

# Regional Council

## **NOTICE IS GIVEN**

that the next meeting of the **Regional Council** will be held in **Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga** on:

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**Tuesday, 14 February 2017 commencing at 9.30 am.**

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Mary-Anne Macleod  
Chief Executive  
7 February 2017





# Regional Council

## Terms of Reference

### Purpose

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the Council.

### Membership

All councillors are members of the Regional Council.

### Quorum

In accordance with Council standing order 10.1(a), the quorum at a meeting of the Regional Council is seven members, consisting of half the number of members.

### Meeting frequency

Six-weekly.

### Role of Council

- Address Local Electoral Act matters and Local Government Rating Act matters.
- Oversee all matters relating to identifying and contributing to community outcomes.
- Consider and agree on matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- Develop, adopt and review Council's Policy on Significance and decision-making policy and processes.
- Develop, adopt and implement the Triennial Agreement and the Code of Conduct.
- Consider and agree on matters relating to elected members' remuneration matters.
- Appoint the Chief Executive Officer, and review their contract, performance and remuneration at least annually.
- Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- Establish committees, subcommittees, and working parties and appoint members.
- Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.

- Approve membership to external bodies and organisations, including Council Controlled Organisations.
- Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- Review and approve strategic matters relating to the sale, acquisition and development of property for the purposes of meeting Council's organisational requirements and implement approved Regional Council policy.
- Address strategic corporate matters including property and accommodation.
- Institute any proceedings in the High Court that are not injunctive proceedings.
- Exercise the powers and duties conferred or imposed on Council by the Public Works Act 1981.
- Consider and agree on the process to develop the Long Term Plan, Annual Plan and Annual Report.
- Adopt Council policies as required by statute (for example Regional Policy Statement and Regional Land Transport Strategy) to be decided by Council or outside of Committee delegations (for example infrastructure policy).
- Delegate to commissioners to exercise the powers, functions and duties of the Council as a consent authority under the Resource Management Act 1991 including to hear and decide a consent application.
- Monitor Council's financial and non-financial performance in-year.
- Develop, review and approve Council's Financial Strategy and funding and financial policies and frameworks.

## Delegations from Council to Committees

- Full Council has a role to monitor the functioning of all committees.
- Full Council will consider matters not within the delegation of any one Council committee.
- Full Council may at any time, revoke or modify a delegation to a Council committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.

It is accepted in making these delegations that:

- The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
- The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
- The chairperson of each committee shall have the authority to exercise their discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

## Powers that cannot be delegated

Under Clause 32 Schedule 7 of the Local Government Act 2002, Full Council must make the following decisions:

- Make a rate.
- Make a bylaw.
- Borrow money or purchase or dispose of assets, other than in accordance with the long-term plan.
- Adopt the long-term plan, annual plan, or annual report.
- Appoint a chief executive.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Adopt a remuneration and employment policy.



## Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
  - name of participant;
  - organisation represented (if any);
  - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.





# Membership

<b>Chairman:</b>	D Leeder
<b>Deputy Chairman:</b>	J Nees
<b>Councillors:</b>	N Bruning, W Clark, J Cronin, S Crosby, D Love, T Marr, A Tahana, P Thompson, L Thurston, A von Dadelszen, K Winters
<b>Committee Advisor:</b>	S Kameta

Recommendations in reports are not to be construed as Council policy until adopted by Council.

## Agenda

*E te Atua nui tonu, ko mātau ēnei e inoi atu nei ki a koe, kia tau mai te māramatanga ki a mātau whakarite mō tēnei rā, arahina hoki mātau, e eke ai te ōranga tonu ki ngā āhuetanga katoa a ngā tangata ki tō mātau rohe whānui tonu. Āmine.*

*“Almighty God we ask that you give us wisdom in the decisions we make here today and give us guidance in working with our regional communities to promote their social, economic, environmental and cultural well-being. Amen”.*

### 1 Apologies

### 2 General Business and Tabled Items

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be delayed until a subsequent meeting.

### 3 Declarations of Conflicts of Interests

### 4 Public Forum

#### 4.1 Mr Max Lewis – Public transport matters

### 5 Previous minutes and workshop reports

5.1 Regional Council Strategic Issues Workshop Report - 13 December 2016	15
5.2 Regional Council Annual Plan 2017/18 Workshop Report - 13 December 2016	19
5.3 Regional Council Minutes - 15 December 2016	21

5.4	<b>Regional Council Treaty of Waitangi Settlements: Strategic Issues Workshop Report – 3 February 2017 (to follow under separate cover)</b>	
5.5	<b>Regional Council Annual Plan 2017/18 Workshop – 3 February 2017 (to follow under separate cover)</b>	
<b>6</b>	<b>Statutory Committee minutes</b>	
6.1	<b>Regional Transport Committee minutes - 16 December 2016</b>	<b>35</b>
6.2	<b>Rotorua Te Arawa Lakes Strategy Group minutes - 20 December 2016</b>	<b>41</b>
<b>7</b>	<b>Joint Committee minutes</b>	
7.1	<b>SmartGrowth Implementation Committee minutes - 14 December 2016</b>	<b>51</b>
7.2	<b>Eastern Bay of Plenty Joint Committee minutes - 14 December 2016</b>	<b>59</b>
<b>8</b>	<b>Chairman's Report</b>	
8.1	<b>Chairman's Report</b>	<b>69</b>
<b>9</b>	<b>Chief Executive's Reports</b>	
9.1	<b>Bay of Plenty Regional Navigation Safety Bylaw 2017 adoption</b>	<b>75</b>
	APPENDIX 1 - Navigation Safety Bylaw 2017 Commissioners Decisions Feb 2017	85
	APPENDIX 2 - Director Maritime NZ Comments	115
	<b>Note:</b> Commissioner and Independent Chair Les Porter will be in attendance for the item.	
9.2	<b>Nomination to Tauranga City Council's Transport Committee</b>	<b>121</b>
	APPENDIX 1 - TCC Transport Committee Terms of Reference	123
9.3	<b>June 2016 Flood Damage Costs</b>	<b>127</b>
9.4	<b>Council Performance Monitoring Report 2016/17 July - December, Months 1 to 6</b>	<b>133</b>
	SUPPORTING DOCUMENT - Council Performance Monitoring Report 2016/17 Months 1 to 6 (July to December)	
<b>10</b>	<b>Public Excluded Section</b>	<b>143</b>

### **Resolution to exclude the public**

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

**The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

<b>10.1 Public Excluded Regional Council minutes - 15 December 2016</b>	<b>145</b>
<b>Grounds</b>	
That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.	
<b>Reason</b>	
Please refer to the relevant clause in the meeting minutes.	
<b>10.2 Public Excluded Regional Transport Committee minutes - 16 December 2016</b>	<b>153</b>
<b>Grounds</b>	
That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.	
<b>Reason</b>	
Please refer to the relevant clause in the meeting minutes.	
<b>10.3 Public Excluded Rotorua Te Arawa Lakes Strategy Group minutes - 20 December 2016</b>	<b>155</b>
<b>Grounds</b>	
That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.	
<b>Reason</b>	
Please refer to the relevant clause in the meeting minutes.	
<b>10.4 Regional Property Update</b>	<b>157</b>
<b>Grounds</b>	
That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.	
<b>Reason</b>	
That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to 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.	
<b>10.5 Appointment of an Independent Member for Regional Council Audit and Risk Committee (report to follow under separate cover)</b>	
<b>10.6 Confidential Appendix 1 - Investment Performance Report 2016/17 Months 1 to 6</b>	<b>163</b>
<b>10.7 Confidential Appendix 2 - Investment Fund Valuation and Report for December 2016</b>	<b>167</b>

Agenda item 9.4 refers.

**Note:** Bancorp Treasury Services Limited Director Earl White will be in attendance for items 10.6 and 10.7 above.

**Grounds**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

**Reason**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

- 11 Confidential business to be transferred into the open**
- 12 Readmit the public**
- 13 Consideration of General Business**
- 14 Closing karakia**

# Previous minutes and workshop reports



# **Workshop Report of the Regional Council Workshop held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Tuesday, 13 December 2016 commencing at 9:30 am.**

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## **Present:**

**Chairman:** Chairman D Leeder

**Deputy Chairman:** Deputy Chairman J Nees

**Councillors:** N Bruning, W Clark, S Crosby, D Love, A Tahana (from 10am), L Thurston, P Thompson, A von Dadelszen, K Winters

**In Attendance:** M Macleod (Chief Executive), F McTavish (GM Strategy and Science), S Hey (Manager Chief Executive's Office), C Ingle (GM Integrated Catchments), M Taylor (GM Corporate Performance), E Grogan (GM Regulatory Services), J Graham (GM Corporate Solutions), K O'Brien (Strategic Engagement Manager), R Donald (Science Manager), I Morton (Strategy and Science Manager), D Phizacklea (Regional Integrated Planning Manager), S Lamb (Natural Resources Policy Manager), G Maloney (Transport Policy Manager), M le Comte (Organisational Planning Manager), N Poutasi (Water Policy Manager), J Read (Personal Assistant – GM Strategy), A Payne (Principal Advisor Chief Executive's Office)

**Apologies:** J Cronin, T Marr

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## **1 Introduction**

The purpose of the workshop was to enable Councillors to give initial consideration to key strategic issues facing Council and to provide direction on their preferred decision-making processes for each of these strategic issues.

## **2 Overview**

Chairman Leeder opened the workshop with a brief introduction and purpose statement, followed by brief opening statements from the Chief Executive and General Manager Strategy and Science.

It was noted that this was a 'pre-Long Term Plan' discussion on a number of strategic issues identified at the recent Briefing for Incoming Councillors, and that Council direction on the strategic issues themselves was not being sought at this time.

No formal papers were provided to the workshop. Instead Council received a short context presentation followed by a simple one-page diagram as a discussion prompt for each of the 10 strategic issues presented.

The strategic issues were grouped into three categories as a starting point, as follows:

The first category included fundamental strategic issues that will underpin subsequent Council decisions. These were: Council's planning approach for the 2018-2028 Long Term Plan; and Council's financial position.

The second category included strategic issues that required a level of direction on preferred decision making processes. These were: sustainable economic development; climate change; science; sustainable and resilient urban development; and BOPRC's role in funding infrastructure.

The final category included strategic issues that required confirmation or amendment to previously agreed decision making processes. These were: public transport; water; and co-governance.

### 3 **Discussion**

Direction was sought on what further information Councillors required to enable decision-making and what decision-making process they wished to undertake for each of the 10 strategic issues.

#### **1 Council's planning approach for the 2018-2028 Long Term Plan**

The General Managers Strategy and Science and Corporate Performance outlined the main options. The workshop gave direction that Council should take a strategically driven approach, starting with its Community Outcomes, but that the financial envelope should be used as a 'touchstone' throughout the planning process.

#### **2 Council's current financial position**

The General Manager Corporate Performance spoke to this topic, providing a high-level summary of how Council's current financial position works. The workshop gave direction that discussion of this topic should be undertaken, including presentation of further information, at the 28 February 2017 Council workshop.

#### **3 Sustainable economic development**

The General Manager Corporate Solutions spoke to this topic. The workshop gave direction that future sustainable economic development considerations should be included in the financial strategy and position discussions commencing with the 28 February 2017 workshop. It was noted that there are several other areas that require future decisions, but the decision-making process for each has already been determined.

#### **4 Climate change**

The General Manager Integrated Catchments spoke to this topic. It was noted that a discussion document is to be provided to the May or June 2017 Regional Direction and Delivery Committee. This will enable Council direction to be incorporated into development of the 2018-2028 Long Term Plan.

#### **5 Science**

The General Managers Integrated Catchments and Regulatory Services spoke to this topic. Staff were directed to provide feedback on achievable timing for provision of further information. This timing is to be incorporated into a draft Strategic Issues Workplan.



## **6 Sustainable and resilient urban development**

The General Manager Strategy and Science spoke to this topic. Staff were directed to provide feedback on achievable timing for provision of further information. This timing is to be incorporated into a draft Strategic Issues Workplan.

## **7 Public transport**

The General Manager Strategy and Science spoke to this topic. Staff were directed to provide feedback on achievable timing for provision of further information, including outcomes from early 2017 discussions with Tauranga City Council regarding the Western Bay of Plenty Public Transport Blueprint. This timing is to be incorporated into a draft Strategic Issues Workplan.

## **8 Water**

The General Manager Regulatory Services spoke to this topic. Staff were directed to provide feedback on achievable timing for provision of further information. This timing is to be incorporated into a draft Strategic Issues Workplan.

## **9 Co-governance**

The General Manager Strategy and Science spoke to this topic. A two-hour workshop has been developed to enable discussion of the topical matters facing BOPRC in regard to co-governance. Proposed timing is to be incorporated into a draft Strategic Issues Workplan.

## **10 Funding infrastructure**

The General Manager Corporate Performance spoke to this topic. The workshop gave direction that discussion of this topic, including presentation of draft principles to underpin future Council policy, should be undertaken at the 28 February 2017 Council workshop.

## **4 Conclusion**

The workshop gave direction that staff should develop a draft Strategic Issues Workplan to summarise the decision-making processes signalled at this workshop, including the decision-making processes for any further information requested by Councillors.

Once approved, the Strategic Issues Workplan will ensure Councillors have clarity on:

- What, when and how they can participate in discussions and decision-making for each of the strategic issues; and
- How the strategic issues discussions will integrate with the 2018-2028 Long Term Plan development process.

The 28 February 2017 Council workshop will address both process and content aspects of Council's strategic issues discussion, as follows:

- Process aspect: the draft Strategic Issues Workplan will be provided for feedback.

- Content aspects: presentations and material will be provided as a starting point for direction on Council's financial position and strategy, including Quayside; and Council's funding of third party initiatives, including infrastructure.

**The workshop closed at 2:00 pm.**

# **Workshop Report of the Regional Council Workshop held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Tuesday, 13 December 2016 commencing at 2:00 pm.**

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## **Present:**

**Chairman:** Chairman D Leeder

**Deputy Chairman:** Deputy Chair J Nees

**Councillors:** L Thurston, P Thompson, D Love, N Bruning, A Tahana, W Clark, S Crosby, K Winters, A von Dadelszen

**In Attendance:** M Macleod (Chief Executive), E Grogan (GM Regulatory Services), J Graham (GM Corporate Solutions), F McTavish (GM Strategy and Science), M Taylor (GM Corporate Performance), S Hey (Manager Chief Executive's Office), M Le Comte (Organisational Planning Manager), S Baker (Senior Planner - Council Strategy), M Norris (Planning Coordination Officer)

**Apologies:** J Cronin, T Marr

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## **1 Introduction**

The Chairman opened the workshop. Mr Taylor provided a brief introduction on the workshop which was focussed on the Annual Plan 2017/18. Mr Le Comte outlined the purpose to provide Councillors with an overview of the process for developing the Annual Plan 2017/18 as an update to year 3 of Long Term Plan 2015-2025.

Initial Councillor direction was requested on several key issues including:

- Confirmation of the list of issues papers being prepared for the 3 February 2017 Annual Plan Workshop,
- The approach to community engagement, and
- The preferred approach for rates and funding.

## **2 Issues Papers and Community Engagement**

Mr Le Comte presented the Annual Plan Process to Councillors. This included key legislative requirements, high level financials, and community engagement options.

Mr Le Comte outlined the review process undertaken for all activities covering all Long Term Plan (LTP) 2015-2025 year 3 KPI's, projects and annual deliverables. Issues that arose from these reviews were then prioritised by the Leadership Team. Councillors were requested to confirm that the resulting 12 Issues Papers were to be presented at the 3 February 2017 Annual Plan Workshop. The list of papers not prioritised were also available to Councillors. Councillors discussed this list of papers and directed staff to prepare the 12 recommended papers and two additional papers; Marine Spatial Planning and Consent/Compliance/Customer Service. Councillors provided direction on considerations or options to be included for several papers.

Mr Le Comte advised that none of the issues papers resulted in a “significant” or “material” change from LTP year 3 and that, therefore, Council was not required to undertake a formal and comprehensive consultation process on the Annual Plan 2017/18. Council could choose to run a full consultation process, use a simpler inform and seek feedback approach, or not seek community feedback because there are no material or significant changes being proposed.

Councillors discussed the approaches and provided initial direction to take a simple ‘*inform and seek feedback*’ approach and to schedule Annual Plan 2017/18 presentations to the councils in the region.

Councillors discussed the requirements and impacts of Service Delivery Reviews required under the Local Government Act (2002), and the potential to align these with Local Government Futures and other councils. Staff indicated that they would bring a brief update on the process for Service Delivery Reviews to the next workshop in February 2017.

### 3 **Rates and Funding**

Mr Le Comte outlined the currently projected rates increase for 2017/18, prior to the inclusion of budgets for the 14 Issues Papers. The total real rates revenue increase was less than provided for in LTP year 3, and further information was given on the projected split between general and targeted rates. It was highlighted that changes in the pattern of expenditure meant that the general rates increase would be higher in the draft 2017/18 Annual Plan than in the Long Term Plan Year 3 estimates. Councillor’s discussed the projected level of rates increase and whether one-off higher rates increases could be smoothed to minimise the impact to ratepayers through the use of various reserve balances, and implications for funding within the issues papers.

Mr Le Comte outlined four options to fund Issues Papers or reduce rates and these were discussed by Councillors.

One of these options related to the increased income of Quayside Holding Ltd. Councillors directed staff to write to Quayside Holdings Limited to initially plan for providing an increased dividend for 2017/18. The increased dividend requirement would be based on increased investment returns to Quayside based on a higher amount invested rather than distributing the investment funds received. Councillors confirmed that this wider and more long term discussion would take place in conjunction with Quayside Holdings Limited in relation to the 2018-2028 Long Term Plan.

### 4 **Conclusion**

The next workshop on the Annual Plan 2017/18 will be held on 3 February 2017. Staff will prepare the confirmed list of issues papers and updated financials implications and effects based on the direction received.

**The workshop closed at 3.05 pm**

# Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 15 December 2016 commencing at 9.40 a.m.

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## Present:

**Chairman:** D Leeder

**Deputy Chairman:** J Nees

**Councillors:** J Cronin, T Marr, L Thurston, P Thompson, D Love, N Bruning, A Tahana, W Clark, S Crosby, K Winters

**In Attendance:** F McTavish (Acting Chief Executive), C Ingle (General Manager Integrated Catchments), E Grogan (General Manager Regulatory Services), J Graham (General Manager Corporate Solutions), G Maloney (Acting General Manager Strategy & Science), S Craig (Communications Manager), Y Tatton (Interim Governance Manager), S Hey (Manager Chief Executive's Office), S Kameta (Committee Advisor)

Attendance in part: A Dixon (Strategic Accountant), A Payne (Principal Advisor), B Love (Contractor Project Manager for Kopeopeo Canal), B Crabbe (Rivers and Drainage Manager), S Omundsen (Tauranga Catchments Manager), J Waldon (Internal Services Manager)

**Apologies:** A von Dadelszen

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## 1 Apologies

### Resolved

That the Regional Council:

- 1 Accepts the apology from Cr von Dadelszen tendered at the meeting.

Leeder/Thurston  
CARRIED

## 2 General Business and Tabled Items

### 2.1 Late items

Council was advised of the following late items for consideration and the reasons why they were not on the agenda and could not be delayed:

- 1) Late Item 9.2A, Public Excluded Civil Defence Emergency Management Group meeting minutes - 5 December 2016 (Tabled Document Number 1)

The reason why item 9.2A was not on the agenda was that it was omitted in error. The reason why it could not be delayed is that it related to Item 6.3 and should be received in conjunction with the item at this meeting.

**2) Late Item 8.8, Chief Executive's report - Further Appointments to Regional Council Committees (Tabled Document Number 2)**

The reason why item 8.8 was not on the agenda was that confirmation of Rotorua Lakes Council's representatives had just come to hand. The reason the item could not be delayed is that the appointments to the Regional Transport Committee is required prior to its meeting on Friday 16 December.

## Resolved

That the Regional Council:

Pursuant to section 46A of the Local Government Official Information and Meetings Act 1987, considers the following late items at the meeting:

Tabled document 1	Late Item 9.2A	Public excluded Civil Defence Emergency Management Group meeting minutes - 5 December 2016
Tabled document 2	Late Item 8.8	Chief Executive's report - Further Appointments to Regional Council Committees

Leeder/Winters  
CARRIED

## 2.2 General business

The following items were raised for consideration under General Business:

- 1) Vote of thanks
- 2) Emergency Committee for statutory holiday period
- 3) Te Awanui Tauranga Harbour Advisory Group membership

## Resolved

That the Regional Council:

- 1 Considers the General Business items.

Leeder/Winters  
CARRIED

## 3 Declaration of conflicts of interest

No conflicts of interest were declared.

## 4 Previous minutes

### 4.1 Regional Council minutes - 15 November 2016

Regarding minute item 10.4, 'Committee structure for the 2016-2019 Triennium', the vacancy of Councillor Black's seat on the Te Awanui Tauranga Harbour Advisory

Group (referred to under resolution 62) was raised. The Chairman noted the matter for discussion under general business.

### **Resolved**

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council meeting held 15 November 2016, as a true and correct record.

