

Regional Council Agenda

NOTICE IS GIVEN that the Bay of Plenty Regional Council will meet to hear submissions to the draft Long Term Plan 2021-2031 and the Statement of Proposal: Fees and Charges Policy on the following dates:

Monday 12 April 2021 COMMENCING AT **9.30 am**, to be held in Regional House Chambers, 1 Elizabeth Street, TAURANGA

Tuesday 13 April 2021 COMMENCING AT **1.00 pm**, to be held in Regional House Chambers, 1 Elizabeth Street, TAURANGA

Wednesday 14 April 2021 COMMENCING AT **1.00 pm**, to be held in Regional Council Mataatua Room, 5 Quay Street, Whakatane

Thursday 15 April 2021 COMMENCING AT **1.00 pm**, to be held in Monarch Hall, Princes Gate Hotel, 1133 Hinemaru Street, ROTORUA

Friday 16 April 2021 (if required) COMMENCING AT **9.30 am**, to be held via Zoom (Audio Visual Meeting)

This meeting will be recorded. The Public section of this meeting will be 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

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.

Recording of Meetings

Please note the Public section of this meeting is being recorded and will be uploaded to Bay of Plenty Regional Council's web site 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.**

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. Reports**

Decisions Required

- 7.1 Hearings of Submissions on the Consultation Document for the Proposed Long Term Plan 2021-2031 and the Statement of Proposal: Fees and Charges Policy** **8**
- Attachment 1 - Link to Long Term Plan 2021-2031 Live Hearings Schedule 14
- Attachment 2 - Link to Bay of Plenty Regional Council Long Term Plan 2021-2031 All Submissions 15
- 8. Consideration of Items not on the Agenda**
- 9. Closing Karakia**



Report To: Regional Council

Meeting Date: 12 April 2021

Report Writer: Graeme Howard, Corporate Planning Lead and Zhivan Alach, Organisational Performance Manager

Report Authoriser: Karen Aspey, Director, People & Leadership

Purpose: This report provides information relating to the Hearings for Councils proposed LTP 2021-2031 and proposal for Fees and Charges. The paper seeks approval from Council to receive late submissions.

Hearings of Submissions on the Consultation Document for the Proposed Long Term Plan 2021-2031 and the Statement of Proposal: Fees and Charges Policy

Executive Summary

Council published its Consultation Document (CD) as part of the special consultative procedure for the proposed Long Term Plan 2021-2031 (LTP). Public consultation ran from 22 February to 22 March 2021 and in addition to the CD, a number of draft supporting documents, including the draft Financial Strategy and draft Infrastructure Strategy were also publically available during this period.

Council received 319 submissions on its LTP, including 10 late submissions received after the 22 March 2021. A list of the late submissions is included in this report. All of the late submissions are recommended to be accepted as part of the consultation process.

Of the total submissions, around 85 submitters have indicated they wish to be heard in person. The hearing of submissions will take place between 12-16 April 2021.

Included in the appendices to this report are a full set of submissions received for the LTP 2021-2031 and a list of the submitters to be heard during the Hearings.

Recommendations

That the Regional Council:

- 1 Receives the report, Hearings of Submissions on the Consultation Document for the Proposed Long Term Plan 2021-2031 and the Statement of Proposal: Fees and Charges Policy;**

2 Receive and, if requested, hear late submissions on the Consultation Document for the proposed Long Term Plan 2021-2031 and the Statement of Proposal: Fees and Charges Policy received after the closing date for submissions.

1. Introduction

The consultation period for Council’s Consultation Document for the proposed Long Term Plan 2021-2031 closed on 22 March 2021 and for the Statement of Proposal: Fees and Charges Policy closes on 6 April 2021.

A total of 319 submissions were received for the proposed Long Term Plan 2021-2031. This included 261 submissions received through the BOPRC participate site , and 58 submissions received in other formats such as email, post or delivered in person. Of the total submissions, around 85 submitters indicated they wish to be heard in person.

At the time of this report 2 submissions had been received for the Statement of Proposal: Fees and Charges Policy with 0 submitters indicated they wish to be heard in person.

The hearing of submissions will take place over five days between 12-16 April 2021 in Tauranga (2 days), Whakatāne, and Rotorua with the final day reserved for any potential submitters wishing to be heard via Zoom video conferencing.

1.1 Legislative Framework

Bay of Plenty Regional Council is required to have a Long Term Plan under s93 of the Local Government Act. As part of this, it is required to utilise the Special Consultative Procedure under s93 (5) of the Act,

At its meeting of 16 February 2020, Council adopted the draft Consultation Document and supporting documents for the proposed Long Term Plan 2021-2031 with the consultation period opening on 22 February 2021

At the same meeting Council adopted the Statement of Proposal: Fees and Charges Policy for consultation using a Special Consultative Procedure.

1.2 Alignment with Strategic Framework

A Healthy Environment
Freshwater for Life
Safe and Resilient Communities
A Vibrant Region
The Way We Work

The Long Term Plan aims to deliver benefits against all of our Community Outcomes.

1.2.1 Community Well-beings Assessment

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

The Long Term Plan aims to deliver benefits against all of the Community Well-Beings.

2. Overview of Hearings

2.1 Submissions

A full set of the submissions received for the LTP are attached to this Agenda. The submissions and Hearings schedule is publically available on the website www.boprc.govt.nz.

2.2 Late Submissions

The LTP submission period closed on 22 March 2021, a number of late submissions have been received after this date. Submissions received after 22 March and up until 30 March are identified as 'late'. However, most parties requested an extension for providing their submission and these have been included with other submissions appended to this agenda.

