

# Regional Council Agenda

NOTICE IS GIVEN that the Bay of Plenty Regional Council will meet to hear submissions to the draft Long Term Plan 2024-2034 and the following Statements of Proposal: Draft Revenue and Financing Policy, Draft Rates Remissions and Postponement Policy (all land), Draft Rates Remissions and Postponement Policy for Māori Freehold Land, Draft Fees and Charges Policy and Draft Development Contributions or Financial Contributions Policy on the following dates:

**Friday 10 May 2024** COMMENCING AT **9.45 am**, to be held at Huria Marae, 1 Te Kaponga Street, Brookfield, TAURANGA

**Please note:** A pōwhiri will take place at 9:00am, with the meeting to commence at approximately 9:45am. **This Hearing will not be live-streamed, but recorded and uploaded.**

**Tuesday 14 May 2024** COMMENCING AT **09:30 am**, to be held in Regional Council Chambers, Mataatua Room, 5 Quay Street, WHAKATANE

**Wednesday 15 May 2024** COMMENCING AT **09:30 am**, to be held in Rotorua Lakes Council Chambers, 1061 Haupapa Street, ROTORUA

**Thursday 16 May 2024** COMMENCING AT **09:30 am**, to be held in Council Chambers, Regional House, 1 Elizabeth Street, TAURANGA

**Hearings held on 14, 15 and 16 May 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

2 May 2024

# Council

## Membership

<b>Chairperson</b>	Chairman Doug Leeder
<b>Deputy Chairperson</b>	Cr Jane Nees
<b>Members</b>	All Councillors
<b>Quorum</b>	Seven members, consisting of half the number of members
<b>Meeting frequency</b>	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](http://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 āhuatanga 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. Reports**

## Decisions Required

- 8.1 Hearings for submissions on the Consultation Document for the draft Long Term Plan 2024-2034 and the following Statements of Proposal: Draft Revenue and Financing Policy, Draft Rates Remission and Postponement Policy (All Land), Draft Rates Remission and Postponement Policy for Māori Freehold Land, Draft Development or Financial Contributions Policy and the Draft Fees and Charges Policy**

**9**

Attachment 1 - CONFIDENTIAL - Late submissions received - Public Excluded

Attachment 2 - Link to Bay of Plenty Regional Council Long Term Plan 2024-2034 ALL SUBMISSIONS (Redacted)

Attachment 3 - Link to Long Term Plan 2024-2034 Live Hearings Schedule

## **9. 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:**

<b>Item No.</b>	<b>Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds under Section 48(1) for the passing of this resolution</b>	<b>When the item can be released into the public</b>
8.1	Attachment 1 - CONFIDENTIAL - Late submissions received - Public Excluded	Withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.	48(1)(a)(i) Section 7 (2)(a).	To remain in public excluded.

**8.1 Hearings for submissions on the Consultation Document for the draft Long Term Plan 2024-2034 and the following Statements of Proposal: Draft Revenue and Financing Policy, Draft Rates Remission and Postponement Policy (All Land), Draft Rates Remission and Postponement Policy for Māori Freehold Land, Draft Development or Financial Contributions Policy and the Draft Fees and Charges Policy**

Attachment 1 - CONFIDENTIAL - Late submissions received - Public Excluded

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





<b>Report To:</b>	Regional Council
<b>Meeting Date:</b>	10 May 2024
<b>Report Writer:</b>	Olive McVicker, Corporate Performance Team Lead and Kumaren Perumal, Chief Financial Officer
<b>Report Authoriser:</b>	Mat Taylor, General Manager, Corporate
<b>Purpose:</b>	To provide information relating to the Hearings for consultation on Council's draft Long Term Plan 2024-2034 and associated policies, and to seek approval from Council to receive late submissions.