Leeder/Thurston  
CARRIED

#### 4.2 **Extraordinary Regional Council minutes – 7 December 2016**

### **Resolved**

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Extraordinary Regional Council Meeting held 7 December 2016, as a true and correct record.

Bruning/Nees  
CARRIED

#### 5 **Statutory committee meeting minutes**

##### 5.1 **Rangitāiki River Forum minutes - 22 November 2016**

### **Resolved**

That the Regional Council under its delegated authority:

- 1 Receives the minutes of the Rangitāiki River Forum meeting held on 22 November 2016.

Winters/Love  
CARRIED

##### 5.2 **Te Maru o Kaituna River Authority minutes – 29 November 2016**

Item 5 regarding Ngāti Whakaue membership pertaining to Te Maru o Kaituna River Authority and pending positions that were being sought from Council and partners was noted.

### **Resolved**

That the Regional Council under its delegated authority:

- 1 Receives the minutes of the Te Maru o Kaituna River Authority meeting held 29 November 2016.

Nees/Leeder  
CARRIED

### 5.3 **Civil Defence Emergency Management Group minutes – 5 December 2016**

#### **Resolved**

That the Regional Council under its delegated authority:

- 1 **Receives the minutes of the Civil Defence Emergency Management Group meeting held 5 December 2016.**

**Love/Leeder  
CARRIED**

### 6 **Chairman's Report**

Chairman Leeder spoke to his report that updated Council on the Chairman's activities and items of interest. Regarding LGNZ Zone Two and National Council, the Chairman considered Council to be in a good position, having two representatives on the National Council. In terms of key issues of interest, he advised that the merits of the Upper North Island Strategy had been raised as a significant issue.

A request was made that councillors be kept updated on the status and outcomes of UNISA meetings, which the Chairman acknowledged, noting that meeting minutes would be circulated in confidence to councillors accordingly.

#### **Resolved**

That the Regional Council:

- 1 **Receives the report, *Chairman's Report*.**

**Leeder/Nees  
CARRIED**

### **Order of business**

With the leave of Council, the Chairman advised that agenda item 8.1, would be deferred until later in the meeting, to accommodate the delay and arrival of presenters.

### 7 **Chief Executive's reports**

#### 7.1 **Council Performance Monitoring Report 2016/17 July - October, Months 1 to 4**

The report provided Council with information to review financial and non-financial performance for all Council activities for the first four months of 2016/17.

The Chairman queried the need to replicate information from the Council Performance Monitoring Report (CPMR) in the agenda report. Mr Taylor acknowledged the report summarised key points from the CPMR and welcomed further feedback from members. The importance of the CPMR to gauge and track progress was acknowledged.

Discussion and clarification was received on:



- Utilisation of the Regional Fund for additional operating expenditure for catfish control;
- Activity based ratios of employees and contractors, which would be reported at a later date;
- KPIs not on track: Air quality exceedances would be addressed by new rules, however exceedances were expected over the next two years while rules were being put in place.
- The downturn in Tauranga public transport patronage was considered to be a culmination of patronage behaviour. Improving patronage with further promotion of transport services was suggested. Although the annual bus satisfaction survey was not planned until next year, this could be reviewed at an earlier date.
- The KPI for committee agenda and minutes would be reviewed.
- Information presented on rates remissions was historical and specific to each territorial authority's policies, with new data to be reported in the next CPMR. Many Maori land trusts were utilising the rate reductions.
- The Elected Members Health & Safety session scheduled for 7 February and the importance of attending was highlighted.

## Resolved

**That the Regional Council:**

- 1 Receives the report, Council Performance Monitoring Report 2016/17 July - October, Months 1 to 4.**
- 2 Notes the reported financial and non-financial performance for all Regional Council Activities.**
- 3 Notes the reported variations to estimates and targets for the period, and forecast for 2016/17.**
- 4 Approves an increase in the budget of \$280,000 operating expenditure and \$80,000 operating revenue for the Biosecurity Activity for catfish control in Lake Rotoiti and marine pest control. This is to be funded from the Regional Fund Reserve should there be no identifiable compensatory net underspend at the end of the financial year.**

**Cronin/Love  
CARRIED**

## 7.2 Elected Members' Code of Conduct 2016 - 2019

The report sought Council adopt its Councillor Code of Conduct, as required under the Local Government Act 2002. The report was taken as read and the Code of Conduct adopted without further discussion.

## Resolved

**That the Regional Council:**

- 1 Receives the report, Elected Members' Code of Conduct 2016 - 2019;**
- 2 Adopts the Code of Conduct for Elected Members 2016-2019 attached as Appendix 1.**

**Thompson/Love  
CARRIED**

## Order of business

Deferred agenda item 8.1 was received next on the agenda.

### 7.3 **Bay of Plenty Local Authority Shared Services (BoPLASS) Annual Report 2015/16**

*Refer PowerPoint Presentation Objective Ref A2514468*

The report provided the Annual Report for BOPLASS for 2015/16. BOPLASS Independent Board Director Craig O'Connell and Chief Executive Stephen Boyle provided background and outlined progress, achievements and strategic priorities of BOPLASS. Mr O'Connell noted opportunities that could be considered by BOPLASS members on cross-regional alignment and resourcing. He acknowledged the Regional Council as a strong constructive advocate of BOPLASS and sought feedback from councillors on any aspirations and gaps.

Members supported and commended BOPLASS's progress and work. Feedback was provided on the need for a change in the governance structure, favouring a mixed model of Council executive officers, independent and elected members. Further consideration was sought around shared services for risk, IT services and the potential opportunities to progress Local Government Futures work.

Members considered the Chief Executive's Innovation and Excellence project was pertinent to a section 17A service review, under the Local Government Act and matters being discussed. Members requested a report to be provided on the progress of the service review and the status of other territorial authorities in the region.

## Resolved

**That the Regional Council:**

- 1 Receives the report, Bay of Plenty Local Authority Shared Services (BoPLASS) Annual Report 2015/16;**
- 2 Notes the BoPLASS Annual Report 2015/16 and the performance information set out within it.**
- 3 Directs the Chief Executive to report back to Council on:**
  - a. the progress of the implementation and status of LGA section 17(A) service review for Bay of Plenty Regional Council and the status of other territorial authorities in the region; and**
  - b. the process for a governance review of BOPLASS.**

**Thompson/Bruning  
CARRIED**

### 7.4 **Councillor Remuneration 2016/2017**

The report sought that Council confirm its remuneration structure for the remainder of the 2016/17 financial year for submission to the Remuneration Authority.

Members received clarification on the proposed options for remuneration and considered it important to have differential remuneration for the Deputy Chair of Council, over and above that of committee chairs.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Councillor Remuneration 2016/2017;**
- 2 Recommends to the Remuneration Authority an amendment to the 2016/2017 Bay of Plenty Regional Council remuneration structure with option 2, being the preferred distribution of the additional responsibilities pool.**
- 3 Confirms the additional position description for the Chair of the Lake Rotorua Incentives Committee, as in Appendix 1, be submitted to the Remuneration Authority.**

**Crosby/Thurston  
CARRIED**

Councillors Thompson and Nees declared an interest and abstained from discussion and voting on the item.

## **Attendance**

Councillor Cronin exited the meeting at 11:20 am.

### **7.5 River Scheme Advisory Group - Terms of Reference**

The report provided a draft Terms of Reference for the River Scheme Advisory Groups for Council approval. Members acknowledged the value and purpose of the river scheme advisory groups and supported the approval of the terms of reference.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, River Scheme Advisory Group - Terms of Reference;**
- 2 Adopts these Terms of Reference, noting the new name of the groups;**
- 3 Directs the Regional Direction & Delivery Committee to appoint new members to the groups as set out in the report.**

**Clark/Bruning  
CARRIED**

## **Attendance**

Councillor Cronin re-entered the meeting at 11:25 am.

### **7.6 Bay of Plenty Triennial Agreement 2016-2019 and Triennial Meetings**

The report informed Council of the Triennial Forum and sought approval of the Bay of Plenty Triennial Agreement, following its endorsement by the Triennial Forum at its meeting on 5 December 2016.

Members discussed and received clarification regarding Triennial membership and the opportunity for elected members to attend Triennial meetings in an informal capacity. A request to have Triennial meeting minutes circulated to councillors was acknowledged, with them being made available in Stellar Library.

## **Resolved**

**That the Regional Council:**

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

**Thompson/Thurston  
CARRIED**

## **7.7 Overview of joint council initiatives in the Bay of Plenty**

The report outlined initiatives in which Bay of Plenty councils are involved in, or jointly lead, for Council's information and future reference for any future related discussion.

Members recognised the need to understand the various local government initiatives when considering Council's Annual Plan. It was clarified that Invest Bay of Plenty was currently on hold pending completion of all local spatial plans. The potential for duplication within spatial plans, Ten Year Plans and Annual Plans was cautioned. Acting Chief Executive Fiona McTavish advised that a workshop would be held in 2017 to further consider the regional spatial plan.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, *Overview of joint council initiatives in the Bay of Plenty*.**

**Leeder/Thompson  
CARRIED**

## **Attendance**

Deputy Chair Nees left the room at 11:42 am.

## 8 **Late Item**

### 8.1 **Further Appointments to Regional Council Committees**

*Refer Tabled Document Number 2.*

The report sought that Council appoint the respective territorial authority representatives as members to the Regional Transport Committee and the Public Transport Committee.

#### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Further Appointments to Regional Council Committees;**
- 2 Appoints the following territorial authority members to the Regional Transport Committee (pursuant to clause 105(2) of the Land Transport Management Act 2003):**

**Western Bay of Plenty District Council - Councillor Don Thwaites and Councillor John Palmer as the alternate; Tauranga City Council - Cr Rick Curach and Cr Terry Molloy as the alternate; Ōpōtiki District Council - Mayor John Forbes and Councillor Ken Young as the alternate; Rotorua Lakes Council – Mayor Steve Chadwick and Councillor Dave Donaldson as the alternate.**

- 3 Appoints the following territorial authority members to the Public Transport Committee (pursuant to clause 31 of Schedule 7 of the Local Government Act 2002):**

**Western Bay of Plenty District Council - Councillor Don Thwaites; Tauranga City Council - Cr Terry Molloy; Rotorua Lakes Council – Councillor Tania Tapsell and Councillor Mark Gould as the alternate.**

**Crosby/Thurston  
CARRIED**

#### **Attendance**

Deputy Chair Nees entered the room at 11:50 am.

## 9 **Public Excluded Section**

### **Resolution to exclude the public**

**That the Regional Council:**

**Excludes the public from the following parts of the proceedings of this meeting.**

**Leeder/Thurston  
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:

- 9.1 **Public Excluded Regional Council minutes - 15 November 2016**
- Grounds**  
Good reason for withholding exists under Section 48(1)(a).
- Reason**  
Please refer to the relevant clause in the meeting minutes.
- 9.2 **Public Excluded Extraordinary Regional Council minutes - 7 December 2016**
- Grounds**  
Good reason for withholding exists under Section 48(1)(a).
- Reason**  
Please refer to the relevant clause in the meeting minutes.
- 9.3 **Confidential Appendix 1 - Investment Performance Report 2016/17, Months 1 to 4**
- 9.4 **Confidential Appendix 2 - Investment Fund Valuation Report for October 2016**
- Grounds**  
Good reason for withholding exists under Section 48(1)(a).
- Reason**  
To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
- 9.5 **Multi Function Device Contract - Konica Minolta**
- Grounds**  
Good reason for withholding exists under Section 48(1)(a).
- Reason**  
To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
- 9.6 **Tauranga Bus Service Contract Extensions**
- Grounds**  
Good reason for withholding exists under Section 48(1)(a).
- Reason**  
To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

9.7 **Opureora Channel Dredging - Additional Funding and Contract Approval**

**Grounds**

Good reason for withholding exists under Section 48(1)(a).

**Reason**

To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

9.8 **Rangitaiki Floodway Widening Wick Drainage Installation Stage 3A - Tender Approval**

**Grounds**

Good reason for withholding exists under Section 48(1)(a).

**Reason**

To carry out, without prejudice or disadvantage, commercial activities.

9.9 **Kopeopeo Canal Remediation Project Update – 12**

**Grounds**

Good reason for withholding exists under Section 48(1)(a).

**Reason**

To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

9.10 **Lake Rotorua Incentives Committee - Additional Appointments**

**Grounds**

Good reason for withholding exists under Section 48(1)(a).

**Reason**

To protect the privacy of natural persons, including that of deceased natural persons.

**Council moved back into the open section of the meeting to consider items of General Business.**

10 **General Business**

10.1 **Vote of thanks**

A member wished to acknowledge and express her thanks to staff for their support in transitioning to Council's electronic based systems, which was noted and accepted accordingly.

## 10.2 **Emergency Committee for statutory holiday period**

A member queried whether an emergency committee needed to be established during the statutory holiday period. Acting Chief Executive Fiona McTavish advised that should an emergency arise that would require any decisions to be made, then an extraordinary meeting of Council could be called.

## 10.3 **Te Awanui Tauranga Harbour Advisory Group membership**

Deputy Chair Nees offered to attend Te Awanui Tauranga Harbour Advisory Group meetings, in the interim, until an appointment was made to fill the vacancy of Councillor Black's seat, which councillors supported.

## 11 **Closing remarks**

The Chairman thanked councillors, the Leadership team and staff for their work and efforts over the year and wished everyone a safe and restful holiday break. Councillors expressed thanks to the Chairman and the Deputy Chair for their commitment and hard work during the course of the year.

**The meeting closed at 12:35 pm.**

Confirmed

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Chairman Bay of Plenty Regional Council

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Date



# **Statutory Committee minutes and workshop reports**



# **Minutes of the Regional Transport Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Friday, 16 December 2016 commencing at 9.30 a.m.**

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## **Present:**

**Chairman:** S Crosby

**Deputy Chairman:** J Nees

**Appointees:** Mayor A Bonne (Whakatane District Council), Mayor S Chadwick (Rotorua Lakes Council), Councillor R Curach (Tauranga City Council), Mayor J Forbes (Opotiki District Council), J Galbraith (Freight Advisor), Councillor D Thwaites (Western Bay of Plenty District Council), P McLean (Regional Director Waikato/BOP, New Zealand Transport Agency)

**In Attendance:** Councillors L Thurston (Alternate, Bay of Plenty Regional Council) and T Molloy (Alternate, Tauranga City Council), B Healey (Senior Transport Planner), G Maloney (Transport Policy Manager), S Cubbon (Committee Advisor). From NZTA: N Johansson (State Highway Manager BOP), M Hasely (Principal Transport Planner HNO Tauranga), A Talbot (Acting Planning and Investment Manager BOP)

**Absent:** Mayor M Campbell (Kawerau District Council)

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## **1 Acknowledgement**

As newly appointed Chairman, Councillor Crosby took the opportunity to acknowledge the contribution of Councillor Jane Nees, previous Chair of the Regional Transport Committee. Members appreciated the many achievements of the Committee led by Councillor Nees since 2008.

## **2 Declaration of conflicts of interest**

No conflicts of interest were declared.

## **3 Regional Transport Committee minutes - 16 September 2016**

Members were directed that requests relating to matters of interest in the 16 September meeting could be discussed during the workshop to follow today's meeting.

## **Resolved**

**That the Regional Transport Committee under its delegated authority:**

- 1 Receives the Regional Transport Committee minutes - 16 September 2016.**

**Thwaites/Nees  
CARRIED**

#### 4 **Regional Transport Committee Terms of Reference**

Senior Transport Planner, Bron Healey summarised the decision-making functions delegated to the Committee in its Terms of Reference, outlining the key decisions made in the previous triennium and those that could be anticipated in the 2016-19 triennium.

Under the Terms of Reference the Committee had delegated authority to appoint external advisors to assist, and members were pleased to confirm the role of existing advisors, John Galbraith as Freight Advisor and Inspector Brent Crowe as Road Safety Advisor. Other key stakeholders would be asked to provide regular updates.

Among other regional transport issues that would require decisions would be the Regional Land Transport Review, variations to the Regional Land Transport Plan, road safety action plans, submissions and stock truck effluent disposal.

#### **Resolved**

**That the Regional Transport Committee under its delegated authority:**

- 1 **Receives the report, Regional Transport Committee Terms of Reference.**
- 2 **Confirms Inspector Brent Crowe, Bay of Plenty Road Policing Manager as the road safety advisor to the Regional Transport Committee.**
- 3 **Confirms John Galbraith as the freight advisor to the Regional Transport Committee.**

**Forbes/Nees  
CARRIED**

#### 5 **New Zealand Transport Agency Update**

*Refer PowerPoint Presentation Obj. Ref. A25173*

The Regional Director of the New Zealand Transport Agency, Parekawhia McLean provided an outline of current national and regional initiatives. She shared information about the work being undertaken to repair/restore road and rail services following the Kaikoura earthquake. There was still a lot of work to be done. NZTA were in partnership with KiwiRail and negotiating with affected Councils.

The NZTA quarterly report was included in the update and members received further information about progress on State Highway business cases being advanced in the region. NZTA staff members responded to questions about the Ōpōtiki driver mentoring programme, taking into account growth areas, consultation with cyclists and the areas that might be part of a wider tolling review.

#### **Resolved**

**That the Regional Transport Committee under its delegated authority:**

**1 Receives the report, New Zealand Transport Agency Update.****Bonne/Chadwick  
CARRIED****6 Regional Land Transport Plan Review**

Members were provided with legislative and policy context for the Regional Land Transport Plan review by Bron Healey who also recommended a timeline for this process. It must be completed by June 2018, and although the operating environment had been relatively stable since the 2015 review had come into effect, there were now a number of national processes that would need to be recognised. Political changes needed to be taken into consideration and it was likely the review would require a significant variation to the current Plan. A public consultation process may be necessary.

Two Investment Logic Mapping Workshops would be held in March 2017 to further inform members of the Committee.

**Resolved**

**That the Regional Transport Committee under its delegated authority:**

- 1 Receives the report, Regional Land Transport Plan Review.**
- 2 Agrees to participate in two Investment Logic Mapping Workshops in March 2017 to test the validity of problems and benefits in the Regional Land Transport Plan.**

**Nees/Chadwick  
CARRIED****7 Regional Land Transport Plan Variation - SH5 Tarukenga to Ngongotaha Safety Improvements**

The New Zealand Transport Agency had asked that the Committee approve a variation to the Regional Land Transport Plan by adding the SH5 Tarukenga to Ngongotaha Safety Improvements Activity. The request had been considered and approved by the Regional Advisory Group.

**Resolved**

**That the Regional Transport Committee under its delegated authority:**

- 1 Receives the report, Regional Land Transport Plan Variation - SH5 Tarukenga to Ngongotaha Safety Improvements.**
- 2 Adds the SH5 Tarukenga to Ngongotaha Safety Improvements project to the Bay of Plenty Regional Land Transport Plan 2015-45 (Indicative Business Case/Detailed Business Case, Pre Implementation and Implementation).**

- 3 **Determines that the proposed variation is not significant for the purposes of public consultation**

**Forbes/Curach  
CARRIED**

## 8 **Other Matters of Interest**

Comment was received on the Western Bay Public Blueprint, a business case for the programme was currently being completed.

The process to be followed following the 16 November workshop dealing with Stock Truck Effluent Disposal was presented and in answer to queries, members were advised the issue of campervan effluent had been raised for discussion with the Regional Growth Strategy tourism action group..

### **Resolved**

**That the Regional Transport Committee under its delegated authority:**

- 1 **Receives the report, Other Matters of Interest.**

**Forbes/Crosby  
CARRIED**

## 9 **Public Excluded Section**

### **Resolution to exclude the public**

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

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:

#### 9.1 **Public Excluded Regional Transport Committee minutes - 16 September 2016**

##### **Grounds**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

##### **Reason**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

**Crosby/Forbes  
CARRIED**

**The meeting closed at 11 am.**





# Minutes of the Rotorua Te Arawa Lakes Strategy Group Meeting held in The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Tuesday, 20 December 2016 commencing at 10.30 a.m.

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## Present:

**Chairman:** Sir T Curtis (Chairman, Te Arawa Lakes Trust)

**Deputy Chairman:** Mayor S Chadwick (Rotorua Lakes Council)

**Appointees:** W Emery (Te Arawa Lakes Trust), Councillor K Hunt (Rotorua Lakes Council), Chairman D Leeder (Bay of Plenty Regional Council), Councillor K Winters (Bay of Plenty Regional Council)

**In Attendance:** Te Arawa Lakes Trust: R Mihini; Rotorua Lakes Council: G Williams (Chief Executive); Ministry for the Environment: S Lewis; D Atkinson (Chairman, Lake Water Quality Society); G Dohnt (Lake Rotoehu Water); C Sutton (Project Rerewhakaaitu Inc.); T White (Lake Rotorua Incentives Board); Dr T Kingi (Chairman, Lake Rotorua Stakeholder Advisory Group); Bay of Plenty Regional Council: Councillor N Bruning; A Bruere (Lakes Operations Manager), A Grayling (Principal Advisor, Rotorua Catchments), C Ingle (General Manager Integrated Catchments), F McTavish (Group Manager Strategy & Science), H Ngatai (Marketing and Communications Advisor), L Mason (Integrated Catchments Programme Manager), L Goldsmith (Rotorua Catchments Manager), R Garrett (Committee Advisor)

**Apologies:** Nil.

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## 1 Welcome

The Chair welcomed new member Councillor Kevin Winters and acknowledged the recent passing of Awanui Black, noting his contribution to the Bay of Plenty community, his leadership role within iwi and his work as a Bay of Plenty Regional Councillor. W Emery then opened the meeting with a karakia.