Staff recommend that at the commencement of Hearings, Council formally resolve to receive (and hear if requested) the following 10 late submissions received after the closing date.

Submitter Number	Name of Submitter or Organisation	Wish to be heard (Yes/No)
EM053	Whakatāne District Council	Yes
EM041	Waikato Regional Council	No
EM047	Te Rūnanga o Ngāi Te Rangī Iwi, Te Puna Wai Māori o Tauranga Moana, iwi partners Tauranga Moana Advisory Group	Yes
EM050	Ngāti Ira Hapū	Yes
EM046	Ngāti Rangiwewehi Ngāti Rangiwewehi (Te Maru o Ngāti Rangiwewehi), Ngāti Rangiwewehi Charitable Trust, Ngāti Rangiwewehi – Tari Taiao, Mangorewa Kaharoa Te Taumata Trust, Te Tāhūhū o Tawakeheimoa Trust, Te Puna o Pekehaua Trust	Yes
EM054	Toi Kai Rawa	Yes
EM044	Ōpōtiki District Council	Yes
EM051	Te Arawa Lakes Trust	To be confirmed
EM042	Priority One	Yes

EM048	Tourism BOP - Maori Economy (also 533)	Yes
EM049	Rotorua X Charitable Trust	Yes

Any submissions received after the 30 March will not be able to be included in this agenda. Staff will contact these submitters directly to discuss their options and may request to table submissions received after the 30 March at the Hearings meeting. This will include any submitters wishing to be heard in relation to the Statement of Proposal: Fees and Charges Policy.

2.3 Hearings Process

The Hearings will be held during the week of 12-16 of April 2021 at three locations around the region.

In total, 85 submitters have indicated they wish to be heard.

Each submitter has been contacted and allocated a time, date and venue to be heard. Individuals have been allocated a 5 minute speaking slot and organisations have typically been allocated a 10 minute slot. A list of submitters to be heard is attached to this Agenda. Translations services are being provided at the Hearings where submitters have indicated they will speak in Te Reo.

Please be aware that there are often last minute requests to change the schedule to accommodate submitters' needs, and inevitably there are some no-shows on the day. An updated schedule will be provided to Council at the start of each day of Hearings.

Date	Venue and Hearing
Monday 12 April, 2021	<u>Venue:</u> Council Chambers, Regional House, 1 Elizabeth Street, Tauranga <u>Time:</u> 9:30am to approximately 5:00pm <u>Estimated number of submitters to be heard:</u> 34
Tuesday 13 April, 2021	<u>Venue:</u> Council Chambers, Regional House, 1 Elizabeth Street, Tauranga <u>Time:</u> 1:00pm to approximately 4:00pm <u>Estimated number of submitters to be heard:</u> 23
Wednesday 14 April, 2021	<u>Venue:</u> Bay of Plenty Regional Council, Mataatua Room, 5 Quay Street, Whakatane <u>Time:</u> 1:00pm to approximately 5:00pm <u>Estimated number of submitters to be heard:</u> 11
Thursday 15 April, 2021	<u>Venue:</u> Monarch Hall, Princes Gate Hotel, 1133 Hinemaru Street, Rotorua <u>Time:</u> 1:00pm to approximately 5:00pm <u>Estimated number of submitters to be heard:</u> 17
Friday 16 April, 2021 (Reserve day if required)	<u>Venue:</u> Council Chambers, Regional House, 1 Elizabeth Street, Tauranga plus via Zoom <u>Time:</u> 9:30am to approximately 5:00pm

3. Considerations

3.1 Risks and Mitigations

There are no significant risks associated with decisions relating to this paper.

3.2 Climate Change

Managing the impact of Climate Change has been identified as a Strategic Priority for Council through the next Long Term Plan and specific questions relating to Councils response to Climate Change were included in our consultation document. A number of submissions, include views from the community on this matter.

3.3 Implications for Māori

Consultation on the Long Term Plan has been supported by a communications and engagement programme. This has included a focus on seeking input from Māori across our region and has resulted in a number of submissions from Māori individuals, iwi and organisations.

3.4 Community Engagement

Council Hearings form part of the Community Engagement that is being carried out as part of the Special Consultative Procedure set out in the LGA 2002 and in accordance with the principles of consultation set out in s82 of the Act.

3.5 Financial Implications

There are no financial implications as a result of this paper.

4. Next Steps

The Council's deliberations for the Long Term Plan 2021-2031 will be held on 12 May 2021. Staff are preparing deliberations papers which will identify the key themes and issues raised by the community through the submissions. Deliberations papers will also include staff recommendations on the consultation questions and other key issues that have been identified through the submissions process.

Council are due to adopt the final draft LTP 2021-2031 on 24 June 2021 in order for the plan to become operative on 1 July 2021.

Attachments

Attachment 1 - Link to Long Term Plan 2021-2031 Live Hearings Schedule [↓](#)

[2021-2031 Hearings Schedule](#)

Attachment 2 - Link to Bay of Plenty Regional Council Long Term Plan 2021-2031 All Submissions [↓](#)

[All submissions to the 2021-2031 Long Term Plan](#)

Placeholder for Attachment 1

Item 8.1

Link to Long Term Plan 2021-2031 Live Hearings Schedule

[2021-2031 Hearings Schedule](#)

Placeholder for Attachment 2

Item 8.1

Link to Bay of Plenty Regional Council Long Term Plan 2021-2031 All Submissions

[All submissions to the 2021-2031 Long Term Plan](#)