

Pou Tarāwaho Kāwanatanga
Governance Structure

Terms of Reference / Delegations
for Council, Committees of
Council, and Smartgrowth
2022 - 2025

Adopted at Council C22-1 Meeting - 8 December 2022



**Western
Bay of Plenty**
District Council

Rārangi upoko

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Council



Council

Membership

Chairperson	Mayor James Denyer
Deputy Chairperson	Deputy Mayor John Scrimgeour
Members	The Mayor and all Councillors
Quorum	Six
Frequency	Six weekly

Role:

The Council is responsible for:

- Ensuring the effective and efficient governance and leadership of the District.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Power to act:

- To exercise all non-delegable functions and powers of the Council including, but not limited to:
 - The power to make a rate;
 - The power to make a bylaw;
 - The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
 - The power to adopt a Long Term Plan, a Long Term Plan Amendment, Annual Plan or Annual Report and to receive any related audit report;
 - The power to appoint a chief executive;
 - The power to 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;
 - The power to adopt a remuneration and employment policy;
 - The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991;
 - The power to approve or amend the Council's Standing Orders;
 - The power to approve or amend the Code of Conduct for Elected Members;
 - The power to appoint and discharge members of committees;
 - The power to establish a joint committee with another local authority or other public body;
 - The power to make a final decision on a recommendation from the Parliamentary Ombudsman where it is proposed that Council not accept the recommendation.

- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/ Trustees and representatives of Council to external organisations.
- To monitor the performance of and make decisions on any matters relating to Council Controlled Organisations, including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent), including as recommended by the Strategy and Policy Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council and/or any other local authority including the requirement to review the terms of any such agreements or contractual arrangements.
- To approve the triennial agreement.
- To approve the local governance statement required under the Local Government Act 2002.
- To approve a proposal to the Remuneration Authority for the remuneration of Elected Members.
- To approve any changes to the nature and delegations of Committees.

Procedural matters:

- Approval of elected member training/ conference attendance.

Mayor's delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

Power to sub-delegate:

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.



Council Committees



Annual Plan and Long Term Plan Committee

Membership

Chairperson	Deputy Mayor John Scrimgeour
Deputy Chairperson	Councillor Rodney Joyce
Members	The Mayor and all Councillors
Quorum	Six
Frequency	As required

Role:

To manage the process of development of the Annual Plan, Long Term Plan and amendments, including the determination of the nature and extent of community engagement approaches to be deployed.

Scope:

- To undertake on behalf of Council all processes and actions precedent to the final adoption of the Annual Plan, Long Term Plan and any amendments including, but not limited to:
 - The development of consultation documents and supporting information,
 - Community engagement approaches and associated special consultative processes (if required), and
 - The review of policies and strategies required to be adopted and consulted on under the Local Government Act 2002 including the financial strategy, treasury management strategies and the infrastructure strategy.

- In relation to the Annual Plan and Long Term Plan, listen to and receive the presentation of views by people and engage in spoken interaction in relation to any matters Council undertakes to consult under the Local Government Act 2002.
- Receive audit reports in relation to the Long Term Plan and any amendments (prior to adopting a Consultation Document).

Power to act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed, including the adoption for the purposes of consultation under the Local Government Act 2002 of the Consultation Document and Supporting Information.
- Receive audit reports in relation to the Long Term Plan and any amendments (prior to adopting a Consultation Document).

Power to recommend:

To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions on its delegations and provided that any sub-delegation includes a statement of purpose and specification of task.

Audit, Risk and Finance Committee

Membership

Chairperson	Councillor Murray Grainger
Deputy Chairperson	Councillor Tracey Coxhead
Members	The Mayor and all Councillors External appointee - Stuart Henderson
Quorum	Seven
Frequency	Quarterly

Role:

The main purpose of the Committee is to assist Council in providing oversight of matters relating to the quality and integrity of financial reporting, independence and performance of the external auditors, effectiveness and objectivity of the internal audit programme, and oversight of business risks and compliance activities.

