

# **Bay of Plenty Regional Council**

## **Terms of Reference and Delegations for Council Committees: 2016-2019 Triennium**

**Adopted 15 November 2016**

**(Updated with consequential additions  
and amendments on 1 October 2019)**



# Contents

Preface	1
Regional Council Committee Structure 2016-2019	3
Regional Council Terms of Reference	5
<b>Standing Committees</b>	<b>8</b>
Regional Direction and Delivery Committee Terms of Reference	8
Audit and Risk Committee Terms of Reference	10
Komiti Māori Terms of Reference	12
Public Transport Committee Terms of Reference	14
Lake Rotorua Incentives Committee Terms of Reference	15
<b>Statutory Committees</b>	<b>18</b>
Civil Defence Emergency Management Group Terms of Reference	18
Regional Transport Committee Terms of Reference	19
Rotorua Te Arawa Lakes Strategy Group Terms of Reference	21
Rangitāiki River Forum Terms of Reference	24
Te Maru o Kaituna (Kaituna River Authority) Terms of Reference	29
<b>Subcommittees</b>	<b>32</b>
Executive Employment and Remuneration Subcommittee Terms of Reference	32
Regional Coastal Environment Plan Appeals Subcommittee Terms of Reference	34
Region-wide Water Quantity Proposed Plan Change 9 Appeals Subcommittee Terms of Reference	35
Plan Change 13 (Air Quality) Appeals Subcommittee Terms of Reference	36
<b>Joint Committees</b>	<b>37</b>
SmartGrowth Implementation Committee Terms of Reference	37
Ōhiwa Harbour Implementation Forum Terms of Reference	39
Eastern Bay of Plenty Joint Committee Terms of Reference	41
Eastern Bay Road Safety Committee Terms of Reference	44



# Preface

## Purpose and Role of Local Government

The Local Government Act 2002 provides the general framework and powers under which New Zealand's 85 democratically elected and accountable local authorities operate. The Act consists of 12 Parts and 20 Schedules. In brief, Part 2 sections 10 and 11 are important clauses that specify the purpose of Local Government and the role and powers of local authorities:

Section 10 states that the purpose of Local Government is:

- to enable democratic local decision-making and action by, and on behalf of communities; and
- to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Section 11 establishes that the role of local authority is to:

- give effect, in relation to its district or region, to the purpose of local government stated in section 10; and
- perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

For further details on local government visit the <http://www.localcouncils.govt.nz/> website.

## Statutory Framework

The Bay of Plenty Regional Council is also constituted by other statutes and is subject to the following principle Acts of Parliament which establish its powers and responsibilities.

- Land Drainage Act 1908
- Soil Conservation and Rivers Control Act 1941
- Rangitaiki Land Drainage Act 1956
- Local Government Act 1974
- Reserves Act 1977
- Public Works Act 1981
- Local Government Official Information and Meetings Act 1987
- Resource Management Act 1991
- Biosecurity Act 1993
- Maritime Transport Act 1994
- Hazardous Substances and New Organisms Act 1996
- Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001
- Local Electoral Act 2001
- Civil Defence Emergency Management Act 2002
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Land Transport Management Act 2003
- Building Act 2004

- Marine and Coastal Area (Takutai Moana) Act 2011
- Te Arawa Lakes Settlement Act 2006
- Ngati Whare Claims Settlement Act 2012
- Ngāti Manawa Claims Settlement Act 2012
- Tapuika Claims Settlement Act 2014

## Governance Principles

In order for Council to undertake the responsibilities provided for in the Local Government Act, an effective governance structure must be in place.

Elected Members acting as the Regional Council are responsible for governance, including:

- Setting strategic direction through the development and adoption of Council strategies and policies.
- Monitoring the performance of management in implementing Council strategies and policies.
- Prudent stewardship of Council resources.

An effective governance structure, in general should:

- Establish separate regulatory and policy roles.
- Promote effective and efficient decision-making.
- Ensure decisions are made at the most appropriate level.
- Provide clarity on the different rules of 'governance' and 'management'.

For the elected member it should:

- Provide a balanced workload.
- Ensure elected members are not required to make low level decisions.
- Promote integration between key activity areas.
- Provide clear segregation of the roles and responsibilities of decision-making bodies to prevent duplication or confusion.

## Delegation to Council Committees

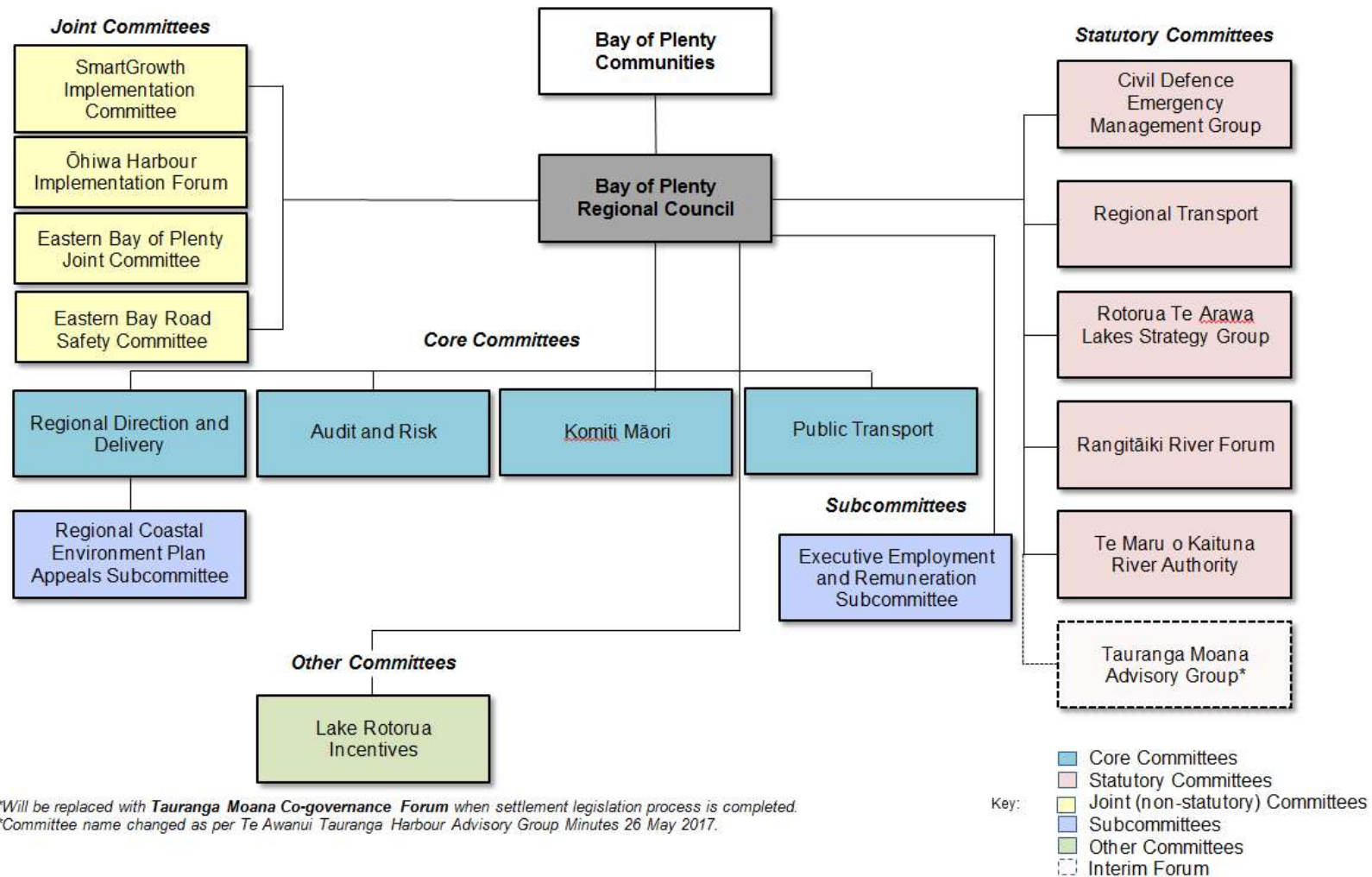
To ensure efficient and effective decision-making, Council makes use of committees and subcommittees. These committees and subcommittees have specific delegated authorities, duties and powers and these are clearly stated in each of the Terms of Reference.

Each is empowered to make the decisions within its Terms of Reference without needing to go back to Full Council. Where a matter is beyond its Terms of Reference committees and subcommittees make recommendations to their parent bodies.

Schedule 7, clause 30 of the Local Government Act 2002 outlines the legislative requirements regarding this subordinate decision-making process:

'(6) Nothing in this clause entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of decision by a committee, a subcommittee, or another subordinate decision-making body.'

