence emergency management in their areas and rural fire authorities within wider Waikato CDEM Group and central North Island rural fire authorities in the implementation of civil defence emergency management and rural fire response in their areas.
7. Within the Taupō District, promoting and raising public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the relevant Acts; and
8. Developing, approving, implementing, and monitoring the relevant plans and regularly reviewing such plans.

Power to act

1. The Committee has the power to resolve only on matters relating to emergency management and rural fire in a non-declared emergency.
2. Exercise any other powers that are necessary to give effect to the Waikato civil defence emergency management plan and Taupō Rural Fire Authority rural fire plan.

Power to recommend to Council

The Committee can make recommendations to Council on matters or proposals relevant to emergency management that:

1. Are outside of, or in conflict with, Council's Long term plan and/or policy direction

2. Involve unbudgeted expenditure for any individual/single contract or project or emergency expenditure.
3. Seek retrospective approval from Council for money spent in an emergency or rural fire.

Delegation of powers

The committee has no power to sub-delegate powers that have been delegated.

Limits on authority

The Committee's 'power to act' pursuant to these delegations is subject to:

1. Matters being related solely to emergency management matters including civil defence and rural fire matters.
2. An overriding responsibility to ensure that its actions and decisions are always within the law, relevant Council policy and plans.

Members

~~Local Controllers Mr S A W Howard, Mr Joe Mickelson, Mrs Tina Jakes~~

Mangakino Pouakani Representative Group (MPRG)

Standing Committee

| | |
|--------------------------|---|
| Objective | To represent and act as an advocate for the interests of the MP area. |
| Membership | One (1) MP Councillor Two (2) other Councillors Three (3) community representatives, nominated by MP residents and selected by Council Mayor |
| Quorum | Four Three (43) |
| Meeting frequency | Every two months or more often as required |
| Reporting | Reports to Council with minutes of each meeting being provided to Council |

Scope of activity

1. Providing local input into the development of Council policy that will impact on the MP ward.
2. Maintaining an overview of service delivery, operational and capital expenditure, within the MP ward. Providing local input into the development and review of Council's key planning documents such as the Long term plan, Asset Management Plans, Structure Plans, Reserve Management Plans and the annual plan
3. Preparing an annual submission to Council's budgetary process for expenditure within the community
4. Considering and reporting on all matters referred to it by Council or any matter of interest or concern to the ward.
5. Communicating with the MP community, community organisations and special interest groups within the MP ward.

Power to act

The group can carry out any function that:

1. Supports Council's Long term plan and/or policy direction
2. Is not the function or responsibility of full Council or its other standing or special Committees
3. Is not prohibited by legislation
4. Otherwise falls within the objectives and scope of the group

If any matter is of such strategic or policy importance or urgency, then, with the endorsement of the appropriate Chairperson or His Worship the Mayor, the matter shall be referred by way of recommendation direct to full Council.

Power to recommend to Council

Any matter or proposal which is relevant to the MP ward that is outside of, or in conflict with, Council's Long term plan and/or policy direction

Delegation of powers

This group has no powers to sub-delegate.

Limits on authority

The Group's power to act pursuant to these delegations is subject to matters being related to the MP ward.

Members

Performance Monitoring Group (PMG)

Standing Committee

| | |
|--------------------------|--|
| Objective | To manage the annual performance review of the Chief Executive (CE) in accordance with the agreed performance tasks. |
| Membership | Mayor All Councillors |
| Quorum | SixFive (65) |
| Meeting frequency | Minimum of two meetings per year at six monthly intervals; more often if required. |
| Reporting | To Council, via minutes |

Scope of activity

1. Finalise the CE's Annual Performance Plan for the current year incorporating principal accountabilities and key performance indicators, expectations and measures, following input from Councillors via workshop and/or feedback opportunities and as negotiated with the CE.
2. Review the CE's performance against the Annual Performance Plan for the year completed, following input from Councillors via workshop and/or feedback opportunities and as communicated to / discussed with the CE.
3. Undertake a 6-monthly review against the CE's Annual Performance Plan during the current year including input / feedback from Councillors.
4. Negotiate and conclude the remuneration package for the current year taking account of market advice received and the outcomes of the performance review process for submission to Council.

Power to act

1. Set parameters for assessing the CE's performance.
2. Initiate and undertake reviews of the CE's performance and report the findings of the review to Council (as the employer).
3. Negotiate the CE's terms of employment for consideration by Council.
4. Appoint an independent advisor if required.
5. Conduct the statutory employment review at end of the CE's first term of appointment in consultation with Council (cl 35, Sch7, LGA).

Power to recommend to Council

The committee may make recommendations to Council on any matter or proposal that is relevant to the employment and tenure of the Chief Executive.

