



NOTICE OF A MEETING OF

COUNCIL

to be held on Thursday, 12 December 2019 at 9.30am
in the Council Chamber, Rotorua Lakes Council

Chairperson: Mayor Chadwick

Members: Cr Donaldson (Deputy Chair) Cr Bentley
Cr Kumar Cr Kai Fong Cr Macpherson
Cr Maxwell Cr Raukawa-Tait Cr Tapsell
Cr Wang Cr Yates

Quorum: 6

A G E N D A

-
- KARAKIA WHAKAPUAKI**
OPENING KARAKIA
 - NGĀ WHAKAPAAHA**
APOLOGIES
(includes leave of absence notification)
 - WHAKAPUAKITANGA WHAIPĀNGA**
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 Corporate Planning & Governance 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. **NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT 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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5. **NGĀ MENETI O TE HUI KAUNIHERA MINUTES OF COUNCIL MEETING**

5.1 Council meeting – 5 December 2019 8

6. **PRESENTATIONS**

6.1 Inner City Safety – Henry Weston, Rotorua Lakes Council

7. **PŪRONGO KAIMAHI STAFF REPORTS**

RECOMMENDATION 1: Appointment of Council Representation to the Lakes Community Board and the Rural Community Board 2019-2022	18
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8. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

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:

<u>General subject of each matter to be considered</u>	<u>Reason for passing this resolution in relation to each matter</u>	<u>Ground(s) under Section 48(1) for passing of this resolution</u>
CONFIDENTIAL MINUTES of previous meeting held 5 December 2019	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
RECOMMENDATION 7: Museum Contract RECOMMENDATION 8: SHMPAC (Sir Howard Morrison Performing Arts Centre) Contract	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 9: Appointment of Te Tatau o Te Arawa Nominees to Council Committees	Protect the privacy of natural persons, including that of deceased natural persons. 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)(a) Section 48(1)(a) Section 7(2)(i)
RECOMMENDATION 10: Plan Change 10 (Lake Rotorua Nutrient Management) update	Maintain legal professional privilege.	Section 48(1)(a) Section 7(2)(g)
RECOMMENDATION 11: Property Disposal Policy – Application to 8 Titoki Place	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 12: Chief Executive Recruitment process	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.

9. NGĀ TAKE MATATAPU

CONFIDENTIAL ITEMS

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	RECOMMENDATION 10: PC10 verbal update	
	RECOMMENDATION 11: Property Disposal Policy Application – Application to 8 Titoko Place..	72
	RECOMMENDATION 12: Chief Executive Recruitment Process	91

Rotorua Lakes Council is the operating name of Rotorua District Council.

NGĀ TUKUNGA HAEPAPA A TE KAUNIHERA

COUNCIL DELEGATIONS

Type of Committee	Council
Subordinate to	
Subordinate Committees	<ul style="list-style-type: none"> • Strategy, Policy and Finance committee • Operations and Monitoring committee • District Licencing committee • CEO performance committee • RMA Policy Committee • Audit and Risk Committee
Legislative Basis	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
Purpose	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.
Reference	01-15-010
Membership	Mayor Steve Chadwick (Chair) Deputy Mayor Councillor Dave Donaldson (Deputy Chair) All councillors
Quorum	6
Meeting frequency	Monthly
Delegations	<ul style="list-style-type: none"> • the power to make a rate • the power to make a bylaw • the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan • the power to adopt a long-term plan, annual plan, or annual report • the power to appoint a chief executive • 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 • the power to adopt a remuneration and employment policy • the power to set and support strategies in measures related to emergency matters. • 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.
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	Powers that cannot be delegated to committees a 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 Thursday 5th December 2019 at 9.30am
in the Council Chamber, Rotorua Lakes Council**

- MEMBERS PRESENT:** Mayor Chadwick (Chairperson)
Cr Bentley, Cr Donaldson (Deputy Mayor), Cr Kai Fong, Cr Kumar,
Cr Macpherson, Cr Raukawa-Tait, Cr Tapsell, Cr Yates,
Cr Wang,
- APOLOGIES:** Cr Maxwell,
- IN ATTENDANCE:** S Trumper (Rural Community Board); J Rothwell (Lakes Community Board)
- STAFF PRESENT:** G Williams, Chief Executive; H Weston, Group Manager Operations;
T Collé, CFO/ Group Manager Business Support; C Tiriana, Manger
CE Office; A Tahana, Te Ahurei; G Rangī, Manahautu Maori;
J.P Gaston, Group Manager, Strategy; O Hopkins, Manager
Corporate Planning & Governance; I Tiriana, Manager Council
Communications; R Bird, Manager Organisational Development &
Capability (part); J Ward, Manager Planning & Development
Solutions (part); K Smith, Senior Policy Advisor (part); K Dahm,
Team Lead planning (part); R Dunn Governance Lead: H King,
Governance Support Advisor;

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

**1. KARAKIA WHAKAPUAKI
OPENING KARAKIA**

Cr Tapsell opened the meeting with a karakia.

**2. NGĀ WHAKAPAAHA
APOLOGIES**

Resolved

That the apologies from Cr Maxwell be accepted.

