MEETING
AGENDA
Ngā Take

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Western Bay of Plenty
District Council

COUNCIL

Te Kaunihera

C11
Tuesday, 21 November 2017
Council Chambers
Barkes Corner, Tauranga
12.30pm

Te Kaunihera a rohe mai i nga Kuri-a-Wharei ki Otamarakau ki te Uru

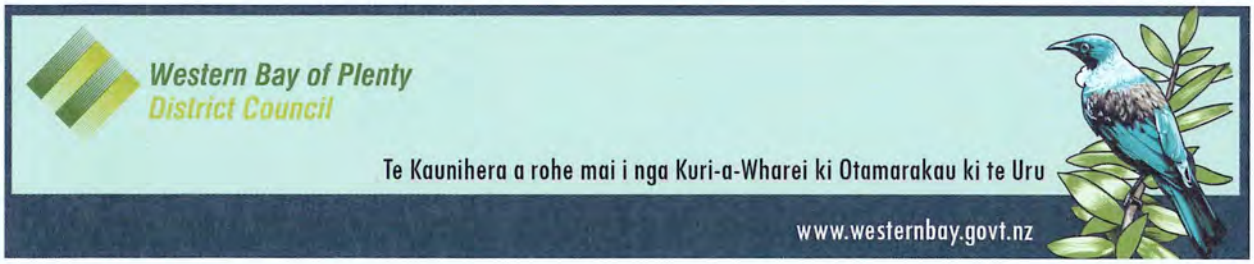
Notice of Meeting No C11
Te Karere

Council
Te Kaunihera

Tuesday, 21 November 2017
Council Chambers
Barkes Corner
12.30pm

His Worship the Mayor	G J Webber (Chairperson)
Deputy Mayor	M Williams
Councillors:	G Dally
	M Dean
	M Lally
	P Mackay
	K Marsh
	D Marshall
	M Murray-Benge
	J Palmer
	J Scrimgeour
	D Thwaites
Media	
Staff	

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Council Delegations
Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is six members.

Role:

- To exercise all powers and functions to deal with statutory and procedural matters, to carry out civic duties and responsibilities, and to exercise all non-delegated functions.
- To delegate authorities as appropriate to Council committees and the Chief Executive Officer.
- To delegate any authorities which may be additional to the roles required under the Local Government Act 2002 to Community Boards, and to appoint Councillors to Community Boards.
- To establish Joint Committees of Council, and appoint elected members and/or others to these committees.
- To make all financial decisions not otherwise delegated or included in Council's Long Term Plan and/or Annual Plan.
- To maintain, monitor and direct an overview of Council's finances including but not limited to:
  - The financial progress of major capital works projects including those considered in the Long Term Plan and Annual Plan processes.
  - Implementation of Council's risk management.
  - Approval of new debt and/or new facilities.
  - Receiving exception reports on Council's financial performance at least quarterly.
  - Undertaking all financial monitoring of performance against the Long Term Plan and Annual Plan.
  - Ensuring treasury management within the limitations of the Treasury Policy as set by the Long Term Plan.
  - Allowing for variations from Council's key treasury policy ratios.

- To exercise all non-delegated functions being:
  (a) The power to make a rate
  (b) The power to make a bylaw
  (c) The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan
  (d) The power to adopt a long term plan, annual plan, or annual report
  (e) The power to appoint a chief executive
  (f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the local governance statement
  (g) The power to adopt a remuneration and employment policy
  (h) The power to enter into contracts otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959
  (i) The power to initiate any proceedings in the High Court that are not injunctive proceedings
  (j) The power to remove the Deputy Mayor subject to Schedule 7 (18) of the Local Government Act 2002

(k) The power to discharge or reconstitute any committee established by the Mayor subject to Schedule 7 (30) of the Local Government Act 2002
(l) Powers as conferred by the Minister of Conservation under the Reserves Act 1977

Procedural Matters:

