



## NOTICE OF AN ORDINARY MEETING OF

**COUNCIL**

to be held on Thursday, 15 December 2016 at 9:30am  
in the Council Chamber, Rotorua Lakes Council

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Chairperson: Mayor Chadwick

Members: Cr Donaldson (Deputy) Cr Bentley Cr Gould  
Cr Hunt Cr Kent Cr Kumar  
Cr Maxwell Cr Raukawa-Tait Cr Sturt  
Cr Tapsell

Quorum: 6

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**A G E N D A**

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1. **OPENING KARAKIA**

2. **APOLOGIES**

3. **DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Governance & Partnerships Manager (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

**4. MAJOR / MINOR ITEMS NOT ON THE AGENDA**

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –
  - (a) the local authority by resolution so decides, and
  - (b) the presiding member explains at the meeting at a time when it is open to the public, -
    - (i) the reason why the item is not on the agenda; and
    - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
  
- (7A) Where an item is not on the agenda for a meeting, -
  - (a) that item may be discussed at the meeting if –
    - (i) that item is a minor matter relating to the general business of the local authority; and
    - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
  - (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

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**8. RESOLUTION TO GO INTO PUBLIC EXCLUDED (TO CONSIDER AND ADOPT CONFIDENTIAL ITEMS)**

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
COUNCIL MEETING 1 December 2016 (Minutes) PRESENTATION: Museum update	Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) Section 7(2)(a)
RECOMMENDATIONS FROM OTHER COMMITTEES Exchange of reserve land – Utuhina Stream	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)
RECOMMENDATIONS FROM OTHER COMMITTEES Disposal of surplus property	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)
RECOMMENDATIONS FROM OTHER COMMITTEES Enterprise Resource Planning	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)
RECOMMENDATION 8: Strategic property sale	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

<b>9. CONFIDENTIAL ITEMS</b>	
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## COUNCIL DELEGATIONS

<b>Type of Committee</b>	Council Committee
<b>Subordinate to</b>	
<b>Subordinate Committees</b>	<ul style="list-style-type: none"> <li>• Strategy, Policy and Finance committee</li> <li>• Operations and Monitoring committee</li> <li>• District Licencing committee</li> <li>• Tourism committee</li> <li>• Statutory Hearings committee</li> <li>• CEO performance committee</li> <li>• District Plan sub-committee</li> <li>• Audit and Risk sub-committee</li> <li>• Working / Strategy Groups (People, Sustainable living, Creative communities, Inner city revitalisation, Sustainable economic development strategy, Sports and recreation)</li> </ul>
<b>Legislative Basis</b>	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
<b>Purpose</b>	The purpose of the Council is to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee.
<b>Reference</b>	01-15-010
<b>Membership</b>	Mayor (Chair) Deputy Mayor (Deputy Chair) All councillors
<b>Quorum</b>	7
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<ul style="list-style-type: none"> <li>• the power to make a rate</li> <li>• the power to make a bylaw</li> <li>• the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan</li> <li>• the power to adopt a long-term plan, annual plan, or annual report</li> <li>• the power to appoint a chief executive</li> <li>• the power to adopt policies required to be adopted and consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement, and</li> <li>• the power to adopt a remuneration and employment policy</li> <li>• the power to set an support strategies in measures related to emergency matters.</li> <li>• all the powers, duties and discretions under the Civil Defence Act for the proper operation and administration of the approved Civil Defence Plan; such delegation to be executed solely within the defined policy guidelines as determined from time to time by the Council and subject to the financial limits imposed by the approved Council estimates.</li> </ul>
<b>Relevant Statues</b>	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
<b>Limits to Delegations</b>	Powers that cannot be delegated to committees as per the Local Government Act 2002 Schedule 7 S32

**ROTORUA**  
**LAKES COUNCIL**  
Te kaunihera o ngā roto o Rotorua

MINUTES OF  
COUNCIL MEETING

ROTORUA LAKES COUNCIL

# Minutes

**Council meeting held 1 December 2016 at 9:30am  
in the Council Chamber, Rotorua Lakes Council**

MEMBERS PRESENT:	Mayor Chadwick (Chairperson) Cr Bentley, Cr Donaldson (Deputy Mayor), Cr Gould, Cr Hunt, Cr Kent, Cr Kumar, Cr Maxwell, Cr Raukawa-Tait, Cr Sturt, Cr Tapsell
APOLOGIES:	None.
ABSENT ON COUNCIL BUSINESS:	None.
NO ATTENDANCE:	None.
ALSO PRESENT:	S Trumper and B Martin, Rural Community Board; P Thomass, Lakes Community Board; T White and E Kiel, Te Tatau o Te Arawa.
STAFF PRESENT:	G Williams, Chief Executive; J-P Gaston, Group Manager Strategy & Partnerships; M Morrison, Kaitiaki Maori; C Tiriana, Manager CE's Office; O Hopkins, Manager Governance and Partnerships; S Brown, Rotorua Museum Director (part); A McGregor, Strategy Manager; M Spijkerbosch, Community Arts Advisor (part); T Tomlinson, Legal & Property Lead (part); N Hill, Manager Compliance Solutions; I Tiriana, Public Relations Manager; R Dunn, Governance Lead, C Peden, Governance Support Advisor.

Mayor Chadwick welcomed councillors, members of the public, media and staff to the Council meeting.

## 1. OPENING PRAYER

Cr Donaldson opened the meeting with a karakia.

A one-minute silence was observed for Mita Mohi and Fred Whata (Te Tatau o Te Arawa). The recent passing of Councillor Awanui Black (Bay of Plenty Regional Council) was also acknowledged.

## 2. APOLOGIES

None.

**3. DECLARATIONS OF INTEREST**

None.

**4. URGENT BUSINESS**

None.

**5. CONFIRMATION OF COUNCIL MINUTES**

**5.1 Inaugural Council meeting on 25 October 2016**

**Resolved**

**That the minutes of the inaugural Council meeting held on 25 October 2016 be confirmed as a true and correct record.**

Cr Maxwell/ Cr Gould  
C16/12/012  
CARRIED

**5.2 Council meeting on 26 October 2016**

**Resolved**

**That the minutes of the Ordinary Council meeting held on 25 October 2016 be confirmed as a true and correct record.**

Cr Gould/Cr Kent  
C16/12/013  
CARRIED

**6. MINUTES OF COMMUNITY BOARDS' INAUGURAL MEETING**

**6.1 Inaugural Community Boards' combined meeting 25 October 2016**

**Resolved**

**That the minutes of the inaugural community boards' combined meeting held 25 October 2016 be received.**

Cr Sturt/Cr Gould  
C16/12/014  
CARRIED

**7. STAFF REPORTS**

7.1 RECOMMENDATION 1: Establishment of the committee structure and appointment of chairpersons, deputy chairpersons and members 2016 – 2019 01-15-271

**Resolved:**

1. That the report “Establishment of the committee structure and appointment of chairpersons, deputy chairpersons and members 2016-2019 be received.

Cr Gould/Cr Maxwell  
CARRIED

2. That Council resolves to establish for the triennium 2016-2019, pursuant to clauses 10,11, 14 and clause 19, 30(1) and 31 of Schedule 7 of the Local Government Act 2002, the following Council committee structure:

Council	Membership
<p><b>Ordinary Council</b> Make decisions on all matters that cannot or are not to be delegated.</p> <p>Following full debate of issues, topics, etc at the committee level make the final decision on all matter recommended to them from the committees.</p>	<p>Chairperson: Mayor Deputy Chairperson: Deputy Mayor</p> <p>Members – All councillors</p>
Committees of the whole	Membership
<p><b>Strategy, Policy &amp; Finance</b> Guide and develop all strategic, policy and planning frameworks before recommending to council for approval</p>	<p>Chairperson: Cr Raukawa-Tait Deputy Chairperson: Cr Hunt</p> <p><b>Members</b></p> <ul style="list-style-type: none"> <li>• All councillors</li> <li>• 2 x Te Tatau o Te Arawa representatives</li> <li>• 1 x Lakes Community Board representative</li> <li>• 1 x Rural Community Board representative</li> </ul>



<p><b>Operations and Monitoring</b> Ensure consolidated and complete reporting and monitoring of all financial and non-financial information and performance measures against the Long-term Plan, Annual Plan and strategy goals/priorities.</p>	<p>Chairperson: Cr Sturt Deputy Chairperson: Cr Tapsell</p> <p><b>Members</b></p> <ul style="list-style-type: none"> <li>• All councillors</li> <li>• 2 x Te Tatau o Te Arawa representatives</li> <li>• 1 x Lakes Community Board representative</li> <li>• 1 x Rural Community Board representative</li> </ul>
<b>Committees</b>	
<p><b>District Licensing Committee</b></p>	<p>Chairperson: Cr Hunt Deputy Chairperson: Cr Gould</p>
<p><b>Resource Management Act Policy Committee</b></p>	<p>Chairperson: Cr Hunt</p> <p>1 Council member: Cr Kent 1 Te Tatau o Te Arawa representative</p>
<p><b>Chief Executive's Performance Review Committee</b></p>	<p>Chairperson: Mayor Deputy Chairperson: Deputy Mayor</p> <p>Membership still to be determined</p>
<p><b>Audit and Risk Committee</b></p>	<p>Chairperson: Mayor Deputy Chairperson: Deputy Mayor</p> <p><b>Members</b></p> <ul style="list-style-type: none"> <li>• Chair and Deputy Chair of Strategy, Policy and Finance;</li> <li>• Chair and Deputy Chair of Operations and Monitoring;</li> <li>• Two external representatives – to be advised</li> </ul>

**3. That all members of committees have full voting rights.**

Cr Sturt/Cr Gould  
C16/12/015  
CARRIED

7.2 RECOMMENDATION 2: Adopt Code of Conduct 2016 – 2019 01-15-271

**Resolved:**

1. That the report “Adopt Code of Conduct 2016-2019” be received.

Cr Gould/Cr Donaldson  
CARRIED

2. That Council adopt the Code of Conduct 2016-2019.

Cr Donaldson/Cr Gould  
C16/12/016  
CARRIED

It was noted that the decision was made by more than 75% of the members.

ATTENDANCE: Cr Raukawa-Tait joined the meeting at 10am.

7.3 RECOMMENDATION 3: Easter Sunday Shop Trading Policy and Statement of Proposal 01-63-097-2

**Resolved:**

1. That the report “Easter Sunday Shop Trading Policy and Statement of Proposal” be received.

Mayor Chadwick/Cr Hunt  
CARRIED

2. That consideration is given to the requirements of the Shop Trading Hours Act 1990 and the Local Government Act 2002.

3. That the Statement of Proposal and draft Easter Sunday Shop Trading Policy be approved for special consultation and that the Strategy, Policy and Finance Committee hear and deliberate on any public submissions made to the Proposal and the draft Policy, as amended to include further acknowledgement of religious beliefs.

Mayor Chadwick/Cr Hunt  
C16/12/017  
CARRIED

7.4 RECOMMENDATION 4: Assessing the social impact of gambling 01-63-097-6

Cr Maxwell declared an interest in this item and withdrew from the table.

**Resolved:**

1. That the report “Assessing the Social Impact of Gambling” be received.

Cr Tapsell/Cr Raukawa-Tait  
CARRIED

**Further resolved:**

2. That the Council notes the contents of that report.
3. That Council endorses the approach to supplement the review of the 'Class 4 Gambling Venue and Board Venue Policy 2011' with an independent community survey.

Cr Donaldson/Cr Sturt  
C16/12/018  
CARRIED

- 7.5 RECOMMENDATION 5: Prioritising percent for art budget for sculpture at Hemo Gorge roundabout  
62-15-161

Marc Spijkerbosch spoke to a Powerpoint presentation titled 'Hemo Gorge Sculpture' (Attachment 1). They were accompanied by the designer, Stacy Gordine; architect, Derek Kawiti; and Eraia Kiel, general manager of the New Zealand Arts and Crafts Institute at Te Puia.

Jonathan Briscoe, Public Arts Trust also made a few comments in support of the project.

**Resolved:**

1. That the report "Prioritising percent for art budget for sculpture at Hemo Gorge roundabout" be received.
2. That Council confirm the prioritisation of the 2016/2017 percent for art budget to support proposed funding and the project underwrite for the Hemo Gorge roundabout sculpture.

Cr Hunt/Cr Raukawa-Tait  
CARRIED

Cr Hunt/Cr Maxwell  
C16/12/019  
CARRIED

The vote was unanimous.

**8. RESOLUTION TO GO INTO PUBLIC EXCLUDED (TO CONSIDER AND ADOPT CONFIDENTIAL ITEMS)**

**Resolved**

**That Council move into Public Excluded session.**

Cr Gould/Cr Donaldson  
C16/12/020  
CARRIED

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
Council meeting 26 October 2016 (minutes) RECOMMENDATION 3: Event contract support	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)
RECOMMENDATION 6 Appointment of Te Tatau o Te Arawa nominees to Council committees	Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) Section 7(2)(a)
RECOMMENDATION 7 Appointment of community board members to Council committees	Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) Section 7(2)(a)
Presentation Rotorua Museum update	Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) Section 7(2)(a)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.”