# Regional Council Committee Structure 2016-2019



BOPRC ID: A2983432

A2488331





# Regional Council

## Terms of Reference

### Purpose

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the Council.

### Membership

All councillors are members of the Regional Council.

### Quorum

In accordance with Council standing order 10.1(a), the quorum at a meeting of the Regional Council is seven members, consisting of half the number of members.

### Meeting frequency

Six-weekly.

### Role of Council

- Address Local Electoral Act matters and Local Government Rating Act matters.
- Oversee all matters relating to identifying and contributing to community outcomes.
- Consider and agree on matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- Develop, adopt and review Council's Policy on Significance and decision-making policy and processes.
- Develop, adopt and implement the Triennial Agreement and the Code of Conduct.
- Consider and agree on matters relating to elected members' remuneration matters.
- Appoint the Chief Executive Officer, and review their contract, performance and remuneration at least annually.
- Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- Establish committees, subcommittees, and working parties and appoint members.
- Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.
- Approve membership to external bodies and organisations, including Council Controlled Organisations.

- Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- Review and approve strategic matters relating to the sale, acquisition and development of property for the purposes of meeting Council's organisational requirements and implement approved Regional Council policy.
- Address strategic corporate matters including property and accommodation.
- Institute any proceedings in the High Court that are not injunctive proceedings.
- Exercise the powers and duties conferred or imposed on Council by the Public Works Act 1981.
- Consider and agree on the process to develop the Long Term Plan, Annual Plan and Annual Report.
- Adopt Council policies as required by statute (for example Regional Policy Statement and Regional Land Transport Strategy) to be decided by Council or outside of Committee delegations (for example infrastructure policy).
- Delegate to commissioners to exercise the powers, functions and duties of the Council as a consent authority under the Resource Management Act 1991 including to hear and decide a consent application.
- Monitor Council's financial and non-financial performance in-year.
- Develop, review and approve Council's Financial Strategy and funding and financial policies and frameworks.

## Delegations from Council to Committees

- Full Council has a role to monitor the functioning of all committees.
- Full Council will consider matters not within the delegation of any one Council committee.
- Full Council may at any time, revoke or modify a delegation to a Council committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.

It is accepted in making these delegations that:

- The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
- The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
- The chairperson of each committee shall have the authority to exercise their discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

## Powers that cannot be delegated

Under Clause 32 Schedule 7 of the Local Government Act 2002, Full Council must make the following decisions:

- Make a rate.
- Make a bylaw.
- Borrow money or purchase or dispose of assets, other than in accordance with the long-term plan.
- Adopt the 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 association with the long-term plan or developed for the purpose of the local governance statement.
- Adopt a remuneration and employment policy.

# Standing Committees

## Regional Direction and Delivery Committee

### Terms of Reference

The Regional Direction and Delivery Committee has a core function of policy formulation and implementation and monitoring of Regional Council strategy and policy.

#### Delegated Function

To set the strategic direction for the Region by formulating policy that clearly identifies Council's role and direction on issues. This will be achieved through the development and approval of Council strategy and policy.

To set the operational direction for approved Regional Council policy and strategy and monitor how it is implemented. This will be achieved through the development of specific operational decisions which translate policy and strategy into action.

#### Membership

Chairman and all councillors.

#### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is not fewer than seven members of the committee.

#### Term of the Committee

For the period of the 2016-2019 Triennium unless discharged earlier by the Regional Council.

#### Meeting frequency

Six-weekly.

#### Specific Responsibilities and Delegated Authority

The Regional Direction and Delivery Committee is delegated the power of authority to:

- Approve and review statutory and non-statutory policy, plans and strategies for:
  - the management of resources in the region;
  - identifying and promoting community aspirations;
  - defining and delivering on Council's roles;
- Approve and review operational policy and plans;
- Develop and review bylaws;
- Receive reporting on consenting, compliance and enforcement;

- Receive reporting from state of the environment monitoring;
- Receive any annual reporting of organisational programmes;
- Enter into contracts on matters within its Terms of Reference to a maximum value of \$700,000 (excluding GST) for any one contract, subject to and within the allocation of funds set aside for that purpose in the Long Term Plan or Annual Plan or as otherwise specifically approved by Council;
- Approve submissions on matters relating to the Regional Direction and Delivery Committee's areas of responsibility that are not delegated to staff;
- Establish subcommittees and hearing committees and delegate to them any authorities that have been delegated by Council to the Regional Direction and Delivery Committee, including those under section 34 of the Resource Management Act 1991, and to appoint members (not limited to members of the Regional Direction and Delivery Committee);
- Delegate to hearings commissioners under section 34A of the Resource Management Act 1991 to exercise the powers, functions duties in relation to any authorities that have been delegated by Council to the Regional Direction and Delivery Committee;
- Establish working groups to provide advice to the Regional Direction and Delivery Committee on its areas of responsibility.

Note:

- The Regional Direction and Delivery Committee reports directly to the Regional Council.
- The Regional Direction and Delivery Committee is not delegated the power of authority to:
  - Approve the Regional Policy Statement and bylaws;
  - Review and adopt the Long Term Plan and Annual Plan;
  - Develop and review funding, financial, audit and risk policy and frameworks;
  - Approve Council submissions on Maori related matters except where submissions may have a wide impact on Council's activities;
  - Develop, approve or review non statutory policy for the Rotorua Te Arawa Lakes.

# Audit and Risk Committee

## Terms of Reference

The Audit and Risk Committee has a core function for the formulation, review and monitoring of audit and risk frameworks. It will also monitor the effectiveness of funding and financial policies and Council's performance monitoring framework. It will receive and review the draft Annual Report, and external Audit letter and management reports.

### Delegated Function

To monitor the effectiveness of Council's funding and financial policies and frameworks.

To monitor the effectiveness of Council's performance monitoring framework.

To approve and review Council's audit and risk policies and frameworks.

### Membership

Five councillors, one independent Council appointee, and the Chairman as ex-officio.

### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is not fewer than three members of the committee.

### Term of the Committee

For the period of the 2016-2019 Triennium unless discharged earlier by the Regional Council.

### Meeting frequency

Quarterly.

### Specific Responsibilities and Delegated Authority

The Audit and Risk Committee is delegated the power of authority to:

- Monitor the effectiveness of Council's funding and financial policies and Council's performance monitoring framework (financial and non-financial);
- Review Council's draft Annual Report prior to Council's adoption;
- Receive and review external audit letters and management reports;
- Approve and review the internal audit plan and review the annual programme report;
- Approve, review and monitor Council's risk framework and policy;
- Review the risk register;
- Monitor Council's legislative compliance and receive reporting on non-compliance matters as part of risk management reporting.

**Note:**

- The Audit and Risk Committee reports directly to the Regional Council.
- The Audit and Risk Committee is not delegated the power of authority to:
  - Develop, review or approve strategic policy and strategy.
  - Develop, review or approve Council's Financial Strategy, funding and financial policies and non-financial operational policies and plans.

# Komiti Māori

## Terms of Reference

The Komiti Māori has the core function of implementing and monitoring Council's legislative obligations to Māori.

### Delegated Function

To set operational direction for Council's legislative obligations to Māori and monitor how these obligations are implemented. This will be achieved through the development of specific operational decisions which translate legislative obligations to Māori into action.

### Membership

Three Māori constituency councillors and three general constituency councillors (the membership of the general constituency councillors to be rotated every two years), and the Chairman as ex-officio.

### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is not fewer than three members of the committee.

### Co-Chairs to preside at meetings

Notwithstanding the Komiti Māori has an appointed Chairperson, Māori Constituency Councillors may host-Chair committee meetings that are held in the rohe of their respective constituency.

### Term of the Committee

For the period of the 2016-2019 Triennium unless discharged earlier by the Regional Council.

### Meeting frequency

Two-monthly.

### Specific Responsibilities and Delegated Authority

The Komiti Māori is delegated the power of authority to:

- Monitor Council's compliance with its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991;
- Approve actions to enhance Māori capacity to contribute to Council's decision-making processes for inclusion in the development of the Long Term Plan;
- Recommend to Council effective Maori consultation mechanisms and processes;
- Identify any relevant emerging issues for the region relating to the principles of the Te Tiriti o Waitangi, legislative obligations to Māori under different statutes and programmes to build the capability of Māori;
- Facilitate tangata whenua input into community outcomes, Council policy development and implementation work;
- Formally receive iwi/hapū management plans;



- Make submissions on Māori related matters, except where the submissions may have a wide impact on Council's activities, in which case they might be handled by the Regional Direction and Delivery Committee or Council;
- Request an annual or 6 monthly report on Council's responsiveness to Maori;<sup>1</sup>
- Establish subcommittees and delegate to them any authorities that have been delegated by Council to the Komiti Māori and to appoint members (not limited to members of the Komiti Māori);
- Approve its subcommittee's recommendations for matters outside the subcommittee delegated authority;
- Recommend to Council the establishment of advisory groups to represent sub-region or constituency areas and to consider specific issues.