Mayor Chadwick/Cr Raukawa-Tait
CARRIED

**3. WHAKAPUAKITANGA WHAIPĀNGA
DECLARATIONS OF INTEREST**

None

**4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE
URGENT ITEMS NOT ON THE AGENDA**

1) Cr Bentley – Inner City Safety update

The Chair confirmed this would be an agenda item at the Council meeting on 12 December 2019.

- 2) Cr Macpherson – Annual Plan paper. Request to table a paper prepared with seven points of concern regarding the Annual Plan and asked that the Mayor & Chief Executive urgently address these. The Chair explained that this was not an urgent item as the Annual Plan that Council had approved had already been forwarded to Audit. It was agreed that the document be submitted to the Mayor and Chief Executive to be taken into Account.

**5. TE WHAKAŪ I NGĀ MENETI
CONFIRMATION OF COUNCIL MINUTES**

5.1 INAUGURAL COUNCIL MEETING – 24 OCTOBER 2019

Rdc-964660

Resolved

That the minutes of the Inaugural Council meeting held 24 October 2019 be confirmed as true and correct.

Cr Wang/Cr Donaldson
CARRIED

5.2 COUNCIL MEETING – 30 OCTOBER 2019

Rdc-966639

Resolved

That the minutes of the extraordinary Council meeting held 30 October 2019 be confirmed as true and correct with the following correction.

Page 16 of Agenda. 8.1.2

That Council agrees that 'Contract 19/016: Rural Vegetation Control 2019-2022 (3 year term) be awarded to Bradstreet Contractors Ltd for the sum of \$1,086,682.63.

Amend to read;

That Council agrees that 'Contract 19/016: Rural Vegetation Control 2019-2022 (2 years, 8 months) be awarded to Bradstreet Contractors Ltd for the sum of \$1,086,682.63.

Cr Tapsell/Cr Raukawa-Tait
CARRIED

**6. PŪRONGO KAIMAHI
STAFF REPORTS**

6.1 RECOMMENDATION 1: COUNCIL ENDORSEMENT OF THE 2019-2022 PRIORITIES Rdc-972481

Resolved

1. That the report ‘Council endorsement of the 2019-2022 priorities’ be received;

Cr Raukawa-Tait/Cr Yates
CARRIED

Onagh Hopkins & JP Gaston spoke to a powerpoint presentation titled “Setting Council priorities 2019 – 2022” (Attachment 1)

2. That Council resolves to endorse the Rotorua 2019-2022 priorities and directs officers to develop and bring back to Council the work programme and/or work streams that will demonstrate progress towards the delivery of the priorities.

Cr Raukawa-Tait/Cr Donaldson
C19/12/73
CARRIED

6.2 RECOMMENDATION 2: ESTABLISHMENT OF THE COMMITTEE STRUCTURE AND APPOINTMENT OF CHAIRPERSONS, DEPUTY CHAIRPERSONS AND MEMBERS 2019- 2022 Rdc-971576

Resolved

1. That the report ‘Establishment of the Committee Structure and Appointment of Chairpersons, Deputy Chairpersons and Members 2019-2022’ be received.

Cr Raukawa-Tait/Cr Donaldson
CARRIED

2. That Council resolves to establish for the triennium 2019-2022, 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>Ordinary Council Make decisions on all matters that cannot or are not to be delegated. Following full debate of issues and topics at the committee level make the final decision on all matters recommended to them from the committees.</p>	<p>Chairperson: Mayor Steve Chadwick Deputy Chairperson: Deputy Mayor Cr Donaldson Members – All councillors</p>

Committees	Membership
<p>Strategy, Policy and Finance Guide and develop all strategic, policy and planning frameworks before recommending to council for approval</p>	<p>Chairperson: Cr Raukawa-Tait Deputy Chairperson: Cr Kai Fong</p> <p>Members All councillors 2 x Te Tatau o Te Arawa appointments 1 x Lakes Community Board appointment 1 x Rural Community Board appointment</p>
<p>Operations and Monitoring 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 Tapsell Deputy Chairperson: Cr Yates</p> <p>Members All councillors 2 x Te Tatau o Te Arawa appointments 1 x Lakes Community Board appointment 1 x Rural Community Board appointment</p>
<p>District Licencing Committee</p>	<p>Chairperson: Karen Hunt Deputy Chairperson: Phill Thomass</p> <p>3 external appointments</p>
<p>Resource Management Act Policy Committee</p>	<p>Chairperson: To be advised 1 Council member: Shirley Trumper 1 Te Tatau o Te Arawa appointment</p> <p>Note – all members need to be commissioner qualified and the chair a qualified RMA commissioner chair.</p>
<p>Chief Executive's Performance Review Committee</p>	<p>Chairperson: Mayor Steve Chadwick Deputy Chairperson: Deputy Mayor Cr Donaldson</p> <p>Chair of Operations & Monitoring committee Chair of Strategy, Policy & Finance committee 1 Te Tatau o Te Arawa appointment Chair of Lakes Community Board Chair of Rural Community Board</p>
<p>Audit and Risk Committee</p>	<p>Chairperson: external appointment Deputy Chairperson: external appointment Mayor Deputy Mayor Chair of Strategy, Policy and Finance committee Chair of Operations and Monitoring committee Deputy Chair in case Chair is absence on leave 1 x Te Tatau o Te Arawa appointment</p>

Cr Bentley, Cr Kumar and Cr Macpherson requested that their vote against this decision be recorded.

