

Bay of Plenty Regional Council

Terms of Reference and Delegations for Council Committees: 2010/2013 Triennium

Adopted: 10 March 2011 (reference)

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1 **Preface**

1.1 ***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:

- (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 in the future.

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

- (a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and
- (b) 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.

1.2 ***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
- Foreshore and Seabed Act 2004
- Ngāti Awa Claims Settlement Act 2005
- Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005
- Te Arawa Lakes Settlement Act 2006
- Affiliate Te Arawa Iwi and Hapū Claims Settlement Act 2008
- Public Transport Management Act 2008

1.3 ***Governance Principles***

In order for Council to undertake the responsibilities, as 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.

1.4 ***Delegation to Council Committees***

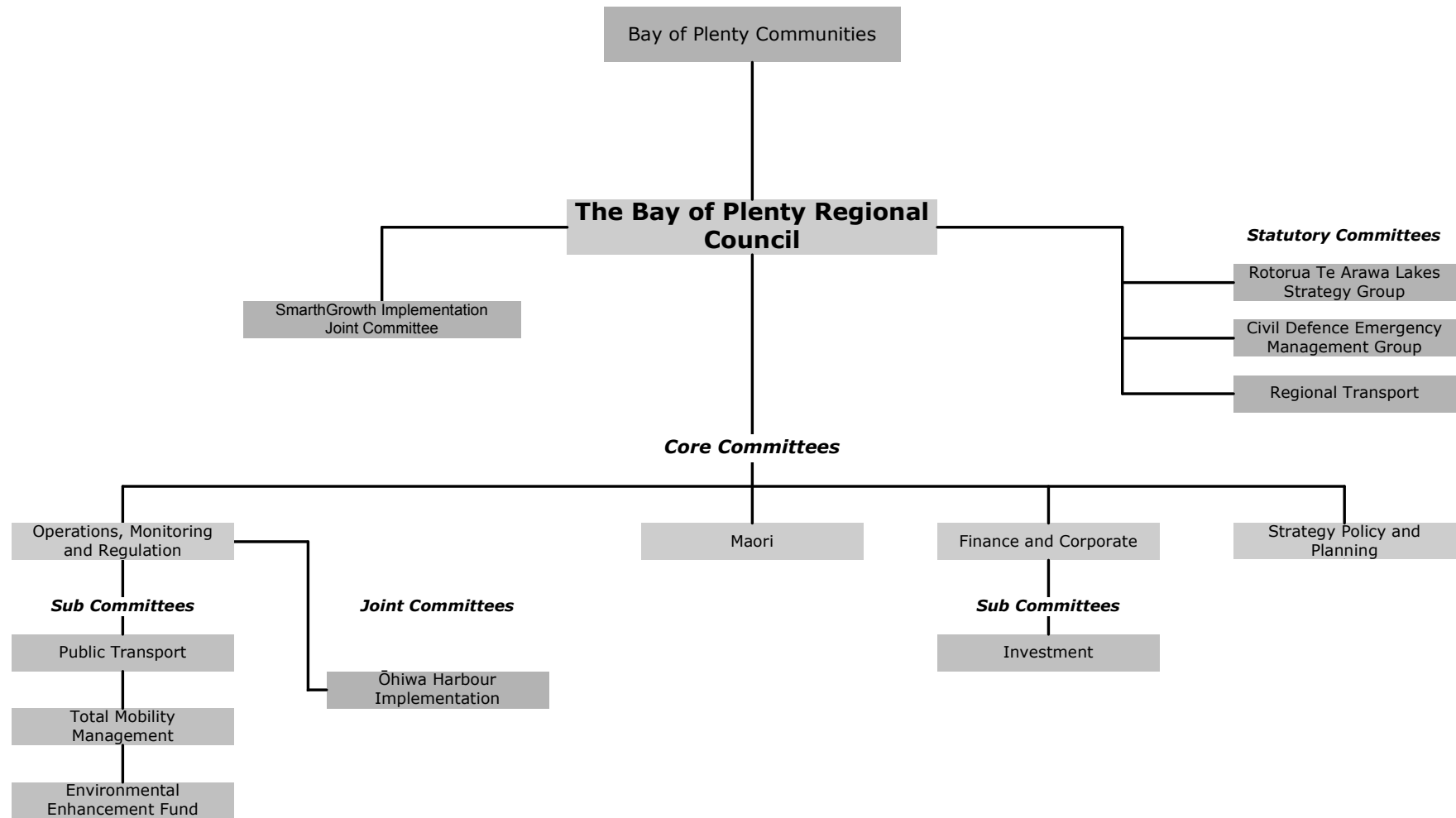
To ensure efficient and effective decision-making, council makes of committees. These committees have specific delegated authorities, duties and powers and these are clearly stated in each of the Terms of Reference.

