



COUNCIL AND COMMITTEE TERMS OF REFERENCE 2022-2025



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

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1. INTRODUCTION

This document sets out the Terms of Reference for the South Wairarapa District Council and its committees for the 2022-2025 triennium.

The Council's business is wide-ranging, and it has many obligations and powers under statutes and regulations. It is not always necessary for the full Council to deal with every matter itself, therefore committees are formed to support. In addition, delegations to officers are made for the effective and efficient operation of Council. These are outlined in the Delegations Policy and Register available on the Council website.

2. COMMITTEE ESTABLISHMENT

The Mayor has the power to establish committees and appoint the chairperson of each committee under section 41A of the Local Government Act 2002.

The Council also has the ability to appoint, discharge, or reconstitute, the committees that it considers appropriate under schedule 7 part 1, 30 of the Local Government Act 2002.

Committees include, in relation to the Council:

- » a committee comprising all the members of the Council
- » a standing committee or special committee appointed by the Council
- » a joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002
- » any subcommittee of a committee described above.

The Mayor is a member of each committee.

3. TERMS OF REFERENCE (TOR)

The Terms of Reference for each committee are set out in full in this document. The Terms of Reference include the purpose, key responsibilities, delegations, membership, quorum and meeting frequency.

4. QUORUM

Generally, unless otherwise specified, a quorum is the presence of:

- » half of the members if the number of members (including vacancies) is even, or
- » a majority of members if the number of members (including vacancies) is odd.

5. AMBIGUITY AND CONFLICT

In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, with the result that there is uncertainty or dispute as to which committee has delegated authority in respect of a particular matter, the Mayor will decide in consultation with the Deputy Mayor on advice from the Chief Executive.

COUNCIL TOR

1. Purpose

The purpose of Council is to:

- enable democratic local decision-making and action by, and on behalf of, communities; and
- promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

2. Key Responsibilities

Activities that will be decided by the full Council include the power to:

- make a rate
- make a bylaw
- borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- adopt a long-term plan, annual plan, or annual report
- appoint a chief executive
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in associations with the long-term plan or developed for the purpose of the local governance statement
- adopt a remuneration and employment policy
- approve or amend the Council Code of Conduct
- approve or amend Council's Standing Orders
- appoint committees or establish joint committees with another local authority
- approve the Local Governance Statement under section 40 of the Local Government Act 2002
- approve the Triennial Agreement under section 15 of the Local Government Act 2002
- approve the Council's recommendation to the Remuneration Authority for remuneration of elected members
- make decisions on the review of representation arrangements under the Local Electoral Act 2001
- determine any other matters that Council is legally unable to delegate or where a valid delegation has not been made to a committee or other subordinate decision-making body, community board, or member or officer.

3. Membership and Composition

Chair:	The Mayor
Membership:	The Mayor and all councillors
Quorum:	Five members (half the membership)
Meeting Frequency:	Every 8 weeks

MĀORI STANDING COMMITTEE TOR

1. Introduction

These Terms of Reference reflect the intent and expectations of both the South Wairarapa District Council (“the Council”) and the South Wairarapa District Council Māori Standing Committee (“the Committee”). These Terms of Reference look to strengthen the relationship between the Council and the Committee members and to ensure that the role of kaitiakitanga by the Committee and tāngata whenua is fulfilled and the wellbeing of the South Wairarapa district and its people is enhanced. Te Tiriti o Waitangi/the Treaty of Waitangi is a historical agreement between the Crown and Māori. The Council is a statutory body with powers and responsibilities delegated to it by the Crown. The Council must therefore adhere to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi in respect of tāngata whenua within the South Wairarapa district. The Council and the Committee acknowledge that the iwi of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa and their respective hapū exercise mana whenua and mana moana over the South Wairarapa district. The Council and the Committee acknowledge that the marae in the South Wairarapa district are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Tauira as a kaupapa māori community group represented on the Committee. The Council and the Committee further acknowledge that there are mataawaka (people of Māori descent who are not tāngata whenua) living within the South Wairarapa District.

