



Regional Council Agenda

NOTICE IS GIVEN that the next meeting of the Regional Council will be held via Zoom (Audio Visual Meeting) on:

Thursday 2 December 2021 COMMENCING AT 11.00 am
(OR at the conclusion of the Risk & Assurance Committee)

This Meeting will be Livestreamed and Recorded.

The Public section of this meeting will be livestreamed 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. The livestream will be at Council's YouTube channel: [Bay of Plenty Regional Council - YouTube](#).

Fiona McTavish
Chief Executive, Bay of Plenty Regional Council Toi Moana
24 November 2021

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.**

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. Reports

7.1 Annual Report 2020/21 and Annual Report Summary 2020/21 Adoption

This item is dependent on information from Audit NZ being available in time. It will otherwise be deferred until the next meeting. If available, the report will be distributed under a separate cover.

Information Only

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8. Readmit the Public

9. Consideration of Items not on the Agenda

10. Closing Karakia



Report To: Regional Council

Meeting Date: 2 December 2021

Report Writer: Yvonne Tatton, Governance Manager

Report Authoriser: Mat Taylor, General Manager, Corporate

Purpose: To inform Regional Council of the outcomes of the various representation reviews conducted across the region.

Bay of Plenty Territorial Authorities' Final Representation Review Proposals

Executive Summary

As a requirement of the Local Electoral Act 2001, a number of councils across the Bay of Plenty region were required to conduct their six yearly review of representation arrangements prior to the 2022 local government elections. This report provides a summary of the final proposals of the various councils across the region, to be submitted to the Local Government Commission for their determination. Regional Council submitted on the Whakatāne District Council, Tauranga City Council and the Rotorua Lakes Council initial representation proposals. As a participant in the initial proposal submission process, Regional Council is able to enter an appeal on the two councils' final proposal if it so wishes.

Recommendations

That the Regional Council:

1. **Receives the report, Bay of Plenty Territorial Authorities' Final Representation Review Proposals.**

1. Introduction

The Local Electoral Act 2002 (LEA) requires all local authorities to undertake a review of its representation arrangements at least every six years in order to achieve fair and effective representation at elections. Such arrangements include the proposed number of constituencies (wards); the proposed name and boundary of each constituency; and the number of councillors proposed to be elected by the electors of each constituency.

Councils in the region who are in a representation review process are: Tauranga City Council, Rotorua Lakes Council, Whakatāne District Council. Kawerau District Council, Ōpōtiki District Council.

Regional Council submitted on three initial representation proposals - in support of Whakatane District Council and opposing both Tauranga City Council's and Rotorua Lakes Council's initial proposals. Councillor representatives spoke to the Regional Council's submissions at hearings held by both councils.

1.1 Legislative Framework

The requirements relating to local authorities' representation reviews are contained in ss19A to 19Y, *Part 1A Local Electoral Act 2001*. These cover:

- representation arrangements
- representation reviews
- procedural steps and timelines.

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 look to partnerships for best outcomes.

Participating in other council's representation reviews is a way of contributing to robust local government representative structures across the region.

1.2.1 Community Well-beings Assessment

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

Representation reviews are part of the democratic process to ensure fair and effective representation occurs at the elections.

2. Representation review process

A council's initial representation review proposal must be publicly notified no later than 8 September in the year before an election.

Any person or organisation can make a submission on a council's proposal. If a council receives no submissions, the proposal becomes the basis for election at the next triennial election and the council gives public notice accordingly.

If the council receives submissions, it considers these and may change its proposal as a result. If a person or organisation who made a submission is not satisfied with the council's amended final proposal, they can appeal against it. Alternatively, if a council changes its proposal, any person or organisation (whether or not they made a submission) may object to those changes.

If there are no appeals or objections, the proposal becomes the basis of election at the next triennial election and the council gives public notice accordingly.

If a council receives any appeal or objection it must refer its proposal to the Local Government Commission for determination along with the appeals and objections received.

3. **Summary of territorial authorities' final proposals across the region**

Opotiki District Council resolved to maintain the status quo as its final representation proposal, being six councillors across three wards plus a Mayor and one Community Board. It has also proposed to undertake a referendum on the establishment of a Māori Ward as part of the 2022 elections.