**The meeting adjourned 12pm and reconvened at 12.07pm**

**Excerpt from confidential minutes now released**

**PUBLIC EXCLUDED SESSION**

**9.3 STAFF REPORTS (CONT.)**

- a) RECOMMENDATION 6: Appointment of Te Tatau o Te Arawa nominees to Council committees01-63-109

**Resolved**

- 1. That the report “Appointment of Te Tatau o Te Arawa nominees to Council committees” be received.**

**Cr Gould/Cr Maxwell  
CARRIED**

- 2. That subject to clause 31(i) of schedule 7 to the Local Government Act 2002, Council reappoints the following individuals to the committees as set out below:**

- **Operations and Monitoring Committee: Potaua Biasiny Tule and David Waru**
- **Strategy, Policy and Finance Committee: Eugene Berryman Kamp and Ana Morrison**

- **RMA Policy Committee: Gina Mohi**

**3. That the report and minutes relating to this item be released following this meeting.**

Cr Gould/Cr Sturt  
C16/12/022  
CARRIED

b) **RECOMMENDATION 7: Appointment of Community Board members to Council committees**

01-15-271

Nominee profiles were circulated for Bob Martin, Phill Thomass and Shirley Trumper were tabled (Attachment 3).

**Resolved**

**1. That the report "Appointment of Community Board members to Council committees" be received.**

**Cr Donaldson/Cr Bentley**  
CARRIED

**2. That pursuant to clause 31(i) of schedule 7 to the Local Government Act 2002 Council appoints the following individuals to the committees as set out below:**

- **Operations and Monitoring Committee: Jim Stanton (Lakes) and Bob Martin (Rural)**
- **Strategy, Policy and Finance Committee: Phill Thomass (Lakes) and Shirley Trumper (Rural)**

**3. That the report and minutes relating to this item be released following this meeting.**

Cr Gould/Cr Sturt  
C16/12/023  
CARRIED

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**OPEN SESSION**

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The meeting closed at 12.50pm

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To be confirmed at a Council meeting on 15 December 2016

.....Mayor

Note 1: Rotorua Lakes Council is the operating name of Rotorua District Council

Note 2: Attachments to these minutes are available on request or on Council's website [www.rotorualc.nz](http://www.rotorualc.nz)



RECOMMENDATIONS FROM  
OTHER COMMITTEES

ROTORUA LAKES COUNCIL

The Mayor  
Members  
COUNCIL

**RECOMMENDATIONS FROM OTHER COMMITTEES**

**Report prepared by:** Carol Peden, governance support advisor

**Report reviewed by:** Oonagh Hopkins, governance & partnerships manager

**Report approved by:** Geoff Williams, chief executive

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1. **PURPOSE**

The purpose of this report is to provide an opportunity for members consider recommendations received from other committees.

2. **RECOMMENDATIONS**

1. **That the report "Recommendations from other committees" be received.**
2. **That the following recommendations of the Operations & Monitoring Committee meeting held 12 December 2016 be adopted:**

Recommendation 1
<b>ROTORUA WAY WORKSHOP OUTPUTS</b>  That Council support the Rotorua Way strengths and opportunities and commence community engagement to test these within the community.

3. **That the following recommendations of the Strategy Policy & Finance Committee meeting held 8 December 2016 be adopted:**

Recommendation 1
<b>SMOKE-FREE OUTDOOR SPACES POLICY</b>  That the new policy extending smoke-free outdoor spaces in two phases be approved (Attachment 1).

**Recommendation 2**

**WASTE MANAGEMENT AND MINIMISATION PLAN / WASTE STRATEGY 2016 – 22**

**That Council adopt the Waste Management and Minimisation Plan/Rotorua's Waste Strategy 2016-2022.**

**Recommendation 3**

**SISTER CITIES AND INTERNATIONAL RELATIONS**

**1. That Council adopt the following policies:**

- **Sister City Relationship Policy**
- **Mayoral and Elected Representatives International Travel Policy**
- **Conference Attendance for Elected Members Policy**

**as shown on Attachment 2,**

**2. That attendance at Community Board conferences be delegated to each community board.**

**Recommendation 4**

**SCHEDULE OF MEETINGS – 1 JANUARY TO 31 DECEMBER 2017**

**That Council adopt the schedule of meetings for the period 1 January 2017 to 31 December 2017 based on a monthly cycle and that the following starting times are agreed to:**

- a) **that Operations and Monitoring Committee meetings shall commence at 9:30am**
- b) **that Strategy, Policy and Finance Committee meetings shall commence at 9:30am**
- c) **that Council meetings shall commence at 9.30am**
- d) **that extraordinary meetings may be scheduled as required,**

**as shown on Attachment 3.**

**Recommendation 5**

**COMMUNITY HOUSING PARTNERSHIP**

**That Council support in principle Option 1: that Council investigate and develop a business case for the creation of a Community Housing Provider Trust, noting any proposal may require wider community consultation in line with Council's Significance and Engagement Policy.**



### 3. BACKGROUND

- 3.1 Reports relating to the above recommendations were included in the agenda for the Strategy, Policy & Finance Committee meeting held 8 December 2016 and the Operations and Monitoring Committee meeting held 12 December 2016. This agenda is available for viewing on Council's website under the following link:

<http://www.rdc.govt.nz/our-council/agendas-and-minutes>

- 3.2 The only changes made to the 2017 Council year planner which was presented to the Strategy, Policy & Finance Committee on 8 December are the addition of the following meetings:

Kauae Cemetery Trust Board meetings:	14 February	10 – 12pm
	12 September	10 – 12pm
Ngati Whakaue Gifted Reserves Protocol meetings:	10 April	1.30pm – 4pm
	19 October	1.30pm – 4pm



## SMOKEFREE OUTDOOR SPACES POLICY

Date Adopted	Next Review	Officer Responsible
	1 January 2020	R Viskovic, Senior Policy Advisor

### Policy Purpose:

The objective of this policy is to improve the health and wellbeing of Rotorua communities by reducing the prevalence of smoking and de-normalising smoking behaviour. This aligns with the Government's goal of becoming a smoke-free nation by 2025.

### Principles:

- The wellbeing of children and young people is a central consideration for the policy
- Where possible, high-density areas and places where people congregate should be prioritised
- In order for the council to lead by example, areas that people directly associate with the council should be prioritised
- The policy should encourage behavioural change in a manner that is acceptable to and supported by Rotorua's communities
- The policy should focus on promoting a positive smokefree message, especially to children and young people.

### Policy:

#### 1. Approach

The policy follows a non-regulatory approach aimed at behaviour change and promoting a positive smokefree message. Compliance with the policy is voluntary and is not enforced by the council. Compliance is instead encouraged by educating the public to model and promote appropriate behaviour, which in turn encourages others to be smokefree. Council will work in collaboration with Toi te Ora Public Health Unit and other community organisations to implement the policy through public awareness including signage. The public will be asked to refrain from smoking or use of electronic cigarette-like devices in the following public places and at public events.

## 2. Smokefree Public Places

Upon adoption of this policy, the following public places will be smoke-free:

Phase	Date	Locations
Existing	Continue	Council-Managed Tokorangi Forest Council-Owned Playgrounds Rotorua Community Youth Centre Trust Premises Tennis Facilities – Lynmore, Okareka and Manuka Crescent Tennis Club Child Care and Early Childhood Education Centres Public Toilets Sports areas – Hockey Turfs and Netball Courts Kuirau Park - Rotary North Market Council workplace properties
1	1 February 2017	All bus stops and shelters I-site and library surrounds including Jean Batten Park All sports grounds Rotorua International Stadium All youth spaces and skate parks All Council-controlled reserves and parks including lakefront reserves
2	1 January 2018	Outdoor pavement eating places Eat Street Markets held in the inner city Entrances and exits to public buildings and facilities used by the public

## 3. Smoke-free events

Rotorua Lakes Council recognises the role that public events can play in promoting a positive smoke-free message. Accordingly, under this policy all council-delivered events as well as events held at any of council's smoke-free public places will be smoke-free. As more public places become smoke-free, more events will adopt a smoke-free status.

All agreements for the hire or rent of Council premises or reserves, or receiving Council funding for events will be required to include a Smokefree event clause from 1 February 2017.



## SISTER CITY RELATIONSHIP POLICY

Date Adopted	Next Review	Officer Responsible
December 2016	December 2019	Group Manager Strategy and Partnerships

### Policy Purpose:

To guide decision making in relation to Council's sister city relationships.

### Policy:

Rotorua Lakes Council (Council) has four sister cities: Beppu (Japan), Klamath Falls (USA), Lake Macquarrie (Australia) and Wuzhong District of Suzhou City, China. These relationships are long standing and were undertaken via the international Sister Cities programme between 1962 and 2000. The international programme seeks to foster communications across borders to promote the mutual exchange of ideas, people and materials in cultural, educational, youth, sports, municipal, professional and technical projects.

Council has seen a decline in active contact with the majority of its sister cities. As part of the 2016 review all relationships are considered inactive unless contact is initiated and sustained by current sister cities and when that contact is considered beneficial to Council.

Proposed travel that relates to a sister city relationship needs to be supported by a business case that outlines the benefits of the travel against the following criterion:

1. The travel/activity must support council's vision, business objectives and aspirations for the future as encapsulated in the Long-term Plan, or
2. The travel/activity must support council's current priorities and/or flagship projects.

The business case to be approved by a recommendation from the Chief Executive to council.

Generally travel costs of accompanying persons will not be paid for.

At the conclusion of the travel the elected representative/staff member is required to provide a written report to council.

This policy does not include travel by elected representatives that has been undertaken at the request of and paid for by other international, national or local organisations; including Rotorua Economic Development. Such travel may be undertaken at the discretion of the elected representative.



## MAYORAL AND ELECTED REPRESENTATIVES INTERNATIONAL TRAVEL POLICY

Date Adopted	Next Review	Officer Responsible
December 2016	December 2019	Group Manager Strategy and Partnerships

### Policy Purpose:

To guide decision making in relation to international travel undertaken by the Mayor and/or councillors as elected representatives of the Rotorua District, that is not covered by the Sister City Relationship Policy.

### Policy:

There are occasions when the Mayor and/or elected representatives may be invited or required to attend international events overseas as representatives of Rotorua at the cost of the ratepayer.

Proposed travel needs to be supported by a business case that outlines the benefits of the travel against the following criterion:

1. The travel/activity must support council's vision, business objectives and aspirations for the future as encapsulated in the Long-term Plan, or
2. The travel/activity must support council's current priorities and/or flagship projects.

The business case to be approved by a recommendation from the Chief Executive to council.

Generally travel costs of accompanying persons will not be paid for.

At the conclusion of the travel the elected representative is required to provide a written report to council.

This policy does not include travel by the Mayor and/or elected representatives that has been undertaken at the request of and paid for by other international, national or local organisations; including Rotorua Economic Development. Such travel may be undertaken at the discretion of the elected representative.



## CONFERENCE ATTENDANCE FOR ELECTED MEMBERS POLICY

Date Adopted	Next Review	Officer Responsible
December 2016	December 2019	Group Manager Strategy and Partnerships

### Policy Purpose:

To guide decision making in relation to elected members representation of council at conferences and professional development seminars.

### Policy:

That for the annual LGNZ conference, the Mayor, Deputy Mayor, Chief Executive, two councillors and a representative from the Te Tatau o Te Arawa Board; attend as council's delegates.

All councillors will have the opportunity to attend sessions of their choice at Rotorua-based conferences.

Any proposed conference attendance outside of Rotorua needs to be supported by a business case that outlines the benefits of the event against the following criterion:

1. The conference/event must support council's vision, business objectives and aspirations for the future as encapsulated in the Long-term Plan, or
2. The conference/event must support council's current priorities and/or flagship projects.

The business case to be approved by a recommendation from the Chief Executive to council.

Generally travel costs of accompanying persons will not be paid for.

At the conclusion of the conference the elected representative is required to provide a written report to council.

# ROTORUA LAKES COUNCIL

Te Kaunihera o ngā roto o Rotorua

Rotorua Lakes Council is the operating name of Rotorua District Council

### School Terms

- Term 1**  
30 Jan to 7 Feb - 13 April
- Term 2**  
1 May - 7 July
- Term 3**  
24 July - 29 Sept
- Term 4**  
16 Oct - by 14 Dec (secondary)  
or 20 Dec (primary/intermediate)

## Rotorua Lakes Council Year Planner 2017

Version 1

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
MON					1 DLC							
TUE					2			1				
WED		1	1		3 Citizenship			2 Citizenship			1	
THU		2 O&M	2		4 O&M	1 O&M		3 O&M			2 O&M	
FRI		3 Statutory Hearing	3 Zone 2		5	2 CDEMG		4 Triennial CDEMG	1		3 Zone 2	1
SAT		4	4	1	6	3	1	5	2		4	2
SUN	1 New Year's Day	5	5	2	7	4	2	6	3	1	5	3
MON	2 Statutory Holiday	6 Waitangi Day	6	3	8	5 Queens Birthday	3	7	4	2	6	4
TUE	3 New Year's Day Observed	7	7 Statutory Hearing	4	9 Statutory Hearing	6 AP deliberations	4	8 Statutory Hearing	5 Statutory Hearing	3	7 Statutory Hearing	5 Statutory Hearing
WED	4	8 AP forums	8	5	10	7 AP deliberations	5	9	6	4	8	6
THU	5	9 SP&F	9 O&M	6	11	8 SP&F	6	10 SP&F	7	5	9 SP&F	7 SP&F
FRI	6	10 Citizenship	10 RTALSG	7	12	9 Zone 2	7	11	8	6	10	8
SAT	7	11	11	8	13	10	8	12	9	7	11	9
SUN	8	12	12	9	14	11	9	13	10	8	12	10
MON	9	13	13	10	15	12	10	14	11	9	13	11
TUE	10	14	14	11	16	13	11	15	12	10	14	12
WED	11	15	15	12	17	14	12	16	13	11	15	13
THU	12	16	16	13	18	15	13	17	14	12	16	14
FRI	13	17	17	14	19	16	14	18	15	13	17	15
SAT	14	18	18	15	20	17	15	19	16	14	18	16
SUN	15	19	19	16	21	18	16	20	17	15	19	17
MON	16	20	20	17	22	19	17	21	18	16	20	18
TUE	17	21	21	18	23	20	18	22	19	17	21	19
WED	18	22	22	19	24	21	19	23	20	18	22	20
THU	19	23	23	20	25	22	20	24	21	19	23	21
FRI	20	24	24	21	26	23	21	25	22	20	24	22
SAT	21	25	25	22	27	24	22	26	23	21	25	23
SUN	22	26	26	23	28	25	23	27	24	22	26	24
MON	23	27	27	24	29	26	24	28	25	23	27	25
TUE	24	28	28	25	30	27	25	29	26	24	28	26
WED	25	29	29	26	31	28	26	30	27	25	29	27
THU	26	30	30	27		29	27	31	28	26	30	28
FRI	27	31	31	28		30	28		29	27		29
SAT	28		29	29			29		30	28		30
SUN	29		30	30			30		31	29		31
MON	30 Auckland Anniversary						31			30		
TUE	31								31			