**Note:**

The Komiti Māori reports directly to the Regional Council.

---

<sup>1</sup> Insertion as per resolution 2(e) Minute Item 13.6, Regional Council Meeting 22 May 2018  
A2488331

# Public Transport Committee

## Terms of Reference

The Public Transport Committee has the core function of implementing and monitoring Regional Council public transport strategy and policy.

### Delegated Function

To set the operational direction for approved Regional Council public transport policy and strategy and monitor how it is implemented. This will be achieved through the development of specific operational decisions which translate policy and strategy into action.

### Membership

- Eight councillors (one of whom will be the Chair and one of whom will be the Deputy Chair) and the Chairman as ex-officio; and
- One representative from Tauranga City Council, one representative from Rotorua Lakes Council and one representative from Western Bay of Plenty District Council.

### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is not fewer than four Regional Council members of the committee.

### Term of the Committee

For the period of the 2016-2019 Triennium unless discharged earlier by the Regional Council.

### Meeting frequency

At least quarterly, or as frequently as required.

### Specific Responsibilities and Delegated Authority

The Public Transport Committee is delegated the power of authority to:

- Approve and review the Bay of Plenty Regional Public Transport Plan.
- Approve, implement, monitor and review operational public transport policy and plans and enter into contracts on matters within its terms of reference, provided that the exercise of this power shall be subject to a total financial limit of \$200,000 per decision and within the allocation of funds set aside for that purpose in the Long Term Plan or Annual Plan or as otherwise specifically approved by Council.
- Receive reporting on the performance of the Passenger Transport Activity.

#### **Note:**

- The Public Transport Committee reports to the Regional Council.
- The Public Transport Committee is not delegated the authority to develop, approve or review strategic policy and strategy, other than provided for within these Terms of Reference.

# Lake Rotorua Incentives Committee

## Terms of Reference

The objective of the Lake Rotorua Incentives Committee is to contribute to the improvement of Lake Rotorua water quality by achieving a 100 tonne reduction of nitrogen entering Lake Rotorua and ensuring this investment of Council is adequately protected in perpetuity.

It will achieve this by making sound financial decisions to secure permanent reductions in nitrogen discharges below the level of discharge established for properties and the catchment and by promoting and facilitating the up-take of profitable low nutrient land management and land use systems in the Lake Rotorua Groundwater Catchment.

The Committee members will be appointed by the Bay of Plenty Regional Council. While the Committee is made up primarily of independent appointees, the Committee will ensure its functions are integrated with Regional Council operations to deliver effectiveness and efficiency of operation, and ensure that its responsibilities as a Committee of Council are met.

### Delegated Function

The Committee will act on behalf of the Bay of Plenty Regional Council to:

- Achieve a permanent 100 tonne reduction of nitrogen entering Lake Rotorua from the Lake Rotorua groundwater catchment at the least cost in a manner that gives consideration to the economic impact on the wider community but within the budget of \$40 million and within the parameters of:
  - The Lake Rotorua Incentives Scheme Policy 2014; and
  - Approved annual Incentives Scheme budgets;
  - A comprehensive and professional business strategy, adopted and reviewed as necessary by the Committee.
- Negotiate agreements to reduce nitrogen and secure no exacerbation in phosphorous loss to Lake Rotorua on a willing buyer/willing seller basis;
- Promote and facilitate the up-take of profitable low nutrient land use and/or management practices to achieve the Committee objectives;
- Enter in to joint ventures or partnerships to achieve Committee objectives;
- Collaborate, coordinate and communicate with other relevant agencies, in-particular the Rotorua Te Arawa Lakes Programme Partners and the Rotorua Economic Development Agency;
- Ensure ongoing coordination with Proposed Plan Change 10 to the Regional Water and Land Plan and compatibility and integration with the Rotorua Te Arawa Lakes Programme;
- Adopt business rules for the operation of the Lake Rotorua Incentives Scheme to give effect to this Terms of Reference and ensure integration with the functions of, and compliance with the responsibilities of, Bay of Plenty Regional Council;

Report as follows:

- Progress to funding partners and the Rotorua Te Arawa Lakes Strategy Group on achieving the Lake Rotorua Incentives Scheme Policy and Strategy on a six month and annual basis, including budgeting information and projections;
- An annual strategic review of the project and progress in accordance this Terms of Reference, and report this to the funding partners and the Rotorua Te Arawa Lakes Strategy Group;
- Information as required by the Bay of Plenty Regional Council for audit, independent review or quality assurance purposes;
- As directed by the Bay of Plenty Regional Council on any other matter.

## Membership

- The Committee will have a minimum voting membership of five and a maximum of seven, including at least one Councillor representative; and
- A General Manager of the Regional Council will be appointed as an advisor to the Committee and will attend all Committee meetings.

## Term of the Committee

For the period of the 2016-2019 Triennium, unless discharged earlier by the Regional Council.

## Quorum

In accordance with Council standing order 10.4, the quorum at a meeting of the Committee is not fewer than three voting members if the total membership present is six or less and four voting members if the total membership present is more than six.

## Meeting frequency

At least three times per annum, or as frequently as required to deliver appropriate governance.

## Specific Responsibilities and Delegated Authority

The Lake Rotorua Incentives Committee is delegated the power of authority to:

- In accordance with delegations of Council, agree to enter into legal agreements on the Bay of Plenty Regional Council's behalf which secure nitrogen reductions in perpetuity;
- In accordance with the delegations of Council, authorise the payment of funds to secure nitrogen reductions below nitrogen discharge limits in line with the Lake Rotorua Incentives Policy 2014.

The Lake Rotorua Incentives Committee does not have the authority to purchase or acquire land.

The above delegations are subject to the following conditions:

- The Committee can commit funding to proposals where the financial commitment is within the budgeted amounts and within the multi-year appropriation agreed by the funding partners.
- The budgeted amounts are as specified within the Annual Work programme, Three-Year Work programme, Deed of Funding with the Crown and Long Term Plan of Council, as are current and approved at any point in time.
- Any proposal that exceeds the approved budget amounts or that requires multi-year appropriation requires the approval of the funding partners.
- Payments for permanent nitrogen reductions must not, over the life of the fund, overspend the Incentives Scheme total budget or under achieve the nitrogen target.
- Agreements must not establish an unsustainable, average price given the Lake Rotorua Incentives Scheme's objective and budget.

- The due diligence requirement as described in the Lake Rotorua Incentives Policy 2014 is satisfied.
- If an agreement takes the form of a Deed, ensure that it is executed by at least two elected members of the Bay of Plenty Regional Council who are not members of the Lake Rotorua Incentives Committee.

**Note:**

- The Lake Rotorua Incentives Committee reports to the Regional Council.
- The Chair of the Lake Rotorua Incentives Committee is appointed by the Regional Council.

# Statutory Committees

## Civil Defence Emergency Management Group

### Terms of Reference

#### Delegated Function

This Joint Committee, required under section 12(1) of the Civil Defence Emergency Management Act 2002, is governed by the Group's Constitution (dated July 2013).

#### Membership

Seven councils in the Bay of Plenty make up the Bay of Plenty Civil Defence Emergency Management Group:

- Bay of Plenty Regional Council;
- Kawerau District Council;
- Opotiki District Council;
- Rotorua District Council;
- Tauranga City Council;
- Western Bay of Plenty District Council;
- Whakatāne District Council;

#### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is four members, consisting of the majority of the number of members.

#### Term of the Committee

Pursuant to section 12(2) of the Civil Defence Emergency Management Act 2002 this committee is a permanent committee and is not disestablished as a consequence of a local government election.

#### Specific Responsibilities and Delegated Authority

The Civil Defence Emergency Management Group has a constitution and this specifies the functions and powers of the group.

#### **Note:**

- The Civil Defence Emergency Management Group reports directly to the Regional Council.

# Regional Transport Committee

## Terms of Reference

### Delegated Function

Section 105(1) of the Land Transport Management Act 2003 requires every regional council to establish a Regional Transport Committee for its region.

### Membership

Each regional council must appoint to its regional transport committee:

- Two persons to represent the regional council;
- One person from each territorial authority in the region to represent that territorial authority; and
- One person to represent the New Zealand Transport Agency.

Each regional council must appoint from its representatives the chair and deputy chair of the committee.

At any meeting of a regional transport committee, the chair, or any other person presiding the meeting:

- Has a deliberative vote; and
- In the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).

### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is five, consisting of the majority of the number of members.

### Term of the Committee

Under section 105(1) of the Land Transport Management Act 2003, every regional council must establish a regional transport committee as soon as practicable after each triennial election.

### Meeting frequency

Quarterly.