6.3 RECOMMENDATION 3: ADOPT GOVERNANCE DELEGATIONS 2019 - 2022

Rdc-971623

Resolved

1. That the report 'Adopt Governance Delegations 2019-2022' be received;

Cr Raukawa-Tait/Cr Donaldson
CARRIED

2. That Council resolves to adopt the governance delegations 2019-2022 and note the delegated responsibilities as follows:

COMMITTEE	DELEGATIONS
Council	As per Attachment 2
Strategy, Policy & Finance	As per Attachment 3
Operations & Monitoring	As per Attachment 4
District Licensing	As per Attachment 5
Resource Management Act Policy	As per attachment 6
Audit & Risk	As per Attachment 7
Chief Executive Performance	As per Attachment 8
Lakes Community Board	As per Attachment 9
Rural Community Board	As per Attachment 10

Cr Donaldson/Cr Raukawa-Tait
C19/12/75
CARRIED

6.4 RECOMMENDATION 4: COUNCIL STANDING ORDERS 2019

Rdc-971290

Resolved

1. That the report 'Council Standing Orders 2019' be received.

Cr Donaldson/Cr Yates
CARRIED

2. That Council adopts the Standing Orders as tabled, inclusive of the following optional provisions:

- a) The provision for members to attend meetings via audio visual link will not be permitted.
- b) That the use of a casting vote can be used by the chair of the committee in the event of an equal amount of votes in favour vs against.

- c) That Option A (formal) will be used as the default for speaking to and moving motions.**

Cr Raukawa-Tait/Cr Yates
C19/12/76
CARRIED

6.5 RECOMMENDATION 5: SCHEDULE OF MEETINGS – 1 JANUARY TO 31 DECEMBER 2020 RDC-971121

Resolved

- 1. That the report 'Schedule of meetings – 1 January to 31 December 2020' be received.**
(Attachment 11)

Cr Tapsell/Cr Wang
CARRIED

- 2. That Council resolves to adopt the schedule of meetings for the period 1 January to 31 December 2020 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**

Cr Bentley/Cr Kai Fong
C19/12/77
CARRIED

**7. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI
RESOLUTION TO GO INTO PUBLIC EXCLUDED**

Resolved

"That Council move into public excluded session."

Cr Raukawa-Tait/Cr Kumar
C19/12/78
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
<p>RECOMMENDATION 6: Plan Change 3 – Appointment of Hearings Commissioners</p> <p>Notice of Motion</p>	<p>Protect the privacy of natural persons, including that of deceased natural persons.</p> <p>Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p>	<p>Section 48(1)(a) Section 7(2)(a)</p> <p>Section 48(1)(a) Section 7(2)(b)(ii)</p>

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.

Confidential item now released

**8. NGĀ TAKE MATATAPU
CONFIDENTIAL ITEMS**

8.1 PLAN CHANGE 3 – APPONITMENT OF HEARINGS COMMISSIONERS

Rdc-959994

Resolved:

- 1. That the report “Plan Change 3 - Appointment of Hearings Commissioners” be received.**

Cr Kai Fong/Cr Donaldson
CARRIED

- 2. That Council approve the appointment of Antoine Coffin (Chair) and Rob Kent as independent hearings commissioners to:**

(a) determine, control and conduct the hearing for Plan Change 3 (Significant Natural Areas) to the Rotorua District Plan (in accordance with the relevant functions, powers and duties set out in Part 4 of the Resource Management Act (including Section 32AA));

(b) waive or extend time limits under Sections 37 and 37A of the Resource Management Act in relation to Plan Change 3¹; and

(c) make recommendations to Council on the provisions and matters raised in submissions in accordance with clause 10, 1st Schedule of the Resource Management Act.

3. That this report not be made publicly available

AND

4. That the decision on this item be made publicly available.

Cr Raukawa-Tait/Cr Donaldson
CARRIED
C19/12/79

Cr Bentley requested that his vote against this decision be recorded.

¹ This would primarily allow the Hearing Commissioners to consider whether they should accept late submissions (at the time of writing no late submissions have been received).

The Meeting adjourned at 11.05am and resumed at 11.15am

OPEN SESSION

The meeting closed at 12.05 pm

To be confirmed at a Council meeting on 12 December 2019

.....
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



STAFF REPORTS

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

APPOINTMENT OF COUNCIL REPRESENTATION TO THE LAKES COMMUNITY BOARD AND THE RURAL COMMUNITY BOARD 2019-2022

Report prepared by: Oonagh Hopkins, Manager Corporate Planning & Governance

Report reviewed by: J-P Gaston, Group Manage Strategy

Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of the report is for Council to appoint one councillor to the Lakes Community Board and another to the Rural Community Board.