Meeting Times
Council 9:30am
Strategy, Policy & Finance 9:30am
Operations & Monitoring 9:30am
Spare meetings 9:30am
Citizenship Ceremonies 11:30pm
Annual Plan Forums/Hrings/Del 9:30am

Note that additional extraordinary meetings may be scheduled from time to time

Key Dates
Adopt Draft AP 2017/18 for consultation 29 March 2017
AP Hearing of Submissions 23-24 May 2017
AP Decision Making 6-7 June 2017
Adopt Annual Plan 2017/18 29 June 2017
Adopt Annual Report 26 October 2017

	Operations & Monitoring Committee	Citizenship	Citizenship	LCB	Rotorua Lakes Community Board	RTC	BOPRC Regional Transport Committee
O&M		Citizenship		LCB		RTC	
SP&F	Strategy, Policy & Finance Committee	BOP CE Forum	BOP Chief Executives' Forum	RCB	Rotorua Rural Community Board	TMOK	Te Maru okaituna
Council		Audit	Audit & Risk Committee	CDEMG	Civil Defence Emergency Management Group		
SH	Statutory Hearings	DLC	District Licensing Committee	PTC	BOPRC Public Transport Committee		
LT	Leadership Team	AP	Annual Plan	RTALSG	Rotorua Te Arawa Lakes Strategy Group		



# STAFF REPORTS



ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

**COUNCIL REPRESENTATION ON OTHER ENTITIES**

**Report prepared by:** Oonagh Hopkins, Governance and Partnerships Manager

**Report approved by:** Jean-Paul Gaston, Group Manager Strategy and Partnerships

**1. PURPOSE**

The purpose of this report is to affirm the representation of members on other entities (sub-committees, boards, trusts, etc) that are in alignment with Council's Rotorua 2030 direction and Councillor portfolio areas.

**2. RECOMMENDATION 1:**

- 1. That the report 'Council representation on other entities' be received;**
- 2. That pursuant to Clauses 10, 11, 14 and Clauses 19 30 (1) and 31 of Schedule 7 of the Local Government Act 2002, where relevant, Council appoint representatives as ex-officio positions to other entities as follows:**

<b>Other entity</b>	<b>Council representative/s</b>
Air Quality Working Party	Crs Donaldson
BOPRC Public Transport Subcommittee	Cr Tapsell Cr Gould (alternate)
BOPRC Regional Transport Committee	Mayor Chadwick Cr Donaldson (alternate)
Connect Rotorua (NZTA transport planning)	Cr Donaldson
Civic Arts Trust	Cr Maxwell
Civil Defence Emergency Management Group	Mayor Chadwick Cr Donaldson (alternate)
Geyser Community Foundation funding distribution	Crs Sturt and Raukawa-Tait
Friends of the Library	Cr Hunt
Friends of the Rotorua Museum of Art & History	Cr Hunt
Kaimai Catchments Forum	Chris Sutton (Rural Community Board)
Kaituna Catchment Control Scheme	Nick Chater (Lakes Community Board)
Kauae Cemetery Trust Board	Mayor Chadwick, Crs Donaldson, Maxwell & Sturt
Kaumatua Committee Te Pukenga Koeke o Te Whare Taonga o Rotorua	Crs Maxwell and Tapsell
Keep Rotorua Beautiful	Cr Tapsell
Ngati Rangiteaorere Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell
Ngati Rangiwewehi Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell
Ngati Waoku Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell

<b>Other entity</b>	<b>Council representative/s</b>
Ngati Whakaue Gifted Reserves Protocol Committee	Mayor Chadwick, Crs Maxwell and Sturt
Pukaki ki Rotorua Charitable Trust	Mayor Chadwick (Cr Donaldson alternate)
Raukawa Charitable Trust / Rotorua District Council Joint Management Committee	Mayor Chadwick and Crs Hunt, Raukawa-Tait
RLC Creative Communities Fund Committee	Cr Maxwell
RLC Neighbourhood Matching Fund Committee	Cr Sturt
Road Safety Action Plan	Cr Bentley
Rotoma/Rotoiti Sewerage Scheme Committee (in recess)	Cr Donaldson Cr Bentley (alternate)
Rotorua Access Committee	Cr Bentley
Rotorua Geothermal Liaison Group	Cr Donaldson and Cr Tapsell
Rotorua Land Treatment Scheme Project Steering Committee	Cr Donaldson Cr Tapsell (alt)
Rotorua Te Arawa Lakes Strategy Group	Mayor Chadwick & Cr Hunt Cr Donaldson (alternate)
Sewerage Projects Governance Group	Cr Donaldson & Cr Tapsell
Tapuika Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell
Te Arawa River Iwi Trust Joint Management Committee	Mayor Chadwick, Crs Donaldson and Raukawa-Tait
Te Maioha o Parekarangi Youth Justice Community Liaison Committee	Cr Sturt
Te Maru o Kaituna (the Kaituna River Authority)	Cr Tapsell Nick Chater(alternate)
Tuhourangi Protocol	Mayor Chadwick and Crs Hunt and Maxwell
Upper Waikato Liaison Subcommittee	Chris Sutton (Rural Community Board)
Bay of Plenty Geothermal Working Party	Cr Donaldson Euan McLachlan
Positive Ageing	Cr Merepeka

- 3. That in accordance with Council policy “Mayor & Councillors’ Membership of Not-for-Profit Organisations Policy 2013” the following Rotorua based organisation are accepted as the definitive list of not-for profit groups who could have an elected member presence, as an ex-officio representative of Rotorua Lakes Council.**
- i. Civic Arts Trust**
  - ii. Arts Rotorua Charitable Trust**
  - iii. Drive wise Rotorua Trust**
  - iv. Rotorua Charitable Christmas Parade Trust**
- 4. That the Council amend “Mayor & Councillors Membership of Not-for-Profit Organisations Policy 2013” to remove the Rotorua Lakes Council representation as a trustee on:**
- i. QE Hospital Trust**
  - ii. Rotorua Community Youth Centre Trust,**
- and that in the future should the organisation wish a council presence it will be in accordance with policy as an ex-officio representative.**

### **3. BACKGROUND**

Following each local body election, decisions are made as to which members will represent Rotorua Lakes Council on a variety of working groups, committees and trusts. The decisions made at this Council meeting, in general, stand for the balance of the triennium which follows the election.

Under Clause 30(1), (7) and 31 of Schedule 7 of the Local Government Act 2002, Local Authorities may appoint, where relevant, appoint representatives to other entities.

The Oxford Dictionary defines a “representative” as a “person chosen, or elected to speak and act on behalf of others in a legislative assembly or deliberative body”. For the purpose of this report the deliberative body is seen to include groups, committees, or trusts.

The terms of reference, rules or constitution of each group, committee or trust outlines their focus, and how the group conducts their business. The role of individuals could be as a trustee or ex officio member. In law, a trustee is an individual person or member of a board given control or powers of administration of property in trust, with a legal obligation to administer it solely for the purposes specified. A trustee has a vote in the decision making of the group, committee or trust.

A business dictionary defines ex-officio as *‘Holding a position or membership due to the power or influence of one’s office, and not by election or appointment.’*. A chairperson, for example, can be an ex-officio member of all board appointed committees. Such positions and their attached voting and other privileges are detailed in the bylaws of the organisation. In local government the parallel example is that a Mayor may be offered positions in the way outlined for a chairperson, mentioned earlier in this paragraph.

In other settings, ex-officio members bring their knowledge and experiences to discussions when the group is conducting their business. Many ex-officio members are unable to vote and directly influence decisions of the group, committee or trust.

In 2013 a move was made to utilise the ex-officio status on trusts in a greater capacity than previous years. This included moving representation on the Civic Arts Trust, Arts Rotorua Charitable Trust, Drive wise Rotorua Trust and the Rotorua Charitable Christmas Parade Trust to ex-officio only.

At that time the trustee appointments to QE Hospital Trust and Rotorua Community Youth Centre Trust were retained. It is now believed to be an appropriate time to work with these trusts to remove the council trustee representation. Following this, if a request came forward from the organisation council could relook at it’s policy to determine whether an ex-officio representation would be granted. The reason for this is to remove potential conflicts that may arise, this includes financial, perception of councillors being trustees on non-for profit organisations, difference between trust objectives and the objectives/direction of council etc.

### **4. ASSESSMENT OF SIGNIFICANCE**

This subject does not trigger Council’s Significance and Engagement Policy.

### **5. COMMUNITY INPUT/ENGAGEMENT AND PBLICITY**

There is no requirement for community input to this review. The outcome of the process does contribute to the community’s perception of elected members and their activities in the community.

## **6. CONSIDERATIONS**

### **6.1 Financial/budget considerations**

Not applicable.

### **6.2 Policy and planning implications**

The decision to maintain council representation of the other entities listed is in line with Council's approach to align members with portfolios.

### **6.3 Risks**

Members need to bear in mind their roles and responsibilities under the "Code of Conduct" and that the focus of representation on these entities is to provide a link between the group and the Council.

### **6.4 Authority**

The Mayor and Council under the Local Government Act have the ability to appointment representatives to other entities.

## **7. ATTACHMENTS**

Attachment 1 – Mayor & Councillor Membership of Not-for-Profit Organisations policy

**Attachment 1 - 2019-2019 – Appointments to other entities**

<b>Other entity</b>	<b>Council representative/s</b>
Air Quality Working Party	Crs Donaldson
BOPRC Public Transport Subcommittee	Cr Tapsell Cr Gould (alternate)
BOPRC Regional Transport Committee	Mayor Chadwick Cr Donaldson (alternate)
Civic Arts Trust	Cr Maxwell
Civil Defence Emergency Management Group	Mayor Chadwick Cr Donaldson (alternate)
Geyser Community Foundation funding distribution	Crs Sturt and Raukawa-Tait
Friends of the Library	Cr Hunt
Friends of the Rotorua Museum of Art & History	Cr Hunt
Kaimai Catchments Forum	Chris Sutton (Rural Community Board)
Kaituna Catchment Control Scheme	Nick Chater (Lakes Community Board)
Kauae Cemetery Trust Board	Mayor Chadwick, Crs Donaldson, Maxwell & Sturt
Kaumatua Committee Te Pukenga Koeke o Te Whare Taonga o Rotorua	Crs Maxwell and Tapsell
Keep Rotorua Beautiful	Cr Tapsell
Ngati Rangiteaorere Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell
Ngati Rangiwehewehi Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell
Ngati Waoku Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell
Ngati Whakaue Gifted Reserves Protocol Committee	Mayor Chadwick, Crs Maxwell and Sturt
Pukaki ki Rotorua Charitable Trust	Mayor Chadwick (Cr Donaldson alternate)
Raukawa Charitable Trust / Rotorua District Council Joint Management Committee	Mayor Chadwick and Crs Hunt, Raukawa-Tait
RLC Creative Communities Fund Committee	Cr Maxwell
RLC Neighbourhood Matching Fund Committee	Cr Sturt
Road Safety Action Plan	Cr Bentley
Rotoma/Rotoiti Sewerage Scheme Committee (in recess)	Cr Donaldson Cr Bentley (alternate)
Rotorua Access Committee	Cr Bentley
Rotorua Geothermal Liaison Group	Cr Donaldson and Cr Tapsell
Rotorua Land Treatment Scheme Project Steering Committee	Cr Donaldson Cr Tapsell (alt)
Rotorua Te Arawa Lakes Strategy Group	Mayor Chadwick & Cr Hunt Cr Donaldson (alternate)
Sewerage Projects Governance Group	Cr Donaldson & Cr Tapsell
Tapuika Protocol Committee	Mayor Chadwick and Crs Donaldson, Raukawa-Tait, Maxwell and Tapsell
Te Arawa River Iwi Trust Joint Management Committee	Mayor Chadwick, Crs Donaldson and Raukawa-Tait
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Te Maru o Kaituna (the Kaituna River Authority)	Cr Tapsell Nick Chater(alternate)
Tuhourangi Protocol	Mayor Chadwick and Crs Hunt and Maxwell
Upper Waikato Liaison Subcommittee	Chris Sutton (Rural Community Board)
Bay of Plenty Geothermal Working Party	Cr Donaldson Euan McLachlan

<b>Other entity</b>	<b>Council representative/s</b>
Positive Ageing	Cr Raukawa-Tait
Rotoehu Sewerage Scheme	Cr Tapsell
Tarawera Sewerage Scheme	Cr Tapsell

ROTORUA LAKES COUNCIL

The Mayor  
Councillors  
COUNCIL

**COUNCIL STANDING ORDERS 2016**

**Report prepared by:** Rick Dunn, Democracy Manager

**Report reviewed by:** Oonagh Hopkins, Governance & Partnerships Manager

**Report approved by:** Jean-Paul Gaston, Group Manager Strategy & Partnerships

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**1. PURPOSE**

The purpose of this report is for Council to adopt Standing Orders for meetings of Local Authorities as required by the Local Government Act 2002, (cl. 27 Schedule 7) and the Local Government Official Information and Meetings Act 1987 with regard to conduct of meetings.