Delegation of powers

No powers to sub-delegate.

Limits on authority

The Committee's power to act under these delegations is subject to:

1. Matters being related solely to the performance and remuneration of the CE.
2. An overriding responsibility to ensure that its actions and decisions are always within the law and Council policy.

Members

Taupō Airport **Authority**visory Committee (TAA)

Standing Committee

Objective To manage the Taupō Airport including safety requirements, leases and licences, and plan future development of the Airport.

Membership Two (2) Councillors
One (1) business representative appointed by Council
One (1) trustee of Destination Great Lake Taupō appointed by DGLT
One (1) Airport Safety Committee representative, elected by the Safety Committee
Mayor
(This committee elects its own Chairperson).

Quorum Three (3), of which one must be an elected member

Meeting frequency Every 6 weeks or as required

Reporting To Council via minutes, plus half year and annual reports

Scope of activity

To contribute toward the safe, appropriate and efficient air transport needs of the Taupō District, and to plan for future development of the Airport.

Power to act

The Committee has the power to resolve on matters of day to day operations and issues of safety where they are provided for within the airport's annual budget. Any individual expenditure of capital or maintenance nature greater than \$10,000 requires Crown approval prior to being expensed or committed.

Power to recommend to Council

The Committee can make recommendations to Council on matters or proposals relevant to The Taupō Airport. All matters exceeding budget must be recommended to full council for approval.

Delegation of powers

No powers to sub-delegate

Limits on authority

The Committee's 'power to act' pursuant to these delegations is subject to:

1. Matters being related solely to the Taupō Airport
2. An overriding responsibility to ensure that its actions and decisions are always within the law, Council policy and the Joint Venture Deed with the Crown.

Members

Turangi Reserves Management Plan Committee

Special Committee

| | |
|--------------------------|--|
| Objective | To make decisions on the formulation of a reserve management plan for reserves in Turangi. This will include hearing of submissions and deliberating and deciding on these submissions. |
| Membership | Three (3) representatives from Ngāti Tūrangitukua hapu appointed by the Ngāti Tūrangitukua Charitable Trust. Three (3) representatives appointed by Council, one (1) of which must be an elected member |
| Quorum | Three of which one (1) must be a representative from Ngāti Tūrangitukua and one (1) must be an elected member. |
| Meeting frequency | Once every two months or required |
| Reports to | Reports to Council with minutes of each meeting being provided to Council. Minutes also provided to Ngāti Tūrangitukua Māori Committee, Ngāti Tūrangitukua Charitable Trust and Turangi Tongariro Community Board. |

Scope of activity

To make all decisions to formulate a reserve management plan for reserves in Turangi. This will include:

- a. The formulation of a draft reserves management plan
- b. The notification of the draft reserves management plan
- c. The hearing of submissions
- d. Deliberations and decisions on submissions

Final adoption of the reserve management plan cannot be delegated from the Council to this committee so final adoption of the Reserve Management Plan will be by full Council.

Power to act

The Committee has the power to resolve only on matters relating to the formulation of, hearing and deliberations of submissions on a reserve management plan for reserves in Turangi.

Delegation of powers

The Committee may not delegate powers to any other authority except a working group. The working group is to be made up of representatives of Council staff and representatives from Ngāti Tūrangitukua hapu and the Ngāti Tūrangitukua Charitable Trust.

Final adoption of the reserve management plan cannot be delegated from the Council to this committee so final adoption of the Reserve Management Plan will be by full Council.

Limits on authority

1. The Committee's power to act under these delegations is subject to Council acting within the requirements of the Local Government Act, the Reserves Act and the Ngāti Tūrangitukua Claims Settlement Act 1999, and an overriding responsibility to ensure that its actions and decisions are always within the law, Council policies and plans.

Power to recommend to Council

Any matters or proposals relating to the Turangi reserve management plan:

1. Regarding the need for funding beyond what is already funded through the Long Term Plan / annual plan process and existing budgets.
2. Recommendations to Council regarding matters heard/discussed by the committee including the adoption of the final reserve management plan.

Term

Once the reserve management plan is adopted the members will determine whether the Committee needs to continue, and will make a recommendation to Council.

Code of Conduct

Special Committee

| | |
|--------------------------|---|
| Objective | To resolve complaints made against members under Council's Code of Conduct. |
| Membership | Mayor All Councillors |
| Quorum | SixFive (65) |
| Meeting frequency | As required |
| Reports to | Council |

Scope of activity

~~Appoint an independent adjudicator or adjudicators on the Chief Executive's recommendation, who shall exercise the delegated functions and powers of the Committee in clause 13 of the Code of Conduct (the "Code").~~

~~These terms of reference should be read in conjunction with clause 13 of the Code.~~

~~To consider the findings of an independent investigator selected in accordance with the Council's Code of Conduct and to determine whether or not a penalty, or some other form of action, will be imposed.~~

Power to act

The committee has the power to ~~appoint an independent adjudicator or adjudicators on the recommendation of the Chief Executive impose penalties or take other action in situations where a material breach of the Code of Conduct has been found by an independent investigator.~~

Power to recommend to Council

The committee can make recommendations to Council on the application of the Code of Conduct and improvements to its implementation.