**2. HE TŪTOHUNGA
RECOMMENDATION**

- 1. That the report "Appointment of Council representation to the Lakes Community Board and the Rural Community Board 2019-2022 be received.**
- 2. That Council appoint:**
 - a) Cr Tania Tapsell as the council representative to the Lakes Community Board and;**
 - b) Cr Fisher Wang as the council representative to the Rural Community Board**

**3. TE TĀHUUHU
BACKGROUND**

Membership of the Rotorua community boards consists of four elected members from within the lakes and rural community zones and a council representative.

Appointments to the community boards are a decision of Council as a whole. In line with the ongoing development of partnering between the Council and Community Boards, the initial nomination comes direct from the community boards.

Community boards are not a committee of Council therefore the Mayoral powers have no effect here.

**4. TE MATAPAKI ME NGĀ KŌWHIRINGA
DISCUSSION AND OPTIONS**

Not applicable for the purposes of this report. Discussion may take place at the meeting.

**5. TE TINO AROMATAWAI
ASSESSMENT OF SIGNIFICANCE**

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

**6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA
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. HE WHAIWHAKAARO
CONSIDERATIONS**

**7.1 Mahere Pūtea
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 Kaupapa Here me ngā Hiraunga Whakariterite
Policy and planning implications**

Not applicable.

**7.3 Tūraru
Risks**

Not applicable.

**7.4 Te Whaimana
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.

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

APPOINTMENT OF COMMUNITY BOARD MEMBERS TO COUNCIL COMMITTEES 2019-2022

Report prepared by: Oonagh Hopkins, Manager Corporate Planning & Governance

Report reviewed by: Jean-Paul Gaston, Group Manager Strategy

Report approved by: Geoff Williams, Chief Executive

1. TE PŪTAKE

PURPOSE

The purpose of this report is to receive recommendations from the community boards as to the appointments onto the council committees as per the 2019-2022 delegations manual.

2. NGĀ TŪTOHUNGA

RECOMMENDATIONS:

- 1. That the report "Appointment of Community Board members to Council committees 2019-2022" be received.**
- 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:**
 - a) Operations and Monitoring Committee: Jennifer Rothwell (Lakes) and Bryce Heard (Rural)**
 - b) Strategy, Policy and Finance Committee: Phill Thomass (Lakes) and Shirley Trumper (Rural)**

3. TE TĀHUHU

BACKGROUND

Governance is primarily about setting the future direction of the district and ensuring assets and resources are suitable for achieving that direction. This involves setting priorities and making trade-offs between the wants/needs of the community and its citizens and affordability.

Including community boards as part of the wider governance structure of council provides the way in which council can understand those wants and needs of distinct communities of interest, which are the lakes and rural areas. They bring the voice of the communities to the table and they can lead engagement within their communities to raise awareness of council initiatives and obtain real feedback that can be used to formulate decisions.

Membership to the Strategy, Policy and Finance committee and the Operations and Monitoring committee has been in place as part of the delegations since the 2016 elections following the 2015 representation review.

The delegations manual was adopted by Council on 5 December 2019. This paper gives effect to the delegations manual and its membership of the committees.

**4. TE MATAPAKI ME NGĀ KŌWHIRINGA
DISCUSSION AND OPTIONS**

No discussion is required for this paper. Discussion may be undertaken at the meeting.

**5. TE TINO AROMATAWAI
ASSESSMENT OF SIGNIFICANCE**

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

**6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA
COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

No further consultation is required.

**7. HE WHAIWHAKAARO
CONSIDERATIONS**

**7.1 Mahere Pūtea
Financial/budget considerations**

The Remuneration Authority has set the Lakes Community Board and the Rural Community Boards remuneration which is included in the "Local Government Members (2019/20) Determination 2019.

**7.2 Kaupapa Here me ngā Hiraunga Whakariterite
Policy and planning implications**

The appointment of community board members to the council committees is consistent with the recommendation of the Your Choice 2016 – election review working party, the Council's decision to support the working party in putting forward their recommendation to the Local Government Commission and the Commission's determination of the Representation Review 2016.

It is also consistent with Council's approach to an inclusive working relationship with partners and the community board as the wider governance structure of council.

**7.3 Tūraru
Risks**

No major risks have been identified.

**7.4 Tūraru
Authority**

Council has the authority to make the decisions.

