

Report 16.417
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File CCAB-8-721

Committee Council
Author Margaret Meek, Senior Democratic Services Advisor

End of triennium matters

1. Purpose

To report on a number of matters relating to the end of the 2013-2016 triennium which require consideration by Council.

2. Minutes of last meeting before election

Standing Order No. 3.15.3 provides:

“The Chairperson and the Chief Executive shall authenticate the minutes of the last meeting of the Council prior to the next election of members”.

Minutes of the final Council meeting on 28 September will be circulated to Councillors as soon as possible following the meeting. Any comments from Councillors will need to be given promptly to the Chairperson. The Chairperson and Chief Executive will make the final decisions regarding any changes sought by Councillors.

The process must be completed prior to election day.

3. Vacation of office

The Local Electoral Act 2001 provides that current Councillors vacate office when the members of the new Council come into office.

Members of the new Council come into office on the day after the date of the Electoral Officer’s declaration of the official result of the election, which is given by public notice (expected to be made between 13 and 19 October).

4. Remuneration

On coming into office Councillors will be remunerated in accordance with the remuneration determination issued by the Remuneration Authority for 2016/17.

5. Discharge of committees

Unless the Council resolves otherwise, all committees, subcommittees or other subordinate decision-making bodies (excluding the Wellington Civil Defence Emergency Management Group) are deemed to be discharged on the coming into office of the new Council.

Under the Local Government Act 2002 the new Council may replace any members of committees that are not discharged at the end of a triennium.

5.1 Committees and subcommittees not discharged

5.1.1 Wellington Regional Strategy Committee

The Council has resolved that the Wellington Regional Strategy Committee not be discharged at the end of each triennium. However, the terms of the local government members on the Committee will expire at the end of this council triennium and the Committee will be unable to meet until the new local government membership is appointed by Council.

5.1.2 Te Upoko Taiao – Natural Resource Management Committee

The Council has resolved that Te Upoko Taiao – Natural Resource Management Committee not be discharged at the end of each triennium. The Committee will be unable to meet until the new Council appoints the Councillor membership of the Committee.

5.1.3 Te Kāuru Upper Ruamahanga River Floodplain Management Plan Subcommittee

The Council has resolved that Te Kāuru Upper Ruamahanga River Floodplain Management Plan Subcommittee shall cease to exist when the Council has made a decision on the Floodplain Management Plan recommended by the Subcommittee or at a time the Council determines.

The Subcommittee has not yet recommended a Floodplain Management Plan to Council.

The terms of the local government members on the Committee will expire at the end of this council triennium and the Subcommittee will be unable to meet until the new local government membership is appointed by Council.

5.2 Joint committees not discharged

The Council has three joint committees with other local authorities: Wellington Civil Defence Emergency Management Group, Te Awarua-o-Porirua Committee, and Wellington Water Committee.

5.2.1 Civil Defence Emergency Management Group

Section 12 of the Civil Defence Emergency Management Act 2002 (CDEM Act) states that Civil Defence Emergency Management Groups are not able to be discharged. The Wellington Civil Defence Emergency Management (CDEM) Group will not be discharged at the end of this triennium.

It should be noted that while the CDEM Group continues in existence, there is a period between the declaration of the results of each election and each

member making their declaration at their local authority's inaugural meeting when the CDEM Group does not have authority to act; during this period the Minister of Civil Defence can declare a state of local emergency under section 69 of the CDEM Act if necessary.

5.2.2 Te Awarua-o-Porirua Committee

The establishing councils (GWRC, Porirua City Council, and Wellington City Council) have resolved that Te Awarua-o-Porirua Committee not be discharged at the end of each triennium. However, the terms of the local government members on the Committee will expire at the end of this triennium and the Committee will be unable to meet until the councils have each appointed their member(s) to the Committee.

5.2.3 Wellington Water Committee

The establishing councils (GWRC, Hutt City Council, Porirua City Council, Upper Hutt City Council, and Wellington City Council) have resolved that the Wellington Water Committee not be discharged at the end of each triennium. However, the terms of the local government members on the Committee will expire at the end of this triennium and the Committee will be unable to meet until the councils have each appointed their member to the Committee.