Delegation of powers

~~The Code intends that the Committee will delegate its powers of decision without limitation, to ensure that complaints against members are determined by a neutral third party.~~

~~The Committee delegates its decision-making powers with respect to complaints made against members under the Code to one or more independent adjudicators.~~

~~Notwithstanding the process for the determination and investigation of complaints set out in the Code of Conduct, including selection of independent investigators to assess complaints, the Committee may not delegate powers to any other authority.~~

Limits on authority

The Committee's power to act pursuant to these terms of reference is subject to a complaint being made to the Chief Executive in accordance with ~~the Code, clause 13 of the Code.~~

Members

~~Whole of Council~~

Hearings Commission

Special Committee (quasi-judicial)

The Hearings Commission operates under the Resource Management Act 1991 (and subsequent amendments). This is a summary of the key points for decision making:

| | |
|--------------------------|---|
| Objective | To determine resource consent applications and notices of requirement/ designations. Decisions regarding notified applications Three members, comprising two Councillors and one independent commissioner providing all three members hold accreditation under the <i>Making Good Decisions (RMA) programme</i> , including the <i>Chairperson's endorsement</i> . If no Councillors are available, the committee of three may include up to three independent Commissioners. Decisions regarding limited notified applications |
| Membership | One member, who must be selected from the independent commissioner pool and who must hold accreditation under the <i>Making Good Decisions (RMA) programme</i> and the <i>Chairperson endorsement</i> . Decisions regarding private plan changes and resource consents on multiply-owned Maori freehold land Members will be appointed in accordance with the Tūwharetoa Joint Management Agreement. The Mayor may not sit on a quasi-judicial committee [SO 2.9.5]. |
| Quorum | For notified decisions: 3 members For limited notified decisions: 1 member |
| Meeting frequency | As required |
| Reporting | To Council with reports of hearings and decisions |

Scope of activity

To determine resource consent applications, private plan changes, and notice of requirement/ designations.

Power to act

To make decisions on resource consents under the RMA.

Power to recommend to Council

The Commission may recommend on any matters or proposals relating to the operation of the District Plan, in determining resource consents.

Limits on authority

The Committee's 'power to act' is limited to substantive decision on resource consents and notice of requirement applications.

Membership

All Councillors who have achieved their *Making Good Decisions (RMA)* accreditation, on a rotational basis.

Fences, Roding, Reserves and Dogs Committee

Standing Special Committee

| | |
|--------------------------|--|
| Objective | To provide a fair, effective and efficient process for exercising a range of Council's quasi-judicial functions. |
| | One (1) Chairperson |
| Membership | Four Two (42) other Councillors, selected on a basis determined by the Chair from a pool of four Councillors elected to the Committee pool. The Mayor may not sit on a quasi-judicial committee [SO 2.9.5]. |
| Quorum | Three Two (32) Councillors |
| Meeting frequency | <u>Quarterly, and more as</u> required |
| Reporting | To Council |

Scope of activity

1. Exercise Council's statutory regulatory functions under the following Acts and Regulations (and any amendments) that are not elsewhere delegated to staff
 - Conservation Act 1987
 - Dog Control Act 1996
 - Fencing of Swimming Pools Act 1987
 - Food Act 1981
 - Health Act 1956
 - Impounding Act 1955
 - Land Transport Act 1998
 - Litter Act 1979
 - Reserves Act 1977
 - Resource Management Act 1991 objections under sections 357, 357A and 357B.
2. Consider bylaw infringement and abatement objections that are not otherwise provided for
3. Consider resident and ratepayer appeals to decisions made in accordance with Council's Tree and Vegetation policy

Power to act

1. Council delegates its hearings and judicial functions, powers and duties under the Acts, Regulations and policies specified above, except where they may not be delegated, or where they are elsewhere delegated.
2. The committee may co-opt additional committee members (non-voting) based on skills and knowledge required to fulfil the objectives of the Committee.

Power to recommend to Council

The Committee has the power to make recommendations on any matters or proposals relating to:

1. Determinations made in accordance with sections 14, 15, 16, 24 and 41 of the Reserves Act.
2. Any matter that cannot be sub-delegated from Council specified in the LGA (mainly s32(1)(a) to (f), Sch 7).