Each committee is empowered to make the decisions within its Terms of Reference without needing to go back to full council.

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.'

2 **Regional Council Committee Structure 2010/2013**



3 **Regional Council – Terms of Reference**

3.1 ***Purpose***

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Promote the social, economic, environmental and cultural well-being of Bay of Plenty communities, in the present and for the future.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the council.

3.2 ***Membership***

All councillors are members of the Regional Council.

3.3 ***Role of Council***

- 1 Address Local Electoral Act matters and Local Government Rating Act matters.
- 2 Oversee all matters relating to identifying and contributing to community outcomes.
- 3 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.
- 4 Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- 5 Develop, adopt and review Council's Policy on Significance and decision-making policy and processes.
- 6 Develop, adopt and implement the Triennial Agreement and the Code of Conduct.
- 7 Consider and agree on matters relating to elected members' remuneration matters.
- 8 Appoint the Chief Executive Officer, and review their contract, performance and remuneration at least annually.
- 9 Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- 10 Establish committees, subcommittees, and working parties and appoint members.
- 11 Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.

- 12 Approve membership to external bodies and organisations, including Council Controlled Organisations.
- 13 Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- 14 Review and approve strategic matters relating to the sale, purchase and development of property for the purposes of meeting council's organisational requirements and implement approved Regional Council Policy.
- 15 Address strategic corporate matters including property and accommodation.
- 16 Institute any proceedings in the High Court that are not injunctive proceedings.
- 17 Exercise the powers and duties conferred or imposed on council by the Public Works Act 1981.
- 18 Consider and agree on the process to develop the Ten Year Plan, Annual Plan and Annual Report.
- 19 Alter and adopt existing Council policies (for example documents delegated by statute to the Regional Council, such Regional Policy Statement, Regional Land Transport Strategy), other than Council policies determined on behalf of the Council, within delegation, by the relevant committee.
- 20 Appoint commissioners to exercise the powers, functions and duties of the Council as a consent authority under the Resource Management Act including to hear and decide a consent application.

3.4 ***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.

3.5 ***Powers that Cannot be Delegated***

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

- (a) Make a rate.
- (b) Make a bylaw.
- (c) Borrow money or purchase or dispose of assets, other than in accordance with the Ten Year Plan.
- (d) Adopt the Ten Year Plan, Annual Plan, or Annual Report.
- (e) Appoint a chief executive.
- (f) Adopt policies required to be adopted and consulted on, under the Local Government Act 2002, in association with the Ten Year Plan or developed for the purpose of the local governance statement.

4 **Core Committees**

4.1 ***Strategy Policy and Planning Committee – Terms of Reference***

The Strategy Policy and Planning Committee has a core function of policy formulation.

4.1.1 **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.

4.1.2 **Membership**

Eleven Councillors including the Chairman as Ex-Officio.

4.1.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Regional Council.

4.1.4 **Specific Responsibilities and Delegated Authority**

The Strategy Policy and Planning Committee is delegated the power of authority to:

- 1 Approve and review all statutory policy, strategy and plans (as identified in Council's Ten Year Plan and Annual Plan). Under related statute including the Resource Management Act 1991, Local Government Act 2002, Biosecurity Act 1993, Civil Defence Emergency Management Act 2002, all bylaws and regulations.
- 2 Approve and review non-statutory Council policy, strategy and plans (as identified in Council's Ten Year Plan and Annual Plan). This includes: Floodplain management, Regional economic development, Regional parks, Community relations, Regional Passenger Transport.
- 3 Identify and assess significant strategic regional issues and initiatives.
- 4 Monitor and review Council's facilitation role in regional economic development.
- 5 Monitor and review the achievement of outcomes for the Bay of Plenty Community.
- 6 Approve Council submissions on legislation, policy, regulations, standards, plans and other instruments prepared by Central Government, Local Government and other organisations.
- 7 Approve the allocation of budgeted Council contributions to regional and economic development initiatives.