Scope:

Responsibilities:

- Assist Council in fulfilling its responsibilities for financial statements and external financial reporting.
- Monitor the Council's external and internal audit process and the resolution of any issues that are raised.
- Review key formal external accountability documents such as the Annual Report in order to provide advice and recommendation in respect to the integrity and appropriateness of the documents and the disclosures made.
- Provide a forum for communication between management, internal and external auditors and the governance level of Council.
- Ensure the independence and effectiveness of Council's internal audit processes, with oversight of the internal audit programme and findings.
- Oversee the development of the Council's Annual Report.
- Oversee the development and management of financial policies and delegations.
- Monitor existing corporate policies and recommend new corporate policies to prohibit unethical, questionable or illegal activities.
- Support measures to improve management performance and internal controls.

Responsibilities:

Audit (internal and external):

- Ensure appropriate accounting policies and internal controls are established and maintained and assist Council in ensuring the effective and efficient management of all business risks.
- Ensure an appropriate framework is maintained for the management of strategic and operational risk (including risk appetite).

- Review risk including technical insurance matters and participation in national risk management practices, health and safety risk management and implementation of risk management processes.
- Review the effectiveness of the Long Term Plan audit or any audit relating to an amendment to the Long Term Plan.
- Review the effectiveness of the annual audit.
- Monitor management response to audit reports and the extent to which the external audit recommendations concerning internal accounting controls and other matters are implemented.
- Monitor the delivery of any internal audit work programme and implementation of any significant recommendations including control risk, accounting and disclosure practices.
- Engage with Council's external auditors regarding the external work programme and agree the terms and arrangements of the external audit in relation to the Annual Report.
- Engage with internal and external auditors on any specific one-off audit assignments.
- Review the effectiveness of the control environment established by management including the computer information management systems controls and security. This also includes a review/monitoring role for relevant policies, processes, and procedures.

Risk management:

- Review the Risk Management Framework, and associated procedures to ensure they are current, comprehensive and appropriate for the effective identification and management of Council's financial and business risks including fraud and cyber security.
- Review the effectiveness of the system for monitoring Council's financial compliance with relevant laws, regulations and associated government policies.
- Review whether a sound and effective approach has been followed in establishing Council's business continuity planning arrangements.
- Review Council's Fraud Policy to determine that Council has appropriate processes and systems in place to capture and effectively investigate fraud related information.

Financial:

- To monitor the operational performance of Council's activities and services against approved levels of service.
- Monitor financial performance against any Council approved joint contracts with other local authorities.
- Report financial outcomes and recommend any changes or variations to allocated budgets including both operational and capital expenditure.
- Provide oversight of legal risks, claims or proceedings (excluding the approval of any legal settlements).
- Recommend the adoption of the Annual Report and the approval of the Summary Annual Report to Council.

Power to act:

The Committee is delegated the authority to:

- Receive and consider external and internal audit reports.
- Receive and consider staff reports on audit, internal control and risk management policy and procedure matters as appropriate.
- To approve the Auditors engagement and arrangement letters in relationship to the Annual Report.

Power to recommend:

To make recommendations to Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or any other subordinate decision-making body, subject to the restrictions on its delegations and provided any sub-delegation includes a statement of purpose and a specification of task.

Community Committee

Membership

Chairperson	Councillor Margaret Murray-Benge
Deputy Chairperson	Councillor Grant Dally
Members	The Mayor, all Councillors and the Chairperson from each Community Board (5)
Quorum	Nine
Frequency	Quarterly

Role:

Subject to compliance with Council strategies, policies, plans and legislation:

- To maintain an overview of Council's community-led outcomes delivery, with a focus on the social, economic, cultural and environmental work programmes, as set out in the Long-Term Plan.
- To maintain an overview of Council's local housing systems plan delivery, and make recommendations to Council and its Committees on appropriate actions to address priority matters.
- To maintain an overview of local climate change plans and make recommendations to Council and its Committees on appropriate actions to address priority matters.
- To receive reports from Convenors of Community Forums and make recommendations to Council and its Committees on appropriate actions to address priority matters arising from Community Forums.
- To administer specific funds of Council that contribute to improving community wellbeing.

