

Attachment 1

SmartGrowth Leadership Group (Joint Committee) Agreement

1. Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002 (“LGA 2002”). The purpose is to provide for a Joint Committee of Tauranga City Council, Western Bay of Plenty District Council, the Bay of Plenty Regional Council, and tāngata whenua¹ to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region² 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. This joint committee is known as the ‘SmartGrowth Leadership Group’.

The Leadership Group has additional public body representation from the New Zealand Transport Agency (NZTA) through its Director of Regional Relationships and the Bay of Plenty District Health Board (DHB). The NZTA and DHB are non-voting members but have speaking rights.

The SmartGrowth Leadership Group has expanded membership for the Urban Growth Management Partnership and associated programmes to include Central Government.

This Agreement focuses on the Leadership Group, including its membership and delegations. Any additional Memoranda of Understanding that are completed will be in addition, and complementary to, this Agreement.

The joint SmartGrowth Leadership Group has been established to focus on strategic spatial planning, including the four well-beings (social, economic, environmental, cultural), and growth management in the western Bay of Plenty sub-region. This will occur through developing and implementing plans and strategies and recommending these to the SmartGrowth partners, as well as monitoring and undertaking reviews in accordance with the delegations set out in section 4 and the principles set out in the Terms of Reference attached to this Agreement as **Appendix 1**.

The Leadership Group is a formal joint committee pursuant to the Local Government Act 2002 (Clause 30 and 30A, Schedule 7). The Leadership Group will not be discharged at the point of the next election period (in line with Clause 30(7) of Schedule 7, LGA 2002).

¹ This is a reference to western Bay of Plenty sub-region tāngata whenua.

² The ‘sub-region’ refers to the territorial areas of Tauranga City Council and Western Bay of Plenty District Council.

2. Membership

The SmartGrowth Leadership Group is to be comprised of three elected member representatives as appointed by the local authorities, including the Mayors and Regional Council Chairperson, and four tāngata whenua representatives to be nominated by Iwi or through any other agreed mechanism. The SmartGrowth Leadership Group may at its discretion, appoint an additional tāngata whenua representative.

In addition, up to three Ministers of the Crown who will have voting capacity, are to be appointed by the Crown. Additional Ministers, if and when relevant and required, can be appointed by the SmartGrowth Leadership Group in a non-voting capacity.

An Independent Chairperson (non-elected member) is to be appointed by the SmartGrowth Leadership Group to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the SmartGrowth Leadership Group at the beginning of each triennium, from the existing voting membership.

The NZTA is to be represented through its Director of Regional Relationships with speaking rights but in a non-voting capacity. The DHB is also represented on the Leadership Group, by a person to be nominated by the Board with speaking rights but in a non-voting capacity.

The standing membership of the Leadership Group shall be limited to 17 members (including the Independent Chairperson), but with the power to co-opt up to a maximum of three additional non-voting members where required to ensure effective planning and implementation. In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Leadership Group shall be 9 voting members.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Leadership Group. Speaking rights of other representatives at Leadership Group meetings (whether in public session or not) shall only be granted with the prior approval of the Chairperson. In respect of SmartGrowth Leadership Group workshops, all members of partner governance groups can attend and participate.

3. Meeting Frequency

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

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 and will be undertaken by the agreed administration authority.

4. Delegations

The SmartGrowth Leadership Group is delegated the following functions in support of its overall purpose:

Co-ordinating Sub-regional Spatial Planning

- Providing sub-regional leadership on spatial planning, growth, infrastructure planning and development, focusing on key issues including the four well-beings³ and the sustainable management of natural resources.
- Undertaking high-level spatial planning and dealing with cross boundary matters.
- Determining as far as practicable consistency between the various Government National Policy Statements
- Overseeing and coordinating National Policy Statement on Urban Development implementation.
- Reviewing and updating the SmartGrowth Settlement Pattern
- Overseeing infrastructure / facilities and the funding necessary to implement the Settlement Pattern.
- Setting overarching sub-regional policy, actions and approaches relevant to the SmartGrowth Strategy.
- Sharing the challenges of implementation and overcoming the barriers moving forward.