- Confirmation of all Standing Committee minutes excluding the District Plan Committee, Regulatory Hearings Committee and District Licensing Committee minutes
- Receipt for information all Community Board minutes
- Receipt for information all District Plan Committee, Regulatory Hearings Committee minutes and District Licensing Committee minutes
- Adoption and amendment of Standing Orders.
- Establishment of and delegations to Joint Committees, Sub Committees and any other governance body that the Council deems necessary.
- Purchase, sell and dispose of Council property other than delegated in accordance with all of the following:
  - the Long Term Plan
  - the Significance Policy
  - Council's Asset Management Plans
  - Council's Reserve Management Plans
  - Committee or appropriate delegations
- Councillor and Council appointments to other organisations.
- Approval of elected member training/conference attendance.

Any other procedural matters as required under the Local Government Act 2002 or any other Act.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance that this be delegated to the Mayor/Deputy Mayor with a report back to Council at the next scheduled meeting.

Should there be insufficient time for Council to consider approval of a final submission to an external body that the signing off of the submission on behalf of Council be delegated to the Mayor/Deputy Mayor provided that the final submission be reported to Council or the relevant Committee at the next available meeting.

Mayor and Councillors' Delegations:

Pursuant to Clause 32(1) of Schedule 7 of the Local Government Act 2002, to each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people pursuant to Section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

Agenda for Meeting No. C11

Pages

Present
In Attendance
Apologies

Public Forum

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address Council for up to three minutes on items that fall within the delegations of Council provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Mayor by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Mayor has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

C11.1 **Receipt of Minutes - Tauranga Moana / Te Arawa ki Takutai Partnership Forum (PF2) dated 10 November 2017** 7-11

Attached are the minutes from the Tauranga Moana / Te Arawa ki Takutai Partnership Forum (PF2) dated 10 November 2017.

Recommendation

THAT the minutes from the Tauranga Moana / Te Arawa ki Takutai Partnership Forum (PF2) dated 10 November 2017 be received.

C11.2 **Recommendation from the Tauranga Moana / Te Arawa ki Takutai Partnership Forum - Establishment of Māori Ward/s** 12-15

Attached is a report from the Democracy Management Advisor dated 13 November 2017.

C11.3	**Establishment of Māori Wards 2017** Attached is a report from the Group Manager Technology, Customer and Community Services dated 13 November 2017.	16-20
C11.4	**Recommendations to the Remuneration Authority Consultation Document 2017** Attached is a report from the Mayor dated 8 November 2017.	21-25

Western Bay of Plenty District Council

Minutes of Meeting No. PF2 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 10 November 2017 in the Council Chamber, Barkes Corner commencing 10.00am

Present

Iwi Representatives

Anthony Wihapi (Ngati Moko) (Presiding Co-Chairperson), Reon Tuanau (Ngai Te Rangi) (Co-Chairperson), Tiki Bluegum (Ngai Tamawhariua), Matire Duncan (Ngā Potiki), Gail Skerrett-White (Ngati Pikiao), Bob Leef (Ngati Taka), Wiremu Matthews (Ngai Tamarawaho), Buddy Mikaere (Ngati Pukenga), Riki Nelson (Ngati Te Wai), Julie Shepherd (Te Runanga o Pirirakau), Horace Te Moni (Ngati Rangiwewehi) and Kevin Tohiariki (Te Whanau o Tauwhao)

Councillors

His Worship the Mayor G J Webber (Deputy Chairperson), G Dally, M Dean, M Lally, P Mackay, K Marsh, D Marshall, J Scrimgeour, and D Thwaites

In Attendance

R Davie (Group Manager Policy, Planning and Regulatory Services), E Holtsbaum (Group Manager Technology, Customer and Community Services), P Hennessey (Strategic Advisor), G Payne (Strategic Advisor), B Whitton (Customer Relationships Manager), E Rogers (Policy and Planning Manager), C Watt (Environmental Consents Manager), P Tapsell (Workforce Development and Cultural Advisor), C Nepia (Māori Relationships and Engagement Advisor), S Stewart (Policy Analyst), C Taylor (Election Services), M Parnell (Democracy Advisor), and F Sweeney (Democracy Management Advisor)

Others

Tania Turner, Hohepa Maxwell

The meeting opened with a karakia from Reon Tuanau. Anthony Wihapi (Chair of the meeting) then invited the Mayor to give his greetings. Mayor Webber welcomed all present followed by a mihi and introduction from Anthony Wihapi.