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

ADDITIONAL RESPONSIBILITIES REMUNERATION 2019-2022

Report prepared by: Oonagh Hopkins, Manager Corporate Planning & Governance

Report reviewed by: Jean Paul Gaston, Group Manager, Strategy

Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
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. NGĀ TŪTOHUNGA
RECOMMENDATIONS:**

- 1. That the report “Additional Responsibilities Remuneration 2019-2022” be received**
- 2. That Council resolves to adopt the councillor base salary at \$55,000 for 2019-2022.**
- 3. That 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	Total Salary (\$)
Cr Donaldson	Council	Deputy Mayor Lead – Economic Development Lead - Sustainable Environment	\$45,000	\$100,000
Cr Raukawa-Tait	Strategy, Policy & Finance	Chair Lead – Four Wellbeing’s	\$28,042	\$83,042
Cr Kai Fong	Strategy, Policy & Finance	Deputy Chair Lead – Economic Development Lead – Sport and Recreation	\$15,750	\$70,750
Cr Tapsell	Operations and Monitoring	Chair Lead - Liveable communities Lead – Housing	\$28,042	\$83,042
Cr Yates	Operations and Monitoring	Deputy Chair Lead – Arts and Culture	\$15,750	\$70,750
Cr Maxwell		Cultural Ambassador Lead – Arts and Culture	\$15,750	\$70,750
Cr Wang		Lead – Climate Change	\$15,750	\$70,750
Cr Bentley		Member	-	\$55,000
Cr Kumar		Member	-	\$55,000
Cr Macpherson		Member	-	\$55,000

3. TE TĀHUHU BACKGROUND

Pursuant to the Remuneration Authority Act 1977 and to clauses 6 and 7A(1) and (5) of Schedule 7 of the Local Government Act 2002, the Remuneration Authority has made its determination "Local Government Members (2019\20) Determination 2019. This determination is available on the elected member's devices (iPad).

Note the governance remuneration pool does not apply to mayors, regional chairs, Auckland local board members and community board members. Their remuneration must be paid according to the provisions set out in the above determination.

In 2018, the Authority completed a comprehensive review of its approach to the setting of the remuneration and allowances for local government elected members. The review resulted in the creation of three new size indices. For the Remuneration Authority, the term "size index" means the assessed size and the total governance accountabilities of any council – it has no relationship to the number of councillors on that council.

The previous size index (a single index) used to size all types of council was based on the population served by each council and the expenditure of each council. Three new size indices have been implemented as a result of the review. They use the following factors:

- Population (source: Stats NZ estimated resident population)
- Total operating expenditure (source: Stats NZ local authority financial statistics)
- Total assets (source: Stats NZ local authority financial statistics)
- Socioeconomic deprivation index (source: University of Otago Socioeconomic Deprivation Indices)

As part of the review the Authority identified that, there were differences around the number of councillors and the governance cost to the ratepayers. The more councillors, the higher the cost to ratepayers. Councils with larger ratepayer bases can more easily absorb higher governance costs than smaller ones. To resolve this issue the authority decided to create a pool for each council, reflecting the size of the actual governance roles of each council rather than the number of councillors. The Authority decided the councils themselves should each make recommendations on the allocation of their own pool amongst various positions that councillors undertake. The only restriction is that the Authority has recommended a minimum base salary for a councillor. For Rotorua Lakes Council the councillor base rate is \$49,426.

There are four requirements:

1. The whole pool must be used

The Authority understands that in any community, there will be pressure to keep rates down by paying councillors less and we feel it is important that councils are protected from this pressure. The pool for 2019/20 is \$714,084.

2. Base remuneration

The council will need to decide a base remuneration for councillors. It is recommended that this base be no lower than in 2018/19 financial year of \$52,027.

3. Remuneration above the base rate.

Any role with additional remuneration above the base rate will require council to have a formal vote and must include a title and short description of each role, the proposed annual dollar value of the remuneration attached to the role and the name of the councillor.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

4.1 Council adopted its 2019-2020 committee structure on 5 December 2019. In addition, Council has identified the expectations and roles for deputy mayor, cultural ambassador, chairs, deputy chairs and 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 them 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.

The roles have been identified as follows:

Liveable communities - Mayor and Cr Tapsell

Four wellbeing's – Cr Raukawa Tait

- Housing – Cr Tapsell
- Climate Change – Cr Wang
- Sustainable Environment (2 waters) – Cr Donaldson

Vision to action – LTP 18-28:

- Economic development – Cr Donaldson and Cr Kai Fong
- Arts & culture – Mayor, Cr Maxwell, Cr Yates and Shirley Trumper (Rural Community Board)
- Sport & rec – Cr Kai Fong, and Nick Chater (Lakes Community Board)

Cultural ambassador – Cr Maxwell

On this basis, the following loadings are proposed using a base salary starting point of \$55,000

Councillor	Committee Name	Role	\$ above base salary	Total Salary (\$)
Cr Donaldson	Council	Deputy Mayor Lead – Economic Development Lead - Sustainable Environment	\$45,000	\$100,000
Cr Raukawa-Tait	Strategy, Policy & Finance	Chair Lead – Four Wellbeing's	\$28,042	\$83,042
Cr Kai Fong	Strategy, Policy & Finance	Deputy Chair Lead – Economic Development Lead – Sport and Recreation	\$15,750	\$70,750
Cr Tapsell	Operations and Monitoring	Chair Lead - Liveable communities Lead – Housing	\$28,042	\$83,042
Cr Yates	Operations and Monitoring	Deputy Chair Lead – Arts and Culture	\$15,750	\$70,750
Cr Maxwell		Cultural Ambassador Lead – Arts and Culture	\$15,750	\$70,750
Cr Wang		Lead – Climate Change	\$15,750	\$70,750
Cr Bentley		Member	-	\$55,000
Cr Kumar		Member	-	\$55,000
Cr Macpherson		Member	-	\$55,000

The total Governance remuneration pool is \$714,084.