## 2 General Business and Tabled Items

### Resolved

That pursuant to section 46A of the Local Government Official Information and Meetings Act 1987 the following items be considered at this meeting:

- 1 Chairmanship:** the meeting agreed that Sir Toby Curtis would remain in the chair for the meeting, with the formal appointment of the Chairman to be considered at the next meeting of the Committee.

**Chadwick/Leeder  
CARRIED**

### 3 **Public Forum**

The Chairman invited Mr Chris Sutton, Chairman of Project Rerewhakaaitu Inc, to speak to the meeting.

*Refer Tabled Document 1: Project Rerewhakaaitu report to Rotorua Te Arawa Lakes Strategy Group meeting 20/12/16; Objective ID A2520651; and Tabled Document 2: Project Rerewhakaaitu: Waimangu & Rerewhakaaitu communities working with Councils and Te Arawa; Objective ID A2537979.*

Mayor Chadwick acknowledged Mr Sutton's recent success in being appointed to Rotorua Lakes Council Rural Community Board.

Mr Sutton presented his report summarising achievements and challenges for Project Rerewhakaaitu during 2016, noting the delay in obtaining scientific information during the year and some misunderstanding around the wording of the proposal regarding farm plans agreed between Project Rerewhakaaitu members and the Bay of Plenty Regional Council. Mr Sutton also expressed concern about the need to replace current farm nutrient management plans and the expense this could incur, noting that part of the Rerewhakaaitu community is in the upper river catchment, not the lakes catchment, and do not have plans; and that there may be a need to consider reorganising available funding.

In response to a question from a member, Mr Sutton noted that there were similar groups operating all over the country, and extending the Project Rerewhakaaitu model into other lake catchments was being looked at.

Members acknowledged the significant contribution made by Rerewhakaaitu farmers through their participation in this totally voluntary group. The Chairman thanked Mr Sutton for his presentation and noted that the suggestion for a funding reshuffle would be considered and feedback provided at the next Group meeting.

### 4 **Declaration of conflicts of interest**

Nil.

### 5 **Rotorua Te Arawa Lakes Strategy Group minutes - 30 August 2016**

#### **Resolved**

**That the Rotorua Te Arawa Lakes Strategy Group under its delegated authority:**

- 1 Confirms the minutes of the Rotorua Te Arawa Lakes Strategy Group meeting held 30 August 2016**

**Chadwick/Hunt  
CARRIED**

## 6 Reports

### 6.1 Rotorua Te Arawa Lakes Programme - Status Report

Lake Operations Manager Andy Bruere spoke to this report which updated members on progress made in the Te Arawa Lakes Programme since the previous Strategy Group meeting. Mr Bruere drew members' attention to Paragraph 2.6 of the report, *Lake Rotoehu Restoration Projects*, noting that this section was in response to questions asked at the last Strategy Group meeting regarding the timeframe for transition from short term to long term interventions. Mr Bruere explained that due to the complexity of variables and research involved, there was too much uncertainty to be able to give definitive predictions around the timeframe of the interventions; and emphasised the need to think long term as the key factor of sustainable land use change will take decades to impact on lake water quality. He also noted that one size does not fit all – an intervention successful and appropriate in one lake may not be so for another lake.

A member asked for an update on the Tikitere diversion; Mr Bruere responded that construction is scheduled to occur in 2018/19, with the detailed design work to take place in 2017.

A member asked how quickly the Regional Council could respond if there was an extraordinary event of lake weed in Rotoehu; staff were not sure, noting such any response could not conflict with other weed harvesting obligations.

A member asked for clarification around Paragraph 2.3 of the report, *Lake Rotorua Incentives Board*, regarding the status of the Board as a Council Committee rather than a Council Controlled Organisation (CCO). Staff confirmed the Board's status as a committee of Council, noting that two new members had been appointed, and that recent amendments to the Board's Terms of Reference included an annual review clause and the addition of consideration of economic impact.

### Resolved

**That the Rotorua Te Arawa Lakes Strategy Group under its delegated authority:**

**1 Receives the report, Rotorua Te Arawa Lakes Programme - Status Report;**

**Hunt/Winters  
CARRIED**

### 6.2 Low Nitrogen Land Use Fund - 2017

*Refer Powerpoint presentation: Objective ID A2538149*

Principal Advisor Rotorua Catchments Ms Anna Grayling presented this report which sought approval for the operational approach outlined and recommended for the Low Nitrogen Land Fund in 2017. Ms Grayling acknowledged the assistance of Te Arawa Lakes Trust and Rotorua Lakes Council in compiling the presentation.

Ms Grayling summarised funding objectives and progress on applications received to date; and then outlined the approach recommended to be taken for the Fund in 2017. Key recommendations included a hiatus being taken in 2017 with no major funding round undertaken; and the delegation to the Partnership Steering Group to approve minor Fund projects which build on existing initiatives, to the value of \$200,000.

Members asked questions of clarification regarding existing and potential projects, and possible funding sources. The Ministry for the Environment representative noted that the Ministry had been working with the Ministry for Primary Industries and the Department of Conservation examining how people might be able to access a broader range of project funding and the possibility of joint agency funding for biodiversity projects.

General Manager Integrated Catchments Chris Ingle acknowledged Ms Grayling for her excellent work. Mr Ingle also introduced Ms Linda Goldsmith who would be in the role of Rotorua Catchments Manager while Ms Helen Creagh was away on parental leave.

## **Resolved**

**That the Rotorua Te Arawa Lakes Strategy Group under its delegated authority:**

- 1 Receives the report, Low Nitrogen Land Use Fund - 2017;**
- 2 Supports funding minor projects in 2017 to the value of \$200,000.**
- 3 Delegates responsibility to the Partnership Steering Group to procure and approve Low Nitrogen Land Use Fund projects in 2017 to the value of \$200,000.**
- 4 Notes that the Partnership Steering Group can consider additional projects on their merits throughout 2017 and make recommendations back to the Rotorua Te Arawa Lakes Strategy Group if required.**

**Leeder/Winters  
CARRIED**

### **6.3 Lake Rotorua Incentives Board: Rotorua Te Arawa Lakes report 20 December 2016**

Lake Rotorua Incentives Board Programme Director Te Taru White spoke to this report which updated members on Incentives Board activities since the previous Strategy Group meeting. Mr White introduced newly appointed Incentives Board Chairman, Regional Councillor Norm Bruning. Councillor Bruning thanked the Strategy Group for the invitation to attend the meeting and spoke briefly about the purpose and function of the Incentives Board, noting that after a comprehensive selection process, two new directors had recently been appointed to the Board, Ms Elizabeth Hughes and Councillor Kevin Winters.

Mr White acknowledged the work of past Incentives Board Chair Judith Stanway, and noted that the re-establishment of the Board after the triennial elections had also involved amendments to its Terms of Reference, which now included the consideration of economic impact and the inclusion of phosphorus.

Mr White informed members that the Board was currently in negotiation for two small and one larger deal; with one of the small deals likely to be signed before the end of the year. He noted that even a relatively small deal takes considerable work, using the same template as a large agreement; and that an Expressions of Interest process has been developed as a more efficient way to manage small applications. Mr White also noted the impact the uncertainty around proposed Plan Change 10 was having on landowners and that interest in the Incentives Scheme was expected to increase once the Plan Change was confirmed.

A member stated that there were still concerns about the structure of the Incentives Board, its administrative costs and whether it is the best method to achieve the target; and noted the need for a review of the Board at the end of the financial year. The Chairman requested that a letter of thanks be sent to the previous Incentives Board Chair Judith Stanway from the Strategy Group.

## **Resolved**

**That the Rotorua Te Arawa Lakes Strategy Group under its delegated authority:**

- 1 Receives the report, LRIB Rotorua Te Arawa Lakes report 20 December 2016**

**Emery/Hunt  
CARRIED**

## **6.4 Terms of Reference for Te Arawa Mana Whenua Group December 2016**

Te Arawa Primary Sector Group Chairman Dr Tanira Kingi spoke to this report, supported by Mr Roko Mihinui from the Te Arawa Lakes Trust (TALT). Dr Kingi outlined the purpose and background to the formation of the Te Arawa Mana Whenua Group (TAMWG), noting it was a joint initiative between Te Arawa Primary Sector Group and Te Arawa Lakes Trust which would provide a mechanism for landowners within Te Arawa to engage with the Strategy Group and its partners on relevant issues. Dr Kingi explained that the establishment of the TAMWG was an opportunity to provide a more substantial framework for Te Arawa landowners to engage in a purposeful way with policy and plan changes as currently many Te Arawa landowners – particularly small landowners – do not engage.

A member asked for clarification about the role of TAMWG, particularly around how it interfaces with TALT and other Te Arawa groups. Dr Kingi explained that while TALT had a clear role to represent Te Arawa interests in the lakes, no existing group had a mandate to speak for landowners, and noted that landowners may not always hold the same view as TALT on specific issues. He considered that although its role was partly to inform TALT, TAMWG itself should be represented wherever land owning representation was requested and relevant.

A member considered that currently there was no clear way for iwi landowners with little knowledge to access planning and policy processes and that this framework could enable collective responses from small landowners with lack of experience in these processes.

Members expressed reservations about supporting the formation of TAMWG until they had had the opportunity to consult with the Te Arawa groups that their appointing organisations already had ongoing relationships with, to ensure the interface between the various groups was clearly understood. The Chairman suggested that the report be held over and presented again at the next Strategy Group meeting.

## **Resolved**

**That the Rotorua Te Arawa Lakes Strategy Group under its delegated authority:**

- 1 Defers receiving the report, Terms of Reference for Te Arawa Mana Whenua Group December 2016, until its first meeting in 2017;**

**Curtis/Chadwick  
CARRIED**

## 6.5 Te Arawa Lakes Trust update

TALT Strategic Manager Environment and Freshwater Mr Roko Mihinui provided this report, which updated members on TALT activities since the last Strategy Group meeting. Mr Mihinui outlined the joint research initiative with Ministry for the Environment scientists which involved working with Te Arawa students to establish a cultural monitoring programme and data management system which can be incorporated into the resource consent process; this programme will lead to an NCEA qualification for the students involved.

Mr Mihinui informed members that due to restructuring within the Ministry for Primary Industries, a response to the proposed freshwater fishery bylaws had only recently been received and the formal notification process should take place in early February. He also noted that TALT had been working with Waikato Regional Council and Ministry for the Environment to assist in the development of joint programmes with farmers around two lakes in the Waikato region.

Mr Mihinui briefly summarised the results of the research surveys carried out in Lake Rotorua in conjunction with the Navy, noting that the surveys will be repeated in 2017. High levels of hydrothermal activity had been detected in Lake Rotorua and elevated levels in Lakes Rotoehu, Ōkātina and Tarawera.

## 7 General Business

The Chairman invited Mr Don Atkinson, Chairman of the Lake Water Quality Society, to address the meeting.

Mr Atkinson noted that the presence of catfish in the lakes was of serious concern and thanked the Regional Council for its commitment to eradication, and urged that a programme of DNA testing be undertaken to help identify areas where netting should take place. Mr Atkinson also noted that there was a question around the accuracy of the statement in the annual plan that Lake Tarawera had no algal blooms; residents considered this incorrect and that there had been a major bloom.

Mr Atkinson then informed members of a symposium the Society was planning to hold in July or August 2017; the two main areas of focus would be the degradation of the littoral zone and the restoration of the greater Tarawera catchment.

Mayor Chadwick suggested that the Society work together with Rotorua Lakes Council as it might be possible to coincide the dates of the Symposium with the Mayor's Speakers Forum.

## 8 Public Excluded Section

### Resolution to exclude the public

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

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 s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

8.1 **Public excluded Rotorua Te Arawa Lakes Strategy Group minutes – 30 August 2016**

**Grounds**

That the public conduct of the whole or relevant parts of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

**Reason**

Please refer to the relevant clause in the meeting minutes.

**Leeder/Chadwick  
CARRIED**

9 **Confidential business to be transferred into the open**

Nil.

The Chairman provided a closing karakia and wished everyone well for the New Year.

**The meeting closed at 12.40 pm.**





# Joint Committee minutes



# Tauranga City Council

**Minutes of Meeting No. SG16/12 of the SmartGrowth Implementation Committee held on 14 December 2016 in the Council Chamber, 91 Willow Street, Tauranga commencing at 9:00 am**

## Present

### **Independent Chairperson**

W Wasley

### **Bay of Plenty Regional Council**

Chairman: D Leeder

Councillors: J Nees, P Thompson, S Crosby

### **Tauranga City Council**

Mayor: G Brownless

Councillors: L Baldock, L Brown

### **Western Bay of Plenty District Council**

Mayor: G Webber

Councillors: M Williams, D Thwaites, J Scrimgeour

### **Tangata Whenua Representatives**

M Tapsell, I Walker, B Mikaere, P Ihaka

## In Attendance

### **SmartGrowth**

B Walsh – Implementation Manager

K Tremaine – Strategic Advisor

S Rolleston – Tu Pakari Advisor

B Fraser – Communications Consultant

V Jones – SmartGrowth Administrator

### **Bay of Plenty Regional Council**

M McLeod – Chief Executive

F McTavish – General Manager – Strategy

J Low – Senior Planner (Regional Integration)

### **Tauranga City Council**

G Poole – Chief Executive

C Jones – General Manager - Growth and Infrastructure

M Tucker - Manager: City Planning and Growth

### **Western Bay of Plenty District Council**

M Taris – Chief Executive Officer

R Davie – Group Manager Policy, Planning & Regulatory Services

### **NZ Transport Agency**

A Talbot – Planning & Investment Manager, Bay of Plenty (Acting)

## Apologies

Cr T Molloy (TCC)

P McLean, NZTA Regional Director

SG16/12.1

**ACKNOWLEDGEMENT OF TE AWANUIARANGI BLACK**

Bill Wasley noted with sadness the passing of Regional Councillor-Te Awanuiarangi Black, a former member of the SmartGrowth Implementation Committee. Buddy spoke on Te Awanuiarangi's contribution as a husband & father, leader, politician, diplomat, linguist, warrior, orator, historian, and educationalist.

SG16/12.2

**CHAIRPERSONS REPORT**

Chairperson Bill Wasley welcomed the new committee members, those returning and those newly elected and appointed.

SG16/12.3

**DECLARATION OF CONFLICTS OF INTEREST**

The following declarations of conflicts of interest were received:

- Chairperson Bill Wasley – Settlement Pattern Update: Keenan Road Proposal. It was agreed that Mayor Webber assume the Chair for this item.

SG16/12.4

**APOLOGIES**

Cr Molloy had advised the Chair that he was unable to attend this meeting, however expressed his full commitment to the Committee as a returning member.

**Moved Cr Brown / Seconded Cr Thwaites**

**That it be Resolved**

***That apologies be received from Cr Molloy and Parekawhia McLean (NZTA Regional Director).***

**CARRIED**

SG16/12.5

**CONFIRMATION OF MINUTES – SMARTGROWTH IMPLEMENTATION COMMITTEE (SG16/6) – DATED 17 AUGUST 2016**

The Committee considered the minutes of the SmartGrowth Implementation Committee (SG16/6) dated 17 August 2016 as circulated with the agenda.

**Moved Cr Nees/ Seconded Mayor Webber****That it be Resolved**

***That the minutes of the SmartGrowth Implementation Committee (SG16/6) dated 17 August 2016 be confirmed as a true and correct record.***

**CARRIED**

SG16/12.6

**ELECTION OF DEPUTY CHAIRPERSON****Moved Mayor Brownless/ Seconded Chairman Leeder****That it be Resolved**

***That the SmartGrowth Implementation Committee:***

- (a) Receives the Election of Deputy Chairperson report.***
- (b) Agrees that System A be adopted to elect a Deputy Chairperson.***
- (c) Resolves that Mayor Garry Webber be elected as Deputy Chairperson of the SmartGrowth Implementation Committee.***

**CARRIED**

SG16/12.7

**SMARTGROWTH BRIEFING – BUILDING OUR FUTURES TOGETHER**

The SmartGrowth Implementation Manager introduced herself to the committee and referred the committee to the full briefing paper in the agenda. She gave a brief overview of the history of SmartGrowth and noted that SmartGrowth had now been operating for 16 years. Bernie talked to the briefing and about bringing smart strategic leadership to life. She explained the value of big data and smart collaborations to deal with big issues. How do we clarify the SmartGrowth Partnership's strategic role clearly?

Bernie mentioned the potential name change of the committee and how the committee has been managing change in the community through economic, social, and transformation. Need to manage population change, need to develop, evolve, learn, do the future thinking.

Bernie gave an overview from the SmartGrowth Briefing – Building our Futures Together (powerpoint presentation (A):

- SmartGrowth sequencing timeline
- What others are saying
- Fact Sheets – To help the public understand the story we wish to tell
- Key findings from the SmartGrowth demographic work

- The dominance of the sub region in a regional context
- It's about understanding change
- The Auckland effect
- Shared stakeholders' quotes
- The value of the SmartGrowth partnership
- The SmartGrowth successes to date
- What's Sub Regional – Key Strategic Sub-Regional issues that the partnership will require
- First Decade – What was achieved
- Lessons Leant
- Need to think bigger than the Western Bay and collaborate
- Next Decade
- Focus of the SmartGrowth spatial plan through the next six areas
- Leadership Group – Key roles and functions
- Tu Pakari ai Tatou – SmartGrowth's role

Questions and discussion followed with key points raised:

- Should be looking at future thinking as the top priority.
- Moving into the market driven growth and this go ahead of planned growth. Having consultation with the wider community that is meaningful would be key.
- Need to have the workstreams but need to ensure we have the budget for the proposal, understand when we do it and how.
- The committee's role will be at the political leadership level; and would like more information on the SmartGrowth proposal as outlined. Continuing role of the forums. Bill explained the forums were an important part of SmartGrowth and more cross-forum, joint work was needed to link up forum work across the different areas.
- Note the work that has been completed in the forums' positioning statements; weaving together different perspectives was important. Support for more joint work across the forums. Need to get SmartGrowth partnerships closer, work smarter, see change, everyone is unique in their own way in the forums but more joint work would be good.
- The committee needed to look at the big issues for future thinking, and focus on what we are going to do. The management group could assist with the 'how'. At this committee level need to look at the 'what'.

**Moved Irene Walker/ Seconded Mayor Webber**

**That it be Resolved**

***That the SmartGrowth implementation Committee:***

- (a) *Receive and note the incoming briefing SmartGrowth Briefing – Building our Futures together.***

**CARRIED**

10:30am The meeting **adjourned** for morning tea

10:50am The meeting **reconven**Page 54 of 142

SG16/12.8

**SMARTGROWTH LEADERSHIP – STRATEGIC FUTURES**

Independent chair Bill Wasley gave an overview of the proposals outlined in the Strategic Futures paper. Discussion was opened for questions and comments.

- Chair Leeder stated he is happy with the three activities however highlighted need to focus on future thinking first. Like to focus on National Policy Statement for water as it is becoming an issue for urban areas as well, total water supply and in terms of harbour. Needs to be a focus going forward looking at resource management and how we can do better.
- Mayor Webber questioned thinking differently about the way we operate. Have an open Hui on a big issue where everyone has speaking rights, where we have workshops. When an issue or decision comes to SmartGrowth committee meeting like these members would then be able to get the meetings down to one hour and focus on the big issues.
- Water and air are big issues and need to have a balancing act to ensure meeting cultural, economic, environmental and social matters are taken into account?.
- Cr. Crosby asked about the topics for the Smart Talk, Future Thinking sessions. What are we going to talk to the communities about?
- Bill Wasley advised this will be further clarified in the New Year, Bernie Walsh explained there is draft of potential topics such as the future of work, housing and transport, demographic changes. The idea was to bring in futurists and others to present and engage people to lift our thinking.
- There was a need to look at the priorities. Need to be mindful of what others are doing
- Cr. Baldock raised that on page 47 under Sub-Regional Issues, we might consider saying more than just “(especially transport)”. More emphasis on transport.
- The committee discussed the need for alternates for the Mayors and Chairs. Generally, it was agreed that having alternatives makes a lot of sense as it means the Deputy Mayors/Regional Council chair alternate can stand in and have full speaking and voting rights. This is an important committee and big responsibility. Further discussion held around this point for confirmation at February meeting. Terms of Reference will need to be amended and approved.
- Cr. Thompson referred everyone to page 46 first bullet point below Providing Sub-regional leadership – on spatial planning, growth, infrastructure planning and development, focusing on key issues relating to the four well-beings. Cr. Thompson would like inserted - “including sustainable management of the sub-region’s natural resources”. From her point of view there are questions that should exercise the minds of everyone.
- Mayor Webber stated that all committee members need to pull together in the next 18 months to do long term planning (30-year timeframe) and need to focus on this.

