



Regional Council Agenda

NOTICE IS GIVEN that the next meeting of the Regional Council will be held in Council Chambers, Regional House, 1 Elizabeth Street, Tauranga on:

Thursday 9 May 2024 COMMENCING AT 09:30am

This meeting will be livestreamed and recorded.

The Public section of this meeting will be livestreamed and recorded and uploaded to Bay of Plenty Regional Council's website. Further details on this can be found after the Terms of Reference within the Agenda. [Bay of Plenty Regional Council - YouTube](#)

Fiona McTavish
Chief Executive, Bay of Plenty Regional Council Toi Moana
1 May 2024

Council

Membership

| | |
|---------------------------|---|
| Chairperson | Chairman Doug Leeder |
| Deputy Chairperson | Cr Jane Nees |
| Members | All Councillors |
| Quorum | Seven members, consisting of half the number of members |
| Meeting frequency | Six weekly or as required for Annual Plan, Long Term Plan and other relevant legislative requirements |

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.

Role

- 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.
- Review and decide the Council's electoral and representation arrangements.
- Consider issues of regional significance which are not the responsibility of any specific standing committee or that are of such regional significance/high public interest that the full Council needs to decide on them.
- Adopt Council's Policy on Significance and Engagement Policy.
- Develop, adopt and implement the Triennial Agreement, Code of Conduct and Standing Orders.

- Consider and agree on matters relating to elected members' remuneration.
- Appoint the Chief Executive, 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.
- Oversee the work of all committees and subcommittees.
- 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.
- Monitor and review the achievement of outcomes for the Bay of Plenty Community.
- 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 Regional Council policy.
- Address strategic corporate matters including property and accommodation.
- Consider and agree on the process to develop the Long Term Plan, Annual Plan and Annual Report.
- Adopt the Long Term Plan, Annual Plan and budgets variations, 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).
- Develop, review and approve Council's Financial Strategy and funding and financial policies and frameworks.
- 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.

Delegations from Council to committees

- Council has a role to monitor the functioning of all committees.
- Council will consider matters not within the delegation of any one Council committee.
- 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, 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.

Livestreaming and Recording of Meetings

Please note the Public section of this meeting is being recorded and streamed live on Bay of Plenty Regional Council's website in accordance with Council's Live Streaming and Recording of Meetings Protocols which can be viewed on Council's website. The recording will be archived and made publicly available on Council's website within two working days after the meeting on www.boprc.govt.nz for a period of three years (or as otherwise agreed to by Council).

All care is taken to maintain your privacy; however, as a visitor in the public gallery or as a participant at the meeting, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of the Bay of Plenty Regional Council. Council accepts no liability for any opinions or statements made during a meeting.

Bay of Plenty Regional Council - Toi Moana

Governance Commitment

**mō te taiao, mō ngā tāngata - our environment and our people
go hand-in-hand.**

We provide excellent governance when, individually and collectively, we:

- Trust and respect each other
- Stay strategic and focused
- Are courageous and challenge the status quo in all we do
- Listen to our stakeholders and value their input
- Listen to each other to understand various perspectives
- Act as a team who can challenge, change and add value
- Continually evaluate what we do

**TREAD LIGHTLY, THINK DEEPLY,
ACT WISELY, SPEAK KINDLY, JOURNEY TOGETHER.**

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Agenda

E te Atua nui tonu, ko mātau ēnei e inoi atu nei ki a koe, kia tau mai te māramatanga ki a mātau whakarite mō tēnei rā, arahina hoki mātau, e eke ai te ōranga tonu ki ngā āhuetanga katoa a ngā tangata ki tō mātau rohe whānui tonu. Āmine.

“Almighty God we ask that you give us wisdom in the decisions we make here today and give us guidance in working with our regional communities to promote their social, economic, environmental and cultural well-being. Amen”.

- 1. Opening Karakia**
- 2. Apologies**
- 3. Public Forum**
- 4. Items not on the Agenda**
- 5. Order of Business**
- 6. Declaration of Conflicts of Interest**
- 7. Public Excluded Business to be Transferred into the Open**
- 8. Minutes**

There are no minutes to be confirmed at this meeting

9. Reports

- | | | |
|------------|-----------------------------|-----------|
| 9.1 | Chairperson’s Report | 10 |
|------------|-----------------------------|-----------|

Decisions Required

- | | | |
|------------|--|-----------|
| 9.2 | Representation Review 2024 - Initial Proposal | 14 |
|------------|--|-----------|

| | | |
|--|---|----|
| | Attachment 1 - BOPRC Representation Review 2024 Draft Consultation Document | 23 |
|--|---|----|

- | | | |
|------------|---|-----------|
| 9.3 | Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference | 31 |
|------------|---|-----------|

| | | |
|--|--|----|
| | Attachment 1 - Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference - Endorsed by Te Uepū and Partner Iwi/hapū | 34 |
|--|--|----|

- | | |
|------------|--|
| 9.4 | <u>Fixed Time: 9.30AM</u> Noble family offer to gift land at Hot Springs Road for community benefit |
|------------|--|

This item will be distributed under a separate cover.

10. Public Excluded Section

Resolution to exclude the public

Excludes the public from the following parts of the proceedings of this meeting as set out below:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| Item No. | Subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Grounds under Section 48(1) for the passing of this resolution | When the item can be released into the public |
|----------|---|--|--|---|
| 10.1 | Property Proposal | Withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. | 48(1)(a)(i) Section 7 (2)(h). | To remain in public excluded. |
| 10.2 | Property Update | Withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. | 48(1)(a)(i) Section 7 (2)(h). | On the Chief Executive's approval. |

Public Excluded Presentations

10.1 Property Proposal

Decisions Required

10.2 Property Update

Attachment 1 - PEx - Letter to the Chair BOPRC

- 11. Public Excluded Business to be Transferred into the Open**
- 12. Readmit the Public**
- 13. Consideration of Items not on the Agenda**
- 14. Closing Karakia**



Report To: Regional Council

Meeting Date: 9 May 2024

Report Authoriser: Doug Leeder

Chairperson's Report

Executive Summary

Since the preparation of the previous Chairperson's Report for the Council meeting on 26 March 2024, I have attended and participated in a number of meetings and engagements as Chairperson on behalf of Toi Moana Bay of Plenty Regional Council (BOPRC).

This report sets out those meetings and engagements, outside of Council, Committee and Sub-Committee meetings, and highlights key matters of interest that I wish to bring to Councillors' attention.

Recommendations

That the Regional Council:

1 Receives the report, Chairperson's Report.

1. Purpose

The purpose of this report is to update Council on meetings and engagements, outside of Council, Committee and Sub-Committee meetings, I have attended and participated in as Chairperson. Also, to highlight key matters that will be of interest to Councillors.

The following section summarises these meetings and engagements. I will provide further detail at the meeting in response to any questions you may have.