**5. TE TINO AROMATAWAI
ASSESSMENT OF SIGNIFICANCE**

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

**6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA
COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

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

**7. HE WHAIWHAKAARO
CONSIDERATIONS**

**7.1 Mahere Pūtea
Financial/budget considerations**

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

**7.2 Kaupapa Here me ngā Hiraunga Whakariterite
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.

**7.3 Tūraru
Risks**

No risk has been identified.

**7.4 Te Whaimana
Authority**

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

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

ELECTED MEMBERS CHILDCARE ALLOWANCE 2020

Report prepared by: Rick Dunn, Governance Lead

Report reviewed by: Oonagh Hopkins, Manager Corporate Planning & Governance

Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of this report is to provide further information about Clause 14 of the Local Government Members (2019/2020) Determination 2019, which creates an opportunity for Council to pay childcare allowance to elected members. Refer to (Attachment 1) for a copy of the determination.

**2. HE TŪTOHUNGA
RECOMMENDATION**

- 1. That the report “Elected Members Childcare Allowance 2020” be received.**
- 2. That Council adopt a policy to reimburse elected members for childcare allowance payments where these payments are incurred to enable elected members of Council and Community Boards to undertake local authority business.**
- 3. That Council approves the payment of a childcare allowance as set out in the Local Government Members (2019/20) Determination 2019 to a maximum of \$6,000 per annum, per child.**

**3. TE TĀHUHU
BACKGROUND**

- 3.1** The Remuneration Authority determines the remuneration, allowance and expenses payable to all local authority elected members. Elected Members Expenses & Allowances Policy – (Attachment 2)

Following a review of allowances payable to elected members, the Authority has maintained allowances for vehicle mileage, travel time and communications for 2019/2020.

- 3.2** A draft policy on Childcare Allowance was prepared and distributed by the Remuneration Authority in April 2019 with feedback invited by 31 May 2019. The Authority has introduced a Childcare allowance from 1 July 2019, capped at \$6,000 per child, per annum. The allowance is only payable if:

- a) the member is a parent or guardian of the child, or is a person who usually has the responsibility for the day to day care of the child (other than temporary basis); and
- b) the child is under 14 years of age; and
- c) the childcare is provided by a person who:
 - (i) is not a family member of the member; and
 - (ii) does not ordinarily reside with the member; and
- d) the member provides evidence satisfactory to the local authority of the amount paid for childcare.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

This is a new allowance and there is no guidance or suggested best practice. Councils have taken different approaches to adopting the childcare allowance. Some councils have resolved to pay an hourly rate, before tax, of between \$15 - \$21.15 (the living wage). One council resolved to pay a childcare allowance up to a limit of \$2,000 per child per annum.

The payment of any or all allowances is at the discretion of each local authority. Reimbursement of childcare expenses may encourage participation by younger candidates and foster diversity within the representation processes. Elected member duties occur during and outside normal working hours. Community board meetings, consultation and community engagement events may occur in the evening or during the weekend that can affect elected members childcare arrangements.

5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decision or matters of this report are not considered significant in accordance with the councils Significance and Engagement Policy.

6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

No further consultation is required.

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1 Mahere Pūtea Financial/budget considerations

The cost of childcare allowance is met from outside the governance remuneration pool and would need to be included in the Annual Plan.

7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

There are no policy or planning implications.

7.3 Tūraru Risks

There are no major risks associated with the decisions or matters.

7.4 Te Whaimana Authority

Council has authority to make a decision on this matter.

8. NGĀ ĀPITI HANGA ATTACHMENTS

Attachment 1: [Local Government Members \(2019/20\) Determination 2019](#) and distributed as a separate document.

Attachment 2: Elected Members Expenses & Allowances Policy (pages 29-31)

ELECTED MEMBERS EXPENSES & ALLOWANCES POLICY

Rdc-402187

Date Adopted: 1 July 2016
Date for Review: 30 June 2019
Officer Responsible: Governance Lead

Policy Purpose:

The Remuneration Authority has set the determination for Local Government Members (2019/20) which includes the following allowances.

Policy:

REIMBURSEMENT OF EXPENSES

All reasonable costs incurred by members while on Council business will be reimbursed, subject to the receipts being submitted:

- a) Accommodation: Actual and reasonable cost at designated accommodation;
- b) Meals: Breakfast \$25, Lunch \$30 and Dinner \$45;
- c) Conference, training and course expenses: Actual and reasonable costs reimbursed at designated hotels and accommodation.

NB: There will need to be a Council or Committee resolution approving the attendance/membership of the member.

VEHICLE MILEAGE ALLOWANCES

Mileage will be paid for attending meetings and when on Council business. (refer attached table). The Remuneration Authority uses the IRD mileage rate.

A member's travel is eligible for the allowance if:

- a) it occurs on a day when the member is not provided a vehicle of the local authority; and
- b) when the member is travelling –
 - (i) in a private vehicle; and
 - (ii) on local authority business; and
 - (iii) by the most direct route that is reasonable in the circumstances and
 - (iv) if the travel is between the member's residence within the district boundary and the Civic Centre.