2. Background

On 15 December 1993, the Council made a resolution to support in principle the establishment of a Māori Standing Committee of the Council. On 27 March 1996, the Council Working Party and tāngata whenua established the Committee. On 17 April 1996, the Committee first met, and on 20 June 1996, the Committee was formally established following the adoption of the 1996/1997 Annual Plan. The Annual Plan included a Māori Policy and an acknowledgement that the Committee was now fully operational. The Committee has been established every triennium thereafter. The Committee is established pursuant to clause 30(1)(a) of Schedule 7 of the Local Government Act 2002.

3. Overview

The South Wairarapa District, which extends from the Tararua Ranges to the South Wairarapa Coastline and includes Greytown, Featherston and Martinborough (“the District”), is rich in Māori history and culture. The iwi of the District are Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa, the marae are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Tauira is a kaupapa māori community group represented on the Committee. Some of the earliest known occupational sites exist within the District’s boundaries and for centuries the natural environment has provided both material and spiritual sustenance. Its place in the Māori political history of Aotearoa is a matter of national record. Lake Wairarapa and the South Wairarapa Coastline are of immense cultural, spiritual and historic significance to tāngata whenua.

The Local Government Act 2002 (“the LGA”) signals that the social, cultural and economic development of Māori is of particular importance. There are also specific requirements to enable Māori to contribute to council decision-making. The Resource Management Act 1991 (“the RMA”) places obligations on the Council including a duty to consult with Māori during the planning process and requires consideration of Māori cultural and traditional relationships with their ancestral lands, water, sites of significance, wāhi tapu, and other taonga. These obligations are in turn derived from the underlying principles of Te Tiriti o Waitangi/the Treaty of Waitangi, which in this context, includes:

- Partnership - the development of an active and on-going relationship between the Council and hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa in the South Wairarapa.
- Participation - a principle which emphasises positive and active Māori involvement in the business of the Council, and in particular its planning and delivery functions.

- Active Protection - the requirement to ensure that Māori well-being is enhanced whenever possible, and that principles of equity of Māori outcomes are observed in the Council's decision-making processes.

The Council is committed to giving effect to these principles by engaging effectively with tāngata whenua and fostering positive relationships in pursuance of the partnership envisaged under Te Tiriti o Waitangi/the Treaty of Waitangi, on matters that affect and concern tāngata whenua.

4. Purpose and Functions

The purpose of the Committee is to advocate on behalf of and in the best interests of tāngata whenua in the District (including the descendants of hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa) and to ensure that the Council is fulfilling its obligations to them. To achieve this purpose, the Committee will undertake the following functions to the extent that resources allow:

- Give advice and make recommendations to the Council on significant governance issues and decisions that affect tāngata whenua in the District.
- Actively participate in and contribute to decision-making processes, policy and strategy development and other activities of the Council, based on Te Tiriti o Waitangi/the Treaty of Waitangi principles of participation, partnership and active protection.
- Consider ways in which to support the development of Māori capacity and capability to contribute to the decision-making processes of the Council.
- Provide advice and relevant information to the Council regarding economic, social, environmental, spiritual and cultural matters in the District that support sustainable resource management, kaitiakitanga and economic growth.
- Make recommendations to the Council on matters of relevance affecting tāngata whenua in the District, and to help fulfil the Māori consultative requirements of the Council particularly with regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi, the LGA and the RMA.
- Work with the Council to develop and maintain a Māori consultation policy and advise the Council about particular consultation processes with tāngata whenua in the District. Assist in the development of consultation networks throughout the District.
- Manage a budget for the purposes of making community grants, marae grants and undertaking projects that promote Māori interests.
- Advise the Council on engagement with tāngata whenua to ensure that these engagements are positive, productive, and culturally safe and that the tikanga of the tāngata whenua are observed and respected by Council.

5. Stakeholders

Stakeholders include:

- South Wairarapa District Council.
- Hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa.
- Iwi settlement trusts and their entities.
- Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae.
- Pae Tū Mokai o Tauria.
- Greater Wellington Regional Council.
- Wellington Water Ltd.
- The wider South Wairarapa District community.