**2. RECOMMENDATION 2:**

- 1. That the report "Council Standing Orders 2016" be received.**
- 2. That the Council adopts the Standing Orders (Attachment 1).**

**3. BACKGROUND**

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

## 5. DISCUSSION AND OPTIONS

During 2016, The Local Government New Zealand (LGNZ) standing order’s working party re-drafted the Model Standing Order’s to meet the needs of local authorities.

The Mayor and Councillors were provided copies of the new version of standing orders for their feedback. A workshop on “Meetings/Standing Orders & Chairing” was held on 29 November 2016. The workshop was facilitated by Steve McDowell, Meeting and Governance Solutions.

The attached chart lists recommendations following the feedback received from the workshop:

Standing Order No.	Name	Page No.	Recommendation
4.2	Meeting duration	17	Retain amended clause - to take a 10 min. break after 3 hours
4.4	Webcasting meetings	18	Retain clause – see appendix 5 “webcasting protocols”
12.7	Right to attend by audio or audio visual link	35	Remove clause – not to allow members to attend meetings by means of an electronic link
19.11	Electronic devices at meetings	46	Retain clause – a chair may require an electronic device or phone is switched off
21.1	Options for speaking & moving	48 & 49	Retain clause – option A applies unless the meeting resolves to use either option B or C
22.5	Amendments to be relevant and not direct negatives	50	Retain the amended clause – LGNZ have re-worded the clause to make it easily understood and clear

## 6. ASSESSMENT OF SIGNIFICANCE

The decision or matters of this report are not considered significant in accordance with the Council’s Policy on Determining Significance.

## 7. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

Community consultation is not considered necessary in relation to this item.



## **8. CONSIDERATIONS**

### **8.1 Financial/budget considerations**

Not applicable.

### **8.2 Policy and planning implications**

Standing Orders are required by the Local Government Act 2002 (cl. 27 Schedule 7) and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

### **8.3 Risks**

No risks have been identified.

### **8.4 Authority**

Standing Orders are required by the Local Government Act 2002 (cl. 27 Schedule 7) and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

## **9. ATTACHMENTS**

Attachment 1: Standing Orders – Rotorua Lakes Council (Doc No. RDC-665325)  
*(circulated as a separate document).*

## ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

### 2016-2019 PORTFOLIO LEAD APPOINTMENTS

**Report prepared by:** Oonagh Hopkins, Governance and Partnerships Manager

**Report approved by:** Jean-Paul Gaston, Group Manager, Strategy and Partnerships

#### 1. PURPOSE

The purpose of this report is to confirm appointments to Council's portfolios for 2016-2019 following discussions and reflection undertaken during the elected member induction programme.

#### 2. RECOMMENDATION 3:

1. That the report '2016-2109 Portfolio lead appointments' be received.
2. That Council adopts the appointments to portfolio leads 2016-2019 as follows:

Portfolio	Lead 2016
People & engagement portfolio	Cr Raukawa-Tait Assisted by: Shirley Trumper Phill Thomass
Creative Communities portfolio	Cr Hunt Assisted by: Cr Maxwell
Sustainable Economic Development portfolio	Cr Donaldson
Sustainable Living portfolio	Cr Tapsell
District revitalisation	Cr Hunt
Sports and recreation portfolio	Cr Sturt Assisted by: Cr Raj Kumar

#### 4. BACKGROUND

Council initiated a portfolio structure to the way councillors worked in 2013, following a commitment to delivering the Council's Rotorua 2030 vision.

During the elected member induction programme 2016-2019, Councillors have had the opportunity to reflect on the portfolio structure.

## 5. DISCUSSION AND OPTIONS

At the workshop on 17 November the council confirmed retaining a portfolio approach to the way delivery of the council's vision and strategies are to be administered.

A minor change has been made to the focus of one portfolio. The scope of the Inner city revitalisation portfolio has increased to include a district wide view. The Inner city revitalisation strategy remains however the portfolio will now be called District Revitalisation to reflect this increase in scope.

Due to unforeseen circumstances the Mayor was not able to present her appointments to portfolio lead appointments and therefore only the frameworks was able to be presented at the 17 November workshop.

The mayor has, since the 17 November workshop signalled the following appointments to portfolio lead positions as follows:

<b>Portfolio</b>	<b>Lead 2016</b>
<b>People &amp; engagement portfolio</b>	Cr Raukawa-Tait Assisted by: Shirley Trumper Phill Thomass
<b>Creative Communities portfolio</b>	Cr Hunt Assisted by: Cr Maxwell
<b>Sustainable Economic Development portfolio</b>	Cr Donaldson
<b>Sustainable Living portfolio</b>	Cr Tapsell
<b>District Revitalisation</b>	Cr Hunt
<b>Sports and recreation portfolio</b>	Cr Sturt Assisted by: Cr Raj Kumar

## 6. ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council's Significance and Engagement Policy.

## 7. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

Following a decision on the appointments to portfolio lead positions the council website will need to be updated, this includes all link to Rotorua 2030, strategies and portfolios.

## **8. CONSIDERATIONS**

### **8.1 Financial/budget considerations**

Not applicable.

### **8.2 Policy and planning implications**

The decision to appoint portfolio leads is consistent with the commitment to the outcomes of the Rotorua 2030 council vision.

### **8.3 Risks**

There could be a risk in relation to the understanding of the change in the portfolio name to District Revitalisation from Inner City Revitalisation. This will need to be managed through the portfolio and Council's Rotorua 2030 website pages.

### **8.4 Authority**

There is no legal requirement to create a portfolio structure. However since its creation in 2013 a number of other council's now also set up a portfolio base structure as a way of balancing the council's goals with delivery and accountability. Therefore in supporting the portfolio structure it become the way in which delivery and accountability are measured by.

ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

**APPOINTMENT OF COUNCIL REPRESENTATION TO THE LAKES COMMUNITY BOARD AND THE RURAL COMMUNITY BOARD 2016-2019**

**Report prepared by:** Rick Dunn, Governance Lead

**Report reviewed by:** Oonagh Hopkins, Governance and Partnerships Manager

**Report approved by:** Jean-Paul Gaston, Strategy and Partnership

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**1. PURPOSE**

The purpose of the report is for Council to receive nominations and vote to appoint one Councillor to the Lakes Community Board and another to the Rural Community Board.

**2. RECOMMENDATION 4:**

- 1. That the report 'Appointment of Council representation to the Lakes Community Board and the Rural Community Board 2016-2019' be received;**
- 2. That nominations for one position on the Rotorua Lakes Community Board be called;**
- 3. That Council resolves to appoint Councillor ..... to represent Council on the Rotorua Lakes Community Board;**
- 4. That nominations for one position on the Rotorua Rural Community Board be called;**
- 5. That Council resolves to appoint Councillor ..... to represent Council on the Rotorua Rural Community Board.**

**3. BACKGROUND**

Following the 2016 Your Choice Election Review the Local Government Commission determined:

- that the existing area represented by the Rotorua Lakes Community Board be extended to include the Hamurana area, in addition to the communities around Lakes Rotoiti, Rotoma, Okareka and Tarawera.
- that a Rotorua Rural Community Board be established (boundaries shown in Attachment 1).

Each community board can elect its own Chair. One Councillor is to be appointed by Council to each community board. Appointments to the community boards are a decision of Council as a whole, under the normal nomination and decision-making process. Community boards are not a committee of Council therefore the Mayoral powers have no effect here.

#### **4. DISCUSSION AND OPTIONS**

Not applicable.

#### **5. ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are not considered significant in accordance with the Council's Policy on Significance.

#### **6. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Consultation on this matter is not required as it is a decision to be made by Council as a requirement of the Local Electoral Act 2001.

#### **7. CONSIDERATIONS**

##### **7.1 Financial/budget considerations**

There are no cost implications to governance for the appointment of councillors to the Lakes Community Board and Rural Community Board.

##### **7.2 Policy and planning implications**

Not applicable.

##### **7.3 Risks**

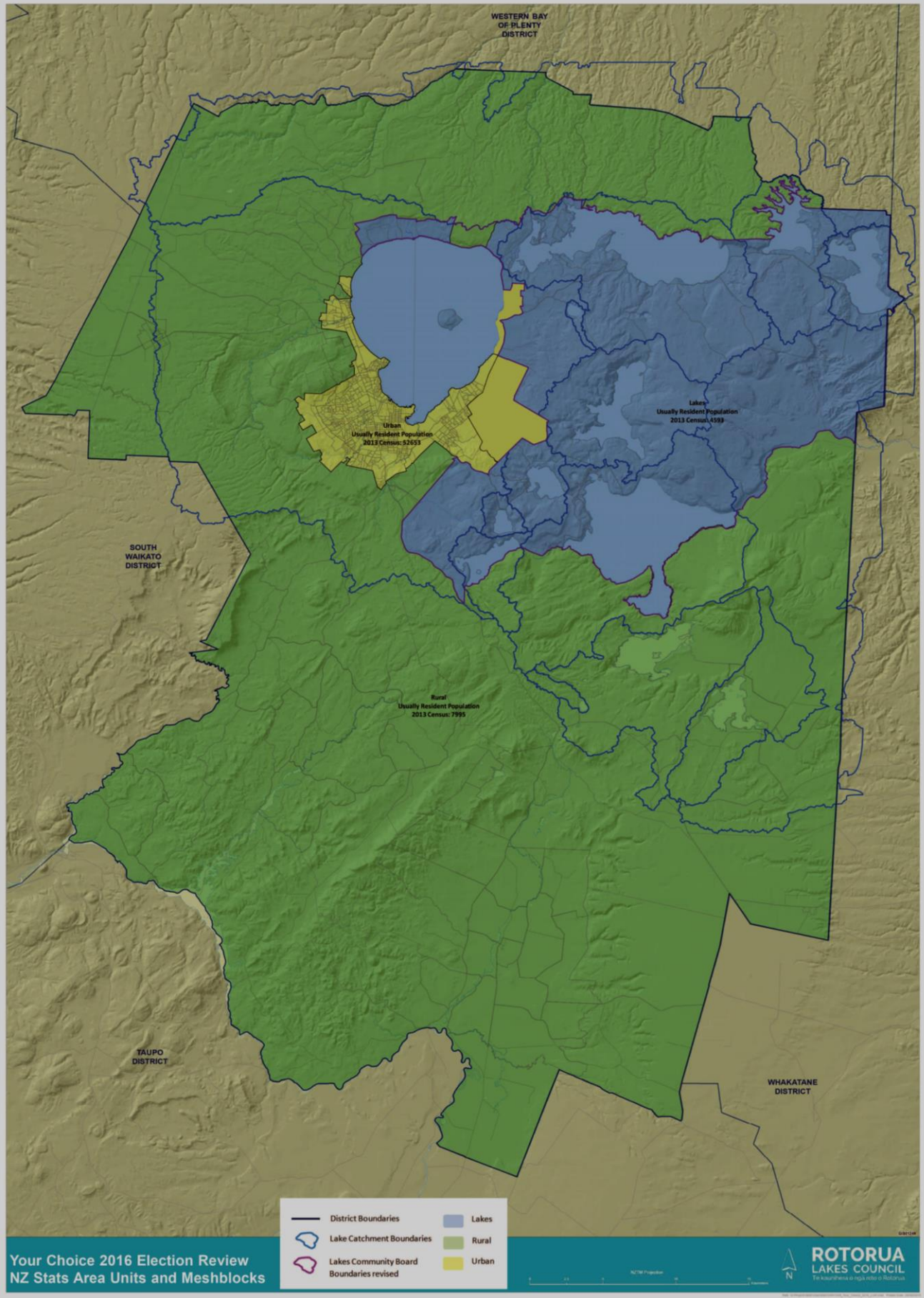
Not applicable.

##### **7.4 Authority**

Section 19 (F) (3) provides that Council must appoint members to the Lakes Community Board and Rural Community Board and that members appointed are less than half the number of elected Lakes Community Board Members or Rural Community Board.

#### **8. ATTACHMENTS**

Attachment 1 – Map showing the community board areas



ROTORUA LAKES COUNCIL

The Mayor  
Councillors  
COUNCIL

**ADOPT GOVERNANCE DELEGATIONS 2016 – 2019**

**Report prepared by:** Oonagh Hopkins, Governance & Partnerships Manager

**Report approved by:** Jean-Paul Gaston, Group Manager Strategy & Partnerships

**1. PURPOSE**

The purpose of this report is to adopt a new set of committee delegations for 2016-2019.

**2. RECOMMENDATION 5:**

1. That the report “Adopt Governance Delegations 2016-2019” be received.
2. That the Council resolves to adopt the governance delegations 2016-2019 and note the delegated responsibilities as follows:

COMMITTEE	DELEGATIONS
Council	As per Attachment 1
Strategy, Policy and Finance	As per Attachment 2
Operations & Monitoring	As per Attachment 3
District Licensing	As per Attachment 4
Audit & Risk Subcommittee	As per Attachment 5
Resource Management Act Policy Committee	As per Attachment 6
Lakes Community Board	As per Attachment 7
Rural Community Board	As per Attachment 8

**3. BACKGROUND**

Council adopted the Rotorua Lakes Council committee structures for the 2016-19 triennium on 1 December 2016, and as a consequence new delegations will need to be adopted.