2. Meetings and Engagements

| Date | Meeting / Engagement | Comment |
|----------|---|---|
| 20 March | Draft Long Term Plan Presentation to Ōpōtiki District Council – Ōpōtiki | Covered key highlights of our Draft Long Term Plan. Councillors Campbell, Iti and Nees also attended. |

| Date | Meeting / Engagement | Comment |
|----------|--|--|
| | Catch-up with Ōpōtiki Mayor David Moore and Chief Executive Stace Lower – <i>Ōpōtiki</i> | Chief Executive Fiona McTavish also in attendance. |
| 21 March | SmartGrowth Leadership Group Meeting – <i>Tauranga</i> | Attended. |
| | Regional Sector Group meeting with Minister for Regional Development and Resources Hon Shane Jones – <i>Wellington</i> | Discussed RMA opportunities for improvement and opportunities for Central Government and Regional Council to work more collaboratively. |
| 25 March | UNISA Mayors and Chairs Meeting – <i>Videoconference</i> | Discussed updates from Central Government and considered updated versions of the UNISA Agreement and Value Proposition. An update on the joint response to the invasive <i>Caulerpa</i> seaweed was also provided. |
| 26 March | Vaughan Payne Briefing on Waikato/ Bay of Plenty Proposal for Doing Local Waters Well – <i>Tauranga</i> | Attended. |
| 4 April | Bay of Plenty Agricultural Advisory Committee Meeting – <i>Te Puke</i> | Spoke about our BOPRC Long Term Plan. |
| 5 April | Meet and greet with Minister for Emergency Management and Recovery Hon Mark Mitchell – <i>Tauranga</i> | The Bay of Plenty Civil Defence Emergency Management Group Joint Committee members met with the Minister, before their committee meeting. |
| 7 April | Lakes Water Quality Society Annual General Meeting – <i>Rotorua</i> | Attended. |
| 11 April | Combined Sector Meeting followed by Stakeholder Function – <i>Wellington</i> | This is covered in more detail in the following section. |
| | Regional Sector Dinner – <i>Wellington</i> | Attended. |
| 12 April | Regional Sector Meeting – <i>Wellington</i> | This is covered in more detail in the following section. |

| Date | Meeting / Engagement | Comment |
|----------|--|--|
| 19 April | Port of Tauranga Ltd Board Meeting - <i>Mount Maunganui</i> | Attended. |
| 23 April | Meeting with Minister of RMA Reform, Infrastructure and Housing Hon Chris Bishop - <i>Tauranga</i> | Discussed housing, infrastructure and RMA issues impacting the Bay of Plenty. Tauranga City Council Commissioner Chair Anne Tolley and Western Bay of Plenty District Council Mayor James Denyer were also in attendance. |
| | SmartGrowth Implementation and Funding Plan Workshop - <i>Tauranga</i> | Attended. |
| | Meeting with MP Tom Rutherford and Waitao Road residents - <i>Tauranga</i> | Discussed flood issues in the Waitoa Catchment. |
| 25 April | ANZAC Tauranga Civic Memorial Service - <i>Tauranga</i> | BOPRC wreath laid with Councillor von Dadelszen. |

3. Matters of Potential Interest

3.1 Combined Sector Meeting

This was the first Combined Sector meeting for 2024, which took place in Wellington on 11 April. Local government faces a number of common challenges and opportunities, so this meeting was a chance to hear from thought-leaders, Ministers, officials and to workshop issues that are top of mind for councils.

Some of the topics covered included: addressing New Zealand’s 30-year infrastructure needs, what’s driving the increased costs for local government, and fast track consenting and what it means for councils and their communities. Local Government New Zealand (LGNZ) also launched their refreshed strategy.

Minister for Tourism Hon Matt Doocey spoke about working together on tourism and funding tools for local government, and Minister for Local Government Hon Simeon Brown gave an address at a stakeholder event following the sector meeting.

3.2 Regional Sector Meeting

The Regional Sector meeting for regional and unitary council Chairs, Mayors and Chief Executives, was held in Wellington on 12 April 2024.

Te Uru Kahika Regional and Unitary Councils Aotearoa and LGNZ provided an update which included sharing lessons learned from a review of the CDEM response to Cyclone Gabrielle and the sectors’ views on the draft Government Policy Statement on Land Transport. The group also discussed and provided input into the Fast-Track Approvals Bill submission.

Minister of Biosecurity and Associate Minister of Agriculture and the Environment, Hon Andrew Hoggard attended the meeting and spoke about the priorities for Biosecurity, Biodiversity and Freshwater Management. James Palmer, Secretary for the Environment also attended and provided a policy update including freshwater policy.



Report To: Regional Council

Meeting Date: 9 May 2024

Report Writer: Steve Groom, Governance Manager and Claudia Cameron, Committee Advisor

Report Authoriser: Karen Aspey, General Manager, People and Leadership

Purpose: The purpose of this report is to provide final options for Council to consider before resolving the Representation Review 2024 Initial Proposal which will go out for public consultation in June.

Representation Review 2024 - Initial Proposal

Executive Summary

The Local Electoral Act requires Council to review the representation arrangements to apply to the following two elections. Following guidance provided at the March workshop, this paper recommends an 'initial proposal' for your adoption, which will then go through a consultation process before you adopt your 'final proposal' in September this year.

Public consultation is central to arriving at a final proposal that is both fair, and seen to be fair, by the constituents of Bay of Plenty. This paper provides a draft consultation document for your endorsement, which includes an outline of both your initial proposal, and the full range of options you considered and discarded in arriving at your initial proposal.

Recommendations

That the Regional Council:

- 1 Receives the report, Representation Review 2024 Initial Proposal;**
- 2 Determines that under section 19I of the Local Electoral Act 2001 the proposed number of constituencies, the proposed names and the proposed boundaries of each constituency and the number of members proposed to be elected by the electors of each constituency is to remain as status quo, being:**

General Constituencies

| | |
|------------------------------|--------------------------|
| Eastern Bay of Plenty | 2 Elected Members |
| Rotorua | 2 Elected Members |
| Tauranga | 5 Elected Members |

| | |
|------------------------------------|---------------------------|
| Western Bay of Plenty | 2 Elected Members |
| <u>Māori Constituencies</u> | |
| Mauao | 1 Elected Member |
| Kōhi | 1 Elected Member |
| Ōkurei | 1 Elected Member |
| Total | 14 Elected Members |

- 3

Determines that under section 19U of the Local Electoral Act 2001:
- a.

The proposed number and boundaries of constituencies will provide effective representation of communities of interest within the region;
- b.

The proposed constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes;
- c.

So far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts.
- 4

Determines that under section 19V of the Local Electoral Act 2001 the number of members to be elected by the electors of the proposed constituencies will ensure fair representation having regard to the population of each constituency in the region.
- 5

Notes that the review is subject to the provisions of the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001, and is therefore not required to consider section 19ZH or schedule 1A of the Local Electoral Act 2001 as part of this review.
- 6

Notes that this initial proposal does not comply with section 19V (2) of the Local Electoral Act 2001 and therefore must be referred directly to the Local Government Commission for determination. However, as in accordance with section 19V(3)(b) of the Local Electoral Act 2001, the Regional Council considers the initial proposal ensures effective representation of communities of interest.
- 7

Notes that public notice must be given no later than 14 days after the initial proposal for the Bay of Plenty Regional Council representation arrangement is resolved, being 23 May 2024.
- 8

Approves the draft consultation document attached to this paper.
- 9

Approves the community engagement plan as outlined in section 5.1 of this report.
- 10

Delegates to the Chief Executive the responsibility for making any non-consequential edits or amendments to the draft Consultation Document that may be required prior to it being published.

1. Introduction

Under the Local Electoral Act 2001 (LEA) Council is required to undertake a review of its representation arrangements at least every six years. A review includes identifying the number of constituencies, the names and boundaries of each constituency and the number of councillors to be elected by the electors in each. The review is for the Māori constituencies and the General constituencies, for ease of reference the term Initial Proposal applies to both the Māori and General constituency representation proposals.

A workshop was held on 19 March 2024, where guidance was provided to further shortlist options. The Workshop Pack, which provided background information, legislative context, explanation of the process and potential representation options, and the workshop notes, summarising the discussion and guidance, can be found on the BOPRC website - [BOPRC Representation Review Workshop Pack - 19 March 2024](#) and [BOPRC Representation Review Workshop Notes - 19 March 2024](#)

1.1 Legislative Framework

The legislation governing this project is the [Local Electoral Act 2001](#) (in particular sections 19I to 19ZI) and the [Bay of Plenty Regional Council \(Māori Constituency Empowering\) Act 2001](#)

1.2 Alignment with Strategic Framework

| | |
|-------------------------|--|
| A Vibrant Region | We work with and connect the right people to create a prosperous region and economy. |
| The Way We Work | We continually seek opportunities to innovate and improve. |

This review is an opportunity to ensure we continue to have a fair and effective representation arrangement, which best supports democracy and participation.