Following this discussion, it was agreed that recommendations 1, 3 and 4 of the Strategic Futures agenda paper lie on the table for further discussion and resolution at the February 2017 meeting. Revised report reflecting points of discussion will be provided

**Moved Cr Thompson/ Seconded Cr Baldock**

**That it be Resolved**

***That the SmartGrowth implementation Committee:***

- (a) ***Agree that the name of the SmartGrowth Implementation Committee be changed to the SmartGrowth Leadership Group.***

**CARRIED**

Chair Bill Wasley **declared an interest** in this item and **withdrew** from the meeting. Mayor Webber as deputy chair, **assumed** the Chair.

SG16/12.9

**PROJECT UPDATE – SETTLEMENT PATTERN KEENAN ROAD PROPOSAL**

Overview from Ken Tremaine was provided and discussion followed relating to the paper on the agenda.

Ken explained this issue has arisen because it came through from the public forum in August 2016. He referred the committee to the map of the area, the proposal and the areas involved. The purpose of the report was to update the SmartGrowth Implementation Committee on the Keenan Road development proposal as presented to the committee in the public forum on 17 August 2016.

Stormwater modelling was a key issue. This needed to be progressed before any decision on timing could be made.

**Moved Cr Williams/ Seconded Cr Brown**

**That it be Resolved**

***That the SmartGrowth implementation Committee:***

- (a) ***Note the update on the Keenan Road proposal, including the intention to conclude roading access discussions and undertake stormwater modelling***
- (b) ***Note that the Strategic Advisor will report back to the Committee in April 2017***
- (c) ***Request the Strategic Advisor to inform Messrs Cavell and Dunstan of progress.***

**CARRIED**

Chair Bill Wasley **assumed** the Chair.



**SG16/12.10 CONCLUDING REMARKS**

Independent chair Bill Wasley thanked SmartGrowth Implementation Manager and her team for the presentation, acknowledged the input and work of the SmartGrowth partnership team and partner staff, and wished everyone all the best for the festive season, mentioning the SmartGrowth Leadership Group will meet next in February 2017

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The meeting concluded at 11.40 am.

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Confirmed as a true and correct record

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W Wasley  
**Independent Chairperson**

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Date





**MINUTES OF A MEETING OF THE EASTERN BAY OF PLENTY JOINT COMMITTEE MEETING  
HELD ON WEDNESDAY, 14 DECEMBER 2016 IN THE OPOTIKI DISTRICT COUNCIL CHAMBERS,  
108 ST JOHN STREET, COMMENCING AT 1.28PM**

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**PRESENT:** Councillor L. Riesterer – Chairperson and Mayor J. Forbes (Ōpōtiki District Council), Mayor T. Bonne and Deputy Mayor J. Turner (Whakatāne District Council), Mayor M. Campbell and Councillor David Sparks (Kawerau District Council), Councillor N. Bruning and Councillor B Clark (Bay of Plenty Regional Council)

**IN ATTENDANCE:** From Ōpōtiki District Council – A. Lawrie (Chief Executive Officer), B. Dempsey (Planning and Regulatory Manager), From Whakatāne District Council – M. Grenfell (Chief Executive Officer) and Paula Chapman (Manager Community Services), From Kawerau District Council – R. George (Chief Executive Officer), From Bay of Plenty Regional Council – R. Feist (Senior Planner), S. Lamb (Natural Resources Policy Manager) and Penny Doorman (Senior Planner)  
G. Newell (PA to CEO and Mayor, Ōpōtiki District Council)

**VISITOR:** Ernie Newman (Digital Economy Consultant)

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The Chairperson welcomed everyone to the meeting, especially the two new appointees, Councillors David Sparks and Bill Clark.

The Chairperson noted that it had been a good year and although she only had two years of Local Government experience when she took over the role, it had been very rewarding.

**APOLOGIES**

Nil.

**DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS**

Nil.

**1.0 MINUTES – EASTERN BAY OF PLENTY JOINT COMMITTEE MEETING – 7 SEPTEMBER 2016**

**RESOLVED**

That the Eastern Bay of Plenty Joint Committee under its delegated authority:

1. Receives the Eastern Bay of Plenty Joint Committee minutes – 7 September 2016.

Riesterer/Bruning

Carried

## 2.0 GEOTHERMAL PRESENTATION

Penny Doorman spoke to a powerpoint presentation titled "Update on the Kawerau System Management Plan". The presentation covered the following points:

- Geothermal Programme
- Kawerau Geothermal at a Glance
- Current and Future Uses?
- Risks/Issues
- What is the Kawerau SMP?
- Principles in the SMP?
- Progress Towards SMP

The Chairperson thanked Penny Doorman for her very informative presentation.

### RESOLVED

**That the Eastern Bay of Plenty Joint Committee under its delegated authority:**

1. **Receives the report "Geothermal Presentation".**

Riesterer/Campbell

**Carried**

*The Finance and Corporate Services Group Manager and Ernie Newman entered the meeting at 1.48pm.*

## 3.0 EASTERN BAY – BEYOND TODAY IMPLEMENTATION UPDATE

Ruth Feist spoke to a powerpoint presentation titled "Implementation of Eastern Bay – Beyond Today". The presentation covered the following points:

- Priority Actions
- Work in Progress
- Decision Making
- Upcoming Events
- Recommendations on Process

From the Priority Actions – Caring for Our Communities and Environment – Ruth Feist would appreciate feedback on the item 'Understand impact of aging population'.

### RESOLVED

**That the Eastern Bay of Plenty Joint Committee under its delegated authority:**

1. **Receives the report "Eastern Bay – Beyond Today Implementation Update".**
2. **Notes the recommendations for future updates and presentations on:**

**Ōpōtiki Harbour Development**

**Toi Moana Bay of Plenty Economic Development Action Plan**

**Tertiary Intentions Strategy**

**ISK's training proposal**

**Electricity reliability in the Eastern Bay**

**Solar energy project**

**Climate change and flooding research and modelling**

**Freshwater Futures**

Forbes/Clark

**Carried**

**4.0 UPDATE ON BROADBAND INITIATIVES**

Ernie Newman spoke to a powerpoint presentation titled "Eastern Bay Broadband Plans – A Scene Setter".

The presentation covered an overview of the nationwide picture in relation to Broadband, together with Central Government policies, ways Councils can assist and the specific challenges in the Eastern Bay.

Ernie Newman suggested it would be very worthwhile inviting a representative from Crown Fibre Holdings to have a look around the Eastern Bay and be updated on the high needs areas. He further suggested engagement with Horizon Energy in order to encourage them to see the opportunity in the Eastern Bay.

Bevan Gray from Ōpōtiki District Council then gave a powerpoint presentation titled "Providing High Speed Internet to the Eastern Bay of Plenty" covering the following points:

- What's the Issue?  
*The Eastern Bay of Plenty is plagued with poor connectivity in the rural areas*
- Outcomes we would want to see in relation to internet connectivity in the Eastern Bay of Plenty  
*Economic Development – Access to high speed internet will allow businesses to grow*  
*Education – Access to high speed internet outside of school will allow education to flourish*  
*Connectivity – Connected communities and families*
- Feedback from business internet users
- Cost  
*The biggest barrier to increased connectivity has been a lack of investment in the rural areas by large ISPs*
- Solution  
*Many Local Authorities are putting up funding to help provide connectivity within their districts – Ōpōtiki District Council is investing by way of a 30% shareholding in Evolution Networks, an emerging and innovative wireless internet service provider*

- Relationships and Networks  
*Building and sustaining relationships with key stakeholders*
- Next Steps  
*Coverage areas*  
*Development.*

It was agreed that that three further clauses be added to the recommendation to:

1. Confirm that an invitation on behalf of the Joint Committee be extended to Crown Fibre Holdings to visit each of the Eastern Bay Councils and report back to the Committee.
2. Confirm that Ōpōtiki District Council will initiate the contact with Crown Fibre Holdings on behalf of the Mayors/Chair.
3. Confirm that an invitation will be extended to Horizon Energy for a representative to attend the next meeting of the Joint Committee to discuss their strategy for the Eastern Bay of Plenty.

#### **RESOLVED**

**That the Eastern Bay of Plenty Joint Committee under its delegated authority:**

- 1. Receives the report "Update on Broadband Initiatives".**
- 2. Confirms that an invitation on behalf of the Committee will be extended to Crown Fibre to visit each Council, with a report to come back to the Committee.**
- 3. Confirms that Ōpōtiki District Council will initiate the contact with Crown Fibre on behalf of the Eastern Bay of Plenty Mayors.**
- 4. Confirms that an invitation will be extended to Horizon Energy for a representative to attend the next meeting of the Joint Committee to discuss their strategy for the Eastern Bay of Plenty.**

Riesterer/Turner

**Carried**

*Ruth Feist and Penny Doorman left the meeting at 2.45pm.*

*Russell George left the meeting at 2.58pm and returned at 3.01pm.*

*Mayor Forbes left the meeting at 3.06pm and returned at 3.08pm.*

*The meeting was adjourned at 3.18pm and reconvened at 3.25pm.*

*Item 6 was considered before item 5.*

#### **5.0 EASTERN BAY OF PLENTY CYCLE TRAIL**

Paula Chapman spoke to the report, highlighting the Government announcement in May 2016 that a funding package would be available to extend or enhance Great Rides. This funding opportunity was seen as a potential support to the Eastern Bay of Plenty initiative.

An Investment Logic Map (ILM) was developed to support the anticipated funding application and two ILM workshops were attended by representatives from the Eastern Bay of Plenty Councils and Rotorua Lakes Council, together with key stakeholders.

A Concept Plan for connecting Te Ara Ahi in Rotorua to Motu Trails in Ōpōtiki was submitted to MBIE in October. The Concept Plan also included some enhancements for the existing Motu Trails. A response from MBIE is awaited.

Mayor Campbell stated that it was originally thought the trail from Kawerau to Whakatāne would go to Onepu, Braemar and Matata and he would like that added into the Plan.

Councillor Clark expressed an interest in being involved in that he could bring some good local knowledge to the table. Apart from being a Regional Councillor, he has served on the Conservation Board and has a very keen interest in cycling.

Paula Chapman noted that the project has been shortlisted and will be workshopped in the New Year.

**RESOLVED**

**That the Eastern Bay of Plenty Joint Committee under its delegated authority:**

- 1. Receives the report "Eastern Bay of Plenty Cycle Trail".**

Riesterer/Clark

**Carried**

**6.0 ELECTRICITY TRANSMISSION PRICE CHANGES AND IMPACT ON THE EASTERN BAY OF PLENTY**

The outcome of the meeting between the Eastern Bay of Plenty Mayors and Aaron Buist, General Manager of Norske Skog Tasman, will come back to the Joint Committee in the New Year.

**RESOLVED**

**That the Eastern Bay of Plenty Joint Committee under its delegated authority:**

- 1. Receives the report "Electricity Transmission Price Changes and Impact on the Eastern Bay of Plenty."**
- 2. Notes that a separate meeting will be arranged for the Mayors and Chair to discuss the proposed transmission pricing changes further with Mr Aaron Buist, General Manager, Norske Skog Tasman.**

Campbell/Riesterer

**Carried**

*Mayor Bonne, Deputy Mayor Turner and Marty Grenfell left the meeting at 3.41pm.*

*Councillor Clark left the meeting at 3.43pm.*

#### **7.0 WESTERN BAY OF PLENTY SITE VISIT - UPDATE**

Stephen Lamb advised that a date for the Western Bay of Plenty site visit will be arranged in the New Year once availability has been determined.

#### **RESOLVED**

**That the Eastern Bay of Plenty Joint Committee under its delegated authority:**

- 1. Receives the report “Western Bay of Plenty Site Visit – Update”.**
- 2. Notes the process for determining a date for the “infrastructure connections” site visit.**

Riesterer/Bruning

**Carried**

*Paula Chapman left the meeting at 3.44pm.*

#### **8.0 ELECTION OF OFFICERS AND MEETING DATES FOR 2017**

The Chairperson nominated Mayor Malcolm Campbell to be Chairperson of the Eastern Bay of Plenty Joint Committee for 2017. Mayor Campbell accepted the nomination.

Whakatāne District Council put forward Deputy Mayor Judy Turner as Deputy Chairperson and she accepted that nomination.

The Committee accepted the nominations for Chairperson and Deputy Chairperson.

#### **RESOLVED**

**That the Eastern Bay of Plenty Joint Committee under its delegated authority:**

- 1. Receives the report “Election of Officers and Meeting Dates for 2017”.**
- 2. Chooses System B for the election of the new Chairperson and Deputy Chairperson.**
- 3. Elects Mayor Malcolm Campbell as the new Chairperson for 2017.**
- 4. Elects Deputy Mayor Judy Turner as the new Deputy Chairperson for 2017.**
- 5. Thanks outgoing Chairperson Deputy Mayor Lyn Riesterer from Ōpōtiki District Council and outgoing Deputy Chairperson Mayor Malcolm Campbell from Kawerau District Council for their contributions during this term.**
- 6. Agrees to the proposed schedule of meetings for the 2017 calendar year.**

Riesterer/Forbes

**Carried**

The outgoing Chairperson thanked Barbara Dempsey for her guidance throughout the year.



**THE MEETING CLOSED AT 3.46PM**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE EASTERN BAY OF PLENTY JOINT  
COMMITTEE HELD ON 15 MARCH 2017.**

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**Malcolm Campbell  
CHAIRPERSON**

**DRAFT**



# Chairman's Report





Receives Only – No Decisions

**Report To:** Regional Council  
**Meeting Date:** 14 February 2017  
**Report From:** Douglas Leeder, Council Chairman

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## Chairman's Report

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### Executive Summary

Since the preparation of the previous Chairman's Report (for the 15 December 2016 Council meeting) I have attended and participated in a number of meetings and engagements as Chairman on behalf of the Bay of Plenty Regional Council.

This report sets out those meetings and engagements and highlights key matters of interest that I wish to bring to Councillors' attention.

### Recommendations

That the Regional Council:

- 1 **Receives the report, Chairman's Report;**
- 2 **Notes that Council have supported the nomination of Councillor Jane Nees to be considered for a position on the Local Government New Zealand National Council Policy Advisory Group.**

#### 1 Purpose

The purpose of this report is to update Council on meetings and engagements I have attended and participated in as Chairman and to highlight key matters that will be of interest to Councillors.

The following section summarises these meetings and engagements. I will provide further detail at the meeting in response to any questions you may have.

#### 2 Meetings and Engagements

Date	Meeting/Engagement	Comment
8 December – 9 December 2016	National Council Strategy Days	Attended.

Date	Meeting/Engagement	Comment
12 December 2016	Breakfast meeting with Western Bay of Plenty District Council and Tauranga City Council Mayors – <i>Tauranga</i>	Attended.
14 December 2016	SmartGrowth Implementation Committee – <i>Tauranga</i>	Attended.
	Viewing of Film - 'Tomorrow' - <i>Tauranga</i>	Documentary about how ten countries from around the world face environmental challenges. It shows examples of solutions to environmental and social challenges in agriculture, energy, economy, education and governance.
20 December 2016	Rotorua Te Arawa Lakes Strategy Group Meeting - <i>Rotorua</i>	Attended.
2 January 2017	Lake Rotoiti Community Association Annual General Meeting – <i>Rotorua</i>	Attended.
15 January 2017	Lake Tarawera Ratepayers' Association 47th Annual General Meeting – <i>Lake Tarawera</i>	Attended.
20 January 2017	Breakfast meeting hosted by Sir Michael Cullen for Mayors/Chair - <i>Whakatane</i>	Met Labour Candidates for 2017.
21 January 2017	Tauranga City Air Show: "Strikemasters at Sundown" - <i>Tauranga</i>	Attended.
25 January 2017	Local Government New Zealand Regional Chairs Induction workshop: Training for Chairs – <i>Wellington</i>	Attended. Deputy Chair Nees also attended.
30 January 2017	Lakes Water Quality Society Annual General Meeting - <i>Rotorua</i>	Attended.
1 February 2017	2017 Regional Sector SIG Conveners' Plenary Session – <i>Wellington</i>	Spoke about Regional Sector Survey and Stakeholder directions.

### **3 LGNZ National Council Policy Advisory Group**

The Local Government New Zealand (LGNZ) National Council Policy Advisory Group is a new sub-committee of the National Council. The previous *Economic and Social Policy Advisory Group* and the *Environment Policy Advisory Group* have been merged into the new Policy Advisory Group.

The Policy Advisory Group is chaired by a National Councillor but membership is open to elected members and senior council officers.

With Council support, Councillor Jane Nees has been nominated to be considered for a position on this Advisory Group. Councillor Nees was a member of the previous Economic and Social Policy Advisory Group in the last triennium.

National Council will be meeting on 10 February 2017 where nominations will be considered.

The other National Council Advisory Group is the *Governance and Strategy Advisory Group*.

### **4 New Years Honours List 2017 – Councillor Stuart Crosby**

Congratulations to Councillor Stuart Crosby who was appointed, in the New Year's Honours List 2017, as an Officer of the New Zealand Order of Merit (ONZM) for his services to local government.

Doug Leeder  
**Chairperson**

**for Council Chairman**

**3 February 2017**





# Chief Executive's Reports





**Report To:** Regional Council

**Meeting Date:** 14 February 2017

**Report From:** Eddie Grogan, General Manager, Regulatory Services

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## **Bay of Plenty Regional Navigation Safety Bylaw 2017 adoption**

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### **Executive Summary**

The Local Government Act 2002 requires Council to undertake regular comprehensive reviews of its Bylaws. The Navigation Safety Bylaw was made operative in 2010. A full review of the Navigation Safety Bylaw commenced in October 2015.

The Draft Navigation Safety Bylaw and Statement of Proposal were notified on 7 June 2016 for public submission in accordance with the requirements of the Local Government Act 2002 (Sections 83, 83AA, 86 and 155).

There are a number of steps that Council must take in order to formally make the Bay of Plenty Regional Navigation Safety Bylaw 2017 operative, these include:

- Receiving and adopting the independent commissioners report and recommendations
- Adopting the Regional Navigation Safety Bylaw 2017
- Making the operative date of the new Bylaw 15 July 2017
- Confirming the Schedule of offences and infringement fees for Cabinet approval and making into regulations
- Revoking the Regional Navigation Safety Bylaw 2010, effective 15 July 2017, and revoking New Zealand Gazette Notice 2014-au3530

This Report provides a review of the process and community engagement undertaken to review the Bylaw and also contains an overview of the key issues within the Commissioners Report and the recommendations associated with those issues.

## **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Bay of Plenty Regional Navigation Safety Bylaw 2017 adoption.**
- 2 Receives the Independent Commissioners Report on Hearings on the Bay of Plenty Region Navigation Safety Bylaw.**
- 3 Adopts the recommendations contained within the attached Independent Commissioners Report, November 2016: Revocation of the Bay of Plenty Regional Navigation Safety Bylaw 2010, and the making of the Bay of Plenty Regional Navigation Safety Bylaw 2017.**
- 4 Adopts the attached Bay of Plenty Regional Navigation Safety Bylaw 2017, pursuant to Sections 86 and 156 of the Local Government Act 2002.**
- 5 Makes the Bay of Plenty Regional Navigation Safety Bylaw operative on 01 July 2017.**
- 6 Adopts the attached Schedule of infringement fees for offences and apply to review the Local Government (Infringement Fees for Offences: Bay of plenty Regional Navigation Safety Bylaw 2010) Regulations 2010.**
- 7 Revokes the Bay of Plenty Regional Navigation Bylaw 2010 on 01 July 2017**
- 8 Revokes New Zealand Gazette Notice 2014-au3530 (Page 1693 Issue 61) – Notification of Speed Uplifting under Part 91 of the Maritime Rules.**
- 9 Notes the recommendations made by the Independent commissioners on matters that are outside of the scope of the Navigation Safety Bylaw.**

## **1 Background**

The Local Government Act 2002 requires Council to undertake a regular comprehensive review of its Bylaws. The Navigation Safety Bylaw was made operative in 2010. A full review of the Navigation Safety Bylaw commenced in October 2015.

Following extensive community engagement, including public meetings, regional hui-a-iwi, promotions and feedback from the Bay of Plenty Regional Council website, a Statement of Proposal was adopted by Council on 02 June 2016. At this meeting, Council also approved the use of independent commissioners (3) to hear and make recommendations on the Draft Navigation Safety Bylaw.

The Draft Navigation Safety Bylaw and Statement of Proposal were notified for public submission in accordance with the requirements of the Local Government Act 2002 (Sections 83, 83AA, 86 and 155).

The Statement of Proposal included the following determinations in accordance with Section 155 of the Local Government Act 2002:

- Whether the Bylaw is the most appropriate way of addressing the perceived problem
- Whether the proposed Bylaw is the most appropriate form of Bylaw
- Whether the Bylaw gives rise to any implications under the New Zealand Bill of Rights

The results of the Section 155 reviews were reported to Council at the 2 June 2016 meeting when Council adopted the Statement of Proposal. Prior to notification, the Draft Bylaw also underwent a full legal review.