Kawerau District Council resolved to maintain the status quo with eight councillors plus a Mayor as its final representation proposal. It also resolved to consider the establishment of Māori Wards prior to the 2025 elections.

3.1 **Regional Council's submissions on other councils representation proposals**

3.1.1 **Whakatāne District Council**

Regional Council submitted in support of Whakatāne District Council's initial proposal of ten councillors - three Māori ward and seven general ward councillors plus a Mayor, and four Community Boards.

In resolving its final proposal, the council upheld its initial proposal with some changes based on feedback to various meshblocks and ward names.

3.1.2 **Rotorua Lakes Council**

Regional Council submitted opposition to Rotorua Lake Council's (RLC) initial representation proposal of two Māori ward councillors, four general ward councillors, four 'at large' councillors plus a Mayor, and two Community Boards.

Regional Council submitted that this model was an inequitable and unfair representation for Māori given the proportion of Rotorua's population who identified as Māori and proposed an increase in the number of Māori ward councillors.

In considering their final proposal, RLC sought to redress this imbalance and amended their initial proposal by creating equality between the number of seats available in the two wards (the Māori ward and the general ward) with one councillor each, and eight 'at large' councillors plus a Mayor, and two Community Boards. RLC considered this was the only model that could achieve parity between the wards in a manner that was legally compliant with the Local Electoral Act.

RLC also noted that while their preferred model consisted of three Māori ward councillors, three general ward councillors and four 'at large' councillors plus a Mayor, this model was not a legal option under the Local Electoral Act. The Chief Executive was instructed to pursue the necessary statutory reforms, or other means, to enable the preferred model to be adopted by the council at the earliest possible time, including, if possible prior to the 2022 elections.

Ultimately, staff would recommend an outcome which has 3 seats in each of the wards, and 4 at large. This outcome is not currently available under the LEA and staff recommend Council pursue legislative changes to the LEA to enable this outcome.

As Regional Council was a submitter on the initial proposal, it may appeal RLC's final representation proposal. The appeals process is open until 20 December 2021.

3.1.3 Tauranga City Council

Regional Council opposed Tauranga City Council's (TCC) initial representation proposal of eight general wards with one councillor each and one Māori ward councillor plus a Mayor. Tauranga City Council has resolved no change and this representation model is their final proposal.

Regional Council's submission supported a two ward model (Option 2) made up of one general ward with 10 councillors (instead of proposed nine) and one Māori ward with one councillor, resulting in an increase from 10 to 11 councillors.

In considering Regional Council's submission, commissioners rejected the option of one general ward, as in their view it did not provide for geographical representation of separate communities within the city and was considered the most inequitable model of representation for Māori.

Commissioners recognised the perception that their ward interests could capture ward councillors, and that this was a potential disadvantage of any ward-based model. In rejecting the proposal of creating one general ward, commissioners gave greater weight to the fact that all councillors made a declaration when they take office that they will act in the best interests of the city as a whole, citing this as the model the Bay of Plenty Regional Council operated under currently.

In regards to increasing the number of councillors, commissioners were of a view that the complex issues raised by governing a rapidly growing city could be reasonably met by a reduced number of councillors and a Mayor, noting the Commission was modelling the efficiencies and effectiveness of smaller governance for the City.

As Regional Council was a submitter on the initial proposal it may appeal TCC's final representation proposal. The appeals process is open until 13 December 2021.

4. Considerations

4.1 Risks and Mitigations

Regional Council may consider any risks associated with appealing another council's representation proposal.

4.2 Climate Change

This matter is an administrative matter and unlikely to influence climate change actions.

4.3 Implications for Māori

The matter of establishing Māori wards is not part of a representation review as this is determined outside the representation review process.

The concepts of fairness and equity among voters is important when considering the make up of a council's representation. Parity between those on the General Electoral Roll and those on the Māori Electoral Roll has considerable implications for Māori and their ability to influence and determine on behalf of their communities at the local government political level.

4.4 **Community Engagement**

No community engagement is required as this matter is for general information only. Each council has engaged with its own communities through their representation review process.

4.5 **Financial Implications**

There are no financial implications associated with this matter.

5. **Next Steps**

If a person or organisation who made a submission is not satisfied with the council's amended final proposal, they can appeal against it. Alternatively, if a council changes its proposal, any person or organisation (whether or not they made a submission) may object to those changes.