6. Deliverables

In addition to its functions outlined above, the Committee will:

- Contribute to the Long Term Plan every three years.
- Contribute to the Annual Plan every other year.
- Provide advice on the hapū responsible for cultural and historical input into resource consents under the RMA.

7. Accountability and Reporting

The Committee is accountable to the Council and minutes of Committee meetings and specific reports will be presented to the Council. The chairperson or nominated appointee of the Committee may provide an update to the Council at each Council meeting

8. Delegated Authority

In addition to the functions of the Committee outlined in paragraph 3 above, the Council delegates to the Committee the power to:

- Discretionarily spend on community grants and projects.
- Determine the criteria and allocation of the marae development fund granted through Annual or Long Term Plans, and any subsequent development grants, to Kohunui Marae, Hau Ariki Marae, Pāpāwai Marae and Pae tū Mōkai O Tauira.

9. Membership and Composition

Reports to: Council

Membership: At least one, but up to three councillors appointed by Council in consultation with Iwi representatives

Up to two representatives from each of the three South Wairarapa Marae (Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae)

Up to two representatives from Pae Tū Mokai o Tauira

Up to one representative from Ngāti Kahungunu ki Wairarapa

Up to one representative from Rangitāne o Wairarapa

The Mayor

Up to one youth representative in an advocacy role

Nominations for Iwi or Marae/Pae tū Mōkai O Tauira representatives must be received in writing from each participating body and are ratified by the Committee. Councillor membership is ratified by Council. The chairperson and deputy chairperson are elected by the Committee at the start of the triennium.

A robust induction process will be in place for all incoming members of the Committee.

Non-voting attendees: The youth representative is not a voting member of the Committee

Meeting Frequency: Eight-weekly or as required, with workshops and community forums held as needed.

Quorum: Five members including a minimum of three representatives from Iwi or Marae/Pae tū Mōkai O Tauira and one representative from Council

Committee Continuation: Under clause 30(7) of Schedule 7 of the Local Government Act 2002, this Committee is deemed not to be discharged following each triennial general election.

Agenda and paper circulation: The agenda for Committee meetings will be circulated by email as well as by post, to be received at least two working days before the Committee meeting. The agenda will also be made publicly available at the South Wairarapa libraries and on the Council's website in the following location:
<https://swdc.govt.nz/meetings/>.

Workshops and briefings: The Committee may hold workshops and briefings about matters that impact local government and Māori. These workshops are not decision-making forums and the provisions of Council's Standing Orders relating to workshops and similar forum apply.

Review of Terms

These Terms of Reference may be reviewed, updated or amended at any time by the Committee and must be endorsed by the Committee and approved by Council.

FINANCE COMMITTEE TOR

1. Purpose

Ensure the strategic overall financial management and performance of the council.

2. Key responsibilities

- Quarterly review of the financial position of Council.
- Advising and supporting the development of the Annual Plan and the Long-Term Plan.
- To have a strategic understanding of the Annual Report.
- Collaborate with the Strategy & Policy Working Group on the review and adoption of policies with a financial focus or impact.
- Collaborate with the Strategy & Policy Working Group on submissions to external bodies.
- Provide input into planning for engagement and consultation activity with a financial focus or impact.

3. Delegated Authority

Power to Act:

- Assess and approve Community & Youth Grants
- The ability to sub-delegate to Community Boards and the Māori Standing Committee, grants consistent with their Terms of Reference.