Apologies

Apologies for absence were received from Nessie Kuka (Ngai Tuwhiwhia), Raiha Biel (Tapuika Iwi Authority), Liam Tapsell (Ngati Whakaue), Maru Tapsell, Roland Kingi (Ngati Pikiao), Rehua Smallman (Ngati Pukenga), Carlton Bidois, and Councillors Murray-Benge, Palmer and Williams.

Resolved: Anthony Wihapi / Reon Tuanau

THAT the apologies for absence from Nessie Kuka, Raiha Biel, Liam Tapsell, Maru Tapsell, Roland Kingi, Rehua Smallman, Carlton Bidois and Councillors Murray-Benge, Palmer and Williams be accepted.

PF2.1 **Minutes of Meeting No. PF1 the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 29 August 2017**

The Tauranga Moana / Te Arawa Ki Takutai Partnership Forum considered the minutes of meeting no. PF1 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 29 August 2017 as circulated with the agenda.

Resolved: Cr Mackay / Maria Horne

THAT the minutes of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum meeting PF2 held on 29 August 2017 be confirmed as a true and correct record provided there be an amendment to show that Colin Reeder represented Nga Potiki.

Decision

PF2.2 **Establishment of Maori Ward/s**

The Partnership Forum considered a report from the Group Manager Regulatory, Planning and Policy dated 27 October 2017 as circulated with the agenda. Anthony Wihapi spoke of the importance of this item, and thanked all present for the work that had led to this discussion. A video was then shown to all present on the topic of Māori representation.

Following the video there was a powerpoint presentation presented jointly by Reon Tuanau, Maria Horne and Kevin Tohiariki.

The first section of the presentation, given by Reon Tuanau, addressed defining a new partnership and he outlined the following topics as the focus for the presentation defining a new partnership:

- The opportunity for redefinition of the partnership between Council and Tangata Whenua.
- The mandate for change arising from a changing political climate in New Zealand, the need for recognition of the increasing economic influence of tangata whenua, and the potential created through the

opportunity provided with improved representation at the Council table.
- The key drivers for representation.
- Politics, rhetoric and reality in regard to Māori representation.
- Telling the story of tangata whenua.
- The leadership opportunity.
- Natural progression in the relationship between Tangata Whenua and Council.
- Addressing equity and fairness.
- Being in sync with the changing landscape taking into account post treaty settlement environments, changes in central government, and the recent adoption of Māori wards in Wairoa and Palmerston North.

Maria Horne then continued the presentation emphasising the mandate for change, and noting the legislative background to the proposal for Māori representation including highlighting the following:
- Representation at the Council table would be an expression of the constitutional position under the Treaty of Waitangi.
- There would be greater opportunity for Council to understand issues of whanau, hapu and iwi.
- Māori representation would be directly accountable to electors.
- Section 14 of the Local Government Act provided the opportunity.
- Tangata Whenua had an enduring connection to the land, sea and treasures of the district.
- With the increasing economic influence as a result of Treaty settlements, there was an opportunity for the whole district to benefit through improved relationships.

Kevin Tohiariki continued the presentation discussing process and politics, speaking to the following topics:
- The bureaucratic process around Māori representation gave some options.
- This Council had been up front with its communities.
- There were a number of hurdles ahead including interpretations of democracy, and the view that Māori wards were separatist, both issues which could be refuted.