### Specific Responsibilities and Delegated Authority

- To prepare a regional land transport plan, or any significant variation to the plan, for the approval of the Regional Council.
- To approve any non-significant variation to the regional land transport plan.
- To adopt a policy that determines significance in respect of:
  - variations made to regional land transport plans under section 18D of the Land Transport Management Act 2003; and
  - the activities that are included in the regional land transport plan under section 16 of the Land Transport Management Act 2003.

- To monitor implementation of the regional land transport plan.
- To provide advocacy on strategic regional and inter-regional transport matters to central government and other key stakeholders as appropriate.
- To provide the Regional Council with any advice and assistance the Regional Council may request in relation to its transport responsibilities.
- To approve submissions to central government, local authorities and other agencies on Regional Transport Committee matters.
- To monitor and provide advocacy on regional road safety, and approve the regional Road Safety Action Plan.<sup>2</sup>

## Procedure of the Committee

The Regional Transport Committee may appoint external advisors to assist it in the exercise of its specific responsibilities and delegated authority. For the purposes of clarity, external advisors may be given full speaking rights at the discretion of the Committee, but are not entitled to vote on Committee matters.

The provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 concerning the meetings of committees of regional councils, so far as they are applicable and with the necessary modifications, apply in respect of meetings of the Regional Transport Committee.

### **Note:**

- The Regional Transport Committee does not have any financial delegation.
- Under the Local Government Act 2002 the Regional Transport Committee is not defined as a joint committee.
- The Regional Transport Committee reports directly to the Regional Council.
- The New Zealand Transport Agency (appointed member) can nominate an alternative representative to attend Regional Transport Committee meetings, as resolved by the Regional Council.

---

<sup>2</sup> Amendments as per resolution (2) Minute Item 9.5, Regional Council Meeting 9 May 2019



# Rotorua Te Arawa Lakes Strategy Group Terms of Reference<sup>3</sup>

## Interpretation

In these Terms of Reference:

“Organisations” means the Te Arawa Lakes Trust, the Rotorua Lakes Council, and the Bay of Plenty Regional Council; sometimes referred to as “Partner Organisations”.

“Rotorua /Te Arawa Lakes” means Lakes Rotorua, Rotoiti, Rotoehu, Rotomā, Ōkātina, Tikitapu, Ōkāreka, Tarawera, Rotomahana, Rerewhakaaitu, Ōkaro.

“Group” means the Rotorua Te Arawa Lakes Strategy Group, formed as a Joint Committee under Clause 30 of Schedule 7 of the Local Government Act 2002; sometimes referred to as the “Strategy Group”.

## Purpose

The purpose of the Group is to contribute to the promotion of the sustainable management of the Rotorua Te Arawa Lakes and their catchments, for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes.

## Membership

The membership of the Group comprises of six members:

- Two members of the Te Arawa Lakes Trust Entity appointed by that entity - who are governance members; and
- Two members of the Bay of Plenty Regional Council appointed by that Council - one of whom is the Chairperson of that Council; and
- Two members of the Rotorua Lakes Council appointed by that Council - one of whom is the Mayor of that Council.

Plus one non-voting Poū Tākiwaiaora (Independent Chairperson) appointed by the members for a three year term in alignment with the Local Government triennium and is to be reviewed and confirmed at the first meeting of the Group following the local government elections.

The Poū Tākiwaiaora is not deemed to be a member of the Rotorua Te Arawa Lakes Strategy Group for the purposes of a quorum.

The Poū Tākiwaiaora shall assume the role and responsibilities as defined in the Rotorua Te Arawa Lakes Strategy Group Poū Tākiwaiaora Guidelines.

The Deputy Chairperson shall be appointed from the membership at the first meeting of the Group following the local government elections.

---

<sup>3</sup> Amended Terms of Reference adopted by Rotorua Te Arawa Lakes Strategy Group Meeting 5 April 2019  
A2488331

## Quorum

The quorum for a meeting of the Group will be one appointed member from each of the partner organisations

The special quorum for a meeting of the Group will be four members of the Group.

In the event that the ordinary quorum is not satisfied at three consecutive meetings of the Group in circumstances, where in the case of each such meeting:

- It was notified in accordance with the Standing Orders;
- Order papers were sent to each member of the Group in accordance with the Standing Orders; and
- The meeting had not been cancelled for any reason, then the members in attendance may declare the third meeting inquorate according to the Standing Orders and the special quorum will then be substituted.

At any subsequent meeting, the ordinary quorum will be restored

No matters that were not on the order paper for the meeting at which the special quorum was established can be considered by a special quorum meeting.

## Term of the Committee

The Rotorua Te Arawa Lakes Strategy Group is a permanent joint committee established under the Te Arawa Lakes Settlement Act 2006 (Te Arawa Lakes Deed of Settlement - Cultural Redress: Lakes Management and Relationships, clauses 9.1 to 9.3 -December 2004) and is not disestablished as a consequence of a local government election.

The Group's Terms of Reference are derived from the Rotorua Lakes Strategy Agreement included in Part 1 of the Relationship Schedule to the Deed of Settlement, December 2004.

## Specific Responsibilities and Delegated Functions

The Group has the following functions:

- Provide leadership to the Organisations and the community in relation to implementation of the Vision and Strategy for the Lakes of the Rotorua District originally adopted in 2000 and refreshed version adopted by the Strategy Group in 2013.
- Identify significant existing and emerging issues affecting the Rotorua Te Arawa Lakes and respond appropriately.
- Approve, monitor, evaluate, and review agreements, policies and strategies and all other proposals to achieve integrated outcomes for the Rotorua Te Arawa Lakes.
- Identify, monitor, and evaluate necessary actions by the partner organisations and other relevant organisations.
- Receive reports on activities being undertaken by the partner organisations and other relevant organisations.
- Participate in the preparation of statutory plans in relation to significant issues. Such plans include but are not limited to Iwi and hapū management plans, district and regional plans, reserve management plans and annual plans.
- Participate in applications for activities in relation to significant issues not addressed by existing policies of the partner organisations. Such activities include but are not limited to resource consents, designations, heritage orders, water conservation orders, restricting access to the lakes (during special events or in particular circumstances), and transferring and/or delegating of statutory authority.

•

## Power to Recommend

To the partner organisations on any matters within the Strategy Group's delegated functions as it deems appropriate.

The Rotorua Te Arawa Lakes Strategy Group report directly to their own Organisations.

# Rangitāiki River Forum

## Terms of Reference

### Interpretation

“Rangitāiki River” means the Rangitāiki River and its catchment, including the:

- Rangitāiki River
- Whirinaki River
- Wheao River
- Horomanga River

The scope and delegation of this Forum covers the geographical area of the Rangitāiki River catchment as shown in the attached map.

### Purpose

The purpose of the Forum is as set out in Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012:

The purpose of the Forum is the protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.

Despite the composition of the Forum as described in section 108, the Forum is a joint committee of the Bay of Plenty Regional Council and the Whakatāne District Council within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

Despite Schedule 7 of the Local Government Act 2002, the Forum—

- (a) is a permanent committee; and
- (b) must not be discharged unless all appointers agree to the Forum being discharged.

The members of the Forum must act in a manner so as to achieve the purpose of the Forum.

### Functions

The principle function of the Forum is to achieve its purpose. Other functions of the forum are to:

- Prepare and approve the Rangitāiki River Document for eventual recognition by the Regional Policy Statement, Regional Plans and District Plans. See Figure 1 Rangitāiki River Document Recognition Process for RPS.
- Promote the integrated and coordinated management of the Rangitāiki River
- Engage with, and provide advice to:
  - Local Authorities on statutory and non-statutory processes that affect the Rangitāiki River, including under the Resource Management Act 1991.
  - Crown agencies that exercise functions in relation to the Rangitāiki River.
- Monitor the extent to which the purpose of the Rangitāiki River Forum is being achieved including the implementation and effectiveness of the Rangitāiki River Document.
- Gather information, disseminate information and hold meetings
- Take any other action that is related to achieving the purpose of the Forum.

