

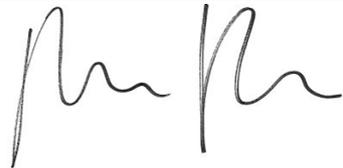
## 11. Item 1: Proposed Amendment to Wānaka-Upper Clutha Community Board Delegations and Terms of Reference

### PURPOSE OF THE REPORT | TE TAKE MO TE PURONGO

1. The purpose of this report is to present proposed amendments to the terms of reference and delegations for the Wānaka-Upper Clutha Community Board for consideration as a recommendation to Council.

### RECOMMENDATION | NGA TUTOHUNGA

2. That the Wānaka-Upper Clutha Community Board
1. **Note** the contents of this report.
  2. **Recommend** that Council adopt the amendments to the terms of reference and delegations for the Wānaka-Upper Clutha Community Board.

	Prepared by:	Reviewed and Authorised by:
Name	Naell Crosby-Roe	Meaghan Miller
Position	Governance & Stakeholder Services Manager	General Manager Corporate Services
Signature		
Date	26 January 2023	26 January 2023

### CONTEXT | HOROPAKI

3. The Wānaka-Upper Clutha Community Board is not a committee of the Queenstown Lakes District Council but an unincorporated body as defined by subpart 2 section 51 of the Local Government Act 2002 (LGA 2002), established under section 49 and in accordance with schedule 6 of the LGA 2002.

4. Unlike a committee of Council that is discharged under schedule 7 clause 30(7) of the LGA 2002 at the triennial election, a community board and any powers delegated to it under schedule 7 clause 32 of the LGA 2002 persist until amended by resolution of Council.

5. The Wānaka-Upper Clutha Community Board currently has an extensive terms of reference and a high level of delegation across many matters within the Wānaka-Upper Clutha Ward, including (but not limited to) powers to act relating to parking, cemeteries, local roads, temporary local road closures, street naming, recreation and reserve areas, sports fields, trees, and elderly persons housing. The Board also has numerous powers to recommend including (but not limited to) rates and charges to be levied in the Wānaka-Upper Clutha Ward, any bylaws required for the safety or good governance of the Wānaka-Upper Clutha Ward, and setting policy on the leasing or licensing of use of Council property.

6. Responsibilities of the Wānaka-Upper Clutha Community Board as defined by the existing terms of reference are detailed as to:

- Represent, and act as an advocate for, the interests of its community.
- Consider and report on all matters referred to it by the Council, or any matters of interest or concern to the Wānaka-Upper Clutha Community Board.
- Maintain an overview of services provided by the Council within the community.
- Prepare an annual submission to the Council for expenditure within the community.
- Communicate with community organisations and special interest groups within the community.
- Encourage an integrated strategic approach to long term issues and opportunities to inform board decision-making and key Council processes and documents.
- Undertake any other responsibilities that are delegated to it by the Council.

7. The members of the Wānaka-Upper Clutha Community Board have reviewed the existing terms of reference and delegations, and have proposed a number of amendments to remove duplication or inconsistency with other documents, bylaws, legislation and Council resolutions. The amendments are also proposed to provide the Wānaka-Upper Clutha Community Board with greater visibility and input over matters which the members believe are important to retain local oversight. These have been initially considered by staff and responses provided based on requirements of relevant legislation, operational efficiency and maintaining a consistent level of service throughout the district.

8. The final list of proposed amendments is provided in the *Analysis and Advice | Tataritanga me nga Tohutohu* section of this report for consideration by the Wānaka-Upper Clutha Community Board.

## ANALYSIS AND ADVICE | TATARITANGA ME NGA TOHUTOHU

9. The following amendments are proposed to the terms of reference and delegations for the Wānaka-Upper Clutha Community Board:

Ref	Delegation	Proposed Amendment	Comment
#1	Power to Act: "footpaths, walkways, and tracks"	Amend to: "footpaths, walkways, <b>shared pathways</b> , and tracks"	This reflects developments such as the Wānaka Lakefront which includes more shared spaces rather than traditional separate spaces / pathways
#2	Power to Act: "temporary road closures for non- arterial roads, over 13	Amend to: "temporary road closures for non- arterial roads, over <b>four</b> hours duration in	This addresses an anomaly in the existing terms of reference where no decision- making power exists

Ref	Delegation	Proposed Amendment	Comment
	hours duration in the Wānaka Ward"	the Wānaka-Upper Clutha Ward"	for a duration between four and 13 hours  <i>Note: this amendment would also be reflected in the delegation schedule under "Roads / Operational / Naming"</i>
#3	Delegations limitations: "Any decision where the Mayor records concerns about the authority of the Wānaka Community Board to make that decision"	Amend to: "Any decision where the <b>Council</b> records concerns about the authority of the Wānaka-Upper Clutha Community Board to make that decision"	This is more consistent with Schedule 7 clause 30 of the LGA 2002 and responsibility of the Council as defined by Schedule 7 clause 32(7)
#4	Delegation limitations: "Any matter where any Board member, or members, considering the issue could be seen to have an interest or bias"	Remove	This is a duplication with the adopted 2022 Code of Conduct for elected members and the adopted 2022 Standing Orders
#5	Delegation Schedule: "Parking / time restrictions"	Remove the requirement for Council to make the final decision, enabling the Wānaka-Upper Clutha Community Board to make the final decision	This was a previous resolution of Council in keeping with the delegations associated with the Traffic & Parking Bylaw 2018 so the proposed change is appropriate and reflects that earlier resolution.
#6	Delegation Schedule: "Reserve and Recreation Areas / decision to notify long term land leases (lease period greater than 5 years)"	Move from officer (in consultation with the Chair) to a decision of the Wānaka-Upper Clutha Community Board	Elevating the delegation to a decision of the Board would mean any such proposal is formally considered publicly by the Board from the outset and a position clearly recorded.
#7	Delegation Schedule: "Reserve and	Move from officer (in consultation with the Chair) to a decision of	Providing Board oversight of these requests is likely to