Maria Horne and Reon Tuanau closed the presentation, followed by a waiata. A document containing questions and answers was tabled.

Kevin Tohiariki then outlined the next steps towards the process of putting in place Māori wards.

In response to questions the three speakers answered as follows:
- Section 14 of the Local Government Act provides Council the mandate to consider Māori representation in terms of ensuring tangata whenua involvement in decision making.
- Councils that had taken up Māori ward representation included the Bay of Plenty and Waikato Regional Councils, Wairoa and potentially Palmerston North.

- Change was happening now and this was why although historically Councils had not taken this up there was now opportunity for Western Bay of Plenty District Council to consider this.

In response to a technical question about the legislation, Craig Taylor of Election Services gave a verbal summary of the legislation giving Council the opportunity to provide for Māori wards. He explained the process that Council would be obliged to follow in initiation of Māori Wards including provisions for polls, the legal requirements for polls, and that should a poll be initiated it would be taken across the entire electorate of all eligible voters.

A question was raised in relation to the figures on the Māori electoral roll and how under 18 year olds were measured in regard to the total population figures. A further clarification was sought and a request was made that this information be provided to Council by the 21 November Council meeting.

It was clarified that the principal issue for this meeting today was whether or not the forum wished to recommend that there should be representation through Māori wards, with the number of wards to be decided at a later date.

In summary the Group Manager Policy, Planning and Regulatory Services advised that the report, presentation and tabled list of questions and answers were now for the group to consider in terms of the proposed resolutions.

On invitation from the Chair, Buddy Mikaere stated on behalf of his iwi commendations to speakers and the Council for putting this issue on the table. He noted the growth of the district had also created a growth in social issues, and Council should now take more of a role in social issues to address the widening gap between rich and poor. Ngati Pukenga was fully in support of seeing Māori representation at the next election.

Resolved: Buddy Mikaere / Cr Mackay

1. *THAT the Partnership Forum recommends to Council the establishment of a Māori ward/s at the Council meeting to be held on 21 November 2017;*

   and

   THAT the Partnership Forum will be maintained as another important mechanism through which Tangata Whenua contribute to Council decision making.

   The vote supporting the resolution was unopposed and unanimous.

   The presiding Co-Chair commended the Forum on its discussion and decision.

11.00am The meeting adjourned for morning tea.
11.25am The meeting reconvened.

Information

PF2.3 **Prioritisation of Te Ara Mua**

The Workforce Development and Cultural Advisor introduced the discussion on the prioritisation of projects within Te Ara Mua, noting that the meeting would break into four workshop groups to look at different parts of Te Ara Mua with half an hour for informal discussion.

At the end of the informal session spokespeople from each group gave a summary of their discussions and notes. The Workforce Development and Cultural Advisor thanked all for their work and said this would be collated and reported back formally to the forum.

The Mayor thanked all present for their work and observed that the issues raised at this forum and by Tangata Whenua were common with issues raised by communities throughout the district.

The presiding Chair thanked all for the positive work of this forum.

There being no further business, Reon Tuanau closed the meeting at 12.42pm with a karakia.

PF2

Western Bay of Plenty District Council

Council

Recommendation from the Tauranga Moana/Te Arawa ki Takutai Partnership Forum – Establishment of Maori Ward/s

Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

a. adopt as recommended
b. to modify
c. refer to another Committee
d. to decline (giving reasons) and refer back to the <<Council / Committee >>

Recommendation from the Tauranga Moana/Te Arawa ki Takutai Partnership Forum PF2 (10 November 2017)

PF2.2 **Establishment of Māori Ward/s**

The Partnership Forum considered a report from the Group Manager Regulatory, Planning and Policy dated 27 October 2017 as circulated with the agenda. Anthony Wihapi spoke of the importance of this item, and thanked all present for the work that had led to this discussion. A video was then shown to all present on the topic of Maori representation.

Following the video there was a powerpoint presentation presented jointly by Reon Tuanau, Maria Horne and Kevin Tohiariki.