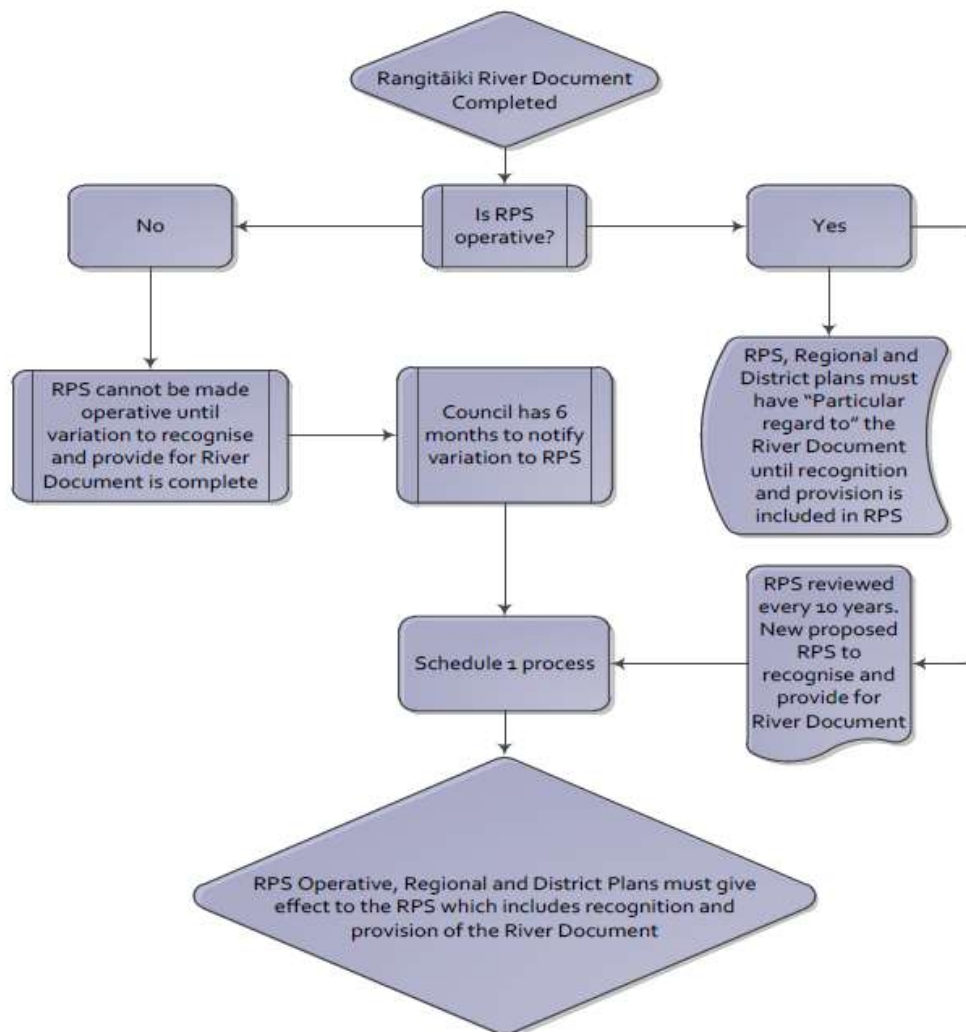


Figure 1 Rangitāiki River Document Recognition Process for RPS

## Membership<sup>4</sup>

- One member appointed by Te Rūnanga o Ngāti Whare;
- One member appointed by Te Rūnanga o Ngāti Manawa;
- One member appointed by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust;
- One member appointed by Te Rūnanga o Ngāti Awa;
- One member appointed by Ngāti Hineuru;
- One member appointed by Tūhoe Te Uru Taumatua;
- One member appointed by Ngāti Tūwharetoa;
- One member appointed by the Whakatāne District Council;
- One member appointed by the Taupō District Council;
- Five members appointed by the Bay of Plenty Regional Council.

### **Note:**

Despite the composition of the Forum, this is a joint committee of the Bay of Plenty Regional Council, Whakatāne District Council and Taupō District Council.

<sup>4</sup> Consequential amendments adopted Regional Council Meetings 17 August 2017 and 21 March 2019  
A2488331

## Quorum

In accordance with Rangitāiki River Forum standing orders 2.3.3 and 2.3.4, the quorum for a meeting of the Forum is six members, comprising of:

- Three members appointed by the iwi appointers; and
- Three members appointed by the local authority appointers; and
- Must include a member appointed by Ngāti Whare and a member appointed by Ngāti Manawa.

## Term of Committee

This Forum is a permanent committee under the Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012 and therefore will not disbanded at the end of a triennium.

The establishment of the Forum is also supported by the Ngāti Whare Deed of Settlement – Clauses 5.49 (October 2009) and the Ngāti Manawa Deed of Settlement – Clause 5.40 (October 2009).

### Ngāti Whare Deed of Settlement

5.49 The Crown and Te Rūnanga o Ngāti Whare acknowledge and agree that:

- 5.49.1 *the parties are yet to finalise discussions in relation to a framework for the effective participation of Ngāti Whare in the management of the Rangitāiki River;*
- 5.49.2 *following the signing of this Deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Whare in the management of the Rangitāiki River (“**Rangitāiki River management framework**”), with the objective of improving the health and wellbeing and sustainable use of the river;*
- 5.49.3 *the discussions in relation to the Rangitāiki River management framework will:*
  - a. *be undertaken in good faith, honour and integrity and will reflect the wider commitments set out in the Deed of Settlement;*
  - b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the Settlement Legislation;*
  - c. *where appropriate, reflect a catchment wide and integrated approach to management of the Rangitāiki River and its resources;*
  - d. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
  - e. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
  - f. *allow for the Rangitāiki River management framework to be incorporated in the Settlement Legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*
- 5.49.4 *the discussions will be based on:*
  - a. *Ngāti Whare’s principles, to be agreed with the Crown, regarding the Rangitāiki River;*
  - b. *as appropriate, the principles of other iwi with interests in relation to the Rangitāiki River as agreed with the Crown;*
  - c. *the need to protect the integrity of existing statutory frameworks; and*
  - d. *the need to ensure consistency and fairness between settlements.*

## Ngāti Manawa Deed of Settlement

5.40 The Crown and Ngāti Manawa acknowledge and agree that:

- 5.40.1 *the parties are yet to finalise the redress for the effective participation of Ngāti Manawa in the management of the Rangitāiki River;*
- 5.40.2 *following the signing of this deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Manawa in the management of the Rangitāiki River (the “Rangitāiki River management framework”), with the objective of improving the health and best use of the river;*
- 5.40.3 *the discussions will be based on:*
  - a. *Ngāti Manawa’s principles regarding the Rangitāiki River as set out in clause 5.41;*
  - b. *the need to protect the integrity of existing statutory frameworks; and*
  - c. *the need to ensure consistency and fairness between settlements;*
- 5.40.4 *the discussions will:*
  - a. *be undertaken in good faith, honour and integrity and will reflect the commitments set out in the deed of settlement;*
  - b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the settlement legislation;*
  - c. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
  - d. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
  - e. *allow for the Rangitāiki River management framework to be incorporated in the settlement legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*

## Specific Responsibilities and Delegations

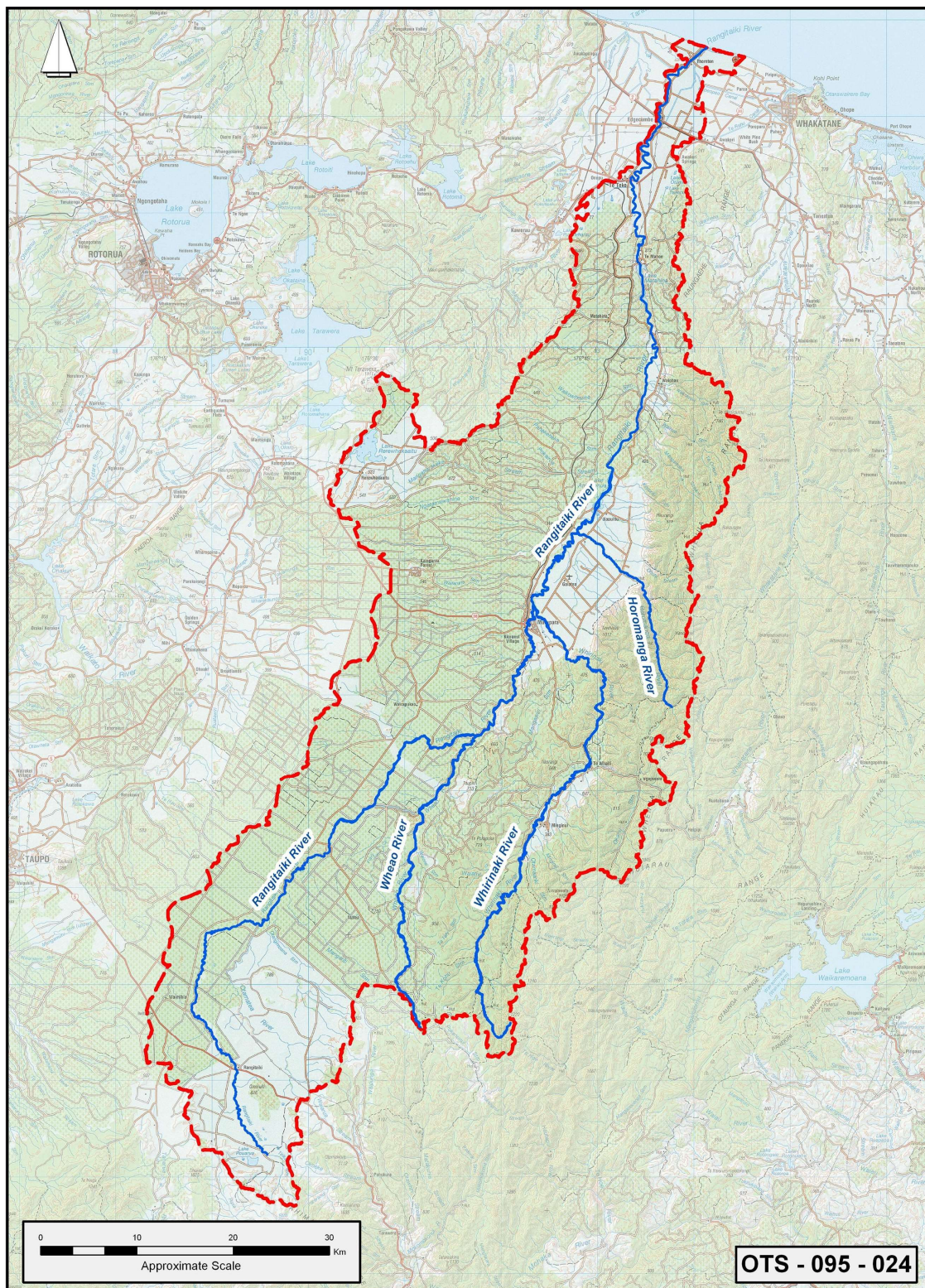
To avoid doubt, the Forum, except as identified in the functions above, has the discretion to determine in any particular circumstance:

