

URBAN DEVELOPMENT AND TRANSPORT COMMITTEE OF THE WHOLE - TERMS OF REFERENCE /  
NGĀ ĀRAHINA MAHINGA

Chair	Councillor Davidson
Deputy Chair	Councillor Scandrett
Membership	The Mayor and All Councillors
Quorum	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.
Meeting Cycle	Monthly
Reports To	Council

*Delegations*

The Council delegates to the Urban Development and Transport Committee authority to:

- Monitor and make decisions regarding the Council's Roads, footpaths and streetscapes in accordance with the Council's Long Term Plan.
- Monitor and make decisions on the Council's Transport functions including road operations, parking, public transport, cycle ways, harbours and marine structures in accordance with the Council's Long Term Plan.
- Make all decisions in connection with the Major Cycleway Routes programme, including final route selections and anything precedent to the exercise by the Council of its power to acquire any property, subject to:
  - a. The Committee and affected Community Boards being briefed prior to any public consultation commencing on any Major Cycleway Route project.
- Make all decisions in connection with the Lincoln Road (Wrights to Curletts) Project.
- Make decisions regarding the District Plan.
- Monitor the Council's regulatory and compliance functions
- Monitor the Council's regulatory and compliance functions under:
  - Resource Management Act 1991 and related legislation
  - Building Act 2004 and the New Zealand Building Code
  - Dog Control Act 1996
  - Sale and Supply of Alcohol Act 2012
  - Local Government Act 1974 and Local Government Act 2002
  - District Plan
  - Bylaws
  - Other regulatory matters

*(For the avoidance of doubt, these powers relate specifically to the Council's regulatory and compliance functions. The Council retains its authority on matters relating to the Resource Management Act reform.)*
- Approve the Council's list of hearings commissioners under the Resource Management Act 1991.

### *Bylaws*

The Council delegates to the Committee authority to:

- Oversee the development of new bylaws within the Committee's terms of reference, up to and including adopting draft bylaws for consultation.
- Oversee the review of the following bylaws, up to and including adopting draft bylaws for consultation.
  - Cruising and Prohibited Times on Roads Bylaw 2014
  - Marine, River and Lake Facilities Bylaw 2017
  - Stock on Roads Bylaw 2017
  - Traffic and Parking Bylaw 2017

### *Submissions*

- The Council delegates to the Committee authority:  
To consider and approve draft submissions on behalf of the Council on topics within its terms of reference. Where the timing of a consultation does not allow for consideration of a draft submission by the Council or relevant Committee, that the draft submission can be considered and approved on behalf of the Council.

### *District Plan Appeals*

The Committee is authorised to:

- Consider and resolve any consent orders requested in respect of any proceedings before the Environment Court regarding any appeal on the Christchurch District Plan.
- Authorise counsel and Council witnesses to call evidence in support of a compromise position or positions in the alternative for the purpose of endeavouring to agree with the parties in terms of a consent order in respect of any proceedings before the Environment Court arising out of the Council's decisions on the Christchurch District Plan.
- Authorise any one or more officers holding the positions listed below to participate in a mediation of any proceeding before the Environment Court arising out of the First Schedule to the Resource Management Act 1991.
  - This authority shall include the power to commit the Council to a binding agreement to resolve the proceeding, provided it does not require any Council expenditure not authorised by a Council delegation. Part D - Sub-Part 1 – Community Boards 159 Delegation Date Amended
  - Any authority given under this delegation shall be on such terms and conditions as the Committee considers appropriate.  
Authorised positions:
    - Head of Legal
    - Associate General Counsel
    - Corporate Counsel
    - Head of Planning and Strategic Transport
    - Team Leader City Planning
    - Principal Advisors, Planning
    - The exercise of such delegated powers shall be reported to the Council on a six-monthly basis
- Authorise any two or more officers who, for the time being, hold any of the following positions to jointly consider, and resolve by consent order, any appeal to the Environment Court against a

decision of Council on submissions to the Christchurch District Plan, where the appeal relates to an alteration of minor effect or the correction of a minor error.

Authorised positions:

- Head of Legal
  - Associate General Counsel
  - Corporate Counsel
  - Head of Planning and Strategic Transport
  - Team Leader City Planning
  - Principal Advisors, Planning
- Make decisions, on behalf of the Council, in relation to any High Court proceedings arising out of decisions by the Environment Court on the Christchurch District Plan provided such decisions are consistent with professional advice.

#### *Limitations*

- This Committee does not have the authority to set project budgets, identify preferred suppliers or award contracts. These powers remain with the Finance and Performance Committee.
- The general delegations to this Committee exclude any specific decision-making powers that are delegated to a Community Board, another Committee of Council or Joint Committee. Delegations to staff are set out in the delegations register.
- The Council retains the authority to adopt policies, strategies and bylaws.
- The Council retains its authority on matters relating to the Resource Management Act reform.

The following matters are prohibited from being subdelegated in accordance with LGA 2002 Schedule 7 Clause 32(1) :

- the power to make a rate; or
- the power to make a bylaw; or
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- the power to adopt a long-term plan, annual plan, or annual report; or
- the power to appoint a chief executive; or
- the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
- the power to adopt a remuneration and employment policy.

#### *Chairperson may refer urgent matters to the Council*

As may be necessary from time to time, the Committee Chairperson is authorised to refer urgent matters to the Council for decision, where this Committee would ordinarily have considered the matter. In order to exercise this authority:

- The Committee Advisor must inform the Chairperson in writing the reasons why the referral is necessary
- The Chairperson must then respond to the Committee Advisor in writing with their decision.

If the Chairperson agrees to refer the report to the Council, the Council may then assume decision making authority for that specific report.