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- The opportunity for redefinition of the partnership between Council and Tangata Whenua.

- The mandate for change arising from a changing political climate in New Zealand, the need for recognition of the increasing economic influence of tangata whenua, and the potential created through the opportunity provided with improved representation at the Council table.
- The key drivers for representation.
- Politics, rhetoric and reality in regard to Maori representation.
- Telling the story of tangata whenua.
- The leadership opportunity.
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- Addressing equity and fairness.
- Being in sync with the changing landscape taking into account post treaty settlement environments, changes in central government, and the recent adoption of Maori wards in Wairoa and Palmerston North.

Maria Horne then continued the presentation emphasising the mandate for change, and noting the legislative background to the proposal for Maori representation including highlighting the following:

- Representation at the Council table would be an expression of the constitutional position under the Treaty of Waitangi.
- There would be greater opportunity for Council to understand issues of whanau, hapu and iwi.
- Maori representation would be directly accountable to electors.
- Section 14 of the Local Government Act provided the opportunity.
- Tangata Whenua had an enduring connection to the land, sea and treasures of the district.
- With the increasing economic influence as a result of Treaty settlements, there was an opportunity for the whole district to benefit through improved relationships.

Kevin Tohiariki continued the presentation discussing process and politics, speaking to the following topics:

- The bureaucratic process around Maori representation gave some options.
- This Council had been up front with its communities.
- There were a number of hurdles ahead including interpretations of democracy, and the view that Maori wards were separatist, both issues which could be refuted.

Maria Horne and Reon Tuanau closed the presentation, followed by a waiata. A document containing questions and answers was tabled.

Kevin Tohiariki then outlined the next steps towards the process of putting in place Maori wards.

In response to questions the three speakers answered as follows:

- Section 14 of the Local Government Act provides Council the mandate to consider Maori representation in terms of ensuring tangata whenua involvement in decision making.
- Councils that had taken up Maori ward representation included the Bay of Plenty and Waikato Regional Councils, Wairoa and potentially Palmerston North.
- Change was happening now and this was why although historically Councils had not taken this up there was now opportunity for Western Bay of Plenty District Council to consider this.

In response to a technical question about the legislation Craig Taylor of Election Services gave a verbal summary of the legislation giving Council the opportunity to provide for Maori wards, and explained the process which Council would be obliged to follow in initiation of Maori Wards including provisions for polls, the legal requirements for polls, and that should a poll be initiated it would be taken across the entire electorate of all eligible voters.

A question was raised in relation to the figures on the Maori electoral roll and how under 18 year olds were measured in regard to the total population figures. A further clarification was sought and a request was made that this information be provided to Council by the 21 November Council meeting.

It was clarified that the principal issue for this meeting today was whether or not the Forum wished to recommend that there should be representation through Maori wards, with the number of wards to be decided at a later date.

In summary the Group Manager Policy, Planning and Regulatory Services advised that the report, presentation and tabled list of questions and answers were now for the group to consider in terms of the proposed resolutions.

On invitation from the Chair Buddy Mikaere stated on behalf of his iwi commendations to speakers and the Council for putting this issue on the table. He noted the growth of the district had also created a growth in social issues, and Council should now take more of a role in social issues to address the widening gap between rich and poor. Ngati Pukenga was fully in support of seeing Maori representation at the next election.

Resolved: Buddy Mikaere / Cr Mackay

1. *THAT the Partnership Forum recommends to Council the establishment of a Māori ward/s at the Council meeting to be held on 21 November 2017;*

   and

THAT the Partnership Forum will be maintained as another important mechanism through which Tangata Whenua contribute to Council decision making;

The vote supporting the resolution was unopposed and unanimous.

Staff Comments

The recommendations from the Partnership forum have been included in a substantive report to Council following receipt of this item.

Recommendation

THAT Council receives the recommendations of the Tauranga Moana/Te Arawa ki Takutai Partnership Forum regarding the establishment of Māori wards and notes that these are included in a substantive report to follow the receipt of this report.