The Draft Bylaw and Statement of Proposal were publicly notified on 7 June 2016, and submissions closed on 07 July. Public notices were placed in the major Bay of Plenty newspapers, approximately 800 individuals on stakeholder lists were directly notified, with approximately 4200 additional people indirectly notified through third party mailing lists, clubs and organisations. Public notification was followed up with press releases and further advertising.

A total of 217 submissions were received on a range of matters in the Draft Bylaw, which included the carrying and wearing of lifejackets, Hunters Creek Ski Area, a proposed ski area at Panepane Point and a proposed moving prohibited zone around large ships in the Tauranga Harbour.

A total of 39 submitters were heard (with one submitter representing 32 other submitters) by three independent commissioners. Hearings were held in Rotorua and Tauranga from the 22<sup>nd</sup> to 26<sup>th</sup> July 2016. In addition to the submitters heard, the Commissioners sought further views and information relating to the operation of Jet Boats on the Kaituna River. To assist the commissioners, the current jet boat operator (NZ River Jets) and the resource consent holder for jet boating on the Kaituna River (Longridge Farms) were invited to provide evidence to the commissioners. To ensure a balance view, the commissioners also invited Mr Kelvin O'hara and Mr Don McGowan, who have been active opponents of jet boats operating on the Kaituna River to provide their perspectives.

As part of their deliberations, the commissioners visited the Rotorua Lakefront area to view the location of the commercial jet boat operation. The commissioners also undertook a field trip on the Tauranga Harbour, to view and inspect the main commercial port area and shipping channels, the proposed Panepane Point Ski Area and Hunters Creek Ski Area.

## **2 Making the Bylaw Operative**

There are a number of steps that Council must take in order to formally make the Bay of Plenty Regional Navigation Safety Bylaw 2017 operative. Council must receive and adopt the independent commissioner's recommendations as a decision of Council. With respect to adopting the commissioner's recommendations, Council has three options:

- Accept the recommendations in full; or
- Reject the recommendations in full; or
- Refer the recommendations back to the commissioners for further consideration

As Councillors did not hear all of the submissions and were not party to the deliberations, any recommendations that are not agreed by Council need to be referred back to the commissioners.

## **2.1 Operative Date**

It is proposed to make the Regional Navigation Safety Bylaw 2017 operative, and revoke the Regional Navigation Safety Bylaw 2010, on the 1 July 2017

The proposed operative date for the new Bylaw allows for Cabinet approval of the Schedule of Infringement Fees and Offences. The proposed date also provides for a period of community education, updating signage, information sheets and booklets. In addition, it is not considered desirable to amend the Rules of Boating in the Bay of Plenty mid-way through the summer boating season.

## **2.2 Cabinet Approval**

A breach of the Bylaw is an offence under Section 33N(1) of the Maritime Transport Act. These breaches can be prosecuted under the Maritime Transport Act through the District Court. However, enforcement is generally achieved through instant fines, or infringement fees issued in accordance with the Bylaw itself.

Infringement fees or instant fines can only be enforced through a Regulation of Parliament. Council must first adopt the Bylaw and the Schedule of Infringement Fees for Offences, then make an application to the Minister of Transport to recommend that Cabinet passes to new regulations to empower these.

## **2.3 Revoking New Zealand Gazette Notice 2014-au3530**

Council undertook a partial review of the 2010 Bylaw in 2014. This partial review was specific to the speed uplifting on the Kaituna River. This review made some amendments to the provisions of the 2010 Bylaw. These amendments were publicly notified in the New Zealand Gazette (Notice 2014-au3530 (Page 1693 Issue 61) – Notification of Speed Uplifting under Part 91 of the Maritime Rules.

The full review of the 2010 Bylaw undertaken in 2015/16 included a review of the Kaituna River Speed Uplifting, as set out in the New Zealand Gazette Notice. The revised rules, now contained within the Draft Bylaw (to be adopted) supersede Gazette Notice 2014-au3530. Council therefore needs to revoke that Gazette notice.

## **2.4 Director of Maritime New Zealand**

Section 33M of the Maritime Transport Act 1994 requires that a Navigation Safety Bylaw is made in consultation with the Director of Maritime New Zealand. Maritime NZ was consulted as part of the pre-engagement process, and the Director was invited to make a submission on the Draft Bylaw. Following the Hearings and the Commissioners decisions, The Director of Maritime NZ was provided with the amended Draft Bylaw for further comment. The Director of Maritime NZ response is attached.

In response to the Director of Maritime NZ's comments, some minor amendments to the Bylaw have been made. These changes do not impact on the intent or meaning of the Bylaw, but do assist to clarify some matters.

### 3 Commissioners Report

The commissioners report provides a summary of the procedural aspects of the hearings; recommended decisions on amendments to the Draft Bylaw that was publicly notified on 07 June 2016; and discussion relating to the decision making process, which includes summaries of the issues raised by submitters.

The Report has been reviewed by Council's legal advisor. All decisions recommended in the Report have been incorporated into the Bylaw for adoption. Additional information received; including staff papers requested by the commissioners are identified in the Report or appended to the Report.

#### 3.1 Key Issues

Submissions were received on a wide range of issues. The key issues arising from the hearings included:

- The carrying and wearing of lifejackets
- Hunters Creek Ski Area
- Proposed Panepane Point Ski Area
- Proposed Moving Prohibited Zone around large ships in the Tauranga Harbour

Overall, the commissioners commented that most submitters presenting at the hearing came with very strong views and personal convictions regarding issues, but further facts and evidence were required to support their views..

#### **Carrying and Wearing of Lifejackets**

A total of 77 submission points were made on the issue of carrying and wearing lifejackets.

- 50 either supported the draft lifejacket provisions, or supported them in part
- 20 opposed the draft lifejacket provisions
- 5 submission sought amendments and 2 submissions made other general points

New Zealand Maritime Rules require all vessels to carry a correctly fitting lifejacket for all persons on board the vessel, and that lifejackets are required to be worn at times of heightened risk, for example, when crossing a Bar. This rule provides a national baseline that must be complied with.

A number of submitters stated that it was safe to row a dinghy or tender ashore without carrying or wearing a lifejacket. Not carrying a lifejacket in a dinghy or tender is currently illegal in New Zealand, and the Bylaw cannot legalise the non-carrying of a lifejacket.

Environment Waikato presented their experience with regard to their Bylaw and the wearing of lifejackets. Environment Waikato stated that the rule, as drafted was out of step with the current views of Maritime NZ, the NZ Safer Boating Forum and at least six other local bodies responsible for navigation safety in New Zealand.

A concern was raised that, under the rules as notified, a child under 15 years old could make the decision not to wear a lifejacket if they were the only person on board (eg: in a Dinghy) or out with young friends. Given that Maritime Rules state that no person under the age of 15 can have sole charge of a vessel capable of more than 10 knots, it was considered reasonable that a person under 15 should not be able to make a decision not to wear lifejackets, given the potential life threatening situation this could lead to.

The commissioners have recommended to amend the Draft Bylaw (lifejacket provisions) so that no person under 15 years can authorise the non-wearing of lifejackets.

### **Hunters Creek Ski Area**

A total of 66 submission points were made on the issue of Hunters Creek Ski Area.

- 22 submissions supported the retention of Hunters Creek Ski Area
- 42 submissions opposed the retention of the Hunters Creek Ski Area
- 2 submissions sought an amendment to the Draft Bylaw

Hunters Creek has been a significant issue for a number of years, and has been raised during previous reviews of the Bylaw. A wide range of issues were raised by Matakana and Rangiwāea Island residents, including that the area is used as an access way for residents.

The commissioners visited both Hunters Creek and Panepane point to view the conditions. The commissioners have made a number of strong recommendations for staff to collect further information and statistics to support decision making for the next Bylaw review..

The commissioners have recommended that the area be closed as a ski area for a period 2 hours either side of low tide for safety reasons. During this time the channel is very narrow, which restricts the ability for vessels not undertaking ski activities to navigate.

### **Proposed Panepane Point Ski Area**

A total of 151 submission points were made on the proposed Panepane Point Ski Area.

- 37 submissions supported the proposed ski area
- 85 submissions opposed the proposed ski area
- 29 submissions sought an amendment to the ski area, which included suggesting alternative areas.

The Panepane Point Ski Area was proposed as an alternative to Hunters Creek, if that area was to be closed. The majority of submitters supporting the proposed ski area were residents of Matakana and Rangiwāea Island, who opposed the retention of Hunters Creek. These submitters qualified their support on the basis that they supported the proposal as an alternative to Hunters Creek, not in addition to Hunters Creek.



Many of the submitters opposed to the proposed Panepane Point Ski Area did so because it was an area that provided one of the few sheltered deep water anchorages for larger keel yachts. Submitters contended that the introduction of a ski area at this location would conflict with its current use as an anchorage within the harbour.

The commissioners recommended that the proposed Panepane Ski Area is not included in the 2017 Bylaw.

### **Proposed Moving Prohibited Zone**

A total of 58 submission points were made on the proposed Moving Prohibited Zone.

- 2 submission supported, or supported in part, the proposed zone
- 56 submissions opposed the proposed zone

The proposed moving prohibited zone is an area 500m in front, and 50m to each side of a moving ship within Tauranga Harbour. The zone moves with the ship as it navigates through the main channel of the harbour.

Submitters that opposed the proposed moving prohibited zone were almost entirely from the Tauranga Yacht and Power Boat Club. The main concern was that the zone would adversely affect their ability to conduct yacht racing in the Harbour. Submitters raised concerns that racing yachts could not navigate outside of the main navigation channels in many instances because of the harbour depth.

The 2010 Bylaw provides little certainty in-so-far-as it states that a vessel may not impede the navigation of a large ship. The international rules for the prevention of collisions at sea (ColRegs) have a similar rule where a vessel is restricted in its ability to manoeuvre. The proposed zone provides certainty around this Rule.

As part of the deliberations on this rule, the commissioners undertook a field trip around the Tauranga Harbour. During this trip, they were able to observe the proposed distances in relation to the size of the harbour channels.

The commissioners have endorsed the moving prohibited zone in the Draft Bylaw and recommend that this is retained.

## **4 Other Recommendations**

Throughout the course of the hearings, submitters raised a number of issues that, whilst related to the Bylaw, were not matters that the Bylaw could address directly. In some instances, the commissioners considered that the gathering of additional evidence and information would assist future reviews of the Bylaw. The recommendations that sit outside of the Bylaw are set out below.

### **Kaituna River Speed Uplifting**

1. Records are kept of activities and events on the Kaituna River to inform future reviews of the Navigation Safety Bylaw.
2. That a Strategic Communications Plan is put in place. This could include interested parties such as; consent holders, river users, iwi, Jet Boat New Zealand, land owners and the local community. This plan would cover communication, clarification and education of boating rules, cultural events and the like.

3. More consistent signage is used at car parks with maritime rules and that these are regularly checked and maintained.
4. Passive recreation areas and or swimming areas are identified and looked at for the next Bylaw review.

### **Lake Ōkāreka Slalom Course and Okawa Bay Ski Area (Lake Rotoiti)**

1. That for the next Bylaw review the types of boats using ski lanes be looked at, with a view to perhaps providing alternative areas for 'wake boats' away from wetlands and private property to mitigate the damage caused by wakes.

### **Hunters Creek Ski Area**

1. A detailed data collection system is instigated by both the Harbourmaster and his team, and the Island Trustees with the view that at the next Bylaw Review date hard verifiable evidence will be available for consideration.
2. That the Harbourmaster is able to increase patrols and maintain a more visible presence within the Hunters Creek area, particularly over the heavy summer season.
3. That within the new edition of the "Boating in the Bay of Plenty" handbook that more detail and protocol are given regarding Hunters Creek and its community including the MHWS level and what that means for users.
4. That signage is provided to signify private property above the MHWS level.
5. That in the next review forestry haulage from Matakana Island will need to be taken into account.
6. That a full assessment of ski areas within the Tauranga Harbour is undertaken, with data regarding usage and incidents recorded.
7. Encourage serious relationship building at a Governance level with the Island Trustees.
8. Swimming areas as noted by Island Trustees are proposed as designated areas in the next Bylaw review.

## **5 Council's Accountability Framework**

### **5.1 Community Outcomes**

This project/proposal directly contributes to the Resilience and Safety Community Outcome in the council's Long Term Plan 2015-2025.

### **5.2 Long Term Plan Alignment**

This work is planned under the Maritime and Organisational Planning and Reporting activities in the Long Term Plan 2015-2025.

**Current Budget Implications**

This work is being undertaken within the current budget for the Maritime and Organisational Planning and Reporting activities in the Annual Plan 2016/17

**Future Budget Implications**

Future work on the adoption of the Navigation Safety Bylaw 2017 is provided for in Council's Long Term Plan 2015-2025.

Mark Le Comte

**Organisational Planning Manager**

**for General Manager, Regulatory Services**

**7 February 2017**



# **APPENDIX 1**

## **Navigation Safety Bylaw 2017 Commissioners Decisions Feb 2017**



**Independent  
Commissioners Review  
of the  
Draft Bay of Plenty  
Regional Council  
Navigation Bylaw 2016**





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**IN THE MATTER**

of the Local Government Act  
2002 (the LGA) and Section 33M  
of the Maritime Transport Act  
1994 and

**IN THE MATTER**

the revocation of the Bay of Plenty  
Regional Council Navigation  
Safety Bylaw 2010; and

The making of the Bay of Plenty  
Regional Navigation Bylaw 2016

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# Summary of the recommendations

For the reasons set out in this decision, the Commissioners have determined to recommend to Council:

- (a) That the Bay of Plenty Regional Navigation Safety Bylaw 2010 be revoked; and
- (b) That the Bay of Plenty Regional Navigation Bylaw 2016 be made, subject to the amendments described below and as set out in Appendix 1 of this decision document; and
- (c) That the submissions be accepted, accepted in part or declined according to the reasons set out in this decision document.

In summary the main changes from the Statement of Proposal as notified are as follows:

## 1.1 Our recommended decisions with respect the carrying and wearing of lifejackets are

*The Commissioners decision is that life jackets are required to be worn in a vessel 6 m and less whilst underway, particularly in times of heightened risk.*

*However a clarification is required regarding the skipper:*

- 1 *No person under the age of 15 can have sole charge of a vessel. No person under the age of 15 may authorise the non-wearing of lifejackets.*
- 2 *Correctly fitting life jackets must be carried for all persons on board the vessel.*

*This ruling sets a default position that lifejackets are to be worn at all times on vessels 6 m and less, unless the skipper has assessed all the risks and given permission for non-wearing of lifejackets.*

*This ruling promotes skipper responsibility, and is not compulsory wearing of lifejackets.*

## 1.2 Our recommended decisions for Lake Aniwanuiwa Swimming Area

*Amend clause 2.2 to include “except if swimming and jumping is undertaken within a reserved swimming area.”*

## 1.3 Our recommended decisions for Lake Ōkāreka Slalom Course

*Accept the proposed ski area but include wording within the designated area such that the designated ski area only applies where there is valid resource consent under the Resource Management Act 1991 for a structure that has the purpose of a ski slalom course.*

## 1.4 Our recommended decisions for the limited Speed Uplifting for Jet Boat Operation in Rotorua

*That a permanent speed uplifting be granted as per the area that was utilised in the trial period. Commissioners want it noted that the speed must be reduced to 5 knots or a speed that produces a lesser wake than 5 knots at the 100 m buoy.*

*The extension to the area used in the trial for the hole in one activity, can be either a non-mooring or a non-transit zone and granted by the Harbourmaster once all appropriate resource consents under the Resource Management Act 1991, or required approvals under any other Acts have been granted or made.*

## 1.5 **Our recommended decisions for naming of vessels**

*Support the proposed bylaw 5.5.1 with the addition of the wording “or compliant with a National sporting body standard”.*

## 1.6 **Our recommended decisions for Ski Areas in Vicinity of Hunters Creek and Panepane**

*The proposed ski area at Panepane should be deleted from the proposed Bylaw.*

*Hunters Creek remains as a Ski Area in the proposed Bylaw with the following addition “that the ski lane is restricted 2 hours either side of low tide”.*

## 1.7 **Our recommended decisions for Kaituna Speed Uplift**

### **No change to the speed upliftings as notified**

- 1 *That there be no change to the proposed wording of the Bylaw with respect to the Speed Uplifting on the Kaituna River; and*
- 2 *That stakeholders utilise the provisions of Clause 3.9 (Special Events) to ensure there is an appropriate navigation safety environment for that event; and*
- 3 *Records are kept of activities and events on the Kaituna River to inform future reviews of the Navigation Safety Bylaw.*

### **The Commissioners also recommend**

*A Strategic Communications Plan is put into place. This could include interested parties such as; consent holders, river users, iwi, JBNZ, land owners and the local community. This plan would cover communication, clarification and education of boating rules, cultural events and similar activities.*

*More consistent signage is used at car parks regarding maritime rules and that these are regularly checked and maintained.*

*Passive recreation areas and or swimming areas are identified and looked at for the next Bylaw review.*

# Delegation

The Commissioners, Les Porter Chair, Gina Mohi and Doreen Blyth were appointed in accordance with Bay of Plenty Regional Council procedures and were delegated the responsibility by the Bay of Plenty Regional Council to consider submissions, conduct a hearing and to make recommendations to it on the decisions relating to revoking the Bay of Plenty Regional Navigation Safety Bylaw 2010 and the making of the Bay of Plenty Regional Navigation Bylaw 2016. The Commissioners discussed the role of Chairperson and unanimously elected Mr. Les Porter as Chairperson.

## Conflict of Interest Management

Two commissioners declared potential conflicts of Interest.

Les Porter declared that he had previously been commissioned by Mr Graeme McKenzie, a Director of a company trading as Kaituna River Jet to provide expert evidence on his behalf at the 2014 Navigation Bylaw Hearings. Staff assessed the potential conflict of interest against the "Guidelines for Conflict of Interest in Public Bodies", (Auditor General (June 2007)).

The staff assessment was that:

- Mr Porter had no ongoing commercial or contractual obligation with Mr McKenzie.
- The company Mr. Porter represented in 2014 no longer operated a commercial jet boat on the Kaituna River.
- Mr Graeme McKenzie or the parent company of Kaituna River Jet (Aerius Ltd) is not a submitter to the current Navigation Safety Bylaw Review and has not made any submission throughout the pre-engagement phase of the Bylaw development and preparation.
- As an expert in navigation safety, Mr Porter would have been expected to have a role in similar matters in the past.

In accordance with the OAG Guidelines, it was determined that there is no actual conflict of interest with Les Porter acting as a Commissioner.

Gina Mohi declared that she was involved with a voyaging trust that has a traditional ocean-going double hulled waka berthed in the Tauranga Harbour. In addition, Ms Mohi is a member and second alternate chair of Te Maru o Kaituna.

The staff assessment was that:

- The trust have not been involved with in any way or submitted into any of the public consultation processes associated with the by-law review and therefore there was no actual conflict of interest.
- As Ms Mohi had not expressed strong views on matters related to navigation on the Kaituna River it was determined that she had not pre-determined any issues.
- As Ms Mohi was appointed for her expertise and experience with the Māori community it can be expected that she would hold positions on iwi forums.



## Process matters

The Bay of Plenty Regional Council Navigation Safety Bylaw 2016 is made under Section 33M of the Maritime Transport Act, and in accordance with the procedures set out in the Local Government Act 2002 Special Consultative Procedures.

Public notification of Statement of Proposal for submissions: 7 June 2016

Closing date of submissions: 7 July 2016

### Hearing dates

Tauranga at the ASB Stadium: 22 July 2016

Tauranga at the ASB Stadium: 25 July 2016

Rotorua at the Sudima Hotel: 26 July 2016

### Submissions

A total of 218 submissions were received. A total of 39 submitters appeared before the Commissioners to support their submissions.

### Late Submissions

One late submission was received from Mr Peter Busfield representing the New Zealand Marine Industry (submission 218). The submission was received on 8 July. A newsletter sent to stakeholders contained a typographical error and stated Friday, 7 July instead of Thursday, 7 July as the closing date for submissions.

The commissioners have accepted submission 218 as it reflected a number of other submissions and it did not prejudice any other submission.

### Amended Submission

Submitter 185 (Mr Dallimore) advised on 18 July that he had inadvertently delivered the incorrect version of his submission and requested that the Commissioners accept the correct version.

The original submission was compared to the summary of submissions and the updated version provided. The updated submission did not introduce any new issues or matters, and differed in only minor detail and included some additional clarification around the points made.

The commissioners have accepted the updated version of Submission 185 as it did not prejudice any other submission and did not enter any new matters.

### Field Trip to Tauranga Harbour

The Commissioners requested a site visit to Tauranga Harbour. They were taken with the Harbourmaster Peter Buell, Shawn Baker and Clarke Koopu aboard Taniwha with Dan Rapson as skipper. They viewed Hunters Creek, Rangiwāea Island, Matakana Island, the site of the proposed ski lane at Panepane, The Port of Tauranga, and the shipping and navigation channels.

## **Field trip to Rotorua Lakes**

The Commissioners requested a site visit to view the Rotorua Lakefront with regard to the speed uplifting request and to Lake Ōkāreka regarding the slalom course. They were driven by Hearing Manager Mary Norris.

## **Deliberations**

Commissioners Deliberation meetings were held in Rotorua and in Te Puke. At the Te Puke meeting specific parties were invited to attend to provide detailed background information regarding jet boating on the Kaituna River.