The mileage allowance will be paid to a member for eligible travel is;

- a) for a petrol or diesel vehicle, -
 - (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
 - (ii) 30 cents per kilometres after the first 14,000 kilometres of eligible travel in the determination term; and

b) for a petrol hybrid vehicle, -

- (i) 79 cents per kilometres for the first 14,000 kilometres of eligible travel in the determination term;
and
- (ii) 19 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term;

c) for an electric vehicle, -

- (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term;
and
- (ii) 9 cents per kilometres after the first 14,000 kilometres of eligible travel in the determination term.

Transport costs other than mileage will be paid for on an actual and reasonable basis.

TRAVEL TIME ALLOWANCE

- (1) A member's travel time is eligible for the allowance if it is spent travelling within New Zealand;
 - (a) on local authority business; and
 - (b) by the quickest form of transport that is reasonable in the circumstances; and
 - (c) by the most direct route that is reasonable in the circumstances.

- (2) The travel time allowance is \$37.50 for each hour of eligible travel time after the first hour of eligible travel time travelled in a day.

COMMUNICATION ALLOWANCE

A communication allowance of \$990.00pa will be paid to elected members to cover the following costs:

- | | |
|---|-------|
| (a) for the use of a printer: | \$40 |
| (b) for the use of a mobile telephone: | \$150 |
| (c) for the use of a member's own internet service: | \$400 |
| (d) for the use of a member's own mobile telephone service: | \$400 |

CRITERIA FOR COUNCIL MEETINGS/BUSINESS

Type of Meeting/Functions	Mileage	
	Paid	Not Paid
Council meetings	✓	
Committees and Portfolio meetings (if appointed member)	✓	
Community Board meetings (if an appointed member and members of Board)	✓	
Formally representing Council (as result of Council resolution or on request by His Worship the Mayor) at a formal meeting of another Local Authority	✓	
Meetings of other outside organisations as the Council's appointed representative (appointment pursuant to a Council resolution)	✓	
Council workshops and Mayoral Forums (which have the approval of a Council, Committee, Mayor Chief Executive or Group Managers/Director)	✓	
Training and Development courses	✓	
Meetings of other statutory bodies((if appointed member or requested by Mayor of Chief Executive)	✓	
Local Conferences/Seminars	✓	
Working Groups or Working Parties	✓	
Field Trips Council or Board Tours	✓	
Briefings and discussions with the Mayor, Chief Executive, Group Managers and Officers	✓	
Where Councillors, other than the Deputy Mayor, officiate at 'official' functions as determined by the Mayor	✓	
Constituency meetings (either individuals or organisations)		✓
Social functions		✓
Official social functions as determined by Council, Mayor or Chief Executive	✓	
Residents Association, Ratepayer Association and Neighbourhood meetings		✓
Travel for electioneering purposes		✓
Other groups and organisations (if appointed member)	✓	

ROTORUA LAKES COUNCIL

The Mayor
Members
COUNCIL

ADOPT CODE OF CONDUCT 2019 - 2022

Report prepared by: Oonagh Hopkins, Manager Corporate Planning & Governance

Report reviewed by: Jean Paul Gaston, Group Manager, Strategy and Partnerships

Report approved by: Geoff Williams, Chief Executive

1. TE PŪTAKE PURPOSE

The purpose of this report is to adopt Council's Code of Conduct 2019-2022.

2. HE TŪTOHUNGA RECOMMENDATION:

- 1. That the report "Adopt Code of Conduct 2019-2022" be received.**
- 2. That Council resolves to adopt the Code of Conduct 2019-2022.**

3. TE TĀHUHU BACKGROUND

Schedule 7 of the Local Government Act 2002 requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code. The code of conduct provides guidance on the standards of behaviour that is expected from the Mayor and elected members of Rotorua Lakes Council.

The code applies to all elected members (mayor, councillors and community board members) and Te Tatau board members nominated onto a council committee in their dealings with:

- each other
- the chief executive
- all staff employed by the chief executive on behalf of the council
- the media
- the general public

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

At a forum on 29 November, as part of the elected member induction, Council undertook to look at what defines good governance for them and the behaviours that would underpin its conduct with each other, the chief executive, staff of the Rotorua Lakes Council, the community and the media.

The governance values identified from that forum set the basis for the way Council will work in order to deliver on the priorities set for 2019-2022.

Holding members to account for the standards of behaviour is also included in the code of conduct. This process includes a two-step process with formal complaints being reviewed by the Audit and Risk committee.

Attached is the 2019-2022 code of conduct (Attachment 1). This details the good governance values and behaviours this council has development to reflect the way they intent to work during the next three years.

**5. TE TINO AROMATAWAI
ASSESSMENT OF SIGNIFICANCE**

The way elected members conduct themselves with each other, the chief executive, staff, members of the public and the media is considered to be significant and as such the code is very important in being the single reference point to detail the values and conduct of elected members.