Delegation of powers

The committee may sub-delegate such of these powers, duties, functions and discretions as it thinks fit, to any subcommittee it appoints, providing the subcommittee solely comprises members of the committee, and in circumstances where the committee deems it desirable, any Council officer or group of Council officers.

Limits on authority

1. The Committee's power to act under these delegations is subject to Council acting within the requirements of the Local Government Act, and where relevant, the Acts listed above and an overriding responsibility to ensure that its actions and decisions are always within the law.
2. The Committee may not exercise the powers delegated to administering bodies under the Reserves Act by the Minister of Conservation.

Members

JOINT COMMITTEES

Lake Taupō Protection Project

Joint committee

| | |
|--------------------------|--|
| Objective | Implement the Lake Taupō Protection Project (“the Project”) in accordance with the Trust Deed Provide governance to the Lake Taupō Protection Trust (“the Trust”) in accordance with the Lake Taupō Protection Project Agreement, and the Local Government Act 2002. |
| Membership | Two (2) District Council representatives, one of whom must be an elected member of that Council Two (2) Regional Council representatives, one of whom must be an elected member of that Council. Two (2) members appointed by the Crown Two (2) Tūwharetoa Maori Trust Board representatives, appointed by both Councils from nominations by the Tūwharetoa Maori Trust Board as holder of the title and kaitiaki of Lake Taupō for Ngati Tūwharetoa as its hapu. |
| Quorum | Four (4) being one each of the members appointed by Taupō District Council, Waikato Regional Council, the Crown and the Tūwharetoa Maori Trust Board. |
| Meeting frequency | Quarterly or as required by the chairperson and/or by the Joint Committee |
| Reports to | Taupō District Council & Waikato Regional Council |

Scope of activity

1. Appoint trustees to the Trust in accordance with the provisions of the Trust Deed [see Obj A732335, Schedule 2].
2. Set broad direction, objectives, and priorities of the Trust and its expenditure of funds.
3. Monitor/review the strategies developed to achieve the Project’s objective as set out in the Trust’s Statement of Intent. (See cl 2.1 of Project Agreement below).
4. Advise the funding partners of the desirability of and/or the requirement to undertake project reviews as outlined in section 10 of the Project Agreement. (The funding partners are Taupō District Council, Waikato Regional Council and the Crown).
5. Report to the member local authorities as requested on its decisions and activities. (See cl 9.5 of Project Agreement, below).

Power to act

1. Appoint trustees to the Trust in accordance with the provisions of the Trust Deed.
2. Receive information/reports from the Trust on its decisions and activities.
3. Receive and comment on the Trust’s Statement of Intent.

Power to recommend to Council

Any decision resulting from a review undertaken in [cl 5, *Scope of activity, above*] amounts to an amendment to The Lake Taupō Protection Project Agreement and as such, will require the approval/agreement of the member authorities.

Delegation of powers

No powers to sub-delegate

Limits on authority

The Joint Committee’s ‘power to act’ pursuant to these delegations is subject to:

1. Matters being related solely to the Trust

2. An overriding responsibility to ensure that its actions and decisions are always within the law and Council policy

Members

Mayor

~~T Lloyd and I Kusabs as representatives of the Tūwharetoa Maori Trust Board until 30 March 2015. [Res 5099]~~

~~S Anderson (alternate A Hume), and C Sherley as representatives of the Crown, until 30 March 2015 [Res 5099]~~

Project Agreement – selected clauses

- 2.1 The parties record their agreement as to the consultation of the Project by reference to its principle elements as follows:
 - a. Name. The name of the Project is The Lake Taupō Protection Project.
 - b. Objective. The reduction of manageable nitrogen entering Lake Taupō by a minimum of 20% (such figure being based on benchmarked land use over the period July 2001 to June 2004 – see Waikato Regional Council Lake Taupō variation to the Regional Plan (Proposed 2005)).
 - c. Strategies. Strategies which are best suitable for achieving the above objective include but are not limited to:
 - i) the conversion of high nitrogen leaching pastoral land into low leaching nitrogen land uses;
 - ii) purchase of land to achieve such conversion.
 - iii) research into identifying alternative low leaching nitrogen land uses;
 - iv) researching and developing alternative technologies, all as set out and provided for in the Statement of Intent.
 - d. Funding. The agreed monetary contributions by each of the parties to the Public Fund over the term of the Project are as set out in the Payments Schedule and will be paid according to the provisions recorded in the Funding Deed.
 - e. Term. The term of the Project is scheduled to be a period of 14 years commencing on 1 July 2005 and terminating on 30 June 2019 or such earlier date as the Public Fund as been fully expended and the Trust holds no assets.
- 9.5 The Joint Committee shall, subject at all times to all applicable legislation, provide such information and reports on its decisions and activities to each of EW, TDC, the Crown and Tūwharetoa Maori Trust Board as are reasonably requested by each of them, which information and reports may be of a uniform nature, as the Joint Committee determines.