- 8 Establish subcommittees and hearing panels and delegate to them any authorities that have been delegated by Council to the Strategy, Policy and Planning Committee and to appoint members (not limited to members of the Strategy, Policy and Planning Committee).
- 9 Approve its Subcommittee's recommendations for matters outside the Subcommittee delegated authority.
- 10 Resolve any appeals related to strategy, policy and plans.
- 11 Carry out hearings under any statute, for areas within its Terms of Reference.
- 12 Approve, within its Terms of Reference, the transfer of budget levels between activities or to exceed the budget level for an activity with no commensurate savings elsewhere, up to \$100,000 and to recommend to Council amounts exceeding \$100,000.

Note:

The Strategy, Policy and Planning Committee reports directly to the Regional Council.

The Strategy, Policy and Planning Committee is not delegated the power of authority to:

- *Approve the Regional Policy Statement.*
- *Develop, approve or review the Ten Year Plan or Annual Plan.*
- *Develop, approve or review operational policies, plans and strategies.*
- *Develop, approve or review Asset Management Plans.*
- *Approve Council submissions in relation to Consent applications.*
- *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.*
- *Develop a joint action plan to address the issue of air quality within Rotorua district.*

4.2 ***Operations, Monitoring and Regulation Committee – Terms of Reference***

The Operations, Monitoring and Regulation Committee has core functions of implementation and monitoring of Regional Council Strategy and Policy.

4.2.1 **Delegated Function**

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.

4.2.2 **Membership**

All Councillors including the Chairman as Ex-Officio.

4.2.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Regional Council.

4.2.4 **Specific Responsibilities and Delegated Authority**

The Operations, Monitoring and Regulation Committee is delegated the power of authority to:

- 1 Approve operational plans (as identified in council's Ten Year Plan and Annual Plan) that implement approved Regional Council Strategy and policy. Including:
 - Regional park management plans.
 - Asset management plans.
 - The Tier II Response Plan for oil pollution incidents and submit for approval to the Maritime Safety Authority.
- 2 Monitor the implementation and progress of approved Regional Council policy, strategy, operational plans and programmes. Examples include:
 - The Regional Pest Management Strategy.
 - Asset Management Plans.
 - The Environmental Enhancement Fund.
 - Rivers and Drainage schemes.
 - Small scale sewage reticulation subsidy scheme.
 - Council's Tier II Response Plan for oil pollution incidents.
 - Biodiversity and environmental programmes with private owners.
 - Environmental response functions.

- Transport related plans.
 - Contaminated sites programme.
 - Bylaws.
 - Civil defence emergency management responsibilities as a member of the Bay of Plenty Civil Defence Emergency Management Group.
 - Monitoring, compliance and investigation programmes.
- 3 Make decisions about compliance and enforcement functions and action relating to any statute Council operates under such as:
 - Warranting officers.
 - Taking enforcement and court action.
 - Issuing fines and infringement notices.
 - 4 Approve the allocation of funds (as identified in the Ten Year Plan and Annual Plan) to the Environmental Enhancement Fund.
 - 5 Exercise all Council's duties, functions and powers for determining resource consent applications.
 - 6 Approve submissions on behalf of the Council in relation to consent applications.
 - 7 Approve environmental agreements with private landowners, in accordance with the Policy on Partnerships with the Private Sector.
 - 8 Establish subcommittees and hearing panels and delegate to them any authorities that have been delegated by Council to the Operations, Monitoring and Regulation, Committee and to appoint members (not limited to members of the Operations Monitoring and Regulation Committee).
 - 9 Approve its Subcommittee's recommendations for matters outside the Subcommittee delegated authority.
 - 10 Carry out hearings under any statute, for areas within its Terms of Reference.
 - 11 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 Ten Year Plan or Annual Plan or as otherwise specifically approved by Council.
 - 12 Approve, within its Terms of Reference, the transfer of budget levels between activities or to exceed the budget level for an activity with no commensurate savings elsewhere, up to \$100,000 and to recommend to Council amounts exceeding \$100,000.

Note:

The Operations, Monitoring and Regulation Committee reports directly to Regional Council.

The Operations, Monitoring and Regulation Committee is not delegated the power of authority to:

- *Develop, adopt or review strategic policy and strategy.*
- *Approve Council submissions on legislation, policy, regulations, standards, plans and other instruments prepared by Central Government, Local Government and other organisations.*
- *Identify, monitor and evaluate necessary actions by the organisation and other relevant organisations on the Rotorua Te Arawa Lakes programme.*

4.3 ***Finance and Corporate Committee – Terms of Reference***

The Finance and Corporate Committee has a core function for formulating finance policy and monitoring financial and corporate performance.

