

Attachment 3 - Proposed Terms of Reference for Committees 2022-2025

Terms of Reference for Committees

Note: matters not specified in these terms of reference must be considered by Full Council.

Planning & Strategy Committee

Terms of Reference

Membership

The Planning & Strategy Committee will have six appointed members being Councillor Bartlett, Councillor Bruce, Councillor Cocks, Councillor Shetty, Councillor Smith and Councillor Wong.

Quorum

The quorum for every meeting shall be three members.

Chair

Councillor Shetty will be the Chair and Councillor Smith will be the Deputy.

Frequency of Meetings

The Planning & Strategy Committee will meet every six weeks. The Chair may call additional meetings to address additional or urgent matters relating to Appeals.

Parent Body

The Planning & Strategy Committee reports to the Queenstown Lakes District Council.

Objectives of the Planning & Strategy Committee

To recommend strategies, plans and policies that advance the Council's vision and goals for the district and ensure integrated and sustainable management of the natural and physical resources of the district in accordance with the Resource Management Act 1991.

To guide the resolution of appeals and mediations under the Resource Management Act 1991.

In fulfilling their role on the Planning & Strategy Committee, members shall be impartial and independent at all times.

Terms of Reference:

Activity Areas

- > District Plan;
- > District Plan review;
- > Private Plan changes;

- > Resource Management Act appeals;
- > Growth management;
- > Environmental sustainability;
- > Affordable housing;
- > Building control;
- > Monitoring of Resource Consents; and
- > RMA Appeals

Key Projects

- > Delivery of Annual Work Programme.

Delegated Authority

The Planning & Strategy Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

Power to Act

The Planning & Strategy Committee will:

- > Approve the adoption of strategies, policies and plans that relate to any activity area listed above where authorised by the Council;
- > Exercise all of the Council's functions, powers and duties pursuant to section 34(1) of the Resource Management Act 1991 in relation to the consideration of Council-initiated Plan Changes and Variations;
(Note: To avoid doubt, a Council-initiated Plan Change includes a private request for a Plan change under clause 22 of Schedule 1 of the Resource Management Act 1991 that has been adopted by the Council under clause 25(2) of that Schedule)
- > Consider, make determinations and notify variations to the Queenstown Lakes Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991;
- > Maintain the Council strategic relationships with Government and non-Government agencies and funding bodies (excluding NZ Transport Agency) with respect to any of the activity areas listed above;
- > Lodge and present submissions to external bodies on policies and legislation relevant to the Planning & Strategy Committee's Terms of Reference and any activity area listed above;
(Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval)
- > Approve the review of bylaws under the Planning & Strategy Committee's jurisdiction and consider submissions;
- > Initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002 related to any activity area listed above; and
- > Approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991, including resolving or withdrawing from any proceedings and providing guidelines and settlement parameters to officers responsible for participating in mediations.

Power to Recommend

The Planning & Strategy Committee will:

- > Recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;
- > Consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, other than a consultative process pursuant to the Resource Management Act 1991 and to make recommendations to the Council as appropriate;
- > Consider any strategic planning or development matter, including matters related to planning for and managing growth in the district and make recommendations to the Council as appropriate; and
(Note: this responsibility should be exercised in partnership with any other committee responsible for a particular activity area impacted by specific proposals.)
- > Recommend adoption of any new or amended bylaw related to any activity area listed above.

Delegation Limitations

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

Procedure

The Chairperson will report back to the Council with recommendations of the Planning & Strategy Committee at the next Council meeting following each committee meeting.

Infrastructure Committee

Terms of Reference

Membership

The Infrastructure Committee will have six appointed members being Councillor Bartlett, Councillor Cocks, Councillor Ferguson, Councillor Gladding, Councillor Smith and Councillor Tucker.

Quorum

The quorum for every meeting shall be three members.

Chair

Councillor Bartlett will be the Chair and Councillor Gladding will be Deputy.

Frequency of Meetings

The Infrastructure Committee will meet on a quarterly basis.

Parent Body

The Infrastructure Committee reports to the Queenstown Lakes District Council.

Objectives of the Committee

To review strategy and policy for the Council's infrastructure.