Urban Growth Partnership

- Overseeing the development and implementation of a joint spatial plan for the western Bay of Plenty sub-region and associated work streams, including adopting any drafts for public consultation.
- Overseeing, including any reviews and monitoring, a joint urban growth programme.
- Ensuring organisation systems and resources support implementation of the joint spatial plan and any associated urban growth programme.
- Addressing cross-boundary matters within the western Bay of Plenty sub-region, as well as with other neighbouring regions.
- Addressing housing affordability matters.
- Monitoring the implementation of the spatial plan and associated work streams.
- Reviewing and recommending changes to the spatial plan if circumstances change.
- Ensuring alignment with existing council plans, strategies and policies, and with existing evidence.
- Ensuring alignment with initiatives already underway such as the Urban Form and Transport Initiative.
- Facilitating consultation with the partners and the wider community where relevant.

Future Thinking and Advocacy

- Having a united voice where issues require joint advocacy.
- Development and leadership of an agreed sub-regional advocacy programme
- Engagement on intra and inter-regional matters where there are impacts beyond the sub-region, including matters of Upper North Island or national importance.

³ The four well-beings refer to cultural, economic, environmental and social matters.

- Facilitating community understanding and discussions/conversations.
- Facilitating specific consultation with the community on SmartGrowth implementation matters.
- Establishing, maintaining and engaging with the SmartGrowth Partner Forums.
- Communicating and engaging with key stakeholders where a sub-regional level view is required.
- Identifying and resolving any consultation inconsistencies between the SmartGrowth strategies and subsequent public consultation processes of the partner Councils

SmartGrowth Strategy Development, Implementation and Alignment Monitoring

- Overseeing the implementation of the 2013 SmartGrowth Strategy, in particular the strategy actions, and undertaking any reviews or updates to the Strategy, including adopting any drafts for public consultation.
- Ensuring organisation systems and resources support strategy implementation.
- Taking responsibility for progressing those actions specifically allocated to the SmartGrowth Leadership Group in the strategy and making sure implementation does occur.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- 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
- Monitoring of the strategic outcomes and ensuring a joined-up approach to strategy implementation, including monitoring and reporting implementation progress against key milestones
- Overseeing the management of the risks identified in implementation.
- Making specific recommendations to partners on the joined-up thinking needed for resolving issues

Committee Operations

- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Implementing any Memoranda of Agreement or Understanding, as adopted by the Leadership Group.
- Establish protocols and arrangements to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

Central Government's participation in the SmartGrowth Leadership Group does not constitute endorsement of initiatives in any way, and all financial, policy and other decisions still need to be approved by Central Government.

5. Variation of this Agreement

This agreement may be varied from time to time, but only with the agreement of each of the partners.

Execution

Bay of Plenty Regional Council by:

Chairperson: Doug Leeder

Dated:

Chief Executive: Fiona McTavish

Dated:

Tauranga City Council by:

Mayor: Tenby Powell

Dated:

Chief Executive: Marty Grenfell

Dated:

Western Bay of Plenty District Council by:

Mayor: Garry Webber

Dated:

Chief Executive: Miriam Taris

Dated:

Tāngata Whenua Representative by:

Buddy Mikaere

Dated:

Central Government by:

Dated

Appendix 1: SmartGrowth Leadership Group

Terms of Reference

SmartGrowth Leadership Group (SLG)

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-region⁴ 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 sub-regional 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 tāngata whenua while protecting cultural identity.
- Sustaining and improving the natural environment.

⁴ The 'sub-region' refers to the territorial areas of Tauranga City council and Western Bay of Plenty District Council.

Monitoring and Review:	<p>The SmartGrowth Leadership Group has responsibility for:</p> <ul style="list-style-type: none"> ▪ 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.
Membership:	<p>That representation of the SmartGrowth Leadership Group be comprised of:</p> <ul style="list-style-type: none"> ▪ Three elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson - voting ▪ Four representatives to be nominated by tāngata 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 <p>That the standing membership of the Leadership Group shall be limited to 17 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.</p>
Meeting Frequency:	<p>Quarterly, or as necessary and determined by the Independent Chairperson.</p>