4. Membership and Composition

Chair: Councillor Colin Olds

Membership: Mayor Martin Connelly, Councillor Colin Olds, Councillor Kaye McAulay, Councillor Aaron Woodcock, Councillor Martin Bosley, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee

Quorum: Three Members

Frequency: Quarterly

INFRASTRUCTURE & COMMUNITY SERVICES COMMITTEE TOR

1. Purpose

To provide governance direction and monitoring of Council programmes, services, and projects against approved levels of service across the following activity areas:

- Land transport (roading and footpaths)
- Water supply (including water races)
- Wastewater
- Stormwater drainage
- Community Facilities & Services

2. Key responsibilities

- Setting direction and monitoring the strategic management of council assets and ensuring alignment to its long-term strategic objectives.
- Monitor levels of service (KPIs) and performance of the activities.
- Setting direction and monitoring of significant projects that are of a nature which pose significant risk or high community impact, including delivery against key milestones, project risks, and budget.
- Collaborate with the Strategy & Policy Working Group on the review and adoption of policies with an infrastructure and community services focus or impact.
- Collaborate with the Strategy & Policy Working Group on submissions to external bodies.
- Provide input to planning for engagement and consultation activity with an infrastructure and community services focus or impact.

3. Delegated Authority

Power to Act:

- Approve unbudgeted emergency expenditure from reserve funds and emergency expenditure up to maximum of \$400,000, includes both capital and operational expenditure.
- Approve activities and unbudgeted expenditure up to 100k outside of the annual plan that do not trigger the Significance & Engagement Policy or other legislative requirements, includes both capital and operational expenditure.
- Provide input to planning for community engagement and consultation activities with an infrastructure and community services focus or impact.
- To stop roads.

Power to Recommend:

- The use of reserve funds over \$400,000 for unbudgeted emergency expenditure.
- Activities outside of the annual plan that trigger the Significance & Engagement Policy or other legislative requirements.

5. Membership and Composition

Chair: Councillor Aidan Ellims
Deputy Chair: Deputy Mayor Melissa Sadler-Futter

Membership:	Mayor Martin Connelly, Deputy Mayor Melissa Sadler-Futter, Councillor Rebecca Gray, Councillor Martin Bosley, Councillor Aaron Woodcock, Councillor Alistair Plimmer, Councillor Aidan Ellims, Councillor Pip Maynard, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee
Quorum:	Five members
Frequency:	Every 8 weeks

CLIMATE CHANGE & ENVIRONMENT COMMITTEE TOR

1. Purpose

Provide strategic thinking and planning around climate change and the environment that will promote the environmental well-being of our communities now and into the future.

2. Key Responsibilities

- Setting direction and monitoring progress of the key strategic climate change strategies and plans for Council.
- Ensuring alignment across Council of key regional and national strategic environmental wellbeing strategies and plans.
- Collaborate with the Strategy & Policy Working Group on the review and adoption of policies with a climate change and environment wellbeing focus or impact.

3. Delegated Authority

Power to Act:

- Provide input to planning for community engagement and consultation activities with a climate change and environment focus or impact.

Power to Recommend to Council:

- Advice on direction and action to address Climate Change and environmental wellbeing.
- Advice on the possible establishment of a Wairarapa Climate Change Joint Committee.
- The power to develop co-operative structures involving the Carterton and Masterton District Councils with the aim of developing a Wairarapa wide strategic approach to Climate Change and the Environment.
- Adoption of relevant strategies and plans.

4. Membership and Composition

Chair: Councillor Rebecca Gray

Membership: Mayor Martin Connelly, Councillor Rebecca Gray, Councillor Pip Maynard, Councillor Colin Olds, Councillor Martin Bosley, Councillor Kaye McAulay, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee

Quorum: Four members

Frequency: Quarterly

ASSURANCE AND RISK COMMITTEE TOR

1. Purpose

Provide independent assurance and assistance on Council's risk, controls, compliance framework, and its external accountability responsibilities.

2. Key Responsibilities

- Setting direction and monitoring progress of the risk management framework, and associated procedures for effective identification and management of Council's financial and business risks, including insurance and fraud.
- Ensure legal and compliance risks including monitoring Council's compliance with relevant laws, regulations, and associated government policies.
- Ensure the independence and adequacy of the external audit function..
- Setting direction and monitoring progress of Council's emergency response and business continuity planning arrangements.
- Collaborate with the Strategy & Policy Working Group on the review and adoption of policies with an assurance and risk focus or impact.
- Ensuring the health, safety and well-being responsibilities of Council are well managed (noting the distinct responsibilities of the CEO under legislation).