To exercise Council's delegations in establishing traffic and parking requirements, restrictions and conditions, installing shelters on hardstands with connection into footpaths for the purposes of intending public transport and small passenger vehicle passengers including associated requisite parking changes across the district pursuant to the Traffic and Parking Bylaw 2018 made under the Land Transport Act 1998, the Local Government Act 2002, and the Local Government Act 1974 S339.

In fulfilling their role on the Infrastructure Committee, members shall be impartial and independent at all times.

Terms of Reference:

Activity Areas

- > Water, wastewater and storm water;
- > Road network;
- > Solid waste;
- > Transportation planning;
- > Public transport;
- > Road safety;
- > Traffic and Parking;
- > Infrastructure planning; and
- > Property.

Responsibilities and Key Projects

- > Delivery of Annual Work Programme;
- > Overseeing provision of capital and maintenance programmes to deliver effective:
 - > water, wastewater and storm water networks (including collection, treatment, reticulation and disposal); and
 - > road network (including streets, bridges, footpaths, landscaping and ancillary services and facilities, areas of public amenity and street lighting).
- > Overseeing provision of solid waste services (including kerbside solid waste and recycling collection services, landfills and transfer stations);
- > Overseeing provision of transportation planning, public transport and road safety; and
- > Development and maintenance of policy for the effective management of the built form of streets in the CBD (Queenstown, Wānaka, Arrowtown and Frankton) including signs, furniture, areas of public amenity and street names.

Delegated Authority

The Infrastructure Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

Power to Act

The Infrastructure Committee will:

- > Approve the adoption of strategies, policies and plans that relate to any activity area listed above where authorised by the Council;
- > Maintain the Council strategic relationships with NZ Transport Agency;
- > Lodge and present submissions to external bodies on policies and legislation relevant to the Infrastructure Committee's Terms of Reference and any activity area listed above. (Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval);
- > Approve the review of bylaws under the Infrastructure Committee's jurisdiction and consider submissions; and

- > Initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002 related to any activity area listed above;
- > Approve all restrictions relating to vehicles and road use under the Traffic and Parking Bylaw 2018; and
- > Approve all restrictions, requirements and conditions* relating to parking under the Traffic and Parking Bylaw 2018.
- > Approve all installations on the footpath of any road a shelter for use by intending public transport passengers or small passenger service vehicle passengers under the Local Government Act 1974 (S339), including associated requisite parking changes.

**Restrictions, requirements and conditions on traffic and parking in the Wānaka-Upper Clutha Ward shall be decided and/or approved by the Wānaka-Upper Clutha Community Board. To avoid doubt, the highlighted power to act does not apply to sites in the Wānaka-Upper Clutha Ward.*

Power to Recommend

The Infrastructure Committee will:

- > Recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;
- > Consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, and to make recommendations to the Council as appropriate;
- > Recommend adoption of any new or amended bylaw related to any activity area listed above; and
- > Prepare a draft Infrastructure Strategy and recommend it for approval by the Council as part of the Long Term Plan.

Delegation Limitations

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

Procedure

The Chairperson will report back to the Council with recommendations of the Infrastructure Committee at the next Council meeting following each committee meeting.

Community & Services Committee

Terms of Reference

Membership

The Community & Services Committee will have six appointed members being Councillor Bruce, Councillor Ferguson, Councillor Guy, Councillor Tucker, Councillor Whitehead, Councillor Wong.

Quorum

The quorum for every meeting shall be three members.

Chair

Councillor Ferguson will be the Chair and Councillor Whitehead will be Deputy.

Frequency of Meetings

The Community & Services Committee will meet every six weeks.

Parent Body

The Community & Services Committee reports to the Queenstown Lakes District Council.

Objectives of the Committee

To review strategy and policy essential to the development of resilient, successful and safe communities.

In fulfilling their role on the Community & Services Committee, members shall be impartial and independent at all times.

Terms of Reference:

Activity Areas

- > Venues and events;
- > Sporting facilities;
- > Emergency management;
- > Community development;
- > Harbour master;
- > Regulatory services;

- > Forest;
- > Tracks, trails, cycle ways, walkways and bridleways;
- > Foreshores, lake edges and esplanades;
- > planning reserves (including reserve management planning);
- > Sport and recreation planning;
- > Swimming pools;
- > Cemeteries;
- > Public toilets;
- > Community housing;
- > Libraries; and
- > Customer services.