Scope:

Social Wellbeing:

- Monitor progress on Council's community safety programme.
- Monitor (annually) local service delivery contracts relating to social wellbeing.
- Receive updates on the Community Events Fund allocations.
- Receive updates on the progress of local housing system plans.

- Receive updates on community emergency response planning and community resilience work.
- Consider and decide applications to the Community Matching Fund.
- Consider and decide applications to the Facilities in the Community Fund.

Environmental Wellbeing:

- Receive updates on the Natural Environment and Sustainable Living Programme.
- Receive updates on the progress of local climate change plans.
- Monitor (annually) local service delivery contracts relating to environmental wellbeing.
- Consider and decide applications to the Community Matching Fund – ecological component.

Cultural Wellbeing:

- Receive updates on the Creative Communities Scheme funding allocations.
- Receive updates on the cultural events supported by Council.
- Monitor progress on the Welcoming Communities programme and prioritise actions and activities.

Economic Wellbeing:

- Receive updates (annually) from Priority One and Tourism Bay of Plenty.
- Monitor (annually) local service delivery contracts relating to economic wellbeing.

Delegations:

To receive the priority matters arising from Community Forums and make recommendations to Council and its Committees.

Power to recommend:

To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions on its delegations and provided that any sub-delegation includes a statement of purpose and specification of task.

District Licensing Committee

Membership

Chairperson	Commissioner/Chairperson from the District Licensing Committee Members List ('the list')
Members	<ul style="list-style-type: none">• Councillor Don Thwaites (Licensing commissioner)• Murray Clearwater (Licensing commissioner)• James Davison (Licensing committee member)• Beverley Edlin (Licensing commissioner)• Arthur Wilkinson (Licensing commissioner)• Steve Williams (Licensing committee member)
Quorum	Commissioner and two members from the List (Section 191 - Sale and Supply of Alcohol Act 2012)
Frequency	As required

Role:

As conferred under the Sale and Supply of Alcohol Act 2012:

- To consider and determine applications for licences and manager's certificates.
- To consider and determine applications for renewal of licences and manager's certificates.
- To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with [Section 136](#) of the Sale and Supply of Alcohol Act 2012.
- To consider and determine applications for the variation, suspension, or cancellation of special licences.
- To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under [section 280](#) of the Sale and Supply of Alcohol Act 2012.
- With the leave of the Chairperson for the licensing authority, to refer applications to the licensing authority.
- To conduct inquiries and to make reports as may be required of it by the licensing authority under [section 175](#) of the Sale and Supply of Alcohol Act 2012.
- Any other functions conferred on licensing committees by or under the Sale and Supply of Alcohol Act 2012 or any other enactment.

Chairpersons delegation:

Where no objection to the application has been received within the timeframes as prescribed under the Act the authority to decide on the papers and issue decisions on such applications (Section 191 (2) Sale and Supply of Alcohol Act 2012).

District Plan Committee

Membership

Chairperson	Deputy Mayor John Scrimgeour
Deputy Chairperson	Councillor Murray Grainger
Members	<ul style="list-style-type: none">• Mayor James Denyer• Councillor Grant Dally• Councillor Anne Henry• Councillor Margaret Murray-Benge
Quorum	Three
Frequency	As required

Role:

- To enable effective decision making with regard to Resource Management Act 1991 matters, including district plan changes, private plan changes and resource consent matters.

Scope:

- All functions, duties and obligations as set out in the Resource Management Act 1991 relevant to plan changes, private plan changes and district plan reviews and any other matter processed under Schedule 1 of the Resource Management Act 1991, including hearing submissions and making recommendations to Council for the approval of plan changes, private plan changes and plan reviews.
- All functions, duties and obligations as set out in the Resource Management Act 1991 relevant to hearing of submissions and making decisions on notified resource consent applications.
- To make decisions on any other Resource Management Act 1991 matter referred to the Committee by the General Manager Regulatory Services or General Manager Strategy and Community.
- To receive reports on appeals to the Environment Court on Committee or Independent Hearings Commissioner decisions made in relation to plan changes, private plan changes, and notified resource consent applications, and to provide guidance to staff authorised to negotiate and settle appeals on Council's behalf.