3. Delegated Authority

Power to Act:

- Approve strategies and plans related to emergency response and business continuity within budgeted limitations.
- Delegate to members of the Committee and Chief Executive the powers to appoint an Independent Chair, as recommendations by the Auditor General.

Power to Recommend to Council:

- Adoption of the Annual Report.

4. Membership and Composition

Collectively, members of the Committee should have a broad range of skills and experiences, both relevant to the operations of the council as well as to the risk profile of the council. At least one member should have expertise in accounting and finance. All members should have at least some accounting and financial literacy. Professional development of members to enable them to build their skills should be considered.

Chair: Independent Chair

Membership: Mayor Martin Connelly, Deputy Mayor Melissa Sadler-Futter, Councillor Aidan Ellims, Councillor Alistair Plimmer, Councillor Kaye McAulay, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee

Quorum: Three members

Frequency: Quarterly

CEO EMPLOYMENT COMMITTEE TOR

1. Purpose

The committee acts on behalf of Council to promote an effective working relationship between the Council and the Chief Executive Officer (CEO). The committee oversees matters relating to the CEO employment, development, and performance.

2. Key responsibilities

- Promote a collaborative and effective working relationship between the Council and the CEO.
- Establish a performance agreement with the CEO including agreed Key Result Areas (KRAs) and Key Performance Indicators (KPIs).
- Provide feedback to the CEO on the effectiveness of their performance, and any areas for development or improvement.
- Support the CEO to attend appropriate professional development courses and conferences.
- Ensure there are three-monthly reviews with an external consultant, Mayor and CEO.
- Complete formal reviews in conjunction with an external consultant, including ensuring the CEO completes a self-assessment report each year.
- Arrange for confidential feedback to be provided by councillors to an external consultant to be compiled into one document to be reported to the full Council.
- Review the salary of the CEO and make recommendations to Council on an annual basis.
- Receive written progress reports from an external consultant.

3. Delegated Authority

The Committee is delegated the Power to Act:

- To complete half-yearly reviews and feedback to CEO, in conjunction with an external consultant, with the summary reported to Council.
- The authority to forward written progress reports from the external consult to Council as required, but at least once a year.
- To seek specialist advice and support.
- The authority to authorise advertising for the position of CEO.

The Committee is delegated the Power to Recommend:

- To recommend to Council appointment of a CEO.
- To recommend to Council CEO salary adjustments.

4. Membership and Composition

Chair: Councillor Kaye McAulay

Membership: Mayor Martin Connelly, Deputy Mayor Melissa Sadler-Futter and Councillor Kaye McAulay

An external consultant may be co-opted to provide advice but is not a member of the committee

Quorum: Two members.

Meeting Frequency: At least six-monthly or as required throughout the year

HEARINGS COMMITTEE TOR

1. Purpose

To hear and determine matters that require hearings under legislative instruments.

2. Key responsibilities

- Hearing and determining matters that require statutory hearings under legislative instruments, including the:
 - Dog Control Act 1996
 - Local Government Acts 1974 and 2002 (other than the Long-Term Plan and the Annual Plan)
 - Reserves Act 1977
 - Soil Conservation and Rivers Control Act 1941
 - Any other legislative instrument (excluding the Sale and Supply of Alcohol Act 2012 and the Resource Management Act 1991¹).
- Hearing and determining matters that may arise under Council bylaws or policies or as delegated by Council, including applications for dispensation from compliance with the requirements of bylaws and policies, and any other matter as delegated by Council.

3. Delegated Authority

Power to Act:

- To conduct hearings and make determinations on matters within the terms of reference of this committee and as delegated by Council.

Power to Recommend to Council:

- The committee shall have the authority to make a decision on any matter before it without reference to Council but has the power to make a recommendation or refer matters to Council if it so wishes.
- To hear and make recommendations to Council for those matters where a decision can't be delegated.