Responsibilities and Key Projects

- > Delivery of Annual Work Programme.
- > Overseeing provision of capital and maintenance programmes to deliver effective:
 - > development and presentation of parks and reserves;
 - > sport and recreation planning, including the planning of new facilities included in the Council's Annual Plan/Long Term Plan;
 - > development and maintenance of services and facilities that contribute to community social and physical wellbeing (including libraries, cemeteries, public toilets, community housing, gardens and parks, trails, cycle ways, walkways and bridleways, sporting and recreation facilities); and
 - > development and maintenance of foreshores, lake edges, esplanades (including marinas, jetties and navigation aids).
- > Facilitating community wellbeing programmes and activities between the Council and communities that make up the district.
- > Oversee preparation of reserve management plans and other management plans and policies for Council's community facilities and services (including master plans and policies relating to arts and culture, sport and recreation (including swimming pools and stadia), facilities and services for youth, the eradication of pests, weeds and wilding trees, heritage features and buildings).
- > Consider appeals relating to applications for removal of trees on Council property (in accordance with the District Plan and allocated resources) under the QLDC Tree Policy.

Delegated Authority

The Community & Services Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

Power to Act

The Community & Services Committee will:

- > Approve the adoption of strategies, policies and plans that relate to any activity area listed above where authorised by the Council;
- > Lodge and present submissions to external bodies on policies and legislation relevant to the Community & Services Committee's Terms of Reference and any activity area listed above (Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval);
- > Approve the review of bylaws under the Community & Services Committee's jurisdiction and consider submissions;
- > Initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002 related to any activity area listed above;
- > Hear and determine Gambling Venue applications; and
- > Hear and determine tree removal application appeals.

Power to Recommend

The Community & Services Committee will:

- > Recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;
- > Consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, and to make recommendations to the Council as appropriate;
- > Recommend adoption of any new or amended bylaw related to any activity area listed above; and
- > Recommend any Reserve Management Plan for adoption by the Council under the Reserves Act 1977.

Delegation Limitations

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

Procedure

The Chairperson will report back to the Council with recommendations of the Community & Services Committee at the next Council meeting following each committee meeting.

Audit, Finance & Risk Committee

Terms of Reference

Membership

The Audit, Finance & Risk Committee will have six appointed members being Councillor Cocks, Councillor Gladding, and Councillor Guy– and three independent members; Mr Heath Copland, Mr Stuart McLauchlan, and Mr Bill Moran.

Quorum

The quorum for every meeting shall be three members.

Chair

Stuart McLauchlan will be the Chair and Heath Copland will be the Deputy.

Frequency of Meetings

The Audit, Finance & Risk Committee will meet on a quarterly basis.

Parent Body

The Audit, Finance & Risk Committee reports to the Queenstown Lakes District Council.

Objectives of the Committee

The objectives of the Audit, Finance & Risk Committee are to assist the Council to discharge its responsibilities for:

- > the robustness of the internal control framework and financial management practices;
- > the integrity and appropriateness of internal and external reporting and accountability arrangements;
- > the robustness of risk management systems, processes and practices;
- > compliance with applicable laws, regulations;
- > standards and best practice guidelines; and
- > the establishment and maintenance of controls to safeguard the Council's financial and non-financial assets.

In fulfilling their role on the Audit, Finance & Risk Committee, members shall be impartial and independent at all times.

Terms of Reference:

Activity Areas

- > Overall financial performance of the Council;
- > Financial performance of CCO's and other Council related activities;
- > Council investments;
- > Internal and external Audit;
- > Organisational Health, Safety and Wellbeing;
- > Privacy; and
- > Risk Management, including significant strategic projects and climate and biodiversity.

Responsibilities and Key Projects

- > Delivery of Annual Work Programme.

Delegated Authority

The Audit, Finance & Risk Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

Power to Act

The Audit, Finance & Risk Committee will:

Financial systems and performance

- > Oversee and review the Council's financial and non-financial performance against the Long Term Plan and Annual Plan;
- > Oversee and review financial mechanisms (including rates, financial contributions and fees/charges and evaluate development of funding tools);
- > Oversee and review corporate (SOI) and contractual performance of subsidiary organisations and organisations obtaining financial support from the Council (including CCO's and Trusts);
- > Oversee and review Council investments to ensure they achieve their stated objectives (including CCO's and CCTO's, trusts, incorporated societies, internal business units, subdivision, forestry, motor parks, commercial leases); and
- > Oversee and review Council financial statements and accounting policies and principals and recommend the adoption of completed financial statements.