The Local Government Act 2002 provides that Council:

- (1) ... may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except —
  - (a) The power to make a rate; or
  - (b) The power to make a bylaw; or



- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
  - (d) The power to adopt a long-term council community plan, annual plan, or annual report; or
  - (e) The power to appoint a chief executive; or
  - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the Long-term Plan or developed for the purpose of the local governance statement; or
  - (g) The power to warrant enforcement officers.
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation.
- (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.
- (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.
- (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.
- (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
- (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

#### **4. DISCUSSION AND OPTIONS SECTIONS**

At the Council meeting held 1 December 2016, council adopted a change of membership of the Operating and Monitoring committee, Strategy, Policy and Finance committee, Audit and Risk committee and Chief Executive's Performance committee.

The changes made to committee membership resulted in the Lakes Community Board and the Rural Community Board each appointing one member to Operating and Monitoring committee and the Strategy, Policy and Finance committee. The Audit and Risk committee's external representative was increased from one member to two members and the C.E's Performance committee appointments are Mayor, Deputy Mayor, Committee Chairs and Deputy Chairs, 1 Te Tatau o Te Arawa member and the Community Board members.

A full set of the delegations with the changes to membership of these committees is attached (Attachment 1).

## **5. ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are not considered significant in accordance with the Council's Policy on Significance."

## **6. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

The Council is not required to consult on this matter. The establishment of committees is a provision of the Local Government Act.

## **7. CONSIDERATIONS**

### **7.1 Financial/budget considerations**

Not applicable.

### **7.2 Policy and planning implications**

Not applicable.

### **7.3 Risks**

Not applicable.

### **7.4 Authority**

Schedule 7, S32, Local Government Act 2002

## **8. ATTACHMENTS**

- Attachment 1: Council delegations
- Attachment 2: Strategy, Policy & Finance Committee delegations
- Attachment 3: Operations & Monitoring Committee delegations
- Attachment 4: District Licensing Committee delegations
- Attachment 5: Audit & Risk Sub-Committee delegations
- Attachment 6: RMA Policy Committee
- Attachment 7: Lakes Community Board delegations
- Attachment 8: Rural Community Board delegations
- Attachment 9: Relevant statutes

## COUNCIL

<b>Type of Committee</b>	Council Committee
<b>Subordinate to</b>	
<b>Subordinate Committees</b>	<ul style="list-style-type: none"> <li>• Strategy, Policy and Finance committee</li> <li>• Operations and Monitoring committee</li> <li>• District Licencing committee</li> <li>• CEO performance committee</li> <li>• RMA Policy Committee</li> <li>• Audit and Risk sub-committee</li> <li>• Working /Strategy Groups (People, Sustainable living, Creative communities, District Revitalisation, Sustainable Economic Development Strategy, Sports and Recreation)</li> </ul>
<b>Legislative Basis</b>	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
<b>Purpose</b>	The purpose of the Council is to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee.
<b>Reference</b>	01-15-010
<b>Membership</b>	Mayor (Chair) Deputy Mayor (Deputy Chair) All councillors
<b>Quorum</b>	6
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<ul style="list-style-type: none"> <li>• the power to make a rate</li> <li>• the power to make a bylaw</li> <li>• the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan</li> <li>• the power to adopt a long-term plan, annual plan, or annual report</li> <li>• the power to appoint a chief executive</li> <li>• the power to adopt policies required to be adopted and consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement; and</li> </ul>

	<ul style="list-style-type: none"><li>• the power to adopt a remuneration and employment policy</li><li>• the power to set and support strategies in measures related to emergency matters.</li><li>• all the powers, duties and discretions under the Civil Defence Act for the proper operation and administration of the approved Civil Defence Plan; such delegation to be executed solely within the defined policy guidelines as determined from time to time by the Council and subject to the Financial limits imposed by the approved Council estimates.</li></ul>
<b>Relevant Statutes</b>	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
<b>Limits to Delegations</b>	Powers that cannot be delegated to committees a per the Local Government Act 2002 Schedule 7 S32

## WHOLE OF COUNCIL COMMITTEES

### STRATEGY, POLICY AND FINANCE

<b>Type of Committee</b>	Whole of Council Committee
<b>Subordinate to</b>	Council
<b>Subordinate Committees</b>	District Plan Sub-committee
<b>Legislative Basis</b>	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
<b>Purpose</b>	The purpose of the Strategy, Policy and Finance committee is to develop all strategic, policy and planning frameworks for approval by Council.
<b>Reference</b>	
<b>Membership</b>	Councillor Raukawa-Tait (Chair) Councillor Hunt (Deputy Chair)  The Mayor and all councillors 2 Te Tatau o Te Arawa members 1 Lakes Community Board member 1 Rural Community Board member  Full voting rights for all members
<b>Quorum</b>	8
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<ul style="list-style-type: none"> <li>• Establish strategic direction to deliver Council objectives and District Vision.</li> <li>• Establish policies and guidelines for decision making to assist in achieving strategic outcomes.</li> <li>• Establish levels of service across Council services in line with strategic goals and priorities.</li> <li>• Receive and consider submissions relating to Long-term Plans, Annual Plans, strategies and policies.</li> <li>• Receive and consider reports from working/strategy groups.</li> <li>• Develop draft bylaws for adoption by Council</li> </ul>

	<ul style="list-style-type: none"><li>• Adopt the Long-term Plan, Annual Plan and Annual Report</li><li>• Develop and adopt the financial strategy and budgets for the Long-term Plan, Annual Plan and Annual Report.</li><li>• Appoint and remunerate Directors for Council controlled organisations.</li><li>• Consider and approve constitutions and any shareholder agreements for Council controlled organisations and other public/private partnerships. Develop the Rating policy for recommendation to Council for adoption.</li><li>• Develop Treasury and funding functions for recommendation to Council for adoption.</li><li>• Delegations of powers to sub-committee (s) if so established.</li><li>• Approve the purchase of and disposal of land (If included in the Long-term Plan).</li><li>• The power to appoint a proxy to act on Council's behalf.</li><li>• Making submissions on behalf of Council to proposals by other organisations/authorities (Local and Regional).</li><li>• Conversion of terminating leases to renewable leases and the settlement of terms except in the case of leases under the Reserves Act.</li></ul>
<b>Relevant Statutes</b>	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
<b>Limits to Delegations</b>	Powers that cannot be delegated to committees a per the Local Government Act 2002 Schedule 7 S32

## OPERATIONS AND MONITORING COMMITTEE

<b>Type of Committee</b>	Council Committee
<b>Subordinate to</b>	Council
<b>Subordinate Committees</b>	Not applicable.
<b>Legislative Basis</b>	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
<b>Purpose</b>	The purpose of the Operations and Monitoring Committee is to ensure consolidated and complete reporting and monitoring of all financial and non-financial information and performance measures against the Annual Plan, Long-term Plan and strategy goal/priorities.
<b>Reference</b>	
<b>Membership</b>	Councillor Sturt (Chair) Councillor Tapsell (Deputy Chair)  The Mayor and all councillors 2 Te Tatau o Te Arawa members 1 Lakes Community Board member 1 Rural Community Board member  Full voting rights for all members
<b>Quorum</b>	8
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<ul style="list-style-type: none"> <li>• Monitor the performance of the Council in terms of the organisational targets set in the LTP and annual plan – both financial and non-financial.</li> <li>• Monitor operational performance and benchmarking.</li> <li>• Undertake quarterly financial performance reviews.</li> <li>• Develop the Draft Annual Report and carry forwards.</li> <li>• Monitor and review the performance of the CCOs</li> <li>• Approve and monitor contracts (maximum of \$5 million).</li> <li>• Monitor and review tender and procurement processes</li> <li>• Review and monitor major capital projects</li> <li>• Recommend to Council on matters concerning project decisions where these are identified as a result of the</li> </ul>

	<p>committee's project monitoring responsibilities.</p> <ul style="list-style-type: none"><li>• Writing off outstanding accounts for amounts exceeding \$6,000 and the remission of fees and charges of a similar sum.</li><li>• Settlement of uninsured claims for compensation or damages where the amount exceeds the amounts delegated to Department Heads.</li><li>• Guarantee loans for third parties such as local recreational organisations provided such guarantees are within the terms of Council policy.</li><li>• Authority to exercise the Powers and Remedies of the General Conditions of Contract in respect of the Principal taking possession of, determining , or carrying out urgent repairs to works covered by the contract.</li><li>• Grant of easement or right of way over Council property.</li><li>• Approve insurance – if significant change to Council's current policy of insuring all its assets.</li><li>• Delegation of powers to the Audit and Risk sub-committee</li></ul>
<b>Relevant Statutes</b>	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
<b>Limits to Delegations</b>	Powers that cannot be delegated to committees a per the Local Government Act 2002 Schedule 7 S32



## STANDING COMMITTEES

### DISTRICT LICENCING COMMITTEE

<b>Type of Committee</b>	Standing Committee	
<b>Subordinate to</b>	Council	
<b>Subordinate Committees</b>	Not applicable.	
<b>Legislative Basis</b>	Sections 186 to195, Sale and Supply of Alcohol Act 2012	
<b>Purpose</b>	<p>The purpose of the District Licensing Committee is to:</p> <ul style="list-style-type: none"> <li>• to consider and determine applications for licences and manager's certificates; and</li> <li>• to consider and determine applications for renewal of licences and manager's certificates; and</li> <li>• to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with <a href="#">section 136</a>; and</li> <li>• to consider and determine applications for the variation, suspension, or cancellation of special licences; and</li> <li>• to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under <a href="#">section 280</a>; and</li> <li>• with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and</li> <li>• to conduct inquiries and to make reports as may be required of it by the licensing authority under <a href="#">section 175</a>; and</li> <li>• any other functions conferred on licensing committees by or under this Act or any other enactment.</li> <li>•</li> </ul>	
<b>Reference</b>		
<b>Membership</b>	Chairperson	Cr Karen Hunt
	Deputy Chairperson	Cr Mark Gould
	Member	Mr Henry Weston
	Member	Mrs Juanita Conder
	Member	Mr Alastair Gibson
	Member	Mr Morris Meha

<b>Quorum</b>	No objection or opposition applications – Chairperson alone All other matters – Chairperson plus 2 members
<b>Meeting frequency</b>	Scheduled for fortnightly
<b>Delegations</b>	
<b>Relevant Statutes</b>	Sale and Supply of Alcohol Act 2012 Sale and Supply of Alcohol Regulations 2013 Sale and Supply of Alcohol (Fees) Regulations 2013 Commission of Inquiry Act 1908
<b>Limits to Delegations</b>	

## AUDIT AND RISK COMMITTEE

<b>Type of Committee</b>	Standing Committee
<b>Subordinate to</b>	Council
<b>Subordinate Committees</b>	n/a
<b>Legislative Basis</b>	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
<b>Purpose</b>	<p>The purpose of the Audit and Risk Committee is to:</p> <ul style="list-style-type: none"> <li>• Monitor the Council’s external and internal audit process</li> <li>• Ensure Council fulfils its legal responsibilities</li> <li>• Ensure the independence and effectiveness of Council’s Internal Audit processes</li> <li>• Monitor existing corporate policies and recommend new corporate policies to prohibit unethical, questionable or illegal activities;</li> <li>• Provide a communication link between management, internal auditors/external auditors and Council</li> <li>• Support measures to improve management performance and internal controls.</li> <li>• Supporting the professional independence, effectiveness and accountability of the Risk Management Framework.</li> </ul>
<b>Reference</b>	
<b>Membership</b>	<p>Chair – Mayor Deputy Chair – Deputy Mayor Strategy, Policy and Finance Chair and Deputy Chair Operating and Monitoring Chair and Deputy Chair 2 external representatives</p> <p>External members will be appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment. External membership contracts are to be reviewed and assessed no later than two months after each triennial election to allow for transition and continuity</p>
<b>Quorum</b>	4
<b>Meeting frequency</b>	Four times a year

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<b>Delegations</b>	<p>The Audit and Risk Committee will have responsibility and authority to:</p> <p><b>External Audit</b></p> <ul style="list-style-type: none"><li>• Engage with Council’s external auditors regarding the external audit work programme and</li><li>• Review engagement letters and management reports</li><li>• Recommend to Council the terms and arrangements for the external audit programme</li><li>• Monitor management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.</li></ul> <p><b>Internal Audit</b></p> <ul style="list-style-type: none"><li>• In conjunction with the CE, agree the scope of the annual internal audit work programme</li><li>• Approve Council’s internal audit charter</li><li>• Monitor the delivery of the internal audit work programme</li><li>• Assess whether all significant recommendations of the Internal Audit have been properly implemented by management. Any reservations the Internal Auditor may have about control risk, accounting and disclosure practices should be discussed by the committee</li><li>• Review the Annual Internal Audit Plans and assess whether resources available to Internal Audit are adequate to implement the Plans.</li></ul> <p><b>Risk Management</b></p> <ul style="list-style-type: none"><li>• Review the effectiveness of the control environment established by management including computerised information systems controls and security. This also includes a reviewing/monitoring role of the documentation of all policies and procedures.</li></ul>
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	<ul style="list-style-type: none"><li>• Review the effectiveness of the risk assessment/management policies and processes.</li><li>• Engage with internal and external auditors on any specific one-off audit assignments.</li><li>• Consider matters referred to the committee by the CE, Council or other Council committees.</li><li>• Review the appropriateness of accounting policies adopted by Council</li><li>• Civil Defence hazard and preparedness policies and procedures.</li></ul>
<b>Relevant Statutes</b>	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
<b>Limits to Delegations</b>	Powers that cannot be delegated to committees as per the Local Government Act 2002 Schedule 7 S32

## RESOURCE MANAGEMENT ACT (RMA) POLICY COMMITTEE

<b>Type of Committee</b>	Committee
<b>Subordinate to</b>	Council
<b>Subordinate Committees</b>	n/a
<b>Legislative Basis</b>	Resource Management Act 1991
<b>Purpose</b>	The purpose of the RMA Policy Committee is to hear and deliberate submissions and further submissions filed in respect of the District Plan's policies.
<b>Reference</b>	Resource Management Act 1991 section 34A (1)
<b>Membership</b>	<ul style="list-style-type: none"><li>• Cr Hunt (Chair)</li><li>• Cr Kent</li><li>• 1 Te Tatau o Te Arawa member</li></ul>
<b>Quorum</b>	2
<b>Meeting frequency</b>	As required
<b>Management</b>	Strategy - Policy
<b>Delegations</b>	The RMA Policy Committee will have responsibility and authority to hear and deliberate submissions and further submissions filed in respect of the District Plan's policies.
<b>Committee Support</b>	Corporate Support - Democracy
<b>Relevant Statutes</b>	Resource Management Act 1991
<b>Limits to Delegations</b>	To hear and deliberate submissions and further submissions filed in respect of the district plan's policies.