4.3.1 **Delegated Function**

To develop and monitor Council's financial policy and corporate performance.

4.3.2 **Membership**

Eleven Councillors including the Chairman as Ex-Officio.

4.3.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Regional Council.

4.3.4 **Specific Responsibilities and Delegated Authority**

The Finance and Corporate Committee is delegated the power of authority to:

- 1 Receive the Council's quarterly overall financial reports and to review the appropriateness of reports received and if necessary make recommendations to council on financial matters arising from council's financial reports.
- 2 Receive quarterly reports on corporate performance, if required.
- 3 Receive and consider month-end financial reports between quarters, if required.
- 4 Preview and approve the form and content of the annual financial statements.
- 5 Monitor Council's overall service and financial performance against the Ten Year Plan and Annual Plan, including overseeing the production of the Annual Report.
- 6 Develop, approve and review council's funding and financial policies.
- 7 Review internal financial systems.
- 8 Audit financial decisions, if required.
- 9 Consider significant corporate matters that require governance input.
- 10 Consider applications for the remittance of user fees, charges and rates that cannot be dealt with under the delegation of another committee.
- 11 Establish subcommittees and delegate to them any authorities that have been delegated by council to the Finance and Corporate Committee and to appoint members (not limited to members of the Finance and Corporate Committee).
- 12 Approve its Subcommittee's recommendations for matters outside the Subcommittee delegated authority.

- 13 Approve, within its Terms of Reference, the transfer of budget levels between activities or to exceed the budget level for an activity with no commensurate savings elsewhere, up to \$100,000 and to recommend to Council amounts exceeding \$100,000.

Note:

The Finance and Corporate Committee reports directly to the Regional Council.

The Finance and Corporate Committee is not delegated the power of authority to:

- *Develop, approve or review strategic policy and strategy.*
- *Develop, approve or review non financial operational policies and plans.*
- *Allocate funding through the Environmental Enhancement Fund.*

4.4 ***Māori Committee – Terms of Reference***

The Maori Committee has functions for implementation and monitoring of Council's legislative obligations to Māori.

4.4.1 **Delegated Function**

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

4.4.2 **Membership**

Seven Councillors including the Chairman as Ex-Officio.

4.4.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Regional Council.

4.4.4 **Specific Responsibilities and Delegated Authority**

The Maori Committee is delegated the power of authority to:

- 1 Monitor council's compliance with its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991.
- 2 Approve actions to enhance Māori capacity to contribute to council's decision-making processes for inclusion in the development of the Ten Year Plan.
- 3 Recommend to council effective Maori consultation mechanisms and processes.
- 4 Identify any relevant emerging issues for the Region relating to the principles of the Te Tiriti o Waitangi, legislative obligations to Maori under different statutes and programmes to build the capability of Maori.
- 5 Facilitate tangata whenua input into community outcomes, Council policy development and implementation work.
- 6 Formally receive iwi/hapū management plans.
- 7 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 Strategy, Policy and Planning Committee or Council.
- 8 Establish subcommittees and delegate to them any authorities that have been delegated by Council to the Maori Committee and to appoint members (not limited to members of the Maori Committee).
- 9 Approve its Subcommittee's recommendations for matters outside the Subcommittee delegated authority.
- 10 Recommend to Council the establishment of advisory groups to represent sub-region or constituency areas and to consider specific issues.

- 11 Recommend to Council, within its Terms of Reference, approval of the transfer of budget levels between activities or to exceed the budget level for an activity with no commensurate savings elsewhere, up to and exceeding \$100,000.

Note:

The Maori Committee reports directly to the Regional Council.

4.5 **Chief Executive Employment Committee**

This Committee was established on 9 December 2010.

4.5.1 **Delegated Function**

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

4.5.2 **Membership**

Deputy Chairman Philip Sherry (Chairperson), Chairman Cronin, Councillor Bennett and Councillor Thompson.

4.5.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Regional Council.

4.5.4 **Specific Responsibilities and Delegated Authority**

The Chief Executive Employment Committee is delegated the power of authority to:

- 1 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.
- 2 Negotiate annually with the Chief Executive performance targets and key result area weightings including associated methods of measurement and processes of judgement.
- 3 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.
- 4 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.
- 5 Negotiate and determine any agreed amendments or adjustments to the terms and conditions of employment and the remuneration with the Chief Executive annually.
- 6 Develop and agree with the Chief Executive an annual development plan to address any training needs or preferences.
- 7 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.
- 8 Consider and advise Council on all matters relevant to the employment of the Council's Chief Executive.