Fleur Sweeney
Democracy Management Advisor

Western Bay of Plenty District Council

Council

Establishment of Māori Wards 2017

Purpose

Council to consider whether or not to establish Māori wards for the 2019 and 2022 triennial elections.

Recommendation

1. THAT the Group Manager Technology Customer and Community Services report dated 13 November 2017 and titled Establishment of Māori Wards 2017 be received.

2. THAT the report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.

3.a THAT in accordance with the discretion conferred by Section 19Z of the Local Electoral Act 2001, Māori wards shall be established for the next two triennial elections in 2019 and 2022.

Or

3.b THAT in accordance with the discretion conferred by Section 19Z of the Local Electoral Act 2001, Māori wards shall not be established for the next two triennial elections in 2019 and 2022.

AND (if Council agrees to establish Māori wards)

4. THAT public notice of the decision to establish Māori wards (and the right of electors to demand a poll) shall be duly given in accordance with the requirements of the Local Electoral Act 2001.

5. THAT the Partnership Forum will be maintained as another important mechanism through which Tangata Whenua contribute to Council decision making.

Erica Holtsbaum
Group Manager Technology, Customer and Community Services

1. Background

Requirements of the Local Electoral Act:

The Local Electoral Act 2001 (LEA) requires Council to review its representation arrangements every six years. Council last reviewed its representation arrangements in 2012 and is accordingly required to undertake another review in 2017/2018. The review process has commenced.

The representation review requires Councils to consider:

- The basis of election (at large, wards or a mix of both)
- The number of councillors
- The number of wards, their boundaries and names.
- Community boards (establish, disestablish, subdivide, nature and number of elected and appointed members).

Council must consider when determining its representation arrangements:

1. Communities of interest
2. Effective representation
3. Fair representation

These requirements inform the basis of Council's initial representation proposal which must be publicly notified for submissions. Any submissions received to the initial proposal must be heard and considered by Council who thereafter notifies its final representation proposal for the requisite appeal/objection period. Any appeals or objections to the final representation proposal are determined by the Local Government Commission.

As well as the mandatory requirements noted above Council also has the discretion, as part of a formal representation review, to consider changing the electoral voting system and/or to establish Māori wards. Given the discretionary nature of these two aspects of a representation review, they cannot be appealed to or determined by the Local Government Commission. Instead, and as described more fully below, Council is obliged to notify its decision in relation to the electoral system (FPP or STV) and if applicable, to the establishment of Māori wards. (There is no corresponding obligation on Council to notify a decision not to establish Māori wards). The public has the right to demand a poll in relation to the choice of electoral system and, if applicable, the establishment of Māori wards.

Section 19Z of the LEA confers on Council the discretion to establish one or more Māori wards for electoral purposes. A resolution made under this section, if made no later than 23 November of the year that is two years before the next triennial election, takes effect for the next two triennial elections and continues until a further resolution or poll of electors takes effect.

Section 19ZB of the Act sets out the rights of the public to demand a poll on the establishment of Māori wards at any time. A demand for a poll must be made by

5% of the number of electors enrolled as eligible to vote in the previous general election of the local authority. In the case of Western Bay of Plenty District Council, 5% of electors is 1,708. For the results of a poll to take effect for the 2019 and 2022 triennial general elections the demand for a poll must be received by 21 February 2018 and the poll held by 21 May 2018. Any demand for a poll received after 21 February 2018 would not take effect until the 2022 triennial general election (such a poll could then be held in conjunction with the 2019 triennial general election.

As an alternative to a section 19Z resolution to establish one or more Māori wards for electoral purposes, Council can instead resolve that a poll be held on the whether one or more Māori wards are established. The results of any poll are binding on Council for two triennial elections. The timing of the poll and when it would take effect is the same as for a poll demanded by the public, as outlined above.