Internal Control Framework

- > Review whether management's approach to maintaining an effective internal control framework is sound and effective;
- > Review whether management has taken steps to embed a culture that is committed to ethical and lawful behaviour;
- > Review whether management has in place relevant policies and procedures and how these are reviewed and monitored
- > Review and consider the organisational approach to and compliance with relevant Health, Safety and Wellbeing policies and legislation; and

- > Review whether there are appropriate processes or systems in place to capture and effectively investigate bribery and/or fraud.

Internal Reporting

- > Consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council; and
- > Seek advice periodically from council employees and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council.

External Reporting and Accountability

- > Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes;
- > Satisfy itself that the financial statements are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal controls; and
- > Confirm that processes are in place to ensure that financial information included in the Council's annual report is consistent with the signed financial statements.

Risk Management

- > Review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of the Council's financial and business risks, including fraud;
- > Review whether a sound and effective approach has been followed in developing risk management plans (including relevant insurance) for major projects, (with specific regard to the Lakeview Taumata development and Project Manawa), undertakings and other significant risks and
- > At least annually assess the effectiveness of the implementation of the risk management framework/plans.

External Audit

- > At the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor; and
- > Oversee the coordination of audit programmes conducted by the external auditors.

Compliance with Legislation and Council's Policies

- > Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies) and Council's policies; and
- > Consider the Council's compliance with the Privacy Act and ensuring organisational capability, awareness and improvement focus.

Insurance

- > Review the level of insurance on an annual basis to ensure that it is appropriate and implement any changes.

Miscellaneous

- > Lodge and present submissions to external bodies on policies and legislation relevant to the Committee's Terms of Reference and any activity area listed above (Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval);
- > Approve the review of bylaws under the Audit, Finance & Risk Committee's jurisdiction and consider submissions;
- > Approve risk management programmes; and
- > Review insurance arrangements annually.

Power to Recommend

The Audit, Finance & Risk Committee will:

Financial systems and performance

- > Recommend to the Council the adoption, or non-adoption of completed financial and non-financial performance statements; and
- > Report to the Council on the performance of subsidiary organisations and Council investments.

External Reporting and Accountability

- > Review the Council's financial statements and provide advice to the Council (including whether appropriate action has been taken in response to the audit recommendations and adjustments) and recommend their signing; and
- > Report to the Council on the effectiveness of the Council's external accountability reporting (including non-financial performance).

External Audit

- > Make recommendations to the Council on the appointment of auditors, and audit fees; and
- > Receive the external audit report(s) and review action to be taken by management on, and provide advice to the Council in relation to, significant issues and audit recommendations raised in the reports.

Delegation Limitations

The Audit, Finance & Risk Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

Procedure

The Chairperson will report back to the Council with recommendations of the Audit, Finance & Risk Committee at the next Council meeting following each committee meeting.

Chief Executive Performance Review Committee

Terms of Reference

Membership

The Chief Executive Performance Review Committee will have three appointed members being the Mayor, Councillor Cocks and Councillor Guy.

Quorum

The quorum for every meeting shall be two members.

Chair

The Mayor will be the Chair.

Frequency of Meetings

The Chief Executive Performance Review Committee will meet annually and as required.

Parent Body

The Chief Executive Performance Review Committee reports to the Queenstown Lakes District Council.

Objectives of the Committee

The objectives of the Chief Executive Performance Review Committee are to monitor, review and report back to the Council on the Chief Executive's Performance Objectives and Performance Review.

In fulfilling their role on the Chief Executive Performance Review Committee, members shall be impartial and independent at all times.

Terms of Reference:

- > Recommending to the Council the performance agreement between the local authority and the chief executive and key performance indicators in a performance agreement.
- > Working with the Chief Executive on the implementation of the performance agreement.
- > Conducting any performance reviews required by the Chief Executive's performance agreement
- > Making recommendations to Council about the remuneration of the Chief Executive.
- > Conducting any statutory performance reviews under clauses 34 and 35 of Schedule 7 of the Local Government Act 2002.
- > Fulfilling the local authority's contractual obligations to the chief executive.