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## **Hearings for submissions on the Consultation Document for the draft Long Term Plan 2024-2034 and the following Statements of Proposal: Draft Revenue and Financing Policy, Draft Rates Remission and Postponement Policy (All Land), Draft Rates Remission and Postponement Policy for Māori Freehold Land, Draft Development or Financial Contributions Policy and the Draft Fees and Charges Policy**

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### **Executive Summary**

Council published its Consultation Document (CD) as part of the special consultative procedure for the proposed Long-Term Plan 2024 - 2034 (LTP). Public consultation ran from 8 March to 9 April 2024 and in addition to the CD, a number of draft supporting documents, including the draft Financial Strategy and draft Infrastructure Strategy were also publicly available during this period. During this time the following associated policies were also open for consultation, alongside the LTP:

- Revenue and Financing Policy
- Rates Remissions and Postponement Policy (All Land)
- Rates Remissions and Postponement Policy for Māori Freehold Land
- Fees and Charges Policy
- Development Contributions or Financial Contributions Policy

Council received 386 LTP submissions, and a further six late submissions were received. A list of the late submissions is included in this report and the submissions are contained in Attachment 3. All the late submissions are recommended to be accepted as part of the consultation process. An extension period was allowed, following the official close of submissions on 9 April, to 12 April. Submissions received beyond the extension period were counted as late.

Of the total submissions, approximately 130 submitters (on the LTP and/or associated

policies) have indicated they wish to be heard in person. The hearing of submissions will take place between 10, 14-16 May 2024.

The full confidential listing of all submissions has been supplied under a separate cover. A set of submissions (redacted for privacy) and the hearings schedule are available on the Council website and the links contained in Attachments 2 & 3.

## Recommendations

### That the Regional Council:

- 1 **Receives the report Hearings for submissions on the Consultation Document for the draft Long Term Plan 2024-2034 and the following Statements of Proposal: Draft Revenue and Financing Policy, Draft Rates Remission and Postponement Policy (All Land), Draft Rates Remission and Postponement Policy for Māori Freehold Land, Draft Development or Financial Contributions Policy and the Draft Fees and Charges Policy;**
- 2 **Receives the late submissions received on the Consultation Document for the draft Long Term Plan 2024-2034 and the following Statements of Proposal: Draft Revenue and Financing Policy, Draft Rates Remission and Postponement Policy (All Land), Draft Rates Remission and Postponement Policy for Māori Freehold Land, Draft Development or Financial Contributions Policy and the Draft Fees and Charges Policy (Attachment 1);**
- 3 **Receives and hears submissions on the Consultation Document for the draft Long Term Plan 2024-2034 and the following Statements of Proposal: Draft Revenue and Financing Policy, Draft Rates Remission and Postponement Policy (All Land), Draft Rates Remission and Postponement Policy for Māori Freehold Land, Draft Development or Financial Contributions Policy and the Draft Fees and Charges Policy;**
- 4 **Confirms the public be excluded on the grounds set out in the Local Government Official Information and Meetings Act 1987 from consideration of the following report attachment:**
  - (a) **Attachment 1 CONFIDENTIAL - Late submissions received under Section 48(1)(a)(i) Section 7 (2)(a) as withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons and that this attachment remain in Public Excluded.**

## 1. Introduction

The consultation period for Council's Consultation Document for the draft Long Term Plan 2024-2034 closed on 9 April 2024. Other policies (associated policies) included in the consultation were:

- Revenue and Financing Policy
- Rates Remission and Postponement Policy (All Land)
- Rates Remissions and Postponement Policy for Māori Freehold Land
- Statement of Proposal: Fees and Charges
- Development Contributions or Financial Contributions Policy

A total of 459 submissions were received on the proposed 2024 - 2034 Long Term Plan and associated policies. A summary of submissions is shown in the table below.

Plan or Policy	Number of submissions received	Number of submitters wishing to be heard
2024 - 2034 Long Term Plan	386	121
Revenue and Financing Policy	1	1
Rates Remission and Postponement Policy (all Land) Rates Remissions and Postponement Policy for Māori Freehold Land	50	8
Statement of Proposal: Fees and Charges	21	2
Development Contributions or Financial Contributions Policy	1	0
<b>TOTAL</b>	<b>459</b>	<b>132</b>

Of the total submissions, around 132 submitters indicated they wish to be heard in person.

The hearing of submissions will take place over four days beginning at Huria Marae, Tauranga on 10 May and in Whakatāne, Rotorua and Tauranga on 14-16 May, respectively.

### 1.1 Legislative Framework

Bay of Plenty Regional Council is required to have a Long Term Plan under s93 of the Local Government Act 2002 (LGA). As part of this, it is required to use the Special Consultative Procedure under s93 (5) of the LGA.

At its meeting on 6 March 2024, Council adopted the draft Consultation Document and supporting documents for the proposed Long Term Plan 2024 - 2034 with the consultation period opening on 8 March 2024.