Note:

The Chief Executive Employment Committee reports directly to the Regional Council.

5 **Statutory Committees**

5.1 ***Regional Transport Committee - Terms of Reference***

5.1.1 **Delegated Function**

Section 105(1) of the Land Transport Management Act 2003 requires the Regional Council to establish a Regional Transport Committee for its region. Section 105 is a new section dealing with the establishment of Regional Transport Committees and was inserted in the Act by the Land Transport Management Amendment Act 2008 which commenced on 1 August 2008.

5.1.2 **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;
- One person to represent the agency;
- One person to represent the objective of economic development;
- One person to represent the objective of safety and personal security;
- One person to represent the objective of public health;
- One person to represent the objective of access and mobility;
- One person to represent the objective of environmental sustainability; and
- One person to represent cultural interest.

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).

5.1.3 **Term of the Committee**

As soon as practicable after each triennial election, every regional council must establish a regional transport committee under Section 105(1) of the Land Transport Management Act 2003 for its region.

5.1.4 Specific Responsibilities and Delegated Authority

To prepare for approval by the Regional Council:

- 1 A Regional Land Transport Strategy for its region, any variations to it and any reports on it.
- 2 A regional land transport programme for its region and any variations to it.
- 3 Any advice and assistance the Regional Council may request in relation to its transport responsibilities generally.
- 4 Approve submissions to central government, local authorities and other agencies on Regional Transport Committee related matters.

Each Regional Transport Committee must adopt a policy that determines significance in respect of variations made to regional land transport programmes and regional land transport strategies.

5.1.5 Procedure of the Committee

The persons appointed to represent the objectives of economic development, safety and personal security, public health, access and mobility, environmental sustainability; and cultural interest have full speaking rights but are not entitled to vote on matters related to regional land transport programmes.

The persons appointed to represent the objectives of economic development, safety and personal security, public health, access and mobility, environmental sustainability; and cultural interest are entitled to vote on matters related to regional land transport strategies and regional fuel tax schemes.

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 committees.

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.*

5.2 ***Rotorua Te Arawa Lakes Strategy Group - Terms of Reference***

5.2.1 **Interpretation**

In these Terms of Reference:

“Organisations” means the Te Arawa Lakes Trust, the Rotorua District Council and the Bay of Plenty Regional Council.

“Rotorua Lakes” means Lakes Rotorua, Rotoiti, Rotoehu, Rotoma, Okataina, Tikitapu, Okareka, Tarawera, Rotomahana, Rerewhakaaitu, Okaro and Rotokakahi.

“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.

5.2.2 **Purpose**

The purpose of the Group is to contribute to the promotion of the sustainable management of the Rotorua 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.

5.2.3 **Membership**

Six members:

- Two representatives from Te Arawa Lakes Trust
- Two representatives from the Rotorua District Council
- Two representatives from the Bay of Plenty Regional Council.

5.2.4 **Term of the Committee**

This is a permanent joint committee under the Te Arawa Lakes Settlement Act 2006. The *Te Arawa Lakes Deed of Settlement* (December 2004) included clauses establishing the Group (Cultural Redress: Lakes Management and Relationships, clauses 9.1 to 9.3). The Terms of Reference for the Group come from a signed agreement between the three parties (dated 8 October 2004) and included in Part 1 of the Relationship Schedule to the Deed of Settlement.

5.2.5 **Specific Responsibilities and Delegated Functions**

The group will have the following functions:

- 1 The provision of leadership to the Organisations and the community in relation to implementation of the Vision of the Strategy for the Lakes of the Rotorua district 2000.
- 2 The identification significant existing and emerging issues affecting the Rotorua Lakes.
- 3 The preparation, approving, monitoring, evaluation and review agreements, policies and strategies to achieve integrated outcomes for the Rotorua Lakes.
- 4 The identification, monitoring and evaluation of necessary actions by the organisations and other relevant organisations.

- 5 The receiving of reports on activities being undertaken by the organisations and other relevant organisations.
- 6 Involvement during 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.
- 7 Involvement in applications for activities in relation to significant issues not addressed by existing policies of the co-management partners. 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.