Te Arawa River Iwi Trust and Taupō District Council Committee

Joint Committee (See original at A888510)

| | |
|--------------------------|--|
| Objective | To give effect to the provisions pertaining to a joint management agreement under the Ngati Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010. |
| Membership | Equal numbers of elected Members of Taupō District Council (Council) and Trustees of Te Arawa River Iwi Trust (the Trust). |
| Quorum | Four, being two Trust representatives and two Council representatives |
| Meeting frequency | Twice a year and more often as required |
| Reports to | Taupō District Council & Te Arawa River Iwi Trust |

Scope of Activity

1. Develop a Joint Management Agreement (JMA) that will give effect to the provisions pertaining to a joint management agreement under the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and in carrying out duties and functions and exercising powers, in the Resource Management Act 1991, namely:
 - a. Monitoring and enforcement activities, specified under section 47;
 - b. Preparation, review change, or variation of a Resource Management Act 1991 planning document, under section 48;
 - c. Duties, functions, or powers under Part 6 of the Resource Management Act 1991 in relation to applications for resource consents, under section 49.
2. In addition the JMA will provide for the inclusion of:
 - a. Processes relating to customary activities as stipulated in section 45(2) of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and
 - b. Any other duties, functions or powers the Trust and the Council agrees on as stipulated in section 54 of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.
3. Final approval for a JMA will be the responsibility of the respective governance boards of the Trust and Council, not the Joint Committee.

Meeting procedures

1. The venue for the meetings will alternate between the offices of Council and venues provided by the Trust.
2. Either co-Chair may preside at a meeting, they may be regarded as interchangeable throughout the meeting, however, it is presumed the host co-Chair will initially convene the meeting.
3. Minutes will be approved by the co-Chairs prior to circulation, which will be within a four weeks of the meeting.
4. The co-Chairs will be the spokespersons for the Joint Committee.
5. Deputations may be presented to the Joint Committee, providing that an outline of the presentation has been received and approved by the co-Chairs before the meeting.

Working Group

1. Development of the JMA contents may be delegated to a working group made up of representatives of Council staff and representatives from the Trust.
2. Working group members will prepare reports for the Joint Committee to consider and make recommendations on. This group is informal and will be convened as required by the Joint Committee or as an outcome of requests for information or analysis by the Joint Committee.
3. The Joint Committee, where appropriate, will review the development of the JMA in preparation for its finalisation and approval by the Trust and Council.

Workshops:

A workshop to discuss technical matters relating to the co-management of the river may be convened by the Joint Committee at any time.

Elevation of Matters

1. In the event that the Joint Committee is unable to resolve any matter relating to the development of the JMA then the co-Chairs will endeavour to resolve the matter internally.
2. Should the co-Chairs be unable to resolve the matter internally they will then refer the matter to the respective governance bodies of the Trust and the Council for advice and direction. Upon receipt of the advice the co-Chairs will then endeavour to resolve the matter.

Members

Waikato Civil Defence Emergency Management Group (WCDEM)

Joint committee

| | |
|--------------------------|--|
| Objective | To provide governance and oversight of all planning, co-ordination and delivery of Civil Defence Emergency Management within the Waikato Region Civil Defence Emergency Management Group area. |
| Membership | Mayor, and In the absence of the Mayor, one elected member (first alternate) or one elected member (second alternate). |
| Quorum | As determined by the Committee |
| Meeting frequency | Quarterly or as required |
| Reports to | Taupō District Council and Waikato Regional Council |

Scope of activity

The functions of the Group and of each member of the Group are to:

1. In relation to relevant hazards and risks -
 - a) identify, assess, and manage those hazards and risks;
 - b) consult and communicate about risks;
 - c) identify and implement cost-effective risk reduction;
2. 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 the Waikato region;
3. 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 the Waikato region;
4. Respond to and manage the adverse effects of emergencies in the Waikato region;
5. Carry out recovery activities;
6. When requested, assist other civil defence emergency management groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Waikato region and any other requests for assistance from other civil defence emergency management groups);
7. Within the Waikato region, promote and raise public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the Act;
8. Monitor and report on compliance within the Waikato region with the Act and legislative provisions relevant to the purpose of the Act;
9. Develop, approve, implement, and monitor the Waikato Civil Defence Emergency Management Group plan and regularly review the plan;
10. Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan;
11. Promote civil defence emergency management in the Waikato region that is consistent with the purpose of the Act;
12. That Council's representatives or alternative representative be granted full delegated authority to commit to action and expenditure on behalf of the Council within approved budgets (as per section 7 of the Waikato Civil Defence Emergency Management Group Constituting Agreement).