1.2.1 Community Well-beings Assessment

| Dominant Well-Beings Affected | | | |
|--|-----------------------------------|---|-----------------------------------|
| <input type="checkbox"/> Environmental | <input type="checkbox"/> Cultural | <input checked="" type="checkbox"/> Social Medium - Positive | <input type="checkbox"/> Economic |

Representation Reviews allow people the opportunity to shape representative arrangements and ensure fair and effective representation. This is a key democratic feature and forms an important part of council's social licence to operate.

2. Development process leading to initial proposal

2.1 Technical matters

Appendix one of this paper contains a brief outline of contextual matters relating to the conduct of this review, including the TCC and WBOPDC boundary reorganisation implemented since the 2018 Representation Review, and background on the data used to undertake the development of options.

2.2 Options development and assessment

Several dozen representation options were developed. Each option was analysed in terms of fair and effective representation, alignment to communities of interest and alignment to Territorial Authority boundaries. A 'short-list' of options was then presented at the workshop.

These options can be found here - [Mapped Options - 2024 Representation Review](#) along with the [BOPRC Representation Review Workshop Pack - 19 March 2024](#).

Due to our population distribution, no one option meets all criteria. There is a trade-off between effective and fair representation. Options tested included changing the number of constituencies, decreasing the number of Councillors, and changing boundaries. None simultaneously addressed both fair and effective representation.

2.3 Discarded Options

Four short-listed Māori and six general constituency options were presented at the workshop. Councillors provided guidance and reasoning for non-viable options. To support public engagement, Councillors directed that consultation should include all options considered, and their reasons for options being discarded. This has been included in the attached Draft Consultation Document.

3. Initial proposal

Deliberative discussion at the workshop resulted in staff further investigating and developing the status quo option for both Māori and general constituencies.

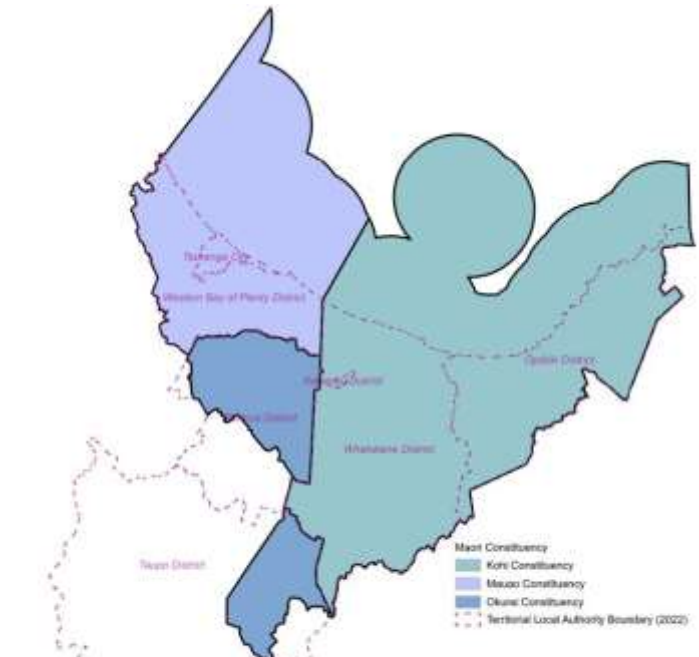
3.1 Initial proposal for Māori constituencies

This paper proposes Council adopt the 'status quo' for Māori constituencies as their initial proposal. This provides for three Māori constituencies: Mauao, Ōkurei and Kōhi, with each constituency represented by one Councillor.

An assessment of this option against legislative criteria is provided below.

3.1.1 Effective Representation

While the issue of the Kōhi constituency being disproportionately large remains, the region's geography and population distribution means that there is no viable alternative that would address this issue without creating a significant countervailing issue with respect to fair representation or alignment with iwi/hapū. The current level of effective representation will remain unchanged.



| Māori Constituency | Electional Pop | Members | Pop/member ratio | Diff from quota | % Diff from quota | Area (km ²) | Area (km ²) / Member |
|--------------------|----------------|---------|------------------|-----------------|-------------------|-------------------------|----------------------------------|
| Kōhi | 21,750 | 1 | 21,750 | -493.3 | -2.2 | 7,589.0 | 7,589.0 |
| Mauao | 23,150 | 1 | 23,150 | 906.7 | 4.1 | 2,282.4 | 2,282.4 |
| Ōkurei | 21,830 | 1 | 21,830 | -413.3 | -1.9 | 2,607.2 | 2,607.2 |
| Sub total | 66,730 | 3 | 22,243.3 | | | 12,488.60 | |

3.1.2 Fair representation

This proposal provides fair representation. Constituents in Ōkurei and Kōhi are slightly over-represented (-1.9% and -2.2% respectively) and in Mauao slightly under-represented (4.1%), but all are within the +/- 10% threshold. Over-representation in Kōhi is arguably justified, given the much larger geographic area of this constituency.

3.1.3 Alignment with iwi/hapū, communities of interest and other matters

Pre-engagement with the community did not suggest significant issues with status quo for Māori constituencies. There was some isolated feedback regarding:

- status quo option splits the headwaters of the Rangitāiki River from its mouth
- status quo does not house all of Te Arawa waka in one constituency

Māori constituency councillors and Te Amorangi staff held informal conversations with relevant iwi and hapū on these matters. The feedback was that these matters are not of major concern to most. We heard that the current arrangements work and are well understood, and that change may create more confusion than it resolves.

While iwi/hapū affiliations are not a direct proxy for communities of interest, there is likely to be overlap. The three constituencies do broadly represent distinct communities of interest, with each having a distinct character and shared interests based on population centres, lifestyles, economies and cultural histories.

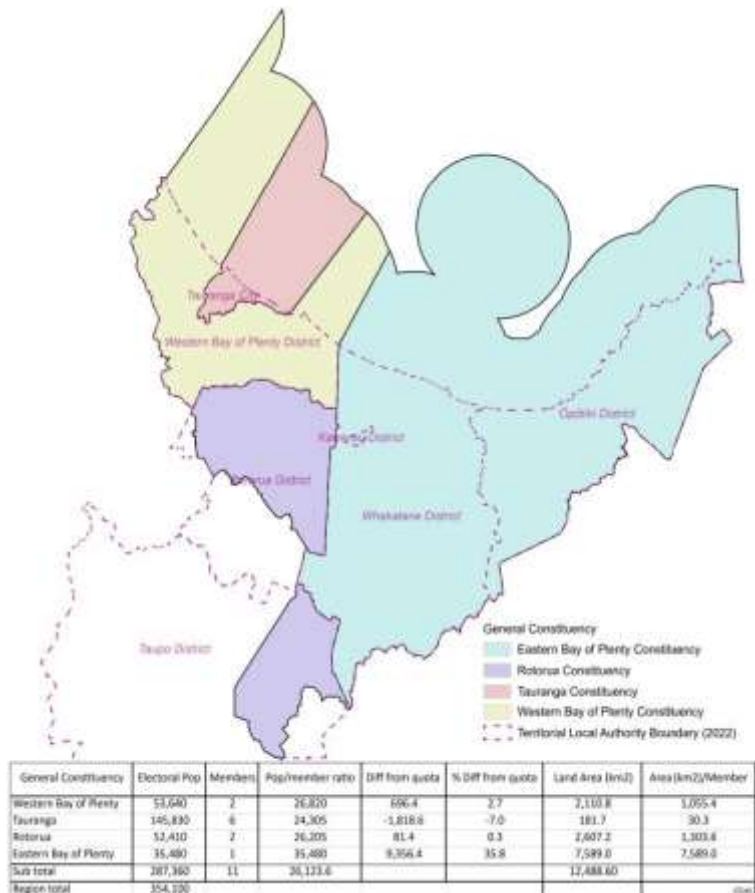
3.2 Initial proposal for general constituencies

This paper proposes Council adopt the 'status quo' arrangements for general constituencies as their initial proposal.