If there are no appeals or objections, the proposal becomes the basis of election at the next triennial election and the council gives public notice accordingly.

If a council receives any appeal or objection it must refer its proposal to the Local Government Commission for determination along with the appeals and objections received.



Report To: Regional Council

Meeting Date: 2 December 2021

Report Writer: Yvonne Tatton, Governance Manager

Report Authoriser: Mat Taylor, General Manager, Corporate

Purpose: The Meetings Calendar provides Councillors with a snapshot of Council/Committee Meetings commitments for the following year

2022 Council Meetings Calendar

Executive Summary

Council is asked to receive the meeting schedule for 2022.

Recommendations

That the Regional Council:

- 1 Receives the report, 2022 Council Meetings Calendar.**

1. Introduction

The 2022 Council Meetings Calendar provides members and the public with early notice of meetings for the following year.

The calendar follows the same format and meeting rotations as used in 2021 to enable calendar consistency with other councils in the region, stakeholders and relevant organisations.

The meeting schedule includes tentative dates for workshops to be held during the year. Requests for additional meetings, workshops, forums are often received, requiring either the Committee Chair and/or Chief Executive's prior approval. These are then added to the schedule using the prescheduled tentative dates, members advised and are publically notified where required. Therefore, the meeting schedule is subject to change during the year due to these additional meeting requests or cancellations.

Following the elections, the remainder of the calendar year is dedicated to establishing the new Council, induction of its members and adopting its governance structure.

1.1 Legislative Framework

There are no legal requirements for Council to adopt a schedule of meetings each year except for when a new Council is established.

1.2 Alignment with Strategic Framework

An appropriate schedule of meetings is a mechanism of Council's decision making framework which supports all Community Outcomes.

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 checked="" type="checkbox"/> Economic

Formal meetings provide the framework for Council to progress the community wellbeings.

2. Considerations

2.1 Risks and Mitigations

There are no known risks associated with establishing an annual meetings calendar.

2.2 Climate Change

While the current COVID-19 Epidemic Notice remains in place members have the option to attend meetings online which has a positive impact on carbon emissions.

2.3 Implications for Māori

Members of co-governance groups will also be advised of the relevant meeting schedule for their particular entity where administered by Regional Council.

2.4 Community Engagement



INFORM Whakamōhio

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

The Meeting Calendar is made available on Regional Council's website as a live document to reflect changes as they occur.

2.5 Financial Implications

There are no associated financial implications, as this is an administrative matter only.

3. **Next Steps**

The BOPRC meeting calendar will be distributed to co governance and other appointed members and will be available on Council's website and updated accordingly. Key stakeholders and other local authorities will also be advised.

Governance Services staff will coordinate the various meeting locations and venue, and send electronic appointments to members to ensure relevant meetings are secured in the respective electronic diaries.

Attachments

Attachment 1 - 2022 BOPRC Council Calendar [↓](#)