At the same meeting Council adopted the following Statements of Proposal and draft policies for consultation, also using the Special Consultative Procedure.

- Revenue and Financing Policy
- Rates Remission and Postponement Policy (all Land)
- Rates Remissions and Postponement Policy for Māori Freehold Land
- Statement of Proposal: Fees and Charges
- Development Contributions or Financial Contributions Policy

### 1.2 Alignment with Strategic Framework

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

The Long Term Plan and associated policies aim 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 submissions received has been provided to Councillors under a separate cover:

A copy of the [Submissions](#) (redacted) ([Attachment 2](#)) received and the [Hearings](#) schedule ([Attachment 3](#)) are publicly available on the website by clicking on the respective links.

### 2.2 Late Submissions

The LTP submission period closed on 9 April 2024. Submissions received after 12 April and up until 22 April have been identified as 'late'.

Staff recommend that at the commencement of Hearings, Council formally resolve to receive (and hear if requested) the following six late submissions received after 12 April 2024.

Submission ID	Name of Submitter or Organisation	Wish to be heard (Yes/No)
<b>10744</b>	Deryck Shaw - Wai-Kokopu	Yes
<b>10741</b>	Alison Dewes - Wai Kokopu	No
<b>10738</b>	Te Uepu Pāpāmoa Hills Regional Park	No
<b>10737</b>	Chris Insley - The Mangaroa Incorporation	Yes
<b>10732</b>	Vaughan Cullen	No
<b>10713</b>	Stu Herewini - Ngā Uri o Māui Trust	Yes

The detailed late submissions are contained in [Attachment 1](#).

Any submissions received after 22 April 2024 will not be able to be included in this agenda. Staff will contact these submitters to discuss their options and may request to table submissions received after the 22 April 2024 at the Hearings meeting as a potential late item.

## 2.3 Hearings Process

In total, 132 submitters have indicated they wish to be heard, plus a further three late submitters. If the late submissions are accepted, the total number of submitters to speak at the hearings is 135.

Each submitter that wishes to be heard 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. The list of submitters wishing to be heard can be found by clicking on this [link](#) or the link in Attachment 3. Translation services are being provided at the Hearings where submitters have indicated they will speak in te Reo Māori.

To accommodate submitters' needs, changes to the schedule are expected to occur and these will be provided to Council and placed on the website at the start of each day of hearings.

## 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 an activity within the new strategic framework for the LTP.

### 3.3 Implications for Māori

Consultation on the Long Term Plan, Rates Remissions Policies and other associated policies has been supported by the 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 and in accordance with the principles of consultation set out in s82 of the LGA.

Engagement events were held across the region including festivals, markets and Councillor drop in and online sessions.

### 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 2024 - 2034 and associated policies will be held on 28-29 May 2024. Staff are preparing deliberations papers

which will identify the key themes and topics raised by the community through the submissions.

Deliberations papers will also include staff recommendations on the consultation questions and other key topics that have been raised through the submissions process.

Council is due to adopt the final draft LTP 2024 - 2034 on 26 June 2024 for the plan to become operative on 1 July 2024. Adoption of the final associated policies is also scheduled for this day.

## Attachments

Attachment 1 - CONFIDENTIAL - Late submissions received (Public Excluded) [↓](#)

Attachment 2 - Link to Bay of Plenty Regional Council Long Term Plan 2024-2034 ALL SUBMISSIONS (Redacted) [↓](#)

[All Submissions to the 2024-2034 Long Term Plan \(Redacted\)](#)

Attachment 3 - Link to Long Term Plan 2024-2034 Live Hearings Schedule [↓](#)

[2024-2034 LTP Hearings Schedule](#)

## **ITEM 8.1**

### **PUBLIC EXCLUDED ATTACHMENT 1**

**Attachment 1 CONFIDENTIAL - Late  
submissions received**

**Item 8.1, Attachment 1 - Public Excluded**

## **ITEM 8.1**

# **Attachment 2 - Link to Bay of Plenty Regional Council Long Term Plan 2024-2034 ALL SUBMISSIONS (Redacted)**

[All Submissions to the 2024-2034 Long Term Plan \(Redacted\)](#)



## **ITEM 8.1**

### **Attachment 3 - Link to Long Term Plan 2024-2034 Live Hearings Schedule**

[2024-2034 LTP Hearings Schedule](#)