- > Disciplinary or performance issues that may need to be addressed/investigated relating to the chief executive.

Delegated Authority

The Chief Executive Performance Review Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

Public Excluded

- > Due to the privacy interests that arise in the exercise of the terms of reference, attendance at any meetings of the Chief Executive Performance Review Committee is restricted to members of this Committee and the public will be excluded under section 7(2)(a), [protecting the privacy of natural persons] of the Local Government Official Information and Meetings Act 1987.

Delegation Limitations

The Chief Executive Performance Review Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

Procedure

The Chairperson will report back to the Council with recommendations of the Chief Executive Performance Review Committee at the next Council meeting following each committee meeting.

Governance Subcommittee

Terms of Reference

Membership

The Governance Subcommittee will have three appointed members: The Mayor, Councillor Smith and the Chief Executive.

Quorum

The quorum for every meeting shall be two members.

Chair

The Mayor will be the Chair.

Frequency of Meetings

The Governance Subcommittee will meet as required.

Parent Body

The Governance Subcommittee reports to the Queenstown Lakes District Council.

Objectives of the Committee

To provide prompt authoritative recommendations on the recruitment and selection of directors to Council Controlled Organisations and Council Controlled Trading Organisations, community appointments for the Queenstown Airport Liaison Committee and the position of independent chair for the Wānaka Airport Liaison Committee.

Terms of Reference:

- > To identify the skills, knowledge and attributes required for director appointments to the board of a CCTO or CCO. (Explanatory note: To identify these requirements the Governance Subcommittee will consult with the Chairperson of the relevant CCTO or CCO, and any professional agency (if required) and will also have regard to the Institute of Directors' 'Four Pillars of Governance Best Practice');
- > To recommend to Council the appointment of positions within these Terms of Reference;
- > To advertise any vacancy for the positions within these Terms of Reference;
- > To authorise the CCTO/CCO Board to re-appoint a director;
- > To recommend to a Board the appointment of a director to the role of chairperson;
- > To recommend to Council the removal of a director;

- > To recommend to the chair of the Queenstown Airport Liaison Committee appointments to the role of community representative; and
- > To review and recommend to Council the remuneration of the board of directors.
- > To review and recommend to Council amendments to the Policy for the Appointment and Remuneration of Directors (required under the Local Government Act 2002 s57).

Public Excluded

Due to the commercially sensitive and privacy-related nature of the matters considered by the Governance Subcommittee the public will be excluded under sections 7(2)(a), [protecting the privacy of natural persons] and 7(2)(h) [conducting commercial activities without commercial disadvantage or prejudice] and 7(2)(i) [carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)] of the Local Government Official Information and Meetings Act 1987.

Delegated Authority

The Governance Subcommittee will have delegated authority to carry out activities within its terms of reference.

Delegation Limitations

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

Procedure

The Chairperson will report all decisions and recommendations of the Governance Subcommittee to the next Council meeting.

Delegations from Council to the Chief Executive Officer

The Council delegates to the Chief Executive Officer:

1. Any and all of its responsibilities, duties and powers to act on any matter, subject to the limits and conditions below and excluding those matters in respect of which delegation is prohibited by any Act or Regulation. This power includes the authority to sub- delegate such powers as the Chief Executive determines necessary.

Limits and Conditions

- > The power of the Chief Executive Officer alone to commit the Council to borrowing which has been approved in the Ten Year Plan or Annual Plan is limited to instruments for a maximum of \$30,000,000 of principal plus the associated interest payments and where the borrowing complies with the Treasury Management Policy;
- > In the case of transactions in relation to the CAPEX 3 Waters Programme, the power of the Chief Executive Officer together with the Mayor or Deputy Mayor to commit the Council to a transaction (or to terminate or vary any transaction) is limited to spend approved in the LTP budget;
- > In the case of other transactions the power of the Chief Executive Officer together with the Mayor or Deputy Mayor to commit the Council to a transaction (or to terminate or vary any transaction) is limited to a maximum of \$7,500,000 for capital expenditure and a maximum of \$5,000,000 for operational expenditure;
- > In the case of other transactions the power of the Chief Executive Officer alone to commit the Council to a transaction (or to terminate or vary any transaction) is limited to:
 - > a maximum of \$4,000,000 for capital expenditure; and
 - > a maximum of \$1,000,000 for operating expenditure; and
 - > a maximum of \$4,000,000 for grants to Destination Queenstown which are approved by Council in an Annual Plan or Ten Year Plan.
- > A transaction (including termination or variation of any transaction) must be for the efficient conduct of Council affairs, and be consistent with the Ten Year Plan and/or Annual Plan;
- > The rules set out in the General rules applying to all delegations – Queenstown Lakes District Council, attached as Schedule 2 must be complied with;
- > The value of a series of repeat, related or ancillary transactions must be aggregated for the purpose of determining if they exceed the capital expenditure or operational expenditure limit specified in this delegation;
- > The value of a transaction must be calculated as the total value of the transaction over the full term of the contract and shall include any rights of renewal unless such rights of renewal are at the absolute discretion of the Council; and
- > In regard to the borrowing of money or the acquisition and disposal of assets, the transaction being in accordance with the Ten Year Plan.