## BOARDS

### LAKES COMMUNITY BOARD

<b>Type of Committee</b>	Independent board
<b>Subordinate Committees</b>	N/A
<b>Legislative Basis</b>	Schedule 7 S30, Local Government Act 2002
<b>Purpose</b>	<p>The purpose of the Community Board is to:</p> <ul style="list-style-type: none"> <li>• Represent and act as an advocate for the interest of its community</li> <li>• Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board</li> <li>• Maintain an overview of services provided by the territorial authority within the community</li> <li>• Prepare an annual submission to the territorial authority for expenditure within the community</li> <li>• Communicate with community organisations and special interest groups within the community</li> <li>• Undertake any other responsibilities that are delegated to it by the territorial authority.</li> </ul>
<b>Reference</b>	01-14-741
<b>Membership</b>	4 elected representatives 1 Council representative
<b>Quorum</b>	3
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<ul style="list-style-type: none"> <li>• Make submissions (as a Community Board) to any organisation relating to matters of interest to the Board in respect of the Board's area (a copy of any such submission is to be given to the Council's Chief Executive);</li> <li>• Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers being of particular interest to the residents within its community;</li> <li>• Consider matters referred to it by Officers of the Council, the</li> </ul>

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Council, including reports relating to the provision of Council services within the Board's area, and make submissions or recommendations in response to those matters as appropriate. This will include:

- a) monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided;
  - b) providing input to the Council's Long Term Council Community Plan and Annual Plan;
  - c) providing input to proposed District Plan changes;
  - d) providing input to strategies, policies and plans that impact on the Board's area; and
  - e) Providing input to bylaw changes that impact on the Board's area.
- Council shall consult with the Board on issues that impact on the Rotorua Lakes Community Board's area and allow sufficient time for the Board's comments to be considered before a decision is made.
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## RURAL COMMUNITY BOARD

<b>Type of Committee</b>	Independent board
<b>Subordinate Committees</b>	N/A
<b>Legislative Basis</b>	Schedule 7 S30, Local Government Act 2002
<b>Purpose</b>	<p>The purpose of the Community Board is to:</p> <ul style="list-style-type: none"> <li>• Represent and act as an advocate for the interest of its community</li> <li>• Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board</li> <li>• Maintain an overview of services provided by the territorial authority within the community</li> <li>• Prepare an annual submission to the territorial authority for expenditure within the community</li> <li>• Communicate with community organisations and special interest groups within the community</li> <li>• Undertake any other responsibilities that are delegated to it by the territorial authority.</li> </ul>
<b>Reference</b>	01-14-741
<b>Membership</b>	4 elected representatives 1 Council representative
<b>Quorum</b>	3
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<ul style="list-style-type: none"> <li>• Make submissions (as a Community Board) to any organisation relating to matters of interest to the Board in respect of the Board's area (a copy of any such submission is to be given to the Council's Chief Executive);</li> <li>• Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers being of particular interest to the residents within its community;</li> <li>• Consider matters referred to it by Officers of the Council, the</li> </ul>

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Council, including reports relating to the provision of Council services within the Board's area, and make submissions or recommendations in response to those matters as appropriate. This will include:

- f) monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided;
  - g) providing input to the Council's Long Term Council Community Plan and Annual Plan;
  - h) providing input to proposed District Plan changes;
  - i) providing input to strategies, policies and plans that impact on the Board's area; and
  - j) Providing input to bylaw changes that impact on the Board's area.
- Council shall consult with the Board on issues that impact on the Rotorua Lakes Community Board's area and allow sufficient time for the Board's comments to be considered before a decision is made.
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<b>Statute</b>	<b>Owner</b>
Accident Compensation Act 2001	Human Resources
Agricultural Compounds & Veterinary Medicines Act 1997	General
Airport Authorities Act 1966	General
Airport Authorities (Airport Companies Information Disclosure) Regulations 1999	General
Animal Products Act 1999	General
Animal Welfare Act 1999	General
Animal Welfare (Records and Statistics Regulations) 1999	Regulatory Services
Arms Act 1983	Regulatory Services
Arms Regulations 1992	Regulatory Services
Arts Council of New Zealand Toi Aotearoa Act 1994	
Biosecurity Act 1993	
Building Act 2004	Building Services
Burial and Cremation Act 1964	Public Gardens, Reserves & Cemeteries
Child Support Act 1991	
Civil Aviation Act 1990	
Civil Aviation Rule Part 12, 2010	
Civil Aviation Rule Part 139, 2010	
Civil Defence Emergency Management Act 2002	Emergency Management
Commerce Act 1986	
Companies Act 1993	
Consumer Guarantees Act 1993	
Copyright Act 1994	
Defamation Act 1992	
Dog Control Act 1996	Regulatory Services
Electricity (Safety) Regulations 2010	
Electricity Act 1992	
Electronic Transactions Act 2002	Finance
Employment Relations Act 2002	Human Resources
Energy Companies Act 1992	
Equal Pay Act 1972	Human Resources
Fair Trading Act 1986	
Fees and Travelling Allowances Act 1951	
Fencing Act 1978	Regulatory Services

<b>Statute</b>	<b>Owner</b>
Fencing of Swimming Pools Act 1987	Regulatory Services
Financial Reporting Act 1993	Finance
Financial Transactions Reporting Act 1996	Finance
Fire Safety and Evacuation of Buildings Regulations 2006	
Fire Service Act 1975	
Food Act 1981	Regulatory Services
Food Hygiene Regulations 1974	Regulatory Services
Forest and Rural Fires Act 1997	
Gambling Act 2003	Regulatory Services
Gas Act 1992	
Goods and Services Tax Act 1985	
Government Roding Powers Act 1989	
Government Superannuation Fund Act 1956	
Hazardous Substances (Classes 1-5 Controls) Regulations 2001	
Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001	
Hazardous Substances (Compressed Gases) Regulations 2001	
Hazardous Substances (Emergency Management) Regulations 2001	
Hazardous Substances (Exempt Laboratories) Regulations 2001	
Hazardous Substances (Personnel Qualification) Regulations 2001	
Hazardous Substances (Tracking) Regulations 2001	
Hazardous Substances and New Organisms Act 1996	
Health (Registration of Premises) Regulations 1966	Regulatory Services
Health Act 1956	Regulatory Services
Health and Safety in Employment Regulations 1995	Human Resources
Health and Safety in Employment (Asbestos) Regulations 1988	
Health and Safety in Employment Act 1992	Human Resources
Historic Places Act 1993	
Holidays Act 2003	
Human Rights Act 1993	
Impounding Act 1955	Regulatory Services
Immigration Act 2009	
Income Tax Act 2007	
KiwiSaver Act 2006	
Land Act 1948	

Statute	Owner
Land Transport (Driver Licensing) Rule 1999	
Land Transport (Infringement and Reminder Notices) Regulations 1998	
Land Transport Act 1998	
Land Transport Management Act 2003	Transport Solutions
Litter Act 1979	Regulatory Services
Local Authorities (Members Interests) Act 1968	Democracy
Local Electoral Act 2001	Democracy
Local Government Act 2002	General
Local Government Official Information and Meeting Act 1987	
Local Government Rating Act 2002	Finance
Machinery Act 1950	
Maori Language Act 1987	Kaupapa Maori
Marriage Act 1955	
Minimum Wage Act 1983	Human Resources
National Library of New Zealand Act 2003	
New Zealand Bill of Rights Act 1990	
Occupiers Liability Act 1962	
Official Information Act 1982	
Ombudsmen Act 1975	General
Parental Leave and Employment Protection Act 1987	
Privacy Act 1993	
Property Law Act 2007	
Prostitution Reform Act 2003	
Protected Disclosures Act 2000	
Public Audit Act 2001	
Public Bodies Contracts Act 1959	
Public Bodies Leases Act 1969	
Public Finance Act 1989	
Public Records Act 2005	
Public Transport Management Act 2008	
Public Works Act 1981	
Radiocommunications Regulations 2001	
Railways Act 2005	
Rates Rebates Act 1973	Finance

<b>Statute</b>	<b>Owner</b>
Rating Valuations Act 1998	Finance
Reserves Act 1977	Public Gardens, Reserves & Cemeteries
Residential Tenancies Act 1986	
Resource Management Act 1991	General
Road User Charges Act 2012	
Sale of Liquor Act 1989 (lapsing)	
Sale and Supply of Alcohol Act 2012	Regulatory Services
Smoke-Free Environments Act 1990	
State Owned Enterprises Act 1986	
Statistics Act 1975	
Superannuation Schemes Act 1989	
Tax Administration Act 1994	
Transport Services Licensing Act 1989	
Trustee Act 1956	
Unit Titles Act 1972	
Unsolicited Electronic Messages Act 2007	
Volunteers Employment Protection Act 1973	
Wages Protection Act 1983	Human Resources
Walking Access Act 2008	
Waste Minimisation Act 2008	
Wild Animal Control Act 1977	

ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

**ADDITIONAL RESPONSIBILITIES REMUNERATION 2016-2019**

**Report prepared by:** Oonagh Hopkins, Governance and Partnerships Manager

**Report approved by:** Jean-Paul Gaston, Group Manager, Strategy and Partnerships

**1. PURPOSE**

The purpose of this report is to inform elected members of the Remuneration Authorities policy for setting remuneration for positions with additional responsibility and to set a remuneration framework appropriate to the size and scale of the positions held by elected members.

**2. RECOMMENDATION 6:**

1. That the report "Additional responsibilities remuneration 2016-2019" be received.
2. That the Council resolves to adopt the following increases to elected member base salaries for identified additional responsibilities, as follows:

Councillor	Committee Name	Role	\$ above base salary of \$43,350	Total Salary (\$)
Cr Donaldson	Council	<ul style="list-style-type: none"><li>• Deputy Mayor</li><li>• Lead – Economic Development</li></ul>	20,000	\$63,350
Cr Raukawa-Tait	Strategy, Policy & Finance (SP&F)	<ul style="list-style-type: none"><li>• Chair SP&amp;F</li><li>• Lead – People Portfolio</li></ul>	10,000	\$53,350
Cr Hunt	Strategy, Policy & Finance	<ul style="list-style-type: none"><li>• Deputy Chair SP&amp;F</li><li>• Lead – District Revitalisation Portfolio</li><li>• Chair RMA Policy Committee</li><li>• Chair District Licencing Committee</li></ul>	10,000	\$53,350
Cr Sturt	Operations and Monitoring (O&M)	<ul style="list-style-type: none"><li>• Chair O&amp;M</li><li>• Lead - Sports and Recreation Portfolio</li></ul>	10,000	\$53,350

Cr Tapsell	Operations and Monitoring	<ul style="list-style-type: none"> <li>Deputy Chair O&amp;M</li> <li>Lead - Sustainable Living Portfolio</li> </ul>	10,000	\$53,350
Cr Maxwell		Cultural Ambassador	5,000	\$48,350
Cr Bentley		Member		\$43,350
Cr Gould		Member		\$43,350
Cr Kent		Member		\$43,350
Cr Kumar		Member		\$43,350
<b>Allocated</b>			<b>65,000</b>	
<b>Unallocated</b>			<b>21,700</b>	

**3. That Council resolves to increase the lakes and rural community board members' remuneration by a maximum of 30% for additional responsibilities:**

Lakes Community Board	Additional remuneration
Chair (Base = \$12,272)	\$3,682
Member (Base = \$6,136)	\$1,841

Rural Community Board	Additional remuneration
Chair (Base = \$13,716)	\$4,114
Member (Base = \$6,858)	\$2,057

**4. That Council resolves to set aside the allocation of \$20,000 from the total pool towards the Resource Management Act Policy Committee and that additional remuneration is assessed in respect to time and complexity as plan changes dictate.**

**4. BACKGROUND**

Council adopted 2016-2019 governance structure on 1 December 2016. Following a review of the additional responsibilities a request must be made to the Remuneration Authority to amend their determination for the coming year.

In addition to their base salary, elected members can receive extra pay for:

- positions of additional responsibility (including deputy mayor/chairperson/deputy chairpersons) and/or
- taking on significantly extra duties during the District Plan process.

Council may draw on a pool of funds to provide pay for those who take on any of the above positions.

A pool equivalent to 2.0 times of one base councillor salary is available to every council.

The base salary for our councillors is \$43,350. The total pool which can be used for additional pay is capped at \$86,700 ( $\$43,350 \times 2.0 = \$86,700$ ).



Following the elections, council have also included members of the lakes and rural community boards onto the council committees, Strategy Policy and Finance and Operations and Monitoring. These appointments have full voting rights.