The status quo option has four electorates: Western Bay of Plenty (two Councillors), Tauranga (five Councillors), Rotorua (two Councillors) and Eastern Bay of Plenty (two Councillors). An assessment against legislative criteria is provided below.

3.2.1 Effective Representation

While the issue of the Eastern Bay of Plenty being disproportionately large remains, the region's geography and population distribution means that there is no viable alternative that would address this issue without creating a significant countervailing issue with respect to fair representation or alignment with TA boundaries. The current level of effective representation will remain unchanged.



The Eastern Bay of Plenty is already outside of the +/- 10% threshold for fair representation, and options that seek to reduce the size of this constituency would worsen this. We considered a range of options to change the boundaries of this constituency, but these either worsens fair representation or creates a new constituency that has one member who has to cover a very large and dispersed area.

3.2.2 Fair representation

This initial proposal would see Tauranga under-represented by 11.6% and Eastern Bay of Plenty over-represented by -32.1%. This is an increase from our last review, when Eastern Bay of Plenty was over-represented by 25.4%. As a result, it will be referred to the Local Government Commission (LGC) if adopted as the final proposal.

We consider that that this over-representation is justified. Fair representation is very important, but for a Regional Council, which has environmental protection as a core purpose, effective representation (reflecting geography and land area) is a key consideration. A large proportion of our services are delivered in the Eastern Bay of Plenty. We also note that pre-engagement consultation feedback advocated for strong representation in Eastern Bay of Plenty for the reasons outlined above.

Although Tauranga is under-represented, 43% of elected members represent Tauranga under this option. If Western Bay and Tauranga (having shared networks and interests) are considered as a block, then a majority (57%) represent the area.

The LGC has considered this matter in our two most recent reviews, and at the time supported arrangements outside of the +/- 10% threshold on the basis that:

- The arrangements are well established and familiar to residents
- Four constituencies align with territorial authority boundaries which reflects communities of interest
- The amalgamation of three sub-regional district councils into the Eastern Bay constituency was sensible given the similarities of terrain, settlement patterns and their focus on Whakatāne as the main service town, and the strong commonalities between these three areas
- Current boundaries cannot be realigned in a way that will not alienate communities of interest or create unnatural geographical boundaries
- The circumstances of the Rotorua and Eastern Bay of Plenty constituencies in 2018 were very similar to those applying at the time of the previous determination in 2013, where council's decision was also upheld.

These considerations still apply in 2024. In 2018, the LGC noted that rapid growth may require a more thorough review in future. We undertook a rigorous 'from scratch' review, considering dozens of options in an effort to find one that might better balance fair and effective representation in the context of our region.

No one option emerged that addressed both fair and effective representation. We were able to engineer an option that would address fair representation and fall within the +/- 10% threshold for all constituencies¹, but the trade-off was a reduction in effective representation and reduced alignment of communities of interest.

¹ This option involved shifting Te Puke/Maketū into the Eastern Bay of Plenty constituency and Pāpāmoa into the Western Bay constituency. This would increase the geographic area of the Eastern Bay constituency by several hundred square kilometres, impacting effective representation; and place Te Puke into the same constituency as Whakatāne/Ōpōtiki negatively impacting on alignment of communities of interest.

3.2.3 Alignment with of communities of interest, TA boundaries and other matters

This option aligns communities of interest, with each constituency having a distinct character and economic profile. It also aligns with the TA boundaries, although we note that the Eastern Bay constituency combines a number of TAs. The LGC has previously determined that this was acceptable.

4. Considerations

4.1 Risks and Mitigations

There are no significant risks associated with this project. However, representation arrangements are central to effective democracy. If this project was not conducted in a thorough and transparent manner, there is a risk of a negative impact to representative democracy and to reputation and reduced community trust.

4.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

4.3 Implications for Māori

This paper considers arrangements regarding Māori constituencies. While none of the proposals in this paper erode Māori representation, consideration of how any changes might impact on specific iwi/hapū has been central through pre-engagement and informal discussions. This will continue into formal engagement on the initial proposal, with this paper recommending that Council direct staff to provide constituents with a clear outline of an alternative option for Māori constituencies in order to drive engagement on this matter.

4.4 Community Engagement



CONSULT **Whakauia**

To obtain input or feedback from affected communities about our analysis, alternatives, and /or proposed decisions. Further information about pre-consultation can be found [here](#) and further information about formal consultation is contained in the Next Steps section of this paper.

4.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget.

5. Next Steps

5.1 Consultation, hearings, deliberations and decision

Following the resolution of the Initial Proposal, public consultation seeking submissions on the proposal will be conducted, commencing in June. Following the submissions period there will be an opportunity for submitters to be heard during hearings scheduled for August 2024.

Following hearings, deliberations will take place in late August 2024, with Council adopting its final proposal on 12 September 2024, after which a one month objection and appeal period applies.

You are required by law to notify the public of your initial proposal within 14 days of resolving it, and for a minimum of four weeks submission period to follow that. We are proposing a five week submission period.

A consultation document has been drafted, which is attached to this paper. The consultation document provides a plain language summary of the process, your initial proposal and the alternatives considered in arriving at your initial proposal. While you are not required to present discarded options as part of the consultation, you indicated to staff you would like to ensure that the public is well informed of various potential options to inform their feedback to you through the submissions process.

We propose to promote the submissions process to the public using low-cost, but broad-reach mechanisms, including a mix of print advertisements in a range of publications, online newsletters, social media, and printed collateral (consultation document). We will also provide an email update to territorial authorities, iwi authorities, key stakeholders and Participate project followers.

5.2 Local Government determination

If the initial proposal is unchanged and adopted by Council as its final proposal in September 2024, it will not meet the +/- 10% fair representation threshold and will therefore automatically proceed for determination, by April 2025, by the Local Government Commission.

Our focus has been on running a thorough and open-minded process, which includes pre-engagement activity earlier this year and a substantial consultation process over June 2024. Your deliberative discussions in the earlier workshop, your deliberation on this paper, and your open-minded considerations during the up-coming hearings process will form a central part of the information we will provide to the Local Government Commission to support them in making their determination, should it be required.

Attachments

Attachment 1 - BOPRC Representation Review 2024 Draft Consultation Document [📄](#)

Appendix one: Questions and clarification from workshop

Tauranga City Council and Western Bay of Plenty District Council 2021 Reorganisation

Tauranga City Council and Western Bay of Plenty District Council underwent a boundary reorganisation in 2020, which included:

- (a) the transfer of areas at Belk Road, Keenan Road and Tara Road from Western Bay of Plenty District to Tauranga City; and
- (b) the transfer of an area south of the Tauranga Eastern Link Toll Road from Tauranga City to Western Bay of Plenty District.

This was given effect on 15 February 2021 via an Order in Council, subsequently the Local Government Commission (LGC) prepared an implementation scheme which can be found here - [BKT reorganisation implementation scheme \(lgc.govt.nz\)](https://www.lgc.govt.nz/bkt-reorganisation-implementation-scheme). Regional constituencies were included in the implementation scheme in section 7.

Therefore, although the Status Quo option provided is not identical to that resolved during the 2018 BOPRC Representation Review, it is the current representation arrangement and will therefore continue to be referred to as Status Quo.

General information regarding the reorganisation can be found here - [2021 Western Bay of Plenty and Tauranga City reorganisation - Local Government Commission \(lgc.govt.nz\)](https://www.lgc.govt.nz/2021-western-bay-of-plenty-and-tauranga-city-reorganisation-local-government-commission)

Data

The Local Electoral Act 2001 sets out that representation reviews must be based on either the most recently available Census data, or the most recent population estimates from Statistics New Zealand. Statistics New Zealand have advised that data from the 2023 Census is not yet available, but have provided updated population estimates² provided by Statistics New Zealand. A more detailed discussion on the data used to undertake this review was included in the workshop papers, available here: [BOPRC Representation Review Workshop Pack - 19 March 2024](#).