5.3 Advisory groups not discharged

The Council has appointed five advisory groups: Ruamāhanga Whaitua Committee; Te Awarua-o-Porirua Whaitua Committee; Farming Reference Group; Accessibility Reference Group; and Wairarapa Water Use Project Governance Group.

The Council has resolved that the Ruamāhanga Whaitua Committee, Te Awarua-o-Porirua Whaitua Committee and Wairarapa Water Use Project Governance Group remain in existence until their respective purposes and functions have been completed.

6. Emergency arrangements

As there will be a period between the declaration of election of Councillors and the first meeting of the new Council when Councillors are unable to act, there is a need for delegation of authority to deal with emergency and some other matters in the "interregnum". It is proposed that the Chief Executive be authorised to act on any emergency matters in consultation with the appropriate General Manager. Any such matters will be reported to the incoming Council as soon as practicable.

Also, delegations to committees and committee chairs cannot resume until the committee structure and committee terms of reference are confirmed and members appointed. However, once the members of the new Council have made their declarations, a meeting of the full Council can be convened to deal with any significant matters.

The Resource Management Act 1991 (RMA) provides tight statutory timeframes for the consideration of resource consent applications and it may be necessary to commence arrangements for hearings in the period between the

existing Council going out of office and the new Council establishing its committee arrangements and delegations to committees and committee chairs, as appropriate. If such circumstances arise, it is proposed that the Chief Executive be authorised to establish hearing panels and appoint commissioners to those panels in consultation with the General Manager, Environment Management. It is also proposed that any commissioner appointed be delegated by Council all those powers and functions that are necessary to hear and decide on resource consent and restricted coastal activity applications.

It is also proposed that those current Councillors standing for election and holding a RMA Making Good Decisions certification be appointed as hearing commissioners for the period from 8 October 2016 to 31 December 2016. This would enable those Councillors who are re-elected to be appointed to hearing panels in the interregnum, should the need arise.

7. Communication

There is no communication needed as a result of this report.

8. The decision-making process and significance

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

8.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance and engagement policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

8.2 Engagement

Due to its procedural nature and low significance, no engagement on this matter has been undertaken.

9. Recommendations

That the Council:

- 1. **Receives** the report.*
- 2. **Notes** the content of the report.*
- 3. **Authorises** the Chief Executive to act on any emergency matters arising from the time the present Council and its committees are discharged until the members of the new Council make their declarations.*
- 4. **Instructs** the Chief Executive to report any such matters to the incoming Council at the first appropriate opportunity.*

5. *Authorises the Chief Executive to establish hearing panels and appoint commissioners to those panels in consultation with the General Manager, Environment Management, during the period between the existing Council going out of office and the new Council establishing its committee arrangements and delegations to committees and committee chairs, as appropriate.*
6. *Delegates to those commissioners appointed all those powers and functions that are necessary to hear and decide on resource consent and restricted coastal activity applications.*
7. *In accordance with section 34A of the Resource Management Act 1991, appoints:*

*Barbara Donaldson
Sue Kedgley
Chris Laidlaw
Daran Ponter*

as hearings commissioners for the period from 8 October 2016 until 31 December 2016, and delegates to them all those functions and powers that are necessary to hear and decide on resource consent and restricted coastal activity applications when they are appointed to a hearing panel.

8. *Notes that any commissioner appointed in accordance with (7) above will be remunerated at the same rate as paid to a Councillor, as determined by the Remuneration Authority.*
9. *Notes that the Council has previously resolved that the Wellington Regional Strategy Committee, Te Upoko Taiao – Natural Resource Management Committee, Te Kāuru Upper Ruamahanga River Floodplain Management Plan Subcommittee, Te Awarua-o-Porirua Committee and Wellington Water Committee shall not be deemed to be discharged on the coming into office of the members elected at the 2016 triennial general election of the Council.*
10. *Notes that the Wellington Civil Defence Emergency Management Group is not able to be discharged on the coming into office of the members elected at the 2016 triennial general election of the Council.*
11. *Notes that the Ruamāhanga Whaitua Committee, Te Awarua-o-Porirua Whaitua Committee and Wairarapa Water Use Project Governance Group remain in existence until their respective purposes and functions have been completed.*

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