Note:

The Rotorua Te Arawa Lakes Strategy Group reports directly to the Regional Council.

5.3 ***Civil Defence Emergency Management Group – Terms of Reference***

5.3.1 **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 August 2003 and amended November 2003).

5.3.2 **Membership**

All of the 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
- Whakatane District Council

5.3.3 **Term of the Committee**

Pursuant to section 12 of the Civil Defence Emergency Management Act 2002 and clause 30(7) of schedule 7 of the Local Government Act 2002 the parties, each having resolved in accordance to the Local Government Act have established this committee. This agreement shall expire on the date the Civil defence Emergency Management Act is repealed or any other date specific in an enactment.

5.3.4 **Specific Responsibilities and Delegated Authority**

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

Note:

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

6 **Subcommittees**

6.1 ***Public Transport Subcommittee – Terms of Reference***

6.1.1 **Delegated Function**

To determine operational policy and operational matters associated with Public Transport. This will be achieved through the development and approval of operational decisions which translate strategy and policy into action.

6.1.2 **Membership**

- Seven Councillors including the Chairman as Ex-Officio; and
- One representative from Tauranga City Council and one representative from Rotorua District Council.

6.1.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Parent Committee or the Regional Council.

6.1.4 **Specific Responsibilities and Delegated Authority**

The Public Transport Subcommittee is delegated power of authority to:

- 1 Approve and review operational plans and changes (as budgeted in the Ten Year Plan and Annual Plan) related to Public Transport matters.
- 2 Monitor the implementation and progress of approved Public Transport related policy.
- 3 Approve applications to register or vary public transport services submitted under the Public Transport Management Act.
- 4 Authority to enter into contracts on matters within its Terms of Reference to a maximum value of \$700,000 (excluding GST) for any one contract, provided that the exercise of this power shall be subject to and within the allocation of funds set aside for that purpose in the Ten Year Plan or Annual Plan or as otherwise specifically approved by Council.
- 5 Recommend to the Operational Monitoring and Regulation Committee on the transfer of budget levels between activities or to exceed the budget level for an activity with no commensurate savings elsewhere in relation to Public Transport matters.
- 6 Prepare the Bay of Plenty Regional Public Transport Plan, up to the points of recommending to the Strategy, Policy and Planning Committee that a Draft Regional Public Transport Plan be publicly notified for formal submission and the consulted upon Regional Public Transport Plan be adopted.

Note:

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

- *The Public Transport Subcommittee reports to the Operational Monitoring and Regulation Committee.*

6.2 **Total Mobility Management Subcommittee – Terms of Reference**

6.2.1 **Delegated Function**

To monitor the performance of the Council's Total Mobility Scheme.

6.2.2 **Membership**

In the past the Competitive Pricing Procedure (CPP) from Land Transport New Zealand required the Committee to consist of suitable persons, appointed by the relevant Regional Council, to represent the three groups participating in the Total Mobility Scheme. The Subcommittee consists of nine members.

The groups represented are:

- The Regional Council (three Councillors)
- Transport operators
- People who use the scheme and that:
- At least one representative of each of the three groups shall be present at any meeting.
- The Council shall select and appoint the members and chairperson of the Committee.

6.2.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Parent Committee or the Regional Council.

6.2.4 **Specific Responsibilities and Delegated Authority**

The Total Mobility Management Subcommittee is delegated the power of authority to:

- 1 Recommend to the Operations, Monitoring and Regulation Committee, on issues relating to the operation of the Total Mobility Scheme.

Note:

- *The Total Mobility Management Subcommittee does not have any financial delegations.*
- *The Total Mobility Management Subcommittee reports to the Operational Monitoring and Regulation Committee.*

6.3 ***Environmental Enhancement Fund Subcommittee – Terms of Reference***

6.3.1 **Delegated Function**

To oversee the administration of the Council's Environmental Enhancement Fund including approving funding applications.

6.3.2 **Membership**

Five Councillors.

6.3.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Parent Committee or the Regional Council.

6.3.4 **Specific Responsibilities and Delegated Authority**

The Environmental Enhancement Fund Subcommittee is delegated the power of authority to:

- 1 Approve and allocate grants of \$5,000 or more as provided for annually in the Ten Year Plan and Annual Plan and any unspent funds from the previous financial year.
- 2 Receive reports on outcomes as a result of allocating funds including grants under \$5,000.
- 3 Review the Environmental Enhancement Fund Policy Manual annually and recommend alterations if necessary.