The inclusion of community board members onto council committees was a recommendation of the Your Choice 2016 election review in order to enable a voice at the table for the communities of interest in the lakes and rural areas.

This responsibility will have an increased workload and therefore approval will be sought from the Remuneration Authority for granting of additional responsibilities also.

A separate pool of up to 30% of a base member salary can be proposed. It is intended to seek the full increase for members from the Remuneration Authority.

## DISCUSSION AND OPTIONS

5.1 Council adopted its 2016-2019 committee structure on 1 December 2016. In addition, Council has identified the expectations and roles for deputy mayor, cultural ambassador, chairs, deputy chairs and portfolio leads. It is believed that the extra workload of these roles particularly with the high levels of community engagement expected, should be considered within the remuneration framework. However it is proposed the additional duties and work associated with the portfolio leadership should not be seen as cumulative with any other duties or committee responsibilities e.g. loading not added to other duties such as deputy mayor, chairs or deputy chairs. On this basis, the following loadings have been proposed as a starting point:

Councillor	Committee Name	Role	\$ above base salary of \$43,350	Total Salary (\$)
Cr Donaldson	Council	<ul style="list-style-type: none"> <li>Deputy Mayor</li> <li>Lead – Economic Development</li> </ul>	20,000	\$63,350
Cr Raukawa-Tait	Strategy, Policy & Finance (SP&F)	<ul style="list-style-type: none"> <li>Chair SP&amp;F</li> <li>Lead – People Portfolio</li> </ul>	10,000	\$53,350
Cr Hunt	Strategy, Policy & Finance	<ul style="list-style-type: none"> <li>Deputy Chair SP&amp;F</li> <li>Lead – District Revitalisation Portfolio</li> <li>Chair RMA Policy Committee</li> <li>Chair District Licencing Committee</li> </ul>	10,000	\$53,350
Cr Sturt	Operations and Monitoring (O&M)	<ul style="list-style-type: none"> <li>Chair O&amp;M</li> <li>Lead - Sports and Recreation Portfolio</li> </ul>	10,000	\$53,350

Cr Tapsell	Operations and Monitoring	<ul style="list-style-type: none"> <li>Deputy Chair O&amp;M</li> <li>Lead - Sustainable Living Portfolio</li> </ul>	10,000	\$53,350
Cr Maxwell		Cultural Ambassador	5,000	\$48,350
Cr Bentley		Member		\$43,350
Cr Gould		Member		\$43,350
Cr Kent		Member		\$43,350
Cr Kumar		Member		\$43,350
<b>Allocated</b>			<b>65,000</b>	
<b>Unallocated</b>			<b>21,700</b>	

The total pool for additional remuneration is \$86,700. Of this \$65,000 has been allocated. The additional responsibilities are set for the duration of the term.

It is estimated that the Resource Management policy committee will be expected to sit for some significant time in regard to plan changes in the 2017 year. This significant amount of additional work needs to be recognised. It is proposed to allocate \$20,000 to the trained Resource Management policy committee members. At this point the quantum of work can not be defined. It is proposed that at the time the work load is assessed that approval is brought back to council to determine the individual amount from within this \$20,000. This assessment will need to be on an annual basis.

Total Pool	Allocated	Pool available
\$86,700	\$65,000	\$21,700

Additional responsibilities for community boards are still based on a % amount above the base salary. This amount is capped at 30% of the based. The amounts are shown below.

Lakes Community Board	Additional remuneration
Chair (Base = 12,272)	\$3,682
Member (Base = 6,136)	\$1,841

Rural Community Board	Additional remuneration
Chair (Base = 13,716)	\$4,114
Member (Base = 6,858)	\$2,057

Council will seek approval from the Remuneration Authority to increase the base by the maximum of 30%.

## 6. ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council's policy on determining significance.

## 7. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

Community consultation is not considered necessary in relation to this item.

## 8. **CONSIDERATIONS**

### 8.1 Financial/budget considerations

The additional responsibilities remuneration forms part of the Remuneration Authority's determination.

### 8.2 Policy and planning implications

The principal statutory provisions which apply are the Seventh Schedule of the Local Government Act 2002 and the Remuneration Authority Act 1997.

### 8.3 Risks

No Risk has been identified.

### 8.4 Authority

Council under the Local Government Act 2002 have authority to make recommendations to the Remuneration Authority.

ROTORUA LAKES COUNCIL

Mayor  
Councillors  
COUNCIL

**BAY OF PLENTY TRIENNIAL AGREEMENT 2016-2019**

**Report prepared by:** Rick Dunn, Governance Lead

**Report reviewed by:** Oonagh Hopkins, Governance & Partnerships Manager

**Report approved by:** Jean-Paul Gaston, Group Manager Strategy & Partnerships

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**1. PURPOSE**

The purpose of this report is to seek Council endorsement for the Bay of Plenty Triennial Agreement 2016 – 2019, prior to signing by the Bay of Plenty mayors at a Triennial meeting on 24 February 2017.

**2. EXECUTIVE SUMMARY**

The Local Government Act 2002 (LGA) requires all local authorities within each region to enter into a triennial agreement that complies with section 15 of the LGA.

The Bay of Plenty Triennial Agreement has been reviewed by Bay of Plenty Regional Council staff, and an Agreement for 2016-2019 has been developed with the support of the territorial authorities in the region.

The Triennial Agreement 2016-2019 is based on the 2013-2016 Agreement with amendments including to:

Take account of the changes to section 15 of the LGA; and

Add South Waikato District Council as a party to the Agreement.

At the triennial meeting on 5 December 2016, the Mayors/Chairman endorsed the Agreement. The endorsed Agreement has now been referred to each Council for its individual approval by the next triennial meeting on 24 February 2017. The final step is for the Agreement to be signed by the Mayors/Chairman at the February 2017 triennial meeting, which will enable the 1 March statutory requirement to be met.

This paper also addresses a number of questions and answers about the status of triennial meetings and matters relating to them that may be useful.

### **3. RECOMMENDATION 7:**

#### **That Council:**

- 1. Receives the report 'Bay of Plenty Triennial Agreement 2016-2019'.**
- 2. Notes that the Local Government Act 2002 requires not later than 1 March after each triennial general election of members, all local authorities within each region to enter into a triennial agreement covering the period until the next election.**
- 3. Approves the Bay of Plenty Triennial Agreement 2016-2019 as endorsed by the Councils of the Bay of Plenty on 5 December 2016.**
- 4. Notes the matters outlined in this report on the status of triennial meetings.**

### **4. BACKGROUND**

The Local Government Act 2002 (LGA) requires all local authorities within each region to enter into a triennial agreement for the period until the next triennial general election. This agreement must be entered into not later than 1 March after each election.

The local authorities in the Bay of Plenty region have been successfully working together under a Bay of Plenty Agreement for over a decade.

Prior to the October 2016 election, the Bay of Plenty local authorities agreed that Bay of Plenty Regional Council would review the 2013-2016 Agreement and identify possible amendments. The resulting draft Agreement 2016-2019 was then circulated to the Bay of Plenty Chief Executives and Triennial Forum for comment. The attached Triennial Agreement was fully considered and endorsed by the Triennial Forum at the Triennial Meeting on 5 December 2016.

The Agreement is currently being circulated to all councils that are party to the Agreement for their respective approval. The Agreement will then be signed by all the Councils at the 24 February 2017 triennial meeting, which is the first triennial meeting in the new year.

The Triennial Agreement 2016-2019 is provided for approval at this meeting to enable the 1 March statutory deadline is to be met.

### **5. DISCUSSION AND OPTIONS**

#### **5.1 Legal Requirements**

##### **5.1.1 Current**

Section 15 of the LGA, which sets out the minimum requirements for triennial agreements, was replaced in August 2014. The Triennial Agreement for the period 2016 to 2019 will be the first to be formed under the new legislation which is broader than the previous section 15. The requirements for triennial agreements are:

- i. Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement which complies with section 15 of the LGA for the period until the next triennial general election of members.**

- ii. Each agreement must include:
  - a. Protocols for communication and coordination among local authorities,
  - b. A statement of the process for consultation on proposals for new regional council activities, and
  - c. A protocol and process in regards to funding facilities and services of significance to more than one district.
- iii. Each agreement may include joint committee information including terms of reference.
- iv. All local authorities within each region may agree to amendments to the protocols.
- v. An agreement remains in force until replaced by another agreement.
- vi. Each agreement must include a process to be followed if a decision of a local authority is or is expected to have consequences that will be significantly inconsistent with the agreement. The process includes the local authority identifying the inconsistency, the reason for the inconsistency, and any intention for the local authority to seek an amendment to the agreement. There are also notice provisions that must be included in the agreement.

It is up to the authorities who are party to each agreement to determine how far beyond the statutory requirements they wish to go in terms of the content and level of detail included in their agreement. The Bay of Plenty Triennial Agreement has developed steadily over time and has worked well.

#### **5.1.2 Future - Local Government Act 2002 Amendment Bill (No 2)**

The Local Government Act 2002 Amendment Bill (No 2) includes recommendations to change section 16 of the LGA (i.e. significant new activities proposed). Section 16 is covered in the Triennial Agreement.

With the report of the Bill now delayed until 31 March 2017 it is expected that any changes would apply to the agreement developed after the 2019 election.

#### **5.1.3 Bay of Plenty Triennial Agreement 2016-2019**

The review of the Bay of Plenty Triennial Agreement has resulted in a number of amendments, which have been incorporated into the attached Triennial Agreement 2016-2019.

### **5.2 Key Changes**

The key changes to the Triennial Agreement 2016-2019 are:

- i. Part 4 of the Agreement includes an insert of the current section 15 of the LGA.
- ii. Additions have been inserted to comply with section 15(2)(c) of the LGA requirements in regards to funding facilities and services of significance to more than one district:
  - a. Part 6.8 of the Agreement has been added to meet the 'protocol' requirement; and
  - b. Part 10 of the Agreement has been added to meet the 'process' requirement.
- iii. Part 8 of the Agreement includes a section on 'Significant Decisions', and notes the process that is set out in sections 15(6) and 15(7) of the LGA.
- iv. Part 9 of the Agreement notes the change in reference to the required 'consultation document' as outlined in sections 16(2) and 16(3) of the LGA.

- v. South Waikato District Council has been included as a party to the Agreement. It was considered and decided at the previous Triennial Forum, that the inclusion formalises the current informal arrangement and recognises that more councils working together with an interest in and link to our region, is beneficial.

### **5.3 Triennial meetings**

Triennial meetings, in the Bay of Plenty, have their genesis in the Bay of Plenty Triennial Agreement. Several questions are commonly raised about the status of these meetings and related matters. This section provides responses to these questions, which may be of interest to elected members in the region.

### **5.4 What is the status of triennial meetings? Are they public excluded and confidential?**

Section 15 of the LGA does not require parties to a Triennial Agreement to hold triennial meetings, however, they are a logical outcome of the Agreement. This is standard practice for the Bay of Plenty, and other regions.

In a legislative sense there is no such thing as a 'triennial meeting'. They are not 'committee' or 'joint committee meetings', for example, and are not referenced under the Local Government Official Information and Meetings Act 1987 (LGOIMA). They are therefore not public meetings and there is no requirement to advertise them or to publish minutes, and standing orders do not apply. The public could of course be invited to attend meetings; however, this would be likely to negate the benefits of such meetings which include the opportunity for free and frank discussion.

### **5.5 Can councillors attend the meetings and if so who/how many?**

The Triennial Agreement states that each Council will normally be represented by the Mayor/Chairman and that one other elected member may also attend. The additional member does not have a 'vote' as the meetings operate on a one vote per Council basis. It is considered that this attendance is at the right level to enable a participative and constructive meeting environment.

### **5.6 Are the meetings/meetings papers and minutes subject to LGOIMA?**

While the triennial meetings are not public they are still subject to LGOIMA in terms of information requests. If a member of the public made a request for information from a meeting the usual LGOIMA tests would be applied to determine whether the meeting content should be released or withheld.

Councils should operate under the general principle that all information is available unless there is a specific reason for it to be withheld. Of most relevance to a triennial meeting would be section 7(2)(f)(i) which allows information to be withheld to maintain the effective conduct of public affairs through the free and frank expression of opinions. All requests would, however, need to be considered on a case-by-case basis. A request for "all matters discussed at a Triennial Meeting" might result in some material being released and some retained. Any release would be discussed amongst the local authority members first.

The nearest 'approximation' to a triennial meeting is perhaps a Council workshop. Workshops are not 'public meetings' as no decisions are made at them – but what is discussed at a workshop is still Council business and could be subject to release under LGOIMA by way of an information request.

### **5.7 Can the triennial meeting minutes be provided to all elected members?**

It is the responsibility of each Mayor/Chairman and chief executive to ensure that feedback on triennial meeting matters is provided to their respective Council. This could include circulating the meeting minutes when they become available.

## **5.8 Next steps**

The final steps in the Triennial Agreement process are:

1. The endorsed Triennial Agreement has been referred back to all individual local authority members for approval;
2. Receipt by the Regional Council of all the resolutions by individual local authority members approving the Triennial Agreement;
3. The formal signing of the Triennial Agreement by the Mayors/Chairman at the next triennial meeting (February 2017).

## **6. ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are not considered significant in accordance with the Council's Significance and Engagement Policy.

## **7. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Community consultation is not considered necessary in relation to this item.

## **8. CONSIDERATIONS**

### **8.1 Financial/budget considerations**

There are no financial costs associated with this item.

### **8.2 Policy and planning implications**

There is no policy or planning implications associated with this item.