The representation review process to date:

Council resolved on 10 August 2017 to retain the first past the post electoral system for the 2019 election and this has been publicly notified.

Further, and at the request of Council, the question of whether or not to establish Māori wards has been referred through the Tauranga Moana/Te Arawa ki Takutai Partnership forum for consideration and recommendation. The minutes of that meeting and recommendation from the Forum are included as agenda items with this report.

Māori input into Council decision making:

The current contributions of tangata whenua into Council processes is set out below:

- The Tauranga Moana/Te Arawa ki Takutai Partnership Forum which is an advisory committee of Council made up of all members of Council including the Mayor and 16 tangata whenua representatives. The purpose of the Forum is to advise Council and its committees on matters affecting tangata whenua.
- Forum co-chairs are invited to attend all Council and committee workshops.
- Tangata whenua representatives are included on the SmartGrowth Implementation Committee and combined Tangata Whenua Forum.
- Participation at iwi and hapu level on specific projects which need to consider Māori values.
- Project Wai Ora.
- Resource consent and cultural monitoring.
- Assistance from relevant tangata whenua with blessings for Council projects and significant civic events.

Impact of Decision to Establish Māori Wards

The decision on whether to establish Māori wards is a decision in principle only, and the matter of the number of Māori councillors and Māori wards, and consequential

effects on the overall representation of Council, will be addressed further into the Representation Review when Council considers its representation arrangements.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of high significance because there is a high level of community interest, and in particular for our tangata whenua community.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Tangata Whenua	As noted in the report this matter has been referred to tangata whenua through the Tauranga Moana/Te Arawa ki Takutai Partnership Forum and consequently referred back to Council with recommendations
General Public	Council's decision will be publicly notified should it choose to establish one or more Māori ward/s.

4. Issues and Options Assessment

To establish/not establish Māori Wards	
Reasons why no options are available	**Legislative or other reference**
To meet the timeframes set under the Local Electoral Act 2001, for the outcome to apply for the 2019 and 2022 triennial general elections, Council must resolve this matter by 23 November 2017.	Local Electoral Act 2001 19Z – 19ZH

5. Statutory Compliance

Council's resolution will discharge its obligations under the Local Electoral Act.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
$70,000	Should a valid poll be required to run prior to the triennial election.
$7000	Should a poll run in conjunction with the next triennial election

Date 8 November 2017 **Open Session**
Subject Submission to Remuneration Authority Consultation Document 2017

Western Bay of Plenty District Council

Council

Mayor's Report to Council – Recommendations to the Remuneration Authority Consultation Document 2017

1. Background

Council will recall that at a workshop held on 14 September Part 3 – Longer Term Proposals from the Remuneration Authority was considered. The comments and recommendations from elected members made at that workshop have been consolidated into the attached document **(ATTACHMENT A)** for Council to formally consider for adoption.

A response must be received by the Authority no later than 15 December 2017. It is my intention to seek the opportunity to speak directly to the Authority on the issues raised in our submission.

Recommendation

1. ***THAT the Mayor's Report to Council with recommendations to the Remuneration Authority on Part 3 of the Consultation Document issued in 2017 be received.***

2. ***THAT Council endorse the proposed responses to the Remuneration Authority as attached to this report (Attachment A).***

.....
Garry Webber
Mayor

Attachment A

Western Bay of Plenty District Council

Response to 2017 Remuneration Authority Consultation Document – Part Three – Longer Term Proposals

Council sizing and factors proposed to be used

As an overarching comment to this section Council notes that using the internationally recognised Hay system to analyse weighting and job sizing would be the fairest measure of remuneration for elected members.

With regard to the proposed factors to be used for sizing councils

- **Are there significant influences on council size that are not recognised by the factors identified?**

Factors which are not recognised are:

- Regional and local growth impact
- Density and distance of population served, geography.
- Asset complexity (as opposed to size) – e.g. the need in rural authorities to have more than one wastewater/water treatment plant to serve scattered smaller concentrations of population.
- Capital expenditure as well as operational expenditure.