We note that the data used in this review may appear to differ from population statistics quoted by Territorial Authorities within our region. These discrepancies are likely to be mainly due to TA data grouping general and Māori constituencies together, whereas the data included in this paper, and the prior workshop pack separates general and Māori constituency populations³.

² These estimates are based on Census 2018 data, updated with births, deaths and migration by Statistic New Zealand.

³ As an example, Rotorua total population is around 74,000 (depending on the geographical definition of Rotorua) but is expressed as 52,400 (general constituency) and 21,900 (Ōkurei constituency), totalling 74,300 in this paper. Exact figures will differ slightly due to minor boundary differences between regional and territorial authority wards/constituencies.



Te arotake o ngā māngai 2024

Representation Review 2024

HAVE YOUR SAY

INITIAL PROPOSAL



Te timatatanga
Introduction

Every three years, people in the Bay of Plenty region elect Councillors to represent them and make decisions on their behalf.

It's important you can have a say about the councillor representation, particularly how the region is divided into areas of representation (constituencies) and the number of Councillors that represent each constituency.

Every six years, these arrangements are reviewed. This is happening now, so now is the opportunity to have your say.



What's been happening?

We've been taking a fresh look at how many elected members (Councillors) there are and what communities they represent. A range of options were looked at, and discussed, at a Council workshop on 19 March. You can find the background and details of this workshop on the council's website or **Agenda of Regional Council - Tuesday, 19 March 2024 (boprc.govt.nz)**

Council then developed an 'initial proposal' at a Council meeting on 9 May.

The initial proposal is outlined below. We've also included information about each of the other options Council considered in arriving at the initial proposal.

This proposal is now open to the public to have their say. The closing date for feedback (submissions) is **10 July 2024**. Submissions will help shape Council's representation arrangements for the next two regional council elections in 2025 and 2028. Councillors will consider all submissions before making a final decision on the 'preferred option' in September 2024. This final decision will be advertised – all submitters to Council's initial decision will be notified – and if you disagree, you may appeal it to the Local Government Commission.

Timeline - Te rārangī wā



Here's some background to help you have your say

What is a representation review?

A representation review aims to ensure fair and effective council representation so communities have an effective voice around the Council table.

A representation review looks at:

- The number of constituencies (areas) within the region and the names of these constituencies
- The boundaries of these areas
- The number of Councillors who represent each area

'Communities of interest' underpins this. A community of interest is all about 'a sense of community or belonging' to a group or area and includes the geography of an area, common places where people go to work, the location of schools, marae, where they shop and the location of their religious, recreational, and major transport facilities. For Regional Council, this is also guided by local council boundaries in the Bay of Plenty, including Ōpōtiki, Whakatāne, Kawerau, Rotorua Lakes, Western Bay of Plenty District and Tauranga City.

In terms of this review, communities of interest factor in:

- **effective representation** of communities by considering the land and geographic features to ensure people in the area have access to representation, and;
- **fair representation** – each Councillor represents roughly the same number of people. The Local Electoral Act, (legislation/law) guides this and in the Bay of Plenty each Councillor should represent around 25,000 people each if possible.

There are some things that aren't included in the review.

For example:

- Who is elected. That happens through elections – the next one is in 2025.
- The length of time (term) that Councillors get elected for – that's set in law, which we can't change through this review.
- Community Boards – only city and district councils can have community board representation.
- Electing the Council Chairperson (regional council equivalent of a Mayor) – the Chair is elected by Councillors on your behalf.
- Māori constituencies. Bay of Plenty Regional Council, Māori constituencies, were established in legislation in 2001 and became operational in 2004.

What are the current arrangements?

There are four general constituencies and three Māori constituencies, with 14 Councillors in total.

- Western Bay of Plenty, represented by two Councillors
- Tauranga, represented by five Councillors
- Rotorua, represented by two Councillors
- Eastern Bay of Plenty, represented by two Councillors
- Mauao, represented by one Councillor
- Ōkurei, represented by one Councillor, and
- Kōhi, represented by one Councillor

You can view maps of these constituencies in the following section.

What’s changed since the last review?

The region is changing, with significant growth occurring in many areas.

Since the last review in 2018, the Bay of Plenty has grown by 43, 500 people¹. That growth has not happened evenly across the region, and impacted constituencies differently.

- Western Bay of Plenty has increased by 10,500 since 2018
- Tauranga has increased by 27,900 since 2018
- Rotorua has increased by 2,600 since 2018
- Eastern Bay of Plenty has increased by 2,500 since 2018
- Mauao has increased by 3,650 since 2018
- Ōkurei has increased by 3,600 since 2018
- Kōhi has increased by 3,200 since 2018

¹ The data we use comes from Statistics New Zealand population estimates. For more information about this data, please see the Council paper on the on the council’s website or Agenda of Regional Council - Tuesday, 19 March 2024 (boprc.govt.nz)

Council’s Initial Proposal and other options considered

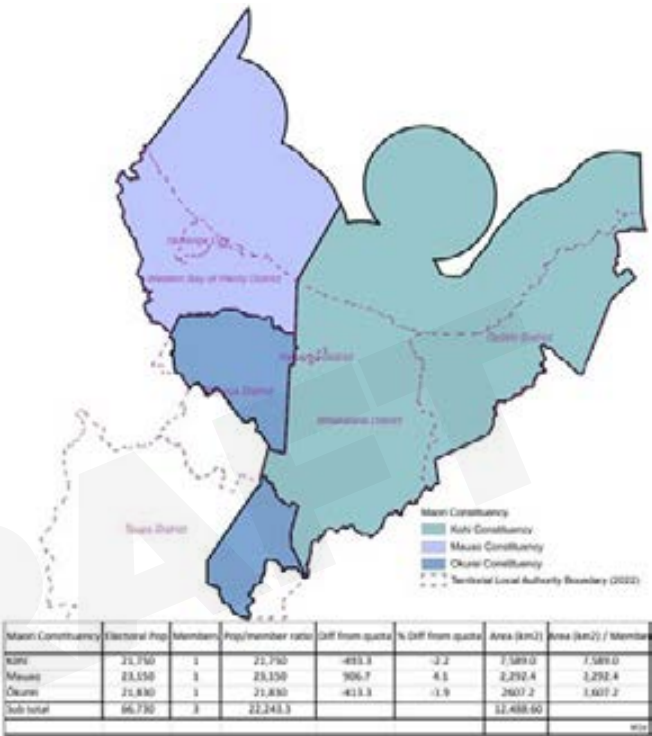
Māori constituencies

Initial Proposal

Council’s initial proposal is to retain current structure for our three Māori constituencies, Mauao, Kōhi and Ōkurei, with one Councillor representing each.

This option reflects communities of interest and iwi affiliations and has worked effectively for 20 years.

The disadvantage of this option is that one of the constituencies, Kōhi, covers a large area. However, because of the way population is spread across our region, it is hard to lessen this impact.



Other options considered for Māori constituencies

Council considered three other options for Māori constituencies:

- Headwaters of Rangitāiki River moved to Kōhi, and
- Maketū/Kaituna moved from Mauao to Ōkurei, and
- an option that combined both of the above.

Maps associated with these options are available **Agenda of Regional Council - Tuesday, 19 March 2024 (boprc.govt.nz)**. All three options would retain current constituencies, with one councillor each, however would make boundary changes to have all the Rangitāiki River area in one constituency, and better align to areas settled by descendants of the Te Arawa waka.

These options all increase the size of Kōhi, which would make it harder for this constituency to be effectively represented. These options do all allow for fair representation.