### **8.3 Risks**

The Local Government Act 2002 (LGA) requires all local authorities within each region to enter into a triennial agreement containing protocols for communication and co-ordination for the period until the next triennial election

### **8.4 Authority**

Council has the authority to adopt the recommendation as outlined in the Local Government Act 2002, Part 2 (15)

## **9. ATTACHMENTS**

Attachment 1: Draft Bay of Plenty Triennial Agreement 2016 - 2019



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**BAY OF PLENTY  
TRIENNIAL  
AGREEMENT**

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For the triennium from October 2016 to October 2019

**Endorsed by Triennial Meeting on 5 December 2016**

## **Bay of Plenty Triennial Agreement**

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### **1 Parties to this Agreement**

This is an agreement between the following units of Local Government:

- Bay of Plenty Regional Council;
- Kawerau District Council;
- Ōpōtiki District Council;
- Rotorua Lakes Council;
- South Waikato District Council;
- Taupō District Council;
- Tauranga City Council;
- Western Bay of Plenty District Council;
- Whakatāne District Council.

This Agreement is primarily to recognise the aspiration for collaborative action that exists within the local authorities of the Bay of Plenty. The Agreement does not place any limits on opportunities for neighbouring local authorities, Central Government agencies and non-government organisations to work jointly with Local Government within the Bay of Plenty.

Inter-council working relationships currently exist with Gisborne District Council and Waikato Regional Council. Triennial Meetings will continue to be used to advance collaborative initiatives where they are a useful forum to do this.

### **2 Statement of intent**

This Agreement represents the shared desire of Local Government in the Bay of Plenty region to work collaboratively, to maximise effectiveness and efficiency, and to:

- Meet the current and future needs of the Bay of Plenty communities<sup>1</sup> for good quality infrastructure, public services and the performance of regulatory functions in a way that is cost effective for households and businesses, and is appropriate to present and future circumstances;
- Promote an agreed consultation process for preparation and review of the Regional Policy Statement.

This Agreement is deemed to meet the requirements of section 15 of the Local Government Act 2002.

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<sup>1</sup> As defined by the Local Government Act 2002

### 3 Introduction

The Local Government Act 2002 ('the Act') recognises that individual local authorities are only one player in the achievement of its priorities and desired outcomes, and making efficient use of its resources, and that work to promote its priorities and desired outcomes goes beyond individual local authority boundaries. The Act recognises that local authorities should collaborate and co-operate with one another and a variety of other organisations to find solutions to local issues. The main framework to guide collaboration and co-operation between local authorities within the Bay of Plenty region is the Triennial Agreement. Essentially, this Agreement describes why and how Councils in the Bay of Plenty region will work together.

The Agreement is effective from the date of signing until such time as it is either amended by the agreement of all parties or is renewed following the 2019 Local Government elections.

### 4 Legislative context

#### Local Government Act 2002

Section 15 of the Local Government Act 2002 states:

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include—
  - a. protocols for communication and co-ordination among the local authorities; and
  - b. a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
  - c. processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
- (3) An agreement under this section may also include—
  - a. commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
  - b. the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.
- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.

- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—
- a. the inconsistency; and
  - b. the reasons for the inconsistency; and
  - c. any intention of the local authority to seek an amendment to the agreement under subsection (4).
- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

#### **Resource Management Act**

##### **Schedule 1, Clause 3A- Consultation in relation to policy statements**

- (1) A triennial agreement entered into under section 15(1) of the Local Government Act 2002 must include an agreement on the consultation process to be used by the affected local authorities in the course of:
- (a) Preparing a proposed policy statement or a variation to a proposed policy statement, and
  - (b) Preparing a change to a policy statement, and
  - (c) Reviewing a policy statement.

## 5 Purpose

This Agreement aims to reinforce the principle of collaboration embedded in the above Acts. As such, the signatories are committed to working together to promote their communities, consistent with the principles of sustainable management and providing efficient, effective and quality public services and infrastructure. This Agreement provides an opportunity for improved communication and co-ordination at all levels of Local Government in the Bay of Plenty region enabling democratic local decision-making and action by and on behalf of communities. It provides the opportunity to speak with “one consistent message” to Central Government on issues affecting Local Government.

A significant amount of formal and informal collaboration already exists between the region's local authorities. Collaborative initiatives include the CDEM Group, regional economic development, transport planning (particularly the Regional Land Transport Plan) and BOPLASS Ltd.

This Agreement supports the expansion of relationships that help Councils to work co-operatively and collaboratively to benefit the Bay of Plenty region. In signing this Agreement the parties recognise that co-operation and collaboration evolve as a result of successful communication and co-ordination. The parties are committed to ensuring that this Agreement delivers tangible outcomes for Bay of Plenty communities. It is intended that the operation of this Agreement should contribute to the strengthening of regional relationships.

Appendix 1 lists possible areas for further collaboration.

## 6 Principles of this Agreement

The parties agree to work in good faith together for the good governance of their localities and the region. As signatories to this Agreement each local authority will:

- 1 Continue to promote coordination and application of quality public services, infrastructure and planning for the present and future communities of the Bay of Plenty, by collaborating and cooperating as considered appropriate to achieve priorities and desired outcomes.
- 2 Consider the form and function of local government by investigating and being kept informed of Central Government's direction on 'Better Local Services' while respecting the individual roles and responsibilities of each party to this agreement and the statutory independence and accountability of each Council to its own communities and constituencies.
- 3 Recognise that issues and concerns that are shared by some communities and local authorities may be of little relevance to others, and that it is therefore appropriate to have a range of sub-agreements on local issues.
- 4 Acknowledge that collaboration among local authorities is necessary to address increasingly complex governance issues. Many issues cannot be solved by any one organisation acting alone and need joint responses.
- 5 Actively collaborate and co-operate with government departments and local authorities outside the region as it considers appropriate to

- promote or achieve its priorities and desired outcomes, and make efficient use of resources.
- 6 Support the establishment of processes for communication and collaboration at both governance and management levels in ways that will give clear "Bay of Plenty" perspectives, and enhance the overall performance and reputation of Local Government in the region.
  - 7 Recognise that shared services in the region, or joint procurement approaches with joint or separate contracting, can bring efficiencies and savings in terms of planning, administration, consultation and operations; increases in available resources and promotion of cooperative approaches to the allocation of resources.
  - 8 Support processes through which all local authorities in the region can participate in identifying, delivering and funding facilities and services of significance to more than one district in the region, in a way that encourages efficiencies to be realised and opportunities to be recognised.
  - 9 Recognise the value of undertaking joint processes to engage with communities, Central Government, community organisations and regional and territorial authorities from other regions for issues that cross local authority boundaries.
  - 10 Strengthen Local Government collaboration and coordination in the region in ways that enhance relationships with Central Government and other parties that can influence the well-being of the region and its communities.
  - 11 Ensure a 'no surprises' policy is adhered to by communicating and consulting openly, honestly, respectfully and proactively with other parties to this Agreement. This will be given effect by ensuring other parties receive early notification of:
    - (a) Significant proposed decisions that may affect other parties and their communities, and
    - (b) Advice of divergent views on proposed decisions before critical public announcements are made.
  - 12 Make every effort to accommodate, acknowledge or at least fairly represent the dissenting view where some parties to this Agreement have a significant disagreement with the position of other parties to the Agreement.
  - 13 Show leadership to ensure the implementation of this Agreement makes a positive difference for the region.

## 7 Implementation of this Agreement

Parties to this Agreement will:

- 1 Share resources for the purposes of preparing information on the various communities within the region. Such information may include demographic analysis, survey data and scientific studies and the analysis of social, economic, environmental and cultural trends.
- 2 Develop joint approaches for engaging Central Government and other national organisations.

- 3 Provide early notification of, and participation in, decisions that may affect other local authorities in the region.
- 4 Work together to increase Local and Central Government departments' collaboration and knowledge sharing, in order to minimise costs and the consultation burden on the public, including joint approaches for engaging Central Government and community organisations.
- 5 Maintain and support the further development of shared services for the Bay of Plenty region.
- 6 Agree on priorities for action by all of the Councils in the region or a sub- region, and use existing strategies and structures to pursue greater collaboration within the region (see Appendix 1).
- 7 Use statutory reporting documents to report steps taken to implement the intent of this document.
- 8 Meet at regular intervals (not less frequently than six-monthly) to monitor the implementation, effectiveness and progress of this Agreement.
- 9 Agree to commit the necessary leadership and staff time and resources to give effect to this Agreement and to meet agreed timeframes.

## 8 **General protocols**

### Meetings:

- (a) Meetings in relation to this Agreement will be coordinated and recorded on a rotating basis by the Councils who are parties to the Agreement.
- (b) Meetings will be held at times and in places set out in an agreed annual schedule of triennial meetings.
- (c) All formal public communications from these meetings will be approved by all participating Councils prior to their release.
- (d) Given the importance accorded to this Agreement each Council will normally be represented by the Mayor/Chairman and Chief Executive. One other elected member and senior staff member from each Council may also attend. (In the case of Taupō District Council these representatives may substitute for the Mayor and Chief Executive.)
- (e) Where appropriate, and agreed, the Chief Executive of a Council Controlled Organisation (CCO) may attend an item related to that CCO's activities.

### Significant Decisions:

Where a significant decision or issue affects a particular Council, or its community, it should, in partnership with the other Councils of the region, have the lead role in formulating the collective response of the region's local authorities to that issue or decision.

Where a Council makes a decision that is or is likely to have consequences that are significantly inconsistent with this Agreement they will, as soon as practicable, notify all other councils in the region of:

- (a) the decision;
- (b) the inconsistency;

- (c) the reasons for the inconsistency; and
- (d) any intention of the local authority to seek an amendment to this Agreement.

## 9 New Regional Council activities

If the Regional Council or one of its CCOs proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities in the region, section 16 of the Act will apply. As such, the Regional Council will, as soon as practicable, inform all territorial authorities within the region of:

- The proposal and the reasons for the proposed activity.
- The nature and scope of the proposed activity and its expected effects on the activities of the other Councils in the region.

Any such proposal will be included in the consultation document referred to in section 93A of the Act.

Where section 16 of the Act *does not* apply, but a proposed new activity is significant in terms of the Regional Council's Policy on Significance, and if a special consultative procedure (SCP) is required, the Regional Council will deliver a copy of the statement of proposal, prepared under section 83 of the Act, to all parties to allow them a reasonable opportunity to make submissions during the SCP. The process for mediation between the Regional Council and the territorial authorities if agreement is not reached at the end of the SCP will be as set out in section 16 of the Act.

Territorial authorities will be given a reasonable period of time, but no less than 20 working days, to respond to any proposal that triggers section 16 of the Act. The Regional Council agrees to fully consider any submissions and representations on the proposals made by territorial authorities within the region. The territorial authorities also acknowledge a reciprocal obligation to consult when they are proposing new activities, or changes in current activities, that may have implications for the Regional Council.

## 10 Significant Facilities and Services

Where there are facilities and services that are considered to be of significance to more than one district, an item will be scheduled for discussion at the next available triennial meeting (as noted in the schedule of meetings) or other agreed meeting that includes all likely affected councils.

As soon as practicable, and prior to the meeting, the council(s) that has identified the significant facilities and services will contact the likely affected councils to discuss. In the event that it is not clear which councils will be affected, this can be canvassed at the meeting.

The meeting will facilitate the discussion around the facilities and services including; identifying and confirming the affected area and the process for determining the delivery and funding.



## 11 Consultation in relation to the Regional Policy Statement and plans

For the purpose of meeting the requirements of clause 3A of Schedule 1 to the Resource Management Act 1991, the consultation process to be used by affected local authorities in relation to the Regional Policy Statement is set out in the *Protocol for Bay of Plenty RMA Policy and Plans* (November 2010). The protocol also covers the agreed consultation process on district plans and regional plans.

The protocol describes when and how local authorities in the Bay of Plenty region consult in relation to Resource Management Act policy and plan preparation and changes. There are four stages of interaction and consultation covered in the protocol. They include:

- Scoping;
- Drafting;
- Notifying and submitting;
- Appeals to the Environment Court.

Each of the local authorities in the Bay of Plenty region is a party to this protocol.

## 12 Resolving disagreement

All parties to this Agreement are committed to working strenuously, in good faith, to resolve any disagreements that may arise in relation to its application. Where a party has a significant disagreement with the position of the others, all parties will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.

Should any disagreement arise every endeavour will be made to ensure that disagreement is resolved with regard to the broader interests of the regional community and the effectiveness of local government in the Bay of Plenty region.

If the affected parties are unable to reach agreement the members may agree by majority decision to either ask Local Government New Zealand (LGNZ) or the New Zealand Law Society (NZLS) to appoint a mediator.

Should such a process be unsuccessful any of the Councils directly affected may ask the Minister of Local Government to determine the matter.

## 13 Signatories to the 2016 to 2019 Triennial Agreement

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Chairman  
Bay of Plenty Regional Council

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Mayor  
Kawerau District Council

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Mayor  
Ōpōtiki District Council

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Mayor  
Rotorua Lakes Council

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Mayor  
South Waikato District Council

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Mayor  
Taupō District Council

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Mayor  
Tauranga City Council

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Mayor  
Western Bay of Plenty District Council

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Mayor  
Whakatāne District Council

## **Appendix 1 – Possible areas of collaboration**

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Possible areas of further collaboration under this Agreement, in no particular priority order, include:

- Regional economic development;
  - Urban growth management and spatial planning;
  - Infrastructure planning and development;
  - Information services, information technology and rating;
  - Finance and human resources;
  - Planning including preparation, change and review of the Regional Policy Statement and district plans;
  - Waste minimisation;
  - Staff secondment and knowledge transfer;
  - Procurement of services, infrastructure, and materials/plant.
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