4. Membership and Composition

Chair:

Membership: The Mayor and up to three elected "RMA Making Good Decisions" accredited members of Council.

Quorum: Two members

Frequency: As required.

Members will meet no later than 6 months after the swearing in of elected members to ensure suitability and readiness of members.

¹ Matters arising under the Sale and Supply of Alcohol Act 2012 are the responsibility of the District Licensing Committee and matters arising under the Resource Management Act 1991 are the responsibility of Hearings Panels.

RESOURCE MANAGEMENT HEARINGS PANELS TOR

1. Purpose

To hear and determine matters arising under the Resource Management Act 1991.

2. Key responsibilities

- Hearing and determining resource consents under sections 104 and 104A, 104B, 104C, and 104D under the Resource Management Act 1991.
- Hearing and recommending decisions on notices of requirement and amendments to notices of requirement under the Resource Management Act 1991.
- Hearing and deciding or recommending matters under the 1st Schedule of the Resource Management Act 1991, excluding clause 17.
- Specific delegations have been set out in Council's delegation register for panels convened for matters arising from the Resource Management Act 1991.

3. Delegated authority

Power to Act:

- To conduct hearings and make determinations on areas within its key responsibilities.
- To act in accordance with specific delegations set out in Council's delegation register.

Power to Recommend to Council:

- The committee shall have the authority to make a decision on any matter before it without reference to Council but has the power to make a recommendation or refer any matter to Council if it so wishes for decisions on Notices of Requirements and Plan Changes pursuant to the Resource Management Act 1991.
- To hear and make recommendations to Council for those matters where a decision can't be delegated (e.g. District Plan).

4. Membership and Composition

Membership

The Chief Executive has delegated authority to appoint a Hearings Panel on a recommendation received from the Group Manager, Planning and Environment.

The Chief Executive may appoint:

- Independent accredited commissioners
- Chair including chair acting alone
- Hearings Committee members
- An iwi approved accredited commissioner with relevant experience and skills to the matters being heard.

For matters pursuant to Plan Changes, the Chief Executive is encouraged to appoint a member or members from the Hearings Committee to a Hearings Panel where appropriate.

The chair will be an independent accredited commissioner and will have a casting vote.

Quorum: One member or commissioner with a 'chair' endorsement from the 'Making Good Decisions' programme.

Meeting Frequency: As required.

DISTRICT LICENSING COMMITTEE TOR

1. Purpose

This committee is appointed in accordance with section 186 of the Sale and Supply of Alcohol Act 2012 to deal with licensing matters for its district.

2. Key responsibilities

The committee has the functions outlined in section 187 of the Sale and Supply of Alcohol Act 2012:

- consider and determine applications for licences and manager's certificates
- consider and determine applications for renewal of licences and manager's certificates
- consider and determine application for temporary authority to carry on the sale and supply of alcohol in accordance with section 136
- consider and determine applications for the variation, suspension, or cancellation of special licences
- consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280
- refer applications to the licensing authority with the leave of the chairperson for the licensing authority,
- conduct inquiries and to make reports as may be required of it by the licensing authority under section 175
- carry out any other functions conferred on licensing committees by or under the Sale and Supply of Alcohol Act 2012 or any other enactment.

3. Delegated Authority

In accordance with section 188 of the Sale and Supply of Alcohol Act 2012, the committee has all the powers conferred on it by or under the Sale and Supply of Alcohol Act 2023 or any other acts, and all the powers as may be reasonably necessary to enable it to carry out its functions.

4. Membership and Composition

Chair or Commissioner: Councillor Alistair Plimmer

Deputy Chair: Councillor Kaye McAulay

Membership: Chairperson and list members maintained under section 192, including one councillor and external members appointed by Council

Quorum: Three members

The Chairperson is able to act alone to consider and determine applications for a licence, manager's certificate or renewal of a licence or manager's certificate where no objection has been filed and no matters of opposition have been raised under sections 103, 129 or 141.

Meeting Frequency: As required