General constituencies

Initial Proposal

Council’s initial proposal is to retain the current structure. This option provides for four constituencies:

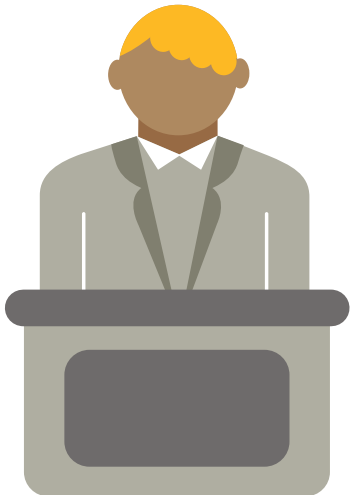
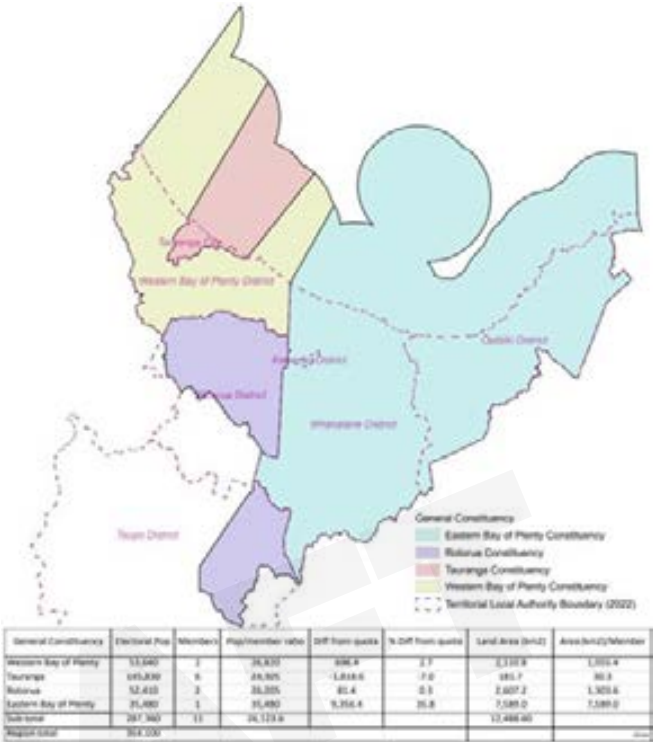
Western Bay of Plenty (represented by two Councillors),
Tauranga (five Councillors),
Rotorua (two Councillors) and
Eastern Bay of Plenty (two Councillors).

Councillors preferred this option as it balances requirements to consider communities of interest, fair representation and effective representation. It also aligns with city and district council boundaries, which avoids confusion of having to vote in two different constituencies in council/local government elections.

Councillors also consider the current structure is generally well understood by voters, and that there has been no feedback to date that suggests it is not working or people want to see change.

This option does have some drawbacks. The Eastern Bay of Plenty constituency has fewer people per Councillor, meaning it is over-represented when considering fair representation. Additionally, the Eastern Bay of Plenty covers a large area of land.

Councillors noted that many council services are delivered in the Eastern Bay of Plenty (for example flood protection), so it is right that it is strongly represented. They also noted the region’s geography and spread of population means there is no option that meets every criteria perfectly.



Other options considered for general constituencies

Council considered a short-list of five other options for general constituencies. These are outlined below, along with reasons for them not being preferred. Maps for these options can be found [\[here\]](#).

Discarded OPTION ONE:

Maketū/Te Puke Ward moved to Eastern Bay of Plenty constituency, Pāpāmoa Ward moved to Western Bay of Plenty constituency and status quo for Rotorua

This was proposed as a way to address fair representation across all four general constituencies – that is, each constituency has roughly the same number of people in it. However, doing this impacts significantly on effective representation and communities of interest.

Councillors considered this option and did not prefer it. They thought that Pāpāmoa moving out of Tauranga and into the Western Bay constituency was not right because of the strong links between Pāpāmoa and Tauranga and that there were no obvious community of interest/shared interests with Western Bay of Plenty. They also considered, but did not support, Tauranga City being split into smaller constituencies, noting that Tauranga City is the smallest geographically based city in Aotearoa New Zealand already.

Eastern Bay of Plenty is a very large constituency in terms of land area. Although it has a smaller population, the Council’s activities within the area are comprehensive (flood schemes/services to the land) and this highlighted the need for a trade-off between functional activity and pure population statistics.

Although not part of this proposed option, there was discussion of the possibility of splitting the Western Bay. This was not supported: there was a lot of communality/communities of interest (Te Puke, Katikati, Ōmokoroa)

These options all increase the size of Eastern Bay of Plenty, which would make it harder for this constituency to be effectively represented. These options do all allow for fair representation.

Discarded OPTION TWO:

Eastern Bay of Plenty split into two constituencies one of which is Urewera Ward/ Kawerau District/ Headwaters of Rangitāiki combined.

This option breaks up Eastern Bay of Plenty and was proposed as an option to address the fact that this constituency covers a lot of land.

Councillors considered this option and did not prefer it. Although Eastern Bay of Plenty is large, it is manageable, in part because three Councillors (when Māori constituency is included) share the load across the area. Splitting the constituency into two would make it harder to share this load.

Councillors also felt that splitting the Eastern Bay of Plenty into southern/eastern would not be viable based on the significant differences in population numbers, with Whakatāne being a large concentration of the population. The Eastern Coastal Bay of Plenty Representative would be required to cover a huge coastal area under this option, so does not fully address effective representation.

This option would have a negative impact on fair representation. The constituency proposed under this model would be very over-represented.

Discarded **OPTION THREE:**

Pāpāmoa Ward moved to Western Bay of Plenty Constituency, with the current structure for Rotorua and Eastern Bay of Plenty, one representative shifted from Tauranga to Western Bay of Plenty.

This option shifts Pāpāmoa into the Western Bay of Plenty constituency and increases the number of Councillors for Western Bay of Plenty from two to three, and decreases the number of Tauranga Councillors from five to four. This option was proposed as a way to balance Tauranga and the Western Bay, and to anticipate further growth in some areas of this sub-region.

Councillors considered this option and did not prefer it. As with option one, they thought that Pāpāmoa moving out of Tauranga and into the Western Bay of Plenty constituency was not right because of the strong links between Pāpāmoa and Tauranga and that there were no obvious community of interest/shared interests with Western Bay of Plenty.

This option also worsens the fair representation ratio with regards to Tauranga. Overall, this option does not address effective or fair representation and therefore there is no strong argument in favour of this option that would outweigh the disruption caused by change.

Discarded **OPTION FOUR:**

Murupara and Galatea moved to Rotorua, with current structure for Tauranga and Western Bay of Plenty

This option shifts Murupara and Galatea and surrounds from the Eastern BOP constituency to the Rotorua constituency. It was proposed as a way to reduce the overall size of the Eastern BOP constituency and recognise that residents of Murupara and Galatea more closely align with Rotorua as their closest major service centre.

Councillors considered this option and didn't prefer it. They noted that there is some argument for this option with the communities of Murupara and Galatea tending to align themselves with Rotorua as their closest major population centre.

However, this option would not align with district and city council boundaries with Murupara and Galetea being in the Whakatāne District at a district council level. They felt that any benefits from this change may not outweigh the disruption of making the change, and may cause confusion for residents of the impacted area having to vote in different sub-regions for district council and regional council elections.

Discarded **OPTION FIVE:**

Three constituencies by combining Tauranga and Western Bay of Plenty with status quo for Rotorua and Eastern Bay of Plenty

This option merges the Tauranga and Western Bay of Plenty constituencies into one, represented by seven Councillors. This would reduce the number of general constituencies from four to three, but would not reduce the number of Councillors. This option was proposed as a way to recognise the significant shared interests and interconnectedness of Tauranga and the surrounding areas.

Councillors considered this option and did not prefer it. They felt that it would be combining significantly different communities of interest, with Western Bay of Plenty having a more rural/horticulture focus and Tauranga strongly urban. They were concerned that if all elected members came from urban areas in this constituency, formerly Western Bay of Plenty constituents would not be adequately represented.