Note:

The Environmental Enhancement Fund Subcommittee reports to the Operational Monitoring and Regulation Committee.

6.4 ***Investment Subcommittee – Terms of Reference***

The Investment Subcommittee has a core function of monitoring the performance of the Council's Investment Funds.

6.4.1 **Delegated Function**

To monitor Council's Investment Fund and manage their funds in accordance with Council's Investment Policy.

6.4.2 **Membership**

Chairman Cronin and Councillors Mansell, Noble, Owens, Thompson, and Thurston.

6.4.3 **Term of the Committee**

For the period of the 2010/2013 Triennium unless discharged earlier by the Regional Council.

6.4.4 **Meetings**

The Committee shall meet as required.

6.4.5 **Specific Responsibilities and Delegated Authority**

The Investment Subcommittee is delegated the power of authority to:

- 1 Receive quarterly reports on investment performance, if required.
- 2 Receive and consider month-end investment performance between quarters, if required.
- 3 Monitor Council's overall investment performance against the Ten Year Plan and Annual Plan.
- 4 Review fund manager performance to ensure Council's funding requirements are met.
- 5 Obtain external legal or other professional advice as necessary.
- 6 Ensure that the assets of Council are invested in a manner to ensure continuing compliance of any relevant legislation.

Note:

The Investment Subcommittee reports directly to the Finance and Corporate Committee.

The Investment Subcommittee is not delegated the power of authority to:

- *Develop, approve or review strategic policy and strategy.*
- *Develop, approve or review non-financial operational policies and plans.*

7 Joint Committees

7.1 *SmartGrowth Implementation Committee – Terms of Reference*

7.1.1 Delegated Function

The SmartGrowth Implementation Committee (SGIC) is a governance group responsible for prioritising, reviewing and monitoring the implementation of the SmartGrowth Strategy 2051 (for further information visit the SmartGrowth website:

<http://www.smartgrowthbop.org.nz/>).

7.1.2 Membership

The Membership is limited to 13 members, but with the powers to co-opt up to a maximum of three additional non-voting members from the Strategic Partner Forum or Tangata Whenua Forum where required to ensure effective implementation of any part of parts of the Strategy.

- Tauranga City Council Mayor and two councillors
- Western Bay of Plenty District Council Mayor and two councillors
- Bay of Plenty Regional Council Chairman and two councillors
- Tangata Whenua Three representatives
- SmartGrowth Independent Chairman and Implementation Advisor

7.1.3 Term of the committee

Under clause 30(7) of Schedule 7 of the Local Government Act 2002 the SmartGrowth Implementation Committee must be re-established at the beginning of each triennium.

7.1.4 Purpose and Terms of Reference (taken directly from the SmartGrowth website)

- Growth management leadership.
- Overseeing the implementation of the SmartGrowth strategy, 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.
- Responsibility for relevant sub-regional transport matters.
- Approving submissions to central government, local authorities and other agencies on SmartGrowth related matters.
- Monitoring and reporting progress against milestones.

- Over viewing the management of the risks identified in implementation.
- 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.
- Facilitating consultation with the community.
- Establishing the Tangata Whenua Forum.
- Establishing the Strategic Partners Forum.
- Selecting and appointing an Independent Chairman.
- Appointing SmartGrowth implementation advisor after considering any recommendations from CEAG.
- Implementing a Memorandum of Understanding be adopted by the Committee to provide a basis for developing working relationships and the resolution of any conflict.

Note:

The SmartGrowth Implementation Committee reports directly to the Regional Council.

7.2 *Ōhiwa Harbour Implementation Forum – Terms of Reference*

7.2.1 Delegated Function

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

7.2.2 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.

7.2.3 Standing Orders

The Bay of Plenty Regional Council Standing Orders, October 2010, based on the New Zealand Standard Model 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.

7.2.4 Chair

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

7.2.5 Frequency of meetings

Meetings will be held every six months or as required.

7.2.6 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.

7.2.7 Specific Responsibilities and Delegated Authority

The 'Ohiwa Harbour Implementation Forum':

- is the sponsor of the Ohiwa 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 Ohiwa 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 Ohiwa Harbour Catchment community.

7.2.8 Administering Authority

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

Note:

The Ōhiwa Harbour Implementation Forum reports directly to the Operational Monitoring and Regulation Committee.

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.

*The Ōhiwa Harbour Implementation Forum is a **recommending** body only, and does not have decision-making powers.*