## **Additional Information Received**

The Commissioners requested the following information that is additional to that supplied by submitters at the hearings:

Council Position Papers on:

- Overview – providing information on the scope of the commissioner’s ability to make decisions.
- Carrying and wearing of lifejackets
- Kaituna River Speed Uplifting – background and history.
- Lake Ōkāreka Slalom Course.
- K Jet speed uplifting – Rotorua Speed Uplifting.
- Moving Prohibited Zone – Navigating around large vessels.
- Hunters Creek/Panepane Ski Area.

The Commissioners received the above reports for information and background purposes, and these are appended to this report:

- The Commissioners also requested and received the following additional information from submitters in order to provide greater clarification of their submissions.
- A map from submitter 211 Mr Hohepa Maxwell on behalf of the Tapuika Iwi Authority, to identify the location of proposed cultural areas on the Kaituna River.
- A map from submitter 122, Lee Taingahue, on behalf of the Matakana Island and Rangiwāea Island submitters identifying swimming areas in the Hunters Creek area.
- A Memorandum of Understanding between the five Hapū of Matakana and Rangiwāea Island and commercial fishers in the Tauranga Harbour and.
- A legal opinion as to the status of that Memorandum of Understanding with respect to the Navigation Safety Bylaw.
- Background information regarding the consent for the jet boat operator on the Kaituna River.
- Background information from 2 residents of the Kaituna area and two people responsible for the jet boating operations on the Kaituna River were requested to appear before the Commissioners at the final deliberation meeting in Te Puke.
- A resident of Okawa Bay was asked to provide further information on the reported damage caused by wake boats to private property.

# Reasons for Recommended Decisions

The following sets out the Commissioner's reasons for the recommended decisions summarised in Section 1 (above). The decision reasoning is set out in accordance with the main topics of the submissions received.

## 1.8 Carrying and wearing of Lifejackets

33 submissions supported.

17 submissions supported in part 20 submissions opposed.

5 submissions sought an amendment.

2 submissions other points.

### General

Carrying and wearing of lifejackets is an important safety issue, particularly for small boats. On a national level rules around this vary from region to region, and it is proposed that the BOPRC aligns itself with the bylaw currently in use in the Auckland region. This rule sets a default position that lifejackets are worn on smaller vessels. During discussion on this topic, Council considered that there were circumstances where the wearing of the lifejacket may not be appropriate or warranted given the circumstances. This consideration is taken into account in the proposed bylaw changes.

### Summary of what we heard

The majority of submitters heard proposed that it was safe to row a dingy/tender from boat to boat or boat to shore, without wearing or carrying a lifejacket, and therefore did not support the change.

Waikato Regional Council (WRC) also spoke at the hearing; they do not support the draft bylaw rule 3.1 with the reasoning that it is out of step with current views of Maritime NZ, the NZ Safer Boating forum and at least six other local bodies responsible for navigation safety in NZ. WRC would support a rule that requires PFD's to be worn at all times in a vessel six metres and less while underway.

However the majority of submitters in total supported the change to the bylaw that required lifejackets to be worn in a vessel 6m and less whilst underway, particularly in times of heightened risk i.e. bar crossings, rough weather, and channel crossings.

### Our reasons for our recommended decisions

Maritime NZ (MNZ) is promoting the wearing of lifejackets in their series of safer boating campaigns. These campaigns are based on research commissioned by MNZ, which record drowning statistics and incident reports. Life jackets are of no use if not worn.

MNZ along with six other regional councils are promoting a consistent approach to the wearing of lifejackets in vessels 6m and under.

The majority of submitters in total supported the change to the bylaw that required lifejackets to be worn in a vessel 6m and less whilst underway, particularly in times of heightened risk i.e. bar crossings, rough weather, and channel crossings.

Submitter 94 made the suggestion that the wearing of lifejackets be compulsory for people under 15 years old. The Commissioners noted that, under Maritime Rules, no person under the age of 15 can have sole charge of a vessel capable of more than 10 knots.

**Our recommended decisions with respect the carrying and wearing of lifejackets are**

*Life jackets are required to be worn in a vessel six metres and less whilst underway. Lifejackets must be worn on all vessels during periods of heightened risk.*

*However a clarification is required regarding the skipper:*

- *No person under the age of 15 may authorise the non-wearing of lifejackets.*
- *Correctly fitting life jackets must be carried for all persons on board all vessels.*

*This ruling sets a default position that lifejackets are to be worn on vessels 6m and less unless the skipper has assessed all the risks and given permission to remove lifejackets.*

*This ruling promotes skipper responsibility, and is not compulsory wearing of lifejackets.*

## 1.9 **Definition of Passive Recreation Areas**

### **General**

The proposed Bylaw deals with a number of special designated areas in Clause 3.1.0. In particular there is a distinction between:

- Passive Recreation Area, which is closer to the more traditional non-motorised activities, and
- Non-water sports area, which reflects an area that is not used for more active water sports like water skiing, using personal watercraft or other high impact recreational activities.

**Our recommended decision is:**

*It is recommended that no change be made to the proposed bylaw.*

## 1.10 **Exclusion Zones for Large Vessels**

2 submissions supporting

### **General**

The exclusion zone around Astrolabe Reef was amended to provide access for vessels under 500 tonnes, in response to the MV Rena clean-up operations, this concluded on 4 April 2016 and was amended on 5 April 2016. Whilst all previous directions relating to the closure of areas associated with the Rena salvage operation are withdrawn, exclusion zones remain in place for vessels over 500 tonnes. These exclusion areas act as a form of ship management system and shipping channels by directing large ships away from particular reefs and shoals.

It is proposed to make these existing temporary exclusion zones permanent under the Bylaw.

**Our recommended decisions:**

*No change should be made to the proposed bylaw.*

**1.11 Fees and Penalties, Schedules 7 and 9**

**General**

2 submissions from one submitter, with a total of four submission points. The submitter opposed the increased fees and charges.

**Our reasons for our recommended decisions:**

*The fees and charges have not been amended since the previous Bylaw and are in accordance with standard practice.*

**Our recommended decisions:**

*No change to the proposed Bylaw.*

**1.12 Kaituna River Speed Uplifting**

1 submission in support.

3 submissions oppose.

2 submissions sought an amendment.

**General**

Commercial jet boating on the Kaituna River began in the late 1980's after consent was granted to operate a tourist facility, which included jet boat tours on the Kaituna River as well as other land based activities. The consent was issued as a specified departure under the Town and Country Planning Act 1977 by the then Tauranga County Council.

Legal advice in 2012 indicated that the commercial jet boat operation has valid resource consent to operate on the Kaituna River. The current Bylaw incorporates a speed uplifting that allows the commercial jet boating activity to occur. If the current speed upliftings are removed, and in particular the uplifting that is specific to the jet boating operation (upstream of Mangorewa Confluence), it will mean that the current operator would not be able to exercise their resource consent.

In 2014, Council notified and had hearings to uplift the speed limit on the Kaituna River from the Mangorewa Confluence, to a point at the first rapids 12.5 km upstream. In effect, this has created four separate speed areas on the Kaituna River.

- 1 The Lower Kaituna River from Fords Cut, upstream to the Bell Road boat ramp. This speed uplifting is a variable speed limit, with a maximum of 20 knots, reducing to 10 knots during the Whitebaiting season from 15 August to 30 November. The speed uplifting is available to all vessels.
- 2 The Lower Mid-Section of the Kaituna River from Bells Boat Ramp upstream to the Mangorewa Confluence. This area has no maximum speed and is available to all vessels.

- 3 The Upper Mid-Section of the Kaituna River from the Mangorewa Confluence to the rapids 12.5 km upstream. This area has no maximum speed limit, but is subject to conditions that restrict the speed uplifting to commercial jet boating operations that have resource consent from the Western Bay of Plenty District Council.
- 4 The Upper Section of the Kaituna River upstream of the first rapids to the source. This area of the Kaituna River is not subject to a speed uplifting, and as such, all vessels would have to maintain a speed of less than 5 knots. It should be noted that this section of the river is generally only utilised by kayakers and rafters.

## **Summary of what we heard**

### *Cultural Activities on Kaituna River*

The Kaituna River is a significant river for Tapuika, and its history and significance is set out within the Tapuika Iwi Authority submission (number 211). Iwi hold a series of blessings on the river which typically take the form of waka moving down the river and stopping at various locations to undertake culturally significant blessings and activities. This was referred to by the submitter in their presentation to the Commissioners.

These events are held at the same times and dates every year. This is the type of event that may be considered when setting speed upliftings (as set out below under Legal Context) or determining when a speed uplifting may not be appropriate.

### *Commercial Jet Boating on the Kaituna River*

Opponent's views of jet boating in the Kaituna were that the jet boating operation was unsafe and had exclusive use of the river unfairly. Another stated that the jet boating had caused environmental damage, and that there were very definite conflicts in use. It was felt that trees in the river could make the jet boating unsafe, and also there had been a decline in numbers of users, they believed this to be because of safety issues. They felt there needed to be a better communication strategy between the jet boat operators and the community.

Supporters noted that the consent holder had visited all adjacent neighbours when setting up the operation, although there were many more new owners on smaller blocks now. The operation has already conceded time and days of operations. The operation has an excellent safety record over the last 30 or so years. There were other jet boats and PWC's that used the river. The current operator was working within the consent conditions. Recognisance trips to check for hazards were run before every commercial trip. Both the consent holder and the operator would happily engage in a communication strategy in addition to what they currently do.

## **Our reasons for our recommended decisions:**

The Maritime Transport Act 1994 was amended on 01 October 2014 to specify that the purpose of the Navigation Safety Bylaw is to ensure maritime safety within the region (Section 33M Maritime Transport Act). This is a change from the previous provisions that enabled bylaws to be made for navigation and other related activities. This change creates a new focus for the Bylaw, in that it may only relate to maritime safety.

Part 91.20 of the Maritime Rules (Appendix 3) enable Bylaws to make permanent speed upliftings if Council is satisfied that the uplifting will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject to the uplifting. Aside from consultation requirements, Part 91.20 does not identify any other matter with which Council must be satisfied, or consider. This supports the purpose of the Bylaw identified in Section 33M.

In considering a speed uplifting, Council can only consider maritime safety issues, and in particular, whether the uplifting will unacceptably increase the risk to navigation safety or endanger any person using the water within the speed uplift area.

**Our recommended decisions:**

*No change to the speed upliftings as notified.*

*There be no change to the proposed wording of the Bylaw with respect to the Speed Uplifting on the Kaituna River; and*

*That stakeholders utilise the provisions of Clause 3.9 (Special Events) to ensure there is an appropriate navigation safety environment for that event; and*

*Records are kept of activities and events on the Kaituna River to inform future reviews of the Navigation Safety Bylaw.*

**The Commissioners also recommend:**

*That a Strategic Communications Plan is put in place. This could include interested parties such as; consent holders, river users, iwi, JBNZ, land owners and the local community. This plan would cover communication, clarification and education of boating rules, cultural events and the like.*

*More consistent signage is used at car parks with maritime rules and that these are regularly checked and maintained.*

*Passive recreation areas and or swimming areas are identified and looked at for the next Bylaw review.*

## 1.13 **Lake Aniwanuiwa Swimming Area**

### **General**

There were 2 neutral submissions received. Submitters sought clarification as to the definition of Whakatāne the swimming area.

The District Council seeks to clarify an apparent conflict with clause 2.2 of the Bylaw (jumping and swimming from wharves). This only applies in the commercial area of the Whakatāne Harbour not Lake Aniwanuiwa.

**Our reasons for our recommended decisions:**

*Lake Aniwanuiwa is a popular recreational area for boaties and swimmers. To ensure this space is shared safely it is proposed that a section of Lake Aniwanuiwa near the campground and north of the boat ramp is buoyed off and reserved for swimming only.*

### **Our recommended decisions for Lake Aniwanuiwa Swimming Area:**

*Amend clause 2.2 to include “except if swimming and jumping is undertaken within a reserved swimming area.”*

## **1.14 Lake Ōkāreka Slalom Course and other ski areas**

7 submissions in support

9 submissions opposed

### **General**

The Rotorua Wake and Ski Club are proposing to establish a ski slalom course on Lake Ōkāreka. The proposed course is located near an existing ski access lane.

Resource consent is required.

### **Summary of what we heard**

Four submitters spoke at the hearing. Two were requiring clarity around placement of the course, as well as requesting that Council provide concise maps for residents and holiday makers alike. They also wanted noted their concerns regarding safety of users in different zones and water use (i.e. jet skis as opposed to water skiers). There were also concerns raised regarding flora and fauna damage caused by boat speeds.

Two further submitters spoke in support of the slalom course.

Further information was asked for regarding claims that damage was occurring within wetlands and to jetties and private property caused by significant wakes from ‘wake boats’ and ‘wake setters’ in other lakes, notably Okawa Bay on Lake Rotoiti. These boats in particular are becoming more popular and there are questions regarding the use in ski lanes, and in particular in small bays on the lakes.

### **Our reasons for our recommended decisions:**

*Other concerns regarding flora and fauna, public consultation/notification and the anchoring of buoys will be addressed by the Resource Consent process.*

### **Our recommended decisions for Lake Ōkāreka Slalom Course:**

*Accept the proposed ski area but include wording within the designated area such that the designated ski area only applies where there is valid resource consent for the slalom course.*

### **The Commissioners also recommend:**

*That for the next Bylaw review the types of boats using ski lanes be looked at, with a view to perhaps providing alternative areas for ‘wake boats’ away from wetlands and private property to mitigate the damage caused by wakes.*



## 1.15 Limited Speed Uplifting for Jet Boat Operation in Rotorua

6 submissions in support

1 submission opposed

### General

Kawarau Jet Rotorua (Kjet) has had a temporary speed uplifting on the Rotorua waterfront. This speed uplifting allowed Kjet to exceed the 5 knot speed limit within 200 m of shore, applicable to a point 100 m off shore within a defined channel area. The temporary uplift was to enable a trial to be conducted to determine whether there were any adverse effects or safety issues that would arise from a more permanent uplifting. Kjet are requesting that this speed uplifting be made permanent.

### Summary of what we heard

Kawarau Jet Rotorua spoke in support of their submission for limited speed uplifting at their Rotorua lakefront location. They gave specifics on boat speed and planing zones in regards to wake formation. Kjet have in fact asked for a wider area for speed uplifting than was used in the trial, to enable a hole in one facility to be placed inside that zone.

Another submitter Volcanic Air Safaris requested that the proposed speed uplifting for the jet boat operator be removed. There were concerns raised about wakes from speeding boats causing safety issues.

### Our reasons for our recommended decisions:

*The Commissioners felt that a permanent speed uplifting could be granted for the area specified in the trial period, however there would be restrictions.*

### Our recommended decisions for the limited Speed Uplifting for Jet Boat Operation in Rotorua:

*That a permanent speed uplifting be granted as per the area that was utilised in the trial period. Commissioners want it noted that the speed must be reduced to 5 knots or a speed that produces a lesser wake than 5 knots at the 100 m buoy.*

*The extension to the area used in the trial for the hole in one activity, can be a non-mooring or non-transit zone and granted by the Harbourmaster once all appropriate consents have been granted.*

## 1.16 Matutu Arm Restricted Speed Area

3 submissions in support

1 sought an amendment

### General

The submissions generally support the change to the Matutu Arm. One submitter seeks an amendment so that a 5 knot restriction is placed on the Matutu Arm out from the shore at 100m on both sides. In addition a no-water sport 5 knot area be imposed on the north western part of the Matutu Arm from Matutu point and across to the nearest point on the other side of the lagoon.

### **Our reasons for our recommended decisions:**

*The proposal within submission 179 appears to be consistent with the proposed changes to the Matutu arm which are as follows;*

*It is proposed to reduce the speed restriction area to the north-eastern part of the Matutu Arm. The majority of the Matutu Arm will retain the normal 5 knot rules that apply throughout the lake.*

### **Our recommended decisions:**

*No change to the proposed bylaw.*

## **1.17 Naming of Vessels**

24 submissions supported

3 submissions supported in part

3 submissions sought amendments 1 submission was neutral

15 submissions opposed

### **General**

It is proposed that a new requirement for naming or identification of vessels is introduced, consistent with the requirements that are in place in the Waikato region. It should be clearly noted that this is not a requirement to register a vessel, but it is a requirement to ensure that there is an identifying name or number on that vessel. This new requirement does not apply to smaller non powered vessels (e.g. dingies or rowing skiffs) under 6 m, or smaller powered vessels under 4 m.

### **Summary of what we heard**

Jet Boating New Zealand (JBNZ) supported the naming of vessels but requested that the sizing be consistent with what was already in use by JBNZ. There was also support from 2 other submitters who were heard. Two other submitters mentioned their support for naming of vessels.

### **Our reasons for our recommended decisions:**

*This new proposed requirement is to enable identification of vessels including during emergencies. In most cases vessels are already named and comply with this provision.*

### **Our recommended decisions for naming of vessels:**

*Support the proposed bylaw 5.5.1 with the addition of the wording "or compliant with a national sporting body standard".*

## **1.18 Proposed Moving Prohibited Zone**

1 submission supported

1 submission supported in part 56 submissions opposed

## **General**

The submissions received indicate that there are misinterpretations of what the moving prohibited zone means and how it will operate. It is to be noted that all submissions opposing this change are from the Tauranga Yacht and Powerboat Club (TYPC).

The Harbourmaster considers that the club has current and sound procedures around race management with respect to shipping. Given that these procedures are already in place it is difficult to see how a moving prohibited zone would adversely impact existing racing.

The proposed introduction of a moving prohibited zone around ships 500 tonnes is intended to provide a clear definition of when smaller vessels should be considered to be impeding the navigation of the ship thereby placing them in danger, and should take immediate measures to move out of that zone.

## **Summary of what we heard**

The primary concern of the TYPC is that the proposed moving prohibited zone will mean that shipping lanes will be closed down and they will be unable to conduct races in the harbour due to the draft of their yachts.

A number of submissions from the TYPC state that the club has a good relationship with the Port Authority, and that they provide advice on shipping movements to the TYPC members prior to races. The club has made provision to postpone the start of a race by 10 – 15 minutes to allow a ship to safely exit port prior to a race commencing.

Some submissions focus on the fact that a recreational vessel can see the ship and the skipper is able to determine a safe distance. However the Harbourmaster has advised that there are repetitive examples of small vessels being warned, moved or towed out of a ships way. Anchoring in the channel is becoming a consistent issue, and when requested some boaties are refusing to move. If a ship whistles then the Captain/Pilot is concerned and there is imminent danger to the ship and the other vessel. Losing sight of boaties to the ship's Captain/Pilot can be a frightening issue for them.

The Port of Tauranga provided a full and factual description for the need for a moving prohibited zone. In particular the 50 m prohibited zone was noted as a safety requirement in relation to logs falling off ships as they are being loaded, the Harbourmaster remove an average of 50 logs per month that have fallen into Tauranga Harbour. There has never been intent for this moving zone to be applied to provide exclusivity to the Port. The Port supports this rule change to mitigate safety concerns. The Port does not seek to prevent or impede other users, and it was emphasized that it did not wish to negatively impact the activities of the TYPC.

Cruise ships are sensitive about security and were also advocating for static zones to be implemented around moored ships.

### **Our reasons for our recommended decisions:**

*The moving prohibited zone is the high risk area around a vessel of over 500 tonnes. This zone will be 500 m directly in front of the ship and follows the course of the channel. The moving prohibited zone can clearly be presumed to be where the ship is heading or travelling through in the next 2-3 minutes. The moving prohibited zone is also 50 m to the side of the ship from the bow to the stern.*

*The Commissioners undertook a site visit within the Tauranga Harbour and expressly asked to be shown the 50 m distance from the boat they were on, and also 500 m distance in front from the dredging boat which was in operation at that particular time; this gave a clear indication that the distances were not prohibitive.*

*The 2010 bylaw contains a duty on masters of all vessels under 500 tonnes (which included recreational vessels of all types) to not allow that vessel to impede the navigation of any vessel over 500 tonnes. This rule is in place because large ships are restricted in their ability to manoeuvre, cannot stop in a short distance and in many cases cannot see small vessels in front of them.*

*The Commissioners examined the Bylaws that Auckland and Napier councils have in place regarding a moving prohibited zone. It is to be noted that along with the 500 m in front of, the 50 m to either side that both Auckland and Napier also include a 100 m behind zone. This is not part of the proposed bylaw change for the BOPRC bylaw.*

### **Our recommended decisions are:**

*No change to the proposed bylaw.*

## **1.19 Registration of Personal Watercraft**

32 submissions supported

4 submissions supported in part

2 submissions sought an amendment

11 submissions opposed

### **General**

The proposal to register Personal Watercraft (PWC) is to be a single one off registration that is similar to the registration required in the Waikato, Auckland and Northland regions. A single registration will be valid across all regions that require a PWC registration.

### **Summary of what we heard**

2 submitters mentioned in their presentations to Commissioners that they supported the registration of PWC's. Two submitters mentioned they did not favour the registration of PWC's but rather that the PWC should display the number of the towing vehicle.