24/11/2021																			
2022 - Draft BOPRC Meetings Calendar																			
Mon	31	January	February	March	30	April	30	May	June	July	29	August	September	31	October	November	December	Mon	
Tue			1	1			31				30					1	Council Workshop	Tue	
Wed			2	2				1	EBOP Joint Committee		31	Quayside Board Meeting Kaituna Catchment Control Scheme Advisory Group Quayside A & R				2	Council Workshop	Wed	
Thu			3	3				2	Quayside A & R				1			3	LGNZ National Council LGNZ National Council	Thu	
Fri			4	4		1	UNISA	3	Rangitāiki River Forum	1	UNISA	2	Rangitāiki River Forum National Council			4	Zone 2	Fri	
Sat	1	New Years Day	5	5	2				4	2			3	1		5	3	Sat	
Sun	2		6	Waitangi Day	6	3	Daylight savings ends	1		5	3		4	2		6	4	Sun	
Mon	3	Mondayised Day after New Years Day	7	Mondayised Waitangi Day	7	4	Quayside - Strategic	2		6	Queens Birthday	4	1	5	EBOP Joint Committee	7	5	Mon	
Tue	4	Day after New Years Day	8		8	Monitoring & Operations	5	Workshop	3	Strategy & Policy	7	No meetings after Public Holiday Quayside Board Meeting	5	2	Quayside Board Meeting	6	Monitoring & Operations	Tue	
Wed	5		9		9	Workshop	6	Waioeka/Otara River Scheme Advisory Group	4	Workshop	8	Workshop	6	3	Workshop	7	Workshop	Wed	
Thu	6		10	Quayside Board Meeting	10	Ōhiwa Harbour Implementation	7	Tentative AP Hearings	5	Council	9	Risk & Assurance	7	4		8	Ōhiwa Harbour Implementation	Thu	
Fri	7		11	UNISA	11	Mayoral Forum	8	Rotorua Te Arawa Lakes	6	LGNZ Regional Sector	10	Rotorua Te Arawa Lakes	8	CDEMG	5	9		Fri	
Sat	8		12		12	9	7		11	9	6		10	8	ELECTION DAY	12	10	Sat	
Sun	9		13		13	10	8		12	10	7		11	9		13	11	Sun	
Mon	10		14		14	11	9		13	11	8		12	10		14	12	Mon	
Tue	11		15	Strategy & Policy	15	12	Komiti Māori	10		14	Monitoring & Operations	12	Quayside PCS	9	Quayside A & R	13	11	Tue	
Wed	12		16	AP Workshop	16	Kaituna Catchment Control Scheme Advisory Group	13	11	Council AP Deliberations	15	Workshop LGNZ AGM	13	10	Workshop	14	Rangitāiki/Tararua River Scheme Advisory Group	12	Wed	
Thu	13		17	Council	17	Public Transport	14	12	TCC	16		14	11	Council	15	Risk & Assurance	13	Thu	
Fri	14		18	Regional Transport Quayside A & R	18	CDEMG	15	Good Friday	13	Regional Transport	17	Mayoral Forum Tauranga Moana	15	LGNZ National Council	12	Regional Transport	16	Tauranga Moana	Fri
Sat	15		19		19	16	14	18		16	13		17	15		19	17	Sat	
Sun	16		20		20	17	15	19		17	14		18	16		20	18	Sun	
Mon	17		21		21	18	Easter Monday	16		20	18		15	19		17	19	Mon	
Tue	18		22	Komiti Māori	22	Strategy & Policy Workshop	19	No meetings after Public Holiday	17	21	Strategy & Policy Workshop	19	16	Komiti Māori	20	Quayside & BOPRC	18	Tue	
Wed	19		23	Workshop	23	Rangitāiki/Tararua Rivers Scheme Advisory Group	20	18	Workshop	22	Quayside & BOPRC	20	LGNZ Conference	17	Workshop	21	Whakatane/Tauranga River Scheme Advisory Group	Wed	
Thu	20		24	Quayside PCS	24	Workshop	21	Quayside Board Meeting	19	23	Public Transport	21	LGNZ Conference	18	Strategy & Policy	22	Public Transport	Thu	
Fri	21		25	Te Maru o Kaituna LGNZ Regional Sector Quayside A&R	25	Tauranga Moana Zone 2	22	20	Te Maru o Kaituna LGNZ National	24	Matariki	22	LGNZ Conference	19	Te Maru o Kaituna LGNZ Regional Sector	23	CDEMG	Fri	
Sat	22		26		26	23	21	25	23	27	25	24	26	24	22	26	24	Sat	
Sun	23		27		27	24	22	26	24	28	26	25	27	25	Daylight savings	27	25	Sun	
Mon	24		28		28	25	ANZAC Day	23		27	25	22	26	25		28	26	Mon	
Tue	25				29	26	No meetings after Public Holiday	24		28	Komiti Māori	26	23	Quayside A & R	27	Strategy & Policy	25	Tue	
Wed	26				30	27	Workshop	25	Workshop	29	Workshop	27	24	Workshop	28	Waioeke/Otara Rivers Scheme Advisory Group	26	Wed	
Thu	27				31	28	Council	26	Zone 2	30	Council	28	25		29	Council	27	Thu	
Fri	28					29		27	Zone 2			29	26		30	Rotorua Te Arawa Lakes	28	Fri	
Sat	29				30	28				30		27		29				Sat	
Sun	30	January	February	March	April	May	June	July	August	September	October	November	December	Sun				Sun	