- Whether to exercise any function identified.
- To what extent any function identified is exercised.

## Provision for other groups to join the Forum

Other iwi and local authorities through consensus of the Forum, may join the Forum.





**Figure 2 Map of the Rangitāiki River Catchment**



# Te Maru o Kaituna (Kaituna River Authority) Terms of Reference

## Interpretation

“Act” means the Tapuika Claims Settlement Act 2014.

“Appointing organisation” means an organisation that appoints a member of the Kaituna River Authority under section 118 of the Act.

“Authority” means Te Maru o Kaituna / the Kaituna River Authority.

“Iwi” means each iwi represented by an iwi appointing organisation.

“Iwi appointing organisation” means:

- the Te Tāhuhu o Tawakeheimoa Trust.
- the Tapuika Iwi Authority Trust.
- Te Kapu o Waitaha.
- the Te Pumautanga o Te Arawa Trust.

“Joint committee” means a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

“Kaituna River or river” means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79.

“Kaituna River document” means the document approved under section 127 of the Act.

“Local authority” means the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council or the Western Bay of Plenty District Council – and “local authorities” shall have a corresponding meaning.

“Te Pumautanga o Te Arawa Trust” has the meaning given in section 10 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.

The scope and delegation of this Authority covers the geographical area of the Kaituna River catchment as shown on deed plan OTS-209-79.

## Establishment

The Act provides for the establishment of Te Maru o Kaituna, a co-governance partnership between local authorities and iwi that share an interest in the Kaituna river.

Despite the composition of the Authority as described in section 118 of the Act, Te Maru o Kaituna is a joint committee of the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council and the Western Bay of Plenty District Council.

Despite Schedule 7 of the Local Government Act 2002, the Authority:

- is a permanent joint committee; and

- must not be discharged unless all of the appointing organisations agree to the discharge.

## Purpose

The purpose of the Authority is as set out in Tapuika Claims Settlement Act 2014.

The purpose of the Authority is the restoration, protection and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River.

In seeking to achieve its purpose, the Authority may have regard to the social and economic well-being of people and communities.

## Functions

- The principal function of the Authority is to achieve its purpose.
- In seeking to achieve its purpose, the other functions of the Authority are:
  - to prepare and approve the Kaituna River document in accordance with sections 125 and 127 of the Act
  - to monitor the implementation and effectiveness of the Kaituna River document
  - to support the integrated and collaborative management of the river
  - to work with the local authorities and Crown agencies that exercise functions in relation to the Kaituna River:
    - to monitor the state of the river environment
    - to monitor the effectiveness of the management of the river
    - to engage with iwi in relation to their interests in the river and to consult them on how to manage the river
  - to provide advice and recommendations to local authorities:
    - relating to projects, action, or research designed to restore, protect, or enhance the health and well-being of the river
    - on the appointment of commissioners to hear and decide applications for resource consents under the Resource Management Act 1991 that affect the river
  - to facilitate the participation of iwi in the management of the river
  - to monitor the extent to which the purpose of the Authority is being achieved, including the implementation and effectiveness of the Kaituna River document
  - to gather information, to disseminate information, and to hold meetings
  - to take any other action that the Authority considers is appropriate to achieve its purpose.
- The Authority may seek to obtain funds to enable it to perform its functions.

## Membership

Under section 118 of Tapuika Claims Settlement Act 2014, the Authority consists of 8 members:

- one member appointed by the Tapuika Iwi Authority Trust; and
- one member jointly appointed by the Tapuika Iwi Authority Trust and Te Kapu o Waitaha; and
- one member appointed by the Te Pumautanga o Te Arawa Trust; and
- one member appointed by the Te Tāhuhu o Tawakeheimoa Trust; and
- one member appointed by the Bay of Plenty Regional Council; and
- one member appointed by the Rotorua District Council; and

- one member appointed by the Tauranga City Council; and
- one member appointed by the Western Bay of Plenty District Council

**As per resolution by the Te Maru o Kaituna River Authority on 14 June 2017, two informal members with voting rights:**

- one informal member appointed by Te Komiti Nui o Ngāti Whakauae; and
- one informal member appointed by the Bay of Plenty Regional Council.

## Quorum at meetings

In accordance with Te Maru o Kaituna standing order 2.4.3, the quorum for a meeting of the Authority is—

- the chairperson or deputy chairperson; and
- two members appointed by the iwi appointing organisations; and
- two members appointed by the local authority appointing organisations.

## Decision making

The Authority must make its decisions by a vote at a meeting.

However, the members of the Authority must approach decision making in a manner that—

- seeks to achieve consensus; and
- is consistent with, and reflects, the purpose of the Authority; and
- acknowledges as appropriate the interests of iwi in particular parts of the Kaituna River and its catchment.

If the chairperson (or deputy chairperson) considers that the meeting is unlikely to achieve a consensus on a matter, the decision on the matter may be made only by a 70% majority of those members present and voting at the meeting.

The chairperson and deputy chairperson of the Authority may vote on any matter but do not have a casting vote.

## Specific responsibilities and delegations

To avoid doubt, except as provided for in section 116 (2)(a) of the Act, the Authority has discretion to determine in any particular circumstances:

- whether to perform any function specified.
- how, and to what extent, any function specified is performed.

## Provision for other groups to join the Authority

Other iwi and local authorities may join the Authority through consensus of the Authority or through legislation.

# Subcommittees

## Executive Employment and Remuneration Subcommittee

### Terms of Reference

#### Delegated Function

To act for and advise Council on matters pertaining to the employment of the Council's Chief Executive Officer.

#### Membership

Chairman, Deputy Chair and two Councillors

#### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the subcommittee is not fewer than three members of the subcommittee.

#### Term of the Committee

For the period of the 2016-2019 Triennium unless discharged earlier by the Regional Council.

#### Meeting frequency

As required.

#### Specific Responsibilities and Delegated Authority

The Executive Employment and Remuneration Subcommittee is delegated the power of authority to:

- Develop and consult with Council annually on performance targets and key result area weightings for the Chief Executive including associated methods of measurement and processes of judgement;
- Negotiate annually with the Chief Executive performance targets and key result area weightings including associated methods of measurement and processes of judgement;
- Conduct an annual review of the Chief Executive's performance and remuneration in accordance with the agreed processes in April/May of each year or such other time as agreed with the Chief Executive;
- Develop and consult with Council appropriate amendments or adjustments to the terms and conditions of employment and the remuneration of the Chief Executive arising from the annual review;
- Negotiate and determine any agreed amendments or adjustments to the terms and conditions of employment and the remuneration with the Chief Executive annually;

- Develop and agree with the Chief Executive an annual development plan to address any training needs or preferences;
- Meet with the Chief Executive at least once each year to discuss progress on performance targets and key result areas and the agreed personal development plan and negotiate any revision or change as is considered necessary;
- Consider and advise Council on all matters relevant to the employment of the Council's Chief Executive.

**Note:**

*The Executive Employment and Remuneration Subcommittee reports directly to the Regional Council.*

# Regional Coastal Environment Plan Appeals Subcommittee

## Terms of Reference

### Delegated Function

The Regional Coastal Environment Plan Appeals Subcommittee, was established by the Regional Direction and Delivery Committee on 20 August 2015, for the purpose of guiding the resolution of Environment Court appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan.