## **Our reasons for our recommended decisions**

*There are clear benefits to PWC registration. Where registration is required in other areas, those Councils have noted a marked downturn in poor behaviour of PWC users. Registration of PWC will enable the Harbourmaster to provide greater enforcement of the rules. Many submitters have indicated that they wish to see greater visibility of the Harbourmaster and his team dealing with troublesome issues on the water. Registering of PWC's will assist this. Registration will also help with stolen PWC's.*

*Currently there is a database administered by Auckland Council. This database is also utilised by Northland Regional Council and it is anticipated that BOPRC registration will also utilise that database. This is intended to keep costs down as far as possible.*

### **Our recommended decisions:**

*No change to the proposed Bylaw.*

## **1.20 Ski Areas in Vicinity of Hunters Creek (including proposed Panepane Ski Area)**

### **Panepane Ski Area**

37 submissions supported

85 submissions opposed

29 submissions sought an amendment

(32 submitters supporting a ski area at Panepane submitted a pro forma submission.)

### **General**

During the pre-consultation Community engagement, a meeting was held with representatives of Matakana and Rangiwāea Island Hapū to discuss issues relating to Hunters Creek. During this meeting the Hapū representatives proposed that the ski lane could be moved to an area off Panepane. To ensure that the wider community had the opportunity to be a part of the discussion, this proposal from the Matakana and Rangiwāea Island Hapū was included in the statement of proposal. The existing Hunters Creek area was also included and submissions were invited both for and against both areas.

The intent of proposing both areas was not to promote either area but to formally seek public comment on both areas.

### **Summary of what we heard:**

The majority of submissions on this point opposed the establishment of a proposed ski area at Panepane, as it is a favourable and established anchorage for boaties. Larger pleasure boats can anchor there as it is one of the few deep water areas within the harbour. Panepane has a safe white sandy beach and is used as a popular swimming and picnicking area by many boaties. It is also heavily used by kayakers, outrigger clubs and SUPs.

Water ski activities should not be placed in this area. It was viewed that there would be too great a conflict with anchored boats and vessels moving at speed. Using an area so close to a major shipping channel was also raised by many submitters as dangerous. Submitters who spoke to this were the majority of those opposed.

Panepane as a ski lane was proposed by the residents of Matakana and Rangiwāea Islands and supported by the 37 proforma submissions from the residents of Matakana and Rangiwāea Islands. They felt this could be done by adding a ski lane to the ski access lane. Failing that, re-siting a ski lane to the ocean side of The Mount was suggested or even Matua.

Their submission proposed the ski lane at Panepane as the alternative ski lane to Hunters Creek not 'in addition' to Hunters Creek.

### **Retaining Ski Area at Hunters Creek**

22 submissions supported

42 submissions opposed

2 submissions sought amendment

(32 submitters opposing Hunters Creek submitted a pro forma submission.)

### **General**

Hunters Creek is a sheltered part of Tauranga Harbour located between Matakana and Rangiwāea Island. The sheltered nature of Hunters Creek and its approaches in most wind conditions makes the area one of the most sought after locations in the harbour for boating activities. As Tauranga population grows there are increased volumes of recreational users, and ski areas will continue to be in demand.

A significant part of Hunters Creek is currently reserved as a water ski area. At low tide there can be a heightened risk of shallow water. When outside of a reserved water ski area or access lane, skiers have no priority over other vessels – that is, the normal give way rules apply. Ski areas are larger and allow priority for skiers in that area.

### **Summary of what we heard**

The derelict ammunition barge was raised as a navigation hazard. The removal of the barge was supported.

Hunters Creek should be retained but with better signage for the public regarding boat speeds and ski lane usage. The Tauranga Harbour is a jewel for all Tauranga and Western Bay of Plenty residents and the Hunters Creek ski area is an important asset to encompass the SmartGrowth vision of "live, work, play".

Jet skis also appear to not be abiding by the standard navigation rules.

Ngaraima Lee Taingahue speaking on behalf of the 32 proforma submissions for the Rangiwāea/Matakana Island Group provided a PowerPoint presentation detailing the concerns the island residents have with Hunters Creek being used as a ski lane.

- Hunters Creek provides a calm stretch of water that provides favourable conditions for recreational boaters; it is also used as a thoroughfare.

- The group requested that the ski lane be removed but that the area remains for boaties at large.
- Issues raised were those of bad behaviour exhibited by all users of Hunters Creek in general; dumping of rubbish, no toilet facilities, lighting of fires and cultural insensitivity.
- Many users did not realise that above the Mean High Water Springs (MHWS) level was private property.
- Concerns were noted that jet skiers in particular tend to perform high speed manoeuvres in reasonably shallow water with little regard for other boaties.
- Water skiers were also skiing when the water level was lower (low tide) and this was also an accident waiting to happen as far as the islanders were concerned.
- The 5 knot rule appeared to be ignored by those travelling to the ski lane.
- There were not enough regular patrols by the Harbourmaster and the islanders were hoping that with the addition of a newer smaller vessel the Maritime presence would be strengthened this summer.
- There were concerns that with the volume of users increasing that there would be an increasing risk to health and safety of the islanders and the recreational public.
- The islanders use the bottom of Hunters Creek channel to the northern end of Rangiwāea Island at the Mill Site as a navigational thoroughfare and access.
- Conflict was arising between recreational users of Hunters Creek Ski area and Island Residents, although data is at this stage not available to establish this.

### **Our reasons for our recommended decisions:**

#### **Panepane**

*Panepane is one of the very few deep water anchorages within the Tauranga harbour and as such is used extensively by boaties requiring a safe deep water anchorage. A large number of local boaties also use the beach as a safe swimming area, and is highly utilised as a family beach. A ski lane at Panepane is not perceived as a viable option.*

#### **Hunters Creek**

*Whilst the issues concerning Hunters Creek are very real to the residents of Rangiwāea and Matakana Islands, there needs to be a more formal gathering of data. One group of users cannot be pinpointed as creating issues without evidence to support. The Commissioners can only make a decision based on the evidence put before them both in submissions and at the hearings. It was felt that the evidence provided was anecdotal and there was no substantiating evidence provided in support. The Commissioners were disappointed with the lack of evidence, and this has led them to make some strong recommendations to the BOPRC regarding the next Bylaw review.*

## **Our recommended decision for Ski Areas in the vicinity of Hunters Creek and Panepane:**

*The proposed ski area at Panepane should be deleted from the proposed Bylaw.*

*Hunters Creek remains as a Ski Area in the proposed Bylaw with the following addition “that the ski lane is not in operation for 2 hours either side of low tide and all other normal rules apply during this time”.*

### **The Commissioners also recommend:**

*A detailed data collection system is instigated by both the Harbourmaster and his team, and the Island Trustees with the view that at the next Bylaw Review date complete verifiable evidence will be available for consideration.*

*That the Harbourmaster is able to increase patrols and maintain a more visible presence within the Hunters Creek area, particularly over the heavy summer season.*

*That within the new edition of the “Boating in the Bay of Plenty” handbook that more detail and protocol are given regarding Hunters Creek and its community including the MHWS level and what that means for users.*

*That signage is provided to signify private property above the MHWS level.*

*That in the next review forestry haulage from Matakana Island will need to be taken into account.*

*That a full assessment of ski areas within the Tauranga Harbour is undertaken, with data regarding usage and incidents recorded.*

*Encourage serious relationship building at a Governance level with the Island Trustees. Swimming areas as noted by Island Trustees are identified and proposed accordingly in the next Bylaw review.*

## **1.21 Other Topics and Submissions Summary**

Other Topics cover a wide variety of topics within the Bylaw that are not highlighted as major or key changes. The Panel of Commissioners have read all submissions in their entirety and have taken these into account in their deliberations.

The Commissioners have read in detail the full Statement of Proposal and have recommended that all changes made to the existing Bylaw that are not already outlined within this document are approved.



Panel Chairman  
**Les Porter Independent Commissioner**

  
.....

Date 22/12/16

Panel Member  
**Gina Mohi Independent Commissioner**

  
.....

Date 13/12/16

Panel Member  
**Doreen Blythe Independent Commissioner**

  
.....

Date 16.12.2016



# **APPENDIX 2**

## **Director Maritime NZ Comments**



26 January 2017

TEL +64 4 473 0111 FAX +64 4 494 1263  
Level 11,1 Grey Street, PO Box 25620, Wellington 6146  
New Zealand

Shawn Baker  
Senior Planner  
Bay of Plenty Regional Council

Our ref: CSM 12031-01 / F4396  
By email

shawn.baker@boprc.govt.nz

Dear Shawn

### **Bay of Plenty Region Navigation Safety Bylaw 2017**

Further to your email of 20 December, thank you for consulting with the Director of Maritime New Zealand (Maritime NZ) on the draft Bay of Plenty Navigation Safety Bylaw 2017, and on his behalf we provide the following response.

#### **General comments**

##### *Consistency with Maritime Rules*

Section 33M of the Maritime Transport Act (MTA) requires that navigation bylaws should not be inconsistent with regulations or rules made under the Act.

In Maritime NZ's interpretation, the requirement to be "not inconsistent" with a maritime rule means that bylaws must not permit what a rule expressly prohibits, nor prohibit what a rule expressly permits. A bylaw cannot impose a lesser standard than a maritime rule, and there must not be a situation where both the bylaw and the rule cannot operate side-by-side. In Maritime NZ's view, a bylaw will not be inconsistent if it is made in respect of something or for a purpose that is not in a maritime rule, or imposes a higher standard than a maritime rule.

Maritime NZ has used this interpretation in reviewing the draft bylaws. However, it is recommended that Bay of Plenty Regional Council (BOPRC) seeks its own legal advice on this matter.

##### *References to maritime rules*

The bylaws refer to maritime rules in various places. The correct title of maritime rules should be used e.g. Maritime Rules [plural] Part 90, or abbreviated to Part 90.

#### **Clause 1.3 – Definition of terms**

The bylaw defines the terms *making way* and *underway*.

*Making way* is used in relation to the wearing of personal flotation devices.

*Underway* is used in relation to the moving exclusion zone in Tauranga Harbour and the bylaw definition is consistent with the definition in Maritime Rules Part 22.

Part 22 also uses the term *making way through the water* but there is no definition.

It is suggested that for consistency with maritime rules, the Council considers using the term *making way through the water* instead, if that is appropriate to the situation, noting however Maritime NZ's comments on the wearing of personal flotation devices below.

### **Clause 2.1 – Personal flotation devices (PFDs)**

Maritime NZ supports the Council's decision to make it mandatory to wear PFDs on vessels six metres or less in length (Clause 2.1.3).

We acknowledge the consultation process undertaken by the Council and the decisions taken by the commissioners in response to public submissions. However, the position of Maritime NZ is that we strongly support making it mandatory for PFDs to be worn on recreational vessels of six metres or less when the vessel is *underway*, and that discretion **not** be provided to the person in charge of the vessel to determine that a PFD need not be worn (as provided for in Clause 2.1.4)

This is a position that we anticipate the NZ Safer Boating Forum, which includes a wide cross-section of local and central government representatives, boating organisations and NGOs such as Water Safety NZ, Watersafe Auckland and Coastguard, will adopt later this year. The rationale for this approach is set out in the attached document which is currently under consideration by the Forum membership.

In the interests of both safety and promoting national consistency, Maritime NZ recommends that the Council adopt this approach to the wearing of PFDs in making its bylaws.

### **Clause 2.17 – Directions by Harbourmaster or enforcement officer**

Harbourmasters' powers of direction are covered under section 33F(1)(c) of the MTA. The use of such powers by others for the purposes of enforcing bylaws are covered by section 33G(c). In granting powers of direction to enforcement officers under clause 2.17 it is suggested that reference is made to the empowering provision in section 33G(c) which expressly requires council authorisation.

### **Clause 3.3 – Speed limits on harbour waters**

Is this provision already covered under Harbourmaster's powers of direction under section 33F(1)(c) of the MTA?

### **Clause 5.1 – Suspensions and exemptions from this bylaw**

We would expect that any suspension of bylaw provisions (other than of a temporary nature) may need to be in consultation with the Director of Maritime NZ.

### **Clause 5.3 – Navigation safety licences**

Clause 5.3.1 provides for the Harbourmaster to require a Navigation Safety Licence to be held for any commercial vessel operated for hire or reward that is not subject to maritime rules.

Clause 5.3.3 further provides for the Harbourmaster to be able to require a licence for commercial vessels that are subject to maritime rules where he or she considers there are navigational safety matters not addressed by the maritime rules.

Section 33M(2) of the MTA specifically prohibits the imposition through bylaws of licensing requirements in respect of any aspect of commercial shipping operation that is subject to any requirement contained in any maritime rule. Clause 5.3.3 appears to be at odds with this prohibition. It is suggested that the council take its own legal advice on this matter. It is also not clear what the intent of the bylaw is, and in what situations it is envisaged that such licensing may be necessary.

Clause 5.3.10 refers to Maritime Rules Part 80 which no longer exists. The provisions of Part 80 are now covered by Parts 81 and 82.

### **Clause 5.5 – Identification of vessels**

Section 33M(1)(j) of the MTA empowers a regional council to make a bylaw to 'require the identification and marking of a personal water craft'.

Clause 5.5 appears to extend identification requirements to all vessels (excluding those under 5.5.2). The Council may wish to seek legal advice on whether this is enabled under the above bylaw making power.

### **Clause 6 1 – Directions for entering and navigating in Tauranga pilotage area**

Are the areas mentioned in clause 6.1.2 defined or described in diagrams or on official charts? The general descriptions may be open to interpretation.

### **Clause 6.3 – Navigational documents required for Tauranga for Tauranga Harbour**

This clause refers to 'approved electronic equivalents' to the specified charts. In the context of the bylaw it is not clear who gives such approvals. Maritime Rules Part 25 covers the carriage of charts and accepted electronic equivalents, such as dual independent ECDIS (Electronic Chart Display and Information Systems).

For clarity, chart plotters commonly carried on many vessels do not use authorised charts and under Part 25 are not an *approved electronic equivalent* for paper charts issued by the NZ Hydrographic Authority (LINZ).

### **Schedule 1 – Defined areas**

We understand that the exclusion zones for vessels over 500 gross tonnage around Astrolabe Reef and other areas were originally established by harbourmaster direction. While Maritime NZ supports the establishment of the exclusion zones, it is not clear under what authority such zones may be prescribed in bylaws. It is suggested that in the interests of regulatory robustness that Council confirms the authority under which these zones are being established.

### **Schedule 8 – Pilotage**

It is noted that this schedule carries over the text of the current 2010 bylaws which pre-date the introduction of Maritime Rules Part 90 on 1 April 2011.

A number of the provisions of this schedule duplicate what is already required under Part 90 e.g. the compulsory pilotage limit for Tauranga is 250 gross tonnage; the requirement to carry a pilot unless holding a pilotage exemption certificate; the requirement for a pilot to be licensed. This duplication could be removed.

Similarly it is suggested that the requirements for obtaining a pilotage exemption certificate (PEC) should be removed as Part 90 and other maritime rules define what certificates of competency are required for the issue of a PEC.

We are unsure of the authority for the bylaw requirement that the master of a ship provide the pilot with a copy of ship's customs clearance upon request – this is not a requirement under the Maritime Transport Act or rules.

Maritime NZ encourages the reporting by pilots of any incident that occurs while a pilot is aboard, but it is noted that the primary responsibility for reporting of incidents under both the Maritime Transport Act and Clause 2.11 of the bylaws remains with the master and not the pilot.

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Are the areas mentioned in clause 6.1.2 defined or described in diagrams or on official charts? The general descriptions may be open to interpretation.

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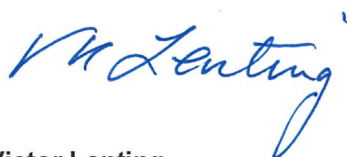
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Maritime NZ encourages the reporting by pilots of any incident that occurs while a pilot is aboard, but it is noted that the primary responsibility for reporting of incidents under both the Maritime Transport Act and Clause 2.11 of the bylaws remains with the master and not the pilot.

If you require any clarification on the above matters, please contact the undersigned.

Yours sincerely



**Victor Lenting**  
Senior Operations Advisor  
Maritime Standards

enc NZ Safer Boating Forum position on the use of PFDs





**Report To:** Regional Council  
**Meeting Date:** 14 February 2017  
**Report From:** Fiona McTavish, Chief Executive

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## **Nomination to Tauranga City Council's Transport Committee**

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### **Executive Summary**

Council is asked to nominate a member and an alternate to be appointed to the Tauranga City Council's Transport Committee.

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Nomination to Tauranga City Council's Transport Committee;**
- 2 Recommends Councillor \_\_\_\_\_ be nominated as the Bay of Plenty Regional Council's representative on the Tauranga City Council Transport Committee as a non voting member.**
- 3 Recommends Councillor \_\_\_\_\_ be nominated as the Bay of Plenty Regional Council's alternate representative on the Tauranga City Council Transport Committee.**

### **1 Tauranga City Council Transport Committee Membership**

A report to the Tauranga City Council's Transport Committee meeting on 13 February 2017 is recommending an increase to the membership of the committee to include non voting members representing the regional council, Western Bay of Plenty District Council and NZTA.

An invitation has been received from the Chair of TCC's Transport Committee for a Bay of Plenty Regional Council member representative to be nominated as a non voting member on to the committee.

In order to expedite the appointment, staff will confirm the TCC resolution at this meeting in order for Regional Council to nominate their representative and Tauranga City Council to make the appointment at the beginning of their next meeting on 13 February 2017.

The TCC Transport Committee meets monthly on the second Monday of the month.

## **2 Committee's Terms of Reference**

The committee will operate at a strategic level and is focused on directing the future of transport in Tauranga. Having an elected member from BOPRC on the committee will help ensure better coordination on cross-organisational issues and help to maintain and enhance relationships.

The TCC Transport Committee's Terms of Reference are attached as Appendix 1.

## **3 Council's Accountability Framework**

### **3.1 Community Outcomes**

This project/proposal directly contributes to the Regional Collaboration and Leadership Community Outcome/s in the council's Long Term Plan 2015-2025.

### **3.2 Long Term Plan Alignment**

This work is planned under the Governance Services' activity in the Long Term Plan 2015-2025.

#### **Current Budget Implications**

The establishment and implementation of Council's governance and decision making structure is budgeted for in the Governance Services' activity.

#### **Future Budget Implications**

Continued implementation of Council's governance and decision making structure is budgeted for under the Governance Services' activity in Council's Long Term Plan 2015-2025.

Fiona McTavish  
**Chief Executive**

**2 February 2017**

# **APPENDIX 1**

## **TCC Transport Committee Terms of Reference**



# Transport Committee

## Membership

<b>CHAIRPERSON</b>	Cr Rick Curach
<b>DEPUTY CHAIRPERSON</b>	Cr Terry Molloy
<b>MEMBERS</b>	Mayor Greg Brownless (ex officio) Cr Steve Morris Cr Gail McIntosh Cr Larry Baldock Cr Bill Grainger
<b>QUORUM</b>	5
<b>MEETING FREQUENCY</b>	Monthly

## Role

- To enable safe, healthy, reliable and sustainable movement across the city
- To ensure transport networks and assets enable economic opportunities
- To ensure journey times across the city remain reliable
- To ensure an appropriate balance between freight and people movements

## Scope

- Development of plans and investment options to increase public transport use, walking and cycling
- Development of strategic investment partnerships that enhance external land transport connectivity
- Development of plans and partnerships for the efficient and effective management of Tauranga's transport networks and assets
- Recommend transport network and asset investment priorities to Council

## Power to Act

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.
- To establish subcommittees, working parties and forums as required.
- To co-opt non-voting members, including one Tangata Whenua or other representatives, to the Committee

## Power to Recommend

- To Council and/or any standing committee as it deems appropriate.



**Report To:** Regional Council

**Meeting Date:** 14 February 2017

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **June 2016 Flood Damage Costs**

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### **Executive Summary**

This paper provides details of the cost estimates and funding for repairing flood damage to river schemes following the June 2016 flood event.

The initial cost estimate to repair all of the flood damaged sites is \$2,109,000. Funding is available from schemes' works reserves (\$1,003,900), current year's maintenance budgets (\$1,085,062), and external funding (\$20,000).

Flood repair works have commenced using existing scheme budgets available in the 2016/17 Annual Plan. To complete the works in the current financial year approval is required to withdraw funds of \$1,003,900 from schemes' works reserves and to increase expenditure by \$1,023,900.

Each flood damage site has been assessed using a risk-based matrix, and a prioritisation schedule developed to complete the programme of works.

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, June 2016 Flood Damage Costs;**
- 2 Approves the withdrawal of \$1,003,900 from schemes' works reserves to fund flood damage repairs works in the Waioeka-Otara, Whakatāne-Tauranga, Rangitāiki-Tarawera and Kaituna River Schemes;**
- 3 Approves additional expenditure in the 2016/2017 financial year of \$1,023,900 to complete the flood damage repair programme of work;**
- 4 Notes that progress on flood damage repairs will be discussed at each scheme liaison group meeting during March 2017.**

### **1 Introduction**

The major rivers and drainage schemes of the Bay of Plenty suffered riverbank damage as a result of the June 2016 flood event. Estimates for the damage repairs

currently total \$2,109,000 spread across the Waioeka-Otara, Whakatāne-Tauranga, Rangitāiki-Tarawera and Kaituna Schemes.