Power to act

1. A 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 subsection (1), a 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.

Powers and obligations

Each member of a Civil Defence Emergency Management Group —

- a) May acquire, hold, and dispose of real or personal property for the use of the Group;
- b) May remunerate its representative for the cost of that person's participation in the Group;
- c) Must provide to the Group the information or reports that may be required by the Group;
- d) Must pay the costs of administrative and related services in accordance with section 24 of the CDEM Act 2002;
- e) Must pay the costs, or a share of the costs, of any civil defence emergency management activity that the member has agreed to pay;
- f) May carry out any other functions or duties conferred on a member of a Group under this Act.

Limits on authority

The Committee's power to act under these delegations is subject to an overriding responsibility to ensure that its actions and decisions are always within the law and Council policies.

Members

~~Mayor and in his absence,~~

~~First alternative —~~

~~Second alternative —~~

Wairakei Tourism Development Committee

Joint committee

| | |
|--------------------------|--|
| Objective | To manage tourism interests in the Wairakei Tourist Park. |
| Membership | One (1) elected member One (1) visitor industry representative appointed by Council |
| Quorum | As determined by the Committee |
| Meeting frequency | Quarterly or as required |
| Reports to | Taupō District Council and the Crown. The Committee is facilitated by the Ministry of Tourism which also liaises with the Commissioner of Crown Lands. |

Scope of activity

The joint Wairakei Tourism Development Committee (WTDC) shall:

1. Be responsible for seeking public interest in tourism developments, evaluating the merits of tourism proposals and making recommendations to the Commissioner of Crown Lands on any proposals included its preferred proposal and any conditions in the designated area
2. Apply the policy framework set out in appendix 2 to this letter when seeking, evaluating and recommending any tourism proposal
3. Consider and seek to resolve issues that might be barriers to development in the designated area e.g. services
4. Undertake its work on a consensus basis
5. Be facilitated by the Ministry of Tourism who will also draft the reports and liaise with CC
6. Have the power to co-opt any expert advice to assist in the evaluation of a proposal
7. Not include as either a member, co-opted member or expert advisor any one from a party that tenders for a development to avoid any conflict of interest, and
8. Have publicity and secretarial costs met by the Ministry of Tourism provided that each partner will be responsible for costs in respect to its representatives including their time and travel.

Government Policy Framework for Development

The final decision on whether to grant an individual lease or recreation permit, and its terms of conditions, is made under the Land Act 1948 by the Commissioner of Crown Lands (CCL). This case decision making however, needs to be informed by government policy for the lands.

The policy framework is:

1. The best land use for Karetoto and Huka Flat is tourism rather than forestry or farming, (Note: neither residential or industrial uses are permitted under the District Plan);
1. An open proactive process to seek competitive bids to attract the best proposals.
2. The tourism development should be high quality, significant investments that will attract international tourists as well as domestic tourists and generate a high number of jobs.
3. The tourism developments should add new attractions to the overall mix rather than replicated existing concessions on Crown Land (other than for ancillary café or retail sales).
4. The tourism developments should be sympathetic to the rural and riverside environment.
5. The highest of any tender will generally be preferred provided that the other factors set out about are also met.
6. To provide secure property rights for a major capital investment CCL should be prepared to grant a long term lease or purchase, subject to normal Treaty of Waitangi settlement processes.

7. To ensure diversity in development, no single bidder should secure more than one of the four properties (the three Karetoto sections and Huka Flat) in the designated area.
8. The tourism developer will be expected to fund the cost of additional infrastructure services as per Taupō District Council policy.
9. The tourism developer should be able to demonstrate they have the financial resources and competence to complete a successful development and operated the business; and
10. As a condition for any proposal to be considered the successful bidder would be contractually committed to directly undertake the development and operate the business and could not assign or sublet the business to another party.

Members

Waikato Spatial Plan Joint Committee

Approved by all participating local authorities 30 June 2014.

Contents

- 1) Objectives of the Waikato**
- 2) Specific Responsibilities of the Waikato Spatial Plan Joint Committee**
- 3) Membership**
- 4) Operating Principles**
- 5) Standing Orders**
- 6) Delegations**
- 7) Duration of the Committee**
- 8) Signature of Appointed representatives**

1. Objectives of the Waikato Spatial Plan Joint Committee

This is a Committee established to govern, lead and resource the development and recommendation to adopt the Waikato Spatial Plan (“WSP”) to Councils within the Waikato region.

The primary objective of the WSP itself is “to contribute to the Waikato’s social, economic, environmental and cultural well-being through a comprehensive and effective long-term (30 year) strategy for Waikato’s growth and development.”