Ref	Delegation	Proposed Amendment	Comment
	Recreation Areas / granting of subleases"	the Wānaka-Upper Clutha Community Board	assist in measuring and representing community support (or otherwise) for a sublease.
#8	Delegation Schedule: "Reserve and Recreation Areas / decision to notify right of way (ROW) easement	Move from officer (in consultation with the Chair) to a decision of the Wānaka-Upper Clutha Community Board	Enabling early input from elected members and strengthening opportunity for community input. Final decision to grant or refuse remains with Council.
#9	Delegation Schedule: "Roads / Operational / Naming"	Add "Proposed road names that do not comply with policy to be determined by the Board."	Creating consistency with the Road Naming Policy (2016).
#10	Delegation Schedule: Trees on Council Land	Add new delegation to consider appeals on Tree Removal applications in the Wānaka-Upper Clutha Ward made under the Tree Policy	Determining appeals under the policy currently sits with the Community & Services Committee but staff have recommended for the Wānaka-Upper Clutha Ward the decision on appeals sits with the Board, mirroring the situation on traffic and parking matters that are dealt with within Ward by the Board under the Traffic and Parking Bylaw 2018.

*Note, amendments from "Wānaka Community Board" to "Wānaka-Upper Clutha Community Board" have not been highlighted but will be applied throughout the delegations and terms of reference.*

10. **Option 1** Recommend that Council adopt the proposed amendments as outlined in this report

*Advantages:*

- Delegations and terms of reference for the Wānaka-Upper Clutha Community Board will be consistent with previous Council resolutions, existing policies and legislation.
- Duplication with Code of Conduct and Standing Orders removed.

- Board members able to participate in the decision making for a number of matters signalled as opportunities for them to add value and represent community views.
- Omissions from the existing delegations addressed.
- Further amendments can be considered at any time and follow the same adoption process.

*Disadvantages:*

- None foreseen

11. **Option 2** Do not recommend the proposed amendments and engage in further discussion about proposed amendments

*Advantages:*

- Further opportunity to consider other delegations and terms of reference.

*Disadvantages:*

- Potential for Council to adopt the amendments proposed in this report delayed.

12. This report recommends **Option 1** for addressing the matter because it addresses a number of inconsistencies and provides increased opportunity for Board and community input on a number of matters, whilst retaining the ability to further review (and if appropriate amend) the delegations and terms of reference at any time in the future.

## **CONSULTATION PROCESS | HATEPE MATAPAKI**

13. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it does not significantly affect the wider community and creates consistency with legislation, policies and Council resolutions.

14. The persons who are affected by or interested in this matter are the Wānaka-Upper Clutha Community Board, Council staff, and members of the public that may engage with Council on matters relating to the proposed amended delegations.

15. The Council is not required to consult on this matter.

## **MAORI CONSULTATION | IWI RUNANGA**

16. Consultation with Iwi is not required or necessary on this matter.

## **RISK AND MITIGATIONS | NGA RARU TUPONO ME NGA WHAKAMAURUTANGA**

17. This matter relates to the Regulatory / Legal / Compliance category. It is associated with RISK00031 *Ineffective Management and Governance over Legislative Compliance* within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.

18. The approval of the recommended option will support the Council by allowing us to mitigate this risk. This shall be achieved by aligning the Board's delegations and terms of reference to current legislation, bylaws, policies and frameworks.

## **FINANCIAL IMPLICATIONS | NGA RITENGA A-PUTEA**

19. None

## **COUNCIL EFFECTS AND VIEWS | NGA WHAKAAWEAWE ME NGA TIROHANGA A TE KAUNIHERA**

20. The following Council policies, strategies and bylaws were considered:

- Traffic & Parking Bylaw 2018
- Tree Policy 2022
- Road Naming Policy 2016
- Governance Agreement (Wānaka-Upper Clutha Community Board and Queenstown Lakes District Council)
- Standing Orders 2022
- Code of Conduct 2022

21. The recommended option is consistent with the principles set out in the above policies, bylaw and frameworks.

22. This matter is not applicable to the Ten-Year/Annual Plan.

## **LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KA TAKOHAKA WAETURE**

23. None

## **LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KAWANATAKA A-KAIKA**

24. Section 10 of the Local Government Act 2002 states the purpose of local government is:

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

As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act by creating consistency with specific requirements of the Act (Schedule 7 clause 30) and greater opportunity for community input and visibility on matters relating to the Wānaka-Upper Clutha Ward.