### Membership

Three councillors.

### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the subcommittee is not fewer than two members of the subcommittee.

### Term of the Committee

For the duration of Environment Court Appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan, unless discharged earlier by the Regional Direction and Delivery Committee.

### Meeting frequency

As required.

### Specific Responsibilities and Delegated Authority

The Regional Coastal Environment Plan Appeals Subcommittee is delegated the power of authority to guide the resolution of Environment Court appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan.

#### **Note:**

*Council has delegated the authority to resolve appeals to regional plans to the Chief Executive. She has, in turn, delegated her authority to the General Manager Strategy and Science, Regional Integrated Planning Manager and Senior Planner, to negotiate and resolve appeals in a manner that is consistent with direction received from the Subcommittee.*

# Region-wide Water Quantity Proposed Plan Change 9 Appeals Subcommittee

## Terms of Reference

(Adopted 4 March 2019)

### Delegated Function

The Region-wide Water Quantity Proposed Plan Change 9 Appeals Subcommittee was established by the Regional Direction and Delivery Committee 19 February 2019 for the purpose of guiding the resolution of Environment Court appeals on the Region-wide Water Quantity Proposed Plan Change 9.

### Membership

Four Councillors with RMA Commissioner Accreditation.

### Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the subcommittee is not fewer than two members of the subcommittee.

### Term of the Committee

For the duration of Environment Court Appeals on Region-wide Water Quantity Proposed Bay of Plenty Regional Plan Change 9 unless discharged earlier by the Regional Direction and Delivery Committee.

### Specific Responsibilities and Delegated Authority

The Region-wide Water Quantity Plan Change 9 Appeals Subcommittee is delegated the power of authority to:

- Guide the resolution of Environment Court appeals on Region-wide Water Quantity Proposed Plan Change 9.

#### **Note:**

Council has delegated the authority to resolve appeals to regional plans to the Chief Executive. She has in turn delegated her authority to the Freshwater Policy Team Leader to negotiate and resolve appeals in a manner that is consistent with direction received from the Subcommittee. For the avoidance of doubt, this shall include Senior Planning staff, on behalf of the Freshwater Policy Team Leader, resolving appeals consistent with direction received from the Subcommittee.

# Plan Change 13 (Air Quality) Appeals Subcommittee Terms of Reference

(Adopted 1 October 2019)

## Delegated Function

The Plan Change 13 (Air Quality) Appeals Subcommittee was established by the Regional Direction and Delivery Committee on 25 June 2019 for the purpose of guiding the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan.

## Membership

Two councillors with RMA Commissioner Accreditation.

## Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the subcommittee is not fewer than two members of the subcommittee.

## Term of the Committee

For the duration of Environment Court Appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan unless discharged earlier by the Regional Direction and Delivery Committee.

## Specific Responsibilities and Delegated Authority

The Plan Change 13 (Air Quality) Appeals Subcommittee is delegated the power of authority to guide the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan.

### **Note:**

- The Regional Direction and Delivery Committee has delegated the authority to resolve Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan to the Chief Executive, subject to the direction of the Appeals Subcommittee.
- The Chief Executive has delegated the authority to staff according to the Chief Executive Delegations Manual, subject to the direction of the Appeals Subcommittee and Council's legal advisors. For the avoidance of doubt, this shall include Senior Planning staff resolving appeals consistent with direction received from the Appeals Subcommittee.
- The Regional Direction and Delivery Committee has delegated authority to the Chair of the Regional Direction and Delivery Committee to appoint replacement members to the Appeals Subcommittee if necessary.



# Joint Committees

## SmartGrowth

## Implementation Committee

### Terms of Reference

#### Purpose

Pursuant to Clause 30 Schedule 7 of Local Government Act 2002, a joint Committee of Tauranga City Council, Western Bay of Plenty District Council and Bay of Plenty Regional Council be retained to implement the SmartGrowth Strategy and Implementation Plan. The joint SmartGrowth Implementation Committee be delegated authority to implement the SmartGrowth Strategy and Implementation Plan in accordance with the following functions:

#### Implementation

- Overseeing the implementation of the 2013 SmartGrowth strategy update in particular the strategy actions.
- Ensuring organisation systems and resources support the strategy implementation.
- Taking responsibility for progressing those actions specifically allocated to the “SmartGrowth Implementation Committee” in the strategy and making sure the implementation does occur.
- Monitoring and reporting progress against milestones and budget.
- Overseeing the management of the risks identified in implementation.
- Approving an annual implementation plan with a 3 year horizon.

#### Ongoing Tasks

- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Approving submissions to Local Authorities, Central Government and other agencies on SmartGrowth related matters.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- Identifying and resolving any consultation inconsistencies between the SmartGrowth strategies and subsequent public consultation processes of the partner Councils.

#### Consultation / Partner Forums

- Facilitating consultation with the community.
- Establishing and maintaining the SmartGrowth Partner Forums.
- Agreeing any memorandum of agreements between SGIC and any forums.

## Committee Operations

- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Implementing a Memorandum of Agreement, as adopted by the Committee for each triennial period, to provide and maintain partnership relationships and provide for the resolution of any conflict.
- Establish protocols to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

## Membership

- That representation be comprised of four elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson, and four representatives to be nominated by tangata whenua.
- That an Independent Chairperson, to be appointed by the Committee, chair the Committee; and the appointment of a Deputy Chair from the committee membership.
- That the standing membership be limited to seventeen members, but with the power to co-opt up to a maximum of three additional non-voting members where required to ensure the effective implementation of any part or parts of the Strategy.
- That NZTA be represented through its Regional Director as an observer with speaking rights but in a non-voting capacity.

## Quorum

Nine.

## Meeting frequency

At least bi-monthly.

### **Note:**

The SmartGrowth Implementation Committee reports to Bay of Plenty Regional Council, Tauranga City Council and Western Bay of Plenty District Council.

# Ōhiwa Harbour Implementation Forum Terms of Reference

## Delegated Function

To oversee and monitor the implementation of the Ohiwa Harbour Strategy.

## Membership

Membership will consist of an appointed councillor from each of the three Councils and appointed representatives of local Iwi as follows:

- One representative - Opotiki District Council;
- One representative - Whakatane District Council;
- One representative - Bay of Plenty Regional Council;
- Four appointees (Tangata Whenua) representing Whakatōhea, Upokorehe, Ngāti Awa and Ngāi Tahu.

The Forum (made up of the representatives as outlined above) will specifically invite attendance by organisations/groups which they believe will be interested (such as the Department of Conservation, Ministry of Fisheries, Nukuhou Salt Marsh Care Group). The meetings will also be publicly advertised so that members of the wider community can also attend.

## Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the Joint Committee is four members, consisting of the majority of the number of members.

## Standing Orders

The Bay of Plenty Regional Council Standing Orders will apply to this Joint Committee, except as varied by these Terms of Reference or unless the members of the Joint Committee unanimously agree to vary those standing orders as they apply to the Joint Committee.

## Chair

The 'Ōhiwa Harbour Implementation Forum' elects a Chairperson at its first meeting each Triennium.

## Frequency of meetings

Meetings will be held every six months or as required.

## Term of the Committee

The need for and purpose of 'Ohiwa Harbour Implementation Forum' will be revisited every three years from the date of the first meeting. The establishment of the 'Ohiwa Harbour Implementation Forum' is subject to review 3 - yearly following local authority elections. Subject to the Forum being re-appointed, Councillor and appointed tangata whenua representatives are appointed by the incoming Councils.

## Specific Responsibilities and Delegated Authority

The 'Ōhiwa Harbour Implementation Forum':

- Is the sponsor of the Ōhiwa Harbour Strategy;
- Is responsible for overseeing the implementation of the actions in the Strategy;
- Has an overall monitoring role in terms of timeframes and deliverables;
- Maintains a general awareness of the issues surrounding the Ōhiwa Harbour Catchment; and
- Is responsible for reporting back to the strategic partners and to the community.

The 'Ōhiwa Harbour Implementation Forum' will:

- Receive reports (including those prepared by staff of the three Councils) of what has recently been achieved with regards to implementing the Strategy, and outlining what the next targets for implementation could be;
- Provide a sounding board for officers to test implementation ideas against;
- Provide recommendations that can be reported back to councils; and
- Promote links with the Ōhiwa Harbour Catchment community.

## Administering Authority

Bay of Plenty Regional Council is responsible for the administration of the 'Ōhiwa Harbour Implementation Forum'.

### **Note:**

The Ōhiwa Harbour Implementation Forum reports directly to the Regional Council.

The 'Ōhiwa Harbour Implementation Forum' has no delegated authority for financial expenditure.

The costs of attendance at meetings lie where they fall. The exception to this is that a standard meeting fee will be provided for Iwi representation. The cost of this will be borne by the Bay of Plenty Regional Council. The actions to give effect to the Strategy itself and costs associated with reporting to the Committee are funded from within the budgets of participating councils.