2. Specific Responsibilities of the Waikato Spatial Plan Joint Committee

Subject to the delegations set out in clause 6 below, the Committee's responsibilities include:

- a) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the WSP Joint Committee.
- b) Stage 1 of the development of the WSP (common evidence base within the region) has already been completed.
- c) On behalf of all the Councils of the Waikato Region to take responsibility for overall guidance on and further development of the WRSP including the following stages, noting that Stage 1 is complete:
 - i. WSP : Stage 2 – Fill knowledge and research gaps
 - ii. WSP : Stage 3 – Community engagement on key issues
 - iii. WSP : Stage 4 – Plan formation and engagement
 - iv. WSP : Stage 5 – Special Consultative process, including hearings
 - v. WSP : Stage 6 – Consideration and adoption.
- d) For the avoidance of doubt the Committee does not have any specific role or responsibility in relation to the practical and detailed implementation of the WRSP. This is a matter that will be determined by the Councils at the appropriate time.

3. Membership

3.1 Quantum of Members

The membership will be 15 persons in total, made up and appointed by the Committee (from time to time), as follows:

Ten Local Government Members

One member nominated by each of the following constituent Local Authorities within the Region – namely Waikato Regional Council, Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupo District Council, Waikato District Council, Waipa District Council, and Waitomo District Council.

The Local Government Members may be replaced from time to time by the respective Local Authorities providing written notice to the Committee confirming the amended nomination.

Five Non-Local Government Members

Five non-Local Government Members, recommended by the ten Local Government Members, appointed on the basis of skills, experience, standing and networks in the regional community relevant to the goals of the WSP.

At least one of the five non-Local Government Members must be a suitable person to provide a perspective on the interests of Māori.

Local Government Members as Invited Observers

The two Local Authorities without specific membership are Thames-Coromandel District Council and Rotorua District Council. These Councils can nominate one member as invited observers at the discretion of the Joint Committee and subject to any limitations that the Joint Committee consider appropriate.

3.2 Chairperson

Appointment of the Chairperson and deputy to be determined by the full Committee when all 15 members have been appointed.

The Chairperson must be one of the five non-Local Government members.

3.3 Quorum

Must include the Chairperson or deputy Chairperson of the Committee and at least 50% of the remaining membership.

3.4 Alternates

Each of the Councils is entitled to appoint an alternate member who may attend and vote at meetings of the Committee, but only in the event that the nominated and appointed member is unable to do so.

3.5 Remuneration

Each Council shall be responsible for remunerating its representative on the Committee for the cost of that person's participation in the Committee.

The remuneration of the non-Local Government Members will be determined and approved by the Councils, following consideration of any recommendation by the Committee.

3.6 Term of Appointment

The initial ten Local Government Members shall be appointed for terms that expire on the date of each Local Government triennial election.

The subsequent Local Government Members shall be appointed in accordance with the process set out above as soon as possible after each Local Government triennial election, and for a term that expires on the date of the next Local Government triennial election.

The initial five non-Local Government Members shall be appointed for terms that expire on the date of the Local Government triennial election in 2016. Each of the initial five non-Local Government Members shall, subject to the following clauses, be eligible for re-appointment at the beginning of the Triennium following the 2016 elections:

- a) On 30 January 2017, and on each succeeding 30 January one of the five non-Local Government Members shall retire from office.
- b) The non-Local Government Members to retire in any year shall be the member who has been longest in office since the last appointment, but as between members who became or were appointed as members on the same day, the order in which members shall retire shall (unless they otherwise agree among themselves) be decided by lot.

4. Operating Principles

4.1 The Councils have agreed that they will not act independently of the Committee, so that any Joint Committee recommendations that the Council(s) are not prepared to accept will be referred back to the Committee for further consideration.

4.2 Local Authority Shared Services Ltd (LASS) will be the administering body for the Joint Committee.

5. Standing Orders

The Model Standing Orders are adopted.

6. Delegations

The Councils delegate to the Committee the following functions and powers to enable the Committee to achieve the specific responsibilities:

6.1 Membership

- a) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the WSP Joint Committee.

6.2 WSP : Stage 2

- a) Management and oversight of the completion of Stage 2.

6.3 WSP : Stage 3

- a) Formulation of the community engagement strategy including the determining of the key issues;
- b) A recommendation on the community engagement strategy and key issues to be reported back to the Councils for information prior to Stage 4.

6.4 WSP : Stage 4

- a) Management and oversight of the development of a draft WSP and the process for further community engagement.
- b) A recommendation on the form and content of the draft WSP and the process for further community engagement to be reported back to the Councils for approval prior to Stage 5.

6.5 WSP : Stage 5

- a) Formulation, management and the oversight of the running of the special consultative process.