This option would also create an imbalance, with a clear majority (8 of 14) Councillors representing a combined Tauranga/Western Bay of Plenty constituency and the 2 other constituencies only having 6 of 14 Councillors.

What happens next?

We are now seeking your views on this initial proposal.

Any submissions we receive will be considered by Council at hearings to be held in mid-August 2024. Following hearings, Councillors will deliberate, including making any changes to the initial proposal resulting from submissions. Council will decide on its final proposal on 12 September 2024.

After Council decides on its final proposal, there is a period for objections and appeals. In December, we may need to then forward our final proposal to the Local Government Commission for review, with a final determination confirming our representation arrangements in place by April 2025.

Providing your feedback on this initial proposal

Tell us what you like and don't like in your submission.

You may also want to look at the options Council considered and discarded and give us your views on whether there are any parts of those options that should be reconsidered.

You can choose whether you want to be 'heard'. This means you will have an opportunity to speak, in person, with the Council about your submission. Whether you choose to be heard or not, please be aware that the contents of your submission will become public as part of the Council decision making process.

You can make a submission online at www.participate.boprc.govt.nz/representation-2024

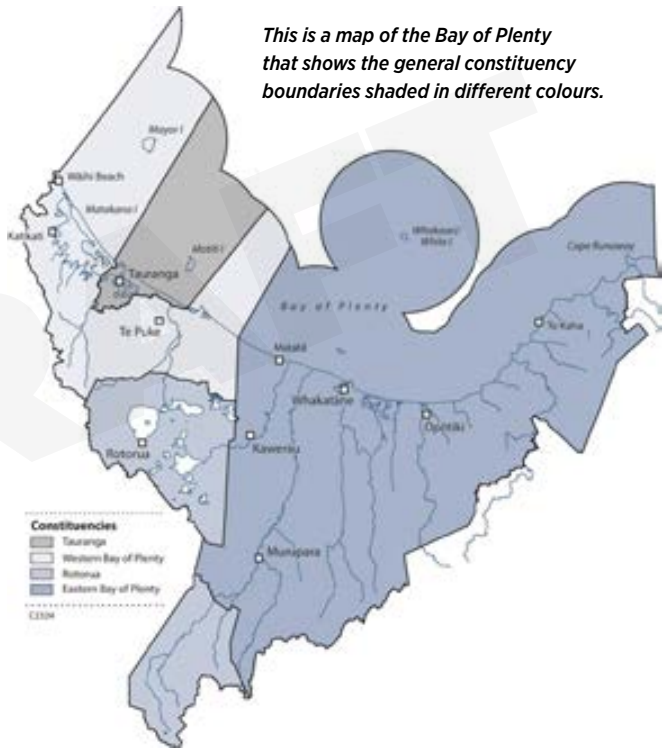
INSERT GRAPHIC OR PHOTO

Representation Review 2024

SUBMISSION FORM

General constituencies Initial Proposal

Council's initial proposal is to maintain the current arrangement of the general constituencies. This option provides for four electorates: Western Bay of Plenty (represented by two Councillors), Tauranga (five Councillors), Rotorua (two Councillors) and Eastern Bay of Plenty (two Councillors).



1. What is your view on the initial proposal for the General constituencies?

- ☐ Strongly agree ☐ Agree ☐ Strongly disagree ☐ Disagree ☐ I do not have a view or this question is not relevant to me

2. Please explain why:

3. Is there another option you prefer over the initial proposal?

More information about discarded options can be found from page 7 of the consultation document.

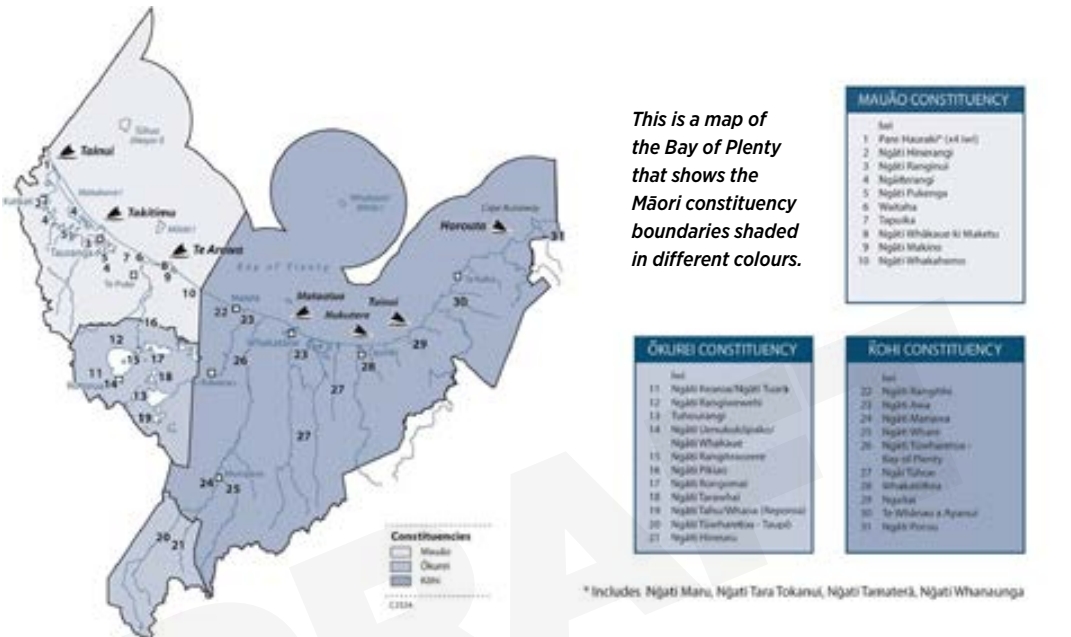
Select one answer only:

- ☐ **Discarded OPTION ONE:** Maketū/Te Puke Ward moved to Eastern BOP constituency, Pāpāmoa Ward moved to Western BOP constituency and status quo for Rotorua
- ☐ **Discarded OPTION TWO:** Eastern Bay of Plenty split into two constituencies one of which is Uruwera Ward/ Kawerau District/ Headwaters of Rangitāiki combined
- ☐ **Discarded OPTION THREE:** Pāpāmoa Ward moved to Western BOP Constituency, with status quo for Rotorua and Eastern BOP, one representative shifted from Tauranga to WBOP
- ☐ **Discarded OPTION FOUR:** Murapara and Galatea moved to Rotorua, with status quo for Tauranga and Western Bay
- ☐ **Discarded OPTION FIVE:** Three constituencies by combining Tauranga and Western Bay with status quo for Rotorua and Eastern BOP
- ☐ Other
- ☐ No - I prefer the Initial Proposal

4. Please explain why:

Māori constituencies Initial Proposal

Council’s initial proposal is to maintain the current arrangement for the Māori constituencies. This proposal has three constituencies, Mauao, Kōhi and Ōkurei, with one Councillor representing each.



5. What is your view on the initial proposal for the Māori constituencies?

☐ Strongly agree ☐ Agree ☐ Strongly disagree ☐ Disagree ☐ I do not have a view or this question is not relevant to me

6. Please explain why:

7. Is there another option you prefer?

More information about discarded options can be found on page 5 of the consultation document.

Select one answer only:

☐ Headwaters of Rangitāiki River moved to Kōhi
☐ Maketū/Kaituna moved from Mauao to Ōkurei
☐ An option that combined both of the above
☐ Other
☐ No - I prefer the Initial Proposal

8. Please explain why:

About you

9. Name:

10. Organisation (if sumitting on behalf of an organisation):

11. Email address:

12. Do you wish to speak to your submission at a Council hearing?

Please indicate if you would like to attend and speak to your submission at the 13 August 2024 Council hearing.

Select one answer only:

- ☐ Yes, I would like to speak to my submission
- ☐ No, I do not want to speak to my submission

13. If yes, please provide your contact phone number:

This will only be used to contact you and provide you information about presenting at the 13 August Council hearing.