**6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA
COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Not applicable.

**7. HE WHAIWHAKAARO
CONSIDERATIONS**

**7.1 Mahere Pūtea
Financial/budget considerations**

Not applicable.

**7.2 Kaupapa Here me ngā Hiraunga Whakariterite
Policy and planning implications**

Not applicable.

**7.3 Tūraru
Risks**

Not applicable.

**7.4 Te Whaimana
Authority**

The council under Schedule 7 of the Local Government Act 2002 is required to adopt a code of conduct.

**8. NGĀ ĀPITIHANGA
ATTACHMENTS**

Attachment 1: Code of Conduct 2019 – 2022 (Distributed as a separate document)

ROTORUA LAKES COUNCIL

Mayor
Councillors
COUNCIL

BAY OF PLENTY TRIENNIAL AGREEMENT 2019-2022

Report prepared by: Rick Dunn, Governance Lead

Report reviewed by: Oonagh Hopkins, Manager Corporate Planning & Governance

Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
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 14 February 2020.

**2. TE TUHINGA WHAKARĀPOPOTOTANGA
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, by 1 March of the year following local government elections.

In order to comply with the requirements of the Act the Triennial Agreement was endorsed by members at the 15 November Triennial Meeting and is now required to be approved by each member council. The draft Agreement is based on the previous Triennial Agreement, with no amendments apart from a change to the membership. Further opportunities for review of both the Agreement and administrative arrangements will occur in 2020.

Once approved by each partner council, the draft Triennial Agreement will be signed by the Mayors/Chairman at the next Triennial Meeting on 14 February 2020 enabling the 1 March statutory requirement to be met.

**3. NGĀ TŪTOHUNGA
RECOMMENDATIONS:**

- 1. That the report 'Bay of Plenty Triennial Agreement 2019-2022' be received.**
- 2. That Council 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. That Council approves the Bay of Plenty Triennial Agreement 2019-2022.**

4. TE TĀHUHU 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.

The previous Triennial Meeting did not have an opportunity to review the Triennial Agreement prior to the October 2019 election, therefore the proposed Agreement is modelled on the 2016-2019 Triennial Agreement, with one minor change to membership regarding South Waikato District Council. A further review of the Agreement and administrative responsibilities may be undertaken in 2020 on the direction of the members.

The 2019 – 2022 Triennial Agreement was presented to members at the Triennium Meeting on 15 November 2019 where it was approved.

In order to meet the statutory requirement for adoption it is proposed the attached Agreement (Appendix 1) be endorsed at this meeting so it can be circulated to all councils that are party to the Agreement for their respective approval. Once approved by all member councils, the Agreement will then be signed by all Mayors and Chairman at the February 2020 triennial meeting.

5. CHANGE IN MEMBERSHIP

In the previous Agreement South Waikato District Council were included as a party to the Agreement as it was considered the inclusion formalised the current informal arrangement and recognised that more councils working together with an interest in and link to our region, was beneficial. However, on receipt of a letter from Mayor Jenny Shattock, dated 5 November 2019, South Waikato has resigned membership as a party to the BOP Triennial Agreement and on this basis has been removed from the proposed Triennial Agreement.

6. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

6.1 Legal Requirements

Section 15 of the LGA, which sets out the minimum requirements for triennial agreements, which 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.

6.2 Triennial meetings

For the Bay of Plenty Triennial meetings 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.

6.2.1 What is the status of triennial meetings?

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 free and frank discussion.

6.2.2 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.

6.2.3 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. 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.

6.2.4 Are the triennial meeting minutes available to all councillors?

The Triennial Meeting Agendas and Minutes are available in the Stellar Library under Triennial Meetings.

6.3 Next steps

The final steps in the Triennial Agreement process are:

1. Receipt by the Regional Council of all the resolutions by individual local authority members approving the Triennial Agreement;
2. The formal signing of the Triennial Agreement by the Mayors/Chairman at the next triennial meeting on 14 February 2020.

7. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

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

8. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

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

9. HE WHAIWHAKAARO CONSIDERATIONS

9.1 Mahere Pūtea Financial/budget considerations

There are no financial costs associated with this item.

9.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

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

9.3 Tūraru 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.

**9.4 Te Whaimana
Authority**

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

**10. NGĀ ĀPITI HANGA
ATTACHMENTS**

Attachment 1: Draft Bay of Plenty Triennial Agreement 2019 – 2022 (Pages 40 – 50)

**BAY OF PLENTY
TRIENNIAL
AGREEMENT**

For the triennium from October 2019 to October 2022

Endorsed by Triennial Meeting on

Bay of Plenty Triennial Agreement

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;
- 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 communities¹ 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.

¹ 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 2019 to 2022 Triennial Agreement**

Chairman
Bay of Plenty Regional Council

Mayor
Kawerau District Council

Mayor
Ōpōtiki District Council

Mayor
Rotorua Lakes Council

Mayor
Taupō District Council

Mayor
Tauranga City Council

Mayor
Western Bay of Plenty District Council

Mayor
Whakatāne District Council

Dated: _____

Appendix 1 – Possible areas of collaboration

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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