6.6 WSP : Stage 6

- a) Receiving and considering the recommendation from those hearing submissions on the draft WSP (“hearings panel”);
- b) Making a recommendation on the hearings panel recommendation to the Councils.
- c) In the local authority sector, only the Councils can adopt the WSP.

7. Duration of the Committee

In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Waikato Spatial Plan Joint Committee is not deemed to be discharged following each triennial election.

OTHER STATUTORY COMMITTEES

Taupō District Licensing Committee

Statutory Committee

| | |
|--------------------------|---|
| Objective | <p>To administer Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012 (the Act).</p> <p>Three members, being:</p> <p>One Chairperson, being a Commissioner recommended by Council and appointed by the Chief Executive.</p> <p>Two other members selected from the Taupō District list of approved persons.</p> |
| Membership | <p>Members must be independent and cannot include:</p> <ul style="list-style-type: none">• people involved in the alcohol industry• police officers• Medical Officers of Health• liquor licensing inspectors• Council staff• people who are involved in any occupation, trade or business activity which may have a potential conflict or perceived conflict with this position (s192(5) Sale and Supply of Alcohol Act 2012.)• people who have a spouse/partner/household family member involved in any occupation, trade or business activity which may have a potential conflict or perceived conflict with this position. <p>Council is obliged to check the criminal records of members with a Police Criminal Conviction check.</p> |
| Secretary | Chief Executive or delegated authority |
| Quorum | <p>Opposed licence or manager's certificate applications:</p> <p>Three</p> <p>Unopposed applications:</p> <p>The Commissioner</p> |
| Meeting frequency | As required |
| Reporting | To Council |

Scope of activity

To hear, consider and determine the functions of the Act which are;

1. To consider and determine applications for licences and manager's certificates;
2. To consider and determine applications for renewal of licences and manager's certificates;
3. To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act;
4. To consider and determine applications for the variation, suspension, or cancellation of special licences;
5. To consider and determine applications for the variation of licences (other than special licences) unless brought under section 280 of the Act;
6. With the leave of the Chairperson for the licensing authority (ARLA), to refer applications to the licensing authority;
7. To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act; and
8. Any other functions conferred on the licensing committee by or under the Act or any other enactment.

Power to act

1. Hear, consider and determine applications under the Act, and any supporting information.
2. Exercise any powers conferred on the licensing committee by or under the Act.

Delegation of powers

No powers to sub-delegate

Limits on authority

The Committee's 'power to act' pursuant to these delegations is subject to:

1. The Taupō District Licensing Committee acting within the requirements of the Sale and Supply of Alcohol Act 2012; and
2. An overriding responsibility to ensure that its actions and decisions are always within the law.

Members

APPENDIX

Template Terms of Reference for Ad-hoc committees

| | |
|--------------------------|--|
| Objective | To consider issues and hear matters that does not warrant a full council hearing. To recommend to Council on any decisions, except where specific delegation is noted. |
| Membership | [To be decided on a case by case basis] LGA Committees Schedule 7 Clause 31 (6) LGA requires a minimum of 3 members for a committee and a minimum of 2 members for a subcommittee (unless provided for in other legislation). The committee must include at least one Councillor and the Mayor. RMA Hearings committees / panels Members to be selected from the Mayor and all Councillors who hold accreditation in the <i>Making Good Decisions (RMA)</i> programme, and independent commissioners. Section 39B RMA specifies who may be given hearing authority and the requirements for accreditation. Section 34A RMA addresses the delegations of powers and functions to Council employees and others. |
| Quorum | As per Standing Orders |
| Meeting frequency | [to be decided] |
| Reports to | Council |

Scope of activity

To recommend to Council regarding specific projects. Detailed scope to be defined as part of inception report.

Power to act

1. Prepare proposals and budgets for the approval of Council.
2. Implement approved proposals.
3. Hear matters relating to a specific matter and make recommendations to Council.
4. Co-opt additional committee members (non-voting) with relevant skills and knowledge to fulfil the Committee's objectives.

Power to recommend to Council

Any matters or proposals relating to:

1. Any matters regarding the need for funding beyond what is already funded through the Long Term Plan / annual plan process and existing budgets.
2. Any matter that cannot be sub-delegated from Council specified in section 32 (1)(a) to (f) of schedule 7 of the Local Government Act 2002.
3. Recommendations to Council regarding matters heard / discussed by the ad-hoc committee.

Delegation of powers

No powers to sub-delegate.

Limits on authority

The Committee's 'power to act' pursuant to these delegations is subject to:

1. Council acting within the requirements of the Local Government Act.
2. An overriding responsibility to ensure that its actions and decisions are always within the law.

Term

[To be decided at the time of inception, or as required by resolution of Council]

Members