14. Do you wish to keep your contact details confidential?

Select one answer only:

- ☐ Yes
- ☐ No

15. Need more space for your feedback?

Please feel free to attach a document with your submission. Please provide your name, and organisation (if relevant), at the top of each page.



| | |
|---------------------------|---|
| Report To: | Regional Council |
| Meeting Date: | 9 May 2024 |
| Report Writer: | Claudia Cameron, Committee Advisor |
| Report Authoriser: | Steve Groom, Governance Manager Karen Aspey, General Manager, People and Leadership |
| Purpose: | For Bay of Plenty Regional Council to adopt the updated Terms of Reference for Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park. |

Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference

Executive Summary

This report seeks adoption of the updated Terms of Reference (TOR) for Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park (Te Uepū). The updated TOR have been approved by the four Iwi/hapū member organisations of Te Uepū (Ngāti He, Waitaha, Ngā Pōtiki and Ngāti Pūkenga). This adoption is recommended by Te Uepū.

Recommendations

That the Regional Council:

- 1 Receives the report, Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference.**
- 2 Accepts the recommendation from Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park and adopts Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference.**

1. Introduction

Te Uepū was founded on the 2009 Memorandum of Understanding (MOU) between Waitaha, Ngā Pōtiki, Ngāti Pūkenga, Ngāti He (referred to as Iwi/hapū) and Regional Council. Te Uepū is a co-governance and co-management group with oversight of the Pāpāmoa Hills Cultural Heritage Regional Park.

Although Regional Council previously approved TOR for Te Uepū in September 2022, subsequent approval from Iwi/hapū was not received. Therefore, following feedback from members of Te Uepū, updated TOR have been developed (attachment 1). Approval of the updated TOR has been received from Iwi/hapū, and Te Uepū recommends Regional Council adopt the TOR.

1.1 Previous Report to Regional Council – September 2022

Regional Council received a report regarding Te Uepū Terms of Reference in September 2022. The information contained within that report remains relevant and can be found on the BOPRC website, from page 291: [Agenda of Regional Council - Thursday, 29 September 2022 \(boprc.govt.nz\)](#)

1.2 Alignment with Strategic Framework

| | |
|------------------------------|---|
| A Healthy Environment | We work cohesively with volunteers and others, to sustainably manage and improve our natural resources. |
| The Way We Work | We continually seek opportunities to innovate and improve. We honour our obligations to Māori. |

1.2.1 Community Well-beings Assessment

| Dominant Well-Beings Affected | | | |
|---|--|--|-----------------------------------|
| <input checked="" type="checkbox"/> Environmental | <input checked="" type="checkbox"/> Cultural | <input checked="" type="checkbox"/> Social | <input type="checkbox"/> Economic |

2. Developing a Terms of Reference

2.1 Memorandum of Understanding to Terms of Reference

A Memorandum of Understanding (MOU) was signed between Iwi/hapū and Regional Council in 2009 to formalise the existing relationship and establish a clear understanding of ongoing working relationships.

Terms of Reference have been developed to support and guide the group as it has evolved. They have provided an opportunity to redesign the roles and responsibilities of partners in how they work together as well as designing the structure and framework of how meetings will be organised.

3. Considerations

3.1 Risks and Mitigations

There are no known risks in Te Uepū adopting Terms of Reference.

3.2 Climate Change

Adopting Terms of Reference is an administrative matter, therefore does not have climate change implications.

3.3 Implications for Māori

Te Uepū is a partnership between specified Iwi/hapū and Regional Council. Te Uepū have been meeting regularly since 2022.

3.4 Community Engagement



INFORM Whakamōhio

To provide affected communities with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

3.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget.

Regional Council is required to set the budget for the Pāpāmoa Hills. Te Uepū, in conjunction with Regional Council staff, will review the Pāpāmoa Hills Cultural Heritage Regional Park's section of the Regional Park Activity budget, including both capital projects and operational expenditure, for consideration in Regional Council's Long Term/Annual Plans.

4. Next Steps

Once adopted, the Terms of Reference will apply to Te Uepū and the necessary administrative actions will be undertaken by staff.

Attachments

- Attachment 1 - Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference
- Endorsed by Te Uepū and Partner Iwi/hapū [↓](#)

Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park

Membership

| | |
|--|--|
| Co – Chairpersons | |
| (Appointed by the Group for a 3 year term in line with the local government triennium, one Chair being a Council member and one Chair being a Tangata Whenua member) | |
| Iwi/hapū Members One appointed representative each: Waitaha Ngā Pōtiki Ngāti He Ngāti Pūkenga | Member + Alternate Member + Alternate Member + Alternate Member + Alternate |
| Council Members Four appointed representatives from: Bay of Plenty Regional Council Toi Moana | 4 Members |
| Alternate members may be appointed at the discretion of the partner entity. | |
| Quorum | Half the number of members: two being iwi/hapū members and two being Regional Council members. |
| Decision Making | Consensus |
| Meeting frequency | Six monthly |

Te Uepū is a formal partnership arrangement between Ngā Pōtiki, Waitaha, Ngāti He and Ngāti Pūkenga and Bay of Plenty Regional Council Toi Moana.

He aha ai – Purpose

- Protect and preserve the mauri of the Pāpāmoa Hills to ensure the natural, historical and cultural integrity of the Pāpāmoa Hills is maintained.
- Ensure that the Bay of Plenty community can enjoy the natural, cultural and historical features of Pāpāmoa Hills Cultural Heritage Regional Park now and into the future while preserving those taonga which make the park a significant place.

In achieving this, Te Uepū will:

- Act in accordance with the guidance from the iwi/hapū members on matters relating to mauri and tikanga of Te Uku o Takakopiri / Te Rae o Pāpāmoa / Pāpāmoa Hills Cultural Heritage Regional Park.
- Act consistently with the principles of Te Tiriti o Waitangi/the Treaty of Waitangi and its statutory obligations under the Local Government Act 2002.
- Cooperate in partnership with a spirit of good faith, integrity, honesty, transparency and accountability.
- Actively work together using shared knowledge and expertise.
- Engage early on issues of known interest to either of the parties.
- Enable and support the use of te reo and tikanga Māori.
- Acknowledge that the parties' relationship is evolving.
- Have regard for the interests of the Bay of Plenty community.

Role

Advisory

- Consider emerging cultural and environmental issues and provide guidance and advice to partner organisations on the implications for effective management of Pāpāmoa Hills Cultural Heritage Regional Park.
- Consider and recommend to BOPRC Toi Moana on all land acquisition and disposal proposals in relation to Pāpāmoa Hills Cultural Heritage Regional Park.

Financial

- In conjunction with BOPRC Toi Moana staff, review Pāpāmoa Hills Cultural Heritage Regional Park's section of the Regional Park Activity budget including both capital projects and operational expenditure for consideration in BOPRC Toi Moana's Long Term/Annual Plans.

Monitoring

- Monitor the implementation of Pāpāmoa Hills Cultural Heritage Regional Park activity and budget and major capital works or contract procurement.

Decision Making

The opportunity for Iwi/hapū members to meet together to discuss matters of relevance to the purpose of Te Uepū is recognised as an importance aspect of co-governance decision making. The focus of Te Uepū is on decision-making by consensus.

Where consensus cannot be reached on matters which create a financial or legal impost for the Regional Council in their capacity as legal owners of the property, then the matter will be referred to the Regional Council to determine in consultation with members of Te Uepū, respecting the customary rights of iwi and hapū represented on Te Uepū. In all other matters, Te Uepū will follow tikanga practices to deliberate until consensus is reached.

Power to Appoint

Te Uepū may appoint observers who may participate in meeting discussions however such appointees do not have voting rights.

Extending full membership to other parties requires full agreement of the original partner entities identified in the Memorandum of Understanding.

Power to Recommend

To the partner entities on any matters within the Te Uepū Group's delegated role as it deems appropriate.

Te Uepū Group members report directly to their respective entities.