Power to act:

- To hear and make decisions on plan changes, private plan changes and district plan reviews and any other matter processed under Schedule 1 of the Resource Management Act 1991 and to recommend to Council decisions on submissions and approval of plan changes and private plan changes or any other matter, as required.

- To hear and make decisions on notified resource consent applications where submissions have been received.
- The power to co-opt expert advice on an 'as required' basis.
- The power to appoint Independent Hearings Commissioners and to appoint Hearings Panels of appropriately qualified members and/or Independent Hearings Commissioners in accordance with the Appointment of Independent Hearings Commissioner Policy, or any other relevant legislative requirement.
- The power to conduct joint hearings with other local authorities where necessary and expedient to do so, including the power to appoint members and/or Independent Hearings Commissioners to Joint Hearings Committees.
- To make decisions on any resource consent application where the reporting officer is recommending that the application be refused.
- To make decisions on section 357 objections to conditions under the Resource Management Act 1991 where the reporting officer is recommending that the application be declined (either in whole or in part).
- To make decisions where draft consent orders would represent a minor change in policy direction from the District Plan and to authorise settlement of those consent orders with the Environment Court by Council's solicitors acting on behalf of Council.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings-related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- To make decisions on any other Resource Management Act 1991 matter referred to the Committee by the General Manager Regulatory Services or General Manager Strategy and Community.

Chairperson's delegations:

Should there be insufficient time for staff to consult with the Committee on any appeal to the Environment Court in relation to a decision made pursuant to the Resource Management Act 1991, the Chairperson or Deputy Chairperson (where the Chairperson is not available) may provide guidance to staff, and report back to the next scheduled meeting of the Committee.

Projects and Monitoring Committee

Membership

Chairperson	Councillor Don Thwaites
Deputy Chairperson	Councillor Allan Sole
Members	The Mayor and all Councillors
Quorum	Six
Frequency	Quarterly

Role:

To monitor and review the progress of the Council's activities, projects and services.

Scope:

- To monitor the effectiveness of Council and agency service agreements / contracts.
- To monitor the implementation of Council's strategies, plans and policies, and projects as contained in the Long Term Plan or Annual Plan.
- To monitor agreements between Tauranga City Council and Western Bay of Plenty District Council and recommend to the respective Councils any changes to agreements, as appropriate.
- To monitor the on-going effectiveness of implemented joint projects, plans, strategies and policies with Tauranga City Council.

- To monitor performance against any Council approved joint contracts with Tauranga City Council and/or other entities.
- Monitor performance against the Priority One approved contract.
- Subject to agreed budgets and approved levels of service, make decisions to enable delivery of the operational and capital programme of Council.

Power to act:

To make decisions to enable and enhance service delivery performance, in accordance with approved levels of service and subject to budgets set in the Long Term Plan or any subsequent Annual Plan.

Power to recommend:

To make recommendations to Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and provided that any sub-delegation includes a statement of purpose and specification of task.

Strategy and Policy Committee

Membership

Chairperson	Mayor James Denyer
Deputy Chairperson	Councillor Richard Crawford
Members	The Mayor and all Councillors
Quorum	Six
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be deployed.
- Development, review and approval of strategies and plans in accordance with legislation including determination of the nature and extent of community engagement approaches to be deployed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Endorsement of the Future Development Strategy and sub-regional or regional spatial plans.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).
- Where un-budgeted financial implications arise from the development or review of policies, bylaws or plans, recommend to Council any changes or variations necessary to give effect to such policies, bylaws or plans.
- Listen to and receive the presentation of views by people and engage in spoken interaction in relation to any matters Council undertakes to consult on whether under the Local Government Act 2002 or any other Act.

- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of community wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed legislation, plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards.
 - Community Committee.

Power to act:

To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to recommend:

To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.

Should there be insufficient time for Strategy and Policy Committee to consider approval for a final submission to an external body, the Chair has delegated authority to sign the submission on behalf of Council, provided that the final submission is reported to the next scheduled meeting of the Strategy and Policy Committee.