2. The power to sub-delegate any of the Chief Executive's responsibilities, duties and powers on any matter, including:
 - > section 43, Local Government (Official Information and Meetings) Act 1987;
 - > section 125, Privacy Act 1993; and
 - > section 198, Sale and Supply of Alcohol Act 2012.
3. The Council's power to bring or withdraw prosecution or infringement proceedings for any offence, including but not limited to:
 - > Resource Management Act 1991;
 - > Building Act 2004;
 - > Local Government Act 2002;
 - > any Queenstown Lakes District Council Bylaw.
4. The Council's power, pursuant to Part 6 of the Criminal Procedure Act 2011, to decide to appeal against any sentence passed upon the conviction of any person for proceedings by the Council. Such appeals only to be lodged on solicitor's recommendation.

Reporting

A quarterly report on the Chief Executive's exercise of delegated powers on material matters will be provided for the information of the Audit, Finance & Risk Committee.

Failure to report the exercise of powers under this delegation shall not invalidate the exercise of the delegation.

Explanatory Notes:

The specified expenditure limits do not include GST.

These delegations do not preclude the Chief Executive Officer from referring any matter to the Council or a committee (including a subcommittee) of the Council or to the Wānaka-Upper Clutha Community Board, as appropriate, for a decision for any reason.

Schedule 2

General rules applying to all delegations – Queenstown Lakes District Council

Note: *The conferring of delegated authority means that the officer may exercise the responsibility, duty or power, but not that he or she should do so (either at all, or in a particular case). Whether or not it is appropriate for an officer to exercise a delegated authority which they have will depend on their job description and instructions in particular circumstances etc. Further, where a delegated responsibility, duty or power may be exercised by an officer in more than one department, those officers will be under the direction of the appropriate departmental managers who will work to minimise any potential conflicts in the exercise of that responsibility, power or duty.*

1. A responsibility, duty or power (other than a financial delegation) delegated to an officer holding a named position or level of authority is also delegated to all officers in a direct line of authority above that officer.
2. A responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or a substantially similar role or function, whatever the name of his or her position.
3. An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
4. Where the description of a delegated legislative function is ambiguous or appears to conflict with the wording of the legislation, the wording of the legislation will prevail.
5. Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.
6. Responsibilities, duties or powers delegated to officers by the Chief Executive may not be sub-delegated. Nor may responsibilities, duties or powers delegated to officers (including the Chief Executive) by the Council under the Resource Management Act 1991 or the Local Government (Rating) Act 2002 be sub-delegated.
7. Unless specifically time-limited, a delegation continues in force until revoked, altered or varied by the delegator or the Council.
8. When an officer is exercising a delegation in an acting capacity, this should be expressly stated.
9. An officer must comply with any conditions (such as financial limits and reporting or other procedural requirements) relevant to the exercise of a delegated authority, and should also comply where required with all applicable Council policies.
10. The following matters cannot be delegated to an officer:
 - > the following powers:
 - > the power to make a rate;
 - > the power to make a bylaw;
 - > the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
 - > the power to adopt a long-term plan, annual plan, or annual report; or
 - > the power to appoint a chief executive;

- > the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement; and
- > any matter not permitted to be delegated by any other Act (for example the approval of a policy statement or plan under the Resource Management Act 1991 or the granting of special exemptions under s.6 of the Fencing of Swimming Pools Act 1987); and
- > any matter that can only be given effect to by a Council resolution.