# Eastern Bay of Plenty Joint Committee Terms of Reference

## Purpose

- Eastern Bay of Plenty Joint Committee (“EBOPJC”) is a collaboration between Bay of Plenty Regional Council (“BOPRC”), Kawerau District Council (“KDC”), Ōpōtiki District Council (“ODC”) and Whakatāne District Council (“WDC”) for responding to and managing a range of Eastern Bay of Plenty issues.
- The purpose of EBOPJC is to form, explore and make recommendations for strategic collaborative initiatives between the partner councils.
- Eastern Bay of Plenty Joint Committee will be guided by this Terms of Reference and the EBOPJC Memorandum of Understanding (MOU) as agreed by the partner councils.
- For the purposes of this Term of Reference, “Eastern Bay of Plenty” is defined as the Territorial Authority areas of KDC, ODC and WDC.

## Membership

Members of the EBOPJC will be:

- Two elected members as appointed by, and representing, BOPRC;
- Two elected members as appointed by, and representing, KDC;
- Two elected members as appointed by, and representing, ODC;
- Two elected members as appointed by, and representing, WDC;

The members of EBOPJC will act in accordance with the Memorandum of Understanding.

## Quorum

The quorum at a meeting of EBOPJC is 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.<sup>5</sup>

## Delegations

Eastern Bay of Plenty Joint Committee is a joint committee of councils that will make recommendations to constituent councils.

Eastern Bay of Plenty Joint Committee can make recommendations on the following:

- Opportunities for joint collaboration on initiatives that support the needs of Eastern Bay of Plenty communities;
- Coordination of and encouragement of beneficial interrelationships and connections between activities/services across the Eastern Bay of Plenty;
- Mitigation of adverse cross boundary effects of decisions, planning and activities on other regions, cities and districts;
- Resolution of differences and conflicts, and ensuring no surprises, where activities in one district may affect another;

---

<sup>5</sup> Administrative amendment 14 January 2019  
A2488331

- Sharing of information, expertise, databases and research where there is a mutual interest and benefit;
- Encouraging integration and consistency of planning across the Eastern Bay of Plenty;
- Developing agreed positions as appropriate on matters of importance and major government initiatives and, through each respective council, communicate these positions to central government and relevant national organisations;
- Investigating opportunities for achieving cost efficiencies by sharing responsibilities and services;
- Where appropriate and applicable, recommendations must be supported by cost-benefit analyses; and
- Each Council participating in a joint initiative will fund its own proportion of that joint initiative as determined by EBOPJC.

## Meetings

- Eastern Bay of Plenty Joint Committee meetings will be held in accordance with the requirements of Schedule 7 of the Local Government Act 2002 and the requirements of the Local Government Official Information and Meetings Act 1987.
- A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.
- Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.
- The quorum at a meeting of EBOPJC is 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.
- The members of EBOPJC will engage with their respective councils on strategic issues under discussion and all councils will maintain their own operational inter-council relationships as normal.
- The Chief Executive, or the Chief Executive's representative, of each partner council shall attend meetings and will act as advisors to the EBOPJC.
- Meetings will be coordinated and recorded by staff from the partner council as scheduled by EBOPJC.
- Meetings may be attended by further staff support as considered appropriate by their Chief Executive.
- External speakers and participants, including mayors from territorial authorities who are not parties to EBOPJC, with specific interests in the items under discussion, may be invited to attend meetings.
- Meetings will be held at times and in places set out in an agreed schedule.
- Any formal public communications from meetings will be approved by EBOPJC prior to release.
- The Chairpersons of EBOPJC shall be determined, on an annual basis, by the process as set out at clause 25 of Schedule 7 of the Local Government Act 2002.
- Each Chairperson will have a term of one year.
- A member cannot be appointed as the Chairperson, if either of the previous two Chairpersons were representatives of that member's constituent council.
- Decisions on recommendations of the Committee shall be made in accordance with Clause 24 of Schedule 7 of the Local Government Act 2002 – by vote of majority of members that are present and voting.
- The Chairperson will have a deliberative vote.
- In the case of equality of votes, the Chairperson of EBOPJC does not have a casting vote and the status quo is preserved.

- A Deputy Chair shall be determined by the process as set out at clause 25 of Schedule 7 of the Local Government Act 2002.
- The Deputy Chair shall act in the absence of the Chairperson.
- If a Chairperson resigns from their position before the end of their term, the Deputy Chair shall take their place and will serve out the remainder of the term as Chairperson.
- If a Chairperson resigns and the Deputy Chair becomes Chairperson, cl 25 Schedule 7, LGA 2002 does not apply.
- Nothing in this Terms of Reference precludes EBOPJC from appointing an independent chairperson.
- If an independent chairperson is appointed they will also be appointed as a member and will continue to be a member until the end of their term.

# Eastern Bay Road Safety Committee

## Terms of Reference

### Objective

To provide strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of death and serious injury.

### Aims

*Safer Journeys*, the New Zealand Road Safety Strategy, highlights the need to work across all elements of the road system (roads, speeds, vehicles and road use) and advocates that everyone has a responsibility for road safety.

The aim of the Eastern Bay Road Safety Committee (EBRSC) is to support, monitor and advocate for road safety in the Eastern Bay. It will do this through coordinating the work of all the Eastern Bay agencies that have a road safety function to ensure the Safer Journey's 'safe systems' approach is achieved.

The Committee will support road safety in the Eastern Bay by:

- Ensuring that all funders and stakeholders maintain an agreed vision and purpose;
- Providing leadership in planning and development of road safety programmes, plans and initiatives;
- Supporting each of the key actions within the Road Safety Implementation and Action Plans;
- Contributing to the preparation of local, regional or national strategies and plans as appropriate;
- Overseeing the implementation of the Road Safety Action Plan by monitoring progress, evaluating and providing feedback and direction to member agencies;
- Raising the profile of road safety initiatives within member organisations and within the wider community;
- Providing networking and information sharing opportunities, with regular reporting by member organisations to the Committee on projects and priorities;
- Supporting community led road safety initiatives if they can be demonstrated to contribute to Eastern Bay road safety objectives.

### Principles

The Committee will work to:

- Enhance mutual benefit and create a common purpose;
- Commit appropriate resources including time, skill and expertise;
- Encourage participation of all members;
- Think strategically and innovatively; and
- Provide leadership and oversight.



While it is recognised that each member brings a particular perspective, members will be expected to act in the best interests of road safety and all people in the Eastern Bay of Plenty region in achieving the above aims.

All members must agree to support the terms of reference.

## Chairperson

The Chairperson and Deputy Chairperson of the Committee will be appointed by the EBRSC at the first meeting of the new three year planning term for a term of three years.

## Membership

The EBRSC will be composed of no more than 10 core members. Members of the EBRSC will be selected by the individual organisations. Members will be eligible for reappointment, which will coincide with the local government election cycle. Each appointment will be for a term of approximately three years.

Committee membership will be made up of representatives from the following organisations:

- Whakatāne District Council (1 elected member);
- Kawerau District Council (1 elected member);
- Ōpōtiki District Council (1 elected member);
- Bay of Plenty Regional Council (1 elected member);
- NZTA (1 representative);
- New Zealand Police (1 representative);
- Road Transport Association NZ (1 representative);
- ACC (1 representative).

Other members can be co-opted to the group for specific periods to assist the work of the EBRSC as necessary but will not have voting rights.

The members may nominate an alternate person from their organisation to attend Committee meetings, either on a permanent or temporary basis.

## Parameters

The EBRSC provides support, leadership and oversight for road safety in the Eastern Bay of Plenty.

The Committee must be aware of, and monitor the progress of the objectives of the road safety programmes, plans and initiatives.

## Accountability

The Committee and its members are accountable for the successful outcomes of the Eastern Bay Road Safety activity.

## Relationships

Whakatāne District Council is responsible for the day to day management and coordination of the Eastern Bay Road Safety activity.

Whakatāne District Council will service the working of the EBRSC, including the provision of administrative support, preparation of agendas, reports and minutes in conjunction with the Chairperson.

## Scope

The scope of the EBRSC covers all roads in the Whakatāne, Ōpōtiki and Kawerau Districts, including State Highways. It includes all road safety activities carried out in the Eastern Bay including education and promotion, enforcement activities and engineering programmes. It coordinates these programmes and activities with regional and national road safety programmes and initiatives.

EBRSC will seek to give effect to the New Zealand road safety strategy, Safer Journeys, and the Eastern Bay Road Safety Implementation Plan when determining its local focus and priorities.

EBRSC's role is essentially to provide an interagency response to local, regional and national road safety strategies, and in particular, will seek to achieve the Eastern Bay's road safety objective.