SmartGrowth Leadership Group

Membership

Chairperson	Commissioner Anne Tolley
Bay of Plenty Regional Council	Councillor Jane Nees Councillor Stuart Crosby Councillor Paula Thompson Cr. Ron Scott (alternate)
Tauranga City Council Commissioners	Stephen Selwood Bill Wasley Shad Rolleston (alternate)
Western Bay of Plenty District Council	Mayor James Denyer Deputy Mayor John Scrimgeour Cr. Don Thwaites
Tangata Whenua Representatives	Matire Duncan Geoff Rice Matemoana McDonald (alternate) Riki Nelson (Appointed 5 April) Whitiora McLeod (Appointed 5 April)
Bay of Plenty District Health Board	Ron Scott (Non-voting)
Minister for Local Government	Hon. Nanaia Mahuta Richard Ward (alternate)
Minister for Housing	Hon. Megan Woods
Waka Kotahi	David Speirs (non-voting) Jessica Andrew (alternate)
Quorum	11
Meeting Frequency	Quarterly

Purpose:

The purpose of the Joint Committee (SmartGrowth Leadership Group) is to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region¹ in accordance with the SmartGrowth Strategy, outcomes from the Urban Form and Transport Initiative and the joint spatial plan as agreed between the Crown and the SmartGrowth partners.

The SmartGrowth Leadership Group carries out its purpose in accordance with the delegations set out in the Agreement.

General Principles:

The SmartGrowth Leadership Group operates under the following principles:

- Supporting the aim of developing a thriving western Bay of Plenty sub-region that is prosperous, has high levels of sustainable economic growth, supports affordable housing along with a transport system that can support that growth.
- Supporting a four-well-being approach to urban growth and spatial planning which incorporates cultural, economic, environmental and social well-being and builds on the SmartGrowth 'live, learn, work and play' vision.
- Reinforcing an integrated planning approach incorporating land use, all infrastructure and funding.
- Building on existing SmartGrowth work, including the 2013 Strategy, outcomes from Urban Form and Transport Initiative ("UFTI"), and the general SmartGrowth arrangements already in place.
- Adopting a shared evidence base so that all parties are using common data.
- Recognising and supporting the existing Urban Form and Transport Initiative ("UFTI") which will underpin the development of one joint subregional spatial plan.
- Taking account of the Western Bay Transport System Plan findings.
- Acknowledging the benefits of a collaborative approach to urban growth and spatial planning, and to share responsibility for such planning between the parties in consultation with key sector groups and the sub-regional community.
- Supporting the economic and social aspirations of tangata whenua while protecting cultural identity.
- Sustaining and improving the natural environment.

Monitoring and review:

The SmartGrowth Leadership Group has responsibility for:

- Six- monthly monitoring and reporting on implementation of the principles set out in this Terms of Reference.
- Monitoring the implementation of any joint urban growth programme developed.
- Monitoring and reporting SmartGrowth implementation progress against key milestones.
- Reviewing and recommending any changes to the SmartGrowth Strategy if circumstances change.

¹ The 'sub-region' refers to the territorial areas of Tauranga City council and Western Bay of Plenty District Council.

Membership:

That representation of the SmartGrowth Leadership Group be comprised of:

- Three elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson - voting
- Four representatives to be nominated by tangata whenua - voting
- An Independent Chairperson, to be appointed by the Leadership Group, to chair the Group - voting
- Up to three Ministers of the Crown - voting
- Additional Ministers, if and when relevant and required - non-voting
- One DHB representative - non-voting
- One NZTA representative - non-voting
- One alternate member per voting organisation

That the standing membership of the Leadership Group shall be limited to 22 members (including the Independent Chairperson), but the SmartGrowth Leadership Group has 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 including the joint (Crown and local partners) spatial plan.

Meeting frequency:

Quarterly, or as necessary and determined by the Independent Chairperson.



**Western
Bay of Plenty**
District Council

Te Kaunihera a rohe mai i
Ngā Kuri-a-Whārei ki
Otamarakau ki te Uru

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