- **Are there any factors that we have identified that you believe should not be used and why?**

- Number of guest nights – this is not an accurate measure as it does not recognise the pressures placed on some territorial authorities by the influx of seasonal workers for horticultural work.

- As a measure the number of guest nights does not recognise the significant influx of Christmas visitors Labour weekend through to Easter at beach locations such as Waihi Beach and Pukehina.

- **When measuring council assets, do you support the inclusion of all council assets, including those commercial companies that are operated by boards?**

- Yes

Weighting

Council reiterates that using the internationally recognised Hay system to analyse job sizing would be the fairest measure of remuneration for elected members and should account for 80% of remuneration. Council size should account for 20%.

- **Are you aware of evidence that would support or challenge the relativity of the factors for each type of council?**

  - Factors should not have as much weighting as job size (refer comments on Hay system.)
  - Growth/non-growth should be considered as a factor.
  - All Councils are bound by the same legislation requirements which is the main determinant of workload. Chatham Islands is required to meet the same standards as Auckland City.

Mayor/Chair Remuneration

- **Should mayor/chair roles should be treated as full time?**

- Yes for the Mayoralty.

- **Should there be a "base" remuneration level for all mayors/chairs, with additional remuneration added according to the size of the council?**

- Factors should not have so much weighting as job size. Remuneration should be based on workload rather than population of the representative area.

- If this is to be used the base salary should represent 80% with additional remuneration based on Council size at 20%

- **If so, what should determine this "base remuneration"?**

- A formal written job description.

Deputy Mayor, Committee Chair and Councillor Remuneration

- **Should councillor remuneration be decided by each council within the parameters of a governance/representation pool allocated to each council by the Remuneration Authority?**

- No. As previously noted remuneration should be set through assessment by way of the Hay analysis of job content. This would have the effect of setting elected member remuneration nationally in a fair and equitable manner to treat like for like.

- **If so, should each additional positon of responsibility, above a base councillor role, require a formal role description?**

- A system that job sized would also cater for payment for additional responsibility, and would have to be based on a formal job(role) description.

- **Should each council be required to gain a 75% majority vote to determine the allocation of remuneration across all its positions?**

- Council does not support the return to a pool system allocated by Council resolution, but rather a proper job measurement system managed centrally by the Remuneration Authority ensuring equity across all elected members in all Councils.

- **Should external representation roles be able to be remunerated in a similar way to council positions of responsibility?**

- As above, provided there was a job measurement system in place, such roles could be recognised as part of the formal role description and used in the assessment of the remuneration of the position. However, if a Council chose to require additional governance resources (i.e. CCO Directors) then their costs must be met from the pool, not additional to the pool.

- **Do the additional demands placed on CCO board members make it fair for elected members appointed to such boards to receive the same director fees as are paid to other CCO board members?**

- As above.

- **Should community board remuneration always come out of the council governance/representation pool?**

- No.

- **If not, should it be funded by way of targeted rate on the community concerned?**

- No - this can create inequity based on the size of the community being served. The work carried out by the Boards and Chairs is the same and should be remunerated accordingly, not based on the populations of the board areas.

- **If not, what other transparent and fair mechanisms are there for funding the remuneration of community board members?**

- The same system for assessing remuneration (i.e. Hay as referred to elsewhere in this document) should be used for Board remuneration, based on job sizing.

Local Government Pay Scale

As an overarching comment Council notes that using the internationally recognised Hay system to analyse weighting and job sizing would be the fairest measure of remuneration for elected members. Across all of local government elected member responsibilities are set through the tranche of legislative requirements that need to be managed at a governance level for the communities we serve. Regardless of the size of the authorities the process

requirements including community engagement, reporting, policy and strategy setting and operational monitoring together with prudent financial management on behalf the communities we serve remain the same.

Council also seeks the opportunity for the Mayor to visit and personally address the Authority on this matter.