A risk-based prioritisation analysis has been undertaken to programme prioritisation of individual sites and to inform scheme managers of the ongoing risk at sites that remain exposed during the repair programme or where works are low priority and planned to be left 'on-hold' and monitored.

Flood repair works have commenced, being funded through existing 2016/17 Annual Plan budgets. Currently there is \$1,085,062 available within existing scheme budgets to partially complete the repair programme. This budgeted funding is made up of annual flood damage allowances of \$751,325 plus \$333,737 within the maintenance budgets for rock works and planting.

To complete all recommended flood damage site repairs additional funding of \$1,003,900 is required.

### 1.1 Scheme Flood Damage Reserves

Reserves are managed for each scheme in two ways: (1) for more frequent floods, up to about a five year return period and (2) for larger floods above the 5 year return period.

For floods up to the five year return period, any unspent budget from previous years annual flood damage allowance is put into the works reserve which is available in subsequent years if shortfalls are experienced.

The current works reserve balances for each scheme are set out below:

*Table 1: Works reserve balances\**

Waioeka-Otara Scheme	\$112,505
Whakatāne-Tauranga Scheme	\$333,788
Rangitāiki-Tarawera Scheme	\$419,170
Kaituna Scheme	\$800,156

\* These reserve balances include the targeted rate 80% and the regionally funded 20% portions combined for simplicity.

For floods above the five year return period, a separate flood damage reserve has been established that can only be drawn from following a flood in excess of this threshold, and with Council approval.

The current flood damage reserve balances for each scheme are set out below:

*Table 2: Flood damage reserve balances*

Waioeka-Otara Scheme	\$1,403,138
Whakatāne-Tauranga Scheme	\$1,449,738
Rangitāiki-Tarawera Scheme	\$2,150,321
Kaituna Scheme	\$1,940,604



## 1.2 June 2016 Flood Event

An assessment of the size of the June 2016 flood event for each scheme has been carried out against Council policy for accessing funds from the flood damage reserves. Only the Whakatāne-Tauranga Scheme exceeded the five year threshold to request funds from Council, see table 3 below:

*Table 3: Flood return periods*

Scheme	Return Period (Years) (approx. average recurrence interval)
Waioeka-Otara	1 in 2.33 (annual)
Whakatāne-Tauranga	1 in 7.5
Rangitāiki-Tarawera	1 in 4
Kaituna	1 in 2.33 (annual)

## 1.3 Funding Recommendation

Staff have worked through each scheme's current flood damage costs, reserves and 2016/17 maintenance budgets to recommend a funding option to repair the flood damages.

The proposal will require approval from Council to transfer funds totalling \$1,003,938 from the works reserves and approval to increase expenditure from 2016/17 budgets by \$1,023,938. The \$20,000 difference relates to a site in the Whakatāne-Tauranga Scheme being funded on a cost share with Whakatāne District Council.

The remaining costs to complete the programme of works are already included in the 2016/17 scheme budgets.

The full breakdown of costs, funding sources and remaining reserve balances following withdrawals is set out in table 4 below.

#### 1.4 Options

Option 1. Council approves the funding recommendation and additional expenditure to complete the flood damage repair programme in full. This is the recommended option.

Option 2. Council declines the funding recommendation and additional expenditure. Flood damage repairs will continue on a risk priority basis but will be only partially completed under current 2016/17 budgets. This option would result in approximately 46 low and medium priority sites being put 'on-hold' and monitored.

Option 3. Council approves full or partially additional funding for flood repairs from an alternative funding source.

#### 1.5 Liaison Groups Update

During the March 2017 scheme liaison group meetings an update will be given to each scheme on progress towards completion of flood damage works. Where flood damages have been repaired and completed, actual costs compared with estimates for each site will be provided.

Table 4: Proposed funding sources.

Flood Damage June 2016 Event									
Scheme	Costs	Funding Sources					Balances		
	Flood Damage Estimate	Current Year Budget Flood Damage Allowance	Current Year Budget Maintenance (rock and planting)	Available Funding from Works Reserve	External Funding	Required funding from Flood Damage Reserve	Total Funding	Flood Damage Reserve	Works Reserve following withdrawal
				See note 3					
Kaituna	\$348,000	\$209,525	\$0	\$138,475	\$0	Nil. see note 1	\$348,000	\$1,940,604	\$661,681
Rangitāiki Tarawera	\$763,000	\$193,500	\$150,330	\$419,170	\$0	Nil. see note 1	\$763,000	\$2,150,321	\$0
Whakatāne Waimana	\$586,000	\$193,500	\$38,712	\$333,788	\$20,000	\$0. see note 2	\$586,000	\$1,449,738	\$0
Waioeka Otara	\$412,000	\$154,800	\$144,695	\$112,505	\$0	Nil. see note 1	\$412,000	\$1,403,138	\$0
<b>Totals</b>	<b>\$2,109,000</b>	<b>\$751,325</b>	<b>\$333,737</b>	<b>\$1,003,938</b>	<b>\$20,000</b>	<b>\$0</b>	<b>\$2,109,000</b>	<b>\$6,943,801</b>	<b>\$661,681</b>
Note 1 The event did not reach the "5 year" flood threshold to withdrawn funds from the flood damage reserve as per the current policy.									
Note 2 The event reached the "5 year" threshold but no withdrawal is required to complete all flood damage sites									
Note 3 These reserve balances include the both the targeted rate 80% and regionally funded 20% portions									

## **2 Council's Accountability Framework**

### **2.1 Community Outcomes**

This proposal directly contributes to the Environmental Protection, Resilience and Safety, and Economic Development Community Outcomes in the council's Long Term Plan 2015-2025. Staff keep stakeholders informed of these planned works, physical progress, and completed costs via the river scheme liaison group meetings.

### **2.2 Long Term Plan Alignment**

Flood repair work is anticipated and provided for under the Rivers and Drainage Schemes Activity in the Long Term Plan 2015-2025 and the Rivers and Drainage Asset Management Plan.

#### **Current Budget Implications**

Although this programme of repair work is additional to the routine work programmes, sufficient funding is available through routine budget allowance for annual flood damages and the scheme's working balance credits. Funding of this work as recommended will not affect the scheme's targeted rates.

#### **Future Budget Implications**

Future work on Rivers and Drainage Schemes is provided for in Council's Long Term Plan 2015-2025.

Bruce Crabbe  
**Rivers and Drainage Manager**

**for General Manager, Integrated Catchments**

**1 February 2017**



**Report To:** Regional Council

**Meeting Date:** 14 February 2017

**Report From:** Mat Taylor, General Manager, Corporate Performance

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## Council Performance Monitoring Report 2016/17 July - December, Months 1 to 6

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### Executive Summary

This report provides Council with information to review financial and non-financial performance for all Council activities for the first six months of 2016/17. The Council Performance Monitoring Report provides a more detailed overview of operating and capital and non-financial performance measures.

The highlights of the information set out in that report are shown below, and within the body of this report.

For the first six months of the year:

#### **OPERATING**

There is a \$3.4 million net **operating** underspend, the main items include:

- **Regional Infrastructure Fund.** Grants for the Marine Precinct travel lift, Scion Project and funding for Matakerepu intersection is now not likely to be spent in 2016/17. This is expected to lead to a \$3.5 million underspend for this activity in 2016/17. This expenditure is funded from reserves.
- **Rotorua Lakes.** The Ohau Wall works cannot start until the consent process (lodged in December) has been completed. Overall this project is forecasting \$237,000 underspend for the year
- **Corporate Property.** The refit of Regional House required a restating of asset values in 2016/17 and a consequential accelerated depreciation rate to be applied in 2016/17. This non-cash transaction does not require funding, is forecast as a \$3 million overspend and was confirmed in late 2016.
- **Finance.** Internal interest revenue is below budget as a result of capital expenditure being under budget. There is a corresponding underspend in finance costs. External Interest is also tracking below budget due to decreased returns on investments and bank deposits as interest rates continue to be lower for longer.
- **Rivers & Drainage Schemes.** Funding from Ministry for the Environment is expected to be received in 2017/18 as a result of delays to Kopeopeo Canal project

capital works.

Based on the first half of the financial year, the forecast end of year increase in the net operating deficit is \$2.8 million.

In addition, an increase in the budget of \$214,800 operating expenditure in 2016/17 is sought to provide the level of resources required for the hearing process for Plan Change 10 as set by the Independent Hearing Panel.

### **CAPITAL**

There is a \$4.0 million **capital** expenditure underspend, the main variations include:

- **Corporate Property.** The timing of the design and construction for the refit of Regional House has changed. This will result in capital expenditure being carried forward to 2017/18. This forecast will continue to be revised during 2016/17. Formal approval has been sought to carry forward funding as part of the draft Annual Plan 2017/18.
- **Kaituna Catchment.** The timing of physical works is being delayed to allow a funding application to be made to the Ministry for the Environment. Formal approval will be sought to carry forward approximately \$3.4 million as part of draft Annual Plan 2017/18.
- **Rivers & Drainage.** Delays in finalising the remediation contract for the Kopeopeo Canal project shows a \$1 million underspend to date with a forecast \$1.9 million full year underspend. Formal approval will be sought to carry forward approximately \$1.9 million as part of the draft Annual Plan 2017/18.

Based on the first half of the financial year, the forecast end of year capital underspend is \$8.8 million.

### **PERFORMANCE INDICATORS**

There are 44 Long Term Plan KPI's being measured this year. Currently seven KPIs are off-target and three do not have data available at this stage of the year.

## **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Council Performance Monitoring Report 2016/17 July - December, Months 1 to 6.**
- 2 Notes the reported financial and non-financial performance for all Regional Council Activities**
- 3 Notes the reported variations to estimates and targets for the period, and forecast for 2016/17.**
- 4 Approves an increase in operating budget of \$214,800 relating to expenditure to provide the level of resources required for the hearing process for Plan Change 10, as set by the Independent Hearing Panel. This is to be funded from reserves at the end of the year should there be no compensatory operating underspend.**

- 5 **Approves an increase in the operating budget of \$3 million relating to non-cash expenditure to provide for accelerated depreciation of Regional House. This is a non-cash transaction and does not require funding.**
- 6 **Notes that a separate paper titled 'June 2016 Flood Damage Costs' will be presented at the Council meeting on 14 February seeking approval for an increase in expenditure for 2016/17 to meet flood damage costs.**

## 1 Introduction

This report provides Council with information to review financial and non-financial performance for all Council activities for the first six months of 2016/17.

This report provides an overview of council performance as set out in year two of the Long Term Plan 2015-2025, and updated in the adopted Annual Plan 2016/17.

Financial information includes both operating and capital, revenue and expenditure and non-financial information through the monitoring of key performance indicators.

## 2 Support Document and Appendices

### 2.1 Supporting Document

A supporting document (*Council Performance Monitoring Report, July to December 2016/17*) for the first six months of the financial year is provided with this report.

### 2.2 Confidential Appendix 1 and 2

Appendix 1 (Investments Performance Report) for the first six months of the financial year is provided under the confidential part of the agenda.

Appendix 2 (Investment Fund Valuation Report for December 2016) from our treasury advisors Bancorp is also provided under the confidential part of the agenda also.

## 3 Information

### 3.1 Financial Summary

The overall financial variances for all council activities are shown in detail in the attached report. The financial report provides an end of year forecast and variation for revenue and expenditure based on current information.

The report highlights:

- A months 1 to 6 net *operating* underspend of \$3.4 million
- A forecast end of year increase in net *operating* deficit of \$2.8 million
- A months 1 to 6 net *capital* underspend of \$4.0 million
- A forecast end of year net *capital* underspend of \$8.8 million

Council has approved changes to the approved capital budget; this revised budget is provided within the report. The table of changes is shown on page one of the supporting document.

The current financial variances are summarised in the following tables.

Variance overview for Months 1-6

Months 1-6 \$'000			
	Budget	Actual	Variance
Operating revenue	39,987	39,012	975 lower
Operating expenditure	51,813	47,468	(4,345) underspent
Net operating (surplus)/deficit	11,826	8,457	(3,369)
Capital expenditure	9,574	5,572	(4,002) underspent

Variance overview for 2016/17 Full Year Forecasts including Approved Changes

2016/17 Full Year \$'000			
	Budget	Forecast	Variance
Operating revenue	76,148	73,339	2,809 lower
Operating expenditure	109,348	109,326	(22) underspend
Net operating deficit	33,201	35,987	2,786 increase
Capital expenditure	29,149	20,311	(8,838) underspend

### 3.2 Main Variations – months 1 to 6

Operating Revenue

**Finance.** Internal interest revenue is tracking below budget as a result of capital expenditure for the 2015/16 financial year being under budget. There is also a corresponding underspend in finance costs. External Interest is also tracking below budget due to decreased returns on investments and bank deposits.

**Rivers & Drainage Schemes.** Delays in finalising the remediation contract for the Kopeopeo Canal project will also delay project milestones being achieved and therefore funding from Ministry for the Environment is now expected to be received in 2017/18.

**Pollution Prevention and Science.** The annual S36 charges were processed in September. The chargeable work led to higher revenue for monitoring (Science) and lower revenue for compliance (Pollution Prevention). In addition, an increased number of complaints led to Pollution Prevention completing less chargeable work.



Ongoing compliance work will be prioritised based on risk and chargeable time. These two activities are expected to show a net under recovery of revenue of \$279,000 for the year.

**Governance.** Budgeted revenue of \$300,000 for co-governance work within the Governance activity will not be received until new co-governance entities are established. This is now expected to occur in 2017/18.

#### Operating Expenditure

**Regional Infrastructure Fund.** There will be a substantial underspend on grants approved from the Regional Infrastructure Fund. The Marine Precinct travel lift has been delayed until 2017/18, the re-negotiated Scion project is not likely to draw down funding until 2018/19 and \$300,000 funding for Matakerepu intersection is now likely to be released in 2017/18.

This is expected to lead to a \$3.5 million underspend for this activity in 2016/17. This expenditure is funded from reserves.

**Rotorua Lakes.** Ohau Wall works cannot start until the consent and hearings process have been completed. The consent is expected to be lodged in December. Overall this project is forecasting \$237,000 underspend for the year. Other cost reductions relate to contractor savings for the Land Use Advice & Support and Gorse projects.

**Corporate Property.** The refit of Regional House required a restating of asset values in 2016/17 and a consequential accelerated depreciation rate to be applied in 2016/17. This non-cash transaction does not require funding, is forecast as a \$3 million overspend and was confirmed in late 2016.

#### Capital Expenditure

**Corporate Property.** The timing of the design and construction for the refit of Regional House has changed. This will result in capital expenditure being carried forward to 2017/18. This forecast will continue to be revised during 2016/17. Formal approval has been sought to carry forward funding as part of the draft Annual Plan 2017/18.

**Kaituna Catchment.** The timing of physical works is being delayed to allow a funding application to be made to the Ministry for the Environment. Formal approval will be sought to carry forward approximately \$3.4 million as part of Annual Plan 2017/18.

**Rivers & Drainage.** Delays in finalising the remediation contract for the Kopeopeo Canal project shows a \$1 million underspend to date with a forecast \$1.9 million full year underspend. The Rangitāiki floodway project has been reviewed with an \$800,000 underspend expected in 2016/17. As part of the Annual Plan 2017/18 process formal approval will be sought to realign the work on this project over future years.

### 3.3 Funding

The underspend of operating and capital expenditure highlighted in this report relates to activities mainly funded from Reserves.

These items of expenditure are expected to be included in the draft Annual Plan 2017/18. Therefore, there is not an overall saving or reduction in expenditure, but a delay in when the expenditure take place.

### 3.4 Revised Budget Requests

**Lake Rotorua Nutrient Management Proposed Plan Change 10.** Currently the Water Policy budget for Plan Change 10 is insufficient to provide the level of resources required for the hearing process, as set by the Independent Hearing Panel. An increase of \$214,800, funded from Council Reserves, is required in 2016/17 to allow for the hearings to be conducted in a manner that ensures the best decisions on Plan Change 10 are provided to the Regional Direction and Delivery Council to consider and Council to approve.

The Regional Direction and Delivery Committee meeting on 31st March 2016 endorsed the establishment of an independent panel of commissioners, which was approved by Council at the 30 June 2016 meeting including an \$120,000 increase in the budget for the commissioners. Under section 34 of the Resource Management Act 1991 the panel have set a comprehensive hearing process for Plan Change 10 that is not consistent with normal Council procedures, but more aligned with an Environment Court hearing process. This has resulted in a large increase in project costs. The main areas that have been forecasted to increase relate to legal expenses (\$150,000 increase), venue (\$29,000 increase) and associated costs such as flights and hospitality (\$6000 increase).

It is requested that an increase of \$214,800 of operating budget is approved for 2016/17, to be funded from reserves.

**Corporate Property Depreciation.** The refit of Regional House required a restating of asset values in 2016/17 and a consequential accelerated depreciation rate to be applied in 2016/17. Council will be required to show \$3 million of accelerated depreciation in the Annual Report 2016/17. While this amount is recorded as an expense, it is a non-cash transaction and does not require funding

It is requested that an increase of \$3 million operating budget is approved.

### 3.5 Resources Reporting

Page 8 of the CPMR provides a summary of the combined expenditure on employee expenses, consultants and contractors. At month 6, this summary indicates a current underspend of \$2.6 million. This underspend will reduce over the next few months as delayed contract work begins and consultancy work is undertaken. The forecast year end contractor resources overspend includes \$845,000 - primarily due to June 2016 flood damage costs having been estimated, and unbudgeted repairs scheduled to be undertaken in 2016/17.

The work to fund flood damage repairs works in the Waioeka-Otara, Whakatāne-Tauranga, Rangitāiki-Tarawera and Kaituna River Schemes can be funded from

schemes' works reserves and is the subject of a separate paper (June 2016 Flood Damage Costs).

**3.6 Council Investments - Bonds and Term Deposits**

The Council's months 1 to 6 investment performance for 2016/17 is provided in a confidential appendix included with the council agenda.

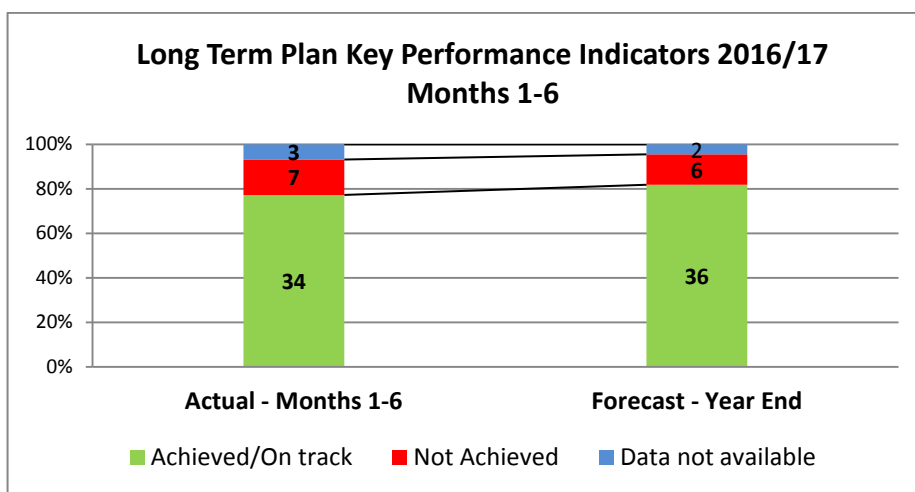
Currently, Council has \$158 million invested in bonds and other securities, earning an average interest rate of around 5.3%. These investments are held until resources are needed to fund Council expenditure.

Cash-flow forecasts are regularly updated based on the Long Term Plan and Annual Plans, and in-year financial monitoring reports.

**4 Non-Financial Performance – Key Performance Indicators (KPI's)**

There are 44 Long Term Plan KPIs being measured this year. Details of the performance for the first six months, and the forecast end of year result are shown in the attached report.

This report identifies seven KPIs that are off track and six of these are forecast to not be achieved by the end of 2016/17. Three KPIs do not have data available at this point in time.



**5 Conclusions**

Latest detailed forecasts indicate Council is expected to have a \$2.8 million greater than budgeted operating deficit, with a \$8.8 million capital underspend by the end of 2016/17.

This report has provided Council with further information and a detailed analysis of variations and forecasts for the remainder of the financial year.

There are seven Key Performance Indicators currently off target and six of these are not expected to be met at year end.

Further performance reports for the 2016/17 financial year will be provided at future Council meetings as follows:

- April 2017 Council - Months 1 to 8
- June 2017 Council - Months 1 to 9
- September 2017 Council - Annual Report 2016/17

## **6 Financial Implications**

### **Current Budget**

Financial implications for the current budget have been included in the body of this report.

### **Future Implications**

The future implications are been taken into account in the 2017/18 Annual Plan.

Mark Le Comte  
**Organisational Planning Manager**

**for General Manager, Corporate Performance**

**7 February 2017**

**SUPPORTING DOCUMENT - Council Performance  
Monitoring Report 2016/17 Months 1 to 6 (July to  
December)**

